

14 May 2013



Western Thrace Minority
University Graduates Association

**OSCE
Office for Democratic Institutions and Human Rights
Human Dimension Seminar on the Media Freedom Legal Framework
13 - 15 May 2013
Warsaw**

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Freedom of Media in Western Thrace

Introduction

Western Thrace is located in the northeast part of Greece. Rodopi, Xanthi and Evros are the three prefectures of the region with capital cities of Komotini, Xanthi, and Alexandroupolis, respectively. It encompasses an area of 8,575 square kilometers.

According to the population census of 18th March 2001, the total population of the Western Thrace region was 362.038. According to the latest official estimates dating back to 2011 and belonging to the highest regional state authority, Region of Eastern Macedonia and Thrace, population of the Muslim Turkish minority was stated to vary between 140.000 and 145.000.

The legal status of the Minority in Western Thrace was established by the Peace Treaty of Lausanne (1923). Since then and in line with Articles 39 and 45 of the said Treaty, members of the Minority have been publishing local and weekly newspapers in the Turkish language in Western Thrace for the sake of informing the local Turkish community as well as creating awareness about the developments across the country and the region.

Media Freedom

The Constitution of the Hellenic Republic and the Greek laws include provisions for media freedom, as well as the right to access to information. However, theoretically there are some limits on “speech that incites discrimination, violence, and public disharmony”¹, as well as on publications that are obscene, offend religious beliefs, or advocate the violent overthrow of the political system. Recently, the enforcement of laws increased, and there were several instances in which the government threatened journalists with legal action.

On the other hand, minority newspapers had been subjected to various bureaucratic obstacles by the Greek state apparatuses. As compared with 1974, the freedom of expression and the media in Western Thrace has relatively been improved and Minority newspapers today can be published and circulated among the Minority members in Western Thrace.

¹ In Greece, the media plays an effective role among the governments / public opinion and minorities. Also, it plays an important role in shaping the public opinion that the authorities generally take into account. After 90's, although the influence of the media turned into a positive attitude towards the Turkish minority, some local and national Greek newspapers still continue their strong nationalistic discourses that strengthen “the other” as anti-self, the government pretends not to have heard.

As of 2013, some minority newspapers are published weekly and one every fifteen days while there are three monthly magazines published in Western Thrace. Also, there are four private radio stations that are broadcasting in the minority language across the region as well as several internet sites.

In this framework, the weekly newspaper Gudem, based in Komotini, and the weekly newspaper Millet, based in Xanthi- both of which are published in the Turkish language, have been functioning for more than 15 and 5 years respectively within the duty of informing members of the Minority.

Similar to all minority newspapers, both Gudem and Millet are trying to operate under harsh economic conditions with limited human and material resources. In recent years, both of these newspapers have been facing high amount of compensations on the grounds that they published unsubstantiated news articles about a Greek teacher working in a Minority school in Western Thrace.

Hara Nikopoulou, the Greek teacher of the Minority primary school at the village of Mega Derio (Buyuk Derbent), whose 'extracurricular' activities have frequently been on the agenda of the Minority and nationwide Press and also several websites, applied to the First Instance Court of Rodopi against Gudem and Millet newspapers asking for 1 million Euro compensation per newspaper, claiming that their news related to the homework 'drawing the picture of Allah' that she gave to the students was false.

According to the first court decision, both Gudem and Millet were sentenced to pay 150.000 Euros (one hundred fifty thousand Euros) and 120.000 Euros (one hundred twenty thousand Euros) compensations respectively as a result of civil law suit, on the grounds that they published unsubstantiated news articles about the Greek teacher, Hara Nikopoulou.

Particularly, the trial of Gudem newspaper was held at the First Instance Court of Rodopi and it was sentenced with 150.000 Euros, 20.000 Euros of which has to be paid immediately. Furthermore, Gudem had to pay 5.400 Euros as court fees.

The trial of Millet newspaper was held at the First Instance Court of Xanthi by which it was sentenced to pay 120.000 Euros. 30.000 Euros had to be paid immediately as well as 4.000 Euros for the court fees. The Act 2243-94 stipulates for the publications of national range; the minimum fine is 29.325 Euro while it is only 5.865 Euro for local publications.

Journalists Tzemil Kapza of Gudem and Cengiz Omer of Millet newspaper would be sentenced to 10 month imprisonment if they would not pay the amount indicated. According to a headline of the local daily newspaper "Hronos" (Time) published on 20th April 2011, the teacher Hara Nikopoulou was moving forward to issue a warrant of arrest for the journalists of the two newspapers. The warrant of attachment arrived to both newspapers on 4th April 2011. Bank accounts of the owners of the newspapers and the journalists have been blocked. The two journalists have not been arrested yet.

The case of Gudem was held on 6th May in the Court of Appeal in Komotini and was postponed to 24th February 2012. However due to general strike of the solicitors at that time, the case was once again postponed. Finally, it was held on 22nd March 2013 in the Court of Appeal of Komotini. As for the case of Millet, it was held on 20th May 2012 at the same court and was postponed to the same date. On 22 March 2013, the Court accepted the written defenses of both Gudem and Millet newspapers. The decision of the court is still pending.

The Greek media law (3592/2007) was enacted by the Greek government on 19 July 2007. This new Law, "Law on the Concentration and Licensing of Media Enterprises" brought upon several restrictive provisions that endanger freedom of press, expression and dissemination of information; media entrepreneurs are required to deposit a minimum of 30.000-100.000 Euros, recruit at least 5-20 staff depending on their specialization, broadcast for 24 hours and

use Greek as the main broadcasting language. Small minority radio stations (including other radio stations across the country) broadcasting in the prefectures of Rhodopi and Xanthi face serious difficulties in meeting those restrictive provisions.

The mentioned law also endangers basic concepts of pluralism, diversity and minority rights by limiting the usage of the Turkish language in Western Thrace. In his press release on 27 July 2007, the OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti, expressed his concern about the new media law and underlined that it actually set high and unnecessarily rigid thresholds that might have adverse affects on minority, community or low-cost broadcasters.

Based on the aforementioned law, the National Board of Radio and Television (ESR) on 3 November 2009 sent an official warning to the oldest minority radio station in Xanthi (called "Tele Radio" 104, 2 Fm) that has been broadcasting uninterruptedly in Turkish since 1994.

Furthermore, the National Broadcasting Council (ESR) with its decision No 416/14.9.2010 imposed an administrative sanction of 3.000 Euro on the radio station – KING FM – based in the prefecture of Xanthi on the grounds that its emission included "foreign" language (Turkish).

The situation of Minority media in Greece was also indicated in the Regular Report to the Permanent Council prepared by the OSCE Representative on Freedom of Media Dunja Mijatovic on 17th March 2011 and 23rd June 2011.

Taking into consideration that OSCE member states are aiming to ensure the freedom of expression of information and media,

Recalling that OSCE has rightfully recognized that independent media and freedom of expression are the basic elements for stable and peaceful societies,

Reaffirming that freedom of expression is considered as a basic human right,

Western Thrace Minority University Graduates Association would like to highlight that pluralism and diversity is a necessity for the development of societies. Hence, differences in a given context should not be underemphasized. In this line, we believe that the empowerment of minority media is one of the most effective ways for dissemination of genuine pluralism in multiethnic societies. Therefore, the access to media of different opinions and Minorities' voices should be considered as a key element of the freedom of the media and free flow of information.

In the light of information above, we call upon Greece:

- To respect the right to freedom of expression and the press freedom, in particular the smaller and minority press, so as to protect and enrich diversity of opinion in the media,
- To put an end to selective penalization of media institutions and press by ethnic, sectarian and political motives,
- To uphold the principle of fair and proportional punishment in judicial process,
- To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,
- To reconsider and revise the relevant legislation so that the principle of equality is guaranteed for each element in the society, including the Turkish minority of Western Thrace,
- To respect the letter and the spirit of the Treaty of Lisbon along with all other European covenants and declarations while implementing the Article 14 of the Constitution of the Hellenic Republic on freedom of expression and press.