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REPORT ON THE CASE OF THE "HOME OF MACEDONIAN CULTURE"

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On January 19, 1990, a group of 21 individuals from the prefecture of Florina, in Northern Greece, submitted an application to register an association called the Home of Macedonian Culture.

On March 19, 1990, the Court of First Instance, in Florina, refused the association's application for registration on the basis of its memorandum of association. This clause stated that the organization wished to preserve the territorial integrity and the national independence of Greece as well as to promote human rights in Greece.

The court stated that it was not within the jurisdiction of any organization to defend the territorial integrity or human rights of Greece. The court claimed that because this was included in clause 2 of the memorandum of association it was "proof" that this organization had "ulterior motives". The court stated that human rights involved all of the people of Greece whose voice was already represented by the parliament and was implemented by the government on the basis of articles in the Greek constitution.

What the court neglected to mention, however, was that the items present in clause 2 of the memorandum of association were a carbon copy of those found in the clauses of hundreds of other organizations that were already registered and approved by the very same court.

On June 12, 1990, a new application for registration was submitted to the Court of First Instance, in Florina. This time the contentious statements from clause 2 of the memorandum of association were removed.

On August 9, 1990, the court again refused the organization's application for registration.

The reasons for the second denial of registration were, that some of the founding members had participated in an OSCE conference on human rights in Copenhagen. At that conference, on June 9, they acknowledged they had a Macedonian national consciousness and made statements about a Macedonian national minority in Greece, which they considered to be oppressed. And, because sixteen members of the association had supported the OSCE trip, they were considered by the court as co-conspirators along with those who actually went to Copenhagen to discuss the human rights problems in Greece.

On September 7, 1990, the members appealed their case to the Appellate Court of Salonica.

The Appellate Court of Salonica, on May 8, 1991, upheld the judgment of the court of First Instance. The appellate court claimed the motives of the organization were against the "national interests" and "territorial integrity" of Greece. On a remarkable basis the application was rejected.

On June 20, 1991, the case was appealed to the Supreme Court of Greece.

On May 16, 1994, the Greek Supreme Court denied the registration and upheld the arguments of the previous courts.

After that on May 29, 1997, seven members of the Macedonian Home of Culture took the case to the European Commission on Human Rights. The Commission determined that the case had merit and referred it to the European Court of Human Rights.

On July 10, 1998, the European Court of Human Rights unanimously found Greece in violation of Article 11 as relates to the rights to freedom of association of its citizens.

Between March 1998, and April 2000, the "association" contacted various lawyers at the Florina Bar Association so as to find someone willing to process the association's registration in the Florina Court of First Instance. All of them, including the lawyer who processed the initial registration in the early 1990s, refused to take up the case.

The "Home of Macedonian Culture" was not able to submit a registration for over three years. All the lawyers in Florina (where the "Home" has its seat) repeatedly refused to take up the case. The court twice refused the association's request to appoint a lawyer, despite Greece's report to the Committee of Ministers of the Council of Europe indicating that the courts had been instructed to execute the judgment, and the Ombudsman's written opinion that there is "enough evidence that 'no lawyer is found' ". It was only following sustained pressure by the Greek Ombudsman that things appeared to change in early 2002.

On February 28, 2002, Florina's bar association appointed a lawyer.

On July 7, 2003, a new application for registration was submitted to the Court of First Instance in Florina, in accordance with the instructions of the European Court of Human Rights.

On December 19, 2003, the application was again rejected. The reason given by the court was the non-existence of a Macedonian language, a Macedonian culture and a Macedonian nation.

Athanasios Parisis

President of the Greek Member State Committee of EBLUL