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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)

Thematic report on reparations, racial justice, and equality

28 June 2019

This report is submitted to the office of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as a contribution to her 2019 report to the 74th session of the UN General Assembly.

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Federation of Western Thrace Turks in Europe (ABTTF), is an umbrella organization of 25 associations and based in Witten, Germany. It was established in 1988 by the members of the Turkish community in Western Thrace, Greece, who immigrated to Western Europe and live there now. ABTTF is a non-governmental organisation in Special Consultative Status with the Economic and Social Council of the United Nations (UN-ECOSOC), an ordinary member of the Federal Union of European Nationalities (FUEN) and a participating NGO in the Fundamental Rights Platform of FRA. It represents the Turkish community in Western Thrace, Greece before international organizations such as the United Nations, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe and advocating for the solution of its problems. ABTTF carries out activities aiming at the integration of the immigrant minority members with the domestic population and satisfaction of their social needs. It issues press releases and news bulletins and prepares detailed annual reports; research papers and specialized reports on ill-treatment of and the rights and problems of the Turkish community in Western Thrace and parallel reports to the UN Treaty Bodies and Council of Europe Bodies.

Introduction:

The International Convention on the Elimination of All Forms of Racial Discrimination is currently not being applied by Greece in regard to the Turkish community in Western Thrace, Greece. The Federation of Western Thrace Turks in Europe (ABTTF) will set out below information and its views concerning the following issues:

- Challenges and opportunities for achieving racial justice through reparations mechanisms
- The obligation of States to ensure private actors pay reparations for their violations or contributions to racial discrimination

Currently Art. 5 of the International Convention on the Elimination of all Forms of Racial Discrimination is not sufficiently complied with by Greece. In particular points (iii) *the right to*

nationality and (vii) *the right to freedom of thought, conscious and religion*.¹ Particular cases in which Greece has failed to apply these elements of the Convention and consequently did not provide for adequate reparations are the consequences of the Greek Citizenship Law of 1955 and the consistent stream of hate crimes and discriminatory attacks on the Turkish community in Western Thrace.

A. Greek Citizenship Law of 1955

Challenges and opportunities for achieving racial justice through reparations mechanisms

Former Article 19 of the Greek Citizenship Law was in place from 1955 to 1998 and aimed to expel ethnic minority groups, in particular the Turkish community in Western Thrace. The article stated that Greek citizens of non-Greek ethnic origin could be deprived of their citizenship, if they leave Greece without the intention of returning.² In practice this meant that people belonging to the Turkish community in Western Thrace who were on their way home were told at the border that they had lost their Greek citizenship while they had been away, rendering many of them stateless. Many others were not even informed of their loss of citizenship, making it impossible for them to appeal the decision to the relevant court within the set two-month time limit. Some Greek citizens of Turkish ethnicity were deprived of their citizenship without even having left the country. Therefore, it is clear that Greek citizens belonging to the Turkish community in Western Thrace were actively deprived of their Greek citizenship because of their Turkish ethnic identity.

Following to the application of the Article 19, according to the Ministry of Interior, Public Administration and Order, 47638 Greek citizens, mainly members belonging to the Turkish community living in Western Thrace, lost their citizenship since its introduction in 1955 until the abolishment of the article in 1998. The former Article 19 of the Greek Citizenship Law actively contradicted inter alia article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, since it rendered citizens stateless. In addition to being contradictory to international law, the article was even explicitly conflicting with Article 4 para. 3 (2) of the Greek Constitution stating that “withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country”.³

Although the article was repealed, the decisions made to take away the citizenship of tens of thousands of people were not nullified and the victims were not offered reparations for these wrongs. Despite the enormous impact of this condemned law on individuals' lives, the only option they still have to this day is to apply for naturalisation - the same process that applies to foreign citizens looking to obtain Greek citizenship. The Greek government has made no effort to rectify its mistakes and provide reparations. Moreover, the children of those who were deprived of their Greek nationality were not given or lost their nationality, which consequently meant they also lost their EU citizenship. This second loss of citizenship is even more harmful for those belonging to minorities as the EU legal framework provides an extra set of protections as well as programs for minorities.

The Greek National Commission on Human Rights (GNCHR) expressed its concern at the fact that the Greek State did not provide through statutory legislation for the reacquisition of Greek

¹ Article 5 of International Convention on the Elimination of All Forms of Racial Discrimination, p. 3, Available at: <https://www.ohchr.org/Documents/ProfessionalInterest/cerd.pdf>

² The full definition of former Article 19 of the Greek Nationality Code is as follows: “A citizen who is not from Greek race may be deprived of citizenship in case he/she leaves the country without the intention to come back. Deprivation of citizenship may be applied the ones that are not from Greek race, born abroad and still live out of the borders of Greece. The underage children whose parents or the alive parent have been deprived of citizenship may be denaturalized as well. Ministry of Interior Affairs decides with the ratification of Citizenship Council of Greece.”

³ Freedom of Movement and the Right to a Nationality v. Ethnic Minorities: The Case of ex Article 19 of the Greek Nationality Code, Nikolaos Sitaropoulos, December 2004, p. 213., Available at: https://www.researchgate.net/publication/249572418_Freedom_of_Movement_and_the_Right_to_a_Nationality_v_Ethnic_Minorities_The_Case_of_ex_Article_19_of_the_Greek_Nationality_Code

nationality for the victims albeit the former article 19 was considered as contrary to the Greek Constitution and to contemporary human rights protection standards. In its 2014 report, the GNCHR reiterated that “the citizenship issues should be addressed in a comprehensive and careful manner, as they are connected to human rights protection” and called upon Greece once again to sign and ratify the UN Convention on the Reduction of Statelessness (1961, in force since 1975) as well as to ratify the Convention of the Council of Europe on Nationality (1997, in force since 2000).⁴ According to the report delivered in 2009 by Thomas Hammarberg, former Commissioner for Human Rights for the Council of Europe pursuant to his visit to Greece in 2008, roughly 200 persons who are stateless have had to go through a process which is described as long, expensive and uncertain as regards the outcome, and humiliating for persons have wrongly lost their citizenship.⁵ Moreover, most of the remaining stateless persons in Greece are middle and old-aged with limited financial means frequently face difficulties in benefiting particularly from health services. In its fifth report, European Commission against Racism and Intolerance recommended that “Greek authorities should reinforce their efforts to rectify the negative consequences of Article 19 of the citizenship law, which resulted in many persons still being unable to regain their Greek citizenship”.⁶

Accordingly, Greece did not apply the “restitution” principle set out in the Art. 19 of “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” since it has not provided the citizenships to most of the victims belonging to the Turkish community in Western Thrace.⁷

B. Hate crimes against the Turkish community in Western Thrace.

The obligation of States to ensure private actors pay reparations for their violations or contributions to racial discrimination

In order to illustrate the gravity of the problem and the large number of racist hate crimes committed against the Turkish community in Western Thrace, Greece, we have listed several cases from recent years.

On the 14th of February 2018, Theodoros Pangalos, Greek Former Minister of Foreign Affairs, with his statement he made for Radio Skai created a scandal. Concerning a question related to interventions of Turkey in the Aegean said, “The best Turk is the dead one. I believe in this. Because I did meet no good Turk. They lack basic values. A Turk has not got a sense of justice”. Racist and fascist statement by Pangalos caused a great reaction in Western Turkish community. Pangalos who made an assessment on the relations of Greece with Turkey on SKAI radio stated “(...) No matter how much good will Turkey approaches with, it is not possible to establish good and friendly relations with Turkey. Because Turkey is extremely inconsiderate and a wild enemy”.

On the 6th of March 2018, during the speech of Nikos Kocias, the Minister of Foreign Affairs, on Cyprus issue and relations with Turkey, a quarrel had come through due the statement by the Golden Dawn MP Ellias Kassidiaris who said, “SYRIZA Rodopi MP, member of Western Thrace Turks, Mustafa Mustafa has to be expelled from the meeting.” Implying Mustafa Mustafa,

⁴ Report 2014, Hellenic Republic National Commission for Human Rights, p. 108.

⁵ Comments of the Greek Authorities on the Draft Report of the Commissioner for Human Rights of the Council of Europe following his visit to Greece, on 8-10 December 2008) in Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, Following his visit to Greece on 8-10 December 2008, Issue reviewed: Human rights of minorities, Available at: <https://wcd.coe.int/ViewDoc.jsp?id=1409353>

⁶ European Commission against Racism and Intolerance (ECRI) report on Greece (5th monitoring cycle), 24.02.2015, p. 34.

⁷ Article 19 of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, p. 7, 2005, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement>

Kassidiaris said “We cannot keep Turkish MPs among us. The Turkish spy out”. Following the verbal assault against Mustafa Mustafa, SYRIZA Party declared its support to Mustafa Mustafa, who is Golden Dawn Party is known for its racist and fascist approach against the Turkish community in Western Thrace.

In 2017, hate crime attacks were carried out against Turkish minority organisations and minority media. For instance, On the 6th of October 2017, Muslims Education and Cultural Association was attacked with stones in Alexandroupoli. The attack took place one day after the branch office was opened. Window of the premises was damaged by the attack by unknown assailant or assailants.

Similarly, on the 15th of February 2017, the private vehicle belonging to İlhan Tahsin, the owner and editor-in-chief of a newspaper belonging to the Turkish community in Western Thrace was burned. On 15 February 2017, an unidentified person or a group broke the right rear window of the car parked in the Komotini city centre. The assailants set the vehicle on fire with inflammable liquids and Molotov cocktail. The car was severely damaged after it caught fire. Police launched an investigation, but no assailants were brought before the justice. According to OSCE 2017 Hate Crime Report on Greece, 128 hate crimes were recorded by police however only 46 cases were prosecuted, and 6 assailants were sentenced.⁸

These and other cases are often ignored by the state and despite its gravity, the issue of racist hate crimes against the Turkish community in Western Thrace is not considered to be in need of a sustainable remedy by the state. Greece should acknowledge its obligation to ensure that the groups and individuals responsible for these attacks pay reparations for their violations or contributions to racial discrimination.

In conclusion, Greece did not meet its obligation set out in the Art.17 of “ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” by not providing effective mechanisms for the enforcement of reparation judgements.⁹

⁸ OSCE ODIHR 2017 Hate Crime Report on Greece, Available at: <http://hatecrime.osce.org/greece>

⁹ Article 17 of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, p. 7