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Prime Minister Binali Yıldırım
Office of the Prime Minister
Başbakanlık
06573 Ankara
Turkey

Dear Prime Minister Yıldırım:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom to express our increasing concern and dismay over the cumulative effect of the emergency decrees that have devastated Turkish academia.

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 most recent of the emergency decrees, issued on October 29, 2016 [Kanun Hükmünde Kararname (KHK) 675 and KHK 676] have resulted in two deeply disturbing changes: first, another one thousand two hundred sixty-seven (1267) academic personnel have been dismissed from their positions at seventy-four (74) universities across Turkey. Second, the emergency decree has eliminated the system by which universities elect their own rectors and university administration, replacing it with a system whereby all rectors at public universities will be selected directly or indirectly by the president's office working in conjunction with the Turkish Higher Education Council (YÖK). As with the earlier decree issued on September 1st, we understand that this most recent decree was issued under the authority provided by the state of emergency declared by President Recep Tayyip Erdoğan in the wake of the attempted coup of July 15, 2016. While we recognize that the attempted coup represented a threat to Turkish national security, and that the government must take legitimate precautions in the aftermath of that violence, mass firings of university faculty and staff and centralized government control over university governance have no rational relationship to such legitimate measures. Instead, these measures suggest the continuation of a government campaign of intimidation, threats and attacks on all aspects of academic freedom and university autonomy that began well before the attempted coup.

The decrees of October 29th announced the permanent removal of over 10,000 civil servants from their positions, including over 2200 members of the Ministry of Education and 1267 university academic personnel. The affected academic personnel are distributed across all ranks: from full professors to associate professors, assistant professors, lecturers and other academic staff in research and teaching positions. As with the earlier decrees, these actions also cancel the passports of the fired personnel and their spouses. All of those affected by the decree were dismissed on allegations of being members of a terrorist organization or undermining the national security of the state. None were afforded any procedural rights or confronted with any evidence to justify such allegations and dismissals, and no official charges have been brought.

Prior to the decrees of October 29th, an astonishing array of emergency measures had already targeted higher education in the country. Seventeen private universities were closed, their assets seized, and all of their academic personnel lost their positions. The Turkish Higher Education Council (YÖK) announced suspensions and investigations against over 10,000 academic faculty and staff across the country. All 1576 deans from all universities in Turkey were forced to resign, and a travel ban was imposed on all academics, which has only been partially modified to give rectors control over travel authorizations for faculty. On September 1st, an earlier decree had already removed 2346 academics from their positions at public universities in Turkey without evidence of wrongdoing or procedural protections to contest the dismissals. MESA's Board of Directors issued a statement and a letter expressing our concern about these and other developments that have detrimentally impacted Turkish academia on July 21, 2016 and again on August 19, 2016, and the Committee on Academic Freedom has previously written letters on September 6, 2016 and October 10, 2016.

Many of these steps were blanket measures taken against all academics in the country. The more targeted measures resulting in investigations, suspensions and university closures have proceeded on the basis of allegations of links between the individuals and institutions targeted and the planning of the coup attempt. Those allegations do not appear to include direct involvement in the planning or execution of the attempted coup, but rather, suggestions of financial and other ties to the exiled cleric, Fetullah Gülen, whom the government holds responsible for the coup attempt. In many instances, academics who do not even have indirect links to the Gülen movement have been caught up in these measures. Without more evidence of a direct relationship between the attempted coup and the affected universities, academic faculty and staff, the basis for these actions amounts to little more than guilt-by-association. The targeting of individuals and institutions for their

alleged associations, without individualized evidence of wrongdoing, is a violation of basic human rights and, where academic personnel and universities are involved, an assault on academic freedom.

The breadth of the firings that have resulted from the October 29th decree—like the September 1st decree that preceded it in dismissing 2346 academic personnel on similar grounds—indicates that the measures are not limited to such guilt-by-association, but also target academics deemed critical of the government and who are not alleged to have ties to the Gülen movement. In earlier letters this year, dated January 14, 2016, February 22, 2016, and March 17, 2016, we wrote about the broad pattern of persecution of academics by the Turkish government in the wake of the publication of a petition for peace in the Kurdish regions of the country (“Peace Petition”). The attacks against petition signatories encompassed 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. In March, President Erdoğan proposed amending Turkish anti-terrorism laws to include the activities of academics, journalists and NGO advocates, a move that threatened to permanently criminalize freedom of expression, freedom of association and academic freedom for anyone working on Kurdish issues or indeed anyone critical of the government. In the aftermath of the attempted coup, the clampdown on academics and universities has been further expanded, and the State of Emergency now provides cover for the far-reaching measures that had been threatened earlier in the year.

The firings of this week occurred without due process of law and represent the removal en masse of academics without any evidence of a connection to the attempted coup. As just one example, all signatories of the Peace Petition at Tunceli University were removed in a single stroke. Indeed, 24 of those dismissed by decree (KHK) 675 were signatories of the Peace Petition. Moreover, reports indicate that a significant number of those dismissed were members of the leftist educational union, Eğitim ve Bilim Emekçileri Sendikası (known by the shorthand, Eğitim Sen). The dismissal of numerous leftist, pro-Kurdish and otherwise critical academics through the September 1st and October 29th decrees suggests that the scope of these actions was in no way tailored to target individuals suspected of being tied in some way to the coup attempt.

The scale of the investigations, prosecutions, dismissals, detentions and campaigns of private harassment directed against academics across the country is staggering. These measures preceded the attempted coup of July 15th, though they have now expanded and accelerated under cover

of emergency laws. We have never before amassed evidence of such a record number 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 MENA region. 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 invocation of anti-terrorism laws as a pretext to investigate, fire and even prosecute academics, journalists, politicians and NGO advocates for engaging in academic research, expressions of political opinions and peaceful demonstrations in support of Kurdish rights has been widely reported over the last three years by numerous human rights organizations, intergovernmental organizations and groups monitoring press freedoms. Against this backdrop, the further assaults on freedom of speech, freedom of opinion and academic freedom under the state of emergency signal the abandonment of basic human rights protections under Turkish law in direct violation of Turkey's international obligations.

Beyond the measures targeting academic personnel, decree (KHK) 676 also eliminated the most basic prerequisite for academic freedom, the autonomy of university administration and governance. The legal regulation of the higher education sector (under Law 2547, article 13) previously provided that the administration at public universities would convene meetings of the tenured and tenure-track academic faculty to elect candidates for the position of rector, to be presented to the President of the Republic for appointment. Under the new regulation introduced by emergency decree 676, three candidates selected from among academic rank faculty with at least three years' experience will be selected by the executive-branch-governed YÖK to be presented to the President of the Republic, whose office will then select the candidate to be appointed rector. Under this new procedure, universities will have no role whatsoever in the election or selection of their rector: the governance of public universities will be centrally controlled from the office of the President, eliminating the last vestiges of autonomy at Turkish universities and closing down the last possibility for academic freedom to conduct research deemed critical or sensitive by the Turkish government.

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. Derogation from human rights instruments under the state of emergency must be narrowly tailored to the exigency at hand and cannot arbitrarily restrict academic freedom or justify the massive and arbitrary dismissal of thousands of academics across the country. Moreover, the rights being trampled in these actions are also 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 to protect academic freedom.

We respectfully ask that your government take immediate steps to reverse the dismissals announced in the October 29th and September 1st decrees and ensure that all of the investigations—disciplinary and criminal—that we enumerated in our previous letters and Board statements be terminated or reversed. We also ask that your government desist from broadening the definition of terrorism to encompass the lawful and protected activities of academics, journalists and NGO advocates. In the aftermath of the failed coup attempt, your government has an opportunity to restore confidence in its commitment to democratic rights and freedoms by taking steps to protect academic freedom, freedom of expression and freedom of association.

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

Yours sincerely,

A handwritten signature in black ink that reads 'Beth Baron'.

Beth Baron
MESA President
Professor, City University of New York

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

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

enc. List of individuals removed from academic positions by the October 29th decree, broken down by university.

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