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General elections imposed on the Muslim community on 20 March 2005

HRWF Int. (13.12.2004) – Website <http://www.hrwf.net> – Email: info@hrwf.net - Minister of Justice Laurette Onkelinx has unilaterally fixed the date of 20 March 2005 for the general elections imposed by law for the renewal of the Muslim representative bodies. In a press release, the Executive of the Muslims of Belgium (EMB) has expressed its astonishment about the fact it has only been informed of the minister's decision by the press.

The registration of the voters will be open from 13 December 2004 to 31 January 2005. Candidates for the election to the constituent assembly can enroll from 13 December 2004 to 14 January 2005. The appeal period concerning applications will run from 15 to 31 January 2005.

In the meantime, the president of the EMB, Mohamed Boulif, and the Flemish Minister for Integration, Marino Keulen (VLD/ Liberal Party), have agreed to create a Flemish chamber inside the Executive after the elections to discuss matters to be dealt with by the Flemish Parliament. Its activities will take place in Dutch. Up to now, no other religion in Belgium has been submitted to such interferences by the Minister of Justice in charge of Religious Affairs and by a regional parliament.

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Police regulation against the burqa

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (12.11.2004) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - After six communes of Brussels, two more towns have decided to ban the burqa in the public square.

Marino Keulen (VLD party), minister of City Policies, Housing and Integration at the Flemish Parliament, declared at a session of the Parliament at the end of September that he supports the ban decided by the mayors of Antwerp and Maaseik, and his cabinet is preparing some model regulation in this regard for the municipal councils of the Flemish region.

"The burqa is not a religious symbol," he said, "but people who cannot be identified in public constitute a threat to security. Moreover, it is a symbol of oppression." He also declared that he was concerned about the risk that Muslim might be kept at home by their husbands because of the ban and be totally isolated from the outside world.

Up to now, no case of violation of the existing police regulation is known.

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The parliamentary sect working group resumes its activities

No dialogue with "sects" but a Belgian About-Picard Law is to be expected

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (12.11.2004) - Website: <http://www.hrwf.org> - Email: info@hrwf.net - 'The Working Group in charge of the followup of the recommendations of the parliamentary inquiry commission 'Sects' " (1) met on November 10, 2004 in its new composition (two members have been replaced since its last meeting).

The president of the group is André Frédéric (Francophone socialist party) and the vice-president is former Justice minister Tony Van Parijs (CD&V, Flemish christian-democrat party). The other members are Dylan Casaer (SP.A-SPI, Flemish socialist party along with Spirit), Nancy Caslo (Vlaams Blok), Jean-Pierre Malmendier (MR, Francophone liberal party), Hilde Vautmans (VLD, Flemish liberal party) and Damien Yzerbyt (CDH, Francophone christian-democrat party).

The Working Group will not revise "the list of sectarian organizations drawn up by the 1997 parliamentary inquiry commission" (2). Contrary to what the representative of the Belgian delegation to the OSCE Implementation Meeting on the Human Dimension (Warsaw, October 6, 2004) said in his right to reply (3) to criticisms voiced by *Human Rights Without Frontiers Int.* about Belgium's religious policies, the Working Group has decided not to open a dialogue with the "sects." The Working Group has announced that it will work with "the Sect Observatory, the competent ministers, the Intelligence services" and other persons or institutions which would be in a position to help them about the followup of the recommendations of the inquiry commission." In its last report, the Sect Observatory was advocating a new law similar to the controversial French About-Picard law targeting "sects".

In a press release publicized by the Francophone socialist party group of the House of Representatives, André Frédéric has heavily criticized the possible implantation of a "sect" called the Maharishi Foundation (India) - already active in The Netherlands near the Belgian border - in the village of Plombières next to the Dutch border.

The doctrine of the Maharishi Mahesh Prasad Varma is based on the Vedic teachings. It is opposed to violence, terrorism and war to solve human problems. It also teaches transcendental meditation to reduce stress, improve self-knowledge, social relationships and personal effectiveness (4). Its most famous followers were the Beatles and Mia Farrow.

Footnotes

(1) Translation of the official name of the working group.

(2) The press release of the Francophone socialist party group of the House of Representatives makes some confusion about the nature of the list. Philippe Moureaux, chairman of the commission, had always said it was not a list of sects... However, everybody refers to it as a list of (dangerous or harmful) sects.

(3) Translation of the official response of the Belgian delegation : "It is very likely that le Belgian parliament will invite NGOs to hearings to be held by this working group. It is sure that we remain open to dialogue (...). In this dialogue process, we are carrying out negotiations with non-recognized religions so as to find an adhoc solution for their missionaries."

(4) More information in *Enciclopedia delle Religioni in Italia*, pp 533-537, published by CESNUR.

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Council of State and Court of Arbitration seized by 30 Muslim organizations

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (06.11.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - Thirty Muslim organizations and the president of the Executive of the Muslims of Belgium (EMB) have appealed to the Court of Arbitration to request the annulment of the 20 July 2004 law imposing general elections to the Muslim community to renew the whole membership of their General Assembly and their Executive.

The election preparation process was to start after Ramadan. The members of the (state) "Commission in charge of the renewal of the bodies of the Muslim religion" had been appointed by a ministerial decree dated 23 September and published on 27 September in the Official Gazette. The EMB was entitled to propose two candidates to the Minister of Justice but refrained from doing so to remain coherent with its basic opposition to the law and to this new interference of the state in its internal affairs. The EMB and the General Assembly keep to their former agreement with the state stipulating that general elections would only take place in 2008 and in the meantime a third of the membership would be replaced.

Another appeal has been addressed to the Council of State. It concerns the 23 September 2004 ministerial order, which defines the mode of enforcement of the law. The Belgian state should keep in mind that the European Court of Human Rights has already taken decisions in two cases of state interference in the internal affairs of a Muslim community.

Some European jurisprudence about the right to choose one's religious leadership

Serif v. Greece

In 1999, the European Court held unanimously that Greece had violated Article 9 of the Convention in the case **Serif v. Greece** (Application No 38178/97).

Mr. Serif, a theological school graduate, who was elected by the Muslim community in Greece, was convicted for having usurped the functions of a minister of a "known religion".

Mr. Serif maintained that the office of the mufti "represented the free manifestation of the Muslim religion", and that the Muslim community had the right under the Treaty of Peace of Athens of 1913 to elect its muftis.

The Greek Government argued that the interference served a legitimate purpose. By protecting the authority of the lawful mufti recognized by the state, the domestic courts sought to preserve order in the particular religious community and in society at large.

While the Court accepted that the interference in question pursued a legitimate aim under Article 9 § 2 of the Convention, namely "to protect public order," it noted that the conviction was not "necessary in a democratic society." It remarked that any restriction on freedom of religion must correspond to a "pressing social need" and be "proportionate to the legitimate aim pursued." The Court did not view that punishing a person for merely acting as the religious leader of a group that willingly followed him "compatible with the demands of religious pluralism in a democratic society." Moreover, it felt that it was not necessary in democratic societies for the State to take measures to ensure that religious communities remain or are brought under a unified leadership. Therefore, the Court found a violation of Article 9 of the Convention.

Hasan and Chaush v. Bulgaria

In 2000, the European Court of Human Rights unanimously held that Bulgaria violated Article 9 of the Convention in the case **Hasan and Chaush v. Bulgaria** (Application No 30985/96).

Mr. Fikri Sali Hasan became the Chief Mufti of Bulgarian Muslims in 1992. Mr. Ismail Ahmed Chaush was formerly a teacher at the Islamic Institute in Sofia. The Directorate of Religious Denominations in Bulgaria registered the new leadership of Mr. Hasan as Chief Mufti in 1992. However, his predecessor, Mr. Nedim Grendzhev claimed that he was

still the Chief Mufti, which led to continuous contention as to the true leadership of the Muslims in Bulgaria. In 1995, the Directorate issued decisions awarding the leadership of the Muslim community to Mr. Grendzhev. The new leadership brought private security guards to the premises of the Chief Mufti's Office in Sofia, forcibly evicted the staff working there, and occupied the building.

The applicants complained that the replacement of the leadership of the Muslim religious community in Bulgaria in 1995 and the ensuing events up to October 1997 had given rise to a violation of their rights under Article 9 of the Convention by interfering with their right to govern their own affairs and choose their leadership.

The Court recalled that religious communities traditionally and universally exist in the form of organized structures and that the personality of the religious ministers was undoubtedly of importance to every member of the community. It noted that participation in the life of the religious community is considered part of manifesting one's religion, protected by Article 9 of the Convention. Therefore, where the organization of the religious community is at issue, the Court interprets Article 9 in conjunction with Article 11 of the Convention, which safeguards associative life against unjustified State interference. Seen in this perspective, the Court remarked that "the believer's right to freedom of religion encompasses the expectation that the community will be allowed to function peacefully free from arbitrary State intervention." Consequently, state action favoring one leader of a divided religious community or undertaken with the purpose of forcing the community to come together under a single leadership against its own wishes would likewise constitute an interference with freedom of religion. It recalled that *Serif v. Greece* had demonstrated that in democratic societies the State does not need to take measures to ensure that religious communities are brought under a unified leadership. Therefore it found an interference with the internal organization of the Muslim religious community and with the applicants' right to freedom of religion as protected by Article 9 of the Convention. There was a violation of Article 9 because the interference was not "prescribed by law" in that it was arbitrary and was based on legal provisions which allowed an unfettered discretion to the executive and did not meet the required standards of clarity and foreseeability.

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Turkey-Belgium: Comparative study of the legal status of religious communities and clergy

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (26.10.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - For years, Turkey has been knocking on the door of the European Union and negotiations will certainly start in the near future.

At the 2002 EU summit in Copenhagen it was decided that the *2004 Regular Report of the European Commission on Turkey's progress towards accession* should provide the basis for a vote on the opening of accession negotiations with Turkey. Accession is contingent upon fulfillment of the Copenhagen criteria: democracy, rule of law, human rights, respect for and protection of minorities.

Christian communities are religious minorities in Turkey. While Turkish Muslims of all faiths enjoy religious freedom in the EU, non-Muslim minorities in Turkey complain about their lack of freedom and about the lack of political support in the EU.

Ongoing institutionalization of Islam in Belgium could be a good start for testing Turkey's will to accept the principle of reciprocity in religious matters.

No legal status for Christian communities in Turkey

In Turkey, non-Muslim religious communities do not have a legal status recognized by the state. "In a joint Open Letter of 23 September 2003 *On the Religious Needs of Christian and Non-Islamic Minorities in Turkey* the main churches called upon the Turkish government to recognize *the legal personality of all Christian Patriarchates and churches and remove all legal obstacles to such recognition*. While the Turkish Foreign Ministry addressed the relevant demands contained in the memoranda of the Vatican Secretariat of State of 5 July 2002 and 21 September 2002 in a memorandum dated 20 December 2002, finding that *the granting of legal status to a "community" or "religious group", for example to the members of the Catholic Church, was irreconcilable with the constitutional principle of the secular state and that moreover Turkey had no treaty obligations to the Catholic Church or any other "community" which would provide for the recognition of a legal status*, no government authority has yet reacted to the churches' joint letter of 23 September 2003." (*)

Severe restrictions on the activities of foreign church personnel in Turkey

"Apart from the Roman Catholic Church and the congregations attached to diplomatic missions, churches in Turkey are not allowed to employ any foreign church personnel. Given the dwindling staffs of the churches, it is to be feared that the smaller communities will soon have no more church personnel of Turkish origin. Against this background a glimmer of hope seemed to be offered by *Law No. 4817 on Work Permits for Foreigners of 6.3.2003* and the *Implementing Regulation for the Law on Work Permits for Foreigners of 29.8.2003* issued by the Turkish Employment Ministry. These regulations do not apply to foreign clergy, however." (*)

Legal situation of Muslim communities and imams in Belgium

Muslims number around 400,000 in Belgium and Turkish Muslims, about 112,000, on a total population of 10 million inhabitants.

Islam has been recognized by the state since 1974. State recognition entails state financing of Islam. Since 1998, the official interlocutor of the Belgian state has been the Executive of the Muslims of Belgium, which is financed by the Ministry of Justice in charge of religious affairs. The selection of the members of the Executive was made by the members of the General Assembly, elected by the Muslim community of Belgium in December 1998. Muslims have created numerous non-profit associations for religious, social and cultural purposes. The first mosque associations were created in 1975. There are now 328 and 88 of them are Turkish. About half of the Turkish mosques are under the authority of the Diyanet (the Turkish Directorate for Religious Affairs of the Turkish State) and the other mosques mainly depend on the Milli Görüş, Süleymanlı and the Belgian Federation of the Alevi Associations.

Every month, the imams of the Diyanet mosques meet with the Diyanet representative for religious affairs in Brussels. Diyanet imams number 50. They are trained, recruited and paid by the Turkish State. They are sent to Belgium (and other countries) for a period of three years.

Since 1 January 2002, mosque associations have been under the supervision of three regional parliaments and not any more of the Federal Parliament. In the Flemish Region, 162 mosques have applied for state recognition; in the Walloon Region, 89 and in the

Region of Brussels Capital City 77. When recognized by the relevant authorities, the activities of mosques and imams will be financed by the Belgian State. Projects of training centres for imams to be financed by the Belgian State are also seriously examined.

Human Rights Without Frontiers recommends...

to the Turkish authorities

to grant to non-Muslim religious communities,

- freedom of association
- the right to train their own clergy in Turkey and/or to employ foreign church personnel, when needed;

to the Belgian government, to the governments of the EU member states

to urge the Turkish government to amend its legislation so that religious ministers of non-Muslim minorities can enjoy the same rights and the same freedoms that have been granted to Turkish imams and Muslims in their country;

to the European Parliament

- to pursue the dialogue with the Turkish state on the basis of the 2001 Accession Partnership between EU and Turkey which maps out the medium-term priority with regard to freedom of worship and religion as follows:

"Guarantee full enjoyment by all individuals without any discrimination and irrespective of their language, race, colour, sex, political opinion, philosophical belief or religion of all human rights and fundamental freedoms. Further develop conditions for the enjoyment of freedom of thought, conscience and religion."

(*) Source: *Human Rights – Turkey on the Road to Europe – Religious Freedom?* Ed. Dr. Otmar Oehringer, Missio/ Pontifical Mission Society, Human Rights Office. Email: humanrights@missio-aachen.de

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Foundation Roi Baudouin: Report on mosques, imams and Islamic religion

Foundation Roi Baudouin (www.kbs-frb.be) / HRWF (26.10.2004) - Email: info@hrwf.net
- Website: <http://www.hrwf.net> - There are approximately 400,000 people of 'Muslim background' in Belgium, and Islam - recognized since 1947 – is one of the seven religious or philosophical denominations recognized in our country. Notwithstanding this, in spite of the election of the Belgian Muslims Executive, the institutionalization process of the Muslim religion is not completed. Amongst the outstanding questions, the primary ones are the financing of mosques as well as the status and the training of Imams and of Islamic religion teachers. The support group to the « Islam and Muslims in Belgium and in Europe » project developed at the King Baudouin Foundation in fact stressed the influence these religious leaders exert on people of Muslim origin living in Belgium. The lack of precise data, quantitative as well as qualitative, in this area only increases the

present lack of clarity.

For this reason, the Foundation commissioned two sociologists from the ULB and the University of Ghent to carry out a study which has three objectives : to take stock of the current situation in the three regions of the country, to determine which are the priority issues to be resolved and to highlight items of note, including initiatives undertaken in neighboring countries.

The study begins by recalling the main phases in the presence of Islam in Belgium and by refining the image which one might have of the Muslim community. The latter is far from being a monolithic block. Aside from the differences linked to its origin – Maghreb, Turkish, European, Asian etc. – or the fundamental difference between sunnism and shiism, Islam is characterised by numerous crosscurrents, schools and movements which it would be important to know about in order to better understand how local communities function and the organizations which oversee them.

A place of prayer, the mosque is not solely for this purpose. The report shows that first and foremost it is a multi-purpose centre comprising very diverse activities : a Koranic school, Arab or Turkish language schools, a library, a community headquarters for cultural and voluntary activities, a place of welcome and conviviality. The authors counted 328 mosques and show how they are spread geographically (162 in Flanders, 89 in Wallonia and 77 in Brussels) as well as their origin (for example 172 mosques are of Arab and 134 are of Turkish origin) and the sects to which they are attached (Shiite, Sunni, Diyanet, Milli Görü, Süleymanli etc.)

Since the 1st January 2002, the recognition and the control of the management of the mosques are attributed to the Regions. As things stand, only the Flemish Region has voted a new decree on religions, which establishes « Mosques ». Once such legal measures will have been voted on in Wallonia and in Brussels, it will be necessary to settle the issue of the status of Imams whose remuneration falls within the Federal jurisdiction.

This will especially involve the putting into place of an ad hoc training process in keeping with the principle of neutrality characteristic of the Belgian state. Moreover, a great number of Imams active in the mosques in Belgium are recent arrivals from their countries of origin and thus have an insufficient knowledge of the social, political and cultural context in our country. It is often the case that they do not sufficiently master one of our national languages. Since the training of Imams is the subject of similar discussions in the countries neighboring us, the report outlines the approach to this difficult issue there, notably in the Netherlands and in France. The backdrop to this whole debate is the issue of whether it is possible or desirable to 'construct' a 'European Islam', adapted to the life circumstances of the Muslims residing in Europe. The role of the Imam also varies within the Diaspora: he carries out diverse functions, not only religious ones but also those which are social, educational and cultural.

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Parliamentary interpellation about the police search at the Executive of the Muslims

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (19.10.2004) – Email: info@hrwf.net - Website: <http://www.hrwf.net> -On 29 September, former Minister of Justice Tony Van Parijs (1) interpellated Minister of Justice Laurette Onkelinx about the 16 September police search at the Executive of the Muslims (2). In harsh terms, he questioned the financial management of the Executive, sowing suspicion about it and proposing to deprive the Executive from it.

Minister Onkelinx answered that the King's prosecutor was checking the accounting of the last few years but she "did not dispose of further information about the investigation." She concluded by insisting on the principle of presumption of innocence.

Up to now, nobody knows officially why police searches were carried out simultaneously on 16 September at eleven places, including the Executive of the Muslims.

(1) *Member of the CD&V, the leading party in the parliament of the Flemish Region since the 18 June 2004 elections but in the opposition in the federal parliament. The Vlaams Blok, extreme right party, which is xenophobic, anti-Semitic and anti-Muslim, is the second party in the Flanders, close to the CD&V. This is the source of political outbidding in the political discourse of other parties on a number of issues.*

(2) *Interpellation on Wednesday morning 29 September, nr 412.*
<http://www.lachambre.be/doc/CCRA/pdf/51/ac346.pdf>

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Muslim election imposed by law: Appointment of the members of the electoral commission

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (19.10.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> -The Belgian government goes on unabated with the organization of general elections imposed by law on the Muslim community.

The members of the "Commission in charge of the renewal of the bodies of the Muslim religion" have been appointed by a ministerial decree dated on 23 September and published on 27 September in the Official Gazette.

The two magistrates emeritus are:

- Mr. Lucien François, judge emeritus at the Court of Arbitration, French-speaking ;
- Mr. Raymond Decoux, investigation judge emeritus at the Court of First Instance of Louvain, Dutch-speaking.

The representatives of the Muslim community selected by the Minister of Justice on the basis of a list provided by the Executive of the Muslims are:

- Mr. Hassan Boussetta, Dr. in Political Science (Katholieke Universiteit Brussel), researcher at the University of Liège, French-speaking, born in Belgium from Moroccan parents;
- Mrs. Ayse Öz, from Turkish origin, coordinator of a local integration centre in Zele (Eastern Flanders), Dutch-speaking.

The governmental expert in electoral legislation is Mr. Jacques Pieron, appointed by the Minister of the Interior. He only has a consultative voice.

Decisions are taken with a simple majority. The chairman has a casting vote in case of parity.

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Police search at the Executive of the Muslims

A new episode of the arm-twisting between the State and the Executive?

HRWF (20.09.2004) - Email: info@hrwf.net - Website: www.hrwf.net – Less than 48 hours after the closing of the OSCE Conference on Racism, Xenophobia and Discrimination organized in Brussels by the Belgian state, which focused on discrimination against Muslims in Europe, the premises of the Executive of the Muslims of Belgium (EMB) (1) were searched by the police in what appears to be less the follow up of a complain lodged two years ago by the former treasurer against the former president of the EMB than a new episode of the arm-twisting opposing the Belgian state to the EMB.

On September 16, 2004, the examining magistrate Claise launched mass-scale operations to “verify the reality of some possible embezzlement of funds by the former president of the Executive of the Muslims of Belgium”: 11 searches were carried out by about 20 investigators and some 40 people were heard. The spokesperson of the public prosecutor’s department declared that the operation had nothing to do with terrorism or extremism: “It is a purely financial matter which does not concern exceptional amounts. It is not an outstanding case, just some simple verification.” A first search took place at the house of the accountant of the EMB at 5 am and from 9 am in the premises of the EMB. When *Human Rights Without Frontiers* interviewed the current EMB president, Mohamed Boulif, at 1.30 pm, the search was still under way. “This huge operation concerns a banal case of post-stamps for a possible amount of 500 to 3,000 EUR,” he said. The investigators copied all the hard disks and took away a number of documents “for examination”. (2)

“We are not concerned directly by this operation. We have a small annual budget of 726,000 EUR and our accounts are checked every year both by an independent auditor and by the Government Accounting Office,” Mr Boulif added (3).

This operation must be set back in a wider context, Mr Boulif thinks. Since the beginning of this year, the Belgian state has persistently interfered in the internal affairs of the EMB. During that period, the Justice Minister has instrumentalized any slightest tension inside the Muslim community to discredit and weaken the EMB. On July 15, 2004, a law imposed general elections on the Muslim community to renew the whole membership of the EMB and of the General Assembly whilst both institutions had unanimously opted for a partial renewal. “We feel this disproportionate and spectacular police operation as a new aggression against the leading instances of the Muslim community but we do not want to give way to provocation,” Mr Boulif concluded.

- (1) The Executive of the Muslims of Belgium is the representative body of the Muslim community recognized and financed by the state.
- (2) The former EMB president reacted to this accusation through www.wafin.be (a Belgian-Moroccan website). He said he had only been heard about former disputes he had had with former EMB members and he had never been asked any question about the EMB accounting. On his request, he will have a meeting with the magistrate in charge of this case to clarify the rumours concerning him in the

media. He also said to the Catholic daily newspaper "La Libre Belgique" (September 17, 2004) that in June 2002, he had lodged two complaints against the former treasurer.

- (3) Before taking office, the president of the Executive was the director of a financial institution in Luxemburg. The former president was an inspector of the Finance Ministry detached and put under the authority of the Ministry of Justice to lead the EMB.

Additional information (in French):

Interview of Mohamed Boulif by Mehmet Kocsal

<http://www.minorites.org/article.php?IDA=3633>

and reaction of the former president of the EMB, Nordin Maloujahnoun

<http://www.wafin.be/articles/maloujahnounreponse.phtml>

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Law imposing elections on the Muslim community voted

Marathon session at the Chamber of Representatives to adopt the law imposing the renewal of the representative institutions of the Muslim community

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (22.07.2004) – Website: <http://www.hrwf.net> - Email: info@hrwf.net - At 1:30 am on Friday July 16, the draft law proposed by Giet envisaging the creation of a Commission in charge of establishing new institutions of the Muslim community was adopted by the Chamber of Representatives by 111 votes against 23 (ECOLO, CDH, Vlaams Blok) (1) and no abstentions. The parties having majority were supported by CD&V (2). The debates started on Thursday 15 July at 2:30 pm and 134 out of 150 members were still present at the voting.

In the weeks preceding the vote, the Minister of Justice, Ms Laurette Onkelinx, exerted a lot of pressure in order to impose elections in the Muslim community against the will of its representative institutions. On several occasions, she had "adjusted" the justification for her efforts in order to counter the criticism coming from representatives of the Muslim community, who were legally elected in December 1998. Though the internal reshuffling of the representative institutions of Islam in Belgium would have been sufficient to appease some criticisms of the minister, her political objective remained unaltered, which was to renew the entire general assembly.

Electoral Commission, an instrument of domesticating Islam

The law envisages the establishment of a commission charged with the organization of the elections. The commission will be composed of:

- a) two honorary or emeritus magistrates with voting rights nominated by the Minister of Justice;
- b) two members of the Muslim community with voting rights, who will not be running in the elections, nominated by the Minister of Justice. Provided that the Executive of the Muslim proposes candidates to the minister, the nomination will be decided among them;
- c) an expert with a consultative vote having in-depth knowledge of electoral legislation, who is to be nominated by the Minister of the Interior.

The oldest magistrate will preside over the commission and the second will act as vice-president.

The Commission decides by absolute majority. In case of parity of votes, the vote of the president will be decisive

A budget of 300.000 EUR is allocated for the organization of the elections.

High-speed march of the draft law

The draft law proposed by Giet was deposited with the Chamber of Representatives on Thursday, July 8. It was discussed in commission at the Chamber on Tuesday July 13, and then in commission at the Senate on Wednesday July 14. It was voted in a Chamber plenary on the night of 15-16 July without being announced beforehand in the journal of the day.

The Minister of Justice had demanded the State Council for an opinion on the draft royal decree that was to create the Commission charged with the renewal of the institutions of the Muslim religion. The response of the State Council dated July 2 was posted on the Chamber Internet site not earlier than July 12 and no one could obtain a copy of it by then. From this advice, the Minister of Justice only retained that a law is more appropriate than a royal decree and ignored some warnings voiced in it.

It should be also noted that deputies of Moroccan and Turkish origin within the ruling parties and CD&V had not raised any objections during the plenary debates and had obediently voted in favor of the draft project, according to the orders of their respective parties.

Opinion by the State Council

During the debates in the plenary session on Thursday July 15, the Ecolo deputy Zoé Genot (ECOLO) reminded that she had *"demanded that the draft law be sent back to the State Council with the view of assuring that it would not create any problems"*, but her demand *"was turned down"*. She had also underlined that the dialogue between the duly elected representatives of the Muslim community and the people's elected representatives had broken down. *"Hearings with them had been also refused in the commission"*. Finally, she quoted a paragraph from the opinion of the State Council, which voiced a serious warning to the legislative power:

"In principle, it is up to the religion to determine which will be the competent institution to act as its representative vis-à-vis the state, especially as regards the application of article 181, para. 1 of the Constitution. The establishment of a commission with such a wide mandate as envisaged in the draft law will constitute an interference with the liberties of those concerned. Therefore, it is necessary to justify that the interference remains within limits clearly defined in the aforementioned articles of the European Convention of Human Rights and Fundamental Freedoms and of the Constitution. Islam is a recognized religion. In full respect of the freedom of religion, the state, which is confronted with the need to allow the Muslim religion to enjoy its rights as provided for in the Constitution with relation to recognized religions, finds itself obliged to recognize representative bodies of the Muslim religion. Due to the specificity of this religion as far as its internal organization is concerned and the impossibility for it to put forward an institution that could be recognized as representative, it has to be ascertained that the envisaged mechanism is the only one able to fully meet the objective pursued. In any case, this interference should remain as limited as possible and the relationship between the objective pursued and the measures taken to attain it should be commensurate."(...)

"For example, this requirement is not met by the wide-ranging formulation of the text of Article 14, para. 1 of the draft, which foresees that the commission is charged to take all necessary measures in order to organize the general elections."

The CDH deputy Melchior Wathelet had also voiced concern with the contents of this opinion.

Risky elections

Faced with justifications given by the minister, Melchior Wathelet expressed some fears and reservations, which had been earlier voiced by the representative institutions of Muslims in Belgium. *"You give some of them – many – the opportunity to challenge the legitimacy of the next Executive because the elections that will have put it in place, will not have been organized according to the procedure of their choice, but according to a procedure that will have been imposed on them"*, said Melchior Wathelet.

A while later, Zoé Genot declared: *"As for me, I have fears for the results of these elections and the way they will be organized"*.

In fact, if the participation is low, for example less than the 1998 elections, the legitimacy of the new institutions will decrease. Furthermore, a new draft law is announced, which will keep the controversial procedure of "screening" and for which the Muslim community is waiting with fears. The loss of confidence of the Muslim community in politicians and in the future of its representative institutions is profound and disconcerting.

This law should equally raise concerns among other religions. If the representative institutions of the Muslim community do not appeal to the State Council or do not lodge a complaint with the European Court for Human Rights in Strasbourg, from now on there will be no more way to oppose the march to political domestication of other religions: state control over the nomination of their representatives, imposition of linguistic quotas and of threshold women's representation.

The Pandora box is open.

HRWF Int. notes:

(1) ECOLO: Ecological Francophone Party. CDH – Social-Christian Francophone Party. Vlaams Blok – Extreme Right Flemish Party, which came second in Flanders in the regional elections on 13 June 2004.

(2) CD&V: Social-Christian Flemish Party

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Minister of Justice justifies the state's intervention in the internal affairs of the Muslim community

The president of the Executive of the Muslims of Belgium reacts...

HRWF (12.07.2004) - Website: <http://www.hrwf.net> – Email: info@hrwf.net -- **On July 5, 2004, MP Zoe Genot (Green Party) addressed a parliamentary question (nr 3349) about general elections to be imposed by the state on the Muslim community. Minister of Justice and Deputy Prime Minister Laurette Onkelinx answered "We had to intervene because we were requested to do so".**

Human Rights Without Frontiers Int. interviewed Mr Mohamed Boulif, president of the Executive of the Muslims of Belgium, and asked him to react on a number of accusations made by Minister Onkelinx in her reply to the aforementioned parliamentary question.

HRWF Int.: Minister Onkelinx says internal conflicts in the new Executive put in place for thirteen months on May 1, 2003 have led to the resignation of several of its members. What is your position about this accusation?

Mohamed Boulif: This is absolutely untrue. A Flemish convert who had been co-opted to fulfill the quota of Dutch-speaking representatives resigned last year soon after his appointment. It was not due to an internal conflict but he felt he was too young in the Muslim faith to take responsibilities in the Executive. This year, another Dutch-speaking member withdrew but the reasons were more complex. He had failed to participate in our meetings since he had tried to overthrow the president of the former Executive, who was abroad at that time. A court condemned his putsch and he got marginalized. The two vice-presidents of the Executive resigned from their positions this year because they want to stay outside the conflict between the State and the Executive but they remain on the board and regularly attend the meetings. We elected two new Dutch-speaking members but the minister's cabinet refused to endorse their appointments on the grounds that it was useless to publish a new decree for such a brief transitory period.

HRWF Int.: Minister Onkelinx says the discontent in the Muslim community is such that judicial proceedings have been initiated. What does she mean by that?

Mohamed Boulif: There were judicial proceedings on one occasion. Against the author of the putsch and he lost his case. It was before the new Executive was installed in May 2003. It is not fair from our minister to present the facts in such a distorted way.

HRWF Int.: In this context, an appeal was sent to the government and the minister said "We had to intervene because we were requested to do so". Who called upon the government to intervene?

Mohamed Boulif: Neither the General Assembly nor the then Executive which were put in place in 1999 after democratic elections asked the government to intervene. The putsch had been settled by legal means and we had restored order. It is through the press that we heard that two mediators had been appointed by the government.

HRWF Int.: The minister declares the Executive is overtaken by events and everybody agrees to general elections.

Mohamed Boulif: This is political intoxication of public opinion. In the last few months, spokespeople of the Executive and the Assembly have repeated again and again they were opposed to the replacement of all the members of the Assembly through general elections this year. We want to keep to the 1998 pre-electoral agreement with the government: general elections in 2009 and replacement of one third of the members of the Assembly at mid-term.

HRWF Int.: The minister has repeated on several occasions that there is some "juridical insecurity" around the process of dismissal of one third of the members of the Assembly. Can you clarify this point?

Mohamed Boulif: A list of attendance of the meetings of the Assembly has been established. This is a sort of barometer of the dedication or availability of its 68 members. The 23 members having the worst record of participation have been listed and can be proposed for dismissal to the Assembly. The minister of Justice has described this procedure as illegal. We have consulted a famous legal expert. He handed us over his

report on May 28, 2004. According to him, we can propose to the Assembly a list of members to be dismissed and each member can vote for or against the dismissal. This is legal. We informed the minister verbally about this expertise in early June and we mailed her a summary of 6-7 pages of it on June 17, 2004. Since then, she has not raised the "juridical insecurity" argument any more.

HRWF Int.: In a recent advice, the Council of State was said not to disagree with the governmental will to impose general elections to the Muslim community. The only restriction is that it should be formalized through a law and not through a royal decree. What is your stand about this advice and what do you plan to do?

Mohamed Boulif: You will not believe me but the advice of the Council of State has not been sent to us and neither we nor members of the parliament have been able to secure a copy of it. We did not even receive the royal decree and the draft law. On the eve of the meeting of the Justice Commission that will discuss the law imposing general elections on the Muslim community, the text of the Council of State's advice is not in the hands of the members of the Justice Commission!

Interview on the phone on July 12, 2004
with Willy Fautré

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Arm-twisting between the state and the muslim community goes on

Duly elected and state-sanctioned General Assembly of the Muslim community almost unanimously opposed to the royal decree imposing general elections to renew its composition

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (02.07.2004) - Website: <http://www.hrwf.net> – Email: info@hrwf.net -- At a press conference held on Thursday July 1, Mohamed Boulif, president of the Executive of the Muslims of Belgium, and Boubker Ngadi, president of the General Assembly, announced that the members of their institutions were in an overwhelming majority, and even almost unanimously, opposed to anticipated elections meant to fully renew the Assembly that the minister of Justice and Religious Affairs wants to impose on them through a royal decree. They added that their position was supported by the local communities which they had widely consulted.

Tensions between the state and the Muslim community flared up again in February 2004 after the minister of Justice lent a willing ear to complaints voiced by leaders of mosques' unions and Muslim groups or individuals linked to the Turkish and Moroccan embassies.

"The minister's decision is not substantiated by any solid arguments. Internal readjustments can improve the representation of the various components of the Muslim community and general elections are not necessary to achieve this goal," Boubker Ngadi said.

Boubker Ngadi complained about repeated interference of the federal authorities in their internal affairs: creation of a "follow up commission" of the Muslim representative bodies in the aftermath of the 1998 elections, elimination of many duly elected candidates

through the screening procedure by the state security, imposition of linguistic quota (French-speaking and Dutch-speaking) and gender criteria, creation of a two-senator commission of enquiry about alleged conflicts in the Muslim institutions and now general elections against the will of a wide majority of Muslims. "All these measures are totally discriminatory and unacceptable; none of them has ever been applied to other recognized religions," Boubker Ngadi said.

"The royal decree which purposefully targets the sole Muslim institutions has not even been communicated to us despite our insistent demands. I have however managed to see a copy of it through an unofficial channel," said Boubker Ngadi. According to the decree, an electoral committee will be set up. It will comprise two magistrates emeritus, a representative of the Ministry of the Interior and two Muslim representatives, selected by the minister of Justice on the basis of two lists of candidates (French-speaking and Dutch-speaking) to be provided by the Executive. "Once more, we will have to do with a screening procedure," commented Boubker Ngadi. "Screening will also be enacted for the elections although none of the elected candidates barred in 1998 by the then minister of Justice has up to now got into trouble with the police or the judiciary.

Human Rights Without Frontiers Int. urges the Belgian federal authorities

- to respect the democratically elected representative bodies of the Muslim community;
- to respect the 1998 pre-electoral agreement which provided that general elections would be held in 2009 and one third of the General Assembly would be renewed at mid-term;
- to withdraw the controversial royal decree.

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Six aggressions against Jews in Antwerp

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (02.07.2004) - Website: <http://www.hrwf.net> – Email: info@hrwf.net -- In one week, six aggressions against Jews were recorded in the city of Antwerp, the second major city of Belgium, where more than a third of the population voted for the extreme-right political party Vlaams Blok at the last elections in June. In Antwerp, there is also a strong Jewish community and a significant Muslim community.

On July 1, in the evening, a Jew was attacked from behind and heavily kicked by an unidentified assailant just after he had gone out of a synagogue where a commemoration ceremony was being held. After some time, his co-religionists got worried at his absence and went out in search of him. They discovered him lying on the ground with his face bleeding and dazed eyes. He was transported to the nearest hospital in a critical condition. His life was however not threatened and he could be sent home on the next day. According to several eye-witnesses, the aggressor, looking like Eastern European, disappeared without trace.

At the same time, another Jew, 43, was assaulted on the outskirts of Antwerp by a group of 10-15 Muslims while he was cycling back home. His aggressors started insulting him and then threw stones and bottles at him.

Despite the reinforcement of patrols, the police have not been able up to now to reassure and to protect the Jewish community. They have not been able either to identify the aggressors.

Foreign Minister Louis Michel condemned these repeated attacks against the Jewish community of Antwerp which started with an aggression by a gang of 10-15 Muslims against a group of young Jewish students outside the Talmudic school of Wilrijk (Antwerp) on June 24. "It cannot be said any more that these are isolated cases," the minister said. "This series of incidents highlights an unhealthy climate which targets the Jewish community," he added. Prime Minister Guy Verhofstadt asked the various ministers of education to make sure that more attention be granted in schools to anti-Semitic and racist criminal offences committed during WWII.

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Four Jewish students of a Talmudic school attacked by a gang of 10-15 Arabs

One of them was stabbed and hospitalized in a critical condition

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF (30.06.2004) - Website: <http://www.hrwf.net> – Email: info@hrwf.net -- On Thursday evening, June 24, 2004, four Jewish students of the Talmudic school of Wilrijk, in the suburbs of Antwerp (Flemish Region) were attacked on their way home by 10-15 Arabs armed with knives and sticks. Three of the students managed to escape but the fourth one, Noach Schmahl, was stabbed in his back. He was hospitalized in a critical condition. His situation has however improved in the next few days. This is not the first time students of that school have been insulted and attacked but this physical aggression goes beyond all limits.

All the democratic political parties have condemned that act of anti-Semitism in very strong terms. The mayor has announced that he would reinforce the police patrols around the school. One week later, the police had still failed to identify and arrest the aggressors.

Demonstrations of sympathy were held at various symbolic places in Belgium erected in remembrance of the deportation of Jews and of the Holocaust during WWII. They were attended by Jews and non-Jews, ministers and representatives of civil society. Mohamed Boulif, president of the Executive of the Muslims of Belgium, condemned that anti-Semitic act of violence in unambiguous terms.

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Royal decree imposes internal elections on Muslims

Human Rights Without Frontiers Int. denounces undue state interference in internal life of elected Muslim representative bodies

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (28.06.2004)/ Website: <http://www.hrwf.net> – Email: info@hrwf.net - On June 25, 2004, the (restricted) council of ministers adopted a royal decree drafted by minister of justice and religious affairs Laurette Onkelinx (Socialist, francophone) which obliges Belgium's Muslim community to reelect all the members of its Assembly and its Executive recognized by the state as its official interlocutor. The royal decree provides for the creation of a commission which will organize the elections.

The members of the first Assembly and the first Executive were appointed for five years after the elections held inside the Muslim community on 13 December 1998. A pre-electoral agreement with the government of that time (March 1998) stipulated that a third of the 68 members of the Assembly would be replaced by cooptation after five years of functioning and that general elections would be organized in 2009.

In the last few months, there has been total disagreement between minister Laurette Onkelinx and the representative bodies of the Muslim community on this issue. The Executive and the Assembly wanted to keep to the general principles of the agreement concluded in 1998, while the minister chose to ignore the fundamental principle of state neutrality. On several occasions she publicly voiced her preference for general elections. She has now made one further step: to oblige Belgium's Muslims to replace all the members of their representative bodies. This measure is perceived as a discriminatory and humiliating by the Muslim community.

The minister's biased arguments

The minister's decision is based on so-called under-representation of women, of the Flemish members and of the various countries of origin.

The gender issue is not enshrined in any law and has never been raised by the Belgian state with the other recognized religions: Catholic Church, Protestant Church, Anglican Church, Orthodox Church and Judaism. However, a number of women are sitting in the Executive and the Assembly.

With regard to the linguistic balance inside the Executive, no complaint has ever been voiced in its midst or by the Assembly, but the minister "wants" the Executive to be shaped along the lines of the federal structures of the state with distinct commissions to deal with regional and community parliaments. Once more, it must be stressed that the Muslim religion is the only one to face such state intrusions.

As far as the countries of origin are concerned, Mohamed Boulif, President of the Executive, told *Human Rights Without Frontiers Int.* "The policy of the Executive is to move towards a Belgian Islam in which the issue of the countries of origin will progressively lose its importance. In the past, the state negotiated the problems raised by the Muslims living in Belgium with a number of embassies of Muslim countries. That period has gone by and maybe some regret it, but the Executive now takes its decisions without any foreign interference." The Belgian government's policy runs therefore counter to the choice of the Executive to integrate the Muslim community into Belgian society.

The delay in the settlement of some issues such as the recognition of mosques are scandalously attributed by the minister to internal conflicts in the Executive while it is well-known that the parliaments of the Walloon (francophone) Region and the Region of Brussels Capital City are fully responsible for it. The parliament of the Flemish Region passed a law recognizing quite a number of mosques on its territory earlier this month while the other regions did not.

The minister based the issue of alleged misrepresentation of some segments of Belgium's Muslim community on claims made by groups that did not accept the results of the 1999 elections. On 23 February 2004, the Islamic Federation of Belgium (Turks) and the Federation of the Unions of Mosques of Belgium (Arabs) asked her for an appointment behind the back of the Executive, which had in the meantime put in place a wider structure of consultation of the Muslim associations for a number of issues.

The minister received the visit of the president of the Union of Mosques of Brussels, Benjelloun Kissi, and three other representatives who told her the Muslim community was in favor of general elections. The minister instrumentalized this visit and said in a letter addressed to the Executive on 8 April 2004: "It appears from those contacts that the leaders I have consulted are in favor of general elections for the total renewal of the Assembly." On 22 April 2004, she could also declare to MP Clotilde Nyssens who was posing her an oral question "the other organizations I have met, on their request, are all in favor of a total replacement of the Assembly". Then she added, "300,000 EUR from the Ministry of Justice budget will be devoted to the elections." This collusion between the minister of Justice and some Muslim groups (1) which do not accept the majority rule in the Assembly and the Executive is viewed as an inadmissible interference in their democratic consultation process and in their internal functioning, as well as an effort to undermine their popular legitimacy and stir up internal conflicts.

Electoral prospects

After controversial screening procedures which led to the eviction of 9 out of the 16 candidates elected in 1998, the Muslim community is once more the hostage to Belgian and foreign political agendas.

In 1998, despite a favorable environment and media coverage, only 40,000 adults out of a population of about 350,000 Muslims took part in the elections co-organized by the Center for Equal Opportunities (a para-state institution) and the then Provisional Muslim Executive.

By creating a commission (2) that will be in charge of imposing elections on the Muslim community, the state cannot expect that the participation in the electoral process will be very enthusiastic. Many Muslims are disillusioned by the Belgian state's discriminatory and brutal policy repeatedly applied to their sole religious community. The more concessions their leaders have made with the state in the past, the less respected they have been by the government and their own people. Elections of members of representative bodies of recognized religions have never been requested from any other recognized religion. Moreover, the social-political and media environment in which the Muslim community and its representative organs are now moving has deteriorated a lot these last few months. Lack of interest in future elections will furthermore gangrene the legitimacy of the next representative body and increase the mistrust in the Belgian government. Such a deviation is extremely dangerous for the cohesion of society.

Human Rights Without Frontiers Int. recommends

to the federal parliament

- to put an end to the repeated interferences of the justice ministry in the internal affairs of the Muslim representative bodies and to treat them in the same way as those of other recognized religions;
- to keep to the 1998 agreement concluded with the Muslim community which provided for a renewal of one third of the members of the general assembly and of the Executive;
- not to impose general elections to the Muslim community.

HRWF Int. Footnotes

(1) The oldest mosque union, the UMIVA (Antwerp) groups together exclusively Moroccan mosques. It acquired a legal status in 1995. The Union of the Mosques of the Region of Brussels Capital City and its suburbs has been existing legally since 2000. In 2002, it however adopted a new name: The Union of the Mosques of the Region of Brussels Capital City, Walloon and Flemish Brabant. Thereby, it pretended to be representative of a large share of the Muslim community but

no member mosque is explicitly mentioned in the statutes and the names of the directors on the board are Arab-sounding (no Turkish, Albanian, Bosniac or typically Belgian names). The Union of the Mosques of the Liège Province is quite new, as it was registered no later than May 4, 2004.

(2) Several political agendas are perceptible behind the government's will to reshuffle the Muslim representative organs. On the one hand, the Turkish embassy wishes the "Turkish" quota to be enlarged and the Diyanet (close to the Turkish government) to be "fairly represented" in the next Executive. On the other hand, the evolution of the European Union clearly indicates that the accession of Turkey is now almost a certainty. Flemish political milieus also want to have more representatives from the Flemish community and the Flemish provinces.

These footnotes were partly drafted with data from <http://www.suffrage-universel.be>

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Concerning state-financing of Islam

HRWF Int. (22.06.2004)/ Email : info@hrwf.net – Website : <http://www.hrwf.net> - In the spring of 2004, the media echoed the tensions between the Belgian state and the Muslim Executive of Belgium (Exécutif des Musulmans de Belgique/ EMB). One of the disputes concerns the non-settlement of the EMB's annual subsidy by the ministry of justice, the supervisory authority. Human Rights Without Frontiers Int. met with Mohamed Boulif, current president of the EMB and former executive of a Luxembourg company.

HRWF: Mr. President, Islam has been recognized as a religion in Belgium since 1994. As such, it must be subsidized by the state. How has this financing evolved over the last 30 years?

Mohamed Boulif: For 25 years, the induction of a chief Muslim body was not possible because the Belgian state did not want to acknowledge its composition as settled on by the Muslim community. With the state's 1994 recognition of the Muslim Provisional Executive, the doors opened for a certain form of financing intended to cover basic operating costs (1).

HRWF: Has the financing of Islam improved since the induction of the EMB in 1999; that is the first Muslim representative body to be acknowledged by the state?

Boulif: In 2000, we received 20 million BF (approximately 500 000 EUR). In 2002, 650 000 EUR, last year 700 000 EUR, and this year 726 000 EUR. It doesn't really translate into a budget but more of a special stipend taken from the ministry of justice's budget. This amount allows us to cover salary and representation costs of the presidency, wages for eight full time secretaries; operating costs including travel costs for members of the General Assembly, rent and rental expenses. The "presidency" of the Executive was created by the ministry of justice so that it may fit in the budgetary structure.

HRWF: The amounts awarded to the Executive are thus routinely escalating.

Boulif: Yes, but Muslims in Belgium number some 350 000 and as compared to other recognized religions (2), we are substantially under-funded. The budget we would need to operate the Executive with a complete administration would run around 2.5 million EUR. We have no leaders.

HRWF: On 24 May, Tony Van Parys (Dutch deputy CD&V) (3), declared in an interpellation concerning the financing of Islam addressed to justice minister Laurette Onkelinx that you had in fact received 1 126 000 EUR.

Boulif: That's true but 100 000 EUR were added to cover 1998 deficit of the organizing costs of the Executive elections and 300 000 EUR for this year's upcoming elections for the partial renewal of the current Executive.

HRWF: Deputy Van Parys accused the Muslim Executive of administrative and financial negligence. He has notably stated that you did not introduce your 2004 budget until the 5 February 2004 instead of the 20 October 2003. How do you respond to these attacks?

Boulif: Deputy Van Parys has undoubtedly been misinformed. We are not guilty of negligence. A budget of 2.5 million EUR was presented in October 2003. In December, the ministry of justice replied that an amount limited to 726 000 EUR would be made available (4). On the 4 February 2004, we received a phone call from the ministry of justice in which they requested – for the first time – that we present on the next day (!) an itemization of our expected expenses for 2004 in accordance with our reduced budget. The media deliberated our financial situation because we were on the verge of bankruptcy that year and preparing ourselves to face the collectors. The first portion of our budget only came towards the middle of May for which we were not responsible. We even had to take out a loan.

HRWF: How does the settlement of the annual subsidy take place?

Boulif: Normally, a first 45% portion is settled in January, a second 45% in May, with the final 10% coming in April the year after following the approval of the documents in proof. For all preceding years, we have never received the final portion despite our submission of the appropriate documents. This represents a sizeable amount; 70 000 EUR for last year alone (5).

Interview taken by Willy Fautré
on June 4, 2004 at the EMB in Brussels

Human Rights Without Frontiers Int. recommends

under the current system of state-financing of religions

to the federal parliament

to reconsider the annual budget of the Executive of the Muslims of Belgium so as to take their real needs into consideration and to avoid blatant inequalities in comparison with other state-financed religions;

to the federal ministry of justice

to monitor the payment procedure of the grant to the Executive of the Muslims of Belgium by the relevant administrations very closely so as to avoid any undue delay.

HRWF Footnotes

(1) The amount of 2.4 million BEF (about 50 000 EUR) was granted in 1995, 5 million BEF in 1996 (about 125 000 EUR), 10.8 million BEF in 1998 (about 270 000 EUR), 17 million in 1999 (about 425 000 EUR).

- (2) For information only : in 2000, the United Protestant Church of Belgium, EPUB, (about 100,000 members) received about 1.950 million EUR, the Orthodox Church (about 40,000 members) 825,000 EUR and Judaism (about 40,000 members) a bit less than 500,000 EUR.
- (3) Deputy Van Parys was justice minister. CD&V is the new name of CVP, the party of the Flemish Christian Democrats, currently in the opposition, after having dominated Belgian politics almost without any interruption from the post-WW II period to the end of the century..
- (4) In her answer to the interpellation of Tony Van Parys, the justice minister declared « The Executive proposed a budget of 2.5 million EUR for 2004. This amount could however not be accepted, for technical reasons. The Executive was informed of the situation by a letter dated November 5, 2003, and proposed a new budget on February 5, 2004. The delay in the preparation of the budget inevitably influenced the payment of the first portion, which took place on May 11. »
- (5) In her response to the same interpellation, the justice minister stated in this regard: "The financial means are always paid on the basis of documents in proof. The last portion of the 2002 budget was not transferred because lawyers' fees and legal costs were still being debated. In the meantime, an investigation came to a successful conclusion and its results will soon be transmitted to the finance inspection. (...) To make things clear, there was no financial embezzlement."

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Two controversial Muslim books in the dock

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (24.05.2004) - Website <http://www.hrwf.org> - Email info@hrwf.net - Two books which are opposed to fundamental values of Belgian society, violate the principle of gender equality, incite to maltreatment of children and advocate anti-Semitism are sold freely in bookshops.

The Guide for Muslim Education written by Abdullah Nasih Ulwan was the object of a stormy debate at the Second Chamber in the Netherlands. *The Way of the Muslim* is another controversial book which is said to incite hatred towards homosexuals and to call for an armed holy war.

This information was publicized in an oral question posed by MP Annemie Turtelboom to the minister of Justice Laurette Onkelinx, on April 22, 2004. The minister answered that the Intelligence Services were aware of the free sale of these books in Belgium but the situation was under control. According to the jurisprudence of the European Court, "freedom of expression is an absolute freedom to which there can only be exceptions interpreted in a restricted matter," the minister replied.

"I plan to organize a preventive dialogue with the Muslim community and the Executive about these books and the risks of deviation that they may arouse," she concluded.

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The Sect Observatory fails to warn Muslim youth against dangerous religious movements

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (24.05.2004) - Website <http://www.hrwf.org> - Email info@hrwf.net - The *Information and Advice Centre on Harmful Sectarian Organizations* (Sect Observatory) fails to warn Muslim youth against recruitment by some dangerous Islamic groups such as the Salafist, the Tabliq and the Kaplan movements and seems to ignore the dangers some of them pose in Belgium whilst it does it namely for Jehovah's Witnesses, the Church of Scientology, esoteric movements, Evangelical and Pentecostal groups.

"Salafist, Tabliq and Kaplan movements can be found on the Belgian territory although they are in the minority," replied minister of Justice Laurette Onkelinx on April 26, 2004 to an oral question posed by MP Jean-Pierre Malmendier who referred to imams from these denominations deported from France and to the ban of the Kaplan in Germany.

"The Salafist movement has a djihadist wing which advocates violence to promote their social agenda. Some books exposing this vision can also be found on our territory as well as preachers in some religious centres," the minister added.

Strange though it may seem, the minister assimilated the Tabliq to the peaceful Jehovah's Witnesses on the sole ground that they make a literal interpretation of their holy book and proselytize, as the Parliamentary Commission on Sects had stressed in its report in 1997.

The minister's reply is also rich in other information about the Tabliq in Belgium: "Its main centres are located in Brussels. Although globally non-violent, this movement poses some problems for two reasons: on one hand, it can lead to violent movements; on the other hand, the way of life it promotes in the social sphere is inconsistent with Western societies."

And about the last group, she says: "The Kaplan movement makes reference to Cemalettine Kaplan's supporters who were very active in Germany in fundamentalist milieus. This movement is banned nowadays in Germany because it provides an access to violent radical milieus. Its representation is very limited in Belgium. Some of its supporters are however to be found in the Turkish community of Limburg and in the region of Liège."

The minister specifies that these movements are under constant surveillance of the Intelligence Services but that "they do not breach fundamental rights and freedoms of our citizens". One could however ask the minister what are the rights and freedoms of women in such milieus?

Considering the data provided by the minister, one can wonder why the Sect Observatory keeps silent and inactive, does not denounce the women's poor status in such movements and does not warn Muslim youth against them. Its credibility is at stake in this dossier.

What would the Sect Observatory indeed say and do if a non-Islamic religious movement presented such characteristics and posed such risks for minors and held women in such a state of subjugation?

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**Ongoing tensions between the state and the
representative bodies of the Muslim community**

"Divide and rule"

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (24.05.2004) - Website <http://www.hrwf.org> - Email info@hrwf.net - On 31 May 2004, the mandate of the Executive of the Muslims of Belgium defined by a royal decree dated 25 May 1999 will come to an end and no date has been set yet for the election of its members by the Constituent Assembly. "The government has failed to take the necessary measures in due time," the president of the Executive Mohamed Boulif (economist of Moroccan origin) bitterly deplored in an open meeting held in its premises on 17 May 2004.

The members of the first Assembly and the first Executive were appointed for five years after the elections held inside the Muslim community on 13 December 1998. A pre-electoral agreement with the government of that time (March 1998) stipulated that a third of the 68 members of the Assembly would be replaced by cooptation after five years of functioning - but failed to clarify the dismissal procedure - and that general elections would be organized in 2009.

At present, there is total disagreement between Minister of Justice Laurette Onkelinx (1) and the representative bodies of the Muslim community on this issue. The Executive and the Assembly want to keep to the general principles of the agreement concluded in 1998, while the minister chose to ignore the fundamental principle of state neutrality when on several occasions she publicly voiced her preference for general elections.

Turbulent relations since 1999

Throughout their first mandate, the Assembly and the Executive have had to work in difficult conditions: continuous interference of the state in their internal matters, eviction of elected candidates by the then Minister of Justice (vivid controversies about the discretionary screening procedure based on the work of the Intelligence Service), mistrust in the first president of the Executive, government's manipulation of some Muslim movements to its own ends, lack of funding and therefore recourse to staff working as volunteers were some of the main reasons that led to continuous tensions in the Muslim community and to radicalization of some Muslim movements towards the state's policy.

Some Muslim groups also publicized their disagreement with the policy of the Executive in the public domain. Clashes between fundamentalists and modernists as well as between groups from different national origins were not uncommon. In the last quarter of 2002, the government considered that the Executive was not representing the diversity of the Muslim viewpoints. Two senators were appointed to investigate the matter and make recommendations. This political move was viewed by the Assembly and the Executive as a new act of interference in their internal functioning. Both senators failed to reach an agreement on joint proposals at a more effective organization of Muslim worship in Belgium. Senator Philippe Moureaux recommended to limit the role of the Assembly and to re-elect half of the members of the Executive as well as to maintain the screening procedure but with a right to appeal it.

In 2003, the Assembly filled in, with sovereign power, the positions that had become vacant in its midst and in the Executive. The state refused to recognize those unilateral appointments (9 members out of 16 were set aside by the Minister of Justice on the grounds of so-called "radicalism") and the rift between the various actors widened dramatically. Under constraint, the Assembly and the Executive had to negotiate the appointment of the new members with the government. This compromise fuelled renewed anger in the Muslim community and divided it once more. The mandate of the Executive-bis as it was then called was validated by the government until 31 May 2004.

Since then, the Minister of Justice has suspected the new president of the Executive of being close to the Muslim Brothers, which he strongly denied in an interview with *Human Rights Without Frontiers* on June 4, 2004. The minister also claims that the Executive has been infiltrated at the highest level by the Turkish nationalist movement Milli Görüs.

On 23 February 2004, the Islamic Federation of Belgium (Turks) and the Federation of the Unions of Mosques of Belgium (Arabs) asked Minister Onkelinx for an appointment behind the back of the Executive, which had in the meantime put in place a wider structure of consultation of the Muslim associations for a number of issues.

The minister received the president of the Union of Mosques of Brussels, Benjelloun Kissi, and three other representatives who told her the Muslim community was in favour of general elections (3). The minister instrumentalized this visit and said in a letter addressed to the Executive on 8 April 2004: "It appears from those contacts that the leaders I have consulted are in favour of general elections for the total renewal of the Assembly" (4). And on 22 April 2004, she could also declare to MP Clotilde Nyssens (5) who was posing her an oral question "The other organizations I have met, on their request, are all in favour of a total replacement of the Assembly" and she added "300,000 EUR from the Ministry of Justice budget will be devoted to the elections." This collusion between the minister of Justice and some Muslim groups which do not accept the majority rule in the Assembly and the Executive is viewed as an inadmissible interference in their democratic consultation process and in their internal functioning, as well as an effort to undermine their popular legitimacy and stir up internal conflicts.

"Divide and rule", the proverb says.

Renewal of the Assembly and the Executive: current stands

The Assembly and the Executive claim to be ready for renewing their membership but complain they have not received the necessary funds promised by the Ministry of Justice (300,000 EUR) for that purpose. Because of the regional and European elections on 13 June 2004, the summer vacation and Ramadan, a renewal of the Assembly and the Executive cannot be envisaged until autumn.

The Assembly and the Executive are examining various procedures to designate the third of the members that should be replaced. They have agreed that the cooptation of new members should be dropped to the benefit of local elections.

At the previously mentioned public meeting held on 17 May 2004, the presidents of the Assembly and of the Executive confirmed that there was no agreement with the government to have anticipated general elections but stressed that the Minister of Justice also shared their view about the cooptation system.

HRWF Int. footnotes

(1) *The Department for Religious Affairs is under the authority of the Minister of Justice.*

(2) *The Executive of Muslims is entitled to receive subsidies from the Ministry of Justice like the six other religions and the secular movement which have been recognized by the state. In 2004, the minister of Justice has been very slow (2) in implementing the procedure concerning the Executive which was thereby brought onto the verge of bankruptcy. At the end of April 2004, Mohamed Boulif declared "We expected to receive 45% of our budget by February but we have not received anything yet. Our telephone line has been cut off and we are fighting against our creditors." Some even think it is a form of sabotage. On April 22, 2004, Minister Onkelinx assured that "the issue would be solved in the next few days". A first part of the subsidy to cover the functioning costs of 2004 was not transferred until the beginning of May.*

(3) *Several of these representatives have however been disowned by their own grass roots on the ground that they had expressed their personal ideas without consulting them.*

(4) *De spite the official doctrine of the neutrality of the state in religious matters, the vital lead of the policy of the various Belgian governments towards the Muslim community has always been to*

try to format an Executive according to their own criteria: weakening fundamentalist movements, favouring some nationalities and guaranteeing the stability of a docile Executive that would police the community on their behalf. Muslims claim to be treated in the same way as the other recognized religions, that is to say with any interference from the state.
(5) CDH, Christian-democrat party in the opposition since 1999.

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The Ministry of Interior and the surveillance of "harmful sects"

Terrorism and sects in the same caste

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (18.05.2004) / Email: info@hrwf.net - Website: <http://www.hrwf.org> - "The central service 'terrorism and harmful sects' is actually the focus of a re-examination with regards to matters of human resources and priorities" declared the Minister of Interior Patrick Dewael in response to a question posed by Deputy Joseph Arens [cdH*].

The Directorate for the struggle against criminality under the authority of the General Directorate of the Police's Investigative Unit consists of three divisions: Drugs, Trafficking of Human Beings, Terrorism and Sects. The "Terrorism and Sects" division is split into four *teams*: Islamic Fundamentalism, Kurds, National and International Terrorism, and Sects. The divisions of the General Directorate of the Police's Investigative Unit are concentrating on support, coordination, procedure control, and information analysis. In each district, the Police's Investigative Unit covers the sectarian phenomenon and hires trained or specialized investigators according to the needs of the situation.

Until recently, the sect *team* was composed of a single detective chief inspector. Since his transfer on the 11 September 2001 to an alternate police zone, he has never been replaced. His mandate was entrusted to a detective chief inspector already responsible of issues of national and international terrorism. Minister Dewael stated to Deputy Joseph Arens that the federal police has never been the subject of any complaint concerning its treatment of the sect issue, because of the multi-dimensional flexibility of the "Terrorism and Sects" division and its collaboration with, among others, the Administrative Coordination Agency for the Fight Against Harmful Sectarian Organizations. This division and the Police's Investigative Units in the various districts are currently the focus of a re-examination.

Source: Official minutes of the Commission for the Interior, General Affairs, and Public Services (Afternoon session of 21 April 2004)

(*) cdH: Centre démocrate et humaniste (Christian Democrat Party, now in the opposition)

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Announcement: Sect Observatory in desperate search of members

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (11.05.2004) / Email info@hrwf.net – Website <http://www.hrwf.net> - “The last calls for candidates have highlighted that it is difficult to find enough people interested in the Centre” (1), says a draft law tabled on February 5, 2004 by the five-member Working Group “Information and Advice Centre on Harmful Sectarian Organizations” which was recently created by the House of Representatives.

No salaries are to be provided. The June 13, 1999 law says that the president and his alternate receive an annual compensation of 300,000 BEF (about 7,500 EUR or USD 9,000), to be paid on a monthly basis, the members and their alternates 5000 BEF (about 125 EUR or USD 150) and experts 1000 BEF (about 25 EUR) per hour.

The first mandate of the Sect Observatory came to an end in May 2003 but was extended until October due to an insufficient number of applications for membership. More than six months later, the Sect Observatory is still working outside the framework of the law that created it.

According to the draft law, the requested applications should have reached the minimum figure of 48 (2), i.e. twice as many as the current number of members, before starting the selection procedure.

The draft law reduces the number of members and of their substitutes from 12 to 8 and extends their mandate from 4 to 6 years. The requested applications should then logically be 32. It remains to be seen if this slightly reduced threshold will be reachable this time around.

- (1) Information and Advice Centre on Harmful Sectarian Organizations or commonly called Sect Observatory.
- (2) This threshold is not specified anywhere in the laws regulating the functioning of the Sect Observatory.

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New parliamentary offensive against sects in preparation

Willy Fautré, *Human Rights Without Frontiers Int.*

HRWF Int. (11.05.2004) / Email info@hrwf.net – Website <http://www.hrwf.net> – The Belgian parliament and government are currently taking a number of steps that clearly show a revived interest in the fight against sects.

A sub-commission attached to the Justice Commission is being created and might hold its first session before the summer. It seems the chairperson will be MP André Frédéric (Socialist, French-speaking).

At the April 26, 2004 session of the Justice Committee of the House of Representatives, MP André Frédéric urged Minister of Justice Laurette Onkelinx (1) (Socialist, French-speaking) to monitor the follow up of the recommendations of the Sect Commission of April 28, 1997 with particular attention to Jehovah’s Witnesses and the Church of Scientology.

In her answer, Minister Onkelinx summed up the activities of the Sect Observatory concerning these two groups and declared that she was examining the possibility of updating the recommendations of the Sect Commission. In this regard, it is worth recalling that the Sect Observatory chaired by Prof. Adelbert Denaux had asked the legislators to draft of a law on the abuse of weakness (2) by “harmful sectarian

organizations", as publicized in September 2003 in the recommendations of its latest report.

On September 19, 2003, MP Philippe Monfils (MR Party/ Liberal, French-speaking) tabled a draft law against the abuse of weakness in which it was requested that a specific provision be added to the constitution under article 146.

On October 15, 2003, Senator Pierre Galand (Socialist, French-speaking) posed a written question about the opening of the European bureau of the Church of Scientology and the charges of illegal practices raised against them in a Belgian court.

In December 2003 and January 2004, MP André Frédéric asked various ministers (Justice, Labor and Retirement Pensions, Social Affairs and Public Health, Defense, etc.) written questions about the follow up of the Sect Commission recommendations by their respective departments.

Pierre-Yves Jeholet (MR Party/Liberal, French-speaking) also addressed a written question to Minister Onkelinx about the Church of Scientology and the law on personal data. The minister provided a technical answer to all aspects of the raised issue.

This list, though not exhaustive, shows once more that the fight against "sects" primarily emanates from French-speaking MPs and senators of the socialist and liberal parties.

- (1) When minister-president of the French Community, Laurette Onkelinx set up a freephone helpline, 0800-20 000 to provide information to the general public. When the service was unable to give a satisfactory answer, it oriented the callers to one of the existing anti-sect associations. She then also launched a huge media campaign warning against sects: distribution of 250,000 tracts and 60,000 four-color brochures, publicity on TV and in cinema halls, etc.
- (2) It seems Belgium wants to follow the example of France, where the About-Picard law criminalizes the abuse of weakness.

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Ban on the burqa in six communes of Brussels

150 Euros fine in case of violation

HRWF Int. (02.02.2004) - Website <http://www.hrwf.net> - A new provision has been introduced in the general police regulation (art. 82) of Molenbeek St Jean, one of the nineteen communes of Brussels, which forbids "to be masked and disguised in the public square". The prohibition is meant to target the burqa, commonly worn by Afghan women. The origin of this restriction is to be found in the fact that in January 2004, a lady had come to the registry office of the town hall of Molenbeek, covered from her head to her feet. The mayor, Philippe Moureaux (socialist), former chairman of the Parliamentary Commission on Sects, was quoted as saying "The burqa is not a religious sign but is contrary to the habits of our country." Any violation of the regulation will be punished by a fine of 150 Euros.

Five other communes had already introduced the ban in their own police regulation at the end of last year.

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