



**Middle
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May 5, 2017

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

H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06689 Çankaya, Ankara
Turkey

Dear Prime Minister Yıldırım and President Erdoğan:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom to express our deepening dismay over the devastating 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 29 April 2017 [*Kanun Hükmünde Kararname* (KHK)] 689, has resulted in another troubling wave of terminations: a further four hundred eighty-four (484) academic personnel from sixty-one (61) universities, and ninety-eight (98) academic administrative personnel from twenty-seven (27) universities have been dismissed from their positions across Turkey. Further, fifty-nine (59) students were barred from continuing their education. These firings and the barring of students from completing their education represent a direct violation of academic freedom and the right to education in Turkey. In the aftermath of the referendum on 16 April 2017, there is every indication that the Turkish government's waves of repression and attacks against academic freedom are worsening. We have previously written to your government concerning the arbitrariness of the purges and detentions that have swept across the country. We once again decry the mass termination of academics based on allegations relating to national security without any evidence or any meaningful right of redress.

As with the earlier decrees issued on 1 September, 29 October, 22 November, and 6 January, and 7 February 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 and K-12 teachers across the country 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. This campaign continues to accelerate in ways deeply inimical to the quality of academic teaching, research, training and scholarship in Turkey. The government appears set on pursuing a strategy that crushes the considerable intellectual wealth of the Turkish scholarly community and incentivizes those who have, for the time being, escaped arbitrary expulsion from their positions and careers, to seek immediate opportunities outside of Turkey. The resulting brain drain will have catastrophic and long-lasting effects on current and future generations of Turkish scholars and students.

KHK 689, issued on 29 April, decreed the permanent removal of 3974 civil servants from their positions across the bureaucracy. The affected academic personnel come from all ranks: from full professors to lecturers as well as academic staff in research and teaching positions. As with the earlier decrees, these actions also cancel the passports of the fired personnel. Moreover, at least fourteen (14) of those terminated by KHK 689 had already resigned from their positions or not had their contracts renewed, thus making this additional termination by emergency decree unnecessary, unless the goal was to impose the additional hardships attendant to being purged by the government.

All of those affected by the KHK 689 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 presented with any evidence to justify the allegations and dismissals, and no official charges have been brought. Moreover, thirteen (13) of the terminated academics from Dicle University were also subjected to early morning raids on their homes and periods of detention ranging from several hours to over forty-eight hours on apparent allegations of engaging in propaganda on behalf of a terrorist organization. Another four academics were not at home when the police came to conduct searches and detain them, but were later contacted by security services and subjected to the same treatment. These individuals were signatories of the Academics for Peace Petition, and we have every reason to believe they were targeted on this basis, as were many other signatories about whom we have written to you in previous letters (see our letters dated 14 January 2016, 22 February 2016, 17 March 2016 and 12 January 2017). While those detained have been released, news reports indicate that their cell phones were confiscated together with other materials seized from their homes.

Prior to the decree of 29 April, an astonishing array of emergency measures had already targeted higher education in the country. Fifteen private universities were closed, their assets seized, and all of their academic personnel dismissed. All 1576 deans from all universities in Turkey were forced to resign, and a travel ban—which has only been partially modified to give rectors control over travel authorizations for faculty—was imposed on all academics. In total, the five previous decrees resulted in the removal of 4816 academics from their positions at public universities in Turkey without evidence of wrongdoing or procedural protections to contest the dismissals. This new decree brings the total to five thousand three hundred (5300), not including those who lost their positions when their private universities were closed. MESA's Board of Directors issued a statement and a letter, on 21 July 2016 and on 19 August 2016 respectively, expressing our concern about these and other developments that have detrimentally affected Turkish academia, and the Committee on Academic Freedom has previously written

letters on 6 September 2016, 10 October 2016, 7 November 2016, 14 December 2016, 21 December 2016, 12 January, 2017 and 8 February, 2017.

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 expanded and accelerated under cover of emergency laws. 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. 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, intergovernmental, and press freedom-monitoring organizations. 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 29 April, 7 February and 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 16 April referendum, 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.

Yours sincerely,



Beth Baron
MESA President
Professor, City University of New York



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

cc:

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