



Gaziantep Bölge Adliye Mahkemesi
(Gaziantepe Regional High Court)
Zeytinli Mah., 79002 Cad. No:5, 27090
Şehitkamil/Gaziantep
Turkey

Oslo 10 May 2017

CC:

- President of Turkey, Recep Tayyip Erdoğan. Email: contact@tccb.gov.tr
- Prime Minister of Turkey, Binali Yıldırım. Email: ozelkalem@basbakanlik.gov.tr
- Minister of Foreign Affairs, Mr. Mevlüt Çavuşoğlu, Dr. Sadık Ahmet Cad, No: 8 Balgat / Ankara - Turkey 06100; Phone: +90 (312) 292 10 00
- Minister of Justice, Mr. Bekir Bozdağ, 06659 Kizilay, Ankara; Phone: +90 (312) 417 77 70; Fax: +90 (0312) 419 33 70; Email: info@adalet.gov.tr
- Minister of Interior, Mr. Süleyman Soylu; Email: ozelkalem@icisleri.gov.tr
- Minister of Health, Mr. Recep Akdağ; Email: eposta@saglik.gov.tr

Statement on the case of Dr. Serdar Küni,

Dr. Serdar Küni is a medical doctor practicing human rights-based medicine in the Cizre district of Şırnak, Southeast Turkey. He is known for his strong commitment to the ethical code of good medical practice, and is a highly-esteemed member of the local community.

He was arrested on 19 October 2016, charged with providing medical treatment in a secret location to individuals belonging to a terrorist organization during the clashes in Cizre in 2015 and 2016.

His arrest, detention and prosecution is part of a wave of arrests, dismissals and other legal actions taken against human rights defenders, medical professionals, lawyers, journalists, and academics since July 2015 in Southeast Turkey, and throughout Turkey after the failed military coup in July 2016.

It became clear during two hearings in the Şırnak 2nd Heavy Penal Court on 13 March and 24 April 2017, that there was no evidence of Dr. Küni giving assistance to any terrorist organization. He was only providing medical treatment in line with his professional duties as a medical doctor.

It was also clear from statements of international observers that the trial proceedings ignored international fair trial standards, and failed to consider the arbitrary nature of the charges against Dr. Küni.¹

¹ The statement of the international observers on the second hearing is available i.a. at: http://www.nhc.no/no/nyheter/Statement+of+International+Delegation+of+Trial+Monitors.b7C_wlDQ3G.ips

Despite this lack of evidence, he was convicted to four years and two months' imprisonment for breaching section 220/7 of the Turkish Penal Code, which penalizes assisting terrorist organizations, by the Şırnak Court. The appeal in his case will soon be heard by Gaziantep Regional Court.

We, the undersigned organizations, want to point to the principal importance of the case. Dr. Küni is a medical doctor, and is therefore under a professional duty to provide medical assistance to any person in need of such assistance.

He is also a representative of a human rights organization, the Human Rights Foundation of Turkey. In this capacity, his work is protected by international human rights law, as stated in the 1998 UN Declaration on Human Rights Defenders and follow-up resolutions in the UN General Assembly and the UN Human Rights Council. Turkey has supported the adoption of these declarations and resolutions, which refers to and applies international human rights law provisions to the functioning of human rights defenders.

The importance of the case against Dr. Küni was underlined by the international observers of the trials against him in the Şırnak court (see footnote 1 for reference). They stated that even though Dr. Küni is on trial as a single doctor, the manners in which the legal proceedings against him have been conducted have potentially wide-ranging impacts:

“Through this case, the prosecution has sought to criminalise the basic duties and ethics of the medical profession, which is in and of itself an act of intimidation and harassment. We are concerned about the precedent this case will set across the medical profession. Our conclusions about fundamental fair trial violations also call into question the impartiality and independence of the judges in this case.”

In our view, the case against Dr. Küni even has ramifications globally for the integrity and rights of health workers and human rights defenders. By criminalising good medical practice, the case is emblematic for widespread lack respect for the independence of the medical profession throughout the world, particularly in conflict environments.

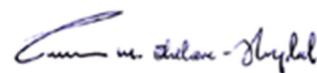
On this background, we urge you to contribute to:

- i. Ensuring that fair trial standards are adhered to in the case of Dr. Küni;
- ii. Upholding respect for the professional duties of medical doctors;
- iii. Putting an end to all forms of harassment and guarantee in all circumstances the physical and psychological integrity of Dr. Küni;
- iv. Comply with provisions of the United Nations Declaration on Human Rights Defenders, in particular with its Articles 1, 6(a), 9, 11, 12.2.

Sincerely yours,
on behalf of the undersigned organizations,



Bjorn Engesland
Secretary General



Gunnar M. Ekelove-Slydal
Deputy Secretary General

Undersigned organizations:

Norwegian Helsinki Committee	- Norway
Promo LEX	- Moldova
The Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims	- Georgia
Kosovo Rehabilitation Centre for Torture Victims	- Kosovo
Union women of Don region	- Russia
Serbian Helsinki Committee	- Serbia
World Organisation Against Torture	- Belgium
International Federation for Human Rights	- France
Center for the Development of Democracy and Human Rights	- Russia
Human Rights Monitoring Institute	- Lithuania
Ukrainian Helsinki Human Rights Union	- Ukraine
Libereco - Partnership for Human Rights	- Germany
Moscow Helsinki Group	- Russia
Center for Civil Liberties	- Ukraine
Association of Ukrainian Human Rights Monitors on Law Enforcement	- Ukraine
Armenian Helsinki Committee	- Armenia
Netherlands Helsinki Committee	- Netherlands
Bulgarian Helsinki Committee	- Bulgaria
The Italian Coalition for Civil Liberties and Rights	- Italy
Public Verdict	- Russia
International Partnership for Human Rights	- Belgium
Helsinki Foundation for Human Rights	- Poland
Regional Center for Strategic Studies	- Georgia
Kazakhstan International Bureau for Human Rights and the Rule of Law	- Kazakhstan
Sova Center for Information and Analysis signs	- Russia
The Barys Zvozkau Belarusian Human Rights House	- Belarus