



OSCE HUMAN DIMENSION
IMPLEMENTATION MEETING

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Side Event: Freedom of Religion and Waqfs – Examples of the Only Muslim Minorities in Europe
– Turks of Western Thrace and Muslim Community in Bulgaria

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RELIGIOUS FREEDOM IN WESTERN THRACE

Introduction

Western Thrace lies in the north-east part of the Greek territory. It encompasses an area of 8578 square kilometres and it is composed of three prefectures, Xanthi, Rhodopi, and Evros. The exact statistical figures about the demography of the Muslim Turkish Minority are still unknown since the last official census with criteria such as mother tongue and ethnicity was conducted more than 50 years ago. However, according to the latest official estimates dating back to 2011 and belonging to the highest regional state authority, Region of Eastern Macedonia and Thrace, the population of the Minority was stated to vary between 140.000 and 145.000.

The Peace Treaty of Lausanne (1923) established the minority status of the Muslim Turkish population of Western Thrace. Later, the bilateral agreements and protocols as well as other international legally binding documents strengthened this status.

Since the establishment of the minorityhood of the Muslim Turkish population of Western Thrace the definition of the minority has changed over time. From the 1920s until the mid-1950s Greek authorities referred to the minority either as “Muslim” or “Turks” and they did not try to prioritise one identity over the other. Especially after the Greek Civil War, at the beginning of 1950s the state authorities promoted the Turkish identity in Western Thrace in order to increase the resistance against threats from its Communist neighbour, Bulgaria. The Fessopoulos order of 1954 is one of the most prominent examples of indicating the Greek promotion of the ethnic Turkish identity in Western Thrace. In this document, the general administrator of Thrace, G. Fessopoulos, following the order of the President, conveyed to the mayor of the prefecture of the Rhodopi, “we ask you from now on and all occasions the terms ‘Turk-Turkish’ are used instead of the terms ‘Muslim-of Muslim’”. However, after the Junta regime the Greek minority policy started to change and any reference to the existence of a Turkish Minority within the Greek borders was strictly rejected. In the beginning of the 1990s the Prime Minister, Konstantinos Mitsotakis during his visit to the region laid out a new model of identification. He referred to a ‘Muslim’ minority with three different ethnic groups: Turkish born (Not Turks), Pomak and the Roma. Since then the Greek officials use this identification. But, in reality the official identification of the Greek authorities is not enough to change the minority’s Turkish ethnic origin.

The Issue of Mufti



The Mufti issue is one of the most vital issues of the Muslim Turkish minority of Western Thrace. Although there are a number of bilateral and international treaties and agreements that Greece signed and ratified protecting the religious freedom, most of the problems regarding religion have been waiting solutions for many years. Due to the lack of efforts targeting plausible solution of such problems, it is true that the situation have become complex and difficult in Western Thrace.

The establishment of the position of mufti is deeply rooted in the history. When Greece won its independence in 1830 by the London Protocol there had been a number of Muslim Turkish population living in Greece. In those years, religious matters were managed by Islamic Law under the supervision of the Kadi (Muslim Judge). Under the Ottoman Empire, in Greece, muftis had the role of these local judges.

The Historical Legal Background of the Mufti Issue

The 1881 Istanbul Treaty was signed between Greece and Turkey protected the rights of the Muslim Turks. According to the Article 8 of this treaty the right to freedom of religion is granted to Muslims living on territories given to Greece. Also, the freedom of association and the protection of immovable properties will be granted. No hindrance will be put in relations between the religious leaders and members of the Muslim communities. Then, the Treaty of Athens signed in 1913 and regulations for the election of Muftis were defined. After that the Treaty of Greek Sevres, which was also known as 'the Treaty Concerning the Protection of Minorities in Greece', which was signed by Greece and on the other hand England, France, Italy, and Japan in 1920. According to the Article 1 and 2, Greece accepts the protection of its citizens regardless of their ethnic, religious and linguistic differences. Also, the religious freedom of Muslims living in Greece is guaranteed by the Article 14. Later, the Treaty of Lausanne with its articles 37-45 protects and guarantees the religious autonomy and freedom of the Muslim Turkish Minority of Western Thrace.

The Appointment of Muftis Violates the Religious Rights of Muslim Turkish Minority

Although the abovementioned treaties guaranteed the religious issues of the Muslim Turkish Minority Greece's policy towards the Islam in Western Thrace has been ambiguous, especially with regard to the representative capacity of religious leaders, the Muftis. From 1920s till the 1990s local muftis continued to be elected by the members of the Muslim Turkish community, highlighting the importance of the Mufti not only for the religious matters, but also for the community as a whole. In 1990s, however, the state introduced Law No 1920/1991, putting an end to the election of muftis in the three prefectures of Western Thrace. According to the new law, muftis were to be appointed by the Greek state for ten year due to their judicial functions in matters of marriage an inheritance arising from the application of common law (i.e. Sharia). It was clear that this change was a response to the political mobilization of the 1980s, when the elected muftis and imams played a major role in mobilizing the Muslim Turks in the region against violation of their human and minority rights. The critical juncture that enabled the Greek authorities to reconsider their general minority policy of Western Thrace, however, didn't occur until 1988. For the first time since 1923, more than 10000 Turkish people gathered in Komotini to protest against the fundamental human and minority rights violations of the Greek state that had made daily lives unbearable. Elected muftis and their imams played a noteworthy role in the protest in Komotini.



Noting this rising activism, the Greek state sought ways to control the religious leadership of communities by replacing the elected Muftis.

Not surprisingly, such appointment of muftis created resentment in the Muslim Turkish community. Most congregations in the region refused the appointed muftis and instead elected their own. Moreover, although both Ibrahim Serif and M. Emin Aga were elected in Rhodopi and Xanthi prefectures, they were put on trial in 1990s for usurping the authority and title of the appointed mufti. After being prosecuted for usurping authority of the appointed mufti, elected muftis applied to the European Court of Human Rights. On several instances, the Court 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). In spite of these decisions from the highest level, the Greek state ignores the Court's verdicts and continues to disregard the minority's elected Muftis. It insists on working through appointed muftis who lack credibility and respect even among Muslim Turkish people.

In the second half of December 2010, the term of the appointed mufti in Komotini was extended for a third time for ten more years. The same procedure was also applied for the appointed mufti of Xanthi in August 2011. The authority of those individuals appointed to the Offices of Mufti in Komotini, Xanthi and Didimoticho is disputable on the grounds that the vast majority of the Minority population does not accept and recognize them as their religious leaders. Thus, the Minority, on its part, expects the Greek state to cease interfering in the field of divine conscience and to finally respect the Minority's right to elect its own religious leaders. On the other hand, the Greek authorities claim that *"in terms of comparative law and practice, there is not a single method for the selection of Muftis. Each country, be it Muslim or not, has the right to establish its own process, provided that such process is in accordance with the Islamic tradition and religious rights and freedoms"*; however, the provisions of international treaties that Greece is a party ensure the minority's right to elect its religious leaders. Additionally, if the reciprocity principle is considered, the Greek minority in Istanbul elects its religious officials as well as its patriarch. Ironically, the Greek authorities refrain from the appointment of religious officials to the churches in contrast with the appointment of Muslim religious officials. It is clear that the Greek application for the different religious groups in its territory is inconsistent and arbitrary.

The Religious Charitable Foundations / The Waqfs in Western Thrace

The charitable foundations stand at the core of the religious and social lives of Muslim Turkish Minority of Western Thrace. They play a very important role in the organization of community life. Yet administrative measures to obstruct the operation of such foundations go back to the Junta regime of 1967 and have been continued ever since. As part of the authoritarian measures of the Junta, the foundations' elected members were all removed from the administrative boards of these organizations and replaced with appointed members.

Effectively taking away the control of the foundations from the Muslim community also meant taking over the many properties that had belonged to the foundations in the main cities Komotini and Xanthi as well as in the villages. In this process, Muslim Turks not only lost the rights to



administer their own foundations, they also lost the properties belonging to the foundations. In spite of their financial immunity as charitable organizations, Greek governments impose excessive taxes on waqf properties, precipitating their gradual decline. Under the Law 3554/2007, all the debts of waqf to Western Thace were expunged except the fines and income tax imposed by the Greek state. Due to the limited/or no access to the accounts of waqfs, the number and revenues of waqf properties is not clear. What is clear, however, is that a number of valuable waqf properties do not belong to the Minority administrations today. Many members of the Muslim Turkish minority have blamed the appointed board members for the cooperating with Greek authorities to squander valuable properties in the city centers of Komotini and Xanthi. What is interesting in the Komotini waqf board is that the head of the appointed waqf board is the son in law of the appointed Mufti of Komotini.

The Junta regime came to an end in 1974, unlike the administrative change in Western Thrace, which were never retracted. In fact, minority members appointed by the military Junta regime of 1967 still continue to administer waqf properties in Western Thrace.

In fact, a Law 3647 was adopted by the Greek Parliament on 7th February, 2008 regarding the administration and management of the waqfs. It was, however, prepared unilaterally without taking into consideration opinions and proposals raised by the Minority. Although this Law foresees the election of waqfs' board members, it is still rejected by the Minority on the grounds that it gives 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 while keeping the Minority's influence to minimum level in the election procedure. Here, it is useful to stress that the Minority communicated to the governmental bodies its opinion and remarks regarding the draft bill before the passing of this Law in the Greek Parliament. Nevertheless, as has been the case of similar previous attempts of the Minority to seek beginning dialogue and cooperation over Minority-related issues, this one also proved a futile effort. Governmental bodies disregarded the Minority's will once again and rather preferred to decide unilaterally over matters of its autochthonous Muslim Turkish citizens.

Along with problems of appointment to Waqf Boards, Greece also keeps disregarding waqfs' financial immunity and continues imposing excessive taxes and legal sanctions on their properties. The Minority's inability to choose, 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 improving infrastructures of Minority schools, repairing mosques or building new ones. Although the provisions of the Law 3554/2007 erased the existing debts of waqfs, the fines and income taxes imposed on them remained intact and as a result the total current debt of the Administrative Board of Komotini Waqfs has reached 1.209.408, 32 Euros. In a recent document that was sent to the waqf administration on 18/4/2011, the total amount of income tax was only 72.195,66 Euros for the year 2010. It is unlikely that Greece will go for a second erasing of waqfs' debts given that the country suffers from a deep economic crisis.

Mosques, cemeteries and vulnerability of sacred places

Contrary to fundamental problems about muftis and the administration of religious charitable organizations, no major problems have occurred about practicing of Islam in mosques since 1923.



Each Muslim Turkish person is free to pray inside the mosques while the call for prayer is echoed five times a day. Each mosque is headed by an imam. He is responsible to lead the prayers and teach how to recite the holy book of Muslims, i.e. the Quran.

Compared to the past, controversies have recently occurred when Greece, for the first time after 1923, decided to appoint imams to the mosques in accordance with the provisions of the Law 3536/2007, widely known as “the 240 imam Law”, in which appointed imams would be appointed by a five-member committee composed of Christian officials only. It was strongly rejected by the Minority on the grounds that the Law violates Article 43 of the Peace Treaty of Lausanne that protects the religious freedom of the Muslim Turkish Minority. Also, several provisions of international treaties and documents that Greece signed and ratified contradict with this Law which does not promote mutual understanding and cooperation between the Minority and the Greek State. As a result of opposition from the Minority, Greece amended the Law in 2013 and ratified it. According to Law 4115/2013, which is the amended version of Law 3536/2007, three out of five members of the committee would be members of the Minority and the Quran will be taught at public secondary and high schools attended by Minority students. The implementation of 4115/2013 was started in August 2013. Although the minority and international NGOs like FUEN and EMISCO condemned the implementation of this law, the Greek authorities didn't take into consideration the reactions. What is unacceptable in the implementation of this law, about all of the appointed imams are lack of quality and related knowledge. Most of them are graduates of basic education and the authorities appoint them to teach religion and Quran. They even don't know the Greek religion.