

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Turkey: Time to recognise right to conscientious objection

Amnesty International welcomes the latest judgment to come out of the European Court of Human Rights (ECtHR) on the right to conscientious objection in Turkey. The Court unanimously ruled that conscientious objector and human rights defender Halil Savda's right not to be 'subjected to torture or to inhuman or degrading treatment or punishment' (Art. 3), right to a fair trial (Art. 6) and right to 'freedom of thought, conscience and religion' (Art. 9) had been violated.

This is the fourth time in less than a year that the ECtHR found Turkey to have violated the right to conscientious objection, following the landmark ruling in July 2011 in the case of *Bayatyan v. Armenia* in which, for the first time, the Court found the refusal to recognize the right to conscientious objection to military service to be a violation of Article 9 of the Convention.

Turkey is the only Council of Europe country where the right to conscientious objection is not legally recognized.

Halil Savda declared his conscientious objection in 2004 and has been arrested on multiple occasions and prosecuted three times for refusing to perform military service. In total, he was detained for around 17 months over five years between 2004 and 2009. Halil Savda alleged that, while in detention in 2007, he was ill-treated, including being kicked and hit by four officers, having a dirty cloth shoved in his mouth, kept naked for three days in a room without chairs or a bed and forced to sleep on a concrete floor without even a blanket. These incidents have never been properly investigated.

The judgment reiterates the Court's ruling in the 2006 case of *Ülke v. Turkey* that repeated prosecution of conscientious objectors in Turkey caused serious suffering and pain, which went beyond the usual humiliation of a criminal conviction or a period of detention, finding a violation of Article 3 of the Convention. The Court also found a violation of Article 6 on the grounds that it was reasonable for Halil Savda to fear that the military court would be biased.

Speaking to Amnesty International following the ECtHR ruling, Halil Savda said: 'I hope this judgment will help pave the way towards the recognition of the right to conscientious objection in Turkey. It takes years to seek redress at the ECtHR. The Committee of Ministers of the Council of Europe has to increase pressure on Turkey to end these violations once and for all and implement the rulings - and that can only be done through a change in the law. My gratitude goes to international organizations such as War Resisters' International and Amnesty International who are campaigning to achieve this important change.'

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