

AMNESTY INTERNATIONAL

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Turkey still failing to respect the right to conscientious objection

Turkey failed to present a requested report on the progress of the implementation of a 2006 European Court decision on the right to conscientious objection to the latest Committee of Ministers Human Rights Meeting at the Council of Europe which took place between the 28 November and 2 December. Recently, several government ministers have made public statements about the reform of compulsory military service, indicating that they are unlikely to include legal provisions, recognizing for the right to conscientious objection.

In its decision on 2 December 2011, the Committee of Ministers reiterated their call on Turkey 'to take concrete action and provide tangible information to the Committee of Ministers, on these questions with a clear time-table for the necessary measures to be taken in the form of an action plan' by their next meeting in March 2012.

In the 2006 case *Ulke vs Turkey*, the European Court of Human Rights found that 'that the applicant's repeated convictions and imprisonment for having refused to perform compulsory military service on account of his beliefs as a pacifist and conscientious objector amounted to degrading treatment within the meaning of Article 3 of the Convention.'

Turkey has a long history of violating the right to refuse compulsory military service for reasons of conscience as laid down in a number of international human rights instruments, which the country is a party to.

Amnesty International calls on Turkish authorities to ensure this right is fully recognized and implemented without delay

On 23 November 2011, the European Court of Human Rights ruled against Turkey in the case of Yunus Erçep, a Jehovah's Witness and a conscientious objector who was repeatedly prosecuted by the authorities for exercising his right to conscientious objection. The Court found that Turkey had violated Yunus Erçep's right to freedom of thought, conscience and religion as protected under Article 9 of the Convention.

Amnesty International members and supporters in over 70 countries in every region of the world came together at the beginning of December to demand that the Turkish authorities immediately stop the prosecutions of conscientious objectors and to introduce an alternative civilian service for conscientious objectors in line with European and international standards and recommendations.

They have been calling for Halil Savda, a human rights defender and conscientious objector, to be free to continue publishing articles and making public speeches in support of conscientious objectors, without fear of prosecution or intimidation.

Halil Savda faces an ongoing risk of imprisonment for freely expressing his support for conscientious objectors. He has been arrested and ill-treated on multiple occasions since 2004 for refusing to perform military service, and has been detained for around 17 months in

total during that time. He has written articles, given interviews in a number of newspapers and made speeches at protests and meetings against compulsory military service.

Halil Savda currently faces three separate charges under Article 318 of the Turkish Penal Code, which criminalizes “alienating the public from military service” and, in November 2010, was sentenced to 100 days in prison for his peaceful activities, and may be forced to begin serving this sentence at any time.

Turkey is one of the last countries in Europe that does not allow its citizens to act according to their conscious in relation to military service. They must be given the choice of a non-punitive civilian service and be able to express their views freely.

Background

Ulke vs. Turkey (Application no. 39437/98)

In its judgment, the Court found that the applicant’s repeated convictions and imprisonment for having refused to perform compulsory military service on account of his beliefs as a pacifist and conscientious objector amounted to degrading treatment within the meaning of Article 3 of the Convention;

The Court found that the existing legislative framework was insufficient, as there was no specific provision in Turkish law governing the sanctions for those who refused to perform military service on conscientious or religious grounds and that the only relevant applicable rules appeared to be the provisions of the Military Criminal Code, which made any refusal to obey the orders of a superior an offence;

Erçep vs. Turkey (Application No. 43965/04)

The Court ruled in line with last summer’s judgment at the Grand Chamber on the Bayatyan vs. Armenia case, finding that Turkey had violated Article 9 in the case of the Jehovah’s witness conscientious objector.

The Court found no reason to doubt that the applicant’s objection was motivated by sincere religious convictions which were in serious and insurmountable conflict with his obligation to perform military service.

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