



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

1957 E Street NW, Suite 401
Washington, DC 20052

Phone 520-333-2577

Fax 520-207-3166

caf@mesana.org

mesana.org



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

Dear 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 grave concern about recent moves that will likely result in the closure of Istanbul Şehir University and to demand the reversal of actions that attack the independence of the university and the academic freedoms of its faculty and students. We deeply regret that these events are only the most recent instances of an ongoing assault on academic freedom in Turkey about which we have addressed numerous letters to your government over the last five years.

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 more than 2500 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 measures that your government has taken against Istanbul Şehir University represent the culmination of a pattern of targeting, threats and asset seizures against the university which, apparently, was set in motion as part of your political conflict with former Prime Minister Ahmet Davutoğlu. Davutoğlu established a private foundation—Bilim ve Sanat Vakfı (the Science and Art Foundation)—together with Turkish businessman Murat Ülker in 1986. In 2008, the foundation established Istanbul Şehir University as a private, non-profit university. At the time of its founding, the university enjoyed significant support from your government.

Despite your close political relationship to Davutoğlu, Istanbul Şehir University operated as an autonomous institution of higher education that quickly established a strong reputation in numerous academic disciplines, was a haven for diverse viewpoints, and attracted some of the most distinguished scholars in Turkey. As of this academic year, the university had a student body of 7100 undergraduate and graduate students and 758 faculty members, including 556 full-time and 202 part-time faculty. Some 15% of the student body is composed of foreign students from 87 different countries of origin, attesting to the university's international renown.

Today, despite its considerable achievements, your government insists on framing the university exclusively through the lens of your personal relationship with Davutoğlu, whom you dismissed as Prime Minister in 2016. His withdrawal from the AKP in September 2019 and his founding,

with other former AKP members, of a separate political party—the Future Party (GP)—seem to have precipitated the recent actions by your government targeting Istanbul Şehir University.

In October 2019, an Istanbul court ruled in favor of the state-run Halkbank in a lawsuit over a loan to the university. That loan was secured by collateral in the form of one of the university's campuses in Istanbul. An administrative decision granted the university title over a disputed portion of land donated to the campus, and this land, in turn, was used to secure the loan. A sudden reversal by a lower administrative court last fall stayed the approved land donation, which should have given the university clear title. In October, Halkbank declared the collateral for the loan worthless based on that administrative stay, and proceeded to freeze the university's accounts. The university found itself unable to pay salaries, support students, maintain its campus or even pay its utility bills, with faculty and students reporting their concerns mid-way into the fall semester that academic operations might have to be suspended. The timing of the asset freeze soon after Davutoğlu withdrew from the AKP led to speculation that the action was politically motivated with the state-run bank acting at the behest of your government.

The next step in the campaign of harassment built upon the university's financial difficulties as a basis for transferring its administration away from its Board. To this end, in December 2019, Turkey's Higher Education Board (YÖK) decided to "temporarily" revoke its operating license and transfer its administration to Marmara University, a public university known to be favored by your government, which was designated to act as a trustee. The revocation of a private university's license and the wholesale transfer of its operations to another university is a grave violation of the autonomy of the higher education sector from political control by the government. The timing of these actions all but coincided with the announcement that Davutoğlu had formed the Future Party, as a rival to your own political party, the AKP.

More recently, in January of this year, your government seized the Science and Art Foundation that had established Istanbul Şehir University, and appointed three trustees to take over its management. Your government is well-known for using asset freezes, expropriations and the appointment of government-aligned trustees to manage holding companies, conglomerates and media groups previously owned by individuals or organizations deemed insufficiently loyal to your regime. Indeed, the seizure of Istanbul Şehir University and its affiliated foundation is very much part of this pattern and recalls the closure of fifteen private universities in 2016, which we protested in our letter dated 14 December 2016. And as in those earlier cases, your targeting of former allies who have played a role in establishing schools and universities results in massive violations of the academic freedom of faculty and students at these institutions.

In the midst of the COVID-19 pandemic, with the public preoccupied with managing the threat of contagion and its economic fallout, the AKP majority

in parliament took action on 15 April that will facilitate the closure of Istanbul Şehir University. By adopting law number 7243, which amends the Law on Turkish Higher Education, Parliament increased the already draconian restrictions on higher education originally put in place by the Turkish military in 1981. The amendments advanced by the AKP with the support of your office are deeply problematic for many reasons—among them, authorizing disciplinary proceedings against scholars on a range of grounds that clearly intrude on academic freedom, and which we plan to take up in a separate letter. With respect to the plight of Istanbul Şehir University, the amendments include an article (Article 13) designed to provide the legal framework for its closure.

The news that the seizures of the university and its foundation now provide a basis—under hastily passed amendments—for closing the university (contrary to claims that it would be allowed to operate under the supervision of Marmara University, acting as trustee) is an outrage. The closure of Istanbul Şehir University would represent another devastating blow to academic freedom and the autonomy of higher education in Turkey. Just as public universities are at the mercy of politically driven appointment processes for university administrators, so private universities must now toe the line to avoid asset freezes and closures.

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 academic freedom, which is grounded in the 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. These rights are also enshrined in articles 25-27 of the Turkish Constitution. We urge your government to take all necessary steps to desist from its politically motivated targeting of higher education institutions and return to ensuring that these rights are protected.

We respectfully repeat our numerous requests that your government take immediate steps to reverse its present course and restore protection for academic freedom and the autonomy of higher education in Turkey. In the case of Istanbul Şehir University, this would require reinstating the university's administration, unfreezing its accounts and restoring the Science and Art Foundation's assets to enable the university to resume its activities, its faculty to maintain their positions and its more than 7000 undergraduate and postgraduate students to continue their educations.

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

Sincerely,



Dina Rizk Khoury

MESA President

Professor, George Washington University



Laurie Brand

Chair, Committee on Academic Freedom

Professor, University of Southern California

cc:

Ibrahim Kalın, Chief Advisor to the President and Presidential Spokesman
Mustafa Şentop, 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)

Ziya Selçuk, Türkiye Cumhuriyeti Milli Eğitim Bakanı (Minister of Education
of the Republic of Turkey)

Mevlüt Çavuşoğlu, Türkiye Cumhuriyeti Dışişleri Bakanı (Minister of Foreign
Affairs of the Republic of Turkey)

Bülent Ekici, President of Istanbul Sehir University

Maria Arena, Chair of the European Parliament Subcommittee on Human
Rights

Viktor Almqvist, Press Officer

Josep Borrell Fontelles, High Representative of the European Union for
Foreign Affairs and Security Policy

Fiona Knab-Lunny, Member of Cabinet of Josep Borrell, High Representative
of the European Union for Foreign Affairs and Security Policy

Hannah Neumann, Vice-Chair of the European Parliament Subcommittee on
Human Rights

Raphael Glucksmann, Vice-Chair of the European Parliament Subcommittee
on Human Rights

Christian Danielsson, Director-General for Enlargement at the European
Commission

Dunja Mijatović, Council of Europe Commissioner for Human Rights

Kati Piri, Member, Committee on Foreign Affairs, European Parliament

Nacho Sanchez Amor, Member of European Parliament and European
Parliament Standing Turkey Rapporteur

Verónica Michelle Bachelet Jeria, 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

Koumbou Boly Barry, United Nations Special Rapporteur on the right to
education