

URGENT ACTION

STUDENTS RELEASED BUT STILL FACING CHARGES

An Ankara court has ordered the release on bail of four students from the Middle East Technical University (ODTÜ) in Turkey. They had been detained for more than a month for 'insulting the President' over a banner displaying a caricature of President Recep Tayyip Erdoğan. They face up to four years in prison if found guilty. The first hearing of the trial will be held on 22 October.

On 10 August, the four **Middle East Technical University (ODTÜ) students**, detained in early July for 'insulting the president', were released on bail by Ankara Heavy Penal Court No. 8 after a successful legal challenge from their lawyers. The court originally set bail conditions requiring three of the students to report to a local police station every week and be subjected to an overseas travel ban. These conditions were dropped on 14 August after a further legal challenge from the students' lawyers. While the students have been released, the charges against them have not been dropped and they still face up to four years in prison if found guilty. The first hearing in the case is due to be held on 22 October.

The students were held in police custody for several days after displaying a banner containing a caricature of President Erdoğan during a students' parade that took place on 6 July at the university's annual graduation ceremony. On 11 July at 2:30am, the Ankara Criminal Court of Peace No. 4 ordered that the students be remanded in prison in Ankara pending further court proceedings. On 3 August, the Ankara Criminal Court of First Instance No. 11 accepted an indictment against the students. The students were charged with 'insulting the President' under Article 299 of the Turkish Penal Code. Their prosecution was approved by the Minister of Justice in accordance with Section 3 of Article 299.

Please write immediately in English, Turkish or your own language calling on the Turkish authorities to:

- Ensure that all charges against the students are dropped;
- Repeal Articles 299 ('insulting the president') and 125 ('criminal defamation') of the Turkish Penal Code which unfairly restrict the right to freedom of expression as guaranteed under international human rights law;
- Ensure full respect and protection of the right to freedom of expression in Turkey.

PLEASE SEND APPEALS BEFORE 15 OCTOBER 2018 TO:

Minister of Justice

Abdulhamit Gül

Ministry of Justice

Adalet Bakanlığı

06659 Ankara

Turkey

Fax: +90 (0) 312 419 33 70

Email: ozelkalem@adalet.gov.tr

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ABDURRAHMAN BİLGİÇ, Embassy of the Republic of Turkey, 43 Belgrave Square SW1X 8PA, 020 7393 0202, embassy.london@mfa.gov.tr

Please check with your section office if sending appeals after the above date. This is the first update of UA 131/18. Further information: www.amnesty.org/en/documents/eur44/8790/2018/en/

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ADDITIONAL INFORMATION

The banner unfurled by the students during the ODTÜ students' parade displayed a caricature initially published in the satirical magazine *Penguen* in 2005. The caricature depicted various animals with the face of President Recep Tayyip Erdoğan, then Prime Minister, superimposed on their heads. The words, 'Now it's the Tayyips' Kingdom', were written above the image.

The *Penguen* caricature was published in response to a controversial 2005 court ruling ordering the caricaturist Musa Kart to pay damages to Erdoğan for superimposing his head on a cat in a political cartoon. Erdoğan brought a civil defamation suit against *Penguen* for their caricature, stating that "Caricaturing the prime minister as an animal is not a [fundamental] freedom." The ruling against Kart was overturned on appeal later in 2006 while the case against *Penguen* was quickly dismissed on the grounds that it was protected speech under the right to freedom of expression.

The trial of the four students is occurring within the wider context of a crackdown on the right to freedom of expression in Turkey. Since the July 2016 coup attempt, hundreds of journalists have been prosecuted and over 150 journalists and other media workers are currently in prison in Turkey. Human rights defenders, civil society actors, and others have faced investigation, detention and conviction for expressing legitimate dissenting views.

Defamation and 'insulting the president' are criminal offences under the Turkish Penal Code. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly called for the decriminalisation of defamation and the repeal of *lèse-majesté* laws across the world. Criticism of the authorities constitutes protected speech under the European Convention of Human Rights and numerous European Court of Human Rights rulings.

Gender m/f: two males, two females

Further information on UA: 131/18 Index: EUR 44/9025/2018 Issue Date: 3 September 2018