EUROPEAN COMMISSION OF HUMAN RIGHTS

Application No. 26695/95

Hristos Sidiropulos and 5 others

against

Greece

REPORT OF THE COMMISSION

(adopted on 11 April 1997)

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I. INTRODUCTION

1. The following is an outline of the case as submitted to the European Commission of Human Rights, and of the procedure before the Commission.

A. The application

2. The applicants are six Greek citizens residing in Florina, Greece: Hristos Sidiropulos, an electrician born in 1949 in Kastoria, Greece, Petros Dimtsis, a professor born in 1957 in Florina, Stavros Anastasiadis, a farmer born in 1944 in Florina, Anastasios Bules, a farmer born in 1941 in Florina, Stavros Sovitslis, a farmer born in 1950 in Florina, and Dimitrios Seltsas, a dentist born in 1956 in Florina. They were represented before the Commission by Mrs. I. Kurtovik, a lawyer practising in Athens.

3. The application is directed against Greece. The respondent Government were represented by their Agent, Mr. L. Papidas, President of the Legal Advisory Council of State (Nomiko Simvulio tu Kratus), Mr. P. Kamarineas, Member (Simvulos) of the Legal Advisory Council of State, and Mrs. F. Dedoussi (Legal Assistant) of the Legal Advisory Council of State.

4. The case concerns the refusal of the Greek courts to register an association formed by the applicants and the fairness of the related proceedings. The applicants invoke Articles 1, 6, 9, 10, 11 and 14 of the Convention.

B. The proceedings

5. The application was introduced on 16 November 1994 and registered on 14 March 1995.

6. On 26 June 1995 the Commission decided, pursuant to Rule 48 para. 2 (b) of its Rules of Procedure, to give notice of the application to the respondent Government and to invite the parties to submit written observations on its admissibility and merits.

7. The Government's observations were submitted on 29 November 1995 after an extension of the time-limit fixed for this purpose. The applicants replied on 6 March 1996 after an extension of the time-limit.

8. On 24 June 1996 the Commission declared the application admissible insofar as it had been introduced by the six above-mentioned applicants. It struck the application out of its list of cases insofar as it had been introduced by a seventh applicant who had died in the meantime.

9. The text of the Commission's decision on admissibility was sent to the parties on 10 July 1996 and they were invited to submit such further information or observations on the merits as they wished. The parties have not availed themselves of this possibility.

10. After declaring the case admissible, the Commission, acting in accordance with Article 28 para. 1 (b) of the Convention, also placed itself at the disposal of the parties with a view to securing a friendly settlement. In the light of the parties' reaction, the Commission now finds that there is no basis on which such a settlement can be effected.

C. The present Report

11. The present Report has been drawn up by the Commission in pursuance of Article 31 of the Convention and after deliberations and votes, the following members being present:

Mr. S. TRECHSEL, President
Mrs. G.H. THUNE
Mrs. J. LIDDY
MM. E. BUSUTTIL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H. DANELIUS
F. MARTINEZ
C.L. ROZAKIS
L. LOUCAIDES
J.-C. GEUS
M.P. PELLONPÄÄ
M.A. NOWICKI
I. CABRAL BARRETO
B. CONFORTI
I. BÉKÉS
J. MUCHA
D. SVÁBY
G. RESS
A. PERENIC
C. BÎRSAN
P. LORENZEN
K. HERNDL
E. BIELIUNAS
E.A. ALKEMA
M. VILA AMIGÓ
Mrs. M. HION
Mr. R. NICOLINI

12. The text of this Report was adopted on 11 April 1997 by the Commission and is now transmitted to the Committee of Ministers of the Council of Europe, in accordance with Article 31 para. 2 of the Convention.

13. The purpose of the Report, pursuant to Article 31 of the Convention, is:

(i) to establish the facts, and

(ii) to state an opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention.

14. The Commission's decision on the admissibility of the application is annexed hereto as Appendix I.

15. The full text of the parties' submissions, together with the documents lodged as exhibits, are held in the archives of the Commission.

II. ESTABLISHMENT OF THE FACTS

A. The particular circumstances of the case

16. On 18 April 1990 the applicants, who claim to be of "Macedonian" ethnic origin and to have a "Macedonian national conscience", together with 49 other persons, decided to establish a non-profit making association (somatio) entitled "Home of Macedonian Civilisation" ("Stegi Makedoniku Politismu"). The seat of the association would be Florina in a prefecture in the north of Greece bordering "the Former Yugoslav Republic of Macedonia". Its aims, according to Article 2 of its charter, were "(a) the cultural, intellectual and artistic development of its members and of the people of Florina in general as well as the development of a spirit of co-operation, solidarity and love between them, (b) the cultural decentralisation and the protection of the intellectual and artistic manifestations and traditions, the monuments of civilisation and in general the preservation and development of folk culture, and (c) the protection of the natural and cultural environment of the region".

17. On 12 June 1990 the applicants, who constituted the provisional management committee of the association, applied to the Multi-Member First Instance Civil Court (Polimeles Protodikio) of Florina for registration under Article 79 of the Civil Code.

18. On 9 August 1990 the first instance court, having heard the applicants, refused their application on the ground that "the real aim of the association was not the one mentioned in Article 2 of its charter; it was to promote the idea that a Macedonian minority existed in Greece and this was against the national interest of Greece and, consequently, against the law".

19. On 7 September 1990 the applicants appealed. On 8 May 1991 the Court of Appeal (Efetio) of Thessaloniki, having heard the applicants, rejected their appeal (the full text of the appeal court's decision appears in Appendix II). The court considered that, when examining an application for the registration of an association, it was not bound by ordinary rules concerning the burden of proof. When hearing such applications, the court should not and could not limit itself to the evidence proposed by the parties. In the particular case the court accepted the following as true, on the basis that it was a matter of public knowledge.

20. The area which corresponds to the Greek province of Macedonia has always been Greek. The fact that part of its population speaks a second language, which is in essence Bulgarian mingled with Slavonic, Greek, Vlach and Albanian, is not proof of Slav or Bulgarian descent. The Socialist Republic of Macedonia aimed at the creation of a Slav Macedonian state so as to gain access to the Aegean Sea. To this effect it attempted to win over the Greek inhabitants of Greek Macedonia who speak the above-mentioned second language. Acting in compliance with a directive issued by Slav organisations abroad the applicants established the "Home of Macedonian Civilisation" to further this goal.

21. The court further relied on reports, which had appeared in the Ethnos newspaper on 5 February 1991 and in the Ellinikos Vorras newspaper on 12 May 1991, according to which two of the applicants took part in a meeting of the Conference for the Security and Cooperation in Europe in Copenhagen where they disputed the fact that Greek Macedonia was Greek, making a distinction between Greeks and Macedonians.

22. The court considered that the latter fact together with the name of the association and the contents of its charter rendered its aims dubious. There existed a danger that the association would be used to trap young persons in the non-existent Slav-Macedonian minority, since Article 3 para. 2 of the charter provided that the youth of Florina would become members of the youth section of the association. Moreover, the court considered it suspicious that, although Article 4 of the charter provided that all members should accept the principles of the association, no mention of these principles was ever made in the charter. The title of the association itself could create confusion, because initially it created the impression that it referred to the Greek civilisation of Macedonia, while in reality it referred to a Slav civilisation, which, however, did not exist in the area. In the light of all the above, the court concluded that the applicants used the word "Macedonian" to contest the Greek identity of Macedonia and its inhabitants. The court was satisfied that the objective of the applicants was to undermine the territorial integrity of Greece and upheld the decision of the lower court, notwithstanding the fact that the latter was based on "a shorter and partially different reasoning".

23. On 20 June 1991 the applicants appealed to the Court of Cassation (Arios Pagos) relying, inter alia, on Articles 2, 4, 5 and 12 of the Greek Constitution and the corresponding provisions of the Convention. They submitted that, contrary to the law, the court of appeal (a) did not limit itself to reviewing the lawfulness of the establishment of the association but exercised a much wider review as to the expediency of its establishment based on the presumed intentions of its founders, (b) took into consideration matters that had not been submitted by the parties, (c) took into consideration matters of essential importance without ordering the taking of evidence, (d) distorted the content of the association's charter, and (e) did not provide sufficient reasons for its decision.

24. In a memorial submitted to the Court of Cassation on the occasion of the hearing the applicants specified that it was the decision of the court of appeal which violated their rights under Articles 2, 4, 5 and 12 of the Greek Constitution and the corresponding provisions of the Convention. They further submitted that, by taking into consideration matters of essential importance without ordering the taking of evidence, the court of appeal violated the applicants' right to a fair trial.

25. In a judgment delivered on 16 May 1994, the Court of Cassation considered that the first, second, third and fourth grounds of appeal were unsubstantiated. In any event, it considered that the lower court could take into consideration matters which had not been submitted by the parties and that the "matters of material importance" referred to were either matters of public knowledge or proved on the basis of documents, namely the press reports mentioned in the decision. The Court of Cassation further considered that the decision of the court of appeal was adequately reasoned. It also noted that the applicants had not alleged that the decision of the court of appeal violated Articles 2, 4, 5 and 12 of the Constitution. In the applicants' submission, it was the decision of the first instance court which had failed to respect the above-mentioned provisions. However, even if the aim of the applicants had been to attack the constitutionality of the decision of the court of appeal, this ground of appeal would have had to be rejected as unsubstantiated. On the basis of all the above, the

Court of Cassation dismissed the applicants' appeal in cassation.

B. Relevant domestic law

26. Article 4 para. 1 of the Constitution provides the following:

> "All Greeks are equal before the law."

27. Article 12 para. 1 of the Constitution provides the following:

> "Greeks have the right to form non-profit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission."

28. The Civil Code provides in respect of non-profit making associations the following:

> Article 78
>
> "An association of at least twenty persons with a non-profit making aim acquires legal personality upon registration in a special book kept by the competent first instance civil court."
>
> Article 79
>
> "The founders of the association or its administration apply to the competent first instance civil court to have the association registered in the special book. The application must be accompanied by the act establishing the association, a list of the names of its administration and its charter which must be dated and signed by its members."
>
> Article 80
>
> "The charter of the association must specify the following: (a) the aim, name and seat of the association, (b) the conditions of admission, withdrawal and expulsion of the members and their rights and obligations ... Otherwise it is not valid."
>
> Article 81
>
> "The first instance civil court accepts the application if it is satisfied that all the conditions set by the law are met ..."
>
> Article 105
>
> "The first instance civil court orders the dissolution of the association ... (c) if the association pursues other aims than those specified in its charter, or if the aim or the functioning of the association has become illegal, immoral or against the public order."

29. The Code of Civil Procedure provides the following in respect of the special procedure (ekusia dikeodosia) according to which courts examine, inter alia, applications for the registration of associations:

> Article 744
>
> "The court may proprio motu order any measures which could lead to the establishment of relevant facts, even if the latter have not been the subject matter of the parties' submissions ..."

Article 759 para. 3

"Notwithstanding the legal rules concerning proof, the court may order proprio motu whatever it considers necessary for the establishment of the facts."

30. Moreover, Article 336 para. 1 of the Code of Civil Procedure provides the following in respect of all proceedings before the civil courts:

"The court may take into consideration, proprio motu and without taking evidence, facts which are so generally known that there can be no reasonable doubt as to their truth."

III. OPINION OF THE COMMISSION

A. Complaints declared admissible

31. The Commission has declared admissible the applicants' complaints that their application to establish an association was not examined in a fair manner by the courts, that the refusal of the application in question amounted to an unjustified interference with their rights to freedom of conscience, expression and association, and that they were discriminated against in the enjoyment of the above-mentioned rights because of their ethnic origin, their association with a national minority and their beliefs and national conscience.

B. Points at issue

32. The issues to be determined are the following:

- whether there has been a violation of Article 11 (Art. 11) of the Convention,

- whether there has been a violation of Article 6 (Art. 6) of the Convention,

- whether there has been a violation of Articles 9 and 10 (Art. 9, 10) of the Convention and

- whether there has been a violation of Article 14 (Art. 14) of the Convention taken in conjunction with the above-mentioned provisions.

C. As regards Article 11 (Art. 11) of the Convention

33. Article 11 (Art. 11) of the Convention, insofar as relevant, provides as follows:

"1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. ..."

34. The applicants submit that they were prohibited from establishing a cultural association. They argue that the interference with their right to freedom of association was not provided by law. They contend that, under Greek law and in particular Article 12 (Art. 12) of the Constitution, the domestic courts should have limited their review to ascertaining that the conditions set forth in Articles 78-80 of the

Civil Code were fulfilled and that the stated aims of the association were not illegal, or against morality or public order. They could not engage in speculation as to the real aims of the association. Nor could they decide on the expediency of its establishment on the basis of the presumed intentions of its founders.

35. The applicants further submit that, according to the case-law of the Greek courts, a judge, when applying the special procedure for examining applications for the registration of associations, may order proprio motu whatever measures he considers necessary for the establishment of the truth. He cannot, however, rely on documents or evidence which have not been officially submitted to the court or on his private knowledge. Moreover, he cannot consider that certain material facts have been established without ordering, even proprio motu, the taking of evidence. It cannot be considered that the propositions on which the national courts based their decisions in the case were "common knowledge". Part of the information invoked was derived from certain racist newspapers. The reasoning in the courts' decisions is limited to a historical analysis and certain unfounded disparaging remarks for the applicants. No attempt was made by the courts to link the above in a reasoned manner with the charter of the association and the rejection of the request for its registration. The Court of Cassation, in upholding these decisions, violated national law.

36. The applicants also affirm that their association had no links with "the Former Yugoslav Republic of Macedonia" and stress that it was set up long before the declaration of independence of that country. In any event, a court cannot base its decision on a particular interpretation of certain historical events which it considers to be established facts without ordering the taking of evidence.

37. The applicants further contend that the aims of their association were lawful. They involved the study of the local culture of the area of Florina, in which, as it is well-known, a distinct linguistic, cultural and historic group of people, to which the applicants belong, lives. The study of the local culture is protected by the Constitution, the Convention, other international human rights instruments and the agreements of the Organisation for the Security and Cooperation in Europe in which Greece participates. In accordance with these agreements, every person has the right to consider that he belongs to a particular group.

38. As regards the necessity of the interference with their right to freedom of association, the applicants submit that, if the aims of the association turned out to be unlawful or against morality or public order, the State could protect itself using the means provided by national law. The courts could order the dissolution of the association under Article 105 of the Civil Code. It follows that the interference with their right to freedom of association was not necessary in a democratic society.

39. The Government contend that the interference with the applicants' right to freedom of association was justified under para. 2 of that provision. They submit that the national courts had the power under Greek law to examine whether the aims of the association were unlawful or against public order. The Court of Cassation interpreted the relevant provisions of the Code of Civil Procedure correctly when it rejected the applicants' appeal in cassation. The domestic courts had the power to take into consideration certain incontrovertible facts and in particular the threat which certain recent acts of "the Former Yugoslav Republic of Macedonia" posed for the national integrity and the cultural heritage of Greece. They also had the power to take into consideration certain publications in the Greek and Yugoslav press concerning the applicants.

40. The Government argue that it is clear from the applicants'

submissions before the Commission that their real aim was to establish an association on behalf of the minority of the Slavs of Skopje in order to protect the cultural traditions of Skopje, which are in reality of Bulgarian and Yugoslav origin. The Government affirm that such a minority and such cultural traditions do not exist in Greece. It transpires, however, from the applicants' submissions before the Commission that the real aims of the association were different from those mentioned in its charter. In any event, the domestic courts have exclusive competence to establish that the real aim of the association is different from the aim mentioned in its charter, provided that the courts do not act in a discriminatory manner.

41. The Government argue, in the alternative, that the domestic courts were correct in concluding that the intention of the applicants was to assist various Slav associations operating outside Greece in their attempt to undermine the territorial integrity of Greece. The domestic courts have found that the case concerned the national security of Greece. It follows that they have exclusive competence in the matter. In any event, the courts heard the applicants and it was lawful under domestic law not to order the taking of evidence. The judges did not review the expediency of the establishment of the association, but did their duty to protect the existence of their country.

42. The Government conclude that the interference with the applicants' right to freedom of association was necessary in a democratic society to protect national security, public order and the rights and freedoms of the Greek people in its entirety. The Greek people has the right to protect Macedonia which belongs to it historically and culturally and lies within its territory and which the Slavs of Skopje want to appropriate for themselves.

43. The Commission must first examine whether there has been an interference with the applicants' right to freedom of association. The Commission recalls in this connection that, in accordance with its case-law, a refusal of the authorities to register an association does not necessarily involve an interference with the right of its members under Article 11 (Art. 11) of the Convention where the association is nevertheless free to continue its activities (No. 14233/88, Dec. 5.6.91, D.R. 70 p. 218; No. 18874/91, Dec. 12.1.94, D.R. 76 p. 44; and No. 27608/95, Dec. 29.11.95, unpublished).

44. The Commission notes that the applicants argue that the courts' refusal of registration meant that they were effectively prohibited from establishing such an association. Moreover, the Government have not contested that the courts' decisions in this matter constituted an interference with the applicants' right under Article 11 (Art. 11) of the Convention. The Commission considers that the parties' failure to dispute the issue cannot be disassociated from the particular context of the case involving an association which, in the words of the Government, the judges had a duty not to register in order "to protect the existence of their country". In the light of the above, the Commission considers that the courts' refusal of registration constitutes an interference with the applicants' right to freedom of association under Article 11 (Art. 11) of the Convention.

45. The Commission considers that such an interference is contrary to Article 11 (Art. 11) of the Convention unless it is "prescribed by law", directed at one or more of the legitimate aims set out in paragraph 2 and is "necessary in a democratic society" for achieving them.

46. The Commission notes that the parties are in disagreement on whether the extent of the control exercised by the courts over the aims of the association was in accordance with domestic law. However, it does not consider it necessary to rule on the question whether the interference in issue was "prescribed by law" in this instance because,

in any event, it was incompatible with Article 11 (Art. 11) of the Convention on other grounds (see, mutatis mutandis, Eur. Court HR, Manoussakis and others v. Greece judgment of 26 September 1996, to be published in the Reports of Judgments and Decisions).

47. The Commission also notes that the domestic courts refused to register the association because they considered that its real aim was to question the Greek character of the Greek province of Macedonia with a view to undermining the territorial integrity of Greece. The Commission considers that it follows that the interference was directed at the protection of national security and public safety and the prevention of disorder, all of which are legitimate aims set out in paragraph 2 of Article 11 (Art. 11-2) of the Convention.

48. Concerning the issue whether the interference was "necessary in a democratic society", the Commission recalls that, in accordance with its case-law, freedom of association, as enshrined in Article 11 (Art. 11) of the Convention, constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress (TBKP, Sargin and Yagci v. Turkey, Comm. Report 3.9.96, para. 76, unpublished). It follows that the exceptions to freedom of association under the second paragraph of Article 11 (Art. 11) must be narrowly interpreted and the necessity for any restrictions must be convincingly established, as in the case of freedom of expression which also constitutes an essential foundation of a democratic society (see Eur. Court HR, Sunday Times v. United Kingdom (No. 2) judgment of 26 November 1991, Series A no. 217, p. 29, para. 50).

49. The Commission also recalls that the adjective "necessary", within the meaning of Article 11 para. 2 (Art. 11-2) of the Convention, implies the existence of a "pressing social need" (see Sargin and Yagci v. Turkey, Comm. Report, loc. cit., referring to Eur. Court HR, Lingens v. Austria of 8 July 1986, Series A no. 103, p. 25, para. 39, and Handyside v. United Kingdom judgment of 7 December 1976, Series A no. 24, p. 23, para. 49). The Contracting States have a certain margin of appreciation in assessing whether such a need exists and, where matters of national security are concerned, this margin is wide (see Eur. Court HR, Leander v. Sweden judgment of 26 March 1987, Series A no. 116, p. 25, para. 59). However, the States' margin of appreciation always goes hand in hand with a European supervision, embracing both the law and the decisions applying it, including those given by independent courts. Even in matters of national security, it remains ultimately for the Government to satisfy the Commission that an interference is reconcilable with freedom of association as protected by Article 11 (Art. 11) of the Convention. It follows that the Commission cannot accept the Government's argument that, because the case concerned the national security of Greece, the domestic courts had exclusive competence in the matter.

50. The Commission must exercise its supervisory jurisdiction and, in doing so, it will look at the interference complained of in the light of the case as a whole in order to determine whether it was "proportionate to the legitimate aim pursued" and whether the reasons adduced by the domestic authorities to justify it are "relevant and sufficient". Moreover, the Commission has to satisfy itself that the national authorities based themselves on an acceptable assessment of the relevant facts (see, mutatis mutandis, Eur. Court HR, Jersild v. Denmark judgment of 23 September 1994, Series A no. 298, pp. 23 and 24, para. 31).

51. The Commission notes in this connection that the aims of the applicants' association, as stated in its charter, were lawful. Moreover, it considers that nothing in the charter could justify a different conclusion. However, inquiring into the real aims of the association is not in itself incompatible with the Convention, since it cannot be excluded that the establishment of an association may raise serious public order questions. As a result, the Commission

cannot agree with the applicants who argue that the competence of the courts in this matter should have been limited to establishing the lawfulness of the aims of the association as stated in its charter. Nor can the Commission agree with the Government who argue that the domestic courts had exclusive competence to establish that the real aims of the association were different from the aims mentioned in its charter, provided that they did not act in a discriminatory manner. Accepting such a proposition would have amounted to the Commission effectively relinquishing its supervisory jurisdiction.

52. As a result, the Commission must examine the courts' decisions in depth to identify the factual considerations on which they based the conclusion that the applicants' real aim in setting up the association was to question the Greek character of the Greek province of Macedonia with a view to undermining the territorial integrity of Greece. The Commission's examination will focus on the reasoning of the Thessaloniki Court of Appeal, which replaced the reasoning of the First Instance Civil Court of Florina and which was upheld by the Court of Cassation (see paras. 22 and 25).

53. The Commission notes that, in order to reach this conclusion, the domestic courts invoked two elements, the first of which was the existence of a directive issued by Slav organisations abroad. The applicants argue that this directive did not form part of the case-file in the proceedings before the domestic courts and the Government have not disputed this. However, the Government have produced before the Commission a press report to which the domestic courts made reference and which contains an extract from the relevant directive. According to this extract, the aim of the association was "in a lawful manner to question the denial of the rights of the Macedonians by the Greek State".

54. Secondly, the domestic courts relied on press reports on the presence of two of the applicants at a meeting of the Conference for the Security and Cooperation in Europe in Copenhagen where, in the words of the appeal court, "they disputed that Greek Macedonia was Greek, making a distinction between Greeks and Macedonians". The Commission has had the benefit of examining these reports, which were produced by the Government before it. It emerges that at the above-mentioned meeting the applicants declared that they were "citizens of Greece, albeit of a Macedonian ethnic origin, and denounced that the Greek State oppressed the Macedonians of the Aegean Macedonia depriving them of all their human rights".

55. The Commission, having examined the evidence which had been placed before the domestic courts, considers that it has not been established that the applicants harboured separatist intentions. It is not, therefore, necessary to decide whether this would have justified an interference with the right to freedom of association.

56. It is true that the domestic courts, on the basis of the evidence before them, could have reached the reasonable conclusion that the real aim of the association was to promote the idea that a "Macedonian" minority exists in Greece and that the rights of the members of such a minority are not fully respected. However, the Commission considers that this could not have justified in itself a restriction in the applicants' right to freedom of association. According to the case-law of the Court, a democratic society must, in principle, tolerate the free discussion not only of ideas which are favourably received or are regarded as inoffensive or as a matter of indifference, but also of ideas that offend, shock or disturb the State or any sector of the population (Eur. Court HR, Handyside v. United Kingdom judgment of 29 April 1976, Series A no. 24, para. 49, p. 23). The Commission, applying this principle, has considered that imposing a prison sentence on a person who, in the context of an election campaign, used the term "Turk" in respect of the Muslim minority of Western Thrace could not be regarded as a "necessary" measure in the democratic society

(Sadik Ahmet v. Greece, Comm. Report 4.4.95, para. 53, to be published in Eur. Court HR, Reports 1996-I). In the particular circumstances of the case, the Commission notes that, although the applicants have stated that they have "a Macedonian national conscience", there is no indication that they have advocated the use of violence or of undemocratic or unconstitutional means (see, mutatis mutandis, TBKP, Sargin and Yagci v. Turkey, Comm. Report, op. cit., para. 82).

57. Moreover, the Commission considers that the domestic courts could have sought to clarify the question of the real aims of the applicants by ordering proprio motu the taking of further evidence into the matter, as they had the power to do under domestic law.

58. However, what the Commission considers of primary importance is that domestic law put at the disposal of the courts effective means which would have enabled them to ensure that the applicants' association, once established, would not have engaged in illegal activities. Under Article 105 of the Civil Code, the courts may order the dissolution of an association if the aim or functioning of the association has become illegal, immoral or against the public order (see para. 28).

59. In the light of all the above and the domestic margin of appreciation notwithstanding, the Commission is not satisfied that the reasons adduced by the domestic authorities to justify the interference with the applicants' freedom of association were "relevant and sufficient"; nor was the interference "proportionate to the legitimate aim pursued". It follows that it has not been established that the measure complained of was "necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder ... or for the protection of the rights and freedoms of others".

CONCLUSION

60. The Commission concludes, unanimously, that in the present case there has been a violation of Article 11 (Art. 11) of the Convention.

D. As regards Article 6 para. 1 (Art. 6-1) of the Convention

61. Article 6 para. 1 (Art. 6-1) of the Convention, insofar as relevant, provides as follows:

> "In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by an ... impartial tribunal..."

62. The applicants argue that their case was not heard by impartial tribunals. They submit that the courts were hostile towards them because of their ethnic origin and national conscience. In substantiation of their claim, they rely on passages of the decisions where the courts assert that the Slav-Macedonian minority is non-existent and conclude that the applicants acted against the interests of Greece to further the aims of a foreign power. The applicants also submit that they did not have a fair hearing because, contrary to the law, the courts did not limit themselves to reviewing the lawfulness of the establishment of the association but exercised a much wider review as to the expediency of its establishment based on the presumed intentions of its founders. The courts also took into consideration matters that had not been submitted by the parties as well as things of material importance without ordering the taking of evidence.

63. The Government submit that the courts were impartial, that the applicants were heard and that national law was correctly applied.

64. The Commission does not consider it necessary to examine whether Article 6 para. 1 (Art. 6-1) of the Convention applies in the

proceedings in question. The Commission recalls that, when examining the applicants' complaints under Article 11 (Art. 11) of the Convention, it had to pronounce on whether it was justifiable for the domestic courts to reach certain conclusions on the basis of the material before them without ordering further evidence. Since the Commission has found that Article 11 (Art. 11) of the Convention has been violated on the basis, inter alia, that the domestic courts should not have reached these conclusions, it considers that it is not necessary to examine whether there has also been a violation of Article 6 para. 1 (Art. 6-1) of the Convention.

CONCLUSION

65. The Commission concludes, unanimously, that in the present case it is not necessary to examine whether there has been a violation of Article 6 para. 1 (Art. 6-1) of the Convention.

E. As regards Articles 9 and 10 (Art. 9, 10) of the Convention

66. These articles, insofar as relevant, provide as follows:

Article 9 (Art. 9)

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Article 10 (Art. 10)

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

67. The applicants submit that the refusal of the courts to register the association was not related to the aims of the association. It follows that this was a sanction imposed on them because of their publicly expressed beliefs.

68. The Government submit that the court decisions in question do not prohibit the applicants from assuming that they are not of Greek ethnic origin. They also argue that any interference with the applicants' rights was necessary in a democratic society to protect national security, public order and the rights and freedoms of the Greek people in its entirety.

69. The Commission considers that, insofar as the establishment of associations is concerned, Article 11 (Art. 11) is the lex specialis

in relation to Articles 9 and 10 (Art. 9, 10) of the Convention (see, mutatis mutandis, Eur. Court HR, Ezelin v. France judgment of 26 April 1991, Series a no. 202, p. 20, para. 35; and TBKP, Sargin and Yagci v. Turkey, Comm. Report, op. cit., para. 88). It follows that a separate examination of the facts of the case under Articles 9 and 10 (Art. 9, 10) of the Convention is not called for.

CONCLUSION

70. The Commission concludes, unanimously, that in the present case no separate issue arises under Articles 9 and 10 (Art. 9, 10) of the Convention.

F. As regards Article 14 (Art. 14) of the Convention

71. Article 14 (Art. 14) of the Convention provides as follows:

> "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

72. The applicants submit that they were denied the enjoyment of their Convention rights because of their ethnic origin, their association with a national minority and their beliefs and national conscience.

73. The Government submit that the refusal of the courts to register the association was not an act of discrimination against the applicants because of their ethnic origin and beliefs. The association was found to pursue different aims from those stated and its real aims were against public order.

74. The Commission, having regard to its conclusion concerning Article 11 (Art. 11) of the Convention, does not consider it necessary to examine whether there has also been a violation of Article 14 (Art. 14) of the Convention.

CONCLUSION

75. The Commission concludes, unanimously, that in the present case it is not necessary to examine whether there has been a violation of Article 14 (Art. 14) of the Convention.

G. Recapitulation

76. The Commission concludes, unanimously, that in the present case there has been a violation of Article 11 (Art. 11) of the Convention (see para. 60).

77. The Commission concludes, unanimously, that in the present case it is not necessary to examine whether there has been a violation of Article 6 para. 1 (Art. 6-1) of the Convention (see para. 65).

78. The Commission concludes, unanimously, that in the present case no separate issue arises under Articles 9 and 10 (Art. 9, 10) of the Convention (see para. 70).

79. The Commission concludes, unanimously, that in the present case it is not necessary to examine whether there has been a violation of Article 14 (Art. 14) of the Convention (see para. 75).

H.C. KRÜGER Secretary to the Commission	S. TRECHSEL President of the Commission

APPENDIX II

DECISION OF THE COURT OF APPEAL OF THESSALONIKI OF 8 MAY 1991

I. The appellants, whose application to the Multi-Member First Instance Civil Court of Florina on 12 June 1990 was already an appeal against an earlier decision, applied for registration, in the special book kept by that court, of an association which they and others had founded together under the name "Home of Macedonian Civilisation". The grounds of the application were refused as unsubstantiated with final decision no. 73/296/26/1990 of the above-mentioned court, which tried the case under the relevant special procedure (articles 740 and 787 of the Code of Civil Procedure). The applicants are pleading against this decision with their present appeal. The appeal was made legally and within the fixed term and has to be accepted on formal grounds and investigated in its substance.

II. Paris Stefanou Niflis, lawyer, resident of Thessaloniki, made an oral statement which was entered on the case report, and submitted statements following the discussion of the case before the public audience, claiming that he was intervening as a third party and pleading not for the admission but for the rejection of the appeal which was being tried. Such a petition means that the intervention against the relevant special procedure does not qualify as an additional intervention, and could only be upheld if it was made by means of a separate legal process, according to article 752 paragraph I of the Code of Civil Procedure (see Athens Court of Appeal 2184/1987, Armenopoulos 41, 953 and notes by Har. Apalagakis). The intervention therefore has to be rejected as unacceptable.

III. In investigating the grounds of an application being tried under the special procedure, as in the present case, and in view of the strong public interest involved in this procedure, the court may and indeed is obliged to take into consideration, proprio motu, matters beyond what is submitted to the court by the parties -in particular real events and situations contained in publications (books, magazines, newspapers etc.) which are accessible to any interested person- and this notwithstanding the ordinary rules concerning the burden of proof. On the basis of the below well-known facts, whose validity the Court does not doubt, the Court admits the following in relation to the case: ancient (classical) Macedonia is defined to the south by the Aegean Sea and Mounts Kamvounia, Pieria and Olympus; to the north by Lake Ohrid, the Prespa lakes, and Mounts Babouna-Skomion (Rila Planina) and Rodopi; to the east by the river Nestos; and to the west by Mounts Grammos and Pindus (see: Ekdotiki Athinon, Makedonia, pp.10ff.; Ap. Vakalopulos, Synchrona Valkanika Ethnologika Provlimata, p.II; G. Mintsis, Istoria tou Makedonikou Zetematos, p. 29). Its inhabitants (the Macedonians) were one of the most ancient Greek tribes, closely related to the Thessalians, who were also of Eolian origin, and especially to the Magnesians. Their language was one of the oldest Greek idioms, akin to Eolian and Arcado-Cyprian, but also to the Mycenean dialect. Their religion was that common to the Greeks and their myths and traditions were similar to those present elsewhere in the Greek world (See H.G. Wells, The Outline of History, trans. by K. Yeroyannis under the title Pankosmios Istoria, Pergaminai, chapter B'I, p.439 and chapter I', p.367; Will Durant, Pankosmios Istoria tou Politismou, ed. Ap. Daskalakis, 1965, p. 483V; Pandit Jawaharlal Nehru, Maties stin Pankosmia Istoria, trans. P. Drakou, Faros, 1954, p.25; Ap. Vakalopulos, op. cit., pp.14ff; M. Sakellariou, I taftotita ton Makedonon, communication to the Academy of Athens on 8 November 1988; K. Vavuskou, correction of the draft for the article "Macedonia" for the new Australian encyclopædia Australian People, speech to the special meeting of the Academy of Athens on 7 March 1989; N. Andriotis: The Language and the Greek Origin of the Ancient Macedonians, Thessaloniki 1978). The Macedonian kings Phillip II and Alexander the Great acted not just as Greeks but as pan-Hellenists, in the sense that they incarnated the old idea of the creation of a unified Greek State

by bringing together the smaller Greek territories; they were bearers, and the latter was a disseminator, not of an underaccomplished Macedonian civilisation, but of Greek civilisation (see Johann Gustav Droysen, Istoria tou Megalou Alexandrou, trans., comments, etc. by Renos Apostolidis, 1988, pp.1-9, 28ff; Ekdotiki Athinon, Istoria tou Ellinikou Ethnous, vol. D, pp.10ff). And in later years especially after the appearance in the Balkans of the Bulgars and Slavs (6th-7th cent. A.D.) the Macedonian region as it was defined above was a stronghold and a bastion of Hellenism just as it had been in ancient times. Polybius describes Macedonia as a 'shield' and bestows honours on the Macedonians because they fought the barbarians (non-Greeks) to ensure the safety of the (other) Greeks (Polybius, Historae, Leipzig edition, 1898, vol. 3, book 9, p.35). For the byzantine period the same thing is affirmed by French historian Paul Lemerle in his classic work Philippe et la Macédoine Orientale, Paris, 1945, pp.516-517. In addition, in a guide to Thessaloniki written by German historians and archaeologists during the last world war it is stated that "the sweeping migrations of peoples which frequently inundated the Balkan peninsula disintegrated on this most powerful bastion of Hellenism" (see A. Vakalopoulos, op. cit., pp.17ff.). Nowhere in either the recent or the distant past are Macedonia and the Macedonians mentioned in any official document as a specific ethnic grouping. The Treaty of Berlin, and the Treaty of San Stefano which it replaced, ignore such notions. In the official Turkish census of 1905 there is mention of Greeks and of Bulgarians, or inhabitants whose identity was partly Bulgarian, in the vilayets of Thessaloniki and Monastiri, where there was a Greek ethnic majority; but no mention of Macedonians, since nobody declared such descent (A. Vakalopoulos op. cit., pp.84ff.; G. Russos, Neoteri Istoria tou Ellinikou Ethnous, vol. 5, pp.83ff, which includes a reproduction of the census tables). In his work Voyage dans la Macédoine (Paris, 1831) E.M. Cousinery, the French Consul in Thessaloniki, says that the Bulgarians (as all speakers of Slavic were then called) never penetrated the woodlands below Vermio, where the population remained Greek (see vol.1, pp.67-68 and vol.2, p.140). With reference to the same area German geographer Leonard D. Schultze observes that in their language, traditions, cultural affinity, ethnic preference and religion, its inhabitants are as legitimately and authentically Greek as their brothers further to the south (Macedonien Landschafts und Kulturbilder, Iena, 1927, p.106). In this he reiterates the formulation of Lord Salisbury, Great Britain's representative at the Berlin Congress on 19 June 1878, when he said that "Macedonia and Thrace are just as Greek as Crete" (K. Vavuskos, op. cit., p.84). The fact that a small part of this region's population also speaks a language which is basically a form of Bulgarian with admixtures of Slavic, Greek, Vlach and Albanian words, does not prove that this minority is of Slavic or Bulgarian origin; in isolation this criterion is of no value whatsoever, as is borne out by the experience in the recent past of the forced migration from Asia Minor to Greece of populations which were undisputably Greek but totally ignorant of the Greek language. It is indicative that among the fighters of the Macedonian Campaign (1904-1908) there were men who spoke the Bulgarian-Slav idiom but who had a purely Greek national conscience; for example Kotas, Dalipis, Kyrou, Gonos and others. In his Short History of the Bulgarian, Serb and Romanian Orthodox Churches (Moscow 1871), the Russian historian E. Golubinstii wrote of these non Greek-speaking Greeks that they bore implacable hatred and scorn towards all Slavs and Bulgarians (see K. Vavuskos, op. cit., pp.85ff.). After the Balkan Wars of 1912-1913, 51,57% of the region corresponding to ancient Macedonia was under Greek domination, 38,32% under Yugoslav domination, and 10,11% under Bulgarian domination (see Ekdotiki Athinon, Makedonia, p.504, which includes a map). In this way a territorial status came into being. There were exchanges of population, either voluntary or following bilateral agreements such as the Kafantari-Molov agreement between Greece and Bulgaria in 1926; and Greeks from Turkey populated the Greek part of Macedonia, so that only Greeks remained in this part of Macedonia, even if some of them were biligual. Therefore Greek Macedonia became a completely homogeneous

part of the Greek territory (see K. Vavuskos, op. cit., p.92; and Ap. Vakalopulos op. cit. p;31, who refers to the work of the German Stephan Ronart, Griechenland von Heute). This was especially true in the period immediately following World War II (1945-1949), when almost all the bilingual inhabitants of this region who did not have a Greek national conscience emigrated to neighbouring countries (see E. Kofos, Nationalism and Communism in Macedonia, Thessaloniki, 1964, pp.185ff.). There they experienced a mutation of their partly Greek or partly Bulgarian nationality into a "Macedonian", ie into a Slav-Macedonian, nationality (see E. Kofos in "Yugoslavia today", Athens 1990, p. 50; Kentron Apodimu Ellinismou, Makedonia, Istoria kai Politismos, Ekdotiki Athinon, 1989, pp.29ff.). This situation was preceded by certain violent events, such as the Ilinden revolt, when the Bulgarians claim to have revolted against the Turks on 2 August 1903 at Krusovo, a town near Monastiri whose ethnic composition was overwhelmingly Greek. In fact they turned against the town's Greek inhabitants, whom they tried to wipe out with the cooperation of the Turks and without causing the rest of the population any significant harm (see K. Vavuskos, op. cit., p.89; Douglas Dakin, The Greek struggle in Macedonia 1897-1913, Thessaloniki 1966, pp.92ff.; Douglas Dakin, E.K. Mazarakis-Ainianos, E. Kofou, I. Diamanturou, O Makedonikos Agonas, Athens 1985, pp.30ff.; G. Mintsis, op. cit., pp53ff.). Until the year 1914 "Macedonia" as a Slavic state and "Macedonian Nation" as a specific nation were unheard of. The part of Macedonia which fell under Jugoslav domination, like that which fell to Bulgaria, constitutes a narrow strip of land along the Greek border and represents only a small part of Serbia. Skopje, which today is the capital of the misleadingly named Socialist Republic of Macedonia of the Federal Yugoslav State, lies far from Macedonia. The S.R.M. was founded under the German occupation (see E. Kofos, The Impact of the Macedonian Question on Civil Conflict in Greece 1943-1948, Athens, 1989). Its foundation was part of a conscious strategy according to which when the regions of Skopje and Tetovo (which belonged to ancient Dardania, a non-Macedonian country) were ceded, a Serb population could be said to exist in the sparsely populated part of Macedonia which lies beyond the Greek borders and which contained Serbs, Greeks, Greek Vlachs, Muslims with partly Turkish identity, and Bulgarians; a Slav-speaking population with a specific linguistic idiom and an unstable national conscience (see Vakalopulos, op. cit., pp.12ff.; N. Andriotis, The Confederate State of Skopje and its language, Athens, 1957; also contains relevant bibliography). The long-term purpose of the founding of the S.R.M. was to re-establish a Macedonian state of a Slavic nature with access to the Aegean Sea. One of the means to this end is the enlisting by various means of bilingual Greeks from Greek Macedonia. The setting up of an association in Florina with the name "Home of Macedonian Civilisation" is part of this effort and applies a directive issued by Slavic organizations abroad. The aim is to create a Macedonian Question with international ramifications (see statements by Serb politicians to the newspaper Borba, 8 November 1990, and to Nin magazine, 1 February 1991). The parties applying for recognition of the above association are the enablers in this operation. Among them are Hristos Sidiropoulos and Stavros Anastasiadis, who appeared at an international conference to dispute the Greekness of (Greek) Macedonia; the former in particular by distinguishing between Macedonians and Greeks (see the newspaper Makedonikos Vorras, 17 March 1991, which includes photographs of the above persons among 16 members of the "Macedonian" representation at the CSCE in Copenhagen; and the newspaper Ethnos, 5 February 1991, p.10). This, in combination with the name of the proposed association and with the whole content of its charter, renders at least dubious the association's aims, which according to the founding members' seemingly lawful statement in article 2 of the charter, consist in the cultural, intellectual and artistic advancement of its members, in cultural decentralisation, etc. This judgment is supported by the content of article 3 paragraph 2 of the same charter, which states that all youths in the Florina area will be enrolled in the proposed association's Youth Section. It is clear from this that there is a danger that the immaturity of young people will be

exploited and that youths will be trapped by suitable propaganda into an ethnologically non-existent and historically evacuated Slav-Macedonian minority. Article 4 of the same charter puts down the condition that enrolment of a member in the association is subject to that member's written acceptance of the principles of the association. However nowhere in the association's charter are these principles defined. Thus the charter does not provide a clear idea of who will enrol, since the clear determination of the principles governing the proposed association is deliberately avoided. Finally the very name of the association can be a source of confusion, because on initial consideration it creates the impression that it refers to Macedonia's Greek civilisation, whereas in reality it envisages a specifically Slavic civilisation which does not exist in the region in question. Generally this Court has sound reasons to be convinced by the above that the objective of the use of the word "Macedonian" is to contest the Greek identity of Macedonia and its inhabitants by indirect and therefore underhand means, and discerns an intention in the founders to break up Greece's territorial integrity. Therefore the refusal presently under appeal of the application in question was justified, notwithstanding the fact that it was based on a shorter and partially different reasoning; and the opposing arguments as they stand in the present appeal have to be rejected.

For these reasons, the Court, having examined both the appeal and the intervention, rejects the intervention as unacceptable. It formally admits the appeal and rejects it in substance.

EXTRACTS FROM PRESS REPORTS RELIED ON BY THE DOMESTIC COURTS

1. Report appearing in the newspaper "Ethnos" on 5 February 1991

Skopje: Skopje has made use of three Greeks -one of them a public employee- who made allegations of repression against the Greek Government to a representative of the American Embassy visiting villages in Florina.

The three testified against Greece at a meeting of the Conference for Security and Cooperation in Europe which was held in Denmark on 15 June 1990. According to the American Macedonian Association the men in question are Hristos Stergiu Sidiropulos, Constantinos Gotsis, and Stavros Anastasiadis.

Sidiropulos is a forestry official on the payroll of the Greek State. These and other Greeks belonging to an association called "Home of Macedonian Civilisation" are under the guidance of Vasil Tuvorkovsky, a member of the central committee of Yugoslavia's Presidential Council and a frequent visitor to Greece, where he stays in a mobile home in Halkidiki.

2. Report appearing in the newspaper "Ellinikos Vorras" on 17 March 1991

First title: Skopje's trojan horse in Thessaloniki's Court of Appeal tomorrow - Expulsion of ringleader S. Todorovsky - Decisive documents

Second title: Leader of secret organization is a public servant - Spectre of "Aegean Macedonians" - How the international plot against Greece was set up; who will be promoting it tomorrow - Tomorrow's appeal hearing in Thessaloniki carries out a directive issued in 1989. Radin, Popov, Skopje and "Consul" Todorovsky are directing the local leader. - Application is a trap aimed at vilifying Greece in the International Court.

As dramatic developments in a rapidly dissolving Yugoslavia and in the broader Balkan region unfold into something resembling a thriller, with the emergence of a 'new order' in the Balkans whose

targets include Greek Macedonia and Thrace, the leader of a secret organization called "Macedonians of the Aegean", Hristos Sidiropulos, also a full-time employee of the Greek State, will be trying in Thessaloniki tomorrow to embroil Greece in a satanic plot organized abroad by Skopje and the independence movements it operates in Australia. This accounts for the announcement of the expulsion of the Jugoslav consul in Thessaloniki, Sasko Todorovski, just 72 hours before tomorrow's hearing. Todorovski's cover was blown when on February 17 Ellinikos Vorras revealed that he was the leader of a triangular structure opposed to Greek Macedonia and comprising the American viceconsul Colonel Donald Miller as well as the educational adviser of the American embassy in Athens, John Kiesling.

It is also known that Donald Miller left Thessaloniki "overnight" for the United States when Ellinikos Vorras exposed his dark 'triangular' role in the State Department's contemptible report. Todorovski is an organ of the Yugoslav secret service and used agents to lead an operation of international destabilization in Greek Macedonia.

One stage of this operation of destabilization unfolds tomorrow in Thessaloniki. The city's Court of Appeal will deliberate on the application for approval, by 17 inhabitants of the prefecture of Florina, of their charter for the establishment of an association called "Home of Macedonian Civilisation". The charter is formulated with expert care so as to provide full and international legal cover for a well-planned destabilization of the country; the legal wrapping of a Trojan horse at Greece's borders. The application in question was refused by the lower court in Florina, where an earlier less veiled version drawn up by the same persons had also been refused. The new application at the Court of Appeal in Thessaloniki tomorrow will be discussed as 'a common and straightforward case'.

However combined evidence and information from Slavic sources reveals that:

a. The leaders of the 17, most of whom were ensnared by what seemed an innocent 'cultural' project, are Hristos Sidiropulos from Amindaio, a forester with the Department of Agriculture, and Stavros Anastasiadis, a wealthy businessman from Meliti in the prefecture of Florina, both of whom sign the application. The two also appeared last June at a meeting of the Conference for Security and Cooperation in Europe (CSCE) held in Copenhagen on the subject of human rights, declaring that they were Greek citizens but Macedonian nationals, and denounced the Greek State for "oppressing" the "Macedonians" of "Aegean Macedonia" and "depriving" them of all human rights. In fact according to the newspaper run by the emigrant independence movement in Australia, "Australian Macedonian" (1/8/1990), the two men carried letters containing similar allegations from Petros Dimtsis of Kato Klines, a village in the prefecture of Florina who made a complaint in Strasbourg in May 1989, and from Stefos Skenderis, a teacher for the Greek State from Florina.

b. As disclosed by the "Australian-Macedonian Committee for Human Rights" on 1 August 1990, Hristos Sidiropulos is the invisible leader of a secret phantom organization of "Aegean Macedonians", the "Central organizing committee for the Macedonian human rights of the Macedonians of Aegean Macedonia". In 1984 this organization mailed a manifesto containing the "demands of the Macedonians of Aegean Macedonia" which caused the Greek people profound unease and distress concerning the activities of invisible agents belonging to an independence movement within Greek Macedonia. This secret phantom movement remains unknown; however it claims to be based in Thessaloniki and it is certain that it is directed from abroad and imports all its printed propaganda against Greek Macedonia from foreign countries.

c. The application under discussion tomorrow in Thessaloniki's Court

of Appeal for the "Home of Macedonian Civilisation" will in fact set in motion a provocation of Greek justice which was planned abroad as far back as 1989. The aim is to trap Greece into a series of legal refusals which will then be used against Greece by Skopje in the European Court of Human Rights and the Council of Ministers at the Council of Europe in Strasbourg. The plot is satanic because if the Greek courts accept the application by the leader of the "Aegean Macedonians" Greece will be legalizing a Trojan horse sent by Skopje to trap unwitting bilingual Greek Macedonians and deliver them to the claws of foreigners and of propaganda inspired from abroad.

The Slavic plot which is to be submitted tomorrow in Thessaloniki to unsuspecting Appeal Court judges is part of a directive released by independence activists in Australia two years ago, in 1989, following their first appearance on the international stage at the Council of Europe in Strasbourg. At the time "Macedonian" professors Michael Radin and Chris Popov, who are Australian citizens, released a plan of action entitled "The road to Macedonian human rights" on behalf of the Thessaloniki "section". The report was written and printed abroad in English and its title mentions that it is a publication of Hristos Sidiropulos' secret phantom organization in Thessaloniki. It contains 55 pages; page 38 contains the following revelations:

"The following scenario is a convincing way of questioning in a lawful manner the denial of the rights of the Macedonians by the Greek State. Macedonians from Aegean Macedonia could for instance set up an association for popular dances with the name "Macedonian Folklore Association". The association will undoubtedly be forbidden by the laws mentioned above, which forbid the establishment of groups on grounds of nationality. Provided all appeals to the lower courts are turned down, the case will go through the Greek legal system until it reaches the country's highest court, the Court of Cassation. The refusal of an appeal at this level will mean that all local legal remedies have been exhausted. Therefore one of the conditions for submission of a case to the Convention for the Protection of Human Rights will have been fulfilled. Within six months of the High Court's decision an application can be submitted on the grounds that the right to freedom of peaceful assembly and association has been violated, with the result that the Convention for the Protection of Human Rights, or the Council of Ministers of the Council of Europe, will pronounce a decision against Greece."

This foreign directive will be carried out to the letter tomorrow when the Thessaloniki Court of Appeal deliberates over the application for the "Home of Macedonian Civilisation".

Hristos Sidiropulos and Stavros Anastasiadis are acting under the guidance of independence activists Radin and Popov who drew up the above report or directive. With them as leaders, along with two others from Skopje and about ten other representatives of "Macedonian" independence movements from the United States, Canada and Europe, Sidiropulos and Anastasiadis appeared in Copenhagen at a meeting of the Conference for Security and Cooperation in Europe to accuse Greece in a press conference organized by Yugoslavia's official diplomatic representation at the CSCE. At the conference Sidiropulos was seated beside the secretary of the Yugoslav embassy, who directed the discussion with the foreign journalists.

"Macedonia", a newspaper in the service of Slav independence activists fighting in the United States and Canada for the separation of Greek Macedonia and its incorporation into Skopje, published a revelatory photograph on 15 July 1990 in which Sidiropulos and Anastasiadis appear beside their instructors Radin and Popov and their leaders from Skopje in the midst of the group of agents presented by the Yugoslavian diplomatic mission at the CSCE. In this newspaper which is run by Slav independence activists, the photograph and report figure under the headline "Yugoslavia protecting minority rights".