

Muslim Denomination in Bulgaria
(Grand Mufti's Office in the Republic of Bulgaria)

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Written statement to

Working session 15: Tolerance and non-discrimination II

Excellencies,

Distinguished representatives

And esteemed NGO Delegates,

The OSCE participating States confirmed that they will recognize and respect the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion, and respect the right of these religious communities to establish and maintain freely accessible places of worship. Also the participating states reaffirmed to adopt policies to promote respect and protection for places of worship and religious sites, religious monuments, cemeteries and shrines against vandalism and destruction.

Although the participating States reaffirmed that greater efforts must be made to promote freedom of religion or belief, Muslim religious community in Bulgaria still faces problems with the restitution of community properties (waqf properties)¹ confiscated under the totalitarian communist government, due to the lack of implementation of commitments related to freedom of religion or belief undertaken by Bulgaria, as well as the National Legislation on restitution of confiscated or illegally nationalized community properties.

The issue of **restitution of the communal properties of the Muslim community** in Bulgaria is one of the most important issues remained unsolved after the democratic changes. The Muslim community is the only among the others in the country that failed to regain their inheritance, despite the changes in the legislation after the totalitarian regime. The reasons are mainly legal

¹ Waqf properties are immovable and movable property of the Muslim religion inherited prior to their illegally nationalization.

and administrative obstacles. These properties include buildings, schools, social centers, mosques and farmlands, demised for centuries in favor of all Muslims in Bulgaria but nationalized and expropriated during the different regimes in the country.

Numerous properties which belonged to the Muslim denomination have been destroyed by means of the "Act on the Territory Arrangement of Settlements" and new buildings have been erected in their places for which we cannot claim. Yet there are lots of properties that exist and it is known that the Muslim community is their owner but could not receive notary deeds for ownership. Most of the properties, mainly mosques, buildings and land, owned by the central and local governments have been declared National monuments of culture and transferred to the regional governments. This is why Muslim community has number of obstacles in repairing this historical heritage. The central and local governments neglect the maintenance of the buildings or just they do not have funds for this. Most of them go to ruin. Apparently if they are not repaired in short time, most of them will disappear or survive as totally different type of buildings, as some local governments started a project according to which **the mosques convert into museums** or municipality administration buildings.

In some municipalities in the country the Bulgarian authorities already carried out such anti-democratic, antagonistic and Islamophobic acts against Muslim shrines. For example: On June 14, 2015 excavations have begun inside and in the very vicinity of "Kurshun Mosque" in the town of Karlovo, upon the initiative of Karlovo Mayor Mr. Emil Kabaivanov, without seeking approval or giving prior notice. The excavations aim at fabricating proof to turn the mosque into an archeological site and museum, so as to substantiate and legitimize the ambitions of the Municipality of Karlovo. In fact, the Muslim Denomination in Bulgaria bears the deed for the said mosque since the beginning of 20th century, issued by the Bulgarian state. Despite this document of ownership, the municipality attempted to register it as a public property in 2011. And now, Mayor Kabaivanov personally initiated the archeological excavations. And although the mosque has been closed to worship for a long while due to unilateral and uncooperative policies of the relevant Bulgarian authorities, it remains a significant historic and cultural symbol for the Muslim minority in Bulgaria.

This aggressive and unacceptable act of desecrating Muslim shrines is not the only case. Such is the case with "Hamza Bey" mosque in Stara Zagora, which was converted into a museum on similar grounds, and thus taken from the Muslim community.

Currently, there are also construction and maintenance works in the immediate proximity of "Makbul Ibrahim Pasha" mosque in Razgrad, which is yet another cultural monument of national importance. The project of the municipality has not been coordinated with the Ministry of Culture and its target is to plant fast-growing trees with large root systems around the mosque, all that will totally block the vision of the temple. In a few years' time, this type of vegetation

can incur serious damage to the foundations of the mosque, which is actually, the exact intention of Razgrad Municipality.

We face similar cases in the surrounding area of "Mihaloglu Mosque" in Ihtiman, where random concrete casting has been carried out aiming to ruin the mosque. The situation is the same with "Karadja Pasha" in Gotse Delchev, "Bayrakli Mosque" in Samokov, "Fatih Mehmed" Mosque in Kyustendil and the historical mosque in the town of Silistra.

This strongly biased attitude of intimidation and harassment displayed by various representatives of the local authorities towards Muslim holy sites, contradicting the democratic principles of our country, violates freedom of conscience and religion, and democratic human rights, harming the ethnic peace in the country, and causing grave concern for the Muslim denomination.

The above mentioned case in Karlovo is a clearly Islamophobic impulse aiming to turn the mosque into a museum and, at the same time, an unacceptable discriminatory approach, which brutally provokes the Muslim community in the country one more time. The multiplication of similar cases in different locations with a single object of damage, namely mosques, deeply offends the Muslims in Bulgaria. The constantly occurring desecration of our temples and the attempts to change their function is a clear sign of an anti-democratic and irrational management approach, which overlaps with the habits in the feudal system.

Another issue of serious concern is the case **with the mosque in Sofia**, where the things seem dire. Over the years Sofia Municipality has made no sense as a municipal policy to co-operate and facilitate the Muslim community in Sofia regarding their religious duties and rituals, on the contrary the municipality has prevented them by using administrative sanctions against the Grand Mufti's Office. The constant practice has been established that every idea and intention of the Muslim confession in Bulgaria related to the development and the proper and complete functioning to be met with suspicion, disapproval, and sometimes even grows into accusations. Around 70,000 Muslims currently live in Sofia with only one mosque built several centuries ago. Construction of a second religious temple is not permitted by the municipality, although the Muslim community has ground plot for years. It is known that the only available one in the capital city is not enough to house the flow of worshippers. It has a seating capacity of 500-600 people. However, on Fridays more than 700 worshippers enter the mosque and around 250-300 people remain outside. The situation is most striking during both Feasts. Every time early in the morning about 2500-3000 Muslim men congregate and unsuccessfully try to hear the sermons, to pray and perform the prayer together with those who are inside for nearly 2 hours. During the winter season or when the weather is very hot and sometimes rainy, visitors often return without having performed their prayers. The mosque is visited by ambassadors, representatives and employees of foreign diplomatic missions who often have to pray outside in the street and we cannot provide them with the necessary comfort and sufficient protection. I believe that these facts which can be checked every Friday are quite eloquent and should be considered whenever

the topic for a second mosque is debated. A well-known fact is that one of the reasons because of which some people praying in front the mosque for lack of space inside became a target of assault by the far right political party in May 2011 was the prayer outside of the mosque. Thus far the Muslim community has not received clear and adequate answers so as to justify preventing the construction of the second mosque in the city.

Similar is the case with the **permission to build an administrative and educational center** for the needs of the Higher Institute for Islamic Studies in Sofia. This project dates back to 2000 but it has not started yet. It was widely discussed and criticized by statesmen, politicians, media and part of the Bulgarian public which influenced the publicity negatively and caused serious tension on ethnic and religious basis. Many obstacles occurred since we intended the construction of the project. The problems are connected with the construction permit, changing the plans, documentation etc. However, there is no reasonable answer up to now.

Also, the Sofia municipality does not show understanding and tolerance towards charity events of Muslim during the holy month of Ramadan, when handing out food to the needy, homeless and refugees, as it imposes penalties for such nonprofit events in front of the mosque or its courtyard. For the above reasons, this year the Administration of Muslim Religious Affairs (Grand Mufti's Office) refuses to take part in the Annual Festival of the Religions in Sofia, which aims to manifest the tolerance and coexistence between religions of which the municipality has the most benefit.

Recommendations to the Bulgarian authorities:

Due to ongoing violations of freedom of religion and belief guaranteed by the Constitution of the Republic of Bulgaria, to provide the respect of the local authorities to the Constitution and international standards on freedom of religion and belief;

Implement effectively the commitments to freedom of religion or belief and anti-discriminatory legislation;

Encourage the authorities to resolve the question of restitution of Muslim properties, ownership rights and exercise property ownership management, having in mind that the Administration of Muslim Religious Affairs (Grand Mufti's Office) is historically established since the beginning of the 20th century in 1909, so that the properties should be returned, without precondition and bureaucratic obstacles, to their rightful owners namely the Muslim community and if there is any kind of dispute as for the ownership of a particular property, the burden of proof should lay on the state and not on the foundations;

As a responsible institution, Administration of Muslim Religious Affairs (Grand Mufti's Office) calls on the Bulgarian authorities to take adequate measures to solve the problems of the Muslim community in the country instead of worsening it.

Recommendations to ODIHR/OSCE:

To observe whether Bulgarian authorities are implementing the religious rights of Muslims in the country, as well to recommend and advise Bulgarian government on the issue of Freedom of Religion and Belief and Fundamental rights;

To undertake measures for better supporting OSCE participating States in implementing their commitments on the issue;

To observe closely the Freedom of Religion of Muslim minorities in non-Muslim countries.