



**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



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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 underscore for the third time our deep concern over the disciplinary investigations and criminal prosecutions that have been undertaken against scholars who signed a petition for peace in the Kurdish regions of the country (“Peace Petition”). In our previous letters on this matter, dated January 14, 2016 and February 22, 2016, we wrote in response to the immediate aftermath of a government-initiated campaign of intimidation triggered by President Recep Tayyip Erdoğan’s speech describing the signatories as “so-called academics” and “traitors,” and the broad pattern of persecution that subsequently emerged, encompassing suspensions and terminations of academics from positions at universities, detention and interrogation of faculty members by over-zealous prosecutors, and a spate of threats and attacks against academic signatories by vigilante actors. We now write in response to the disturbing degeneration of the situation in the three weeks since we last wrote. The violations of academic freedom in Turkey now include the pre-textual use of antiterrorism laws to arrest academics, the trampling of separation of powers and basic rule of law requirements to enable the executive to manage a campaign of prosecutions against petition signatories, and new proposals to further broaden terrorism laws to encompass the protected activities of academics, journalists, politicians and NGO advocates. Taken together, the events of the last few weeks, and especially the developments on March 15, 2016, signal that your government is willing to eviscerate basic human rights protections to punish critics of your policies towards the Kurdish community in Turkey.

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 detention, interrogation and arrest of academics Esra Mungan, Kivanç Ersoy and Muzaffer Kaya represent a new escalation of government action against signatories. Professors Mungan, Ersoy and Kaya were singled out for prosecution (together with a fourth academic, Meral Camcı, who has so

far avoided interrogation and arrest by virtue of being out of the country) because of a meeting they conducted on March 10, 2016 at which they reiterated their call for peace on behalf of the Academics for Peace/Istanbul, a subset of the signatories of the original petition. In response, the prosecutor's office detained the three professors, interrogated them and immediately issued arrest warrants against them, taking them into custody on charges of supporting terrorism. The theory the government appears to rely on is that the peace petition signatories acted in coordination with the PKK because an individual associated with that organization, Bese Hozat, had earlier called for intellectuals to support Kurdish self-governance. This spurious allegation has no basis. The claim that a petition calling for the government to desist from military action in the Kurdish provinces and resume a peace process amounts to support for terrorism represents a staggering threat to freedom of expression and academic freedom in Turkey. By the government's logic, any speech, research, writing, opinion, organizing or demonstration supportive of Kurdish rights may be conflated with support for terrorism.

The government's decision to call on public prosecutors to initiate terrorism-based criminal investigations of the Petition signatories represents a far-reaching violation of academic freedom and freedom of expression. We documented the detention and interrogation of dozens of academics in our letter of February 22, 2016, but the cases of Professors Mungan, Ersoy and Kaya are the first that have resulted in arrests, and represent a significant escalation in the repression of academic freedom and violation of fundamental rights for which your government is responsible. The outlandish theory included in the charges against these professors—that the peace petition is evidence of coordination with the PKK, based on an earlier call for intellectuals to support Kurdish self-governance—suggests that all signatories are now under real threat of pre-textual prosecution on an overbroad definition of support for terrorism. Moreover, the detention of Chris Stephenson, a professor at Istanbul Bilgi University who accompanied his colleagues to court as a gesture of support, can only be described as evidence that the government is now explicitly detaining people not only for signing the petition, but even for supporting colleagues who did so on the grounds of guilt by association. The basis cited by authorities for detaining Stephenson was that he was carrying in his bag Newroz invitations by the pro-Kurdish HDP party. The HDP is a lawful political party that is currently represented in the Turkish parliament. Carrying documentation from the party cannot constitute a lawful basis for arrest in a country that respects rights of political association and political participation. The subsequent decision to deport Professor Stephenson, who has lived and worked as an academic in Turkey for over twenty years on a valid, indefinite work visa, is a shocking blow to the rights of foreign academics working in Turkey. Stephenson left Turkey on March 16, 2016 choosing to comply with the deportation order while

pursuing an appeal rather than appealing from detention. The detention and subsequent deportation of Stephenson for going to the courthouse with Mungan, Ersoy and Kaya and possessing an HDP invitation suggests that the government recognizes no limits to its authority to crackdown on academics deemed sympathetic to Kurdish political rights.

Taken together, these arrests signal a campaign against academics that eschews rights protections and even basic rule of law standards. More worrying still, these arrests occurred against the backdrop of a decision by the Minister of Justice to transfer the cases of 395 Ankara-based signatories to the jurisdiction of the Istanbul prosecutor's office to be investigated under anti-terrorism laws. The Ankara prosecutor's office was already handling these cases and had determined that the signatories would be investigated for insulting Turkish institutions under Article 301 of the Turkish Criminal Code, but that there was no basis for pursuing terrorism-related charges. The decision of the Ministry of Justice to transfer these cases to Istanbul has been widely interpreted as a rejection of that determination and a change of forum designed to ensure that the signatories are investigated under anti-terrorism provisions. Such a decision by an executive ministry to override the judgment and jurisdiction of a prosecutor represents a direct violation of the separation of powers. Under Turkish law, only a court or the High Council of Prosecutors and Judges may make determinations concerning jurisdictional competence to review cases. The actions of the Ministry of Justice in the case of the Ankara petition signatories suggests that your government has set aside considerations of due process, rights protections and the separation of powers in favor of an all-out bid to frame academic calls for peace as a form of terrorism. Indeed, many fear that this decision heralds the beginning of a new campaign that will result in widespread arrests, placing a significant proportion of Turkish academics behind bars.

The immediate context for this sudden escalation in the government's campaign of prosecution against Peace Petition signatories is the terrorist attack that occurred in Ankara on March 13, 2016, which the government has attributed to Kurdish militants. As we noted in our letter of January 14, 2016, the current campaign against the Peace Petition signatories was initiated in a speech by President Erdoğan that was in response to an earlier terrorist attack in Istanbul in January. At that time, the president seemed intent on deflecting attention from security lapses by scapegoating the petition signatories as supporters of terrorism. Similarly, President Erdoğan has responded to the more recent attack in Ankara by giving a speech on March 15, 2016, proposing to redefine Turkish anti-terrorism laws to include the activities of academics, journalists and NGO advocates. In his speech, President Erdoğan stated that "the fact that someone is an academic, a journalist or an NGO director doesn't change the fact that s/he is a terrorist" (*Akademisyen olması, gazeteci olması, STK yöneticisi*

***olması, aslında o kişinin terörist olduğu gerçeğini değiştirmez*) before demanding that the definitions of terrorism and terrorist under the Turkish Criminal Code be broadened accordingly. Predictably, pro-government media picked up on this speech and have initiated a new campaign of defamation against academics and others targeted by the President. The headline of the mass circulation newspaper, *Star*, on March 16, 2016 was “Unarmed Terrorist” (*Silahsız Terörist*), and the attached article declared support for redefining terrorism to treat opinion columns and tweets as logistical support for terrorism. Indeed, President Erdoğan’s speech and the proposed changes to Turkish criminal law appear designed to redefine any activity supportive of Kurdish rights as support for terrorism threatening to permanently criminalize freedom of expression, freedom of association and academic freedom for anyone working on Kurdish issues. This proposed change to Turkish criminal law, together with the arrests of Professors Mungan, Ersoy, and Kaya and the deportation of Professor Stephenson, undermine Turkish constitutional protections of freedom of speech and academic freedom, and violate Turkey’s international human rights obligations.**

As we have previously noted, the scope of the prosecutions, disciplinary investigations and campaigns of private harassment directed against the 1128 signatories of the Peace Petition is staggering. We have never before amassed such a record of violations of academic freedom and freedom of expression in such a short period in the history of our activities in defense of academic freedom in the countries of the Middle East. This record of repression and intimidation of academics is all the more disturbing when considered in light of Turkey’s reputation, until recently, of aspiring to maintain a standard of protection of civil and political rights in keeping with the European Convention of Human Rights. The reversal of Turkey’s earlier trajectory of political liberalization will be exacerbated if your government takes steps to amend Turkish criminal law along the lines proposed by President Erdoğan in his speech on March 15, 2016. The pre-textual invocation of anti-terrorism laws to prosecute critics of your government and supporters of Kurdish rights already garnered international criticism in the last four years. Against this backdrop, any proposal to further broaden the definition of terrorism to formally encompass the activities of academics, journalists and NGO advocates, signals the deliberate intention of your government to abandon basic human rights protections under Turkish law, in direct violation of Turkey’s international obligations.

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. Turkey is also 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 to freedom of expression and association, which are at the heart of academic freedom. These rights are enshrined in articles 25-27 of the Turkish Constitution. We urge your government to take all necessary steps to abandon the course currently being pursued and return to earlier practices in line with ensuring that these rights are protected.

We respectfully ask that your government take immediate steps to drop all charges against and release Professors Mungan, Ersoy, and Kaya, drop all charges against Professor Camcı, allow Professor Stephenson to return to the country to resume his position at Istanbul Bilgi University, and ensure that all of the investigations -- disciplinary and criminal -- that we enumerated in our previous letters be terminated or reversed. We also ask that your government immediately drop consideration of any proposal to amend the criminal laws to broaden the definition of terrorism to encompass the lawful and protected activities of academics, journalists and NGO advocates. In light of mounting international condemnation of the erosion of democratic rights and freedoms under your administration, taking steps to protect academic freedom, freedom of expression and freedom of association would be an important step to address growing concerns about human rights in Turkey.

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

Yours 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
- Kati Piri, Member, Committee on Foreign Affairs, European Parliament.
- 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