



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

3542 N Geronimo Ave
Tucson AZ 85705 USA

tel 520-333-2577
fax 520-207-3166
caf@mesana.org
www.mesana.org



October 10, 2016

Prime Minister Binali Yıldırım
Office of the Prime Minister
Başbakanlık
06573 Ankara, Turkey
Via facsimile +90 312

Dear Prime Minister Yıldırım:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom concerning the alarming incidents that have been reported at Mardin Artuklu University (MAU) under the leadership of Rector Ahmet Ağırakça. Since December 2014, first as Deputy Rector and later as Rector, Ağırakça has reportedly used his position to make false accusations, initiate disciplinary proceedings, and finally terminate foreign faculty members while creating a permissive environment for ethnically-based intimidation of and discrimination against faculty deemed critical of the government's Kurdish policies or of the rector's own actions. Because these reports come at a time when your government has also used counter-terrorism framings and emergency decrees to target academics for pro-Kurdish speech and activism, we are further concerned that Rector Ağırakça's authoritarian treatment of faculty and students may enjoy tacit support from Turkish officials.

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.

Hosting the first Kurdish Studies and Syriac Studies departments in Turkey, Mardin Artuklu University (MAU) is a pioneering academic institution. When MAU was founded in 2007, the creation of these departments at a public university was heralded as an extension of the governing Justice and Development Party's (AKP) policies of cultural autonomy and peaceful reconciliation with the Kurdish community. In an attempt to turn MAU into an internationally competitive institution with an emphasis on excellence in research, Kadri Yıldırım, the vice-rector of MAU at the time, invited qualified scholars located in North American and Western European universities, as well as Kurdish Studies scholars from Iran, Iraq, and Syria to apply for positions at the university in 2014. Many well-qualified scholars responded to this call

and took up faculty positions at the university. Unfortunately, the escalation of conflict between the Kurdish community and Islamist militias in Syria began to spill over into Turkey shortly after this period. As a result, the city of Mardin acquired strategic significance in your government's Syria policies while also serving as a major center of Kurdish activism and organizing.

The collapse of the Kurdish peace process and the adoption of a military strategy by your government to suppress Kurdish militants in the southeastern provinces following the June 7, 2015 elections heightened tensions in the city of Mardin. In the lead-up to the collapse of the peace process, in late 2014, your government conducted sweeping arrests of 70 people affiliated with MAU, including former vice-rector Kadri Yıldırım, who had presided over the hiring of foreign faculty and was the head of the Institute of Living Languages (where the department of Kurdish Studies is located). Shortly after those arrests, Ahmet Ağırakça, a theology professor who had not supported MAU's program, was selected to serve as the new rector of the university, replacing Serdar Bedii Omay.

Based on eye-witness reports by faculty and students as well as press coverage in Turkey, we are concerned that Rector Ağırakça fired or suspended scholars on political grounds and then sought to justify his actions by spreading false accusations against those who had been targeted. As evidence of his own public political positions, on June 6, 2015—the day before national elections—Rector Ağırakça tweeted a demand that voters withhold their support from the pro-Kurdish Halkların Demokratik Partisi (Peoples' Democratic Party, HDP). Two weeks later, Ağırakça unlawfully terminated fourteen foreign faculty members, reportedly alleging that they were “foreign intelligence agents.” Of the fourteen scholars who were terminated, five were teaching in Kurdish and eight were women. At the same time, Rector Ağırakça began making false accusations against the fired faculty, claiming that they had violated the terms of their contracts by failing to attend classes and by being unproductive in their research and publications.

Lending further weight to suspicions that the faculty terminations were procedurally flawed, the Ağırakça administration briefly published on the university's website, and then removed, an official justification for the terminations grounded in an outdated Higher Education Council (Yüksek Öğretim Kurumu—YÖK) regulation that was promulgated under military rule in 1983. The regulation (based on the 1983 decree law 78) concerned a quota limiting the proportion of foreign faculty to two percent (2%). Interestingly, however, no action was taken to limit the proportion of foreign faculty at the university across the board. To

the contrary, all of the faculty targeted were in the fields of history, anthropology, Kurdish Studies, history of art and philosophy. By contrast, foreign faculty members in other departments such as Ağırakça's own department—theology—remained untouched. Further, Ağırakça never made the actual numbers public, and on twitter, answered students who asked for an explanation with the same statement.

The unlawfulness of the terminations has been documented in the lawsuit brought by Kamal Soleimani, one of the fired foreign academics, against MAU. In that case, the Mardin Administrative Court found the university in violation of Soleimani's rights. On appeal, the appellate Diyarbakır Regional Administrative Court also decided in favor of Soleimani. Initially, Ağırakça reinstated Soleimani in accordance with the court's decision, but following the snap elections called on November 1, 2015, the Rector once again removed Soleimani. At the same time, even as another appellate court once again ruled in favor of Soleimani, YÖK intervened in the case and directly revoked Soleimani's residence permit, leaving him no choice but to leave the country despite the court rulings in his favor. The intervention of YÖK to override the judicial decisions in Soleimani's favor strongly suggests your government's support for the unlawful actions taken by Rector Ağırakça. As we have noted in our previous letters (see for instance those dated January 7, 2016 and January 14, 2016), YÖK is not an independent entity, but rather works closely with your administration and exercises power in a manner that is consistent with statements made by President Erdoğan and other AKP officials.

Under Rector Ağırakça's administration at MAU, power has been concentrated among a small group of administrators who support Ağırakça's actions and Ağırakça himself. Currently, Ağırakça serves as Rector, Deputy Dean of Islamic Studies, Engineering and Architecture, Humanities, Natural Sciences, Economics and Administration, and as faculty senate representative of the School of Natural Sciences. Another example of such concentration of power is İbrahim Özcoşar, who served in four administrative roles until recently: as Dean of Humanities, Chair of the History Department, Dean of Fine Arts and Vice-Rector of the University. With like-minded lower-level administrators carrying out his policies, the Rector has created an environment of intimidation targeting ethnically Kurdish scholars and academics who are aligned with political opposition to your government. Those scholars who voiced their opposition to Ağırakça's termination of the fourteen foreign faculty members were subjected to punitive policies and condemnation as a result.

Kurdish scholars Nilay Ozok-Gündoğan and Azat Gündoğan are additional examples of the climate of intimidation at MAU. Apparently, the Gündoğans were reported to local officials for their dissident views, and as a result were subjected to surveillance by the anti-terror police. Meanwhile, Nilay Ozok-Gündoğan, an Ottoman historian hired to teach history, was reassigned to teaching English as a foreign language rather than courses in her field. Ozok-Gündoğan sued the university over this discriminatory treatment, and her lawsuit is still pending.

During your government's campaign of intimidation against Peace Petition signatories beginning in January of this year (see our letters dated January 14, 2016, February 22, 2016, March 17, 2016, and September 6, 2016), the Gündoğans faced such a degree of official harassment at the university and private threats that they presented their resignation (February 16, 2016) to the Ağırakça administration at MAU and eventually were forced into exile. Ignoring their resignation, the administration sent them two memoranda on February 19, 2016 (numbers 39164466-903.06.03 and 39164466-903.06.03) stating that they had been suspended for "deserting" their positions. In keeping with Ağırakça's earlier false allegations, MAU administration preferred to claim that the Gündoğans had violated their contracts rather than to recognize their resignations. Based on the memoranda, the claims for "deserting" appear to be on the grounds that the Gündoğans were not present during the winter break. Aside from the fact that the period in question was a break, being present is not a requirement applied equally to all the MAU faculty--this includes the rector himself who has continued to live in Istanbul throughout his MAU appointment, and whose presence in Mardin is irregular. Such unequal treatment of faculty and the attempt to terminate the Gündoğans only a few days after they had already submitted their resignation suggest they continued to be the target of a discriminatory practice in this process. Indeed, in response to these claims and attempted termination, the Gündoğans have filed another lawsuit against the MAU administration.

In another case, Ağırakça suspended Naif Bezwan (Bilmedi) of the MAU Political Science and International Relations Department based on an interview Bezwan gave regarding his assessment of the situation of the Kurds and Turkish policies. On August 25, 2016, in a memorandum (number 34233153-903.08.02) addressed to the dean's office, Ağırakça condemned Bezwan's scholarly assessment of Turkey's policies, and alleged that Bezwan's position was "provocative" and served to undermine the institutions and the state of the Turkish Republic. On the grounds that Bezwan's assessment of the Kurdish movement in Syria was deemed inappropriate by the Rector, Ağırakça's office asked the Dean of the School of Economics and Administration to suspend Bezwan. Ağırakça's actions in the case of Professor Bezwan represent a

direct violation of academic freedom as well as an assault on the independence of faculty research.

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 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 also enshrined in articles 25-27 of the Turkish Constitution. Derogations that the Turkish government has declared from some of its human rights obligations during the current state of emergency cannot excuse the violations of freedom of speech and opinion and the right to academic freedom that we have documented at MAU.

We urge your government to take all necessary steps to bring to an end the procedural improprieties, politicized disciplinary actions and environment of intimidation that have been documented at Mardin Artuklu University. We respectfully ask your government to take all necessary steps to ensure that the disciplinary measures taken against academic staff members at Mardin Artuklu are not approved by YÖK, that the dismissed faculty are reinstated to their positions, and that a report is prepared investigating the management corruption under Rector Ağırakça's leadership. Further, we ask that you take all necessary steps to preserve academic freedom on all of Turkey's university campuses.

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

Sincerely,

A handwritten signature in black ink that reads 'B. Baron' followed by a long horizontal flourish.

Beth Baron
MESA President
Professor, City University of New York

A handwritten signature in black ink that reads 'Amy W. Newhall' in a cursive script.

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)

Ahmet Ağırakça, Rector, Mardin Artuklu 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

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