

URGENT ACTION

TRIAL AGAINST STUDENTS AND ACADEMIC CONTINUES

The next hearing in the trial against 18 students and one academic from Middle East Technical University (METU) will take place on 12 March in Ankara. They are facing criminal charges that carry prison terms for allegedly joining an LGBTI Pride Parade on the University's campus on 10 May 2019. The charges against all of them must be dropped as no one should be prosecuted for exercising their rights to freedom of expression and peaceful assembly.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister of Justice, Mr Abdülhamit Gül
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Dear Minister,

I am writing to you concerning the ongoing prosecution of **18 students and one academic from Middle East Technical University (METU)** in Ankara in connection with their alleged participation in the 9th annual LGBTI Pride Parade on the University's campus on 10 May 2019.

The METU Pride Parade on 10 May constituted a legitimate exercise of the right of students and academics to freedom of expression and peaceful assembly. Nevertheless, police officers entered the METU campus on the request of the university management to disperse the gathering and when students did not disperse, broke up the gathering with pepper spray, plastic bullets and tear gas. Several people were injured and at least 22 people were detained, including the 19 people currently facing criminal charges.

The 19 face charges under Article 32 of the Law No. 2911 on Meetings and Demonstrations and risk prison sentences for "failing to disperse despite being warned". One of the students is also charged with "insult" under Article 125 of Turkey's Penal Code, for allegedly "making a hand gesture considered rude" against police officers. Some of the students facing criminal charges have stated that they did not participate in the Pride Parade and were just bystanders.

In light of the above, I urge you to ensure that:

- **Charges against the 18 METU students and the academic for their alleged participation in the Pride Parade on 10 May 2019 are dropped, as no one should be prosecuted for exercising their rights to freedom of expression and peaceful assembly;**
- **The excessive use of force by the police on campus on 10 May is promptly, independently and impartially investigated and police officers found to have acted unlawfully are brought to justice.**

Yours sincerely,

ADDITIONAL INFORMATION

On 18 November 2017, Ankara Governorate indefinitely banned all public events in Ankara by making use of extraordinary powers afforded to it under the state of emergency in place at the time in Turkey. The governorate based its decision on vague grounds including the risk that such events may incite “hostility,” or “draw a negative reaction from certain parts of the society due to certain social sensitivities.” Following the end of the State of Emergency rule in July 2018, a new decision for a similar ban was taken by the Ankara Governorate on 3 October 2018 imposing a blanket ban on all LGBTI events in Ankara and without giving further justification.

Ankara based LGBTI+ organizations Kaos GL Association and Pink Life separately filed a legal challenge on the grounds that the indefinite blanket ban taken under the State of Emergency rule violates the freedom of expression and freedom of assembly and association. The ban was finally lifted by a regional administrative court decision on 19 April 2019 that found the ban to be unconstitutional even under State of Emergency law. There is a legal challenge brought about by Kaos GL Association against the second ban by the Ankara Governorate, currently pending in the administrative court.

On 6 May 2019, METU rector, Mustafa Verşan Kök, wrote to students and staff that the Parade would not be allowed, referring to the ordinance issued by the Ankara Governorate on 3 October 2018. This decision by METU management constituted an unlawful restriction of the rights to freedom of expression and peaceful assembly of students and academics. Despite that, the METU management relied on that second ban and requested the police intervention at the METU pride parade on 10 May 2019.

Hypothetical risks cannot establish legitimate grounds for prohibiting a peaceful assembly. The principles of necessity and proportionality require consideration of all relevant circumstances, the impact on the legitimate concern protected and the possibility that the risk will concretize, and whether less restrictive means would suffice. The responsibility to maintain public order and to facilitate the enjoyment of the right to freedom of peaceful assembly lies with the state and its organs, including its law enforcement agencies.

The 18 METU students and the academic have been charged under the Law on Meetings and Demonstrations (No. 2911). This law has frequently been used to hinder the exercise of the right to peaceful assembly in Turkey due to its restrictive nature and its arbitrary application.

States have a positive obligation to facilitate peaceful assemblies in law and in practice. As is the case in Turkish law, the exercise of the right to freedom of peaceful assembly is not subject to permission of government authorities; this right is also protected under international law and standards in conventions Turkey is a party to. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality.

PREFERRED LANGUAGE TO ADDRESS TARGET: Turkish, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 April 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: 18 students (they/them) and one academic (he/him).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/eur44/1322/2019/en/>