

## Legal Situation of Turkish (Muslim) Waqfs in Greece and Examination of Komotini (Gümülcine) Waqfs

Chountagi Bekir<sup>1</sup>

With the Lausanne Peace Treaty in 1923, a population exchange between the Republic of Turkey and Greece took place. As a result of this treaty, where these two countries are parties, the Turkish population in Western Thrace (Alexandroupoli, Komotini and Xanthi), which was found in Greek territory and in Turkish territory in Istanbul, Gökçeada and Bozcaada Greek population was excluded from the population exchange. Currently, there are approximately 150,000 Muslim Turkish minorities in the Western Thrace region of Greece. Although the rights of these minorities are determined by the Lausanne Treaty, the rights of the Western Thrace Minority with Article 44 of the Lausanne Treaty were protected. The Waqfs in Greece, in this context, it was protected by Article 40 of the Lausanne Treaty, but this was violated in time in the political environment of Greece. In 1967, the junta administration in Greece in 1967 was dismissed the administrative committees of the Komotini and Xanthi Turkish Community Waqfs and the Turkish Waqfs administrations in Greece started to be determined by appointment. The determination of the waqf administration with the election ended from this date.

The waqf is the establishment of the administration of the blessings or real estate donated for religious, human, sacred and help for the sake of Allah. Waqf in the city of Gümülcine (Komotini) has existed since the time

---

1 Research Assistant, Ibn Haldun University, Türkiye.

of the Ottomans and has been established since the beginning of the 14th century. The most important waqfs; Mosque waqfs, school waqfs and madrasah waqfs. At the same time, there are waqfs of imaret and waterways. Waqfs with the annexation of the Greek territory of Western Thrace to the Greek territory are recognized by Law No. 2345/1920 of the Greek Assembly. With this law communities and schools waqfs of the waqfs of the waqfs of 7 or 12 members come to the administration as a result of the elections. In 1923, with Article 40 of the Lausanne Peace Treaty, the Western Thrace Muslim minority is given the right to recognize legal and real protection and guarantees and to establish institutions, schools and high schools for the benefit of all kinds of human, religious and public.

Today, even though the administration of Komotini Waqfs maintains its internal functioning without any problems, there are of course problems that are troubling and requiring solutions except for its own control. Of these, mainly Income tax, the registration of the waqf real estates to the title deed cadastre administration and the debts to the municipality. Following the unjustly pushed to the borrowing, hypothec is placed on their properties. The emergence of this problem emerged in 1973 when the finance did not receive tax payments. (Waqfs wanted to pay, but the payment was not accepted.) Although the finance does not accept payments waqfs submitted rent and income declarations. In turn, new debts were reflected. In 1977, the new Law No. 542/1977 and 1977-1981 were subjected to real estate taxes from the real estate real estates. Although the current law was abolished in 1981, a separate debt was reflected the waqfs for this period. In 1997, the waqf real estates were subject to great real estate tax by law no. 2459/1997. Until the cancellation of this Law in 2007, a large real estate tax return was given and tax payment could not be made again (It has been found that the value of all waqf real estate is between 22-23 million euros and 7/1000 ratio "150.000,00€" debt for each year). The current debt of Komotini Waqfs is as large as 4,888,000€. A mortgage was placed in the real estate of waqf real estates with high value and rental value against this debt.

The main importance of this study is to address the problems of the Turkish Muslim minority in Greece regarding the waqfs through the debts

within the current order and to mention only a part of them. Because there are still many unresolved problems related to waqfs. (Such as the fact that the administration of the waqf is not determined by the Muslim Turkish minority, but appointed by the Greek state). The main problems encountered in the current situation can be listed as the unlawfulness, the refusal to accept the debts to be paid and the confiscation of waqf properties. This study can essentially be considered an analysis of the current situation of the waqfs of Komotini and the processes they have gone through.