

TO ANKARA 32ND HIGH CRIMINAL COURT

File no: 2018/361

Subject: My testimony concerning charges in the indictment.

Esteemed Chief Judge and Judges,

I am going to state my opinion on the indictment no. 2018/12333 by the Prosecutor claiming that the TMA Central Council Members for the term 2016-2018 have committed an offence.

I had the chance of going over the indictment several times. I must say here, unfortunately, that the file that we face is overly superficial from police records to summary and indictment leaving aside any connection with realities.

I'll refer to some more recent social events that the TMA intervened to demonstrate why charges in the indictment are groundless.

TMA is itself the history of values of humanity and medicine!

The Turkish Medical Association has since early 1990s working on and contributing to the issue of "Healthcare in Emergencies." The association conducts its work on this issue on a broad spectrum from contributing to the endowment of physicians by training them in healthcare in emergencies to preparing reports on emergencies experienced. Following the Marmara Earthquake of 17 August 1999, the association kept its coordination centres open for months and mobilized hundreds of volunteer physicians including central council members to mitigate the suffering of earthquake victims. The association was active in the same way again after Bolu-Düzce earth quake of 12 November 1999.

Earthquakes of Marmara and Bolu in 1999 left behind pain and a set of problems. Following the disaster, the Turkish Medical Association addressed the health dimension of these problems, prepared many reports and performed its duty of warning authorities.

In the Van-Erciş earthquake of 23 October 2011 which caused over 600 casualties, the TMA team of "Health services in Emergencies" immediately moved to the disaster area.

TMA delegations and teams were present at each and every stage of health services in this process. Even more important, the Association waged great efforts to prevent any additional suffering, prepared and presented to official authorities to keep the disaster from transforming into other **public health problems** in both earthquakes.

The TMA teams were there in early hours of the disaster in Kozlu, Zonguldak where 276 miners were killed on 3 March 1992 and on 13 May 2014 in Soma where, again, 301 miners lost their lives in another mining disaster. While some of our teams were engaged in search and rescue work, others were helping injured workers and developing ideas on how to end this savage environments causing the death of thousands of workers every year. It was because work murders in Turkey had turned into a **public health problem**. Indeed, the joint report by TMA-TMMOB (Union of Chambers of Architects and Engineers) on Soma mine disaster establishes that in Soma Eynez Mine there was no scientifically structured, sustained

and programmed safety health surveillance fine-tuned to the specific character of coal mining activities and in compliance with relevant national-international legislation. The report also specified in detail measures to be taken to avoid the re-occurrence of such disasters.

The TMA neither missed the case of five women workers locked in and burned to death in a plant in Bursa on 29 December 2005; 11 workers lost their lives again in a fire while in a tent on the construction site of Marmara Park Shopping Mall in Istanbul on 11 March 2012; and murder of 10 workers in an elevator accident taking place at Torun Centre in Mecidiyeköy on 6 September 2014.

In the same vein, peoples who have been displaced as a result of wars and conflict, whose rights to life and health are under threat, have always been in the agenda of the TMA. Indeed, the TMA is a professional organization advocating for solution to the problems of people fleeing from such war-torn countries like Syria, Iraq and Afghanistan not only in Turkey but in international platforms as well.

After war broke out in Syria, Turkey faced a large wave of migration which also brought along serious epidemics. It was the TMA again that noticed and reported about measles epidemic starting in 2011 and making a peak in 2013 while authorities remained silent about. It was a big problem not only for children living in the area but in a much larger territory and again, it was a **public health problem**.

We know well that international monopolies in energy sector consider, together with their domestic partners, Turkey as a significant market especially for the last 20 years. Industrial production harming the environment and human health has also become an important public health problem. The TMA has long been producing and sharing with the public reports on enterprises or investments of this kind that affect or may affect environmental health negatively. The “Kaz Mountains and Çanakkale Area Mining Enterprises Report” released in March 2013, the Akkuyu Nuclear Plant EIA Report of February 2015, the report on Hopa flood disaster causing 9 deaths on 23 August 2015, Dilovası Report, the book “Social Cost in Energy and Clean-Renewable Energy Sources dated October 2004, the Report on Air Pollution in Yatağan and the booklet on risk of cancer in Turkey after Chernobyl nuclear disaster are some examples in this context. In all these cases, the TMA considered it as its duty to share with people these events and developments which bear the potential of causing irremediable public health consequences including diseases, accidents and deaths. Health authorities, on the other hand, just skipped these warnings and placed Turkish Medical Association at the target of their criticisms. Now want to share with you a paragraph from the introduction part of the Kaz Mountains and Çanakkale Area Mining Enterprises Report:

In antic Indian civilizations physicians used to take an oath that they would “work for the good of all.” Doing no harm became the basic principle and doctrine of physicians. They were guided by such principles as protecting human health, curing their diseases, keeping them away from harm, determining threats to health, and identifying and preventing factors that cause ill health. Physicians stood against anything that may harm human

beings: Wars, torture, discrimination and early death. They have always defended life. And this is exactly what the TMA has been doing.

The TMA held a critical position to health policies drifting away from science placing privatizations over all other considerations that have been pursued since 12 September 1980, but reaching its peak under governments of the Justice and Development Party. The TMA indeed wage efforts to ensure the implementation of an institutionalized healthcare system embracing the society as a whole. The main perspective in this context should be to struggle for the right to health and life, for a socially sensitive healthcare system avoiding from practices to the detriment of values of humanity and medicine. While conducting its activities from this perspective, the TMA became the target of advocates of privatization and those abusing and exploiting people in the name of traditional or alternative medicine. In spite of all pressures, the TMA never gave up its insistence on what is to the benefit of people including preventive medicine, workers' health, immunization, maternal and child health, modern and socially oriented medicine, equality and accessibility in healthcare, and free and quality health services. As stated once by Dr Füsün Sayek, one of the former presidents of the association, the TMA built a bridge to public health.

So far I have conveyed some short spots from the history of TMA. As can be seen in all these examples, the TMA gave priority to public health in all its activities and held a critical position to the state and those making decisions in the field of health. And this is why TMA is targeted.

Dr Bülent Nazım Yılmaz...

I am going to talk only about myself in this part. But let me say few words about my family since we have learned that the security and prosecution have investigated our families as well.

My father Mehmet Yılmaz was from Adıyaman. I know that after finishing Faculty of Agriculture in Ankara University he worked with poor farmers and peasants in many parts of the country.

My mother Aysel Yılmaz is originally from Kars, a graduate of Erzurum Nene Hatun Teacher Training School. She served in many parts of Turkey doing her best to give good education to children. What I learned from my parents is not to oppress people, not to discriminate, sharing and remaining in solidarity with others.

After finishing medical school in 1993 I was appointed to Eskişehir where my wife was working. I worked there in villages, health centres, ambulances and emergency wards. I have never been in any managing position in my professional career of 26 years. I tried to remain in worm relations with people coming in where I worked. I have always tried to be sensitive about the rights of patients and my colleagues.

I have tried to be a good medical practitioner and I am still doing so. I can never forget my teachers' contribution in my development. Nevertheless, the first and foremost organization that taught me about good medical practice is the Turkish Medical Association of which I

became a member in 1993. I learned from TMA that values of the profession of medicine constitute an indispensable part of universal human values, and that equality, peace and freedom are all sine qua non in the field of health. I was elected as TAM Central Council Member in 2016 and at present I am the Secretary General of the Association. I think this is a great honour that I will carry to my future years.

The indictment tries to associate TMA with some organizations and political parties, claiming that the association acts in line with their instructions. Yet, the Turkish Medical Association is an organization that cannot be shaped by any outer actor with its instructions.

The most important characteristic of the team forming the TMA Central Council is their commitment to independence and freedom. Please do not forget that this team comprises highly successful academics and physicians in their fields. Neither should it be forgotten that active as “Etibba Odaları” (medical chambers) since 1928 and as Turkish Medical Association since 1953, the organization of physicians is older and more deeply rooted than almost all political parties of our day.

War is a Public Health Problem

Since its foundation the Turkish Medical Association has firmly stood against wars and waged its struggle against armament and instruments of war. What can be more natural than defending peace against war for an organization of physicians?

If, in any country, the organization of physicians that is expected to defend life fails to do it, does not defend peace and says “**war is not a public health problem**” it is then that writers, judges and working people in that country should turn their faces away from the organization, criticize its position, and say they are ashamed of it.

For physicians war is a social and political case of disease as tuberculosis or measles. In Syria, while hundreds of thousands of people were killed in armed conflict, thousands of small children, pregnant women and elderly people lost their lives on ways of flight, in camps not fit for human dignity and in epidemics. We are physicians and as such nobody should ever expect us to remain silent to this picture of savageness.

The Turkish Medical Association knows very well that no healthy society is possible on a land without equality, freedom, peace and democracy and determines its position accordingly.

The history of the Turkish Medical Association provides many examples in this context. When the Chernobyl nuclear disaster happened on 26 April 1986, ministers, bureaucrats and businessmen in Turkey were at pains to belittle its importance. Physicians led by the TMA, on the other hand, were active in sharing relevant realities with the public while our legendary president Prof Dr Nusret Fişek established the association “Physicians for Peace and Environment against Nuclear Threat”.

In our present day politics is based on skills in hiding realities from the public, and presenting what is fictitious as reality. This way of political engagement unfortunately masks realities that are threatening peoples. Then, thousands of cases of fatal work accidents deriving from

profit greediness, environmental disasters, infant deaths and health policies that jeopardize public health are all regarded as “normal”. The Turkish Medical Association, on the other hand, is striving to share with the public threats to their health. This is indeed the essence of the statement “war is a public health problem”.

Esteemed president and judges,

The indictment accepted by the court requests our penalization on the basis of Turkish Penal Code Article 216/1 on “openly provoking hatred and enmity” and Article 7/2 in the Anti-Terror Law No. 3713.

The essence of activities carried out by Turkish Medical Association as a collective and my personal activities can be summarized as defending the right to life and health of all segments of society. What has been conveyed above is actually a summary of this. It is impossible to imagine that such an approach would lead to hatred and enmity. So it is impossible for me to accept this charge and find it in compliance with the nature of our endeavour.

As to “propaganda for the terrorist organization”, the Turkish Medical Association is the only organization that I advocated in my life. Whether in any managing position or not, the TMA deserves this with its history.

I will conclude by taking you back to July 2006. I will conclude by taking you to July 2006. In July 2006 Beirut was bombed for days by Israel. In the eastern part of Beirut hospitals, schools and other public places were devastated. Hundreds of citizens were killed by cluster bombs. The Turkish Medical Association was one of the very few organizations in Turkey raising its voice of protest. A TMA delegation visited Syria and Lebanon on 30 September-4 October 2006. The delegation observed in situ the harms of violence and war on public health, prepared reports and shared it with the world.

Our colleagues in that delegation knew that the path to peace passes through health and that physicians are natural ambassadors of peace. We never forget this...

With my best regards.

Dr. Bülent Nazım Yılmaz