

URGENT ACTION

PRISONER OF CONSCIENCE ESCAPES AND IS REARRESTED

On 21 April, prisoner of conscience İnan S. fled from hospital where he had been transferred to from Manisa-Saruhanlı prison. He was re-arrested the next day, while he was with his friends in the Western coastal province of Izmir. İnan S. was taken to Buca prison in Izmir.

İnan S. was serving three sentences for 'desertion' from military service at Manisa Saruhanlı prison. His lawyer has reported that, following his re-arrest, İnan S. started a hunger strike. It is expected that he will be prosecuted for escaping prison.

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 8 October, İnan S. was transferred to Buca prison. Since then, İnan S. has been transferred to hospital at least three times due to his deteriorating health following hunger strikes. He has previously described his detention conditions in Buca prison as being dirty and rat-infested.

On 26 November 2010 İnan S. was declared 'unfit for military service' by the military authorities and was transferred to Kütahya Gediz prison on 5 January 2011. He was transferred to Manisa Saruhanlı semi-open prison on 5 April.

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 release him immediately and unconditionally, as Amnesty International considers him to be a prisoner of conscience, detained for exercising his right to conscientious objection;
- Remind them that, as a state party to the International Covenant on Civil and Political Rights, Turkey is obliged to recognize the right to conscientious objection.

PLEASE SEND APPEALS BEFORE 9 JUNE 2011 TO:

Ministry of National Defence

Vecdi Gönül
Minister of National Defence
Milli Savunma Bakanlığı
06100 Ankara, Turkey
Fax: +90 312 418 4737
Email: info@msb.gov.tr

Salutation: Dear Minister

Prison Governor

Izmir Closed-Open Penal Correction
Institution
Barış Mahallesi
Menderes Cad. N:108
Buca, İzmir
Fax: +90 232 487 1365

Email: izmir.btoiccik@adalet.gov.tr

Salutation: Dear Prison Governor

And copies to:

Parliamentary Commission on Human Rights

Mehmet Zafer Üskül
Commission Chairperson
TBMM İnsan Hakları İnceleme
Komisyonu
Bakanlıklar, 06543 Ankara, Turkey
Fax: +90 312 420 53 94
Email: insanhaklari@tbmm.gov.tr

Salutation: Dear Mr Usku

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the third update of UA 175/10. Further information: www.amnesty.org/en/library/info/EUR44/024/2010/en

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ADDITIONAL INFORMATION

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.

In 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 emphasized 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).

Further information on UA: 175/10 Index: EUR 44/003/2011 Issue Date: 28 April 2011

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