

The Anti-Coup Trials in Turkey: What Exactly is Going on?

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The ongoing legal investigations against high-ranking representatives of the Turkish military have sparked controversial debates about the background of the so-called “Ergenekon”-complex – and about the interests involved on the side of the AKP-government in bringing the culprits to justice. This article reconstructs the history of these investigations and discusses their political context in Turkish politics.

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The recent political climate in Turkey has been strongly branded by a frenzied debate over a series of legal investigations into allegations of long-active military and paramilitary gangs in the country. The activities associated with the gangs purportedly indicate a mammoth crime syndicate, dubbed in everyday references as “Ergenekon,” after a nationalist legend of the same name. The culprits have aimed, according to the prosecutors, to create far-reaching chaos and uncertainty in the land by high-profile assassinations and general carnage, with the objective of creating a fertile ground and justification for a possible military takeover in the face of an increasingly debilitated government. In progress since mid-2007, when hand grenades out of the stocks of the military found in a shanty town house in an outlying district of Istanbul turned out to be of the same batch as those used in 14 prior and unsolved incidents, the investigations have transformed into 9 separate cases that are either related or complementary in content. The hearings that started in October 2008 are based on unusually lengthy indictments by the prosecutors, which amount to thousands of pages. The much-debated indictments are positively stupefying in their endless details, both relevant and, not infrequently, trivial. What is more, characteristically for the Turkish judiciary, the articulations in these key texts are in extremely poor, convoluted wording, defying easy and full comprehension. The result is a bewildering maze of alleged conspiracies, eliciting simultaneously shocking alarm and incredulity from the public; hence the ongoing abysmal split in the society over the investigations. (Wikipedia has a useful entry which provides a good account of facts and figures. For a feel of the colossal nature of the cases, suffice it to note that in only one case, baptized “Sledgehammer,” 159 members of the military, retired and serving, have been indicted.)

Liberal supporters of the investigations view the hearings as akin to truth commissions, throwing light on the state complicity in political liquidations and extrajudicial killings in the recent past of a country where the authority is long shared between fragile civilian governments and a staunch military. The critics, on the other hand, tend to view the investigations as no more than a mere government conspiracy hatched up to suppress the opposition.

Government Conspiracy?

Yet, the judiciary acting as simply the henchmen of the government, ruled since 2002 by the Party for Justice and Development (AKP), a political party strong enough to resist the pressure of the military for the first time in decades, seems to be a less than accurate picture of the whole process. If anything, the judiciary, subject now to an overhaul following constitutional amendments in September 2010, have long been controlled by a co-optative system of high judiciary

manned by justices who are notably antagonistic of the government and who have made no secret of their sceptical view of the anti-coup investigations. Further, the body for judicial appointments has attempted frequently to disrupt the ongoing process by re-shuffling the members of the courts or prosecutors in charge.

To be sure, the investigations have attracted criticisms virtually from all sections of the public, including those supportive of the investigations, for the over-zealous pre-dawn raids to the homes of suspects in the earlier phase, excessive pre-trial detention periods, leakages of sensitive evidence or of testimonies to the media, and the sloppy nature of indictments. But those who are familiar with the judicial system in the country know that a not inconsiderable chunk of these inadequacies is part and parcel of a long-standing, inefficient system that is simply oblivious to international standards, now only more conspicuous in its awkwardness for the high-profile of most of the suspects. Accordingly, one of the expected positive outcomes of the debate over the administration of the cases is to bring the practice in pre-trial investigations and detentions in line with the aspired European standards.

In point of fact, there seems to be little likely leeway through which the government could possibly manipulate the process, as claimed. The evidence gathering is conducted by law-enforcement officers, the police and the gendarmerie, mostly controlled by the government. Yet, throughout, the law-enforcement is directed by prosecutors, who are present in raids to the homes or offices of suspects. And the suspects have a right to be accompanied and represented by lawyers at all stages, including searches. Evidence is collected via a strict procedure of video documentation during the search. The material officially secured is then formally corroborated by the lawyer or lawyers for the suspect. What is more, the prosecutors do not act at will within the system; they have to obtain in virtually every move leading to searches, raids and custodies the formal authorization of independent judges by means of evidence-based rulings, which are in turn subject to appeals by those affected. Subsequent detentions, enforced and periodically reviewed by courts, can be, and have been, ended by individual judges on duty on a rotating basis. This is a highly intricate scheme sensitive, to say the least, to extra-judicial interventions. A possible attempt by the government to manipulate or influence this scheme would hardly go unnoticed, given that the prosecutors and the judges are practically under a microscopic gaze, constantly in close scrutiny, not only of the mainstream media greatly sceptical of the investigations, but also by the well-organized, and unusually assertive, non-governmental organization of judges and public prosecutors (YARSAV) that has been hypercritical of the government. To this day, there has been no specific claim of an attempt by the government towards manipulating

the judiciary in the anti-coup cases. Rather, the comments by the critics implying government conspiracy have been limited to criticisms of the police.

The critics, dominating the mainstream media, have been fond of describing the suspects as democratically-minded, freedom-loving, secularist intellectuals, who have merely been figures of opposition in the face of an increasingly “Islamofascist” government, a reference to the fact that the ruling AKP has roots in organized political Islam. But a close look at the suspects seems barely to support this particular vision. Typical of most of the suspects is Ergun Poyraz, an author of several sensational bestsellers. The prosecutors claim that for a long time the author was on the payroll of a gang of high-ranking officials within the gendarmerie, as part of the purported psychological warfare by elements within the military against the civilian government. Before he was arrested in 2007, Poyraz wrote a trilogy of books, notorious for their rampant anti-Semitism, a persistent theme in the nationalist circles playing to the dormant prejudices in the masses. One of the trilogy is entitled *The Children of Moses*, centred on the claim that the Prime Minister Erdogan and his wife are Semitic in origin and thus part of a conspiracy to sell out the country under the guise of Europeanization or democratization. Another is entitled *The Rose of Moses*, on the President Gul (literally “rose”), again, asserting that Gul is a crypto Jew. The third in the trilogy is *The Mujahed of Moses* and is on the secret Jewish identity of the then Speaker of the Parliament. The judiciary has consistently refused to ban the books. In detention, the author has published a new bestseller not much different in content, a fact which incidentally renders somewhat vacuous the frequent claims in the media about the oppression and unlawful intimidation faced by the detainees in the continuing investigations. Recently disclosed in the hearings is the fact that the author was taking notes, as he was arrested, towards a book about Baykal, the leader of the main opposition party at the time, entitled *The Son of an Arab*. The notes ostensibly include references to Baykal’s then unknown affair with a colleague, which would be revealed via an internet sex-tape scandal in 2010 to cost Baykal his seat as the chairperson of his political party.

The literature produced by Poyraz, and apparently paid for by the gendarmerie, is hardly the stuff made of freedom-loving opposition against an “Islamofascist” government. More important perhaps is the fact that this hate literature has for years, and still is, consumed like hot cake by the well-educated, better-off Turks that form the camp in society against the ruling AKP and against the anti-coup legal investigations. Defined by a fervent nationalism and by a support of the role of the military holding sway over civilian politics, this camp has been fiercely critical of the government for surrendering, in grave breaches of national security, to Kurds, Greeks, Armenians, and Christian mis-

sionaries. The criticisms have followed, respectively, the attempts to grant the Kurds of the country some of the long overdue basic rights, abandon the established policy on Cyprus, try to accommodate an alternative vision of the fate of the Ottoman Armenians in 1915, and refuse to disrupt the activities of missionaries in the country.

I have been rambling so far on what the trials do not seem to be. So what exactly are they?

The Deep State

The indictments prepared by the prosecutors indicate two main currents of illegal undertakings. One current is formed by the activities of paramilitary organizations, with connections in the military, the police, the bureaucracy, and the mafia. This current, often referred to as “the deep state” in popular parlance, is assumed by most commentators to be a residue of the NATO-planned, anti-communist, anti-guerrilla force secretly set up within the Turkish military in 1953 as the “Special Warfare Unit.” (In this context, parallels have often been suggested with the Italian *Gladio*.) Designed for the Cold War, the Unit was far from confining its activities to the east-west rivalry. As early as in 1955, the notorious pogroms against non-Muslims in Istanbul seem to have been a “job” of the Unit, as confirmed by the retired General Yirmibesoglu in 2001, who headed the Unit from the late 1960s. The pogroms had followed the bombing of a house in Thessaloniki, Greece, in which Ataturk, the founder of modern Turkey, had been born. Yet the bombing had been carried out by none other than an agent of the Unit, which had subsequently orchestrated the circulation of a sensational reporting in the press to provoke the pogroms. General Yirmibesoglu would let it out in 2010, in a context when the publicly-debated, chilling accusations directed at coup-planners within the military included the bombing of some of the historic mosques in Istanbul, that the Unit had also set on fire mosques in Cyprus in 1960s, in the inter-communal conflict between Turkish and Greek Cypriots, in order to “bolster the resistance” of Turks.

Arguably the most enigmatic among the deeds attributed to the Unit is a massacre that took place in Istanbul in 1977 during Labour Day celebrations by workers’ unions. In the Taksim square, 34 people were gunned down by unknown assailants positioned on tops of buildings surrounding the square. In the same month, there was an assassination attempt against the then Prime Minister Ecevit, who, having just found out about the presence of a counter-guerrilla unit within the military, had started communicating critical views. This was followed by a series of high-profile assassinations; among the murdered were politicians, academics, journalists, and notably a public prosecutor, Dogan Oz, who was conducting an investigation into the alleged counter-guerrilla opera-

tions. One of the most highlighted since is the assassination of a prominent newspaper editor, Abdi Ipekci, in 1979. The gunman, captured and put in a high security military prison, was able to vanish into thin air. Having left the country, he would attempt to assassinate the Pope in 1981. This period also saw a succession of pogroms against the heterogeneous Muslim sect Alevis, killing hundreds of them in the Central Anatolian towns Malatya, Sivas, Maras and Corum. All this carnage is often explained as the work of the Special Warfare Unit seeking to justify a military takeover, as purportedly demanded by Turkey's allies in NATO in the so-called Second Cold War years of the later part of 1970s. The putsch would come in September 1980.

In the years immediately following the coup, the agents of the Unit seem to have engaged in a temporary warfare against the Armenian terrorist organization ASALA, which targeted Turkish diplomats abroad. In 1990s, the high-profile assassinations within the country, with unknown assailants, would resume, with journalists, academics and businessmen murdered. Among the assassinations eliciting lasting public reaction have been those of Ugur Mumcu, a journalist, and Ozdemir Sabanci, a leading businessman. Also notable is the forced disappearance and subsequent summary execution of a number of Kurdish businessmen known to be sympathetic to the Kurdish insurgent organization PKK, at war with the Turkish military since 1980s. Recently, a retired general, Atilla Kiyat, spoke to the media on the execution of the Kurdish businessmen, referring to these extrajudicial killings as a "state policy."

The wake-up call in linking this bloodshed to the counter-guerrilla activities of 1970s came in the form of a car crash in 1996 in a locality in western Turkey known as Susurluk. The Mercedes car that had been smashed under a lorry had three passengers, who formed strikingly odd bedfellows: a well-known right-wing assassin on the run for close to twenty years, a police chief from Istanbul, who also happened to be an Alevi (there are no Alevis organized in right-wing Turkish nationalist parties), and finally a Kurdish tribal politician who was a prominent member of parliament for a centre-right political party. A stock of assassination weapons and ammunitions found in the boot of the car completed the picture. The police chief would later be linked to the ostensibly left-wing killing of the businessman Sabanci, for being instrumental in having one of the killers employed as a floor attendant in the building where the assassination took place. The then Minister of Interior and the Commander of the Gendarmerie were implicated, but they infamously refused to cooperate in the ensuing investigation. Nothing much would come out of the investigation, with the exception of a small number of middle persons and enforcers in the police indicted and given prison sentences. Yet the Susurluk incident, as what the road accident signified would come to be known, served to recall in public memory

the tradition of clandestine operations associated with the Special Warfare Unit. All in all, about 17,000 people are said to have perished in the last couple of decades through the activities of the deep state.

The Order of Tutelage

Interestingly perhaps, this first current of illegal activities forming the background in the present-day anti-coup trials, namely the deep state, is the least controversial aspect of the recent past. There is almost a consensus in society on the facts as outlined above. The more controversial, deeply splitting the society, is the second current, which involves various plans from within the highest ranks of the military for a coup. The prosecutors seem to assume that the two currents, paramilitary and military, merged for a common cause from late 2002, when the AKP came to power, with the objective of overthrowing the government; the society would be thrown into chaos and deep insecurity through the work of paramilitary groups, while elements within the military would prepare for a takeover.

Much has been said about the role of the military in modern Turkey. An apt way of stating this role is to appropriate what has been famously pronounced about the Prussian army in the 18th century: where some states have an army, the Turkish army has a state. The army, as the founder of the state and guardian of its official ideology, has created what is often termed by commentators a "system of tutelage" comparable to the mullah trusteeship order in the neighbouring Iran, *velayet-e faqih*. In its purest form, the official ideology is characterized by a strong scepticism of the native tradition, and of therefore people, of general suffrage, favouring a state-led, forcible Westernization focused on the absorption or mimicking of apparent European social practices. The distrust of popular suffrage has historically meant (a) delayed or limited political participation of masses, and (b) suspension of some of the basic rights and freedoms. The delays, limitations and suspensions have formed a regime that is sustained by (c) a *de facto* autonomous network of bureaucracy motivated by the official ideology. The continuity of the regime is in turn guaranteed by the presence of (d) the military, poised to step in when transgressions occur *vis-à-vis* the official ideology. An accompaniment to this trusteeship system has been the incessant pumping of fear into society, which has rendered the population under the bureaucratic rule pliable and easy to manage and contain -- fear of Kurds, of religious fundamentalists, communists, Armenians, Greeks, Jews, Christian missionaries, and so on.

The regime appears to have lasted along these lines until at least late 1990s, following which a gradual transformation has set in roughly for three reasons. One is the end of the Cold War. The Turkish army, once a frontier station for

the globalizing forces, became a disruptive factor in the post-Cold War global operations in the region, turning into a liability. The second reason is Turkey's fast growing economic capacity, in particular the flourishing business outside the traditional centres, seeking greater integration with the outside world for trade opportunities. Last but by no means least, Turkey became a candidate for full membership in the European Union in 1999, with extensive political reforms in the domestic normative structure to follow, which in turn functioned to undermine the established tutelage system.

Plans for a Military Takeover

One of the more visible marks of the regime crumbling was the decision on the part of the government in 2004 to abandon the established policy of secessionism for the Turkish community in Cyprus. Turkey supporting the United Nations plan on the re-unification of the island caused great stir in the nationalist circles in the country, with calls openly made on the military to intervene. About two years later, the public opinion would find out about the presence of several, aborted plans within the military for a takeover, as the weekly journal *Nokta* obtained and published the secret diary of the Commander of the Navy at the time.

While plans for a coup were under way, a plan for chaos to justify the takeover was reportedly put into action. In 2005, a group of military personnel were apprehended red-handed, having thrown a bomb in a bookstore in the Kurdish populated Semdinli in the south east. The following year, a Roman Catholic priest was murdered in the Black Sea coastal town of Trabzon. The same year, the supreme administrative court in Ankara, the State Council, was raided by a gunman and a judge was murdered. In 2007, the Turkish-Armenian journalist Hrant Dink was assassinated in Istanbul, and a group of Christian missionaries were slaughtered in Malatya. The Nobel laureate Orhan Pamuk, detested and threatened by nationalists for his anti-establishment views, left the country not to face the same fate as Dink. Meanwhile, as has been documented in the liberal daily *Taraf* in successive reports in 2010, in the war against Kurdish insurgents in the border regions with Iraq, Syria and Iran, elements within the military have been either incredibly incompetent or, as has been suggested, in league with the rebels to sacrifice in many daring raids by the rebels to the army outposts the lives of hundreds of young conscripts, apparently in order to fuel nationalism in the country. The havoc thus created was accompanied in the first half of 2007 by nationwide meetings, with Turkish flags artfully waived by the participants, in protest of the government claimed to be in a conspiracy with the United States, Israel and the European Union to divide and liquidate the country.

The Trials

Then came, in June 2007, the discovery of a batch of hand grenades and explosives by the police in an unassuming house in a district of Istanbul, which in turn ignited the anti-coup legal investigations. The subsequent work by the prosecutors would reveal more plans for creating chaos in society, some shocking, such as the plan for the blowing up of a submarine in a maritime museum at the precise moment when the museum is visited by school children. Also captured, through informants from within the military, are action plans for a military takeover, one plan having been actually almost rehearsed. Appended to all this are discoveries of more and more weapons and ammunitions buried in the ground in various sites, some strictly military, that is, inaccessible by civilians, following maps found with the suspects. The trials, covering 9 separate cases so far, and conducted by courts authorized for the purpose, are expected to continue for at least another year.

No doubt, the indictments by the prosecutors are highly inadequate in places, hastily put together, or motivated by an over-active imagination, not to mention the poor wording which passes for the local tradition in legal language and which has gone mostly unnoticed until recently. It also needs to be added, however, that, having received virtually no cooperation from the military, the prosecutors have grappled with a clearly daunting task. Moreover, they have been functioning under great pressure, both that of basic safety while investigating cases on numerous assassinations that include unprecedentedly high-profile suspects, and that of time, personnel and facilities, notoriously inadequate and in short supply within the judicial system. At any rate, the charges articulated by the prosecutors in the indictments will have to pass the strict test of the hearings conducted under the close watch of both the mainstream media, with a strong scepticism of the entire process, and the high judiciary, a bastion of the tutelage regime which the alleged activities of the suspects have aimed to preserve.