

# URGENT ACTION

## STUDENTS DETAINED FOR INSULTING THE PRESIDENT

**Four students from the Middle East Technical University (ODTÜ) in Turkey have been detained over a banner containing caricatures of President Recep Tayyip Erdoğan. The students could face up to four years in prison for ‘insulting the president’.**

On 7 July, **three Middle East Technical University (ODTÜ) students** were arrested on suspicion of having ‘insulted’ the President of Turkey during the previous day’s graduation ceremony. The students had unfurled a banner containing caricatures of the Turkish President during the students’ parade that traditionally takes place as part of ODTÜ’s annual graduation ceremony. A **fourth student**, who reportedly helped the others transport the banner to the stadium where the graduation ceremony took place, and a shop owner, who reportedly printed the offending banner, were taken in for police questioning the following day on 8 July.

The students were held in police custody without charge until the early hours of 11 July, when the Ankara Criminal Court of Peace No. 4, at approximately 2:30am, ordered that they be remanded in prison pending trial for ‘insulting the president’ under Article 299/1 of the Turkish Penal Code. The students face between one and four years in prison if prosecuted and found guilty. The shop owner taken into questioning alongside the fourth student was conditionally released shortly after being questioned.

The offending banner displayed a caricature initially published in the satirical magazine *Penguen* in 2005. This caricature depicted various animals with the face of President Recep Tayyip Erdoğan superimposed on their heads. The words ‘Now it’s the Tayyips’ Kingdom’ were written above the image, an allusion to the President’s powers under the new presidential system. The *Penguen* caricature was the subject of a civil defamation suit by President Erdoğan in 2005. The magazine was eventually cleared of all wrongdoing by the Turkish courts, which held that the image was protected by the right to freedom of expression and the right to engage in criticism of politicians.

### 1) TAKE ACTION

**Write a letter, send an email, call, fax or tweet:**

- Release the four students immediately and unconditionally and drop all charges against them;
- Repeal Articles 299 (‘insulting the president’) and 125 (‘criminal defamation’) of the Turkish Penal Code;
- Ensure full respect and protection of the right to freedom of expression in Turkey.

**Contact these two officials by 27 August, 2018:**

Minister of Justice  
Abdulhamit Gül  
Ministry of Justice  
Adalet Bakanlığı  
06659 Ankara  
Turkey  
Fax: +90 (0) 312 419 33 70  
Email: [ozelkalem@adalet.gov.tr](mailto:ozelkalem@adalet.gov.tr)  
**Salutation: Dear Minister**

Ambassador Serdar Kilic  
Embassy of the Republic of Turkey  
2525 Massachusetts Ave. NW,  
Washington, DC 20008  
Phone: 1 202 612 6700 OR 202 612 6701  
Fax: 1 202 612 6744  
Email: [embassy.washingtondc@mfa.gov.tr](mailto:embassy.washingtondc@mfa.gov.tr)  
Contact Form: <http://washington.emb.mfa.gov.tr/Mission/Contact>  
Twitter: [@SerdarKilic9](https://twitter.com/SerdarKilic9)  
**Salutation: Dear Ambassador**

### 2) LET US KNOW YOU TOOK ACTION

[Click here](#) to let us know if you took action on this case! *This is Urgent Action 131.18*

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### ADDITIONAL INFORMATION

The *Penguen* caricature displayed on the students' banners was originally printed in 2005 in response to a court ruling ordering the caricaturist Musa Kart to pay damages to Erdoğan for superimposing the then prime minister's head on a cat in one of the artist's published cartoons. Erdoğan, in turn, brought a civil defamation suit against *Penguen* for their caricature, stating, "Caricaturing the prime minister as an animal is not a [fundamental] freedom." The ruling against Kart was overturned on appeal later in 2006 while the case against *Penguen* was quickly dismissed.

The four students' detentions have occurred within a context of a crackdown on the right to freedom of expression and increasing intolerance of dissenting viewpoints and forms of expression in Turkey. Since the July 2016 coup attempt, hundreds of journalists have been prosecuted and over 150 journalists and other media workers are currently in prison in Turkey. Human rights defenders, civil society actors, and others have faced investigation, detention and conviction for expressing legitimate dissenting views.

Defamation and 'insulting the president' are criminal offences under the Turkish Penal Code. The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly called for the decriminalisation of defamation and the repeal of *lèse-majesté* laws across the world. Criticism of the authorities constitutes protected speech under the European Convention of Human Rights according to various rulings by the European Court of Human Rights in Strasbourg.

Gender m/f: both

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