

IN THE EUROPEAN COURT OF HUMAN RIGHTS
Application no. 72796/16

Between: -

Akin and 42 other applications

Applicant

- v -

Turkey

Respondent Government

Third-party Intervention by ARTICLE 19

Introduction

1. This third-party intervention is submitted on behalf of ARTICLE 19: Global Campaign for Free Expression (ARTICLE 19), an independent human rights organisation that works around the world to protect and promote the rights to freedom of expression and freedom of information. We welcome the opportunity to intervene as a third party in this case, by the leave of the President of Section II of the Court, which was granted on 19 November 2021 pursuant to Rule 44 (3) of the Rules of Court.
2. The present case primarily concerns the revocation of academics from their posts based on emergency decrees adopted in the aftermath of the failed coup attempt against the Turkish government in July 2016. The applicants were disciplined, and in some instances arrested, on account of their alleged links with the PKK following the publication of a pamphlet entitled “We won’t be complicit in this crime.” The applicants further complain about other restrictions on their Convention rights, including the cancellation of their passport and permanent ban on applying for a job in public sector, the impact that the label of ‘terrorist’ has had on their private life. They also complain about their revocation from their posts through State of Emergency Decree Laws on the grounds that they were considered to belong to or affiliated with terrorist organisations and for some applicants on account of their trade union membership.
3. We believe that the present case is significant because it presents an opportunity for the Court to rule on the compatibility of various restrictions on academic freedom with the Convention, including the validity of the legal basis for the applicant’s revocation from their posts. It would also allow the Court to examine the extent to which these restrictions meet the threshold of Article 18 of the Convention in this context. Finally, it is an opportunity for the Court to revisit its own case-law on the effectiveness of the domestic remedies in academic freedom cases in Turkey (see e.g. *Zihni v Turkey*, no. 59061/16, 08 December 2016).
4. In these submissions, ARTICLE 19 outlines:
 - International standards on academic freedom and their intersection with the right to freedom of expression;

- The proper approach to restrictions on academic freedom;
- Background information about the availability and effectiveness of the domestic remedies available in Turkey for complaints about revocation from academic posts;
- Contextual information about the state of freedom of expression in Turkey, in particular the wider purge of academics from their posts on account of their political opinions contrary to Article 18 of the Convention.

I. International standards on academic freedom

5. Academic freedom gives members of the academia the right to conduct and participate in educational activities without arbitrary interference from state authorities or private individuals or groups. International law requires States to respect academic freedom, a principle based on a series of basic and widely accepted human rights, including the right to freedom of expression; protected in Article 19 of the International Covenant on Civil and Political Rights (the ICCPR), Article 10 of the European Convention on Human Rights (the Convention). It is also guaranteed *inter alia* by Articles 13 and 15(3) of the International Covenant on Economic Social and Cultural Rights (ICESCR), guaranteeing the right to education and respect for the freedom indispensable for scientific research and creative activity respectively; as well as in Article 13 of the Charter of Fundamental Rights of the European Union (EU Charter), guaranteeing freedom of arts and science, including academic freedom.
6. Academic freedom is an integral part of the right to freedom of expression and opinion, as this right covers forming of opinions and ideas, pursuing, creating and disseminating knowledge, and expressing and sharing ideas, opinions, research and studies in the academic community as well as to the broader public. As the ICESCR explains, academics are free to pursue this exchange “through research, teaching, study, discussion, documentation, production, creation or writing.” Freedom of expression is important for both formal settings (such as teaching, debates and discussions in classroom and university settings, presentation of scholarship, academic publications, etc.) and informal settings (e.g. on campus).
7. A number of international and regional human rights mechanisms recognise the protection of academic freedom as a part of human rights protection. For instance:
 - In **Recommendation 1762 (2006) on “Academic freedom and university autonomy,”** Parliamentary Assembly of the Council of Europe (PACE) recognised that “university staff and students must “be free to teach, learn and research without the fear of disciplinary action, dismissal or any other form of retribution.”¹ The Recommendation states that academic freedom *inter alia* comprises of a) academic freedom in research and in training should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction; as well as b) the institutional autonomy of universities.² The Recommendation warned that violations of academic freedom and university autonomy “have always resulted in intellectual relapse, and consequently in social and economic stagnation.”³

- Similarly, in the EU, the **2018 European Parliament recommendation 29 November 2018 on the Defence of Academic Freedom in the EU's external action** explicitly refers to the freedom of expression aspects of academic freedom.⁴
 - Several recommendations on academic freedom were adopted by UNESCO. These include **the 1997 UNESCO recommendation concerning the Status of Higher-Education Teaching Personnel**⁵. This recognised both institutional autonomy⁶ as well as academic freedom, defined as “freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom [of higher education personnel] to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.”⁷ Further, **the UNESCO World Declaration on Higher Education for the 21st Century: Vision and Action, 1998** highlights importance of “intellectual authority” of academia and stresses its importance for “affect the well-being of communities, nations and global society... and speak out on ethical, cultural and social problems.”⁸
 - Civil society also has also expressed strong support of academic freedom, such as in **the Declaration on Academic Freedom and Autonomy of Institutions of Higher Education (Lima Declaration)**.⁹ The Declaration defines academic freedom as “the freedom of members of the academic community, individually or collectively, in the pursuit, development, and transmission of knowledge, through research, study, discussion, documentation, production, creation, teaching, lecturing, and writing.”¹⁰
 - In 2020, David Kaye, the UN Special Rapporteur on the Rights to Freedom of Opinion and Expression issued a landmark report on academic freedom in which he focused on the freedom of opinion and expression as aspects of academic freedom and highlights academic freedom as a key element of democratic self-governance.¹¹ Importantly, the Special Rapporteur recognised that “individuals enjoy academic freedom not only within their institutions, in the internal aspects of research, scholarship, teaching, convenings and other on-campus activities, but also “extramurally”, in their role as educators and commentators outside the institution.”¹² The report also acknowledges that when academics engage in expression outside their “academic topic – that is, not only outside the substantive area but also methodologically – [they retain] the right to freedom of expression guaranteed by human rights law, even if that engagement is not considered a part of her or his academic freedom. It should also be emphasized that academics should not be punished by their institutions for exercising their rights to freedom of expression, association and assembly and religious belief, among others.”¹³
8. Many national constitutions include the right to academic freedom including France, South Africa, Kenya, Dominican Republic, El Salvador, Japan, Germany, Spain, Portugal, Greece, Albania. Academic freedom is also explicitly recognised in Article 27 of the Turkish Constitution.¹⁴

II. The proper approach to restrictions on academic freedom;

9. At the outset, ARTICLE 19 urges the Court to consider the foundational principles of the protection of freedom of expression when examining cases. Academic freedom is not an absolute right, and it may be subject to restrictions. Article 19(3) of the ICCPR, Article

10(2) of the Convention, the General Comment 13 issued by the Committee on Economic, Social and Cultural Rights¹⁵ and the report of the Special Rapporteur on freedom of expression provide the necessary guidelines to address the limits to academic freedom. Namely, the restrictions must:

- **Be provided by law:** The law must be publicly available and accessible, and formulated with sufficient precision to enable individuals to regulate their conduct accordingly. The assurance of legality should generally involve the oversight of independent judicial authorities.¹⁶
- **Pursue legitimate aim:** The legitimate aims are explicitly enumerated in Article 10(2) of the Convention and Article 19(3) of the ICCPR.
- **Be necessary and proportionate in a democratic society:** This requirement demands an assessment of whether the proposed limitation satisfies a “pressing social need;”¹⁷ and whether the measures at issue are the least restrictive to achieve the aim. The assessment should always take as a starting point that it is incumbent upon the State to justify any restriction on freedom of expression.”¹⁸

10. ARTICLE 19 accepts that based on above-mentioned standards, freedom of expression and academic freedom can be restricted for reasons of national security. The UN Special Rapporteur on human rights and counter-terrorism has elaborated upon the threshold that laws relating to incitement to terrorism must meet to comply with international human rights law, stipulating that laws:

- Must be limited to the incitement of conduct that is truly terrorist in nature;
- Must restrict freedom of expression no more than is necessary for the protection of national security, public order and safety or public health or morals;
- Must be prescribed by law in precise language, and avoid vague terms such as “glorifying” or “promoting” terrorism;
- Must include an actual (objective) risk that the act incited will be committed;
- Should expressly refer to intent to communicate a message and intent for this message to incite the commission of a terrorist act; and
- Should preserve the application of legal defences or principles leading to the exclusion of criminal liability by referring to “unlawful” incitement to terrorism.¹⁹

11. Similarly, the UN Human Rights Committee (HR Committee) has highlighted that laws criminalising the “praising” or “glorifying” of terrorism must be clearly defined to ensure that they do not lead to unnecessary or disproportionate interferences with freedom of expression.²⁰

12. Furthermore, “incitement to terrorism” offences will only be necessary in a democratic society if they are constructed and construed narrowly. The Johannesburg Principles provide that an act of expression should be criminalised on national security grounds only where it is intended to incite imminent violence, is likely to incite such violence, and there is a direct and immediate connection between the speech and the likelihood or occurrence of such violence.²¹ The UN Secretary-General has supported this interpretation, stating that:

[L]aws should only allow for the criminal prosecution of direct incitement to terrorism, that is, speech that *directly* encourages the commission of a crime, is *intended* to result in criminal action and is *likely* to result in criminal action.²² (emphasis added)

13. By contrast, expression that only transmits information from or about an organisation that a government has declared threatens national security must not be restricted.²³ The Venice Commission has expressed similar views.²⁴
14. Based on the foregoing, ARTICLE 19 stresses that even 'borderline' content or opinions ought to be protected, so long as they fall below the threshold of incitement to violence set out above. In this respect, we reiterate that the UN Special Rapporteur on counter-terrorism has consistently found the terms 'glorification', 'promotion' or 'support' of terrorism to be overly broad for the purposes of the prohibition of incitement to commit acts of terrorism under international law. This is in no small part because it risks criminalising the holding of opinions considered unpalatable by the government but that is not truly terrorist in nature, i.e. they do not purport to incite the commission of violent acts for ideological ends.
15. We note that the applicants' freedom of expression and academic freedom was restricted based on laws that contain such vague and overbroad terms and that applicable Turkish legislation does not meet the aforementioned standards.

III. Background information about the availability and effectiveness of the domestic remedies in Turkey for complaints about revocation from academic posts

16. ARTICLE 19 submits that the opportunities to challenge revocations of academic posts in Turkey are either non-existent or not effective.
17. During the state of emergency, the Turkish Government issued 32 executive decrees with the force of law. Among the decreed measures with direct impact on individuals were also those on dismissing and banning for life individuals from public service, and on closing private institutions, including universities, with links to organisations or groups deemed by the government to pose a risk to national security. Passport cancellations were listed in executive decrees as "additional measures" to be taken against dismissed public sector employees identified in attachments to executive decrees.
18. As the Council of Europe Commissioner for Human Rights has explained, following the declaration of the state of emergency, there was "a great deal of confusion as to the remedies available to different groups and categories."²⁵ As a result, persons affected by emergency measures, including those dismissed from academia by executive decrees, resorted to various judicial and administrative procedures to challenge their dismissal and subsequent related measures, such as passport cancellations.
19. Several cases directly litigated before the **Council of State** (prior to the establishment of the State of Emergency Measures Inquiry Commission, see below) were rejected on the ground that it was the administrative courts that were competent to hear those cases.²⁶ However, cases brought before the administrative courts were rejected on the ground that dismissals and associated measures by executive decrees were legislative acts, while administrative courts had competence to determine the lawfulness of administrative (not legislative) acts.²⁷ Requests for stay of executions were also rejected on the ground that the executive decrees explicitly precluded such orders for acts carried out and decisions taken under the relevant decrees.²⁸

20. Complaints by the dismissed individuals based only on the cancellation of their passports were rejected by the **administrative courts** on the grounds that the cancellation was lawful as it was provided for by executive decree on the basis that the applicants were deemed by the governmental authority to have links to proscribed groups. These court decisions do not assess whether the applicant indeed had any such links or there was any evidence to support such a conclusion. Nor do they assess whether the indefinite passport cancellation was a necessary and proportionate measure, even if any such links or suspicion were established.
21. The **Constitutional Court** did not review the merits of the applications of those challenging dismissals from posts and subsequent restrictions until July 2019. In July 2019, the Constitutional Court ruled that convicting the academics under Article 7(2) of the Anti-Terror Law for signing the declaration was a violation of their freedom of expression.²⁹ In particular, the Court stressed that the petition did not contain a call for violence and did not glorify terrorist acts, nor had it aimed to incite to hatred. Moreover, the Constitutional Court also considered the case within the framework of academic freedom and stressed that this freedom is not limited to academic or scientific research, but also extends to the freedom of **academics** to freely express their points of view also those related to matters of public interest. While most academics have been acquitted after the Constitutional Court ruling, they were not reinstated to their jobs.
22. In its previous inadmissibility decisions, the Constitutional Court found that the applicants had not exhausted other remedies that must be invoked prior to the Constitutional Court. The Court subsequently referred those applicants to the administrative courts and/or to the Inquiry Commission. The Constitutional Court also rejected challenges brought by the main opposition party against the executive decrees both before they were approved by the parliament³⁰ and after.³¹ The Constitutional Court has also rejected applications concerning only cancellations of passports under the state of emergency on the grounds that Turkey has not ratified Protocol No 4 of the Convention.³² In so doing the Constitutional Court appears to have indicated that it does not provide a domestic remedy to be exhausted in relation to passport cancellations under the state of emergency in Turkey.
23. Following international pressure,³³ the Turkish Government established **the State of Emergency Measures Inquiry Commission** (the Inquiry Commission).³⁴ The Inquiry Commission was considered by this Court as, in principle, a viable domestic remedy to be exhausted, before the Inquiry Commission started receiving applications on 17 July 2017.³⁵ However, serious concerns arise as to the Inquiry Commission's failure to meet the criteria for an effective remedy.³⁶ Firstly the Inquiry Commission is marred by a lack of institutional independence reflected in provisions for appointments and dismissals.³⁷ All of its members are appointed by Governmental bodies³⁸ and can be dismissed by the executive simply by establishing an 'administrative investigation' on the basis of suspicion of links to proscribed groups.³⁹ Secondly, the procedure before the Inquiry Commission lacks important safeguards to ensure that it provides applicants with a meaningful opportunity to rebut the allegations against them.⁴⁰ They are not allowed to give oral testimony, to call witnesses, to see evidence against them in advance of their application or to respond to allegations.⁴¹
24. Third, the Inquiry Commission's assessment raises serious legal concerns stemming from the lack of clarity as to the grounds for its determinations. Broad and ill-defined

criteria – focused on whether there is suspicion that the applicants have any relationship with proscribed organisations – are applied by reference to loose and indeterminate information.

25. Following the Constitutional Court’s judgment in July 2019, the academics reportedly applied to **the Inquiry Commission Procedures Investigation Commission** with acquittal decision with the request to be reinstated to their posts.
26. More than two years after the Constitutional Court’s judgment and only a few months after the Court communicated the present case, on 28 September 2021, the Inquiry Commission announced that it had decided on 118,415 out of 126,758 applications concerning dismissals with Decree Laws, and that 103,365 of them were rejected. Six academics, who signed the declaration were among the names whose applications were rejected despite the Constitutional Court ruling. In subsequent months, the Inquiry Commission rejected more than 80 applications concerning signatory academics, including some of the applicants in the present case.
27. Analysis of the Inquiry Commission’s decisions also reveals that the reasons provided by it for upholding dismissals lack substance and grounding in law. Lawful activities, such as interactions with institutions – including schools, as well as banks, charities, trade unions, media outlets, and civil society organisations – perceived to be associated with proscribed groups, are frequently used as proof of ‘links’ to such groups. In practice, the implementation of such a low threshold for evidence of ‘links’ effectively inverts the burden of proof onto the applicant to prove the absence of links or associations with a proscribed group. It denies those affected a meaningful opportunity to challenge the extreme restrictions on the exercise of their academic freedom and other rights.
28. Moreover, as Human Rights Watch documented, “academics dismissed via emergency decree do not have the right to return to their old posts, even if the Commission decides in their favour. Under a decree issued in August 2017, it is preferable for academics to be reinstated in universities that opened after 2006 and are outside Istanbul, Ankara, and Izmir.”⁴² This means that the possibility of being reinstated in prestigious universities is not open to them.

IV. The contextual information about the state of freedom of expression and academics in Turkey

29. Threats to academic freedom have been documented in several human rights reports. For instance:
 - In its 2018 report, Human Rights Watch warned that Turkey was targeting academics and creating a “climate of fear” on university campuses.⁴³
 - ARTICLE 19 as well as other civil society organisations and human rights bodies have reported that more than 5,800 academics have been dismissed from their public university posts on alleged terrorism charges in the aftermath of the 2016 failed coup attempt.⁴⁴ While the process for these dismissals was not transparent, the Spokesman for the Council of Higher Education has previously confirmed in interviews that the management of the universities was responsible for preparing the lists of academics to be dismissed by decree.⁴⁵ University rectors from other universities interviewed by the BBC in 2017 stated that they prepared the dismissal

lists in cooperation with the Intelligence services,⁴⁶ using criteria defined by the government. 192 academics were dismissed from Istanbul University by emergency decrees.⁴⁷ Istanbul University itself dismissed at least 95 academics, without due process or the opportunity for review.⁴⁸

- The 2020 Report on Academic Freedoms in Turkey in the Period of the State of Emergency⁴⁹ stated that academics were not able to express themselves freely “while conducting their academic activities, namely, while teaching, carrying out and sharing their research.” The report found that this was closely tied with the repression on media outlets and social media networks, particularly during the state of emergency. Some academics noted that reduced job security and the dismissals from public service have significantly impacted their freedom of expression. Indeed, the state of emergency gave the Council of Ministers the authority to dismiss civil servants who accepted to be “in connection with or affiliated with terrorist organisations.” This is done without judicial oversight. This severely harms freedom of expression as there is no way to ensure that this process is not being abused.
30. ARTICLE 19 also notes that the consequences for those dismissed from academic posts were devastating, as documented by Human Rights Watch.⁵⁰ Those dismissed from their academic positions were blacklisted, unable to find other work and had their passports cancelled. While the hundreds of academics who were dismissed for signing a peace petition had their criminal convictions overturned by the Constitutional Court, they still face unemployment as they were unable to return to their positions.⁵¹
31. Further, measures severely limit the ability of academics to function as professionals,⁵² the ability to conduct research individually and collectively, to cooperate with academic communities abroad and to ‘build and strengthen the intellectual, cultural and scientific cooperation across borders’ recognised as a paramount goal for academia in Europe.

Conclusion

32. Based on the foregoing, ARTICLE 19 concludes that guarantees to the right to freedom of expression freedom, call for a strict interpretation of permissible restrictions under Article 10(2) of the Convention. We respectfully ask the Court to consider the case not only in the light of international standards outlined in this brief but also in the context of an overall situation in Turkey. In particular, this includes the lack of remedies for revocation of academics’ posts and an overall restrictive environment for freedom of expression and academic freedom in the country.

10 December 2021



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- ¹ PACE, Recommendation 7 (2012) on responsibility for academic freedom and institutional autonomy, para 5.
- ² *Ibid.*, para 4.1-4.2.
- ³ *Ibid.*, para 4.3.
- ⁴ European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action (2018/2117(INI))
- ⁵ The UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), adopted by the General Conference, 11 November 1997.
- ⁶ *Ibid.*, para 17.
- ⁷ *Ibid.*, para 27
- ⁸ World Declaration on Higher Education for the Twenty-First Century: Vision and Action (1998), adopted by the World Conference on Higher Education, Paris, France, 9 October 1998.
- ⁹ The Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, adopted in Lima, 10 September 1988.
- ¹⁰ *Ibid.*, para 1 a).
- ¹¹ Report on Academic freedom and the freedom of opinion and expression, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the General Assembly 75th session, A/75/261, 28 July 2020.
- ¹² *Ibid.*, para 20.
- ¹³ *Ibid.*
- ¹⁴ Article 27 provides that “everyone has the right to study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely.”
- ¹⁵ CESCR General Comment No. 13: The Right to Education (Art. 13) Adopted at the Twenty-first Session of the Committee on Economic, Social and Cultural Rights, on 8 December 1999 (Contained in Document E/C.12/1999/10)
- ¹⁶ Human Rights Committee, General Comment No. 34, CCPR/C/GC/34, para 25.
- ¹⁷ *The Observer & Guardian v the UK*, App. No. 13585/88, 26 November 1991, para 59.
- ¹⁸ European Court, *Lingens v Austria*, App. No. 9815/82, 8 July 1986, para 41.
- ¹⁹ A model offence of incitement to terrorism was also provided in A/HRC/16/51, paras 29-32. See also the Council of Europe, Convention on the Prevention of Terrorism on the public provocation to commit acts of terrorism, Article 5; and OSCE, Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach, February 2014, p. 42.
- ²⁰ Human Rights Committee, General Comment 34, CCPR/C/GC/34, para 46.
- ²¹ ARTICLE 19, The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, 1 October 1995, Principle 6.
- ²² Report of the Secretary-General, The protection of human rights and fundamental freedoms while countering terrorism, A/63/337, 28 August 2008, para 62.
- ²³ Johannesburg Principles, *op.cit.*, Principle 8.
- ²⁴ See Venice Commission, Report on Counter-Terrorism and Human Rights, Study no. 500/2008, CDL-AD(2010)022, 05 July 2010.
- ²⁵ The Commissioner for Human Rights of the Council of Europe, Memorandum on the Human Rights Implications of the Measures Taken Under the State of Emergency in Turkey, 7 October 2016, para 44.
- ²⁶ See Human Rights Joint Platform (*Insan Haklari Ortak Platformu*), the Emergency State Measures report, 23 February 2017, p. 50.
- ²⁷ *Ibid.*, p. 50.
- ²⁸ Decree Law No. 667, Article 10 (1); and Decree Law No. 668, Article 38 (1).
- ²⁹ Constitutional Court of Turkey, *Fusun Üstel and others*, App. No. 2018/17635, 26 July 2019.
- ³⁰ Arguing that it had no jurisdiction on reviewing constitutionality of the emergency measures under Article 148 of the Constitution, see e. g. judgment no 2016/159 on the file no 2016/166, 12 October 2016; judgment no 2016/160 on the file no 2016/167, 12 October 2016; judgment no 2018/191 on the file no 2018/114, 25 September 2018.
- ³¹ Arguing that the arguments put forward by applicant did not provide enough ground to nullify the laws challenged and that the procedure in which the laws were adopted did not violate the Constitution; see e.g. judgment no 2018/48 on the file no 2018/42, 31 May 2018; judgment no. 2018/41 on the file no. 2016/168, 31 May 2018; judgment no 2018/54 on the file no 2018/48, 31 May 2018.
- ³² See App. No. 2018/13499, 22 January 2019 and App. No. 2018/6576, 7 January 2019.
- ³³ See e.g. Venice Commission, Opinion on Emergency Decree Laws Nos.667-676, *op.cit.*, para 222; PACE, Functioning of Democratic Institutions in Turkey, 8 March 2017.
- ³⁴ Established by the Emergency Decree Law No 685, adopted on 23 January 2017.
- ³⁵ *Köksal v. Turkey*, App. No. 70478/16, 12 June 2017.

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- ³⁶ For detailed comments on the Inquiry Commission see the UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights, Report on the Impact of the State of Emergency on Human Rights in Turkey, Including an Update on the South-East, March 2018
- ³⁷ Amnesty International, Turkey: Amnesty International's Brief on the Human Rights Situation, 1 February 2019.
- ³⁸ Three members are appointed by the President, one by Minister of Justice and one by Minister of the Interior, while the remaining two by the Board of Judges and Prosecutors (HSK) under the control of the executive
- ³⁹ UN High Commissioner for Human Rights report, *op.cit.*; PACE report, *op.cit.*
- ⁴⁰ Amnesty International, Purged Beyond Return? No Remedy for Turkey's Dismissed Public Sector Workers, 2018.
- ⁴¹ The Bar Human Rights Committee of England and Wales, The International Bar Association's Human Rights Institute and The Law Society of England and Wales, Joint Submission to the Special Rapporteur on the Independence of Judges and Lawyers concerning International Law Breaches Concerning the Independence of Legal Profession in Turkey, 18 September 2018.
- ⁴² *Ibid.*
- ⁴³ Human Rights Watch report, *op.cit.*
- ⁴⁴ *C.f.* Joint submission to the Universal Periodic Review of Turkey by ARTICLE 19, P24, PEN International, English PEN, Reporters Sans Frontiers (RSF), International Press Institute (IPI), Freemuse, European Centre for Press and Media Freedom (ECPMF), IFEX and Norsk PEN. For consideration at the 35th Session of the Working Group in January 2020 July 2019; see also Announcement of the Decision of the Inquiry Commission on the State of Emergency measures, 28 October 2021.
- ⁴⁵ BBC News, YÖK: Universities take the initiative in issuances (in Turkish), 08 February 2017.
- ⁴⁶ BBC News, Rectors of universities that expel academics, 23 February 2017.
- ⁴⁷ Bianet, 4,811 Academics from 112 Universities Discharged by 5 Statutory Decrees, 08 February 2017.
- ⁴⁸ Bianet, 95 Academics Suspended at İstanbul University, YÖK Suspends 4 Rectors, 20 July 2016.
- ⁴⁹ This report was written to outline the findings of the fieldwork launched within the framework of the project Bringing Human Rights Academy to Society funded by European Instrument for Democracy & Human Rights (EIDHR) and conducted by the Capacity Development Association in order to reveal the effects of State of Emergency in Turkey on academic freedoms.
- ⁵⁰ *Op.cit.*
- ⁵¹ See e.g. ARTICLE 19, Turkey: Open letter urges President Spano to Decline Honorary Degree, 04 September 2020.
- ⁵² Lima Declaration affirms that academics must enjoy "the freedom to maintain contact with their counterparts," *op.cit.*