

URGENT ACTION

CONSCIENTIOUS OBJECTOR DETAINED IN TURKEY

Conscientious objector Onur Erden was detained at Atatürk Airport in Istanbul on 11 July after he was forcibly returned to Turkey from Cyprus where his asylum application was turned down. On 17 July, he was transferred to the 2nd Army Corps Command Military Prison in Gelibolu, Çanakkale, where he is at risk of torture or other ill-treatment.

Onur Erden, aged 28, began his military service on 2 January 2006. On 11 April 2006, he left his unit in Tekirdağ in north-western Turkey. On 7 July 2006, he was detained on the charge of desertion and remanded in custody. He was convicted and received a 10-month prison sentence. After serving six months and 20 days of his sentence, he was released on 23 January 2007 on the condition of presenting himself to his army unit within one day. He did not return to his unit and as a result was apprehended again on 11 March 2009. He was prosecuted for the second time for desertion, receiving another 10-month sentence. After serving three months and 10 days, he was released again on condition that he join his unit. Once again, he did not return to his army unit, leading to his third prosecution. According to his lawyer, Onur Erden says that he was ill-treated in military detention in **Gelibolu, Çanakkale, during both periods of imprisonment**

According to Onur Erden's lawyer he then left Turkey and went to Cyprus where he made an asylum claim. This was turned down on the grounds that he had not proved that he had been ill-treated in military prison and that conscientious objection to compulsory military service was not grounds for claiming asylum. On 11 July he was forcibly returned to Turkey and arrested on arrival in Istanbul.

According to his lawyer, Onur Erden has three months and 10 days left to serve from his first 10-month sentence and another six months and 20 days from his second sentence. He is expected to be tried in a military court in **Gelibolu and the remainder of his previous sentences are likely to be added to any new sentence he receives.**

In 2011, Onur Erden stated that he refused to continue with military service because "I don't want to be a party to the ongoing war in our country and because of my humanitarian values".

Please write immediately in Turkish or your own language:

- Calling on the authorities to release Onur Erden immediately and unconditionally, as he has been detained and prosecuted solely for exercising his right to conscientious objection to compulsory military service;
- Calling on them to ensure that he is not subjected to torture or other ill-treatment while in detention;
- Reminding them that, as a state party to the International Covenant on Civil and Political Rights, and the European Convention on Human Rights, Turkey is obliged to recognize the right to conscientious objection.

PLEASE SEND APPEALS BEFORE 29 AUGUST 2013 TO:

Military Prosecutor

Uğur Gültekin
2 Kolordu Komutanlığı
Askeri Savcısı
Gelibolu / Çanakkale
Fax: +90 286 566 28 90
Salutation: Dear Prosecutor

Ministry of National Defence

İsmet Yılmaz
Minister of National Defence
Milli Savunma Bakanlığı
06100 Ankara, Turkey
Fax: +90 312 417 63 86
Email: beb@msb.gov.tr
Salutation: Dear Minister

And copies to:

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: insanhaklari@tbmm.gov.tr

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

**AMNESTY
INTERNATIONAL**



Please check with your section office if sending appeals after the above date.

URGENT ACTION

CONSCIENTIOUS OBJECTOR DETAINED IN TURKEY

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). Over the last two years, in several cases starting with *Erçep v. Turkey* in November 2011, Turkey was found to have violated Article 9 of the European Convention on Human Rights that guarantees the right to freedom of thought, conscience and religion.

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 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: Onur Erden

Gender m/f: m

UA: 183/13 Index: EUR 44/018/2013 Issue Date: 18 July 2013