

URGENT ACTION

STUDENTS' TRIAL ONGOING, DESPITE APOLOGY TO ERDOĞAN

Four students from the Middle East Technical University (ODTÜ) in Turkey still face charges for 'insulting the president' despite President Recep Tayyip Erdoğan withdrawing his complaint. The students met with President Erdoğan ahead of the first hearing on 22 October and apologized for the offence caused. The next hearing will take place on 4 April 2019.

On 22 October, the four **Middle East Technical University (ODTÜ) students**, charged with 'insulting the president' under Article 299 of the Turkish Penal Code, attended the first hearing of their trial in Ankara, Turkey. The hearing came almost a week after the students met with President Recep Tayyip Erdoğan, who withdrew his criminal complaint against the students after receiving an apology from them. The trial, however, is set to continue, as the Minister of Justice Abdulhamit Gül has not withdrawn his permission for the prosecution of the case under the provisions of Article 299/3.

During the hearing, their lawyers argued that the students – who had unfurled a banner depicting a cartoon of President Erdoğan during a graduation parade in July – had engaged in legitimate political criticism and that their actions were constitutionally protected under the right to freedom of expression. The students' lawyers also referenced an earlier court ruling concerning the cartoon depicted on the banners. Originally published in 2005 in the Turkish satirical magazine *Penguen*, the cartoon was the subject of an unsuccessful defamation suit by President Erdoğan, with the court ruling that the cartoon constituted protected speech under the right to freedom of expression.

At the end of the hearing on 22 October, the Ankara Criminal Court of First Instance No. 11 ordered that the students' overseas travel bans be lifted.

The ODTÜ students, who were arrested and detained in early July, were released on bail on 10 August, following a successful legal challenge by their lawyers. While the students are currently at liberty, the charges against them have not been dropped and they still face up to four years in prison if found guilty. The next hearing of the trial will be held on 4 April 2019. We will continue to closely follow developments in the case and call for all charges against the students to be dropped and for the repeal of Articles 125 (criminal defamation) and 299 (insulting the president) of the Turkish Penal Code.

Thank you to all those who sent appeals. No further action is requested from the UA network.

This is the second update of UA 131/18. Further information: <https://www.amnesty.org/en/documents/eur44/9025/2018/en/>

Gender m/f: two males, two females

Further information on UA: 131/18 Index: EUR 44/9306/2018 Issue Date: 26 October 2018

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