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Freedom of Religion**

VIOLATION OF RELIGIOUS RIGHTS IN WESTERN THRACE

Ms/Mr Moderator,

Thank you very much for the floor, I would like to point out some issues regarding the implementation of religious rights of the Muslim Turkish Minority of Western Thrace in Greece.

The first issue is about the new bill of 3536/2008 regarding the appointment of 240 imams/Islamic (seminary) teachers. This new law is contrary to the article 43 of the Lausanne Peace Treaty of 1923 which provides religious autonomy and freedom for the Turkish Minority. According to the provisions of the new law, these 240 imams or seminary teachers would be appointed by a committee of five people, and none of them is from the Turkish minority. Like that of 1992 UN Declaration on Minorities, other provisions of international treaties and documents that Greece signed and ratified promoted Minority's religious autonomy. This new application which is totally refused by the minority threatens the freedom of faith and undermines the religious autonomy of the Minority.

The second point which I would like emphasize is the issue of Waqfs. The waqfs constitute an essential part of Minority's cultural, historic and religious heritage. The government continues to appoint the people who currently hold positions in the Administrative Boards of the Muslim Foundations since 1970s.

Disregarding their financial immunity, the State continued to impose excessive taxes and legal sanctions on the properties owned by the Muslim Charitable Foundations for four decades. Minority's inability to govern and have access to the accounts of these Waqfs also prevents them from dispensing the revenues obtained thereof towards society's vital needs, such as the maintenance and improvement of schools and repairs or build mosques. Muslim charitable organizations also suffer from excessive taxes and accumulated debts.

Although the provisions of the law passed in 2007 (No: 3554) erased the existing debts of waqfs, the fines and income taxes imposed on them remained intact. As of December 2008, the total debt of Administrative Board of Komotini Waqfs accumulated to 775.463 Euro, which resulted in the imposition of mortgages on 23 shops and one farm owned by the waqf administration. New law (Law no: 3647/2008) on waqfs was prepared without taking into consideration Minority's opinions and proposals. Although the new law foresees the appointment of board members with elections, the minority does not endorse the provisions of the law that give excessive jurisdictions to the Secretary General of Eastern Macedonia and Thrace region as well as the tutelage powers vested in the office of the "appointed" Muftis. It should also be noted that, before the passing of the said law, the Minority had communicated its opinion and remarks regarding the draft bill to the Government, which proved a futile effort since the Administration once again disregarded the Minority's will.

The next issue is the election of Muftis. Disregarding several bilateral and international treaties and the religious autonomy of the minority, the State authorities insist appointing the religious leaders of the minority (Muftis) with the pretext of their judicial and administrative jurisdictions.

The State continuously argues that Muftis are appointed in all Muslim countries. However, there are also many countries, where Muslims are in minority position, Muftis are indeed elected. Many Balkan countries with Christian majority allow Muslims to elect Muftis (like Bulgaria, Former Yugoslav Republic of Macedonia, and Kosovo). It should also be noted here that the Islamic law practised by Muftis in the family and inheritance matters of the Muslim Turks is not obligatory. The Members of the Turkish minority of Western Thrace have the right to decide whether to choose the Sharia Law or Greek Civil Law regarding the family and inheritance issues. Mufti's judicial decisions do not take into effect unless approved by competent Greek Courts. What is admired by the Minority is firstly to elect the Mufti (religious leader) of their region according to the provisions of relevant international treaties and then to discuss the judicial competences of the Muftis. The elected Muftis of Xanthi and Komotini who are not recognized by the government have been prosecuted for several times under the penal code for usurping of a religious authority of Mufti. The ECHR held that those prosecutions violated Article 9 of the Convention which enshrines the rights of freedom of thought, conscience and religion (please see *Agga vs. Greece* No: 1,2,3,4 and *Sheriff vs. Greece* Case No: 38178/97)

Another problematic theme is the mosques in Western Thrace. Mosques and minarets are one of the most important parts of the Turkish Minority's religious and cultural life. Although the historic monuments inherited from the Ottomans have been subject to systematic eradication, as of the year of 2009 there are 301 mosques in Western Thrace. However, many requests for permission to build or restore mosques and minarets are still pending in the Ministry of Religious Affairs and Education. Building a minaret up to 16 meters is not allowed anymore.

The law no 1363/1938 which was later replaced by law no 1672/1939 conducts the procedure of getting permission to build any kind of house of prayer as well as mosques and minarets. This law later was changed by the new law 1577/1985. According to article 21, paragraph 2 of this law the height of the minarets has been reduced from 16m and over to 7.5 m. However in the same paragraph, there is a

“deviation” (discretionary power) which gives the right to the Ministry of Religious Affairs and Education for “reasonable” and special cases to give permissions for the heights of minarets 16m and over.

According to this law, permissions for mosques, minarets and any other kind of house of prayer needed the authorization of the bishop of the region. The authority, which was given to the region’s bishop, was transferred to the Ministry of Religious Affairs and Education in 1997.

The Bishop of Komotini and Maronia region in many cases used the right to veto or postponed the permits. After the transformation of the authorization of the bishop to the Ministry of Religious Affairs and Education, up to the year of 2004 many applications for building minarets were approved. However, many applications for building mosques and minarets up to 16m are currently refused or not answered at all by the Ministry.

The only Minority MP of Rodopi Region Ahmet Hacıosman, led a question to the Ministry of Religious Affairs and Education on 15/5/2008 regarding the permissions for building minarets in the Venna (Demirbeyli), Kallindirio (Kalenderkoy) and Filira (Sirkeli) villages of the region of Rodopi.

The former Minister of Education and Religious Affairs, Evripidis Stilianidis on his answer stated that the law allows the building of minaret up to 7.5m, and that the bill should be implemented. The problem still continues.

The issue in question is not only limited to the heights of the minarets. The Greek Administration often raises difficulties for giving construction permits for restoration attempts of old mosques. In some villages, restoration permit applications of the members of the Minority have either been repeatedly denied or procrastinated. In some cases, because the restoration applications have been denied, these old ruins are going to collapse in the very new future.

The last point that I would like to mention is about attacks towards the sacred places. Although the sporadic acts of vandalism and desecration targeting mosques and Muslim cemeteries has become rare in recent years, last month the Mosque in village Toxotes was attacked for the third times and this indicates that the Muslim Turkish Minority still faces problems on that issue.

Furthermore, Turkish – Islamic historic monuments in Western Thrace inherited from the Ottomans are systematically eradicated. Mosques, chapels of dervishes, bridges are not restored and attempts of restoration by individuals are not given permission. The destruction begins with the inscriptions being torn down, eliminating the identity of the work. In other cases, the so-called restoration process is delayed expecting that; time itself will do the destruction. Meanwhile the Alevi-Bektashi chapels of dervishes, who were the first settlers of Western Thrace, are converted into churches. Some publications distributed by the Government refer to Ottoman mosques as “Turkish churches” and the Ottoman bridges are regarded as “Pomak bridges” in an effort to prove that these architectural works belong to another nation. The city plan drawn by Komotini (Gümülcine) Municipality in 1933, which covers about 20

mosques and mesjids, is carried out gradually. From time to time, Ottoman tombstones in nearby villages, which are estimated to be 350 – 400 years old, are taken to unknown destinations by trucks and the police forces just witness these occurrences without taking any action to stop them.

Recommendations

We call upon the Greek State:

- To ensure the revision of the new law No: 3647/2008 regarding the pious foundations (Waqfs) passed by the Greek Parliament and entered into force on February 29, 2008, which was prepared without taking the opinion and will of Western Thrace Turkish Minority. Therefore, it cannot be accepted or applied in its current form because of excessive jurisdictions vested to the Secretary General of the Region of East Macedonia and Thrace and appointed Muftis.
- To take all necessary steps to protect and promote religious rights and freedoms of the minority, in full alignment with international human rights mechanisms and standards.

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