



OSCE
Human Dimension
Implementation Meeting
24 September – 5 October 2012
Warsaw, Poland

Working Session 1: Fundamental Freedoms
Freedom of expression, free media and information

Name of Contact Person: Tzemil Kapza
Email: kapzacemil@hotmail.com / btaytd@otenet.gr

Call for Freedom of Expression and Free Media in Western Thrace - Greece

Western Thrace is located in the northeast part of Greece bordering with Bulgaria in the North and Turkey in the East. Rodopi, Xanthi and Evros are the three prefectures of the region with capital cities of Komotini, Xanthi and Alexandroupolis respectively.

According to the population census of 18th March 2001 the total population of the Western Thrace region is: 362.038. According to the above figures the total population of the Turkish Muslim Minority of Western Thrace is estimated 150.000. (The final figures of the population census of 2011 has not been announced yet) The total population of The Turkish Muslim community is indicated in the latest US International Religious Freedom Report released on 14 September 2011 as 140.000-150.000.

The legal status of this Minority was established by the Peace Treaty of Lausanne signed in 1923. Since then and in line with Articles 39 and 45 of the said Treaty, members of this Minority have been publishing local, weekly newspapers in 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.

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.

Today only three minority newspapers are published weekly and one every fifteen days. Four private radio stations are broadcasting in minority language in the region and there are several internet sites and also three monthly magazines are published.

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

As all minority newspapers Gundem and Millet are trying to operate with limited human and material resources and under harsh economic conditions. That is to say, each newspaper is composed of only three journalists. None of them own a printing house; the income of



advertisements is low and limited. Even the distributions of the two newspapers are undertaken by the journalists themselves.

Gudem is the only minority newspaper which fulfills all the requirements for having the right to publish an official advertisement for the year 2012.

The two weekly newspapers Gudem and Millet now face 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.

Page | 2

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 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 recently sentenced to pay 150.000 Euro (one hundred fifty thousand Euros) and 120.000 Euro (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 Gudem was sentenced with 150 hundred thousand Euros, 20.000 Euros of which has to be paid immediately. Furthermore, Gudem has 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 hundred thousand Euros. 30.000 Euros has 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. (*For more information please see attached an article published in Elephterotipia newspaper.*)

Journalists Tzemil Kapza of Gudem and Cengiz Omer of Millet newspaper were sentenced to 10 month imprisonment if they do not pay the amount indicated. According to a headline of the local daily newspaper "Hronos" (Time) published on 20th April 2011 the teacher Hara Nikopulu is moving forward to issue a warrant of arrest for the journalists of the two newspapers. The two journalists have not been arrested yet.

The warrant of attachment arrived to both newspapers on 4th April 2011. The bank accounts of the owners of the newspapers and the journalists have been blocked.

After the announcement of Court decisions, the solicitors of both newspapers concluded that the amount of penalty charged upon weekly Minority newspapers is excessive and unprecedented. According to owners of the two newspapers the payment of this amount of money, which is well above their annual income, will lead to the closure of both newspapers.

The case of Gudem was held on 6th May in the Court of Appeal in Komotini and has been postponed to 24th February 2012. However due to general strike of the solicitors at that time, the case has been once again postponed. Finally the case of Gudem will be held in 22nd March 2013 in the Court of Appeal of Komotini. Also the case of Millet was held on 20th May at the same court and has been postponed to the same date, the block on bank accounts continuing.



ANOTHER TRIAL FOR TURKISH MINORITY MEDIA

GÜNDEM, MİLLET and Kral FM faces another court case

Müfit Ramadanoğlu, the former secretary and media adviser to the appointed mufti of Xanthi, Mehmet Emin Şinikoğlu, sued minority newspapers GÜNDEM, MİLLET and the minority Radio Station Kral FM (Broadcasting from Xanthi). Ramadanoğlu, applied to the First Instance Court of Xanthi in 11th April Wednesday 2012 claiming that the news article published and broadcast 5 years ago (published on 6th April 2007 in GÜNDEM and 12th April 2007 in MİLLET) with the headlines “14 months of imprisonment to Şinikoğlu” was false and was a violation of his private life. He asked for 200 hundred thousand Euro compensation from GÜNDEM, MİLLET and Kral FM, respectively.

News articles about the court case were published not only in mentioned newspapers and radio but also in many other local newspapers.

Ramadanoğlu claims 200 hundred thousand Euro for compensation from Hülya Emin, Cemil Kabza and Ozan Ahmetoğlu (GÜNDEM newspaper), Bilal Bodur and Cengiz Ömer (Millet newspaper) and from Hüseyin Karadayı, the owner of Kral FM.

In addition to his demand for the publication of a letter of apology in all local newspapers, three local radios and two local channels, he also asked for a one year prison term for each journalist if the compensation is not paid.

He applied to the First Instance Court of Xanthi on 11th April 2012 and all the journalist subjected to the court case were informed at the same day.

The date of the trial was indicated as 2 May 2012. However due to the general elections on 6th May, as all cases in Greece, this case was also postponed.

After four mouths on 19th September 2012, the new trial date which is 7th November 2012 was announced to the defendants. The trial of both newspapers, journalists and the owner of the Radio Station Kral Fm will take part in The First Instance Court of Xanthi.

Background of the article:

Mr. Huseyin Karadayı ,the owner of the minority radio station Kral FM which broadcasts from Xanthi, lodged a complaint to the prosecutor’s office that the former secretary and media adviser to the appointed Mufti of Xanthi, Müfit Ramadanoğlu, was appointed as imam by mufti Şinikoğlu in order to keep him away from the compulsory military service, although he never practiced his duties. Following Huseyin Karadayı’s complaint, the prosecutor officer of Xanthi, brought a lawsuit against Mehmet Emin Şinikoğlu and Müfit Ramadanoğlu on the grounds of issuing false papers.

The trial was held in Criminal Court of Xanthi in 27th March 2007.

Both Şinikoğlu and Ramadanoğlu were punished by the criminal court of Xanthi to 14 months of imprisonment. Both Ramadanoğlu and Şinikoğlu applied to the Court of Appeal.



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 endangers freedom of press, expression and dissemination of information.

According to provisions of the new law 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 (and other radio stations across the country) broadcasting in the prefectures of Rhodopi and Xanthi have serious difficulties in meeting those restrictive provisions. By limiting the usage of the Turkish language, the new law also endangers pluralism and minority rights.

OSCE Representative on Freedom of the Media, Mr. Miklos Haraszti, expressed his concern about the new media law in the press release of 27 July 2007. In this statement, Mr. Haraszti claimed that the new law sets high and unnecessarily rigid thresholds that might have adverse affects on minority, community or low-cost broadcasters.

Based on this 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. In the abovementioned decision of the ESR (473/2009)', it was argued that according to the Article 8 of the new media law, the main broadcasting language should be Greek.

In the official warning, it was also stated that the ESR would take further and harsher measures if the minority radio station does not broadcast in the Greek language. It is strange that the other Greek radio stations broadcasting in foreign languages like English or Russian were not subjected to a similar administrative measure. This obviously illustrates the discriminative nature of the decision adopted by the ESR, which is also in clear contravention to the freedom of press enshrined in the Article 14 of the Greek Constitution.

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, this two minority newspapers and the radio station issue is 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.

The South East Europe Media Organization SEEMO and the Federal Union of European Nationalities "FUEN" have also published press releases for the same issue.

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 for the development of the societies, pluralism and diversity is a necessity. Hence, more importance should be given to the differences and otherness. In this line, we believe that the empowerment of minority media is one of the most effective ways of disseminating genuine pluralism in multiethnic societies. Page | 5

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.

Recommendations

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order 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 and ensure that the principle of equality is guaranteed for each element in 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 article 14 of the Constitution of the Hellenic Republic on freedom of expression and press.

ELEFTHEROITYPIA NEWSPAPER **27 February 2011 – Sunday Edition**

Press-killing law strikes again **By TASOS KOSTOPOULOS**

The imposition of exhausting fines on newspaper for “libelous defamation” against civil servants is an issue which has puzzled at the times whoever is interested in the freedom of press in our country. A recent decision by the Multi-Member Court of First Instance of Rodopi (94/2010), where the Defendant was the minority newspaper “Gudem” of Komotini and the Plaintiff the well known school teacher Hara Nikopoulou, brings back to the agenda this delicate issue, which by now has taken up “national” colors.

The case of Harikleia Nikolopoulou, vice-headmaster, until last spring of the minority school in Megalo Dereio in Evros, daughter of the former president of the Supreme Court, who recently received an award from the Academy of Athens and a central figure in three consecutive news reports by Costas Hardavelas, is known to our readers (see “Ios” 20.6.10). In this specific case the action involved two items published in “Gudem” on the First of January of 2011 containing negative information and comments about her personality.

The case was heard before the Multi-Member Court of First Instance of Rodopi on the 1st of December. The court adjudged that the publication was partially libelous (mainly with regards to the claim that Nikolopoulou assigned



Western Thrace Minority
University Graduates Association

her Muslim pupils to make drawings of God, but also about certain other statements, for example regarding her bad relations with her colleagues). On the other hand, the court accepted that what “Gudem” referred to about the “absence of harmonious relations between the defendant and the fellow villagers and the guardians of her pupils”, was true.

Until this point there was nothing noteworthy- although the reference to the text of the action, in “Turkish dialect” (and not language) of the minority newspaper is *per se* noteworthy. The news lies in the size of the fine which the court adjudicated in favor of the Plaintiff: 150.000 Euro, i.e., twenty five times the minimum compensation envisaged in those cases by Act 22243/1994, already a draconian legislation. It is an amount definitely exhaustive for a weekly regional publication, whose run is no more than 1.500 copies while the sales are 800.

It should be noted, also, that this is not an isolated decision of this kind within the contest of Mrs. Nikopoulou with the minority press. For a similar article, “Millet” a Xanthi newspaper, was sentenced to pay fine of 120.000 Euros. As a measure of comparison, we remind (our readers) that in 2009 Costas Laliotis had been ordered by the court to pay 100.000 Euros to Constantinos Mitsotakis because he had accused him publicly for money laundering in the Mayo case. This claim, which was also considered by the court as libelous had been reported by all the media in the country.

In the case of “Gudem” there is not even the rationale of a proportion to the assets of the accused. Specifically regarding the writer of one of the two texts, Cemil Kapza, the decision refers expressively to his “lack of obvious assets”, but only as means to convert his conviction to (potentially) prison: “it pronounces against him custody of ten (10) months, as a means of compulsive execution”.

However, the most interesting point of the verdict of the Multi-Member Court of First Instance of Rodopi relates to the grounds on the basis of which the amount of fine was determined: “considering”, we read, “that the crucial articles of the newspaper were read [not only] by the Turkish-speaking reading public residing in Thrace but also by the whole of Greece to which the news was rebroadcasted via other publications and electronic news media”. This virtual increase of the reading public was rather necessary, as Act 2243 stipulates for the publications of national range, the minimum fine is 29.325 Euro, while it is only 5.865 Euro for local publications.

However the said publications –and the programs of Hardavelas’ type-not only they did not “rebroadcasted” the accusations of the minority publications against Hara Nikopoulou, but did exactly the opposite: they were constructing the image of a heroic school teacher who has been facing dubious sycophants, organs of the Turkish consulate and Ankara’s (secret) services!

This weird judicial logic is a reminiscent of the post-civil war offense of “incitement to civil discord”. In other words, the imputation by the judiciary of the attacks received by the (then left) “anti-national dirt” by the nationalists as ...evidence of the guilt of the victims-provided that they, through their views and their actions (supposedly), “provoked” the immolators. It is not at all incidental, that the most recent use of this stipulation was used in the year 1992, against leftist citizens who had declared their intention in writing to defend the rights of the minorities of our country.