

Turkish doctors warn of government persecution

Medics have criticised the government for launching a series of legal challenges against the Turkish Medical Association. Kaya Genç reports from Istanbul.



Turkish doctors have spoken of concerted government persecution of the Turkish Medical Association (*Türk Tabipleri Birliği*) following a series of court cases.

The trial of Şebnem Korur Fincancı, head of the Turkish Medical Association, concluded on Jan 11, 2023. Fincancı, who has been in jail since October, 2022, was found guilty of disseminating terrorist propaganda during an interview she gave to a television channel. In December, Fincancı backed a probe into the Turkish army's alleged use of chemical weapons in northern Iraq against militants of the Kurdistan Workers' Party (PKK), recognised as a terrorist organisation by the USA and the UK. Türkiye's defence minister responded by saying there are no chemical weapons in the military's inventory and that the allegations were part of a disinformation campaign.

Fincancı's arrest drew widespread criticism. Amnesty International, DIGNITY, Human Rights Watch, the International Rehabilitation Council for Torture Victims, Physicians for Human Rights, REDRESS, and the World Medical Association called on the Turkish authorities to release Fincancı. At the end of the court hearing, Fincancı was sentenced to 2 years, 8 months, and 15 days in jail. The court then ruled to release Fincancı from pretrial detention while she appeals the verdict.

Jacques de Haller, former president of the Standing Committee of European Doctors, who observed the trial for the World Medical Association, arrived in Istanbul by bus at 6 am to watch the trial. "The court building has a huge square in front of it, which was completely barred by hundreds of soldiers and policemen in riot gear and four water canons", he recalled. "This was shocking, I must say." He added: "The Turkish medical community...was

both calm and very determined, with an impressive disregard of the risks faced in front of the authoritarian attitude of the government."

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Fincancı's trial instigated an avalanche of legal trouble for Türkiye's oldest and only union for medics. Prosecutors launched a new court case against the Turkish Medical Association during Fincancı's imprisonment. The case aims to strip members of the association's central committee of their roles and to appoint placeholders in their stead. In a second investigation, medics in the central committee will be charged with being members of an "illegal organization" if the investigation turns into a court case.

The Turkish Government has argued that the Turkish Medical Association is holding Türkiye's doctors to ransom through its exclusive status and alienating members who do not share its ideological agenda. Numerous alternative doctor groups, including the Nationalist Doctors' Association (*Milliyetçi Hekimler Derneği*) and the Republican Doctors' Association (*Cumhuriyetçi Hekimler*), support these accusations.

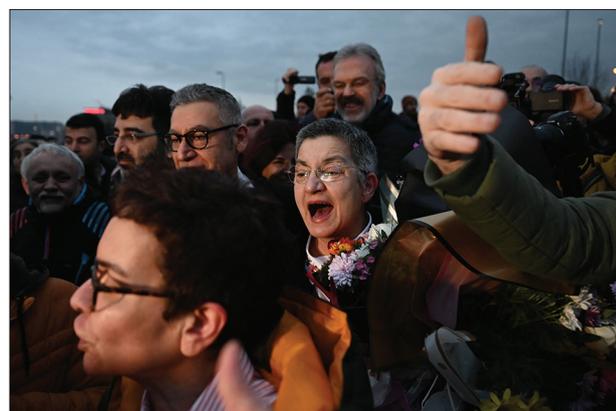
"It isn't possible to exist in Türkiye without feeling anxious about these court cases, which have become our way of life", said Ali İhsan Ökten, vice president of the Turkish Medical Association. "The accusations against us are very harsh. We're all civil servants, and our association is a constitutional body. We do public work, and to me,

it's incomprehensible that we can be charged with being members of an illegal organization."

Ökten, a brain surgeon, complained about the demonisation of his profession. "I'll continue with my brain surgeries and teaching responsibilities at the hospital. My colleagues will continue treating their patients, teaching college students, and doing fieldwork. This assault on our association will not scare us", he said.

Ökten was surprised to see Fincancı released under the current political situation in Türkiye, and said: "It showed the importance of struggle and solidarity. It also reminded us how we can't escape our responsibilities, even under the harshest circumstances."

A more comprehensive legal challenge to the association is in the making at the Turkish National Assembly. A new draft law, prepared by the Nationalist Action Party (*Milliyetçi Hareket Partisi*) with support from the governing Justice and Development Party (*Adalet ve Kalkınma Partisi*), proposes to amend law number 6023 on the Turkish Medical Association, remove the word "Turkish" from the association's name, and allow the opening of new associations in cities



Şebnem Korur Fincancı celebrates her release from prison, in Istanbul, on Jan 11, 2023

with more than 5000 medics. Under the proposed law, medical workers will no longer need to become members of the association. “We have concluded our study but not yet presented it to our esteemed president”, said Bekir Bozdağ, the justice minister. While defending the proposed law, government members criticised the Turkish Medical Association for acting like an opposition party, rather than a professional union.

Ökten, meanwhile, is concerned that the new proposed law against the association “wants to remove our professional independence. The government wants to take over places it can’t control through elections. If they abolish the status of the Turkish Medical Association, this will lead to confusion.” One casualty of the change could be the good-standing certificates that the association provides to medics who want to work abroad, according to Ökten. “Turkish medics could potentially not be able to work abroad any longer”, he warned. “Besides, Türkiye would no longer be represented in the international field and the World Medical Association.”

Ökten predicts that a case will be brought to close down the association and imprison its administrators. “They’ve been trying to paint a negative picture of us but have not succeeded so far.”

In recent months, requests by medics to meet with members of the Turkish Government have been rejected. Meanwhile, they have held meetings with members of the opposition parties at parliament and their headquarters to articulate their frustrations.

Türkiye’s medics are used to legal trouble. The Turkish Medical Association’s central committee members were detained in 2018 and spent a week in captivity after issuing a statement that declared “war is a public health emergency”, in the wake of a Turkish military operation in northwest Syria that started on Jan 20, 2018. The Interior Ministry filed a complaint, and proclaimed

that the association, by criticising the operation, was praising an illegal organisation, legitimising its actions, and inciting hatred and animosity among people. 11 members of the central committee received 20-month prison sentences, and appealed the decision. In September, 2022, the Court of Appeals cleared them of these charges.

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Ökten acknowledged that some medics might feel anxious about their links to the association in the wake of the latest events. “Fear is a human feeling. Some members resigned from the association because of it, but most returned.” The new hearing of their case will be held on Feb 8, 2023. Ökten said he expected the cases to be dropped, “but, considering the position of Türkiye’s judicial system, it is difficult not to feel anxious”.

Türkiye’s medical community has faced what has been described as an epidemic of violence. In July, 2022, Ekrem Karakaya was killed at his hospital office in Konya by the son of a former patient who blamed him for the death of his mother. The murder led to nationwide strikes of health-care workers. A new report, compiled by Türkiye’s Union of Health Care and Social Workers (*Sağlık-Sen*), found that over 400 health-care workers were attacked in 2022, an increase of a third compared with 2021. Most were by patients and their relatives; 216 included both verbal and physical violence. Two health workers lost their lives in the attacks. 96 of the assailants were jailed, with no legal action taken against 202. Among the most recent cases is that of Mert Şahin, a doctor who had to lock himself up in the intensive care ward of a hospital in Bursa while the relatives of a patient tried to break down the door to assault him.

Esin Davutoğlu Şenol, a member of the Gazi University Infectious Diseases faculty, is among the medics influenced by the violence. Since she criticised the arguments of the antivaccine movement on a television channel in 2021, Şenol has suffered various online misogynistic attacks. In 2022, verbal assaults turned into threats. On July 29, 2022, Şenol’s secretary found two calf tongues outside her office door. A person posing as a doctor told a car park attendant at her office that he sent his “greetings to Dr Şenol” before sharing photographs he took outside her office on social media, where he posed with a rifle and announced his intention to hunt her down.

Living under 24 h close protection for the past 7 months, Şenol now goes everywhere with assistance from the police. She frequently checks the tracking device that shows the movements of her assailant. “The only reason he isn’t arrested is that the Health Ministry didn’t become a plaintiff in his court case”, she said.

Şenol said her life dramatically changed after the assault. “I cancelled all my social life. Still, I’m not slowing down my scientific research one bit. I’m working from home and consoling myself with people around me. I try to place my experience into perspective, consider all the violence, pandemics, and wars in human history—then what I’ve experienced seems small in comparison.”

Şenol said her case should be considered alongside the assault on the Turkish Medical Association. “It isn’t a coincidence they pick on us. They target institutions and people that wield large influence on people because the more respected you are, the more you can influence people about what is going on in the health field.” She also said the opposition parties failed to highlight the shortcomings of Türkiye’s health system, and so, “the Turkish Medical Association and a handful of medics have become the opposition”.

Kaya Genç