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Turkey: Peaceful protesters convicted for ‘alienating the public from military service’ in Turkey

On 17 June 2010 human rights defender Halil Savda and three other activists were convicted under Article 318 of the Turkish Penal Code which criminalizes ‘alienating the public from military service’. The case was opened against them following their attendance at a public demonstration on 6 January 2010 in support of conscientious objector and Amnesty International prisoner of conscience, Enver Aydemir, who had been in military detention since 24 December 2009 for refusing to perform military service.

Halil Savda, Gökçe Otlı Sevimli, and Zarife Ferda Çakmak were convicted and each received sentences of six months for ‘alienating the public from military service’. Gökçe Otlı Sevimli’s and Zarife Ferda Çakmak’s sentences were suspended for five years due to their lack of previous convictions. In addition to a conviction for ‘alienating the public from military service’, Volkan Sevinç was also convicted for ‘insulting a police officer in the course of their duty’ and sentenced to one year and six months in prison. His sentence was also suspended.

The convictions come despite the public prosecutor requesting their acquittal and declaring that their actions were protected by the right to freedom of expression. Lawyers for the protesters told Amnesty International that they would appeal the judgment. If their appeals are denied and they are imprisoned, Amnesty International would consider the four activists prisoners of conscience.

This is Halil Savda’s second conviction under Article 318 in less than a year. In June 2009 he was convicted and sentenced to five months in prison under the Article as a result of publicly voicing his support for two Israeli conscientious objectors at a demonstration outside the Israeli Embassy in Istanbul in 2007.

Speaking to Amnesty International, Halil Savda said: “It is a shame that in Turkey, conscientious objectors and those who support them are prosecuted for refusing to kill. There cannot be a more humane stance in the world than refusing to participate in wars. Yet Article 318 is a massive barrier to even expressing this opinion, making the call for peace and solidarity with other conscientious objectors a crime. We will continue to campaign until Article 318 is repealed.”

Amnesty International is concerned at the increasing pattern of judicial harassment of persons voicing their support for the right to conscientious objection to military service in Turkey. 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 is calling on Turkey to repeal Article 318 as a matter of urgency and has been campaigning to stop the judicial harassment of Halil Savda and others, including human rights defenders and journalists who have been prosecuted under this article.

Amnesty International is also calling on the Turkish authorities to ensure that the application of all articles of the Penal Code and other laws are in line with international standards on the right to freedom of expression and to monitor all criminal investigations of human rights defenders and to halt all investigations launched for conduct that is protected by international human rights standards.

Amnesty International related documents

Public Statement, *Turkey: Conscientious objection is a human right not a personality disorder* (AI Index: 44/013/2010), 10 June 2010

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

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