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UNITED STATES COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM



# OTHER COUNTRIES UNDER REVIEW: KAZAKHSTAN, MALAYSIA, AND TURKEY

## KAZAKHSTAN

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**K**azakhstan is defined in its constitution as a secular state that provides for freedom of religion. Religious communities worship largely without government interference, though foreign religious associations are required by the constitution to conduct their activities, including, according to the State Department, appointing the heads of religious associations, “in coordination with appropriate state institutions.” The government has exempted registered religious organizations from taxes on collections and income from certain religious activities. The government has also donated buildings, land, and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Under the 2005 amendments to the country’s religion law, religious organizations must register both with the national and regional Ministry of Justice offices. Unregistered religious activity is an administrative offense. To register, a religious organization is required to have at least 10 members and to submit an application to the Ministry of Justice;

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registration may be denied if the organization does not have enough members or if its charter violates the law. If literature has not been vetted during the registration process, it is deemed illegal. Foreigners are permitted to register religious organizations, but Kazakh citizens must comprise the majority of the 10 founders. The 2005 amendments also incorporated aspects of administrative code Article 375, allowing authorities to suspend the activities or to fine the leaders of unregistered groups.

Under the Law on Public Associations, which applies to registered religious groups, a court may suspend all activities of a registered organization for up to six months if it is found to have violated the Constitution, any laws, or its own charter and bylaws. The State Department reports that police, procurators, and citizens may petition a court to suspend a registered organization for failure to correct such violations. If suspended by court order, the organization is banned from holding meetings, gatherings, or services.

Under the religion law, a religious organization whose charter includes religious education may be denied registration if it does not obtain approval from the Ministry of Education. Religious instruction is not permitted in public schools, but parents may enroll children in supplemental religious education classes provided by registered religious organizations. Neither law nor regulation prohibits foreign missionary activity, though under the amended religion law, foreign missionaries are required to register annually with the Justice Ministry and provide data on religious affiliation, geographic area, and duration of stay, as well as on all religious literature.

### *Muslims*

The national Administration of Muslims in Kazakhstan (SAMK), headed by the chief mufti, exerts significant influence over the country’s practice of Islam, including the construction of mosques and the coordination of *hajj* travel. In 2002, the Kazakh Constitutional Council ruled against a proposed legal requirement that SAMK must approve the registration of any Muslim group. Report-

edly, however, SAMK occasionally pressures non-aligned imams and congregations to join SAMK. Nevertheless, the State Department reported in 2007 that the Kazakh government continues to register some mosques and Muslim communities not affiliated with SAMK.

In the western city of Atyrau, however, a court ruled in July 2007 that the recently registered Darussalam Muslim community functioned “illegally” and ordered that the mosque, built with community funds, be given to the city Muftiate. Reportedly, shortly after the mosque was registered, the community was pressured by local authorities to accept an SAMK-affiliated mufti. According to the religious freedom news service Forum 18, two members of the Atyrau mosque wrote an open letter in December 2007 complaining that imams are appointed without the community’s consent.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, to ban a designated group’s activities, and to criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many Uzbeks reside. The Committee for National Security (KNS) stated in 2006 that the struggle against “religious extremism” is its top domestic priority.

The Kazakh government has penalized some Muslim groups, including some that espouse extremist political agendas. Human rights groups have expressed concern that due process is not being followed in many of these actions and that police, investigatory, and judicial officials have not provided public access either to trials or to information about these cases. According to some leading Kazakh human rights activists, there may be as many as 300 Muslim individuals imprisoned in Kazakhstan on religion-related charges. Due to the lack of information, however, it is impossible to ascertain the veracity of these claims. As of late 2006, members of the *Tabligh Jama’at*, an international Islamic missionary organization, reportedly faced fines in various regions of Kazakhstan for giving sermons in unregistered mosques. According to Forum 18, government officials deny that they regard the group as “extremist,” claiming instead that its members are penalized for unregistered religious activity.

In 2007, there were two trials in northern Kazakhstan of a reported 40 members of two banned Islamic



President's Palace, Astana, Kazakhstan

groups. The first trial, in the city of Karaganda against 30 members of the Islamic group *Hizb ut-Tahrir*, began in August. The defendants were charged with forming a criminal group, fomenting religious hatred, and carrying out extremist activities. In the city of Stepnogorsk, 10 people, officially described as inspired by Wahhabist teachings, went on trial in July for organizing and operating a terrorist group, the sale and possession of weapons and explosives, and igniting inter-ethnic hatred in society. In both instances, human rights groups raised concerns about the apparent lack of due process, including the fact that the trials were closed. In the southern city of Shymkent, 15 Muslims were arrested in April 2007; 14 were convicted on charges of terrorism and given sentences of up to 15 years at a closed trial in February 2008. Human rights activists told Forum 18 that at least 14 are believed to be innocent of the charges and that the police planted narcotics and extremist literature on them at the time of arrest. Relatives of those imprisoned claimed that the secret police had punished the men for their independent views.

### *Non-Muslim Groups*

In practice, most minority religious communities registered with the government without difficulties, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. For example, the Grace Presbyterian Church and a Pentecostal church in Atyrau reported in late 2007 that no reasons were given for the repeated denials—since 2002—of their registration applications to the Justice Department. Two leading Kazakh civil society groups, the Almaty Helsinki Foundation and the Kazakhstan International Bureau for

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Human Rights and Rule of Law, have provided legal assistance to religious groups in the registration process. Although local officials may attempt to limit the practice of religion by some “non-traditional” groups, higher-level officials or courts, at least until recently, have usually overturned such attempts.

Last year, there were signs that the government’s position toward religious freedom was becoming more restrictive. Two official documents issued in April 2007 gave rise to concern: the “State Program of Patriotic Education,” approved by presidential decree, and a Justice Ministry booklet, “How Not to Fall Under the Influence of Religious Sects.” The Justice Ministry document includes the claim that “transferring to other religious faiths represents treason to one’s country and faith.” Furthermore, in January 2008, President Nazarbayev reportedly told a meeting of the only political party represented in parliament that illegal religious movements in Kazakhstan should be suppressed, that the “unchecked activity” of tens of thousands of missionaries should not be allowed in Kazakhstan, and that Kazakhstan should not become “the dumping ground for religious movements.”

In other actions described by police as “part of the fight against terrorism and religious groups without registration,” raids and other harassment of various minority religious communities increased in 2007. Unregistered religious groups have reported more court actions and greater fines for non-registration in the past year. The 100 congregations of the Council of Churches, which reject registration as a matter of principle, continue to refuse to pay court-ordered fines for unregistered religious activity. The Grace Presbyterian Church in the city of Karaganda—which had been subjected to a 15-hour police raid in August 2007—also faced treason investigations from the National

Security Committee (KNB), or secret police; in September 2007, its members faced questioning by the tax police, including questions about why they attend a church and not a mosque. Reportedly, local police have also disrupted meetings of unregistered groups in private homes.

Kazakhstan’s human rights record has come under increasing international scrutiny, particularly because it will serve as Chair of the Organization for Security and Cooperation in Europe (OSCE) in 2010. In March 2008, the Baptist pastor of an unregistered church in Temirtau was threatened with arrest; according to Forum 18, the head of the Justice Department’s Religious Affairs Unit warned him that he should not appeal to the OSCE.

Although the Hare Krishna movement is registered at the national and local levels, its leaders reported continuing local harassment in 2007 over a lengthy land dispute. In April 2006, an appeals court upheld a lower court decision that the land in question should revert to the county government, allegedly due to a faulty land title dating from 1999. In November 2006, a police action demolished the homes of 26 members of the Hare Krishna farm. Members of the Hare Krishna community near Almaty were subjected to a raid by migration police during a religious festival in September 2007. In January 2008, Forum 18 reported that the directors of the Society for Krishna Consciousness met with the regional governor about the official order to demolish their temple in the agricultural community, but the order reportedly still stands.

The national Jehovah’s Witnesses Religious Center alleges that local officials have harassed local communities. For example, an unregistered Jehovah’s Witness community in the western city of Atyrau was subject to a police raid in August 2007. For seven years, the Justice Ministry in Atyrau has reportedly used minor technical infractions to deny repeated registration applications of this Jehovah’s Witness community.

There were no reported incidents of official anti-Semitism. In April 2004, the Ministry of Internal Affairs invited the country’s Chief Rabbi to hold seminars for police officers on respect for religious minorities. Non-governmental organizations (NGOs) provided human rights training to law enforcement officers, including on religious freedom.

### **Malaysia**

Religious freedom is a highly contentious political issue in Malaysia that is debated openly by politicians, hu-



Lake Garden, Malaysia.

man rights activists, lawyers' groups, journalists, and other sectors of civil society. Many non-Muslims express concern about the Muslim majority's commitment to religious freedom and freedom of expression and call for interfaith dialogue; many Muslims perceive these concerns as an attack on Islam's officially respected position. Although religious freedom concerns are debated openly and actively in Malaysia, there have been few political resolutions, as Malaysia's courts and parliament have failed to address some of the most problematic issues.

The Constitution of Malaysia formally proclaims the state to be secular and guarantees "every person the freedom to practice his or her religion in peace and harmony." At the same time, the document also recognizes Islam as the "religion of the Federation," defines Malays as Muslims, and limits the "propagation" of other faiths. Sunni Muslims are free to practice their religious beliefs with few limitations, but those deviating from accepted Sunni beliefs face some discrimination or other restrictions, including being subject to arrest and "rehabilitation."

For the most part, non-Muslims are free to practice their religious beliefs with few restrictions. In states where Muslims are a majority, local governments carefully control the building of non-Muslim places of worship, the allocation of land for non-Muslim cemeteries, and the distribution of religious materials. Approvals are needed for building religious venues and printing religious materials—approvals that are often granted slowly or through corruption. In peninsular Malaysia, the federal government restricts the distribution of books, movies, Web sites, and music it alleges might incite racial or religious disharmony. This ban does not extend to eastern Malaysia, where there are Chinese and Indian majorities.

In recent years, however, ethnic Malay Christians and ethnic Indian Hindus have faced various problems that reflect the country's long-contested political issues, in-

cluding the viability of Malaysia's dual legal systems (civil and sharia), the definition of who is a Muslim in Malaysia, and the many special privileges afforded ethnic Malay Muslims. Buddhist, Christian, and Hindu leaders are currently offering cautious support for Malaysia's "secular" Constitution and an end to the positive discrimination policies benefiting Malay Muslims at the expense of other ethnic minorities. In the March 2008 elections, opposition parties scored important gains in the Parliament and gained control of several state-level governments. At least one state won by the opposition, Penang, announced that it will end all economic, educational, and political privileges reserved for ethnic Malays, sparking several small Malay protests.

### *Civil Courts vs. Sharia Courts*

Malaysia maintains two parallel justice systems: the secular court system based on parliamentary law and a sharia court system based on Islamic law. Sharia, enacted and enforced at the state rather than the federal level, applies only to Muslims, but legal problems have emerged when ethnic Malays convert to another religion or in family disputes between Malays and non-Malays. Where sharia court decisions affect a non-Muslim, he or she can seek recourse in the secular courts that, in theory, can overrule the sharia courts. For most of Malaysia's history, there have been few jurisdictional battles between the two court systems. However, in recent years, questions of apostasy, conversion, divorce, child custody, and burial rights—and the interplay between sharia and civil courts—have become major legal and political issues.

Under sharia law, Malaysians wishing to renounce Islam in order to profess another belief are subject to criminal sanctions, including being sentenced to "rehabilitation." In 1998, after a controversial incident involving a Muslim converting to Christianity, the government stated that "apostates" would not face government punishment as long as they did not defame Islam after their conversion. However, the issue of which court—civil or sharia—would make the decision on conversions was not clarified. After the 1998 ruling, enforcement of apostasy laws has occurred only occasionally, and almost entirely among Muslims considered to be "deviant." In 1999, the Malaysian State Court ruled that secular courts have no jurisdiction to hear applications by Muslims to change religion. In May 2007, the Federal Court, Malaysia's Supreme Court,

supported this ruling and stated further that Malaysians wishing to convert from Islam to another religion must obtain an order from the sharia court.

In March 2007, the Court of Appeals upheld a previous Federal Court ruling that allowed Muslims (or recent Muslim converts) to initiate divorce or child custody proceedings against a non-Muslim spouse in sharia courts. There are also sporadic cases in which provincial or local officials have intervened in family law matters; the most prominent cases involved marriages between Hindus and

lower court hearing the Joy case decided that as a Muslim, her appeal should be decided by sharia courts. However, Joy refuses to acknowledge the standing of the sharia court over her case, claiming that sharia courts are for deciding personal status issues for Muslims. In September 2005, the Court of Appeals ruled that the sharia court had to settle Joy's appeal to have "Muslim" removed from her identify card. On May 30, 2007, the Federal Court backed the Court of Appeals decision.

### *Problems for Ethnic Indian Hindus*

The majority of Hindus face few restrictions on the practice of their religion. However, disputes over the presence or expansion of Hindu religious sites have added to already tense ethnic relations and resulted in claims of discrimination. After a violent conflict in Penang between Hindus and Muslims in March 1998, the government announced a nationwide review of "unlicensed" Hindu temples and shrines. Although implementation was not vigorous, beginning in 2005, state and local governments started to demolish "unlicensed" Hindu temples to make way for other development projects, claiming that the temples were located on government land.

The Hindu temple and shrine destructions are spurred by ethnic and political competition in the countryside and battles over eminent domain in urban areas. Lawyers for the Hindu communities have had some success in raising the issue with national politicians; however, they have succeeded only in slowing—but not stopping—shrine and temple destruction, particularly outside of Kuala Lumpur. In October 2007, authorities demolished the 100-year-old Maha Mariamman Hindu Temple and reportedly assaulted its Chief Priest. In December 2007, the Sri Periyachi Amman Temple in Tambak Paya, Malacca was demolished by local authorities to make way for a development project, despite having received a "stay order" from state officials.

### *Defining "Deviancy"*

The government continues to publish a list of groups with "deviant" interpretations of Islam, maintaining that those groups endanger national security or cause divisions among Muslims. Fifty-six deviant teachings have been identified and prohibited, including Shi'a Islam, the Baha'i religion, the Ahmadi religion, transcendental meditation, and some messianic sects of Islam. The government has established guidelines on what constitutes "de-

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Muslims. In several other cases, state religious authorities detained and attempted to "rehabilitate" Muslim spouses who sought to renounce Islam or who married non-Muslims in a temple. Such marriages are not legally recognized. In one case, the child resulting from an interfaith union was removed from parental custody, pending "rehabilitation" of the detained Muslim parent. Lawyers and human rights advocates have spoken out about these practices and several cases remain under review at the Court of Appeals and the Federal Court.

In 1999, Azlina Jailani, also known as Lina Joy, a Muslim who converted to Christianity, went to court to take "Muslim" off her identity card in order legally to marry another Christian. The 1976 Law Reform Act prohibits a Muslim from solemnizing a marriage under civil law with a non-Muslim. Subsequent local court decisions have contended that as an ethnic Malay, Joy's constitutional right to religious freedom was limited by Article 160 of the Constitution, which states that all Malays are Muslims. A

viant” behavior, and practitioners of religions so deemed may be arrested or detained with the consent of the sharia court, in order to “rehabilitate” them and return them to the “true path of Islam.” According to the State Department’s 2007 religious freedom report, although the small Shi’a community is listed as a “deviant” sect, its members are allowed to worship and operate openly. However, Shi’a Muslims face discrimination in employment and are closely monitored by the government.

In November 2006, Malaysian police detained 107 persons, including several children, during a raid in Kuala Lumpur against suspected followers of the banned al Arqam Islamic group. While all the detainees were subsequently released, Malaysian police stated that their intention to press charges in a sharia court against six of the arrested individuals. The government had banned al Arqam in 1994, labeling it a “deviant” sect. Ashaari Muhammad, the leader of the group’s approximately 10,000 followers, subsequently spent 10 years under house arrest. In June 2007, authorities announced that they were seeking Ayah Pin, the leader of a non-violent religious group in Terengganu known as the Sky Kingdom, for supporting “deviant” religious practices. In 2005, at the instruction of state officials, police arrested approximately 70 Sky Kingdom members and destroyed all non-residential buildings on the group’s compound. One of the 70 arrested agreed to undergo religious rehabilitation; the cases against the other Ayah Pin followers were pending. In July 2004, the Federal Court dismissed an appeal by four followers of Ayah Pin seeking a statutory declaration that Sky Kingdom followers have the right to practice the religion of their choice. The Federal Court held that their attempt to renounce Islam did not free them from the jurisdiction of the state sharia court.

### Turkey

According to the State Department’s 2007 *Annual Report on International Religious Freedom*, the constitution of Turkey “provides for freedom of religion and the government generally respects this right in practice.” The Commission traveled to Turkey in November 2006. Throughout its visit, people of almost every tradition stated that, despite serious problems regarding the opening, maintaining, and operation of houses of worship, they were free to gather and worship as provided for in the country’s constitution. Moreover, most groups reported



Ali Bardakoglu, President of the Religious Affairs Directorate (Diyanet), with Commissioners Gaer and Bansal.

that conditions for religious freedom had improved in the past decade and particularly due to the reforms undertaken by the government during the accession process to the European Union (EU). However, the Commission also learned of significant restrictions on religious freedom for Muslims as well as for religious minority communities, including state policies and actions that effectively prevent non-Muslims from sustaining themselves by denying them the right to own and maintain property, to train religious clergy, and to offer religious education above high school. This has led to the decline—and some cases, virtual disappearance—of some of these religious minorities on lands they have inhabited for millennia.

### *Secularism and Nationalism*

Turkey’s constitution establishes the country as a “secular state,” according to the policy defined by the country’s founder and first president, Mustafa Kemal Ataturk. Because Ataturk believed that religion was the primary cause for the Ottoman Empire’s lag in modernization vis à vis Europe, he and most of Turkey’s subsequent political leaders were determined to remove the influence of religion, including even expressions of personal belief, from public life in Turkey and to subject religion to state control. As such, the Turkish government’s concept of secularism differs from the American version of separation of religion and state, as it reflects state control over—and even hostility toward—religious expression in the public sphere. Many contend that the Turkish state’s interpretation of secularism has resulted in religious freedom viola-

tions for many of Turkey's citizens, including the majority and minority religious communities.

The absence of religion from public life has remained controversial for many Turks and at several times in the ensuing decades they elected governments that were less rigid on policies toward religious expression for Muslims. The Turkish military, which is constitutionally identified as the guardian of Atatürkist secularism, ousted those governments, in part because the military determined that secularism was under threat. Turkey's current governing party, the Justice and Development Party (known by its initials in Turkish, the AKP, or the AK Party), has roots in this movement for greater public religious expression. The AK Party won a plurality of 34 percent of the vote in national elections in November 2002, campaigning on a platform of Turkey's accession to the EU and the reintegration of Islam into public life in a manner consistent with modernity and democracy. Following his declared aim to pursue EU membership, Prime Minister Recep Tayyip Erdogan instituted a number of democratic reforms, many of which have dealt with some of Turkey's most notoriously undemocratic practices.

After elections in July 2007 returned the AK Party to power with a stronger plurality, the Turkish Parliament voted to change the 1982 constitution to, in effect, allow women with scarves to attend university. Viewing this as a blatant strike against Turkish secularism, in March 2008, a public prosecutor filed a lawsuit with the Constitutional Court seeking to shut down the AK Party and ban Erdogan and other AK officials from politics for five years. The Court agreed to hear the case, setting the stage for an historic confrontation between the secularist establishment, which, until the success of the AK Party, had been used to governing Turkey, and the newer elites, represented by the AK Party. The EU and the U.S. government have criticized the lawsuit, describing it as an attempt to overthrow the democratic order in Turkey.

In addition to the strict notion of secularism, the origins of the Turkish Republic left the Turkish political and military establishment with a highly nationalistic and narrow understanding of Turkish identity, which has also influenced the state's view of religious freedom and minority rights. Built into the founding of Turkish identity was the implicit understanding that non-ethnic Turks residing in Turkey are potentially suspect, since they allegedly harbor a secret desire to secede from and hence, dismember the country. This fear of territorial dismemberment, linked to

a strain of virulent nationalism in Turkey, still holds sway in some sectors of society, resulting in state policies that undermine ethnic and minority religious communities.

The January 2007 murder of Hrant Dink, a Turkish citizen and respected journalist of Armenian ethnicity, is just one example of such extreme nationalism. Dink had been convicted under Article 301 of the Turkish Penal Code for "insulting" the Turkish state because of his use of the term "Armenian genocide" in public, although his conviction was converted to a suspended sentence following EU and other international pressure. Some reports suggested that the perpetrator targeted Dink because he was not a Muslim, indicating that for some, religious extremism has fused with the extreme nationalism. A trial began in July 2007, but is closed because the purported assailant is a minor; a total of 19 suspects are on trial. An Istanbul court is also looking into allegations of official negligence or collusion, as Amnesty International reported in January 2008 that Dink had reported threats to his life to the Public Prosecutor but that steps were not taken to ensure his protection. According to that indictment, one of the defendants also acted as a police informer and told police months in advance of plans to assassinate Dink. Two gendarmerie officers have since been charged with dereliction of duty; however, lawyers for Dink's family have called for more law enforcement officers to be brought to justice.

### *Muslims*

The state carries out its management role with regard to the majority Muslim community through the Directorate of Religious Affairs, or the *Diyanet*. The state, through the *Diyanet*, controls and supervises the religious institutions of the Sunni Muslim population, managing all 80,000 mosques in Turkey and employing all imams as state functionaries. Religious practice and education (compulsory in the state schools for all Muslim children, though religious minorities are exempted) exclusively follow the Hanafi Sunni doctrine, although up to 20 percent of Turkey's Muslims are Alevis. Although Turkey is renowned for its Sufi orders and they continue to exist in Turkey, they have been officially prohibited since the 1920s.

Until recently, religious dress, including the wearing of a headscarf, was banned in all public institutions, including government buildings, universities, and schools. The state prosecutor's lawsuit against the AK government indicates the extent to which the "headscarf issue" is the most politically and popularly charged issue in Turkey



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today, reflecting this persistent tug of war between those promoting Ataturk's secularist legacy and those pressing for greater public expression of religion through religious symbols and clothing. Women wearing headscarves and their advocates have both lost their jobs in the public sector, including as nurses or teachers, and students wearing headscarves were not officially permitted to register for classes, even at private institutions. Members of the military have been charged with "lack of discipline" for performing Muslim prayers or being married to women who wear headscarves.

After the July 2007 elections, the Turkish Parliament approved constitutional changes to guarantee all citizens the right to attend university regardless of dress, stating that "no one can be deprived of his/her right to higher education." The change states that only traditional scarves—tied loosely under the chin—will be allowed; headscarves that cover the neck, as well as the full veil, would still be banned, as would all headscarves in government buildings.

Alevis, an offshoot of Shi'ism that many Sunnis—and even many Shi'a Muslims—view as heretical, are a minority Muslim community in Turkey that make up anywhere from 15 to 25 percent of the population. Alevis are reportedly currently able to practice their beliefs relatively freely and build *cem evleri* or "gathering houses," though there continue to be cases in which Alevis have been denied permission to build their meeting houses. However, none of the budget of the *Diyanet* goes to the Alevi community. Moreover, Alevi children must undergo the same compulsory religious education as all Muslims, which involves instruction only about Sunni Islam. A member of the Alevi community in Turkey took this issue before the European Court of Human Rights (ECtHR), which in Oc-

tober 2007 issued a ruling in favor of the Alevis, declaring that by making this religious education compulsory for all Muslims in Turkey, Alevis were being denied the "right of parents to ensure education in conformity with their own religious convictions." It remains now for the Turkish government to implement this decision.

### *The Recognized Religious Minorities*

The 1923 Treaty of Lausanne, a peace treaty signed between Turkish forces and several European powers that formally established the Republic of Turkey, contained specific guarantees and protections for non-Muslim religious minorities in Turkey, which has since been interpreted by the Turkish government to refer only to the Greek Orthodox, Armenian Orthodox, and Jewish communities. Yet legal recognition of these and other religious minority communities has not been implemented in Turkish law and practice. The absence of legal personality has over the decades resulted in serious problems with regard to their right to own, maintain, and transfer property as a community and as individuals and to train religious clergy, leading in some cases to a critical decline in these communities on their historic lands. As noted above, the problems for the minorities stem in part from the fact that most are not only religious but also ethnic minorities, and have thus faced some suspicion about their loyalty from the majority community.

At the time Turkey was founded in 1923, there were approximately 200,000 Greek Orthodox Christians in the country. In 1955, by which time the number had fallen to 100,000, violent riots broke out targeting the Greek Orthodox community, resulting in the destruction of private and commercial properties, desecration of religious sites, and killings. Due to the fallout from those riots and other difficulties for the Greek Orthodox minority, the number of Orthodox Christians has fallen to its current level of about 2,500. In addition, though the Ecumenical Patriarchate's constituencies extend to Orthodox communities in the United States, Europe, and Australia, the Turkish authorities do not allow the Patriarch to use the term "ecumenical" in his title, recognizing him only as the head of Turkey's small (and decreasing) Greek Orthodox community. As a result, the government maintains that only Turkish citizens can be candidates for the position of Ecumenical Patriarch and for membership as hierarchs in the Church's Holy Synod. Yet, since the Turkish state does not allow the Greek Orthodox minority to train its clergy, the very sur-

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vival of the Ecumenical Patriarchate and the Greek Orthodox community in Turkey are today at risk.

After the military coup in 1971, the Turkish state nationalized all private institutions of higher learning, including those for religious training. One result was the closure of the Halki School of Theology, which is the theological seminary on the island of Heybeli that, since the nineteenth century, had trained religious leaders of the Ecumenical Patriarchate and Orthodox Christian communities worldwide. Despite repeated government promises, the Halki Seminary remains closed.

The Armenian Patriarch, head of the Armenian Orthodox Church, similarly has no legal personality and there is no seminary in Turkey to educate clerics. As with the Ecumenical Patriarch, the Armenian Patriarchate experiences direct interference in the selection of its religious leadership, and the Turkish state also prevents Armenian Christians from operating an independent seminary to train new clergy members.

Many Jews report that the situation for Jews in Turkey is better than in other majority Muslim countries, as they are generally able to worship freely and their places of worship receive government protection when it is required. In addition, Jews operate their own schools, hospitals, and welfare institutions, as well as a newspaper. Nevertheless, there are concerns about attacks on synagogues and anti-Semitism in the media. In November 2003 and August 2004, synagogues were bombed by terrorists associated with al-Qaeda; 27 people were killed. The Turkish state took prompt action to arrest the perpetrators, reportedly carried out by a Turkish al-Qaeda cell. There is also increasing anti-Semitism in some media sectors that is generally coupled with anti-Americanism, particularly in media viewed as either nationalist or reli-

gious extremist. There are a growing number of specious stories about Israeli and U.S. misdeeds in Iraq, as well as pieces containing more conventional anti-Semitic stereotyping. All of these factors have resulted in an increasing sense of fear and insecurity among members of the Jewish community that had generally not been present before in Turkey.

#### *Property Issues and the Law on Foundations*

Many of the most serious problems faced by religious minorities in Turkey involve property rights and ownership. While the *Diyanet* runs Sunni Muslim affairs, another government agency, the General Directorate for Foundations (*Vakiflar*), regulates all activities of non-Muslim religious groups and their affiliated houses of worship and other property. The establishment of a foundation is the mechanism through which a minority religious community can own property, including worship buildings, schools, and other institutions, given their lack of legal status in Turkey. While a foundation enables a religious community to become a collective legal entity, the rules governing the foundations have been found to be intrusive and in many cases, onerous.

Over the previous five decades, the state has, using convoluted regulations and undemocratic laws, confiscated hundreds of religious minority properties, primarily those belonging to the Greek Orthodox community, although Armenian Orthodox, Catholics, and Jews also reported such expropriations. In 1936, the government required all foundations to declare their sources of income; in 1974, the Turkish High Court of Appeals ruled that minority foundations had no right to acquire properties other than those listed in those 1936 declarations. Particularly since that time, the government has seized control

of hundreds of properties acquired after 1936; religious minority foundations that are recognized by the state can acquire property, but previously appropriated property cannot be reclaimed. There is also no right to appeal these government actions.

In November 2006, the Turkish government, as part of the ninth reform package on EU accession, passed a new law governing foundations, making it easier to form a foundation and allowing non-Turkish citizens in Turkey to open foundations. The bill also enabled religious minorities to recover appropriated property, though it did not enable foundations to regain property that the state had sold to third parties, a category that reportedly involves a considerable amount of property. Then-President Ahmet Necdet Sezer vetoed the legislation. In February 2008, the newly elected Parliament passed a similar law that would return confiscated properties. Like the earlier version, this new law, while considered a positive first step, still does not apply to property sold to third parties.

### *Other Religious Minorities*

Syriac Christians experience problems similar to those of the Greek and Armenian Orthodox, particularly in obtaining permission to maintain ancient sites. The number of Syriac Christians in the southeastern part of the country was once much higher, but government pressure and the war between the government and secessionist Kurdish forces have resulted in the migration of significant numbers. Roman Catholics have also had their property confiscated by the government. From 1993 – 1996, the Turkish government held political consultations at the Vatican, which concluded in an agreement between the University of Ankara and the Jesuit Consortium Gregorianum and the reopening of the chapel at Tarsus; however, in most cases the state has taken possession of Catholic property or prohibited its use for other purposes.

Roman Catholics, as well as Protestants, are also sometimes subject to violent societal attacks. In February 2006, an Italian Catholic priest was shot to death in his church in Trabzon, reportedly by a youth angered over the caricatures of the Muslim prophet in Danish newspapers. Government officials strongly condemned the killing. A 16 year-old boy was subsequently charged with the murder and sentenced to 19 years in prison. Also in February 2006, a Slovenian Catholic monk was attacked in Izmir. In



The late Hrant Dink (center), who edited *Agos*, an Armenian-Turkish weekly, with Commissioners Prodromou and Cromartie in November 2006. Dink was assassinated Jan. 19, 2007, allegedly by a 17 year old Turkish nationalist.

December 2007, a 19 year-old stabbed a Catholic priest outside a church in Izmir; the priest was treated and released the following day.

Protestants in Turkey, who number approximately 3,000, are primarily converts from other religions and are predominantly Turks by ethnicity. Protestant Christians often meet in the churches of other denominations, private homes, and in other places. Police sometimes bar Protestant groups from holding services in private homes and have detained and prosecuted individual Protestants for holding unauthorized gatherings. One of the most violent societal attacks occurred in April 2007, when three employees of an Evangelical Protestant publishing house in the city of Malatya were brutally murdered, reportedly by youths associated with a nationalist group. Five persons suspected of committing the murders were arrested soon after the attack, and five others were detained days later. Later evidence indicated that the five confessed murderers had links with local political officers, members of the special military forces, and regional members of Turkey's nationalist political party. Turkey's Interior Ministry in December 2007 opened a judicial investigation into the alleged collusion of public officials in these murders. In January 2008, one of the five on trial denied that the group intended to kill the three Christians, and blamed another suspect as the "ringleader" of the attack, who, he said, had "close relations" with the local police chief. The trial is continuing.

UNITED STATES COMMISSION ON  
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