

URGENT ACTION

STUDENTS DETAINED FOR INSULTING THE PRESIDENT

Four students from the Middle East Technical University (ODTÜ) in Turkey have been detained over a banner containing caricatures of President Recep Tayyip Erdoğan. The students could face up to four years in prison for 'insulting the president'.

On 7 July, **three Middle East Technical University (ODTÜ) students** were arrested on suspicion of having 'insulted' the President of Turkey during the previous day's graduation ceremony. The students had unfurled a banner containing caricatures of the Turkish President during the students' parade that traditionally takes place as part of ODTÜ's annual graduation ceremony. A **fourth student**, who reportedly helped the others transport the banner to the stadium where the graduation ceremony took place, and a shop owner, who reportedly printed the offending banner, were taken in for police questioning the following day on 8 July.

The students were held in police custody without charge until the early hours of 11 July, when the Ankara Criminal Court of Peace No. 4, at approximately 2:30am, ordered that they be remanded in prison pending trial for 'insulting the president' under Article 299/1 of the Turkish Penal Code. The students face between one and four years in prison if prosecuted and found guilty. The shop owner taken into questioning alongside the fourth student was conditionally released shortly after being questioned.

The offending banner displayed a caricature initially published in the satirical magazine *Penguen* in 2005. This caricature depicted various animals with the face of President Recep Tayyip Erdoğan superimposed on their heads. The words 'Now it's the Tayyips' Kingdom' were written above the image, an allusion to the President's powers under the new presidential system. The *Penguen* caricature was the subject of a civil defamation suit by President Erdoğan in 2005. The magazine was eventually cleared of all wrongdoing by the Turkish courts, which held that the image was protected by the right to freedom of expression and the right to engage in criticism of politicians.

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

- Release the four students immediately and unconditionally and drop all charges against them;
- Repeal Articles 299 ('insulting the president') and 125 ('criminal defamation') of the Turkish Penal Code;
- Ensure full respect and protection of the right to freedom of expression in Turkey.

PLEASE SEND APPEALS BEFORE 27 AUGUST 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.,

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The *Penguen* caricature displayed on the students' banners was originally printed in 2005 in response to a court ruling ordering the caricaturist Musa Kart to pay damages to Erdoğan for superimposing the then prime minister's head on a cat in one of the artist's published cartoons. Erdoğan, in turn, brought a civil defamation suit against *Penguen* for their caricature, stating, "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.

The four students' detentions have occurred within a context of a crackdown on the right to freedom of expression and increasing intolerance of dissenting viewpoints and forms 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 according to various rulings by the European Court of Human Rights in Strasbourg.

Gender m/f: Two males, two females.

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