

Jehovah's Witnesses in

# Turkey

## Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

21 September 2015 – 2 October 2015

Turkey refuses to recognize conscientious objection to military service and has no provision for alternative service.

**55** conscientious objectors under prosecution

On zoning maps, officials throughout the country refuse to classify Kingdom Halls of Jehovah's Witnesses as "places of worship."

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

### Denial of Right to Conscientious Objection to Military Service

As of June 2015, 55 Witnesses are facing prosecution as conscientious objectors to military service. The government of Turkey subjects Witness conscientious objectors to multiple call-ups for military duty, repeated fines, and threats of imprisonment. In doing so, Turkey continues to violate its international obligations:

- (1) Turkey ignores the 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. As a member of the Council of Europe, this ruling is binding on Turkey.
- (2) Turkey continues to disregard ECHR judgements 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*.

## RELIGIOUS FREEDOM CONCERNS — TURKEY

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Among the 55 Witnesses whom the government of Turkey is now prosecuting, 3 individuals are applicants of the above-mentioned ECHR judgements:

- Barış Görmez, *Buldu and Others v. Turkey*
- Ersin Ölgün, *Buldu and Others v. Turkey*
- Feti Demirtaş, *Feti Demirtaş v. Turkey*

A number of Jehovah's Witnesses have been fined in recent months for refusal to serve in the military:

- (1) Can Ekin was fined 296 Turkish liras (88 euros) three times in May and June 2015. His appeals are pending before the local court.
- (2) Yusuf İçinli was fined 122 Turkish liras (36 euros) on 4 March 2015. His appeal was rejected by the local court.
- (3) Caner Palandökenler was fined 1,017 Turkish liras (301 euros) on 14 April 2015. His appeal is pending before the local court.
- (4) Cem Palandökenler was fined 678 Turkish liras (201 euros) on 14 April 2015. His appeal is pending before the local court.
- (5) Faruk Tatlıçeşme was fined 4,078 Turkish liras (1,210 euros) on 14 April 2015. His appeal is pending before the local court.
- (6) Arden Üzel was fined 2,718 Turkish liras (806 euros) on 10 June 2015. His appeal is pending before the local court.
- (7) Ersin Ölgün, (*Buldu and Others v. Turkey*) is being prosecuted with the charge of "evasion of draft." The case was initiated by the prosecutor on 11 March 2015, and the next hearing will be held on 27 September 2015.
- (8) Barış Görmez, (*Buldu and Others v. Turkey*) had been acquitted of two charges in the lower military court, which charges were also subjects of the ECHR application. However, the Military Supreme Court cancelled the lower military court's acquittal decisions three times for reconsideration. Upon the third cancellation, the lower military court released an interim decision stating that they agree with the cancellation of the Military Supreme Court. When the military court made an acquittal decision for the fourth time, the military prosecutor appealed the decision—now pending before the Military Supreme Court for the fourth time.

### 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 a 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, they can close them any time they choose. The Witnesses must also unjustly pay property taxes because their Kingdom Halls are not properly zoned as religious facilities. Jehovah's Witnesses have submitted two applications to the ECHR on this issue. On 2 February 2015, the ECHR informed the Witnesses

that the Court had requested the government to submit their final remarks by 2 March 2015. The two applications are pending judgment by the ECHR.

- ECHR jurisprudence requires that “states must refrain from applying arbitrary measures capable of interfering with the right to assemble peacefully. In view of the essential nature of freedom of assembly and association and its close relationship with democracy there must be convincing and compelling reasons to justify an interference with this right (see *Ouranio Toxo v. Greece*, no. 74989/01, § 36, 20 October 2005, with further references).”—*Barankevich v. Russia*, no. 10519/03, §§ 24 & 25, 26 July 2007.

### Meetings With Officials

On 26 December 2014, officials from the National Human Rights Institution organised a meeting with two representatives of Jehovah’s Witnesses. The officials said that the government is willing to consider a resolution to the issue of conscientious objection to military service, but they cannot promise anything at the present time.

The representatives of Jehovah’s Witnesses made it clear that the conscience of any individual Witness would not allow alternative service that is under military control or that violates a Bible principle. The Witnesses also emphasized that since this a matter of conscience for each individual Witness, no one can guarantee that every Witness would accept alternative civilian service.

#### **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 that Jehovah’s Witnesses may serve their country with a clean conscience
- (2) Apply the zoning law properly 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 the government of Turkey.***

#### **For more information:**

Please contact the Office of General Counsel of Jehovah’s Witnesses at [generalcounsel@jw.org](mailto:generalcounsel@jw.org)

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