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Turkey: Alleged ill-treatment of conscientious objector by military personnel must be investigated

Amnesty International is deeply concerned at reports that on 26 January 2007 conscientious objector Halil Savda was ill-treated by military personnel in the disciplinary ward of the military barracks in Tekirdag where he had originally been summoned to perform military service. Furthermore the organization is concerned that Turkish legislation does not provide for an alternative civilian service for people who refuse to perform military service on grounds of conscientiously-held beliefs.

Halil Savda reported that he was pushed against a wall, kicked in the legs and hit by an officer and two guards until he fell to the floor. The kicking reportedly continued while he was on the floor, with the perpetrators shouting, "you are a traitor, you are a terrorist". He alleged that they pushed a dirty gag into his mouth to prevent him screaming out. Apparently as a result of the incident, Halil Savda's face was swollen and he was left with a split and bleeding lip. He reported that he was subsequently taken to a room with no chair or bed where he stayed for three days, sleeping on the cement floor without a blanket.

Amnesty International calls on the Turkish authorities to initiate promptly a thorough and impartial investigation into the allegations, which were publicized by Halil Savda's lawyer once she was granted permission to see him five days later. The suspected perpetrators must be brought to justice.

Halil Savda initially declared his conscientious objection to military service in December 2004 and was subsequently detained on charges of "insubordination". On 28 December 2004 he was released after spending 12 days in custody although judicial proceedings continued against him. On 4 January 2005 Çorlu Military Court in Tekirdag convicted Halil Savda and sentenced him to a prison term of three years and 15 days. The conviction was overturned by the Military Appeals Court on 13 August 2006, which returned the case to the lower court. The trial was reopened at Çorlu Military Court on 7 December 2006. Halil Savda attended the hearing and was detained. He was released from detention on 25 January 2007 pending the continuation of his trial. Upon release, Halil Savda was sent to the military barracks in Tekirdag where he was told to put on a military uniform. Halil Savda refused, again citing his conscientious objection. As a result, he was brought before the Çorlu Military Prosecutor on charges of "persistent insubordination". He was placed under military custody at the military barracks in Tekirdag, where the alleged ill-treatment took place.

Amnesty International urges the Turkish authorities to recognize and guarantee the right to conscientious objection, and make provisions for an alternative civilian service which is not discriminatory or of punitive length. In Turkey it is compulsory for all men between the ages of 19 and 40 to do military service for 15 months. Amnesty International is concerned that the right to conscientious objection is not legally recognized by the authorities, and provisions do not exist for an alternative civilian service for conscientious objectors. International human rights standards recognize the right to conscientious objection. Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe Regarding Conscientious Objection to Compulsory Military Service of 9 April 1987 states that "Anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service [...]. Such persons may be liable to perform alternative service." In recent years in Turkey there have been a small number of conscientious objectors who have publicly stated their refusal to carry out military service. They are usually subject to criminal prosecution.

Amnesty International also urges the Turkish authorities to put an immediate end to the practice of trying an individual for the same crime twice in accordance with Article 14, paragraph 7 of the International Covenant on Civil and Political Rights, to which Turkey is a State Party, which states "No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure". The United Nations' Working Group on Arbitrary Detention, in its Opinion 36/1999 on the case of another Turkish conscientious objector, Osman Murat Ülke, found that his repeated objection to military service was "one and the same action entailing the same consequences and, therefore, the offence is the same and not a new one". Amnesty

International reminds the Turkish authorities of the January 2006 judgment of the European Court of Human Rights which found that the numerous proceedings against Osman Murat Ülke had “compelled [him] to adopt ..[a] clandestine life amounting almost to ‘civil death’” and constituted degrading treatment in violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Turkey is also a State Party.