



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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<b>The Board</b>		30 August 2004
About the Board	<b>TUR42660.E</b>	
Biographies		
Organization Chart	Turkey: Military service, including penalties for evasion, the definition of "severe prison sentence"; treatment of conscientious objectors (January 2003 - August 2004)	
Employment	Research Directorate, Immigration and Refugee Board, Ottawa	
Legal and Policy		
References	<b>Military Service and Penalties for Military Evasion</b>	
Publications		
<b>Tribunal</b>		
Refugee Protection Division	On 1 July 2003, the Turkish government approved a reduction in compulsory military service from eighteen months to fifteen months for most men, from sixteen months to twelve months for university graduates and from eight months to six months for "some privates" (AP 1 July 2003). This measure came into effect on 15 July 2003 (ibid.) and reportedly does not affect Turkish citizens living abroad, who will still be able to pay a fee and serve only one month (DPA 22 June 2003). After this reduction in compulsory military service came into force, the government ended discussions on the making of a payment in exchange for serving compulsory military duty (WNC 3 July 2003; see also NTV 24 Mar. 2004).	
Immigration Division		
Immigration Appeal Division		
Decisions		
Forms		
Statistics	The Turkish military "does not maintain a call-up system for bringing in reserve soldiers who have served in the past" ( <i>Christian Science Monitor</i> 16 Oct. 2003). Corroborating information on the policy of calling back soldiers who have completed their military service could not be found among the sources consulted by the Research Directorate.	
<b>Research</b>		
Research Program		
National Documentation Packages	Amnesty International indicated that Turkey does not formally recognize conscientious objection and that there is no civilian alternative to military service (4 Aug. 2004). <i>Turkish Daily News</i> reported in February 2003 that persons who object to performing military service are liable to be charged under Article 155 of the Turkish Criminal Code for "undermining the institution of military service," for which the punishment is up to two years' imprisonment (1 Feb. 2003). Information on the penalties administered in practice upon military evaders could not be found among the sources consulted by the Research Directorate. However, in correspondence with the Research Directorate, Amnesty International noted that if a draft evader were returned to Turkey after being abroad, he would likely be drafted into the military and if he refused to serve, he would be "remanded to military prison" (AI 4 Aug. 2004). Neither Amnesty International nor Human Rights Watch (HRW) could provide any information on the specific punishment or sentence that such an individual would face (AI 4 Aug. 2004; HRW 3 June 2004).	
Issue Papers and Country Fact Sheets		
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Proactive Disclosure	<b>Definition of "Severe Prison Sentence"</b>	

Neither Amnesty International nor HRW could provide a definition of "severe

prison sentence" (AI 4 Aug. 2004; HRW 3 June 2004), although HRW indicated that it "may affect the calculation of time off for good behaviour" (ibid.).

### **Treatment of Conscientious Objectors**

On 8 August 2003 the seventh harmonization package was adopted by the Turkish parliament (*Newsline* Autumn 2003, 7) and included an amendment to Article 11 of the Act on the Establishment and Trial Procedures of Military Courts (Turkey n.d.; Council of Europe 19 Dec. 2003, 57). The amendment removed the competence of military courts to try civilians in times of peace for "inciting soldiers to mutiny and disobedience, discouraging the public from military duty and undermining national resistance" (ibid.; Turkey n.d.; Council of Europe 19 Dec. 2003, 57; see also Norwegian Refugee Council 5 Apr. 2004, 156).

Mehmet Bal was originally arrested in late October 2002 after declaring himself to be a conscientious objector (War Resisters' International 23 Jan. 2003). According to War Resisters' International, Bal was "severely mistreated" while imprisoned (ibid.). On 27 November 2002, he was released and was told to report to the military recruitment office, but he failed to do so (ibid.). He was arrested again on 22 January 2003 and was taken to Adana military prison (ibid. 4 Feb. 2003). Upon his arrival at the prison he was

...interviewed by the military prosecutor, who carefully listened to Mehmet Bal's explanations. ...The prosecutor decided to start a trial, but without keeping Mehmet Bal in prison. He wanted to send him back to his unit, where he should get holidays, so that he would be able to spend the upcoming public holidays with his family. ...On Monday, 27 January, the commander gave [the] order to transfer Mehmet Bal to the military hospital in Adana. There Mehmet Bal was asked to shave (to take a picture), and to fill in a questionnaire with 550 questions. Mehmet Bal refused both. As a result of this, the doctors gave him three months holidays to recover, because of "a social disturbance of his personality." He was ordered to report to the medical academy of the Turkish military in Ankara at the end of this three months period. On 28 January [2003] in the afternoon, Mehmet Bal was released (ibid.).

Additional information on the treatment of conscientious objectors could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

Amnesty International (AI). 4 August 2004. Correspondence.

Associated Press (AP). 1 July 2003. "Turkey's President Approves Measure Shortening Military Service." (Dialog)

*Christian Science Monitor*. 16 October 2003. Ilene Prusher. "Turkish Conscripts Likely to be Least Willing of Coalition." (Dialog)

Council of Europe. 19 December 2003. Office of the Commissioner for Human Rights. CommDH(2003)15. "Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on His Visit to Turkey, 11-12 June 2003."  
<[http://www.coe.int/T/E/Commissioner\\_H.R?Communication-Unit/Documents/By\\_year/2003/index.asp](http://www.coe.int/T/E/Commissioner_H.R?Communication-Unit/Documents/By_year/2003/index.asp)> [Accessed 26 Aug. 2004]

DPA. 22 June 2003. "Turkish Military Announces Cut in Compulsory Military

Service." (Dialog)

Human Rights Watch (HRW). 3 June 2004. Correspondence.

*Newsline* [London]. Autumn 2003. Issue 23. "Turkey Passes Sixth and Seventh Reform Packages." Kurdish Human Rights Project.  
<<http://www.khrp.org/newsline/newsline23/Newsline23.pdf>> [Accessed 24 Aug. 2004]

Norwegian Refugee Council. 5 April 2004. "Profile of Internal Displacement: Turkey." <<http://www.db.idpproject.org>> [Accessed 24 Aug. 2004]

NTV [Istanbul, in Turkish]. 24 March 2004. "Turkey: General Staff Opposed to Payment in Lieu of Military Service." (Dialog/BBC International)

Turkey. n.d. Office of the Prime Minister, Directorate General of Press and Information. "Analysis of the Seventh Harmonization Package."  
<<http://www.byegm.gov.tr/on-sayfa/uyum/AB-7paket-analiz.htm>> [Accessed 24 Aug. 2004]

*Turkish Daily News*. 1 February 2003. "Turkey Can Curb Torture With a One-Sentence Law."  
<[http://www.turkishdailynews.com/old\\_editions/02\\_01\\_03/dom2.htm](http://www.turkishdailynews.com/old_editions/02_01_03/dom2.htm)> [Accessed 17 May 2004]

War Resisters' International (WRI). 4 February 2003. "Turkey: Conscientious Objector Mehmet Bal Released." <<http://www.wri-irg.org/news/htdocs/04022003a.html>> [Accessed 17 May 2004]

\_\_\_\_\_. 23 January 2003. "Turkey: Conscientious Objector Mehmet Bal Arrested Again." (On Indymedia UK Website)  
<<http://www.indymedia.org.uk/en/2003/01/51273.html>> [Accessed 17 May 2004]

World News Connection (WNC). 3 July 2003. "Turkey: Buyukanit, Erdogan Rule Out Payment in Lieu of Military Service for Now." (Dialog)

#### Additional Sources Consulted

The Human Rights Foundation of Turkey, in Kizilay, did not respond to a letter requesting information.

The Istanbul Antimilitarist Initiative did not respond to a letter requesting information.

United Nations High Commissioner for Refugees (UNHCR), Ankara.

Unsuccessful attempts to contact War Resisters' Association of Izmir.

War Resisters' International, in London, UK, did not respond to a letter requesting information.

**Internet sites, including:** Al Bawaba, Asylum Aid, BBC, *Country Reports on Human Rights Practices for 2003*, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, European Country of Origin Information Network (ECOI), *Freedom in the World 2003*, Human Rights Association of Turkey, Integrated Regional Information Networks (IRIN), International Helsinki Federation for Human Rights, *The Middle East Times*, Organization of Human Rights and Solidarity for Oppressed People (MAZLUMDER), Radio Free Europe/Radio Liberty, Relief Web.

  
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