



# Avrupa Batı Trakya Türk Federasyonu Föderation der West-Thrakien Türken in Europa Federation of Western Thrace Turks in Europe Ευρωπαϊκή Ομοσπονδία Τούρκων Δυτικής Θράκης Fédération des Turcs de Thrace Occidentale en Europe

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights  
Member of the Federal Union of European Nationalities (FUEN)

OSCE

Human Dimension Implementation Meeting

16-27 September 2019

Warsaw, Poland

HDIM.SC/0117/19

19 September 2019

**Working Session 6:** Fundamental freedoms (continued), including: Freedom of peaceful assembly and association

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## Right to freedom of association of the Turkish community in Western Thrace and (non)execution by Greece of the ECtHR judgments

Dear Moderator,

Distinguished delegates and representatives,

The Copenhagen Document and other OSCE commitments stipulate the right to freedom of association of persons belonging to national minorities. In the Copenhagen Document, the participating States recognizes that persons belonging to national minorities have the right to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.<sup>1</sup>

However, Greece ignores evidently its commitment regarding the right to freedom of association as the associations established by the persons belonging to the Turkish community in Western Thrace which bear the word “Turkish” in their names have been either dissolved or denied registration by the Greek domestic courts. There are three judgments against Greece of the European Court of Human Rights (ECtHR) regarding the dissolution of the Xanthi Turkish Union and denial of registration of the Cultural Association of Turkish Women in the Prefecture of Rodopi and the Evros Prefecture Minority Youth Association. The ECtHR found Greece in 2007 and 2008 in violation of freedom of association guaranteed under Article 11 of the European Convention on Human Rights in these three separate cases.

Despite the fact that the rulings were issued more than 10 years ago, their implementation by Greece is still pending. The Committee of Ministers of the Council of Europe closely supervises the execution of the said ECtHR judgments under the name of “Bekir-Ousta and others group of cases v. Greece” (Application No. 35151/05).

Following to the ECtHR’s judgments, the three applicants requested the cancellation of the decision dissolving them (the case of Xanthi Turkish Union) or asked for registration of their associations

<sup>1</sup> Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990, para. 32.6

before the Greek domestic courts. Their applications have been declared inadmissible on the ground that the Code on Civil Procedure does not provide, in civil matters, for the reopening of proceedings following a finding of violation by the ECtHR. On 10 October 2017, the Law No. 4491/2017 was adopted modifying the Code of Civil Procedure. This law has introduced a strict limitation on civic space through terms and restrictions provided in the relevant provisions concerning the protection of national security, public order, the prevention of crime, the protection of health or morals and the protection of rights and freedoms of others for the admissibility of an application of revocation or amendment following an ECtHR judgment to be issued in the future.

Following the adoption of the new law by the Greek parliament, the Xanthi Turkish Union submitted on 4 December 2017 a request to the Thrace Court of Appeal to revoke the judgment validating its dissolution. However, the Court ordered on 22 June 2018 there is no possibility of the re-opening of the proceedings after the first application following the ECtHR's decision. The Xanthi Turkish Union lodged on 30 October 2018 an appeal against this judgment to the Court of Cassation. The association was asked to submit all legal documents it and all other involved parties have submitted since 1984. After a long and hard process of collection of the copies of these legal documents from domestic courts by 19 February 2019, the association lodged its appeal on 25 February 2019 and requested an urgent date for the hearing. The association was informed on 5 April 2019 the Court of Cassation will hear the case of Xanthi Turkish Union in Athens on 20 March 2020. On the other hand, the requests of the other two associations, Cultural Association of Turkish Women in the Prefecture of Rodopi and the Evros Prefecture Minority Youth Association, will be heard by the Thrace Court of Appeal on 25 October 2019. This means further delays in legal proceedings before domestic courts and consequently in the implementation by Greece of the relevant judgments of the European Court.

At the Council of Europe's Committee of Ministers' human rights meeting in December 2018, the Bekir-Ousta and others group of cases related to the three associations of the Turkish community in Western Thrace were also reviewed. The Ministers' Deputies invited the Greek authorities to rapidly take all necessary measures so that the applicants' cases are examined by the domestic courts in full and effective compliance with Article 11 of the European Convention on Human Rights and the ECtHR judgments. The Committee decided to resume the examination of these three cases at the first meeting following the delivery of the Court of Cassation's judgment in response to the appeal lodged by the Xanthi Turkish Union, or at its meeting on 23-25 September 2019 at the latest.

We strongly regret that Greece refuses to execute individual and general measures in Bekir-Ousta and others group of cases although it persistently claims that it is considering the most appropriate solution to execute the said ECtHR judgments.

We as ABTTF call on Greece to fully respect the right to freedom of association of the Turkish community in Western Thrace and take, without any further delay, all necessary measures for the implementation of the ECtHR's judgments regarding the Bekir-Ousta and others group of cases.

Thank you for your attention.