

PUBLIC

AI Index: EUR 44/24/00
Distrib: PG/SC

To: Health professionals
From: Medical office / East Adriatic & Aegean Team
Date: 11 May 2000

MEDICAL LETTER WRITING ACTION
Prosecution of doctors
Dr H Zeki UZUN
TURKEY

Key words freedom of expression / torture / harassment of human rights defenders / doctor

Summary

Amnesty International is deeply concerned about the prosecution of Dr H Zeki Uzun (b. 1956), a gynaecologist and member of the Izmir Medical Chamber Council of Doctors, for "aiding an illegal organization and sheltering its members" by providing treatment to two of his patients. Dr Uzun has worked for the Treatment and Rehabilitation Centre of the Izmir Branch of the Human Rights Foundation of Turkey (HRFT) since 1993. The HRFT and its staff have been the targets of increasing harassment over the recent past. Because Dr Uzun can speak fluent Kurdish, he is frequently consulted by Kurdish women. He was detained on 19 October 1999 for one week and has so far appeared in court on 19 January, 24 February and 11 April 2000.

Amnesty International believes that the charges against Dr Uzun and several other doctors who have been prosecuted in recent years for activities consistent with medical ethics, represent a pattern of intimidation by the Turkish Government in order to prevent doctors from exercising their profession impartially and independently for human rights cases or organizations. The organization is calling for all charges against Dr Uzun to be dropped.

Recommended actions

Please send appeals on professional letter head paper to the addresses below:

- introducing yourself and your professional background. You may also mention that you are a member of Amnesty International's health professional network;
- expressing concern for the repeated pattern of intimidation against doctors in Turkey;
- expressing deep concern at the prosecution of Dr Uzun on the basis of allegations that he had provided medical care consistent with his role as a doctor;
- noting inconsistencies and improbabilities in the evidence produced in court already (you could mention the allegation that Dr Uzun terminated an early pregnancy by Caesarian section which is a medically improbable procedure);
- urging the authorities to launch an independent investigation into Dr Uzun's torture in custody as documented by specialists from the Turkish Medical Foundation;

- calling for the charges against Dr Zeki Uzun to be dropped.

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. Please check with the medical team if you are sending appeals after 23 May 2000, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Addresses

Mr Bulent Ecevit
Prime Minister
Office of the Prime Minister
Basbakanl_k
06573 Ankara, Turkey
Fax: +90 312 417 0476
Salutation: Dear Prime Minister

Professor Hikmet Sami Turk
Minister of Justice
Ministry of Justice
Adalet Bakanl_g_
06659 Ankara, Turkey
Fax: +90 312 417 3954 or 418 5667
Salutation: Dear Minister

Mr Osman Durmu_
Minister of Health and Social Welfare
Ministry of Health and Social Welfare
Sagl_k ve Sosyal Yard_m Bakanl_g_
06434 Ankara, Turkey
Fax: +90 312 431 4879
Salutation: Dear Minister

If you can only write to one address, please send your appeal to the Minister of Justice.

Copies

Please send copies of your letters to the addresses below and to the diplomatic representatives of Turkey in your country or to the nearest Turkish embassy.

Dr Sema Piskinsut
President of the Parliamentary
Human Rights Commission
Insan Haklar_ Inceleme Komisyonu Baskan_
Turkiye Buyuk Millet Meclisi
Ankara, Turkey
Fax: +90 312 420 5394
Salutation: Dear President

Human Rights Foundation [TIHV]
Izmir Branch
1432 Sokak No:5, Daire:10, 35230 Alsancak-IZMIR
Phone: (232) 463 46 46
Fax: (232) 463 46 46
E-mail: tihvizm@turk.net

Rü_tü Kaz_m Yücelen

State Minister with responsibility for Human Rights
Devlet Bakani
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey
Fax: + 90 312 417 0476
Salutation: Dear Minister

Human Rights Foundation [TIHV]
Menekse 2. sokak 16/6
06440 Kizilay
Ankara
Turkey
Fax: +90 312 425 4552
E - <mailto:tihv@tr-net.net.tr>

Human Rights Association [IHD]
Tunal_hilmi Cad. 104/4
Kavakl_dere
Ankara
Turkey
Fax: +90 312 4259547
E- <mailto:ihd@tr-net.net.tr>

Turkish Medical Association
Mithatpasa Cad. 62/15-17-18
06420 Yenisehir
Ankara
Turkey
Fax: +90 312 417 2672
E - <mailto:ttb@ttb.org.tr>

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MEDICAL CONCERN
Prosecution of doctors
Dr H Zeki UZUN
TURKEY

Amnesty International is deeply concerned about the prosecution of Dr H Zeki Uzun (b. 1956), a gynaecologist and member of the Izmir Medical Chamber Council of Doctors, for "aiding an illegal organization and sheltering its members" by providing treatment to two of his patients. Dr Uzun has worked for the Treatment and Rehabilitation Centre of the Izmir Branch of the Human Rights Foundation of Turkey (HRFT) since 1993. The HRFT and its staff have been the targets of increasing harassment over the recent past. Because Dr Uzun can speak fluent Kurdish, he is frequently consulted by Kurdish women. He was detained on 19 October 1999 for one week and has so far appeared in court on 19 January, 24 February and 11 April 2000.

The arrest and detention of Dr Uzun

Dr Zeki Uzun was arrested at his practice in front of patients at around 16.30 on 19 October 1999 by police officers and taken to the Anti-Terror Branch of Izmir Police in Bozyaka. He was immediately blindfolded and pressured to sign a statement that he was the doctor of a terrorist organization. One of his interrogators reminded him of the fate of two other doctors (including Dr Hasan Kaya whose mutilated body was found following his abduction in 1993).

At the police headquarters a so-called "repentant" [someone seeking to reduce his sentence by giving information about alleged members or supporters of illegal organizations] was brought in and accused Dr Uzun of performing a termination of pregnancy by Caesarian section on a woman who was alleged to be a supporter of the PKK. Dr Uzun stated that he would not carry out such an operation and that, in any event, such an operation would have to be carried out in a hospital and not in his surgery. And he added: "I gave the Hippocratic Oath, I am a doctor. I have to examine and treat every patient without discriminating on the basis of language, religion or race."

Dr Uzun was prevented from sleeping during the first night of detention and in the early hours of 20 October he was taken to his flat which was searched. At around 08.30 he was returned to his surgery where police searched files and took away patient information. He was then returned to police headquarters where interrogation and physical and psychological torture continued until 21 October. Among other abuses, he had a plastic bag placed over his head to induce a feeling of asphyxia, he had his testicles squeezed and he was menaced with the insertion of a bottle into his anus.

On 23 October he was taken to the State Hospital in Yesilyurt. A doctor who stood 10 metres away from Dr Uzun and 12 other prisoners subsequently wrote a medical report on the detainees in which it was stated that Dr Uzun had not been tortured. He was released from detention late on 25 October 1999.

On 28 October 1999, three days after his release, he was examined by specialists from the Turkish Medical Association (TMA) who issued an alternative report documenting both psychological signs of torture (acute stress disorder) and physical signs of torture (using dynamic scintigraphy, sonography

and magnetic resonance imaging). The report concluded that Dr. Uzun was subjected to “physical and psychological trauma caused by humans” during the detention period which was consistent with his reports of being beaten, receiving blowing punches to the head and chest, kicking, squeezing of the testicles, and being kept breathless by a plastic bag placed over his head.

Trial of Dr Uzun

The basis of the prosecution

Dr Uzun has been charged with “aiding an illegal organization and sheltering its members”. He was charged under Article 169 of the Turkish Penal Code (TPC). The prosecution argues that he supported the PKK on the grounds that he had treated two patients although he allegedly “knew that they were members of an illegal organization”.

The hearings

The first hearing took place on 19 January 2000. Dr. Uzun was not allowed to testify about details of his torture, but the judge accepted remarks in the trial protocol concerning his medical report issued by the Turkish Medical Association three days after his release (see above).

Dr. Uzun said during the hearing that the accusations presented in court refer to his routine work as a physician and that he had no contacts with illegal organizations. The lawyers of Dr Uzun said, moreover, that the charges based on statements of one witness contained no material proof against Dr Uzun.

The second hearing took place on 24 February 2000. Accusations were largely based on the statements of a “repentant”, who had been sentenced to life imprisonment for alleged terrorist activities which were carried out on behalf of the PKK. Under Turkish law a convicted person may receive a reduction of his or her prison sentence if he or she discloses information about supporters of an illegal organization; in such cases the denounced person undergoes legal prosecution.

The repentant alleged in a deposition that Dr Zeki Uzun carried out a termination of pregnancy in 1993 for the repentant’s former wife, an alleged PKK supporter, without taking any money when she was wanted by the police for supporting the PKK. The repentant also alleged that in 1996 Zeki Uzun carried out a “caesarean abortion” for the alleged PKK supporter. In the indictment, it is concluded that the operation was carried out by Zeki Uzun “although he knew that she was a member of an illegal organization”. However, in his statement to a prosecutor on 25 October 1999, the repentant had said “I didn’t say anything on whether or not [Zeki Uzun] knew that [the woman] was a member of the organization. And I didn’t ask him. It is incorrect above.”

It has not been clarified whether or not the alleged abortion took place. The woman in question denies having had an abortion, saying she had a cyst operation by another doctor in another hospital at that time. Documentation supporting her statement was submitted to the court on 24 February. If the abortion took place, there is no evidence that Dr Uzun knew that the woman was an alleged PKK supporter. (In any event, a doctor should not be prosecuted for giving treatment to a patient).

At the third hearing on 11 April 2000, the prosecutor asked for the acquittal of Dr Uzun on the grounds that there was no clear and convincing evidence other than the testimony and accusations of the “repentant”. The trial was postponed until 23 May for the defendant lawyers to prepare their defenses.

Medical ethics and human rights

Medical ethics are widely regarded as requiring doctors to provide care to patients in need and without discrimination. The World Medical Association’s *Declaration of Geneva*, first adopted in 1948, states that a physician shall only take into account the health of his or her patient regardless of the circumstances a patient is in:

“The health of my patient will be my first consideration; (..) I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, or social standing to intervene between my duty and my patient”.