

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

14 March 2011  
AI Index: EUR 44/002/2011

### **Human rights defender Halil Savda faces imprisonment again in Turkey**

Halil Savda, a conscientious objector and a human rights defender faces imprisonment for 100 days, following his conviction for 'alienating the public from military service' under Article 318 of the Turkish Penal Code. The sentence was confirmed at the Supreme Court of Appeals on 30 November 2010 and communicated to Halil Savda on 15 February 2011.

Amnesty International has long considered Article 318 to be a direct and unlawful limitation of the right to freedom of expression resulting in unfair prosecutions, including in cases such as these following public statements in support of the right to conscientious objection, and has called for the article to be repealed.

Halil Savda's conviction represents a violation of his right to freedom of expression and the organization calls on the Turkish authorities not to imprison him. If imprisoned Amnesty International would consider Halil Savda a prisoner of conscience and call for his immediate and unconditional release.

The confirmation of the prison sentence is part of a continuing pattern of judicial harassment of Halil Savda and others in Turkey calling on the government to recognise the right to conscientious objection to military service.

The conviction under Article 318 for which he now faces imprisonment, relates to statements made by Halil Savda at the time of Israel's 2006 attack on Lebanon, in support of two Israeli conscientious objectors who refused to participate in the 34-day long attack.

A second conviction under Article 318 remains pending at the Supreme Court of Appeals following the local court's issuance of a six-month sentence in June 2010, relating to Halil Savda's public support for Enver Aydemir, a conscientious objector who was being prosecuted for his refusal to perform military service in Turkey. Three other activists were also convicted under Article 318 in the same case but had their sentences suspended because it was their first criminal conviction.

In January 2011, a new case was opened against Halil Savda and four others under Article 318 also for participating in a protest in support of Enver Aydemir in January 2010. The first hearing in the case will take place on 21 April 2011 in Eskişehir.

Halil Savda has also been repeatedly imprisoned as a conscientious objector for his refusal to perform military service. Following his declaration of conscientious objection in 2004, Halil Savda was detained on four occasions serving a total of 17 months in military prison over a period of five. In 2008, he was declared to be 'unfit' for military service, ending his prosecutions as a conscientious objector.

Halil Savda repeatedly said that he would not stop speaking out for the right to conscientious objection to compulsory military service in Turkey where there is no civilian alternative.

## Background

Amnesty International is concerned at the increasing pattern of judicial harassment of human rights defenders and journalists amongst others voicing their support for the right to conscientious objection to military service in Turkey and is calling on Turkey to repeal Article 318 as a matter of urgency

Amnesty International considers prosecutions under Article 318 to be in direct breach of Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights, which protect the right to freedom of expression and to which Turkey is a state party.

Amnesty International considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, refuses to perform service in the armed forces, or any other direct or indirect participation in wars or armed conflicts. This can include refusal to participate in a war because one disagrees with its aims or the manner in which it is being waged, even if one does not oppose taking part in all wars. Amnesty International considers a person to be a prisoner of conscience when they are detained or imprisoned solely because they have been denied their right to register an objection or to perform a genuinely civilian alternative service. They would also be prisoners of conscience if imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have taken reasonable steps to secure release from military obligations.

The right to refuse military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as laid down in a number of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is a party.

As far back as 1995, in its Resolution 1998/77 the UN Commission for Human Rights has stated that the right to conscientious objection to military service is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR, right to freedom of religion, conscience and belief),. "The right of everyone to have conscientious objections to military service [constitutes] a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in Article 18 of the Universal Declaration of Human Rights and Article 18 of the ICCPR." In the resolution, the Committee also repeated its call on states to "provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a non--combatant or civilian character, in the public interest and not of a punitive nature" and emphasised that states must "refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service," recalling "that no one shall be liable or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country."

## Links

Public statement

**Peaceful protesters convicted for 'alienating the public from military service' in Turkey**

<http://www.amnesty.org/en/library/info/EUR44/016/2010/en>

Public statement

**Conscientious objection is a human right not a personality disorder**

<http://www.amnesty.org/en/library/info/EUR44/013/2010/en>