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Freedom of thought, conscience, religion or belief

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FREEDOM OF RELIGION IN WESTERN THRACE - GREECE

The members of the minority have currently been facing serious obstacles regarding the religious rights and fundamental freedoms.

The first and an important issue is the election of religious leaders/Muftis.

The right to elect mufti is guaranteed with 1881 Istanbul Treaty, 1913 Athens Treaty, the Treaty of Sevres (Greek Sevres), which was signed by Greece on the one hand, and England, France, Italy, Japan on the other on 29 September 1920, and 1923 Peace Treaty 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 rights of the Minority the Greek authorities appoint Muftis.

The European Court of Human Rights concluded on 5 instances, i.e. *Serif v. Greece (14 December 1999-Case No: 38178/97)*, *Agga v. Greece (No.1-2) (17 October 2002-Case No: 50776/99 & 52912/99)*, *Agga v. Greece (No.3) (13 July 2006 – Case No: 32186/02)* and *Agga v. Greece (No.4) (13 July 2006 – Case No: 33331/02)* that Greece has violated Article 9 of the ECHR. Given the finding that there has been a violation of Article 9, State continues to disregard minority's elected Muftis and works through a number of appointed officers who lack credibility and respect even among their own people. In the second half of December 2010 the term of the appointed mufti in Komotini has been extended for a third time for another ten years. The term of the appointed mufti of Xanthi was also extended for another ten years in August 2011. The authority of the individuals appointed by the State to the Offices of Mufti in Komotini, Xanthi and Didimotihio is disputable since they are not accepted and recognized by the minority population. The minority, on its part, expects the government to cease interfering in the field of divine conscience and finally recognize minority's right to elect its own religious leaders.



The State continuously argues that Muftis are appointed in all Muslim countries. However, there are also many countries, where Muslims are in minority position, Muftis are indeed elected. Many Balkan countries with Christian majority allow Muslims to elect Muftis. It should also be noted here that the Islamic law practiced by Muftis in the family and inheritance matters of the Muslim Turks is not obligatory. The Members of the Turkish minority of Western Thrace 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/binding unless approved by competent Greek Courts.

The Issue of 240 Imams/Seminary Teachers

It should also be noted that the law (3536/2007), which is praised in the report for promoting the appointment of 240 imams/religious faith teachers, 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 totally refused by the minority threatens the freedom of faith of the Minority.

There are more than 250 mosques operating in Western Thrace, in almost all of which the imams practicing are selected and paid by the members of the Muslim Community. Imams are also in a position of religious leaders of small communities and their appointment by governments' Christian committee is incompatible with the Islamic Faith.

Muslim Charitable Foundations

Muslim Charitable Foundations (Waqfs) constitute an essential part of Minority's cultural, historical and religious heritage. The government continues to appoint the people who currently hold positions in the Administrative Boards of the Muslim Foundations.

Disregarding their financial immunity, the State continued to impose excessive taxes and legal sanctions on the properties owned by the Muslim Charitable Foundations for four decades. Minority's inability to govern and have access to the accounts of these Waqfs also prevent them from dispensing the revenues obtained thereof towards society's vital needs, such as the maintenance and improvement of schools, and also to repair or build of mosques. Although the provisions of the law passed in 2007 (No: 3554) erased the existing debts of waqfs, the fines and income taxes imposed on them remained intact. The total current debt of Administrative Board of Komotini Waqfs has reached to 1.209.408, 32 Euro. In the recent document that was sent to the Waqf administration on 18/4/2011 the total amount of income tax for the year 2010 is 72.195,66.

The law regarding *administration and management of the Wakfs and their properties of the Muslim minority in Western Thrace* (Law no: 3647/2008) passed on 7th February 2008 was prepared without taking into consideration Minority's opinions and proposals. Although the new law 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 should also be noted that, before the passing of the said law, the Minority had communicated its opinion and remarks regarding the draft bill to the Government, which proved a futile effort since the Administration once again disregarded the Minority's will.



In this respect we call upon the Greek State to:

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

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Take into consideration the minority's recommendations and after a concrete dialogue between the government and the minority make the necessary changes and revise the law No: 3647/2008 regarding the pious foundations (Wakfs) passed by the Greek Parliament and entered into force on February 29, 2008, which was prepared without taking the opinion and will of Western Thrace Turkish Minority.