

## **Trials against Academics for Peace signatories in Turkey**

### **What was the petition about?**

The criminalization of 1,128 academics and Ph.D. students in Turkey started after the petition “We will not be a party to this crime” was made public in January 2016. The petition was penned as a reaction to the government’s anti-terror operations in Kurdish towns within Turkish territory from August 2015 to January 2016. The petition denounced the use by the armed forces of heavy weapons in urban settlements and the imposition of month-long curfews that severely violated the basic rights to life, liberty and security the civilian population. The signatories demanded the Turkish state “to abandon the deliberate massacre and deportation of Kurdish and other peoples in the region” and reminded the state of its legal and moral obligations, enshrined by its own laws and international treaties. They called for independent national and international observers to oversee reporting, reparations and peace negotiations.

The petition first announced to the public with 1,128 signatories on January 11 was submitted to Parliament with a total of 2,212 signatories. The file also included additional support signatures by 2,215 academics and researchers from abroad as well as a list of national and international institutions supporting the academics.<sup>1</sup>

### **Witch-hunt against academics**

The petition aroused spectacular wrath the moment it was published in the press. President Recep Tayyip Erdoğan was the first to call the petitioners “so-called intellectuals” and charged them with treason. The petition became known as the Academics for Peace petition for those who supported it, and as a “declaration of treason” for the government and pro-government circles.

Several international agencies and human rights NGOs<sup>2</sup> appealed to the government to state that the petition falls squarely under the freedom of expression protected by the Turkish Constitution as well as the international treaties to which Turkey is a party. The EU Commissioner for Human Rights declared, for instance that the petition “fell within the boundaries of free speech, whether one agreed with their message or not.”<sup>3</sup> Moreover, several national and international agencies denounced the very same human rights violations against Kurdish civilians that the petition “We will not be a party to this crime” was decrying.<sup>4</sup>

A witch-hunt against the signatories was nevertheless instigated on several fronts. The four scholars, Kıvanç Ersoy (mathematics, Mimar Sinan University, Esra Mungan (psychology, Boğaziçi University), Muzaffer Kaya (history, fired as a consequence of the petition from Nişantaşı University), and Meral Camcı (English translation and interpretation, also fired from Nişantaşı University), who gave a press briefing defending the petition were imprisoned in March 2016, but were later released pending trial. The Higher Education Board called on all universities to draw up lists of petitioners in their midst, and university presidents took it upon themselves to pursue signatory academics via administrative measures, force them to resign or retire, initiate disciplinary investigations, and suspend contracts.

The failed coup attempt in July 2016 gave the government the chance to crack down on universities at an even broader scale. Using State of Emergency decrees, the government has purged more than a hundred thousand civil servants, among them over 5,000 academics. Most have been accused of belonging to the Gülen organization, but Emergency Law was conveniently used to expel progressive and critical scholars, including 406 Academics for Peace.<sup>5</sup> Expulsion by decree results in being banned from taking up office in public institutions, the confiscation of passports, and, if deemed necessary, the confiscation of property and the loss of citizenship. Expulsion from a university also deprives an academic of the right to take up an educational job in any public or private institution. Such decrees are without repeal.

#### **Rights violations against Academics for Peace on the grounds of the Peace Petition from 11.01.2016**

	Public	Private	Total
Removed and banned from public service with the decree laws + dismissed + resigned + retired	473	76	549
Removed and banned from public service with the decree laws*	398	8	406
Dismissed	40	49	89
Resigned / forced to resign	47	25	72
Retired / forced to retire	26	1	27
Disciplinary investigation	442	63	505
Disciplinary investigations. Decision of the Investigation Committee: Dismissal from public service. Pending CoHE (YÖK) approval.	107	5	112
Preventive suspension	90	11	101
Suspension from administrative duty	3	4	7
Police custody	67	3	70
Pre-trial detention**	2	2	4
Put on trial***			706

#### **Ongoing trials against the Academics for Peace**

Trials against the signatories of the peace petition began in December 2017. The prosecutor drew up an accusation based on a speculative reading of the petition and demanded that the academics be charged with "propagandizing for a terrorist organization" as per Article 7/2 of the Anti-Terror Law. Signatories were indicted individually, even though the indictment was the same in each case. Article 7/2: "Any person making propaganda for a terrorist organization shall be punished with imprisonment from one to five years. If this crime is committed through means of mass media, the penalty shall be aggravated by one half."

For a year, most courts pronounced prison sentences of 15 months. A legal provision allows for suspending the pronouncement of the judgment for a period of 5 years during which the defendant is supposed to refrain from committing further "crimes." While appeal is not allowed, applying to the Constitutional Court or to the European Court of Human Rights is still possible. Many of the scholars on trial have opted to use this provision and have avoided imprisonment.

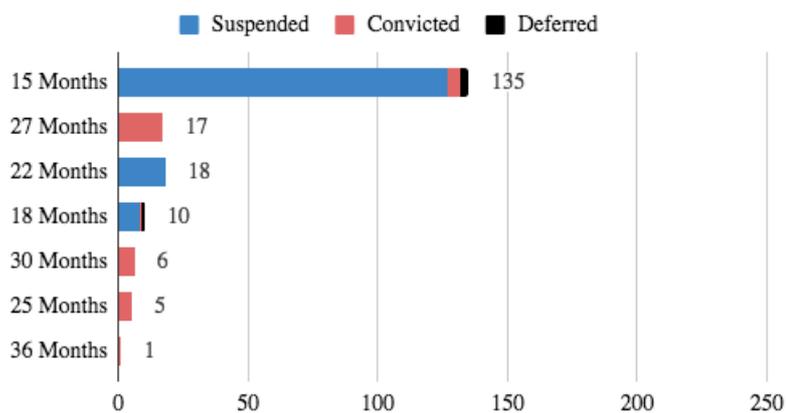
The trials took a vicious turn when a court sentenced Prof. Gencay Gürsoy to 27 months imprisonment in December 2018.<sup>6</sup> Gürsoy's trial was the first in which a prison sentence exceeding 2 years was pronounced. Gürsoy is a retired professor of

medicine and former chair of the progressive Turkish Medical Association (TTB). He was also among the founders of the Human Rights Association (IHD) and Human Rights Foundation of Turkey (TIHV). In addition to the usual charge, the court produced a number of tweets by Gürsoy as well as an interview with him in an online news outlet as supplementary evidence of his “support for an armed terrorist group.”

The same court and others followed suit to start handing out various prison sentences that no longer fitted the 15 months pattern observed until then. There is no legal or factual rationale behind the differentiated sentences. From December 2018 onwards, 28 academics have received 18-22 months, and 29 academics were sentenced to more than 2 years of prison.<sup>7</sup> Among them is Yonca Demir, professor of mathematical modeling, and organic agriculture at Bilgi University. The judges handed out the highest prison sentence so far (36 months) to Demir, owing to what they considered as “the defendant's negative behavior after the offense and during the trial.”<sup>8</sup> Sebnem Korur Fincanci, rights advocate and founding member of the Forensic Doctors' Association, got a 30 months prison sentence. The court cited “her negative attitude and behavior during the hearing” and the absence of remorse as sufficient ground to give her a higher punishment than other academics on trial.<sup>9</sup>

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### Distribution of Sentences



Two very recent incidents are also highly alarming: Political scientist Fusun Ustel, a professor who retired from Galatasaray University in Istanbul, was also the first academic to refuse the legal provision the courts offer to avoid imprisonment. She consequently became the first academic to be imprisoned after the trials started in December 2017. Ustel is behind bars since May 8.

Mathematics professor Tuna Altinel, a lecturer at Lyon-1 University and also a Peace Petitioner, was arrested as per the Article 7/2 of the Anti-Terror Law due to a conference that he attended in France. Altinel was taken into custody on May 10 in Balıkesir, where he went to inquire about the restriction imposed on his passport upon his arrival in Turkey.<sup>10</sup>

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- <sup>1</sup> <http://www.tihvakademi.org/wp-content/uploads/2019/03/AcademicsforPeace-ABriefHistory.pdf>
- <sup>2</sup> <https://www.hrw.org/news/2017/12/05/turkey-academics-trial-signing-petition>
- <sup>3</sup> [https://www.ecoi.net/en/file/local/1350862/1226\\_1465286865\\_document.pdf](https://www.ecoi.net/en/file/local/1350862/1226_1465286865_document.pdf)
- <sup>4</sup> Cf. particularly, [https://www.ohchr.org/Documents/Countries/TR/OHCHR\\_South-East\\_Turkey2015-2016\\_TURK.pdf](https://www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_Turkey2015-2016_TURK.pdf), <https://www.hrw.org/news/2015/12/22/turkey-mounting-security-operation-deaths> and <https://www.amnesty.org/en/documents/eur44/5213/2016/en/>
- <sup>5</sup> <https://barisicinakademisyenler.net/node/314>
- <sup>6</sup> <http://bianet.org/english/freedom-of-expression/203433-prof-dr-gencay-gursoy-sentenced-to-2-years-3-months-in-prison>
- <sup>7</sup> <https://docs.google.com/spreadsheets/d/e/2PACX-1vT05GTWUQMDot1iPfmSieJsWLGBoRbNlJyLP5IdtvJVEcKRw8C8qMxFXPighYZkz7pf2ENP2bXZ3DMo/pubhtml?gid=1873917137&chrome=false&widget=false>
- <sup>8</sup> <http://bianet.org/english/freedom-of-expression/204814-3-year-prison-sentence-not-deferred-we-gave-a-2-year-sentence-then-increased-it-to-3-years>
- <sup>9</sup> <https://bianet.org/english/freedom-of-expression/203700-prof-dr-sebnem-korur-fincanci-sentenced-to-2-years-6-months-in-prison>
- <sup>10</sup> <http://bianet.org/english/freedom-of-expression/208603-international-solidarity-for-arrested-academic-for-peace-tuna-altinel>