

Jehovah's Witnesses in

TURKEY

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

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- Jehovah's Witnesses in Turkey enjoy relative freedom to worship.
- However, Turkey refuses to recognize conscientious objection to military service and makes no provision for alternative service.
- Additionally, municipal officials throughout the country refuse to classify the Kingdom Halls (houses of worship) of Jehovah's Witnesses as "places of worship" on zoning maps.

57 conscientious objectors under prosecution

91 requests for zoning of houses of worship denied by 29 municipalities

Denial of Right to Conscientious Objection to Military Service

As of August 2016, 57 Witnesses are facing prosecution as conscientious objectors to military service. The government of Turkey subjects Witness conscientious objectors to unending call-ups for military duty, repeated fines, and threats of imprisonment.

(1) Turkey ignores the landmark judgement of the Grand Chamber of the European Court of Human Rights (ECHR) in *Bayatyan v. Armenia*, no. 23459/03, 7 July 2011. The Grand Chamber found that Article 9 of the European Convention protects conscientious objectors who refuse military service. This ruling is binding on Turkey, which is a member of the Council of Europe.

(2) Turkey continues to disregard ECHR judgments against it on this issue:

- *Buldu and Others v. Turkey*, no. 14017/08, 3 June 2014
- *Feti Demirtaş v. Turkey*, no. 5260/07, 17 January 2012
- *Erçep v. Turkey*, no. 43965/04, 22 November 2011

"The measures taken against the applicants . . . are an interference that was not necessary in a democratic society within the meaning of Article 9 of the Convention."—*Buldu v. Turkey*.

(3) Turkey also ignores the UN Human Rights Committee (CCPR) Views—*Atasoy and Sarkut v. Turkey* (CCPR/C/104/D/1853-1854/2008 [29 March 2012]).

"[The Witnesses'] refusal to be drafted for compulsory military service derives from their religious beliefs," and their "subsequent prosecution and sentences amount to an

infringement of their freedom of conscience, in breach of article 18, paragraph 1, of the [International Covenant on Civil and Political Rights].”—*Atasoy and Sarkut v. Turkey*.

Courts continue to prosecute and fine Witnesses for refusal to serve in the military.

- (1) An arrest warrant was issued on **24 June 2016** for Yunus Kızıllırmak, who had been sentenced on **12 December 2015** to pay an administrative fine of TRY 6,459 (approximately EUR 1,938) for refusal to serve in the military. On **30 March 2016**, the local court cancelled the fine. He was released on the condition that he would go to the recruiting office within 15 days.
- (2) An arrest warrant was issued on **23 June 2016** for Mehmet Can Ekin, who had been sentenced to pay administrative fines for refusal to serve in the military. He was released on the condition that he would go to the recruiting office within 15 days.
- (3) An arrest warrant was issued on **17 June 2016** for Taner Kızıllıkor, who had been sentenced on 23 May 2013 to pay an administrative fine of TRY 250 (approximately EUR 75) for refusal to serve in the military. (On 15 January 2014, the local court cancelled the fine.) He was released on the condition that he would go to the recruiting office within 15 days.
- (4) Kerem Topaç was fined TRY 122 (approximately EUR 36) on **24 May 2016** for refusal to serve in the military. His appeal has been pending before the local court since **24 June 2016**.
- (5) Sinan Doğan was fined TRY 2,869 (approximately EUR 860) on **17 May 2016** for refusal to serve in the military. His appeal has been pending before the local court since **17 June 2016**.
- (6) Ersin Ölgün (one of the applicants in *Buldu and Others v. Turkey*) is currently facing prosecution on the charge of draft evasion. Since prevailing in his case before the ECHR, police have twice apprehended him in the middle of the night to issue reports against him. He and his wife are still living under the stress of potential apprehension. Additional charges filed against him were considered in a hearing on **3 May 2016**.
- (7) Barış Kalaycı was fined TRY 356 (approximately EUR 106) and TRY 2,896 (approximately EUR 869) on **28 April 2016** for refusal to serve in the military in two separate call-up terms. His appeals have been pending before the local court since **31 May 2016** and **7 June 2016** respectively.
- (8) Zafer Gül was fined TRY 7,802 (approximately EUR 2,341) on **6 January 2016** for refusal to serve in the military. His appeal was accepted by the court, and the fine was cancelled on **28 April 2016**.

Denial of Zoning for Houses of Worship

In 2003, Turkey modified its Law on Zoning No. 3194 in order to comply with European standards on non-discrimination and freedom of religion, providing non-Muslim religious minorities the right to build and own places of worship. In practice, however, municipal authorities and domestic courts have refused to implement this provision and routinely refuse to grant “place of worship” status for Kingdom Halls of Jehovah’s Witnesses.

To date, 29 different municipalities have denied 91 requests made by Jehovah’s Witnesses to obtain a religious facility location on municipal zoning maps. Not one Kingdom Hall in Turkey has been zoned as a place of worship.

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Because the government rejects registration of Kingdom Halls, houses of worship are subject to arbitrary closure at any time. The Witnesses must also pay property taxes because their Kingdom Halls are not properly zoned as religious facilities.

On **24 May 2016**, the ECHR found that Turkey used its zoning legislation to “impose rigid, even prohibitive, requirements on the exercise [of worship] of minority denominations, one of which being Jehovah’s Witnesses.” The law unnecessarily restricted the Witnesses’ ability to worship freely and therefore violated Article 9 of the European Convention on Human Rights. (See the two applications *Association de solidarité avec les témoins de Jéhovah et autres c. Turquie*, nos 36915/10 and 8606/13.)

- Neither of the Kingdom Halls that were the subject of the applications has been granted zoning as a place of worship.
- The government of Turkey has appealed the decision to the Grand Chamber

Religious Freedom Objectives

Jehovah’s Witnesses respectfully request the government of Turkey to:

- (1) Recognize the right to conscientious objection to military service and provide for alternative civilian service
- (2) Apply zoning laws correctly to allow them to build and register places of worship

Representatives of Jehovah’s Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of Turkey’s government.

For more information:

Please contact the Office of General Counsel of Jehovah’s Witnesses at generalcounsel@jw.org

Visit the Newsroom at jw.org or scan the QR code to learn more about legal developments and human rights affecting Jehovah’s Witnesses in Turkey.

