



His Excellency,
Mr Recep Tayyip Erdoğan
President of the Republic of Turkey
Cumhurbaşkanlığı Külliyesi
06560 Beştepe, Ankara, Turkey

Tuesday 29 January 2019

Open Letter to His Excellency, Mr Recep Tayyip Erdoğan, President of the Republic of Turkey, from the International Bar Association's Human Rights Institute and the Anti-Torture Initiative

Your Excellency,

We are writing to you on behalf of the **International Bar Association's Human Rights Institute** (IBAHRI) and the **Anti-Torture Initiative** (ATI) to express our concern and condemn the sentencing of Dr Şebnem Korur Fincancı to two years and six months of imprisonment. We urge your Excellency to ensure that Turkish authorities uphold their international human rights obligations and the rule of law by dropping all charges related to Dr Fincancı's human rights advocacy.

Dr Fincancı is a prominent human rights defender, the President of the Human Rights Foundation of Turkey and a world-renowned expert on torture. She is one of the co-authors of the Istanbul Protocol, an instrument providing guidelines on the international standards for forensic investigations of torture. Over the past few decades, Dr Fincancı has helped more than 17,000 torture survivors and their relatives access treatment and rehabilitation services in Turkey and around the world.

Turkish authorities targeted Dr Fincancı due to her high profile and international and domestic human rights activism. Notably, Dr Fincancı signed a peace petition in 2016 entitled 'We will not be a party to this crime'. The petition was created by the Academics for Peace Initiative. It contained pointed criticism of Turkish security forces and called on Turkish officials to discontinue violence against the Kurdistan Workers' Party in southeast Turkey.

Turkish officials responded to the peace petition by filing criminal charges against around 430 of the petition's signatories, including Dr Fincancı. Over 60 academics were convicted and sentenced to a year and a half or less of imprisonment, with most of these sentences being suspended. In contrast, Dr Fincancı received a much heavier sentence of two and a half years of imprisonment. In addition, it is noted that this occasion is not the only legal process that has been initiated against Dr Fincancı. She is also being tried in another case for acting as the 'editor-in-chief on duty' in solidarity with *Özgür Gündem*, a daily newspaper that was popular among Kurdish readers. The editor-in-chief on duty solidarity campaign was launched on World Press Freedom Day, in the name of defending the freedom of expression and of the press. Dr Fincancı was arrested, along with two journalists, on 20 June 2018 on charges of 'disseminating terrorist propaganda'. The case against her is ongoing.

As highlighted in the IBAHRI's joint submission to the United Nations Special Rapporteur on the Independence of Judges and Lawyers, (which we attach for ease of reference), successive legislative and constitutional reforms have significantly weakened the rule of law in Turkey. Newly acquired powers enable the government to interfere with the judiciary and the legal profession and arrest those who have voiced opposition against actions taken by the State.

The IBAHRI and ATI strongly condemn the criminal proceedings against Dr Fincancı. We call on your Excellency to encourage the three branches of government to implement the necessary measures within their respective powers to uphold international human rights obligations and the rule of law.

We would be grateful to receive your assurances that you have received our letter and that our concerns will be addressed as a matter of urgency.



The Hon Michael Kirby AC CMG
IBAHRI Co-Chair



Anne Ramberg Dr Jur hc
IBAHRI Co-Chair



Juan E Méndez
Director, Anti-Torture Initiative,
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Former United Nations Special
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cc:

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Notes

- (1) The [International Bar Association \(IBA\)](#), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Through its global membership of individual lawyers, law firms, bar associations and law societies it influences the development of international law reform and helps to shape the future of the legal profession throughout the world.

The IBA's administrative office is in London, United Kingdom. Regional offices are located in: São Paulo, Brazil; Seoul, South Korea; and Washington DC, United States, while the International Bar Association's [International Criminal Court and International Criminal Law Programme \(ICC & ICL\)](#) is managed from an office in The Hague, the Netherlands.

The [International Bar Association's Human Rights Institute \(IBAHRI\)](#), an autonomous and financially independent entity, works to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

- (2) The [Anti-Torture Initiative \(ATI\)](#) is a core project of the Center for Human Rights and Humanitarian Law at American University Washington College of Law (WCL). The ATI was set up in 2011 with the purpose of expanding the reach and practical implementation of the work of former United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Professor of Human Rights Law in Residence at WCL, Juan E Méndez.

The ATI has played a key role in supporting the development of norms, providing technical assistance and capacity building, and promoting the implementation of reforms and best practices in different jurisdictions. During the former Special Rapporteur's tenure from 2011 to November 2016, the ATI worked vigorously to complement his activities, particularly in the areas of follow-up, implementation and dissemination. Since 2016, the ATI has continued its mission by devising programmatic and country-specific activities in key thematic areas, including solitary confinement, investigative interviewing, gender and torture, and the Istanbul Protocol.