

# URGENT ACTION

## ACTIVIST RELEASED, FACING UNFAIR PROSECUTION

**Activist Onur Kılıç was released from pre-trial detention on Thursday 26 February after the court accepted his lawyers' appeal against the detention order. He had been remanded in custody since 13 February after being accused of 'insulting the President'.**

Political activist **Onur Kılıç** participated in a protest against compulsory religious education lessons in schools on 11 January. He was arrested on 12 February and charged with "insulting the President" for chanting "thief murderer Erdoğan" during the protest and was remanded in pre-trial detention. The Minister of Justice gave permission for the prosecution to proceed as required under the provisions of Article 299 of the Turkish Penal Code that criminalizes "insulting the President". Onur Kılıç was released from pre-trial detention on 26 February, pending the outcome of the trial. He faces up to four years imprisonment if convicted of the offence.

The indictment refers to Onur Kılıç's "repeated insult" of the President, presenting his tweets on the day of his arrest as evidence: "I have been detained with the allegation that, during the protest we organised in Izmir on 11 January, I chanted 'thief murderer Erdoğan' and 'I am being taken to the anti-terrorism branch, the prosecutor will apparently question me later. By the way, let me repeat: Thief-Murderer Erdoğan'. The trial has been set to start on 4 May.

Amnesty International believes that prosecutions under Article 299 violate the right to freedom of expression as protected under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 10 of the European Convention on Human Rights to which Turkey is a party. Amnesty International calls for all prosecutions under this Article to be dropped and for the provision to be abolished.

### Please write immediately in Turkish or your own language:

- Urging the prosecutor to drop Onur Kılıç's prosecution;
- Calling for an end to all prosecutions and detentions of individuals for their peaceful expression of their opinions under Article 299 of the Turkish Penal Code.

### PLEASE SEND APPEALS BEFORE 11 MAY 2015 TO:

#### Prosecutor

Okan Bato  
Cumhuriyet Savcısı  
Izmir Adalet Sarayı  
Bayraklı  
Izmir, Turkey  
Fax: +90 (0) 232 411 2402  
Email: izmircbs@adalet.gov.tr  
Salutation: Dear prosecutor

#### Minister of Justice

Kenan İpek  
Ministry of Justice  
Adalet Bakanlığı  
06659 Ankara, Turkey  
Fax: +90 (0) 312 419 33 70  
Email: ozelkalem@adalet.gov.tr  
Salutation: Dear Minister

#### And copies to:

Commission Chairperson  
Parliamentary Commission on Human Rights  
Ayhan Sefer Üstün  
TBMM İnsan Hakları İnceleme Komisyonu  
Bakanlıklar, 06543 Ankara, Turkey  
Tel: +90 (0) 312 420 56 44 / 420 56 45  
Fax: +90 (0) 312 420 53 94  
Email: insanhaklarikom@tbmm.gov.tr

### Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 36/15. Further information:

<https://www.amnesty.org/en/documents/EUR44/002/2015/en/>

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### ADDITIONAL INFORMATION

The right to freedom of expression is guaranteed in Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights (ICCPR), both of which Turkey is a party to. Although international human rights law does permit certain restrictions on freedom of expression, these restrictions must meet a strict three-part test: they must be provided by law; be limited to specific purposes such as national security, public order or respect of the rights or reputation of others; and be necessary and proportionate to the achievement of one of those permissible purposes.

The UN Human Rights Committee, the expert body that oversees the implementation of the ICCPR, noted in its General Comment No. 34 “that all public figures, including those exercising the highest political authority such as heads of state and government, are legitimately subject to criticism and political opposition. Accordingly, the Committee expresses concern regarding laws on such matters as, lese majesty, desecration, disrespect for authority, disrespect for flags and symbols, defamation of the head of state and the protection of the honour of public officials, and laws should not provide for more severe penalties solely on the basis of the identity of the person that may have been impugned. States parties should not prohibit criticism of institutions, such as the army or the administration.”

Name: Onur Kılıç

Gender m/f: m

Further information on UA: 36/15 Index: EUR 44/1118/2015 Issue Date: 4 March 2015