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## **Greece: Ethnic Turks in Rhodes and Kos**

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# Introduction

Rhodes and Kos are part of the Dodecanese, a group of 12 large islands<sup>1</sup> in the south of the Aegean Sea, very close to the Turkish coast of Anatolia. They are at the cross-roads of Europe and Asia and on an historic line of fragmentation and conflict between two civilizations. Modern Turkey and Greece have inherited this age-old enmity and have long disputed the ownership of the Aegean Islands.

Both islands have a glorious multicultural past. The most historically important and well-known of the islands is Rhodes which has been coveted for millennia by various powers which wanted to control the whole region.

The presence of Turks in Rhodes and Kos dates back to 1483, before the occupation of the islands by the Ottoman Empire, which was generally tolerant towards the local populations.

Since the two islands became part of Greece in 1947, the authorities in Athens have been using the terms “Muslim minority” or “Muslim Greeks” to name the local population self-identifying as “Turkish” and have vigorously rejected the use of the words “Turk” or “Turkish”.

In 2011, Andreas Gross, Rapporteur for the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, refrained from using any religious identification in his report on “The situation of the inhabitants of Rhodes and Kos with a Turkish cultural background,” instead preferring the terms “populations or inhabitants with a Turkish cultural background.”

In 2012, *Human Rights Without Frontiers* published a report about populations in Thrace identifying themselves as “Turkish”, entitled “Ethnic Turks in Greece, a Muslim Minority.” The same term will be used in this report to name the people who identify themselves as “Turks” or “of Turkish descent” or “with a Turkish cultural background.”

Since the transfer of the rule over the two islands to Greece in 1947, and especially since the closure of all Turkish-speaking schools by the Greek military junta in 1972, the ethnic Turks have gone through a process of assimilation by the majority and progressive loss of Turkish identity. Their survival is now at stake.

Ethnic Turks in Rhodes and Kos have Greek citizenship, a Greek ID, a Greek passport and perform military service in the Greek army. The peaceful co-existence of these two identities is a fact that cannot be negated or ignored and this dual identity does not endanger the security, public order or territorial integrity of the country.

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<sup>1</sup> There are 150 smaller ones in the Aegean Sea but only 26 are inhabited.

## Chapter I: History of the ethnic Turks in the Dodecanese Islands

From the Stone Age until the beginning of the 10<sup>th</sup> century, Rhodes and Kos have been invaded and influenced by numerous Mediterranean civilisations: the Minoans, Phoenicians and Dorians, the Romans, Byzantines, Persians, Venetians, Genovese, the Knights of St John's of Jerusalem and the Ottomans.

After the Roman Empire split in AD 395 into two halves, the Dodecanese Islands<sup>2</sup> became part of the Eastern Roman Empire, which later became part of the Byzantine Empire. They remained under its rule for nearly a thousand years. During this period, the islands began to re-emerge as an independent entity.

In 1306, a Genoese admiral, Vignolo Vignoli, sold Rhodes, Kos and Leros to the Knights of St John of Jerusalem, which gained full control of the island by 1309 despite fierce opposition from the local population. The Knights remained on Rhodes for 213 years until 1522, when it was taken over by the army of Suleiman the Magnificent. The other islands shared the same fate soon thereafter.

For almost four centuries, the Dodecanese was part of the Ottoman Empire while forming a separate province. The mostly Greek inhabitants were allowed to retain a number of privileges and to enjoy a high degree of cultural and economic independence provided they accepted the restrictions of Ottoman rule. By Suleiman's edict, they paid a special tax in return for a special autonomous status which prohibited Ottoman generals from interfering in their civil affairs or mistreating the population. The Greek inhabitants of the city – not the Jews – were forced to leave the walled town and settle outside the walls, forming new suburbs which they called 'marasia'. They could have all sorts of activities inside the walls but for alleged security reasons, they had to leave before dark and those who were caught were liable to be beheaded. However, they had little difficulty in gaining control of trade and commerce, sending their many merchant vessels far afield. Despite the occupation, many towns were able to flourish thanks to their trading.

The overwhelmingly ethnic Greek population of the Dodecanese (only Rhodes and Kos had Muslim Turkish communities) leaned heavily towards Greece following its declaration of independence in 1822. By the London Protocol of 1828, most of the islands were slated to become part of the newly created Greek state. But when the independence of Greece was recognized in the London Protocol of 1830, the islands were left outside the new country.

After the outbreak of the Italian-Turkish war over nearby Libya, the islands declared independence from the Ottoman Empire in 1912 as the "Federation of the Dodecanese Islands". This new self-proclaimed state was almost immediately invaded by the Kingdom of Italy, which wanted the islands and particularly the fortress of Rhodes, to control the communications between Turkey and Libya. The people residing in the Dodecanese Islands were then given the choice to remain Ottoman or to opt for Italian citizenship.<sup>3</sup> In 1923, the ethnic Turks of Rhodes and Kos were not affected by the Treaty of Lausanne and the ensuing

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<sup>2</sup> The term *Dodecanese* itself dates to around the 8th century.

<sup>3</sup> In the 1936 Italian census of the Dodecanese islands, the total population was 129,135, of which 7,015 were Italians.

“population exchange”<sup>4</sup> between Greece and Turkey, as the islands were under Italian rule at the time. The occupation lasted until the Paris Peace Treaty signed on 10<sup>th</sup> February 1947.

When Mussolini came to power in 1922, he embarked on a program of Italianization, hoping to make Rhodes a modern transportation hub that would serve as a focal point for the spread of Italian culture in the region. The islands were then still overwhelmingly Greek-speaking, with a Turkish-speaking minority in Rhodes and Kos. Under his rule, the official language and education became Italian, and the press and freedom of speech were restricted.

During World War II, Italy joined the Axis Powers, which used the Dodecanese as the launching point for their invasion of Crete in 1941. After the surrender of Italy in September 1943, the islands briefly became a battleground between the Germans and the Allied forces, including the Italians. On 8 May 1945 the Germans surrendered the islands to the British on Rhodes. They were formally united with Greece by the 1947 Peace Treaty<sup>5</sup> despite objections from Turkey. The Treaty specified that the religious and property rights of ethnic Turks would be respected. The inhabitants of the islands were given the choice to become Greek or to remain Ottoman or Italian with all the disadvantages and risks of being foreigners in their new country.

In accordance with the Act numbered 517/1947 passed by the Greek government, the Italian acts and regulations were to remain valid unless they contradicted Greek legislation. The Italian tripartite system was maintained, composed of the Community, the Foundations and the Muftiate. This “Dodecanese Law,” which served as a system of checks-and-balance, remained in force until it was gradually abolished in 1965.

This incorporation into Greece and the conflict about Cyprus between Greece and Turkey in July 1974 led to considerable hostility and insecurity directed towards the ethnic Turks of Greece. Many left the islands and settled in Turkey as a result. Those who left were deprived of their Greek citizenship and property on the basis of the notorious Article 19. Those who stayed largely abandoned the Turkish language and their religion.

The ethnic Turks in Rhodes are now said to number less than 4000 out of a population of 117,000<sup>6</sup> and are organized around the *Rhodes Muslim Brotherhood and Cultural Association*. In Kos they number less than 2000 out of a population of 31,000 and are organized around the *Kos Muslim Brotherhood Association*<sup>7</sup>. They belong to the autochthonous populations of the islands<sup>8</sup>.

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<sup>4</sup> In fact the Greek minority in Turkey and the Turkic minority in Greece were expelled to their respective “kin states” in quite dramatic circumstances.

<sup>5</sup> See full text of the Treaty at [http://www.istrianet.org/istria/history/1800-present/ww2/1947\\_treaty-italy.htm](http://www.istrianet.org/istria/history/1800-present/ww2/1947_treaty-italy.htm)

<sup>6</sup> Five years ago, the approximate statistics were 4000 but now even the representatives of the Rhodes Muslims Brotherhood and Cultural Association have lowered their estimates.

<sup>7</sup> Both associations were created in 2000. In Rhodes, it numbers about 1340 members and in Kos about 500 members. The word ‘Turkish’ cannot be used in the name of any association. In mainland Greece, several organisations bearing the word ‘Turkish’ or ‘Turk’ were banned by domestic courts although the European Court of Human Rights repeatedly condemned Greece for this illegal practice.

<sup>8</sup> Turks in Rhodes and Kos are mainly composed of Karaman Principality Turks who were settled in these islands following the conquest of Rhodes and Turks from Crete. This occurred when this island was first granted autonomous status in 1898 and then later decided to become part of Greece (1908). The Cretan Turks who were ethnically and religiously mixed families – mainly Ottoman soldiers and their Greek Orthodox wives - were resettled in the Dodecanese by their Sultan. They were called *Giritli* (“Cretans” in Turkish) or *Adalı* (meaning “islanders”). In some areas of both islands, they still live in compact settlements.

## Chapter II: The Foundations (Waqfs)<sup>9</sup>

The various problems of ethnic Turks under Greek rule cannot be understood without first explaining the powers of the Turkish foundations that were established through legal channels provided by the Ottoman Empire. These foundations were progressively neutralized from 1947 to 2015 and ultimately assumed in practice by the state.

According to their own internal rules, the foundations have been charged with the management of ethnic Turk community property, including the community's lands, cultural heritage, buildings and Turkish-speaking schools. They have also been granted the power to train and organize the selection of their muftis and their imams.

After occupying Rhodes, Italy decided to delegate the administration of the foundations (waqfs) to a specific commission. When the islands were assigned to Greece in 1947, the state passed Act 517/1947 to define their status. It stipulated that "*the present Italian acts and regulations in force at that time would remain valid until they were replaced by new acts provided that they did not contradict the Greek legislation.*" Noteworthy is also the fact that according to foundation regulations, all kinds of sale transactions and donations are illegitimate and invalid: "*the foundation property cannot be bought, sold, owned and inherited.*" Despite these legal limitations, a policy was soon crafted in Athens to weaken the powers of the foundations in Greek society and to assume these powers over the coming years.

After the death of *Sadettin Nasuhoğlu* in 1965, the President of the Turkish Community in Rhodes, Greece took steps to assume control of the foundation. He was to become the last president to be elected, as his successor, *Ziyaettin Pekmezci*, was appointed by the state. Moreover, in 1970 the government passed the *Act of Katalipsis*, which stipulated that "real estate and properties, not recorded in the Register of Deeds Office within a period of ten years, are transferred to the Treasury Office." As a result of that decision, some valuable monuments and real estate owned by the Turkish Community through its foundation in Rhodes, were either sold or donated to the "Greek People."<sup>10</sup>

This paved the way for the total control by the Greek state of the Muslim foundations established by ethnic Turks in Rhodes and Kos.

At present the community of ethnic Turks in Rhodes and in Kos has effectively lost its power to elect the five members of its foundation's board. The Greek state appoints them<sup>11</sup> without any consultation of the community or its representative organs and without any public call for candidacies.

This development has enabled the state to assume control over the board, close mosques, separate them from their minarets or/and their domes, transform them into museums or non-religious buildings, appoint the imams and the muftis, reduce the visibility of Islam in the public space, close Turkish-speaking schools, weaken the financial capacities of the Muslim foundations all over the country and effectively assimilate ethnic Turks into the general population.

When mosques are repaired or renovated in Rhodes with EU funding, the Greek government or the Ministry of Culture is credited as co-funder but never the Muslim foundation or the

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<sup>9</sup> The spelling varies according to the sources : wakf, waqk, vakf, vaqf

<sup>10</sup> According to the *Rhodes Muslim Brotherhood and Cultural Association*, from the 600 plots of land that were owned by the Rhodes foundation in 1925, there are now only around 60 left.

<sup>11</sup> The cleaner of the foundation building was appointed president of the current board of the foundation! Other members are waiters, a driver, a salesman...

ministry in charge of religions. This indicates that the official policy is oriented toward tourism and not toward the rehabilitation of these structures for religious purposes in the future.

In the aforementioned 2011 report, Rapporteur Andreas Gross wrote in the section “*The lack of transparent administration of Muslim religious foundations*”:

15. The legal regime of the properties belonging to religious communities (“vakoufs” or “vakfs”) is a remnant of the Ottoman period. The Italian administration recognised and formalised the Ottoman structures in several decrees<sup>12</sup>, but in 1940 the control of Muslim vakfs was handed over to the (majority) local administrations<sup>13</sup>. **Under British administration, the vakf properties were returned to the Muslim communities.**

This legal status was accepted by the Greek authorities under Declaration 19/1947 of the Greek military Governor of the islands and subsequent legislation. **Under the Treaty of Paris of 1947<sup>14</sup>, Greece undertook to respect the status of all property of the inhabitants of the islands.** Consequently, Greece had to respect the existing vakfs in the Dodecanese islands, but no new vakf could be created as the Greek Civil Code, extended to the islands in 1947, does not recognise such a legal entity.

16. In practice, **the Muslim religious foundations are administered by two “organisations” (one for Rhodes, one for Kos) having five members each, who are appointed by the Greek authorities** (the Secretary General of the Region). In theory (according to the Italian Decree 12/1929, which is still in force), they should be appointed every two years. In practice, they stay in office as long as they enjoy the government’s confidence.

These “organisations”, similarly to the committees for the management of the vakf in Thrace, are considered as the legal representatives of the totality of the vakf on each island. They are subject to annual financial controls by the Secretary General of the Region, but **the annual accounts are not made public.**

17. I have noted some discontent among my interlocutors with a Turkish cultural background about the management of the Muslim religious foundations. The tensions in this respect are particularly obvious on Rhodes. **There are allegations of maladministration, such as an excessive sell-off of vakf property, failure to fulfil the vakf’s duty to support poor members of the community, and lack of accountability for the use of the income produced by the vakf properties.**

18. The Muslim Cultural Association of Rhodes (“Brotherhood”) reportedly appealed recently to the Attorney General of the island in order to obtain the renewal of the vakf management committee of Rhodes after 25 years, but to no avail. In Kos, **the minority of the municipal council publicly denounced the lack of accountability of the island’s vakf organisation and asked specifically for information on the way the Organisation raised and spent € 600 000 for the restoration of two mosques** (Lonca Gazi Hasan and Defterdar Ibrahim)<sup>15</sup>.

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<sup>12</sup> Decrees 85/1915, 12/1925, 93/1938.

<sup>13</sup> Decree 197/1940; under British administration, the vakf properties were returned to the Muslim communities.

<sup>14</sup> Appendix No. 14, paragraph 9.

<sup>15</sup> Source: Extract from the book by K. Tsitselikis, p. 7 (with references in notes 11-16).



19. One vakf administrator told me that his organisation had sold off 8% of its properties in recent years, while the Muslim cultural association had to pay rent for its premises.

20. In my view, **transparency of the vakf “organisations” should be established as a matter of urgency.**

Even if in actual fact there is no maladministration, providing transparency for the vakf accounts would be a valuable confidence-building measure, in view of the unease expressed by leading representatives of the Muslim communities on both islands. **The election by the local community itself, at regular intervals, of the five members of each vakf “organisation”, would further increase their accountability.**

One private cultural association, the Hafiz Ahmed Aga and Fethi Pasha Foundation, has managed to keep its independence from undue interference of the Greek state. The foundation is running a Muslim library in Rhodes. It was founded in 1793 by Ahmet Aga, an influential citizen whose ancestors had settled in Rhodes in 1522. After his assassination, his son enriched the library with ancient books from Istanbul. He built the nearby Clock Tower and the now closed Rüstiye School<sup>16</sup> as well as many small businesses to be a source of income for the foundation. The entire area around the library is now under the protection of UNESCO. For a very long time the foundation was neglected but with the support of the Greek and Turkish governments the foundation has flourished again. There are about 2500 invaluable ancient books, including a handwritten Quran kept in a safe and some works which are 850 years old. All the books have been digitalized<sup>17</sup>. The library is now visited by 800,000 people every year.

### ***State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015***

Greece, which over the years has hijacked control of the management of the Muslim foundations in Rhodes and Kos, still turns a deaf ear to requests of the Muslim communities

- to restitute them
- to stop appointing the members of the board
- to abide by the Treaty of Paris which provides for the regular election of the said members.

The annual accounts of the Muslims foundations are still not made public and local Muslims are still voicing serious accusations of bad administration, excessive sell-off of the foundations' property, lack of social assistance to families in need and lack of accountability for the income produced from the foundations' properties.

The question of the political minority of the municipal council in Kos about the way the foundation had raised and spent € 600 000 for the restoration of two mosques has remained unanswered.

**Conclusion: No progress has been made with regard to the areas of concern raised in 2011 by Rapporteur Andreas Gross for the Parliamentary Assembly of the CoE.**

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<sup>16</sup> The school mentioned in the next chapter “The Minority Language Issue” was used as a Turkish-speaking school until all such institutions were closed by the Greek military junta in 1972. It is now in ruins.

<sup>17</sup> The catalogue of the library which consists of 640 pages can be reached at <http://konyayazmakutup.tr>

### Chapter III: The Minority Language Issue

In the Old Town of Rhodes, the big Suleymaniye Madrasah, built in the 18<sup>th</sup> century to train future clerics from the whole Anatolia was used as a Turkish-speaking primary school from 1912 under Italian rule until it was closed by the military junta in 1972. It is now in a dire condition. No roof, doors or windows remain; only bare walls are left.

At one time a demolition order was issued, because it was thought that the old St. John's Church was lying under the Suleymaniye Madrasah. The Greek Government closed down the building and started to excavate the foundations. Thanks to the efforts of the Rhodes, Kos and Dodecanese Turks Culture and Solidarity Association on a national and international level, the demolition of the Madrasah was temporarily suspended.

Several ethnic Turks testified to HRWF Int'l that they had studied in the school. A renovation plan has been adopted, but there are no signs of activity. It is said that the Suleymaniye Madrasah, which belongs to the Muslim foundation, will be used by Aegean University once the work is finished, which may take years if not decades.

In Kos, *Azilo* Primary School and *Kermete (Germe)* Primary School were in operation until all minority schools were closed down by the military junta and ceased to operate in 1972. Teachers in these schools were forced into early retirement. Many ethnic Turks then decided to leave the Dodecanese and to settle in Turkey. The children of those who stayed went on studying in Greek public schools, gradually lost the knowledge of the Turkish language and got assimilated.

Children of the minority living in Rhodes and Kos now study in Greek language public schools and their knowledge of the Turkish language is very limited. Nowadays, most of them prefer to go to university in Athens rather than in Ankara, a major indicator of their ineluctable assimilation.

In the aforementioned 2011 report on the situation in the region, Rapporteur Andreas Gross wrote in the section on "*Turkish-language education*":

10. In view of the gradual decline of the Muslim population on the islands and the increasing tendency of pupils with a Turkish cultural background to attend the mainstream Greek schools, the Greek military junta decided, in 1972, to close down the Muslim Turkish-language primary schools – the last one in Rhodes being the "Süleymaniye medresesi". This was interpreted at the time as a reaction to the closure of the Greek-language schools on Gökceada (Imbros) and Bozcaada (Tenedos) in 1964 and of the Halki Greek Orthodox seminary in the same year. According to the State Secretary in the Ministry of Education, the last Turkish-language schools were closed in 1991, due to the insufficient number of eligible children.

11. In Greek schools, **religion classes are in principle obligatory**. Non-orthodox children are not obliged to attend, but **Muslim religion courses are presently not on offer**. The Turkish cultural associations ("Brotherhoods") offer religion classes, and so does the Imam of Kos, in the form of "Muslim Sunday school".

12. According to information provided by the Ministry of Education, there is presently a sizeable number of children with a Turkish cultural background who could be interested in afternoon classes for Turkish language courses (according to the figures of the Ministry of Education, 30 out of 270 children in Ixia have a Turkish cultural background; in the old town of Rhodes 7 out of 65; in Skouro 17 out of 135).

**According to the Ministry, the possibility of organising such classes exists, but there is “not much interest” on the side of the parents. The State Secretary, whom I met in Athens, told me that she is ready to come to the islands and explain the possibilities for organising such Turkish language classes in the afternoon, and encouraged me to include this in my report.** Such classes should be “serious”, taught by teachers qualified in Greece, and open also to Greek children wishing to learn the neighbours’ language.

13. During my subsequent visit to the islands, it became clear that the parents with a Turkish cultural background were simply not aware that such a possibility existed. Some of my interlocutors on the islands belonging to this community would like to see the former Turkish-language community schools reopened, at least at primary school level, but that would seem unrealistic, given the small number of children concerned and the reluctance of the Greek authorities to extend Lausanne-style minority rights to the inhabitants of Rhodes and Kos with a Turkish cultural background.

14. This said, I would consider it most appropriate **to provide the possibility of Turkish-language classes to all interested children on the islands, not excluding those with cultural origins other than Turkish.** The knowledge of one’s neighbours’ language is an important asset both for the preservation of the cosmopolitan character of the islands and for their economic prosperity. **Given the openness of the Greek authorities for such an offer, its realisation seems to be mostly a problem of information.**

#### *State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015*

Muslim religion classes as an option to Orthodox religion classes are still offered in the schools.

Despite the promise made to Rapporteur Gross, the Ministry of Education has yet to send a representative to Rhodes and Kos to explore the possibilities for organizing Turkish language courses. The apparent good will and openness of the State Secretary was obviously just meant to be mentioned in the Council of Europe report and not to be followed up with concrete actions.

Regardless of the openness expressed by the Greek authorities to Mr. Gross, to date no initiative has been taken to introduce the Turkish language as an additional option to other foreign languages that are currently offered (English, German, French, Spanish, Italian...).

**Conclusion: No progress has been made with regard to the areas of concern raised in 2011 by Rapporteur Andreas Gross for the Parliamentary Assembly of the Council of Europe.**

## Chapter IV: Freedom of Religion or Belief

Since the collapse of the Ottoman Empire, religious freedom of the ethnic Turks in Rhodes and Kos has been eroded by a succession of restrictive legislation and policies.

### *Italian rule*

Under Italian rule, a decree passed on 29<sup>th</sup> March 1930 under the Mussolini regime abolished the Office of *Qadi* (an Islamic Judge) and recognized the Muftiate as the sole representative institution of the Muslim community.

Even still, Mufti *Hafız İbrahim Ethem* was dismissed from his position when on a Friday Prayer in 1936 he hailed the defeat of the Italian forces fighting against Ethiopia. He was replaced by *Sheikh Suleyman Kaşlıoğlu*, who was expected to follow a more pro-Italian line. He held his office during both the Italian rule and the Greek administration.

Until 1937, the Italian authorities allowed Turkish and Muslim religion classes to be taught in the minority schools. In the years 1937-1938, however, madrasahs were closed down due to strict fascist policies of the Italian administration. Education in the Italian language was introduced in the eight minority schools of Rhodes. The number of Turkish language and Muslim religion classes was then reduced to two hours per week. Religion was taught by *hafızs* and *hodjas*<sup>18</sup> with good religious background from *Kandilli* Village.

Religion classes were also given in some madrasahs in Rhodes: *Hurmalı* (Masjid) Madrasah, *Demirli* (Mosque) Madrasah, *Enderun* (Mosque) Madrasah, "Inner Castle" Religious School, *Çayır* Village (Mosque) Madrasah and *Suleymaniye* Madrasah. This situation persisted until the academic year 1944-1945.

After the occupation of the islands by the British, Turkish and religion education was restored in minority schools.

### *Greek rule*

After the Greek administration came to power in 1947, it forced the *hodjas*, whose salaries were paid by the School Foundation (*Evkaf-ı Mektebiye*), to become public servants and imposed education in Greek in all minority schools.

In 1972, all minority schools were closed down by the military junta and Muslim religion classes were abolished. In Greek-speaking public schools, Muslim children were allowed to opt out from the (Orthodox) religion classes.

Following *Sheikh Suleyman Kaşlıoğlu's* death in 1972, no one was elected to the position of Mufti. The post was left vacant after the death of the surrogate Mufti *İhsan Kayseli*, appointed as the *imam* of Rhodes between the years 1987 and 1991.

In his 2011 report, Rapporteur Andreas Gross wrote in the section "*The organisation of Muslim worship*"

25. About one third of the Muslim population of Rhodes and Kos regularly attend mosque; they seem to belong mostly to the older generation. **Two mosques function on each island, the others are closed, as I was told, for lack of followers and/or because they are in need of renovation.**

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<sup>18</sup> Quranic teachers.

26. **The organisation of Muslim worship is complicated by the fact that it is unclear who is in charge.** In 1947, when the Dodecanese was attached to Greece, the Mufti of Rhodes remained in office as religious leader. On Kos, another Mufti remained in office unofficially until his death in 1962. After 1947, a conflict developed between the Mufti of Rhodes, who represented conservative, old-fashioned Muslims, and the Turkish Consulate, which favoured a modernist, kemalist and pro-Turkish ideology and campaigned for the appointment of a new Mufti. The Greek Government openly supported the existing Mufti and prevented the renewal of the Mufti office of Kos, in order to protect the authority of the Mufti of Rhodes. After the death of the Mufti of Rhodes in 1961 and of his successor in 1974, the latter's deputy acted as Mufti until 1992. But as of 1984, the official status of the Mufti of Rhodes was in question. Whilst the Mufti of Komotini sent Ismail Cakir Salimoglu to Rhodes in 1990, as Imam, in order to maintain operational the Mufti office of Rhodes, the Greek state did not officially appoint any Mufti, although the highest representatives of the State treated Mr Salimoglu as the highest religious authority of the islands on various ceremonial occasions. At the same time, the Ministry of Education and Cults denied him official recognition as a Mufti, arguing that the number of Mufti offices in Greece is determined by a Law of 1928 which does not mention such an office at Rhodes – which is not surprising, since the islands were not part of Greece in 1928.

27. The resulting situation is somewhat unsatisfactory. The current de facto officeholder, 77 years old and apparently not undisputed in his own community, does not receive a proper salary or pension (as did his predecessors and other Muftis in Greece recognised by the state) and, according to the administrative courts, is not even covered by the state social insurance, which does in principle foresee coverage for religious ministers – but the administrative courts did not recognise Mr Salimoglu's appointment as Imam either. The disputed status of the Mufti (or Imam) of Rhodes may also have contributed to the refusal of the Rhodes vakf council to open up the second mosque, which is in principle fully functional, for Friday prayers<sup>19</sup>.

28. In my view, **it is the responsibility of the Greek state to solve this problem.** The Law of 1928 should be updated to take into account the inclusion of Rhodes and Kos in the Greek national territory. Some interlocutors on the islands with a Turkish cultural background told me that it may not really be necessary to have a Mufti on Rhodes or Kos at all; but **the law should clarify who is the proper religious authority for the Muslims living on these islands.**

### ***State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015***

Unlike Christians (Orthodox, Catholics and Protestants) and Jews which have the right to choose their religious leaders according to their own internal rules, Muslims in Greece are deprived of this right. The Greek authorities appoint their muftis and imams against the will of the communities who wish to select their leaders through election. This right was guaranteed under Italian rule, during the British mandate, by the Treaty of Paris in 1947 and during a portion of the Greek administration.

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<sup>19</sup> I heard that the vakf administrators fear that the mosque would be put at risk if it were placed in the care of the Muslim cleric in question. This seems to be an internal disagreement in the Muslim community.

The management of Muslim worship is de facto in the hands of the Greek authorities. Without the approval of the Muslim community, they train their clergy, appoint muftis and imams, destroy minarets and decide which mosque will remain open and which will be closed.

Greece continues to appoint the religious leaders of the Muslims in Rhodes and Kos.

These are serious breaches of international law, which stipulates that the state must remain neutral in respect of the management of the worship of religious communities. Despite a European Court decision condemning state interference in the Muslim community's right to choose its mufti (*Mufti Ibrahim Sherif v. Greece* in 1999), Greece persists in discriminating against the Muslim community and organizing its worship according to its own rules.

**Conclusion: No progress has been made with regard to the areas of concern raised in 2011 by Rapporteur Andreas Gross for the Parliamentary Assembly of the Council of Europe.**

## Chapter V: Cultural Heritage

The Ottoman cultural heritage took an initial blow in 1912-1913 when Italy took control of the administration of the Dodecanese Islands and demolished its celebrated baths decorated with hyacinth, one of the symbols of Rhodes.

Under Greek rule, the preservation of the cultural and religious heritage of Rhodes and Kos, which was inherited from the Ottomans, worsened dramatically. The state effectively deprived the Muslim communities of Ottoman-Turkish descent of the management of their internal affairs, took control of their foundations and seized most of their property. The authorities ignored or denied requests from the Muslim community and civil society organizations for permission to restore some buildings. Monuments were deliberately left to the destruction of time.<sup>20</sup> In numerous cases, the systematic closure of these assets, while justified for a wide range of reasons and through various legal means, cannot hide the true intentions behind the political choices that were being made. In the best of scenarios, renovation work was carried out simply to offer the appearance of ‘good will’ or for touristic and financial purposes but not to allow these communities to satisfy their religious needs.

Hundreds of thousands of foreign tourists to Rhodes and Kos are left with the impression that Greece is taking good care of the Ottoman cultural and religious heritage. The abandonment of mosques by ethnic Turks, it would seem, is due to their lack of interest or dwindling demography. The reality is quite different.

Since 1947 there has been no consistent interest on the side of successive Greek governments to preserve the Ottoman cultural heritage. The Ottomans are still portrayed as an historical enemy which does not deserve any specific regard. It is in this context that the following description of the situation of the mosques must be understood.

### Situation of the Mosques in Rhodes

There are 14 mosques in the Old Town of Rhodes – five large ones and nine smaller ones – but only one can still be used for regular religious services.

***Ibrahim Pasha Mosque:*** This mosque is open for prayers at noon and on Friday. Built in 1540, it is the oldest one in Rhodes. It was founded by Pargali Ibrahim Pasha (1493-1536), the close friend of Sultan Suleyman II the Magnificent and first Grand Vizier of the Ottoman Empire. However, he did not see the end of the mosque’s construction as he was executed in 1536 on Suleyman’s orders.

The place for ablutions has been moved from the square in front of the entrance to an invisible side area. The call for prayers from the minaret has been forbidden for decades, while the bells of Orthodox churches are not.

Until 2012, the mufti elected by the Muslim community in Western Thrace would send a number of religious ministers, especially during the month of Ramadan, to serve local Muslims. Of course, these ministers not recognized by the state, as it appoints and pays ‘its own’ muftis. Indeed, the current leader, *Hasan Karali*, was appointed by the state-appointed mufti of Alexandroupolis (Thrace) and not by the mufti elected by the community itself. In Rhodes, the Muslims of Ottoman-Turkish descent do not recognize imams placed by state-appointed muftis, as they claim their right to elect their own clergy. Only a handful of them

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<sup>20</sup> Çelikkol, 1992.

perform daily and Friday prayers. Others are immigrants from other continents, refugees or asylum-seekers.

***Suleymaniye Mosque:*** This mosque was built in 1808 on the site of an older mosque erected in honor of Suleyman the Magnificent, who conquered Rhodes. It was closed down in 1978 and converted into a museum. It can now only be used with special permission from the authorities for two specific religious events: Eid and Iftar celebrations.

An application for its reopening was rejected on the grounds that it was listed as a historic monument by UNESCO. The restoration work inside the mosque lasted for decades and was finally completed in 2012. Restoration and maintenance are also needed outside.

***Rezept Pasha Mosque:*** Built in 1588, it is being renovated with European funding in the framework of the “Crete and the Aegean Islands Programme 2007-2013” (1 million EUR). The source of Greek complementary funding could not be identified as it is unknown to the local Muslims. The future use of the mosque building is uncertain.

***Mehmet Aga Mosque:*** This beautiful small mosque in the heart of the Old Town dates back to the 18<sup>th</sup> century. It was nicely renovated with EU funding (300,000 EUR) in 2004. It catches the eye of tourists, but it is not used for worship.

***Sultan Mustafa Mosque:*** Constructed in 1765, it is now only used for religious weddings. Its exterior has been dramatically defaced. Its minaret was destroyed in the 1970s and was never rebuilt. Its dome was removed, which made the building unidentifiable as a mosque, and its front wall was covered with a layer of concrete painted in an unsightly yellow colour hiding the stones used for its construction.

Outside of Old Town, there are:

***Ali Hilmi Pasha Mosque:*** It was restored by the Municipality of Rhodes and now serves several purposes in the community.

***Şehitlik (War Cemetery) Mosque:*** It is now used as a health center.

***Mosque of Cretan Turks in the suburbs of Rhodes:*** This small mosque was modestly renovated, but it remains locked and unavailable for worship. It is located on the slope of a hill where around a hundred families of Cretan Muslims settled a century ago.

***Kattavia (Katavya) Village Mosque:*** It is now a café and a football stadium has been built on the rest of the plot of land.

***School-mosque in Gani Ahmet district:*** It was converted into a block of apartments.

***Salakos (Salakoz) Village Mosque:*** It is under threat of demolition.

### **Situation of the Mosques in Kos**

In Kos, the island of Hippocrates, the number of Muslims is now less than 2000. This community is composed of autochthonous ethnic Turks and descendants of 2800 Turks from Crete who started settling in two villages of the island at the end of the 19<sup>th</sup> century. The population still has a good knowledge of the Turkish language, since they live in compact settlements, have regular contact with tourists from Turkey – Bodrum is 5 km from Kos by sea – and Turkish is widely spoken in homes.



There were 16 mosques in the past, but now only five remain. Not more than two can be used for worship.

In the city of Kos:

***Defterdar Ibrahim Pasha Mosque:*** This mosque was built in the 17<sup>th</sup> century in the centre of Kos. It is open for Friday prayers under the direction of an *imam* sent by the state-appointed mufti of Alexandroupolis. The majority of ethnic Turks do not recognize him as their spiritual leader, because he was not elected by their community. Neither do they respect the local Muslim foundation, whose board members<sup>21</sup> were likewise selected by the public authorities and not elected by the community.

***Mosque of Kos Atik:*** It is closed and its minaret has been mutilated to such an extent that it is unidentifiable as such.

***Cezayirli Gazi Hasan Pasha Mosque:*** It is closed and cannot be used for worship any more. The vicinity, although belonging to the Muslim foundation, is rented out to shops and restaurants.

In the village Kermete (Platani in Greek)<sup>22</sup>:

On the outskirts of the city, the majority of the population of this village was originally composed of ethnic Turks, including descendants of Cretan Turks who settled in the region at the end of the 19<sup>th</sup> century. Now Greek Orthodox are as numerous as the ethnic Turks. Both communities get on very well and attend each other's religious festivals.

***Kermete (Germe) Mosque:*** It is the only mosque open for prayers five times daily. It is now officially named Hasan Pasha mosque.

Rapporteur Andreas Gross writes in the section "*Upkeep of cultural monuments*":

21. According to my interlocutors at the Ministries of Culture and of the Interior, **all historical monuments on the islands are protected and maintained in the same manner**, without discrimination. But **because of the precarious budgetary situation of Greece, not all restoration projects can be carried out as soon as would be desirable**.

22. By way of example, I was told that two mosques on Rhodes were renovated with public funds in recent years, but two other mosque renovation projects on Kos have been awaiting funding since 2008.

23. On Kos, I heard complaints that the project for the extension of the harbour requires the destruction of three buildings belonging to the Muslim vakf, including a former mosque. But the "mosque" building in question looks like a simple shack, with a corrugated iron roof, and has not been used for worship for some time. It was built illegally, like the other two buildings concerned. The conflict, in which the Turkish Consulate got involved on the side of the Muslim community, is not yet resolved. I

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<sup>21</sup> The president is a hairdresser; two other members are a mason and a carpenter. The Muslim foundation has commercial activities, sells and rents real estate but there is no financial transparency.

<sup>22</sup> The local association of ethnic Turks (the Kos Muslim Brotherhood Association) estimates the Muslim population at 1370 people.

also heard that a small number of Muslim fundamentalists<sup>23</sup> are opposing any compromise solution, such as the provision of an alternative prayer site offered by the Greek authorities<sup>24</sup>. A court case is now pending before the Greek Supreme Court.

**24. My impression is that the authorities' professed attachment to the cosmopolitan cultural heritage of the islands is genuine – it coincides with the Greek state's own interests, as the historical monuments are important tourist attractions, the islands' main source of revenue.** Given the foreseeable budgetary situation of Greece, one avenue to mobilise additional funding for cultural heritage projects on the islands could be **a more efficient and transparent administration of the Muslim vakfs.**

#### *State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015*

The Muslim communities of Rhodes and Kos disagree that all historical places are protected and maintained in the same way. Orthodox places are given preferential attention while a number of mosques have been rendered invisible and even unidentifiable without their minarets and domes. Projects to make alternative places available for worship during long periods of renovation have not been implemented.

It is also worth mentioning the Murat Reis Külliyesi historical cemetery which hosts graveyards of famous people from the Ottoman period and is in an appalling state. The modern renovation of an old stone building at the entrance has erased its historical appearance. Small buildings containing stone coffins are crumbling. Standing grave stones are in need of repair. Visitors wander through the remains of the cemetery, wondering what they have stumbled upon, since city maps do not mark its existence.

The proposal to make the administration of the Muslim foundations more efficient and transparent as a means to mobilise additional funding has not been implemented.

**Conclusion: Halting but insufficient progress has been made with regard to the areas of concern raised in 2011 by Rapporteur Andreas Gross for the Parliamentary Assembly of the Council of Europe.**

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<sup>23</sup> Allegedly funded by Saudi wahabi foundations; nobody has mentioned possible support by Turkey.

<sup>24</sup> HRWF Footnote: This information has not been confirmed.

## **Chapter VI: Citizenship Issue and Freedom of Movement**

A high number of ethnic Turks in Thrace, Rhodes and Kos have had their citizenship withdrawn under Article 19 of the Citizenship Law which was in force from 1955 until 1998.

This law was abused by the Greek authorities during that period to get rid of a maximum of ethnic Turks. The law was implemented in such a way that those who had left the country for more than 30 days for various reasons, such as for studies or work abroad, were considered as 'having left Greece without intention of returning.' Statistics vary on how many people have been affected; however, there are undeniably many ethnic Turks from Rhodes and Kos who have been obliged to take a new citizenship abroad after losing their Greek citizenship. Many of them still want to have it restored.

After WWII, a hostile social environment led to the exclusion of ethnic Turks through denial of their ethnic identity, assimilation and policies of discrimination. Most decided to migrate to Turkey. The highest level of emigration was reached in 1974, following the invasion of a part of Cyprus by Turkey, which fueled increased hostility towards those who identified themselves as Turks.

Those who decided to stay under the Greek administration had to apply to the Foreigners' Department to obtain a return visa to Greece every time they wanted to travel abroad. Otherwise they would have lost their citizenship.

In addition, some ethnic Turks in possession of a Greek identity card were refused a new one on the grounds that their records at the Municipality of Rhodes had arbitrarily been deleted.

### ***About the Controversial Citizenship Law***

Former Article 19 of the Greek Citizenship Law declared that:

A person of non-Greek ethnic origin leaving Greece without intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The Minister of the Interior decides in these matters with the concurrent opinion of the National Council.

According to a reply by the Greek Ministry of the Interior to a 2005 parliamentary question submitted by Ilhan Ahmet, the former MP for Rhodope, 46,638 Turks (Muslims) in Western Thrace and the Island of Rhodes (Dodecanese Islands) had been deprived of their citizenship until 1998, when the law was repealed. Turkey contends that this figure may be as high as 60,000.

Even after Article 19 was finally repealed, previous decisions regarding the withdrawal of citizenship remained. The only process made available for regaining Greek citizenship was to apply for naturalization as any other foreign citizen.

The former Article 19 of the Greek Nationality Code was in contravention of, inter alia, Article 12, paragraph 4, of the International Covenant on Civil and Political Rights (ratified by Greece by Law 2462/1997), which provides that 'no one shall be arbitrarily deprived of the

right to enter his own country,’ and Article 3, paragraph 2, of the Fourth Protocol to the European Convention on Human Rights, which states that ‘no one shall be deprived of the right to enter the territory of the State of which he is a national.’ This Fourth Protocol has yet to be ratified by Greece. National and international organizations continue to urge Greece to resolve the negative consequences of Article 19.

### ***The Greek National Commission on Human Rights and the Citizenship Law***

In its 2006 Report, the Greek National Commission on Human Rights (GNCHR) included a section on this issue in which it confirmed the number of 60,000 cases and the unconstitutionality of Article 19:

***The loss of Greek nationality by virtue of ex-article 19 of the Greek Nationality Code (GNC) and the procedure for its reacquisition (30<sup>th</sup> October 2003):*** The above provision, in force until 1998, led to the denationalisation of approximately 60,000 Greek citizens, mainly of Muslim/Turkish origin in Thrace, who had left Greece “with no intention of return”.

The GNCHR expressed its concern at the fact that the Greek State did not provide through statutory legislation for the reacquisition of Greek nationality in the above cases, given the fact that the provision has been judged to be contrary to the Greek Constitution and to contemporary standards of human rights protection. GNCHR also pointed out that the promulgation of specific statutory legislation would be necessary for opening the possibility of reacquisition of Greek nationality in these cases. GNCHR also proposed that Greece accede to the 1961 Convention on the Reduction of Statelessness.

Since 2006, the Greek National Commission on Human Rights has not raised the issue of Article 19 nor monitored the implementation of the reacquisition of Greek nationality.

At the 2011 UN Universal Periodic Review of Greece, the issue was raised by Turkey’s representative. The Greek delegation responded that:

As for the withdrawal of Greek citizenship from some members of the Muslim minority in Thrace, in 1998 the Government repealed Article 19 of the citizenship code which allowed for the withdrawal of Greek nationality from persons who abandoned Greece with no intention to return back. Among these people who left the country on their own will, many of them renounced the Greek nationality and acquired a foreign nationality. There is a very small number of Muslims who are stateless as a result of the deprivation of their nationality. For these individuals who reside in Thrace, a special ID card has been provided. Concrete steps have been undertaken to restore the Greek nationality of these few stateless people.

### ***Thomas Hammarberg, Commissioner for Human Rights for the Council of Europe, and the Citizenship Law***

On 19<sup>th</sup> February 2009, Thomas Hammarberg, Commissioner for Human Rights for the Council of Europe, released a report following his visit to Greece on 8-10<sup>th</sup> December 2008. The report stated among other issues that:

Denationalised persons who have remained in Greece (estimated at 200 persons)<sup>25</sup> and wish to recover their Greek nationality have had to go through the normal naturalization process applicable to aliens, a process that has been described as ‘long, expensive and uncertain as regards the outcome, and humiliating for persons who have wrongly lost their citizenship’.

During the discussions that the Commissioner had during his visit to Greece with the aforementioned minority members in Thrace, the lack of any ‘moral compensation’ (satisfaction) so far to the forced denationalization victims was particularly brought to his attention. (...)

The Commissioner has been especially concerned for reports according to which the remaining stateless persons in Greece, most of them middle- and old-aged and of limited financial means, often encounter difficulties in benefiting particularly from health services when in need thereof. The Commissioner has noted that in 2006 the Greek National Commission for Human Rights called upon the Greek state to urgently provide for coverage of all these particularly vulnerable persons under the state health system.<sup>26</sup>

### ***The Parliamentary Assembly of the Council of Europe and the Citizenship Law***

On 21<sup>st</sup> April 2009, the Parliamentary Assembly of the Council of Europe adopted the report of Michel Hunault (France, European Democrat Group) on “Freedom of Religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Greece (Eastern Greece)”. Section VI of the report, entitled “*Granting/withdrawing nationality*,” said concerning Article 19:

149. A number of members of the Muslim minority in Thrace have had their nationality withdrawn under a provision of the Nationality Code (Article 19, which permitted the withdrawal of Greek nationality from persons of an ethnic origin other than Greek having left the country without the intention of coming back)<sup>27</sup>. That provision was repealed in 1998 but the repeal had no retrospective effect. As a result, some people are still classified as non-citizens, which hampers enjoyment of their rights in a number of spheres (social protection, health, pensions, identity papers, etc.)<sup>28</sup>.

150. The Ministry of the Interior stated that 41 people had had their situation regularised in 2006 (granted Greek nationality) and 18 other cases were being dealt with<sup>29</sup>. On the other hand, the statelessness of members of the minority living abroad is a situation which remains unresolved.

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<sup>25</sup> In its comment on the draft report, the Greek government then noted that “less than 30 stateless persons of the Muslim minority remain in Greece.”

<sup>26</sup> According to the Greek National Commission for Human Rights, the former Article 19 was also unconstitutional, see Greek National Commission for Human Rights, *Decision on the loss of the Greek nationality by virtue of former Article 19 GNC and the procedure for its recovery*, 30/10/2003, available at: [www.nchr.gr](http://www.nchr.gr) (in Greek).

<sup>27</sup> According to the figures supplied by the Greek Ministry of the Interior, almost 46,000 members of the minority have been deprived of their citizenship. According to Turkey, this figure is as high as 60,000.

<sup>28</sup> Report on the situation of fundamental rights in Greece in 2005, the EU network of independent experts on fundamental rights CFR-CDF/GR/2005, p. 43. and report AI.

<sup>29</sup> 2006 Report of the National Human Rights Commission, Greece, submitted in March 2007, p. 219 (in Greek). Report of the ministries to the Greek NHRC.

151. This issue was not raised by the members of the minority whom the rapporteur met in Thrace (for obvious reasons, since the stateless persons are obliged to live outside Greece), but he feels that it is important enough to call on the Greek authorities to settle the pending cases as quickly as possible. This regularisation should entail neither substantial costs nor unwieldy administrative processes for those having had their nationality withdrawn in this context. The Council of Europe Commissioner for Human Rights has also just recommended that the Greek authorities immediately restore Greek nationality to the persons (living in Greece) who lost it in pursuance of former Article 19 of the Nationality Code, and to consider the possibility of giving satisfaction to the persons (or to their descendants) who lost Greek nationality in pursuance of this article and remained abroad<sup>30</sup>. The rapporteur can but support this recommendation.

### *ECRI (Council of Europe) and the Citizenship Law*

In 2009, the European Commission against Racism and Intolerance (ECRI) issued its 4<sup>th</sup> Report on Greece, referring to the recommendations to be found in its 2004 Report:

10. In its third report, ECRI strongly recommended that the **Greek authorities take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality.** In particular, **ECRI urged the authorities to genuinely facilitate these persons' recovery of their citizenship by obviating any obstacle**, including the need for them to go through the naturalisation procedure.

11. ECRI notes with concern that, to a large extent, the above-mentioned problem persists. On the issue of stateless persons, in his 2005 Annual Report, the Greek Ombudsman indicated that he continued to note excessive and, in most cases, unjustifiable delays in the processing of applications, either for the re-acquisition of citizenship or for the naturalisation of Muslims from Western Thrace who have lost their Greek citizenship. The Greek authorities have indicated that the Ministry of Interior had issued instructions to local authorities to accelerate the procedure for naturalising stateless Muslims in Western Thrace; they have indicated that, today, the number of stateless Muslim minority members is less than 30. Although a number of persons have re-acquired their Greek citizenship, ECRI has no further information on any other measures taken to tackle the situation of all persons who lost their Greek citizenship under former Article 19 of the Citizenship Code, including those who are currently residing abroad and/or have acquired the citizenship of another country. ECRI also notes with concern reports indicating that in the last few years, some non-ethnic Greeks have discovered while, for example, attempting to renew their passport or trying to enter Greece for personal reasons, that they have been deprived of their citizenship.

12. ECRI urges the Greek authorities to strengthen measures taken thus far to rectify the consequences of former Article 19 of the Citizenship Code and to ensure that applications for the reacquisition of citizenship are proceeded with due diligence.

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<sup>30</sup> Report of the Commissioner for Human Rights following his visit to Greece from 8 to 10.12.2008, Human rights of minorities, CommDH(2009)9, 19.02.2009.

13. ECRI also strongly recommends that the Greek authorities investigate allegations of recent loss of citizenship by non-ethnic Greek citizens and that where they prove grounded, swift measures to reinstate their citizenship be taken.

### ***The UN Universal Periodic Review and the Citizenship Law***

In 2011, Greece failed to address the issue in its National Report to the UN Universal Periodic Review; however, it was raised by Turkey during the interactive debate. The official answer of the Greek delegation was at that time that:

As for the withdrawal of the Greek citizenship from some members of the Muslim minority in Thrace, in 1998, the Government repealed Article 19 of the citizenship code which allowed for the withdrawal of Greek nationality from persons who abandoned Greece with no intention to return back. Among these people who left the country on their own will, many of them renounced the Greek nationality and acquired a foreign nationality. There is a very small number of Muslims who are stateless as a result of the deprivation of their nationality. For these individuals who reside in Thrace, a special ID card has been provided. Concrete steps have been undertaken to restore the Greek nationality of these few stateless people

On this same occasion, the representative of Turkey recommended to Greece to:

85.7. Speed up the process of reinstating the citizenships of approximately 60,000 Greek citizens who were dismissed from Greek citizenship, because of the later repealed Article 19 of the Greek Citizenship Law. Create a mechanism to compensate their losses in terms of ownership rights that occurred as a result of the process (Turkey). However, the Turkish recommendation did not receive the support of the Greek delegation.

It is obvious that over the last 15 years Greece has ignored the appeals of the National Commission on Human Rights and of international organizations urging the Government of Greece to resolve the problematic situation created by Article 19.

To date, Athens has released no detailed report on the cases that have allegedly been solved through the process of reacquisition of the lost nationality, a humiliating procedure for persons who have wrongly lost their citizenship and have had to go through the “normal” long, expensive and uncertain application for naturalization (!) applicable to aliens.

### ***State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015***

During its fact-finding mission in Rhodes and Kos, HRWF Int'l heard many stories of arbitrary withdrawal of citizenship from ethnic Turks between 1955 and 1998 without any possibility of redress until now.

The most amazing case is the story of Mrs Gülten Kayal from Rhodes. She went to Germany in 1985 and got married in Frankfurt with another ethnic Turk two years later. On several occasions, she had her visa renewed without any problem at the local Greek consulate. In 1993, she went back to Greece to take part in the elections. Imagine her surprise when she was told she had lost her citizenship! However, her husband had not been deprived of his

citizenship. He only returned to Rhodes several years later – he lived and worked abroad without his wife because she did not dare leave Rhodes – in case she would not be allowed back to her country.

Since then she has tried three times with a lawyer to get her citizenship restored. To no avail. This has dramatic consequences, as she remains stateless more than 20 years later. She cannot vote, she cannot open a bank account, she cannot make a loan, she cannot get her pension, she cannot be covered by the national health insurance, she cannot... “Since 1993, I have been a prisoner in my own country, because I am undocumented,” she told HRWF Int’l.

Since 2011, Greek authorities have failed to take steps to ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code. Action is urgently needed for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality. As a result, some people are still classified as non-citizens, which hampers enjoyment of their rights in a number of spheres (social protection, health, pensions, identity papers, etc.)

**Conclusion: No progress has been made with regard to the areas of concern raised by a number of international institutions.**



## Chapter VII: Freedom of Association

Freedom of association is a basic fundamental human right which is guaranteed by Article 12 of the Constitution of Greece.

In the 20th century, certain organisations that identified themselves as “Turkish” were forced to close, because the authorities did not recognise the legal status of ethnic minorities and considered them to threaten public order. Despite the European Court’s rulings to permit the reopening of these associations, Greece has yet to restore their legal status.

Creating and registering associations bearing the terms “Turk” or “Turkish” is therefore a problem and ethnic Turks have no other choice than to use other terms to identify themselves. In 1967, the activities of the “Turkish Society of Rhodes” established in 1912 were banned.

In Rhodes, the ethnic Turks are organized around the *Rhodes Muslim Brotherhood and Cultural Association* and in Kos the *Kos Muslim Brotherhood Association*<sup>31</sup>. They belong to the autochthonous populations of the islands. The founding members are representatives of their civil society who want to preserve their language, their traditions, historically held properties and their cultural heritage. To this end, they organize Turkish language classes, social and cultural events. Some young people study at universities in Turkey and have also taken up the commitment of their parents to preserve their traditions.

*Rhodes, Kos and the Dodecanese Islands Turks Culture and Solidarity Association* was established in 1996 under the leadership of Prof. Dr. Mustafa Kaymakçı gathering Turks from Rhodes, Kos and the Dodecanese Islands in Karşıyaka, Izmir, where a dense population of Turks from Rhodes reside.

With others<sup>32</sup> in a similar situation he founded this association to save the Ottoman culture, to work for the survival of the Turkish language and identity and to raise awareness of this issue at the international level.

### ***State of Play by Human Rights Without Frontiers as of 1<sup>st</sup> September 2015***

The right to freedom of association is a fundamental human right which is guaranteed by Article 12 of the Constitution of Greece. However, three recent rulings of the European Court indicate that this right has been violated in cases concerning associations created by ethnic Turks in the 1920s and 1930s and then banned in the 1980s<sup>33</sup>. Moreover, Greece has not implemented these decisions. This has had a deterrent effect on the ethnic Turks in Rhodes and Kos who did not dare put the word ‘Turkish’ in the names of their civil society organisations. The only solution for them was to identify themselves as Muslims.

### **Conclusion: No progress has been made with regard to the areas of concern raised by the European Court of Human Rights**

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<sup>31</sup> Both associations were created in 2000. In Rhodes, it numbers about 1340 members and in Kos about 500 members.

<sup>32</sup> There are now five representatives born in Rhodes and two born in Kos but living in Turkey. They do not get any funding from public sources in Turkey but are self-supporting.

<sup>33</sup> *Turkish Association of Xanthi and Others v. Greece – Bekir Ousta and Others v. Greece – Emin and Others v. Greece.*

## Chapter VIII: The issue on the International Agendas

### Council of Europe

On 13 March 2012, the Parliamentary Assembly of Council of Europe (PACE) Standing Committee, adopted the report<sup>34</sup> entitled “The situation of the Greek citizens of Turkish descent in Rhodes and Kos” (Doc. 12526) and the Resolution<sup>35</sup> (1867/2011) by Andreas Gross (Switzerland, Socialist Group). In the resolution adopted in the Standing Committee on 9 March 2012, the Assembly invites Greece to ratify the Framework Convention for the Protection of National Minorities.

In the resolution, the Greek authorities are invited to

- conduct an information campaign among parents of all schoolchildren on the two islands to inform them of the possibility of offering classes in the Turkish language organised by educational authorities in consultation with Turkish-speaking citizens;
- ensure full transparency and accountability of the administration of the two Public Muslim Vakfs in Rhodes and Kos, who are legal personalities both before the Greek state and before the members of the local Muslim communities, including by renewing, in an open and transparent way, their councils by elections at regular intervals and securing to every member of the said communities the right to have full access to their public accounts;
- ensure that the Muslim citizens in Rhodes and Kos are free to choose their religious preachers and leaders, the rights and duties of whom should be clarified;
- continue the restoration program of Islamic and Ottoman monuments which are an integral part of the cultural heritage of the two islands in co-operation with Muslim associations;
- respect to the integrity of historic monuments;
- intensify their dialogue with the representatives of the islands’ Greek citizens of Turkish descent in order to resolve the above and any other issues of concern (i.e. property rights and citizenship problems) in the spirit of mutual respect and understanding that would characterise the unique cosmopolitan nature of the islands of Rhodes and Kos.

***Viewpoint of Halit Habip Oğlu, President of Federation of Western Thrace Turks in Europe (ABTTF) and Vice President of Federal Union of European Nationalities(FUEN)***

“The report and the resolution were adopted in the PACE Standing Committee after a quite long and controversial process. Following the responses, the rapporteur Andreas Gross had to pay a second visit to Rhodes and Kos last month, in February 2012. When compared to the first edition of Gross’ report, the text adopted in the Standing Committee is a text, in which the problems of the Turkish community in Rhodes and Kos are more comprehensively and more openly stated. However, it is still not possible to speak of a fully satisfactory report.”<sup>36</sup>

***Viewpoint of Prof. Dr. Mustafa Kaymakçi, president of the “Rhodes, Kos and the Dodacanese Turks Culture and Solidarity Association”***

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<sup>34</sup> See the draft report (26 November 2010) at <http://www.rodosistankoyturkleri.org.tr/andreas-gross-raporlari/>

<sup>35</sup> <http://www.assembly.coe.int/CommitteeDocs/2012/eres1867.pdf>

<sup>36</sup> See <https://www.abtff.org/html/index.php?link=detay&id=4145&grup=4&l=en&arsiv=0>

On 9 November 2012, Prof. Dr. Mustafa Kaymakçı addressed a letter to Rapporteur Andreas Gross in which he was saying:

“I am the President of the “Association of Turks of Rhodes, Kos and Dodecanese” which was established in 1996 in İzmir/Turkey and represents approximately 70.000 people mostly those who were forced to immigrate from Dodecanese to Turkey and their descendants.” (...)

First and foremost, the Turkish population in Rhodes and Kos has been deprived of minority rights as well as the rights emanating from international human rights conventions signed under the aegis of the UN and CoE. Turkish schools in Rhodes and Kos ceased to operate in 1972 as a result of a decision by the Greek Government and remain closed, despite the fact that there is a need and an adequate number of students. There are approximately 600 students who are deprived of the right to education in their mother tongue in the islands. Another issue related to education is the lack of religious classes for these 600 Muslim students in the schools.

As for the religious rights, only one of the still existing 14 mosques in Rhodes is open for religious services. This mosque, namely the İbrahim Pasha Mosque, is insufficient due to its small size. The Süleymaniye Mosque which is closed since 1978 was recently opened exceptionally for religious service. Needless to say, as I am sure you observed the state of Recep Pasha Mosque and the Murat Reis Complex, the Greek authorities are reluctant to care about the protection of the examples of Ottoman cultural heritage.

Moreover, the number of imams in Rhodes and Kos is also insufficient. The Greek authorities do not permit the Turkish population in Rhodes and Kos to meet the demand of new imams.

In addition, Greece has been interfering with the administration of the Muslim charitable foundations (the Waqfs) which were used to support cultural life and social welfare of the Turkish Muslim community. Turkish/Muslim charitable foundations in Rhodes and Kos are also subjected to the discriminatory law introduced in 1980 which further weakened them financially and diluted the community's right to control them. But most notably, the practice by consecutive Greek governments of appointing Vakf administrators, which is in place since 1967, as opposed to allowing them to be elected by the Turkish Muslim Minority has led to mismanagement.

Problems of the Turkish population who had to migrate from Rhodes and Kos to Turkey are also worrisome. Turkish minority members who lost their citizenship mainly because of the notorious Article 19 of the Greek Citizenship Law in addition to many hardships they face, could not return to Greece even as tourists. Let me emphasize the property issue which seems to explain the negative attitude of the local Greek authorities. We are a people who faced an unbearable pressure from the Greek authorities and thus had to leave their homeland. Our number rose following the closure of our schools. Our properties are confiscated or sold by using fake authorization documents. Those who lost their citizenship and denied the necessary visa or the entry to Greece were consequently deprived from their rights to claim their properties. The heirs of those who passed away are deprived from the right to access any official document to certify their relationship or the very fact that their late relatives survived on those islands. All of this, Mr. Gross, leads me to say that thousands of properties have been plundered.

And the same happened to waqf properties as well.

Most of the problems listed above are due to the collapse of a system which was functional during Italian rule and even later according to the Greek laws and regulations. This system comprised of three important elements, namely the community (cemaat) administration, the office of Mufti and the waqf administration. Despite the fact that actually in Rhodes there exist a Jewish Community, activities of the “Rhodes Turkish Community” founded in 1912 were banned in 1967 and it was closed down in 1987. The seat of the Mufti which was created in 1925 still remains vacant. As for the waqfs, the executive board members of the waqfs are run since 1967 by persons appointed by the Greek Government. Today, all three elements of this system legally exist. But in practice, two of them are nonexistent and the last one is not functioning properly. Our plea from you, Mr. Gross, to make a call to the Greek authorities to revitalize these three elements. This is the only way to overcome the problems of Turks living in Dodecanese.

We, as the members of the Association of Turks of Rhodes, Kos and Dodecanese, wish to see further improved relations between Turkey and Greece, because we have close relatives living in these islands. We want to be able to travel in tranquility to these islands where we were born. But the prerequisite for this is to establish a relationship observing and respecting the human rights.

In light of your personal experience during your visits to Rhodes and Kos on 21-22 April 2010 and 19-21 February 2012, we are kindly asking you to make our problems heard by the Committee on Legal Affairs and Human Rights of the CoE.

Please accept my highest regards.

Prof. Dr. Mustafa Kaymakçı

President of the Association of Turks of Rhodes, Kos and Dodecanese

### **Organization of Islamic Cooperation (OIC)**

The issue of the Muslim minority in Rhodes and Kos was also recently raised at several meetings of the OIC, beginning with the meeting of the OIC Parliamentary Union held in Indonesia on 30-31 January 2012.

At the OIC 39<sup>th</sup> Foreign Ministers Council meeting in Djibouti on 15-17 November 2012, Turkey’s Foreign Minister Ahmet Davutoğlu brought up the subject of those of Turkish descent living in the Dodecanese Islands. He stated that the Turks of Western Thrace, as well as the Turks in Rhodes and Kos were faced with similar problems, emphasizing the fact that they had not been recognized as a minority. Davutoğlu complained about the violations of their rights and recommended that his counterparts review their policies. The reaction of the Greece's Foreign Ministry was immediate. It stated among other things that “the Muslims in Thrace, Rhodes and Kos did not agree upon the opinions of Davutoğlu”.

At the OIC 12<sup>nd</sup> Summit Meeting in Cairo on 2-7 February 2013, a final communiqué stated:

We express our support to the just cause of the Turkish Muslim Minority in Western Thrace and the Muslim population of the Dodecanese, and call on Greece to take all necessary measures to ensure the respect of the rights of Muslim community and their identity and culture, taking into account the widespread reactions of the Muslim

Minority in Western Thrace against the latest regulations on the appointment of 240 Imams in Greece. We also call for refraining from taking further steps on that matter against the will of its Muslim citizens.

In Kuwait, on 27-28 May 2015, the OIC issued a Resolution on the Situation of the Turkish Muslim Minority of Western Thrace and the Muslim Population of the Dodecanese saying:

(...)

**Fully aware** that the Muslims in Greece, in general, and the Turkish Muslim Minority in Western Thrace and the Muslim population in the Dodecanese, in particular, are an integral part of the Muslim World, (...)

**Recalling** that the Muslim population of Turkish descent living in the Dodecanese should be treated as a minority and the fact that those islands were not part of Greece when the Lausanne Peace Treaty was signed should not be a reason to deprive the Muslim population on the islands of their minority rights within the same legal space, (...)

#### **The OIC**

**Continues to call on** Greece to take the necessary steps for the election of the Awqaf administration boards by the Turkish Muslim Minority with a view to ensuring their self-governance, enabling the elected Muftis to supervise the Awqaf properties, and putting an end to the expropriation of the Awqaf properties and to the heavy taxes levied on them,

**Calls on** Greece therefore to introduce the necessary amendments in its laws on each of these aspects in consultation with the Muslim Minority representatives there, (...)

**Reiterates its invitation** to Greece to take necessary and urgent steps, in consultation with the Turkish Muslim Minority, to address their educational problems which are also directly linked to the socioeconomic development of the region they live in and also to ensure that same treatment is made for the Muslims living in Dodecanese (...).

## **Conclusions and Recommendations**

The situation of the ethnic Turks of Rhodes and Kos has not changed since the report of Andreas Gross for the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe in 2011, despite declarations of good will and promises of various Greek authorities at that time.

In consideration of the financial crisis Greece is undergoing at this time, the following recommendations do not require so much additional funding as it does political will.

*Human Rights Without Frontiers Int'l* recommends to the Greek authorities concerning:

### **The Muslim Foundations/ Waqfs**

- To respect the provisions of the Treaty of Paris (1947) regarding the Muslim communities in Rhodes and Kos;
- To end the practice of appointing the members of the board;
- To restitute the management of Muslim Foundations (Waqfs) to the Muslim communities;
- To make sure the objectives of the foundations are respected, especially concerning the use of the property and the social assistance to families in need;
- To ensure full transparency and accountability of the administration of the two Muslim Foundations in Rhodes and Kos, which have the status of legal persons in public law both before the Greek state and in respect to the members of the local Muslim communities, including the renewal, in an open and transparent way, of their councils by elections at regular interval and the assurance to every member of the said communities the right to full access to their public accounts;

### **The Minority Language Issue**

- To offer the Turkish language as an additional option to other foreign languages (English, German, French, Spanish, Italian...) to all students in public schools;

### **Freedom of Religion or Belief**

- To restitute the Muslims of Rhodes and Kos the right to choose their religious leaders according to their own internal rules as is the case for Christians (Orthodox, Catholics, Protestants) and Jews;
- To end the appointment of muftis and imams by the state and to permit the communities themselves to elect them, if it is their will to do so;
- To clarify the rights and duties of the muftis and imams;
- To open a dialogue with the Muslim communities about the training of their clergy and to restore their freedom to use their mosques as they want;

### **Cultural Heritage**

- To continue the restoration program of Islamic and Ottoman monuments, which are an integral part of the cultural heritage of the two islands, in cooperation with Muslim associations and with all due respect to the integrity of the historic monuments;
- To urgently protect and restore the Murat Reis Külliyesi historical cemetery which hosts graveyards of famous people from the Ottoman period but is in an appalling state;

### **Citizenship and Freedom of Movement**

- To return Greek citizenship to those who have applied since the repeal of Article 19 of the Citizenship Code;
- To ensure the immediate rectification of the unfortunate consequences arising from deprivation of Greek citizenship on the basis of former Article 19 of the Citizenship Code for all persons concerned, whether resident in Greece or abroad, whether stateless or holding another nationality;

### **Freedom of Association**

- To allow the registration of associations under the name of the choice of their founding members.