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Freedom of thought, conscience, religion or belief in Western Thrace - GREECE

Western Thrace Muslim Turkish Minority has been facing serious problems regarding the religious rights. The issues of election of religious leaders, election of the administrative board of waqfs, financial restrictions of waqfs, appointed imams issue, and having permission to pray nearby Thrace.

Recognition of Elected Muftis

The right to elect mufti is guaranteed by 1881 Istanbul Treaty, 1913 Athens Treaty, the Treaty of Sevres (Greek Sevres) on 29 September 1920, and 1923 Peace Treaty of Lausanne. Furthermore, in Article 6 (g) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion, it is stated that “...*Train, appoint, elect, or designate by succession appropriate leaders called for the requirements and standards of any religion or belief,*” which is also supported by Article 1 of the UN Declaration of Persons Belonging to Minorities, and Article 18 of the UN Declaration of Human Rights on the right of freedom of religion. However, contrary to the religious autonomy of the Minority the Greek authorities appoint Muftis. In the second half of December 2010 the term of the appointed mufti in Komotini has been extended for a third time indefinitely. The term of the appointed mufti of Xanthi was also extended for another ten years in August 2011. Greek administrations insistently argue that because of the judicial duties/Sharia Law they appoint Muftis.

On the other hand, members of the Muslim Turkish Minority would like the elected Mufti (religious leader) of their region be recognized in line with the provisions of relevant international treaties rather than discussing their judicial competences. Because the Islamic law practiced by Muftis (in Western Thrace) in the family and inheritance matters of the Muslim Turks is not obligatory and the members of the minority have the right to decide whether to choose the Sharia Law or Greek Civil Law regarding the family and inheritance issues. Mufti’s judicial decisions are not legally operative unless approved by competent Greek Courts. Thus, judicial competences of Muftis could not be a prerequisite for the use of the right to elect religious leaders.

Furthermore, the elected Muftis of Xanthi and Komotini who are not recognized by the government have been prosecuted for several times under the penal code for usurping religious authority of the Mufti. The ECtHR held that those prosecutions violated Article 9 of the Convention which enshrines the rights of freedom of thought, conscience and religion {please see *Agga vs. Greece* [(No: 1-2) – Case No: 50776/99 & 52912/99 // (No.3) – Case No: 32186/02 // (No.4) – Case No: 33331/02] and *Sheriff vs. Greece* Case No: 38178/97}.



Muslim Charitable Foundations (Waqfs / Awqaf)

Muslim Charitable Foundations (Waqfs / Awqaf) are vitally important institutions for the Turkish Minority. Since, they constitute an essential part of Minority's cultural, historical and religious heritage. However, the government, contrary to the bilateral and international treaties and regulations, continues to appoint the people who currently hold positions in the Administrative Boards of the Muslim Foundations. Moreover, the State, contrary to the provisions of the law passed in 2007 (No: 3554), continues to impose taxes/legal sanctions to the Charitable Foundations. The current debt of the Komotini Waqfs has reached up to 1.209.408, 32 Euros.

The law regarding administration and management of the Wakfs of the Muslim minority in Western Thrace (Law no: 3647/2008) adopted on 7th February 2008. Although it foresees the appointment of board members with elections, the minority does not endorse the provisions of the law that give excessive jurisdictions to the Secretary General of Eastern Macedonia and Thrace region as well as the tutelage powers vested in the office of the "appointed" Muftis. It could be considered as an attempt once again to undermine the minority's religious autonomy. It should also be noted that before the adoption of the said law, the Minority had communicated its opinion and remarks regarding the draft bill to the Government, but the Administration once again disregarded the Minority's will.

The appointment of 240 Imams

The law (3536/2007), regarding the appointment of 240 imams, is highly controversial and has been opposed by the Minority on the grounds that it is contrary to the article 43 of the Peace Treaty of Lausanne that protects the religious freedom of the Muslim Turkish Minority. According to the provisions of this law, these 240 imams or seminary teachers would be appointed by a 5 member committee composed of Christian officials. Like that of 1992 UN Declaration on Minorities, other provisions of international treaties and documents that Greece signed and ratified promoted Minority's religious autonomy. This new application which is contrary in substance to this autonomy and which threatens the freedom of faith of the Minority is totally refused by the minority. No step has been taken to renew the mentioned law.

Praying nearby Western Thrace is not permitted

Members of the Turkish Minority have been facing difficulties in having permission to pray or to organize cultural activities at the mosques and religiously important sites nearby Thrace since 2010. The members of the Association of the Religious Officials of Western Thrace Mosques applied on several occasions to the Greek authorities in order to have permission for performing religious ceremonies at the Zincirli Mosque in Serres, at the Fethiye Mosque in Ioannina, and at the Osman Sah- Kursun Mosque in Trikala. All the applications were declined.

Therefore,

Western Thrace Muslim Turkish Minority calls upon the Greek State to:

Respect its established minority rights and religious autonomy,

Take necessary steps to recognize the elected muftis of the Turkish Minority,



Take into account the minority's will regarding the law No: 3647/2008 about charitable foundations (Wakfs/awqaf) passed by the Greek Parliament and entered into force on February 29, 2008, and make necessary changes and revise it after a dialogue with Minority representatives.

Abolish the practice of state appointed imams (law no: 3536/2007) that is against the religious autonomy of the Turkish-Muslim minority that was enshrined in the 1913 Athens, 1920 Greek Sevres and 1923 Lausanne Treaties.

Make necessary arrangements to give permission for the Turkish Minority people to pray nearby Western Thrace without any restrictions.

Furthermore, we call upon the OSCE participating States to monitor the applications of OSCE provisions within the OSCE territory.