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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Freedom of the minority press in Greece and excessive fines imposed on *Gündem* and *Millet* newspapers

The Federation of Western Thrace Turks in Europe (ABTTF) would like to recall Article 19 of the Universal Declaration of Human Rights which states “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. The freedom of the press is integral and essential part of democracy. ABTTF reiterates that the United Nations and its Member States should advocate and promote full compliance with international principles and commitments in respect of freedom of expression and the free press.

Gündem and *Millet*, which are two major newspapers belonging to the Turkish minority of Western Thrace in Greece, were found guilty in the suit for damages filed by the Greek teacher Hara Nikopoulou, who worked in the Turkish minority primary school in the village of Büyük Derbent (Megalo Derio), and were convicted to pay compensation. Hara Nikopoulou had worked between 2005 and 2010 in the concerning Turkish minority primary school. The problem, which began with a discussion between the Greek teacher Hara Nikopoulou and the school council about the maintenance and painting works of the school in the academic year of 2007-2008, deteriorated thoroughly due to the teacher’s harsh attitude towards the pupils. The problem stirred up at the beginning of the academic year of 2008-2009 when Nikopoulou continued to work in the school. Due to the ongoing problem for about two years, the parents of the Büyük Derbent Turkish minority school decided not to send their children to the school until Nikopoulou was transferred to another school. Consequently, Hara Nikopoulou was transferred to another school.

During her teaching period at the Minority school of Büyük Derbent, the Greek teacher Hara Nikopoulou was frequently covered not only by local but also nationwide Greek press organs regarding her activities in the school. From time to time, she appeared at Greek televisions for which she was warned by the Greek Ministry of Education, Lifelong Learning and Religious Affairs. Hara Nikopoulou’s ‘extracurricular’ activities have frequently been on the agenda of the Minority Press and several websites. *Gündem* and *Millet* published a story about Hara Nikopoulou that she asked the first-grade kids in the primary school to draw the picture of God. Since Islam prohibits the depiction of God, they refused to comply with the teacher’s request and complained to their parents. Nikopoulou claimed that the story published in *Gündem* and *Millet* was unsubstantiated and sued subsequently *Gündem* and *Millet* asking for 1 million-Euro-compensation for each newspaper.

On 22 September 2010, the Multi-Judge Civil Court of First Instance in Xanthi pronounced its judgement on the case of Hara Nikopoulou v. *Millet*, and decided that a compensation of 120 thousand Euros was going to be paid to Nikopoulou, of which 30 thousand had to be paid immediately to the plaintiff. In the case of non-payment of compensation, 10 month imprisonment threatens the newspaper’s Editor-in-chief Cengiz Ömer. *Millet* went for an appeal following the announcement of the court’s judgment, but the Council of State has not announced its decision yet. Furthermore, *Millet* has to pay 4.000 Euros for the court fees.

On 20 December 2010, the Multi-Judge Civil Court of First Instance in Komotini pronounced its judgment on the case of Hara Nikopoulou v. *Gündem*, and decided that a compensation of 150 thousand Euros was going to be paid to Nikopoulou, of which 20 thousand had to be paid immediately to the plaintiff. Furthermore, *Gündem* has to pay 5.400 Euros as court fees. According to the judgment, even *Gündem* has to pay the initial

amount even it appeals the decision to a higher court. In the case of non-payment of compensation, 10 month imprisonment threatens the newspaper's editor Cemil Kabza.

After the announcement of the court decisions, the solicitors of both newspapers concluded that the amount of penalty charged upon weekly Minority newspapers was huge and unprecedented. According to the owners of the two newspapers, the payment of this amount of money, which is well above their annual income, will lead to the closure of both newspapers. Currently, both cases have been brought before the Court of Appeal in Komotini. In a related development, while waiting for the Court of Appeal session, the teacher's lawyer asked for a partial advance payment of the fine: 32,600 Euros from Gündem and 22,300 Euros from Millet. Since the newspapers could not pay, the personal bank accounts of four journalists were blocked in April 2011. Furthermore, on 6 May 2011, The Thrace Court of Appeal in Komotini decided to adjourn the case of Hara Nikopoulou v. Gündem, the court will revise the case in 24 February 2012. On the other hand, the Thrace Court of Appeal will revise the case of Hara Nikopoulou v. Millet on 20 May 2011.

The Athens-based daily Eleftherotypia newspaper notes that the law stipulates that for a national publication the minimum fine is 29,325 Euros while for a local one it is 5,865 EUR. In other words, the fines of 150,000 Euros and 120,000 Euros go far beyond the stipulated legal amounts. Mr. Halil Mustafa, the defender of Gündem newspaper, said that the amount of the compensation was not that a newspaper with very limited resources could easily pay, and added that, "The amount of compensation should not be an amount which will result with unjust enrichment of the claimant, but rather it should compensate the moral loss of the claimant."

Any compensation should not be a vehicle for censorship and other restrictive measures, but rather it should compensate the moral loss of the plaintiff. The high amount of compensation penalties given by the authorized courts is not an amount to be able to be paid by the concerning two minority newspapers continuing their publication life with very limited resources, and threatens their existence due to the result it has brought up. Mrs. Hülya Emin, Editor in Chief of Gündem, stated that both Gündem and Millet tried to operate with limited human and material resources and under harsh economic conditions with low income of advertisement. Mrs. Emin expressed that each newspaper was composed of only three journalists and none of them owned its printing houses. Even the distribution of the newspapers was undertaken by the journalists themselves.

In her regular report¹ to the Permanent Council, OSCE Representative on Freedom of the Media, Ms. Dunja Mijatovic stated that she had written on 8 March 2011 to the Greek authorities asking for details in the cases of two Muslim minority newspapers that were given high fines by a civil court for their articles about Hara Nikopoulou in Büyük Derbent minority school. Ms. Mijatovic stressed the importance of capping compensatory damage awards that can be levied to ensure that judgments do not lead to bankruptcy and thus weaken media pluralism in the country.

In May 2011, the Vienna-based South East Europe Media Organisation (SEEMO), an affiliate of the International Press Institute (IPI), expressed concern over excessive fines imposed on two Turkish-language minority publications in Greece, Gündem and Millet, which could result in the closure of the papers and even imprisonment for their journalists if they cannot afford to pay the stipulated fines. SEEMO is concerned that excessive fines could silence the minority press in Greece, and SEEMO Secretary General Oliver Vujovic

¹ For the full report, see the link <http://www.osce.org/fom/76158>

declared that as a European Union member country, Greece was expected to uphold the highest standards of minority rights and respect cultural diversity.

Reporters Without Borders has repeatedly expressed its concern about the deteriorating press freedom situation in the European Union and the 2010 World Press Freedom Index confirms this trend. Thirteen of the EU's 27 members are in the top 20 but some of the other 14 are very low in the ranking. Greece is in 70th place (Note: 19) – the worst position held by an EU member country due to the political unrest and physical attacks on several journalists.

In the light to the information above, ABTTF calls upon the Greek Government:

- To respect the right to freedom of expression and the press freedom, in particular smaller and minority press in order to protect and enrich diversity of opinion in the media,
 - To guarantee that the legal amount of compensation should not enrich the claimant in an unjust way, but compensate the moral loss of the claimant,
 - To reconsider and revise the relevant legislation and ensure that the principle of equality is guaranteed for each element in society, including the Turkish minority of Western Thrace.
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