



Armenian church in Istanbul. Photo: CSW

# TURKEY

## SUMMARY OF CONCERNS AND RECOMMENDATIONS

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### BACKGROUND

The Turkish constitution provides for freedom of belief, worship and the private expression of religious ideas, while prohibiting discrimination on religious grounds. Although officially a secular state, as per Article 24 of the constitution, Turkey is caught between its secular and Islamic identities. In recent years Turkey has taken some positive steps to address the concerns of religious minorities and to uphold freedom of religion or belief. However, problems remain in the areas of identity cards, education, and registration of church buildings. There are occasional violent attacks and daily discrimination towards Alevi Muslims and Christians – particularly those who have converted from Islam.

The largest religious minority in Turkey are the Alevis, a school of Islam that has approximately 20 million followers worldwide – primarily in Turkey. The country has approximately 100,000 Christians, consisting of 60,000 Armenians, 20,000 Assyrians, 5,000 Protestants, 4-5,000 Catholics, and 3,000 Greek Orthodox. The rest are made up of Chaldean Christians. There are also 10,000 Baha'is and 5,000 Yazidis in Turkey.

Dialogue with the Turkish government and non-Muslim religious communities has continued, as shown by the presentation made by religious minorities to the Turkish parliament on the drafting of the new constitution in 2012. Despite this, religious minorities continue to face hostility and discrimination – both from the state and on a societal level. The Malatya case is still ongoing (see below), and despite signs that the authorities are taking this case seriously, the victims have still not received justice. A legal framework enabling all non-Muslim religious communities to function without undue constraints in line with the European Convention on Human Rights has yet to be established. Furthermore, preservation of and respect for their cultural heritage remains elusive, since the government has made little progress in fulfilling its 2011 decree which promised to return confiscated properties to minority groups.

Freedom of expression and the right to hold divergent opinions without suffering harassment remain under threat. Turkey has not amended the restrictive elements of its penal code, which have been used to detain journalists, opposition figures, academics, students and other dissenting voices. After a fact-finding visit in 2012, the Rapporteur on Turkey for the Parliamentary Assembly of the Council of Europe, Josette Durrieu, urged the authorities to “speed up the revision of the Penal Code and the anti-terror law in order to strengthen freedom of expression.”<sup>1</sup> Unfortunately, the Turkish government has yet to make key improvements in this area, and has instead increasingly restricted freedom of expression, as occurred most notably during the crackdown on the Gezi Park protests of 2013 (see below).

The decision by the Turkish government to establish a Human Rights Ombudsman in late 2012 has been undermined by the appointment of Mehmet Nihat Ömeroglu as its head, given his role in upholding in 2006 the decision to convict the late Armenian journalist, Hrant Dink, for ‘insulting Turkishness’. This case resulted in the European Court of Human Rights in 2010 finding Turkey guilty of violating Mr Dink’s freedom of expression and failing to protect his life after numerous threats were made against him prior to his murder in 2007.<sup>2</sup>

1 Parliamentary Assembly of the Council of Europe, ‘Turkey: “Revision of the Penal Code should be hastened to guarantee freedom of expression and the media”’, 22 June 2012 <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=4003&lang=2&cat=3>

2 Human Rights Watch, ‘Turkey: Reconsider Appointment to Key Rights Body’, 10 December 2012 <http://www.hrw.org/news/2012/12/09/turkey-reconsider-appointment-key-rights-body>



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## FREEDOM OF RELIGION OR BELIEF

### MALATYA MURDERS

In April 2007, Necati Aydin, Ugur Yuksel and Tilmann Geske, employees of the Zirve Christian publishing house, were tortured and then murdered. All three were members of the Malatya Kurtulus Church. Two of the men were Turkish converts from Islam and the third a German national.

Seven years after the Malatya murders, justice has yet to be done for the victims and their families. A decision had been expected in the summer of 2014, as Turkish law had previously not allowed defendants to be held for more than five years without a verdict; however, this law was recently changed. Under a package of judicial amendments to anti-terrorism laws passed by the Turkish parliament in February and signed into law by the president on the evening of 6 March, the detention limit for suspects who are yet to be convicted was reduced from ten years to five years, resulting in the immediate release on bail of the five main suspects in the Malatya case, whose court case has lasted for six years.

The trial of the five men accused of the murders began on 22 November 2007 at the Third Criminal Court in Malatya; however, it was prolonged due to the prosecutors' desire to prove the killings were part of a plot to undermine the government through acts of terror. In September 2012, and just two days before the next phase of the trial, two judges and two prosecutors were removed by the Turkish Justice Ministry, leaving just one judge familiar with the case.<sup>3</sup>

During a court session on 8 March 2013, the legal counsel for the victims, Erdal Dogan, received death threats after one of the defendants, Varol Bulent Aral, threatened him.<sup>4</sup> As a result, he has been given 'protection call', a system whereby a bodyguard can be provided if there is a threat, a feeling of insecurity or if he travels to a dangerous place. Mr Dogan said, "This is not the first threat I have received as a result of this case. But this one is significantly different from the other ones and seemed to be an imminent danger." In a report by the prosecutor, it was claimed that the murders of the three Christians in Malatya, the journalist Hrant Drink,<sup>5</sup> and Italian priest

3 For more information about the trial see e.g. Compass Direct News, 'Turkey Arrests 20 Allegedly Linked to Malatya Murders', 18 March 2011 <http://www.compassdirect.org/english/country/turkey/98753>

4 CSW, 'Turkey: CSW calls on Turkish government to protect Malatya lawyer', 11 April 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1521>

5 *Hürriyet Daily News*, 'Turkish-Armenian journalist Hrant Dink commemorated seven years after his murder', 1 May 2014 <http://www.hurriyetdailynews.com/turkish-armenian-journalist-hrant-dink-commemorated-seven-years-after-his-murder.aspx?pageID=238&nID=61219&NewsCatID=339>

Andrea Santoro,<sup>6</sup> had been orchestrated by TUSHAD – an undercover umbrella organisation of the Turkish armed forces.<sup>7</sup>

In January 2013 Turkish police uncovered a plot to assassinate Emre Karali, the pastor of Izmit Protestant Church, by a large group – two of whom had been posing as members of the pastor's church. Despite being quickly rounded up and arrested, according to CSW sources most of the group was released, with charges being brought against six members of the group. According to reports, Pastor Karali, a convert from Islam, had been working closely with police after initially receiving threats in January 2012; although it remains unclear whether the recent plot is linked to the previous threats. Commenting on the plot, Karali said, "These people had infiltrated our church and collected information about me, my family and the church and were preparing an attack against us. Two of them attended our church for over a year and they were like family." The painstaking manner in which the assassination was planned bears a resemblance to events in the 2007 Malatya murders.<sup>8</sup> The case is ongoing.

### RELIGIOUS CULTURE AND KNOWLEDGE OF ETHICS (RCKE) CLASSES

Article 24 of the Turkish constitution gives the state absolute control over education in religion and ethics. Instruction in the religious culture and moral education of Sunni Islam is mandated in primary and secondary schools. Jewish and Christian pupils have the right to be exempt from obligatory religious classes; however this right has not been systematically granted at the local level, and religious minority students can face discrimination by teachers and classmates. The 2011-2012 academic year saw the introduction of new official textbooks in religion classes, known as 'Religious Culture and Knowledge of Ethics' (RCKE) classes, in all Turkish schools. For the first time these books included teaching of not just the Sunni tradition of Islam, but also of the Alevi and Caferi traditions, both of which are widely adhered to. However, the fundamental issues have not been resolved: namely that religion classes remain compulsory, the function of the subject is not clarified, exemptions remain limited to Christians and Jews only and require parents to declare their religious or philosophical views, and a risk that exempted children may suffer bullying from other children and receive lower grades from teachers in other subjects. During 2013 CSW received information regarding a child who faced constant bullying within the school system, including being called an 'infidel', and who left to study in Austria as a result of this.<sup>9</sup>

6 AsiaNews, 'Fr Andrea Santoro: As if nothing ever happened', 5 March 2006 <http://www.asianews.it/news-en/Fr-Andrea-Santoro:-As-if-nothing-ever-happened-5552.html>

7 *Today's Zaman*, 'Zirve Publishing House, Dink, Santoro murders carried out by TUSHAD, says prosecutor', 2 March 2014 <http://www.todayszaman.com/news-340933-zirve-publishing-house-dink-santoro-murders-carried-out-by-tushad-says-prosecutor.html>

8 World Watch Monitor, 'Police break up plot to assassinate Turkish pastor', 18 January 2013 [http://www.worldwatchmonitor.org/2013/01-January/article\\_2018075.html/](http://www.worldwatchmonitor.org/2013/01-January/article_2018075.html/)

9 Information from CSW local contact, 2013

Religion classes remain problematic for converts to Christianity. If they wish to be exempted from these classes, they are required to prove they are non-Muslim by submitting their identity cards. However, at the local level this is not being implemented, despite parents providing the necessary documentation. Moreover, while the process for converts to change their identities from Muslim to Christian is relatively easy, some parents prefer not to do so, fearing the possibility of social exclusion or discrimination.

### **THEOLOGICAL TRAINING**

Minorities recognised in the Peace Treaty of Lausanne (Greek Orthodox, Armenians and Jews) are allowed to run private schools where minority languages and religions are taught. However, unrecognised minorities are not. In 1971, Article 24 of the Turkish constitution joined all private schools to the state. In the same year the Greek Orthodox Halki Theological Seminary was closed, and due to strong opposition from nationalists and Islamist parties, it has not been reopened since, despite continued requests from the Ecumenical Patriarchate and the international community. In this way the right of minorities recognised under the Treaty of Lausanne to establish educational institutions has not been upheld. Without theological training opportunities for protected and unprotected minorities alike, the future of the Church in Turkey is uncertain.<sup>10</sup>

Despite Turkey's secular status, the deep inconsistency in the way it applies laws governing religious training has resulted in Sunni Islamic institutions and followers being awarded more freedoms than those of minority religions. The Diyanet – the Presidency of Religious Affairs – has a larger budget than the Justice Ministry. The Diyanet regularly funds Islamic projects and makes money available for the building of mosques. However, no money is made available for the building of places of worship for religious minorities. Furthermore, Sunni imams are paid salaries by the Diyanet and are given a unique passport that allows them to travel abroad without needing a visa. Again, this is not something that is afforded to religious leaders of minority faiths, demonstrating the clear discrepancy between what is said publicly and what is practised.

### **CONFISCATED PROPERTY**

Tensions have continued between the Turkish government and religious minorities over the issue of confiscated property. Since 1936 successive Turkish governments have confiscated property belonging to Christian, Baha'i and Alevi communities. These properties have been seized on the pretext that they constitute public property, are unused or are inactive. Many buildings belonging to religious minorities have been sold or turned into museums. On 27 August 2011 the Turkish government issued a decree stating that Christian and Jewish communities can reclaim confiscated real estate assets within a twelve-month timeframe. It remains to be seen how successfully this decree will be implemented,

and how able the General Foundations Board of Turkey will prove itself to be in processing the vast quantity of applications for return of assets which it will receive. CSW was informed in October 2013 that only 15% of confiscated property had been returned to religious communities. On a recent fact-finding visit to Turkey, CSW met with the Armenian Evangelical Church and the Baha'i community, both of which have had particular problems in this area. The Baha'i community had a large plot of land belonging to them confiscated and turned into a clubhouse in the 1980s; while a building belonging to the Armenian Evangelical Church was confiscated and sold off in 1974 for 130,000 Turkish lira, a fraction of its actual worth of 1 million Turkish lira.

On 30 September 2013 Turkish Prime Minister Recep Tayyip Erdogan announced that the Mor Gabriel Monastery, the oldest surviving Syriac Orthodox monastery in the world, would be returned to the Syriac community, after large portions of land owned by the monastery were confiscated by the Turkish government in 2009. The Prime Minister's announcement came as part of a 'democratisation package' announcing key reforms, and was approved by the [Prime Ministry Directorate General of Foundations](#) on 7 October 2013, followed by a two-month land registration process. On 4 February *Hürriyet News* reported that the Deputy Prime Minister, Bulent Arinc, confirmed that the land belonging to the Mor Gabriel Monastery is to be returned.<sup>11</sup> However, despite the promise to return land previously owned by Mor Gabriel Monastery, only half of the land, totalling 244,000m<sup>2</sup> or 60 acres, was handed back to the monastery in February 2014. Reports indicate that a remaining 79 acres are yet to be returned, with 67 acres of the remaining property in the hands of the Forestry Ministry, and the rest with the Turkish Treasury.

In November 2013 the Turkish media reported that the largest Byzantium monastery in Istanbul, known as the Monastery of Stoudios and dating back to the fifth century, is to be converted into a mosque after restoration on it has been completed next year. This was followed by an announcement by the Turkish Deputy Prime Minister, Bulent Arinc, in which he expressed his hopes that the Hagia Sophia Museum, a 1,500 year old former Greek-Orthodox church, would also be turned into a mosque. This has led to tensions with Greece, which has been angered by the Deputy Prime Minister's comments.<sup>12</sup>

11 *Hürriyet Daily News*, 'Return of Mor Gabriel Monastery lands to Syriacs officially approved', 29 April 2014 <http://www.hurriyetdailynews.com/return-of-mor-gabriel-monastery-lands-to-syriacs-officially-approved.aspx?pageID=238&nID=55858&NewsCatID=339>

12 Gateway Pundit, 'Turkey to Turn 5th Century Istanbul Monastery Into Mosque', 26 November 2013 <http://www.thegatewaypundit.com/2013/11/turkey-to-turn-5th-century-istanbul-monastery-into-mosque/>

10 See also the Association of Protestant Churches, 'A Threat or Under Threat? Legal and Social Problems of Protestants in Turkey', 2010

## REGISTERING CHURCHES

An easing of the process whereby churches can obtain legal personality in order to meet legally and acquire their own buildings, and the freedom to educate their congregations, will prove Turkey's commitment to universally recognised standards of freedom of religion or belief.

In November 1999 the Istanbul Protestant Church gained 'foundation' status in the country, making it the first and so far only foundation in the country. Most other churches are designated 'associations', which is a much more precarious position as an association can be disbanded at any time and its property confiscated. Furthermore, many churches report that they are frequently hindered by local authorities and face insurmountable criteria and legal battles to acquire church buildings.

## IDENTITY CARDS

Identity (ID) cards continue to undermine Turkey's existing anti-discriminatory laws. Despite the 1982 constitution stating that "no one shall be compelled to reveal religious beliefs", there is still a religion category on national ID cards. This category allows only religions recognised by the state to be entered, and, as a result, unrecognised religious minorities such as the Baha'is or Alevi are not permitted to state their religion and have no option but to leave their religious identity blank. Many belonging to non-Muslim religions, or those of no faith, are also discriminated against on a societal level, for example by teachers and prospective employers. Finally, those who have converted from Islam to another religion face a lengthy process to have their religion changed, and are often abused by officials during the process.

## HOSTILITY TO MISSIONARY ACTIVITY

Despite missionary activity in Turkey being legal but limited (there are approximately 500 missionaries within a population of 14 million in Istanbul), there is general societal mistrust of missionaries. Much of the societal antagonism towards missionaries stems from a lack of education amongst certain sections of Turkish society, with many assuming that Christianity is an import to Turkey. This is despite the fact that Turkey (previously Anatolia) was home to Christians when the Turks arrived in 1071, following the break up of the Ottoman Empire. Previous governments and generals have made statements<sup>13</sup> that have accused missionaries of trying to divide the country – statements based on the fear that Muslims will convert to Christianity – with some even accusing Christian missionaries of being a 'threat to national security'. As a result, particular animosity is directed towards the Turkish Protestant community, most of whom were previously Muslims or atheists. Anti-

13 Al Monitor, 'Who Threatens Turkey's Christians?', 17 January 2013 <http://www.al-monitor.com/pulse/originals/2013/01/christians-threatened-turkey.html#>

missionary rhetoric still exists in school textbooks, while there have been cases of missionaries facing intimidation by individuals within the local community who are hostile to their activities. Furthermore, some students who meet with missionaries have been reported to their families or university authorities by the police.

## DENIGRATION OF RELIGION

Article 216 of Turkey's Criminal Code punishes 'offences against public peace', including the incitement to hatred and hostility against a group in society based on "class, race, religion, denomination or geographical region", and acts that "openly denigrate a segment of society based on social class, race, religion, denomination, gender, or geographic region". In April 2013 Fazil Say, a Turkish pianist and composer, was convicted of 'insulting religious beliefs held by a section of the society', after he re-tweeted a series of tweets by the poet Omar Khayyam that attacked pious hypocrisy and criticised certain Islamic practices. Mr Say's sentencing came as artists are being targeted by the ruling Justice and Development Party (AKP) for voicing their opinions; which has prompted genuine concerns over increasing restrictions on freedom of expression.<sup>14</sup> Mr Say in particular has been an outspoken critic of the AKP and the Turkish prime minister. He was given a ten-month suspended sentence; however, various lawyers called for this sentence to be revoked and as a result Mr Say was allowed a retrial in September 2013. Despite this, the 19th Istanbul Peace Court upheld the original sentence, but suspended it and instead ordered Mr Say to receive 'supervised liberty'. He was also informed that if he did not commit any crimes within the next two years his case would be dropped.<sup>15</sup> Following the retrial, Mr Say said, "Many intellectual friends and journalists are behind bars for reasons we can't know or understand. I can't even begin to explain this era. Believe me this reminds me of Nazi Germany the most. It is perhaps an honour to be tried because of re-tweeting a verse of Khayyam in an era like this...I have committed no crime...We are modern individuals, not a flock."<sup>16</sup> In the past, a cartoonist, a contributor to a website, and the publisher of a diary have all been prosecuted under Turkey's 'denigration of religion' article. The use of this section of the criminal code as a legal basis for the prosecution of artists and intellectuals has worrying implications both for freedom of religion or belief, which includes the freedom not to believe, and freedom of expression.<sup>17</sup>

14 *Today's Zaman*, 'Amnesty International expresses concerns over freedom of speech', 13 February 2014 <http://www.todayszaman.com/news-339273-amnesty-international-expresses-concerns-over-freedom-of-speech.html>

15 *Hürriyet Daily News*, 'Turkish pianist Fazil Say sentenced to 10 months in prison for blasphemy in retrial', 28 April 2014 <http://www.hurriyetdailynews.com/turkish-pianist-fazil-say-sentenced-to-10-months-in-prison-for-blasphemy-in-retrial.aspx?pageID=238&nID=54824&NewsCatID=341>

16 *Examiner*, 'Turkish pianist Fazil Say convicted of blasphemy for tweets critical of Islam', 21 September 2013 <http://www.examiner.com/article/turkish-pianist-fazil-say-convicted-of-blasphemy-for-tweets-critical-of-islam>

17 Forum 18, 'TURKEY: "Denigrating religious values" - A way to silence critics of religion?', 15 February 2012 [http://www.forum18.org/archive.php?article\\_id=1667](http://www.forum18.org/archive.php?article_id=1667)

## THREATS TO FREEDOM OF EXPRESSION

What began as a demonstration on 28 May 2013 against the government's urbanisation and development projects for Istanbul, and in particular, for Taksim Gezi Park, evolved into a wider protest about government brutality against peaceful protest, that resulted in ten deaths and 8,000 protesters being injured.

Things took a turn for the worse when Turkish Prime Minister Recep Tayyip Erdogan referred to the protesters as "a few looters". What followed was a sustained police crackdown on the Gezi Park protestors, which included the use of live ammunition, plastic bullets, tear gas, water cannons, beatings, and sexual violence against female protestors by law enforcement agencies. This heavy-handed response and the absence of dialogue by the government led to widespread condemnation. In a report on events in Gezi Park, Amnesty International highlighted the government's denial to protestors "of the right to peaceful assembly and violations of the rights to life, liberty and the freedom from torture and ill-treatment."<sup>18</sup>

On 11 March 2014 clashes between protestors and the police were re-ignited after the death of Berkin Elvan, a 15-year-old boy, 14 at the time of the attack, who had been in a coma since he was hit on the head by a tear gas canister fired by police, as he sought to buy some bread last June. Two further deaths resulted as protests took place in 32 towns and cities across Turkey.

Following the leaking by Twitter users of details of a corruption scandal that implicated various members of the government, the Prime Minister imposed a ban on social media sites, having threatened to "rip out the roots" of Twitter days earlier, and accused social media sites of undermining national security. However, following a public outcry the Constitutional Court ruled that the ban was a breach of the right to freedom of expression and of individual rights, and the Turkish telecommunications agency was forced to lift it on 3 April 2014. A subsequent ban on YouTube was lifted the following day, although a ban of 15 videos remains in place.

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<sup>18</sup> Amnesty International, 'Turkey accused of gross human rights violations in Gezi Park protests', 2 October 2013 <http://www.amnesty.org/en/news/turkey-accused-gross-human-rights-violations-gezi-park-protests-2013-10-02>

## RECOMMENDATIONS

The European Union (EU) and other key members should use appropriate means of dialogue to encourage the government to:

- Monitor the implementation of the decree returning confiscated properties to minority communities, to ensure that the General Foundations Board of Turkey processes each application for return of assets quickly and fairly;
- Support the reopening of Halki Theological Seminary and the establishment of clerical and theological institutions for all religions;
- Undertake a thorough investigation into the police crackdown and the use of excessive force against the protestors in Gezi Park, and ensure justice for victims;
- It is further recommended that the EU should encourage and assist the Turkish authorities to promote inter-faith harmony and understanding.