



**Middle
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September 13, 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 of North America (MESA) and its Committee on Academic Freedom once again to express our alarm at the newest of the emergency decrees promulgated by your government and their dire impact 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 25 August 2017 [*Kanun Hükmünde Kararname* (KHK) 693], has resulted in the permanent removal of 928 civil servants from their positions across the state bureaucracy, including a further one hundred twenty (120) academic personnel from twenty-seven (27) public universities, and fifty-two (52) academic administrative personnel from fourteen (14) universities. These purges of academics and administrative personnel represent a direct violation of academic freedom and of the right to education in Turkey. 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. All of those affected by the KHK 693, like those purged before them, 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.



A second emergency decree, KHK 694, was also issued on 25 August, further threatening the autonomy of academics in Turkey. Under KHK 694, academics reinstated to their positions following successful appeals of their dismissals may be forcibly transferred to different universities from the ones in which they were employed prior to being purged. This measure paves the way to reassigning academics to universities in far-flung provincial cities, thereby extending arbitrary punishment through what amounts to internal exile. Using these powers, the government will be able to continue to persecute academics by forcing them to move away from the universities and cities in which they made their careers, thereby uprooting their families, their ties to specific intellectual communities and their participation in ongoing research projects.

We note with alarm the lawlessness of these measures. The dismissals devastating the lives of thousands of academics without any due process or evidence are a form of summary collective punishment. Moreover, the absence of legal safeguards has now been compounded by measures that would allow the government to arbitrarily reassign academics to *de facto* internal exile should they manage, against all odds, to be reinstated to an academic position. The cumulative effect of the purges and the power to reassign academics at will to any part of the country is to sever scholars from their professional lives and their ties to students and colleagues.

As with the seven earlier emergency decrees affecting higher education over the last twelve months, we understand that these most recent decrees were 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, mass firings of university faculty and staff and K-12 teachers across the country do not constitute a legitimate line of defense. 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.

Prior to the decrees of 25 August, 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 an international travel ban—which has only been partially modified to give rectors control over travel authorizations for faculty—was imposed on all academics. This new decree brings the total number of academics purged to five thousand seven hundred twenty-two (5722), 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, 8 February 2017, 5 May 2017, 19 May 2017, 20 June 2017 and 31 July 2017.

The scale of the investigations, prosecutions, dismissals, detentions and campaigns of private harassment directed against academics across the country is staggering. Without 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 and 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 decreed on 25 August, 14 July, 29 April, 7 February and 6 January 2017, and 22 November, 29 October and 1 September 2016 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 restore the prior positions of all those who are reinstated and desist from reassigning faculty to any universities other than the ones at which they were employed prior to the purges. In the aftermath of the 16 April 2017 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

cc:

İsmail Kahraman, Türkiye Büyük Millet Meclisi Başkanı (President of the Turkish National Assembly)

Abdülhamit Gül, 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



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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