

SCHOLARS AT RISK

NETWORK

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Cumhurbaşkanlığı Külliyesi
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August 2, 2016

Re: Incommunicado detention and risk of ill-treatment of higher education professionals in Turkey

Your Excellency:

I write on behalf of Scholars at Risk to express continuing concern about sweeping actions against Turkey's higher education sector, including most recently prolonged incommunicado detention and related risks of torture and ill-treatment of hundreds of higher education professionals, in violation of Turkey's obligations under domestic and international law.

Scholars at Risk (SAR) is an international network of over 400 universities and colleges in 40 countries dedicated to promoting academic freedom and its constituent freedoms of thought, opinion, expression, association and travel—principles on which quality higher education depends. In cases involving alleged infringement of these freedoms, Scholars at Risk intervenes in hopes of clarifying and resolving matters favorably.

SAR has [previously expressed concern](#) about forced resignations imposed by Turkey's Council of Higher Education (YÖK) on more than fifteen hundred faculty deans; suspensions of thousands of education ministry personnel; [university closures](#); widespread travel restrictions and orders that academics abroad return to Turkey. These concerns are compounded by recent reports of prolonged incommunicado detention and related risks of torture and ill-treatment of hundreds of higher education professionals at more than a dozen institutions. The scale and speed of these combined actions do not suggest an evidence-based response to the events of July 15, but rather a broad campaign against intellectuals and intellectual expression, in violation of Turkey's international and domestic legal obligations to protect institutional autonomy and academic freedom, including under Turkey's constitution. This suggestion is only heightened by the State's attempted derogation under the European Convention on Human Rights (ECHR) (which nevertheless does not permit derogation of the protection against ill-treatment and requires extraordinary measures to be "strictly required" and proportional to the alleged emergency, a standard that cannot plausibly be met by sweeping actions affecting thousands of members of the higher education community, implemented weeks after the crisis). We therefore say again that if these actions are not quickly reversed they risk irreparable harm to higher education personnel and to the reputation and operation of Turkey's higher education sector.

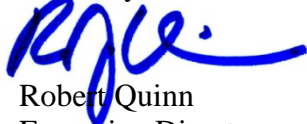
These actions are also counterproductive to the legitimacy and long-term stability of the state. The asking of questions and expression of ideas—especially disputed or unpopular ideas—is not only essential to quality higher education; it is the root of democratic legitimacy and rule of law. Contrary to public statements by YÖK in response to the events above, which suggest a dangerous conflation of academic discourse with disloyalty, the higher education sector has a special *responsibility* within democratic society to ask and debate questions in a safe space, and to impart information and ideas to the public. This ensures that sensitive issues may be more widely understood, and affords the public a means of forming opinions based on evidence and reason over passion, prejudice, ideology or even threats of violence. This in turn encourages public investment in democratic discourse and processes; an investment which proved so essential in the resistance to anti-democratic actors on July 15th. As we noted earlier, it is precisely at this moment of instability when society needs more space for open, democratic discussion. If the university space shrinks—and it certainly will if the current pressures continue—the risks to Turkey’s democracy will only grow.

Given the above, and given our longstanding respect for and partnership with Turkey’s higher education institutions and personnel, Scholars at Risk respectfully urge you to:

- ensure the earliest release of detained individuals, including higher education personnel, and pending this ensure their well-being in custody, including by disclosing their current locations and granting access to counsel, family and medical treatment;
- ensure that any proceedings, charges, convictions, suspensions, travel restrictions or other penalties against higher education professionals stemming from their peaceful exercise of academic freedom and related rights are reversed, and pending this ensure that any such actions observe internationally recognized due process and fair trial standards, in accordance with Turkey’s obligations under international and domestic law; and
- ensure that Turkey honors its international and domestic legal obligations, including under the constitution, to protect institutional autonomy and academic freedom, and by doing so limits the near- and long-term damage to higher education personnel and to the reputation and operation of Turkey’s higher education sector.

We appreciate your attention to this important matter and look forward to your reply.

Sincerely,



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Executive Director

cc:

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