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Munich: Muslims have a right to build a mosque, and opponents have a right to criticize Islam

Vienna, 2014-11-12 (FOREF) - Munich city authorities were justified in prohibiting a public referendum on building a proposed 40-million-EURO *Munich Forum for Islam* mosque, but the human rights of German citizens opposing the mosque have been violated, according to the Forum for Religious Freedom – Europe (FOREF), an independent, secular, nongovernmental organization.

“The right to build places of worship is guaranteed by international human rights law, and cannot be subjected to democratic decisions.,”¹ stated Dr. Aaron Rhodes, President of FOREF.

“But we are deeply concerned that the freedom of expression of opponents of the mosque has been violated,” Rhodes added.

Opponents of the mosque have been called “right-wing extremists” by Bavarian Interior Minister Joachim Hermann, who said the anti-mosque campaign was aimed at arousing “unconstitutional prejudices.”

FOREF is disturbed by the conviction of Michael Stürzenberger by the District Court of Munich (Landgericht München) for “insulting” and “belittling” Muslims and Islam. Stürzenberger, the leader of *Freedom Bavaria* and a leading campaigner against the mosque, was fined EURO 2500 for posts on the *Politically Incorrect* free speech blog, in which he made highly critical remarks

¹ The UN Human Rights Committee in its General Comment n° 22 explained: The freedom to manifest religion or belief may be exercised “either individually or in community with others and in public or private”. The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, **including the building of places of worship**, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.

about Islam, comparing Islam with a cancer that would destroy Germany. The Munich public prosecutor claimed his remarks would disturb the public peace.

Opponents of the mosque have also been placed under surveillance by the German domestic intelligence service (Bundesamt fuer Verfassungsschutz), which has been upheld by the Administrative Court of Bavaria.

“When citizens can be monitored and convicted for such expressions, we know the freedom of expression is being seriously abused,” Rhodes said. “There is no right not to be insulted, yet any truly free society must respect the rights of citizens to express their opinions and their anxieties.”

“These decisions are examples of “thought police” in action, as the court’s approach to defamation resembles that found in Islamic societies and others that do not allow state religions to be criticized,” he said. “Both freedom of religion, and the freedom to criticize religions, must be respected.”

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