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MODIFICATION

After sending on November 9, 2009 our submission about Jehovah's Witnesses in Turkey, we have received an updated report on the problems Jehovah's Witnesses are facing in Turkey regarding houses of worship and conscientious objection to military service. The following document is the corrected contribution:

From The European Association
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High
Commissioner for Human Rights on the
implementation of the new review mechanism of the
Human Rights Council, established by GA Resolution
60/251 and by the Human Rights Council in Resolution
5/1 of 18 June 2007 for the 8th session 2010 of the UPR
(Dates of the WG: May 2010).

TURKEY

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Background

The legal entity of Jehovah's Witnesses, the "Association for the Support of Jehovah's Witnesses," was officially registered in July 2007. Nevertheless, Jehovah's Witnesses continue to face difficulties regarding the use and taxation of their Kingdom Halls (houses of worship). They are occasionally arrested for talking about their faith with others and are prosecuted as conscientious objectors to military service.

Restrictions on Religious Freedom

Problems with Kingdom Halls (houses of worship)

- Mersin: Jehovah's Witnesses had been using a Kingdom Hall in Mersin for some 20 years when it was sealed in August 2003 by the Mersin Governor's Office on the basis of zoning laws. On August 4, 2004, the Mersin Administrative Court made a decision to remove the seal emphasizing that freedom of religion is more important than the zoning law. Upon the appeal of the Mersin Governor's Office, the highest administrative court in Turkey, Danistay (Council of State) cancelled this decision and sent it back to the Mersin Administrative Court which this time made a decision in parallel with Danistay's decision on October 27, 2008. Appeal of Jehovah's Witnesses have been rejected by Danistay on February 6, 2009. Jehovah's Witnesses submitted an objection petition demanding a decision correction as the last domestic remedy on April 17, 2009.
- So far, no decision has been issued. Our religious minorities in that city are deprived of having a suitable house of worship to exercise their religious freedom.

Conscientious Objection to Military Service

Turkey does not recognize conscientious objection to military service and has no provision for alternative civilian service. Applications for exemption as conscientious objectors are simply not processed. A growing number of young men who are Jehovah's Witnesses are being affected by the military recruitment situation in Turkey.

Jehovah's Witnesses in Turkey filed three applications on this issue with the European Court of Human Rights (ECHR) in Strasbourg: *Yunus Erçep v. Turkey*, (no. 43965/04); *Feti Demirtaş v. Turkey*, (no. 5260/07); and *Çağlar Buldu & others v. Turkey*, (no. 14017/08). On May 25, 2009, the ECHR combined the three cases.

- Yunus Erçep, has been prosecuted 35 times since 1999 because his religiously motivated conscience will not allow him to serve in the military. He has spent time in a psychiatric hospital for supposed "religious paranoia," served prison sentences, and paid fines. He is called up three times a year for military service, since he is a college graduate (as opposed to four times for others who are not college graduates). Each conviction has been on the charge of *bakaya* (evasion of enlistment), even though he has consistently presented himself for every enlistment period. On May 25, 2009, a letter was received from the ECHR stating that the Government of Turkey was invited to submit written observations on the admissibility and merits of the complaints.
- Feti Demirtaş first reported for the military call-up as required by law in 2005 and explained his conscientious objection to military service. He refused to sign recruitment papers and asked to be allowed to perform alternative civilian service. He endured threats and physical and verbal abuse and was then taken into pretrial custody without benefit of counsel. He was convicted and sentenced to prison. Since then, Demirtaş has been arrested and detained at each call-up period and has experienced ongoing physical and verbal abuse, sleep deprivation, intimidation, strip searches, and psychiatric evaluations.
- Çağlar Buldu advised military authorities on several occasions since 2004 that he refused to perform military service on the basis of his religious beliefs. He was brought before a military judge in

Ankara, who ordered his provisional detention, and was transported to the Mamak Military Prison. He risks being sentenced to imprisonment again and faces renewed prosecution for the same offences.

Applications were also filed with the United Nations Human Rights Committee (UNHRC) on behalf of two others of Jehovah's Witnesses: *Cenk Atasoy v. Turkey* (Communication No. 1853/2008) and *Arda Sarkut v. Turkey* (Communication No.1854/2008). Both submissions are pending before the UNHRC for admissibility.

- Cenk Atasoy has one charge against him on the grounds of Evasion of Enlistment (*bakaya*). The case has recently resulted with a fine of 600 TL. Since the laws do not permit him to appeal fines equal to or lower than 2,000 TL, this judgment is final.
- Arda Sarkut has four charges against him on the grounds of Evasion of Enlistment (*bakaya*). The cases have recently resulted in a total fine of 3,200 TL on April 2, 2009 (2,000 TL for the April 2008 and August 2008 call-up terms and 600 TL each for the August and December 2007 call-up terms). Since the laws do not allow him to appeal fines equal to or lower than 2,000 TL, these judgments are final. Arda Sarkut suffers these fines despite his being unemployed due to the censorship the university based on instructions from the military recruitment office.

Twenty-one other Jehovah's Witnesses are currently facing prosecution for being conscientious objectors.

- Barış Görmez advised military authorities on several occasions beginning in 2006 that he refused to perform military service on the basis of his religious beliefs. He was informed that it was not possible to obtain an exemption from compulsory service.. On October 22, 2007, when he was present at the military recruitment office to submit his petition stating his conscientious objection, he was taken to Istanbul City Gendarmerie Command Prison by force to be taken to the military base he was assigned. During his stay until October 31, 2007, he was beaten up by an officer and a number of soldiers to deny his religious conviction. From October 31, 2007, despite his sincere conscientious objection based on his Bible-trained conscience, he was ordered to obey military orders on the military base. Expressing his impossibility to obey such a military order due to his conscientious objection, seven criminal proceedings were brought against him for acts of "insistently disobeying repeated orders in order to avoid service" and "insubordination committed in front of other soldiers." As a result of these criminal proceedings, he has been in the military prison for two years as an arrested or sentenced individual. He is still in military prison in Isparta, Turkey.
- Ersin Ölgün advised military authorities on several occasions beginning in 2005 that he refused to perform military service on the basis of his religious beliefs. He was sentenced to prison terms that were commuted to a total fine of 2,500 YTL. He faces renewed criminal prosecutions and sentences to prison terms in future call-up periods.

Religious Freedom Objectives

Jehovah's Witnesses in Turkey and as a worldwide organization respectfully request the government of Turkey to:

- (1) Ensure the right to have, change, and share one's belief and manifest this belief in worship, teaching, practice and observance.
- (2) Allow them to establish and use places of worship without hindrance.
- (3) Protect the right to conscientious objection to military service by enacting legislation to provide for this right.