

URGENT ACTION

NEW RISK FOR TURKISH CONSCIENTIOUS OBJECTOR

Turkish prisoner of conscience İnan S. has been moved to a prison in the western coastal city of İzmir, where he is now held pending trial on charges of "infringement of leave". When serving a previous sentence for "desertion" at the same prison, he reported being beaten by prison guards. He is at risk of torture or other ill-treatment.

İnan S. was transferred to İzmir on 23 August after being held in Istanbul since his arrest on 5 August. On 24 August, he appeared in front of the Aegean Armed Forces Command Court. The Court confirmed the charges of "infringement of leave" and ordered that he remain in pre-trial detention. İnan S. restated his conscientious objection during the court hearing. No date has been set for his trial to begin.

Since 2001, İnan S. has been convicted at least three times of 'desertion' and served time in military prison. İnan S. reported that while serving his prison sentence for desertion at the Şirinyer Military Prison in İzmir he was repeatedly severely beaten by prison guards. He has an outstanding sentence of 35 months from three previous convictions for 'desertion'.

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. He had not declared his conscientious objection before that time because he was not aware that the right to conscientious objection was internationally recognized.

PLEASE WRITE IMMEDIATELY in Turkish or your own language:

- urging the authorities to ensure İnan S. is not tortured or otherwise ill-treated in detention;
- calling 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;
- reminding 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 13 OCTOBER 2010 TO:

Ministry of National Defence

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

Military Prison Commander

1. Sınıf Askeri Ceza ve Tutukevi
Müdürlüğü
Buca – Şirinyer
İzmir
Fax: +90 232 487 31 36
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: jnshkkom@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 first update of UA 175/10 (EUR 44/018/2010). Further information: www.amnesty.org/en/library/info/EUR44/018/2010/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.

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 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 44/019/2010 Issue Date: 01 September 2010

