

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1310th meeting (March 2018) (DH)

Communication from a NGO (European Bureau for Conscientious Objection) (14/02/2018) in the case of Ulke v. Turkey (Application No. 39437/98)

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1310^e réunion (mars 2018) (DH)

Communication d'une ONG (European Bureau for Conscientious Objection) (14/02/2018) dans l'affaire Ulke c. Turquie (Requête n° 39437/98) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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DGI

14 FEV. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

13 February 2018

Ms. Geneviève Mayer
Head of Department
DG 1 - Execution of Judgments of the ECHR
Council of Europe
F-67075 Strasbourg Cedex
FRANCE

*Execution of the Judgement of the European Court of Human Rights **Ülke against Turkey** (Application No. 39437/98, judgement of 24 January 2006 [sic!])*

Dear Ms. Mayer,

The European Bureau for Conscientious Objection (EBCO), War Resisters' International (WRI) and the International Fellowship for Reconciliation (IFOR) are highly concerned about the fact that twelve years after its pronouncement the ECHR judgement **Ülke against Turkey** has not been fully executed until today. This concerns the individual as well as the general legislative measures requested by the mentioned judgement.

In particular we are alarmed by the current information that in November 2017 **Ülke's** case has been reopened by the Prosecutor in Bilecik.

Taking up my letter of 8 November 2016 we would like to draw once more the attention of the Council of Europe Department for the Execution of Judgements on the persisting non-implementation of the mentioned judgement by Turkey and ask you to forward the attached submission to the Committee of Ministers.

Thank you in advance for your efforts.

Yours sincerely,

Friedhelm Schneider
President
European Bureau for Conscientious Objection

EBCO was founded in Brussels in 1979 as an umbrella structure for national associations of conscientious objectors in the European countries to promote the right to conscientious objection to preparations for, and participation in, war and any other type of military activity as a fundamental human right. It enjoys participatory status with the Council of Europe since 1998 and is a member of its Conference of International Non-Governmental Organisations since 2005. It provides expertise and legal opinions on behalf of the Directorate General of Human Rights and Legal Affairs of the Council of Europe. It is involved in drawing up the annual report of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament on the application by the Member States of its resolutions on conscientious objection and civilian service, as determined in the "Bandrés Molet & Bindi Resolution" of 1994. It is a full member of the European Youth Forum since 1995.



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SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

07 February 2018

Execution of the Judgement of the European Court of Human Rights *Ülke against Turkey*
(Application No. 39437/98, judgement of 24 January 2006 [sic!])

Dear members of the Committee of Ministers,

I write on behalf of three human rights NGOs (the European Bureau for Conscientious Objection, War Resisters' International and the International Fellowship for Reconciliation) who are highly concerned about the fact that twelve years after the European Court of Human Rights (ECtHR) judgement regarding Ülke vs. Turkey, the ruling has not been fully enforced.

We are aware of the numerous interim resolutions and communications issued by the Committee of Ministers at Deputy level. The most recent pronouncement we are aware of dates from 9 July 2015 (document DH-DD[2015]735).

Nevertheless, we have to make the regrettable observation that for more than a decade the Turkish government has denied the comprehensive implementation of the mentioned judgement: Ülke vs. Turkey.

Osman Murat Ülke still has no legally binding guarantee confirming his full rehabilitation as a Turkish citizen who may enjoy his civil rights without restriction. In its communication of 23 October 2012, the Turkish government stated that "lifting the arrest warrant by the Military Court have considerably improved the applicant's individual situation." At the same time it admits that "there is a theoretical possibility that the applicant could be subjected to further prosecution and conviction." Although the Turkish government underlined the explicit possibility that Ülke's prosecution may continue, in breach of the aforementioned ECtHR judgement, the Committee of Ministers at Deputy level noted in its interim decision of 6 December 2012 "that there are no arrest warrants issued against the applicants in the Ülke group of cases for any crimes related to failure to carry out military service." In its communication of 1st July 2015 the Turkish authorities repeated once more "that the applicants' personal victimizations, which constituted the subject-matter of the application lodged with the European Court of Human Rights, were remedied by the decision of dismissal rendered in respect of him..."

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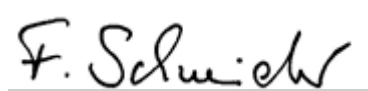
In this context we are saddened to learn that in November 2017 Osman Murat Ülke was summoned to appear at a police station by the Prosecutor in Bilecik who has reopened his case. This procedure shows that the prosecution of Ülke is not just “a theoretical possibility” and that the Ülke jurisdiction of 2006 continues to be violated by the Turkish government.

Twelve years after the Ülke judgement no provision have been made in Turkish law that would guarantee the right of conscientious objection to military service. This means that violation of the right of conscientious objection in Turkey persists, damaging the civil rights of those in the Ülke vs. Turkey group of cases, as well as the civil liberties of all other Turkish conscientious objectors.

We would like to draw your attention of the Committee of Ministers of the Council of Europe on the persisting non-implementation of the Ülke vs. Turkey judgement by Turkey. We are also concerned about the discrimination afflicting the life of Turkish conscientious objectors like Osman Murat Ülke. We fear that the trustworthiness of the European Court of Human Rights will be damaged if the execution of its judgement cannot be achieved.

Therefore, we invite you to take steps to enforce the full execution of the judgement Ülke vs. Turkey.

Yours sincerely



Friedhelm Schneider
President
European Bureau for Conscientious Objection



Hannah Brock
Right to Refuse to Kill Programme Worker
War Resisters' International



Lucas L. Johnson
International Coordinator
International Fellowship of Reconciliation

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