

NEW REPUBLIC

Turkey's Other Dirty War

by Dani Rodrik, Pinar Dogan | May 24, 2010

For the last three years Turkey has been gripped by an extraordinary series of legal proceedings revolving around an alleged conspiracy to destabilize and eventually topple the country's conservative-Islamist government. Prosecutors, supported by leading members of the governing Justice and Development Party (AKP), have accused a large number of military officers and their supposed civilian accomplices with membership in a secret network, dubbed the "Ergenekon terror organization" after an ancient Turkish myth, and charged them with crimes ranging from murder and bombings to intimidation of religious minorities and coup plots. The cases have ensnared hundreds of current and retired military officers, journalists, academics, and lawyers—as well as a chief prosecutor and even a former mayor of Istanbul. Many are being kept in jail for months pending trial. While some of the trials have started, none has been concluded and there has yet to be a single conviction. *photo credit:*

To many observers it looks as if a popular, democratic regime is finally wresting itself free from the tight grip of the army and hard-line secularists, and, for the first time, is bringing the old guard to account for its transgressions. Traditionally, the military has set the boundaries of political life in Turkey. And the army's high command has assumed responsibility for reining in political groups that it feels stray too far from secularism. On several occasions it has even removed from office governments that it felt were too weak in the face of domestic discord. But if you look closer at the details of these cases and the thousands of pages of indictments produced by the prosecutors, a much uglier reality begins to emerge.

What lies behind the trials is an apparent effort to discredit the government's opponents on the basis of the flimsiest evidence and often, far worse, by framing them with planted evidence and forged documents. While a handful of the hundreds who have been accused may be guilty of some wrongdoing, the conduct of many of the prosecutors leaves little doubt that they are pursuing a political agenda, instead of seeking to uncover actual crimes and identify true culprits. Deception at such a scale would be unimaginable without at least the implicit cooperation of members of the government.

We have come to this verdict reluctantly and only after observing at close range the proceedings in one of the most serious cases to date. In January, a Turkish daily published what were alleged to be secret military documents that described in gory detail preparations for a military coup in 2002-2003, with the ominous code-name Sledgehammer. The alleged leader of this plot, retired four-star general Çetin Doğan, and scores of other officers were arrested in February and placed under custody.

We can't pretend to look at this from a distance; we are the daughter and son-in-law of Çetin Doğan. We have been horrified by the conduct of the judiciary, the media, government officials, and even the country's pre-eminent scientific body in the face of what is evidently forged evidence. When we then turned to the other cases, we found a similar pattern of deception and disinformation pervading those as well. What we have learned has forced us to reconsider our once mostly benign view of the legal

process in Turkey and of the role of the AKP government in it.

The various Ergenekon cases seem to follow a similar pattern. The key evidence is typically produced by anonymous informants who describe themselves as patriots who have become outraged by the malicious activities of those with whom they have served. These tipsters provide incredibly detailed information about the nature of the crimes and the individuals who have supposedly committed them. They point to the location of the incriminating evidence—for example, the specific site where a cache of weaponry is buried—and, as in the Sledgehammer case, provide the “originals” of secret documents detailing criminal activities.

These revelations are followed by highly publicized arrests, selective leaks to the media about the “evidence,” and a campaign by the pro-government media to discredit the suspects and whip up public frenzy about the case. Members of the AKP party express outrage about the activities that have come to light and offer support for the prosecutions. The defendants meanwhile vehemently deny the charges, any connection to the evidence to which they have been linked, and often even knowledge of each other. Lawyers’ requests for revoking the detention status of suspects pending trial are typically rejected by judges after perfunctory examination of the details of the case.

After several months, the prosecutors produce mammoth indictments—some running into thousands of pages without appendices. Much space in the indictments is taken up by irrelevant material unrelated to the specific charges, such as extensive extracts from tapped but routine phone conversations. Few observers have scrutinized these indictments closely. Indeed, they are very difficult to make sense of given their length and convoluted logic. The most thorough analysis to date has been undertaken by Gareth H. Jenkins, a British journalist associated with John Hopkins’s School of Advanced International Studies. His verdict on the first two indictments applies equally well to the rest: “The indictments are so full of contradictions, rumors, speculation, misinformation, illogicalities, absurdities and untruths that they are not even internally consistent or coherent.” (For his troubles, Jenkins has been subjected to a smear campaign by the Islamist media in Turkey and personal attacks on jihadist web sites.)

The indictments produce little new evidence beyond what the anonymous informants have already provided. No material evidence such as fingerprints, eyewitness accounts, or other real corroborating evidence links the defendants to the alleged crimes. Questioning of the suspects yields only denials, no confessions. Many are charged with membership in the Ergenekon terror network simply for having expressed nationalist or anti-AKP views.

Prosecutors suspend all disbelief when it comes to the credibility of the informants. The fact that an informant’s letter and the incriminating document he has supplied come from two different printers is treated as convincing evidence that the informant is credible and the document authentic. At the same time, prosecutors take incredible leaps of faith in asserting the culpability of the defendants. For instance, the presence in a defendant’s phone book of a phone number belonging to a defendant in another case is taken as corroborating evidence that the two are linked in a criminal conspiracy, even though the conspiracy is yet to be established in a court of law and neither defendant has been found guilty of anything as yet.

What is most alarming is that in at least some of the cases it is clear that the prosecutors have had the relevant documents in hand *before* the incriminating evidence was supposed to have come to light. For example, an anonymous tip led the police to seize a DVD from a retired naval major’s house in April 2009. The initial police report found nothing suspicious on the DVD, but a subsequent technical analysis uncovered a hidden file with details of a plan to intimidate non-Muslim minorities through

bombings and assassinations. The major argued that the file had been planted after the DVD was seized. Unaccountably, the prosecutors are on record questioning another defendant on this hidden file days before the technical analysis was conducted and the file was “discovered.” This suggests that in these cases the prosecutors are not merely playing along; they are in on the deception.

The Sledgehammer case is particularly instructive because the forgery is so blatant: In January, the anti-military Turkish daily *Taraf* received several CDs and voice recordings, as well as a trunk full of documents, from an anonymous informer who identified himself as a retired officer who had served under Doğan during 2002-2003. The recordings are from the proceedings of a routine war simulation workshop held under Doğan’s command in March 2003. The simulation dealt, in part, with the army’s response to a future domestic fundamentalist uprising, which was assumed to have been instigated as a consequence of an increase in military tensions with Greece. These recordings are genuine and were made under Doğan’s orders at the time. They do not refer to a coup or any other criminal activities. Nor do they contain anything more sinister than the occasional antagonism on the part of the officers present towards Islamist groups perceived to be hostile to secularism.

But along with these voice recordings, the documents delivered to *Taraf* contained details of an elaborate operation, code-named Sledgehammer, to destabilize the country and topple the newly elected AKP government. The plans included the bombings of two Istanbul mosques during Friday prayers and the downing of a Turkish jet along with names of cabinet members to be installed following the coup, a detailed government program, a list of journalists to be arrested, and much else. *Taraf* claimed that the March 2003 workshop was a dress rehearsal for the coup, even though none of the coup-related activities were mentioned during the workshop (and some were actually scheduled to take place before the workshop).

Taraf and other media had a field day with these charges. But within days evidence began to surface that threw significant doubt on the authenticity of the Sledgehammer coup documents. For one thing, it became clear that these plans could not have been prepared in 2002-2003 as claimed. The documents contain verbatim extracts from a lecture first delivered in 2005, refer to an organization founded in 2006, and criticize the AKP government for activities that it did not undertake until many years later. (The documents require us to believe that the coup plans were hatched literally days after the first AKP government took office.) Equally telling are the mistakes made in military usage, strongly suggesting that the documents were produced outside the military. The documents refer to a non-existent military branch, and are replete with numbering and style that don’t conform to military format. There are glaring mistakes and inconsistencies in the plans. For example, the head of the war academy in Istanbul is said to have plotted to carry out operations out of bases in the central and eastern parts of the country, bases that clearly do not lie under his chain of command. (See [here](#) for a summary of these and other problems with the evidence in the Sledgehammer case.)

The prosecutors and the judges who have ruled on this matter so far have shown little interest in such discrepancies. Nor have they questioned the motives of the supposedly retired officer who showed up out of the blue in *Taraf*’s offices. How might he have obtained all these documents spanning several different military branches, if they are really authentic? Why did he keep them for seven years? And why did he deliver them to a newspaper rather than the authorities?

One possible answer to the last question is that it ensured a public furor over the alleged coup and its plotters and provided cover for the prosecutors’ subsequent conduct. When Doğan and the others were questioned before their detention, the prosecutors acted as if they were following a script rather than trying to shed light on the matter. They showed no interest in the explanations offered by the defendants and had no follow-up questions beyond the written ones that they had before them. They

made it virtually impossible for the accused to prepare a proper defense by denying them access to the incriminating documents the suspects were supposed to have written themselves. They selectively leaked to the media material that the accused and their lawyers were prevented from seeing. And they insisted on pre-trial detention for Doğan and many of the other senior officers even though there was little risk that they would flee or have an opportunity to tamper with the evidence.

A key weapon in the hands of the prosecutors was a technical report prepared by the Scientific and Technological Research Council of Turkey (TUBITAK), which is said to have authenticated the CDs delivered to *Taraf*. The report was used by the prosecutors to obtain the initial arrest warrants for the accused and successfully prevent appeals against their detention. The report was kept secret for almost three months, but its apparently conclusive determination became a staple of media reports on the culpability of Doğan and the other suspects.

When the TUBITAK report was finally released, it turned out to be a superficial job that had not even attempted to establish the CDs' authenticity. Most critically, it entirely overlooked the ease with which the date and author information on them could have been altered and manipulated, not including a single mention of this possibility in the report. Even though its carefully worded conclusion fell short of saying that the CDs were authentic, it was designed to leave the clear impression that they were. A computer forensic expert with years of experience in U.S. law enforcement who was shown the report said: "It is in the best case amateurish, in the middle case irresponsible, and in the worst case malicious."

It is not the first time that TUBITAK has been guilty of toeing the line in cases related to Ergenekon. Close observers of TUBITAK note that the organization has changed significantly since AKP appointees have taken it over. Its current director was appointed by the government in 2004, over the protests of pre-existing members of the scientific council, who resigned en masse. The nature of the change is illustrated by a well-publicized instance of censorship that took place in 2009. An issue of TUBITAK's scientific journal commemorating Darwin's 200th birthday and celebrating the theory of natural selection on its cover was pulled at the last moment prior to publication. The editor of the journal was dismissed for "exceeding her duties."

Prime minister Tayyip Erdoğan, the leader of the AKP, openly supports the prosecutions and has made statements critical of the accused. Members of his party and government have left no doubt that they presume the suspects to be guilty as charged. Their comments have greatly contributed to the general climate which makes it difficult for open-minded prosecutors and judges to act in a non-prejudicial manner. A cabinet minister has gone so far as to accuse a judge that issued a release order in favor of the Sledgehammer suspects of being a member of the same criminal gang. (The order was quickly reversed by other judges following an intense media campaign.)

Confronted with evidence of forgery and setups, supporters of the government blame an internal power struggle within the military and its civilian allies. But this explanation makes little sense in light of how these cases play out. It fails to account for the egregious behavior of the police, prosecutors, and other institutions like TUBITAK. It is difficult to see how anyone associated with the army stands to gain from a series of cases that has done irreparable damage to the military's political power and prestige.

Whether members of the AKP cooperate actively or not with other Islamist groups (principally supporters of Fethullah Gülen) in the dirty tricks being used to discredit the old guard, it is clear that they perceive the process as beneficial to their cause. For years, they have felt themselves persecuted by the military and hard-line secularists. They have been traumatized by the constant threat that their

party might be closed—a frequent occurrence in the past for parties suspected of violating the strict secular code of the old guard. They have faced hostility from the constitutional court and other high courts.

Now that they have managed to wrest control of the police force, large parts of the media, critical segments of the judiciary, and many other state institutions, these groups feel it is their time for retribution. As one AKP founding member put it, “For years, they blacklisted us. Now it’s our turn.” Indeed, for many among them, this is a battle for survival: either they will win and eliminate the others, or the others will win and they will perish.

But what about democracy, the rule of law, and human rights? The AKP’s great appeal to the liberal intelligentsia and to Turkey’s friends in the Western world was that it stood for a tolerant, moderate, and truly democratic brand of Islamic conservatism—a political movement much more suited to mainstream Turkish values and the modern world than the strict, hard-line secularism of the old guard. The fact that the AKP worked harder than any other political party to win Turkey membership in the EU reinforced these views and allayed concerns that it may backslide into authoritarianism. But its complicity in the Ergenekon and Sledgehammer cases reveals the darker side of political Islam in Turkey. It shows how misleading the standard narrative of democracy’s victory over military tutelage is.

Worse still, with the EU itself in tatters and membership in the EU an even more distant dream, there is now less that tethers Turkey to democracy. With the old guard weakened, the AKP has less reason to want democracy and the rule of law.

None of this is an argument for continued military domination of Turkish politics. Neither is it an argument for not going after the shadowy, clandestine networks with roots in the military that appear to have been involved in quite a few misdeeds. Kurdish sympathizers or suspected religious reactionaries have been treated harshly by the military and their civilian extensions, and have often been subject to dirty tricks themselves.

But beyond the gross miscarriage of justice, the problem with today’s judicial manipulation is that it makes it all the more difficult, if not impossible, for the real crimes to be uncovered and prosecuted. Once the deception is widely exposed, it is not just the AKP government and the media that will take the hit. The judiciary will remain crippled for years, shorn of credibility.

To prevent this nightmare scenario, three things need to happen. First, Turkish liberals need to wake up to the reality of the dirty war being waged against the old guard and stand up for the rule of law and human rights. Second, Turkey’s friends abroad should be prepared to be blunt with Erdoğan, and overcome their fear of losing their leverage over him; a non-democratic government is not worth propping up. Most importantly, Erdoğan himself and his close allies need to understand that this dirty war will come back to haunt them once the Ergenekon and other trials unravel. The only beneficiaries will be the extremists, who will be ready to exploit the weakened state of the liberals and the moderate Islamists alike.

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