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PRESS RELEASE

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Topic: Three landmark ECHR judgments on freedom of association and assembly of Macedonians in Bulgaria and Greece and on acceptable separatism in democracies

Greek Helsinki Monitor (GHM) and **Minority Rights Group-Greece (MRG-G)** welcome the **European Court of Human Rights (ECHR)**'s three landmark judgments, published on 20 October 2005, finding Bulgaria and Greece in violation of Article 11 of the European Convention of Human Rights. The two countries had violated the freedom of association and assembly of Macedonian minority organizations. The judgments are on the Court's site:

“UMO Ilinden v. Bulgaria” - application no. 44079/98 [thereafter “UMO-I”]
<http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?action=open&table=1132746FF1FE2A468ACBCBD1763D4D8149&key=45182&sessionId=4264758&skin=hudoc-en&attachment=true>

“UMO Ilinden – PIRIN v. Bulgaria” - application no. 59489/00 [thereafter “UMO-I-P”]
<http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?action=open&table=1132746FF1FE2A468ACBCBD1763D4D8149&key=45225&sessionId=4264758&skin=hudoc-en&attachment=true>

“Ouranio Toxo v. Greece” - application no. 74989/01 [thereafter “OT”]
<http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?action=open&table=1132746FF1FE2A468ACBCBD1763D4D8149&key=45213&sessionId=4264812&skin=hudoc-fr&attachment=true>

GHM and MRG-G consider the judgments of great importance in view of the fact that Bulgaria and Greece do not recognize the presence of Macedonian minorities on their territory. The two countries moreover harass, persecute and prosecute Macedonian activists and organizations. Finally, Bulgaria and Greece also consider the Macedonians' activities contrary to public order and national security, and often call them provocative or separatists. The importance of the three judgments stems also from the fact that the Court defined the extent to which provocative action and even separatist aims are acceptable in democracies. GHM and MRG-G finally consider the Court's decision to publish the three judgments on the same day an important message to Bulgaria and Greece to finally conform themselves with the prevailing international democratic norms. The main points of the judgments are highlighted below.

There are also two previous cases on Macedonians in Bulgaria and Greece, referred to in the recent judgments, where Bulgaria and Greece had again been found to have violated the freedom of association and assembly of Macedonians:

“Sidiropoulos et al (‘Home of Macedonian Civilization’) v. Greece” - application no. 26695/95, 10 July 1998, [thereafter “Home”]

<http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?action=open&table=1132746FF1FE2A468ACBCBD1763D4D8149&key=4628&sessionId=4265759&skin=hudoc-en&attachment=true>

“**Stankov and the United Macedonian Organisation Ilinden v. Bulgaria**”, applications no. 29221/95 and 29225/95, 2 October 2001, [thereafter “Stankov”]

<http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?action=open&table=1132746FF1FE2A468ACBCBD1763D4D8149&key=6112&sessionId=4265753&skin=hudoc-en&attachment=true>

1. The Court acknowledges the presence of Macedonian minorities in Greece and Bulgaria, contrary to the two states’ official policy. Furthermore, it recalls and expands on its case-law (“Home”) that *“mention of the consciousness of belonging to a minority and the preservation and development of a minority’s culture could not be said to constitute a threat to ‘democratic society’, even if this may cause tensions. In fact, the emergence of tensions is an inevitable consequence of pluralism, that is of the free debate on every political idea. In such case, the role of the authorities is not to eliminate the cause of tensions by suppressing pluralism, but to make sure that competing political groups tolerate each other.”* (“OT”).
2. Going even further, the Court *“recalls that in a democratic society based on the rule of law, political ideas which challenge the existing order and whose realisation is advocated by peaceful means must be afforded a proper opportunity of expression through the exercise of the right of assembly, as well as by other lawful means.”* (“UMO-I” and “Stankov”). Such challenging ideas include the advocacy of autonomy and secession: *“The Court reiterates, however, that the fact that a group of persons calls for autonomy or even requests secession of part of the country’s territory – thus demanding fundamental constitutional and territorial changes – cannot automatically justify a prohibition of its assemblies. Demanding territorial changes in speeches and demonstrations does not automatically amount to a threat to the country’s territorial integrity and national security.”* (“Stankov”). *“However shocking and unacceptable the statements of the applicant party’s leaders and members may appear to the authorities or the majority of the population and however illegitimate their demands may be, they do not appear to warrant the impugned interference [dissolution]. The fact that the applicant party’s political programme was considered incompatible with the current principles and structures of the Bulgarian State does not make it incompatible with the rules and principles of democracy. It is of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself... It thus appears that the Constitutional Court’s holding that the applicant party’s activity truly ‘imperil[ed] [Bulgaria’s] national security’ was not based on an acceptable assessment of the relevant facts.”* (“UMO-I-P”).
3. The Court is critical of Greek authorities (town council, police, public prosecutor, “O.T.”). Instead of *“defending and promoting the values inherent in a democratic system, such as pluralism, tolerance and social cohesion, ... they stirred up confrontational attitudes, ... had not taken adequate measures to avoid or, at least, contain the violence..., while the public prosecutor had not considered it necessary to start an investigation in the wake of the incidents to determine responsibility.”* Likewise, it is critical of Bulgarian authorities (“UMO-I): *“It is also noteworthy that on one of the*

occasions when they did not interfere with the applicants' freedom of assembly, the authorities appeared somewhat reluctant to protect the members and followers of Ilinden from a group of counter demonstrators... The authorities were therefore bound to take adequate measures to prevent violent acts directed against the participants in Ilinden's rally, or at least limit their extent. However, it seems that they, while embarking on certain steps to enable the organisation's commemorative event to proceed peacefully, did not take all the appropriate measures which could have reasonably been expected from them under the circumstances."

4. In "UMO-I," which partly concerned bans of the organization's public commemorations, *"the Court notes with concern that one of the bans was imposed, with almost identical reasoning, even after similar measures had been declared contrary to Article 11 in the Court's judgment in "Stankov".* Bulgaria was in fact cited for insisting on actions contrary to a previous Court ruling. Should the "Home" case reach the Court again (as Greece persists in not registering that association), a similar concern is expected to be made.
5. Finally, the "OT" ruling has a factual mistake. It mentions that the sign affixed to the "Rainbow (Ouranio Toxo)" party offices *"included the word 'vino-zito', written in the 'Slav alphabet', which means 'rainbow' in Macedonian, but was also the rallying cry of forces who had sought to take the town of Florina during the civil war in Macedonia... The Court was prepared to accept that the use of the term 'vino-zito' had aroused hostile sentiment among the local population, as its ambiguous connotations were liable to offend the political or patriotic views of the majority of the population of Florina."* This was never claimed by anyone in Greece. In 1994, the newly founded Macedonian party chose the name of the European Parliament (EP)'s political group of minority parties "Rainbow," as it ran in that year's election to the EP under their banner. There was another part of the sign that was considered provocative, as mentioned in the court's indictment against that party: *"Among other words written therein, there were the words "Lerinski Komitet" written in a Slavic linguistic idiom. These words, in combination with the fact that they were written in a foreign language, in the specific Slavic linguistic idiom, provoked and incited discord among the area's citizens. The latter justifiably, besides other things, identify these words with an old terrorist organization of Slavic-speaking alien nationals which was active in the area and which, with genocide crimes, pillages and depredations against the indigenous Greek population, attempted the annihilation of the Greek element and the annexation of the greater area of the age-long Greek Macedonia to a neighboring country, which at the time was Greece's enemy."* (see GHM and MRG-G **"Greece against its Macedonian minority: the Rainbow trial"** 1998, available at: <http://www.greekhelsinki.gr/pdf/rainbow-english.pdf>). The word "Komitet" has been associated in Greece with pro-Bulgarian forces in the "Macedonian struggle" in the early 1900s, while the area was still under Ottoman rule, and also during the Axis occupation of the area in the Second World War.

GHM and MRG-G background material on the Macedonian minorities available at:
http://www.greekhelsinki.gr/bhr/english/special_issues/macedonians_in_greece.html (through 2004)
and <http://cm.greekhelsinki.gr/index.php?sec=194&ctg=220> (from 2005 on)

GHM and MRG-G comprehensive reports on Macedonian in Greece available at:

http://www.greekhelsinki.gr/bhr/english/articles/the_macedonians.doc and
http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_sofs_30_03_02.rtf

GHM and MRG-G comprehensive report on Macedonian in Bulgaria available at:
<http://www.greekhelsinki.gr/pdf/cedime-se-bulgaria-macedonians.doc>