



**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



February 8, 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 dismay and concern over reports that Halil Ibrahim Yenigün, Assistant Professor of Political Science and International Relations at Istanbul Commerce University (*İstanbul Ticaret Üniversitesi*), has been suspended by the university administration for being a signatory of the Academics for Peace Petition. We wrote to you previously on January 14, 2016 with regard to the government's condemnation of the Peace Petition signed by academics as "terrorist propaganda" triggering disciplinary investigations at various universities and the initiation of criminal investigations against signatory faculty members. We are now writing to follow up on the specific case of one of the signatories, Dr. Yenigün.

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.

The conflation of the expression of political opinions by faculty with terrorist propaganda represents a direct threat to academic freedom, as we made clear in our January 14, 2016 letter. This conflation led to a disciplinary investigation by university administrators against Dr. Yenigün for no reason other than his signature on the Peace Petition. The administration of Istanbul Commerce University called Dr. Yenigün immediately after President Erdoğan called upon university administrators to investigate any signatories on the faculty of their universities. The next day Dr. Yenigün was asked whether he had in fact signed the petition to which he answered in the affirmative. Immediately thereafter, İbrahim Çağlar, the chair of the university's board, denounced Dr. Yenigün in a newspaper article declaring that he must be fired. In the article, following President Recep Tayyip Erdoğan's lead in describing the signatories as "so-called intellectuals" and "traitors," Çağlar called Dr. Yenigün a "so-called academic" and alleged that Yenigün was guilty of acts for which the "Turkish nation" must never forgive him, including the allegation that he

was a supporter of PKK terrorism. Following the article in which Çağlar demanded that the university fire him, on January 15, 2016, Dr. Yenigün received an official letter from his university administration accusing him of having signed a pro-PKK statement and informing him that disciplinary action had been initiated against him. The letter also informed Dr. Yenigün that he was suspended until the investigation was completed. The record of the University's conduct in this case suggests that Çağlar's public demand that Dr. Yenigün be fired will likely be followed as a result of the investigation initiated by the rector of the university, Professor Nazım Ekren. If indeed Dr. Yenigün remains indefinitely suspended without compensation or is terminated for signing the Peace Petition, the actions of the university would constitute a grave assault on his rights of freedom of expression and academic freedom.

As an academic yourself, you are surely aware of the danger posed when a government issues a top-down directive that academics be subjected to disciplinary investigations or criminal prosecutions on the grounds that their criticisms of government policies are not protected speech and should instead be treated as "denigrating Turkishness" or "spreading terrorist propaganda." As we have documented in our earlier letters, successive AKP governments have authorized or permitted reprisals against those who published opinions or research findings deemed critical of government policies. Whether in the field of public health (as expressed in our letters on October 30, 2015 and December 12, 2012) or conducting research on your government's policies towards the Kurdish community (as expressed for example in our letters on February 2, 2016; January 14, 2016; January 5, 2016; November 3, 2015; October 30, 2015; December 12, 2015; September 4, 2012; August 7, 2012; October 3, 2011), academics have been systematically subjected to disciplinary action or criminal prosecution for exercising their rights to freedom of expression and academic freedom. Moreover, they have also been the victims of relentless and libelous campaigns against them in pro-government media that publish their names and photographs together with accusations of treason, support for terrorism and sometimes attacks based on their ethnic origin or religious identity. This record of public and private attacks against academics for their political opinions is in direct violation of Turkey's international human rights commitments.

We note that following a decision of the Turkish Supreme Court, which was published in the Official Gazette on January 7, 2016, the Turkish Higher Education Council (*Yükseköğretim Kurulu*, or YÖK) has been stripped of its powers to initiate disciplinary investigations against academics. The Court held that the provision of YÖK regulation governing such proceedings (Article 2547) was unconstitutional based on violations of Articles 38 (principles related to offenses and penalties), 128 (general provisions relating to public servants) and 130 (institutions of higher education) of

the Turkish Constitution. As a result, the investigation initiated against Dr. Yenigün cannot be grounded in YÖK's authority. The only other possible legal basis for such an investigation is Article 657 of the Law on Civil Servants concerning disciplinary investigations, but this, too, is inapplicable as the law makes clear that academics are not to be defined as civil servants for these purposes, even at public universities. In the case of Dr. Yenigün, who teaches at a privately endowed university, there is no legal basis whatsoever for a disciplinary investigation, suspension or termination based on the simple act of signing a petition and expressing a political opinion critical of government policies. Thus it is unclear what legal basis the President has for his initial demand that disciplinary investigations be undertaken against faculty member signatories of the Peace Petition or for demanding Dr. Yenigün's firing. Further, because any investigation of a faculty member for having expressed his/her political opinion is a clear violation of academic freedom and freedom of expression, any legal provision that purported to authorize such investigations would be in violation of Turkey's international human rights commitments.

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.

Dr. Yenigün's case is representative of a broad and troubling record of increasing restrictions of freedom of expression 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 and some government-appointed and/or private university administrators to abuse the powers of disciplinary or criminal investigation to intimidate government critics. We respectfully request that the unlawful investigation against Dr. Halil Ibrahim Yenigün be dropped and that Istanbul Commerce University lift his suspension and restore Dr. Yenigün to his position on the faculty.

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)
- Nazım Ekren, Rector, Istanbul Ticaret University [Istanbul Commerce University]
- İbrahim Çağlar, Chair, Istanbul Chamber of Commerce and Board of Trustees of Istanbul Commerce University
- 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