

**OFFICIAL GAZETTE OF THE HELLENIC REPUBLIC**

January 15, 2018

Issue A'

**Law 4511**

**Amendment of Article 5 of Legislative Act of December 24, 1990 "On Muslim Clerics" (A' 182) ratified by the Sole Article of Law 1920/1991 (A' 11)**

**Article 1**

1. The following paragraph shall be inserted at the end of Article 5 of the Legislative Act of December 24, 1990 "On Muslim Clerics" (A' 182) ratified by the Sole Article of Law 1920/1991 (A' 11):

"4.a. The cases of paragraph 2 are regulated by ordinary provisions (Civil Code) and only in exceptional cases are they subjected to the jurisdiction of the Mufti, provided that the parties file a request before him applying for their dispute to be resolved in accordance with Sharia law. Once the dispute is subject to the jurisdiction of the Mufti, this is irrevocable and it precludes the jurisdiction of the Court on this particular dispute. If either party does not wish for the case to be subject to the jurisdiction of the Mufti, he or she may apply to the courts of civil law pursuant to ordinary substantive and procedural provisions, which in any case have the presumption of jurisdiction.

b. By Presidential Decree issued pursuant to a proposal by the Minister of Education, Research and Religious Affairs and the Minister of Justice, Transparency and Human Rights, the following shall be set out: all necessary procedural rules on the discussion of the case before the Mufti and on the issuing of his decisions and in particular in regards with the procedure of application by the parties which shall contain the case files in accordance with the Code of Civil Procedure and explicit irrevocable statement of each party on the choice of this jurisdiction (in default of which they are void), the representation by authorized lawyers, the procedure of filing an application and serving a notice to the other party, the procedure of discussion and adoption of the decision, matters of organizing, creating and filling posts for staff (permanent, contracted staff / indefinite term, temporary staff) and of the operating of this service, of record-keeping as well as any matter related to the implementation of this law.

c. Succession relations of members of the Muslim minority in Thrace are regulated for under the provisions of the Civil Code, except if the testator draws up before a notary a declaration of property upon death, according to the form of a public will, containing exclusively the expressive will of the testator to subject his succession under Sharia law. This declaration may be withdrawn at any time, either by a subsequent contrary declaration before a notary or by drawing up a subsequent will, in accordance with the regulations of the Civil Code. Concurrent application of the Civil Code and of Sharia law on succession either in a percentage or on specific parts of it is prohibited.

2. Until the entry into force of article 5(4)(a) of the Legislative Act “On Muslim Clerics” (A’ 182) ratified by the Sole Article of Law 1920/1991 (A’ 11), cases of mutual consent shall be brought before the Mufti in accordance with the existing procedure at the time of publication of this Law. With regards to wills made before the entry into force of this Law in which succession has not occurred, they normally draw their legal effect at the time of the handover.

3. In Article 5(2) of the Legislative Act of December 24, 1990 “On Muslim Clerics” (A’ 182) ratified by the Sole Article of Law 1920/1991 (A’ 11) after the phrase: “The Mufti shall exercise jurisdiction” the following phrase is added: “, under the terms and conditions set out in paragraph 4,”. In the second subparagraph of Article 5(3) of the Legislative Act of December 24, 1990 “On Muslim Clerics” (A’ 182) ratified by the Sole Article of Law 1920/1991 (A’ 11), after the phrase; “are contrary to the Constitution” the following phrase is added: “in particular to Article 4(2) and to the European Convention on Human Rights”.

4. Article 5(4)(a) of the Legislative Act of December 24, 1990 “On Muslim Clerics” (A’ 182) ratified by the Sole Article of Law 1920/1991 (A’ 11) shall enter into force as from the publication of the Presidential Decree referred to in 4(b).

5. By decision of the Minister of Education, Research and Religious Affairs a non-remunerable Expert Committee may be set up with a task to draw up a report within 30 days on the procedural rules referred to in subparagraph 4b. The Committee shall consist of two Theologians, members of the Muslim minority in Thrace, specialized in Sharia law or a related field of study, a faculty member of the Undergraduate Program of Islamic Studies of the School of Theology at Aristotle University of Thessaloniki, a lawyer experienced in family law and succession law and a faculty member of a Law School in Greece specialized in Civil Procedural Law.

## **Article 2**

### **Entry into force**

This law shall enter into force as from its publication in the Official Gazette of the Hellenic Republic unless otherwise specified in individual provisions.