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UA 92/22 **Update 1** AI index: EUR 44/6317/2022 Turkey of 19 December 2022
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TÜRKİYE

FREE PROF ŞEBNEM KORUR FİNCANCI

The Head of the Turkish Medical Association, Prof Şebnem Korur Fincancı has been held in pre-trial detention since 27 October 2022 on charges of ‘making propaganda for a terrorist organization’. She was detained and remanded in prison after she called for an independent investigation into allegations that Turkish armed forces might have used chemical weapons in Kurdistan Region of Iraq in televised comments. Prof Fincancı must be released immediately and unconditionally and must not be prosecuted for her human rights work.

In the early hours of 26 October, police detained Prof Fincancı at her home in the context of a criminal investigation launched at the request of the Ministry of Defence regarding her public comments calling for an independent investigation into allegations of possible chemical weapons use in the Kurdistan Region of Iraq. She was remanded in pre-trial detention the next day for allegedly ‘making propaganda for a terrorist organization’ and is currently held in Sincan prison in Ankara. In early December, Istanbul Heavy Penal Court No 24 accepted the indictment and the case was transferred from Ankara to Istanbul. The first hearing has been set for 23 December 9.30am.

Prof Fincancı is facing a criminal prosecution, simply because she called for an independent investigation into allegations of banned weapons use. This amounts to a misuse of the criminal justice system to silence a human rights defender and is in contravention of Türkiye’s duty to respect, protect and fulfil human rights.

Write to the Istanbul Chief Public Prosecutor urging him to:

- request the immediate and unconditional release of Prof Fincancı

Write to:

Istanbul Chief Public Prosecutor

Mr Şaban YILMAZ

Çağlayan Meydanı Şişli Merkez Mah.

Abide-i Hürriyet Cad. No: 223 Şişli/İstanbul

Email: istanbulcbs@adalet.gov.tr

Salutation: Dear Chief Public Prosecutor

And copy:

His Excellency Kerim URAS (M)
Ambassador
Embassy of the Republic of Türkiye
197 Wurtemberg Street
Ottawa, ON K1N 8L9
Tel: (613) 244-2470
Fax: (613) 789-3442
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Additional Information

Prof Şebnem Korur Fincancı is a prominent forensic medicine doctor, a member of the Human Rights Foundation of Türkiye and the head of the Turkish Medical Association. As a human rights defender, she has been subjected to baseless criminal investigations, detentions and prosecutions in the past. In 2016, she was briefly remanded in pre-trial detention when prosecuted for 'propaganda for a terrorist organization' for her role as a symbolic editor of the shuttered Kurdish daily Özgür Gündem. Along with her two co-defendants, she was acquitted in 2019 but their acquittals were overturned on appeal and their retrial is ongoing.

Over the last seven years, the Turkish Medical Associations has also been targeted in multiple criminal investigations under Türkiye's overly broad anti-terrorism laws, their prominent members subjected to detention and prosecutions.

On 19 October, Prof Fincancı joined a live television broadcast on the Medya TV channel to comment on video images that had been circulating on social media of armed PKK members, allegedly suffering the aftereffects of a chemical weapons attack. In her subsequent comments, Prof Fincancı repeatedly stated that she had simply called for the allegations to be investigated independently.

On 20 October, the Ministry of Defence requested a criminal investigation be opened under Article 217/a of the Turkish Penal Code criminalising 'deliberately spreading false information to the public', Article 216 criminalising 'inciting the public to hatred and enmity', Article 267/1 for 'defamation', Article 301 for 'insulting the State, state institutions and organs' and Article 7/2 of the Anti-Terrorism Law for 'propaganda for a terrorist organization'.

On 21 October, on becoming aware of the investigation, Prof Fincancı's lawyers requested the file from the Ankara Chief Prosecutor and informed them that Prof Fincancı would be available for an interview from Monday 24 October, following her return from a visit in Germany on 23 October. The file was not provided to Prof Fincancı's legal representatives by the time she was detained following a police raid to her home in Istanbul in the early hours of 26 October. She was brought to Ankara during the day and was detained at the Ankara Security Directorate Anti-Terrorism Branch. On 27 October, she was remanded in pre-trial detention and brought to Sincan prison in Ankara.

Under international human rights law and standards, the state has the ultimate responsibility to protect and promote human rights and consequently, protect human rights defenders who highlight human rights violations. States have the duty to prevent human rights violations and abuses committed against human rights defenders and related to their work as HRDs, and to ensure that they can carry out their work in a safe and enabling environment.

*****PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 December 2022**