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**Presentation on the execution of
*House of Macedonian Civilization and others v. Greece (Application No. 1295/10)***

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1. This case is one of the oldest failures of any democratic state in Europe to execute in fact two consecutive judgments. We therefore urge the **Committee of Ministers** to no longer tolerate such persistent refusal to implement these judgments lest it gravely damages the credibility of the execution procedure. In 2020, the **House of Macedonian Civilization** will have completed thirty (30) years of efforts to register in Greece and hence it deserves, with the help of the **Committee of Ministers**, a successful outcome with one of the two procedures recommended here.
2. The **House of Macedonian Civilization** was founded on 18 April 1990 by Greek citizens who identify as ethnic Macedonians. Their registration was refused by domestic courts including the **Court of Cassation** in 1994. In 1998, the **ECtHR** ruled that the refusal was a violation of Article 11. In 2000, the **Committee of Ministers**, closed the supervision of the implementation of that judgment because of the following commitment of the Greek government: *“The Government of Greece is of the opinion that, considering the direct effect today given to judgments of the European Court in Greek law ..., the Greek courts will not fail to prevent the kind of judicial error that was at the origin of the violation found in this case.”* Future developments showed that **Greece’s** commitment was not sincere but simply aimed, successfully as it turned out, to get the **Committee of Ministers** to close the supervision.
3. The registration of the **House of Macedonian Civilization** was refused for the second time by domestic courts including the **Court of Cassation** in 2009. In 2015 the **ECtHR** again ruled that the refusal was a violation of Article 11. It noted that the national courts had refused to register the association for a second time with more or less the same line of reasoning used in the first refusal of the same domestic courts to register that association.
4. Four years after the second judgment, the **Committee of Ministers** has effectively not started the supervision, as the Greek government makes every effort to delay it. The action report due by July 2016 was submitted only in October 2019, that is a full four years after the final judgment. It is probably the worst such record for any state, and certainly for **Greece**.
5. Worse though was the content of that action report. Therein, **Greece** claims that, since the **House of Macedonian Civilization** did not use the remedy of law 4491/2017 on domestic reopening of cases after **ECtHR** judgments, there is no need for any individual measures. Moreover, **Greece** informs that there are more than 500 associations registered whose name includes the name “Macedonia” or the adjective “Macedonian,” and that is the result of the wide dissemination of the judgment; hence, there is no need for general measures either.
6. The latter argument is misleading: most of these 500+ Macedonian associations have been registered well before 2016 when the judgment was disseminated. Most importantly, the name of all these associations refers to the regional ethnic Greek identity of Macedonian (like other such

regional Greek identities: Cretan, Thracian, Ionian, Epirotic, etc) unlike the name of the applicant **House of Macedonian Civilization** which refers to an ethnic (non-Greek) Macedonian identity. In fact, before the **ECtHR**, **Greece** had argued that it was the ethnic Macedonian name of the applicant association which allegedly threatened the freedom of association of the members of the 500+ regional Greek Macedonian associations that Greece invoked in its action report.

7. On the other hand, **Greece** failed to address in its action report the September 2019 dissolution of the only other ethnic Macedonian association in the country, the **Brotherhood of Natives from Serres: Cyril and Methodious** by a court ruling that the term “Natives” in the title of the association referred to speakers of a Macedonian language, which was misleading and confusing as the Natives of Serres and more generally of Macedonia according to the court have been speaking since ancient times the Greek language. It was moreover a threat to public order and security and to peaceful coexistence as well as a violation of the rights of others (who believe otherwise) as it also implied that all “natives” of Serres are Macedonian speakers.
8. Finally, and most crucially, in the individual measures section of the action report, **Greece** totally ignored the 2017 local Florina court decision rejecting for the third time, and despite the two **ECtHR** judgments, the registration of the **House of Macedonian Civilization**. The domestic court argued that **ECtHR** judgments have no direct effect on domestic Greek case law, and reaffirmed previous domestic court judgments, including **Court of Cassation** judgments, that the **House of Macedonian Civilization** cannot be registered.
9. **Greece** asks today the **Committee of Ministers** to close the examination of this case. That is **Greece** asks the **Committee of Ministers** to acquiesce with the absence of direct effect of **ECtHR** judgments, as well as with the domestic court decisions not to ever register the **House of Macedonian Civilization** and not to allow any other ethnic Macedonian minority association to operate. Recalling that the **Committee of Ministers** also examines the failure to execute the *Bekir Ousta groups of cases* concerning the identical refusal by **Greece** to allow the operation of old and new ethnic Turkish minority associations, **Greece** asks in effect the **Committee of Ministers** to approve of its decision not to implement **ECtHR** judgments related to the rights of the two ethnic minorities, **Turks** and **Macedonians**, which it adamantly refuses to recognize despite an avalanche of recommendations and judgments by international judicial or expert bodies.

Recommendations

10. The **House of Macedonian Civilization** urges the **Committee of Ministers** to:
 - Join the **House of Macedonian Civilization** and the **Bekir-Ousta group of cases** as they concern the same violation of freedom of association of ethnic minority associations in **Greece**.
 - Urge the government to seek from the **Supreme Court** the annulment for the benefit of the law of the judgment that refused its registration for a third time. After such a **Court of Cassation** judgment, the **District Court of Florina** will be compelled to register the **House of Macedonian Civilization**. If that recommendation is followed, the **House of Macedonian Civilization** will be registered by the end of 2020.
 - Also recommend to the government as an alternative that **Greece** follows the example of **North Macedonia** and **Bulgaria** which replaced the court registration of associations with **ECHR**-compliant government registration authorities that simply examine the formal requirements for registration (such as the address of the association, the names of its founding numbers, its statute etc.), as general measures in the execution of **ECtHR** judgments on a minority associations. If that recommendation is followed, it will take a few months to legislate it and thus the **House of Macedonian Civilization** will be registered by the summer of 2020.