

URGENT ACTION

CONSCIENTIOUS OBJECTOR CONVICTED

A military court sentenced conscientious objector Enver Aydemir to 10 months' imprisonment on 29 March, for "desertion," reduced to four months because of the time he had already spent in custody.

His lawyer told Amnesty International that Enver Aydemir was released, but taken immediately to the military unit in Bilecik, where he again refused, for reasons of conscience, to perform military service. Enver Aydemir was taken before the prosecutor the next day and charged with "persistent insubordination." He was remanded to Eskişehir military prison to await trial. Conscientious objector Enver Aydemir is now facing trial on two previous charges of insubordination and an additional charge of "persistent insubordination", for refusing to perform military service.

The two insubordination charges will be heard by a military court, one on 22 April and the other on 2 June. No date has yet been set for the new charge of "persistent insubordination" to be heard. His lawyer told Amnesty International that he had lodged an appeal against the conviction for desertion.

During his time in Eskişehir military prison awaiting trial, Enver Aydemir received two separate month-long disciplinary punishments for refusing to wear prison uniform: the first prohibited him any communication by letter or phone and the second denied his weekly visits from his family.

PLEASE WRITE IMMEDIATELY in Turkish or your own language:

- calling on the authorities to release Enver Aydemir immediately and unconditionally;
- reminding them that Turkey is a state party to the International Covenant on Civil and Political Rights, and is therefore obliged to recognize the right to conscientious objection;
- urging them to ensure that Enver Aydemir is not tortured or otherwise ill-treated, or subjected to further unfair disciplinary punishments.

PLEASE SEND APPEALS BEFORE 20 MAY 2010 TO:

Minister 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

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

And copies to:

Parliamentary Commission on Human Rights
Mehmet Zafer Uskul,
Commission Chairperson
TBMM İnsan Haklarını İnceleme Komisyonu
Bakanlıklar, 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. This is the second update of UA 04/10. Further information: <http://www.amnesty.org/en/library/info/EUR44/001/2010/en>

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ADDITIONAL INFORMATION

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

Further information on UA: 04/10 Index: EUR 44/006/2010 Issue Date: 8 April 2010

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