

Support antimilitarists in Turkey

1 December: Prisoners for Peace Day

In January 2006, the European Court of Human Rights (ECHR) in Strasbourg decided on the case of Turkish conscientious objector Osman Murat Ülke, who between 1997 and 1999 spent 2 ½ years in military prison on numerous charges of „disobedience“. The court ruled: „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, [...] 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.“ In conclusion this amounted to a violation of Article 3 of the European Convention on Human Rights.

So far, so well, one could say. After more than seven years, the case finally comes to an end. However, this unfortunately is not the case. Osman Murat Ülke is still living the clandestine life the European Court complained about, although he received compensation from the Turkish state. And in June 2007 he received a new arrest warrant, ordering him to serve outstanding prison time from 1999. When Osman Murat Ülke's lawyer appealed against the arrest warrant to the Eskisehir military court, the court decided that everything is fine with the arrest warrant, because the ECHR did not order a retrial, and therefore the earlier sentences are still enforceable, even though that might amount to a violation of Article 3.

This blatant affront to the ECHR by a Turkish military court is not a coincidence: through their conscientious objection, objectors attack the very heart of Turkish militarism.

Militarism as state doctrine

Militarism is the main founding principle of the Turkish Republic, only to be matched by laicism, of which the military is the self-appointed guardian. The Turkish Republic was formed by Mustafa Kemal Atatürk on 23 October 1923, following four years of "war of independence", lead by Atatürk. The new Turkish state implemented a series of reforms to break the power of Islam, and to "modernise" – "westernise" – Tur-



Antimilitarist protest in Turkey

key: adoption of the European calendar (1926), change from the Arabic to a Latin based alphabet (1928), new civil and penal codes based on the Swiss and Italian codes (1926), among others. However, the new Turkish state was far from being democratic: "From the promulgation of the Law of Maintenance of Order in March 1925, Turkey's government was an authoritarian one-party regime, and, not to put too fine a point on it, a dictatorship" (Zürcher).

However, these reforms went hand in hand with the creation of a "myth of a military nation" (Altınay), with obligatory military service for men as a centrepiece. As soon as practically possible – with the first census of 1927 – the new Turkish Republic introduced universal conscription, boosting military strength from around 78,000 in 1922 to 800,000 in 1939/40. Along with this went the creation of the myth "every (male) Turk is born a soldier" – something today deeply ingrained in the dominant Turkish culture.

The Turkish military until now plays an important role in Turkey's public and political life. Since the beginning of the Turkish Republic, the military took power three times (1960, 1971, 1980), and staged "silent coup's" several times, forcing its will onto the civilian political elite. According to the Turkish constitution, the General Staff is not accountable to the Min-

istry of Defence – it only has to coordinate with it.

The events of this year around the election of the new Turkish president Abdullah Gül – member of the moderate Islamic Justice and Development Party (AKP) – not only highlighted the power struggle between the military, guarding what it interprets as Atatürk's principles – and an increasingly powerful moderate and modernised Islam in Turkey, but also the power struggle between the military and civilian political institutions in general.

The Kurdish issue

Kemalist Turkish nationalism is at odds with the multi-ethnic reality in Turkey. In recent months, the issue of the Armenian genocide in 1919, and the re-emergence of the Kurdish guerilla of the Kurdistan Workers Party (PKK) made the news.

Since 1980, PKK waged a guerilla war against the Turkish state, first with the aim of Kurdish independence, now aimed at autonomy within a Turkish state. The Turkish military responded with full-out war in the Kurdish provinces, a state of emergency and a policy of ethnic cleansing. In 1999, Turkey seized Abdullah Öcalan, then leader of the PKK, who was subsequently sentenced to death, which was commuted to life-long aggravated imprisonment.

While this was a major blow to PKK, the guerilla has since re-

formed and regained strength.

The recent attacks within Turkish territory, and the capture of Turkish soldiers by PKK guerillas, who operate out of Kurdish northern Iraq, sparked tensions between Turkey and Iraq – and subsequently between Turkey and its NATO allies, especially the USA and Britain.

While this issue of the *Broken Rifle* is going to press, Turkey has amassed 100,000 troops at the border to Iraq, ready to invade, to "root out terrorism". First air strikes on Iraqi territory already took place. Initially, the AKP government had been opposed to a military solution, but the power of the military in Turkey forced it to embrace the position of the military – or to be ignored and sidelined by the military driven agenda. Now, the government is publicly taking an absolute hardline position. As we go to press, the Turkish government had just rejected an Iraqi proposal to solve the conflict.

Andreas Speck

Literature:

Ayşe Gül Altınay: *The Myth of the Military-Nation. Militarism, Gender, and Education in Turkey*. New York, 2004
Erik Jan Zürcher (ed.): *Arming the State: Military Conscription in the Middle East and Central Asia 1775-1925*. London and New York, 1999

Editorial

Welcome to the special edition of *The Broken Rifle* for Prisoners for Peace Day – 1 December. This year we focus on the situation in Turkey. We made this decision before the present escalation of the Turkish-Kurdish conflict, which again highlights the power of the military in Turkish society and politics: it is the institution which stands above everything – the government, the constitution, international human rights standards.

While presently – to our knowledge – no conscientious objector or other prisoner for peace is serving a prison term in Turkey, this can change any day. More than 60 individuals publicly declared their conscientious objection since 1989 (this number does not include Jehovah's Witnesses or other religious objectors), and numerous activists and journalists potentially face prison sentences for speaking out against militarism – or reporting on their activities and opinions. Two conscientious objectors – Halil Savda and Enver Aydemir, a Muslim objector – spent time in prison this year and are presently "free", but officially deserters. Other objectors – Osman Murat Ülke, Mehmet Bal, Mehmet Tarhan, to mention just a few – are in a similar situation of "civil death". And all declared conscientious objectors could be imprisoned by police at any time, and handed over to "their" military unit.

In this situation of "civil death" for conscientious objectors, international support is urgently needed. Pressure is even needed so that Turkey implements a decision of the European Court of Human Rights, and even more pressure will be needed for Turkey to finally recognise the human rights of conscientious objectors and antimilitarists.

War Resisters' International has accompanied and supported Turkish war resisters since the very beginning. With your help we will continue to do so.

Andreas Speck

The Broken Rifle

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br76-en.htm



Prisoners for Peace Honour Roll 2007

How the list works

First are **prisoners' names** (in bold), followed by their sentence, then their place of imprisonment with ☒ and, finally the reason for their detention.

Information about countries where prisoners have had their sentences suspended, or where sentences have been served or completed during the year, are in *italics*.

Armenia

Although Armenia passed a law on conscientious objection in 2004, the country continues to imprison conscientious objectors. Many conscientious objectors also refuse to serve substitute service, as it is controlled by the Ministry of Defence. An amendment to the law on conscientious objection now provides for the prosecution of objectors who refuse to perform substitute service.

In May 2006, Jehovah's Witnesses COs applied to the European Court of Human Rights, stating a violation of their human right to conscientious objection.

Eritrea

Paulos Eyassu (24/09/1994—)
Negede Teklemariam (24/09/1994—)
Isaac Mogos (24/09/1994—)
Aron Abraha (09/05/2001—)
Mussie Fessehaye (June 2003—)
Ambakom Tsegezab (February 2004—)
Bemnet Fessehaye (February 2005—)
Henok Ghebru (February 2005—)
☒, Sawa Prison, Eritrea

Amanuel Tesfaendrias (March 2005—)
☒, Wia Prison, Eritrea

All together nine Jehovah's Witnesses are imprisoned for conscientious objection to military service. Three Jehovah's Witnesses are imprisoned since 24 September 1994, for refusing to perform military service. All three have never been charged for their "crime". The maximum penalty for conscientious objection is three years.

Finland

Although under pressure from the UN and other international institutions, Finland continues to imprison total objectors, and refuses to bring its law on substitute service in line with international standards. On 1 October, 20 total objectors were in prison, but only five who will still be in prison on 1

December gave permission to publish their names.

Matias Silmunen (01/10/07—April 08)
☒ Käyrän vankila, Pappilantie 36, 21370 Aura kk, Finland

Kristian Valkonen (28/08/07—09/02/08)
☒ Satakunnan vankila, Huittisten osasto, PL59, 32701 Huittinen, Finland

Pertti Majander (25/06/07—26/12/07)
☒ Vilppulan vankila, Kotiniementie 67, 35700 Vilppula, Finland

Jani Asikainen (10/07/07—30/01/08)
☒ Naarajärven vankila, PL 1, 76851 Naarajärvi, Finland

Tatu Marttila (04/09/07—20/03/08)
☒ Jokelan vankila/avo-osasto, PL 20, 05401 Jokela, Finland

Israel

Israel continues to imprison draft resisters for the refusal to enlist in the Israeli military. However, the Israeli practice of imposing disciplinary sentences of up to 5 weeks repeatedly makes it impossible to predict now who will be in prison on 1 December. Please check WRI's website for updates and new alerts at <http://wri-irg.org/news/alerts>.

Puerto Rico

José Pérez González (21519-069)
(five years – out 15/01/08)
☒ CCM Miami, Community Corrections Office, 401 N. Miami Ave., Miami, FL33128, USA

Has been sentenced for conspiracy, damage to federal property, and/or probation violation on 01/05/03 for resisting the US military bombardment of Vieques, Puerto Rico.

Russia

Igor Sutyagin (15 years)
☒ 163050, Arkhangelsk; Ul. Pirosovaya, d. 27; FGU IK-1, 5 otryad; Russia
Imprisoned since 27/10/1999, now convicted of espionage for researching public nuclear weapons information – sentenced 07/04/04.

South Korea

In 2004, the country's Supreme Court and Constitutional Court ruled against the right to conscientious objection. There are about 1,000 conscientious objectors in prison, the great

majority of them Jehovah's Witnesses. In November 2006, the United Nations Human Rights Committee decided that not to provide for conscientious objection is a violation of Article 18 of the International Covenant on Civil and Political Rights. Still, COs continue to be imprisoned in South Korea.

Kim Chisoo (No. 3498, 13/09/07—13/03/09)
☒ Seoul Jail, Box 20 P.O. Gunpoucheguk Gyeonggi-do, Korea, 437-702

Yoo Minseok (No. 1535, 17/08/07—17/02/09)
☒ Yeosu Prison / Box 30 P.O. Yeosu-che-guk Yeosu-eup, Yeosu-gun Gyeonggi-do, Korea, 469-885

Jung Jaehoon (No. 2542, 22/05/07—22/11/08)
☒ Yeongdeungpo Jail / Box 164 P.O., Seoungcheonucheguk, Korea, 152-707

Kim Dohyung (No. 906, 26/01/06—end/12/07, release on parole)
☒ Yeongdeungpo Prison / Box 165 P.O. Geumcheonucheguk Seoul, Korea, 152-707

Park Chul (No. 2426, 07/11/06—07/05/08)
☒ Yeongdeungpo Jail / Box 164 P.O. Seoungcheonucheguk, Korea, 152-707

Song Inwook (No. 907, 23/11/06—23/05/08)
☒ Yeongdeungpo Prison / Box 165 P.O. Geumcheonucheguk Seoul, Korea, 152-707

Park Kyungsoo (No. 1974, 14/12/06—14/06/08)
☒ Seongdong Jail / Box 177 P.O. Songpaucheguk Seoul, Korea, 138-709

Turkey

Presently, no non-religious objector is in prison. But War Resisters' International knows of several cases of Jehovah's Witnesses, imprisoned for refusing military service based on their religious belief.

Çağlar Buldu is presently in the military prison of Afyon. From 28 April 2005 to 13 July 2006 he spent 15 month in prison. He was arrested again on 24 September 2007, and will probably be imprisoned in Afyon until 20 November. He is then likely to be transferred to a civilian prison to serve a remaining sentence of 43 days. Unfortunately WRI does not have an address for him.

Bariş Görmez was arrested on 22 October, when he reported to the recruitment office.

He is presently under arrest at the Istanbul Maslak City Gendarme Commandership, and it is expected that he will soon be transferred to his unit in Antalya. It is presently not known how long he will be in prison.

Turkmenistan

In 2007, Turkmenistan again imprisoned Jehovah's Witnesses for their conscientious objection to military service – most received suspended prison sentences. After an amnesty in October 2007, two conscientious objectors still have to serve their suspended sentences, with restrictions on their freedom of movement.

Not freed under amnesty were Jehovah's Witnesses Bayram Ashirgeldyyev and Begench Shakhmuradov. Both are serving two-year suspended sentences imposed this summer.

USA

Helen Woodson (03231-045) (106 months—out 09/09/11)
☒ FMC Carswell, Max Unit, POB 27137, Ft. Worth, TX 76127
Anti-war protest at the federal courthouse, Kansas City, Missouri, on 11/03/04 in violation of parole following release from prison on 03/09/04. Pled guilty to violation and four new charges on 18/06/04.

Joseph Donato (40884-050) (27 months—out 31/01/08)
☒ CCM Philadelphia, 2nd Chestnut St., Philadelphia, PA 19106, USA
Convicted in December 2004 for refusal to pay war taxes on religious grounds

Rafil Dhafir (11921-052) (22 years—out 26/04/22)
☒ FCI Terre Haute, POB 33, Terre Haute, IN 47808
Convicted for providing humanitarian and financial aid to Iraqis in violation of US sanctions, February 2005

Louis Vitale (25803-048) (5 months—out 14/03/08)
Stephen Kelly (00816-111) (5 months—out 14/03/08)
☒ c/o the Nuclear Resister, POB 43383, Tucson, AZ 85733, USA
Prayerful trespass to deliver letter in protest of official torture policy at US Army Intelligence Headquarters, Ft. Huachuca, Sierra Vista, Arizona, 6 November

Action

- On 1 December, put aside at least one hour and write at least four cards to prisoners;
- Get your peace group or class or meeting place to organise a card-writing session;
- Set up a stall in your town centre, perform a bit of street theatre, or do whatever else it takes to attract attention and interest.

Sending cards and letters

- Always send your card in an envelope;
- Include a return name and address on the envelope;
- Be chatty and creative: send photos from your life, drawings;
- Tell prisoners what you are doing to stop war and war preparations;
- Don't write anything that might get the prisoner into trouble;
- Think about the sort of thing you'd like to receive if you were in prison;
- Don't begin, "You are so brave, I could never do what you have done";
- Don't expect the prisoner to reply;
- Remember—next year it could be you ...

Support our future work

For 49 years, War Resisters' International has publicised the names and stories of prisoners of conscience. Help us keep up the tradition. Send in a special PFP donation to WRI to help fund next year's research. Send contributions to: War Resisters' International, 5 Caledonian Rd, London N1 9DX, Britain (tel +44-20-7278 4040; fax 7278 0444; email pfp@wri-irg.org). Your outreach to prisoners does make a difference. **Show your solidarity!** Donate online, and/or visit WRI's webshop, where you can order WRI publications and Broken Rifle badges using your credit or debit card, at <http://wri-irg.org/shop/shop-uk.htm> Online version: <http://wri-irg.org> for all four language versions of the PFP 2007 pack.

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Conscientious objection in Turkey

"Patriotic service is a right and duty for every Turkish citizen", states article 72 of the Turkish constitution. Military service is thus a seemingly inevitable part of a Turkish man's life, and the thought that a man who is not physically unfit would not serve in the country's military can almost not be voiced in public. Turkey as a military-nation and the myth that "every Turk is born a soldier" has been carefully crafted since the early times of the new Turkish republic, and only recently does this myth begin to show cracks.

Halil Savda, Mehmet Bal, Mehmet Tarhan – only to be released after several months into a life amounting to "civil death".

Nevertheless, up to now more than 60 people have publicly declared their conscientious objection, demanding a right that Turkey does not want to recognise.

Progress?

Initially, the ECHR judgement in the case of Osman Murat Ülke raised hope that soon the situation could be resolved. However, recent developments are less positive – especially the obstructive behaviour of the Turkish state when it comes to the implementation of the ECHR judgement in the case of Osman Murat Ülke.

But Ülke's case is not the only negative indicator: in the case of a Jehovah's Witness objector, the Military Court of Cassation in Ankara ruled on 29 May 2007 that repeated punishment for 'persistent disobedience' is lawful – again in complete ignorance of the judgement of the ECHR in the case of Osman Murat Ülke. The court does not even see a need to argue its case against the ECHR judgement.

However, in its communication with the Council of Europe on the implementation of the ECHR judgement, the Turkish government said that a law is under preparation that will put an end to the violation of human rights that Ülke and other conscientious objectors faced and still face. Nobody knows this draft law yet, and it has to be noted that nowhere does the Turkish government mention that this will recognise the right to conscientious objection. It might take more ECHR judgements to convince Turkey that conscientious objection is a human right...

More information:

<http://wri-irg.org/co/turkccampaign-en.htm>

A conscientious objection movement

In December 1989, Tayfun Gönül was the first person to publicly declare his conscientious objection, soon to be followed by Vedat Zencir in February 1990. Both cases received quite a lot of public attention, and in December 1992 the first Turkish War Resisters Association was set up in Izmir – the beginning of what can maybe be called a conscientious objection movement.

In the following years, several young men declared their conscientious objection, and in 1993 the International Conscientious Objection Meeting (ICOM) in Ören in Turkey injected a lot of enthusiasm and energy into the young movement.

Initially, the movement mainly faced prosecution under Article 155 (now 318 – see Article on page 4), but no conscientious objector went to prison for his objection. This only changed with the arrest of Osman Murat Ülke on 7 October 1996 (see right column). However, even during the time of Osman's imprisonment the Turkish government avoided to imprison other declared conscientious objectors, although some tried to provoke their arrest.

In March 1999 Osman Murat Ülke was released from prison, back to a clandestine life. Since then, several other conscientious objectors spent time in prison –

The case of Osman Murat Ülke

Osman Murat Ülke declared his conscientious objection and burned his call-up papers on 1 September 1995 in Izmir. He was arrested more than a year later – on 7 October 1996 – on charges of Article 155, "alienating the people from the military". Once in the hands of the military, he also was transferred to his military unit, where he refused to obey any orders, and was repeatedly charged with "disobedience", leading to what the European Court of Human Rights later called a "constant alternation between prosecution and terms of imprisonment", which lasted until his release 2½ years later, still officially obliged to perform military service, and thus destined to live a clandestine life.

On 24 January 2006, the ECHR ruled that his treatment amounted to "civil death" and a violation of Article 3 of the European Convention on Human Rights, sentencing Turkey to pay compensation. However, while Osman received the compensation, the situation did not change. In June 2007, he received a new arrest warrant for the remainder of a sentence dating back to 1999. Turkey is thus defying the European Court of Human Rights.

The Council of Europe emphasized in a meeting in October 2007 that ECHR judgements "have direct applicability in Turkish legal order by virtue of Article 90 of the Turkish Constitution", and urged Turkey to finally put an end to the violation of Osman's rights. The case still continues...

List of declared Turkish conscientious objectors

1	1989, December	Tayfun Gonul	İSTANBUL
2	1990, February	Vedat Zencir	İZMİR
3	1993, January 16	Erkan Calpur	İZMİR
4	1993, January 16	Atilla Akar	İZMİR
5	1993, January 16	Yusuf Dogan	İZMİR
6	1993, March	Yavuz Atan	İSTANBUL
7	1994, May 17	Gökhan Demirkıran	İSTANBUL
8	1994, May 17	Arif Hikmet İyidoğan	İSTANBUL
9	1995, September 1	Osman Murat Ülke	İZMİR
10	2000, May 15	Uğur Yorulmaz	İSTANBUL
11	2000, May 15	Timuçin Kızılay	İSTANBUL
12	2000, May 15	Hasan Cimen	İSTANBUL
13	2001, October 27	Mehmet Tarhan	İSTANBUL
14	2001, October 27	Erdem Yalcinkaya	İSTANBUL
15	2003, January 22	Mehmet Bal	MERSİN
16	2003, January 24	Erkan Ersoz	İSTANBUL
17	2003, January 24	Sertac Girgin	İSTANBUL
18	2003, January 24	Emir Uner	İSTANBUL
19	2003, January 24	Mustafa Seyhoglu	İSTANBUL
20	2003, May 15	Sami Serkan Kazak	İSTANBUL
21	2003, May 15	Ahmet Cem Ozturk	İSTANBUL
22	2003, November 20	Tugkan Tug	İZMİR
23	2004, May 15	Mahmut Elkus	İSTANBUL
24	2004, May 15	Cemal Karakus	İSTANBUL
25	2004, May 15	Ersan Ugur Gor	İSTANBUL
26	2004, May 15	Yasar Oner	İSTANBUL
27	2004, May 15	Inci Aglagul	İSTANBUL
28	2004, May 15	Ebru Topal	İSTANBUL
29	2004, May 15	Yontem Yurtsever	İSTANBUL
30	2004, May 15	Nazan Askeran	İSTANBUL
31	2004, May 15	Hurriyet Sener	İSTANBUL
32	2004, June 28	Dogan Ozkan	İSTANBUL
33	2004, June 28	Sinan Dundar	İSTANBUL
34	2004, September 5	Omer Sezer	ANKARA
35	2004, September 5	Imdat Sanli	ANKARA
36	2004, September 5	Ismail Sabanci	ANKARA
37	2004, September 5	Salih Arikan	ANKARA
38	2004, September 5	Hasan Akyurek	ANKARA
39	2004, September 5	Levent Duranyan	ANKARA
40	2004, September 23	Ceylan Ozerengin	İSTANBUL
41	2004, October 4	Sahin Ozbay	İSTANBUL
42	2004, October 28	Necdet Ozaktin	İSTANBUL
43	2004, November 26	Halil Savda	CORLU
44	2004, December 18	Veli Akdag	İZMİR
45	2005, January 3	Necati Balbay	LULEBURGAZ
46	2005, May 14	Ferda Ulker	İZMİR
47	2005, May 14	Ayten Demir	İZMİR
48	2005, May 14	Yahsan Catak	İZMİR
49	2005, May 14	Hilal Demir	İZMİR
50	2005, May 14	Bulent Bektas	İZMİR
51	2005, May 14	Ayşe Girgin	İZMİR
52	2005, May 14	Mehmet Od	İZMİR
53	2005, May 14	Fikret Yetisener	İZMİR
54	2005, May 14	Eylem Baris	İZMİR
55	2005, May 14	Ercan Aktas	İZMİR
56	2005, August 3	Figen	İSTANBUL
57	2005, August 3	Erkan Yertutan	İSTANBUL
58	2006, May 15	Ahmet Ozdemir	ANKARA
59	2006, November 15	Ismail Saygi	İSTANBUL
60	2007, April 19	Gökhan Aydın	KOCAELİ
61	2007, May 13	Ahmet Aslan	İSTANBUL
62	2007, May 20	Özlem Mollamehmetoğlu	İSTANBUL

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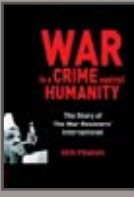
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Article 318: Silencing dissent

The Turkish military's not so secret weapon against antimilitarists

Ever since the beginning of the antimilitarist movement in Turkey, Turkish antimilitarists did not only have to worry about persecution for refusing to join the military, but even for speaking out against militarism. In fact, most if the first prosecutions of Turkish antimilitarists were under the then Article 155 Turkish Penal Code, titled "alienating the people from the military". Recently, as part of the overhaul of the Turkish Penal Code to comply with demands from the European Union, the article has been renumbered: it now is Article 318. However, the content did not change significantly.

When Tayfun Gönül and Vedat Zencir first declared their conscientious objection back in 1989, they were not prosecuted and sentenced for refusing military service, but under Article 155. Similarly, the first CO activists, COs themselves, and journalists who interviewed them were prosecuted and often sentenced under Article 155. An important early case was the case of Erhan Akyıldız and Ali Tevfik in 1993. Both were tried because they interviewed Aytek Özel, chair of the SKD and a CO, for the TV channel HBB on 8 December 1993.

The producer Erhan Akyıldız and the reporter Ali Tevfik Berber were arrested on order of the Chief of Staff and tried at a military court – the first time civilian were tried in a military court. Arrest warrants were issued for Aytek Özel and the CO. Erhan Akyıldız and Ali Tevfik Berber received the minimum sentence of two months' imprisonment, and Aytek Özel, who surrendered to the military court in Ankara on 8 February 2004, was sentenced to one year, 15 days' imprisonment. The important element of this case was the fact that after the state security court had ruled not to be competent, the way was opened for civilians to be tried at military courts.

Also in the case of Osman

Article 318:

(1) Persons who give incentives or make suggestions or spread propaganda which will have the effect of discouraging people from performing military service shall be sentenced to imprisonment for a term of six months to two years.
(2) If the act is committed through the medium of the press and media, the penalty shall be increased by half.

Murat Ülke, the first Turkish conscientious objector to be imprisoned for his conscientious objection, the first trials he faced – and the first sentences passed on him – were in relation to Article 155. The first trial he faced after his arrest on 7 October 1996 was about Article 155 – alienating the people from the military through his public burning of his draft papers and his declaration as conscientious objector.

More recently, since the so-called "penal reform", there have been several cases of prosecution under now Article 318. Cases include:

- **Doghan Özkan**, an activist of the CO platform of the Istanbul branch of the Human Rights Association (IHD) gave a public address to the press on 12 December 2004, and was subsequently sentenced to 5 months imprisonment on 20 September 2006. The sentence was commuted to a fine of 3000 YTL. An appeal is still pending.
- **Perihan Magden** was charged with violation of Article 318 for an article "conscientious objection is a human right", published in Yeni Aktuel on 27 December 2005. She was acquitted on 27 July 2006, because the court upheld the right to

freedom of speech and expression.

- **Birgül Ozbaris**, a journalist for the newspaper Ozgur Gundem, was charged with seven separate accounts of violating Article 318. In total, she is facing up to 21 years of imprisonment.
- **Gökhan Gencay**, a journalist with Birgün newspaper, was charged with violation of Article 318 for an interview with conscientious objector Erkan Bolat, published on 10 October 2005. His case was dismissed by the High Criminal Court, though.
- **Halil Savda** not only faces charges for his conscientious objection, but was also charged under Article 318, because he read out a solidarity statement for Israeli conscientious objectors in front of the Israeli consulate in Istanbul.

It is obvious that Article 318 (and previously Article 155) are being used to silence dissent. Any criticism of the Turkish military can potentially lead to prosecution and a prison sentence under Article 318. Thus, an open debate about the role of the military in Turkey's society is almost impossible.

Article 318 stipulates an upper limit of 2 years' imprisonment, and three years in cases where the "crime" is committed via the press. However, in June this year, Article 318 was brought within the compass of the Turkish Anti-Terror-Code, labelling conscientious objection an "organised crime" and "danger", and effectively increasing the potential prison terms up to 4.5 years imprisonment.

Turkish antimilitarists have now started a campaign against Article 318, demanding Article 318 to be abolished, and all pending trials to be immediately dismissed. Support for this campaign is very welcome.

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