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Turkey: Eleven Council members of the Turkish Medical Association sentenced to prison

On 3 May 2019, the 32nd High Criminal Court in Ankara sentenced eleven council members of the **Turkish Medical Association** to prison on the charge of "provoking the public to hatred and enmity", in connection with two public statements that they had issued, drawing attention to the negative effects of war and conflict on public health.

The [Turkish Medical Association](#) ("TMA") is an independent medical and health professional association. Around 80% of all physicians in Turkey are members of the TMA. The association aims to protect and promote public health in Turkey, contribute to medical education, as well as protect the morals of the medical profession and the rights of physicians. The TMA regularly issues opinions on the determinants of public health, including peace, socioeconomic environment and democracy.

On 20 January 2018, the Turkish government announced the launch of a military operation entitled "*Olive Branch*" in Afrin, Syria. The following day, President Recep Tayyip Erdoğan warned the public that anyone protesting against the operation would pay a "heavy price". On the same day, the government ordered the Turkish press to follow a list of guidelines regarding reporting on the operation. The list stated the operation should be described as targeting terrorist organisations and not civilians, and that the media should prioritise the "national interest" when sharing news produced by international media outlets. According to the Ministry of the Interior, 845 people, including many journalists and politicians, were arrested between 20 January and 26 February 2018 for attending protests held without permission, disseminating "terrorist propaganda" and "provoking the public to hatred and enmity" by criticising the operation on social media.

The Turkish Medical Association commonly makes statements framing war as a public health issue. On 24 January 2018, the TMA's Council issued a [statement](#) entitled "*War is a public health issue!*", underlining the fact that every war causes irrevocable damages to the physical, mental, social and environmental health of the public. The authors further stated that as medical professionals they are obliged to constantly remember that their first and foremost duty is to defend life, and commit to maintaining a peaceful environment. The statement ended with a slogan: "No to war! Peace right now!".

On 26 January 2018, in a public speech, President Recep Tayyip Erdoğan accused the authors of the statement of sympathising with terrorists and of not being "domestic and national" enough. The TMA responded on the same day by publishing [another statement](#) on their website, denying the false accusations. The authors further emphasised that state authorities have the responsibility to create an environment allowing everyone to freely express their opinion without oppression.

On 29 January 2018, following a complaint made by the Ministry of the Interior, the Chief Prosecutor's Office in Ankara opened a confidential criminal investigation against eleven TMA Council members. On 30 January 2018, eleven Council members of the TMA were taken into custody after police raided their houses at 6 am. The police seized several items, including all of their electronic devices and some books.

Following their arrests, the Rectorate of Istanbul University suspended two of the detained, Raşit Tükel and Taner Gören, from their work for three months. Another of the detained, Şeyhmus Gökalp, was dismissed from his position at the Diyarbakır Central Bank.

Three Council members, Sinan Adıyaman, Ayfer Horasan and Şeyhmus Gökalp, were released on probation on 2 February 2018 and the other eight were released on 5 February 2018. On 9 February 2018, the decision to suspend Raşit Tükel and Taner Gören from their work for three months was lifted.

On 12 October 2018, the 32nd High Criminal Court in Ankara accepted the indictment against eleven Council members of the TMA. Upon receiving the indictment, their lawyers realized that a second criminal investigation against eleven doctors had been opened in connection with another statement made by the association on International Peace Day in 2016. Without the knowledge of the suspects and in violation of the procedure requiring the Prosecutor to collect their statements, the two investigations had been merged into a single indictment.

Following procedurally flawed hearings on 27 December 2018 and 20 March 2019, on 3 May 2019, the third hearing in the case was held in the 32nd High Criminal Court in Ankara. Eleven defendants, Mehmet Raşit Tükel, Taner Gören, Sinan Adıyaman, Mehmet Sezai Berber, Selma Güngör, Bülent Nazım Yılmaz, Funda Barlık Obuz, Dursun Yaşar Ulutaş, Ayfer Horasan and Şeyhmus Gökalp, were sentenced to 20 months in prison (10 months for each statement) on the charge of "provoking the public to hatred and enmity". The human rights defenders did not accept a delay in the pronouncement of their sentences in order to be able to launch an appeal. The court did not suspend the execution of their sentences either, on the grounds that they had not shown any remorse regarding the alleged crime. One of the Council members, Hande Arpat, was also charged with "making terrorist propaganda" and sentenced to an additional one year six months and 22 days imprisonment. The sentence was handed down in relation to her social media posts from 2016, concerning women YPG members fighting against ISIS.

Front Line Defenders urges the authorities in Turkey to:

1. Immediately drop all charges against the Council members of the Turkish Medical Association, as it is believed that they were sentenced solely as a result of exercising their fundamental right to freedom of expression, guaranteed under domestic and international law;
2. Ensure that the rights to freedom of expression and association are respected;
3. Guarantee in all circumstances that all human rights defenders in Turkey are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.