

URGENT ACTION

PRISON TRANSFER FOR HUMAN RIGHTS DEFENDER

Human rights defender Halil Savda was transferred to a new prison on 15 March. He has now served 28 days of a 100-day prison sentence, for speaking publicly about his support for conscientious objectors. He is a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression.

Halil Savda was detained at 6am on 24 February while visiting the district of Doğubeyazıt in Ağrı province in eastern Turkey. His 100-day prison sentence was handed down in 2008, after he was convicted under Article 318 of the Turkish Penal Code, which criminalizes "alienating the public from military service". This was in connection to his support for two Israeli conscientious objectors in 2006. His conviction was upheld by the Supreme Court of Appeals in November 2010 and communicated to him in February 2011, but he had not been required to begin serving his sentence until his detention on 24 February 2012. He also faces another six-month prison sentence for breaching Article 318, handed down in June 2010, which is being considered by the Supreme Court of Appeals. There are two other cases against Halil Savda which are ongoing, in which he is accused under Article 318.

Halil Savda has been repeatedly imprisoned as a conscientious objector for his refusal to perform military service, which is compulsory in Turkey. Following his declaration of conscientious objection in 2004, Halil Savda served a total of 17 months in military prison over a period of five years due to his refusal to perform military service. In 2008, he was declared to be 'unfit' for military service, ending his prosecutions as a conscientious objector.

Article 318 of the Turkish Penal Code violates Article 10 of the European Convention on Human Rights, to which Turkey is a state party. Article 10 guarantees the right to freedom of expression. Amnesty International has repeatedly called for the article to be repealed.

Please write immediately in Turkish or your own language, calling on the authorities to:

- Release Halil Savda immediately and unconditionally;
- Ensure the safety of Halil Savda while he is in prison;
- Take urgent steps towards the abolition of Article 318, which violates international human rights conventions to which Turkey is a signatory.

PLEASE SEND APPEALS BEFORE 4 MAY 2012 TO:

Prime Minister
Recep Tayyip Erdogan
Office of the Prime Minister
Basbakanlik
06573 Ankara
Turkey
Fax: +90 312 422 1899
Salutation: Dear Prime Minister

Minister of Justice
Sadullah Ergin - Adalet Bakanı
Adalet Bakanlığı
06659 Ankara
Turkey
Fax: +90 312 417 7113
Email: ozelkalem@adalet.gov.tr
sadullahergin@adalet.gov.tr
Salutation: Dear Minister

Please also send messages of solidarity in English or Turkish to Halil Savda:

Halil Savda
Diyadin K1 Tipi Kapalı Cezaevi,
Diyadin - Ağrı, Turkey

Suggested message in English: Dear Halil Savda, I am supporting your right to peaceful free expression. In Turkish: Sevgili Halil Savda, ifade özgürlüğü hakkını destekliyorum.

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

This is the first update of UA 64/12. Further information: <http://www.amnesty.org/en/library/info/EUR44/004/2012/en>

Please check with your section office if sending appeals after the above date.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International is concerned at the increasing pattern of judicial harassment of human rights defenders, journalists and 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."

Name: Halil Savda

Gender: M

Further information on UA: 64/12 Index: EUR 44/005/2012 Issue Date: 23 March 2012