

URGENT ACTION

CONSCIENTIOUS OBJECTOR MUST NOT BE IMPRISONED

Fifty-six-year-old conscientious objector Ali Fikri Işık is due to appear in front of Çorlu Military court on Wednesday 22 October, facing three separate charges of 'desertion' that could carry a prison sentence of around two-and-a-half years. Should he be imprisoned, he will be a prisoner of conscience and should be released immediately and unconditionally.

On 22 October, a hearing at the Çorlu Military court will rule on three counts of desertion that **Ali Fikri Işık** is facing. Ali Fikri Işık has not presented himself for military service since 20 January 1993, although he was not arrested until 9 June 2012, when he was charged with 'desertion'. He declared his conscientious objection on the day of his arrest, stating that he had been imprisoned and tortured in detention after the military coup in 1980 and he opposes militarism and "refuses to take part in the war". During the first hearing of his case at Edirne Military Court on 14 August 2012, he repeated the reasons for his conscientious objection to military service in a declaration made in Kurdish. He was released from prison for two days (*yol izni*) on 17 October 2012 on the condition he join his unit (which he did not). On 15 November 2012 he presented himself to the Edirne Military Prosecutor, where he again told the authorities that he refused to perform military service.

On 27 February 2013, Ali Fikri Işık was sentenced to one year and 15 days in prison for one count of 'desertion'. This sentence was later confirmed by the Military Appeals Court. He was detained the same day on another count of 'desertion', which he protested by going on hunger strike. He was released on 13 March 2013, but his prosecution on three counts of 'desertion' is continuing. He has in fact been declared 'unfit for military service' on 21 February 2014.

Should he be convicted and imprisoned, Amnesty International would consider him a prisoner of conscience and would demand his immediate and unconditional release.

Please write immediately in Turkish or your own language, calling on the Turkish authorities to:

- Drop the charges against Ali Fikri Işık for exercising his right to freedom of conscience, as outlined in international law;
- Recognize the right to conscientious objection in Turkey, pointing out that as a state party to the International Covenant on Civil and Political Rights they are obliged to do so;
- Implement the European Court of Human Rights rulings that recognized the right to conscientious objection as a human right protected under Article 9 of the European Convention on Human Rights.

PLEASE SEND APPEALS BEFORE 2 DECEMBER TO:

Ministry of National Defence

İsmet Yılmaz
Minister of National Defence
Milli Savunma Bakanlığı
06100 Ankara, Turkey
Fax: +90 312 418 47 37
Salutation: Dear Minister
Email: beb@msb.gov.tr
Salutation: Dear Minister

Minister of Justice

Mr. Bekir Bozdağ
Ministry of Justice
Adalet Bakanlığı
06659 Ankara, Turkey
E-mail: ozelkalem@adalet.gov.tr
Fax: +90 (0312) 419 33 70
Salutation: Dear Minister

Human Rights Institution Turkey

Dr Hikmet Tülen
Institution Chairperson
Türkiye İnsan Hakları Kurumu
Yüksel Cad. No: 23 Kat: 3
Yenişehir 06650 Ankara, Turkey
Fax: +90 312 422 29 96
Email: tihk@tihk.gov.tr
Salutation: Dear Dr Hikmet Tülen

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Ali Fikri Işık was first taken to his military unit in 1982 after serving a prison sentence connected to his political activism. He deserted almost two months later, after finding out about an arrest warrant in relation to another case in which he subsequently received an eight year prison sentence in 1984. He was arrested in 1991 in Batman province in south eastern Turkey and taken to serve this sentence. He was released in 1993 and taken to a military unit in the western province of Tekirdağ where no unit accepted him because they had no record of him. He was released and told to present himself to a military unit in Kırklareli which he did not do. On declaring his conscientious objection, Ali Fikri Işık said "there is no harmony between me as a human being and the Turkish armed forces which are carrying out a war against the citizens."

Turkey does not recognize the right to conscientious objection and no civilian alternative to military service is available. Conscientious objectors publicly stating their refusal to carry out military service are 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 (Resolution 1998/77) the UN Commission for Human Rights 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). "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: Ali Fikri Işık

Gender m/f: m

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