



## **Turkey: Open letter: Concerns regarding the judicial harassment of physician and human rights defender Dr. Serdar Küni**

### **OPEN LETTER - THE OBSERVATORY**

**To the attention of:**

**Gaziantep Regional High Court 3. Criminal Chamber**

**CC: Mr. Recep Tayyip Erdogan**  
President of Turkey

**Mr. Mustafa Şentop**

President of the Grand National Assembly of Turkey

**Mr. Abdülhamit Gül**

Minister of Justice of Turkey

**Mr. Mevlüt Çavuşoğlu**

Minister of Foreign Affairs of Turkey

**Mr. Fahrettin Koca**

Minister of Health of Turkey

**Re: Concerns regarding the judicial harassment of physician and human rights defender Dr. Serdar Küni**

Honourable Court,

The Observatory for the Protection of Human Rights Defenders, a partnership of the World Organisation Against Torture (OMCT) and FIDH writes to express its deep concern over the ongoing judicial harassment and arbitrary detention of Dr. **Serdar Küni**, and to call for an immediate end to such acts of harassment, which seem to be aimed at punishing Dr. Küni for his human rights work.

A prominent physician and human rights defender, Dr. Küni is the Cizre Representative of the Human Rights Foundation of Turkey (T?HV) and President of the ?rnak Medical Chamber. Dr. Küni is an exemplary medical professional who has been practicing human rights-based medicine in Cizre district, S?rnak province, for more than 20 years.

Since 2016, the Observatory has monitored with deep concern the ongoing judicial harassment against Dr. Küni. On April 24, 2017, Dr. Serdar Küni was sentenced to four years and two months of imprisonment by the ?rnak Second Heavy Penal Court under Article 220/7 of the Turkish Penal Code, which states that "a person who knowingly and willingly assists the organisation but is not within the hierarchical structure of the organisation is punished as a member of the organisation".

The Observatory recalls that on October 4, 2017, this Honourable Court reversed the judgement by the local court and ordered a re-trial, which began on April 25, 2018.

The Observatory further recalls that on November 16, 2020, the ?rnak Second Heavy Penal Court nonetheless sentenced on retrial Dr. Serdar Küni to four years and two months in prison on charges of "membership of a terrorist organisation" (Article 314/2 of the Turkish Criminal Code and Article 3 of the Anti-Terror Law No. 3713).

The Observatory underlines that during the hearings before the ??rnak Second Heavy Penal Court, no concrete evidence was provided against Dr. Serdar Küni. Moreover, witnesses who provided testimonies stated that these had been obtained under torture.

The Observatory is deeply concerned about the judicial harassment of Dr. Serdar Küni and notes that his sentence was related to his work as a human rights defender and physician, providing health service in Cizre in a very challenging conflict environment.

In light of the above, the Observatory calls on this Honourable Court and the authorities in Turkey to take all necessary measures to ensure the end of all forms of harassment, including at the judicial level, against Dr. Serdar Küni, and to guarantee in all circumstances his physical integrity and psychological well-being.

More generally, the Observatory calls upon the authorities in Turkey to conform with *the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular with its Articles 1, 6(a), 9, 11, 12.2, and to ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Turkey.*

We thank you for your attention on this crucial matter and remain at your disposal should you require any additional information.

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.*

