

THE UN  
UPR 2019  
TURKEY REPORT FOR

„Unlawfully Confiscated Foundation Universities

and

Academic Firing in Turkey“



Medical Academy and Care e.V.  
Donnersbergweg 1  
67059 Ludwigshafen am Rhein, GERMANY  
Phone: + 49 (0)621 62 999 073  
Fax: + 49 (0)621 62 999 074  
Email: [info@medical-academy-care.de](mailto:info@medical-academy-care.de)  
[www.medical-academy-care.de](http://www.medical-academy-care.de)

&

Gesellschaft für Dialog BW  
Oppelnerstr. 1  
70372 Stuttgart, GERMANY  
Phone: +49 (0) 711 - 35 87 01 90  
Email: [info@gfd-bw.de](mailto:info@gfd-bw.de)  
[www.gfd-bw.de](http://www.gfd-bw.de)

&

Die Initiative Miteinander in Esslingen  
Olgastr. 25  
73728 Esslingen, GERMANY  
Email: [info@mind-es-de](mailto:info@mind-es-de)  
[www.mind-es.de](http://www.mind-es.de)

## **Unlawfully Confiscated Foundation Universities and Academic Firing in Turkey**

The failed July 2016 Military Coup Attempt (MCA) in Turkey was in reality a false-flag operation (FFO)<sup>1</sup>orchestrated by Recep Tayyip Erdoğan in partnership with a cadre of military and intelligence officials to consolidate his power, secure an imperial-style presidency and smother all opposition.<sup>2</sup>A State of Emergency Decision has been declared immediately after the FFO by the Turkish Government, the Hizmet Movement [popularly known as the Gülen Movement] has been accused of being a terrorist organization and responsible for the FFO. Furthermore, a great number of schools, education centres, universities, institutions, organizations, foundations and associations have been closed, alleged to be associated with the Gulen Movement. This was also the beginning of an academic firing, which is still going on. Until now the Turkish government has failed to present convincing and solid evidence that proves the Gulen Movement was behind the MCA, either as mastermind or participant. This report investigates the fate of the fifteen unlawfully confiscated foundation universities, their academics and students.

### **A. Background Describing the Purpose of the FFO/ MCA**

On the 25<sup>th</sup> August 2004 a document known as "the decision to eliminate the Gulen Movement" was signed by the Turkish National Security Council with the signatures of those days President Ahmet Necdet Sezer, Prime Minister Recep Tayyip Erdogan, Chief of General Staff Hilmi Özkök and Foreign Minister Abdullah Gül, as well as five separate ministers.<sup>3</sup> This document is one of the most important official documents that proofs that the Adalet ve Kalkınma Partisi (Justice and Development Party, AKP) government aimed to eliminate the GulenMovement long before the FFO/MCA happened.

After the Corruption Scandal in December 2013, the AKP government was in a very difficult position in which four cabinet ministers had to resign.Nevertheless, the Government claimed that it was not true and rather a conspiracy prepared by the Gulen Movement. Erdogan made a long time plan and step by step isolate Gulen Movement sympathisers. At the beginninghe presented the whole graft investigation as a coup attempt targeting his government. He then

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<sup>1</sup>[https://en.wikipedia.org/wiki/False\\_flag](https://en.wikipedia.org/wiki/False_flag)

<sup>2</sup><https://stockholmcf.org/15-july-erdogans-coup/>

<sup>3</sup><https://m.bianet.org/bianet/siyaset/151708-mgk-kararlarina-akp-ve-gulen-den-tepkiler>

proceeded to dismiss thousands of police officers, prosecutors, and judges. The government tightened its grip on the media and the judiciary. AKP members clearly regarded the Gulenists and their sympathizers, who were said to make up what Erdogan calls a “parallel state.” About one year later they carried their claims further and Erdogan and his company accused Gulen and his followers of treason and started referring to them as “terrorists.” In fact, the trial of a Persian businessman named Reza Zarrab who was arrested on March 19, 2016 in Miami, United States, based mainly on the same evidence and would prove that the allegations related to the Corruption Scandal to be true.<sup>4,5,6,7</sup>

Just two months before the FFO, Erdogan carried the matter to the National Security Council and at the meeting dated 26.05.2016; the Gulen Movement was accused to be a parallel state structure, and a terrorist organization. As a result, many people and institutions alleged to have been linked to the Gulen Movement or being sympathizers of it, have been gradually charged or punished, without relying on any evidence of a terrorist action. Numerous search warrants were issued against universities just before the MCA; the education operations were illegally stopped and interrupted. Moreover, trustees of some Universities, some official staff and rectors were dismissed. As examples; on 04 July 2016, a pro-government newspaper reported that up to date, the Trustee Boards of eight universities were dismissed and another eight are on the way. The Government had preparations against these universities before the 15 July case.<sup>8,9,10</sup>

The Gulen Movement was and is still active in many areas such as education, culture, health and humanitarian aid for at least 40 years, and did never appear to resort to terrorist and violent acts. Therefore, the AKP government’s effort and political power failed to convince the community to accept the Gulen Movement as a terrorist organization. For this reason, the AKP government needed strong arguments to be able to launch the Gulen Movement as a terrorist organization and reached this goal through the FFO/MCA on July 2016.

## **B. The MCA and declaration of State of Emergency**

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<sup>4</sup><https://foreignpolicy.com/2015/01/06/why-turkeys-mother-of-all-corruption-scandals-refuses-to-go-away/>

<sup>5</sup>[https://www.huffpost.com/entry/the-central-figure-of-the-turkish-corruption\\_b\\_9520152](https://www.huffpost.com/entry/the-central-figure-of-the-turkish-corruption_b_9520152)

<sup>6</sup><https://www.dw.com/en/us-sentences-turkish-banker-for-iran-sanctions-busting/a-43817053>

<sup>7</sup><https://www.nytimes.com/2017/11/29/world/europe/reza-zarrab-turkey-trial.html>

<sup>8</sup><https://www.ntv.com.tr/turkiye/fatih-universitesine-kayyum-atandi,KfhO-ABUE0KHbzKBrB3lnw>

<sup>9</sup><https://www.sabah.com.tr/gundem/2016/07/04/8-universite-400-okula-kayyum-atandi>

<sup>10</sup><https://www.cnnturk.com/turkiye/mevlana-universitesinin-bagli-oldugu-vakfa-kayyum-atandi>

In the night of the MCA, Erdogan moved from Marmaris to Istanbul and made a speech at the Ataturk Airport at 4:00 pm. In this speech he described the MCA as “it is a gift from Allah”. He also stated that it became clear that the Gulen Movement were an armed terrorist organization and accused it for MCA without showing any evidence.<sup>11, 12, 13, 14</sup>

An article published in the German magazine FOCUS on 24.07.2016, reported that the British intelligence agency GCHQ caught up communications within the Turkish Government apparatus half an hour after the start of the MCA, pointed out that on the next day cleaning (liquidation) operations should be launched and the head of the coup will be declared as the Gulen Movement.<sup>15</sup> After more than two years, the research published or reported by international institutions has revealed, the officers who are charged with attempting the MCA have various ideologies and backgrounds. The testimonials from defendants and the evidence uncovered so far have further bolstered the view that in most cases, the troops were mobilized over impending terror threats or as part of a military drill and the MCA was nothing but a set-up.<sup>16</sup>

After the declaration of a State of Emergency on 20<sup>th</sup> July 2016, the rights that are under the protection by the European Convention of Human Rights and International Covenant on Civil and Political Rights to which Turkey is counterparty were suspended. So, the government gain the right of issuing executive orders and begin to use this power to arbitrarily do whatever it wanted, which resulted in a totally new rebuilding of nearly each state institution and organization.<sup>17, 18</sup>

### **Institutions Unlawfully Confiscated by Statutory Decrees**

Fifteen Foundation Universities, 35 private healthcare institutions (hospitals, outpatients clinics etc.) and organizations, 1043 private education institutions and dormitories, 1229 foundations and associations, 19 syndicates and syndicate confederations were unlawfully confiscated with an Emergency Statutory Decree (#667) on 23<sup>rd</sup> July 2016, with the accuse they belonged to a terrorist organization affiliated to the Gulen Movement. All these

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<sup>11</sup><http://m.haber7.com/ic-politika/haber/2046581-erdogan-havalimaninda-konustu-zamanlamaya-dikkat#>

<sup>12</sup><http://www.egehaber.com/m/gundem/cumhurbaskani-erdogan-ataturk-havalimani-nda-konusma-yapiyor-h107880.html>

<sup>13</sup><http://www.sozcu.com.tr/2016/gundem/son-dakika-haberi-cumhurbaskani-erdogan-ataturk-havalimanina-geldi-1316504/>

<sup>14</sup><http://www.hurriyet.com.tr/cumhurbaskani-erdogan-size-verilen-silahlari-milletimize-dogrultursaniz-bedelini-odersiniz-40148727>

<sup>15</sup>[https://www.focus.de/politik/ausland/titelthema-macht-wahn-erdogan\\_id\\_5753730.html](https://www.focus.de/politik/ausland/titelthema-macht-wahn-erdogan_id_5753730.html)

<sup>16</sup><https://www.bbc.com/news/world-middle-east-44519112>

<sup>17</sup><https://www.theguardian.com/world/2018/jul/18/turkeys-state-of-emergency-ends-but-crackdown-continues>

<sup>18</sup><https://www.infowars.com/failed-turkey-coup-revealed-as-false-flag-operation/>

universities, institutions, organizations etc. were founded by different private foundations existing as non-profit organizations. Each of the foundation was formed by a group of Turkish founders, mostly businessmen, who have been inspired by the thoughts and teachings of the famous Turkish scholar Mr. Gulen. All closed Universities were very successful higher education institutions, thanks to its facilities, physical infrastructure, mission and vision that were all compatible with the international higher education standards. In addition, all universities had been approved by a primary law passed under the Turkish National Assembly and were annually monitored and inspected every year by the related legal organizations including the Council of Higher Education and were even awarded as a result of those annual inspections. The allegations of the government to close these universities were security and prevention of terrorism, however any case related to terror and security problems could be shown. The properties and credits of all the affected organizations were assigned to the Directorate General of Foundations at no cost by the government. All properties, health infrastructures and research centres of all higher education institutions which had been closed down were also assigned to the state treasury at no cost. The list of those universities:<sup>19,20</sup>

1. Fatih University (İstanbul, Turkey)
2. Mevlana University(Konya, Turkey)
3. Ipek University(Ankara, Turkey)
4. Bursa Orhangazi University(Bursa, Turkey)
5. Canik Basari University(Samsun, Turkey)
6. Selahaddin Eyyubi University(Diyarbakir, Turkey)
7. Meliksah University(Kayseri, Turkey)
8. Sifa University (İzmir, Turkey)
9. Turgut Ozal University (Ankara, Turkey)
10. Zirve University (Gaziantep, Turkey)
11. Gediz University (İzmir, Turkey)
12. Süleyman Sah University (İstanbul, Turkey)
13. Murat Hüdavendigâr University (İstanbul, Turkey)
14. İzmir University(Izmir, Turkey)
15. Kanuni University (Adana, Turkey)

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<sup>19</sup><http://www.hurriyet.com.tr/gundem/15-universite-muhurlendi-40165975>

<sup>20</sup><https://bianet.org/bianet/print/177442-sayilarla-kapatilan-universiteler>

### **C. Academic Firing: Victimized Academicians, Families and Students**

According to the CHE announcement, in the two-year period of State of Emergency, 6021 academics were dismissed from state universities and 2,808 from foundation universities and became unemployed. Furthermore, thousands of these academics were detained, arrested and even punished for long time jail. During the closing procedures, the rooms of academics had been raided by the police; their personal belongings including their diploma and certificates were confiscated. Also, after the seizure of these universities, the credit balance of academics was not paid and they were all assigned to the state treasury. Furthermore, all of those people were labelled in official records that they are not being allowed to work in official jobs anymore. Moreover, the government applied a strong and unlawful pressure on all private sectors and tries to prevent these people from getting a new job, practically leaves them doomed to starve.<sup>21, 22</sup>

The firing still continues and due to the fear of getting arrested, provides livelihood and being safe more and more people trying or thinking about leaving the country. However, following their dismissal, most of them were forced to surrender their passports and were prohibited from leaving their country by a court order. In different ways the passports of about 200,000 people are barred. Under such conditions, people can only leave illegally and hope to get an asylum in another country.<sup>23</sup>

In total 64,533 students of closed universities were also exposed to unlawful government practices. The CHE announced that these students would be transferred to guarantor universities; however this plan could not be fully realized because of the lack of classrooms and academicians. So, they were distributed among other universities regardless of whether they wanted to study at those schools or not. Thousands of students lost their scholarship and thus the right for education. International students in this situation had to return to their country without completing their education. Moreover, many of student leaders and presidents of student clubs were accused of being a member of a terrorist organization and some of them were arrested.<sup>24</sup>

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<sup>21</sup><https://turkeypurge.com/academics-sacked-from-positions-2>

<sup>22</sup><https://www.hrw.org/tr/news/2018/05/14/317832>

<sup>23</sup><https://www.politico.eu/article/turkey-failed-coup-purge-scholars-loses-its-brains/>

<sup>24</sup><https://www.thecable.ng/turkey-arrests-50-nigerian-students-failed-coup>

**Many Rectors and academics of the banned Universities who were found in Turkey were arrested and jailed. Some examples are given below:**

Rector of the Canik Basari University-Samsun, Prof. Dr. Yunus Pekdemir sentenced 8 year and 9 months in jail. Similarly, Rector of Turgut Özal University-Ankara, Prof. Dr. Abdulkadir Şengün 8 year and 1 month, Rector of Bursa Orhan Gazi University-Bursa, Prof. Dr. Recep İleri 6 year and 3 months, Rector of the Kanuni University Prof. Dr. Osman Serindağ-Adana, 6 year and 3 months, Rector of Melikşah University-Kayseri, Prof. Dr. Mahmut Dursun Mat 10 years were sentenced and at present most of them are in jail. Besides the Rector, other academic staff and administrative staff were sentenced tens of ten years in jail. Examples: Dean of the Law Faculty in Melikşah Universities Prof. Dr. Murat Şen were sentenced 12 year in jail because of link of terrorist organizations.<sup>25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37</sup>

**A. Academic Freedom and Forced Emigration**

The regime of Erdogan through jurisdiction takes advantage of the judiciary which is not independent and a law of fighting with terrorism which is enlarged in time of AKP in order to punish academy which is the stronghold for freedom of expression and other nonviolence activities. As it has been seen in researches of human rights watch, investigations related to terror crimes and other cases in Turkey are made without concrete evidence by breaking laws and constitution.

After, the Constitutional Court of the Republic of Turkey stated that legal decisions related to a state of emergency and applying to cancel it are not possible. Then due to reactions from international arena about inconvenient ways that are applied to make mass dismissals, a temporary committee was established to evaluate objections to given decisions during state emergency period, by the government in January 2017. People and academicians who have

<sup>25</sup>[http://www.cumhuriyet.com.tr/haber/turkiye/282021/\\_Paralel\\_yapi\\_\\_operasyonunda\\_eski\\_rektor\\_de\\_gozaltinda.html](http://www.cumhuriyet.com.tr/haber/turkiye/282021/_Paralel_yapi__operasyonunda_eski_rektor_de_gozaltinda.html)

<sup>26</sup><https://bianet.org/bianet/hukuk/192792-kapatilan-fatih-universitesi-calisanlari-icin-gozalti-karari>

<sup>27</sup><https://www.memurlar.net/haber/647190/mevlana-universitesi-calisanlarindan-30-kisi-gozaltina-alindi.html>

<sup>28</sup><http://fetogercekleri.com/fetode-bugun/selahaddin-eyyubi-universitesi-calisanlarina-operasyon/>

<sup>29</sup><https://www.bbc.com/turkce/haberler-turkiye-38376457>

<sup>30</sup><https://www.haberler.com/feto-nun-universitesine-yonelik-dava-10459527-haberi/>

<sup>31</sup><http://www.milliyet.com.tr/kapatilan-canik-basari-universitesi-samsun-yerelhaber-2591661/>

<sup>32</sup><http://www.milliyet.com.tr/turgut-ozal-universitesi-eski-gundem-2577083/>

<sup>33</sup><https://www.sondakika.com/recep-ileri/>

<sup>34</sup><https://www.sabah.com.tr/gundem/2018/05/31/feto-sanigi-eski-rektore-hapis-cezasi>

<sup>35</sup><https://www.haberturk.com/yerel-haberler/59505910-fetoden-kapatilan-meliksah-universitesi-davasinda-karar>

<sup>36</sup><https://t24.com.tr/haber/eski-dekana-fetoden-12-yil-hapis-cezasi,732313>

<sup>37</sup><https://www.turkishminute.com/2017/12/27/detention-warrants-issued-for-171-fatih-university-staff-members-academics/>

been dismissed from their job and universities applied this commission in order to get back their job. When the regime of Erdogan said that commission ended victimization, Human rights organizations and opposition parties responded it by expressing commission doesn't deal fairly. Academicians from the 15 Foundational Universities are not allowed to this commission. The trusty boards or administrators of these universities applied but up to now there is not an answer yet.

Not only are the academics affected, but their families are dismissed from their employment and are prohibited from getting employed in public sectors. They could not find job in private sector because of the governmental oppression fears and very strong public othering. Furthermore, the passports of fired people are barred from outside travel. Under such conditions, it is impossible to travel abroad and find legal employment; therefore, an asylum application is the only means for thousands of academics. The academic help institutions reported that the volume of applications from Turkey is rather high. In the first round, the majority of applicants were from Syria while in the second round 46% of applicants were Turkish. These people do not only mourn their homeland, but they are also afraid that Turkey became an autocracy.

#### **D. Evidence of Innocence**

Even 3 years after the MCA, neither the head of the coup nor a coup plan could be found. During the investigations, nobody showed any evidence about the leadership of Military Coup or the Coup Plan, whereas these mysterious, thousands of academics and hundred thousands of others have been imprisoned. Up to now, any convincing evidence has been given about relation those people or Gulen Movement with MCA by the Turkish government. On the other hand, there are many new evidences that show this was a FFO. Even though in Turkey many ordinary people has own gun, the police and other governmental forces not found gun or document about the MCA. This situation indicates that the terrorism and coup attempt claims are completely defamations.

After the MCA the dismissal of academics was based on the announcement that they are linked to the MCA and being terrorists. However, as no evidence was found, in the court proceedings they were merely accused and punished of being a member of the Gulen Movement.

On the other hand, those universities were built by different philanthropic people and they are accused being a part of Gülen Movement. Similarly those academicians were accused



member of Gulen Movement with some ridiculous arguments. The Turkish Government accepts as membership of terror organisation to teach at these legal universities, having bank account in a legal bank, having at home some religious books which published by some opposite publishers and similar.

#### **E. Our Requests:**

- The Erdogan Regime has used the coup attempt excuse and closed 15 Foundational Universities which were interrelated with Gulen Movement. All of the evidences pointed out that main stimulant of the government against these universities were political antagonism. Although the allegations of the government were security and prevention of terrorism but anybody from these universities had any case related with terror and security problem.
- International civil and political rights agreement which, Turkey is a part of it, guarantees the freedom of property acquisition, enterprise, organization, education and expression of individuals. Closedown these universities is a clear violation against all of these rights and this Decree should be cancelled immediately.
- All of these universities have been established with official approves and entirely legal ways. Turkish government should give back the institutional and individual properties, legal entities and all of other rights related with these 15 universities.
- Beside these fundamental rights, academic freedom is protected as a freedom of expression by the Universal Declaration of Human Rights and European Convention on Human Rights, which Turkey also supports. Turkey pledged to improve standards of individual and organizational freedom in the 2015 UPR.
- All of the official activities against academicians and civilian who have not any acceptable evidence without speculative relation with terrorist organizations should be stopped and all of the imprisoned civilian should be released. The judgements of these persons should be open and in the universal standards.