

# URGENT ACTION

## CONSCIENTIOUS OBJECTOR UNLAWFULLY DETAINED

**Conscientious objector Enver Aydemir was arrested by police on 24 December 2009 in Istanbul while on his way to a conference on the right to conscientious objection. Amnesty International considers him a prisoner of conscience and is concerned about reports that he has been beaten in prison.**

Enver Aydemir told his lawyer that he was beaten with truncheons on arrival to Maltepe military prison when he refused to wear military uniform and that the next morning, he was forcibly dressed in military uniform and beaten again by the governor of Maltepe military prison where he was being held.

He began a hunger strike to protest. On 26 December, he said, he was taken to the prison infirmary and forcibly placed on a drip. On 28 December, his lawyer made an official complaint to the state prosecutor about the treatment of Enver Aydemir and requested that he be assessed by the forensic medical institute as a matter of urgency. Instead, his lawyer told Amnesty International that Enver Aydemir was made to undergo a "psychiatric test". A small number of conscientious objectors who have undergone similar tests have been issued with a report stating that they have an "advanced antisocial personality disorder" and are therefore "unsuitable for military service in times of peace and war." Amnesty International is concerned that such reports are issued not due to any psychological condition but solely due to insistence on their status as conscientious objectors.

On 29 December, Enver Aydemir was transferred to a military prison in the city of Eskişehir, where he is awaiting trial. A court hearing has been set for 21 January at which he will face charges of insubordination and desertion as a result of his refusal to perform military service.

### PLEASE WRITE IMMEDIATELY in Turkish or own language:

- calling on the authorities to release Enver Aydemir immediately and unconditionally;
- urging them to ensure that Enver Aydemir is not tortured or otherwise ill-treated and that the allegations of ill-treatment are promptly and independently investigated;
- reminding them that Turkey is a state party to the International Covenant on Civil and Political Rights, and is therefore obliged to recognise the right to conscientious objection;
- calling on them to ensure that Enver Aydemir has access to an independent medical examination and receives appropriate medical treatment.

### PLEASE SEND APPEALS BEFORE 18 FEBRUARY 2010 TO:

#### Ministry of National Defence

Vecdi Gonul  
Minister of National Defence  
Milli Savunma Bakanligi  
06100 Ankara, Turkey  
**Fax: +90 312 418 4737**  
**Email: info@msb.gov.tr**  
**Salutation: Dear Minister**

#### Military Prison Commander

Eskisehir Military Prison  
1. Taktik Hava Kuvvetleri  
Komutanligi  
Askeri Cezaevi  
Eskisehir, Turkey  
**Fax: +90 222 237 5928**  
**Salutation: Dear Commander**

#### **And copies to:**

Parliamentary Commission on Human Rights  
Mehmet Zafer Uskul,  
Commission Chairperson  
TBMM Insan Haklarini Inceleme Komisyonu  
Bakanliklar, 06543 Ankara, Turkey  
**Fax: +90 312 420 53 94**  
**Email: inshkkom@tbmm.gov.tr**  
**Salutation: Dear Mr Uskul**

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative is available. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years. On release, they often receive new call-up papers, and the process is repeated. Turkey has failed to implement the 2006 ruling of the European Court of Human Rights that required Turkey to amend its legislation to prevent the "civil death" of conscientious objectors repeatedly prosecuted and convicted for their refusal to carry out military service, found by the Court to be a violation of Article 3 of the European Convention on Human Rights (prohibition of degrading treatment).

Enver Aydemir declared his conscientious objection in 2007. He was taken, against his will, to carry out his military service in Bilecik Gendarmerie Training Brigade Command on 24 July 2007. He was imprisoned a week later in Eskisehir military prison. On 4 October 2007, he was brought before a military court for refusing to perform military service. The court released him on condition that he present himself promptly to the military authorities to perform military service. Following his release, he has restated his refusal to perform military service on grounds of religious conviction and did not join his unit, leading to the issuing of an arrest warrant.

Amnesty International considers a conscientious objector to be any person who, for reasons of conscience or profound conviction, refuses to perform service in the armed forces, or any other direct or indirect participation in wars or armed conflicts. This can include refusal to participate in a war because one disagrees with its aims or the manner in which it is being waged, even if one does not oppose taking part in all wars. Amnesty International considers a person to be a prisoner of conscience when they are detained or imprisoned solely because they have been denied their right to register an objection or to perform a genuinely civilian alternative service. They would also be prisoners of conscience if imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have taken reasonable steps to secure release from military obligations.

The right to refuse military service for reasons of conscience is inherent in the notion of freedom of thought, conscience and religion as laid down in a number of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is a party.

As far back as 1995, in its Resolution 1998/77 the UN Commission for Human Rights has stated that the right to conscientious objection to military service is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR, right to freedom of religion, conscience and belief), "The right of everyone to have conscientious objections to military service [constitutes] a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in Article 18 of the Universal Declaration of Human Rights and Article 18 of the ICCPR." In the resolution, the Committee also repeated its call on states to "provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of a non-combatant or civilian character, in the public interest and not of a punitive nature" and emphasised that states must "refrain from subjecting conscientious objectors to imprisonment and to repeated punishment for failure to perform military service," recalling "that no one shall be liable or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country."

On 3 November 2006, the Human Rights Committee ruled that the prosecution and conviction of two conscientious objectors by the Republic of Korea for their refusal to perform compulsory military service had breached Article 18 of the ICCPR as no civilian alternative was available (Communication nos. 1321/2004 and 1322/2004).

Amnesty International issued a press release on the eve of Enver Aydemir's military trial in October 2007:

<http://www.amnesty.org/en/library/asset/EUR44/017/2007/en/d0d80105-d364-11dd-a329-2f46302a8cc6/eur440172007en.html>

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