

URGENT ACTION

HEALTH CONCERNS REMAIN FOR CONSCIENTIOUS OBJECTOR Prisoner of conscience İnan S. was conditionally released from Balıkesir prison following the suspension of his prison sentence on 9 December 2011. Charges pending against him and delays in the implementation of legal changes on the right to conscientious objection mean he could be returned to prison where his health would be at risk of further deterioration.

The decision by the Aegean Armed Forces Command Court in Izmir came following the petition by İnan S.'s solicitor requesting his prison sentence to be halted due to his deteriorating health condition and government statements made at the time that they were considering introducing legislative measures to protect the right to conscientious objection, in the light of their obligations confirmed in recent European Court of Human Rights judgments.

İnan S. was also recently transferred to Gülhane Military Medical Academy in Istanbul for a mental health assessment which confirmed he is suffering from 'psychological illness'. The Court's decision states that in light of the recent government statements, the continuation of İnan S. prison sentence might lead to irreversible consequences which would not be remedied. However, the decision also states that if no legal change is introduced within a reasonable time, İnan S. will have to continue to serve the remaining prison sentence. İnan S. is also facing charges for escaping prison in April 2011 and attempting to set his cell on fire in June 2011.

İnan S. declared his conscientious objection in a letter to the military authorities in 2009, in which he explained that for reasons of profound conviction, he refused to perform military service.

PLEASE WRITE IMMEDIATELY in Turkish or your own language:

- Call on the authorities to remove the condition on his release, in line with the mental health assessment which has identified that İnan S. has 'psychological illness';
- Call on the authorities to introduce legal changes to recognize the right to conscientious objection in a reasonable time period in line with the International Covenant on Civil and Political Rights

PLEASE SEND APPEALS BEFORE 30 JANUARY 2012 TO:

Ministry of National Defence

Mr. İsmet Yılmaz
Milli Savunma Bakanı
Milli Savunma Bakanlığı
06100 Ankara, Turkey
Email: info@msb.gov.tr

Salutation: Dear Minister

Prime Minister of Turkey

Mr Recep Tayyip Erdoğan,
Office of the Prime Minister,
Başbakanlık
06573 Ankara, Turkey
Fax: +90 312 422 1899 (secretariat)
E-Mail: ozelkalem@basbakanlik.gov.tr

Salutation: Dear Prime Minister

And copies to:

Parliamentary Commission on Human Rights
Ayhan Sefer Üstün
Commission Chairperson
TBMM İnsan Hakları İnceleme Komisyonu
Bakanlıklar, 06543 Ankara, Turkey
Fax: +90 312 420 53 94
Email: insanhaklarikom@tbmm.gov.tr

Salutation: Dear Mr Üstün

Also send copies to diplomatic representatives accredited to your country.

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the Fourth update of UA 175/10. Further information: www.amnesty.org/en/library/info/EUR44/003/2011/en

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ADDITIONAL INFORMATION

İnan S. has been in custody since 5 August 2010 when he was arrested at his home on the basis of an outstanding arrest warrant for 'desertion' from military service. On 24 August 2010, he was found guilty of "infringement of leave" by the Aegean Armed Forces Command Court and held in military prison. He has three previous convictions for 'desertion'.

On 23 November 2011, the European Court of Human Rights ruled against Turkey in the case of Yunus Erçep, a Jehovah's Witness and a conscientious objector who was repeatedly prosecuted by the authorities for exercising his right to conscientious objection. The Court found that Turkey had violated Yunus Erçep's right to freedom of thought, conscience and religion as protected under Article 9 of the Convention.

In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative to military service 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).

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.

Name: İnan S.
Gender m/f: m

Further information on UA: 175/10 Index: EUR 44/017/2011 Issue Date: 19 December 2011

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