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HARA KALOMIRI : VIOLATION OF THE RIGHT TO FREEDOM OF RELIGION IN GREECE

On 27 March 1996 Hara Kalomiri, Director of the Greek Conservatory for Music, was sentenced to three months' imprisonment by the court of first instance in Thessaloniki for "founding and operating a place of private worship for a Buddhist community in Chalkidiki without government permission". Hara Kalomiri is free pending an appeal hearing which has yet to be scheduled.

Charges against her were brought by a Greek Orthodox archbishop and a monk of Mount Athos because she founded a centre for artistic activities and meditation along Buddhist lines in Chalkidiki without government permission. The sentence is based on Article 1 of Law 1363/1938 which forbids the establishment of places of worship without the prior authorization of the Orthodox Church, as well as the practising of a religion considered heretical by the Orthodox Church, and carries a total sentence of up to 18 months imprisonment without the possibility of paying a sum of money in lieu.

This law is not only in contradiction with an article of the Greek Constitution, but also with the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) which Greece ratified in 1974. Article 13, paragraph 1, of the Greek Constitution states that:

"Freedom of religious conscience is inviolable. Enjoyment of individual and civil rights does not depend on the individual's religious beliefs",

Article 9 of the European Convention on Human Rights states:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance."

On 25 May 1995, the European Commission of Human Rights (ECHR) expressed the unanimous opinion that there had been a violation of Article 9 of the European Convention on Human Rights regarding a judgment passed on 3 March 1986 by the public prosecutor's office in Heraklion against four Greek nationals on the basis of Article 1 of Law 1363/1938 on the ground that they had "established a place of worship for religious meetings and ceremonies of members ... of the Jehovah's Witnesses denomination ... without permission from the recognized ecclesiastical authorities and the Minister of Education and Religious Affairs".

Amnesty International considers that there is no indication whatsoever that either Hara Kalomiri or the centre she established advocated violence. Given that the law under which Hara Kalomiri was sentenced is in contradiction with the Greek Constitution and was considered by the European Commission of Human Rights as being in violation of Article 9 of the European Convention on Human Rights, Amnesty International will consider Hara Kalomiri to be a prisoner of conscience if the conviction against her is confirmed at the appeal hearing and she is imprisoned.

