

PUBLIC

**AI Index: EUR 44/012/2008
02 July 2008**

Further Information on UA 163/08 (EUR 44/009/2008, 11 June 2008) and follow-up (EUR 44/ 010/2008, 17 June 2008) Fear for safety/ ill-treatment/ legal concern

TURKEY

Mehmet Bal (m), aged 33, conscientious objector

Conscientious objector Mehmet Bal was released from military custody on 24 June, and has returned to his home in Istanbul. However, he is still on trial for his refusal to serve in the army. The next hearing is scheduled for 25 August, at which point he could be sent back to military custody. Amnesty International will consider Mehmet Bal to be a prisoner of conscience if he is deprived of his liberty for his conscientious objection to military service.

Mehmet Bal was released after a preliminary medical report was issued by Iskenderun Military Hospital, which is near the southern city of Adana, where he has been detained and tried. The medical report states that Mehmet Bal has "advanced antisocial personality disorder" and is therefore "unsuitable for military service in times of peace and war". Amnesty International is concerned that the report was issued not due to any psychological condition but due to Mehmet Bal's insistence on his status as a conscientious objector.

At the trial which is ongoing at Adana Military Court, Mehmet Bal is facing charges of three counts of persistent insubordination and one count of desertion. The charge of persistent insubordination carries a penalty of imprisonment from three months to two years, and the charge of desertion carries a penalty of imprisonment from one year to three years.

Mehmet Bal was arrested on 8 June in Istanbul for evading military service, after completing nine of Turkey's compulsory 15 months of military service. He was held in military custody in Besiktas, before being transferred to Hasdal Military Prison in Istanbul on 9 June, and on 13 June to Adana 6th Corps Command Military Prison. Whilst in custody in Besiktas, Mehmet Bal was allegedly physically abused by guards, including by being punched in the head, face and chest. Mehmet Bal was also denied water and access to a toilet for several hours.

On 9 June Mehmet Bal was moved to Hasdal Military Prison. Mehmet Bal's lawyers told Amnesty International that during his first day at Hasdal Military Prison a senior military officer took Mehmet Bal into a prison ward and ordered other prisoners to "do what is necessary to remind him of prison rules". Several prisoners allegedly kicked Mehmet Bal and beat his face and body with a plank of wood. After the attack, Mehmet Bal was taken to Gumussuyu Military Hospital for treatment. He was then sent back to Hasdal Military Prison on 10 June, reportedly without having fully recovered from his injuries.

BACKGROUND INFORMATION

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. Furthermore, Amnesty International considers a person to be a prisoner of conscience when they are detained or imprisoned solely because they have been denied or refused their right to register an objection or to perform a genuinely civilian alternative service. They would also be prisoners of conscience if they are imprisoned for leaving the armed forces without authorization for reasons of conscience, if they have taken reasonable steps to secure release from military obligations.

International human rights standards recognize the right to conscientious objection. In a recommendation to the Council of Europe, the Committee of Ministers stated that "Anyone liable to conscription for military service who, for compelling reasons of conscience, refuses to be involved in the use of arms, shall have the right to be released from the obligation to perform such service... Such persons may be liable to perform alternative service."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in <Turkish> or your own language:

- welcoming the release of conscientious objector Mehmet Bal;
- urging the authorities to stop immediately the prosecutions of conscientious objectors and to introduce an alternative civilian service for conscientious objectors, in line with European and international standards and recommendations;
- calling for the authorities to drop all legal proceedings against Mehmet Bal;
- calling for a prompt, impartial and effective investigation into claims that he was ill-treated by military personnel; and allegations that he was ill-treated by imprisoned soldiers on the orders of a senior military officer at Hasdal Military Prison;
- asking the authorities to bring those responsible to justice.

APPEALS TO:

Ministry of Interior

Besir Atalay, Minister of Interior
Icislari Bakanligi, 06644 Ankara, Turkey
Email: besir.atalay@icisleri.gov.tr

Fax: +90 312 418 1795

Salutation: Dear Minister

Ministry 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

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

and to diplomatic representatives of Turkey accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 August 2008.