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Turkey jails US pastor on 'terrorism' allegations

By Barbara G. Baker

World Watch Monitor (09.12.2016) - <http://bit.ly/2hIWBfB> -

UPDATE (9 Dec.)

A Turkish judge sent Rev. Andrew Brunson to prison in Izmir today, 64 days after the US pastor and his wife, Norine, were detained on 7 Oct. under Interior Ministry deportation orders.

Although his wife was released on 19 Oct. and given an extended permit to remain in the country, Andrew Brunson has been held since 20 Oct. at the Harmandali Detention Centre on the northern edge of Izmir.

The 48-year-old was transferred overnight on 8 Dec. to a counter-terrorism centre, before being brought before an Izmir court today (9 Dec.) for interrogation.

The American Protestant heard today for the first time the allegations filed against him, which apparently prompted his arrest and lengthy detention. According to the officiating judge, the "terrorism" charges came from a "secret informant". The court ruled that the files on Brunson's case would continue to remain inaccessible to his lawyer, who had not been allowed to meet him until today's hearing.

According to Norine Brunson, the lawyer confirmed that her husband was accused of links with the Fetullah Gulen movement, which is accused by Ankara of instigating a failed military coup against the Turkish government on 15 July. The pastor is now incarcerated at Izmir's Sakran 3 Nolu T Tipi Prison.

In a wide-ranging crackdown to identify and prosecute the suspected coup plotters and their sympathisers, with the intention to prosecute them as "terrorists", the Turkish authorities have suspended or jailed tens of thousands of judges, prosecutors, military personnel, journalists and educators on terrorism charges over the past five months.

Brunson and his wife, who have three children now studying in the US, have lived in Turkey for the past 23 years.

Previous update (20 Oct.)

Turkish police authorities holding an American Protestant couple in isolation for the past 13 days released the wife late last night (19 Oct.), but continue to hold her husband incommunicado in an Izmir detention facility.

Rev. Andrew Brunson and his wife Norine were refused contact with U.S. consular officials and lawyers since they were detained on 7 Oct., under Interior Ministry orders for deportation within 15 days on alleged "national security" grounds. To date, no reason for the expulsion order has been given to the couple, who are 20-year residents of Turkey.

Although initial attempts by members of the Izmir Resurrection Church to send in personal effects to their pastor and his wife were refused, this week officials accepted parcels of fresh clothing and medicine for the couple. But the police would not permit a Bible to be sent on to them.

It remained unclear whether Rev. Brunson would be deported or remain in custody. He was transferred to the Cigli detention centre in the northern part of Izmir this morning.

Original story (14 Oct.)

Turkish officials in the coastal city of Izmir detained American Christians Andrew and Norine Brunson on 7 Oct., refusing ever since to allow daily requests for access to them by U.S. consular officials and lawyers.

According to authorities at the Migration Administration's detention facility in Izmir, the Turkish Interior Ministry had ordered the couple's deportation within 15 days. Specifically, the directive reportedly accused them of activities said to constitute a "national security risk".

When pressed five days later for details about this general accusation, the detention officials said they were "waiting for papers from Ankara" on the case.

Residents of Turkey for the past 20 years, the Brunsons are currently leading the Izmir Resurrection Church, a small Protestant congregation averaging 30 to 40 worshippers, located in the city's Alsancak district.

After filing a routine application in April to renew their residence visas, the Brunsons had received no response for the past six months. But when they arrived home on 7 Oct., they found a written summons requesting them to report with their passports to a local police station. On arrival, they were immediately taken into custody.

A lawyer asking to visit them was denied access and told to obtain an affidavit as his legal authorisation. But when he returned with the document, officials claimed that the couple had already signed a statement, declaring they did not want a lawyer. The authorities refused to produce the written statement.

A lawyer acting on behalf of the Brunsons filed a petition to the Izmir governor yesterday (12 Oct.), protesting that the incommunicado stipulation against the American Christians was illegal under Turkish detention laws. A member of the Turkish Parliament has also made an inquiry on the handling of their detention.

Although an Izmir church leader confirmed that the U.S. Embassy in Ankara is reportedly "following the arrests", an embassy official declined any comment on the detentions to World Watch Monitor.

After five days, church friends trying to send in a change of clothing to the couple, who are in their late forties, continue to be rebuffed at the detention centre.

A continuing pattern

The Interior Ministry has issued similar summary deportation orders against expatriate Christians living in Turkey over the past few years. But when their lawyers were given official access to their detained clients, as stipulated by law, the directive could be delayed. This allowed a temporary stay of deportation and a formal court appeal.

In such a recent turn-around, Canadian-American Christian David Byle was taken into custody in April, when the Interior Ministry denied his application to renew his residence visa and advised the immigration authorities to deport him as a "danger to public order".

Byle has worked for years with a registered Bible Correspondence Course, helping educate the Turkish public about the Bible and organising legal street outreaches.

Byle's lawyer filed three cases against his arrest, deportation order and re-entry ban. All now remain on hold because of the Turkish judicial upheaval, in which thousands of judges and prosecutors have been suspended over allegations of support for the Fetullah Gülen movement, accused of orchestrating the summer's attempted military coup. But in the interim, until the cases are resolved, Byle continues to live in Turkey.

A similar process took place two years ago, when an American Protestant pastoring in southeast Turkey's Gaziantep city for nine years was detained in September 2014 for imminent deportation, under Interior Ministry orders. Although Patrick Jensen's residence permit was cancelled, his lawyer's intervention shortened his detention to only 30 hours, and a court hearing was set to hear his appeal over the ruling, which Turkey's Association of Protestant Churches had protested as "absolutely arbitrary".

The Gaziantep Administrative Court's judicial decision two months later overturned the Interior Ministry's order, allowing Jensen to remain in the country.

Ironically, Jensen was refused entry on 27 Aug. when he arrived at the Istanbul airport, returning from traveling abroad. The reason for his blacklisting is still unclear.

Still another U.S. citizen living in Turkey and involved in Christian ministry learned this past weekend while flying out of an Istanbul airport that his valid residence visa had been revoked. It was unclear whether he would be permitted to re-enter Turkey if he returned on his round-trip ticket.

But apparently the option of judicial review is being circumvented in the Brunsons' deportation, since they have so far been refused the right to any legal counsel to prevent their forced removal from Turkey.

Under Turkey's current "state of emergency", declared after the failed 15 July military coup, the government in Ankara has relatively free rein to implement policies and

directives which appear to violate the principle of rule of law. Last week the emergency regulations were renewed for another three months, until mid-January 2017.

"They are never going to be happy with any foreigners doing Christian work in this country," one Turkish church leader told World Watch Monitor. "So we have to take these government actions in proportion, realising there are so many countries in this region where expatriate Christians can't even go openly.

"There are quite likely touchy issues involved here," he said, referring to the flood of Syrian refugees and the Kurdish violence in the southeast, where many Christians are involved in humanitarian aid.

So for expatriate Christians involved in church ministries in Turkey, their routine residence visa renewal procedures now appear somewhat tentative.

Christian groups denounce detention of US Protestant pastor in Turkey

VOA News (03.11.2016) - <http://bit.ly/2fAivrg> - Christian groups are denouncing the jailing of an American pastor who has been detained for nearly a month in isolation in Turkey, accused of posing what officials call a "national security threat."

Authorities and the representatives of Protestant Christian community in Turkey say that Andrew Brunson, who has been a Protestant missionary in Turkey for more than 20 years, is being held at the Izmir detention facility.

He and his wife, Norine Brunson, who led the Protestant Resurrection Church in the city of Izmir, were detained October 7, Turkish officials confirmed. Norine Brunson was released October 20 and ordered to leave the country.

Later, Turkish officials decided to allow her to stay until November 10 when her visa expires, according to church officials. They added that Andrew Brunson is expected to be deported after his release.

Groups take up the cause

The U.S.-based Christian group Voice of the Persecuted has taken up the Brunsons' cause, as have opposition Parliament members in Turkey and Protestant pastors in the largely Muslim nation.

"At this point, the priority is to get Norine and Andrew safely out of Turkey, something entirely in keeping with the deportation order," Voice of the Persecuted said in a statement on its website.

Norine Brunson might be forced to leave at any time, and she does not want to leave the country without her husband, the statement said.

Officials at the Izmir Removal Center, where Brunson is being held, said his fate is now in the hands of "the Directorate General of Migration Management in the Ministry of Interior in Ankara that gives the orders about the detention and deportation of Brunson."

Officials in Ankara did not respond to VOA requests for comment.

American officials are monitoring Brunson's detention, but "privacy considerations prevent us from commenting further," said a State Department spokesman in Washington last week.

No law broken

Selina Dogan, a Turkish Parliament member from the Republican People's Party (CHP), Turkey's main opposition party, told VOA she has asked authorities about Brunson's case and has, so far, not received a reply. Dogan has been in contact with church officials and lawyers attempting to free Brunson.

Authorities' "acts towards the pastor are arbitrary," Dogan said. "According to the international treaties Turkey has signed, religious liberty covers not believing in any religion as well as sharing any religion without resorting to violence or coercion."

"The pastors do have the right to share their faith with people," Dogan added. "And what the Turkish authorities mean when they accuse the pastors of being a threat to national security does require some explanation."

Post-coup fallout

Tens of thousands of Turks have been arrested, suspended or fired from their jobs under a state of emergency imposed by the government following a failed coup attempt in July.

U.S.-Turkish relations are deeply strained over demands for the extradition of Islamic cleric Fethullah Gulen, whom Turkey blames for July's failed coup. He lives in Pennsylvania. The Turkish government said the post-coup crackdown is also needed to curb Kurdish militants and terror coming from Islamic State.

Turkey is a largely Muslim nation, and there are about 10,000 Protestant Christians in Turkey. Christian leaders say the Turkish government is growing more stringent in its measures against Christians.

According to the Association of Protestant Churches in Turkey, 100 expatriate Protestants have been prevented from serving in Turkey over the past four years as their visas or residence permits were not extended.

The Turkish government does not allow Protestants to build churches in the country.

"Missionary activities are still considered a criminal offense in Turkey," said Soner Tufan, a spokesperson of the Association of Protestant Churches of Turkey. "Our country is in a very bad situation in terms of free speech and religious liberty."

Other Christians banned

American Christian Ryan D. Keating, who headed a church-sponsored refugee ministry in Ankara, was refused re-entry into Turkey in October after he left for a short visit abroad.

At the Istanbul airport, "the officers emphasized several times that I had a lifetime ban," said Keating, who lived in Turkey for more than a decade. "They told me that it was related to national security but wouldn't elaborate, insisting that they couldn't answer my questions.

"Since I haven't been given any explanations about my entry ban, I can only speculate that the government has decided to deport me because of my work at the church and with refugees," Keating said.

Turkey builds 9,000 mosques, bans orthodox Christian liturgy

Pravoslavie.ru (07.10.2016) - <http://bit.ly/2fAtYaC> - A total of 8,985 mosques were built between 2005 and 2015 by the Turkish government over the last decade in Turkey, according to statistics released by Turkey's Religious Affairs Directorate (Diyanet).

The Central Anatolian province of Konya contained the highest number of mosques, Dogan News Agency reported on Sept. 16. Ankara, the southern province of Antalya, the Black Sea provinces of Ordu and Trabzon, and the southeastern province of Diyarbakir were among the other provinces with over 2,000 mosques.

While the Turkish government has built so many mosques across the country with state funds, it has banned Orthodox Christian liturgy in the Sumela Monastery, a historic site in Trabzon.

Sumela Monastery, located in the district of Macka -- or Matsuka in Greek -- in Trabzon province is one of the oldest monasteries in the Christian world. According to records, it was built by two Athenian monks, St. Barnabas and his nephew St. Sophronios, and was inaugurated by the bishop of Trabzon in 386 A.D.

The province of Trabzon, located in the ancient region of Pontos, the northeast portion of Anatolia adjacent to the Black Sea, also has a long Greek and Christian history. The word "Pontos" means "sea" in Greek.

"Trabzon was settled by Greeks probably by the 7th century BC," writes researcher Sam Topalidis for the website Pontos World. "Trabzon was the ancient capital of the Greek speaking Komnenos Byzantine Kingdom (1204-1461). It survived until 1461, eight years after the fall of Byzantine Constantinople when both localities fell to the Ottoman Turks."

After the city's invasion by the Ottoman Turks, the local demographic began to change; but for centuries, Christians were the majority in the city.

According to Topalidis, Trabzon's Muslim population increased dramatically under the Ottoman rule due to:

Muslims moving into the city (Most of the Trabzon's Muslims were involuntary immigrants)

Deportations of Christians out of the city, probably to Istanbul

Christians converting to Islam, probably for fear of deportation

"However, the most important reason for the conversions was probably due to the higher taxes paid by Christians (compared to Muslims), a strong economic incentive for the poorest Christians," writes Topalidis.

The tax he refers to is the "jizya tax" -- money paid by Christians and Jews in order to be allowed to survive and to keep practicing their religion, according to Islamic law.

Prior to the Pontian (or Pontic) Greek genocide that started in 1914, at least 43% of Trabzon's population was still Christian: Greeks, Armenians, and a small minority of Catholics.

During the 1914-1923 Pontian Greek Genocide by the Muslim Turks, "out of approximately 700,000 Pontian Greeks who lived in Turkey at the beginning of World War I, as many as 350,000 were killed, and almost all the rest had been uprooted during the subsequent forced population exchange between Greece and Turkey. This was the end of one of the most ancient Greek civilizations in Asia Minor."

Even after 102 years, Turkey still denies the Pontian Greek genocide.

The Sumela Monastery in the city was also closed for prayers until 2010 when, for the first time since the founding of the Turkish republic in 1923, Orthodox Christians were allowed by the Turkish government to celebrate mass on August 15.

Bartholomew I, the current archbishop of Constantinople and ecumenical patriarch, led the service, which was held in honor of the Assumption of Mary, a Christian sacred day. Orthodox bishops from Australia, Ukraine, the United States, Greece, and Georgia traveled to Sumela to participate in the mass, according to Turkish newspaper Hurriyet.

But this year, the Turkish authorities suddenly banned Christian liturgy for the Feast of the Assumption in the monastery.

The authorities notified the Ecumenical Patriarchate that the license for the yearly mass at Sumela Monastery has been revoked for this August.

According to the site Greek Reporter:

The ban has caused great disappointment to thousands of Pontian people worldwide, and people from Greece who had planned to travel to the region these days to celebrate the Feast of the Assumption.

Sources within the Patriarchate of Constantinople, who prefer to remain anonymous, and many Pontic Greeks believe that the construction's "static problems" invoked is a pretext and they fear that Christian mass will never be allowed in the historic monastery again.

This arbitrary ban seems to be yet another demonstration of the "unofficial" second-class status of Christians in Turkey.

As the scholar Robert Spencer puts it:

That the Greek Orthodox need special permission to celebrate divine services in any of their churches in what is now Turkey is a dark reminder of the Islamic oppression of Eastern Christians from the mid-7th Century to today, and for the Greeks, especially from the Muslim conquest of Constantinople in 1453 through the defeat of the Ottoman Empire by the Western Powers during World War I.

Today, Greek-speaking Orthodox Christians are a tiny, dwindling minority in Turkey -- around 2,500 people -- and the community routinely faces discrimination.

"Christians are certainly seen as second-class citizens," Walter Flick, a religious expert with the International Society for Human Rights in Germany, told the publication DW. "A real citizen is Muslim, and those who aren't Muslim are seen as suspicious. Christians aren't equal. They don't have full rights."

Malatya murderers re-arrested over fears they may flee Turkey

Turkish Christians' confidence in justice 'severely wounded'

World Watch Monitor (03.10.2016) - <http://bit.ly/2gh374v> - UPDATE (3 Oct.): Five Turkish men convicted last week of the 2007 murder of three Christians in southeast Turkey – but allowed to remain free – have been re-arrested.

They were picked up on Thursday evening (29 Sep.) after the prosecutor, Burhanettin Olgun, expressed fears they may flee Turkey.

Turkey's tiny Protestant community said their confidence in justice had been "severely wounded" by the decision to let the killers remain free. The five will now remain in custody until their appeals process is concluded.

Original story (29 Sep.)

Nine years after three Christians were tortured with knives and murdered in southeast Turkey, the Criminal Court in the city of Malatya, where it happened, has convicted their five accused killers, sentencing each of them on 28 Sept. to three consecutive life sentences in prison.

News of the long-awaited verdicts in the notorious "Malatya massacre" case quickly flashed throughout the Turkish media at the conclusion of the trial's 115th hearing. Emre Gunaydin, Salih Gurler, Abuzer Yildirim, Cuma Ozdemir and Hamit Ceker were all found guilty of premeditated murder, to be jailed for life without the possibility of parole.

But most media outlets failed to report the court's surprise ruling: that the now convicted killers would in fact still remain free, subject only to routine surveillance, while the case is being appealed before two higher courts.

Arrested at the scene of the crime, the five young men had slit the throats of Turkish Christians Necati Aydin and Ugur Yuksel and German Protestant Tilmann Geske in the Zirve publishing house in Malatya on 18 April, 2007.

During the next seven years of trial proceedings, begun in November 2007, the defendants and their lawyers insisted the attack was an attempt to stop the "harmful activities" of missionaries who were allegedly trying to destroy the nation of Turkey and the honour of Islam. A major scandal soon broke out when the Interior Ministry was forced to open an investigation over alleged collusion of public officials and seriously flawed conduct by state prosecutors in the case.

Then in March 2014, the suspects' release on bail under a newly-passed reform law shocked Turkey's tiny Protestant community, despite assurances that the men would be held under house arrest. (Under Turkey's now current Code of Criminal Procedure, a suspect cannot be detained for more than five years before the final verdict is reached.) The three who lived in Malatya were then fitted with electronic tracking devices, while the other two living in outlying towns were required to report weekly to their local police station.

So now, even though Malatya's first instance court has found them guilty, this ruling must be reviewed and approved by the Court of Appeals before the sentence can be enforced.

According to the 47-page verdict issued by Presiding Judge Vedat Koc, two military officers were also handed jail sentences for crimes committed in relation to the case. Along with Islamic university researcher Ruhi Abad, the two had been released in January 2015 after nearly four years in jail over their suspected involvements in the case.

Both officers were found guilty of violating the confidentiality of secret communications and forging documents. Malatya Gendarmerie Commander Ret. Col. Mehmet Ulcer was ordered jailed for 13 years and nine months; Maj. Haydar Yesil was sentenced for 14 years, 10 months and 22 days.

Like the five killers, their sentences cannot be carried out until the appeal process has been completed.

Ret. Gen. Hursit Tolon, a high-ranking former general also accused of complicity in the murders, was acquitted along with 15 other suspected perpetrators.

Hours after the court decisions were announced, Pastor Ihsan Ozbek released a statement to the press on behalf of the Association of Protestant Churches in Turkey.

Deploing the judiciary's stated inability to "uncover the darkness behind the murders", Ozbek declared that the Protestant community desired a prompt, "just conclusion" that uncovered the motivation of the perpetrators and punished their crime.

Murderers of the three Christians in Malatya convicted, but no prison for now

Agenzia Fides (30.09.2016) - <http://bit.ly/2fmsC5y> - Nine years after the killing of three Christians slaughtered in the southeastern Turkish city of Malatya, the Criminal Court sentenced five Turkish, accused of being the perpetrators of the triple murder, to life imprisonment. The sentence was handed down in recent days during the 115th hearing of a process which over the years was strongly influenced by internal power struggles, the political apparatuses, and Turkish military court.

The five convicted - Emre Gunaydin, Salih Gurler, Abuzer Yildirim, Cuma Ozdemir and Hamit Ceker - have all been recognized guilty of the premeditated murder. But the Court - refer the Turkish media - also ruled that the five convicts will not immediately be arrested, and will continue to live under probation until the judgment is confirmed in the higher procedural degrees. The five convicted were all arrested at the scene of the crime.

On 18 April 2007, three evangelical Christians - the Turkish Necati Aydin and Ugur Yuksel and German Tilmann Geske - were bound and their throats slit in the office of Zirve publishing house, where they worked as collaborators. Around the murders, the investigation spotted a wide network of complicity and coverages involving members of the military and security apparatus. The murder case was linked to the Ergenekon file, concerning a suspected cabal plotting against the government of Erdogan.

The Ergenekon trial was conducted also by judicial circles close to the Hizmet movement of Fetullah Gulen, preacher and Turkish political scientist who at the time was still an ally of Erdogan, but soon come into conflict with the strong man of Turkish politics, up to the point of having to emigrate to the US and labeled by Turkish pro-government circles as the author of international conspiracies aimed at hitting the leadership of Erdogan.

After this reversal of relations between Erdogan and "gulens" (culminating with the recent accusation against Gulen of being the instigator of the failed coup of 15 July 2016), the same Hizmet movement was branded by the apparatuses and the pro-government press as a "terrorist organization", and also the trial for the massacre of Malatya was conditioned by convulsions and reversals of scenery and alliances within the Turkish apparatuses (see Fides 04/06/12016). During the hearings, some witnesses claimed that the trial for the massacre of the Christians had been manipulated by circles close to Fetullah Gulen who wanted to use it to condemn their opponents.

In June 2014 general Hursit Tolon, suspected of being the instigator of the murders was released, while in the last months of that year, three other prisoners who had just been freed began to attribute the triple murder to members of the Hizmet movement of

Fetullah Gulen. Over the past two years, all twenty detainees accused of the involvement in the triple murder had been granted parole.

Churches targeted during attempted coup

World Watch Monitor (19.07.2016) - <http://bit.ly/29VzKTJ> - Two churches in cities in eastern Turkey infamous as the sites of historic killings of Christians were vandalised during the attempted coup on 15 July, reports Middle East Concern.

One of the attacks took place in the city of Malatya, where three Christians were tortured and killed in 2007, leading to a still-ongoing court case against the five suspects. Turkish Christians had hoped for a final verdict last month, but the trial was instead adjourned until September.

During the night of 15 July, unidentified assailants broke the glass panels in the door of the Malatya Protestant Church. The pastor, Tim Stone, said he thought someone with a grudge against the church had taken advantage of the general unrest.

Meanwhile, in Trabzon, on the northern coast, around 10 people smashed the windows of the Santa Maria Catholic Church, where in 2006 a priest, Fr. Andrea Santoro, was murdered. The attackers tried to break into the church, but a group of Muslim neighbours drove them away, before contacting a priest.

During the lengthy trial for the Malatya murders, which has seen over 100 hearings, the prosecution cited evidence that the murders were linked to the assassinations of Fr. Santoro, who was killed while kneeling at the altar of his church, and an Armenian journalist, Hrant Dink, killed in January 2007 in Istanbul.

Three suspects accused of helping to orchestrate the brutal Malatya murders had in October 2014 blamed their crime on the Hizmet movement, the influential Islamic group led by Muslim scholar Fethullah Gülen, accused of masterminding the failed coup by President Recep Tayyip Erdoğan.

Testimony from two former military officers and an Islamic university researcher claimed then that the Hizmet movement had been behind the savage torture and stabbing to death of the two Turkish converts to Christianity and a German missionary in Malatya in April 2007.

The three defendants had declared that the socio-religious group, which had once been a strong ally of the ruling Justice and Development Party (AKP), had planned the murder plot to discredit the Turkish military and overthrow the government.

However, lawyers representing the Malatya victims' families dismissed these defendants' "parallel-structure" accusations at the time as political manipulation, in an attempt to deflect concrete evidence pointing at military and ultra-nationalist involvement in the murders. (Links were cited to the JITEM and TUSHAD units, allegedly formed illegally within various Turkish military forces to create disinformation and eliminate enemies of the state.)

In effect, the lawyers said in October 2014, the three suspects had been exploiting the government's "witch-hunt" against the Hizmet movement in order to try to get themselves acquitted.

The latest attacks on churches are a painful reminder to Turkey's Christians of their vulnerability, particularly during periods of unrest.

A group of Christian and Jewish religious leaders in Turkey issued a joint declaration condemning the coup and calling for love, peace and justice. The Association of Turkish Protestant Churches also issued a press statement condemning the coup, asking for wisdom and understanding for the country's leaders and praying for peace.

After the attempted coup, Radio Shema, an Ankara-based Christian radio station, sent a press release, reporting that the "fatihah" (Muslim prayer for the dead) was "continuously broadcast from the mosques ... The news showed the civilians in downtown Ankara chanting 'Allahu akbar' (God is greater), the Islamic battle cry ... Huge crowds gathered at 110,000 mosques around the country on Sunday at noon to remember those who died in the attempted coup, who were 'martyrs'; soldiers, police and innocent victims who fought to prevent [the] coup."

But now, the station reported that life "looks normal", although "the overall general feeling of Turks is anger; anger towards different targets or personalities about the current situation, all that happened ... Now more than ever there needs to be a Christian presence here in this country. It may come with some repercussion, but we must faithfully declare God's truths to the people here without belittling anyone. People are even more ready to seek out a new belief system and definitely need a new source of hope."

Estimates provided in the 2013 International Religious Freedom Report suggest that Christians account for approximately 0.2% of the total Turkish population of about 75 million. The largest Christian minority group in Turkey is the Armenian Orthodox. It is estimated that there are 90,000 Armenians, 25,000 Roman Catholics, 20,000 Syrian Orthodox, 15,000 Russian Orthodox, 3,000 Iraqi Chaldeans, 2,500 Greek Orthodox and around 7,000 Protestants residing in Turkey.

Background

Necati Aydin, Ugur Yuksel and Tilmann Geske were murdered on 18 April, 2007 at the Zirve Christian publishing house in Malatya. Five men, aged 19 and 20 at the time, were arrested at the scene and charged with the murders. Their trial became increasingly complicated as a result of efforts to identify those behind the perpetrators and to link the trial to political events in Turkey. The reassignment of judges, prosecutors and other court officials also resulted in significant delays. On 10 March, 2014, the five perpetrators were released from prison and put under house arrest with electronic tags. However, they have been seen moving around freely.

Relatives of the victims expressed their disappointment in the Turkish justice system. In an interview with journalists, Geske's widow Susanne, present with her three children at what she hoped would be the last hearing on June 30th, said: "Nine years have now passed and I haven't seen anything. A lot of things have changed. I now only have confidence in God's justice. I will be surprised if a fair decision will be given."

The mother of Yuksel, Hatice, also present, said that she was very tired of coming and going over the last nine years: "I lost my child. On this holy day at least won't they [the defendants] speak the truth? How is it that the murderers remain free?"

Other recent incidents

Diyarbakir

In April, in Diyarbakir, 250km further east of Malatya, the Turkish government expropriated the city's handful of Christian congregations, including all its Orthodox,

Catholic and Protestant churches, apparently to rebuild and restore the city's historical centre.

The decision effectively made the Diyarbakir churches – one 1,700 years old, another built only in 2003 – state property of Turkey.

Turkey's southeast is heavily populated by Kurds – an ethnic Muslim group also extending across Turkey's borders into Iran, Syria and Iraq, where Kurdish militias are prominent in all the regional fighting. Fierce fighting, centring heavily on Diyarbakir, has escalated since the end of a two-year ceasefire between the Turkish armed forces and the militants of the Kurdish Workers' Party (the PKK) in June 2015.

Last autumn, the PKK youth declared self-rule over large parts of the Diyarbakir district of Sur, digging trenches and building barricades to keep authorities out. Blanket curfews left the populace under siege for weeks at a time, causing more than 30,000 to flee the city.

Then in late March, the government announced the "urgent expropriation" of 6,300 plots of land in the Sur district. Six churches are now under state control: the Virgin Mary Syriac Orthodox Church, the Surp (Armenian for "Saint") Sarkis Chaldean Catholic Church, the Diyarbakir Protestant Church, the Apostolic Armenian Surp Giragos Church, an Armenian Catholic church, and the Mar Petyun Chaldean Catholic Church.

Bursa

In February, the local government of the north-western Turkish city of Bursa ordered that its only church, which serves four congregations, be vacated, before rescinding the order.

Ismail Kulakcioglu, the pastor of the Protestant congregation, said they were given less than a week to vacate the building. Approximately 200 Christians share the church for their Sunday worship services.

The Directorate General of Foundations originally gave oral notice to church leaders on 18 Feb. that they had only five days to leave. It eventually extended the deadline by three days, before removing the order to vacate altogether on 23 Feb.

Nationwide

In January, the Association of Protestant Churches released a report, detailing repeated threats and attacks against Protestant churches and their leaders.

In an interview with Al-Monitor, Pastor Ihsan Ozbek said Christians remain "anxious and distressed", naming two major obstacles to his community's quest for true religious freedom: the Turkish judiciary's failure to respond to their members' security concerns, and the government's exclusion of Protestants from the state's protocol dialogue with other religious minorities.

The report referenced graffiti scrawled on a church in Balikesir and an assailant insulting and striking the leader of the Batikent Bereket Church in Ankara. Another attacker shot at the Torbali Baptist Church pastor in Izmir with a hunting rifle, as he worked in the fields at his family farm. Two weeks earlier, the Friday sermon from the nearby village mosque had broadcast hate speech from its loudspeakers, well within the pastor's hearing.

During August 2015, a campaign of vicious threats targeted 20 church leaders from 15 Protestant congregations, who received a barrage of text messages, Facebook postings

and emails. Although these death threats were phrased in strident Islamic State (IS) terminology and reported to the police, none of the pastors were given protection. Soon afterwards, two would-be IS suicide bombers were arrested in Ankara, caught on security-camera footage, as they conducted surveillance of churches in the capital.

Ill-treatment of a person refusing to perform military service and claiming the status of conscientious objector

Decision of the European Court

Registrar of the Court (07.06.2016) - In today's **Chamber** judgment¹ in the case of **Enver Aydemir v. Turkey** (application no. 26012/11) the European Court of Human Rights held, unanimously, that there had been a **violation of Article 3 (prohibition of inhuman or degrading treatment)** of the European Convention on Human Rights.

The case concerned Mr Aydemir's refusal to perform military service because of his religious beliefs, and also the subsequent proceedings against him, and his alleged ill-treatment on account of his refusal.

The Court found in particular that Mr Aydemir had been subjected to inhuman and degrading treatment in that he had been assaulted while in pre-trial detention on 24 and 25 December 2009, and had also been repeatedly prosecuted and convicted.

The Court also found that the authorities had not displayed the necessary diligence in conducting the investigation, since statements had been taken from Mr Aydemir more than a month after the events and the filing of his complaint, and the criminal proceedings instituted against the main perpetrators of the acts of violence were still pending some six years after the events.

The Court found that Mr Aydemir's objection to performing compulsory military service for the benefit of the secular Republic of Turkey did not fall within the scope of Article 9 (right to freedom of thought, conscience and religion) of the Convention, given that the arguments he had put forward for claiming the status of conscientious objector were not motivated by religious beliefs which were in serious and insurmountable conflict with his obligation to perform military service. The Court therefore rejected this complaint as being incompatible with the Convention in accordance with Article 35 § 3.

Principal facts

The applicant, Enver Aydemir, is a Turkish national who was born in 1977 and lives in Istanbul (Turkey).

In 2007 Mr Aydemir declared himself to be a conscientious objector and refused to perform his military service. On 24 July 2007 he was taken by force to the Bilecik gendarmerie station, where he refused to put on military uniform and obey orders from his superior. On 31 July 2007 he was taken into pre-trial detention. On 3 August 2007 and 25 September 2007 two sets of criminal proceedings were instituted against him for persistent disobedience.

On 25 September 2007 Mr Aydemir was provisionally released but did not return to his regiment, thus becoming a deserter. On 24 December 2009 he was arrested and transferred to Maltepe military prison after the Military Court had ordered his pre-trial detention. According to Mr Aydemir, he was beaten by the prison warders and was also forced to undress and spend the night without any bedding or clothes. On 25 December

2009 he was allegedly forced by five or six soldiers to put on military uniform and was subjected to various forms of ill-treatment when he refused to comply.

On 30 December 2009 Mr Aydemir appeared before the Eskişehir Military Court, where he reiterated his refusal to perform military service and again declared himself to be a conscientious objector. On 2 August 2011 he was sentenced to a term of imprisonment for persistent disobedience, but the court decided to suspend the delivery of the judgment.

On 15 February 2010 a third set of criminal proceedings was instituted against him for desertion, committed between 6 October 2007 and 24 December 2009. On 5 July 2013 he was sentenced to 10 months' imprisonment for desertion, but his sentence was commuted to a fine. An appeal on points of law by Mr Aydemir is currently pending before the Military Court of Cassation.

On 7 June 2010 the Ankara Military Hospital diagnosed Mr Aydemir as having an "antisocial personality disorder" and declared him unfit for military service with effect from 30 March 2010. On 8 October 2010 the Military Court acquitted him of persistent disobedience following two further refusals.

In the meantime, on 28 December 2009 Mr Aydemir had filed a criminal complaint on account of the ill-treatment allegedly inflicted on him on 24 and 25 December 2009. Medical examinations revealed the presence of healed wounds on his body. A sergeant and the prison governor were charged with having punched and kicked Mr Aydemir on 24 and 25 December 2009, but the military prosecutor's office gave a decision not to prosecute in respect of the allegations that he had been forced to spend the night without any clothes or bedding. The case is currently pending before the Istanbul Criminal Court. (...)

Decision of the Court

Article 3 (prohibition of inhuman and degrading treatment)

The Court observed that in its decision of 14 March 2012 the Military Court had found it established that two military officers had committed acts of violence (several kicks and punches and a slap in the face) against Mr Aydemir on 24 and 25 December 2009, and that he had also been forced to wear military uniform on 25 December. It noted, however, that the perpetrators had not been convicted, since the Military Court had declined jurisdiction and had referred the matter to the ordinary courts.

The Court saw no reason to depart from the Military Court's findings and considered that the treatment to which Mr Aydemir had been subjected had undoubtedly been such as to arouse in him feelings of fear, anguish and inferiority capable of humiliating and debasing him and possibly breaking his physical and moral resistance. It further noted that several sets of criminal proceedings had been instituted against Mr Aydemir and considered that the cumulative effect of his criminal convictions was likely to repress his intellectual personality. In the Court's view, these aspects were sufficiently serious to render the treatment complained of inhuman and degrading.

As regards the effectiveness of the investigation, the Court noted that the authorities had conducted an investigation into the allegations of assault and that the military prosecutor's office had charged two military officers with acts of violence. However, the Court observed that the prosecutor's office had given a decision not to prosecute in respect of Mr Aydemir's allegations that he had been forced to undress and spend the night of 24 December 2009 without any clothes or bedding, and that it had declined jurisdiction to examine the complaint of insulting behaviour, finding that this was a matter for the disciplinary tribunal. The Court was therefore not satisfied that the

authorities had displayed the necessary diligence in conducting the investigation, noting firstly that statements had not been taken from Mr Aydemir until 1 February 2010, more than a month after the events and the filing of his complaint, and that some six years after the events, the criminal proceedings instituted against the main perpetrators of the acts of violence were still pending.

The Court therefore concluded that there had been a violation of the substantive and procedural aspects of Article 3 of the Convention.

Article 9 (freedom of thought, conscience and religion)

The Court observed that in its judgment of 5 July 2013 the Military Court had found that Mr Aydemir's objection to performing military service was based on political grounds and not on religious beliefs which were in serious and insurmountable conflict with the obligation to perform military service; among other things, Mr Aydemir had argued in his defence submissions that he was unable to perform military service for the secular Republic of Turkey, but would be able to do so under a system based on the Koran and subject to its rules. The court had thus concluded that Mr Aydemir had not categorically refused to perform compulsory military service.

In the Court's view, the Military Court's reasoning did not appear irrelevant, seeing that it could legitimately be inferred from Mr Aydemir's position before the national authorities that he had not claimed either to hold the belief that all military service was to be opposed, or to support a pacifist and anti-militarist philosophy.

Although no definition of conscientious objection existed, the Court pointed out that the Human Rights Committee had held that conscientious objection was based on the right to freedom of thought, conscience and religion where this right was incompatible with the obligation to use "lethal force". Furthermore, the Court considered it legitimate to restrict conscientious objection to religious or other beliefs that included a firm, fixed and sincere objection to participation in war in any form or to the bearing of arms.

The Court was mindful of Mr Aydemir's beliefs concerning his objection to military service for the benefit of the secular Republic of Turkey, but observed that not all opinions or convictions fell within the scope of Article 9 § 1 of the Convention. It noted in particular that Mr Aydemir's complaints did not involve a form of manifestation of a religion or belief through worship, teaching, practice or observance within the meaning of Article 9 § 1. Accordingly, the Court concluded that Mr Aydemir's opposition to military service was not such as to entail the applicability of Article 9 of the Convention, and that the evidence before it did not suggest that his stated beliefs included a firm, fixed and sincere objection to participation in war in any form or to the bearing of arms. Since it was not satisfied on that account that Mr Aydemir's objection to performing military service was motivated by sincere religious beliefs which were in serious and insurmountable conflict with his obligation to perform military service, the Court rejected his complaint under Article 9 of the Convention, holding that it was incompatible with the provisions of the Convention within the meaning of Article 35 § 3.

Article 41 (just satisfaction)

The Court held that Turkey was to pay Mr Aydemir 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

The judgment is available only in French.

European Court of Human Rights rules that Turkey must recognize kingdom halls as "places of worship"

JW.ORG (03.06.2016) - <http://bit.ly/1PolhuB> - On May 24, 2016, the European Court of Human Rights (ECHR) affirmed the right to freedom of religion for religious minorities in Turkey. The ruling addressed the government's strict application of its zoning laws to deny Jehovah's Witnesses official recognition of their Kingdom Halls as "places of worship."

The ECHR found that Turkey's zoning legislation allowed for large buildings as "places of worship" but made no allowance for buildings suitable for smaller religious communities. Consequently, Turkey unnecessarily restricted the Witnesses' ability to worship freely and therefore violated Article 9 of the European Convention on Human Rights. * The ruling stated that the authorities used the zoning legislation to "impose rigid, even prohibitive, requirements on the exercise [of worship] of minority denominations, one of which being Jehovah's Witnesses."

Zoning legislation leaves no room for religious minorities

Jehovah's Witnesses have a nationally registered religious association in Turkey and have tried for years to have their Kingdom Halls officially recognized as "places of worship" under zoning legislation. However, Turkish authorities consistently refused to recognize Kingdom Halls of Jehovah's Witnesses as "places of worship."

Since the Witnesses cannot obtain the proper zoning, all 25 of their Kingdom Halls in Turkey are under constant threat of being closed and sealed by authorities for noncompliance with zoning laws. The authorities have already closed and sealed Kingdom Halls in Mersin and Akçay for various periods of time since August 2003. In the Karşıyaka district of İzmir, authorities refused to recognize the Kingdom Hall as a place of worship. The Kingdom Halls in Mersin and İzmir became the subject of the May 24 ECHR judgment.

Before 2003, Turkey's zoning legislation concerning places of worship was specifically written for the building of mosques. During that time, local authorities tacitly allowed the Witnesses to meet in private premises. However, to comply with European standards on nondiscrimination and freedom of religion, Turkey amended its Zoning Law No. 3194 in 2003. Among other changes, the law replaced the word "mosque" with "place of worship" and required local municipalities to have land available for religious buildings.

- In theory, the amendments to the law should have provided religious minorities the right to build and own places of worship. In reality, however, the zoning regulations dictate minimum space requirements that assume large numbers of believers and a building design that is tailored to Muslim acts of worship.

Strict application of law obstructs the right to have "Places of Worship"

- Additionally, municipal authorities have not set aside properties zoned for smaller houses of worship and systematically deny the Witnesses' requests for a zoning change. When the Witnesses appeal these denials, high courts and administrative authorities rigidly apply zoning legislation and refuse to recognize Kingdom Halls of Jehovah's Witnesses as "places of worship."
- In Mersin and Akçay, the municipal authorities strictly applied the new law and closed the Kingdom Halls there because they were not designated as "places of worship." When the Witnesses asked for an alternative place to worship, the authorities informed them that there were no places zoned for this purpose.



This impossible situation prevails throughout Turkey. It prevents Jehovah's Witnesses and other religious groups with smaller numbers of believers from ever obtaining recognition for the venues they use for religious services. At present, administrative authorities in 27 different municipalities across Turkey have denied all 46 attempts of Jehovah's Witnesses to obtain a formally recognized place of worship. In addition, regulations do not allow the congregations to benefit from the payment exemptions that are provided to formally recognized places of worship for such things as taxes, electricity, or water.

Witnesses appeal to the ECHR for relief

Before applying to the ECHR, Jehovah's Witnesses had exhausted all domestic judicial remedies. The Council of State, the highest administrative court in the land, has *never* granted a request of Jehovah's Witnesses to have their Kingdom Halls legally recognized as places of worship under zoning legislation and has even overturned a favorable trial court decision.

Jehovah's Witnesses thus submitted two applications to the ECHR in 2010 and 2012, requesting the Court to review whether Turkey has violated the European Convention on Human Rights. Adhering to its established precedents, the ECHR highlighted the importance of zoning legislation that allows smaller religious communities to have designated places of worship.

- The ECHR noted that "a small faith-based community such as Jehovah's Witnesses can hardly satisfy the criteria required by the legislation in question in order to have access to an appropriate place to practice their worship." The ECHR concluded: "The domestic courts had taken no account of the specific needs of a small community of believers. . . . In view of the small number of adherents, Jehovah's Witnesses did not need a building with a specific architecture but, rather, a simple meeting room allowing them to worship, meet, and teach their beliefs."

The judgment confirms that Turkey interfered with the religious worship of Jehovah's Witnesses by refusing to recognize their Kingdom Halls as "places of worship." Ahmet Yorulmaz, president of the Association for Jehovah's Witnesses in Turkey, stated: "We are very happy with this ECHR judgment. We hope that the Turkish government will now recognize our existing Kingdom Halls as places of worship and will direct municipal

authorities to apply zoning legislation so that we can obtain houses of worship in the future. By implementing this judgment, Turkey will have taken one more positive step to support the full protection of religious freedom.”

2015 European Commission Report on Turkey

This recent ECHR judgment harmonizes with the 2015 European Commission Report on Turkey, which called for greater accommodation of religious minorities in Turkey. The report reiterated the “need to amend and implement the legal framework in line with [ECHR] rulings, Council of Europe recommendations and EU standards.” It added that Turkey should give particular attention to the “legal personality of religious bodies and institutions [and] places of worship.”

Will Turkey eliminate religious discrimination?

The legal status of Jehovah’s Witnesses in Turkey has gradually improved in the last decade. In 2007, Turkish authorities registered a religious association for Jehovah’s Witnesses after denying them this right for over 70 years.

Jehovah’s Witnesses are grateful that Turkey has taken steps to ensure freedom of religion for its citizens. They hope that the ECHR’s recent judgment will motivate Turkey to uphold the right to freedom of religion, which both the Turkish Constitution and international law guarantee. The Witnesses look forward to seeing Turkey comply with the ECHR judgment by granting their 25 existing Kingdom Halls “place of worship” status and by allowing them to establish the houses of worship they will need in the future.

Refusal to provide a public service to followers of the Alevi faith

ECtHR (26.04.2016) - <http://bit.ly/2cD7PZq> - In today’s Grand Chamber judgment¹ in the case of İzzettin Doğan and Others v. Turkey (application no. 62649/10) the European Court of Human Rights held:

by 12 votes to 5, that there had been a violation of Article 9 (right to freedom of religion) of the European Convention on Human Rights, and

by 16 votes to 1, that there had been a violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 9 of the European Convention.

The case concerned the domestic authorities’ refusal to provide the applicants, who are followers of the Alevi faith (the country’s second-largest faith in terms of the number of followers), with the public religious service which, in the applicants’ assertion, is provided exclusively to citizens adhering to the Sunni understanding of Islam.

The applicants had requested that the Alevi community be provided with religious services in the form of a public service; that Alevi religious leaders be recognised as such and recruited as civil servants; that the cemevis (the places where Alevis practise their religious ceremony, the cem) be granted the status of places of worship; and that State subsidies be made available to their community. Their requests were refused on the grounds that the Alevi faith is regarded by the authorities as a religious movement within Islam, more akin to the “Sufi orders”.

The Court held in particular that the authorities’ refusal amounted to a lack of recognition of the religious nature of the Alevi faith and its religious practice (cem), depriving the Alevi community’s places of worship (cemevis) and its religious leaders (dedes) of legal

protection and entailing numerous consequences with regard to the organisation, continuation and funding of the community's religious activities. In the Court's view, the Alevi faith had significant characteristics that distinguished it from the understanding of the Muslim religion adopted by the Religious Affairs Department. The Court therefore found that there had been interference with the applicants' right to freedom of religion and that the arguments relied on by the State to justify that interference were neither relevant nor sufficient in a democratic society.

The Court further observed a glaring imbalance between the status conferred on the understanding of the Muslim religion adopted by the Religious Affairs Department and benefiting from the religious public service, and that conferred on the applicants, as the Alevi community was almost wholly excluded from the public service in question and was covered by the legal regime governing the "Sufi orders" (tarikats), which were the subject of significant prohibitions. The Court therefore held that the applicants, as Alevis, were subjected to a difference in treatment for which there was no objective and reasonable justification.

Principal facts

The applicants are 203 Turkish nationals who are followers of the Alevi faith. On 22 June 2005 they submitted a petition to the Prime Minister complaining that the Religious Affairs Department (RAD) confined its activities to a single school of Islamic thought while disregarding all other faiths, including the Alevi faith. They argued that their rights had been infringed, that their places of worship (cemevis) were not recognised and that numerous obstacles prevented cemevis from being built, that no provision was made in the budget for running the cemevis and that the exercise of Alevis' rights and freedoms was subject to the good will of public officials. The applicants requested, in particular, that the services connected with the practice of the Alevi faith constitute a public service, that cemevis be granted the status of places of worship, that Alevi religious leaders be recruited as civil servants and that special provision be made in the budget for the Alevi community.

In a letter of 19 August 2005 the Prime Minister's public relations department refused the applicants' requests, stating that the RAD's services were general and supra-denominational in nature and were available to everyone on an equal footing; that it was impossible to confer the status of places of worship on the cemevis; that civil servants were recruited on the basis of nationality and that no privileges could be granted to a group of persons on the basis of their faith or beliefs; and that it was impossible to make provision in the budget for services not provided for in the Constitution or by law.

Following that reply, 1,919 followers of the Alevi faith, including the applicants, lodged an application for judicial review with the Ankara Administrative Court, complaining of the arbitrary attitude of the authorities towards Alevi citizens and the fact that they were not provided with any service. On 4 July 2007 the Administrative Court dismissed the application, ruling that the administrative authorities' refusal had been in conformity with the legislation in force. The applicants lodged an appeal on points of law with the Supreme Administrative Court, which dismissed the appeal on 2 February 2010.

Complaints, procedure and composition of the Court

Relying on Article 9 (right to freedom of thought, conscience and religion) of the Convention, the applicants complained about the refusal of their requests seeking to obtain for the followers of the Alevi faith, to which they belong, the same religious public service hitherto provided exclusively to citizens adhering to the Sunni branch of Islam. They maintained that this refusal implied an assessment of their faith on the part of the authorities, in breach of the State's duty of neutrality and impartiality with regard to religious beliefs.

Relying on Article 14 (prohibition of discrimination) taken in conjunction with Article 9, the applicants claimed to be victims of discrimination on grounds of their religion.

The application was lodged with the European Court of Human Rights on 31 August 2010. On 25 November 2014 the Chamber relinquished jurisdiction in favour of the Grand Chamber. A hearing was held on 3 June 2015.

Judgment was given by the Grand Chamber of 17 judges, composed as follows: Guido Raimondi (Italy), President, Dean Spielmann (Luxembourg), András Sajó (Hungary), Işıl Karakaş (Turkey), Josep Casadevall (Andorra), Mark Villiger (Liechtenstein), Ledi Bianku (Albania), Julia Laffranque (Estonia), Helen Keller (Switzerland), André Potocki (France), Paul Lemmens (Belgium), Johannes Silvis (the Netherlands), Faris Vehabović (Bosnia and Herzegovina), Robert Spano (Iceland), Iulia Antoanella Motoc (Romania), Jon Fridrik Kjølbro (Denmark), Yonko Grozev (Bulgaria), and also Johan Callewaert, *Deputy Grand Chamber Registrar*.

Decision of the Court

Article 9 (right to freedom of religion)

In the Court's view, the authorities' refusal of the applicants' requests amounted to a lack of recognition of the religious nature of the Alevi faith and its practices (cem). This had the effect of denying legal protection to Alevi places of worship (cemevis) and religious leaders (dedes), and entailed numerous consequences for the organisation, continuation and funding of their religious activities. The Court therefore considered that there had been interference with the applicants' right to freedom of religion, which the Government sought to justify by means of various arguments.

The State's duty of neutrality and impartiality with regard to religions

The Government contended that, in keeping with its duty of neutrality and impartiality towards religions, the State did not define the Alevi faith but took as its basis the definition provided by the applicants themselves. In the proceedings before the Court they referred to an opinion written by a number of experts who argued in particular that cemevis were merely places where followers of the Alevi faith carried on their customs and ceremonies rather than places of religious worship. The applicants argued that their faith had significant characteristics which were particular to it and which distinguished it from the Sunni understanding of the Muslim religion. They also observed that it was for Alevis alone to define their faith, that the cem ceremony constituted their main religious practice and that the cemevis were their places of worship.

The Court reiterated that, in accordance with the principle of autonomy for religious communities established in its case-law, only the highest spiritual authorities of a religious community, and not the State (or even the national courts), could determine to which faith that community belonged. Accordingly, the Court considered that the State's attitude towards the Alevi faith infringed the right of the Alevi community to an autonomous existence. The Court also observed that the Alevi community had significant distinguishing characteristics. Accordingly, the framing and definition of the Alevi faith should be entirely and exclusively a matter for Alevis. While they did not dispute the existence in Turkey of a sizeable Alevi community that practised the cem ceremony in the cemevis, the Government, basing their view on a classification of religious groups, asserted that the community in question was simply a "Sufi order". The Court observed that this assessment, which made no allowances for the specific characteristics of the Alevi community, resulted in the latter coming within the category of religious groups covered by Law no. 677, which entailed a number of significant prohibitions.

The Court therefore considered that the attitude of the State authorities towards the Alevi community, its religious practices and its places of worship was incompatible with the State's duty of neutrality and impartiality and with the right of religious communities to an autonomous existence.

Free practice by Alevi of their faith

The Court noted that the Alevi community came within the legal framework of the "Sufi orders" (tarikats). This entailed a number of prohibitions punishable by a term of imprisonment and a fine (notably with regard to the use of the title *dede* – denoting an Alevi spiritual leader – and the designation of premises for Sufi practices). Even though failure to abide by these prohibitions was tolerated in practice, the free practice of a faith characterised in domestic law as a "Sufi order" seemed to depend primarily on the good will of the administrative officials concerned, who apparently enjoyed a degree of discretion in applying the prohibitions in question. The Court therefore had serious doubts as to the ability of a religious group that was thus characterised to freely practise its faith and provide guidance to its followers without contravening the legislation. The Court could not regard the tolerance shown by the Government towards the Alevi community as a substitute for recognition, which alone was capable of conferring rights on those concerned.

The Court further noted that Alevi faced numerous problems with regard to the organisation of their religious life, the rights of Alevi parents with children attending primary and secondary schools, and the fact that Alevi religious leaders had no legal status and that there were no institutions able to train the personnel associated with the practice of the Alevi faith. That faith was excluded from all the benefits enjoyed by the recipients of the religious public service. Furthermore, the absence of a clear legal framework governing unrecognised religious minorities such as the Alevi faith caused numerous additional legal, organisational and financial problems. The ability to build places of worship was uncertain and was subject to the good will of the central or local authorities; the communities in question could not officially receive donations from members or State subsidies; and, since they lacked legal personality, these communities did not have access to the courts in their own right but only through foundations, associations or groups of followers.

Hence, the Court was not convinced that the freedom to practise its faith which the authorities left to the Alevi community enabled that community to fully exercise its rights under Article 9 of the Convention.

Margin of appreciation

Although the States enjoyed a certain margin of appreciation with regard to the forms of cooperation with the different communities, the Court considered that in the present case the State had overstepped its margin of appreciation. The Court reiterated that, according to its case-law concerning Article 9 of the Convention, the State's duty of neutrality and impartiality was incompatible with any power on the State's part to assess the legitimacy of religious beliefs or the ways in which those beliefs were expressed. The right enshrined in Article 9 would be highly theoretical and illusory if the degree of discretion granted to States allowed them to interpret the notion of religious denomination so restrictively as to deprive a non-traditional and minority form of a religion, such as the Alevi faith, of legal protection.

Absence of consensus within the Alevi community

The Court considered that the fact that there was a debate within the Alevi community regarding the basic precepts of the Alevi faith and the demands of the Alevi community did not alter the fact that it was a religious community with rights protected by Article 9

of the Convention. That argument did not therefore constitute grounds for the refusal by the authorities, who in the course of the workshops held in 2009-2010 had had the opportunity to identify the demands common to Alevi citizens, in particular concerning issues pertaining to the autonomy of the Alevi community and the fundamental elements of the faith, such as the place occupied by the cem and the cemevis and the role of its religious leaders.

Consequently, the Court held that the situation described above amounted to denying the Alevi community the recognition that would allow its members, including the applicants, to effectively enjoy their right to freedom of religion. It considered, firstly, that the refusal complained of had had the effect of denying the autonomous existence of the Alevi community and had made it impossible for its members to use their places of worship (cemevis) and the title denoting their religious leaders (dede) in full conformity with the legislation. Secondly, the State had overstepped its margin of appreciation without relevant and sufficient reasons. The Court therefore held that the authorities' interference with the right of the applicants, as Alevis, to freedom of religion had not been necessary in a democratic society. Accordingly, **the Court found a violation of Article 9 of the Convention.**

Article 14 (prohibition of discrimination) taken in conjunction with Article 9

The Court considered that, with regard to their need for legal recognition and for a religious public service pertaining to their Alevi faith, the applicants could claim to be in a comparable situation to other citizens who had received such recognition and benefited from the religious public service. The Court noted that the State provided religious services pertaining to the Muslim religion as a public service, in particular by granting that religion a status within the State administration. Although in theory everyone could benefit from these services on an equal footing, in practice they were aimed first and foremost at the adherents of the understanding of Islam adopted by the RAD and not at those who subscribed to a different understanding. Irrespective of the place occupied by the Alevi faith in Muslim theology, it constituted a religious conviction with deep roots in Turkish society and history, and the needs of its followers in terms of recognition and the provision of a religious public service were thus comparable to the needs of those for whom religious services were regarded as a public service. However, the applicants, as Alevis, received less favourable treatment than the beneficiaries of the religious public service provided by the RAD despite being in a comparable situation.

As to the justification for this difference in treatment, the Court observed that in Turkey legal recognition entailed substantial advantages for religious denominations and undoubtedly facilitated the exercise of the right to freedom of religion. In the present case the religious services provided in respect of the Muslim religion, which were regarded as a public service, received substantial funds from the State budget, making it possible to recruit and manage religious functionaries and to carry out a variety of religious activities. Accordingly, that religion was almost entirely subsidised by the State. By contrast, the applicants, as Alevis, were almost wholly deprived of a comparable status and of the numerous advantages attendant on that status, on the ground that their faith was classified as a "Sufi order" by the national authorities. The Alevi faith did not enjoy any legal protection as a religious denomination: the cemevis were not recognised as places of worship, its religious leaders had no legal status and its followers did not enjoy any of the benefits of the religious public service. By failing to take account of the specific needs of the Alevi community, the State had thus considerably restricted the reach of the religious pluralism that characterised a democratic society.

The Court therefore noted a glaring imbalance between the applicants' situation as Alevis and that of persons who benefited from the religious public service. Firstly, the Alevi community, which was regarded as a "Sufi order" (tarikati), was made subject to a legal regime that entailed numerous restrictions, and the members of the community were

denied the benefits of the religious public service. Secondly, whereas the Muslim religion as understood by the RAD was almost wholly subsidised by the State, virtually none of the religious public services benefited the Alevi community, and its specific characteristics were almost entirely overlooked. Moreover, Turkish law made no provision for any compensatory measures to remedy that marked discrepancy. The Court also failed to see why the preservation of the secular nature of the State – the legitimate aim invoked by the national courts – should necessitate denying the religious nature of the Alevi faith and excluding it almost entirely from the benefits of the religious public service. The Court therefore considered that the Alevi community was deprived of the legal protection that would allow it to effectively enjoy its right to freedom of religion. Moreover, the legal regime governing religious denominations in Turkey appeared to lack neutral criteria and to be virtually inaccessible to the Alevi faith, as it offered no safeguards apt to ensure that it did not become a source of discrimination towards the adherents of other religions or beliefs. In the Court's view, whatever form was chosen, the State had a duty to put in place objective and non-discriminatory criteria so that religious communities which so wished were given a fair opportunity to apply for a status which conferred specific advantages on religious denominations.

Hence, the Court considered that the choice made by the State appeared manifestly disproportionate to the aim pursued. It found that the difference in treatment to which the applicants, as Alevis, had been subjected had no objective and reasonable justification, and held that there had been **a violation of Article 14 of the Convention taken in conjunction with Article 9.**

Article 41 (just satisfaction)

The Court held, unanimously, that the finding of a violation constituted in itself sufficient just satisfaction in respect of any non-pecuniary damage sustained by the applicants. It ruled, by 16 votes to 1, that Turkey was to pay 3,000 euros (EUR) to the applicants jointly in respect of costs and expenses.

Separate opinions

Judges M. Villiger, H. Keller and J.F. Kjølbros expressed a joint partly dissenting and partly concurring opinion. Judges J. Silvis and F. Vehabović each expressed a dissenting opinion and Judge R. Spano made a declaration. These are annexed to the judgment.

Turkey seizes six churches as state property in volatile southeast

World Watch Monitor (06.04.2016) - <http://bit.ly/1qw2PKF> - After 10 months of urban conflict in Turkey's war-torn southeast, the government has expropriated huge sections of property, apparently to rebuild and restore the historical centre of the region's largest city, Diyarbakir.

But to the dismay of the city's handful of Christian congregations, this includes all its Orthodox, Catholic and Protestant churches. Unlike the state-funded mosques, Turkey's ancient church buildings – some of which pre-date Islam – have been managed, historically, by church foundations.

The new decision has effectively made the Diyarbakir churches – one 1,700 years old, another built only in 2003 – state property of Turkey, an Islamic country of 75 million.

Turkey's southeast is heavily populated by Kurds – an ethnic Muslim group also extending across Turkey's borders into Iran, Syria and Iraq, where Kurdish militias are prominent in all the regional fighting.

Fierce fighting, centring heavily on Diyarbakir, has escalated since the end of a two-year ceasefire between the Turkish armed forces and the militants of the Kurdish Workers' Party (the PKK) in June 2015.

Last autumn, the PKK youth declared self-rule over large parts of the Diyarbakir district of Sur, digging trenches and building barricades to keep authorities out. Blanket curfews left the populace under siege for weeks at a time, causing more than 30,000 to flee the city.

Then in late March, the government announced the "urgent expropriation" of 6,300 plots of land in the Sur district. Six churches are now under state control: the Virgin Mary Syriac Orthodox Church, the Surp (Armenian for "Saint") Sarkis Chaldean Catholic Church, the Diyarbakir Protestant Church, the Apostolic Armenian Surp Giragos Church, an Armenian Catholic church, and the Mar Petyun Chaldean Catholic Church.

Churches affected and their historical significance

For much of the past 10 months, the small Christian communities of Armenians, Assyrians, Chaldeans and Turkish Christian converts have been unable to access their church buildings in Diyarbakir's city centre due to the heavy fighting; several have suffered minor damages.

Few Christian houses of worship exist in Turkey's southeast. Although it is the ancestral homeland of Syriacs and Armenians, well over a million of these ethnic Christians were massacred and sent on death marches during the final years of the Ottoman Empire at the beginning of the 20th century.

Diyarbakir's Surp Giragos Church is the largest Armenian church in the Middle East. Sitting near the banks of the Tigris River, its large bell tower stands out as a symbol of Christianity's once vibrant presence in the region.

First built in the 1600s, Surp Giragos was closed in the 1960s after the city became depopulated of Armenians. After the diaspora funded \$1 million for its renovation, Surp Giragos reopened in 2011.

Very few Armenians still live in Diyarbakir. The church only holds services for major holidays like Christmas and Easter, when priests fly in from Istanbul to offer communion. The rest of the year it has remained open as a tourist attraction.

The new expropriation order, published in the government's Official Gazette on 25 March, came from a council of ministers led by Turkish President Recep Tayyip Erdogan.

The decision was based on Article 27 of Turkey's Expropriation Law. According to Fatmagul Sari, the Minister of Environment and Urban Planning, the decision was made as a "last resort" to protect the area. In 2010, 330 structures in the Sur neighbourhood were demolished as part of an urban renewal programme.

The ruling has caused "disquiet" among Armenian, Syriac and Chaldean communities, according to the Turkish-Armenian daily, Agos. Multiple church foundations are preparing to appeal the decision. Archbishop Aram Atesyan of the Armenian Apostolic Church said he has demanded a meeting with Sari to ask the cabinet to correct the decision.

The Diyarbakir Bar Association is the first group to bring legal action against the decision. Any appeals must be filed within 60 days.

"Among the expropriated plots, there are structures belonging to public institutions ... and places of worship and residences considered as historical and cultural heritage," according to a statement in Agos. "This decision, which seems to be made by the request of the Ministry of Environment and Urban Planning without any reason or justification, is unacceptable within the limits of constitutional order."

Despite sporadic violence, some of the churches are now beginning to hold Sunday services once again. But with the Turkish government as the de facto owner of the properties, they could be closed down at any time.

"They want to destroy the living spaces and houses of the people who have survived death and massacres in those places," said Figen Yuksekdağı, co-chair of the pro-Kurdish Peoples' Democratic Party (HDP).

She told a Turkish parliamentary group meeting on 29 March that nearly 90 per cent of the Sur district had been seized. "Where is the law and justice in this?" she asked.

Mulling legal action

Gafur Turkey, a member of the Surp Giragos Foundation, told World Watch Monitor the government hasn't told them when the church property would be returned. He is in discussion with lawyers about taking legal action. So far the foundation has not taken a public position on the matter.

Turkey is a grandson of a survivor of the Armenian genocide committed under the Ottoman Empire in 1915-1917. His family accepted Islam to escape persecution, but he has in recent years re-embraced Christianity and publicly identifies as an Armenian.

Perhaps most shocking was the expropriation of the Virgin Mary Church in the Lalabey neighbourhood. The 1,700-year-old Syriac Orthodox church is of enormous importance to Eastern Orthodoxy. It holds such holy relics as a piece of the cross and the bones of the apostle Thomas.

Fr. Yusuf Akbulut, the priest of the church, said that he is currently holding talks with the government to have the church property returned.

According to Adnan Ertem, head of the Directorate of Religious Foundations, the government seized these properties only to safeguard the historical district of Sur from further damage. But the authorities have set no timeline for the return of the church properties to their respective Christian communities.

Local municipal officials criticised the decision for lacking legal justification and its potential to cause enormous social and cultural damage to the city. Cultural heritage director Nevin Soylukaya called on property owners to take legal action against the government.

That is exactly what one Turkish cleric is thinking of doing. Ahmet Guvener, pastor of Diyarbakir Protestant Church, is considering opening a lawsuit. Barring success in Turkish courts, he said he could appeal to the European Court of Human Rights.

He considers the expropriation move a bid to take over the city's church buildings.

"The government didn't take over these pieces of property in order to protect them. They did so to acquire them," he told World Watch Monitor.

Government officials argue that the decision was even-handed, since mosque properties were also expropriated in the move. These include the Kursunlu Mosque (an Armenian church converted into an Islamic building in the 16th century), the famed "four-footed minaret" at the 14th century Sheikh Matar Mosque, and the 12th century Hazreti Suleyman Mosque.

But in Turkey, mosques are already state property, since the government funds their construction and upkeep, and pays the salaries of their imams.

To Guvener, the expropriation shows Turkey's preferential treatment of its mosques over its churches. He complained that the state is confiscating Christianity properties that were privately funded by local communities, while at the same time building large mosques in the United States.

Guvener was referring to the Turkish government's funding of a massive mosque near Washington D.C., inaugurated on 2 April during Erdogan's visit to the United States. The mosque is constructed in the style of imperial Ottoman architecture, with two large minarets.

Turkey backs down on closing Bursa's only church

World Watch Monitor (24.02.2016) - The local government of the northwestern Turkish city of Bursa ordered that its only church, which serves four congregations, be vacated by Friday (Feb. 26) before rescinding the order on Tuesday.

Ismail Kulakcioglu, the pastor of the Protestant congregation, said they were given less than a week to vacate the building. Approximately 200 Christians share the church for their Sunday worship services.

The Directorate General of Foundations originally gave oral notice to church leaders on Feb. 18 that they had only five days to leave. It eventually extended the deadline by three days (to Feb. 26th) before removing the order to vacate altogether on Feb. 23.

Four different branches of Christianity congregate in the building, officially known as the French Church Cultural Center. They include Latin Catholic, German Catholic, Eastern Orthodox, and Protestant fellowships. Under Turkish law non-Muslim faith communities face significant legal hurdles in registering an officially sanctioned house of worship. Multiple congregations often share the same space.

On Tuesday the Bursa municipality and the Directorate General of Foundations announced that Christians would not be prevented from using the church.

Kulakcioglu noted that the city government's original decision to close the church was at odds with its self-proclaimed image as a city of religious tolerance.

In a press release, Kulakcioglu said that he and the local government considered Turkey to be a cultural mosaic, and they did not want to see this mosaic smashed to pieces.

The pastor already has an appointment to meet with the Bursa mayor Recep Altepe to sign a new protocol for future use of the church building.

In 2013 city officials and church leaders hosted a delegation of Christian and Muslim theologians from Germany as part of an inter-religious dialogue initiative. Elpidophoros Lambriniadis, the Greek Orthodox metropolitan of Bursa, has praised the Catholic congregation for allowing Orthodox Christians to worship there.

Bursa is a conservative city of 2 million in the industrial Marmara region of Turkey. Located 100 miles (160 km) southeast of Istanbul, Turks have nicknamed it "Green Bursa," both for its nearby forests and its Islamic identity.

The church is a relic of a time when Bursa had a large non-Muslim population. It was built in the 1880s to serve local French-speaking people from the Levant (especially Lebanon)– Latin Catholics who lived under the Ottoman Empire – as part of a complex that included the Pere Augustin Assumption College. French Christians are buried in the nearby cemetery.

The four congregations moved into the church after restoring it between 2002 and 2004. They reopened it for worship after signing a protocol with the Bursa municipality.

The eviction order came from a supposed lapse in the protocol. It expired in 2015, and the Bursa municipality told the congregations to reapply. Their renewal application was received positively, but an element within the city council opposed it, Kulakcioglu said.

Bursa's city council grants use of the building for religious purposes and the Directorate General of Foundations owns the property.

Failure to institutionalize religious freedoms

For decades the church sat in ruins. Aykan Erdemir, a Turkish academic who grew up in Bursa and is now a fellow at the Foundation for Defense of Democracies, told World Watch Monitor that as a child he played among the piles of rubble with friends. He saw the church's reopening as a symbol of Bursa rediscovering its multicultural past.

Erdemir said the eviction order was a sign of Turkey's failure to institutionalize religious freedom for its non-Sunni Muslims.

"Christians do not have any legal entitlement to the building. They only have usage rights for the time being, which I think is a very precarious situation," he said. "Members of non-majority religions have to depend on the goodwill of bureaucrats and the majority population."

Such problems will continue to happen until religious minorities have property rights for their houses of worship and restitution rights to use their historical churches, Erdemir said.

According to some Turkish officials, the recent decision to close the church was based on a misunderstanding over the church's legal status, not the specific targeting of Christians.

Toros Alcan, a Turkish-Armenian representing minority interests on the Foundations Directorate, said that nobody in the Bursa municipality or his organization ever produced a written order that the church be vacated.

"I don't know where talk of this order for the church to be vacated came from. It could be a rumor or a journalist's report."

The church remains a symbol of the city's non-Muslims' struggle to become an accepted part of society. Kulakcioglu said he had tried to convince the council that Bursa would lose a priceless piece of its cultural heritage if the congregations were forced out of their building.

"We're trying to explain that this church – which is used as a house of worship by different congregations – is perhaps the only example of its kind in the world," he said.

Bursa's Christians have come under persecution in the past. In 2004 three ultra-nationalists beat a Turkish convert from Islam into a coma for distributing New Testaments. One was the president of the local chapter of the Nationalist Movement Party (MHP).

The victim, Yakup Cindilli, suffered physically and mentally and never fully recovered. The three attackers were jailed and faced criminal charges for assault, but were not convicted.

Turkey's Protestants 'anxious and distressed'

World Watch Monitor (15.02.2016) - After a year filled with repeated threats and attacks against Protestant churches and their leaders in Turkey, the leader of their tiny Christian community has admitted that they remain "anxious and distressed".

In an interview with Al-Monitor, Pastor Ihsan Ozbek of the Association of Protestant Churches named last week two major obstacles to his community's quest for true religious freedom: the Turkish judiciary's failure to respond to their members' security concerns, and the government's exclusion of Protestants from the state's protocol dialogue with other religious minorities.

Rev. Ozbek's remarks came shortly after the Protestant association's 2015 Human Rights Violations Report was released on Jan. 30.

Even though freedom of religion and belief is "secured under national and international laws and the constitutional authority in Turkey," the report noted, serious obstacles still violate the basic rights of the nation's 6,000 to 7,000 Protestants, some 80 percent of whom are citizens of Muslim background.

Of particular concern are the report's details of recurring hate crimes, physical attacks and "serious and widespread threats" against Turkey's Protestant Christians during the past year.

The negative incidents ranged from graffiti scrawled on a church in Balikesir to an assailant insulting and striking the leader of the Batikent Bereket Church in Ankara. Another attacker shot at the Torbali Baptist Church pastor in Izmir with a hunting rifle, as he worked in the fields at his family farm. Two weeks earlier the Friday sermon from the nearby village mosque had broadcast hate speech from its loudspeakers, well within the pastor's hearing.

Although complaints about these and other reported incidents were lodged with the police, the report noted, no action was taken.

But equally worrying, during August a campaign of vicious threats targeted some 20 church leaders from 15 Protestant congregations who received a barrage of text messages, Facebook postings and emails. Although these death warnings were phrased in strident Islamic State (IS) terminology and reported to the police, none of the pastors were given protection. Soon afterwards, two would-be IS suicide bombers were arrested in Ankara, caught on security-camera footage, as they conducted surveillance of churches in the capital.

Specific requests to open Protestant places of worship in Ankara and Kayseri were denied during 2015. One Protestant foundation had managed to establish itself in 2000, before the laws on minority religious groups were restricted. But now, the report noted, the 35

other small Protestant congregations are only allowed to organize themselves as associations, rather than official churches.

Ozbek's own church, the Ankara Kurtulus Church which he has pastored for the past 20 years, remains embroiled in years of legal efforts to obtain an official place of worship in the capital city.

Although Ankara's Cankaya Municipality had approved a suggested site, the location was vetoed last year by the National Real Estate General Directorate and the Religious Affairs Directorate, which decided a mosque should be built there instead. The Kurtulus Church now has a pending case before the European Court of Human Rights to obtain a church property in the capital.

Manipulated perceptions

The legal right to propagate religion is "still perceived to be a threat," the report noted; school textbooks continue to describe missionary activities as "a national threat."

The spread of common fallacies about the Protestant faith and campaigns targeting their adherents continue to be manipulated by the media, the report said, as well as nationalist and Islamist circles. Turkey has continued to put on trial individuals accused of "insulting religious feelings" for allegedly slandering Islam, but no judicial action is being taken against acts of open incitement or hate speech targeting Christians. Although the right to conduct evangelistic activities is protected by law, some permissions were denied by local authorities.

Just as 2015 came to a close, the report confirmed that again billboards and banners carrying hate-filled content against Christmas and New Year's observances appeared, displayed prominently along the streets of some municipalities in Istanbul and various other cities. One particularly ugly banner pictured a grimacing Santa Claus holding a cross, warning against participating in Christian worship in the guise of Christmas festivities.

Since the ruling Justice and Development Party came to power 13 years ago, it has isolated the Protestant community by refusing to grant it even informal state recognition. By contrast, leaders of the Orthodox and Jewish communities continue to have an open dialogue, established through a recognized protocol from the Lausanne Treaty signed in 1923 during the founding of modern Turkey, and the Catholics through formal diplomatic relations led from the Vatican.

"We are anxious and distressed," Ozbek told Al-Monitor. "We are being threatened. There are serious obstacles that keep us from expressing ourselves. We are unable to open places of worship.

'You cannot live here' is the message we are being sent. We expect the government to be more moderate toward us and open channels for dialogue."
