

On this Year's Hessian Peace Prize for Şebnem Korur Fincancı

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'To us, human rights are like the air we need to breathe', said Şebnem Fincancı during the trial against her, journalists Erol Önderoğlu and İnan Kızılkaya, as well as author and journalist Ahmet Nesin in Istanbul on 11 January 2017. She was accused by the prosecutor of pursuing propaganda for a terrorist organisation because she had taken part in a solidarity event in May 2016, the 'Guest Editor-in-Chief Campaign' for the pro-Kurdish newspaper Özgür Gündem. The newspaper had been closed down by an emergency decree, subsequent to the coup attempt on 15 July 2016. In June 2016 Fincancı and other activists were arrested under the accusations of 'inciting to commit a crime', 'praising crime and criminality', and 'making propaganda for a terrorist organisation'. What most probably had further upset the Turkish authorities was a report put together under Fincancı's leadership on human rights violations in Cizre and confirmed by a memorandum of the EU's human rights commission. In the end of June 2016, Fincancı and the others were provisionally released until a conviction.

On 1 November it was announced that Fincancı will receive the Hessian Peace Prize honouring her work for the victims of torture and mistreatment in Turkey and her engagement to develop procedures to detect and document traces of both. The price committee argued that Fincancı's work shows the high importance of evidence-based medical research for peace and conflict resolution. This, the committee argued, does not only help victims to regain dignity, but is also the basis of judicial prosecution and conviction of such mistreatment. Previous awardees of the award include the Dalai Lama, Carla del Ponte or Lakhdar Brahimi. Fincancı was previously an awardee of the Medical Peace Work Award in 2011, and, in September 2014, of the International Hrant Dink Award for her international (and internationally acknowledged) fight against torture. In her speeches Fincancı has repeatedly pointed to the stabilizing force EU accession talks had on the implementation of anti-torture measures in Turkey.

Fincancı is not only a professor of forensic at Istanbul University, but since 2009 president of the Turkish human rights foundation which documents torture and other forms of cruel treatment and supports its victims. It was founded in 1990, partially as a reaction to the widespread use of torture following the military coup in September 1980 (but also prior to that date as reports by e.g. Amnesty International showed). After the coup, over 500 000 citizens were arrested, and over 100 000 imprisoned. Due to many reports from non-state actors, most of those imprisoned experienced torture, 70 died in prison, presumably due to mistreatment. After its founding, the human rights foundation set up treatment centres for the often traumatised victims of torture; first in Ankara, later also in Istanbul and Izmir. In these centres victims were looked after by physicians, psychologists, social workers and lawyers.

Fincancı is further the main author of the ground breaking so-called 'Istanbul protocol', the 'Manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment'. Prior, there had been no international guidelines for the documentation of torture which was only changed by the publication of the manual, the first comprehensive set of guidelines for the documentation and

investigation of torture in August 1999. It is the outcome of three years of research and writing by more than 75 international forensic doctors, physicians, psychologists, human rights monitors, and lawyers representing a totality of 40 organisations and institutions from 15 countries. Later in 1999 it was accepted as an official document by the United Nations and is used in the trainings provided by the office of the UN High Commissioner for Human Rights. Although it legally falls under the non-binding documents it deploys strong normative pressure on governments to investigate and prosecute cases of torture. It is further, as the title 'manual' implies, a handbook for those confronted with possible cases of torture in their work, as e.g. doctors, lawyers or judges and sets standards and guidelines for them. As such it outlines processes and measures for torture investigation, e.g. how to interview a possible victim, how to deal with traumatised interviewees, how to secure its safety, how to obtain and document physical evidence or how to collect statements from those accused of using torture.

Already earlier, Fincancı has experienced difficulties with state authorities, as e.g. in the 1990s when she drafted reports about widespread practices of torture in Turkish prisons. During that period, organisations as Amnesty International and Human Rights Watch repeatedly reported cases of torture and were often backed up by the UN Special Rapporteur on Torture, the UN Committee against Torture, and the Committee for the Prevention of Torture of the Council of Europe (CPT). The Turkish government did not totally dismiss that claim, however did show only little effort to abolish or limit such practices. Although by Turkish law, medical examination is mandated during and after detention, doctors, staff and detainees were often intimidated not to report and rather clear signs of torture – at times they were even prosecuted for reporting torture as showed the example of the doctor Cumhuri Akpınar in 1999. The most common forms of torture were beating, cold water hosing, electric torture, threats of death and violence executed against the detainee or his family or friends or blindfolding. Often detainees were forced to observe the torturing of others. Further, practices of sexual assault, particularly against women, were reported. After their release, victims continuously suffered from various physical expressions of their experience: they reported weakness, bodily discomfort and pains, gastrointestinal disorders, sleep disorders, memory deficits and/or lack of concentration, headaches and difficulties in interpersonal relations.¹ Apart from her influential work in Turkey, Fincancı made herself an internationally acknowledged name, e.g. by working as a member of the United Nations International Criminal Tribunal researching mass graves in Bosnia.

Practices of torture have a tradition in Turkey and targeted many different groups, leftist activists, pro-Kurdish activists, Islamists, ethnic and religious minorities. It was not limited to the 1980s or 1990s but rather the ugly outcome of a patriarchal state tradition that feels it has the right to react harshly and brutally against any form of deviationism. Obviously, torture is not restricted to Turkey, but observable in many parts of the world. In times of growing hatred and polarisation, and of fights against various forms of terrorism as well as the habit to label opposition as terrorist, it can be expected to rise again in the future. Awarding the prize to Fincancı is a right and a timely decision. Torture is a topic of high importance not only to those experiencing it, but to human

¹ For a more detailed description see Hüray Fidaner, *The Lancet*, Vol: 338, Nov. 23, 1991, pages 1324-25.

kind as such. Torture destroys trust and respect, as well as basic agreements of both human interaction and statehood, e.g. the right of a fair trial. The protocol is thus more than a collection of standards or procedures, it is at the same time a statement of responsibility and respect. It seeks to protect the dignity of those tortured, and the humanity of a society as such.