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### **Conscientious objector Osman Murat Ülke**

Dear Minister,

We are very concerned about the recent developments in the case of Turkish conscientious objector Osman Murat Ülke. Mr Ülke spent 2 1/2 years in prison from October 1996 until March 1999. In 2006 he won his case at the European Court of Human Rights, which convicted Turkey of infringement of article 3 of the European Convention of Human Rights. In June 2007 Mr Ülke received a new order from the military prosecutors office of Eskisehir informing him that he is expected to present himself within 10 days of issue of that notice to the prosecutor in order to serve a sentence of 17 months and 15 days in respect of earlier convictions for refusing to undertake military service. Failure to do so would result in a warrant being issued for his arrest. The document in question had been issued on 14 June 2007, so that it is highly likely that presently there is an arrest warrant for Osman Murat Ülke, putting him at high risk of arrest and reimprisonment.

In it's judgement on the merits of the case, the European Court of Human Rights, on 24 January 2006, came to the conclusion: "The numerous criminal prosecutions against the applicant, the cumulative effects of the criminal convictions which resulted from them and the constant alternation between prosecutions and terms of imprisonment, together with the possibility that he would be liable to prosecution for the rest of his life, had been disproportionate to the aim of ensuring that he did his military service. They were more calculated to repressing the applicant's intellectual personality, inspiring in him feelings of fear, anguish and vulnerability capable of humiliating and debasing him and breaking his resistance and will. The clandestine life amounting almost to 'civil death' which the applicant had been compelled to adopt was incompatible with the punishment regime of a democratic society.

Consequently, the Court considered that, taken as a whole and regard being had to its gravity and repetitive nature, the treatment inflicted on the applicant had caused him severe pain and suffering which went beyond the normal element of humiliation inherent in any criminal sentence or detention. In the aggregate, the acts concerned constituted degrading treatment within the meaning of Article 3."

The Committee of Ministers of the Council of Europe also dealt with the case in several meetings. At it's meeting on 13-14 February 2007 the Council of Ministers, "deplored the fact that the Turkish authorities had as yet taken no individual measure to put an end to the violation



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found by the Court, the applicant still being subject to an arrest warrant with a view to the execution of his sentence."

The recent development - the notice sent by the military prosecutor's office to the address of Osman Murat Ülke's father, ordering Osman Murat Ülke to present himself to serve the outstanding sentences - is a further sign that the Turkish authorities have done nothing to remedy the situation. To the contrary, Osman Murat Ülke, who has been living a more or less clandestine life since March 1999, now is at high risk of being arrested again, in spite of the judgement of the European Court of Human Rights.

We urge you to respect the judgement of the European Court of Human Rights. And we urge you to urgently solve the situation in the case of Osman Murat Ülke. We would be grateful for your answer about your efforts in this matter.

Yours sincerely,

Sevim Dağdelen

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