

EXTERNAL

AI Index: EUR 44/179/96

27 November 1996

Further information on EXTRA 162/96 (EUR 44/164/96, 23 October 1996) - Prisoner of conscience / Health concern

TURKEYOsman Murat Ülke, conscientious objector

---

On 19 November 1996 Osman Murat Ülke was put on trial at the Military Court of the General Staff in Ankara. He is charged with "alienating the public from the institution of military service", under Article 155 of the Turkish Penal Code, in conjunction with Article 58 of the Military Penal Code, by publicly burning his call-up papers and declaring his conscientious objection. The two-hour hearing was adjourned until 24 December and Osman Murat Ülke was formally released, only to be taken by gendarmes from the court to the military prison and from there to the recruitment office to begin his military service.

On 22 November Osman Murat Ülke was sent to his military unit, the 9th Gendarmerie Training Unit in the northeastern town of Bilecik, from where he was transferred on 26 November to the military prison in Eski\_ehir. He is to stand trial at the Disciplinary Military Court in Eski\_ehir for insubordination. Reportedly, he will also be tried in a third trial at the Military Court of the General Staff in Ankara for desertion, because he did not respond to his call-up for more than one year.

Osman Murat Ülke has publicly declared that he is not a draft evader but a conscientious objector. He has also declared his determination never to "conduct military service in any way".

Amnesty International believes that everyone should have the right to refuse to perform military service for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. Amnesty International considers Osman Murat Ülke to be a prisoner of conscience and is calling for his immediate and unconditional release.

The organization is also calling on the Turkish Government to provide alternative civilian service for conscientious objectors in line with resolutions and recommendations by the United Nations Commission on Human Rights and the Council of Europe.

#### **FURTHER BACKGROUND INFORMATION**

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. The United Nations Commission on Human Rights, recognized in its resolution 1989/59 of 8 March 1989, reaffirmed in Resolution 1993/84 of 10 March 1993, *"the right of everyone to have conscientious objections to military service as 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 as well as article 18 of the International Covenant on Civil and Political Rights"*. It furthermore recommended that Member States *"with a system of compulsory military service, where such provision has not already been made...introduce for conscientious objectors various forms of alternative*

service" (§3) which is "in principle of a non-combatant or civilian character, in the public interest and not of a punitive nature" (§4).

Recommendation No. R (87) 8 of the Committee of Ministers to Member States of the Council of Europe Regarding Conscientious Objection to Compulsory Military Service of 9 April 1987 states 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" (§1). It recommends that "Alternative service shall not be of a punitive nature. Its duration shall, in comparison to that of military service, remain within reasonable limits" (§10) and that alternative service "shall be in principle civilian and in the public interest" (§9).

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in English or in your own language:**

- calling for the immediate and unconditional release of Osman Murat Ülke as a prisoner of conscience, currently held at a military prison in Eski\_ehir because of his refusal to perform military service due to his conscientious objection to any form of military service;
- urging that provision be made for alternative civilian service for conscientious objectors, in line with resolutions and recommendations by the United Nations and the Council of Europe.

**APPEALS TO:**

1. Prosecutor at Military Court of General Staff:

Ba\_savc\_  
Genelkurmay Askeri Mahkemesi  
Ankara, Turkey

**Telegrams: Genelkurmay Askeri Mahkemesi Bassavcisi, Ankara, Turkey**

**Faxes: +90 312 41 85 341**

**Salutation: Dear Prosecutor**

3. Minister of Justice:

Mr Sevket Kazan  
Adalet Bakanl\_\_\_\_  
06659 Ankara, Turkey

**Telegrams: Justice Minister, Ankara, Turkey**

**Faxes: +90 312 425 4066; 417 3954**

**Salutation: Dear Minister**

3. Minister of Defence:

Mr Turhan Tayan  
Ministry of Defence  
Milli Savunma Bakanl\_\_\_\_  
06100 Ankara, Turkey

**Telegrams: Defence Ministry, Ankara, Turkey**

**Salutation: Dear Minister**

4. Chief of the Turkish General Staff:

General\_smail Hakk\_Karaday\_  
Bakanl\_klar  
Ankara, Turkey

**Telegrams: General Karaday\_, Bakanliklar, Ankara, Turkey**

**Faxes: +90 312 418 1795**

**Salutation: Dear General**

**COPIES TO:**

State Minister with responsibility for Human Rights:

Mr Lütfü Esengün

Office of the Prime Minister

Ba\_bakanl\_k

06573 Ankara, Turkey

**Faxes: +90 312 417 0476**

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 24 December 1996.