

EMERGENE KÖN

IS OUR REALITY



Human Rights Agenda
ASSOCIATION

July 2010



YOUNG CIVILIANS



ERGENEKON IS OUR **REALITY**

YOUNG CIVILIANS
AND
HUMAN RIGHTS AGENDA ASSOCIATION

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Introduction

Twenty-seven hand grenades seized in a shanty house in İstanbul's Ümraniye district in June 2007 led to the start of an unprecedented process for Turkey. Having tracked down the source of the grenades, which belonged to a retired military officer, prosecutors found other arms caches, assassination plans, coup diaries, action plans and clues to some of the political murders of the recent past. As the investigation deepened, they reached the conclusion that they were faced with an organized structure that committed crimes using the power of the state. That was how the Ergenekon case started. Indeed, the existence of intra-state circles that do not see themselves as bound by the law, often referred to as the "deep state," is no mystery to those who are intimately familiar with the Turkish political system.

The modern history of Turkey -- which has a somewhat long and established tradition of a deep state -- can also be considered a history of "deep operations." The operations may look like a film script to a foreigner. Non-Muslims, pious Muslims, Alevis, Kurds and intellectuals have fallen victim to provocations. In the wake of attacks in which the shadow of the deep state was clearly seen, non-Muslims were made to flee the country, Alevis were massacred, thousands of Kurdish villages were set ablaze and later evacuated, and hundreds of intellectuals were assassinated in professional hits, and any era in which tension was high due to such provocations ended up with a military takeover.

Failing to confront the massacres of non-Muslims by the İttihat ve Terakki Cemiyeti (Committee of Union and Progress) during the collapse of the Ottoman Empire, Turkey bequeathed the remains of the deep state to its newborn republic. It would be impossible to understand how the counter-guerrilla (stay-behind force) -- established within all NATO countries in the 1950s -- managed to grow such deep roots in Turkey without first knowing the historical heritage and state tradition peculiar to this country. Originally set up to avert a possible Soviet invasion, these "secret armies" turned out to be used with the ulterior motive of suppressing the "opposition" in Italy and Turkey and establishing a continuous authoritarian regime.

The first known provocation of the counter-guerrilla, initially formed under the name of the Tactical Mobilization Group and later renamed the Special Warfare Unit, was the pogroms of Sept. 6-7, 1955, when all houses and places of business belonging to non-Muslims in İstanbul were destroyed. A retired commander of the Special Warfare Command, Sabri Yirmibeşoğlu, later described the incidents as “an act well-organized by the Special Warfare Command.”¹

The fingerprints of this structure are seen on the long and bloody path to the Sept. 12, 1980, coup d'état.² During May 1 celebrations in 1977,³ 34 people were killed and 136 others were injured as a result of shots fired from the roofs of buildings located in the vicinity of the demonstrations. The perpetrators of the attack have yet to be captured. On May 29, 1977, the then-Prime Minister Bülent Ecevit through sheer luck escaped⁴ an assassination attempt at İzmir Çiğli Airport. The police officer who carried out the attack was released three or four months later. Ankara Public Prosecutor Doğan Öz was gunned down on March 24, 1978, as he was probing the counter-guerrilla nested within the state.⁵ The hit man, İbrahim Çiftçi, was acquitted of all charges (after the military takeover) by a decision of the General Council of the Chambers of the Military Supreme Court of Appeals⁶ despite all evidence and the fact that he even confessed to the murder. Four students were killed and 41 were wounded after a bomb was thrown at left-leaning students at İstanbul University on March 16, 1978.⁷ Confessions of suspects revealed that the explosive was provided from a military unit in İstanbul by Abdullah Çatlı, one of the hit men of the Turkish Gladio.⁸ Çatlı is also known to have given orders for many other bloody attacks, including the strangling to death of seven university students in Ankara's Bahçelievler district.⁹ The students had been members of the Turkish Labor Party (TİP).

One of the most important series of events carrying Turkey to the Sept. 12, 1980, coup was successive massacres of Alevis. The Malatya massacre of April 18, 1978, which began one day after the murder of Malatya Mayor Hamit Fendoğlu and his family by a mail bomb, was followed by the Sivas (Sept. 4, 1978), Maraş (Dec. 19, 1978) and

1 <http://www.candundar.com.tr/index.php?Did=2667> [Retrieved Jan. 8, 2006, from the candundar.com website: Ascent of a Special Forces Command member]

2 For further information about the Special Warfare Unit, see Ecevit Kılıç, “Özel Harp Dairesi” [Special Warfare Unit], İstanbul 2009.

3 http://haberalemi.net/134706_DARBE-ICIN-CANLARA-BOYLE-KIYILDI.html [Retrieved April 20, 2010, from the haberalemi.net website: This was how lives were claimed]

4 <http://www.sonsayfa.com/Haberler/Guncel/Ecevite-suikast-32-yildir-aydinlatilamadi.html> [Retrieved from the sonsayfa.com website: No light has been shed on the Ecevit assassination attempt in 32 years]

5 http://tr.wikipedia.org/wiki/Do%C4%9Fan_%C3%96z

6 <http://bianet.org/bianet/siyaset/31696-dogan-ozun-katilini-beraat-ettirdiler> [Retrieved March 27, 2004, from the bianet.org website: Doğan Öz's murderer acquitted]

7 http://tr.wikipedia.org/wiki/16_Mart_Katliam%C4%B1

8 Bkz. Ecevit Kılıç, a.g.e, p. 211

9 http://tr.wikipedia.org/wiki/Bah%C3%A7elievler_katliam%C4%B1

Çorum (May 28, 1980) massacres.¹⁰ Similarly, hundreds of people lost their lives in armed attacks in 1978 and 1979, and prominent intellectuals and writers were assassinated one after another. Mehmet Ali Ağca, who assassinated Milliyet Editor-in-Chief Abdi İpekçi on Feb. 1, 1979, managed to “flee”¹¹ from the Kartal Military Prison -- one of Turkey’s highest-security prisons -- on June 15, 1979, with the help of his friend, Çatlı. Later, Ağca was to attempt to kill Pope John Paul II. In the wake of all the bloody provocations, of which we have space to mention only a few, Turkey woke up to the boot steps of a bloody coup d’état on Sept. 12, 1980.

The task of carrying out the illegal work of the deep state was undertaken in the 1990s by the Gendarmerie Intelligence and Anti-Terrorism Organization (JİTEM), an illegal formation within the gendarmerie, instead of the Special Warfare Unit. The southeastern parts of Turkey turned into an empire of fear at the hands of JİTEM as thousands of Turkish citizens of Kurdish ethnicity lost their lives in extrajudicial killings and around 3,500 Kurdish villages were burned.¹²

On Nov. 3, 1996, Çatlı, who was on the run and sought on a red notice, was involved in a road accident in the same car as a police officer and a deputy. The accident occurred in Susurluk, Balıkesir province, and revealed the existence of dark relations within the state between the mafia and politicians. This incident went down in history as the “Susurluk scandal.”¹³

Despite a history of bloody incidents and scandals, Turkey never dared root out the illegal formation called the deep state. In periods following Susurluk, parliamentary commissions established to investigate the illegal activities of the state encountered strong resistance and thus failed in their mission. For example, security forces were unable to even interrogate a gendarmerie commander, retired Gen. Veli Küçük, who is believed to be the founder of JİTEM and one of the architects of the deep state exposed by the Susurluk scandal.

To sum up, the perpetrators of the provocations masterminded by the deep state before and after Sept. 12, 1980 benefitted from an absolute immunity from prosecution.

From a historical perspective, the Ergenekon investigation constitutes a milestone in Turkey. The Ergenekon case implies an end to the immunity from which state-related groups and groups nested within the state have thus far benefitted. Thanks to the Ergenekon investigation and case, a court has managed to look more closely

10 Atilla Akar, “Türkiye Komplolar ve Provokasyonlar Tarihi” [Turkey’s History of Conspiracies and Provocations], Profil yayınları, İstanbul 2009, pp. 175-207

11 <http://www.milliyet.com.tr/Guncel/HaberDetay.aspx?aType=HaberDetayArsiv&KategoriID=24&ArticleID=1054077> [Retrieved Feb. 1, 2009, from the milliyet.com.tr website: Questions left unanswered after İpekçi assassination]

12 <http://gabardagi.azbuz.ekolay.net/readArticle.jsp?objectID=5000000006051754> [Retrieved from the gabardagi website: Burned villages and Street children]

13 http://tr.wikipedia.org/wiki/Susurluk_kazas%C4%B1

at planned coups and coup preparations, including assassinations, bombings and manipulation of the public through the media. The founders of JİTEM and the most important figures of the Susurluk scandal have for the first time appeared in court on charges of membership in Ergenekon. The political atmosphere created with the launch of the Ergenekon case has opened the way for the initiation of other cases that aim to examine the previous “sins” of the deep state.

However, the Ergenekon case has spurred Turkey’s pro-status quo circles to advocate the organization. In parallel with attempts within the country to acquit the gang of all charges, Turkey has witnessed orchestrated efforts abroad to depict the steps Turkey has taken on the path to becoming a country governed by the rule of law as though they were part of a political plot.

Prominent press organs in Europe and the United States have featured dozens of Ergenekon-related articles in the past year. Excluding those that are accurate in their evaluation of the Ergenekon probe, a majority of the articles see the investigation as a conflict between the “secular” and “pious” sides in Turkey, a rather classic viewpoint. Certain circles that wish to curb the international support flowing to the historic Ergenekon case strive to present the case to Western readers -- who unfortunately have no chance at all to access primary sources related to the case -- as if it were a plot by Turkey’s “religious” ruling party, which allegedly aims to undermine the country’s secular order. In Turkey, opponents of the Ergenekon case hope to show it as a “plan by the government -- a strong collaborator of the West -- and religious communities to get rid of nationalist powers,” while they work abroad to portray the case as “an attempt by the Islamist government to get rid of the secular opposition in the country.” Furthermore, some writers do not refrain from presenting their own opposition to the Ergenekon case as though it were the opinion of “Turkish liberals and democrats” in order to strengthen their theses.

A correct evaluation of the case has particular importance for the conclusion of the trial, which has been ongoing despite various difficulties. It is of vital significance for democrats and rights advocates and vulnerable groups within the society, which suffered much at the hands of the deep state. The responsibility that falls on the shoulders of democrats and rights advocates is not as light as that of those who reduce the whole case to a simple “conspiracy” as the Ergenekon case is more important for them in moral terms than in its political dimensions. In other words, the Ergenekon case signifies not only the trial of figures who are accused of thousands of unsolved murders perpetrated particularly in the Southeast but also the defense of the right of suspects to a fair trial. As proceedings are still under way, we believe arguments over the trial should be given voice to from an impersonal perspective and in extremely meticulous language. The paper you are reading is indeed the product of such concern.

In this paper, we wish to question the vast misinformation related to the Ergenekon case and “cross-examine” the *mindset* and its *arguments*, which have already made

their way to Western press organs. For that purpose, as the Young Civilians and the Human Rights Agenda Association, we held a two-day workshop in İstanbul on April 10-11, 2010, during which all claims put forward by opponents of the Ergenekon case were discussed thoroughly by Turkey's leading rights advocates, intellectuals, jurists and civil society representatives as "hypotheses." Participants of the workshop from various points along the political spectrum -- who are better known for their perspective of non-discriminative human rights and sensitivity to democracy -- sought answers to the claims. No matter whether they were put forward as a result of misinformation or if they are intended to protect the right of Ergenekon suspects to a fair trial, all main claims were individually discussed, independent of the persons who put them forward.

The discussion topics included in the paper have been prepared by Orhan Kemal Cengiz following a detailed examination of media resources on the Ergenekon case. Nearly 50 participants of the workshop responded to claims frequently expressed by opponents of the Ergenekon case and investigation. The findings of the paper were enriched with the views of esteemed human rights advocates and intellectuals, who unfortunately were not in attendance at the workshop.

We owe thanks to everyone whose names are included in the Workshop Participants and Contributors list and devote the paper to the individuals and their families who were victimized or lost their lives on the path of Turkey's long and bitter adventure to democracy.

Regards,

Orhan Kemal Cengiz
orhankemal@superonline.com

Turgay Oğur
turgayogur@gmail.com

Bekir Berat Özipek
bekirberat@yahoo.com



ERGENEKON IS OUR REALITY

Prepared by
Orhan Kemal Cengiz



1

Ergenekon Does Not Exist

Orhan Pamuk (Nobel laureate writer) :

“What I can say about [the] Ergenekon [case] is that the issue has become politicized. Everyone wants the case to be politicized. All I care about the Ergenekon case is its political aspect, regardless of the background by which it is nurtured, which could be republicanism, Atatürkism, political Islamism, liberalism, left-wing politics or conservatism. On the one hand, there are murderers. I am convinced of that because they wanted to kill me, too. It would be immoral to protect the murderers for political reasons. And so would it be to protect them and to extenuate their guilt with various excuses. A country where retired military officers, the mafia and gangs kill people and threaten them to keep silent would not be a moral country. I would have to say that protecting Ergenekon members and murderers is not moral at all.”¹⁴

CLAIM: There is no clear evidence at hand that Ergenekon used to exist or currently exists, as claimed in the indictment.

GROUP EVALUATION:

Ergenekon exists, and its existence was not a secret before the launch of the investigation.¹⁵ Ergenekon is what the organization calls itself. Main documents pointing to the existence of the organization are included in the Ergenekon case

14 <http://orhan-pamuk.com/roportajlar/79-ergenekon-benide-oldurecekti> [Retrieved from the orhan-pamuk.com website: Ergenekon would kill me, too]

15 See: Can Dündar, Celal Kazdağı, “Ergenekon,” İmge Kitabevi Yayınları, 1997

file. Numerous documents that revealed the name, function, methods and mindset of the organization were seized in police searches at the homes or offices of the organization's officials and members.¹⁶

16 Some documents seized from Ergenekon defendants:

- Ergenekon, Analiz Yeni Yapılanma Yönetim ve Geliştirme Projesi [Ergenekon, Analysis Project of Restructuring, Management and Development] / İstanbul–Oct. 29, 1999;
- Reaksiyon, Etnik/Fundamentalist/Bölücü/Yıkıcı Unsurlar Analiz ve Tasfiye Projesi [Reaction, Project to Analyze and Expurgate Ethnic/Fundamentalist/Separatist/Destructive Elements / İstanbul–November 1999 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- Kanal 6, Analiz Yönetim ve Geliştirme Projesi “Türkiye’de televizyon yaşlılar için çok yeni gençler için çok eskidir” [Channel 6, Analysis Project to Manage and Advance “Television is too new for the old, and too old for the young in Turkey / İstanbul–November 1999 (*Veli KÜÇÜK*)
- NBC Silahları Üretim Analizi [Analysis on Production of NBC (Nuclear, Biological, Chemical) Weapons] / İstanbul–Nov. 13, 1999 (*Ümit OĞUZTAN*)
- Devletin Yeniden Yapılanması Üzerine [On the State’s Restructuring] / Nov. 25, 1999 (*Tuncay GÜNEY, Doğu PERİNÇEK*)
- Devletin Yeniden Yapılanması İçin Öneriler (Mastır plan ön çalışması) [Suggestions for the State’s Restructuring (Preliminary work for the Master’s Degree)] / (*Kuddusi OKKIR, Muzaffer TEKİN, Mehmet Zekeriya ÖZTÜRK*)
- Lobi [Lobby] / December 1999 (*Oktay YILDIRIM, Mehmet Zekeriya ÖZTÜRK, Muzaffer TEKİN, Sevgi ERENEROL, Tuncay GÜNEY*)
- Oluşum [Formation] / December 1999 (*Veli KÜÇÜK, Doğu PERİNÇEK, Tuncay GÜNEY*)
- Gözlem & Analiz [Observation & Analysis] / February 2000 (*Ümit OĞUZTAN*)
- Fabrikatör, Gözlem Analiz [Fabricator: Observation, Analysis] / İstanbul, February 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- Harp ve NBC Silahları [Warfare and NBC Weapons] / İstanbul, March 26, 2000 (*Ümit OĞUZTAN*)
- Fundamentalist Terör [Fundamentalist Terrorism] / İstanbul, March 27, 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- Televizyon Analiz Yönetim ve Geliştirme Projesi (Türkiye’de televizyon yaşlılar için çok yeni gençler için çok eskidir) [Project to Analyze, Manage and Advance Television “Television is too new for the old and too old for the young in Turkey / July 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- Özel Güvenlik Şirketi [Private Security Company] / İstanbul, July 11, 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- Dergi Analiz & Proje [Magazine Analysis & Project] / İstanbul, July 22, 2000 (*Ümit OĞUZTAN, Mehmet Adnan AKFIRAT*)
- Octobus (State Organized Crime) Mafia (La Cosa Nostra) / İstanbul, September 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN, Mehmet Zekeriya ÖZTÜRK*)
- 21.Yüzyılda Emperyalizm, Ulusal Program, NATO-AB-Ulusal İlkeler, Global 2000, Araştırma Gözlem Analiz [Research, Observation, Analysis on 21st Century Imperialism, National Program, NATO-EU-National Principles, Global 2000/ İstanbul, December 2000 (*Ümit OĞUZTAN*)
- 21. Yüzyılda Casusluk, İletişim ve Bilgi Çağında Global İstihbarat İstasyonları ve Değişen Casusluk Mesleği, Action + Obligation=Integration!, Araştırma Gözlem Analiz Raporu [Report of Research, Observation, Analysis on 21st Century Espionage, Global Intelligence Stations in the Information Era and Changing Profession of Espionage, Action + Obligation = Integration! / İstanbul, December 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN, Hikmet ÇİÇEK*)
- Şirket ve Gizli Gerçekler, Gözlem Analiz [Company and Secret Realities, Observation-Analysis] / İstanbul, December 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN*)
- MİT, Medya ve Ajan Gazeteciler [MİT, Media and Agent Journalists] / İstanbul,

Titled “Ergenekon, Analysis Project of Restructuring, Management and Development / İstanbul – Oct. 29, 1999” [Ergenekon document], this stands as the main and most important Ergenekon document. The 25-page document explains the objectives and methods of the organization. When the documents titled “Ergenekon” and “Lobby” -- referred to as the group’s two main documents -- are examined together, it can be clearly seen that the organization was originally established to act within the Turkish Armed Forces (TSK) but re-organized itself in 1999 and expanded its scope to include civilian elements as well.

The Ergenekon investigation has faced great challenges not only because Turkey’s political atmosphere and judicial establishment do not allow probes into the armed forces but also because the Turkish military was deemed “sacred” and “untouchable” until the recent past.

For example, Ergenekon prosecutors were allowed to neither benefit from the archives of military intelligence or to gather evidence directly from military facilities as part of their investigation into the criminal organization. Instead, they had to contact the General Staff via written notice asking whether an organization named “Ergenekon” exists within the TSK. In its official reply on Sept. 24, 2007, the General Staff said no such formation existed within the TSK or the General Staff.¹⁷

In the wake of the General Staff response, prosecutors have had to refer in all Ergenekon indictments and folders of evidence to the suspected military leg of the organization as “Ergenekon allegedly functioning within the TSK.” The response impacted the structure of the documents, and prosecutors preferred to bypass any piece of information or evidence that could implicate the TSK in the criminal group’s structure.

December 2000 (*Veli KÜÇÜK, Ümit OĞUZTAN, Hikmet ÇİÇEK*)

—*Şirket, Köstebekler, Gözlem Analiz [Company, Moles, Observation-Analysis] / İstanbul, December 2000 (Veli KÜÇÜK, Ümit OĞUZTAN, Mehmet Zekeriya ÖZTÜRK)*

—*Ulusal Medya 2001 [National Media, 2001] / İstanbul, December 2000 (Veli KÜÇÜK, Ümit OĞUZTAN, Doğu PERİNÇEK, Mehmet Adnan AKFIRAT, Tuncay GÜNEY)*

—*Ermeni Sorunu, 21.Yüzyılda Avrasya Entrikası, Kilise Devleti, Tarihsel Belgeler Işığında Ermeni Soykırım İddiaları, Emperyalist Devletlerin Örtülü Savaşı, Araştırma Gözlem Analiz [Armenian Question, Eurasia Intrigue in the 21st Century, Church State, Armenian Genocide Claims in light of Historical Documents, Covert wars of Imperialist States, Research – Observation – Analysis] / İstanbul, October 2000-February 2001 (Veli KÜÇÜK, Doğu PERİNÇEK, Ümit OĞUZTAN)*

—*Hizbullah / İstanbul, February 2001 (Ümit OĞUZTAN)*

—*Yeni Milis (Çözülme sürecinde akıllı direniş için; kanının son damlasından önce beynin son hücresine kadar mücadele gereği) [New militia (For smart resistance in the dissolution process; the need to fight till the last cell in the brain instead of the last drop of blood)] Behiç GÜRCİHAN / June 2004 (Halil Behiç GÜRCİHAN, İsmail YILDIZ, Ayşe Asuman ÖZDEMİR)*

—*Genel Yapı [General Structure] / (Veli KÜÇÜK)*

—*Ermeni Kürt İlişkileri ve Türkiye’ye Karşı Stratejiler [Armenian-Kurdish Relations and Their Strategies against Turkey] / (Veli KÜÇÜK)*

—*Türkiye’yi Türksüzleştirme Operasyonu [Operation to Un-Turkify Turkey] / June 2004 (Halil Behiç GÜRCİHAN, Erkut ERSOY)*

17 Written response of the General Staff’s Legal Council, dated Sept. 24, 2007, and numbered 3050-635-07-0.Ö

Actually, the Ergenekon investigation is not a legal process that proceeds to where the evidence points. Instead, it is like the track of a hurdle race. Prosecutors have been forced to carry out an investigation without entering the “crime scene” and make do with the information and documents with which they were provided.

Six indictments have been prepared thus far as part of the ongoing probe. The indictments are basically based on two issues. The first one concerns the organization itself, while the second is focused on coup and action plans.

Some of the coup and action plans are directly linked to Ergenekon, while others are, however, being investigated without any reference to the shadowy organization.

According to the Ergenekon indictments, violent acts the organization has already launched or planned to launch are as follows:

- 1) Hand grenade attacks on the Cumhuriyet daily headquarters¹⁸
- 2) Council of State shooting¹⁹
- 3) Hand grenades seized in İstanbul’s Ümraniye district²⁰
- 4) Assassination plot against members of the Supreme Court of Appeals²¹
- 5) A planned armed attack on NATO facilities in İzmir²²
- 6) A planned armed attack against journalist and writer Fehmi Kuru and writer Orhan Pamuk in 2007²³
- 7) A planned armed attack against Diyarbakır Mayor Osman Baydemir and former Kurdish deputies Sabahat Tuncel and Ahmet Türk in 2007²⁴

18 See title 6 for detailed information.

19 See title 5 for detailed information

20 Twenty-seven hand grenades were seized in İstanbul’s Ümraniye district at the beginning of the Ergenekon investigation.

21 A very detailed chart of the Supreme Court of Appeals building was seized at the headquarters of the Nationalist Socialist Workers’ Party as part of the Ergenekon investigation. Having evaluated the chart along with other evidence, prosecutors reached the conclusion that a sensational attack was being planned similar to the Council of State shooting.

22 In two identical CDs -- numbered “55” and “13” -- which were sized in the home and office of Workers’ Party (İP) member Hayati Özcan, personal and duty-related information belonging to staff at the NATO Allied Force Headquarters located in İzmir’s Şirinyer district and the institution itself was seized inside a file titled “Yedek123.” The CDs contained many photographs and charts belonging to the NATO headquarters, “CONFIDENTIAL” information about physical and environmental measures taken in and around the building; possible (military) operations planned by the organization for states of emergency; location of caches of ammunition; information related to parking lots and helicopter runways; 69 photographs of open-air parking lots; organization chart of the Security Battalion Command under the title “Seventh Party”; computer-typed notes painted in yellow and red in terms of importance; scanned versions of signatures belonging to 2,401 military officers at the headquarters; personal folders; three plans/charts belonging to the NATO headquarters; and maps showing various itineraries followed by some headquarters staff.

23 As a result of technical surveillance of Kuvayi Milliye (National Forces) Association head Mehmet Fikri KARADAĞ -- also an Ergenekon suspect -- and his suspected associates, it was revealed that members of the association made plans to assassinate journalist and writer Fehmi Kuru and writer Orhan Pamuk in meetings attended by KARADAĞ, VELİ KÜÇÜK AND SEVGİ ERENEROL.

24 Technical surveillance of suspect Mehmet Fikri KARADAĞ and his associates revealed an

- 8) Assassination plans and sketches of weapons and ammunition seized in the home and office of Ergenekon suspect İbrahim Şahin and the list of a 300-member squad (S1) to carry out the planned assassinations²⁵
- 9) Assassination plan against Minas Durmaz Güler, a Turkish citizen of Armenian origin²⁶
- 10) Assassination plan against Patriarch Mesrob Mutafyan²⁷
- 11) Assassination plan against President of the Alevi Bektaşî Federation Ali Balkız²⁸
- 12) Assassination plan against President of the Alevi Bektaşî Federation Secretary-General Kemal Genç²⁹

assassination plan against Diyarbakır Mayor Osman Baydemir and former deputies Ahmet Türk and Sebahat Tuncel, and the planned hit man Selim AKKURT, also an Ergenekon suspect, was captured. After his capture, it was discovered that AKKURT was being sought on suspicion of having played a role in two murders, and he was immediately imprisoned.

- 25 İbrahim Şahin is one of the many figures of the Susurluk scandal, which is also referred to as the exposure of the deep state, in which civil servants and mafia members turned out to be acting in cooperation. He is a former police chief. In a police search at his house as part of the Ergenekon investigation, a chart that showed the locations of a large number of weapons and munitions in Ankara was seized. In ensuing excavations, police found 10 hand grenade detonators, M4 A1 military emergency flares, ready-to-use light anti-tank weapons (LAW), 590 grams of datasheet explosive, 100 grams of C-3 plastic explosive, 130 grams of C-4 explosive, 1 anti-personnel rifle bomb, 1 Turkish Mechanical and Chemical Industry Corporation (MKE)-made fog box, 4 high explosive blast bombs, 2 MKE-made fog launchers, 1 fireworks detonator, 4 US-made gas bombs, 2 MKE-made hand grenades, 50 grams of gunpowder, 1 ready-to-use MKE-made grenade body, 3 shotgun cartridges, 21 7.9mm Kanas bullets, 91 3.56mm M 16 bullets, 27 7.62 mm G 3 bullets, 52 43 mm Colt bullets, 143 9.65 mm Smith & Wesson bullets, 60 9 mm MKE-made short bullets, 460 9 mm MKE-made long bullets, and 1 anti-aircraft bullet. A list of individuals to be assassinated. The list was titled the "TERROR PLAN" and was also seized in a search at İbrahim Şahin's house.
- 26 Technical surveillance carried out on the clandestine cell structure led by İbrahim Şahin showed that the cell was planning to assassinate some Turkish citizens of Armenian origin. The plans were mainly focused on the Armenian community leader in Sivas, Minas Durmaz Güler, and the cell was working to find out Güler's home address. Two individuals identified as Ersin Gönenci and Oğuz Bulut were captured on suspicion of planning to kill Güler, and police confiscated two hand grenades and a Browning handgun that belonged to the two suspects.
- 27 An action plan seized in the house of suspect İbrahim ŞAHİN in İstanbul included assassination plans against Armenian Patriarch Mesrob Mutafyan, satellite photographs of his residence obtained from the Internet, detailed notes on a number of addresses and photographs of Mutafyan and the Armenian Patriarchate in İstanbul's Eminönü district. Other documents suggested that the attack was to be launched with "light anti-tank weapons (LAW)," and the cell's chairman, Kenan TEMUR, also an Ergenekon suspect, would carry out the assassination with his team. The names of the men included in TEMUR's team were written on the documents with a secret code.
- 28 Police seized a sheet of A4 paper in suspect İbrahim Şahin's house in İstanbul which included photographs and charts as well as assassination plans in a bomb-laden vehicle against Ali Balkız, president of the Alevi Bektaşî Federation. The sheet also included a colored map of the Kızılay, Maltepe and Tandoğan neighborhoods of Ankara, on which street and road names were marked in arrows.
- 29 An assassination plan, titled the "Terror Plan," against Alevi Bektaşî Federation Secretary-General Kemal Genç was seized in suspect İbrahim ŞAHİN's house in İstanbul. According to the document, the plan would be realized with a parcel bomb.

- 13) Planned bomb attack on a shopping center in Ankara's Eryaman neighborhood³⁰
 14) Assassination plan against the prime minister; weapons³¹

-
- 30 Action plans against a shopping mall in Ankara were seized in suspect İbrahim Şahin's house in Istanbul. The plans included information about "official," "private" and "other" security points in the mall and four hand-drawn charts of the "ground floor" and "2nd floor," respectively. The documents also included the storey plans of the mall's sub-ground floor, ground floor and first, second and third floors as well as 16 photographs belonging to the entry, exit and parking lot of the building.
- 31 A police search at suspect Mustafa Dönmez's house at a military facility in Ankara exposed a pocket-sized book. The book contained handwritten notes on its 46th page and two A4 sheets inside, which showed short and long-distance satellite photographs of particular places. An examination on the photographs revealed that a building circled in red in "Photo 1" and "Photo 2" belonged Prime Minister Recep Tayyip Erdoğan's house. A hand-drawn chart was also found inside the book. The chart indicated a spot in Ankara's Sincan district. An excavation there in the presence of an Ankara public prosecutor revealed a long list of munitions which included 12 rifle bullets, 10 grenade bodies, 10 explosion mechanisms for hand grenades, 12 booby traps, 12 ignition mechanisms for booby traps, 9 tear gas bombs, 800 G3 bullets, 2 emergency flares and one colored fog launcher. A police search at the suspect's house in the Yenikent neighborhood of Ankara also revealed a 9 mm Zigana T hand gun with a serial number T0620-05E22482, a 7.65 mm Vzor handgun with the serial number C69960, which bears a notice "Property of Turkish military officers," a 9 mm Sarsılmaz handgun with the serial number T 1102-04R025093, a fixed-butt 7.62 mm AK-47 Kalashnikov rifle with the serial number D-25889, one mobile-butt 7.62 mm AK-47 Kalashnikov rifle with the serial number 9616-56-28021216, three cartridges for Kalashnikov rifles, 173 cartridges and one pair of Aselsan night vision binoculars. In the suspect's house in Sakarya's Sapanca district, police seized 20 hand grenade detonators, 20 grenade bodies (ready-to-use but without a detonator), 2 defense hand grenades, one fixed-butt 9 mm PORD SAİD automatic rifle and 2 empty cartridges belonging to this rifle, 8 empty Kalashnikov cartridges, 2 empty cartridges for 14 mm pistols, 2 empty cartridges for 7.65 mm pistols, one 7.65 mm Made in France Mab handgun with the serial number 55662, one 7.65 mm MKE-made Kırıkkale handgun with the serial number 33513, one 9 mm Astra handgun with the serial number 2222, one revolver with the serial number E 139854 and two used NAGANT cartridges, one metal training pistol, one 16 mm caliber shotgun which has no serial number, one Teksan shotgun with the serial number TS-870, one numchuck, one switchblade, one military bayonet, one metal pistol apparatus, 9 daggers, one clasp knife, 6 jackknives, 1,003 9 mm MKE flares, 497 7.65 mm MKE flares, 480 9 mm foreign flares, 136 7.62 mm MKE-made G-3 flares, 135 7.62 mm foreign-made G-3 flares, 3713 7.62 mm foreign-made Kalashnikov flares, 56 7.62 mm foreign-made flares, 10 9.65 mm MKE flares, 3 foreign-made M-16 flares, 3 foreign-made caliber flares, one NAGANT flare, 2 7.65 mm Geco flares, on one of which is the trace of a needle, 8 full shot shells, 30 16 mm shot shells, 29 26 caliber shot shells, 2 anti-aircraft cartridge bullets, one G-3 flame hider, one empty 7.65 mm cartridge, 113 empty 9 mm MKE cartridges, one Aselsan handheld radio with the serial number A-41141001 011722 and its battery with the serial number 068126, one black TC compass, one green, white and black flag that features a crescent and three stars, 2 cans of Olio Baretta gun-cleaning spray, seven-piece gun cleaning equipment, one red and black rifle exercise ear buds, one 30 cm-diameter metal wire to be used in bomb-making, 10 boxes of Los Angeles rifle care oil, Japanese binoculars with the serial number T-06098, M-16 binoculars with the stock number 4548343, 6X30 M-13 TSB binoculars, binoculars for crack shot and long-barrel rifles with the serial number TELESCOBE M-84 - 12203, green and long range land binoculars without a serial number or make, HENSOLDT-WETZLAR black, one-eyed binoculars with the serial number 118704, a binoculars objective in its original box with the serial number M873A-608886-9646, a first aid kit that contains compression bandaging and hydrogen peroxide, license plates: 06 FDA 97 and 34 DZR 68, 29 pairs of military boots, 3 pairs of low-cut shoes, 60 winter camouflage patterns, 12 military raincoats, 25 military hats,

15) Explosives at the bottom of a submarine at the Rahmi Koç Museum

All the subversive plans were aimed at fomenting chaos in society, laying the groundwork for and then justifying an eventual military takeover.

The Ergenekon investigation and case stand as a summary of Turkey's recent past, which is full of provocations. Not all the tragedies Turkey has suffered throughout its history are the work of the deep state; however, the country's non-Muslim population was repeatedly terrorized in the past, while the Alevi and Sunni communities as well as secular and religious circles had to confront one another many times in the republic's history, which all ended up with a coup d'état.

If one looks at the crimes attributed to the Ergenekon gang, it can be seen that whatever happened in Turkish history, the gang is trying to repeat. The Balyoz (Sledgehammer) coup plan is almost a twin of the Bayrak (Flag) plan, drafted and put into operation shortly before the coup d'état of Sept. 12, 1980. Turkey witnessed the mass killings of Alevis in Malatya (April 18, 1978), Sivas (Sept. 4, 1978), Kahramanmaraş (Dec. 19, 1978) and Çorum (May 28, 1980) before the 1980 coup. The killings were preceded by a series of provocations. Devious Ergenekon plans to assassinate prominent Alevi figures and a plan to launch a bomb attack on a shopping mall in Eryaman -- which is home to a large Alevi population -- all suggest that the creation of a similar chaotic atmosphere was among the organization's bloody plans for Turkey.

The Cage Action Plan sought to repeat the pogroms of Sept. 6-7, 1955, which targeted Turkey's Christians, and many other similar provocations. The attacks on the Council of State and the Cumhuriyet daily and a planned attack on the Supreme Court of Appeals were nothing but part of a plot to increase the existing public pressure on the country's religious citizens.

The Ergenekon organization is the final remnant of the deep state culture in Turkey. Failing to confront the massacres carried out by the İttihat ve Terakki Cemiyeti (Committee of Union and Progress) during the collapse of the Ottoman Empire, Turkey bequeathed the remains of the deep state to its newborn republic. The deep state formations have been highly influential in countless mass provocations and murders in Turkey since the 1950s. The deep state tradition in Turkey took on a new and dynamic form with the expansion of the Gladio structure to Turkey. Deep state formations, which functioned to homogenize the country before the proclamation of the republic, served to pressure social opposition with acts of terror and intimidation and lay the groundwork for coups d'état after its proclamation. The TSK overthrew the governments in 1960, 1971 and 1980 and forced the government to resign on Feb. 28, 1997. Regardless of the political party in power, the TSK maintained its tutelage over the state system and its authority to have the last word.

17 military parkas, 2 military coats, 11 military assault vessels, one military uniform with German flag, 2 military jumpsuits, one pair of military trousers, 5 gloves, 10 military bags of various sizes, 7 fabric pistol covers, 5 military camouflage uniforms, 3 military parkas, 4 pieces of military fabric, 1 khaki tent, a large number of documents and pocket-sized books.

In the wake of a clear victory of the Justice and Development Party (AK Party) in the parliamentary elections of 2002 and its rise to power with an overwhelming majority of seats in Parliament, Ergenekon committed itself to plans aimed at throwing the AK Party out of office. The organization has worked for the past seven years to prepare the way for a coup d'état in Turkey. For that reason, the Ergenekon case can be seen as a case to eliminate the deep state, as a result of which figures who are responsible for subversive coup plans and other illegal and violent acts that hurt many will be called to account.

CLAIM: The Ergenekon indictments have come as a result of a conspiracy theory that brings together unrelated individuals and incidents.

GROUP EVALUATION:

Ergenekon-like formations bring together individuals who appear to be unrelated and even those who are not aware of one another though they work for the same purpose. It is a result of the common structure and function of such formations. As a “covert ruling power,” Ergenekon hoped and managed to make use of every single individual it saw as necessary for its existence.

The indictments analyze in detail the fragmental structure of Ergenekon. You can have a look at the Gladio³² investigation in Italy to form an opinion of the Ergenekon probe.

On Nov. 22, 1990, the European Parliament called on all European countries to expose the Gladio-linked formations within their borders. The only NATO member country that has failed to do so is Turkey.

Ergenekon has brought together individuals who indeed are positioned on both the right and the left of the political spectrum but who meet on nationalism.

The organization hopes to create an introverted and authoritarian regime in Turkey by pursuing a policy of high tension both in the country and abroad, and by working to divert Turkey from its path toward full membership in the European Union.³³

CLAIM: According to most Ergenekon suspects, there is no clear evidence included in the indictments that they are members of the organization.

32 **Gladio** (Italian for gladius, a type of Roman short sword) is a code name denoting the clandestine NATO “stay-behind” operation in Italy after World War II, intended to continue anti-communist resistance in the event of a Warsaw Pact invasion of Western Europe. Although Gladio specifically refers to the Italian branch of the NATO stay-behind organizations, Operation Gladio is used as an informal name for all stay-behind organizations, sometimes called “Super NATO.” (See. http://en.wikipedia.org/wiki/Operation_Gladio)

33 **(Joint resolution replacing B3-2021, 2058, 2068, 2078 and 2087/90)**

GROUP EVALUATION:

Illegal organizations do not often have a written document that points to their existence or function. The nonexistence of such a document, however, is not strong enough to deny the existence of the organizations. Documents seized in the homes and offices of many Ergenekon suspects actually belong to the group, and they stand as strong evidence of their membership in Ergenekon as well as indicating a link among suspects. Such organizations do not accept members by means of applications to join nor do they provide ID cards for their members.

Administrative and functional integrity pointing to cooperation among members in the name of an organization as well as concrete and material evidence that confirms such cooperation is more than sufficient to convince one of the existence of the organization. In addition, not all Ergenekon suspects are accused of membership in the organization. The indictments include other accusations, too.

Among them are setting up an armed terrorist organization, working to overthrow the government, urging the public to armed revolt, providing third parties with confidential documents, stealing documents related to state security, consciously aiding an armed organization, taking the blame for a crime, illegally storing personal data and failing to inform security forces about evidence of a crime.

CLAIM: Turkish society is up to its neck in conspiracy theories and is trying to explain widespread Islamist violence by means of conspiracy theories. For example, Islamists are uneasy with the killing of three Christian missionaries by Islamist youngsters in Malatya in 2007 and have up until now striven to associate the murders with the deep state.

GROUP EVALUATION:

The real conspiracy is an orchestrated effort to portray Ergenekon indictments prepared by prosecutors and folders of evidence related to crimes committed by the criminal organization as though they were a plot. Islamist groups were blamed for many murders in Turkey in the past, but the killings later turned out to have been carried out by the deep state. The murder of Uğur Mumcu, the Council of State shooting and the hand grenades thrown at Cumhuriyet headquarters were firstly labeled as violent acts by Islamists, but it was later revealed that they were part of a plan to increase the existing tension in society. Currently, many believe the killings of Christian missionaries in Malatya are linked to the deep state and that their murderers were ultranationalists, contrary to previous claims that they were Islamists. The Cage Action Plan has come to confirm this opinion.



2

Ergenekon is a Political Case

Fevzi Gümüş (head of the Pir Sultan Abdal Cultural Association):

Ergenekon is only the visible part of the iceberg. The outline [of the organization] in the Ergenekon indictment is rather limited. The investigation should go back to the Maraş incidents of 30 years ago. Saying that the Ergenekon [probe] is very important does not suffice. The dark hand that appeared at the Madımak Hotel in Sivas 15 years after the Maraş incidents goes back to Maraş.³⁴

CLAIM: There are claims that the government was long aware of both the existence and the activities of Ergenekon. The inclusion of a coup plan titled Balyoz -- which allegedly was drafted in 2002 -- into the Ergenekon investigation in 2009 is a strong indicator of the political side of the case.

GROUP EVALUATION:

Ergenekon, the deep state or the military tutelage, has always existed in Turkey, but there was no social or political will to investigate it. Whoever stood up to question it was severely punished. For example, prosecutors Ferhat Sarıkaya³⁵ and Sacit Kayasu³⁶ paid for the indictments they drafted in the hope of dealing a blow to the system of military tutelage with the sudden end of their careers and professional lives, a punishment that could be called “civil death.”

34 <http://www.tumgazeteler.com/?a=4452908> [Retrieved Dec. 21, 2008, from the tumgazeteler.com website: Ergenekon investigation should stretch to Maraş massacre]

35 <http://www.amnesty.org/en/library/asset/EUR01/017/2006/en/20f477d6-d3fa-11dd-8743-d305bea2b2c7/eur010172006en.pdf>, p.97

36 <http://www.eutcc.org/articles/8/15/document206.ehtml>

In short, the Ergenekon case is a struggle against the military tutelage system. We cannot confirm whether the government was indeed aware of the Balyoz plan in 2002. The evidence related to the subversive plot emerged in 2009, and a case was initiated only afterwards.

We should never forget that prosecutors were unable to even interrogate suspects in crimes related to the deep state until the launch of the Ergenekon case. For example, retired Gen. Veli Küçük, who is believed to be the founder of JİTEM -- which is deemed to be responsible for thousands of unsolved murders in the Southeast and the main actor in the Susurluk scandal³⁷ -- refused to appear before a parliamentary commission.

In addition, had the government been aware of the coup plan in 2002, it would not have been able to initiate legal action against it because neither sufficient political power nor an adequate amount of evidence existed for such an action. An investigation into or a judicial case against deep state-related incidents does not usually conclude rapidly. In Italy, for example, the existence of Gladio was long known; however, the Gladio case could start only when the body of evidence and the political conjecture allowed it.

CLAIM: Many members of the Ergenekon organization are accused of plotting to overthrow the government and of storing munitions and devising assassination plans. However, the probe has resulted in the arrest of military generals, secular journalists and academics. Those people were targeted in the operation as they stand opposed to the AK Party.

GROUP EVALUATION:

The deep state has a rather old history in Turkey. The Carbonari³⁸ in Italy set an example for the İttihat ve Terakki Cemiyeti³⁹ (Committee of Union and Progress). None of the group's members knew one another, but all of them worked toward the same purpose.

37 The Susurluk scandal refers to the events surrounding the peak of the Turkey–Kurdistan Workers' Party conflict, in the mid-1990s. It is considered a scandal because it indicated a relationship between the government, the armed forces and organized crime. The relationship came into existence after the National Security Council (MGK), the country's highest body, posited the need for the marshaling of the nation's resources to combat the separatist, militant Kurdistan Workers' Party (PKK). The scandal surfaced with a car crash on Nov. 3, 1996, near Susurluk, in the province of Balıkesir. The victims included the deputy chief of the Istanbul police, a parliament deputy who led a powerful Kurdish clan and the leader of the Grey Wolves (who was a contract killer on Interpol's red list). http://en.wikipedia.org/wiki/Susurluk_scandal

38 <http://en.wikipedia.org/wiki/Carbonari>

39 http://en.wikipedia.org/wiki/Committee_of_Union_and_Progress

And so functions the Ergenekon organization. It has several branches, including, but not limited to the military and the media. According to the main Ergenekon document, the organization was restructured in 1999 and urged members of the military and civilians to cooperate.

The common characteristic of Ergenekon members, who come from different professional groups and segments of society, is ultranationalism. They believe in the rule of the nation-state and oppose Turkey's membership in the European Union.

Furthermore, cooperation between members of the military and civilians for a coup d'état is not unprecedented in Turkey. The coups of May 27, 1960 and March 12, 1971 constitute examples of such cooperation. Some journalists who are currently standing trial in the Ergenekon case were tried in the past for collaborating with the military in coup planning.⁴⁰

Ergenekon is accused of planning to topple the incumbent government. Some journalists and academics have been prosecuted for their suspected roles in the organization's plan to that end. Claims that they were arrested for their opposition to the government are ungrounded. There are journalists and academics who are far more opposed to the government and its policies, but none of them were detained or arrested for Ergenekon membership.⁴¹

The trial of military generals as part of the Ergenekon case is related to evidence seized by civilian prosecutors. The generals are being tried either for membership in a criminal organization or for their role in suspected coup plans such as the Kafes (Cage) Action Plan,⁴² the Action Plan to Fight Reactionaryism⁴³ and the Balyoz (Sledgehammer) Security Operation Plan.⁴⁴

CLAIM: The Ergenekon case is political, and it does not provide prosecutors with an opportunity to rid the country of illegal formations. Thus, deep state-linked criminal acts, which indeed beg to be investigated, are covered up -- a maneuver that blocks any future attempt to illuminate them.

40 http://tr.wikipedia.org/wiki/%C4%B0lhan_Sel%C3%A7uk

41 [See: Newspapers which are known for their ultranationalist positions and opposition to the government: Yeniçağ <http://www.yg.yenicaggazetesi.com.tr>; Sözcü <http://www.haberler.com/sozcu-gazetesi>; and Ortadoğu daily <http://www.ortadogugazetesi.net>]

42 <http://www.esiweb.org/pdf/turkey%20-%20Operation%20Cage%20%28Kafes%29%20Action%20Plan%20%28English%20translation%29.pdf>

43 <http://www.esiweb.org/pdf/turkey%20-%20Action%20Plan%20to%20Fight%20Reaction%20%28English%20translation%29.pdf>

44 <http://www.todayszaman.com/tz-web/news-199790-sledgehammer-plan-suggests-coup-was-to-start-at-3-am.html>

GROUP EVALUATION:

The Ergenekon case is a continuous process, and it has enabled the launch of various legal cases that aim to shed light on Turkey's dark past. One such example is the Temizöz case⁴⁵ under which commander of the Kayseri Provincial Gendarmerie Battalion Col. Cemal Temizöz is standing trial for ordering the killings of many people in the Southeast.

The Ergenekon case is not aimed at settling all the troubles the authoritarian state system has caused for Turkey. Since the proclamation of the republic, the Turkish military has played a decisive role in the country's fate. The republic has spent one-third of its political life under martial law. In addition, the military tutelage has left its mark on Turkey's political and social life.

In 1980 the country was struck by a bloody coup after which the military restructured the Turkish legal system. Following the coup Turkey turned into a state of fear. One of the most prominent characteristics of the state of fear was an absolute impunity for members of the military against prosecution and punishment. The Ergenekon case has ended such impunity.

The case has boosted hopes of getting rid of all illegal formations nested within the state. But the case has its own shortcomings. For instance, the court hearing the Ergenekon case is cold to demands by third parties to stand as co-plaintiffs in the trial, a factor that lessens public support for the case. The İstanbul 12th High Criminal Court, which is hearing the cases against Cage action plan and for the Poyrazköy case indictment, however, has a more positive position toward such demands.

With all the above-mentioned points in mind, we can say that claims that the Ergenekon case is an attempt to cover up deep state-related crimes are manipulative and groundless. The case is a strong step toward Turkey's venture to become a country governed by the rule of law, and if similar steps are not obstructed, they will bring with them a great opportunity to rid Turkey of illegal formations within the state.

CLAIM: AK Party supporters have lent their support to the Ergenekon probe since the very first day of its launch. Prime Minister Recep Tayyip Erdoğan likened the probe to the intra-state cleansing in Italy in the 1990s, while former Republican People's Party (CHP) leader Deniz Baykal accused the prime minister of acting like a prosecutor in the probe.

45 <http://www.bianet.org/bianet/english/115934-lawyers-invite-plaintiff-applications-against-jitem-commander>

GROUP EVALUATION:

The Ergenekon case is not backed solely by AK Party supporters in Turkey. It is also supported by liberals, leftists, non-Muslims, devout Muslims, Kurds, Alevis and in short, by everyone who comes together in their support for a stronger democracy and the rule of law and who have seen themselves as potential victims of the deep state. What could be more ordinary than Prime Minister Erdoğan's support for a criminal case against an organization that planned to overthrow his government? What is striking at this point is the stance of former CHP leader Baykal. He defined himself as Ergenekon's advocate⁴⁶ at the beginning of the investigation into the organization.

The Ergenekon case is of high importance for Turkey as it symbolizes an intra-state purging (of illegal groups) and will set an example for similar cases in the future.

46 <http://www.turkishweekly.net/news/64613/best-deniz-baykal-can-do-for-his-party-and-country-.html>



3

The Ergenekon Investigation Has

Created An Atmosphere of Fear in Turkey

Sarkis Seropyan, editor of Agos, Turkish-Armenian weekly journal:

“If Hrant were alive and saw the Ergenekon case, he would have been over the moon. ... He would have supported the Ergenekon case much more than what we are able to do at Agos. He would not have been satisfied by just presenting the news related to Ergenekon. ... It was his dream that those people’s masks would drop.”⁴⁷

CLAIMS:

The Ergenekon case has turned into a witch-hunt. Illegal wiretaps and the detention of people without any sound evidence have created an atmosphere of fear in the country. In short, Turkey has become a state of fear.

GROUP EVALUATION:

Contrary to the above claim, the Ergenekon investigation has boosted hopes for a collapse of the state of fear in Turkey. It has moved to put an end to the immunity

⁴⁷ <http://www.armeniadiaspora.com/news/article-hits/1031-agos-editor-seropyan-ergenekon-case-was-hrants-dream.html>

from prosecution of certain groups nested within the state and their members and has heralded a new and democratic era for Kurds and non-Muslims in Turkey.

Such criminal acts as the extrajudicial killings of tens of thousands people in the Southeast of Turkey and the torching and forced evacuation of thousands of villages there have gone unpunished thus far. Turkey has failed to question such criminal acts although they have been condemned many times by the European Court of Human Rights. Military officers, however, still deny the existence of JİTEM, which was associated with almost all kinds of illegal acts in the Southeast in the 1990s. Currently, some JİTEM founders and administrators are standing trial in the Ergenekon case, while others are being tried in the Temizöz case.

Turkey indeed used to be a state of fear before and during the 1990s. The Ergenekon case has turned out to be a beacon of hope for vulnerable groups and minorities in the country. And it is not those groups that complain about today's alleged state of fear.

Since the launch of the Ergenekon case, non-Muslim citizens of Turkey have reiterated that there has been a considerable decline in threats and attacks directed at their communities.⁴⁸ Some of Turkey's prominent intellectuals -- including writers Orhan Pamuk and Elif Şafak and literary critic Murat Belge -- were tried on charges of insulting "Turkishness," particularly as a result of efforts by ultranationalists who currently stand indicted in the Ergenekon case. Similarly, Turkish-Armenian Hrant Dink, who became a target as a result of cases brought against him by the same ultranationalist circles, was gunned down only shortly after retired Gen. Veli Küçük paid a visit to the courtroom to "watch" Dink's trial. Küçük is one of the prime suspects in the Ergenekon case.

Therefore, the Ergenekon case cannot be called a witch-hunt. It is indeed a series of efforts devoted to confronting Turkey's shady past and exposing and eradicating the notorious deep state.

The wiretapping of the telephone lines and the monitoring of phone records of individuals have long been an issue of concern and complaint for democrats and dissidents in Turkey. However, claims against the justness of the Ergenekon case are the result of unrelated incidents that are purposefully distorted.

The records of the personal and professional lives of some individuals have been leaked to the media and posted on the Internet in the past few years. They are illegal wiretaps, and such leaks are by no means appreciated. But many wiretap records also stand as evidence against suspects indicted in the Ergenekon case. Legal wiretaps are carried out in accordance with the law and upon permission from the court. Ongoing debates over such wiretaps are aimed at creating question marks in people's minds over whether they were obtained by illegal means and were included

48 See subtitle After Ergenekon arrests attacks decline, http://www.forum18.org/Archive.php?article_id=1434

in the Ergenekon indictments. Illegal wiretap records that have made their way onto the Internet are not mentioned in the indictments.

Evidentiary documents included in the Ergenekon case have shown that the real witch-hunt was carried out by the network and its members who are on trial. Thousand-page documents seized in houses and offices belonging to Ergenekon suspects have revealed that many citizens were framed because of their political and religious inclinations. Many civil servants and employees of private companies were mentioned in long lists that contained the names of figures to be killed, detained or arrested after a coup d'état. Ergenekon indictments also contain strong, thousand-page evidence that the Gendarmerie General Command's intelligence unit framed millions in the country. The documents include the addresses of the homes and places of business of Kurds, pious Muslims and non-Muslims in Turkey as well as their phone numbers, e-mail addresses and bank account information. If Turkey witnessed a witch-hunt, it was carried out by Ergenekon suspects, not by the prosecutors.



4

It Is Not True That The Military Planned A Coup

Olli Rehn: (European commissioner for enlargement)

“Turkey witnessed significant developments in civilian-military relations last year. The ongoing Ergenekon case is the key to efforts at democratization in Turkey. Turkish citizens deserve to see the completion of this investigation, and they rightfully expect a fair trial for all of the suspects.”⁴⁹

Various alleged coup plans and action plans are also being probed as part of the Ergenekon investigation. Among them is a multi-phase plan allegedly masterminded by retired Gen. Şener Eruygur, a former gendarmerie commander. The plan covers 2003 and 2004 and has four phases.⁵⁰ The first is named “Sarı kız” (Blonde Girl), which calls for social unrest similar to the situation before the 1960 coup d’état. As part of the plan, university students and civil society organizations would be urged to hold protests against the government. The plan would then move on to the second phase, “Ay ışığı” (Moonlight), which sought to force then-Chief of General Staff Gen. Hilmi Özkök to resign. The pro-coup formation within the military saw the general as an obstacle in the way of the planned coup. Another phase included in the plan, titled “Yakamoz” (Sea Sparkle), focused on how the coup would be launched, and the final phase, “Eldiven” (Glove), mentioned what the military would do after the planned coup.

49 <http://www.cnnturk.com/2010/dunya/01/21/rehn.ergenekon.davasi.demokrasinin.kilidi/560281.0/index.html> [Retrieved from the cnnturk.com website: Rehn: Ergenekon case key to democratization]

50 See indictment numbered 2009/565 by the İstanbul Prosecutor’s Office

The Balyoz (Sledgehammer) coup plan, allegedly drafted by the junta led by then-1st Army Commander Gen. Çetin Doğan, hoped to foment chaos in society that would eventually lead to a military takeover, similar to the one on Sept. 12, 1980.

CLAIMS: The Balyoz (Sledgehammer) coup plan is said to be a 5,000-page document. If the Turkish military desires to stage a coup, why would it prepare such a detailed plan? It would directly overthrow the government and assume control of the country. In addition, the coup plan mentions such nonsense as bomb attacks on historic mosques in İstanbul and the deliberate downing of a Turkish jet. The military, however, categorically denies having devised the plan.

GROUP EVALUATION:

The 5,000-page-document does not refer to the coup plan itself. It refers to all kinds of documents included in a legal case initiated against the plan. Among the documents⁵¹ are voice recordings of military meetings in which participants discuss a planned coup d'état, "very confidential" military orders for an operation, action plans titled Çarşaf (Chador), Sakal (Beard) and Oraj (Thunderstorm) -- which aim to create an atmosphere conducive to a military takeover, a list of individuals to be detained and assets to be confiscated during the coup, and a government plan to be put into operation after the coup. In addition, the documents provide a list of journalists who would be detained after the military takeover. Military correspondence over the planned coup, Power Point slides, original military CDs, operation plans and video recordings of coup meetings are also included in the document.

The Çarşaf and Sakal action plans mention a subversive plan to bomb the Fatih and Beyazit mosques in İstanbul during Friday prayers. The plans also include charts that detail the planned attacks. The plans also were intended to create tension between the Turkish and Greek air forces, which would culminate in a Turkish fighter jet crashing after a skirmish with their Greek counterparts.

Turkey was rocked by "extraordinary" conditions ahead of coups, and the Balyoz plan aimed at the duplication of such conditions. The devious plot comes neither as a surprise nor a fantasy for the Turkish people as they are no strangers to the military's tendency to change political rule through coups and the deep state's habit of provocation.

The Sept. 6-7, 1955 events started after a newspaper headline said Atatürk's home in Greece had been bombed by Greek militants. The deep state did not refrain from bombing the home of Atatürk -- a statesman almost "sanctified" in Turkey -- in order

51 See <http://www.beyazgazete.com/haber/2010/01/21/taraftan-soke-eden-iddia-fatih-camii-cuma-gunu-bombalanacakti.html> [Retrieved on Jan. 21, 2010, from the beyazgazete.com website: Latest coup plan: Sledgehammer]

to provoke the Turkish nation, which would eventually lead to a military takeover. The intelligence agent who launched the bomb attack was later appointed to the post of city governor.⁵²

“Absurd” plans such as bomb attacks against mosques and the deliberate downing of a Turkish jet aim to determine the best timing and the prospective political outcomes of a coup. War games are supposed to be based on fictitious figures, but the plotters preferred to use real names when drafting the Balyoz plan. The plan also suggests that around 800 military officers would be expelled from the TSK for their suspected links to the ruling party. All names mentioned in the plan -- including those of judges, prosecutors and even the principals of religious imam-hatip high schools -- are real. The Balyoz documents also clearly indicate that a military seminar held March 5-7, 2003, was not a simple war game. An official notice sent to the Land Forces Command and the General Staff by the 1st Army Corps several months before the coup plan was drafted indicated that a planned seminar slated for March 5-7, 2003, would not be devoted to discussing war games. The invitees gathered for the seminar, during which coup preparations underwent a final check rather than the discussion of war games.

The confessions of retired Gen. Altay Tokat stand as the clearest evidence that the Turkish military engaged in these kinds of provocative actions. The retired general said military officers had bombs thrown into the backyards of judges and prosecutors in the Southeast in order to intimidate them between 1995 and 1998.

In addition Col. Dursun Çiçek, an active duty officer at the General Staff, planned to place weapons and explosives in the homes and offices of civilians -- often religious ones -- and enable the police to discover them at those addresses. The civilians would later be tried on charges of membership in an armed terrorist organization. Two courts are currently hearing separate cases related to the plan. An indictment prepared by the General Staff’s Military Prosecutor’s Office recently confirmed that the plan was devised by Col. Çiçek, which spurred the office to initiate a case against the colonel. The office is demanding a prison term of up to three years for the colonel. Within this perspective, it would not be wrong to say that some groups within the TSK have been engaged in illegal, provocative acts.

CLAIM: Alleged coup plans by the military are mainly based on a diary belonging to retired Naval Forces Commander Adm. Özden Örnek. An examination by the National Police Department’s criminal investigations department concluded that the diary was produced on Örnek’s personal computer; however, the retired admiral has denied ownership of the document. The diary was first

52 <http://www.tumgazeteler.com/?a=1005359> [Retrieved Sept. 8, 2005, from the tumgazeteler.com website: MİT agent who bombed Atatürk’s house appointed as governor]

exposed by the now-closed Nokta magazine in 2007. There are claims that the diary was stolen and reworded by an individual linked to an Islamist organization with the ulterior motive of undermining the military and was then forwarded to Nokta for publication.

GROUP EVALUATION:

Such claims are groundless and make no sense at all. The coup plans of 2003-2005 are not based solely on Örnek's diary. Concrete evidence has confirmed the authenticity of the suspected diary and points to the existence of coup plans. It is no secret that the Gendarmerie General Command, which was then led by Gen. Eruygur, framed many individuals. Keeping a diary is not a rare occurrence in the TSK. The military urges its officers to keep diaries. Örnek advised his students in the northern province of Ordu to keep a diary. He personally started keeping a diary in 1957, when he was a cadet. His diaries between 2003 and 2004 totaled 1,004 pages. The diary mentioned in the Ergenekon indictment is different from the one forwarded to the İstanbul 13th High Criminal Court by the Nokta newsweekly. It was placed inside a CD seized in Eruygur's office at the Atatürkist Thought Association (ADD). The association is headed by the retired general.

Eruygur and Örnek served as force commanders at the same time; however, Örnek allegedly later refused to take part in or contribute to the planned coup. Eruygur retired before Örnek, and the retired general kept Örnek's diary allegedly because he wanted to use the documents as a trump card against the retired admiral.

Only a small part of the diary was shared with the public. Nokta Editor-in-Chief Alper Görmüş said the document included many details about Örnek's private life, which the newsweekly refused to publish.

CLAIM: The Balyoz documents were altered by unidentified individuals. The documents, dated Dec. 2, 2002, refer to the Turkey Youth Union (TGB) as a "friendly group." But the union was established in 2006. Similarly, the documents include excerpts from the closing address of a congress in 2005. The Balyoz seminar was reportedly attended by around 200 military officers, although it was supposed to be a "confidential" one. Military units that are not affiliated with the 1st Army Corps appear to have participated in the seminar. It is illogical to overthrow the government located in Ankara through a plan devised in İstanbul.

GROUP EVALUATION:

The Taraf daily published only a small part of the documents related to the Balyoz coup plan. Among them are military documents that feature genuine signatures.

When the coup plan first made its way into the press, retired Gen. Çetin Doğan -- the alleged mastermind behind the Balyoz plan -- made public statements claiming that the AK Party was as pure as its name [ak means “white” in Turkish] when it was first swept to power in 2002, and thus a coup plan against it on the grounds that it was engaged in reactionary activities was out of the question. However, the Balyoz documents include handwritten notes by Doğan that expressed concern over the rise to power of a “fundamentalist political party.” Shortly after the AK Party came to power in 2002, the retired general ordered his military units to make preparations for a coup d’état.

A youth union is mentioned in the Balyoz documents; however, it’s not the union that was established in 2006. The Law on Associations requires a union to obtain the permission of the Interior Ministry to use the word “Turkey” in its name. The union that is defined as an ultranationalist one and is said to have been set up in 2006 does not have the word “Turkey” in its name. The union mentioned in the Balyoz documents is actually named the Turkey Youth Association Union.

Claims also emerged that a document included in the Balyoz plan was excerpted from the closing address of a congress held in 2005 and thus cannot have made its way into a file drafted in 2002. However, they are missing one point. The address prepared in 2002 was used mot à mot at the congress in 2005. The individuals who delivered it acted as if they had prepared the address themselves. The organizers of the congress are known to have been in close contact with Ergenekon suspects.

According to another scenario, the coup seminar was attended by nearly 200 military officers, which stands as evidence that the meeting was not confidential at all and that its participants did not convene to discuss ongoing preparations for a coup. Coup documents, however, clearly indicate that members of the military who were not trusted should not be allowed into the seminar since confidentiality was the top principle in the gathering. Furthermore, a coup meeting in which methods to seize control of a large city such as İstanbul were discussed would not normally be attended by only a few people, would it? The meeting was indeed an occasion where participants checked coup preparations. They discussed such issues as where to deploy military tanks and who would be detained after the coup. The number of attendees was indeed fewer than one would expect.

The then-chief of General Staff, Gen. Hilmi Özkök, was reportedly informed about the planned coup. After the emergence of the Balyoz documents, Özkök admitted to have had knowledge of the subversive plan, adding that he questioned retired Gen. Çetin Doğan about the claims. The National Intelligence Organization (MİT) undersecretary of the time also told a journalist that he was aware of the coup plan. Retired Gen. Levent Ersöz, who served as the provincial gendarmerie commander in Bursa when the Balyoz coup plan was drafted, acknowledged indirectly the existence of the plan in a voice recording that recently hit news websites. In the recording Ersöz says: “March 19, 2003 is very important. [The planned coup would be staged

on that day.] The then-Land Forces Commander Gen. Aytaç Yalman betrayed us by collaborating with the chief of General Staff.” Coup plotters believe the intelligence about coup preparations was leaked to Gen. Özkök through Gen. Yalman. In other words, almost all high-ranking members of the military knew that Gen. Doğan was seeking to overthrow the government in 2003.

One other scenario argues that the government in Ankara cannot be toppled through a plan devised in İstanbul. However, in voice recordings attached to the coup documents, top military commanders suggest that coup forces will not face any public resistance once they seize control of İstanbul. In addition, the documents feature a list of military generals who pledged to lend support to the planned coup. In other words, many military units were implicated in the coup plan though they were not affiliated with the 1st Army Corps. The Sept. 12, 1980 coup was also devised at 1st Army but was put into operation all over Turkey.

The Balyoz documents were examined in detail by three civilian prosecutors, and suspected collaborators of the coup plan were arrested. A separate probe is ongoing at the Military Prosecutor’s Office. A military expert recently prepared a report that said, “If the claims reflect the truth, that’s a coup plan.” The report came after an examination of a copy of the coup documents as the originals are currently at the İstanbul Public Prosecutor’s Office.

New documents may emerge once the investigation moves into the prosecutorial phase. As may be recalled, new pieces of evidence emerged as prosecutors prepared the Ergenekon indictments and as suspects began to stand trial on coup charges. This may also be the case for the Balyoz investigation.

5

The Council of State

Attack Is Not Linked To Ergenekon

Italian prosecutor Felice Casson

“You must go to the end in the [Ergenekon] investigation. There are such significant accusations that you have to go to the end to clarify things. Otherwise this is so dangerous for democracy.”⁵³

INCIDENT: There are four high courts in Turkey. One of them is the Council of State, which hears appeals against decisions of administrative courts. On May 17, 2006, hit man Alparslan Arslan, a lawyer by profession, carried out an armed attack at the court building as a group of judges were holding a meeting. The attack left one senior judge dead and three others wounded. After his capture Arslan said he launched the attack in protest of a court decision against the headscarf. The attack later came to be defined by Turkey’s secular elites as an assault by “reactionary circles” against the secular regime in the country. During the funeral of Judge Yücel Özbilgin, who was killed in the attack, participants protested the AK Party government and Prime Minister Recep Tayyip Erdoğan, chanting, “Turkey is secular, and it will remain so!” The case concerning the Council of State shooting was merged with the Ergenekon trial in 2009. Ergenekon prosecutors believe the Council of State attack was aimed at creating conflict among the country’s secular and religious citizens. The Ergenekon

indictment suggests that the order for the attack came from retired Capt. Muzaffer Tekin and retired Gen. Veli Küçük, both defendants in the Ergenekon case. A recent examination of security camera footage by the Scientific and Technological Research Council of Turkey (TÜBİTAK) has revealed that the footage before and after the shooting at the court was destroyed by unidentified individuals, a clear indication that the shooting was based on a well-thought-out plan.

CLAIMS: The Council of State attack is not linked to Ergenekon. The shooting was carried out to punish court members for an anti-headscarf ruling they had made.

GROUP EVALUATIONS:

Insisting on the claim that the Council of State shooting was based on “religious motives” despite all recent revelations plays into the hands of the plotters behind the attack and is quite manipulative. The decision to merge the Council of State case with the Ergenekon trial came from the 9th Chamber of the Supreme Court of Appeals,⁵⁴ which is better known for its staunchly secular position. We need to have a closer look at not only Ergenekon but also Turkey’s political structure, which provides the grounds for manipulative attacks, as well as the links between the Council of State shooting and the Ergenekon criminal organization.

Manipulation of the public through certain “impressions” is not a rare happening in Turkey. The post-modern coup of Feb. 28, 1997, in which the military forced an elected government to resign, also stemmed from similar impressions and dynamics. With the help of the media and fabricated scenarios, the public was made to believe then that “reactionaryism” was on the rise in Turkey.

It is no secret that dark powers have sought to maintain the military tutelage in Turkey through a continuous atmosphere of fear. According to those powers, the Turkish Republic has been under a “great threat” to its existence. In the past, the threat used to refer to leftist movements, Kurds, Alevis and non-Muslims. What has been referred to as the threat in recent years is reactionaryism.

In our opinion, the Council of State shooting is one of the many scenarios set up to pave the way for a military takeover. Apparently, an “Islamist” lawyer wanted to punish the court members for their decision against the headscarf. However, pieces of evidence seized afterwards and witness testimony showed that the real motive for the attack was totally different.

A detailed investigation into the shooting revealed that hit man Arslan was not a pious Muslim, contrary to previous claims. He was actually an ultranationalist and had close links to retired Capt. Muzaffer Tekin, who is currently standing trial for

54 <http://arsiv.ntvmsnbc.com/news/469201.asp> [Retrieved Dec. 17, 2008, from the ntvmsnbc.com website: Supreme Court of Appeals: Council of State-Ergenekon trials must be merged]

membership in Ergenekon. Arslan also had photographs taken with retired Gen. Küçük -- another Ergenekon suspect. The testimony of Osman Yıldırım, one of the key defendants in the Council of State shooting case, exposed the links between Arslan and Ergenekon.

A recent TÜBİTAK (The Scientific and Technological Research Council of Turkey) examination of the security camera records of the Council of State building showed that the OYAK Security Company -- which is made up of retired military officers -- destroyed the footage after the assault. Shortly after the shooting, OYAK told an Ankara court that the security cameras in the building had been out of order at the time of the attack. However, according to the TÜBİTAK examination, the cameras were working at that time, and the footage destroyed belonged to the day of and the day before the assault, when the hit man reportedly checked out the courthouse. This has come to show that the Council of State shooting was well planned and was part of a subversive plot to manipulate society.



6

Attacks on the Cumhuriyet Daily are not Linked to Ergenekon

İshak Alaton (Turkish Jewish businessman)

“I believe this trial is a milestone for Turkey because such a transparent investigation was never carried out in the past. As a result of this investigation into Ergenekon, however, people have come to develop faith that they live in a country where the rule of law prevails. I, myself, am one of them.”

“This case will truly bring the rule of law to the country in addition to strengthening people’s trust in it. Turkey was very much in need of this. I have always believed that our country has been taking significant steps in this direction, which can be described as a search for democracy and a transparent administration. I interpret this case as part of our approach to this target. That is why I believe it is a great service to Turkey on its road to a full, consolidated democracy. ...”⁵⁵

INCIDENT: The Cumhuriyet daily is one of the oldest newspapers in Turkey, active since 1924. It ranks 21st or 22nd in circulation. Though it has a small circulation, it has remained an important actor in Turkey’s political spectrum. In the past few years, it has stood out for its “staunchly secular” and “pro-military tutelage” publications. Since the rise of the AK Party to power in 2002, the daily has called on the military to intervene in politics on various occasions. It went down in Turkey’s political history

with the headline “Young [military] officers uncomfortable” on May 23, 2003, publicly making a reference to the 1960 coup that was carried out by young military officers. Shortly after the launch of the Ergenekon case, one of the Cumhuriyet administrators was prosecuted, while one of its columnists was arrested.

The daily was targeted in three separate hand grenade attacks -- on May 5, May 10 and May 11, 2006 -- after it published a caricature depicting a woman wearing a headscarf as a pig. The grenades in the first two attacks failed to explode. No one was killed or injured when the grenade used in the third attack exploded in the newspaper’s garden.

All of the attacks were carried by Alparslan Arslan, who also carried out the Council of State shooting.

The shooting came shortly after the grenade attacks at Cumhuriyet, most probably because the attacks failed to find wide media coverage. Ergenekon sought to rock Turkey with a sensational incident, and the Council of State shooting took place.

CLAIMS: The Cumhuriyet daily was targeted in grenade attacks due to its staunchly secular stance. The unexploded grenades showed that the attacks were not linked to a professional organization. They were launched by angry individuals who were amateur enough to forget to pull the pins out of the grenades when lobbing them at the newspaper’s headquarters. In short, claims that the attacks on Cumhuriyet were linked to the Ergenekon organization are groundless.

GROUP EVALUATION:

Publications that distort evidence related to the attacks on the Cumhuriyet daily and aim to misinform foreign readers who have almost no chance to access first-hand information on the incidents need to be questioned in moral terms.

The Cumhuriyet attacks were obviously aimed at fomenting chaos that would eventually lead to clashes between the country’s secular and religious circles. The attacks were staged three times because they failed to attract the desired attention from the public. People almost turned a blind eye to the first two attacks. The attacks ended after the third assault attracted sufficient public attention.

The two hand grenades that failed to explode indeed had nothing to do with the inexperience of the perpetrators. The real intention behind these attacks was not to inflict damage on Cumhuriyet but to attract attention.

The attacks on Cumhuriyet were carried out by Council of State hit man Arslan and his friends. Claims that the perpetrators of the attacks are linked to Ergenekon members are based on concrete evidence. Arslan is known to have had personal ties to retired Capt. Muzaffer Tekin and retired Gen. Veli Küçük and was in close contact with the Union of Patriotic Forces (VKB).

Both Yıldırım -- a defendant in the Council of State shooting case -- and a secret witness confessed to having received the hand grenades from retired Capt. Tekin. They also said the order for the attacks came from Küçük, a retired general.

In summary, clear evidence has linked the hand grenade attacks on Cumhuriyet headquarters with the Ergenekon organization.



7

Claim That Attacks on Non-Muslims Are

Linked To Ergenekon Is A Conspiracy Theory

Greek Orthodox Patriarch Bartholomew

“They wish to overthrow the government and dissolve the AK Party through provocations targeting us. What’s our guilt? ... We believed a raid on a meeting of the Association of the Zoğrafyon High School Alumni about four years ago was aimed at intimidating us. When the Cage plan was revealed, we thought the raid could have been part of that plan.”⁵⁶

CLAIM: The Ergenekon indictment puts the blame for a number of assassinations and attacks against non-Muslims in Turkey on Ergenekon without any evidence. Among them are the killings of Catholic priest Father Andrea Santoro on Feb. 5, 2006, in Trabzon, Armenian-Turkish journalist Hrant Dink on Jan. 19, 2007, in İstanbul and three Christian missionaries on April 18, 2007, in Malatya.

GROUP EVALUATION:

Since the proclamation of the republic, Turkey has witnessed many attacks against the non-Muslim community, which were mainly aimed at decreasing of

56 <http://www.zaman.com.tr/haber.do?haberno=920292&keyfield=6B616665732065796C656D20706C616EC4B1> [Retrieved Nov. 26, 2009, from the zaman.com website: They tried to overthrow the government with provocations over us.]

the number of such citizens. Attempts to cause non-Muslim residents of Turkey to flee the country have been an established state tradition since the reign of İttihat ve Terakki (Committee of Union and Progress). In ideological terms, the Ergenekon organization can be deemed the heir of the committee. Just like its predecessor, the organization has focused on the intimidation of the non-Muslim community in Turkey. The “Turkish Orthodox Patriarchate” has been active since 1923, though it lacks a community or followers. Ergenekon is a fervent supporter of the patriarchate as the group’s main objective is to carry out activities that would wear down the Greek Orthodox Patriarchate in Turkey. In addition, the organization prefers to hold its critical meetings at the headquarters of the Turkish Orthodox Patriarchate.⁵⁷ The group’s spokesperson, Sevgi Erenerol, is currently in jail on charges of membership in Ergenekon. Before imprisonment, she addressed the TSK on various occasions in conferences and presentations over the “harm” of missionary activities.⁵⁸ Ergun Poyraz, a journalist known for his controversial writings against the Jewish and Christian communities, received payment from the Gendarmerie Intelligence and Counterterrorism Service (JİTEM)⁵⁹ for his publications. He is also currently behind bars for membership in Ergenekon. Ergenekon defendant Kemal Kerinçsiz, a lawyer, filed lawsuits against writer Orhan Pamuk and slain journalist Hrant Dink and some Christian missionaries on the grounds that they insulted “Turkishness.”⁶⁰ The Ankara Chamber of Commerce (ATO), led by Ergenekon suspect Sinan Aygün, has expended much energy in the preparation of provocative “reports”⁶¹ about “missionaries” and their activities in Turkey.

Ergenekon prosecutors expressed concern in indictments that some provocative killings that sent shockwaves across Turkey may be linked to the Ergenekon organization. The Cage plan calls the killings of Armenian-Turkish journalist Hrant Dink (2007), Catholic priest Father Andrea Santoro (2006) and three Christians in Malatya (2007) an “operation.”

The Ergenekon investigation has shown that bloody plans against Turkey’s non-Muslim residents were aimed at creating a common conviction in the country that

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- 57 http://tr.wikisource.org/wiki/Ergenekon_iddianamesi/B%C3%96L%C3%9CM_V_%C5%9E%C3%9CPHEL%C4%B0LER%C4%B0N_B%C4%B0REYSEL_DURUMLARI_%C4%B0K%C4%B0NC%C4%B0_GRUPTAK%C4%B0_K%C4%B0%C5%9E%C4%B0LER%C4%B0N_B%C4%B0REYSEL_DURUMLARI_31-%C5%9E%C3%9CPHEL%C4%B0_VEDAT_YENERER
- 58 <http://www.ntvmsnbc.com/id/24969483/> [Retrieved May 25, 2009, from the ntvmsnbc.com website: Erenerol addressed TSK in ‘missionary’ conference]
- 59 http://tr.wikisource.org/wiki/Ergenekon_iddianamesi/B%C3%96L%C3%9CM_V_%C5%9E%C3%9CPHEL%C4%B0LER%C4%B0N_B%C4%B0REYSEL_DURUMLARI_14-%C5%9E%C3%9CPHEL%C4%B0_ERG%C3%9CN_POYRAZ_
- 60 <http://arsiv.ntvmsnbc.com/news/419971.asp> [Retrieved Sept. 15, 2007, from the ntvmsnbc.com website: Surprising developments in judicial case followed by EU]
- 61 <http://www.atonet.org.tr/turkce/bulten/bulten.php3?sira=235> [Retrieved from the atonet.org.tr website: Report on missionaryism from ATO]

the attacks against the non-Muslims were a result of the hatred of pious people. The plans also were intended to persuade the public that the AK Party and the government were also responsible for the attacks.

Not only religious people but also many other circles were blamed for similar acts against non-Muslims in the past. The Balyoz and Cage plans have shown that bloody "operations" against non-Muslims continued through the 2000s.

It is no longer a secret that Erhan Tuncel -- a close friend of hit man Ogün Samast, the alleged killer of Hrant Dink -- was an intelligence agent who tipped the Trabzon and İstanbul police off about a planned assassination against journalist Dink. Ali Öz, who was then gendarmerie regiment commander in Trabzon, however, ignored the tips. İstanbul police neglected to take action against the prior notice about the planned murder. The fact that Samast made ablutions before carrying out the attack and posed in front of a Turkish flag after the murder shows that the plotters abused both the young man's religious and nationalist sentiments. A similar abuse was also evident in the missionary killings in Malatya. Suspected assassins who pretended to be religious later turned out to be ultranationalists.⁶²

62 "Turkish Nationalism Threatens Christians", <http://jmm.aaa.net.au/articles/20589.htm>



8

Independent Media Does Not Exist In Turkey; Independent Press Organs Have Been Intimidated

CLAIM: News reports on the Ergenekon case are not comprehensive and sound as though press organs that were once independent have been intimidated.

GROUP EVALUATION:

The media is not homogenous in Turkey. The central media is controlled by people who call themselves Kemalists. However, “taboo” issues such as the Armenian question are freely debated today. Nonetheless, Turkey has chronic problems with freedom of expression, and journalists are often victimized for that reason. Laws restrict freedom of speech and expression,⁶³ and judicial bodies do not often uphold the right to freely express oneself.

A tug-of-war between the government and a media mogul is worrisome; however, the dispute between Prime Minister Recep Tayyip Erdoğan and the Doğan Media Group has nothing to do with the Ergenekon case. The low standard of democracy in Turkey requires us to clearly distinguish “opposition” from “being an opponent.” The peculiar difference between the state and the government is unique to Turkey, and it is quite different than in any other democratic country. The difference points to the election of the government by the nation and the immunity of the “state” or the “establishment” from election by the nation. Within this perspective, opposing

63 http://www.rightsagenda.org/index.php?option=com_content&view=article&id=315:aliasfreedom-of-expression-in-the-new-tpc&catid=91:aliasreports&Itemid=130

the government or its policies does not always refer to being their opponent. What is difficult in Turkey is adopting a critical position against the establishment, which exists relatively independently from democratic election. Such a position would beyond doubt have heavy costs.

In the West the government usually refers to the state; however, the government and the state are totally different things in Turkey. Press organs that stand opposed to the government castigate the “government” in their publications but avoid criticizing the military and state institutions. Similarly, certain press organs -- usually dubbed pro-government -- stand in line with the government as they support governmental steps toward a stronger democracy and criticize state institutions, which are immune from democratic oversight and the state ideology, Kemalism. This means state institutions actually target opponent press organs that are referred to as pro-government.

What we need to focus on vis-à-vis freedom of the press in Turkey is the constantly increasing number of criminal cases filed against journalists who criticize the Ergenekon organization in their reports and articles.⁶⁴ The Taraf daily faces around 150 such cases. The Sabah daily is facing five. Other newspapers and their journalists also have been hit with many such cases although we are not able to include their number in this paper because there are no clear data or figures related to such cases. In light of the growing number of cases against Ergenekon reports, we can say that those who are denied freedom of expression are supporters of the Ergenekon case (and fight against the Ergenekon network), and that its opponents are not denied this right.

64 “Dozens of journalists have been prosecuted thus far on charges of “violation of confidentiality” due to their coverage of the Ergenekon case. Since the launch of the case, many newspapers, correspondents, columnists and newspaper administrators have faced cases on the grounds that they violated Turkish Penal Code (TCK) Article 285, which criminalizes the “violation of confidentiality,” and Article 288, which criminalizes “influencing the independent judiciary.” According to Justice Ministry data (2009), a total of 2,407 such probes were initiated. This figure had reached 4,000 at the end of 2009. Around 90 percent of the probes became cases, amounting to 3,000 in total. Judicial cases against journalists are believed to be part of a devious plan to silence the press over the Ergenekon case.” <http://forum.memurlar.net/konu/830594>

9

Weapons and Munitions Seized as Part of the Ergenekon Probe Do Not Make Much Sense

President of the Alevi Bektaşî Federation Ali Balkız

“In the documents I saw a photograph of my house, a blueprint of it, the names of nine people, one of whom would obtain explosives, and the bomb they devised. It made me think of the killings of Uğur Mumcu, Necip Hablemitoğlu and Bahriye Uçok, also under suspicious circumstances.”⁶⁵

CLAIM: The Ergenekon investigation and case focus on “coup attempts,” but weapons and munitions seized as part of the probe would not be sufficient to launch a coup d’état.

GROUP EVALUATION:

Many weapons and explosives have been seized since the launch of the Ergenekon probe.⁶⁶ However, no one has put forward a claim that the munitions would be used

65 <http://www.tumgazeteler.com/?a=4792631> [Retrieved March 10, 2009, from the tumgazeteler.com website: I saw Ergenekon’s assassination plan, my blood froze]

66 See footnotes 13 and 19 for a list of weapons and munitions seized at the homes and offices of two Ergenekon defendants. Many other weapons and munitions have been seized as part of the ongoing probe.

to stage a coup d'état. They were most probably stored to be used to activate many assassination plans and other attacks that were intended to create chaos in society, eventually leading to a military takeover. Dark powers hoped to foment a "fatal" atmosphere of clashes in the country through the assassination of prominent Alevi figures, bomb attacks on shopping centers in places largely populated by Sunnis and murders of leading Kurdish politicians. They also were aimed at increasing external pressure on the AK Party government with the killings of non-Muslim residents of Turkey and dragging the country into instability with the murders of leading members of the ruling party.

The number of weapons and explosives seized as part of the Ergenekon investigation is sufficient to carry out the planned killings and bombings.

CLAIM: The discovery of arms caches in many parts of the country is seen as a clear success of the Ergenekon probe. However, it no secret that the Special Forces Command (ÖHD) buries explosives underground for emergency use.

GROUP EVALUATION:

Chief of General Staff Gen. İlker Başbuğ announced last year that the TSK does not have any weapons or explosives buried underground.⁶⁷ In addition, active duty military officers at whose addresses police seized weapons were sentenced to prison terms by military courts on charges of stealing munitions from the armed forces.⁶⁸ Lt. Col. Mustafa Dönmez, who was arrested in relation to weapons and ammunition found in his home during a search carried out as part of the investigation into Ergenekon, claimed during interrogation that the weapons were planted in his home by police as part of a plot against him. However, verdicts by military courts ended debates over how the weapons buried underground were smuggled from military depots. In addition to weapons and explosives seized in suspects' houses, many munitions were found dumped in the attics of deserted buildings, in the countryside and by the sides of roads.

CLAIM: Weapons found buried underground were wrapped with old newspapers, a method that would fall short of protecting them against dampness. Police excavations also exposed already-used light anti-tank weapons (LAWs) and rockets, which would by no means be reused for military purposes. It is still unclear why anyone would bury used LAWs in the ground.

67 <http://yenisafak.com.tr/Gundem/?t=24.04.2009&c=1&i=182507> [Retrieved April 24, 2009, from the yenisafak.com website: TSK: We have no weapons buried underground]

68 <http://www.ntvmsnbc.com/id/25054019> [Retrieved Feb. 5, 2010, from the ntvmsnbc.com website: Lt. Col. Dönmez sentenced to four years in prison, expelled from the military]

GROUP EVALUATION:

LAWs and grenades buried underground were wrapped with waterproof plastic bags, which refutes claims that weapons discovered were wrapped solely in newspapers. While seven of the LAWs were used, 15 others were ready for use. LAWs are usually used in assassinations. An assassination attempt against Jewish-Turkish businessman Jak Kamhi was launched in İstanbul in 1993 with a LAW. Thus, it is not illogical at all to store such weapons underground. A LAW cannot be reused once it is used. Used LAWs were most probably buried underground after a training shot by Ergenekon members.



10

Ergenekon Investigation and Case Are Full of Serious Human Rights Violations

Antonio Di Pietro, Italian prosecutor:

“Turkey can be successful in its operations against clandestine groups provided that prosecutors are protected against possible retribution in their fight against such illegal formations as gangs.”⁶⁹

CLAIM: Individuals were detained and arrested in violation of the law as part of the Ergenekon probe.

GROUP EVALUATION:

Articles 90-98 of the Code on Criminal Procedure (CMK) regulate the detention and arrest of suspects. The articles stipulate that an individual can be detained only if the detention is obligatory for the future of an ongoing investigation and with the existence of strong evidence pointing to the individual’s hand in a crime. A person can be apprehended or detained upon the receipt of a written order from a public prosecutor. The method and duration of detention are clearly mentioned in the law.

The period of detention can last up to four days for crimes mentioned cited in Article 250 of the CMK. For other crimes, however, the period is 24 hours, excluding the time required for the suspect to appear before a judge or in court. This period cannot exceed 12 hours.

The reasons for arrest are clearly indicated in Article 100 of the CMK, while Article 101 deals with the decision for arrest and Article 102 governs the period to be spent under arrest. Article 100 mentions strong suspicions that necessitate an arrest. The article indicates that a suspect can be arrested when deemed to be a flight risk, capable of destroying or tampering with evidence related to the crime or inclined to pressure witnesses or victims to recant their testimony.

There are six specially authorized courts at the Beşiktaş Courthouse that are hearing the Ergenekon case (İstanbul 9th, 10th, 11th, 12th, 13th and 14th High Criminal Courts). When a public prosecutor sends a suspect to court for arrest, the suspect's criminal file reaches one of the 18 judges at the courts. The prosecutor does not have the opportunity or right to choose before which judge the suspect will appear. The decision for arrest comes from a single judge, but appeals against the arrest are examined by a panel of three judges. The judge who made the arrest decision is not among the three. Suspects may appeal the order to arrest or request to be released as many times as they wish. For example, retired Gen. Hurşit Tolon appealed his arrest 11 times during the seven months he spent in prison for leadership of Ergenekon. Similarly, Başkent University Rector Mehmet Haberal presented 25 appeals to the court in one year, which means his appeals were examined by almost all the judges at the Beşiktaş Courthouse.

Turkey has been penalized many times by the European Court of Human Rights for lengthy periods of imprisonment without a judgment. Detention pending trial is generally an improperly implemented practice in Turkey, and it is problematic from the perspective of protecting the rights of the accused. However, it would not be fair to say that Ergenekon suspects are subjected to more injustice than suspects in other cases in terms of period of imprisonment. In addition to this, it should be stated that many suspects tried in terror-related cases were imprisoned for much longer periods of time without conviction than Ergenekon suspects.

CLAIM: Phone conversations of Ergenekon suspects were illegally wiretapped.

GROUP EVALUATION:

Article 135 of the CMK stipulates that the telephone conversations of individuals can be wiretapped and recorded upon court order only if there is strong a suspicion related to a crime committed and if there is no other method available providing access to evidence to confirm the suspicion. The court order usually refers to a

wiretap of three months, but this period may be extended numerous times provided that each extension does not exceed one month if the crime is believed to be the work of an organized group.

The telephone conversations of Ergenekon suspects have been wiretapped in accordance with the law; however, wiretaps are often carried out in violation of the law, another chronic problem of Turkey. Wiretapping the phone conversations of Ergenekon suspects has not encountered any legal problems.

In addition, circles that wish to downplay the Ergenekon investigation strive to create misinformation implying that illegal wiretaps were carried out as part of the Ergenekon investigation and were included in the indictments.

However, we should not forget that it would not be possible to have access to pieces of evidence related to criminal acts of an organization such as Ergenekon without wiretaps.

CLAIM: Ergenekon suspects do not even know what they are accused of.

GROUP EVALUATION:

All indictments and folders of evidence prepared since the launch of the Ergenekon probe have been forwarded to suspects and their lawyers on CDs. In addition, suspects were informed of the accusations directed at them both before detention by police and during interrogation by prosecutors. The accusations were also read aloud to suspects when they appeared before the judge.

Ergenekon suspects have thus far been interrogated in the presence of their lawyers. Even if they are not capable understanding the accusations directed at them, they are free to consult their legal counsel.

CLAIM: The Ergenekon trial does not respect suspects' rights.

GROUP EVALUATION:

Suspects' rights are scrupulously respected in the Ergenekon case. No suspect has claimed that he was tortured or abused during police interrogation. The duration of detention has never been exceeded, and suspects appeared before the judge within the prescribed periods. Each suspect received technical help in interrogations from their lawyers, and some suspects defended themselves before the judge with more than 10 lawyers. No complaint has been filed that suspects were denied the right to defend themselves or given too little time for self-defense. There are no limits on the length of the defense statements delivered by Ergenekon suspects during the trial.

Kemal Kerinçsiz, an ultranationalist lawyer, spent 60 hours testifying in his own defense over the course of 12 hearings. Four hearings were devoted to Workers' Party (İP) leader Doğu Perinçek's 18.5-hour-long defense statement. Kemal Alemdaroğlu made his defense over 15 consecutive days. The prosecution also spent many days reading the Ergenekon indictments aloud.

A total of 143 hearings were held as part of the first Ergenekon case, which began proceedings on Oct. 20, 2008 and continued through April 20, 2010. The number of hearings in the second case reached 57, ending on April 16, 2010. The figures show that Ergenekon hearings would take up to 15 years if any other case in Turkey were the subject of such hearings. In addition, apart from other cases, court sessions and statements are recorded and later distributed to suspects and their lawyers.

There are 274 defendants in the Ergenekon case.⁷⁰ Pieces of evidence included in the case file amount to thousands of pages. With all this in mind, it would be unfair to say that the trial is unnecessarily lengthy.

Furthermore, the trial is under the "public supervision" of a certain media group in Turkey as most defendants are members of or are close to the "establishment." All details related to the trial -- including the family matters of defendants and their health conditions -- are closely monitored by the media. For instance, while a simple health problem of an imprisoned retired general finds wide coverage in most newspapers, a similar problem experienced by a Peace and Democracy Party (BDP) mayor who is also under arrest is simply ignored.

CLAIM: During the course of the Ergenekon case, prosecutors and judges have been put under (psychological) pressure by supporters of the case.

GROUP EVALUATION:

If we are to talk about pressure on prosecutors and judges, then we should first of all recall messages of sympathy from high-ranking members of the military for suspects in the Ergenekon case. For example, a group of leading figures of the General Staff paid a visit to Ergenekon defendants last year and told the press that it was an "institutional visit." Similarly, Chief of General Staff Gen. İlker Başbuğ recently stated during an interview with a newspaper that he "stands by" 3rd Army Commander Gen. Saldıray Berk, who has suspected links to Ergenekon. People who are familiar with the extraordinary role of the military and its impact on the judiciary would not have

70 The first Ergenekon indictment covers 97 defendants, while the second document covers 56 defendants and the third covers 52 defendants. All defendants are tried at the İstanbul 13th High Criminal Court. In addition, there are 17 defendants in the Poyrazköy case and 19 defendants in a case concerning a Naval Forces Command plot to assassinate two admirals. The case against the Cage plan contains 33 suspects. All the cases are heard at the İstanbul 12th High Criminal Court.

much difficulty in understanding the real message the military intended the court to infer from such statements.

And again if we are to talk about pressure on prosecutors and judges, then we should discuss the pressure coming from the defendants in the case. We should never forget that a branch of the deep state is on trial in the Ergenekon case.

The Ergenekon trial is marked by the rather “at ease” and unconcerned behavior of the defendants, a first in Turkish legal history. Many defendants insulted or even swore at prosecutors and judges during the course of the trial, which the prosecution usually preferred to ignore.

When talking about pressure on prosecutors and judges in the Ergenekon case, we should also remember a move by the Supreme Board of Judges and Prosecutors (HSYK) to remove prosecutors from their positions when they geared up to question the deep state structure in Turkey.

Official correspondence has revealed that İstanbul Chief Public Prosecutor Aykut Cengiz Engin often attempted to put pressure on Ergenekon prosecutors. The chief prosecutor sent a notice to the İstanbul Police Department and the Ankara Central Command on Feb. 26, 2010, telling them not to allow searches at the addresses of suspects as part of the Ergenekon probe unless prior approval was given by deputy chief prosecutors in İstanbul. However, search warrants are issued by independent courts. The Constitution clearly states that there is no will superior to that of the courts. Despite the clear stipulation, Engin placed himself as superior to courts and ordered police officers not to comply with court orders.

LIST OF WORKSHOP PARTICIPANTS AND CONTRIBUTORS

Emre Aköz, columnist, Sabah daily

Murat Aksoy, columnist, Yeni Şafak daily

Emin Aktar, chairman, Diyarbakır Bar Association

Mustafa Akyol, columnist, Star daily

Ahmet Turan Ayhan, political analyst

Kemal Aytaç, İstanbul Bar Association member

Gültekin Avcı, jurist, writer

Mükrimine Avcı, İstanbul Bar Association member

Ergun Babahan, columnist, Star daily

Mehmet Baransu, correspondent, Taraf daily

Dicle Baştürk, correspondent, Taraf daily

Abdülhamit Bilici, columnist, Zaman daily

Orhan Kemal Cengiz, chairman, Human Rights Agenda Association

Ergin Cinmen, İstanbul Bar Association member

Fethiye Çetin, İstanbul Bar Association member

Murat Çiçek, Batman Bar Association member

Murat Dinçer, İzmir Bar Association member

Tahir Elçi, former deputy chairman, Diyarbakır Bar Association

Büşra Erdal, correspondent, Zaman daily

Kezban Hatemi, Legal Adviser of the Greek Orthodox Patriarchate

Şenol Kaluç, director, Alevi-Bektaşî Research Center, Association for Liberal Thinking.

Mustafa Karaalioğlu, editor-in-chief, Star daily

Lale Kemal, Ankara bureau representative, columnist, Taraf daily

Bülent Keneş, editor-in-chief, Today's Zaman

Ecevit Kılıç, editor, Habertürk TV

Mücteba Kılıç, Young Civilians member

Levent Korkut, chairman, Civil Society Development Center (STGM);

Emel Kurma, general coordinator, Helsinki Citizens' Assembly (HYD)

Günal Kurşun, secretary-general, Human Rights Agenda Association

Rasim Ozan Kütahyalı, columnist, Taraf daily
Etyen Mahçupyan, editor-in-chief, Agos weekly
Salih Memecan, president, Media Association
Faruk Mercan, journalist, writer
Turgay Oğur, spokesperson, Young Civilians
Yıldıray Oğur, managing editor, Taraf daily
İhsan Özbek, former president, The Alliance of Turkish Protestant Churches
Bekir Berat Özipek, academics, Istanbul Commerce University
Garo Paylan, Friends of Hrant member
Reşat Petek, former public prosecutor
Feray Salman, general coordinator, Human Rights Joint Platform (IHOP)
Chris Stephenson, academic, İstanbul Bilgi Üniversitesi
Mustafa Şentop, academic, Marmara University
Sezgin Tanrıku, former chairman, Diyarbakır Bar Association
Şamil Tayyar, columnist, Star daily
Türkan Uzun, Antikapitalist Publications
Halim Yılmaz, İstanbul Bar Association member
Mustafa Edib Yılmaz, correspondent, Today's Zaman
Şanar Yurtapan, musician, human rights advocate

YOUNG CIVILIANS (<http://www.gencsiviller.net>)

Young Civilians is a diverse band of young people who use humor and political satire to defend democracy and civil rights, influencing the public agenda through non-violent actions and protests. We started life as an e- group nine years ago and chose our name only in 2006, after a series of events that transpired following a statement we made in Parliament, on May 19, 2003, National Youth and Sports Day in Turkey, to emancipate associated festivities from the way they are celebrated in stadiums in a militarist and Soviet fashion.

In 2006 Cumhuriyet, a newspaper viewed as nationalist, ran a headline that read "Young Officers Uncomfortable," citing a number of issues with which the military was uncomfortable, including our May 19 campaign. Later, in 2006, we wrote an unprecedented text about the Kurdish issue titled "Young Civilians Uncomfortable." Since then, we have been referred to as the Young Civilians.

Address: Istiklal cad. Abdullah sok. Zafer Apartmanı No: 3 Daire: 7 Taksim/ Istanbul Turkey
Tel: 00 90 212 251 89 49 *Fax:* 00 90 212 310 46 76 *E-mail:* bilgi@gencsiviller.net

HUMAN RIGHTS AGENDA ASSOCIATION (<http://www.rightsagenda.org>)

The Human Rights Agenda Association (HRAA) was established in 2003 in İzmir with the participation of human rights defenders from various regions of Turkey in order to promote activities in the human rights field at the national and international level. Its main office is now in Ankara.

The HRAA accepts that human rights as a value is above all political ideologies and worldviews and believes that rights can only be improved by developing an approach to get to the very sources of issues and by using appropriate tactics and strategies for translating concrete proposals into real life. The HRAA categorically denounces all forms of violence, and while acknowledging that the state is the main agent of human rights violations, it objects equally to human rights violations committed by armed dissident groups. The HRAA, with its independent and impartial stance, will sensitize the public conscience towards human rights violations and will aim at developing a model for society with its approach to human rights violations, which pays no attention to the identity of the perpetrators or the victims of human rights violations.

Address: Güniz Sokak 38/8 06700 Kavaklıdere/Ankara -TURKEY
Tel: 0090 312 428 06 10-11 *Fax:* 0090 312 428 06 13 *E-mail:* posta@rightsagenda.org



NEREKON

Orhan Pamuk (Nobel laureate writer):

"What I can say about [the] Ergenekon [case] is that the issue has become politicized. Everyone wants the case to be politicized.

All I care about the Ergenekon case is its political aspect, regardless of the background by which it is nurtured, which could be republicanism, Atatürkism, political Islamism, liberalism, left-wing politics or conservatism.

On the one hand, there are murderers. I am convinced of that because they wanted to kill me too. It would be immoral to protect the murderers for political reasons.

And so would it be to protect them and to extenuate their guilt with various excuses.

A country where retired military officers, the mafia and gangs kill people and threaten them to keep silent would not be a moral country. I would have to say that protecting Ergenekon members and murderers is not moral at all."

Greek Orthodox Patriarch Bartholomew

"They wish to overthrow the government and dissolve the AK Party through provocations targeting us. What's our guilt? ... We believed a raid on a meeting of the Association of the Zoğrafyon High School Alumni about four years ago was aimed at intimidating us.

When the Cage plan was revealed, we thought the raid could have been part of that plan."

REALITY



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