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ENGLISH only

**STATE OF AFFAIRS OF THE HUMAN RIGHTS IN BULGARIA
IN RELATION TO THE MUSLIM MINORITY**

**Honorable Delegates,
Distinguished Guests,**

I would like to bring to your attention the problems encountered by the Muslim community in Bulgaria. Muslims in Bulgaria are subjected to discriminatory practices of the administrative and judicial authorities which amount to denial of basic human rights. This is the reminiscent of the totalitarian era of the communist regime which ended in 1989. Violation of the basic human rights to which Muslims in Bulgaria are exposed can be summarized as follows:

1--Infringements on the religious freedom of the Muslim community-Uncertainty on the status of the office of the Chief Mufti.

2- Growing acts of hate crimes against the Muslims

3-Failure to return the Wakf (Muslim foundation) property confiscated during the communist regime

4-Negative attitudes of the public opinion against the Muslim community

For the sake of brevity, I will dwell into the most urgent issue facing the Muslims in Bulgaria, namely, uncertainty on the status of the Office of the Chief Mufti, which has tremendous repercussions on the Muslim community. The note which I have submitted to the Secretariat contains detailed information on the problems of the Muslim community in Bulgaria.

-INFRINGEMENTS ON THE RELIGIOUS FREEDOM OF THE MUSLIM COMMUNITY-UNCERTAINTY ON THE STATUS OF THE OFFICE OF THE CHIEF MUFTI

Office of the Chief Mufti, which is the legitimate and legal representative of the 1 million strong Muslim community in Bulgaria, has been beset by a legal struggle in the last 20 years. The Law On Denominations enacted in 2002 stipulates that decisions of the conferences by which Chief Mufti and members of the Supreme Holy Council are elected by the delegates representing the Muslim community, be registered at the Sofia City Court. This requirement paved the way for the legal and political manipulation of the official authorities. For, in total disregard of the will of the Muslim community, court rulings imposed the annulment of the Office of the Chief Mufti and registration of another religious administration which purports to represent the Muslim community. Thus free will of the Muslim community in Bulgaria to elect their legitimate representatives was compromised by political considerations under the pretext of “legal action”. This amounted to denial of basic human rights the norms and principles of which have been cherished and upheld by various international institutions, chief among them is the OSCE.

Besides, these acts constituted a manifest violation of the European Court of Human Rights (ECHR) jurisprudence. ECHR rulings delivered in 2000 and 2005 whereby ECHR has found Bulgaria in violation of Article 9 governing the freedom of religion of the European Convention on Human Rights and Fundamental Freedoms due to the fact that it has interfered with the internal organization of the Muslim religious community thus contravene the commitments of Bulgaria which has undertaken to protect human rights and minority rights as well as religious freedom.

The situation described above renders the revocation of the discriminatory provisions of the Law On Religious Denominations a necessity.

The latest judicial dispositions arising from the discriminatory clauses of the Law On Religious Denominations have put the Muslim community under dire strait. Bulgarian Higher Court of Administration declared in its ruling of 12 May 2010 null and void the Conference of the Bulgarian Muslims held on 19 April 2008 by which Mustafa Alish Hadzi was elected as Chief Mufti. Thus the status of the Office of the Chief Mufti was once again descended into imbroglio. Then Sofia City Court nullified on 31 May 2010 the decisions of the National Conference held on 31 October 2009 and declared Nedim Genchev, in his capacity as the Chairman of the so called Supreme Muslim Council, as the leader of the Muslim Community. Judicial decisions taken in total disregard of the will of the Muslim community and in contravention to the rulings of the European Court of Human Rights (ECHR) are being utilized as a cover to introduce the mufti of the “Revival Process” as the religious leader of the Muslims under the guise of the “independent judiciary” rhetoric. In fact, the legal process initiated by the state imposed leader, former Chief Mufti of the Revival Process, Nedim Genchev, is tantamount to another form of pressure exercised on the Office of the Chief Mufti. For, Gencev has

been the appointed Chief Mufti of the communist regime of Bulgaria from 1988 to 1992. As the incumbent Chief Mufti he collaborated with the communist regime which imposed the assimilation policy against the Muslim minority between 1984-1989. Therefore, Genchev has been associated with the repressive policies of the communist regime against the Muslim minority in Bulgaria. Having regard to the above, he does not have the moral authority to stand for the Office of the Chief Mufti and he has no legitimacy whatsoever among the Muslim minority in Bulgaria.

Although the Office of the Chief Mufti has appealed against the ruling of the Sofia City Court regarding its refusal to register the 2009 conference, Nedim Genchev embarked on a vicious thrust to seize the Office of the Chief Mufti's Office. He attempted to replace the local Muslim Board of Trustees and regional muftis with his own supporters. Moreover, Genchev's henchmen went as far as to use physical force against the imam of the Djumaya Mosque in Plovdiv to extort the keys of the Mosque as well as offices of the Regional Mufti and local Muslim Board located in the annex therein on 6 August 2010. This blatant act of usurpation contradicts with the rhetoric of those who claim to be the genuine representative of the Muslim confession in Bulgaria and lay bare their lack of legitimacy among the Muslims. Supporters of Genchev also attempted to break in offices of the regional muftis in Razgrad and Dobrich.

Despite being afflicted with legal hurdles and political pressures, Office of the Chief Mufti has the unequivocal legitimacy emanating from the strong will of the Muslims of Bulgaria. Muslims in Bulgaria chose their lawful representatives at the conference held on 31 October 2009.

We believe that convocation of a transparent conference within the shortest time period to be held under the supervision of the observers from the respective international organizations by which Muslims in Bulgaria will exercise their free will to elect their religious leaders constitute the most democratic and reasonable course to solve the problem.

Having regard to the above, we call upon the member states of the OSCE to take note of the legitimate concerns of the Muslim community voiced by the Office of the Chief Mufti and that to act on their commitments to ensure that long cherished democratic values and human rights norms enshrined in the founding documents of OSCE are fully observed in Bulgaria.

Thank you for your attention.
