



Prisoner's right to congregational Friday prayers was breached in Diyarbakır prison

In today's **Chamber judgment**¹ in the case of [Abdullah Yalçın \(No.2\) v. Türkiye](#) (application no. 34417/10) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 9 (freedom of religion) of the European Convention on Human Rights.

The case concerned the Diyarbakır high-security prison's refusal to allow the applicant's request for congregational Friday prayers (*jumuah*) to be held and for him to take part.

The Court found in particular that the authorities had failed to strike a fair balance between the competing interests at stake, namely security and order in prison and the applicant's right to freedom of collective worship. In particular, they had neither carried out an individualised assessment of the case, to ascertain for example whether the applicant had been a high-risk inmate or whether inmates congregating for Friday prayers would pose any more of a security risk than their gathering for other activities, nor explored any other arrangements as concerned appropriate premises.

A legal summary of this case will be available in the Court's database HUDOC ([link](#))

Principal facts

The applicant, Abdullah Yalçın, is a Turkish national who was born in 1973 and lives in Diyarbakır (Türkiye).

In March 2010 the applicant, who was serving a sentence for membership of an illegal organisation, Hezbollah, in a high-security prison, requested permission for congregational Friday prayers (*jumuah*) to be held and for him to take part, as required by his religion, Islam.

The prison authorities rejected his request because he was being held in a high-security prison, because of the security risk of collective gatherings and because there was no appropriate room on the premises of the prison that could be utilised.

All the applicant's challenges in the courts were dismissed, ultimately by the Diyarbakır Assize Court in May 2010.

Complaints, procedure and composition of the Court

Relying on Article 9 (freedom of religion), the applicant argued in particular that the prison authorities could have allocated a room for congregational Friday prayers, pointing out that prisoners had been able to gather once a week to do sport in a designated place in the prison.

The application was lodged with the European Court of Human Rights on 24 May 2010.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Judgment was given by a Chamber of seven judges, composed as follows:

Jon Fridrik **Kjølbro** (Denmark), *President*,
Carlo **Ranzoni** (Liechtenstein),
Egidijus **Kūris** (Lithuania),
Pauliine **Koskelo** (Finland),
Jovan **Ilievski** (North Macedonia),
Saadet **Yüksel** (Türkiye),
Diana **Sârcu** (the Republic of Moldova),

and also Hasan **Bakırcı**, *Section Registrar*.

Decision of the Court

First, the Court noted the Government's argument – based on “views of certain scholars” – that Islam did not oblige those who were deprived of their liberty to attend congregational Friday prayers. It found, on the other hand, that there was nothing to make it doubt that the applicant's wish to attend Friday prayers, one of the precepts of Islam, was genuine. He was therefore entitled to the protection under Article 9 of the right to manifest his religion.

The Government further argued that the applicant could have taken part in Friday prayers in his own cell, with the three other inmates he had been held with at the time. It was not, however, possible to ascertain whether those inmates had actually been willing to take part and the Court dismissed that argument.

The applicant's complaint focussed on the authorities' refusal to make the necessary arrangements in the prison by allocating a separate room.

The first reason for that refusal was that high-security prisons had a stricter set of rules. The Court emphasised though that the authorities had not apparently carried out an individualised assessment in the applicant's case, to ascertain for example whether he had been a dangerous inmate or had failed in any way to abide by prison rules.

Nor had the authorities sufficiently assessed, in the individual circumstances of the case, whether inmates congregating for Friday prayers would pose any more of a security risk than inmates gathering for cultural or rehabilitative purposes.

Most importantly, the authorities had not explored any other arrangements as concerned appropriate premises for Friday prayers at the applicant's prison.

The Court therefore considered that the authorities had failed to strike a fair balance between the competing interests at stake, namely security and order in prison and the applicant's right to freedom of collective worship. In particular, they had not provided relevant and sufficient reasons in a manner that had been compliant with their duty under Article 9 of the Convention to guarantee the applicant's freedom to manifest his religion in community with others in prison.

There had therefore been a violation of Article 9 of the Convention.

Just satisfaction (Article 41)

The applicant did not submit a claim for just satisfaction and the Court therefore made no such award.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.