

13.7.2006

**Press release issued by the Registrar**

**Two Chamber judgments concerning Greece**

The European Court of Human Rights has today notified in writing the following two Chamber judgments, *Agga v. Greece (No. 3)* (application no. 32186/02) and *Agga v. Greece (No. 4)* (no. 33331/02).

***Violation of Article 9***

*Agga v. Greece (No. 3)* (no. 32186/02)

*Agga v. Greece (No. 4)* (no. 33331/02)

The applicant, Mehmet Agga, is a Greek national who was born in 1932 and lives in Xanthi (Greece).

On 17 August 1990 he was chosen to be the Mufti of Xanthi by the Muslims who attended prayers at the mosques of that district. When the Greek State, however, appointed another mufti, the applicant refused to step down.

Criminal proceedings were instituted against him under Article 175 of the Criminal Code and he was found guilty of having usurped the functions of a minister of a “known religion” on the ground that he had issued and signed messages in the capacity of the Mufti of Xanthi. The applicant was sentenced to terms of imprisonment which were converted into fines.

The Court of Cassation rejected the applicant’s appeals. It considered that the offence in Article 175 of the Criminal Code was committed “when somebody appeared as a minister of a known religion and when he discharged the functions of the minister’s office including any of the administrative functions pertaining thereto”. The court considered that the applicant had committed that offence because he behaved and appeared as the Mufti of Xanthi.

Contrary to the applicant’s claims to the contrary, the court further considered that his criminal convictions were not inconsistent with Articles 9 and 10 of the Convention, because he had not been punished for his religious beliefs or for expressing certain views but for usurping the functions of a Mufti.

The applicant relied on Articles 9 (freedom of thought, conscience and religion) and 10 (freedom of expression) of the European Convention on Human Rights.

Article 9

The Court found, as it previously done in the *Agga v. Greece* (no. 2) judgment, which concerned the same applicant and similar facts, that the domestic courts did not mention in

their decisions any specific acts committed by the applicant which would have had legal implications. On the contrary, it found that the applicant had been convicted merely on the grounds that he had issued religious messages and that he had signed them as the Mufti of Xanthi.

The Court noted in particular that it had not been shown that the applicant's conviction was justified in the circumstances of the case by "a pressing social need". As a result, the interference with his right, in community with others and in public, to manifest his religion in worship and teaching was not "necessary in a democratic society ..., for the protection of public order" under Article 9 § 2 of the Convention.

The Court therefore held unanimously in both cases that there had been a violation of Article 9.

### Article 10

The Court held unanimously that no separate issue arose under Article 10.

The Court considered that the finding of a violation of Article 9 constituted in itself adequate just satisfaction and awarded the applicant 1,620 euros (EUR) in respect of the first case and EUR 1,380 in respect of the second case for costs and expenses. (The judgments are available only in English.)