



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

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February 2, 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 Sibel Özbudun, Associate Professor Emerita of the Department of Anthropology at Hacettepe University, is facing two separate prosecutions for criminal incitement and spreading terrorist propaganda related to comments and photographs that she posted on her Facebook page.

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.

In connection with the first trial, on the count of criminal incitement, the first hearing for which is scheduled for February 12, 2016, Professor Özbudun is accused of having posted on her Facebook page an image of masked protesters, one of whom has an object in his hand that resembles a Molotov cocktail. The comment that she posted together with the photograph roughly translates as "If it is yours to govern, it is ours to rebel" (*Yönetmeliğiniz sizin olsun, isyan bizimdir*). According to the indictment, Professor Özbudun is facing charges in part because, as a retired faculty member, her postings may be viewed by large numbers of students and incite them to engage in masked attacks. The second prosecution, the first hearing for which is scheduled for April 20, 2016, is based on the accusation that Professor Özbudun was spreading terrorist propaganda as a result of posting both a photograph that allegedly shows PKK militants and an image of a PKK flag. The government concedes that there is no evidence that Özbudun is a member of the PKK nor that she prepared these images. Rather, it is evident from the postings, as Professor Özbudun made clear in responding to the initial charges, that the images in question were in the public domain and were widely shared on social media in both instances and that her postings represented criticisms of government policy that constitute protected speech under the right to freedom of opinion and expression.

As an academic yourself, you are surely aware of the danger to academic freedom and freedom of expression posed when a government tracks the communications of academics and engages in criminal investigations on the grounds that sharing their political opinions might influence students in ways

that constitute “incitement” or are perceived as “terrorist propaganda.” Moreover, subjecting Professor Özbudun’s Facebook postings to criminal investigation creates a far-reaching, chilling effect that will inhibit any academic from using social media platforms for the expression of his or her views. We respectfully ask that the charges against Professor Özbudun based on her expression of critical opinions on social media be dropped and that any further criminal investigations against her in violation of academic freedom and the freedom of expression be terminated.

We strongly feel that the Turkish government should not apply Articles 53 and 214 of the Turkish Criminal Code, concerning spreading terrorist propaganda and incitement to criminal action respectively, to the expression of political opinions critical of government policy. Further, the expression of views sympathetic to Kurdish political demands, however disagreeable they may be to some, must not be criminalized. In Professor Özbudun’s case, the fact that her academic career is invoked as an aggravating factor in bringing incitement charges is especially troubling. This aspect of the charges against Professor Özbudun would set a dangerous precedent, marking out academics as targets for incitement-based criminal prosecution on the theory that their expression of critical opinions is intrinsically dangerous because of their potential influence over their students. Such an interpretation of the law on criminal incitement strikes at the very heart of the teaching mission of university professors, suggesting that the teacher-student relationship is a potential incubator of criminality.

Subjecting Professor Özbudun to two separate prosecutions for her social media postings represents a clear instance of prosecutorial overreach. Each prosecution is in direct violation of freedom of speech and academic freedom, and taken together, the prosecutions give the appearance of a reprisal campaign against an esteemed academic for expressing views critical of government policies. We urge you to take all necessary measures to ensure that both judicial proceedings targeting Professor Özbudun for her Facebook postings 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 Özbudun’s case is representative of a broad and troubling record of increasing restrictions on freedom of speech and academic freedom for individuals or groups deemed to be critical of your government’s policies. 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 public prosecutors to intimidate political opponents and academic critics through abuses of the powers of 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
- Serdar Kılıç, Turkish Ambassador to the United States
- John R. Bass, United States Ambassador to Turkey