



Western Thrace Minority
University Graduates Association

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**Religious liberties and the survival of historical minorities in Europe: The case of
Muslim Turks in Western Thrace, Greece**

Thank you Madam Moderator,

My name is Ali Chousein Oglou and I am representing the Western Thrace Minority University Graduates Association from Greece.

Islam is an old phenomenon across Greece. After its introduction and development under the Ottoman administration of Western Thrace, Islam became one of the main religions of this region that survives as of this day. Nevertheless, a number of major controversies and problems between members of the Minority and the Greek state, which I will mention in the following paragraphs, persist. Thus, members of the Muslim Turkish minority can not fully take advantage of their group-based collective rights as enshrined in various international and bilateral treaties that Greece signed and ratified after the incorporation of Western Thrace into Greek national territories in the early 1920s.

Religious Heads/Muftis

One of the major problems in the realm of religious liberties in Western Thrace is that members of the Muslim Turkish minority are prevented to define their own religious leaders/muftis, a fundamental right of minorities which is guaranteed under several bilateral and international treaties that Greece signed and ratified, e.g. the 1913 Athens Treaty, the 1923 Peace Treaty of Lausanne.

In fact, starting from the incorporation of Western Thrace into national territories in the early 1920s until 1985 when the Mufti of Komotini died, Muslim Turks were free to define their religious heads. But in the mid 1980s, Greece refused this right since

muftis also had judicial power and authority over the application of Islamic/Sharia Law in Western Thrace in matters of inheritance, marriage and divorce. To note, this power of muftis was not something new and it had been applied for decades by muftis defined by Minority members.

The dispute over religious leaders were brought before the European Court of Human Rights (ECtHR) in the 1990s when elected muftis were prosecuted by Greek courts for usurping authority of the appointed mufti. Although the ECtHR concluded that Greece had violated Article 9 of the ECHR (*Serif v. Greece (14 December 1999-Case No: 38178/97)*, *Agga v. Greece (No.1-2) (17 October 2002-Case No: 50776/99 & 52912/99)*, *Agga v. Greece (No.3) (13 July 2006 – Case No: 32186/02)* and *Agga v. Greece (No.4) (13 July 2006 – Case No: 33331/02)*, no step has been taken by the Greek governments for election of muftis. Rather, the term of the appointed Muftis in Komotini and Xanthi was extended for a third time for ten more years a couple of years ago, which is a significant indication that Greece ignores verdicts of the ECtHR and accepts only appointed muftis as religious leaders of the Muslim Turkish minority. Moreover, in different platforms Greek officials repeat that muftis are generally appointed in countries with significant number of Muslim population. However, there are also several countries where muftis come to power through elections.

In fact, the authority of those members of the Muslim Turkish minority appointed to the Offices of Mufti in Komotini, Xanthi and Didimotiho is still disputable since the vast majority of the Minority does not accept and recognize them as their religious leaders. They reject the authority of the three appointed muftis and continue accepting the elected muftis as their religious leaders.

Muslim Charitable Foundations/waqfs

Inherited from the Ottoman administration of the region, Muslim charitable foundations/waqf constitute one of the primary institutions of the Muslim Turkish minority. Formation and functioning of waqfs play vital role for the survival of cultural, historical and religious heritage of the Muslim Turkish minority since these institutions function for philanthropic purposes such as providing food and shelter for the poor people. Provided that Muslims formed the majority of the Western Thracian territory before 1923, mosques and the offices of the Muftis still own various kinds of immovable waqf properties. This also implies a source of income for these charitable foundations.

Waqfs are governed by Administrative Boards whose members are composed of members of the Minority. Until the advent of the 1967 Junta regime, the Minority had the right to define members to these boards. Similar to the abovementioned case regarding election of muftis, this right was taken from the Minority in the early 1970s. Since the return of democracy in 1974, the Greek governments have always rejected to give the right to elect members to these boards back to its Muslim Turkish citizens in Western Thrace. Minority. As a result, board members responsible for the administration of waqfs in Western Thrace have been appointed by the Greek state for

more than thirty years in spite of the Minority's unabated demands for elections to these boards.

Similarly, Greece disregards the financial immunity of the Muslim charitable organizations and continues to impose excessive taxes and legal sanctions on the properties owned by waqfs. Thus, Minority is unable to govern and have access to the accounts of waqfs for more than forty years.

In fact, the Greek Parliament adopted the Law 3647/2008 regarding the administration and management of the waqfs and their properties of the Minority in Western Thrace. It also foresees election of Minority members to boards of waqfs in Komotini, Xanthi and Didimoticho. Nevertheless, similar to almost all laws taken unilaterally by the Greek Parliament the Law 3647/2008 was passed unilaterally without taking into account opinion and proposals coming from members of the Minority; the Minority representatives had actually communicated to the governmental bodies and expressed Minority's opinion and remarks about the draft bill before the passing of this Law from the Greek Parliament.

The Law 3647/2008 provides excessive jurisdictions to the Secretary General of Eastern Macedonia and Thrace region as well as tutelage powers vested in the office of the appointed Muftis, it keeps Minority's influence on the election of members to waqf boards at the minimum level. This Law, which is not supported by the Minority, has not been applied yet since 2008.

Another significant problem about function of waqfs in Western Thrace had to do with debts of these organizations to the Greek state. In 2007, the Law 3554/2007 enabled erasing all debts of waqfs registered within the region of Western Thrace. However, the fines and income taxes imposed on them remained intact. For instance, the total current debt of Administrative Board of Komotini Waqfs has passed 1 million Euros. Only for the year 2010, the total amount of income tax was stated as standing to 72.195,66 Euros according to the document sent to the Waqf Administration of Komotini on 18 April 2011.

Taking into account that Greece has been suffering from deep economic crisis in recent years, a second erasing of debts that belong to the waqfs in Western Thrace is not likely to happen, which may imply loss of more waqf properties in the near future.

Places of worship

Mosques are places of worship for Muslims. Since the incorporation of Western Thrace in 1923, Muslim Turkish locals of the region have never faced problems praying inside the mosques. Neither the call for prayer, echoed five times a day, have been prevented by the Greek administrations. Each mosque is headed by an imam, who is responsible to lead the prayers and teach how to recite the Quran.

However, two major problems still affect the freedom of religion and belief in Western Thrace while talking about functioning of mosques in Western Thrace. First, major disputes between the Minority and the Greek state continue over the height of minarets that are essential parts of mosque structures. Until 2006, the Law No.

1369/1938 (FEK A'317, 10.9.1938) required to obtain necessary permission from the local Metropolitan Greek bishop for the construction of a mosque or a minaret that was not allowed to be taller than the height of a church bell, i.e. not taller than 16 meters. In 2006, this authority was passed to the Ministry of Education and Religious Affairs. However, problems about the height of minaret persist on the grounds that the Ministry insists on limiting the height of minarets to 7.5 meters for construction of new minarets.

As of 2013, the Ministry continues referring to the Law 1577/1985 for reducing the height of minarets to 7.5 m. However, it ignores the Article 21/2 of the same Law that provides a discretionary power so that the Ministry has the right to give permissions for the heights of minarets 16m for 'reasonable' and special cases. Along with controversies regarding the height of minarets, there are also some Muslim Turkish villages that still face several problems in getting permission for building of new mosques or maintenance of the old ones.

The second problem, which has started quite recently, has to do with appointing of imams to mosques. Based on the Law 3536 adopted in 2007, for the first time after 1923 Greece decided to appoint imams to the houses of worships in Western Thrace. Widely known as "the 240 imam Law", provisions of the Law 3536/2007 enabled the appointment of 240 members by a five-member committee composed of Christian officials only. As a result of strong opposition from the Minority for violation of their religious liberties, this Law was amended in 2013 and ratified by the Greek Parliament. According to the amended version, the Law 4115/2013, three out of five members of the committee will be belong to the Muslim Turkish minority. Most of the appointed imams will be responsible for teaching Quran at public secondary and high schools attended by Minority students as well as mosques while some of them will work for the Offices of Muftis.

The implementation of the amended Law 4115/2013 started in August 2013 when a list of 63 candidates was officially announced; 31 people were appointed to the Office of Mufti in Komotini while 19 and 13 of them to the Offices of Xanthi and Didimoticho respectively. For the time being, they will be responsible for teaching of Quran at schools not at mosques.

The appointed imams is quite a new phenomenon in Western Thrace so there is not enough information about how the new law will be applied in practice and what will be the response of the Minority towards another unilateral policy of the Greek state regarding religious liberties of its Muslim Turkish citizens in Western Thrace.

Given that fundamental problems about freedom of religion, conscience and belief persist while creation of new ones prevent members of the Muslim Turkish minority in Western Thrace from enjoying fully their religious liberties enshrined in bilateral and international texts to which Greece is a party, we call upon Greece

- to promote implementation of the OSCE commitments regarding religious liberties of the Minority in Western Thrace
- respect the right of its Muslim Turkish citizens' right to define their own religious heads
- take into consideration opinions from the Minority and revise the Law 3647/2008 regarding the religious pious foundations/waqfs passed by the Greek Parliament that excessive power to the local administrative bodies of the Greek state
- solve problems regarding the height of minarets and permits for construction and restoration of mosques across Western Thrace
- stop the application of the Law 4115/2013 regarding the appointment of imams.