

URGENT ACTION

UNIVERSITY STUDENTS RELEASED BUT ALLEGE TORTURE

14 Boğaziçi University students who had been held in pre-trial detention in prison on allegations of 'making propaganda for a terrorist organizations' for protesting Turkey's military operation in Afrin were released by an Istanbul court on 6 June. Their allegations of torture and other ill-treatment must be investigated.

On 6 June 2018, Istanbul Heavy Penal Court No.32 ruled to conditionally release **14 Boğaziçi University students** at the first hearing of their trial. The students had been remanded in pre-trial detention on different dates since early April and May and are among 22 students indicted for 'making propaganda for a terrorist organization'. All but one of the 22 students are subject to a travel ban. According to the students' lawyers, a further 10 students are subject to arrest warrants and separate prosecution for participating in the same protest on 19 March, against Turkey's military operation in Afrin.

During their statements, three students told the court that they had been subjected to torture and other ill-treatment at the time of their detention and while in police custody and requested that these allegations be subject to a criminal investigation. The students alleged that, among other things, police officers dragged students on the floor; twisted their arms; threatened to break them; banged the students' heads on the windows of the police vehicles; and kicked and punched them. In its interim decision, the court rejected the students' request for a criminal investigation, stating that 'the alleged matter is understood to have taken place before the start of the prosecution and that [it] did not take place in front of the court, [and so] the court has not observed these incidents and that the students can make a criminal complaint themselves.'

By participating in the protest, the students exercised their rights to freedom of expression and peaceful assembly, guaranteed under both domestic and international law.

Torture and other ill-treatment is strictly prohibited in both domestic and international law.

Please write immediately in Turkish or your own language calling on the Minister of Justice to ensure:

- A prompt, thorough and impartial investigation is conducted into the students' allegations of torture and other ill-treatment;
- Those police officers found to be responsible are brought to justice in fair trials;
- That the rights to freedom of expression and peaceful assembly are fully protected and respected in Turkey.

PLEASE SEND APPEALS BEFORE 20 JULY 2018 TO:

Minister of Justice

Mr. Abdülhamit Gül

Adalet Bakanlığı

06659 Ankara,

Turkey

Fax: +90 312 419 33 70

Email: ozelkalem@adalet.gov.tr

Salutation: Dear Minister

And copies to:

Minister of Interior

Mr. Süleyman Soylu

İçişleri Bakanlığı

Bakanlıklar

Ankara, Turkey

Fax: +90 312 418 1795

Salutation: Dear Minister

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

Please check with your section office if sending appeals after the above date. This is the second update of UA 66/18. Further information:

www.amnesty.org/en/documents/eur44/8565/2018/en/

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ADDITIONAL INFORMATION

Between 3 April and 4 May, 14 students from Istanbul's Boğaziçi University were remanded in prison, accused of 'making propaganda for a terrorist organization', for staging a peaceful protest on the university campus on 19 March, against Turkey's military operation in Afrin, Syria.

Reacting to the protest and the initial detentions on 23 March, President Erdogan stated: 'we will find these terrorist students and do what's necessary. The academics in our universities must also be very careful. When we establish a link between these students and the academics we will also do what's necessary about them'. On 24 March, commenting on the detentions again, President Erdogan said: 'we will not grant those communist students, those terrorist enemies of the state the right to education at university'.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." The prohibition of torture and other ill-treatment is absolute.

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 Political Rights, 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.

Name: Students who were released from pre-trial detention - Deniz Yılmaz (m), Yusuf Noyan Öztürk (m), Agah Suat Atay (m), Berke Aydoğan (m), Şükran Yaren Tuncer (f), Zülküf İbrahim Erkol (f), Esen Deniz Üstündağ (f), Sevde Öztürk (f), Kübra Sağır (f), Enes Karataş (m), İsmail Gürler (m), Mete Ulutaş (m), Muhammet Bilgin (m), and Tevger Uzay Tulay (m)

Gender m/f: all

Further information on UA: 66/18 Index: EUR 44/8565/2018 Issue Date: 8 June 2018