

Update on the Situation of the Turkish Medical Association

Ref: information from TMA and its lawyer.

Charges against TMA (TTB) and its members

11 doctors leading the Turkish Medical Association are charged with two offences for stating that war is a public health problem. These are:

1) Making propaganda in favour of a terrorist organization under paragraph 2 of Article 7 in the anti-terror Law (The provision is as follows: “Any person making propaganda so as to legitimize or praise the methods of a terrorist organization that entail force, violence or threat or encourage others to resort to such methods is punished with imprisonment from one to five years. The punishment will be increased by half in case this act is committed through the media. Additionally, responsible publishers who are not involved in the commitment of the offence are punished by judicial fine corresponding to from one thousand to five thousand days. The following acts are also penalized under the provisions of this paragraph.”)

2) The first paragraph in Article 216 of the Turkish Criminal Code related to “Provoking people to be rancorous and hostile” (The paragraph reads: “Any person who openly provokes a group of people belonging to different social class, religion, race, sect, or coming from another origin, to be rancorous or hostile against another group, is punished with imprisonment from one year to three years in case of such act causes risk from the aspect of public safety.”)

At present the Public Prosecutor is carrying out preliminary investigation and there is yet no suit filed on the basis of an indictment. The Public Prosecutor took testimonies of 3 council members in a period of detention of 4 days, and of 8 members in a period of detention of 7 days. The Prosecutor filed no request for arrest. It was decided to impose judicial control where council members are required to visit and give their signature to a police station around their residence once a month.

Despite the decision to take digital copies of computers, telephones and digital materials of the Turkish Medical Association where they are, they were unlawfully seized upon the order of the Prosecutor and taken to the police centre to take their copies there. Some of these materials have been returned and we are waiting for the return of others.

Search and seizure operations were carried out in both the TTB Central Council building and in residences of the majority of Council Members without waiting for lawyers and in the absence of prosecutor.

Some computers belonging to members contained health status information of patients and there was digital copying in bulk. Similarly, copied information also includes personal health information of some patients in the context of inquiries conducted for their complaints against doctors.

Besides, on 29 January 2018, the Ministry of Health filed a lawsuit against the TTB in 7th Civil Court of Jurisprudence in Ankara for the removal from office of 11 TTB Council Members with file no. 2018/62 on the ground that the statement made run counter to the mission of the Association and that the Association is engaged in activities other than its purpose. The Court mentioned sent us the complaint of the Ministry and notified us to give our response within 2 weeks.

Prof Raşit Tükel, Chair of the Central Council of TTB and Council Member Prof M. Taner Gören were suspended for three months by the decision of the President of İstanbul University from their duties, respectively, in the Department of Psychiatry in the Faculty of Medicine, İstanbul University, and in the Department of Cardiology of the same Faculty.

The contract of Dr Şeyhmuz Gökalp, another Council member working as a workplace physician was terminated by the Diyarbakır Branch of Central Bank.

Though there is no official notification yet, there is some news that other council members have been suspended from their duties in health facilities under the Ministry of Health.

Current situation about TMA (TTB)

The last three days witnessed declarations and statements by the Turkish authorities that there will be amendments in legislation pertaining to professional organizations including TTB, and organizations of lawyers, engineers, architects, etc. who used to enjoy relative autonomy from ruling governments. Envisaged amendments include the following: Lifting of compulsory membership; possibility of having more than one organization in any specific profession, and flexible and changed election procedures. Altogether this amounts to abolishing organizations' authority and function to supervise and sanction with respect to compliance with professional ethics and making these organizations weaker.

TMA is determined to wage all efforts and use all its means to maintain its status and functions defending public health and benefit and upholding professional values with the contribution of its supporters from both Turkey and abroad.

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