

RELIGIOUS FREEDOM CONCERNS

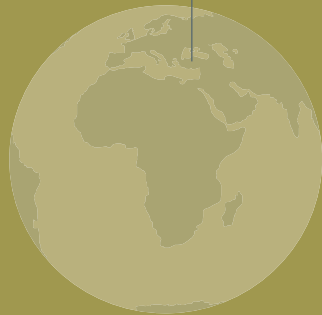
STATEMENT BY THE EUROPEAN
ASSOCIATION OF JEHOVAH'S
CHRISTIAN WITNESSES

OFFICE OF GENERAL COUNSEL
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES



OSCE Human
Dimension
Implementation
Meeting, Warsaw

11-22 SEPTEMBER 2017



Turkey

- ✎ **Jehovah's Witnesses** in Turkey have legal registration and enjoy relative freedom of worship.
- ✎ **However, Turkey refuses** to recognize conscientious objection to military service and makes no provision for alternative civilian 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.

Denial of Right to Conscientious Objection to Military Service

As of August 2017, 68 of Jehovah's 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 judgment 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 and Others 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*.

**SEPTEMBER 2016
THROUGH JULY 2017**

68
conscientious objectors
under prosecution

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

COURTS CONTINUE TO PROSECUTE AND FINE WITNESSES FOR REFUSAL TO SERVE IN THE MILITARY.

1. **İbrahim Varıcılar** was sentenced to pay an administrative fine of 7,174 Turkish Liras (USD 2,034) **on 18 January 2017**, and 2,978 Turkish Liras (USD 844) **on 12 April 2017** for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeals are pending before the local court.
2. **Yakup Erdem Bilensir** was sentenced to pay an administrative fine of 21,259 Turkish Liras (USD 6,027) **on 10 November 2016** for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.
3. **İlker Sarıalp** was sentenced to pay an administrative fine of 10,043 Turkish Liras (USD 2,847) **on 10 November 2016** for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.
4. **Arden Üzel** was sentenced to pay an administrative fine of 4,306 Turkish Liras (USD 1,221) **on 14 December 2016** for refusal to serve in the military. Authorities accused him of being a draft evader despite his submitting a petition about his conscientious objection. His appeal was rejected by the local court; he then appealed to the Constitutional Court as the last domestic legal remedy.
5. **Arif Emrah Orak** was sentenced to pay an administrative fine of 7,447 Turkish Liras (USD 2,111) **on 12 April 2017** for refusal to serve in the military. Authorities accused him of being a draft evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.
6. **Berge Çelikyazıcıyan** was sentenced to pay an administrative fine of 22,337 Turkish Liras (USD 6,333) **on 12 April 2017** for refusal to serve in the military. Authorities accused him of being a draft evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.
7. **Ali Doğan** was sentenced to pay an administrative fine of 1,846 Turkish Liras (USD 523) **on 1 June 2017** for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.
8. **Öcal Yılmaztürk** was sentenced to pay an administrative fine of 132 Turkish Liras (USD 38) **on 1 June 2017** for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.

9. Volkan Altay used to work as a veterinary in one of the local municipalities in Istanbul. When the local municipality received an instruction letter from the Military Recruitment Office dated **6 April 2017**, he was fired from his employment **on 24 May 2017**. The Military Recruitment Office referred to the Military Penal Code numbered 1632 and told the municipality that “in contrary case, a formal investigation will be started against you for the crime of employing a draft evader.” Now Mr. Altay cannot be recruited as a public officer and he has been unemployed since **24 May 2017**.

10. Coşkun Doğangün was notified **on 11 October 2016** that due to the judgment against him dated **16 June 2016**, he was sentenced to pay an administrative fine of 5,392 Turkish Liras (USD 1,529) for refusal to serve in the military. Authorities accused him of being an enlistment evader despite his submitting a petition about his conscientious objection. His appeal was rejected **on 15 July 2017**.

11. Uğur Yiğit Us was notified **on 22 April 2017** that due to the judgment against him dated 21 July 2016, he was sentenced to pay an administrative fine of 1,432 Turkish Liras (USD 406) for refusal to serve in the military. Authorities accused him of being a draft evader despite his submitting a petition about his conscientious objection. His appeal is pending before the local court.

12. Timuçin Tuzlu received two notices dated **21 September 2016** and **12 December 2016** from the prosecutor’s office charging him with being an enlistment evader and a draft evader, respectively. The cases are still under consideration.

13. Caner Palandökenler received notice **on 23 May 2017** from the prosecutor’s office charging him with being an enlistment evader. The case is still under consideration.

Some local courts have cancelled the administrative penalty fines issued to conscientious objectors on appeal, referring to the facts in the conscientious objectors’ petitions and international court decisions. Since **1 September 2016**, five penalty fines have been cancelled by the appeal courts on behalf of four individuals. These decisions are used as precedents in other cases.

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.

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

On 24 May 2016, the ECHR released its judgment in the cases of Association de solidarité avec les témoins de Jéhovah et autres c. Turquie, nos 36915/10 and 8606/13, finding 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.

➤ **To date**, neither of the Kingdom Halls that were the subject of the applications has been granted zoning as a place of worship.

➤ **On 14 June 2017**, the Ministry of Justice notified some government officers about this judgment, but there has been no other progress.



Ozan Özdemir

Ozan Özdemir was attacked and severely injured by Fatih Durdağı and another man.

Societal Abuses and Discrimination

Ataşehir, Istanbul. **On 19 December 2016**, Mr. Fatih Durdağı was offered a tract at his workplace by two of Jehovah’s Witnesses, namely Mr. Deniz Yürük and Mr. Ozan Özdemir. He refused and the Witnesses left. However, after a short while a car approached from which Mr. Durdağı and another man emerged. Mr. Durdağı attacked the two Witnesses with a baseball bat and severely injured 17-year-old Ozan Özdemir. Local authorities initiated legal proceedings against Mr. Durdağı with the charge of “willful and malicious injury.” A first hearing was held **on 26 May 2017**, with the next hearing scheduled for **October 2017**.

PRESS RELEASE

Issued by Registrar of European Court of Human Rights
24 May 2016

Refusal to provide the Mersin and Izmir Jehovah's Witnesses with an appropriate place of worship breached their right to freedom of religion

In today's Chamber judgment in the case of Association for Solidarity with Jehovah Witnesses and Others v. Turkey (applications nos. 36915/10 and 8606/13) the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 9 (right to freedom of thought, conscience and religion) of the European Convention on Human Rights

The case concerned the inability of the Mersin and İzmir Jehovah's Witnesses to obtain an appropriate place in order to engage in worship. On the basis of a law prohibiting the opening of places of worship on sites not designated for that purpose and imposing certain conditions on the building of places of worship, the private premises which the Mersin and İzmir congregations of the Jehovah's Witnesses had been using were closed by the national authorities and their applications to use those premises as places of worship were rejected. The congregations were also informed that the local development plans comprised no sites which could be used as places of worship.

The Court found in particular that the congregations in question were unable to obtain an appropriate place in which to worship on a regular basis, which amounted to such a direct interference with their freedom of religion that it was neither proportionate to the legitimate aim pursued, that is to say the prevention of disorder, nor necessary in a democratic society. The Court considered that the domestic court had taken no account of the specific needs of a small community of believers and noted that the impugned legislation made no mention of that type of need, whereas, given the small number of adherents, the congregations in question needed not a building with a specific architectural design but a simple meeting room in which to worship, meet and teach their beliefs.

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF TURKEY TO:

- Recognize the right to conscientious objection to military service and provide for alternative civilian service
- 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 here to learn more about legal developments and human rights affecting Jehovah's Witnesses in Turkey.