



**Middle
East
Studies
Association**
of North America, Inc.

1219 N Santa Rita Ave
The University of Arizona
Tucson AZ 85721 USA

520 621-5850
520 626-9095 fax
caf@mesana.org
www.mesana.org



January 28, 2016

Prime Minister Ahmet Davutoğlu
Office of the Prime Minister
Başbakanlık
06573 Ankara, Turkey
Via facsimile +90 312 417 0476

Dear Prime Minister Davutoğlu:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom to express our concern over reports that Koray Çalışkan, Associate Professor in the Department of Political Science and International Relations at Boğaziçi University, is under criminal investigation for allegedly insulting Turkish President Recep Tayyip Erdoğan on Twitter. The Istanbul Chief Public Prosecutor's office has reportedly launched a criminal investigation against Professor Çalışkan based on tweets dating back to July 2015 that the prosecutor alleges "exceeded the bounds of free speech under Turkish law." The prosecutor is reportedly seeking a sentence of eight years and two months against Professor Çalışkan—above the ordinary one year prison sentence—on the grounds that his repeated tweets represent an aggravated offense subject to enhanced sentencing.

As an academic yourself, you are surely aware of the danger to academic freedom posed by criminal and disciplinary investigations against academics for their expression of critical opinions. We respectfully ask that any charges against Professor Çalışkan based on his expression of views on social media, in his columns or in his academic research be dropped and that any further disciplinary or criminal investigations against him in violation of academic freedom and the freedom of expression be terminated.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 3000 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

While the scope of tweets subject to criminal investigation is not clear from the public record, at least one tweet has been identified as a basis for the charges. In that instance, Professor Çalışkan tweeted that "a man who drags his country to war to save himself is neither an animal nor a devil but a murderer" (*Kendini kurtarmak için ülkesini savaşa atan adama, hayvan denmez ayıptır. İblis denmez günahdır. Katil denir layıktır*). Following the filing of the complaint, Professor Çalışkan publicly stated that the tweet in question was directed at President Bashar Assad of Syria rather than President Erdoğan. Regardless of who was the intended target of his criticism, the view expressed by Professor Çalışkan is precisely the kind of political opinion

entitled to the protections of freedom of speech. His criticism was not explicitly directed against either officials or institutions of the Turkish government and thus should not be subject to prosecution under Article 301—itself inconsistent with Turkey’s international human rights law obligations with respect to freedom of speech—for insulting Turkish government institutions.

Moreover, Professor Çalışkan has been subjected to harassment and intimidation by the government for months in connection with his writing and public statements. He was previously the subject of a criminal investigation for Twitter posts dating to March 2015 in connection with the killing of Prosecutor Mehmet Selim Kiraz. He was called to give testimony at a criminal court in Istanbul in June 2015 and the charges were ultimately dropped. Subsequently, in October 2015, the Higher Educational Council (*Yüksek Öğretim Kurulu*) initiated a disciplinary investigation against Çalışkan for tweets allegedly insulting President Erdoğan. There is no YÖK disciplinary regulation authority concerning such insults (though we recognize that there are separate criminal code provisions that do address such insults) making that investigation procedurally and substantively improper. Now Çalışkan is facing prosecution apparently for the same tweets that formed the basis of the YÖK investigation.

The totality of the actions taken against Professor Çalışkan represent governmental reprisal against an academic and journalist for criticizing government policy. Such actions constitute clear violations of freedom of speech and academic freedom. We urge you to take all necessary measures to ensure that both judicial proceedings and YÖK investigations targeting Professor Çalışkan for his public statements be terminated.

As a member state of the Council of Europe and a signatory of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Turkey is required to protect freedom of thought, expression and assembly. Further, Turkey is a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (OSCE), all of which protect the rights of freedom of opinion, expression and association, which are at the heart of academic freedom. These rights are also enshrined in articles 25-27 of the Turkish Constitution. We urge your government to take all necessary steps to ensure that these rights are protected.

Professor Çalışkan’s case is representative of a broad and troubling record of increasing restrictions of freedom of speech and academic freedom for individuals or groups deemed to be critical of your government’s policies or of the president’s actions. We urge you to take note of mounting international condemnation of the erosion of democratic rights and freedoms in Turkey, particularly in connection with the tendency of YÖK and public prosecutors to intimidate political opponents and academic critics through abuses of the powers of disciplinary and criminal investigation and prosecution.

Thank you for your attention to this matter. We look forward to your positive response.

Sincerely,



Beth Baron
MESA President
Professor, City University of New York



Amy W. Newhall
MESA Executive Director
Associate Professor, University of Arizona

cc:

- Recep Tayyip Erdoğan, Türkiye Cumhuriyeti Cumhurbaşkanı (President of the Republic of Turkey)
- İsmail Kahraman, Türkiye Büyük Millet Meclisi Başkanı (President of the Turkish National Assembly)
- Bekir Bozdağ, Türkiye Cumhuriyeti Adalet Bakanı (Justice Minister of the Republic of Turkey)
- Yekta Saraç, Türkiye Yüksek Öğretim Kurulu (YÖK) Başkanı (President of the Turkish Higher Education Council)
- Elena Valenciano, Chair of the European Parliament Subcommittee on Human Rights
- Barbara Lochbihler, Vice-Chair of the European Parliament Subcommittee on Human Rights
- Monika Kacinskiene, Member of the Cabinet of Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy
- Johannes Hahn, Commissioner for European Neighborhood Policy and Enlargement Negotiations
- Nils Muižnieks, Council of Europe Commissioner for Human Rights
- Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights
- David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Kishore Singh, United Nations Special Rapporteur on the right to education