

Report on the Boğaziçi Resistance Lawsuits
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Introduction

On January 1, 2021, with a decree published at midnight, President of Turkey, Recep Tayyip Erdoğan appointed Melih Bulu as the new rector of Boğaziçi University. Melih Bulu was a politician who had ties with the AKP and was the rector of Haliç University. The students, the academic staff, and the alumni of the Boğaziçi University saw this top-down appointment as a violation of academic autonomy and as a way to control academic freedom.

This was not a singular situation. The power to appoint university rectors has been given to the president by the constitution of the Republic of Turkey. However, prior to 2016, the president had to appoint one of the three candidates presented to them by the higher education board from among the six candidates who received the highest number of votes in the university rectorate elections. Following the coup d'état attempt in 2016, during the state of emergency, the president was given the power to directly appoint rectors [via a decree](#) with the power of law¹. As such, Erdoğan had been appointing rectors to universities since 2016.

On January 4, 2021, protests against the appointment of Melih Bulu as Boğaziçi University rector started. After 6 months of ongoing protests, on July 15, 2021, Melih Bulu was released from his post with another decree published at midnight. Melih Bulu did not know this himself at the time and [learned the news from the media](#).

On August 21, 2021, the former vice rector Naci İnci, a faculty member in the physics department, [was appointed as the new rector of Boğaziçi University](#), despite receiving the highest number of negative votes [in the election](#) held in Boğaziçi University.

In the past one and a half year after the appointment of Melih Bulu as the rector of Boğaziçi University, the university has suffered numerous damages and witnessed plenty of unlawful actions. For example, on February 5, 2021, again with a midnight decree, [two new faculties](#) (Faculty of Law and Faculty of Communication) were opened at Boğaziçi University. Over time, the appointed rector Melih Bulu [appointed himself as the dean of the Faculty of Communication](#). An academician from outside of university and a politician with ties to AKP was [appointed as the dean of the Faculty of Law](#). The elected institute directors were [fired](#) and replaced with vice rectors as deputies, the elected deans were fired and replaced with vice rectors, and the appointed rector Naci İnci [appointed himself](#) as the deputy dean of Faculty of Arts and Sciences. Based on the multiple chairs they sit on, the appointed rector and the vice rectors [casted multiple votes](#) on the university senate meetings. Currently, academicians appointed from outside of Boğaziçi University occupy the seats of [faculty deans](#) and [institute directors](#), and the appointed rector Naci İnci [appointed himself as the deputy dean of Faculty of Law](#) after the resignation of the appointed dean.

In April 2021, the office coordinator of The Sexual Harassment Prevention Commission (CİTÖK) was [sent on unpaid vacation and was later fired](#). The harassment complaints were directed to the vice rector Fazıl Önder Sönmez, effectively disabling the work of the office due to lack of qualification and possible conflict of interests. The LGBTI+ Studies club was [shut down](#). The activities of various student clubs were [censored and suspended](#).

¹ This decree was turned into law in 2018.

In the still ongoing resistance, different components of the university protested in different ways. Starting from January 4, 2021, students have created various student organizations to arrange protests. During the past one and a half years, students organized peaceful demonstrations inside and outside of the campus (which often ended with police detaining students). The students organized a symbolic election, an art exhibition, open lectures, concerts, and many more. They kept a [symbolic watch](#) every workday by opening up a canopy and a desk in front of the rectorate building. They organized an [alternative graduation ceremony](#) after the appointed rector Naci İnci moved the ceremony to a pre-recorded online stream on YouTube. After the dismissal of Melih Bulu, along with alumni and university staff, they [organized a rectorate election](#) in which over 4750 members of Boğaziçi University voted.

The alumni have also created various organizations in Turkey and abroad. They collected over [5000 signatures from Boğaziçi University alumni](#) demanding the resignation of the appointed rector. They organized demonstrations in numerous countries, including Germany, France, and Sweden. They collected signatures from [over a thousand institutions and academicians](#) from all over the world. They [identified the plagiarism](#) in Melih Bulu's academic articles and issued complaints.

The faculty members of the Boğaziçi university started to protest this violation of democracy and academic autonomy by standing in front of the rectorate building with their backs turned to the building every workday at midday. They held the [400th vigil](#) in front of the rectorate building on August 19, 2022. They also share the week's summary with the public through [bulletins](#) they read at their vigil every Friday. The academic staff, along with the union, pursued legal actions against the undemocratic rector appointments and unlawful actions of the university. They have failed [18 lawsuits](#), including against the appointment of rectors and deans and against the decision to open new faculties. Notably, the Union of Turkish Bar Associations [intervened in the case of annulment](#) against establishing a Faculty of Law at Boğaziçi University.

All components of Boğaziçi University unite in their demand of academic autonomy and freedom. They request the rector of Boğaziçi University to be determined by democratic elections held at Boğaziçi University. The demands of the students, which they read the press releases, are as follows:

- 1- Starting from Naci İnci; the appointed staff consisting of Fazıl Önder Sönmez and Gürkan Kumbaroğlu and all trustees must resign immediately.
- 2- The unlawful lawsuits that have been opened against our friends must end.
- 3- University rectors must be determined by an election that includes all components of universities.
- 4- The top-down decisions to open new faculties must be withdrawn.
- 5- BÜLGBTİ+ Studies Club, which was closed unlawfully, should be reissued as a student club.
- 6- All decisions aimed at effectively closing the CİTÖK (The Sexual Harassment Prevention Commission) office must be withdrawn.
- 7- The police who blockade our campuses must leave the school.

- 8- YÖK (The Higher Education Institution), which is a coup institution, must be closed.
 9- Basic human rights and all constitutional rights of LGBTI+ students and all LGBTI+ individuals must be recognized.

The state and the university responded aggressively to the protests. Their aggressive responses violated many fundamental rights and freedoms, such as the right to assembly and demonstration, the right to education, and freedom of expression. Students were unlawfully detained with torture during peaceful protests. Lawsuits were opened, students were arrested. Students' scholarships were canceled on the grounds that they participated in the protests. The university opened disciplinary investigations to students that took part in the protests. Faculty members that took part in the protests were fired under various excuses.

Responses From the State

The law enforcement

Many students were detained during the demonstrations. Although the exact number of detentions is not known, on February 21, 2021, the Minister of Interior announced that there had been [809 detentions](#). Over the last year, this number increased considerably with the ongoing protests.

The police [raided the homes of the students](#) that took part in the protests and detained 17 students on the charges of “violating the Law on Meetings and Demonstrations No. 2911” and “resisting the officer in charge”.

The presence of police near Boğaziçi University continues. The sidewalks leading to the university gate were barricaded by the police for the better part of 2021. The island of the roundabout in front of the university gate is still barricaded by the police. A water cannon vehicle was positioned in the neighborhood where the university gate is and where most Boğaziçi University students live. A team of riot police and police cars still waits by the campus gate every day.

The lawsuits

Numerous lawsuits have been filed with regards to student protests. There is a total of 332 defendants in 13 cases that we know of. Most of the defendants are charged with “participating in illegal meetings and marches unarmed, not dispersing spontaneously despite a warning” (Law no: 2911, Article 32/1). Some students are charged with “resistance with a view obstructing the execution of duties”, “deprivation of liberty”.

A total of 13 students from Boğaziçi University and other universities were arrested during the trials and 29 people were placed under house arrest.

- a) Two students, Doğu Demirtaş and Selahattin Can Uğuz, were arrested because of an exhibition that took place on campus as part of the protests. One of the artworks included a picture of the Kaaba. In front of the picture of Kaaba, there was an image of a Şahmeran (a mythical creature of half woman and half snake, part of Turkish culture), and at the four corners of the picture of Kaaba, there were LGBTI+ flags. Because of this artwork, seven students were charged with “provocation of hostility and grudge in society or humiliation”. Two students were placed under house arrest.

Two students, Dođu Demirtaş and Selahattin Can Uđuzeş, were arrested on January 30, 2021. They were released on March 17, 2021, after 47 days in custody. The trial is currently continuing.

- b) Seven students were arrested on two separate files because of a demonstration that took place in Kadıköy, İstanbul on February 2, 2021.
 - i. Four students, Akın Karakuş, Necmettin Erdem, Ömer Şengel and Murat Can Demirci, were arrested on February 6, and one student, Hasan Koral Hacıbeyođlu, was arrested on February 10, 2021. Two students were given house arrest. Akın Karakuş, Necmettin Erdem, Hasan Koral Hacıbeyođlu and two students under house arrest were released on March 22, 2021. Ömer Şengel was released on March 29, 2021. The trial is currently continuing.
 - ii. Two students, Anıl Akyüz and Şilan Delibalta, were arrested on February 5, 2021. 23 students, including Anıl and Şilan were charged with “violating the Law on Meetings and Demonstrations No. 2911” and “resistance with a view obstructing the execution of duties”. Thirteen were given house arrest. Anıl and Şilan were released on April 2, 2021, after 56 days in custody. The trial is currently continuing.
- c) One student, Muhammed Ünal, was arrested on February 7, 2021, because of social media posts that were allegedly his. The evidence for the arrest was that the last two digits of his mobile phone number matched the account rescue mobile phone number on Twitter. He was charged with “incitement to commit an offence”. The student was released on February 12, 2021, after 5 days in custody.
- d) One student, Beyza Buldađ, was arrested on February 7, 2021, because she allegedly ran the social media account of “Bođaziçi Dayanıřması” (one the student activist organizations at the university). The evidence for the arrest was that the last two digits of her mobile phone number matched the account rescue mobile phone number on Twitter. Based on the open letter to the President Erdoğan and other posts published on the Twitter account, she was charged with “provocation of hostility and grudge in society or humiliation” and “incitement to commit an offence”. The student was released on February 12, 2021, after 5 days in custody. She was acquitted of all charges on the first trial on September 28, 2021.
- e) Two students, Berke Gök and Perit Özen, were arrested because of a demonstration that took place on campus on October 4, 2021. A demonstration was organized by the English preparatory class students to protest the university’s sudden decision to make the English preparatory classes online just a few days before the beginning of semester. Students gathered in front of the rectorate building when the appointed rector Naci İnci got out of the building, along with the private security personnel, and got into the car waiting for him. The students gathered around the car as a way of protest. One of the students, Berke, got up onto the car. The security personnel grabbed him by the ankle and pulled him to the ground. Upon the criminal complaint filed by the appointed rector Naci İnci and after being targeted by the President Erdoğan and the media as being terrorists, 14 students were charged with “participating in illegal meetings and marches unarmed, not dispersing spontaneously despite a warning”, ‘deprivation of liberty”, “resistance with a view of obstructing the execution of duties” and “abducting or retaining land transportation vehicles”. One student is also charged with “damage to public property”. Two of the fourteen

students, Berke and Perit, were arrested on October 6, 2021. They were released on January 7, 2022, after 94 days in custody. The trial is ongoing.

Numerous rights violations and unlawful situations took place during the detainment and litigation processes. Some examples are:

- a) Students detained during the protests were subjected to torture.
- b) Students were handcuffed at their backs with zip locks. They were made to wait long hours in the police cars, sometimes handcuffed.
- c) One student reported that he had been subjected to strip search.
- d) One female student with a headscarf reported that her headscarf was opened when she was detained. She had been handcuffed and she was not allowed to straighten her scarf to cover her hair. (February 1, 2021)
- e) Students were detained from the public transportation vehicles and on the streets because they were going to the protests. (February 1, 2021)
- f) During a protest on campus, the police encircled the students without a warning to disperse and started to detain students with torture. The video records show students asking for a way out, promising to disperse, saying they do not want to be detained. A police officer comes forward and responds as “All of you will be detained. If you come peacefully [to the police car], we will take you one by one. Otherwise, we will take you by force.” (October 22, 2021)
- g) The police detained students by saying that they will perform an ID check but in fact detaining them. (March 25, 2021)
- h) The rainbow flag representing LGBTI+ community was criminalized. Students were detained by the police for carrying a rainbow flag (March 25, 2021). The indictment of the resulting lawsuit included carrying a rainbow flag as an accusation.
- i) On the exhibition trials, where two students were arrested, the charges were changed after students gave their statements to the public prosecutor. Thus, the students were taken in front of the court for charges they did not testify for.
- j) On a trial regarding the demonstrations that took place on February 1, 2021, one of the people written down as a victim in the lawsuit stated that they were not a complainant, but their name has been written in the lawsuit.
- k) The indictment regarding the demonstration of February 1, 2021, was prepared two months later, on April 19, 2021, by the prosecution. The first trial was held on November 25, 2021. Because the students were forbidden to leave the country during this time, they could not go abroad for their internship and master’s degrees.
- l) Berke Gök and Perit Özen, two arrested students, were kept in solitary confinement for 51 days. Perit had an injury to his shoulder; however, even with the doctor’s note, his medicine was given to him late. Their school supplies were given to them late, disabling them to continue their education. The letters sent to them were not delivered to them.
- m) A fellow detainee reported that Şilan Delibalta, one of the arrested students from the Kadıköy protest, was denied a vegan sandwich during the detainment process, even though she has not eaten anything for three days. Similarly, one of the arrested students, Berke Gök, was not given vegan food in custody. He reported that he and Perit Özen shared food and he ate the vegan portions of the meals.

One of the examples of violations of law occurred at the trials regarding the demonstration where one of the students got on top of the appointed rector's car. Dubbed "the car trials" by the students, two students, Berke Gök and Perit Özen, were arrested and held in custody for 94 days for this case. They were released on the first trial on January 7, 2022.

On January 10, 2022, the court held a secret trial to hear the statements of Naci İnci and other plaintiffs without informing the defense lawyers. The defense lawyers came upon this information on January 12, while checking the trial files on the National Judicial Network Information System (Ulusal Yargı Ağı Bilişim Sistemi) for a different reason.

The next trial was held on March 21, 2022. One of the defense lawyers, Ömer Kavili, objected to the secret trial procedure. He stated that it was against the principle of fair trial and asked for the plaintiffs to be brought to the court and that the secret trial be considered not held. The judge moved on to the testimonies without an interim decision. The defense attorneys argued and objected to the procedure. The judge ordered the removal of attorney Ömer Kavili on the grounds that he was disrupting the order of the court. The defense attorneys objected to the decision. The judge called the private security and the police into the courtroom to remove Ömer Kavili and left the room with the prosecutor. The attorneys declared that they would not leave the room without a written decision and a brawl broke out. Members of Parliament who were in the courtroom to monitor the trial intervened. Other members of Parliament who were in the courthouse for another trial also came into the room and intervened. The defense lawyers took a report to be sent to the Council of Judges and Prosecutors (Hakimler ve Savcılar Kurulu). Another brawl between the police and the attorneys broke out as Ömer Kavili read the report out loud. Attorney Ömer Kavili was escorted out by the police.

From his room, the judge ordered the removal of all the audience from the courtroom against the principle of fair trial and without any cause. The defense lawyers objected by stating that this is unlawful, and that this decision has to be made in the courtroom. The judge came back and demanded that all lawyers who disrupt the order of the court be removed from the room. He also dismissed the defense lawyers (who were hired by the students), ordered new lawyers to be issued from the bar, and asked for a disciplinary investigation against the defense lawyers. The lawyers objected, saying that the judge could not dismiss the lawyers. The judge left the hall again while the objections of the lawyers continued. The bailiff told the lawyers that the trial will have a break and will continue at 14.30, and that if the two defendants whose statements were not taken are not present at the hearing, an arrest warrant would be issued for them. The lawyers again objected by stating that this is unlawful, and that this decision needs to be declared in the courtroom by the judge. The lawyers took a second report noting that the arrest warrant was announced by the bailiff, not the judge, and the judge announced the removal of lawyers and spectators from the hall without the call to order and left the courtroom without an interim decision. Istanbul Bar Association President Mehmet Durakoğlu came to the courtroom and said that the bar association could not appoint a new lawyer.

The hearing, which was supposed to continue at 14.30, started with the bailiff announcing that the lawyers and the defendants will not enter the courtroom and that the attendance will be

taken outside. The lawyers, again, objected that this is unlawful, and that attendance should be taken inside of the courtroom. The lawyers and the audience waiting outside of the room protested with applause. Neither the defendants nor the defense lawyers were allowed to enter the courtroom. The judge did not give a ruling inside of the courtroom. The news that the trial was adjourned was announced. The lawyers waited outside of the courtroom for the trial record. However, they did not receive any. They took another report. By checking the electronic system, the lawyers learned that the trial was adjourned to June 27, 2022.

On the third trial, attorney Ömer Kavili was denied entry to the courtroom. The defense asked for Ömer Kavili to be let in and stated that this was a violation of the right of defense. The court declared that Kavili would not be let in on the grounds that he would disrupt the order of the court and continued the trial.

Discontinuation of scholarships due to participation in demonstrations

At least 103 students' scholarships from Kredi Yurtlar Kurumu (state-run scholarship and dormitory institution) were discontinued due to participation in protests. The discontinuations were made based on an old regulation that was changed in 2008 and is no longer valid.

Thirty-six students have opened lawsuits. Sixteen of them have won their cases. They got continuation of scholarship and received the full sum of money they did not get due to the discontinuation. The lawsuits of 20 students are ongoing.

Investigations into Faculty Members' Vigil

Upon the criminal complaint filed by the appointed rector Naci İnci, the public prosecutor's office started an investigation into the academics' vigil in front of the rectorate building. Sixteen faculty members were called for questioning to the prosecutor's office because they stood in front of the building with their backs turned and because they put up a sign that read "kayyum" (trustee) on signplate of the rectorate building.

Responses From the University

Disciplinary Investigations towards Students

More than 500 disciplinary investigations have been opened by the university during Boğaziçi resistance. According to a report by Feyzi Erçin on the right violations made during disciplinary investigations at Boğaziçi University, there have been numerous irregularities in all stages of disciplinary investigations. Notably, some of them are:

- a) The reports written by private security personnel that are used to start the disciplinary investigations do not describe the events but instead repeat the offenses word by word from the regulations. They are undated, which does not allow us to tell when the report was issued. In some cases, students who are mentioned in the reports are not even on campus at the time. However, the same reports are accepted as valid and used to open investigations to the other students mentioned on the reports.
- b) Video recordings without clear sources are admitted as evidence during investigations. These video recordings are oftentimes taken by the private security personnel illegally.

- c) In many investigations, disciplinary commission members have to identify the students under investigation from the videos. At least two students were given penalties due to misidentification.
- d) Regarding the grounds of investigations: Opening an LGBTI+ flag was considered sufficient to start an investigation. In one case, “wanting to open a canopy” was accepted as a ground for investigation, bordering on thoughtcrime. In another case, an investigation was opened on grounds of noise pollution, which is no longer present in the regulations. Furthermore, investigations were opened on the grounds such as shouting slogans, opening banners, or distributing flyers, which limit freedom of speech.
- e) Regarding the procedure of investigations: In some cases, video recordings that are considered evidence were not given to the students, which harm students’ right to defense. In one case, after the investigation was finished and the student defended themselves on the grounds that there is no evidence, the student was reached out by the faculty one day before the case, which tried to give the student a new date for the case by saying that they forgot to add the recordings as evidence.

As a result of disciplinary investigations, 12 suspensions and numerous reprimands were issued:

- a) Six students from the car trial were given one week of suspension, each.
- b) One student was given one week of suspension following their detention by police on campus for opening up the canopy for the symbolic watch.²
- c) One student was given two weeks of suspension.
- d) One student was given one month of suspension for making an obscene gesture to the university general secretary.
- e) Two students, who were held in custody for 94 days with regards the car trials, were given one month of suspension, each.
- f) One student was given one semester of suspension for [throwing an egg](#) to the appointed rector Naci İnci.

The students have opened lawsuits for the cancellations of the suspension penalties. The court ruled stay of execution for all suspension decisions (except for the three which were not litigated against). The trials currently continue. Stay of execution rulings are appealed to the court by the rectorate.

Dismissal of Faculty Members

Faculty members who are prominent in the protests were dismissed by the appointed rector with various excuses.

The courses of Feyzi Erçin were canceled by the appointed rector for the Summer 2021 and Fall 2021 semesters. Feyzi Erçin has been teaching at Boğaziçi University for 8 years as a part-time lecturer and has been a prominent figure at the protests. Also, a lawyer, Feyzi Elçin

² On October 22, 2021, 45 students were detained on campus by the riot police with torture because they wanted to open the canopy in front of the rectorate building as a form of symbolic watch. The resulting trials in which 45 students are charged with participating in illegal meetings and marches unarmed, not dispersing spontaneously despite a warning, are dubbed as “the tent trials” by the students.

has been helping students that were detained during protests. The fact that Feyzi Erçin does not have a graduate degree was given as a reason by the appointed rector Naci İnci to cancel his classes and dismiss him. Furthermore, Feyzi Erçin's [social media posts](#) on the university senate were given as reasons to dismiss him. It was [stated that](#) "Erçin shares defamatory and targeted posts about the professors in our university by naming them on social media. It is not appropriate for someone who does not observe ethical principles to teach students.". Feyzi Erçin filed two lawsuits against these decisions. The court rejected the appeal for stay of execution for both cases.

Full-time faculty member Can Candan was dismissed by acting rector Naci İnci on July 16, 2021. Film and documentary maker Can Candan was known for taking pictures of faculty members' vigil every day. These pictures were often used by the press, who are not allowed on campus. Can Candan filed a lawsuit against the decision of dismissal on August 13, 2021. The Education and Science Workers' Union intervened in the case. On February 16, 2022, the court ruled for the stay of execution. On May 31, 2022, the court ruled for the cancellation of the dismissal decision. Can Candan was reinstated in his duty. On August 9, 2022, he was again dismissed by the rectorate, with the same reasons as before. Can Candan has again filed for lawsuits to annul the decision.

Foreign lecturer Mohan Ravichandran's work permit, which was extended by The Higher Education Institution, was canceled by the request of the appointed rector, on December 18, 2021.

The courses of other part time faculty members that were outspoken about the rectorate appointment were canceled, effectively dismissing the faculty members. The courses of Seda Binbaşıgil, who have been teaching at Boğaziçi University for 16 years, Özcan Vardar, who have been teaching at Boğaziçi University for 8 years, and Kaan öztürk, who have been teaching at Boğaziçi University for 5 years, were canceled. On August 24, 2022, 15 other emeritus or part-time faculty members were dismissed by the rectorate.

Cancellation of alumni cards due to participation in demonstrations

The alumni cards of Boğaziçi University alumni, which allows them to enter the campus and use the premises, are being canceled by the university indefinitely, on the grounds that they "have disturbed the peace and security of the university with their demonstrations and actions on campus". The rectorate recently threatened newly graduates to not attend alternative graduation organized by students or their alumni cards would be revoked. So far, the alumni cards of 96 graduates have been canceled due to participation in protests. Thirty of these cancellations were because of participation in alternative graduation ceremony.

Conclusion

The Boğaziçi Resistance has started in January 2021, with the appointment of an unelected academician from outside of the university and with ties to the AKP as the rector of Boğaziçi University. The demonstrations protesting this undemocratic and top-down appointment were responded with the violation of law and human rights and freedoms by the state and the university. Students were detained and arrested with torture and numerous lawsuits were

opened with regards to the protest. Students faced disciplinary investigations and penalties and the faculty members were fired for participating in protests.

In the case of Boğaziçi Resistance, the state appears to use the law as an oppression tool by initiating criminal investigations and lawsuits and arresting students who use their constitutional right to protest. Similarly, the unproportionate use of law enforcement appear to be used as a mechanism to intimidate and suppress student's protests (for example, the house raids for participating in protest and the police torture during detainment). Likewise, the university appear to use disciplinary investigations as a mechanism for restricting students' freedom of expression and preventing their pursuit of democratic claims. In a similar vein, the dismissals of faculty members who are prominent part of the protests appear to be used as a mechanism to oppress the protests and the democratic claims of the faculty by the state and the university.