

PEN NORWAY

Interview with Prof. Dr. Şebnem Korur Fincancı, President of the Union of Medical Associations of Turkey

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Prof. Dr. Şebnem Korur Fincancı, who was arrested today on charges of making propaganda for a terrorist organisation, is one of the most prominent human rights defenders in Turkey. President of the Turkish Medical Association (Türk Tabipler Birliği – TTB) and Board Member of the Human Rights Foundation of Turkey (HRFT), she has been put on trial many times but has never given up on the values she defends.

PEN Norway have been monitoring the hearings in her trial with co-defendants Erol Önderoğlu and Ahmet Nesin since its inception. As PEN Norway, we also analysed the indictment on their case in which they had acted as guest editors of a Kurdish daily newspaper. The indictment report on that case is available here: <https://norskpen.no/eng/nyheter/turkey-v-fincanci-nesin-and-onderoglu/>

Today Fincancı is once again facing judicial harassment. Her recent statements concerning the possible use of chemical weapons by the Turkish state in Syria are being claimed to be terrorist propaganda. However, Fincancı was guarded in her live comments on the subject, merely giving her scientific opinion and suggesting that the claims in question are confirmed by a full investigation.

A further case has been opened against Fincancı, who is a forensic physician, demanding that she be removed from her role as President of the Medical Association of Turkey.

Below is PEN Norway's interview with Fincancı conducted in 2019.

PEN Norway demands that Fincancı is freed without hesitation and that she is restored to her position as Chair of the Medical Association of Turkey.

“ We cannot speak of a substantial recognition of the importance of freedom of expression on the part of the government or in terms of political will. They are not showing respect for freedom of expression, unfortunately. ”

Can we have your comments in relation to today's Özgür Gündem newspaper solidarity case?:

The truth is I am still reeling a little from the surprise. As soon as I heard the verdict it came as a big surprise. We thought that we were going to be sentenced, because those in the same case before us, like Ayşe Düzkan received prison sentences. She served hers and got out. Murat Çelikkan also went to prison and came out again. Hüseyin Aykol was arrested and is still inside. For this reason, we really weren't expecting this kind of decision. We thought it was a better idea to wait for the forthcoming judicial reform package to be announced and for the forthcoming Constitutional Court decisions in freedom of expression cases to be made public. Despite this, the judge in his obstinacy said, 'How do you know that you're going to be sentenced?' In a way they were hinting at the result. When the decision to acquit us was announced, yes we were surprised and yes we were pleased; but our happiness at the result was tempered by the fact that this was not an acquittal in a freedom of expression case, unfortunately. Instead, the judicial panel were saying that they didn't think there was sufficient element of crime in our one-day symbolic editorship of Özgür Gündem newspaper. This will be clearer when we receive the legal reasoning behind the decision, but it seems like they were saying that we had no real responsibility at the paper and were just supporting them and gave us an acquittal on that basis. But one good thing is that because of this result, our friends who have been prosecuted for the same 'offence' will now have a right to compensation. However, unfortunately this decision will have no bearing on the cases of such colleagues who have edited the paper for longer periods of time, such as the human rights defender and lawyer Eren Keskin, who has countless court cases open against her. So, I don't think any great gains have been made today for freedom of expression, but we will see when we get to read the full decision.

On that matter, how do you see the current state of freedom of expression in Turkey. We have seen a few acquittals here and there. Is the future looking brighter?

It is certain that the situation we are in, in terms of freedom of expression in Turkey right now is far from positive. At the present time, people can still be arrested and put in detention for Tweets they have posted and court cases are still being opened against journalists, one after another. We cannot speak of a substantial recognition of the importance of freedom of expression on the part of the government or in terms of political will. They are not showing respect for freedom of expression, unfortunately. But there is one pressing factor, despite the fact that they have not improved their stance on freedom of expression, international public opinion on the matter is growing and the critical stances taken of late by the European Union and a few of their decisions on matters related to Turkey mean that the government of Turkey will now start behaving in a more careful manner. Another thing is certain, too, and that is that we will not cease from expressing our opinions. Even though I have been sentenced in another case, I will not sit down and stay silent. Because of this, the authorities don't consider these judicial punishments to be very important and yet they do realise that these violation of human rights will affect the manner in which they can take their place in the international arena. And this is something that we are constantly reminding them of. And so, they see that they will

have to try a slightly different approach and the small concessions in terms of minor legal reforms that we are seeing are a sign of this. And therefore, coming back to my case with Özgür Gündem, I think this change of approach the government wishes to take was reflected in the decision of the judicial panel.

I agree, for example there are 8 points the EC wish to see fulfilled in order for Turkey to qualify for Schengen visa liberalisation one of which covers legal reforms. Now, can you tell us a little about the other court case against you? The one for which you have been sentenced?

Yes, of course. Firstly, the case began with 128 defendants, now the number has gone up to 2102 academics as defendants in the case. We are being prosecuted for standing up and saying, 'We will have no part in this crime'. Beginning in 2015 after the Kurdish-Turkish peace process was broken and Erdoğan had overturned the table, there were street curfews, killings of civilians and terrifying events taking place in the south east of the country and so a group of academics came out and made a statement to say 'We will have no part in this crime.' No more than a few days after the statement, Erdoğan came out in public and said that we were not professional academics but were in fact terrorists and he instructed the police to open an immediate investigation which resulted in the public prosecutor beginning a process and a series of court cases were then opened. Up until now I think 600 court cases have been opened against academics and around 50 academics have been sentenced. Among these sentences are many with 15 months in prison, some are suspended sentences and there are even those sentenced for the same crime to more than 15 months in prison. For example, some courts are stricter when dealing with this case. The court in which I was tried, for example, Istanbul's 36th High Criminal Court is one of the strict ones and they gave me a two-and-a-half-year prison sentence. At the time, mine was the highest sentence handed out, and then one of our young friends was given 3 years and my record was broken. Of course, although I'm telling you this jokingly, we mustn't forget that this is a very sorry state of affairs.

Later, we appealed to the Regional Appeal Courts and we've heard that they are waiting for the pre-examination of our file to take place. We don't know how the application to the Regional Appeal Courts will turn out, but the academics' files have also been sent to the Constitutional Court asking them to rule on the violation of our right to freedom of expression. Once they decide, we will have to see what kind of position the Regional Appeal Court will take. Now that Turkey wants clearly to take its place on the international stage we will all see, all together, whether this makes them act differently in relation to these cases. For now, we don't know. All there is, is uncertainty.

Would you say that the government of Turkey has used the judicial system as a weapon against the people in the last 4 or 5 years?

Unfortunately, yes. The judicial system has been used as a vehicle by which to build up a climate of fear. Their using of the judiciary in this way will only act as a future testament of shame at what they have done. And yet, it has been so easy for them to do this. Following the attempted-coup of July 15, 2016, five or six thousand judges were appointed by emergency decrees. And now, this swings like a sword of democracy over their own heads, because if they

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make a decision in a court case that is not approved of, they can be thrown out with an emergency decree and this prevents judges from making independent and impartial decisions. Therefore, we get decisions coming out that are a direct reflection of what the government wants and so, yes, they are using the judiciary as a vehicle.

So, would you say that the rule of law exists in Turkey?

No. There is no law for there to be rule of law. The law has upped and left the country. The courts act under orders. If an order comes then they comply with it. In this way they are trying to frighten the people of Turkey.

Can you tell us a little about the state of human rights in Turkey at the moment?

“ Those who are leading the fight for human rights must in no way give up their cause, because this will be a case of determination. We must all continue the human rights struggle with steadfastness and it is my hope, of course, that humanity will win out in the end. This is undoubtable. ”

Well, there are some human rights that have been won in Turkey after a very long struggle. And as you know, we're celebrating the 33rd anniversary of Turkey's Human Rights Association today, as it was established in 1986. Since then, some advancements in human rights have been hard won, by tooth and nail. However, it is unfortunate that first of all we saw an end put to the Kurdish-Turkish peace process and following the attempted-coup of 2015 we witnessed bombs going off after the 7 June elections and a street curfew being established in the Kurdish part of Turkey. Then we saw an increase in truly awful human rights violations, as well as the rights violations in life in general. The arrests that started taking place then are another matter. We saw a huge increase in the number of people arrested and an increase in long-term detentions. People were being arrested and detained for very long periods, without appearing before a judge or having an indictment to speak of. This got significantly worse after the attempted-coup of July 2016, as the custody and detention periods were extended under the state of emergency, peace and security disappeared altogether, and there was a rise in a range of human rights violations. There were instances of heavy torture and disappearances. There were allegations of people being detained off-the-record and tortured heavily, with no-one getting news of these people for three, five or six months until they were suddenly taken somewhere in a car and dumped at the side of the road. Or the police pretended that they had only just been taken into custody.

So, yes, we have a very serious situation in the country in relation to human rights in both the prisons and in terms of the lengthy periods of custody.

How can NGOs and freedom of expression groups from overseas be of support? And, as the Chair of Turkey's Human Rights Association, celebrating your 33rd year as an organisation, what are your hopes for the future?

The international arena is important, of course, because the world right now is not being run within certain borders or lines that have been drawn. There are common monitoring mechanisms and there are common agreements and conventions which have been hard won over a period of years by those working for years in the field of human rights internationally and it is these contracts that have to be brought into play. One of the biggest reasons that more pressure has not been put on Turkey by Europe to improve human

rights is the situation with Syria and the dirty dealings that have been going on in relation to the Syrian refugees in Turkey. This is a very serious situation as it has led Europe to be blinded to some very grave human rights violations. The situation as we see it is that there is a slide to the right, politically, in Europe and a decline towards authoritarianism which leads to a more blasé attitude towards violations of human rights. The same scenario is playing out in America – the situation that is developing with Trump is so very obvious. Because of this, the world is in a state of clawing back the gains made by those who have struggled for human rights and therefore we have to be insistent. Those who are leading the fight for human rights must in no way give up their cause, because this will be a case of determination. We must all continue the human rights struggle with steadfastness and it is my hope, of course, that humanity will win out in the end. This is undoubtable. ■