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Bektashi Community and Others v. FYROM

(nos. 48044/10, 75722/12, and 25176/13)

ECtHR Registrar Press Release (12.04.2017) - The applicants are the Bektashi Community, a religious association, and two of its members, Mr E. Brahimaj, an Albanian national, and Mr A. Sulejmani, a Macedonian national. They both live in 'the former Yugoslav Republic of Macedonia', in Tetovo and Gostivar. Mr E. Brahimaj holds the highest position in the hierarchy of the community.

The case concerned their complaint that, when new legislation entered into force in 2007, the domestic courts had refused to allow the association to retain its status as a religious organization and to accept its fresh application for registration.

The applicant association operated as an officially recognised religious organisation from 1993.

When new legislation on the legal status of churches, religious communities and groups entered into force in 2007, the association requested that the registration court recognise its continuing legal status. Its request was however refused on a formal ground, namely it had not been registered prior to 1998, but only listed in 2000. It then made a fresh application for registration under the new legislation, but in 2010 this request was also refused, mainly because the courts found that its name and doctrinal sources were identical to those of another already registered religious organization and that this could create confusion among believers.

Relying in particular on Article 9 (freedom of thought, conscience, and religion) and Article 11 (freedom of assembly and association) of the European Convention, the applicants complained about the domestic courts' decisions refusing to recognise the association as a religious organization or to register it anew.

Violation of Article 11 read in the light of Article 9 – in respect of the applicant association

Just satisfaction: 5,000 euros (EUR) (non-pecuniary damage) and EUR 2,000 (costs and expenses) to the applicant association.

Greek-Orthodox Ohrid Archdiocese v. The former Yugoslav Republic of Macedonia

HRWF (05.04.2018) - At its next meeting (Monday 9 April 2018), a panel of five judges will examine the following Grand Chamber referral request: "Orthodox Ohrid Archdiocese (Greek-Orthodox Ohrid Archdiocese of the Peć Patriarchy)" v. The former Yugoslav Republic of Macedonia" (no. 3532/07), judgment of 16 November 2017 (<https://www.strasbourgconsortium.org/common/document.view.php?docId=7459>).

The applicant is a religious organization not granted official status at the national level. It appealed the refusal to register it to the Court, saying that the decision violated its rights under Articles 9 (freedom of religion) and 11 (freedom of association), and that its members were put in disadvantaged positions in relation to members of recognized churches. In its judgment of 16 November 2017 found, unanimously, that Macedonia's refusal to register the association as a religious entity violated its rights under Article 11 interpreted in the light of Article 9. "It could not be said that the reasons provided by the national authorities, taken as a whole, were 'relevant and sufficient' to justify the interference and the manner in which the domestic authorities refused the recognition of the applicant association as a religious organisation could not be accepted as necessary in a democratic society."

Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.
