



Turkey failed to prevent a young soldier committing a suicide during military service

In today's Chamber judgment in the case [Acet and Others v. Turkey](#) (application no. 22427/06), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 2 (right to life) of the European Convention on Human Rights.

The case concerned the suicide of a young soldier during his compulsory military service.

Principal facts

The applicants are 16 Turkish nationals (Nusrettin Acet, Ahmet Acet, Fikret Acet, Musa Acet, İdris Acet, İsa Acet, İbrahim Halil Acet, İlyas Acet, Behiye Sütçü, Yasemin Acet (Sütçü), Ayşe Acet (Ekinci), Berivan Acet, Halime Acet (Bağatur), Emine Acet, Fatma Acet Gülcihan Acet (Özdemir). They were born between 1956 and 1994 and live in Turkey. The deceased, Ismail Acet, born in 1983, who was either their son, brother or half-brother, began his military service on 7 October 2003.

After undergoing the usual psychological tests, Ismail Acet was diagnosed as anti-social and suffering from an anxiety disorder. According to the military authorities, this "minor psychological problem" did not dispense him from performing his compulsory military service. In 2004 various incidents followed linked to his behaviour. Ismail was involved in a fight at a wedding, did not respect the military curfew, would not take the guard, cut himself with a razor and broke the door of the commanding officers' office.

Ismail was examined on several occasions by a psychiatrist, who confirmed that he had an anti-social personality and observed that he was under the influence of drugs. On 26 May 2004, at the age of 21, while he was on guard duty, Ismail shot himself in the head with his service weapon.

Complaints, procedure and composition of the Court

Relying on Article 2 (right to life), Ismail's family alleged that the military authorities had failed to protect Ismail's life.

The application was lodged with the European Court of Human Rights on 2 May 2006.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Judgment was given by a Chamber of seven, composed as follows:

Françoise **Tulkens** (Belgium), *PRESIDENT*,
Danutė **Jočienė** (Lithuania),
David Thór **Björgvinsson** (Iceland),
Dragoljub **Popović** (Serbia),
András **Sajó** (Hungary),
İşıl **Karakaş** (Turkey),
Guido **Raimondi** (Italy), *JUDGES*,

and also Françoise **Elens-Passos**, *DEPUTY SECTION REGISTRAR*.

Decision of the Court

Article 2

The Court reiterated that all States which had ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms had an obligation to take all the necessary preventive measures to protect people within their jurisdiction who were at risk from the acts of other individuals or from their own acts.

In the specific sphere of compulsory military service a solid legislative and administrative framework was needed, comprising rules that reflected the potential risk to life both from the nature of military activities and missions and from the human element that entered into play when a State decided to call up its citizens for military service.

The Court noted that there was a system of measures put in place by Turkey with a view to protecting physical and psychical integrity of soldiers, and that Ismail was subject to psychological and medical surveillance. However, it estimated that, in today's case, that system should have been followed by further practical measures, and that the authorities should have dispensed the young soldier from duties which entailed handling weapons.

The Court held unanimously that there had been a violation of Article 2 of the Convention.

Article 41

Under Article 41 (just satisfaction) of the Convention, the Court held that Turkey was to pay 18,000 euros (EUR) to the deceased's mother and EUR 15,000 jointly to the remaining applicants in respect of non-pecuniary damage. It dismissed the claims in respect of pecuniary damage and costs and expenses.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.