

# URGENT ACTION

## ACTIVIST DETAINED FOR 'INSULTING THE PRESIDENT'

**Activist Onur Kılıç was detained on 13 February for 'insulting the President' during a protest in January. He could face up to four years imprisonment if the prosecution proceeds and he is found guilty.**

Political activist **Onur Kılıç** participated in a protest against compulsory religious education lessons in schools on 11 January. He was arrested on 12 February for allegedly chanting 'thief murderer Erdoğan' during that protest and was remanded in pre-trial detention on 13 February. He faces prosecution under Article 299 of the Turkish Penal Code that criminalizes "insulting the President" with a punishment of up to four years imprisonment. The Article requires the Minister of Justice to provide permission for the prosecution to proceed. Onur Kılıç's lawyer told Amnesty International that he will lodge an appeal against his detention on 17 February.

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.

Since Onur Kılıç's arrest, it has been reported that at least two others, Kadir Yavaş in the province of Edirne and Şafak Kurt in the province of Manisa, have been detained for questioning under Article 299. Kadir Yavaş and Şafak Kurt participated in protests against Onur Kılıç's arrest and allegedly chanted the same slogan. Amnesty International understands that Kadir Yavaş was released on 16 February.

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

- Calling on the authorities to immediately and unconditionally release of Onur Kılıç;
- Urging the Minister of Justice not to authorise Onur Kılıç's prosecution;
- Calling for an end to prosecutions and all detentions under Article 299 of individuals for peaceful expression of their opinions.

### PLEASE SEND APPEALS BEFORE 30 MARCH 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

Bekir Bozdağ  
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: (0.312) 420 56 44 - 420 56 45  
Fax: (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.

**AMNESTY  
INTERNATIONAL**



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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 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, desacato, 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, Kadir Yavaş, Şafak Kurt

Gender m/f: m

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