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change is possible.

Physicians for
Human Rights

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March 16, 2020

President of Turkey
Recep Tayyip Erdoğan,
Cumhurbaşkanlığı Külliyesi
06560 Beştepe-Ankara,
Via E-mail at: contact@tccb.gov.tr

Mr. President,

I am writing on behalf of Physicians for Human Rights to respectfully request the immediate and unconditional dismissal of all charges against Dr. Serdar Küni. Dr. Küni is a physician at the Human Rights Foundation of Turkey Şırnak Reference Centre, a non-profit organization dedicated to the provision of treatment and rehabilitation services to survivors of torture, as well as the president of the Şırnak Medical Chamber.

We are fast approaching the final hearing in Dr. Küni's three and half year-old case, scheduled for April 1, 2020 before the Şırnak Heavy Penal Tribunal, and I write to you now to urge you to drop all legal action against him.

Dr. Küni, who is originally from Cizre, has worked as a physician since 2005 with the Biseng Public Health Centre in Cizre, and became the representative of the Human Rights Foundation of Turkey's center in Cizre in October 2015. On October 19, 2016 Dr. Küni was arrested and detained in Şırnak Prison on charges that he provided medical treatment to alleged members of Kurdish armed groups during the curfews in 2015 and 2016. The arrest and detention of Dr. Küni is emblematic of other arrests, detentions, and dismissals of hundreds of doctors, forensic experts, and other health professionals that took place in Turkey after July 2015 when unrest broke out in the southeast.

On April 24, 2017, Dr. Küni was sentenced to 4 years 2 months imprisonment and then subsequently released 6 months later, pending the final decision of the Regional High Court. The Gaziantep Regional High Court reversed the judgement by the local court and the proceedings were re-launched on April 25, 2018 in Şırnak.

These proceedings have taken place entirely in the presence of national and international organizations, including representatives of Physicians for Human Rights. These observers have witnessed the erosion of international fair trial standards in Turkey, as revealed by the arbitrary nature of the charges brought against Dr. Küni, and the complete lack of evidence to support those charges. This was made abundantly clear in a hearing that PHR observers attended. The witness statements, which served as the only basis of evidence in the case, were not only irrelevant to the charges, but were actually disavowed by the witnesses themselves, who stated in court that they had given their testimony under torture.



Despite these due process concerns, during the most recent and sixth hearing of the case on February 19, 2020, the Prosecutor expressed an opinion linking Dr. Küni to “terror” crimes, demanding a sentence of imprisonment from seven and a half to fifteen years, under articles of the Turkish Penal Code and the Anti-Terror Law.

We urge you to cease the arbitrary prosecution of Dr. Küni, who remains a widely respected health professional for his provision of medical treatment without discrimination, as is required by medical ethics. Legal actions, both criminal and administrative, that only serve to punish health professionals for carrying out their duties are in direct violation of the Turkish state’s international human rights obligations. International humanitarian and human rights law both mandate the protection of health professionals in order to allow them to fulfill their duties to provide care for those in need, without regard to any element of identity, affiliation, or political opinion; therefore, these medical professionals should not be criminalized.

Further, the 2016 UN Security Council Resolution on Health Care in Armed Conflict (S/RES/2286) mandates that states should not punish medical personnel for carrying out medical activities compatible with medical ethics or compel them to undertake actions that contravene these standards. The UN General Assembly resolution on the Principles of Medical Ethics (A/RES/37/194), which is applicable in and outside of armed conflict situations, likewise obligates states not to compel medical personnel to undertake actions that contravene medical ethics, including refusing to provide treatment.

Under international human rights law, states have the obligation to maintain a functioning health care system in both peacetime and in times of armed conflict or internal unrest. States are also obligated to provide care and treatment to all people without discrimination.

On all of these grounds, we strongly urge that you drop all legal action against him without delay.

Sincerely,

Donna McKay
Executive Director



CC:

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