

Public

AI Index: EUR 44/009/2002

Distrib:
PG/SC

To: Health professionals
From: Medical office / Europe Program
Date: 18 February 2002

**Further information on
MEDICAL ACTION
Harassment of Human Rights Foundation, Diyarbakir
Turkey**

[Also see EUR 44/062/2002, 10 September 2001]

Key words harassment / human rights defenders / doctors

Amnesty International's concerns

Following the raid on the office of the Human Rights Foundation of Turkey (HRFT) in Diyarbakir on 7 September 2001, a trial has been opened against HRFT lawyer Sezgin Tanrikulu (38-years-old) for establishing a medical treatment and rehabilitation centre without seeking permission from the relevant authorities. The first trial hearing has been scheduled for 19 March 2002.

The Diyarbakir branch of the HRFT was opened on 13 June 1998. Shortly afterwards on 17 July 1998 the branch was closed because the police alleged that no prior permission had been asked from the Directorate of Foundations. The office was reopened on 30 July 1998. Amnesty International is very concerned that the issue of permission to establish a service has now been brought up again. In similar trials against the Adana and Istanbul offices of the HRFT courts have established that there was no need for such permission to be obtained from the Ministry of Health and Social Welfare.

Furthermore, the transfer of two doctors - who work in public health institutions as well as for the HRFT - is also indicative of pressure against the Diyarbakir office. Dr Recai Aldemir and Dr Emin Yüksel have been transferred to medical duties away from Diyarbakir as an apparent disciplinary measure. On 6 November 2001 the governor of Diyarbakir gave permission for an investigation of the two doctors for "misuse of their duties as civil servants". He stated that they had not applied for the necessary permission to work on treatment in the HRFT office. The doctors appealed to a court against this decision in January 2002. Dr Aldemir pointed out that he did not treat, but rather organized the treatment of torture victims in the Foundation.

Documents, including sensitive medical files, which were taken by the police in September 2001, were returned to the HRFT office on 10 October 2001. Amnesty International remains concerned that HRFT staff, doctors and their patients may be subjected to reprisals, harassment, arrests or torture as a result of being identified in these documents. Moreover, visitor numbers to the HRFT in Diyarbakir

have decreased since the September 2001 raid. The raid seems to have deterred individuals from seeking help from the HRFT.

The World Medical Association's Declaration on Physician Independence and Professional Freedom, adopted by the 38th World Medical Assembly in October 1986, stated that: "...Physicians must have the professional freedom to care for their patients without interference. The exercise of the physician's professional judgement and discretion in making clinical and ethical decisions in the care and treatment of patients must be preserved and protected". The HRFT has an international reputation for medical reports of a high standard on the effects on torture and ill-treatment. In 1998 the HRFT was awarded the European Human Rights Prize of the Council of Europe for its "outstanding contribution to the protection of human rights in Turkey" and to "the struggle for the abolition of torture".

Recommended actions & addresses

Please write letters in English or your own language to the authorities below, using professionally-headed paper if you use this in your profession:

- expressing concern at the prosecution of Sezgin Tanrikulu for "establishing a medical treatment and rehabilitation centre without seeking permission from the competent authorities" and calling for the charges against him to be dropped;
- expressing concern at the investigation against Dr Recai Aldemir and Dr Emin Yüksel and their reported transfer away from Diyarbakir, which is an apparently deliberate act of harassment and an attempt to impede their legitimate human rights activities;
- urging the authorities to ensure that staff, doctors and their patients identified in documents confiscated from the HRFT offices in Diyarbakir are protected from any reprisals, harassment, arrests or torture;
- asking the authorities to publicly acknowledge the vital role of non-governmental organizations such as the Human Rights Foundation of Turkey, as outlined in the UN Human Rights Defenders Resolution.

Addresses

Minister of Justice
Prof Hikmet Sami Türk
Ministry of Justice
Adalet Bakanligi
06659 Ankara, Turkey
Faxes: + 90 312 417 3954 / 418 5667
Salutation: Dear Minister

Minister of Health and Social Welfare
Osman Durmus
Ministry of Health and Social Welfare
Saglik ve Sosyal Yardim Bakanligi
06434 Ankara, Turkey
Telegrams: Health Minister, Ankara, Turkey
Faxes: + 90 312 431 4879
Salutation: Dear Minister

Copies

State Minister with responsibility for Human Rights
Nejat Arseven
Office of the Prime Minister,
Basbakanlik,
06573 Ankara, Turkey
Fax: + 90 312 417 04 76

Salutation: Dear Minister

and to diplomatic representatives of Turkey accredited to your country.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response, referring to your previous letter(s). Please do not be discouraged by the possible lack of replies to your letters. They are noticed. Please check with the medical team if you are sending appeals after 30 March 2002 , and send copies of any replies you do receive to the International Secretariat (att: medical team).

Monitoring of action

If you have access to e-mail you can help our attempt to monitor letter-writing actions. If you write one, two, three or more letters, please send us an e-mail and let us know. Please write in the subject line of your e-mail the index number of the action and the number of letters you write

e.g. EUR 44/009/2002 - 2 (if you write two letters)

Please send your message to medical@amnesty.org Thank you.