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**Call for Freedom of Expression and free media
in Western Thrace-Greece**

"Freedom of expression is not ensured just by adopting laws and creating institutions – it is a fundamental value, which needs to be cherished by all societies and without which no democracy can function." said European Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle.

Several EU Member States are declining in World Press Freedom rankings according to the 2010 World Press Freedom Index that was issued yesterday, Wednesday, 20 October 2010. The annual index of 178 countries measures violations of press freedom across the globe and is based on events between 1 September 2009 and 1 September 2010. To compile the index, Reporters Without Borders assessed the state of press freedom in each country on the basis of a questionnaire with 43 criteria. The questionnaire includes every kind of violation directly affecting journalists and news media. It also takes into account the legal framework for the media and the level of independence of the public media, among others. A score and a position are then assigned to each country in the final ranking. The questionnaire was sent to Reporters Without Borders' partner organisations, to its network of correspondents around the world, and to journalists, researchers, jurists and human rights activists.

The report expresses concern about the growing gap between high and low performers in the EU. While 13 of the EU's 27 members are in the top 20 for press freedom, with Finland, the Netherlands, and Sweden sharing the first place, several others are deteriorating. Among the EU countries whose rankings declined the most, Greece fell sharply in this year's index ending up last in Europe in the 70th place (in the 2009 ranking it was in the 35th place), together with Bulgaria. In Greece the decline can be attributed to the general political unrest, several physical attacks on journalists, mainly by the police and to the murder of journalist and blogger Sokratis Giolias in Athens by the terrorist group "Revolutionary Sect". The report also criticises the Greek government for political meddling, as it "went so far as to request its German counterpart to apologise for the Greek economic crisis headline used by the magazine Stern". (<http://www.mediadem.eliamep.gr/press-freedom-in-several-european-union-member-states-is-declining/>)

The Secretary General of the South East Europe Media Organisation (SEEMO) Oliver Vujovic stated in 2010 that SEEMO would like to call upon the Greek government to take all possible measures to safeguard the ability of journalists to exercise their profession."

The Secretary General further added that: "The developments appear to be even more serious than the November 2009 bomb attacks on the offices of the president of the Journalists' Union of Macedonia and Thrace Daily Newspapers, and the home of a former Journalists' Union of Macedonia vice-president."



"Although the condition of journalists in Greece was for a long time considered better than in most countries in the region, last year has shown that the situation may be deteriorating. The rise of an organisation proclaiming its intention to "make blood flow", leaving "not a millimetre of safe refuge in the lives" of journalists, should set alarm bells ringing.
(<http://www.seemo.org/activities/pressfreedom/10/press1048.html>)

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 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. Since 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.

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.

Both newspapers try 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.

It should be important to note that the weakly Gundem while had the right to official advertisement for the year of 2010, has been removed from the official advertisement list provided by the Ministry of Information for the year of 2011 without any explanation.

Both newspapers 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.

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 Gundem 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 Gundem and Millet were recently sentenced to pay 150 hundred thousand and 120 hundred 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 Gundem newspaper was held at the First Instance Court of Rodopi and Gundem was sentenced with 150 hundred thousand Euros, 20 hundred thousand of which has to be paid immediately. Furthermore, Gundem 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.

Journalists Tzemil Kapza of Gundem and Cengiz Omer of Millet newspaper were sentenced to 10 month imprisonment if they do not pay the amount indicated.

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.

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.

After the court decision about both cases the solicitors of the region in their declarations to the local media stated that, "In the framework of freedom of press journalists and columnists regarding people and events within their coverage have both the possibility and responsibility to reflect, elaborate and uncover issues, sometimes even with a critical manner. The law should not embrace the feeling of revenge but strengthen the justice. The Judicial system and the court cases were not established for punishment of a person or an institution. The law is not for revenge but for justice. To have the law on one's side shouldn't lead to a groundless enrichment. We believe that in both cases the principles of law and the equality have not been achieved."

During her teaching period at the Minority school of Mega Derio, the Greek teacher Hara Nikopoulou was frequently covered not only by local but also nationwide Greek press organs regarding her activities in the school. From time to time, she appeared at Greek televisions for which she was warned by the Greek Ministry of Education.

Her educational activities resulted in formation of a schism in local community of Western Thrace problematizing relations between the Minority and the majority people of the region.



(You can find more information about some excerpts from one of the most-circulated nationwide Greek newspaper, Eleftherotipia)

After the announcement of Court decisions, the solicitors of both newspapers concluded that the amount of penalty charged upon weekly Minority newspapers is huge 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 Gundem was held on 6th May in the Court of Appeal in Komotini and has been postponed to 24th February 2012. Also the case of Millet was held on 20th May at the same court and has been postponed to the same date.

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) 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.

In the light to the information above, we call upon the Greek Government:

- 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.