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Academics for Peace
Centre for Democracy and Peace Research
Research Institute on Turkey

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I. Reporting Organizations:

This report is a joint submission from the following non-profit organizations and initiatives:

Academics for Peace (AfP) is an initiative founded in November 2012 in the aftermath of a statement that supported Kurdish prisoners' demands for peace in Turkey, which they voiced through a hunger-strike. The statement was signed by 264 academics from over 50 universities. In their first meeting in December 2012, Academics for Peace decided to work for a peace process in Turkey and to contribute to it by producing knowledge and information on topics like processes of peace and conflict, practices of peace-making, women's role in the peace process, education in native languages and the destruction of the environment through war. Between the years 2013 and 2016 Academics for Peace signed petitions, organized meetings including one with several members of the Wise People Committee- a committee that the government tasked for meeting with people to learn about their expectations from peace- and published reports on their activities. The members of Academics for Peace also contributed to the peace process by writing in newspapers that compared Turkey's process with other cases in the world and have at numerous times announced their willingness and readiness to actively participate in the process. However today, what is known as the Academics for Peace are the signatories of the petition "We will not be a party to this crime!" which was publicized in January 2016 and include a plurality and a size that go much beyond these previous works. <https://barisicinakademisyenler.net/>

Centre for Democracy and Peace Research (CDPR) aims to promote advancement of education and human rights in the UK, Turkey and elsewhere. CDPR supports academics and researchers based in higher education institutions and NGOs as well as independent researchers; scholars facing risks and threats as a result of the content of their work, their status as academics or as a result of their peaceful exercise of the right to freedom of expression, freedom of association and freedom of assembly and academics and researchers with a clear commitment to organization's ethical values and objectives. <http://cdpr.org.uk/>

Research Institute on Turkey (RIT) is a New York-based non-profit organization that consists of an interdisciplinary group of researchers, artists, writers, architects, scientists and activists who explore and engage in *commonization* practices for social change in Turkey. RIT is an active member and an organizer within the international community focusing on the current academic crisis. It has team members who are academics in the US, Canada and Germany. Through events and collaborations, it aims to raise awareness within the academic community in North America. www.riturkey.org

II. Introduction and Issue Summary: Academic Freedom Violations in Turkey

Turkey is witnessing a dangerous escalation under the influence and pressure exerted by political and social power elites on its universities. Students and faculty members are being taken under custody and arrested; research is hindered through a variety of obstacles; faculty members are subjected to judicial and administrative investigations; and the security and vulnerability of academic staff is heightened by the commercialization of university education. Violations of human rights and of speech and academic freedoms in Turkey have certainly reached unprecedented levels following the Academics for Peace Initiative's declaration through a 2016 petition, "We will not be a party to this crime."

This report aims to illustrate the current speech and academic freedom violations in Turkey via a compilation of *de jure* and *de facto* violations of rights that academics and researchers faced following the press conference on January 11, 2016.

The declaration of the Academics for Peace (*Bariş İçin Akademisyenler*, BAK) entitled "We will not be a party to this crime" was signed by 1128 academics, a majority of whom work in institutions of higher education in Turkey, and it was made public on January 11, 2016 in two press conferences held simultaneously in Ankara and Istanbul. In the days following the press conference, signatories from 89 universities across Turkey faced accusations such as "supporters of terror", "traitors", "straw or copy intellectuals" in public statements made by the President of the Republic, Recep Tayyip Erdoğan over national broadcast networks, as well as several other government authorities, such as the Council of Higher Education (CoHE), the Inter-university Council, and by various university presidents.^[1] Nonetheless, one thousand more academics joined in signing the declaration, almost doubling the original number to 2212.

Lynchings against signatories took place in several university towns, in the form of numerous threats, intimidation and targeting, putting the life of the academics at risk.^{[2],[3],[4]} Some of the university administrations initiated disciplinary interrogations for signatories, some taking extralegal action such as firing, "preventive suspension," or banning the signatories to enter university campus, thus violating the right to work of many professors, associate and assistant professors, teaching assistants, lecturers and researchers.^{[5],[6]} In several cases individual academics were called to the local police or the prosecutor's office to give their statement about why they had signed the declaration.

The whole process reflected the further deterioration and dissolution of freedom of expression, academic autonomy and freedom in Turkey^[7]. The signatories are being brought to court under Article 7 of the Anti-terror Law (*Terörle Mücadele Kanunu*, TMK) for "propagandizing in favor of the terrorist organization" and/or under the Articles 301 of the Turkish Penal Code (*Türk Ceza*

Kanunu, TCK) for “insulting Turkishness.”.

[1] News from the Guardian: <http://goo.gl/EjcfT9>

[2] Scholars At Risk Academic Freedom Monitor: <http://goo.gl/7Szcyr>

[3] Nature magazine news: <http://goo.gl/bgBj9L>

[4] The Washington Post News: <https://goo.gl/qzsv4p>

[5] Science magazine news: <http://goo.gl/Ovol77>

[6] Amnesty International declaration: <https://goo.gl/JPqBIH>

[7] International Human Right Network of Academies and Scholarly Societies Declaration: <http://goo.gl/vVIIaL>

III. Disciplinary Investigations of Academics by University Administrations:

Immediately following the release of the petition, the presidents of majority of the universities considered the statements of the President, the Prime Minister, the Council of Higher Education (CoHE), and Inter-University Council as mandate, and without any legal basis started disciplinary investigation processes against the signatories. Through these measures, many academics faced dismissals, forced resignations and retirements, preventive suspensions, suspension from administrative duty and disciplinary investigations-measures which have violated academics' rights to work.

Academics for Peace has reported 154 incidents involving dismissal, resignation and forced retirement. 101 academics have seen preventive suspension, while 7 suspended from administrative duty. Rights violations have also involved disciplinary investigations launched by university authorities, reported in 505 incidents. In 112 reported incidents, university authorities have asked the CoHE the dismissal of academics from public service, pending approval.

The majority of the signatories hold posts at public universities, where employee personal rights are defined within the scope of the Law on Civil Servants (No. 657) and Law on Higher Education (No. 2547). Of the first 1128 signatories, 216 worked at universities that were owned by a private foundation. The academics who work at these universities are among those who most frequently faced dismissal from work or were forced to resign by the university administrations. Some were forced to resign on the very same day when the press release was made (January 11, 2016). Instances of dismissal from work, rapidly increasing especially at foundation/private universities, result from the fact that job security is very limited at these institutions. Many of these academics faced disciplinary investigations, suspension from work, death threats, indicting a lack of life and work security in the public universities.

IV. Dismissals by the State of Emergency Decree-Laws and Criminal Proceedings against Academics for Peace

386 signatories have been listed in the state of emergency decrees dismissed from their positions and banned from public service for life. The dismissals are on the generalized grounds found in the decrees, that those dismissed are “connected to, or affiliated to a terrorist organization”. There is no any court ruling, any prior investigation, any individualized justification or evidence being provided.

The decree-laws have effectively barred academics from exercising their right to work. First of all, they have effectively eliminated future academic employment prospects within Turkey, as personnel listed in the decree orders are banned for life from taking civil service positions. Moreover, other employment prospects for these academics have also proved nearly impossible as they have been labelled as “supporters of terrorism” by the public authorities, triggering a serious discrimination process against them and keeping employers from considering these academics as candidates for employment. Furthermore, academic employment prospects abroad have also been eliminated, as the dismissed academics have had their passports invalidated indefinitely. Hence, they have been stripped off their right to perform their jobs as well as the financial and intellectual conditions required for academic production.

There is no any effective national remedy for the academics affected by the emergency decrees. The administrative courts, appeal courts and the Constitutional Court delivered identical decisions, according to which the courts in Turkey cannot make any rulings over the state of emergency decrees. Thousands of academics applied to the very recently established State of Emergency Appeal Commission. The Turkish Ad Hoc Commission lacks the independence because of the way its members are appointed under the control of the government. It is also very ineffective. Until today, the Commission has reviewed only a very tiny fraction of the huge number of applications filed.

There are thousands of applications filed against Turkey at the European Court of Human Rights. Most of them are applications filed by the individuals adversely affected by the state of emergency measures, including the applications by Academics for Peace.

First criminal proceedings against those who signed the petition were initiated against four signatories who read a second press statement of Academics for Peace on March 10, 2016. This statement condemned the persecution of signatory academics and affirmed signatories’ commitment to the wording of the petition of January 2016. Subsequently, these signatories were arrested and kept on remand for 40 days. Since March 2016, the criminal proceedings against them are still pending.

In October 2017, other signatories of the petition started to receive subpoenas, summoning them to the court with an accusation of carrying out terrorist propaganda. As of May 2018, more than 260 signatories are individually indicted before the Assize Courts with an indictment identical except for individual identity information. The charges in the indictments are not substantiated by factual evidences, the allegations are inconsistent and distort the facts of the petition. A good example of this is the translation in Turkish of the translation in English of the initial petition text. The retranslation involves an error that is subsequently used in the accusations. In fact, the English text mentions “Kurdish villages” while its retranslation in Turkish by the prosecutorial office uses an expression in Turkish meaning “Kurdistan villages”. This change is used in the text as a proof of the hidden intentions behind the petition.

Until today 13 academics have their judgments delivered, the courts of first instances found the academics guilty for “carrying out terrorist propaganda” and sentenced them to 15 months of imprisonment. 12 of these academics have accepted to resort to the mechanism of the deferment of the announcement of the verdict where the perpetrator does not become punished under certain conditions, but the qualification of the crime becomes officialised. For one signatory that has refused the application of this mechanism, the Court had rejected the suspension of the punishment upon the grounds that she had not exhibited any expression of remorse. This academic has applied to the Court for Appeal and she faces the risk of imprisonment. The first case before the Court of Appeal will probably create a strong judicial precedent that will be highly persuasive while the decisions are made in the future cases against the other signatories.

V. Measures taken by the Scientific and Technological Research Council of Turkey (TÜBİTAK)

The government-controlled Scientific and Technological Research Council of Turkey (TÜBİTAK) has played a dishonorable but active part in the witch hunt that has caused and is still causing serious harm to hundreds of academics in Turkey, who lost their jobs and livelihoods by:

- (a) terminating existing grants to and rejecting funding applications by Academics for Peace;
- (b) terminating the scholarships to PhD students who signed the Academics for Peace declaration while researching in universities outside Turkey;
- (c) forcing funded PhD students to submit statements on their research with a view to ensure that their research does not harm national interests;
- (d) forcing Academics for Peace signatories to withdraw their names from published or under-review work that it had funded in the past;

- (e) forcing its scientific journals to fire Academics for Peace signatories from their editorial boards;
- (e) stopping printing books on the theory of evolution and increasing support for shady ‘research’ projects that champion creationism.

It should be noted that in April 2017 the French science foundation CNRS recommended that actions be taken against TÜBİTAK, a decision that has unfortunately remained unfollowed. The link to the decision of the CNRS is http://www.cnrs.fr/comitenational/cs/cs_acc.htm .