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NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights
Member of the Federal Union of European Nationalities (FUEN)

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Session I: Hate motivated incidents and crimes: the role of civil society in assisting implementation of OSCE commitments

Kazakh OSCE Chairmanship Civil Society Preparatory Meeting ahead of the High level Conference on Tolerance and Non-Discrimination 28 June 2010 Astana, Kazakhstan

Dear President,
Distinguished Representatives
Esteemed Experts
And NGO Representatives,

The OSCE participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such as acts against anyone. Further, the participating States did declare in Geneva 1991 that they will further take effective measures, including the adoption of laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, including policies to enforce such laws.

Since hate crimes or bias-motivated crimes occur when a perpetrator targets a victim because of his or her membership in a certain social group, the Turkish Minority of Western Thrace expresses its concern over the rise in recent years of acts of incitement to hatred, which have targeted Turkish Minority and persons belonging to the Minority, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources.

Article 5(2) of the Greek Constitution states that “All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language and of religious or political beliefs”, there is, however, no direct provision in the Greek Constitution which prohibits discrimination on the grounds of ethnicity or nationality, religion, language.

The Criminal Code of Greece does not contain provisions which specifically the racist or other bias-motivated actions of the offender to be taken into consideration by the courts as an aggravating circumstance when sentencing, although the Greek authorities does claim that the Criminal Code takes the motives of crimes or bias-motivated crimes into consideration when determining the sentence. However, the law does not specifically stipulate that, for all ordinary offences, racist motivation constituted an aggravating circumstance.

Law 927/1979 on punishing acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas penalizes incitement to discrimination, hatred or violence towards individuals or groups because of their racial, national or religious origin, through public written or oral expressions; and prohibits the establishment of, and membership in, organisations which organise propaganda and activities aimed at racial discrimination. However, as of 2003, no convictions had been attained under the law.

In 2005, Law on the “Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” was adopted. Moreover, Article 16 (1) of Law 3304/2005, which amended Article 3 of Law 927/1979, provides that “whoever violates the prohibition of discriminatory treatment on the grounds of ethnic or racial origin or religious or other beliefs ... is punished with six months’ imprisonment and a fine of 1.000 –5000 euros”. However, the above mentioned criminal legislation has until now, had limited application in practice. Because 3304/2005 prohibits direct or indirect discrimination, it should however be noted that a difference of treatment based on a characteristic related to racial or ethnic origin, is not deemed as “discriminatory” provided that the aim pursued is legitimate and the requirement is proportionate (Article 5). This loophole leads a more limited effect in prevention of discrimination.

The National Commission for Human Rights notes that there is a trend in news bulletins to reproduce stereotypes and prejudice concerning different ethnic or social groups. Today, there is few prosecutions and convictions under the criminal law provisions addressing racist offences, although a few exemplary penalties have been imposed. However, racist incidents have occurred in Greece - including racist statements made in public or reported in the press, and acts of racist violence - and that such incidents have not been prosecuted or indeed given all due attention by the Greek authorities. The problem is that the interpretation of the notion of racism by certain judicial authorities, leading to either no charges are being brought, or charges are dropped in the cases.

The Turkish Minority of Western Thrace has experienced violence and attacks which are motivated by hatred against its ethnic background. On 19 November 2009, İbrahim Baltalı, owner of the journal *Rodop Rüzgârı* and the website *Burası Batı Trakya*, was attacked by a group of fanatic Greeks while he was following the lawsuit filed with the claim that Hara Nikopoulou, Greek teacher serving at the Minority school in the village of *Büyük Derbent*, had been battered by Osman Kasayka. İbrahim Baltalı was attacked at the exit of the court building by a group of fanatic Greeks who were following the suit to support Hara Nikopoulou. Baltalı unsuccessfully tried to shelter at a place near the court building and he survived through police intervention. He was injured as a result of the assaulters’ beat and brought to the Alexandroupolis Faculty of Medicine for treatment.

The properties and mosques and associations established by persons belonging to the Turkish Minority are targeted in violent attacks. On 20 May 2010, some gravestones in the cemeteries of Kahveci and Kirmahalle in the city Komotini, Greece have been destroyed by an unknown person or a group of persons. The recent incident is that an attack took place against the Turkish

Youth Union of Komotini, on March 21, 2010. During the attack on Sunday night around 03:00 am, an unidentified person or persons broke the windows of the building with paving stones.

ABTTF calls the OSCE participating States, including Greece to:

- Guarantee that violent crimes on the grounds of the victim's race, religion, ethnicity, gender, or other similar status are taken into consideration by the courts as an aggravating circumstance, when sentencing the offender.
- Consider that ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination is included in their national criminal legislation.
- Conduct outreach and education efforts to persons or groups with different background in order to combat hate incidents and crimes, advance co-operation with non-governmental organizations on reporting of hate crimes to the police and improve the quality of data collection, so that Governments and civil society could actively engage in implementation of OSCE commitments.

OSCE Office for Democratic Institutions and Human Rights

Hate Crimes Report 2009

Reported Hate Crimes and Offences directed at Turkish Minority of Western Thrace,
Their Properties and Mosques in Greece, in 2009

	Date	Incident
	29 January 2009	Komotini- On the day of National Resistance Day of the Turkish Minority of Western Thrace, a Molotov cocktail was thrown at the dead-end Grigoriu Marasli Street around the <i>Çayüstü</i> region in Komotini, where members of the Turkish Minority of Western Thrace are densely populated. The unidentified Molotov cocktail attack around 00.20 a.m. resulted with no harm.
	19 February 2009	Komotini- The physical attack on journalist Abdulhalim Dede while he was on-air during the morning programme, Kalimera Ellada, broadcast by the Athens, Greece-based Antenna TV. The Turkish Ziraat Bank had invited, among others, Dimitris Stamatis, Secretary General of the Region of East Macedonia and Thrace, to attend the opening of its first branch in Komotini, Thrace, Greece. Stamatis declined because the letter of invitation was written in English and Turkish, but not in Greek, and because the city of Komotini was referred to by its Turkish name only. Abdulhalim Dede, publisher and director of the newspaper Trakyanin Sesi and owner of the radio station ISIK FM in Komotini, was invited by the hosts of Kalimera Ellada to express his opinion live from Kamotini on Antenna TV. During the interview, an unknown man approached Dede, shouted at him using obscene language, and physically attacked him. The main studio in Athens immediately terminated the live broadcasting.
	27 June 2009	Rhodope- The drinking fountain on the name of Mehmet Hilmi, teacher and founder of the Xanthi Turkish Union, was attacked by unidentified persons. The drinking fountain which was being built by Seçek Minority Education and Culture Association in the Seçek Plateau in Mehrikoz subdistrict in Rhodope, where traditional Seçek Oil Wrestling Festival is held, had a poet written in Turkish dedicated to Mehmet Hilmi on its marble, which was destroyed during the attack. On 27 June 2009, <i>Hronos</i> , had a heading “Seçek Culture Association is building a provocative and illegal monument” and stated that “The Mehmet Hilmi Fountain was being built on the honour of the Greek enemy who struggled for Turkfying the Minority”. The same night, the fountain was attacked

		and the marble was partially destroyed.
	1 July 2009	Rhodope- A second against the Mehmet Hilmi Fountain took place, and the marble was damaged. The word “Alevites” was written to the other parts of the fountain.
	9 July 2009	Rhodope- A third attack against the Mehmet Hilmi Fountain took place, and upper parts of the wall on which the marble lie were destroyed.
	2 September 2009	<p>Xanthi- An arson attack took place against the Okçular (Toxotes) Village Mosque, and the fire damaged interior carpets, the engine of air conditioner and part of the roof. Besides lusters, timber panels, pulpit, the book of Qur’an and the stone nish were also damaged in the fire. Police officers, who inspected the crime scene, ascertained the occurrence as an incendiary action and stated that unidentified person or persons spoiled gasoline on the mosque carpets, after removing the iron railings and breaking a window to entry the mosque.</p> <p>This was the third time the mosque had been attacked since 2004, each time prior to national elections. During the general elections of 2004, the mosque was set on fire for the first time on 7th March and as a result completely burned down. The second incendiary action took place in 2007, and now on the day of the early election announcement of Greece for the 4th of October 2009, the mosque became a place of vandalism again.</p>
	5 September 2009	Xanthi- Ali Karaosman, the Ramadan drummer of Koyunköy, a province of Xanthi, was attacked by an armed Greek while he was waiting for the drum playing time. Karaosman, who went to the police for appeal, was accused by the Greek perpetrator and detained by the Greek police for six hours.
	12 November 2009	Xanthi- An attack against the Hürriyet(Liberty) Mosque took place by unidentified persons. The windows of the mosque on the northern-west side were broken.
	19 November 2009	İbrahim Baltalı, owner of the journal <i>Rodop Rüzgârı</i> and the website <i>Burası Batı Trakya</i> , was attacked by a group of fanatic Greeks while he was following the lawsuit filed with the claim that Hara Nikopoulou, Greek teacher serving at the Minority school in the village of <i>Büyük Derbent</i> , had been battered by Osman Kasayka. İbrahim Baltalı was attacked at the exit of the court building by a group of fanatic Greeks who were following the suit to support Hara Nikopoulou. Baltalı unsuccessfully tried to shelter at a place near the court building and he survived through police intervention. He was injured as a result of the assaulters’ beat and brought to the Alexandroupolis Faculty of Medicine for treatment.

	6 December 2009	Xanthi- The Sünne District Mosque was attacked by an unidentified person, or an unidentified group of persons. On Sunday night, around 11:40 pm, windows of the Sünne District Mosque were broken by stones thrown during the attack, and slogans were written on walls of the mosque. After the imam of the mosque Remzi Şaban had immediately reported the incident to the police, they investigated the crime scene and detected that two windows of the mosque, one at the entrance and one on the side showing to the direction of Mekka, had been broken.