

MUSLIM-TURKISH MINORITY'S FREEDOM OF RELIGION AND CONSCIENCE AND THE PROBLEM OF HEAD MUFTIATE IN BULGARIA BETWEEN 1989 AND 2011

Ali DAYIOĞLU*

ABSTRACT

Along with human rights, the issue of minority rights today has become an important issue in international relations as well as in international law. Minority rights are considered to be a valid international concern outside the realm of national jurisdiction of states.

The issue of minority rights is of utmost importance for Bulgaria for a number of reasons. First, Bulgaria is home to a large number of minority groups including a sizeable Muslim-Turkish minority. Apart from certain exceptional periods, the problematic relations between the Bulgarian administration and the Muslim-Turkish minority in the past make this issue important. Second, unlike other former Eastern Block countries, the transition period from real socialist regime to pluralist parliamentary system witnessed no bloodshed or acts of violence among ethnic groups. Third, with the collapse of the Eastern Block, Bulgaria has aligned itself with the West striving to become a member of Western international organizations and part of the Western world. This is why Bulgaria has changed her minority policy radically along the lines of western democracies. Despite the progress made, there remain a number of problem areas.

The aim of this article is to discuss the progress made in Muslim-Turkish minority's rights of religion and conscience during the 1989-20011 period and the problems faced along the way relating in particular to the Head Muftiate.

Keywords: *Bulgaria, Minority Rights, Muslim-Turkish Minority, Freedom of Religion and Conscience, Head Muftiate.*

ÖZET

İnsan haklarının yanı sıra, azınlık hakları konusu günümüzde uluslararası ilişkilerde ve uluslararası hukukta rol oynayan en önemli faktörlerden biri durumuna gelmiştir. Azınlık hakları artık devletlerin milli yetki alanı dışında sayılmakta ve meşru uluslararası ilgi konusu olarak kabul edilmektedir.

* Yrd. Doç. Dr., Yakın Doğu Üniversitesi, Uluslararası İlişkiler Bölümü (adayioglu@neu.edu.tr)
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Azınlık hakları konusu birkaç nedenden dolayı Bulgaristan bakımından hayati öneme sahiptir. Birincisi, Bulgaristan, başta Müslüman-Türk azınlık olmak üzere, geniş bir azınlık kitlesine ev sahipliği yapmaktadır. İstisnai bazı dönemler hariç, geçmişte Bulgaristan yönetimi ile Müslüman-Türk azınlık arasındaki ilişkilerin sorunlu olması konuyu önemli kılmaktadır. İkincisi, Bulgaristan'da reel sosyalist rejimin yıkılıp yerine Batı tipi çoğulcu parlamenter sistemin yerleştirilmesi sırasındaki geçiş süreci, diğer eski Doğu Bloku ülkelerinden farklı olarak kansız atlatılmış ve etnik gruplar arasında şiddet olaylarına rastlanmamıştır. Üçüncüsü, Doğu Bloku'nun çökmesiyle birlikte Bulgaristan, kendisini Batı ile özdeşleştirerek Batılı uluslararası örgütlerin üyesi ve Batı'nın bir parçası olmaya yönelmiştir. Bundan ötürüdür ki Bulgaristan, Batı demokrasilerinin ilkeleri çerçevesinde azınlıklarla ilgili politikasını köklü şekilde değiştirmiştir. Olumlu yöndeki değişikliklere rağmen bazı sorunlar da devam etmiştir.

Bu çalışmada Müslüman-Türk azınlık bakımından din ve vicdan özgürlüğü konusunda 1989-2011 döneminde yaşanan olumlu gelişmelerle, başta Başmüftülük olmak üzere karşılaşılan sorunların aktarılması amaçlanmıştır.

Anahtar Kelimeler: *Bulgaristan, Azınlık Hakları, Müslüman-Türk Azınlığı, Din ve Vicdan Özgürlüğü, Başmüftülük.*

Introduction

Excluding the periods of 1919-1923 and 1944-1947, when the Bulgarian Agrarian Party and Fatherland Front were in power respectively, from 1878, when the Bulgarian Principality was founded, until 1989, when the “real socialist” regime collapsed, in an attempt to create a linguistically, culturally and racially homogenous nation-state, Bulgaria activated a systematic and repressive state policy against minorities and particularly against the Muslim-Turkish minority¹ which was (and is still) the largest one in the country. This policy was implemented either as practices of assimilation to dissolve the minorities within the majority or forcing them to leave the country. This policy, which was carried out against minorities in general, and against the Muslim-Turkish minority in particular, reached its peak during the 1947-1989 period when the Bulgarian Communist Party (BCP) was in power. During this period, a systematic campaign,

¹ In this article, the term “Muslim-Turkish minority” has been used instead of “Turkish minority” or “Muslim minority”. The reason for not using the term “Turkish minority” is that, the Muslim minority in Bulgaria, in addition to the Turks, includes the Pomaks and the Muslim Roma. The reason for not using the term “Muslim minority” simply is that, because the Turks form the majority and are effective within the minority, some Pomaks and Muslim Roma consider themselves as Turks. Therefore, the difficulty in distinguishing between minorities defining themselves with different identities depending on the circumstances has made it necessary to use the term “Muslim-Turkish” minority within the context of this article.

the intensity of which changed from time to time, was carried out to assimilate the minorities. Various pressures which were especially exerted on the Turkish minority during the 1984-1989 period and which could be defined as the “Harsh Assimilation Period” and the policy of Bulgarianizing the Turkish minority by means of changing their names during the 1984-1985 period under the guise of “Revival Process”, drew a strong reaction from world public opinion, which, until then had not shown much interest in the problems of the minorities. Accordingly, the international prestige of Bulgaria, whose image had already been dented in the 1980s on account of the alleged assassination attempt on Pope John Paul II and arms smuggling, was heavily damaged. The development to change this situation that the country had fallen in, was the beginning of a new era in Bulgaria after BCP General Secretary and President of State Council Todor Zhivkov, who was faced with difficulties both at home and abroad for forcing the Turkish minority to leave the country, had to step down on 10 November 1989.

At this stage, Bulgaria put forward its intention of a radical change in its foreign policy, which could be summarized as one aspiring to become a member of Western international organizations and integrate with the Western world. In order to achieve this goal, Bulgarian policy-makers became aware that embracing certain values such as the pluralist and liberal democracy and respecting human and minority rights was a prerequisite. Therefore, it put aside its systematic and repressive state policy aimed at its minorities in general and the Muslim-Turkish minority in particular and began to restore the rights recognized in international law. With the help of Turkey’s non-irredentist policy and the Movement for Right and Freedoms (MRF), which was the most prominent representative of the Turkish minority, the transition period, which emerged during the establishment of a Western type pluralist parliamentary system following the abandonment of the above-mentioned policy and the collapse of the real socialist regime in Bulgaria, witnessed no bloodshed or acts of violence among ethnic groups, unlike in many other former Eastern Block countries. Consequently, the main reason for Bulgaria’s success in the realisation of such a radical change in a relatively short time without bloodshed was that by carrying out its responsibilities in terms of human and minority rights, it wanted to solve the minority problem which was its “weak spot” in the international arena and become a member of Western international organizations, mainly the European Union (EU).² Because of this, in

² Regarding the practices within the Muslim-Turkish minority in Bulgaria between 1878-2005, see Ali Dayıođlu, *Toplama Kampından Meclis’e: Bulgaristan’da Türk ve Müslüman Azınlığı [From*

the post 1989 period Bulgaria began to put into effect its practices towards the minorities with consistency and in line with international standards. Although the Ataka (Attack) Coalition, which entered Parliament in the June 2005 elections and maintained a racist policy against the ethnic minorities in the country,³ mainly against the Turks and the Roma, as well as other political formations and associations such as the “Turkish Democratic Party”, the “Nation-Thrace Association” and “National Minorities Front”, which demanded various rights for the Turkish minority in the country thus drawing a reaction from the Bulgarian majority, emerged during the period,⁴ nevertheless these political entities and associations could not disrupt the model known as the “Bulgarian Ethnic Model”. This model is a reaction and an alternative to the Revival Process of 1984-1989. Protecting and promoting the ethnic, religious and linguistic identities of the minorities and combining them with the country’s social, economic and cultural wellbeing, constitutes the essence of this model. The Bulgarian Ethnic Model envisaged a solution to the problems among ethnic groups through the establishment of necessary mechanisms enabling dialogue.⁵

In order to examine the developments that have occurred after 1989 in the field of freedom of religion and conscience, first, general policy and implementations during the BCP reign should be examined.

the Concentration Camp to the Parliament: Turkish and Muslim Minority in Bulgaria], İstanbul, İletişim Yayınları, 2005.

³ As regards declarations and actions of Volen Siderov, journalist and President of the Ataka Coalition see *ibid*, p. 445-449.

⁴ For policies and demands for these political formations and associations see Ali Dayıoğlu, “1989-2010 Döneminde Bulgaristan’la ve Müslüman-Türk Azınlıkla İlgili Gelişmeler [Developments Regarding Bulgaria and Muslim-Turkish Minority between 1989-2010]”, Neriman Ersoy-Hacısalıhoğlu ve Mehmet Hacısalıhoğlu, *89 Göçü: Bulgaristan’da 1984-89 Azınlık Politikaları ve Türkiye’ye Zorunlu Göç [Migration of 89: 1984-89 Minority Policies in Bulgaria and Compulsory Migration to Turkey]*, İstanbul, Yıldız Teknik Üniversitesi Balkan ve Karadeniz Araştırmaları Merkezi ve Balkanlar Medeniyet Merkezi, 2012, p. 299, footnote 33.

⁵ In order to put this model into practice, several legal orders were promulgated including the 1991 Constitution in the post 1989 period. Following this, great effort was exerted by the MRF and other political parties, as well as the NGOs, to integrate the minorities into the social and political life with their identity. Also, improvement in Bulgarian-Turkish relations and Bulgaria’s progress in its application for the full membership of the EU, contributed to the success of this model.

I) A General Look at the Practices of the Bulgarian Administrations during the BCP Period (1947-1989)

Since the establishment of the Bulgarian Principality in 1878, in accordance with the various international agreements it had signed and the documents pertaining to domestic law, Bulgaria had undertaken to guarantee freedom of religion and conscience to the country's Muslim-Turkish minority.⁶ In spite of these arrangements, after 1944, and particularly during the BCP reign, in order to weaken the effect of Islam which was viewed as one of the biggest obstacles in the way of assimilating the Muslim minority within the socialist Bulgarian community, Bulgaria carried out practices violating the minority's freedom of religion and conscience. In this context, after the Turkish schools were transformed into public schools in 1946, and in line with anti-religious propaganda to the Christian students, the Muslim students were also propagandized not to attend mosques or worship. In 1949, all Koran courses and madrasahs were closed. After 1952, courses on religion were abolished in public schools and organising or attending these courses secretly was made a serious crime. Many religion teachers were arrested and imprisoned.⁷ Apart from these practices in the field of education, some mosques were closed and some were turned into a museum, library, depot, shop and restaurant. While many mosques in need of repairs were left to crumble, only the mosques of historical, architectural and touristic value were restored.

In December 1984, in parallel with the beginning of the practices against the Turks to change their names, the Bulgarian government began to take more serious measures to weaken the impact of Islam and its customs because it considered Islam as an important factor in keeping the members of the minority together.

Accordingly, the initial practices of the Bulgarian government, just as in previous periods, were directed at the mosques. During the harsh assimilation period, the Bulgarian government closed down many mosques to worship and some were turned into museums, libraries and depots. Some mosques either

⁶ About this subject see Dayıođlu, *Toplama Kampından Meclis'e, Bulgaristan'da Türk ve Müslüman Azınlığı*, p. 182-184, 229-232 and 312-315.

⁷ Ali Eminov, *Turkish and Other Muslim Minorities in Bulgaria*, London, Institute of Muslim Minority Affairs, Hurst and Company 1997, p. 52, 60 and 83; Ahmet Cebeci, "Bulgaristan'da İslâm Dinine Yapılan Baskı" ["Pressure on Islam in Bulgaria"], *Türk Kültürü*, No. 87, (Ocak 1970), p. 210; *Güneş*, 29 January 1985.

collapsed or were left to decay.⁸ The only mosques to be protected by the Bulgarian government were those which were in public view in touristic towns and on main roads.

During this period, the mosques in Bulgaria were divided into two groups as “official” and “unofficial”. The mosques whose imams had accepted to have their names changed to Bulgarian ones and who opted to cooperate with the Bulgarian authorities were the official mosques and these were allowed by the Bulgarian authorities to operate whereas the mosques whose imams did not follow suit were the unofficial mosques. All mosques that did not come under the official category were closed down by the government.⁹ Although official mosques were allowed to operate, the muezzins were not allowed to call the faithful to prayers from the minarets. As a result, the muezzins performed their holy duties inside the mosque.¹⁰ Moreover, the Koran courses given in mosques were banned for good.

Only the elderly were allowed to attend the mosques for Friday prayers. The young were prevented from going to mosques and those who did, were not only harassed, but arrested as well.¹¹ Most of the time, prayers in mosques were performed under the watchful eyes of the civil police officers.¹² Certain prayers were forbidden during the month of Ramadan and the Muslim Festival of Sacrifices.¹³ The Koran and other religious books were not allowed to be kept at homes and the banned books found during the searches were confiscated. In addition to these practices, the Bulgarian government forbade the Muslims to visit Mecca for pilgrimage.

⁸ For various examples see Dayıođlu, *Toplama Kampından Meclis'e, Bulgaristan'da Türk ve Müslüman Azınlığı*, p. 351.

⁹ Milena Mahon, “The Turkish Minority under Communist Bulgaria-Politics of Ethnicity and Power”, *Journal of Southern Europe and the Balkans*, Vol. I, No. 2, (November 1999), p. 157. While the forced changing of names was continuing in January 1985, the imams who voluntarily accepted to change their names were given a pay rise of 50 levas by the Bulgarian administration in addition to their salaries of 150. Amnesty International, *Bulgaria: Imprisonment of Ethnic Turks, Human Rights Abuses During the Forced Assimilation of the Ethnic Turkish Minority*, London, Amnesty International Publications, 1986, p. 16; Örsan Öymen, “Bulgar Adı Alana 50 Dolar Zam” [“Extra 50 dollars who accepts a Bulgarian Name”], *Milliyet*, 8 April 1985.

¹⁰ Eminov, *op. cit.*, p. 59-60.

¹¹ United Nations Human Rights Commission, “Report on Oppression of Turks in Bulgaria”, *Turkish Review*, Vol. II, No. 11, (Spring 1988), p. 83.

¹² In this context, a police sentry box was erected next to the Banyabaşı Mosque in Sofia on January 1987. *Milliyet*, 26 October 1989.

¹³ *Cumhuriyet*, 5 June 1985. 30 Turks were arrested by Bulgarian police for performing *bayram* worshipping at Yablonovo in 1987. *Cumhuriyet*, 1 June 1987.

In addition to closing mosques and restricting the freedom of worship, the Bulgarian government also began to prevent the performance of certain religious rites. The first to be targeted was circumcision. It was claimed through various publications and statements that circumcision was an inhuman and barbaric practice and it were therefore forbidden.¹⁴ Following the prohibition of circumcision, officials carried out routine checks on children of circumcision age to see whether people were complying with the prohibition. Families were also forced to sign documents stating that families who had their children circumcised would be prosecuted. Those who had their children circumcised, along with those who performed the circumcision, were sentenced to 3 to 5 years' imprisonment or fined up to 1,000 leva.¹⁵ Moreover, some were exiled.¹⁶ Seeing that the prohibition had no deterrent effect on Turks, a new regulation was introduced in 1986 which provided that the mothers and grandmothers of the circumcised children would also be sentenced to 5 years in imprisonment. This deterrence was effective in stopping the practice of circumcision.¹⁷

Besides circumcision, the Bulgarian government also started a campaign against fasting during Ramadan. Moreover, celebrations of Ramadan and the Festival of Sacrifices were also forbidden and effective prohibitive measures were taken to this end.¹⁸ Apart from these celebrations, sacrifices during the Festival of Sacrifices were also banned and beginning in December 1984, checks were carried out in areas where the majority of the population was Turks in order to ensure that these bans were fully observed. For instance, in Kardzhali, during the Festival of Sacrifices in 1986, Bulgarian security forces searched every house and

¹⁴ UN Human Rights Commission, *op. cit.*, p. 81.

¹⁵ For example, at the beginning of August 1985, Hüseyin Mehmedov Osmanov of Mengişevo village was arrested and jailed for having his son circumcised (Amnesty International, *op. cit.*, p. 17). Apart from this, in June 1986, eight people from the regions of Devin and Smolyan belonging to the minority were punished with imprisonment ranging between 30-36 months for having their children circumcised. *Milliyet*, 18 June 1986.

¹⁶ *Cumhuriyet*, 30 November 1986; *Milliyet*, 26 October 1989.

¹⁷ Hugh Poulton, *The Balkans: Minorities and States in Conflict*, 2nd ed., London, Minority Rights Publication, 1994, p. 135-136.

¹⁸ For example, in 1987, fighting broke out between the police and the Turks when the latter tried to visit their relatives on the occasion of *bayram* in the town of Gorki Izvor in Kardzhali. Two Turks were injured as the police tried to prevent the visit from taking place (*Cumhuriyet*, 1 June 1987). On the other hand, in order to forestall such meetings excursions were organised for Turkish pupils and participation was made obligatory. *Milliyet*, 26 October 1989.

looked for sacrifice meat in refrigerators. A person, who was found to have meat at his home, was sentenced to one year imprisonment.¹⁹

Apart from these, the baggy trousers (a traditional costume) were considered to be religious apparel and as they were claimed to symbolize women's subservience to men, they were banned.²⁰ Following the practice of changing names aimed at the Turkish minority, which started in December 1984, pressure with regard to the issue of dressing increased. Turks wearing baggy trousers and other traditional costumes were harassed in streets and punished in various ways. Moreover, more frequent checks were made for religious marriages which had been forbidden earlier.²¹

Another practice violating the minority's freedom of worship and conscience during the harsh assimilation period was the refusal to allow burials to be performed in accordance with Islamic rites.²² For example, washing the dead before burial was forbidden.²³ Strict checks were made to see whether the bans were observed. The main checks were made by the BCP officials attending the Muslims' funerals to see if the bodies were buried according to the rules and if the funeral service was carried out in Bulgarian.²⁴ Moreover, Muslim cemeteries were closed and the dead, who were not allowed to be buried in these cemeteries, were buried in common cemeteries.²⁵ Many Muslim cemeteries were demolished and the headstones were destroyed because there were Turkish and Arabic names and other inscriptions on them. For example, in early 1986, a Turkish cemetery in Ardino was destroyed with heavy bulldozers.²⁶ As can be observed, the Muslim-

¹⁹ Poulton, *op. cit.*, p. 136.

²⁰ Eminov, *op. cit.*, p. 58-59. Molesting people for wearing baggy trousers or other traditional dresses started in 1957/1958 and women found wearing these, were forcefully rounded up from villages and taken to cities and had their dresses changed. Force was used on those who resisted. Cebeci, *op. cit.*, p. 210.

²¹ In an article on this subject published on 27 November 1984, in the newspaper *Otechestven Front*, it was alleged that religious fanaticism was still rampant among the Bulgarian Turks, especially in the regions of Haskovo and Kardzhali and the names of those who married in accordance with the Koran and the Islamic dogmas as opposed to contracting civil marriage, were exposed. Poulton, *op. cit.*, p. 126.

²² Mahon, *op. cit.*, p. 157.

²³ Amnesty International, *op. cit.*, p. 17.

²⁴ Eminov, *op. cit.*, p. 59.

²⁵ *Milliyet*, 26 October 1989.

²⁶ Poulton, *op. cit.*, p. 136.

Turkish minority was faced with serious pressure with regard to freedom of religion and conscience during the BCP reign.²⁷

II) Policies and Practices of the Bulgarian Administration between 1989 and 2011: Developments and Problems

After Todor Zhivkov fell from power on 10 November 1989, a new period began with regard to the freedom of religion and conscience, similar to the many in other fields. Following the BCP Central Committee's resolution on 29 December 1989, which stated that everyone living in Bulgaria could freely choose his/her name, religion and language, significant progress was made with regard to freedom of religion and conscience. In this respect, many practices restricting freedom of religion and conscience, which had been put into effect during the BCP reign, were abolished.

After the state pressure on religion was lifted, construction and renovation of mosques and masjids began. For example, by 1994, in addition to the old mosques reopening to worship, 129 new mosques were built and 200 more were under construction. The number of mosques built during the 1990-2005 period was 320 and 5 mosques were still under construction in 2005.²⁸ While difficulties were raised with regard to the construction of new mosques after the Bulgarian Socialist Party (BSP-the former Bulgarian Communist Party) came to power in 1994, problems pertaining to this issue abated after the BSP fell from power in 1997.

Even though most obstacles to the construction of new mosques were lifted in the post-1989 period, in reality permission granted for the construction of new mosques was proportionate to the population. For example, if the majority of the population in an area is Turkish, building a mosque is easy. If the Turks are in minority, then it becomes difficult. From time to time mosque constructions in the Pomak and Roma areas are also obstructed. Permission is not granted in particular to the Muslim Roma who face difficulties in this respect.

²⁷ For further details see Dayioğlu, *Toplama Kampından Meclis'e, Bulgaristan'da Türk ve Müslüman Azınlığı*, p. 348-357. See also Ali Dayioğlu, "Policies of the Bulgarian Administration towards the Turkish Minority between 1984 and 1989", Mustafa Türkeş (ed.), *Turkish-Bulgarian Relations: Past and Present*, İstanbul, TASAM Publication, 2010, p. 99-100.

²⁸ For figure given by the Bulgarian daily *Monitor* see *Bulgar-Türk Haber Ajansı [Bulgarian-Turkish News Agency]*, 15 November 2005, <http://www.bg-turk.com/index.php?act=news&id=613>, 26.04.2007.

The interesting point is that even though the Bulgarian governments have permitted the construction of new mosques, they have, in the past, caused various difficulties with regard to the restoration and reopening of the old Ottoman mosques. The Bulgarian proposal to carry out restorative works on equal number of mosques and Orthodox churches in Bulgaria and Turkey respectively, was rejected by Turkey as there was a huge numerical difference between mosques in Bulgaria and churches in Turkey. Bulgaria pursued such a policy to erase the traces of the Ottoman period and to prevent the areas from falling into the hands of the minority because the old mosques were in central areas whose economic values are very high. Nevertheless, it has been observed that lately Bulgaria has relaxed its stance with regard to this issue.²⁹ Despite some existing problems, as of June 2010, there were 1,156 mosques and 302 masjids.³⁰

One of the most important projects in this framework was the Sofia Muslim Education and Cultural Centre. The Project was presented to the Sofia Municipality in 2008 and financed by the Islamic Conference Institution envisages the building of a university, research centre, mosque, boarding house and congressional hall. Yet, Ataka announced it would make attempts so that the project would not materialize and that the number of mosques in operation would not increase.³¹ Following complaints by Ataka MPs that the project was being financed through illegal means, the matter was taken up by the Supreme Administrative Prosecution Service. Although the Service did not take the allegations too seriously, in its decision it made on 20 March 2009, it stated that

²⁹ For example, following a meeting with the Bulgarian administration, the Turkish Ministry of Culture having made the necessary studies appertaining to the use and restoration of the Ulu (Cuma) Mosque and the Imaret Mosque at Plovdiv announced the formation of a fund to this end (*Bulgar-Türk Haber Ajansı*, 8 May 2005. <http://www.bg-turk.net/news.php?Id=1286>, 01.07.2005). A concrete step was taken in 2006 and the restoration of Ulu Mosque started (*Bulgar-Türk Haber Ajansı*, 6 November 2006. <http://www.bg-turk.com/index.php?act=news&id=1075>, 25.04.2009). Along with Turkey's aid, various foundations and institutions, the MRF and donations made by minority members, repairs and restorations of old mosques were carried out. On this subject see *Bulgar-Türk Haber Ajansı*, 4 October 2005. <http://www.bg-turk.com/index.php?act=news&id=552>, 25.04.2007; *Bulgar-Türk Haber Ajansı*, 7 November 2005. <http://www.bg-turk.com/index.php?act=news&id=586>, 25.04.2007.

³⁰ *Bulgar-Türk Haber Ajansı*, 19 June 2010. <http://www.bg-turk.com/index.php?act=news&id=1526>, 13.02.2012.

³¹ *Bulgar-Türk Haber Ajansı*, 3 December 2008. <http://www.bg-turk.com/index.php?act=news&id=1453>, 30.04.2009; *Bulgar-Türk Haber Ajansı*, 2 March 2009. <http://www.bg-turk.com/index.php?act=news&id=1466>, 30.04.2009.

the city plan in effect did not allow for the construction of a second mosque in Sofia.³²

Another point which the minority feels uneasy about is the use of mosques for other purposes. The minority is quite disturbed that most of the mosques in Bulgaria have been turned into historical museums, and that some have been turned into restaurants and that alcohol is served in these places. For example, the Taşköprü Mosque and Çukur Mosque, which date from Ottoman times, were leased by the Plovdiv Municipality and turned into restaurants where alcohol is served. This led to discontent among the minority.³³

As mentioned above, even though most of the obstacles pertaining to mosques were lifted during the post-1989 period, various attacks were carried out on mosques from time to time. For example, on November 12, 2000, anti-Turkish and anti-Roma graffiti was sprayed on the mosque in Silistra.³⁴ In September 2004, a nationalist group wrote “Turks Go Home!” and “Bulgaria Comes First” and sprayed a swastika on the front wall of the mosque in Pleven.³⁵ In October 2005, a man was arrested by police after he broke the front door of the Ulu Mosque in Plovdiv and desecrated it.³⁶ On July 18, 2006, a window of the Banyabaşı Mosque was broken and the door of the mosque in Aytos was defaced with paint.³⁷ In July and August 2006, the Kazanlık Mosque was attacked by unidentified people. During the first attack molotov cocktails were thrown, as a result of which some carpets, ornaments and wooden carvings were burned³⁸ and during the second attack the mosque’s windows were broken and swastika signs

³² U. S. Department of State, *International Religious Freedom Report 2009: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2009/127303.htm>, 15.02.2012.

³³ *Milliyet*, 2 July 2004. Mosques used for other purposes were reported by the minority to the Turkish Prime Minister Recep Tayyip Erdoğan when he paid an official visit to Bulgaria. *Bulgar-Türk Haber Ajansı*, 8 July 2004. <http://forums.host.sk/btha/news.php?id=595>, 20.08.2004.

³⁴ U. S. Department of State, *International Religious Freedom Report 2001: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2001/5578.htm>, 16.02.2012.

³⁵ *Bulgar-Türk Haber Ajansı*, 12 September 2004. <http://www.bg-turk.com/index.php?act=news&id=224>, 20.12.2004.

³⁶ *Bulgar-Türk Haber Ajansı*, 11 October 2005. <http://www.bg-turk.com/index.php?act=news&id=559>, 26.04.2007.

³⁷ U. S. Department of State, *International Religious Freedom Report 2007: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2007/90168.htm>, 15.02.2012.

³⁸ *Bulgar-Türk Haber Ajansı*, 26 July 2006. <http://www.bg-turk.com/index.php?act=news&id=1039>, 26.04.2007; U. S. Department of State, *Country Reports on Human Rights Practices 2006: Bulgaria*. <http://www.state.gov/g/drl/rls/hrrpt/2006/78805.htm>, 27.04.2007.

were splashed across the walls.³⁹ Along with these, the number of attacks on the Kazanlık Mosque in two years reached seven. The window panes of the Kazanlık Mosque were broken when it was attacked once again in December 2007.⁴⁰ On May 3, 2007, pigs' heads were hung on two mosques in Silistra.⁴¹ On the other hand, "Death to Turks" was written on the main entrance door of the Head Mufti's (Religious Head of the Muslim community) Office in Sofia on February 16, 2008.⁴² On March 11, 2008, a mosque in Dobrich was closed temporarily because of a bomb threat. Also in the same year swastika was drawn on the mosque in Pleven at least ten times.⁴³ In May 2008, the mosque in Varna was vandalized with graffiti. On March 3, 2009, three Molotov cocktails were thrown at the same mosque.⁴⁴ On October 5, 2009, the mosque in Blagoevgrad was set on fire. Government financed the renovation. In April 2010, the windows of the same mosque were broken and the walls were painted with swastikas. Windows of the mosque in Kazanlak and the mosque in Haskovo were broken on November 3, 2009 and July 12, 2009 respectively. In November and December 2009, three mosques in Plovdiv were painted with swastikas. On April 4, 2010 a group of youth desecrated the mosque in Varna. The mosque in Karlovo and in Nikopol was set on fire on April 17, 2010 and October 7, 2010 respectively.⁴⁵ As can be seen, there was an increasing number of vandalism against mosques in 2009 and 2010. On 26 September 2011 a group of 100 demonstrators who gathered outside the Parliament and chanted racist slogans against the Roma, Turks and Muslims attempted to set the Banyabaşı Mosque on fire.⁴⁶ Police intervention prevented the attempt.

³⁹ *Bulgar-Türk Haber Ajansı*, 1 August 2006. <http://www.bg-turk.com/index.php?act=news&id=1045>, 26.04.2007.

⁴⁰ *Bulgar-Türk Haber Ajansı*, 5 December 2007. <http://www.bg-turk.com/index.php?act=news&id=1325>, 25.04.2009.

⁴¹ U. S. Department of State, *International Religious Freedom Report 2007: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2007/90168.htm>, 15.02.2012.

⁴² *Bulgar-Türk Haber Ajansı*, 18 February 2008. <http://www.bg-turk.com/index.php?act=news&id=1355>, 25.04.2009.

⁴³ U. S. Department of State, *International Religious Freedom Report 2008: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2008/108439.htm>, 15.02.2012.

⁴⁴ U. S. Department of State, *International Religious Freedom Report 2009: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2009/127303.htm>, 13.02.2012.

⁴⁵ U. S. Department of State, *International Religious Freedom Report 2010: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2010/148922.htm>, 13.02.2012.

⁴⁶ *Radikal*, 28 September 2011.

In an exclusive news report on this issue by Reuters News agency in April 2009 it was stated that in the last 2-3 years more than 100 attacks had been carried out on mosques and Muslims in Bulgaria. It was also pointed out that as a result of these attacks the Muslim and Christian culture of living together, known as “neighborliness” was hurt.⁴⁷ In October 2009, mosques in Blagoevgrad and Nikopol became the targets of violence. As a result of an arson attack, part of the roof of the mosque at Blagoevgrad was destroyed, while the mosque at Nikopol was completely burned down. Following these incidents, the Head Mufti stated that in 2008 and 2009, a total number of 110 attacks were perpetrated against the mosques and Muslim cemeteries in Bulgaria.⁴⁸ The attacks on mosques were also reported in the ECRI’s fourth report on Bulgaria.⁴⁹

On the pretext of constructing an underground rail track, cracks appeared on the walls of the Banyabaşı Mosque in Sofia endangering the building. It was stressed by the Head Mufti that no precaution was taken up until December 2009 despite demands made to the relevant authorities.⁵⁰

Along with mosques, Turkish-Muslim cemeteries were also the target of attacks. For instance, in April 2005, three youths entered the central cemetery in Haskovo, demolished 120 graves with Muslim-Turkish names, threw away photographs and partly dug up some of them.⁵¹

In May 2006, the Ataka Coalition initiated a campaign to ban the recital of prayers (*ezan*) from Banyabaşı Mosque, the only mosque open to worship in Sofia, and to have the loudspeakers turned off.⁵² To this end, Ataka carried out a

⁴⁷ *Kıbrıs*, 2 June 2009; *Radikal*, 2 June 2009; *Hürriyet*, 3 June 2009.

⁴⁸ <http://bg.zaman.com.tr/bg-tr/detaylar.do?load=detay&link=3264>, 01.01.2010.

⁴⁹ ECRI Report on Bulgaria (forth monitoring cycle), adopted on 20 June 2008, published on 24 February 2009. <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/bulgaria/BGR-CbC-IV-2009-002-ENG.pdf>, para. 93, 10.03.2011.

⁵⁰ http://www.timeturk.com/500-y%C4%B1II%C4%B1k-camiyi-y%C4%B1akacaklar_92139-haberi.html, 01.01.2010.

⁵¹ *Bulgar-Türk Haber Ajansı*, 9 April 2005. <http://www.bg-turk.net/news.php?id=1190>, 01.07.2005; U. S. Department of State, *Country Reports on Human Rights Practices 2005: Bulgaria*. <http://www.state.gov/g/drl/rls/hrrpt/2005/61641.htm>, 27.04.2007; U. S. Department of State, *International Religious Freedom Report 2006: Bulgaria*. <http://www.state.gov/g/drl/rls/irf/2006/71373.htm>, 17.04.2007.

demonstration on 18 July 2006.⁵³ Another crisis on a similar issue occurred in August 2007. This time, upon the reaction shown by the Bulgarians, Armenians and Jews to the recital of prayers from the loudspeakers placed in the vicinity of the mosque, the nationalists decided to play nationalistic songs every half hour in the area.⁵⁴ In October 2007, the Ataka party re-launched another campaign to silence the loudspeakers on the Banyabaşı Mosque.⁵⁵ On 29 April 2011, during prayers a group of Ataka members arrived at the entrance of Banyabaşı Mosque in their vehicles and played out Christian hymns loud on the loudspeakers. Even though police arrested the people who were trying to prevent the prayers in this way to question them, they were later released.⁵⁶

The really serious development occurred on 20 May 2011. Led by Siderov, a group of Araka followers gathered before the Friday prayers outside Banyabaşı Mosque to “protest against Turkey’s EU membership”, and first chanted “This is Bulgaria” and “No to MRF”. After the prayers were recited and preach were heard over the mosque’s loudspeaker, the protesters started to whistle at the congregation. When one of the protesters tried to take down the loudspeaker the crowd tried to stop him. Following this the Ataka followers, who were waiting outside the mosque, started to throw eggs at the congregation coming out of the mosque and then attacked them with clubs and stones. They also burned a prayer rug. As the two groups clashed with each other 10 people were injured and 4 people were detained. On the same day a bomb call was received at Kardzhali Mosque.⁵⁷ The attack was condemned by President Georgi Pirvanov and Prime Minister Boyko Borisov and many other people and circles in the country. Although he was grateful to Ataka for its support to the minority government

⁵² As part of the campaign, it is said that 35,000 signatures were collected from May to July. *Bulgar-Türk Haber Ajansı*, 17 July 2006. <http://www.bg-turk.com/index.php?act=news&id=1033>, 26.04.2007.

⁵³ *Bulgar-Türk Haber Ajansı*, 18 July 2006. <http://www.bg-turk.com/index.php?act=news&id=10335>, 26.04.2007.

⁵⁴ *Bulgar-Türk Haber Ajansı*, 12 August 2007. <http://www.bg-turk.com/index.php?act=news&id=1267>, 25.04.2009.

⁵⁵ U. S. Department of State, *International Religious Freedom Report 2008: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2008/108439.htm>, 15.02.2012.

⁵⁶ <http://bulgaristanhaber.blogspot.com/2011/04/ataka-partisinden-tehlikeli-provakasyon.html>, 13.02.2012; <http://www.maciraga.com/sofyada-atakadan-musulmanlara-provakasyon/>, 13.02.2012; <http://balturk.org.tr/atakadan-cuma-namazi-kilanlara-taciz/>, 13.02.2012.

⁵⁷ <http://skyturk.net/haber/bulgaristanda-soydaslara-cirkin-saldiri-dunya-1498.html>, 13.02.2012; <http://www.euractiv.com.tr/ab-ve-turkiye/article/bulgaristanda-turk-cemaate-irkci-saldiri-1...>, 13.02.2012; <http://balturk.org.tr/atakadan-cuma-namazinda-provakasyon/>, 13.02.2012.

formed by his party, GERB (Citizens for European Development of Bulgaria), Borisov said that ethnic tolerance, peace and tranquility among people were more important for him than stability in the Parliament. Pirvanov described the troubles caused by Ataka as “playing with fire” and said that all circles of the society should react to this.⁵⁸ Many Bulgarians who heeded the call and protested against Ataka’s demonstration at Banyabaşı Mosque, laid flowers in front of the mosque so as to apologize to the Muslims.⁵⁹ A declaration condemning the events was ratified by the Bulgarian Parliament.⁶⁰ Ataka paid dearly for the attack. Following the attacks several MPs resigned from Ataka and the party suffered a huge loss of votes in the presidential and local elections held on 23 and 30 October 2011.⁶¹

Another problem that continued during the period after 1989 was the difficulties faced in the attempts to claim back the wakf properties which were nationalized during the BCP reign. By December 2011, very few wakf properties had been returned to the community. The main problem is the need to show the wakfs owned the properties prior to September 9, 1944. This is very difficult because of the atheism policy of BCP led Muslim community to hide assets or ownership. The other reason is that documents have been destroyed or lost over the years.

In addition to permitting worship in mosques and the construction of new mosques, as of the end of December 2011, the Higher Institute of Islam in Sofia and vocational religious high schools in Shumen, Ruse and Momcilgrad operated freely. In addition to these schools, mufti offices and community administration councils were given permission to run Koran courses. Moreover, students are sent abroad to receive religious education, and “imam courses”, where the knowledge of the imams are updated, are held. A monthly newspaper called “Muslims” is also published by the Head Muftiate with the purpose of giving information on religious issues and developments.

Apart from these, religious courses started to be given as an elective course at public schools. When the practice first started in 1997, only Christian

⁵⁸ <http://balturk.org.tr/borisov-halkin-huzuru-benim-icin-iktidar-destegindendaha-onemli/>, 13.02.2012; <http://balturk.org.tr/pirvanov/ataka/atesle/oynuyor/>, 13.02.2012.

⁵⁹ <http://balturk.org.tr/sofyada-cuma-saldirisina-ugrayan-musulmanlara-cicekli-destek/>, 13.02.2012.

⁶⁰ <http://balturk.org.tr/bulgaristan-meclisi-cami-baskinini-kinadi/>, 13.02.2012.

⁶¹ <http://balturk.org.tr/atakada-cozulme-basladi/>, 13.02.2012; <http://balturk.org.tr/atakada-yaprak-dokumu/>, 13.02.2012.

education was given, but in 2000 education on Islam was also included in the curriculum.⁶² Although there has been a debate to make courses on religion compulsory in primary education and elective in secondary education, nothing has changed and the religious instructions in both Christianity and Islam, remained an elective subject in public schools as of the end of 2011. In order to put pressure on the government on this issue, on 25 September 2011 the Bulgarian Orthodox Church organized a rally in Sofia, which was attended by about 10,000 people.⁶³ The Head Mufti's Office also lent its support to the rally.⁶⁴

All restrictions, imposed on the Koran and other religious books during the BCP reign, were lifted. For example, only in 1990, the Head Mufti's Office sold about 10,000 copies of the Koran.⁶⁵ On the other hand, all restrictions on celebrations of religious days, burials according to Islamic traditions, religious marriages and circumcisions were also lifted.⁶⁶ In fact, certain labor unions, Bulgarian private companies and non-governmental organizations gave sacrifices or distributed meat during the festival of sacrifices.⁶⁷ In fact, no attempt was made to prevent the Head Mufti's Office from bringing qaris (person who recites the Koran in accordance with the rules) from abroad⁶⁸ and organising fast breaking meals at mosques during the month of Ramadan.⁶⁹ In addition to the state recognizing Muslims' religious days, top level Bulgarian authorities issued

⁶² Ina Merdjanova, "Bulgaria", *Yearbook of Muslims in Europe*, ed. Jorgen S. Nielsen et.al., Vol. I, Leiden, BRILL, 2009, p. 63. According to U. S. Department of State's International Religious Freedom Report 2005, education on Islam was included in the curriculum in 1999. U. S. Department of State, *International Religious Freedom Report 2005: Bulgaria*. <http://www.state.gov/g/drl/rls/irf/2005/51545.htm>, 17.04.2007.

⁶³ *Radikal*, 25 September 2010.

⁶⁴ <http://www.ihlassondakika.com/haberdetay2.php?id=312993>, 10.03.2011

⁶⁵ Eminov, *op.cit.*, p. 63. *Trud*, the newspaper of wide circulation, announced even in October 2008 that, its publishing house would publish the Bulgarian version of the Koran. *Bulgar-Türk Haber Ajansı*, 18 October 2008. <http://www.bg-turk.com/index.php?act=news&id=1440>, 25.04.2009.

⁶⁶ *Cumhuriyet*, 15 April 1991.

⁶⁷ *Bulgar-Türk Haber Ajansı*, 11 January 2006. <http://www.bg-turk.com/index.php?act=news&id=759>, 04.03.2011; *Bulgar-Türk Haber Ajansı*, 11 January 2006. <http://www.bg-turk.com/index.php?act=news&id=761>, 04.03.2011.

⁶⁸ *Bulgar-Türk Haber Ajansı*, 19 September 2006. <http://www.bg-turk.com/index.php?act=news&id=1062>, 25.04.2007.

⁶⁹ *Bulgar-Türk Haber Ajansı*, 5 October 2005. <http://www.bg-turk.com/index.php?act=news&id=554>, 25.05.2007.

messages aimed at Muslims on religious days and attended the events they organized.⁷⁰

Another issue which came to the fore within the context of freedom of religion and conscience, was the ban on wearing the headscarf at schools. Mainly, the issue came to the fore in 2006 when girl pupils in Smolyan were not allowed to wear headscarves at public schools. In August 2006, the Commission for Protection against Discrimination (CPD) upheld this ban.⁷¹ In February 2008, CPD rejected the discrimination complaint of the three students from Devin claiming that the school administration did not give permission to wear headscarves in classes.⁷² In January 2009, the Burgas Free University expelled a student from the exam hall as she refused to take off her headscarf. The university administration defended this practice as its regulations prohibited wearing hats, headscarves and official uniforms during lectures and exams.⁷³ Also, the government does not permit headscarves on official photos for national identity documents. The Head Mufti's Office evaluated the ban on headscarves as a violation of human rights.

Finally, it has to be said that certain difficulties with regard to freedom of religion and conscience also arose from conflicts among the minority. This situation which is true especially of the issue of the Head Mufti's Office, became even more complicated with the Bulgarian government's practices and the contradictory decisions of the Bulgarian courts. The majority of the minority claimed that the government and courts acted this way to divide them. It is worth analyzing the issue of the Head Mufti's Office, which was the most significant problem experienced during the 1989-2011 period with regard to freedom of religion and conscience.

⁷⁰ The other positive step taken after 1989 is the financial aid given by the state. For instance, in 2010, \$ 113,000 was allocated for the Muslim community from the state budget. U.S. Department of State, *International Religious Freedom Report 2010: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2010/148922.htm>, 13.02.2010.

⁷¹ U. S. Department of State, *International Religious Freedom Report 2007: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2007/90168.htm>, 15.02.2012. See also *Radikal*, 30 July 2006; *Radikal*, 1 September 2006.

⁷² U. S. Department of State, *International Religious Freedom Report 2008: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2008/108439.htm>, 15.02.2012.

⁷³ U. S. Department of State, *International Religious Freedom Report 2009: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2009/127303.htm>, 15.02.2012.

Until 2002, the religious structure in Bulgaria was organized by the Religious Sects Law issued in 1949. The law stipulated that for a religious community to be recognized and gain a legal entity, the status of the community has to be approved by the Cabinet or the Deputy Prime Minister in charge. In the case that the religious communities registered by the lawful authorities acted against the Law and public order, the lawful authorities could revoke the granted permit provided that they reported the reason. The Law, which set forth that every religious community had to have a representative responsible towards the state and that the community had to establish the bodies regarding administration and representation, also stipulated that the general administration bodies of religious communities had to be registered by the Directorate of Religious Sects subject to the Council of Ministers, and the local administration bodies had to be registered by the local authorities.

The Law of 1949, which was criticized since the registration process was not transparent and slow, was replaced with the new Religion Law, which was ratified in Parliament on 22 December 2002 and came into effect a week later. The Law, which was criticized for giving the Bulgarian Orthodox Church a more privileged status, laid down the condition that all religious communities except the Bulgarian Orthodox Church had to be registered by the Sofia City Court in order to be organized and function within the public domain.

Looking at the issue from a minority point of view, it is seen that at the National Muslim Conference, which convened in Sofia on 28 October 2000, the “Bulgarian Muslim Community Directive” was ratified and the religious organization of the minority, including the Head Mufti’s Office was put forward in detail.⁷⁴ The directive states that the Head Mufti is the Muslims’ spiritual leader, that he represents the Muslims both at home and abroad, and that he is elected by the National Muslim Conference for a period of 3 years. It also states that the President of the Supreme Islamic Council, which is the Muslims’ collective body, is also elected in the same way and for the same period of time.

While this was the practice as of December 2011, during the BCP period the Head Mufti and other religious officials were appointed by the government. Following the change in regime, the minority made various attempts to have the other religious officials who had been appointed by Nedim Gencev, who they

⁷⁴ For details on the amendments to the directive see Dayıođlu, *Toplama Kampından Meclis’e, Bulgaristan’da Türk ve Müslüman Azınlığı*, p. 403-418.

called a traitor and agent, and the BCP administration removed from office. These attempts paid off and on 10 February 1992 Gencev was discharged from the Head Mufti's Office. On 21 February 1992, the Directorate of Religious Sects decided to set up a three-man temporary Head Mufti Office board to perform its duties until the new Head Mufti was elected. What is interesting is that despite being officially removed from office Gencev did not hand in the Head Mufti seal and after renting a new office continued to perform his duties as if he was still Head Mufti. Moreover, Gencev objected to his removal from office and applied to the Supreme Court. In its decisions it made on 28 April 1992 and 7 April 1993 the Court rejected Gencev's objections.

While Gencev insisted on not giving up his post of Head Mufti the Temporary Head Mufti Office Board convened the National Muslim Conference on 19 September 1992. In order to attend the conference each delegate elected by the community administrative boards first had to be registered with the region mufti office, and the delegates chosen by the region mufti offices had to be registered to the Head Mufti Office's list of delegates. About 1,000 delegates elected in this way convened in Sofia and first rescinded the religious Affairs Directive, dated 1951. The ratified new directive stipulated that the Head Mufti and regional muftis would be elected to Office. Thus, for the first time since 1928 the minority had the opportunity to elect the Head Mufti and President of the Supreme Islamic Council. The Head Mufti Office election held on 19 September 1992 was won by Kardzhali Mufti Fikri Salih Hasan. As a result, Fikri Salih Hasan became the first Head Mufti to be elected to Office following the change in regime. Fikri Salih Hasan's appointment to the Head Mufti Office was officially approved by the Directorate of Religious Sects and the Council of Ministers on 1 October 1992.

Supported by the MRF, Fikri Salih Hasan firstly removed muftis and community administrative boards appointed by Nedim Gencev and the BCP administration from office. Following this development, Nedim Gencev announced that he would not recognize the elections and claimed that these actions were against the law. On 2 November 1994 Nedim Gencev and his followers organized a separate Muslim Conference. At the end of the conference, which they declared to be the Muslims' real legal representative, Nedim Gencev was elected President of the Supreme Islamic Council. Then an application was made to the Directorate of Religious Sects requesting the recognition of the Conference decisions. These developments brought the followers of Fikri Salih

Hasan and the followers of Nedim Gencev face to face. In view of this tension and uncertainty which divided the minority the Bulgarian government remained silent.

After the BSP came to power following the general elections on 18 December 1994, the conditions began to change in Nedim Gencev's favor. The reason for this was that BSP supported Gencev with the purpose of dividing the minority and weakening the MRF. Entering the 1994 elections as the leader of the Democracy and Justice Party (DJP), Gencev succeeded in capturing some of the MRF's votes. Eventually, on 6 February 1995 the Council of Ministers recognized the decisions of the Conference organized by Nedim Gencev and his followers on 2 November 1994. On 23 February 1995 the Directorate of Religious Sects approved Nedim Gencev's election to the Presidency of the Supreme Islamic Council. Thus, the Head Mufti Office came under Nedim Gencev's control. Reacting to this situation, the followers of Fikri Salih Hasan and the MRF announced that they would not recognize Nedim Gencev's Presidency of the Supreme Islamic Council or its decisions.

After the Head Mufti Office came under Gencev's control, Fikri Salih Hasan applied to the attorney general's office but in its views announced on 8 and 28 March 1995 the office stated that there was nothing against the law. While these developments were occurring anew National Muslim Conference was held on 6 March 1995 in Sofia and Fikri Salih Hasan was elected as Head Mufti for the second time. Following the conference, Fikri Salih Hasan applied to the Supreme Court to have the Council of Minister's decision which recognizes Nedim Gencev as the Muslims' legal representative revoked. However, the court rejected the application on 27 July 1995.

In addition, on 5 June 1995 Fikri Salih Hasan applied to the Council of Ministers and requested the approval of the National Muslim Conference decisions, dated 6 March 1995. With regard to this issue Fikri Salih Hasan made another application to the Council of Ministers on 6 October 1995. However, no reply was given in response to these applications. As a result, Fikri Salih Hasan once again took the matter to the Supreme Court. In its decision dated 14 October 1996, the Court stated that not responding to the applications was against the law and asked the Council of Ministers to assess Fikri Salih Hasan's application. On 19 November 1996, Deputy Prime Minister Shivarov announced that the Council of Ministers rejected Fikri Salih Hasan's application. Upon this, on 5 December 1996 Fikri Salih Hasan applied to the Supreme Court one more time appealing for the reversal of the Council of Minister's decision. In its decision it made on 13

March 1997, the Court found the Council of Minister's decision contrary to article 13 of the Constitution and stated that the government can not intervene in the internal organization of a religious community. Despite the Court's decision asking the Council of Ministers to reevaluate Fikri Salih Hasan's application, the Council of Ministers did not follow the required procedure. Eventually, Nedim Gencev stayed in office until 1997.⁷⁵

Thus, until 1997, when elections were held to elect the new Head Mufti two head muftis remained in office in Bulgaria: One appointed by the State, the other elected by the community. In the same way, during the same period the muftis of Bulgaria were classified as appointed (the official muftis) and elected by minority (the national muftis). As a result, the BSP government had achieved its goal of dividing the minority.

On 24 March 1997 Fikri Salih Hasan applied to the Council of Ministers once again to have the decisions of the Conference, dated 6 March 1995, officially registered. After the United Democratic Forces (UDF) came to power following the elections held on 19 April 1997 meant that conditions were no longer in favor of Gencev. In order to prevent the division among the minority from further widening, the followers of Fikri Salih Hasan and Gencev reached a compromise on convening a new National Muslim Conference. However, when Gencev and a group of his supporters realized they were going to lose the elections they objected to the Conference. Nevertheless, the Conference convened on 23 October 1997 as previously planned. As a result of the elections, Mustafa Aliş Hacı was appointed to Head Mufti Office, and Hüseyin Karamolla was appointed to the Presidency of Supreme Islamic Council.⁷⁶

⁷⁵ Seeing that the government refused to heed the Supreme Court's decision, Fikri Salih Hasan applied to the European Human Rights Commission in 1996. After the Commission accepted the application in 1997, the European Court of Human Rights announced its decision on 26 October 2000. The decision states that Bulgaria violated article 9 of the European Convention on Human Rights, which regulates the right freedom of thought, conscience and religion and article 13, which regulates the right to an effective remedy before a national court and ordered Bulgaria to pay indemnification to Fikri Salih Hasan. European Court of Human Rights, *Case of Hasan and Chaush v. Bulgaria*, (Application no. 30985/96), Judgement, Strasbourg, 26 October 2000, para. 62, 63, 64, 81, 82, 89, 99, 100, 101, 102, 103, 104 and 124.

⁷⁶ For further details on these developments see *ibid.*, para. 11, 12, 13, 16, 21, 22, 23, 24, 25, 26, 28, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44 and 45; *Hak ve Özgürlük*, 8 December 1995; Human Rights Watch, *World Report 1998: Bulgaria*. <http://www.hrw.org/hrw/worldreport/Helsinki-06.htm>, 17.04.2002.

After the Council of Ministers approved the Conference decisions on 28 October 1997, Nedim Gencev applied to the High Administrative Court to have the Council's decision revoked. In its decision dated 16 July 1998, the Court rejected the application and stated that Conference decisions were valid. What is more, the Court stated that Gencev's term in office during 1995-1997 was not legal and decided that all procedures carried out by Gencev during this period were null.⁷⁷

After Mustafa Aliş Hacı's tenure ended, on 28 October 2000 elections for Head Mufti's Office were held. At the National Muslim Conference convened on this date, Selim Mehmet was appointed to Head Mufti Office, and Mustafa Aliş Hacı was appointed to the Presidency of the Supreme Islamic Council. Nedim Gencev, who did not recognize the Conference, applied to the jurisdiction to annul the elections.

The ongoing debate regarding the Head Mufti's Office also marked the National Muslim Conference in 2003. At the Conference, which convened on 13 December 2003, first amendments were made to the Directive of Muslim Community of Bulgaria. According to these amendments the Head Mufti and the President of the Supreme Islamic Council would be elected for period of four years instead of three. However, since the authorities did not approve the Conference decisions the amendments in the Directive did not come into force. This was followed by elections. Fikri Salih Hasan was appointed Head Mufti and Rıdvan Mustafa Kadıov was appointed to Presidency of the Council.

In accordance with the new Religion Law, ratified on 22 December 2002, an application was made to the Sofia City Court to officially register the elections. During the application it was discovered that someone by the name of Necip Davud had applied to the Court on 9 December 2003 to be registered as Head Mufti. In the meantime, former Mufti of Plovdiv, Ali Ahmet Hacı Sadık claimed that he had been elected Head Mufti and Nedim Gencev had been elected to the Presidency of the Council at another conference which had convened on 13

⁷⁷ Following the court's decision, as the representative of the Supreme Islamic Council, this time Nedim Gencev applied to ECHR in 1997. Having concluded the application on 16 December 2004, the Court judged that by intervening in the Muslims' religious organization the Bulgarian government had violated article 9 of ECHR, and Bulgaria was ordered to pay indemnification. For more on the decision see European Court of Human Rights, *Case of Supreme Holy Council of the Muslim Community v. Bulgaria*, (Application no. 39023/97), Judgement, Strasbourg, 16 December 2004, para. 80, 83, 84, 85, 86, 98, 99 and 119.

December in Sofia, and applied to the Court in mid-December to have the elections officially registered.

One other interesting development occurred on 14 February 2004. A former Head Mufti, Selim Mehmet obtained a document from the notary and claiming that he is the Head Mufti of Bulgaria stated that he was taking back all powers he had handed over. He also demanded that Head Mufti Office building be evacuated and be handed over to him. Later, Selim Mehmet applied to the Sofia City Court and the Court issued an interlocutory judgment stating that as of 1 March 2004 he was still the Head Mufti.⁷⁸ Following the decision, the Central Election Committee of Bulgarian Muslims announced that the National Muslim Conference held on 13 December 2003 was against the law. The committee stated that Selim Mehmet had been officially registered as Head Mufti by the Court and that he was the sole legitimate representative of Bulgarian Muslims. The announcement also pointed out that Selim Mehmet would keep his post until the final judgment made by judicial authorities with regard to registry applications after the National Muslim Conference.⁷⁹ On 8 March 2004, the Sofia City Court declared the decisions and elections of the National Muslim Conferences held in 1997 and 2000 void.⁸⁰

The Head Mufti elections, which had turned into a long-winded story took a new turn with the Sofia City Court's 19 July 2004 dated decision. The Court decided that a committee consisting of Fikri Salih Hasan, Rıdvan Mustafa Kadiov and Osman Hasanov İsmailov would execute the duties of the Head Mufti Office until a conclusive judgment was made with regard to the issue. Following an appeal against the decision to Sofia Appellate Court, the Court stated in its decision dated 5 November 2004, that the leadership of the Muslim community can not be determined by the Sofia Municipal Court, but only by the Muslim community, and therefore, the appointment of a three-man committee was invalid.⁸¹ In January 2005, Supreme Court of Cassation upheld the ruling. The

⁷⁸ For more on the developments described so far see <http://www.tgtv.org/dosyalar/bulrap04.htm>, 06.07.2005; U.S. Department of State, *International Religious Freedom Report 2004: Bulgaria*. <http://www.state.gov/g/drl/rls/irf/2004/35446.htm>, 03.08.2005.

⁷⁹ *Bulgar-Türk Haber Ajansı*, 12 March 2004. <http://forums.host.sk/btha/news.php?id=424>, 20.08.2004.

⁸⁰ U.S. Department of State, *International Religious Freedom Report 2005: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2005/51545.htm>, 16.02.2012.

⁸¹ U. S. Department of State, *Country Reports on Human Rights Practices 2004: Bulgaria*. <http://www.state.gov/g/drl/rls/hrrpt/2004/41674.htm>, 07.07.2005

Supreme Court's ruling combined with the ruling of the Sofia State Court on March 8, 2004, which effectively restored the pre-1997 Supreme Islamic Council, headed by Nedim Gencev as the legal representative of the Muslims. But the Supreme Cassation Prosecution confiscated case files. The files could not be transferred to the Sofia City Court and thereby delayed Gencev's registration of the new leadership.

As the matter reached a deadlock, on 20 March 2005 a new National Muslim Conference convened. Mustafa Aliş Hacı was elected to Head Mufti Office and Basri Pehlivan was elected to the Presidency of the Supreme Islamic Council.⁸² On 11 May 2005 the Sofia City Court approved the Conference decisions.⁸³ Just when it was thought that the uncertainty had been cleared Gencev appealed against the decision. In December 2005, the Sofia Appellate Court ordered Gencev's registration as the leader of the Muslim community. The decisions of the Sofia City Court in January 2006 made the issue even more complicated. The Court issued official certificates of registration to Gencev on January 25 and to Hacı on January 26. Because of this, Gencev and Hacı claimed legal recognition from the authorities. The Court's decisions were criticized by observers. They argued that the Court's decisions were politically influenced.⁸⁴

In December 2007, Supreme Court of Appeals upheld the annulment of the National Muslim Conference that had previously elected Hacı as illegitimate. On April 19, 2008 a Muslim Conference was held and re-elected Hacı as Head Mufti. The Sofia City Court registered Hacı's status on April 21, 2008.⁸⁵ Gencev appealed against this decision and in August 2009 the Sofia Appellate Court ruled in Gencev's favour and abrogated the results of the 2008 Muslim Conference. On May 12, 2010 the Supreme Court of Cassation rejected the application of Hacı and confirmed the 2009 decision that annulled his registration as Head Mufti. Also, the Court's decision reinstated Gencev. While these developments were happening, in October 2009 another Muslim Conference gathered and re-elected Hacı as Head Mufti again. Both the Sofia City Court and the Appellate Court did

⁸² <http://www.yeniasya.com.tr/2005/03/22/dunya/h10.htm>, 06.07.2005.

⁸³ See also Dayioğlu, *Toplama Kampından Meclis'e, Bulgaristan'da Türk ve Müslüman Azınlığı*, p. 406-417.

⁸⁴ U.S. Department of State, *International Religious Freedom Report 2006: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2006/71373.htm>, 16.02.2012.

⁸⁵ U.S. Department of State, *International Religious Freedom Report 2008: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2008/108439.htm>, 15.02.2012.

not approve the decisions of the Conference. In this situation Gencev remained the legal leader of the Muslim community.⁸⁶

Reacting against this situation, Hacı and more than a thousand imams and muezzins carried out a protest demonstration in Sofia on 3 June 2010. In a press conference Hacı said that the state was directly interfering with the Muslim community's affairs and described the court decisions as partial and political.⁸⁷ Further developments occurred. After the Sofia City Court and the Appellate Court rejected the approval of Hacı as the Head Mufti, Gencev's supporters surrounded the building of the Head Mufti and prevented Hacı's followers from entering.⁸⁸

While the chaos regarding the Head Mufti Office continued on 12 February 2011 an Extraordinary Muslim Conference convened. Hacı, who entered the elections as the only candidate was once again elected Head Mufti unanimously by the 988 delegates who attended the Conference. Following the Sofia Municipal Court's approval of Hacı as Head Mufti Gencev appealed at the Appellate Court. When the Court accepted Gencev's appeal and revoked Hacı's approval as Head Mufti, Hacı applied to the Supreme Court of Cassation. In its decision dated 20 April 2011 the Court approved the official registration of the Extraordinary Muslims Conference, thereby approving Hacı as Head Mufti.⁸⁹ Since the Supreme Court of Cassation is the highest juridical authority, and therefore, its decisions can not be appealed, the Head Mufti Office problem which had dragged on for years was thus finally solved. The Head Mufti Office and Filibe Regional Mufti Office buildings, which had been sealed by the attorney general's office due to the ensuing chaos, were returned to Hacı.

⁸⁶ U.S. Department of State, *International Religious Freedom Report 2010: Bulgaria*. <http://www.state.gov/j/drl/rls/irf/2010/148922.htm>, 13.02.2010.

⁸⁷ *Bulgar-Türk Haber Ajansı*, 3 June 2010. <http://www.bg-turk.com/index.php?act=news&id=1516>, 12.02.2012.

⁸⁸ *Bulgar Türk Haber Ajansı*, 4 September 2010. <http://www.bg-turk.com/index.php?act=news&id=1537>, 25.02.2011; http://www.azinlikca.net/index.php?option=com_content&view=article&id=1695:bulgari, 10.12.2010.

⁸⁹ <http://www.maciraga.com/bulgaristan-basmuftuluk-sorunu-cozuldu/>, 15.02.2012.

Conclusion

As explained above, in the post-1989 era Bulgaria abandoned its policy, which it had pursued during the 1878-1989 era with the exception of a few periods, of assimilating the Muslim-Turkish minority that was viewed as a threat to the country's unitary structure. During this period, while establishing a libertarian order based on democracy and human rights, Bulgaria began to restore the rights, recognized by international law, to the country's minorities. Apart from other factors that make the Bulgarian social experience different from those of the Western Balkans, Bulgaria's desire to join the Western international organisations, mainly the EU, was one of the main reasons for carrying out such a radical change without bloodshed. Especially, as of the mid-1990s and led by the presidency, all sectors of the community demonstrated full determination in this respect, which enabled Bulgaria to make significant progress in human and minority rights issues in a very short time.⁹⁰ In this respect, Bulgarian policy-makers clearly understood that adoption of certain values such as respect for pluralist and libertarian democracy, human and minority rights were a prerequisite to joining Western international organizations and integrating with the Western world. Although Ataka and some other nationalist political parties continued with racist utterances and policies against the minorities in general, and against the Turks and the Roma in particular, the Bulgarian administration, in general, did not back from the positive steps it took in the fields of human and minority issues. For example, Borisov, the leader of GERB, which was very successful in the July 2009 general elections when his party won 116 seats out of 240, attracted a great reaction because of the declaration that he had made in November 2008 when he was the Mayor of Sofia. Borisov had said that the implementation of the totalitarian policy of changing the names of the Turkish minority and thereby forcing them to emigrate was a "Grand Excursion" and that those who felt Turkish should leave for Turkey. Borisov had also said that, every child born in Bulgaria should carry a Bulgarian name.⁹¹ Borisov's use of the expression⁹² "*Turks and the*

⁹⁰ Mustafa Türkeş, "Geçiş Sürecinde Dış Politika Öncelikleri: Bulgaristan Örneği [Political Priorities during the Interim Process: The Bulgarian Example]", Mustafa Türkeş and İlhan Uzel (eds.), *Türkiye'nin Komşuları [Turkey's Neighbours]*, Ankara, İmge Kitabevi Yayınları, 2002, p. 206.

⁹¹ *Bulgar-Türk Haber Ajansı*, 2 November 2008. <http://www.bg-turk.com/index.php?act=news&id=1325>, 30.04.2009; *Radikal*, 2 November 2008.

⁹² Gülden Aydın, "Türk Heykeltıraş Can Dostum Vejdi'yi Bulgaristan Kültür Bakanı Yapacağım [I'll Appoint My Dear Friend Turkish Sculptor Vejdi as Minister of Culture]", *Hürriyet Pazar*, 19 July 2009.

Roma are bad material” during a visit to the US prior to the 2009 general elections increased the concerns of the minority.⁹³

GERB’s preference to form a minority coalition with the support of the nationalist parties in the Parliament rather than form a coalition with BSP or MRF was another issue that worried the minority. Even though after the elections Borisov said that speculations should not be made regarding ethnic problems,⁹⁴ and denied claims that they would carry out assimilation practices and said they would not carry out religious or racial discrimination,⁹⁵ and appointed Raşidov as Minister of Culture in his government, and these partially lessened concerns about GERB and Borisov, another announcement made by Borisov in August 2009 caused tension. With respect to Ataka’s claims that genocide was carried out against Bulgarians during the Ottoman era, and their proposal to declare a commemoration day for this, Borisov said that personally he believed that genocide was carried out against Bulgarians and that he could lend support to the declaration of a holocaust day.⁹⁶ Nevertheless, as mentioned above, in an announcement he made on 20 May 2011 after Ataka supporters attacked the community performing their Friday prayers at Banyabaşı Mosque, Borisov said that although he was grateful to Ataka for its support to the minority government formed by his party GERB, and that ethnic tolerance, peace and tranquility among people were more important for him than stability in the Parliament. This led to comments that Borisov had withdrawn his support for Ataka’s policies. Both these and similar statements by Borisov, and the close relations he established with Turkey, partially allayed the minority’s concerns with regard to Borisov.

In addition to the determined stance adopted by the Bulgarian governments that came to power during the post-1989 era and by the opposition parties, the minority’s representative, the MRF, also made significant contributions to Bulgaria’s efforts to integrate with the Western world in such a short time. In this

⁹³ A former fire-fighter, and bodyguard of Zhivkov and Simeon Sakskoburggotski who was the Prime Minister of Bulgaria between 200-2005, Boyko Borisov was appointed General Secretary to the Ministry of Internal Affairs when Sakskoburggotski was in power. He was elected Mayor to Sofia as an independent candidate in the 2005 local elections. During his mayorship he founded GERB. By Bulgarian law he could not undertake the party leadership of GERB as he was the Mayor but he led GERB as an honorary leader.

⁹⁴ <http://www.ntvmsnbc.com/id/24981276/page/2/>, 06.07.2009.

⁹⁵ Gülden Aydın, “Türk Heykeltıraş Can Dostum Vejdi’yi Bulgaristan Kültür Bakanı Yapacağım [I’ll Appoint My Dear Friend Turkish Sculptor Vejdi as Minister of Culture]”, *Hürriyet Pazar*, 19 July 2009.

⁹⁶ *Radikal*, 8 August 2009.

respect, unlike the political parties representing the minorities in the former Eastern Bloc countries, the MRF never followed a policy demanding secession or autonomy. It always emphasized Bulgaria's national unity in its statements and did not make extreme demands that would invite reaction from the Bulgarian majority. But it waited for the conditions to ripen and eliminated the radical elements within the movement while carrying out an active policy protecting the minority's rights at the same time. All of those policies and efforts of the MRF made important contributions in achieving communal peace in Bulgaria. Achievement of communal harmony significantly helped Bulgaria's application for membership to the EU, which has a policy of not accepting countries with problems.

Turkey also made important contributions to Bulgaria's efforts regarding its integration with the West. By distancing itself from irredentist policy all through the republican era, coupled with the adoption of a policy that the Turks outside the frontiers of Turkey should be happy only in their host states and by applying this policy also to the Muslim-Turkish minority of Bulgaria, Turkey helped Bulgaria, to satisfy the political criteria of the EU concerning human and minority rights issue. In addition to ensuring the restitution of the rights of the Muslim-Turkish minority in Bulgaria during the post-1989 period, this policy also greatly improved the Turkish-Bulgarian relations.

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