

Resolution DH (2000) 99

concerning the judgment of the European Court of Human Rights of 10 July 1998

in the case of Sidiropoulos and others against Greece

(Adopted by the Committee of Ministers on 24 July 2000 at the 716th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 54 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Having regard to the judgment of the European Court of Human Rights in the Sidiropoulos and others case delivered on 10 July 1998 and transmitted the same day to the Committee of Ministers;

Recalling that the case originated in an application (No. 26695/95) against Greece, lodged with the European Commission of Human Rights on 16 November 1994 under Article 25 of the Convention by Mr Hristos Sidiropoulos, Mr Petros Dimtsis, Mr Stavros Anastasiadis, Mr Anastasios Boules, Mr Dimitrios Seltsas and Mr Stavros Sovitsilis, Greek nationals, and that the Commission declared admissible their complaint that the refusal by national courts to register their association had infringed their right to freedom of association;

Recalling that the case was brought before the Court by the Commission on 29 May 1997;

Whereas in its judgment of 10 July 1998 the Court unanimously:

- dismissed the Government of the respondent State's preliminary objections;
- held that there had been a violation of Article 11 of the Convention;
- held that it was unnecessary to rule on the complaints under Article 6, paragraph 1, and Articles 9, 10 and 14 of the Convention;
- held that the present judgment constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants;
- held, that the Government of the respondent State was to pay the applicants, within three months, 4 000 000 drachmas in respect of costs and expenses and that simple interest at an annual rate of 6% would be payable on this sum from the expiry of the above-mentioned three months until settlement;
- dismissed the remainder of the applicants' claim for just satisfaction;

Having regard to the Rules adopted by the Committee of Ministers concerning the application of Article 54 of the Convention;

Having invited the Government of the respondent State to inform it of the measures which had been taken in consequence of the judgment of 10 July 1998, having regard to Greece's obligation under Article 53 of the Convention to abide by it;

Whereas during the examination of the case by the Committee of Ministers, the Government of the respondent State gave the Committee information about the measures taken preventing new violations of the same kind as that found in the present judgment; this information appears in the appendix to this resolution;

Having satisfied itself that, within the time-limit set, the Government of the respondent State paid the applicants the sum provided for in the judgment of 10 July 1998,

Declares, after having taken note of the information supplied by the Government of Greece, that it has exercised its functions under Article 54 of the Convention in this case.

Appendix to Resolution DH (2000) 99

Information provided by the Government of Greece during the examination of the Sidiropoulos and others case by the Committee of Ministers

Since the judgment of the European Court of Human Rights in the Sidiropoulos and others case, on 10 July 1998, no similar violation of the Convention has been found, which confirms the exceptional nature of the case.

In order to draw the attention of the courts directly concerned, the President of the Supreme Court (*Arios Pagos*) sent on 30 October 1998 a circular to the judicial authorities in the Department of Florina enclosing a Greek translation of the judgment of the European Court in this case.

Furthermore, the judgment of the Court was published *in extenso* in the *Syntagma* legal review No. 2 of 1999, and a comment on the judgment can be found in the *Diki* legal journal (November 1999). Finally, this judgment was also referred to in the book “*European Convention on Human Rights*”, 1999, p. 46. This book has been distributed, freely, to all first instance judges, courts of appeal and the Court of cassation.

The Government of Greece is of the opinion that, considering the direct effect today given to judgments of the European Court in Greek law (see notably the case of Papageorgiou against Greece, Resolution DH (99) 714), 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.

Accordingly, the Government of Greece is of the opinion that it has complied with its obligations under Article 53 of the Convention.