

# AMNESTY INTERNATIONAL

## Public Statement

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## Turkey: Conscientious Objector Mehmet Tarhan sentenced to 25 months' imprisonment

Amnesty International is dismayed at the news that on 10 October 2006 Sivas Military Court sentenced conscientious objector Mehmet Tarhan to 25 months' imprisonment on two charges of insubordination following his refusal on two occasions to perform military service. Mehmet Tarhan was given a sentence of ten months' imprisonment for an act of insubordination in April 2005, a charge which had previously been overruled by the Military Appeals Court and returned to the Sivas Military Court. On the other charge, dating from June 2005, Mehmet Tarhan was sentenced to imprisonment of one year and three months. Mehmet Tarhan is not currently in detention, and his lawyer is appealing the verdict. However, Amnesty International remains deeply concerned that Mehmet Tarhan has again been denied his right to conscientious objection. Should Mehmet Tarhan be imprisoned Amnesty International would consider him a prisoner of conscience.

Furthermore, the organization believes that the fact that Mehmet Tarhan has been tried and convicted yet again for insubordination contravenes Article 14, paragraph 7 of the International Covenant on Civil and Political Rights, to which Turkey is a State Party, which states "No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure". The United Nations' Working Group on Arbitrary Detention, in its Opinion 36/1999 on a similar case of a Turkish conscientious objector, Osman Murat Ülke, found that his repeated objection to military service was "one and the same action entailing the same consequences and, therefore, the offence is the same and not a new one". Most recently, in January 2006 the European Court of Human Rights found that the numerous proceedings against Osman Murat Ülke had "compelled [him] to adopt... [a] clandestine life amounting almost to 'civil death'" and constituted degrading treatment in violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is also a State Party.

Amnesty International calls on the Turkish authorities to end immediately the practice of trying any individual for the same crime more than once. Moreover, the organization reiterates the urgent need for Turkey to comply with international law and standards by recognizing the right to conscientious objection and making provisions for an alternative civilian service which is not discriminatory or of punitive length.

### Background

In Turkey it is compulsory for all men between the ages of 19 and 40 to do military service for 15 months. Amnesty International is concerned that the right to conscientious objection is not legally recognized by the authorities, and provisions do not exist for an alternative civilian service for conscientious objectors. International human rights standards recognize the right to conscientious objection. Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe Regarding

Conscientious Objection to Compulsory Military Service of 9 April 1987 states that "Anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service [...]. Such persons may be liable to perform alternative service." In recent years in Turkey there have been a small number of conscientious objectors who have publicly stated their refusal to carry out military service. They are usually subject to criminal prosecution.

**For further information on Mehmet Tarhan's case, please see** *Turkey: Conscientious Objector Mehmet Tarhan is a prisoner of conscience and must be released now!* (AI Index: EUR 44/036/2005)  
<http://web.amnesty.org/library/index/engneur440362005>