

URGENT ACTION

CONSCIENTIOUS OBJECTOR IS RE-ARRESTED

On 12 September, conscientious objector İnan Süver was arrested in Istanbul during a routine identity check. He was first transferred to Metris prison in Istanbul and is expected to be transferred to Silivri prison on 14 September. He is considered a prisoner of conscience.

On 12 September during a routine identity check, **İnan Süver** was re-arrested in Bağcılar district of Istanbul, following the confirmation of a five-month prison sentence in absentia for his April 2011 escape from hospital while serving a prison sentence for his refusal to perform military service.

İnan Süver 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. On 26 November 2010, İnan Süver was declared "unfit for military service" by the military authorities, and therefore is no longer required to perform military service. However according to İnan Süver, he has been punished for his refusal to perform military service since 2001. He is considered a prisoner of conscience, imprisoned because of his refusal to perform military service on grounds of conscience.

İnan Süver's lawyer states that his psychological health has deteriorated and that he is suffering from severe anxiety. In December 2011, Amnesty International issued an urgent action expressing concerns for İnan Süver's health following the Gülhane Military Medical Academy's conclusion that he had a 'psychological illness'. His re-imprisonment puts his health at further risk.

PLEASE WRITE IMMEDIATELY in Turkish or your own language:

- Calling on the authorities to release him immediately and unconditionally, as he is considered to be a prisoner of conscience, detained for exercising his right to conscientious objection;
- Reminding authorities 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 26 OCTOBER 2012 TO:

Ministry of National Defence

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

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@tbbm.gov.tr
Salutation: Dear Mr Üstün

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 fifth update of UA 175/10. Further information: <http://amnesty.org/en/library/info/EUR44/017/2011/en>

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ADDITIONAL INFORMATION

İnan Süver began his military service in June 2001. In September that year, he left the İzmir military unit in which he was stationed and did not return. Since 2001, he has been convicted at least three times of "desertion" and served time in military prison. İnan Süver reported that while serving one prison sentence for desertion at the Şirinyer Military Prison in İzmir he was repeatedly beaten by prison guards. He has an outstanding sentence of 35 months from three previous convictions for "desertion".

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."

Name: İnan Süver
Gender m/f: m

Further information on UA: 175/10 Index: EUR 44/016/2012 Issue Date: 14 September 2012