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Committee on  
Academic Freedom

January 12, 2017

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 increasingly deep dismay over the alarming impact of your government's emergency decrees on Turkey's institutions of higher education.

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 6 January 2017 [*Kanun Hükmünde Kararname* (KHK) 679] has resulted in yet another disturbing wave of terminations: another six hundred thirty-one (631) academic personnel have been dismissed from their positions at sixty-three (63) universities across Turkey. As with the earlier decrees issued on 1 September, 29 October, and 22 November, 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 15 July 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 do not constitute a legitimate line of action in that regard. Instead, these measures suggest the continuation of a government campaign of intimidation, threats and attacks on all aspects of academic freedom and the right to education that began well before the attempted coup.

KHK 679, issued on 6 January, decreed the permanent removal of over eight thousand (8390) civil servants from their positions, including 13 members of the Ministry of Education, 155 university administrative personnel and 631 academic personnel. The affected academic personnel come from 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. 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 decree of 6 January, 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 1 September 2016, an earlier decree removed 2346 academics from their positions at public universities in Turkey without evidence of wrongdoing or procedural protections to contest the dismissals. Similarly, on 29 October another 1267 academics were terminated and on 22 November 22 a further 242 academic personnel were fired by decree. MESA's Board of Directors issued a statement and a letter expressing our concern about these and other developments that have detrimentally affected Turkish academia on 21 July 2016 and again on 19 August 2016, and the Committee on Academic Freedom has previously written letters on 6 September 2016, 10 October 2016 and 7 November 2016, 14 December 2016 and 21 December 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 such 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 and collective punishment. 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 January 6<sup>th</sup> decree—like the 1 September, 29 October and 22 November decrees that preceded it in dismissing 3855 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 14 January 2016, 22 February 2016, and 17 March 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 6 January occurred without due process of law and represent the removal en masse of academics without any evidence of a connection to the attempted coup. Indeed, 43 of those dismissed by decree (KHK) 679 were signatories of the Peace Petition. With this emergency decree, it appears that your government has yet again targeted those Peace Petition signatories who are also well-known critics of the Gülen movement and among the harshest critics of the 15 July coup attempt. Moreover, the decree has terminated some of Turkey's most prominent faculty at some of the oldest and best established universities in the country such as Ankara University, Ege University, and Dokuz Eylül University. In addition, KHK 679 has once again targeted the signatories of the Peace Petition at Mardin Artuklu University—a pattern that was evident in earlier decrees about which MESA has previously written to you (see our letter dated 10 October 2016). The dismissal of numerous leftist, pro-Kurdish and otherwise critical academics through the 1 September, 29 October, 22 November and 6 January 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 15 July, 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.

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, in addition to the right to education enshrined in article 42. We urge your government to take all necessary steps to abandon the course currently being pursued and to protect academic freedom and the right to education.

We respectfully ask that your government take immediate steps to reverse the dismissals announced in the 6 January 2017, and 22 November, 29 October and 1 September 2016 decrees and ensure that all of the investigations—disciplinary and criminal—that we have 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, NGO advocates, and students. 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, right to education, freedom of expression and freedom of association.

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 style.

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

enc: KHK 679 January 2017 Academic Terminations

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