

URGENT ACTION

ACTIVIST RELEASED BUT STILL FACING CHARGES

On 6 March Murat Kanatlı, a conscientious objector, was released from prison after completing a 10 day prison sentence for 'noncompliance with the mobilization call' as a result of his refusal to take part in military training. He faces two further charges under the same article of the Law on Mobilization (No. 17/1980).

Murat Kanatlı declared his conscientious objection in 2009, having previously completed his compulsory military service. He refused to take part in annual compulsory military training in 2009, 2010 and 2011, therefore there are three cases against Murat Kanatlı. He was convicted on 25 February in relation to his refusal to take part in compulsory military training exercises in 2009. He is appealing against his conviction. Participation in the annual military training is required by the Law on Mobilization (No. 17/1980) in the territory of northern Cyprus. He still faces two further charges for his refusal to participate in the military training in 2010 and 2011.

In 2011, Murat Kanatlı challenged his prosecution at the Constitutional Court on grounds that the case against him was unconstitutional. In October 2013, the Court rejected Murat Kanatlı's application on grounds that there is no domestic legal basis for the right to conscientious objection, concluding that the Law on Military Service (No. 59/2000) requiring compulsory military service and the Law on Mobilization were constitutional.

Speaking to Amnesty International, Murat Kanatlı thanked all those who took action calling for his release. "This action was very important to show the authorities in northern Cyprus that they are being watched, that those who will be facing similar charges will also not be alone", he said.

Please write immediately in Turkish or your own language:

- Stating that Murat Kanatlı's imprisonment following his conviction for exercising the right to conscientious objection was a human rights violation;
- Calling for the two remaining charges against him under the Law on Mobilization (Law no. 17/1980) to be dropped;
- Calling for the introduction of legislation recognizing the right to conscientious objection to compulsory military service.

PLEASE SEND APPEALS BEFORE 18 APRIL 2014 TO:

President of Turkish Republic of
Northern Cyprus

Derviş Eroğlu

Kuzey Kıbrıs Türk Cumhuriyeti

Cumhurbaşkanlığı

Şehit Selahattin Sonat Sok.

Lefkoşa- Kuzey Kıbrıs Türk Cumhuriyeti

Fax: +90 392 227 22 52

Email: info@kktcb.org

Salutation: Dear President

Chief Prosecutor

Aşkan İlgen

Başsavcı

KKTC Hukuk Dairesi,

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Lefkoşa, KKTC, Mersin 10

Turkey

Fax: +90 392 227 36 46

Salutation: Dear Aşkan İlgen

And copies to:

President of Turkey

Abdullah Gül

T.C. Cumhurbaşkanlığı Genel

Sekreterliği

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Ankara

Turkey

Fax: +90 312 470 24 33

or +90 312 470 13 02 (Secreteriat)

E-mail: cumhurbaskanligi@tccb.gov.tr

Salutation: Dear President

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

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 first update of UA 44/14. Further information:

<http://amnesty.org/en/library/info/EUR44/005/2014/en>

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ADDITIONAL INFORMATION

Murat Kanatlı performed his military service between 20 December 2004 and 20 December 2005. He participated in annual compulsory military training exercises (of one day a year) for three consecutive years. In 2009, he declared his conscientious objection and refused to participate.

In 2011, outside one of his court hearings, he was reported as having said: "If there was a war in Cyprus, I would not take sides. Who are our enemies? Is it anyone who is on the other side of the barbed wire? Are our enemies the friends that we drink coffee with every day in Ledra Street?"

In its domestic law, the territory of northern Cyprus fails to recognize the right to conscientious objection or provide for a civilian alternative to military service. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to one year for their refusal to perform military service (Art. 40 of Law on military service). Refusal to carry out an order is punishable between two to 10 years in prison, depending on the severity of the offence (art. 56 of the Law on military service).

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, the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights to which Turkey is a party, meaning it can be applied extraterritorially to the territory of northern Cyprus.

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."

Name: Murat Kanatlı
Gender m/f: m

Further information on UA: 44/14 Index: EUR 44/006/2014 Issue Date: 7 March 2014