

URGENT ACTION

DROP CHARGES AGAINST STUDENTS AND ACADEMIC

Eighteen students and one academic from Middle East Technical University (METU) in Ankara who are facing criminal charges for allegedly joining an LGBTI Pride Parade on the University's campus on 10 May. The trial will start on 12 November. Some of them have stated that they did not participate in the parade and were just bystanders. No one should be prosecuted for exercising their rights to freedom of expression and peaceful assembly and charges against them must be dropped.

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

Minister of Justice, Mr Abdülhamit Gül
Adalet Bakanlığı
06659 Ankara, Turkey
Twitter: @abdulhamitgul
Fax: +90 312 417 71 13
Email: info@adalet.gov.tr

Dear Minister,

I am writing to you concerning the indictment 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 indictment accepted by Ankara Criminal Court of First Instance No. 39 describes the peaceful pride celebration as an "unlawful assembly" and accuses all nineteen of "failing to disperse despite being warned" under Article 32 of the Law on Meetings and Demonstrations (No. 2911). 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. The trial is set to begin on 12 November. Some of the students that are facing criminal charges have stated that they did not participate in the Pride march and were just bystanders.

On 6 May 2019, METU rector, Mustafa Verşan Kök, wrote to students and staff that the Parade would not be allowed, referring to an ordinance issued by the Ankara Governorate on 3 October 2018 that imposed a blanket ban on all LGBTI events in Ankara and without giving further justification. This decision by METU management constituted an unlawful restriction of the rights to freedom of expression and peaceful assembly of students and academics.

On 10 May, police officers entered the METU campus on the request of the university management to disperse students who had peacefully gathered to celebrate Pride. When students did not disperse, police officers broke up their gathering with pepper spray, plastic bullets and tear gas. Several people were injured, thankfully none seriously. At least 22 people were then detained, among them the nineteen who are currently facing criminal charges.

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

- **Charges are dropped against the 18 METU students and the academic for their alleged participation in the Pride Parade on 10 May 2019. No one should be prosecuted for exercising their right to freedom of expression and peaceful assembly;**
- **The excessive use of force by the police on campus 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.

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. However, METU management relied on the second ban decision by Ankara Governorate dated 3 October 2018, leading to the police intervention at the METU pride parade on 10 May 2019. There is a legal challenge brought about by Kaos GL Association against the second ban by the Ankara Governorate, currently pending in administrative court.

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: 10 December 2019

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)