



Complaint (and Request for Acknowledgement of Intellectual Property Rights - Marie Curie Fellowship)



Umut Özkirimli

Tuesday, 4 September 2018 at 14:42

To: Christofer Edling; Cc: Petter Pilesjö; Andréa Björk; Registrator, LU



APPENDIX 1 - Pinar...
11,6 MB



APPENDIX 2 - FIRE r...
19,5 MB



APPENDIX 3 - Black...
224 KB



APPENDIX 4 - IPR c...
4,2 MB



APPENDIX 5 - Letter...
1,2 MB



APPENDIX 6 - Melek...
83,3 KB

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Dear Christofer

I hope this email finds you well.

The Marie Curie project is due to start on the 1st of October, as noted in Dalia's last Director's Info, and I would like to use this opportunity to revisit an issue I have raised both in my rehab meeting and later via email and Andrea. Petter told me that you have not contacted him yet, so I am copying him in as well as the supervisor of the project.

As you probably already know, the Marie Skłodowska-Curie Actions Individual Fellowships (hereafter MC) are not awarded to an individual researcher alone, but to a supervisor and an institution. The Guide for Applicants states that the project is carried out by the researcher, in this case Pinar, under the supervision of an experienced researcher, at the time of application myself, defined as follows: "The Supervisor is the scientist appointed at the beneficiary to supervise the researcher throughout the whole duration of the action." The supervisor is very important to the success of the grant as stated in the Guide: "The CV is intrinsic to the evaluation of the whole proposal and is assessed throughout the three evaluation criteria by the expert evaluators." "Proposals can be submitted by the researcher. However, the submission of the proposal (and other actions that follow this procedure such as withdrawal) falls under the final responsibility of the applicant organisation as represented by the main supervisor." According to the Guide, "In case of disagreement between supervisor and researcher, the supervisor's opinion prevails." (http://ec.europa.eu/research/participants/data/ref/h2020/other/guides_for_applicants/h2020-guide-appl-msca-



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In the light of above, I would like to bring the following to your attention:

1. The researcher, Pinar, will receive 4,880 euros per month (before tax), plus 600 euros mobility allowance and 500 euros family allowance. The institution, Lund University and CMES, will receive 1,450 euros per month to cover Research, Training and Networking Costs and Indirect Management Costs. This means that at least indirectly - e.g. in terms of research time - some of the supervisor's costs are covered and, accordingly, that I will need to fulfil another duty when I return in 2019, to make up for the time that was supposed to be allocated to MC.

2. More direct, and consequential losses relate to **reputation, networking, and public visibility** that come with a MC project. An important aspect of the grant is public outreach which would take the form of "Internet presence, press articles and participating in European Researchers' Night events to presenting science, research and innovation activities to students". All these benefits will now be shared between Pinar and Petter. The revised version of the proposal sent to me by Petter does not include any reference to my name; in other words, I am literally deleted from a project that I have come up with and designed.

3. The criteria for evaluation of proposals include:



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(a) "Quality and credibility of the research/innovation project; level of novelty." The idea for the research is mine; the methodology is selected by me; the training she will receive - an important aspect of the grant - is designed again by me. In fact, I introduced her to Petter who was in the end the only person with the required qualifications to replace me. Please note here that I have no objections whatsoever to Petter. He has contacted me before taking up the offer, and I know that he would do a better job than myself as the supervisor of the project. That does not, however, change the fact that this was my project, as confirmed by Pinar herself in various informal conversations (see Appendix 1).

(b) "Quality of the supervision and of the integration in the team/institution." and "Quality of the proposed measures to communicate the project activities to different target audiences". The latter were going to be organised by me, using my networks. Again, Petter is equally qualified for this task, but that is irrelevant. I was the name that convinced the EC to grant the fellowship.

(c) *The European Code of Conduct for Research Integrity*, a legal document binding all research institutions, states that "Researchers, research institutions and organisations ensure that any contracts or agreements relating to research outputs include equitable and fair provision for the management of their use, ownership, and/or their protection under intellectual property rights." In this case, my ownership of the project has been forcefully taken away from me. The Code also notes that "Reviewers and editors respect the rights of authors and applicants, and seek permission to make use of the ideas, data or interpretations presented." I will not be able to have any claims on the output of the project, even though the project itself is my idea. According to this document, my permission and/or acknowledgement of my contribution must be



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sought. (https://ec.europa.eu/research/participants/data/ref/h2020/other/hi/h2020-ethics_code-of-conduct_en.pdf).

(d) Failure to do so could also be considered as a form of **plagiarism** by Pinar. This is defined by the Code as "using other people's work and ideas without giving proper credit to the original source, thus violating the rights of the original author(s) to their intellectual outputs."

4. Last but certainly not the least, the above Code cites "Accusing a researcher of misconduct or other violations in a **malicious way**" as one form of violation of research integrity. (p. 8) When this occurs, "In their most serious forms, unacceptable practices are sanctionable, but at the very least every effort must be made to prevent, discourage and stop them through training, supervision and mentoring and through the development of a positive and supportive research environment." I do not see how the allegation of plagiarism can be avoided given that my name is deleted even where the Nation and State in the Middle East project - by which means Pinar can remain in Sweden - is mentioned (see Appendix 2, for this and my other notes on the revised proposal.)

As I have argued repeatedly in the course of the investigation as well, **I was coerced into stepping down as supervisor of this project (see Appendix 3). According to common law, this is blackmail and constitutes a serious crime (needless to say, that is not the faculty's problem, since the legal investigation of this issue will be directed towards certain individuals, not to any institution). I do not know why the external investigator chose *not to* report this issue, but I cannot be expected (and do not intend) to cave in to blackmail and forego my intellectual property rights in this project.**



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my intellectual property rights in this project.

All of this is confirmed by my correspondence with the European Intellectual Property Rights Helpdesk (IPHR) in March which states that there is nothing in the Grant Agreement that “explicitly prohibits that there be an acknowledgement of (my) contribution to this research project.” (see Appendix 4). I would like to note here that this is yet another document the external investigator chose to ignore even though it goes to the heart of the accusation that I contacted the EC with ill intentions. As you will see in this document, there is no mention of conflict of interest whatsoever. Up until today, I have not presented the EC any reason other than my son's medical condition.

Given the above, I would like to officially request the Faculty to publicly acknowledge my intellectual property rights (*i.e. inform the researcher, CMES and EC accordingly*). In case the faculty prefers not to be part of this, I would be grateful if you could let me contact EC myself.

Thank you for your attention.

Best, Umut

P.S. For the statements of the students whose names are mentioned in the blackmail message, see Appendices 5 and 6.

Christofer Edling
Samhällsvetenskapliga fakulteten
Lunds Universitet
Box 117
221 00 Lund

ANG. UMUT ÖZKIRIMLI

Christofer,

Mitt namn är Olof Bexell och jag arbetar på Advokatfirman Defens i Stockholm. Vi har kontaktats av Umut Özkirimli med anledning av att han anser sig illa behandlad av institutionen och medarbetare på institutionen.

Min kontakt sker i egenskap av ombud för Umut Özkirimli. Min uppgift i förevarande ärende är att företräda honom och tillvarata hans intressen. Önskar ni erhålla juridiskt biträde rekommenderar jag er att anlita eget ombud.

Anklagelser om trakasserier och psykosociala utredningar

Min huvudman har anklagats för att ha trakasserat en medarbetare och en student vid institutionen. Han har även anklagats för hot gentemot medarbetare. Det är i sammanhanget förståeligt att institutionen vill agera kraftfullt när anklagelser om trakasserier eller hot framförs av medarbetare eller studenter. Det är dock viktigt för samtliga parter, framförallt den person som står anklagad (Umut Özkirimli i förevarande fall), att arbetsgivaren hanterar ärendet på ett objektiva, rättssäkert och diskret sätt. I annat fall kan situationen lätt bli infekterad och utvecklas till en s.k. häxjakt. I synnerhet gäller ovanstående innan brott mot lag eller arbetsgivarens regler kan konstateras.

Umut Özkirimli bestrider att han ska ha trakasserat eller hotat någon. Ändå konstateras det i skriftlig tillrättavisning, upprättad av er, den 1 juni 2018 att Umut Özkirimli trakasserat och hotat medarbetare samt trakasserat en student. Sådana slutsatser kräver goda grunder.

Jag har tagit del av de två psykosociala utredningar utförda av Margareta Brundin hos Omnia Utvecklingskonsulter KB på uppdrag av institutionen. I den första utredningen, avseende medarbetaren Pinar Dinc, har inte alla sidor och bilagor ännu översänts till min huvudman vilket är anmärkningsvärt, sida 3, bilaga 1, 6 och 7 saknas exempelvis.

Den psykosociala utredning som genomförts avser anklagelser rörande trakasserier från Umut Özkirimli gentemot Pinar Dinc. Analysen grundas på två intervjuer (misstänkt och anmälare) samt ett kort Skype-samtal med före detta föreståndare vid Centrum för Mellanösternstudier ("CMES") där parterna verkat. Bilagt till utredningen finns även sms-konversationer där lösryckta stycken har översatts. Mot bakgrund av ovanstående underlag konstaterar utredaren att Umut Özkirimli, mot sitt förnekande, gjort sig skyldig till trakasserier i form av s.k. stalking. Slutsatsen är magstark då analysen synes brista i både objektivitet samt bevisvärdering.

Den andra psykosociala utredningen som genomförts avser anklagelser om trakasserier från Umut Özkirimli gentemot studenten Irem Aydemir. Utredningens material grundas på två intervjuer (misstänkt och anmälare) samt en intervju med en medarbetare vid CMES. Från utredningen framgår att Iram Aydemir polisanmält Umut Özkirimli för sexuella trakasserier men att polisen inte ansett att anmälan haft tillräcklig grund eftersom de bevisuppgifter som presenterats inte indikerar ett sexuellt budskap och således inte är brottsligt. Umut Özkirimli bestrider att han trakasserat Irem Aydemir eller uppsåtligt skulle ha

agerat på något sätt som ens kan tolkas som trakasserier av något slag. Utredaren bedömer dock inte Umut Özkirimli som trovärdig. Det ifrågasätts hur utredaren på objektiva grunder kunnat konstatera att Umut Özkirimli inte skulle vara trovärdig. Oaktat Umut Özkirimlis trovärdighet ifrågasätts hur utredningen kunnat konstatera sexuella trakasserier givet det utlåtande polisen har givit kring anmälarens uppgifter. Utredningens slutsats är även här magstark och saknar i Umut Özkirimlis mening en objektiv värdering av det material som presenterats.

Utredningens genomförande, analys och slutsatser är på det hela taget inte tillräckligt grundade i bevisning vilket har fått förödande konsekvenser för min huvudman. Vidare föreligger formella brister kring utredningen.

- Intervjuerna har enligt uppgift inte spelats in.
- Umut Özkirimli har inte givits möjlighet att bemöta samtliga anklagelser eller omständigheter som gjorts gällande mot honom, varesig i bevis eller intervjuform.
- Umut Özkirimli har inte givits möjlighet att gå igenom eller yttra sig över utredningsmaterialet innan utredningens slutförts eller innan han erhållit den skriftliga tillrättvisningen.
- Samtliga klagomål gentemot Umut Özkirimli har inte presenterats för honom förrän efter utredningen. Han har således inte haft insyn i vilka konkreta omständigheter som gjorts gällande mot honom innan han fick den skriftliga tillrättvisningen från institutionen.

Ovanstående faktorer innebär sammantaget att det varit svårt/omöjligt för Umut Özkirimli att värja sig mot de anklagelser som gjorts gällande mot honom. Det är mycket problematiskt om institutionen har haft för avsikt att göra medarbetaren införstådd och delaktig i processen, vilket borde vara fallet. Vill institutionen stimulera reflektion och förståelse hos medarbetaren måste åtgärder vidtas för att underlätta detta, oavsett om medarbetaren har gjort fel eller ej. Mest uppseendeväckande är att Umut Özkirimli vid dagens datum, ännu inte har fått ta del av utredningen avseende Pinar Dinc i sin helhet. Det ger processen ett Kafka-artat skimmer.

Förtal

Oavsett vilka slutsatser institutionens utredningar har dragit upplever Umut Özkirimli att vissa av institutionens medarbetare inte hanterat ärendet på ett diskret och respektfullt sätt. Nedsättande uppgifter har spridits om Umut Özkirimli före, under och efter utredningen. Något som bl.a. dokumenterats i mail av min huvudman. Spridandet av nämnda uppgifter är något som min huvudman ser allvarligt på och agerandet kan konstitueras förtal enligt 5 kap 1 § Brottsbalken. Umut Özkirimli litar till att institutionen och dess medarbetare fortsättningsvis iakttar erforderlig diskretion. Han är inte dömd för något brott och ska således inte behandlas eller benämnas som en brottsling eller liknande. Om så sker kommer rättsliga åtgärder vidtas mot de personer som sprider nedsättande uppgifter.

Immateriella aspekter

Umut Özkirimli har inte angivits som upphovsman till den s.k. Marie Curie-projektet, vilket han varit med om att både skapa och säkra finansiering till. Enligt uppgift så har Umut Özkirimli helt kopplats bort från projektet och anges inte längre som upphovsman till projektet. Att inte ange Umut Özkirimli som upphovsman till Marie Curie-projektet kränker Umut Özkirimlis ideella upphovsrätt. Jag vill därför uppmana er att omedelbart åtgärda så att Umut Özkirimli immateriella rättigheter inte kränks av institutionen.

Övrigt

Jag vill begära att ni sänder psykosocial utredning avseende påstådda trakasserier från Umut Özkirimlis sida gentemot Pinar Dinc till mig omgående.

Stockholm den x oktober 2018

Olof Bexell
Jur Kand

Christofer Edling
The social science faculty
Lunds university
Box 117
221 00 Lund

ANG. UMUT ÖZKIRIMLI

Christofer,

My name is Olof Bexell and I work at Advokatfirman Defens in Stockholm. We have been contacted by Umut Özkirimli because he considers himself ill treated by the institution and staff at the institution.

My contact will take place as the representative of Umut Özkirimli. My task in this case is to protect him and to defend his interests. If you wish to receive legal advice, I recommend you to appoint your own representative.

Accusations of harassment and psychosocial investigations

My client has been accused of harassing a colleague and a student at the institution. He has also been charged with threats to employees. In this context, it is understandable that the institution wants to act vigorously when charges of harassment or threats are made by employees or students. However, it is important for all parties, especially the accused person (Umut Özkirimli in this case), that the employer handles the case in an objective, legal and discreet manner. Otherwise, the situation can easily be infected and developed into a so-called witch hunt. The above applies before any breach of law or employer's rules can be established.

Umut Özkirimli disputes that he has harassed or threatened someone. Nevertheless, it is noted in your written letter of 1 June 2018 that Umut Özkirimli harassed and threatened employees and harassed a student. Such conclusions require good grounds.

I have taken note of the two psychosocial investigations conducted by Margareta Brundin at Omnia Development Consultants KB on behalf of the institution. In the first investigation, regarding the employee Pinar Dinc, not all pages and attachments have been sent to my client, which is remarkable; page 3, appendix 1, 6 and 7 are missing for example.

The first psychosocial investigation concerns allegations of harassment by Umut Özkirimli against Pinar Dinc. The analysis is based on two interviews (suspects and notifiers) and a short Skype call with former director at the Center for Middle East Studies ("CMES") where the parties acted. Attached to the investigation, there are also sms conversations where loose pieces have been translated. In the light of the above evidence, the investigator finds that Umut Özkirimli, despite his objections, has been guilty of harassment in the form of so-called "stalking". The conclusion is striking as the analysis seems to be lacking in both objectivity and evidence assessment.

The second psychosocial investigation carried out relates to allegations of harassment by Umut Özkirimli with regards to the student Irem Aydemir. The investigation's material is based on two interviews (suspected and notifier) and an interview with a CMES employee. The investigation reveals that Irem Aydemir contacted the police to report Umut Özkirimli for sexual harassment but that the police did not consider the complaint to be adequate because the evidence presented does not indicate a sexual message and thus is not criminal. Umut Özkirimli rejects that he harassed Irem Aydemir or intentionally would have acted in any way that could even be interpreted as harassment of any kind. However, the investigator does not judge Umut Özkirimli as credible. It is questionable how the investigator found that Umut Özkirimli is not credible on objective grounds. Even though Umut Özkirimli's credibility is questioned, the investigation reveals only the sexual harassment given by the investigating police about the notifier's duties. The conclusion of the investigation is also too powerful here and, in Umut Özkirimli's opinion, lacks an objective assessment of the material presented.

The investigation's implementation, analysis and conclusions are generally not sufficiently substantiated in evidence, which has had devastating consequences for my client. Furthermore, there are formal shortcomings surrounding the investigation.

- The interviews have not been recorded.
- Umut Özkirimli has not been given the opportunity to respond to all allegations or circumstances alleged against him, whether in evidence or interview form.
- Umut Özkirimli has not been given the opportunity to review or comment on the investigative material in the course of the investigation or before receiving the written decision.
- All complaints against Umut Özkirimli have not been presented to him until after the investigation. He has thus not had any insight into the concrete circumstances that have been brought against him before receiving the written decision from the institution.

The above factors all mean that it was difficult / impossible for Umut Özkirimli to defend himself against the allegations made against him. This is very problematic if the institution intends to make the employee aware of his misconduct and remain involved in the process, which should have been the case. If the institution wants to stimulate reflection and understanding by the employee, action must be taken to facilitate this, regardless of whether the employee has done something wrong or not. Most noteworthy is that Umut Özkirimli has not yet been able to take part in the investigation regarding Pinar Dinc as a whole. It gives the process a Kafkaesque shimmer.

Slander

No matter what conclusions the institution's investigations have drawn, Umut Özkirimli finds that some of the Institute's employees did not deal with the matter in a discreet and respectful manner. Degrading information has been published about Umut Özkirimli before, during and after the investigation. These have been documented by my client. The dissemination of the said data is something that my client takes seriously and the act can trigger a defamation case according to Chapter 5, Section 1 of the Criminal Code. Umut Özkirimli wants to make sure that the institution and its employees continue to observe the required discretion. He is not convicted of any crime and should not be treated or termed a criminal or something similar. If that becomes the case, legal action will be taken against those who disseminate this degrading information.

Intellectual aspects

Umut Özkirimli has not been named as the author of the so-called Marie Curie project, which he has helped to create and secure funding for. As a matter of fact, Umut Özkirimli has been completely disconnected from the project and is no longer listed as the author of the project. Not indicating Umut Özkirimli as one of the authors of the Marie Curie project violates Umut Özkirimli's copyrights. I would therefore urge you to take immediate action so that Umut Özkirimli's intellectual property rights are not violated by the institution.

Other

I would like you to send all the documents that relate to the psychosocial inquiry about the alleged harassment by Umut Özkirimli to Pinar Dinc immediately to me.

Stockholm, October x 2018

Olof Bexell
Jur Kand