

# Between Fact and Fantasy: Turkey's Ergenekon Investigation

Gareth H. Jenkins

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*Central Asia- Caucasus Institute*  
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## Preface

Contemporary Turkish politics is striking for many reasons, not least the fundamentally opposing and mutually exclusive narratives by which domestic as well as foreign observers describe its major fault lines. Hence the irreconcilable descriptions of the ruling Justice and Development Party (AKP) government, in power since 2002: its supporters describe it as a the Muslim world's equivalent of Christian Democracy, the political force that is ridding Turkey of its authoritarian past and making it a European democracy. Its detractors, however, accuse it of seeking to Islamicize the country's state and society, muzzling independent media and criticism, moving it in the direction of authoritarianism, and in the process driving Turkey away from Europe. Descriptions of the mainly nationalist opposition to the AKP are equally divided, ranging from seeing these forces as well-intentioned supporters of Turkey's secular republic to being authoritarian-minded, fascistoid groups that clamor for a return to military rule.

One issue that most observers of Turkish politics can agree on, however, is the murky nature of aspects of its recent history. For decades, the existence of shadowy networks with connections to state institutions has been common knowledge. These networks, known as the "deep state," have been known to do the state's "dirty work," such as targeting terrorist sympathizers with extra-judicial killings; but they have also been known to collude with organized crime and to undermine Turkish democracy. This cabal was epitomized by a massive scandal that erupted following a 1996 car crash outside the hamlet of Susurluk in Western Turkey, in which a high-level politician, a wanted criminal and a police chief were found to have been traveling together.

Such shady connections do not make Turkey unique. Indeed, among countries that come to mind is Italy, where the deep connections between the political elite and the mafia were gradually unearthed by the 1990s, not least by a meticulous official investigation process known as "clean hands" or

*Mani Pulite*. The launching by Turkish prosecutors of a far-reaching investigation into the “deep state” activities in 2007, therefore, seemed to present a historic opportunity to unearth the truth about the less flattering aspects of the country’s recent past. The investigation, soon dubbed “Ergenekon” after the alleged name of the network being investigated, appeared to provide a major chance for Turkey to take a major leap forward in its democratization process. The deep wounds of the past – felt especially by leftists, Kurds and pious Muslims, all of which had suffered at the hands of the state and its cronies – could now perhaps begin to be healed. As such, the Ergenekon investigation was widely welcomed both within Turkey and among its Western well-wishers.

The lack of trust in the judiciary’s independence and Turkey’s polarized political climate, however, made the investigation’s task delicate. From the outset, views of the investigation seemed to divide roughly into the categories described above: AKP supporters viewed it as the “cleaning of the century,” and urged prosecutors to leave no stone unturned; while the government’s detractors feared a politically motivated witch hunt of opponents of the AKP and, more broadly, the Islamic conservative camp. Much therefore rested on the prosecutors’ conduct – their following of due process, their respect for the rule of law, and their efforts to provide an evidence-based investigation.

Two years since its inception, the Ergenekon case has mushroomed beyond all expectations. In over a dozen predominantly pre-dawn raids, hundreds of suspects have been detained and/or questioned, and almost two hundred have been charged. Prosecutors have so far produced two indictments running a total of several thousand pages, and both a third and a fourth indictment are rumored to follow in coming months. But far from convincing its critics, the Ergenekon investigation has become ever more controversial. On the one hand, it has clearly uncovered information on wrongdoing on the part of some of the accused, and certainly on the prevalence of democratically questionable views among a section of the Turkish elite. But that said, the prosecution appears to have failed to live up to the high judicial standards that Turkey’s population were entitled to



expect, leading to serious doubts concerning the investigation's conduct, and ultimately, its motives.

Several factors have fed these concerns. Firstly, every pre-dawn raid appeared to net an increasingly unlikely batch of suspects. Gradually, a pattern emerged whereby prosecutors could show little or no evidence of any wrongdoing on the part of a substantial proportion of the suspects, many of whom appeared to have nothing in common except their political opposition to the AKP in particular and to Islamic conservatism in general. Secondly, as the investigation dragged on, concerns mounted regarding the length of time suspects spent in detention without being formally charged with any crime. Third, it gradually became clear that the case not only made claims that defied reason – such as implicating the supposed Ergenekon organization in every act of political violence in Turkey's modern history – but also that the investigation included deep inconsistencies and internal contradictions. Fourth, the systematic leaking of evidence from the investigation to the pro-AKP press, which appeared to serve the purpose of intimidating the opposition, had by mid-2008 become a serious concern that compromised the integrity of the investigation. In sum, at the time of writing, the Ergenekon investigation has led to a climate of fear spreading in the ranks of the substantial section of the Turkish population that is opposed to the AKP government and to Islamic conservatism.

In turn, the growing controversies surrounding the Ergenekon case are making it increasingly likely that it will form a missed opportunity for Turkey to effectuate the cleansing and healing process that is so necessary for the country to move forward in its democratization process. Indeed, if this opportunity is squandered, that would make the likelihood of any future reckoning with the crimes of the past ever more remote.

In view of the Ergenekon investigation's massive impact on, and far-reaching implications for Turkey's society and politics, it is all the more surprising that it has been subjected to so little analytical treatment. Indeed, studies of the case seldom go beyond newspaper-length articles that can at best highlight only limited aspects of the issue. This is in all likelihood a factor of the sensitive and infected nature of the case, as well as a result of the prohibitive size of the indictments, which has deterred even those scholars

that do have a command of the Turkish language from acquiring a serious enough knowledge of the case to speak authoritatively on the subject.

Yet that is exactly what Gareth Jenkins has done. A long-time and respected observer of Turkish politics and society, Jenkins is ideally placed to understand, as well as explain, the intricacies of the Ergenekon investigation. His published works to date include monographs both on the Turkish military and on Turkish political Islam, both key ingredients in the maze of relationships that make up the context of the Ergenekon investigation. Not standing at that, Jenkins is among the few to have studied both indictments in the case in detail. It was therefore natural for the Central Asia-Caucasus Institute & Silk Road Studies Program to commission Jenkins to conduct an in-depth analysis of the case. The result is the present paper, whose conclusions concerning the Ergenekon case should form essential reading for anyone seeking to understand contemporary Turkish politics. Those conclusions, however, are not encouraging. They suggest, in fact, that the prevailing Western view of the Ergenekon investigation as a step forward in Turkey's democratization process is misplaced. Indeed, they also imply that the Western tacit encouragement of the investigation – though diminishing in emphasis as concerns have mounted even there – should be tempered with a much more acute concern for the investigation's breaches of the rule of law and due process. Coupled with other developments of concern in Turkish affairs, not least the growing intimidation of independent media, the Ergenekon investigation is certainly worthy of much closer monitoring and analysis.

This study may constitute the first serious analysis of the Ergenekon case. However, that should not imply that this study aspires to be termed definitive. Indeed, given the substantial implications of the issue, it is to be hoped that the study will be followed by additional analyses from both legal and political perspectives, which are direly needed to help shed light on this very important aspect of modern Turkish life.

Svante E. Cornell  
Research Director

Central Asia-Caucasus Institute & Silk Road Studies Program Joint Center

## Executive Summary

Since it was first launched in June 2007 following the discovery of a crate of grenades in an Istanbul shantytown, what has become known as the Ergenekon case has become the largest and most controversial judicial investigation in recent Turkish history. Hundreds of suspects have been detained, mostly in multiple simultaneous dawn raids by members of the Counterterrorism Department of the Turkish National Police (TNP). By May 2009, 142 people had been formally charged with membership of the “Ergenekon armed terrorist organization” in two massive indictments totaling 2,455 and 1,909 pages respectively. In mid-June 2009, a third indictment containing charges against yet more alleged members of Ergenekon was expected to be announced later in the year. The trial currently appears likely to continue for several years.

The claims contained in the indictments are as ambitious as the scale of the investigation. According to the public prosecutors handling the case, Ergenekon is a vast organization which has penetrated virtually every aspect of Turkish life and is committed to destabilizing and eventually overthrowing the government of the Islamic conservative Justice and Development Party (AKP). They maintain that, in addition to carrying out terrorist attacks in its own right, Ergenekon is involved in extortion and narcotics trafficking and effectively controls not only the Turkish underworld but virtually every militant group that has committed an act of violence in Turkey over the last 20 years – from the Kurdish separatist Kurdistan Workers’ Party (PKK) through the Marxist Revolutionary People’s Liberation Party – Front (DHKP-C) to numerous violent Islamist groups and organizations.

The case has divided the Turkish population. To some – particularly Kurdish nationalists, supporters of the AKP and some leftists – the Ergenekon

investigation represents the “cleansing of the century”;<sup>1</sup> an opportunity for the country finally to eradicate what Turks refer to as the *derin devlet*, or “deep state”, a shadowy network with its roots in the Turkish military which has long been alleged to have been manipulating the political process and conducting covert operations – including “false flag” terrorist attacks – against perceived enemies of the Turkish state.

To its detractors – who are mostly opponents of the AKP – the Ergenekon investigation is politically motivated; the alleged organization itself a deliberate fabrication by government sympathizers in an attempt to try to discredit and disable secularist opposition to the AKP and clear the way for what they have long suspected are its long-term goals of establishing first a more Islamic society and eventually an Islamic state.

In reality, both characterizations are misleading, albeit to differing degrees. There is evidence to suggest that some – but only some – of the defendants named in the indictments have been engaged in illegal activity and that others – again far from all – hold eccentric or distasteful political opinions and worldviews. There is also evidence to suggest that, particularly in the years immediately after the AKP first came to power in November 2002, some members of the Turkish military high command were frustrated by the failure of the then Chief of the Turkish General Staff (TGS), General Hilmi Özkök, to be more assertive in his dealings with the government. A few are known to have contemplated forcing both Özkök and the AKP from office, although they were prevented from attempting to do either by their failure to enlist the support of their colleagues; the majority of whom argued that the circumstances merited neither the removal of Özkök nor what would effectively have been a coup against an elected government. Similarly, even though it is generally poorly understood and its influence has declined considerably since the late 1990s, the Deep State is a reality of recent Turkish history, and a handful of those who have been indicted are known to be former Deep State operatives.

However, whether among those formally indicted as part of the Ergenekon investigation or those detained in the police raids and subsequently released without charge, many appear to have been guilty of nothing more than

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<sup>1</sup> Taraf newspaper, July 26, 2008.

opposition to the AKP. In fact, there is no proof that the Ergenekon organization as described in the indictments exists or has ever existed. Indeed, the indictments are so full of contradictions, rumors, speculation, misinformation, illogicalities, absurdities and untruths that they are not even internally consistent or coherent.<sup>2</sup>

This is not to say that the Ergenekon investigation is simply a politically motivated fabrication. There is no reason to doubt that most of those involved in prosecuting the case sincerely believe in the organization's existence and are unable or unwilling to see the contradictions and irrationalities that are endemic in the indictments.<sup>3</sup> The indictments themselves appear to be the products of "projective" rather than deductive reasoning, working backwards from the premise that the organization exists to weave unrelated individuals, statements and acts into a single massive conspiracy. The more elusive the concrete evidence for Ergenekon's existence is, the more desperate the attempts to discover it become. Rather than convincing the investigators that what they are looking for does not exist, this elusiveness appears merely to make the organization more fearsome and powerful in their minds; and further fuel their desperation to uncover and eradicate it.<sup>4</sup>

A predilection for conspiracy theories is nothing new in Turkey and can be found across the political spectrum. Both a large proportion of AKP supporters and many of those in law enforcement genuinely believe that a malicious conspiratorial cabal – which most associate with the Deep State – has been not only manipulating the political process but supporting or guiding a large proportion of the political violence in the country. Amongst AKP supporters, attention tends to focus particularly on violence carried out in the name of Islam; where their sincere horror at the carnage that is sometimes perpetrated in the name of their religion has created a culture of denial, and a refusal to believe that their fellow Muslims could be responsible.

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<sup>2</sup> Examples of these contradictions and absurdities are given later in this paper.

<sup>3</sup> Author's interviews with members of the Turkish National Police, April-May 2009.

<sup>4</sup> Some appear convinced that, unless they destroy it soon, they will be added to its list of victims. Author's interviews with sources close to the investigation.

However, some of the inconsistencies in the evidence presented to the court have led to accusations that the investigators have amended material to try to reinforce the charges against the defendants. Such accusations have been dismissed as unfounded by those involved in the investigation. But it is difficult to be as dismissive about the frequency with which material – particularly the transcripts of what appear to be recordings of telephone calls involving either the defendants or critics of the investigation – has appeared in pro-AKP media outlets and websites. In most cases, the victims of the apparent wiretaps have claimed that, although substantially accurate, the recordings and transcripts have been doctored to try to incriminate or discredit them. Government officials have dismissed suggestions that the transcripts are based on wiretaps by AKP sympathizers in the TNP, claiming that the equipment required to tap telephone calls is freely available on the black market.<sup>5</sup> While that may be the case, it does not explain why it is only critics and opponents of the AKP who have had their telephones tapped and purported transcripts of their conversations published in the media. Nor does it explain the failure of the law enforcement authorities to investigate the apparent wiretaps. Under Turkish law, tapping a telephone without judicial approval is a crime, as is publishing the transcript of a wiretap.

The law enforcement authorities have also displayed a marked reluctance to pursue other accusations of wrongdoing against those associated with the AKP. Even after a German court ruled in September 2008 that close associates of leading members of the AKP in Turkey had been involved in the embezzlement of at least €16.9 million in donations to the Deniz Feneri e.V. Islamic charity. When members of the Doğan Group, Turkey's largest media holding, reported details of the German court's findings, Prime Minister Recep Tayyip Erdoğan instructed party supporters not to buy the group's newspapers. On February 19, 2009, the tax authorities abruptly fined the Doğan Group TL 826 million (approximately \$525 million) for alleged tax irregularities; charges which the group has resolutely denied. On April 13, 2009, one of the Doğan Group's executives was detained overnight on suspicion of links to Ergenekon. On April 21, 2009, all of the companies in the

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<sup>5</sup> Author's conversations with AKP officials, May 2008, February 2009.

Doğan Group were banned from bidding for state tenders for a period of one year.

This context has inevitably reinforced suspicions that the Ergenekon investigation cannot be explained solely by the investigators' penchant for conspiracy theories. Significantly, despite its proponents' claims that it represents a final reckoning with the some of the darker pages in recent Turkish history, the Ergenekon investigation has made little attempt to investigate the numerous well-documented accusations of abuses by Deep State operatives during its heyday in the 1990s. Indeed, the fear is that it represents a major step not – as its proponents maintain – towards the consolidation of pluralistic democracy in Turkey, but towards an authoritarian one-party state.

## The Turkish Context

### The Deep State

The modern Turkish Deep State has its origins in NATO's attempts during the early years of the Cold War to create clandestine "stay-behind" forces in member states. These forces would then form the foundations for a resistance movement in the event of an invasion and occupation by the forces of the Warsaw Pact. Often referred to as "Gladio" organizations, after the force which was created in Italy and was the first to be publicly acknowledged, most were established in the 1950s and remained one of NATO's most closely guarded secrets through to the end of the Cold War.

Turkey joined NATO on April 4, 1952. The Turkish "stay behind" force was based on what became known as the *Özel Harp Dairesi* (Special Warfare Unit or ÖHD). The ÖHD was formally founded by a September 27, 1952, decision of the *Milli Savunma Yüksek Kurulu* (Supreme Council for National Defense or MSYK)<sup>6</sup> although it did not become operational until 1953.

The ÖHD was originally called the *Seferberlik Tetkik Kurulu* (Mobilization Inspection Board or STK), to give the impression that it was related to civil defense. The STK was based in a rented building in the Kızılay neighborhood of Ankara. A sign outside described the building as belonging to the Turkish Ministry of National Defense (MSB). In reality, the STK came under the umbrella of the Turkish General Staff (TGS). The STK was renamed the *Özel Harp Dairesi* in the mid-1960s. In the early 1990s, following the collapse of the Soviet Union, its name was changed again to the *Özel Kuvvetler Komutanlığı* (Special Forces Command) and the focus of its training shifted from covert warfare to counter-insurgency operations.

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<sup>6</sup> The MSYK was the forerunner of the powerful Milli Güvenlik Kurulu (National Security Council or MGK), which was established after the 1960 military coup in Turkey.



The original goal of the ÖHD was to create the nucleus for resistance to Warsaw Pact forces in the event of an invasion or occupation of Turkey. Selected members of the Turkish officer corps were seconded for specialized training in intelligence-gathering, tradecraft, sabotage, assassination, propaganda and other covert activities designed to destabilize a hostile regime. The primary purpose was to equip ÖHD-trained officers with the skills and capabilities to be able to seed resistance to a hostile regime amongst the rest of the population. Although ÖHD officers were trained to cooperate with each other, one of their most important skills was the ability to create and control their own cell networks, which would be recruited from other elements in the population. These networks would be mostly small and apply strict internal security in order to minimize the damage if individual members were captured by the hostile regime; such as only one member of a cell being either in contact with or aware of the identity of any other member of the organization outside his/her own cell. Although ÖHD-trained officers would cooperate and, where possible, coordinate their activities, the aim was to have multiple points of resistance – in the form of groups and networks – rather than a single, centrally-controlled, hierarchical organization.

The principle of secrecy was also applied inside the armed forces. For example, when officers were selected for ÖHD training, their unit commanders were told only that they had been temporarily seconded to other duties.<sup>7</sup> After they had completed their training, the officers returned to their units to resume a standard career path and work their way up through the military hierarchy. In theory at least, they were expected never to reveal to their colleagues either that that had received ÖHD training or that they were now performing a dual function: namely, combining the roles and responsibilities of a conventional member of the Turkish Armed Forces with those of the ÖHD.

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<sup>7</sup> “Early in my career, one of the officers in my unit came to me and said that he had been seconded to temporary duties elsewhere but he avoided giving any details. I was curious. I had him followed and discovered that he was going every day to the ÖHD. When he eventually returned to the unit, I told him that I knew he had been to the ÖHD. He denied it. Later, I mentioned it to him again several times but each time he very respectfully told me that I must be mistaken.” Author’s interview with a former commander of the Turkish Land Forces, Istanbul, September 1999.

The creation of the ÖHD was a NATO initiative. Similar forces were established in most Western European countries. However, in the Turkish Armed Forces, the formation of a clandestine organization was regarded not so much as serving the interests of an international alliance but as a continuation of an indigenous tradition stretching back to the late 19<sup>th</sup> century.

The modern Turkish Republic was founded in 1923 from the ruins of the Ottoman Empire by Mustafa Kemal Atatürk (1881-1938). Although it was undoubtedly shaped by Atatürk's personality and worldview, the new republic was built on the ideological foundations laid by the regime of the *İttihat ve Terakki Cemiyeti* (Committee for Union and Progress or İTC), which seized power from Sultan Abdülhamit II in 1908. The agitation preceding the İTC's seizure of power was led by clandestine organizations with their roots in the Ottoman military.

By the early 20<sup>th</sup> century, non-Muslims dominated the Ottoman business community. In 1913, the İTC created what later became known as the *Teşkilât-ı Mahsusa*, or "Special Organization". Initially, the *Teşkilât-ı Mahsusa* was used to terrorize Greek and Armenian businesses, particularly along the Aegean coast, in a largely successful attempt to force them to flee and create the space for the emergence of a new class of Muslim entrepreneurs. Towards the end of World War One, as it became clear that the Ottoman Empire was going to be defeated and probably occupied and dismembered, the *Teşkilât-ı Mahsusa* was ordered to start stockpiling arms and ammunition and begin establishing a network of local guerilla units throughout Anatolia. In November 1918, the İTC also started forming "societies for the defense of rights", which were designed to serve as focal points for resistance to the expected military occupation by the victorious Allies. The İTC had also created another clandestine organization called *Karakol Cemiyeti*, or "Guard Association". Following the Ottoman surrender, the *Karakol Cemiyeti* played a key role in smuggling Ottoman officers out of cities such as Istanbul, which were now occupied by the Allies, to join the nascent resistance movement in Anatolia.

It was these clandestine networks which provided the raw material which was then molded into an effective fighting force by Atatürk; defeating

Armenian irregulars in the east and an invading Greek army in the west and eventually forcing the Allied occupation forces to evacuate Anatolia in what Turks today refer to as their War of Independence. As a result, the military personnel trained in the ÖHD and those recruited to the networks they established tended to regard themselves as joining not a sinister conspiracy but a noble patriotic tradition.

Through the 1950s and 1960s, ÖHD-trained officers built up networks – including recruiting assets from outside the Turkish military – and secreted arms caches throughout Turkey in preparation for a possible Warsaw Pact invasion. Members of the networks also cultivated other contacts, either for intelligence gathering or because of their influence in the bureaucracy or a local community. Some of these contacts were conscious that they were dealing with a chain of acquaintance with its roots in the military; others were not.

In addition to preparing for a possible Warsaw Pact invasion, ÖHD-trained officers also appear to have played an important role in the foundation in 1957 of the Turkish Cypriot *Türk Mukavemet Teşkilatı* (Turkish Resistance Organization or TMT) in what was then the British colony of Cyprus. TMT was established in response to the violent campaign by the Greek Cypriot militant group EOKA (National Organization of Cypriot Fighters) to drive out the British and unite the island with Greece. Turkey continued to finance, train and supply TMT from when Cyprus declared its independence in 1960 through to the Turkish invasion and occupation of the northern third of the island in 1974. In addition to providing training, Turkish ÖHD officers are believed to have been involved in the clandestine shipment of weapons and equipment from the Turkish mainland to Cyprus in the years preceding the 1974 invasion and to have conducted intelligence-gathering operations on the island.<sup>8</sup>

Until the early 1970s, most of the financing for the ÖHD's activities appears to have come from the U.S.; and very few people in Turkey were even aware of the ÖHD's existence. Former Prime Minister Bülent Ecevit (1925-2006) later claimed that the first time he heard of the ÖHD was shortly after he

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<sup>8</sup> Author's interviews with former members of TMT, northern Cyprus, 1996-1999.

became prime minister in January 1974, when he was approached by a member of the TGS and asked to approve a budget allocation for the ÖHD because the U.S. had recently stopped funding it.<sup>9</sup>

It is unclear to what extent ÖHD-trained officers and the networks they had established were involved in the factional violence between leftists and rightists in Turkey during the 1970s, which culminated in the military coup of 1980. There is no doubt that a significant proportion regarded Turkey's indigenous leftist movement as a threat both to Atatürk's ideological legacy of Kemalism and to national sovereignty. In fact, many do not appear to have distinguished between Turkish leftists and the danger posed by the forces of the Warsaw Pact; and to have regarded the former as effectively an advance guard of the latter.

There is certainly evidence to suggest that members of the networks established by the ÖHD cooperated and colluded with Turkish ultranationalist groups and organizations against the leftists; and it is likely that some were actively involved in the violence. However, the claims by some leftists that ÖHD-trained officers and their networks were coordinating or controlling anti-leftist violence are an over-simplification; not least because there were numerous other rightist sympathizers in the state apparatus, including the security forces, who were unconnected with the ÖHD networks.

Nevertheless, even if its precise extent is unclear, the involvement of the ÖHD networks in the factional violence of the 1970s did exhibit what were to remain the defining characteristics of Deep State activity over the following decades; namely, not a highly centralized and tightly controlled campaign directed by a cabal of senior figures but a culture of immunity in which individuals and small groups were able to operate with almost complete autonomy against targets they knew others in the ÖHD-created networks regarded as enemies of the Turkish state – and could be confident that a combination of tradecraft and connections to influential figures in the apparatus of state would ensure that they were never prosecuted.

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<sup>9</sup> Ecevit in an interview with *Milliyet* newspaper, November 28, 1990.

The military coup of 1980 suppressed the factional violence and was followed by several years of repressive military rule. However, in 1984, the Partiya Karkaren Kurdistan (Kurdistan Workers' Party or PKK) launched a rural insurgency in the predominantly Kurdish southeast of the country with the aim of eventually creating an independent Kurdish Marxist state.<sup>10</sup> By the late 1980s, the organization effectively controlled large swathes of the countryside in southeastern Turkey after dark and was beginning to strengthen its infrastructure in urban areas, consolidating its support base through NGOs and pro-PKK journalists and publications. In addition to donations from sympathizers inside Turkey and fund-raising activities amongst the Kurdish diaspora in Europe, the PKK also extorted money from businesses in southeast Turkey and levied tithes on criminal activities, such as the trafficking of narcotics, particularly heroin, through Turkey to markets in Europe.

The Turkish state responded by targeting PKK sympathizers. ÖHD-trained officers began expanding their networks to recruit anyone they believed would be useful, including ultranationalist members of the Turkish underworld and former PKK militants known in Turkish as *itirağçılar* or “confessors”. The result was a proliferation of gangs and groups, mostly operating in south-east Turkey but including some which were active in western metropolitan areas with large Kurdish populations, such as Istanbul. As had been in the case in the 1970s, what was soon being referred to as the Deep State was characterized by a culture of immunity rather than a hierarchical, centrally-controlled organization. Some of the ultranationalists and “confessors” were recruited to elements in the security apparatus, particularly Gendarmerie Intelligence (*Jandarma İstibbarat ve Terörle Mücadele* or JİTEM); others formed virtually autonomous gangs which were supplied with funding and weapons by individuals linked to the security forces. Through the late 1980s and early 1990s, hundreds – and maybe thousands<sup>11</sup> – of suspected PKK members and sympathizers were assassinated; some by

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<sup>10</sup> The PKK has since downplayed both Marxism and its demands for independence in favor of calls for greater Kurdish cultural and political rights within a unitary state.

<sup>11</sup> PKK sympathizers often quote a figure of 17,000 extrajudicial executions, although this is almost certainly an exaggeration. Author's interviews with PKK sympathizers, Van, August 2008.

elements within the security apparatus, others by gangs with only the most tenuous links to a serving state official. PKK supporters also accused the gangs of conducting “false flag” operations, such as staging attacks in which civilians were killed and then attributing responsibility to the PKK.<sup>12</sup>

Some of the groups and gangs were created and run by ÖHD-trained officers and their networks. Many others were not. However, in virtually every case, they could all be confident of immunity from prosecution not only for human rights abuses and extrajudicial executions of PKK members and sympathizers but also for any other criminal activity.<sup>13</sup> As a result, some of the gangs became involved in narcotics trafficking, protection rackets and the fixing of state contracts. Others took advantage of the culture of immunity to try to settle old scores. For example, some members of the pro-state militia known as “Village Guards”, which were recruited from the rural population in southeastern Turkey, are known to have killed members of rival families and then claimed that the victims were PKK members. There were also examples of criminal gangs with no connection with any branch of the apparatus of state extorting protection money by claiming to be members of the Deep State.

Initially at least, the Turkish authorities also chose to extend judicial immunity to members of other radical organizations which opposed the PKK. The most notorious example involves the militant Islamist İlim group, which is now usually referred to as the “Turkish Hizbullah”.<sup>14</sup> Although it had not yet engaged in violence, through the late 1980s and early 1990s, Hizbullah rapidly grew in strength in southeastern Turkey, recruiting mainly from ethnic Kurds. The PKK began to view Hizbullah as a rival; particularly because it was strongest in urban areas, where the PKK was still comparatively weak. Starting in May 1991, the PKK started targeting Hizbullah, culminating in June 1992 in the massacre of 11 of the organization’s members in the village of Yolaç, in Diyarbakır province.

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<sup>12</sup> It is possible that some of the accusations were true, although the PKK also has a proven record of attempting to intimidate the local populace by killing civilians.

<sup>13</sup> In some cases the victims of the extrajudicial executions disappeared, in others they were assassinated in public places and the identities of their killers were well known. Author’s interviews with relatives of the slain, southeast Turkey, 1992-1996.

<sup>14</sup> The group has no connection with the Lebanese organization of the same name.

Hizbullah retaliated and the two organizations soon became engaged in a war within a war. Eventually, Hizbullah triumphed and the PKK was forced to abandon its plans to establish a strong organizational presence in urban areas. Both the PKK and many non-violent Turkish Islamists have long claimed that Hizbullah was created and controlled by the Deep State. This is misleading. However, there is evidence to suggest that, in the early 1990s, there was a measure of low-level collusion between some Hizbullah members and state officials; not least because the latter had little inclination to attempt to apprehend anyone believed to be responsible for assassinating PKK sympathizers. But members of the Turkish security forces active in the region at the time insist that, far from creating or controlling Hizbullah, at the time they knew almost nothing about it as an organization; and that it was only in the late 1990s, when they seized its archives in a raid on a safe house in the southeastern town of Mardin, that they first became aware of how large and sophisticated it had become.<sup>15</sup>

By the mid-1990s, many ÖHD-trained officers had begun to shift their attention to the perceived threat to the secular state posed by Turkey's increasingly powerful non-violent Islamist movement. Some even approached former leftists who had been involved in the factional violence of the 1970s and encouraged them to cooperate in combating the perceived new threat of radical Islam. Some accepted, others declined.<sup>16</sup> However, unlike in the war against the PKK, the methods used to try to counter the Islamist movement were non-violent; and mostly involved intelligence-gathering, using networks of contacts to try to pressure elements in the bureaucratic and political apparatus into clamping down on Islamist activity and encouraging the media to manipulate the news agenda in a manner unfavorable to Islamist organizations and political parties.

The perceived increase in the danger from political Islam coincided with a decline in the security threat posed by the PKK. Although it had still not been eradicated, by the mid-1990s the PKK was in military retreat. The

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<sup>15</sup> Author's interviews. Istanbul, August 1998 and May 1999. The Hizbullah archives also revealed the lengths to which the organization went to try to prevent penetration by the security forces.

<sup>16</sup> Author's interviews with former leftists, Istanbul and Ankara, April 1996 and June 1997.

security forces had reasserted control over the lowlands in southeastern Turkey and increasingly restricted PKK violence to more isolated mountainous areas.<sup>17</sup> The waning power of the PKK resulted in many of the groups and gangs created to combat the organization either breaking up or turning exclusively to criminal activities. There were even turf wars, including killings, as rival groups battled each other over sources of revenue.

The broader environment in which the Deep State operated had also changed. The Cold War was officially over. Although ÖHD-trained officers continued to work their way up through the military hierarchy, the ÖHD itself had been renamed and restructured to train special forces in counter-insurgency warfare. There had also been a shift in public attitudes. Not only was it no longer possible to deny the existence of the Deep State but, in the public perception, it had become irredeemably associated not with preparations for patriotic resistance to an occupying foreign power but the brutality, criminality and murderous self-interest that had come to characterize the worst of the gangs which terrorized southeastern Turkey during the early 1990s.

For most Turks, the turning point occurred on the evening of 3 November 1996, when a truck pulled out of a gas station outside the town of Susurluk in western Turkey into the path of a Mercedes speeding back to Istanbul. Three of the occupants of the Mercedes were killed immediately and the fourth seriously injured. The deceased were: Hüseyin Kocadağ, the former deputy head of the Istanbul police; Abdullah Çatlı, a wanted ultranationalist hitman who was carrying false identity papers issued by state officials; and Gonca Us, a former beauty queen and Çatlı's mistress. The surviving occupant of the Mercedes was Sedat Edip Bucak, a Kurdish clan leader and member of parliament from the ruling True Path Party (DYP). When the police arrived to investigate what they had originally assumed was merely a traffic accident, they found five handguns, two Heckler & Koch MP5 sub-machine guns and a large quantity of ammunition in the trunk of the Mercedes. Bucak later claimed that the weapons were for personal protection. But this did not explain why the trunk also contained a silencer for one of the handguns.

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<sup>17</sup> PKK leader Abdullah Öcalan was eventually captured in February 1999 and in August 1999 announced a unilateral cessation of all offensive military operations.



More revelations swiftly followed. On November 8, 1996, Interior Minister Mehmet Ağar resigned amid allegations of active involvement in the recruitment and protection of criminal elements to carry out extrajudicial executions. In January 1997, in response to intense public pressure, the government formed a Parliamentary Commission of Inquiry to investigate what swiftly became known simply as “Susurluk”. By the time the commission presented its report to parliament on April, 3, 1997, the Istanbul Public Prosecutor had already initiated judicial proceedings. On March 6, 1997, in a 42-page indictment, 11 defendants, most of them serving or former members of the security forces, were formally charged with “forming an armed organization for criminal purposes”. The first hearing in the case was held on June 2, 1997.

But both the parliamentary and judicial inquiries faced difficulties. Not only the accused, but also a large proportion of the witnesses called to give evidence – many of them state officials – were uncooperative. For example, Bucak claimed that the accident had obliterated any memory he may once have had of why he had been travelling in the same car as Çatlı.

After he became prime minister in June 1997, Mesut Yılmaz of the Motherland Party (ANAP) ordered a trusted bureaucrat, Kutlu Savaş, to initiate a new investigation into “Susurluk”. Savaş made his report public on January 23, 1998. But Savaş’s inquiry fared little better than its predecessors. All three reports uncovered material which appeared to suggest the involvement of state-sponsored gangs in torture, extrajudicial executions, kidnappings, heroin trafficking, extortion and money laundering. Yet the lack of cooperation from other elements in the apparatus of state, particularly the security and intelligence services, made it very difficult to prove anything. By the time of the first anniversary of the accident at Susurluk, all of those indicted by the Istanbul Public Prosecutor in March 1997 had been released for lack of evidence. Although a few of those implicated by the inquiries did serve very brief jail terms as the result of subsequent prosecutions, the vast majority were never even charged.

Nevertheless, for most Turks, Susurluk became synonymous with the “Deep State”; and, by forcing the various groups and gangs onto the defensive, the scandal accelerated the decline in their influence. Some of the networks

disintegrated as their leaders died or retired. Others turned full-time to organized crime. Those that remained active focused primarily on intelligence gathering, particularly against the Turkish Islamist movement.

In addition to showing the Deep State at its most degenerate, Susurluk also demonstrated how disparate and anarchic it had become. There was no central control. Indeed, by the early 1990s, it would probably be more accurate to talk of the Deep State in the plural. The original networks based on ÖHD-trained officers had been supplemented by so many gangs and groups created by individuals and elements in other branches of the apparatus of state that immunity from prosecution was virtually all that they shared.

But, for many Turks, Susurluk also transformed the Deep State from a whispered suspicion to a revealed reality. It was a gift to conspiracy theorists. Even if it had actually demonstrated that reality was more chaotically complex, Susurluk was widely regarded as proof that events really were not what they always seemed but were being cunningly shaped by nefarious clandestine conspiracies.

### **Conspiracies in Search of Conspirators**

Turkey has long been awash with conspiracy theories, which range from the hypothetically plausible to those which are as febrile in their complexity as they are absurd in their irrationality. In common with other societies in which such theories are widespread, they appear the product not so much of a careful analysis of known facts but of a psychological need; including a response to feelings of impotence and a search for reassurance through finding meaning in what otherwise appears to be the unpredictable randomness of many historical and current events.

In Turkey, such tendencies have traditionally been reinforced by the disparity between the country's international status and level of development and the supremacist sentiments embedded in the worldviews on both sides of the Islamist/secularist divide: a vigorous nostalgia for a sanitized vision of a glorious Ottoman past amongst Islamists; and the collective self-aggrandizement which underpins Kemalist nationalism. The difference between these self-images and reality is often explained by citing improbably

vast conspiracies either by non-state actors (such as a fictitious cabal of Jews and Freemasons or real, if poorly understood, secretive international organizations such as the Bilderberg Group), European states or, more recently, the United States. For example, many Turks genuinely believe that the PKK is being supported by the U.S. and/or European countries as part of a strategy of trying to destabilize, weaken and divide Turkey in order to prevent it from assuming its natural role as a regional and/or global superpower. Indeed, Ministry of Education history textbooks effectively inculcate such xenophobic suspicions from an early age by teaching schoolchildren that foreign powers have always sought to divide and destabilize Turkey and that the abortive 1920 Treaty of Sèvres – which did genuinely attempt to dismember the rump of the Ottoman Empire following its defeat in World War One – represents the underlying strategy of the West towards the country even today.

The result has been to create an environment in which much is believed but little is trusted. Conspiracy theories pervade the pages of most of Turkey's notoriously unreliable press, while bookstores invariably contain numerous volumes devoted to detailing the various nefarious plots to divide and control the country or rob it of its wealth. Typical is *Komplo Teorileri: Aynanın Arkası'nda Kalan Gerçekler* (Conspiracy Theories: The Realities That Remain Behind The Mirror), by Erol Mütercimler, a former naval officer turned television host.<sup>18</sup> First published in 2004, by June 2009, Mütercimler's 559-page book was in its 11<sup>th</sup> edition. It details 73 different conspiracies, ranging from foreign intelligence agencies using mind control drugs and techniques to force Turks to conduct terrorist attacks against their compatriots to claims that the 2003 U.S.-led invasion of Iraq and its likely forthcoming war against Iran were merely preparations for the seizure of Turkey's boron mines.

For Turkey's Islamists, the search for scapegoats has also sometimes extended to natural disasters. For example, after the southeast Asian tsunami of December 26, 2004, the U.S. Embassy in Ankara was forced to issue a public statement refuting reports in the daily newspaper *Yeni Şafak*, which is very close to the ruling AKP, that the initial earthquake had been caused by a

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<sup>18</sup> Erol Mütercimler, *Komplo Teorileri: Aynanın Arkası'nda Kalan Gerçekler* (Istanbul: Alfa Basım Yayın Dağıtım, 2004).

U.S. underground explosion in order to generate a tsunami and kill as many Muslims as possible.

The rise in Islamist violence both inside and outside Turkey over the last 20 years has added a new dimension to the conspiracy theories. The vast majority of pious Turks are genuinely appalled by the atrocities that are sometimes committed in the name of their religion and have sought to distance Islam from it by seeking to blame it on “false flag” operations by clandestine forces; whether to discredit Islam, provoke Muslims to violence or create a pretext for operations such as the U.S.-led military interventions in Afghanistan in 2001 and Iraq in 2003. In common with some non-Muslim conspiracy theorists, many Turkish Islamists still refuse to believe that the attacks on the U.S. on September 11, 2001 were carried out by Al Qaeda. For example, on the sixth anniversary of the attacks, Ali Bulaç, one of the Turkish Islamist movement’s most prominent ideologues, wrote: “New pieces of information keep surfacing about this act of terrorism. These pieces, each of which is surprising, tell us that the event in question is not ordinary at all and that it was organized and perpetrated as an abstruse and ‘deep’ operation. It will never be clear who carried out the September 11 attacks. Therefore, it is more beneficial to dwell on the results rather than on the detective side of the incident.”<sup>19</sup>

Even more problematic has been Islamist violence inside Turkey, particularly for the followers of the exiled preacher Fethullah Gülen (born 1941), who has been living in exile in the U.S. since 1999. Gülen’s teachings combine social conservatism with strong elements of Ottoman nostalgia and Turkish nationalism. He has consistently denounced violence in the name of religion and called for dialogue rather than conflict with members of other faiths. His followers often maintain that “Turkish Islam” is a paradigm of tolerance and social harmony which other Muslims should attempt to emulate; a claim which is difficult to reconcile with indigenous Islamist violence. As a result, Gülen and his followers are particularly prone to conspiracy theories. Gülen’s repeated condemnations of violence take place in the context of a culture of denial, where almost every act of Islamist terrorism in Turkey is attributed to the machinations of dark forces seeking

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<sup>19</sup> Ali Bulaç, writing in *Today’s Zaman*, 11 September 2007.

either to discredit Islam or destabilize the country. In recent years, these have ranged from claims by *Zaman*, the Gülen movement's flagship daily newspaper, that the Turkish Hizbullah was under the influence of the country's tiny and already much persecuted Yezidi religious minority<sup>20</sup> to the instinctive characterization by Gülen himself of the brutal murder of three Christian missionaries by Islamist youths in the southeastern town of Malatya on April 18, 2007 as a "provocation" by unnamed forces seeking to destabilize Turkey.<sup>21</sup>

The influence now exerted by the Gülen movement means that such claims can easily take root in a country already highly susceptible to conspiracy theories. Nor are such susceptibilities confined to the general public. Before the Al Qaeda suicide bombings in Istanbul in November 2003, which killed 63 people and injured over 750 more,<sup>22</sup> few members of the counterterrorism department in the Turkish police took the threat from Al Qaeda seriously. The main reason was that most believed the conspiracy theories surrounding the September 11, 2001 attacks on the U.S. and would not accept that they were carried out by Al Qaeda. It was only when they were presented with irrefutable evidence of its ability to carry out attacks in Turkey that they finally began to devote resources to monitoring and counteracting Al-Qaeda activity in Turkey.<sup>23</sup>

### **Turkey's Politicized Bureaucracy**

The Turkish bureaucracy is highly politicized at both the local and national level. Whenever a new party comes to power it rewards its supporters by giving them jobs or, for those already employed in the bureaucracy, it puts them on a promotional fast-track in a process known in Turkish as

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<sup>20</sup> Faruk Arslan and Sadullah Özcan, "Vahşette Yezidi Parmağı," *Zaman*, February 10, 2000.

<sup>21</sup> *Zaman*, April, 22, 2007.

<sup>22</sup> On November 15, 2003, trucks loaded with explosives and driven by Turkish suicide bombers were detonated outside two Istanbul synagogues. On November 20, 2003, there were similar suicide truck bomb attacks on the UK Consulate General in Istanbul and the local headquarters of the HSBC bank. The plot was led by Turks who had been trained in Afghanistan by Al Qaeda, which also provided most of the funding for the attacks.

<sup>23</sup> Author's interviews with members of the TNP Counterterrorism Department, Istanbul, April 2008.

*kadrolaşma* or “cadrelization”. But, particularly at the national level, it can take several years for a party to be able to assert its complete control over a particular institution, such as a government ministry.

A new government minister can appoint trusted supporters to the higher echelons of the ministry – usually as ministerial advisors – and ensure that the new influx of entry level recruits to the ministry includes a large proportion of party loyalists, relatives and acquaintances. But replacing those already employed in the other tiers of the hierarchy can be problematic and time-consuming. Under Turkish law, it is extremely difficult to dismiss a civil servant; not least because, even when a civil servant is dismissed, s/he can appeal to the courts for reinstatement and be relatively confident of winning. As a result, the main methods of tightening political control over a state institution are duplication – in which the number of people at a particular level is increased but only a chosen few are given any real responsibilities<sup>24</sup> – and transfers, which are also often used as a disciplinary measure. In the case of institutions with offices nationwide, this can mean transfers not just to other posts but to other towns and cities. Faced with the prospect of uprooting their families and relocating to a remote corner of the country, some simply resign from the civil service.

However, such measures take time. Existing posts need to fall vacant or new ones be created. Consequently, particularly in the immediate aftermath of a change of government, civil servants who are haunted by the specter of a transfer will often attempt to ingratiate themselves with those in authority over them. For example, after both the Islamist Welfare Party (RP) came to power in June 1996 and the AKP took office in November 2002, there was a marked increase in the attendance at Friday prayers in mosques close to government offices as civil servants sought to prove their piety to what they regarded as parties with a strong religious identity. In addition to trying to ingratiate themselves with those in authority, civil servants will also often try to avoid antagonizing those whom they regard as having influence with

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<sup>24</sup> The others often become what are colloquially referred to as “ATM civil servants”. Without any work to do, many simply stop going to their offices and virtually their only contact with the ministry is when they withdraw their monthly salary from an ATM.

their superiors; whether because of personal acquaintance, blood ties, or political affiliation.

Hard-line secularists feared that, following its victory in the November 2002 general election, the AKP would immediately attempt to flood the apparatus of state with Islamists. In fact, although its choice of candidates for bureaucratic posts did suggest that strong religious convictions were a prerequisite, overall the AKP proceeded relatively slowly. One of the main reasons was that, under Turkish law, high level bureaucratic appointments require ratification by the president. During the AKP's first term in power, the president was Ahmet Necdet Sezer, who had only begun his seven-year term in May 2002. Sezer was a staunch secularist and had no hesitation in blocking hundreds of the AKP's bureaucratic appointments. The AKP also knew that, even if General Hilmi Özkök (Chief of the TGS from August 2002 to August 2006) was less concerned by the AKP than many of his colleagues, the Turkish military as a whole remained deeply skeptical of the party's protestations of commitment to secularism. As a result, the AKP proceeded cautiously; quickly shelving any policy initiatives which appeared to incur the wrath of the military and focusing instead on nurturing a recovery from the devastating economic recession of 2001 and pushing through the liberalizing reforms required to enable Turkey to begin official accession negotiations for membership of the EU.

But the situation changed dramatically following the AKP's landslide victory in the general election of July 22, 2007. The election had been triggered by a clumsy attempt by Özkök's successor, General Yaşar Büyükanıt, to prevent the AKP from appointing Foreign Minister Abdullah Gül to succeed Sezer when his term expired in May 2007.<sup>25</sup> The appointment had been highly controversial and had already triggered a series of mass protests by secularists. But the size of the electoral mandate secured by the AKP on July 22, 2007 – when it won 46.6 percent of the total vote, up from 34.3 percent in November 2002 – was not only a personal humiliation for Büyükanıt, who had clearly expected the Turkish people to express their displeasure with the

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<sup>25</sup> Late in the evening of April 27, 2007, a hastily drafted statement was posted on the TGS website implicitly threatening to stage a coup if the AKP pushed ahead with Gül's appointment.

AKP at the ballot box, but a devastating blow to the military's public prestige. After so many years when its presence had overshadowed the political arena, the military suddenly seemed marginalized; the limitations of its ability to influence events laid embarrassingly bare.

Gül was duly sworn in as president on August 28, 2007. His appointment undoubtedly made it considerably easier for the AKP to appoint its candidates to bureaucratic positions. But much more important than such practical considerations was the massive boost that the election of July 22, 2007 gave to the confidence of the AKP and its supporters, including both those employed in the apparatus of state and in the media; particularly when it came to confronting the TGS.

Over the previous 15 years, the Gülen movement had actively encouraged its members to pursue careers in the civil service, arguing that it combined secure employment with an opportunity to serve the country. However, the movement's opponents maintained that its real aim was to seize control of the bureaucracy as part of what they alleged was its long-term goal of eventually establishing an Islamic state.<sup>26</sup>

Although the movement had refused to endorse any political party, the vast majority of its members were at least sympathetic to the AKP. Most were also fierce opponents of the TGS. Not only did they resent the military's penchant for interfering in politics in defense of the Kemalist interpretation of secularism<sup>27</sup> but the Gülenist tendency to attribute virtually all Islamist violence in Turkey to a nefarious conspiracy required conspirators; and the known examples of covert activity by networks with links to the ÖHD – such as had emerged during the Susurluk investigations – helped facilitate

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<sup>26</sup> Their fears were reinforced when, on June 19, 1999, the ATV television channel broadcast two video cassettes of Gülen apparently telling a closed meeting of his supporters to infiltrate the machinery state and bide their time until they were strong enough to implement their agenda. Gülen's supporters claimed that the cassettes were part of a defamation campaign and had been creatively edited to distort his words. The transcripts of the cassettes were published in *Hürriyet*, June 20, 1999.

<sup>27</sup> Such as leading the campaign to force the RP-led coalition government from power in 1997 and the military's regular purges of suspected Gülenist sympathizers from the officer corps. Many also held the TGS responsible for the persecution of Said Nursi (1876-1960), Gülen's spiritual mentor, culminating in the disinterment and reburial in a secret location of Nursi's corpse to prevent his grave from becoming a place of pilgrimage.



the leap of imagination necessary to hold the military directly or indirectly responsible for Islamist violence as well.

By the late 1990s, Gülenist sympathizers – though still very much a minority – had already established a visible presence in branches of the civil service responsible for law enforcement, particularly in the Turkish National Police (TNP). The TNP is linked to the Interior Ministry. Since the AKP first came to power in November 2002, hard-line secularists have frequently accused it of filling the ranks of the TNP with so many Gülenists that they now effectively control the entire institution. This is misleading. Although the number of Gülenists in the TNP has increased since November 2002, they almost certainly still form a numerical minority. Indeed, in June 2009, a majority of the departments in the TNP were still headed by ultranationalists who were fast-tracked through the hierarchy before the AKP took office. However, it is also likely that the Gülenists in the TNP exercise an influence in excess of their numbers; largely as a result of the tendency of civil servants to attempt to ingratiate themselves – or at least avoid antagonizing – those who are believed to have influence with their political masters, namely the AKP Interior Minister and his colleagues in the Cabinet. Ironically, secularists' exaggerated claims about Gülenist influence in the TNP appear to have a tendency to become self-fulfilling. When non-Gülenists in the TNP hear or read about such claims by the Gülen movement's opponents, it makes them even more anxious than before to ingratiate themselves with their known Gülenist colleagues and superiors.<sup>28</sup>

Probably more important than the Gülenists themselves has been the influence of the Gülenist worldview – or, more accurately, the manner in which the Gülenist worldview has nurtured and shaped a pre-existing predilection for conspiracy theories both inside and outside the TNP.

In recent years, there has been a growth in the influence of both Gülenist and non-Gülenist AKP supporters not only in the bureaucracy but also in the media; with the result that their worldviews have been disseminated to an increasingly large proportion of the population. It is difficult to assess precisely what impact this had had on the number of people who now

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<sup>28</sup> Author's interviews with members of the TNP, Istanbul, October 2005 and May 2009.

believe, for example, that a clandestine organization with links to the military is responsible for acts of violence blamed on Islamist groups. But the figure is unlikely to have declined.

More critically, by mid-2007, not only were an increasingly number of people who held such views now in a position to act on them, but they could rely on the support of a significant proportion of the media; including both pro-AKP journalists and also a handful of highly influential newspaper columnists and television commentators who had been active in the leftist movement of the 1970s and remained fiercely antagonistic towards the TGS.

It was in this context that, through summer and fall 2007 – with AKP supporters still flushed with confidence after the party’s landslide election victory and no longer fearful of the Turkish military – what has become known as the Ergenekon investigation began to gather pace.

Many hard-line secularists regard the Ergenekon investigation as a politically motivated attempt to intimidate, discredit and disable the opposition to what they believe are the AKP’s long-term plans to establish an Islamic state. However, this is an over-simplification. Most of those actively involved in the Ergenekon investigation appear sincerely convinced that they are engaged in an attempt to eradicate a vast and immensely powerful clandestine organization which has been responsible for countless deaths and acts of violence, that it still poses a major threat to public security and that its destruction would make Turkey a safer and better place.<sup>29</sup> Unfortunately, by suspending their critical faculties and allowing their fears and prejudices to impose a conspiracy theorist’s conceptual framework of a single cause on a huge array of disparate individuals and events, they have ended up pursuing an organization which does not exist and has never existed.

### **The Şemdinli Incident**

The Ergenekon investigation is not the first time that opponents of the Turkish military have attempted to use their influence within the judicial system to try to discredit the TGS.

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<sup>29</sup> Author’s interviews with sources close to the Ergenekon investigation, Istanbul, April-May 2009.

During General Özkök's term as chief of the TGS, the AKP and its supporters were aware that his reluctance to apply pressure to the civilian government had made him very unpopular with both serving and retired members of the armed forces. Özkök was due to retire at the end of August 2006 and was expected to be succeeded by General Yaşar Büyükanıt, who had taken over as commander of the Turkish Land Forces in August 2004. Büyükanıt was known both to be a hard-liner when it came to the issue of secularism and to have an emotional, often volatile, temperament. By fall 2005, most members of the TGS were counting down the days until Özkök retired, in the expectation that, when he assumed command, Büyükanıt would finally put the AKP in its place. Although there is no evidence to suggest that Prime Minister Erdoğan or any other member of his government was involved, some AKP supporters were already looking for ways to discredit Büyükanıt in the hope that someone less assertive would be appointed chief of the TGS in his place.

The PKK had returned to violence at the beginning of June 2004. Although it was militarily considerably weaker than it had been in the late 1980s and early 1990s, it was nevertheless still able to inflict casualties. On November 9, 2005, a bomb was thrown into a bookshop owned by a convicted former member of the PKK, Seferi Yılmaz, in the town of Şemdinli in southeast Turkey. One person, Mehmet Zahir Korkmaz, was killed and another injured. Bystanders pursued the person who had thrown the bomb and who tried to escape in a white Renault car with two other men. All three were dragged out and taken to the local police station, where they were taken into custody. In the trunk of the car were weapons and documents, including what appeared to a death list of suspected PKK sympathizers and a diagram of Yılmaz's house and bookshop.

Initially, the Gendarmerie tried to blame the bombing on what was described as an internal feud inside the PKK. However, it soon emerged that the Renault car belonged to the Gendarmerie, that the person pursued by bystanders was a PKK "confessor" called Veysel Ateş and that the two other men in the car were Ali Kaya and Özcan İldeniz, both members of JİTEM.

Even though none of the suspects appeared to have a ÖHD background, the attack carried all the hallmarks of a "Deep State" operation; and was a

disturbing reminder that, even if they were now relatively rare compared with the 1990s, such operations were still taking place. But not only had the political environment in Turkey changed since the early 1990s, but there were simply too many witnesses to ignore. Members of the local media had also taken photographs of some of the contents of the car's trunk. A Parliamentary Commission of Inquiry was established and, on March 3, 2006, the three suspects were formally indicted. The 100 page indictment was prepared by Ferhat Sarıkaya, the public prosecutor in the southeastern city of Van.

Shortly after the attack, a journalist asked Büyükanıt for a comment. With typical directness, Büyükanıt answered that he had worked with Ali Kaya during the 1990s, when Kaya, who spoke good Kurdish, had served as a translator during a Turkish military operation against PKK bases in northern Iraq codenamed *Çevik* or "Steel". Büyükanıt added that he had had no contact with him since and that it was up to the judicial system to decide whether he was guilty of any offence.

The comment was immediately seized on by Büyükanıt opponents, particularly in the pro-AKP media, not only as an attempt to pressure the judge in a forthcoming trial into acquitting Kaya but – through an extraordinary leap of logic – as proof of Büyükanıt's involvement in the Şemdinli bombing itself. In fact, the normal method used by the Deep State to ensure immunity from prosecution was the discreet application of pressure behind the scenes, not a public statement. Similarly, it is difficult to see how the head of the Land Forces would be micromanaging operations in the Gendarmerie, which has a completely separate chain of command.

Nevertheless, when he prepared the indictment, Sarıkaya called for Büyükanıt to be prosecuted for trying to influence the judicial process. For good measure, Sarıkaya also accused Büyükanıt of forming a criminal organization during his term as a corps commander in Diyarbakır earlier in his career. On page 43 of the indictment, when he first mentioned Büyükanıt's comments about Kaya, Sarıkaya accurately quoted him as saying that he "knew him as an NCO, he used to work under my command, he was a good NCO, knew Kurdish, was with me during the *Çevik* operation, as to whether he is guilty or not, we shall have to wait for the judicial

investigation.”<sup>30</sup> By page 84 of the indictment, Sarıkaya was claiming that Büyükanıt had said: “I know Ali Kaya. He was my soldier. He could not have done such a thing.”<sup>31</sup> Later on page 84 this had become: “I know Ali Kaya. He is very good. This business could not have been done by him.”<sup>32</sup>

Sarıkaya was subsequently removed from the investigation and, on April 20, 2006, dismissed from his post as public prosecutor on the grounds that he had abused his authority. No effort was subsequently made to prosecute Büyükanıt. Amid all the furor about his alleged involvement, no serious attempt was made to discover how far responsibility or prior knowledge of the Şemdinli bombing extended up the chain of command. On June 19, 2006, Kaya and İl Deniz were each sentenced to nearly 40 years in prison. On November 10, 2006, Ateş was also sentenced to a 40 year prison term. On May 16, 2007, the verdicts were overturned by the Turkish Supreme Court of Appeal, which argued that, as serving members of the armed forces, the accused should have been tried in a military court. The three remained in custody pending the transfer of the case to a military court. On December 14, 2007, the Gendarmerie Military Court in Van ordered that all three should be released pending the completion of the trial. It was still continuing as of June 2009.

Sarıkaya’s dismissal triggered a storm of protest from the AKP supporters in the media, many of whom continued to insist that Büyükanıt was guilty and that Sarıkaya had been forced from his post by the Deep State. But, at the time, none of the conspiracy theorists and AKP supporters in the bureaucracy had the confidence to try again. In August 2006, Büyükanıt was appointed chief of the TGS.<sup>33</sup>

Ironically, Büyükanıt’s clumsy intervention of April 27, 2007, probably ultimately did greater damage to the military’s ability to exercise political

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<sup>30</sup> Author’s translation. The full text of the indictment is available (in Turkish) at [http://www.milliyet.com.tr/sabiting/06/gazete/siyaset/semdinli\\_iddianame.pdf](http://www.milliyet.com.tr/sabiting/06/gazete/siyaset/semdinli_iddianame.pdf)

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> In early summer 2006, in an alarming indication of the perceived prevalence of anti-Semitism in Turkey, some AKP supporters did try again to discredit Büyükanıt by forging documents which purported to show that he was of Jewish descent. Documents seen by the author, Istanbul, June 2006.

leverage than would have been caused by someone less assertive. By late summer 2007, with the TGS still reeling from the humiliation of the July 22 election, the military no longer appeared such a daunting foe.

## The Ergenekon Investigation

### A Small House in Ümraniye

In early June 2007, the local Gendarmerie Headquarters in the northeastern province of Trabzon received an anonymous telephone call claiming that grenades and C<sub>4</sub> explosives had been hidden under the roof of a single-story house opposite the office of the local *muhtar*, the elected head of a village or urban neighborhood, in a shantytown in Ümraniye in Istanbul. Under Turkish law, the Gendarmerie is only responsible for law enforcement in rural areas. The Gendarmerie Headquarters in Trabzon notified the Istanbul branch of the Turkish National Police (TNP). After locating the building and securing a search warrant, the Istanbul police raided the house on June 12, 2007. Hidden under the roof, they found 27 hand grenades and fuses in a wooden crate, TNT molds, but no C<sub>4</sub>. The owner of the building, Mehmet Demirtaş, and his nephew Ali Yiğit, who had been renting the house from his uncle, were both taken into custody for questioning. Based on their statements, the police subsequently arrested a retired NCO, Oktay Yıldırım, and a retired army major, Muzaffer Tekin. Responsibility for overseeing the investigation of the case, and bringing any charges, was given to Public Prosecutor Zekeriya Öz.

More arrests followed. On June 20, 2007, police arrested Kuddusi Okkır, an ultranationalist businessman. On June 26, 2007, a police raid on a house of a retired major, Fikret Emek, in the western Anatolian city of Eskişehir led to the discovery of a cache of weapons and explosives, including two semi-automatic rifles and 11 kilos of C<sub>3</sub> explosives.

In addition to several being retired military officers, almost all of the more than 20 people who had now been taken in for questioning were Turkish ultranationalists. They included Bekir Öztürk, the head of the ultranationalist *Kuvvai Milliye Derneği* (National Forces Association or KMD), which took its name from the *Kuvva-i Milliye*, the Ottoman Turkish

name used by Atatürk to describe the forces he led in the Turkish War of Independence.

Gun ownership, whether of licensed or unlicensed weapons, is widespread in Turkey. The country's porous borders and thriving black market mean that it is relatively easy for individuals and groups – including both politically-motivated terrorist organizations and criminal gangs – to procure a huge array of weapons and explosives. The situation has been exacerbated by poor recordkeeping. Records are kept of the armaments officially issued to the security forces, such as the TNP and the military. However, particularly during the 1990s, a large quantity of weapons and explosives were unofficially procured and distributed for use in covert operations in southeastern Turkey by elements linked both to the military and to the Interior Ministry. Whether by accident or design, many subsequently found their way into the hands of criminal gangs or onto the black market. The situation has long been further complicated by the failure to keep adequate records of the contents of illegal caches seized by the security forces; some of which are destroyed, some registered and some collectively or individually appropriated by the forces which found them.<sup>34</sup>

The election victory of the AKP in November 2002 had caused considerable consternation amongst secularist ultranationalists. There was no doubt that that the vast majority of the heated calls for “something” to be done to protect Atatürk's republic would never move beyond angry talk. However, there was concern that some might band together and resort to violence. Indeed, one of the reasons for Özkök's unpopularity in the TGS during his term as chief of staff was that there was a fear that, if the military was not perceived as fulfilling its self-appointed role as the guardian of secularism, a handful of hotheads could become so frustrated that they would take the task of “saving the republic” into their own hands. There were even rumors that a few disparate groups of acquaintances had moved beyond talking, formed

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<sup>34</sup> Sometimes for their own use, sometimes to be passed on to others. For example, in the late 1990s, the Turkish military would often donate arms caches seized from the PKK to the Iraqi Kurdish Kurdistan Democratic Party (KDP), which at the time was fighting against the PKK in northern Iraq. Author's interviews with serving military officers, Diyarbakır, June 1997 and Şırnak, February 1998.



small gangs and even drafted rough plans to assassinate a leading member of the AKP and firebomb premises associated with the party.

On May 31, 2006, nine members of what became known in the Turkish media as the Atabeyler Gang – including one serving officer and two NCOs – were arrested in police raids in the Eryaman neighborhood of Ankara. The police claimed to have recovered a small quantity of C4 explosives, TNT molds, hand grenades, a Glock handgun and diagrams which were allegedly to have been used in assassination attempts against Erdoğan and Cüneyd Zapsu, who at the time was one of his closest advisors.<sup>35</sup>

Initially, the June 12, 2007 raid in Ümraniye appeared to have uncovered something similar. Although the armaments recovered in the raids were highly suggestive of some form of criminal intent, the number of people involved appeared to be relatively small. It was not even clear whether they had really formed themselves into a group or, as they claimed, were merely personal acquaintances who shared similar views. Set against the very serious threats to public security posed by the Kurdish, Islamist and leftist terrorist organizations active in Turkey, it all appeared comparatively minor and rather amateurish.

### Thickening the Plot

The first sign that the investigation triggered by the raids in Ümraniye was going to turn into something more significant came when articles began appearing in the media – and apparently based on sources close to the investigation – claiming that the 27 grenades discovered on June 12, 2007, were closely linked to those used in three minor attacks on the staunchly secularist *Cumhuriyet* daily newspaper in 2006.

Over the years, *Cumhuriyet* and its staff had received numerous threats as a result of their dogged defense of the official interpretation of secularism – such as the ban on the wearing of the Islamic headscarf in Turkish universities – and their often vituperative attacks on Turkish Islamists. On May 5, 2006, a grenade had been tossed into the yard of the *Cumhuriyet* head office in Istanbul, followed by a second on May 10, and a third on May 11.

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<sup>35</sup> Those detained in the raid have denied the allegations. In June 2009, they remained in custody pending the completion of their trial.

CCTV footage suggested the attacks had been carried out by three young males. There were no casualties. In fact, in the first two attacks the pin had not even been removed from the grenade; which reinforced the assumption that the assailants were disgruntled individuals acting on their own initiative rather than trained members of an organization.

However, stories began appearing in the media – particularly pro-AKP newspapers – claiming that the “serial numbers” of the grenades found in Ümraniye were the same as those used in the attacks on *Cumhuriyet*, with the clear implication that the latter were false flag operations by secular ultranationalists in order to discredit Islamists. In fact, the police forensic report on the grenades found in Ümraniye indicated that two were of German manufacture, seven were standard NATO issue and that 18 had been manufactured by the Turkish state-owned *Makina ve Kimya Endüstrisi Kurumu* (Mechanical and Chemical Industry Corporation or MKEK). MKEK-manufactured grenades had also been used in the attack on *Cumhuriyet* and reports in the Turkish media claimed that the “serial numbers” matched those found in Ümraniye, as if they had all originated in the same crate.

However, this is misleading. The numbers on MKEK grenades and fuses indicate the type and the very approximate date of manufacture. But the numbers are not sequential. Nor is it possible to use them to identify a specific “batch”, such as the grenades packed and sold at precisely the same time. The numbers neither proved nor disproved that the owners of the grenades discovered in Ümraniye and of those used in the attacks on *Cumhuriyet* were one and the same.

Over the months that followed, the Turkish press regaled its readers with the “revelations” about how the “same grenades” had been used in numerous terrorist attacks dating back to 1999 and stretching from Istanbul to Antalya, Ankara, Trabzon and the town of Cizre, close to the Iraqi border; as if a vast organization, which by early 2008 was being characterized by the pro-AKP media as being responsible for virtually every act of political violence over the previous 20 years,<sup>36</sup> was working its way through a single crate of grenades. In fact, all that the numbers proved was that the grenades in these

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<sup>36</sup> See, for one of many examples, “Greatest Hypocrisy in History”, Today’s Zaman, February 14, 2008

attacks had been manufactured by MKEK; which not only supplies the Turkish security forces but is the unwitting source for a large proportion of the grenades sold on the Turkish black market.

But it was not only the pro-AKP media that was beginning to believe that it had finally uncovered the real source of political violence in Turkey. On October 5, 2007, Public Prosecutor Öz sent a formal application to Police Headquarters in Istanbul asking for details of a string of assassinations, racist murders, terrorist attacks and even protest marches going back to 2002; all of which had – despite, in most of the cases, overwhelming evidence to the contrary – been attributed by conspiracy theorists to dark forces seeking to destabilize and divide Turkey. It is clear from the evidence subsequently presented in court that the investigation had not uncovered any proof that those in custody had been involved in the crimes listed by Öz in his application to the Istanbul police. It seems rather that, having been long convinced of the existence of a nefarious conspiracy, he believed that he had finally found some conspirators.

On January 21, 2008, a wave of police raids in Istanbul and Izmir resulted in the formal arrest of 27 people on allegations of membership of the same organization as those already in custody. They ranged from retired military personnel to lawyers, journalists and a known member of the Turkish underworld. Some of those who were arrested were already familiar to the Turkish public. Retired Gendarmerie General Veli Küçük's name had been repeatedly mentioned in connection with the Susurluk Scandal, although he had always protested his innocence and never been convicted of any crime. The journalist Ümit Oğuztan was also the author of a number of erotic novels and a biography of the postoperative transsexual socialite and concert organizer Seyhan Soylu, better known as "Sisi".<sup>37</sup> The ultranationalist lawyer Kemal Kerinçsiz had acquired a reputation for prosecuting prominent writers and journalists – including Hrant Dink and the novelists Orhan Pamuk and Elif Şafak – under the notorious Article 301 of the Turkish Penal Code, which made it a criminal offense to denigrate "Turkishness".<sup>38</sup> As for journalist

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<sup>37</sup> Ümit Oğuztan, *Kraliçe Sisi* (Istanbul: Yaprak Yayınevi, 1991).

<sup>38</sup> Apparently oblivious to the irony that the resultant publicity further disseminated the "insult". Author's telephone interview with Kerinçsiz, September 2006.

Güler Kömürcü and Turkish Orthodox Church<sup>39</sup> Spokesperson Sevgi Erenerol, both were renowned for the vehemence of their ultranationalist rhetoric.

Also arrested was retired Land Forces Colonel Fikri Karadağ, the founder of the *Kuvayı Milliye Derneği* (National Forces Association or KMD),<sup>40</sup> which shared not only the ideological orientation but also effectively the same name as the *Kuvvai Milliye Derneği* headed by Bekir Öztürk. The *Kuvayı Milliye Derneği* had been founded in Istanbul on November 11, 2005. By the time of Karadağ's arrest, it had established a presence in 69 of Turkey's 81 provinces. No reliable figures are available, although its active members have probably never numbered more than a few thousand. The *Kuvayı Milliye Derneği* first came to national prominence in February 2007, when the Turkish media showed videos of the oath of allegiance ceremony for new members. After being told that they must be prepared to "kill and be killed" for their nation, the new recruits – most of them already well into middle-age – swore an oath of allegiance on a table covered with a Turkish flag, a copy of the Qur'an and two handguns; in an apparent attempt to replicate the initiation ceremonies for the clandestine organizations active in the late Ottoman Empire. The oath was unequivocally racist, beginning with a pledge that they had all been born of a Turkish mother and a Turkish father, never "turned away" from their "race" and were "a Turkish son of a Turk".<sup>41</sup>

It is likely that, for most of the members of the *Kuvayı Milliye Derneği*, such oaths were little more than self-aggrandizing posturing. However, there is no

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<sup>39</sup> After World War One, a handful of members of what was known as the Karamanli community of Orthodox Christians in central Anatolia sided with Atatürk. In 1924, Atatürk allowed one of them, a maverick called Pavlos Karahisarthis (1884–1968) who later adopted the name Zeki Erenerol, to appoint himself Papa Efthimiou, the patriarch of what he called the Turkish Orthodox Church. Atatürk appears to have seen the church as a means of weakening the Greek Orthodox Ecumenical Patriarchate. By January 2008 it appeared to comprise only Erenerol's direct descendants, who had become Turkish ultranationalists; his great-grandson serving as Papa Efthimiou IV and his great-granddaughter, Sevgi Erenerol, as the church's spokesperson.

<sup>40</sup> Often referred to as *Kuvayı Milliye Derneği* (1919) after the year when Atatürk began to reorganize the previously scattered resistance forces in Anatolia into a cohesive fighting unit.

<sup>41</sup> 32. Gün, Kanal D, February 16, 2007. Clips of the swearing in ceremony can also be found at [www.youtube.com](http://www.youtube.com). The *Kuvayı Milliye Derneği* website (in Turkish) is [www.kuvayimilliyenet](http://www.kuvayimilliyenet)

lack of evidence for the willingness of some Turkish ultranationalists – along with extremist leftists, Islamists and Kurdish nationalists – to resort to violence. Nor did such organizations have a monopoly of the ultranationalist sentiments. For example, on January 19, 2007, the Turkish Armenian journalist Hrant Dink was murdered in a racist killing by a Turkish ultranationalist youth with no apparent connection to either the *Kuvayı Milliye Derneği* or the *Kuvvai Milliye Derneği*.

Another wave of police raids on February 22, 2008 resulted in six more arrests. Those detained included: Ümit Sayın, a doctor and fervent conspiracy theorist;<sup>42</sup> Vedat Yenerer, a journalist; Hayrettin Ertekin, a society jeweler; and Muammer Karabulut, a former journalist who had established the *Noel Baba Vakfı*, or Santa Claus Foundation, in 1996 in attempt to reverse what he regarded as the cultural appropriation of the legacy of St. Nicholas, the former bishop of Myra, the modern town of Demre on Turkey's Mediterranean coast.<sup>43</sup>

Although the motley collection of eccentrics, conspiracy theorists, criminals, racists, nationalists, former soldiers and journalists and their friends and acquaintances who were now behind bars all appeared to be staunch advocates of Atatürk's brand of secular nationalism, no evidence had yet emerged of any organizational links between them. Nevertheless, investigators were now convinced that they knew the name of the organization to which they believed they belonged.

### The Name Ergenekon

In Turkish nationalist mythology, Ergenekon is the name of an inaccessible valley in the Altay Mountains of Central Asia where the remnants of a number of Turkic-speaking tribes regrouped after a series of military defeats by the Chinese and other non-Turkic peoples. Under the leadership of Bumin Khan (died c. 552), they expanded their influence and founded what has come to be known as the Göktürk Empire. According to legend, they were able to leave the Ergenekon Valley as the result of being led through a maze of mountain passes by a grey she-wolf named Asena.

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<sup>42</sup> Author's interviews with Sayın, May-June 2003.

<sup>43</sup> Author's telephone interviews with Karabulut, December 2004.

The legend was vigorously promulgated during the early years of the Turkish Republic as Atatürk sought to create a nation state in which national consciousness rather than religion served as the primary determinant of identity.<sup>44</sup> It is the reason that Turkish ultranationalist activists – particularly those who engaged in the factional fighting of the 1970s – are often referred to as “Grey Wolves” and why the symbol of the ultranationalist Nationalist Action Party (MHP) is a wolf’s head.

Today, “Ergenekon” is used as a Turkish surname, the name of streets – including at least seven in Istanbul alone – and companies<sup>45</sup> and even a brand of wine. The first public reference to the possibility of a clandestine organization called Ergenekon came on January 7, 1997. During the course of a television investigation into the ramifications of the accident at Susurluk two months earlier, the above-mentioned renowned conspiracy theorist Erol Mütercimler<sup>46</sup> claimed that he had been informed by retired General Memduh Ünlütürk that he had been a member of a covert organization called Ergenekon which had actively cooperated with rightist militants in the factional fighting of the 1970s. Mütercimler said that Ünlütürk had told him that Ergenekon had not been established by a Turkish law but by the CIA after the 1960 Turkish military coup. Mütercimler maintained that his research had revealed that Ergenekon consisted of an enormous network that included not only military officers but members of the TNP, the judiciary, academia and right-wing political organizations. He described the gangs that had been terrorizing southeast Turkey over the previous decade as part of Ergenekon.

“What we today call gangs, you know, these small units, these units are each a department, a piece of Ergenekon,” said Mütercimler.<sup>47</sup> Mütercimler

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<sup>44</sup> In fact, DNA evidence suggests very strongly that the vast majority of the population of modern Turkey are descendants of the indigenous populations of Anatolia and the Balkans rather than Central Asia.

<sup>45</sup> Including a security company in which one of those charged in the first Ergenekon indictment worked. Ergenekon Indictment of July 10, 2008, pp. 645-646 and 649-650.

<sup>46</sup> Later to be a television host himself and author of numerous books and articles on conspiracy theories. See note 18 above.

<sup>47</sup> Author’s translation. Can Dündar, 40 Dakika, *Show TV*, January 7, 1997. The program can be viewed (in Turkish) at <http://www.candundar.com.tr/index.php?Did=5983>. Accessed May 20, 2009.

concluded by forcefully calling on the Turkish authorities to investigate and eradicate Ergenekon. “We have a debt to the little children of this country, I mean to our children and grandchildren. And that is to deliver a clean country [to them].”<sup>48</sup>

### **Between Revenge and Panic: The Impact of the AKP Closure Case**

As the Ergenekon investigation gathered pace, so did the growing controversy over the AKP’s plans to abolish the ban which prevents female students who wear the Islamic headscarf from attending Turkish universities. Flushed with its landslide election victory in July 2007, the AKP had first attempted to draft a new liberal constitution which would include guaranteeing headscarfed women access to a tertiary education. However, in January 2008, the MHP offered to support the AKP in lifting the headscarf ban by amending the existing constitution.<sup>49</sup> The AKP’s plans for a new constitution, which would also have included guarantees for many other freedoms, were promptly shelved as the government concentrated exclusively on trying to lift the headscarf ban.

On February 9, 2008, backed by the MHP, the AKP pushed a series of constitutional amendments through parliament to lift the headscarf ban. The main opposition Republican People’s Party (CHP) immediately applied to the Constitutional Court for the amendments to be annulled. On March 14, 2008, the Chief Public Prosecutor, Abdurrahman Yalçınkaya, applied to the same court for the AKP to be outlawed on the grounds that it was attempting to undermine the principle of secularism enshrined in the Turkish constitution.

Even before Yalçınkaya’s application to the Constitutional Court, the AKP’s supporters had already been shaken by the strength of the secularist opposition to the constitutional amendments. In an article in the English language *Today’s Zaman*, Hüseyin Gülerce, the editor of the Gülen movement’s flagship Turkish language daily *Zaman*, warned that the protests were part of a sinister plot inspired by foreign forces. “There have always

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<sup>48</sup> *Ibid.*

<sup>49</sup> Under Turkish law, parliamentary amendments to the constitution require a majority of two thirds of the members of parliament. In July 2007, the AKP had won only 341 of the 550 seats in parliament.

been efforts to divide us. Following defeats on many fronts, those countries that have been nurturing animosity toward us for ages gave considerable thought to how to weaken us from inside,”<sup>50</sup> Gülerce wrote.

He explained how political murders attributed to Muslims had been false flag operations to create artificial tensions in Turkish society. “The scenario was the same in all the killings. The murdered victims would be presented as secularist groups’ heroes while the assailants would be implicated as belonging to religious groups. Turkey now had a secularists/anti-secularists division issue,”<sup>51</sup> declared Gülerce.

He blamed the same hidden hands for the growth of the Kurdish nationalist movement. “We had no Turkish-Kurdish division problem,” claimed Gülerce. “We had been living hand in glove; we never saw each other as Turkish or Kurdish.”<sup>52</sup> Then the Kurdistan Workers’ Party (PKK) was created. Now, books on gangs are being written and it is clearly stated who established the PKK and who fabricated the Kurdish issue, using torture in Diyarbakır prisons.”<sup>53</sup> “Why were the Ergenekon gangs not destroyed?” asked Gülerce. “Who protects the architects of this division? Which countries gave financial, logistical or political support to this division and why did the state’s most prestigious institutions fail to tackle this problem? Now, we have a Turkish-Kurdish division issue.”<sup>54</sup>

Such febrile fulminations intensified in the aftermath of Yalçınkaya’s application for the AKP’s closure. Both the AKP and its supporters had assumed that the secular establishment was in retreat and too weak to challenge the government. The AKP closure case not only came as a shock but triggered another round of conspiracy theories. It also appears to have affected the conduct of the Ergenekon investigation. Over the months that followed, investigators began to cast their net increasingly widely, rounding

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<sup>50</sup> Hüseyin Gülerce, “Greatest hypocrisy in history.” *Today’s Zaman*, February 14, 2008.

<sup>51</sup> *Ibid.*

<sup>52</sup> This would be news to many Kurds. Prior to 1991, it was a crime to use the word “Kurd” and both the writing and speaking of Kurdish were illegal, even when – as was the case in some isolated rural areas – the local populace knew no other language.

<sup>53</sup> Hüseyin Gülerce, “Greatest hypocrisy in history.” *Today’s Zaman*, February 14, 2008.

<sup>54</sup> *Ibid.*



up an implausibly large number of suspects who appeared to have nothing in common except their outspoken opposition to the AKP. There were also occasions when the timing of the waves of arrests coincided with the AKP coming under pressure – which led the government's opponents to accuse investigators of using the Ergenekon investigation to exact revenge for the closure case.

The reality is probably more complex. The absurdity of some of the conspiracy theories about Ergenekon has not prevented them from being believed, not least by those handling the investigation. From their perspective, the AKP closure case was reason not so much for revenge as for an intensification of what they believed were their efforts to break the Ergenekon organization; with their inability to produce concrete evidence of the organization's existence merely increasing both their desperation and their belief in its awesome scope and power. Some also regard the relentless pursuit of the Ergenekon investigation as a means of self-preservation. They sincerely believed that unless they maintained the pressure on the organization and ensured that as many as possible of its “members” were safely locked behind bars, they too would become targets for assassination.<sup>55</sup>

On March 21, 2008, TNP counterterrorism units staged pre-dawn raids on nearly 20 workplaces and private homes in Istanbul and Ankara, detaining a dozen suspected members of Ergenekon. Those taken into custody included: Professor Kemal Alemdaroğlu, the former rector of Istanbul University and a fierce opponent of any attempt to abolish the headscarf ban in universities; Doğu Perinçek, the chairman of the marginal *İşçi Partisi* (Worker's Party or İP) and one of the most prominent participants in the ideological clashes of the 1970s, whose avowed Maoism had recently become increasingly overshadowed by a strident secular Turkish ultranationalism; and İlhan Selçuk, the editor of the secularist daily *Cumhuriyet*. Together with the other suspects, Selçuk's home was raided at 4.30 am, ostensibly to prevent him from fleeing arrest; an eventuality which would have been complicated by the fact that he was 83 years old and had a police guard stationed

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<sup>55</sup> Some sincerely believe that they are already on an “Ergenekon death list”. Author's interviews with sources close to the investigation, Istanbul, May 2009.

permanently outside his home following numerous death threats from violent Islamists.

On July 1, 2008, in the highest profile largest wave of arrests to date, 21 people were detained in police raids in Istanbul, Ankara and the Black Sea city of Trabzon on suspicion of being members of Ergenekon. Twelve were subsequently formally arrested. They included: retired General Şener Eruygur, the former commander of the Turkish Gendarmerie and current head of the *Atatürkçü Düşünce Derneği* (Association for Atatürkist Thought or ADD), the largest NGO in the country with 448 branches nationwide and which had a leading force behind the organization of mass public protests in spring 2007 against the AKP's plans to appoint Gül to the presidency; retired General Hurşit Tolon, who had served as commander first of the Third Army and then the First Army of the Turkish Land Forces; Sinan Aygün, the head of the Ankara Chamber of Commerce; Mustafa Balbay, the Ankara representative of *Cumhuriyet*; and the author and television presenter Erol Mütercimler, who ten years earlier had been the first to refer to an organization called Ergenekon and had called on the authorities to investigate and eradicate it. It was also announced that the TNP had raided the Istanbul home of Turhan Çömez, a former dissident AKP deputy who had left the party in protest at Prime Minister Erdoğan's authoritarian management style and was currently on a language course in the UK.

If the Ergenekon investigators' growing willingness to order police raids and detentions without any solid evidence could be partly attributed to desperation and fear, it was less easy to explain away some of the articles and news reports that began to appear in the pro-AKP media. Starting in spring 2008, there was a marked increase in the regularity with which claims about the alleged aims of the Ergenekon organization – which were apparently based on the police investigation – began to appear in the pro-AKP media; and which often coincided with critical stages in the closure case against the AKP. More disturbing was the frequency with which what appeared to be the transcripts of wiretaps – some of suspects in the Ergenekon case, others of government opponents or critics of the way in which the Ergenekon investigation was being conducted – began to be published in pro-AKP newspapers and on pro-AKP websites. None were particularly incriminating,

although the tone and language were frequently not what the alleged interlocutors would have wished to enter the public domain. Under Turkish law, both the tapping of telephones by private individuals and the publication of the contents of court-approved wiretaps by members of the security forces are crimes. Yet no attempt was made to investigate the sources of the leaks. Government officials dismissed suggestions that members of the TNP were responsible, claiming that the equipment required to tap telephone calls was freely available on the black market. But this did not explain why it was only the AKP's opponents who were being targeted. There was certainly no shortage of anti-AKP media outlets and websites which would had had no hesitation in publishing anything potentially damaging to the government or its supporters.

In addition to doubts about the manner in which the case was being handled, there were growing concerns about the length of time some of the suspects were being held in prison without being formally charged. On July 10, 2008, the public prosecutors finally completed their first indictment. A total of 2,455 pages in length, with an additional 441 files of evidences, the indictment formally charged 86 suspects not only with "membership of an armed terrorist organization" but a range of other offences such as "attempting to overthrow the government of the Turkish Republic by using violence and coercion", "inciting the people to armed rebellion against the government of the Turkish Republic", "encouraging the military to insubordination" and "inciting the people to hatred and enmity".

Yet, despite the seriousness of the charges and its extraordinary length, the indictment contained no convincing evidence that the accused were even all members of a single organization. More alarmingly, most of the "evidence" that the Ergenekon organization even existed all appeared to come from a single, manifestly unreliable, source: a former journalist, forger and fantasist called Tuncay Güney.

## From Muslim Office Boy to Exiled Rabbi: the Strange Story of Tuncay Güney

Tuncay Güney was born in the village of Gölet in the western Black Sea province of Çorum in 1972. He was the youngest of three children. Güney's family moved to the Gültepe neighborhood of Istanbul when he was one year old. His father worked as a technician at the Beşiktaş School of Applied Fine Arts. Güney later maintained that this was cover for his work as member of the Turkish Secret Service, the *Milli İstihbarat Teşkilatı* (National Intelligence Organization or MİT) and that the School of Applied Fine Arts was actually an intelligence training facility. No evidence has emerged to corroborate Güney's claim.

Güney came from a pious but poor Muslim family. When he was 12, he began attending a Qur'an School with boarding facilities run by members of the *Süleymancılar* community<sup>56</sup> in the Ayazağa neighborhood of Istanbul. Güney subsequently claimed that school was run by and for crypto-Jews. This has been denied by everybody else connected with the school.<sup>57</sup>

Güney maintains that he briefly studied at Istanbul's Pertevniyal High School but left during the first year.<sup>58</sup> This has been disputed by Aziz Yenişol, the school's headmaster, who maintains that Güney never studied there.<sup>59</sup> What is clear from Güney's social security records is that he was first registered as being employed in 1988, at the age of 16. Güney eventually found a job as an office boy, apparently first at *Sabah* newspaper and then at the daily *Milliyet*. In 1994 he started working for *Işık Prodüksiyon*, a production company for the *Samanyolu* television channel, which is very close to the Fethullah Gülen movement. Güney even briefly hosted his own talk show on *Samanyolu* and served as a newsreader. But he was dismissed after six

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<sup>56</sup> The Süleymancılar are named after their founder, Süleyman Hilmi Tunahan (1888–1959), a religious scholar and member of the Naqshbandi religious order.

<sup>57</sup> Güney later produced an Ottoman document which he claimed proved his maternal grandmother was Jewish. However, although her religion had been crudely changed from "Muslim" to "Jewish", her name was given as the Muslim Ayşe, after the Prophet Muhammed's favorite wife; a name no Muslim Ottoman official would have allowed a Jewish woman to use. Vural Ergül, *Ergenekon'un Hahamı* (Istanbul: Güncel Yayıncılık, 2008), pp. 30–31.

<sup>58</sup> At the time, Turkish high school was for three years.

<sup>59</sup> "Tuncay Güney kimdir?", *Türkiye Newsweek*, November 4, 2008.

months, apparently for theft. Over the next three years, he seems to have worked as a stringer and fixer for a number of media companies, mainly *Akşam* newspaper. Former colleagues describe him as efficient and polite but of limited intellect and having a penchant for trying to boost his self-esteem by cultivating influential acquaintances and embellishing reality. He later claimed that he worked first for MİT and later for JİTEM. Although Güney does not appear ever to have been an active follower of Gülen, there is evidence to suggest that he came to MİT's attention when he was mixing with members of the movement, which at the time was a target for Turkish intelligence. In November 2008, MİT released a statement admitting contact with Güney but denying that he was ever a registered agent or intelligence officer.<sup>60</sup>

Güney's predilection for cultivating influential contacts also meant that he became acquainted with several of those who were later to be arrested as suspected members of Ergenekon, particularly Veli Küçük. It appears that it was through Küçük that Güney met the son of a retired army colonel, who had followed his father into the Armed Forces only to be discharged on mental health grounds in 1989 at the age of 30. The man's name was Volkan Ergenekon.<sup>61</sup>

After his discharge from the military, Volkan Ergenekon had travelled to Iran where he spent from 1991 to 1993 learning Farsi and studying Islamic metaphysics, particularly the illnesses caused by the genies described in the Qur'an as "djinnns". Güney appears to have believed that he was suffering from ailments caused by djinnns and the two men became friends.<sup>62</sup>

Despite being briefly married in the 1990s,<sup>63</sup> Güney seems always to have had a preference for homosexual affairs. Homosexuality is forbidden in the

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<sup>60</sup> MİT Press Statement of November 26, 2008. <http://www.mit.gov.tr/basin39.html>

<sup>61</sup> His father, Necabattin (born 1926), was a fervent Turkish nationalist and had changed the family surname from Baltacı, meaning "axe-man" or "wood-cutter", to Ergenekon in the early 1960s.

<sup>62</sup> Volkan Ergenekon's Turkish language website ([www.volkanergenekon.net](http://www.volkanergenekon.net)) includes a downloadable guide on protecting oneself against metaphysical illnesses caused by djinnns and a helpful course of treatment for those who believe they may have been victim of a spell and been transformed into a djinn. Accessed June 2009.

<sup>63</sup> His wife Nuray Güney, who claimed that they never lived together as man and wife, was granted a divorce on December 9, 1994, after less than 15 months of marriage.

Turkish military. Güney began his compulsory military service in May 1997, but was discharged after only four months on mental health grounds. Güney later denied that he had been dismissed for homosexual activity, claiming instead that he had merely helped homosexuals secure a discharge on the grounds of their sexual orientation.<sup>64</sup>

After his discharge from the military, Güney started working as News Coordinator at a new magazine on current affairs called *Strateji*, or “Strategy”, which was first published in January 1998. During his time at *Strateji*, Güney continued to develop his network of contacts, although many of the stories he produced for the magazine had a strong conspiratorial flavor and often appeared at variance with known facts. The editor of *Strateji* was Ümit Oğuztan, who was charged in the July 10, 2008, indictment with membership of Ergenekon.

On March 2, 2001, Güney was arrested in Istanbul on charges of fraud and counterfeiting automobile registration documents. He later admitted to a number of other fraud charges involving the sale of real estate which he did not own. Güney was interrogated for six days by police officers from the Istanbul Organized Crime Unit. The officer overseeing the interrogation was called Serdar Saçan. A police raid on Güney’s apartment in Istanbul yielded six sacks full of documents, two unlicensed handguns, 36 cartridges, 115 counterfeit high school diplomas and identity cards which Güney said he had stolen from men with whom he had had sex.

Some of the documents seized from Güney’s apartment referred to an organization called Ergenekon and – together with his statements to the interrogating officers – were later to form the basis of the indictment of July 10, 2008. The documents included: *Ergenekon, Analiz Yeni Yapılanma Yönetim ve Geliştirme Projesi*, or “Ergenekon, Analysis Restructuring Management and Development Project”, which was dated October 29, 1999, and discussed proposals for the restructuring of the organization; *Lobi*, or “Lobby”, which was dated December 1999 and contained an outline of the proposed different departments of Ergenekon; and *Devletin Yeniden Yapılanması Üzerine*, or “On

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<sup>64</sup> “Tuncay Güney kimdir?”, *Türkiye Newsweek*, November 4, 2008. In order to obtain exemption from military service, homosexuals usually need to provide either a psychiatric report or “proof” of their sexual orientation.

the Restructuring of the State”, which was dated November 25, 1999 and included a blueprint for the restructuring of the state itself. The police also found a chart in Güney’s handwriting which appeared to name Veli Küçük as the leader of Ergenekon and suggest that other members included former Prime Minister Tansu Çiller, several prominent Jewish businessmen, leading journalists and various serving and retired the members of the Turkish military. The chart also contained a list of leading members of the Turkish underworld – including some who had already been assassinated – and what appeared to be a reference to the involvement of the Iraqi Kurdish leaders Jalal Talabani, Massoud Barzani, the PKK, France, the Netherlands, JİTEM and Iran in narcotics trafficking.<sup>65</sup>

Since the Ergenekon investigation broke, most of the transcripts and some of the recordings of Güney’s interrogation have leaked into the public domain. The transcripts, which appear to have been made by the interrogating officers, suggest that Güney spoke freely and willingly, as if he was reveling in the attention.<sup>66</sup> However, in early April 2009, a number of Turkish websites published recordings of parts of the interrogation in which a meek and tearful Güney appeared to be being assaulted and intimidated by his interrogators.<sup>67</sup>

Although there are some inconsistencies between the transcripts and the recordings – which may be merely attributable to the incompetence of the transcribers – the general tone and subject matter are the same. Both are also characterized by Güney’s poor command of Turkish and his tendency to speak in a staccato of unconnected phrases rather than coherent, fully-formed sentences. More problematic is Güney’s apparent inability to think in a straight line or digest information. His statements jump from one half-explained claim to another, without any indication that he is aware of their vagueness or inconsistency; or even that they sometimes contradict each

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<sup>65</sup> A photocopy of the original is reproduced in Vural Ergül, *Ergenekon’un Hahamı*, pp. 387-388.

<sup>66</sup> Extensive extracts from the transcripts can be found in Vural Ergül, *Ergenekon’un Hahamı*. pp 192-314

<sup>67</sup> For example, [milliyet.com.tr](http://milliyet.com.tr) on April 8, 2009. A court order subsequently forced most of the mainstream media to remove links to the recordings although they can still be found (in Turkish) on other websites, such as <http://www.biryudum.net/tuncay-guney-iskence-ses-kayitlari-dinle.html> Accessed June 2009.

other.<sup>68</sup> Even Güney's lawyer, Yusuf Aydın, eventually gave up trying to defend him, later commenting that "90 percent of his claims relate to a world he has created himself."<sup>69</sup>

For example, Güney told his interrogators that he had met with officials from "OJD, French Intelligence" who had told him about Küçük's role in heroin smuggling. In fact, OJD is short for the *Office de Justification de la Diffusion*, a professional association responsible for certifying the circulation, distribution and print run of newspapers and periodicals. It is not related to intelligence work.<sup>70</sup>

Critics of the Ergenekon investigation have claimed that Güney probably wrote the documents discovered in his apartment. However, Güney's manifest intellectual limitations would appear to indicate otherwise. Despite their often delusional content (e.g. they appear to view both current events and world history through a conspiracist prism), the documents are well-structured and written in clear, cohesive Turkish; qualities which are manifestly absent from Güney's oral and written statements. Although the authorship of the documents seized from Güney's apartment remains unclear, a more likely explanation would appear to be that Güney came into possession of them rather than wrote them; and that they were then used as the basis for his own conspiracy theories.

Significantly, all the documents discovered in Güney's apartment – which later formed the basis of the first Ergenekon indictment of July 10, 2008 – describe future scenarios rather than the present or the past. It is possible that the authors regarded them as blueprints for concrete action. However, there are also numerous similar documents circulating on the Internet. Almost all are little more than secular ultranationalist daydreams and wishlists, as ambitious in their scope as they are unrealizable.

Although some of Güney's claims were forwarded to MIT for evaluation, there were so many inconsistencies in them that the general consensus was

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<sup>68</sup> Such as claims that some of the people he names are both controlling and being targeted by the PKK.

<sup>69</sup> Author's translation of interview with Aydın, *Türkiye Newsweek*, November 4, 2008

<sup>70</sup> This has not prevented Güney's claims being included in the Ergenekon Indictment of July 10, 2008, p. 242.



that they were the ramblings of a self-important but intellectually challenged fantasist. No serious attempt was made to investigate them and Güney was released pending his trial for fraud. Güney fled Turkey in July 2001 before his case came to court, and the transcripts and tapes of his interrogation were eventually sent to storage.

Güney appears to have travelled first to New York, where he reportedly converted first to Christianity and then to Judaism. He later moved to Toronto, where he appears to have applied for asylum, citing first his fears of persecution in Turkey on account of his sexual orientation and then as a member of the Jewish faith. He currently calls himself Daniel Güney and purports to be the rabbi at a Jewish community center called the Jacob House Congregation.<sup>71</sup> Güney's rabbinical status is not recognized by any mainstream Orthodox community or organization.

### The First Indictment

When the first indictment in the Ergenekon investigation was made public, it was hailed by the fiercely anti-military daily *Taraf* as inaugurating “the cleansing of the century”.<sup>72</sup> The pro-AKP daily *Zaman* described the indictment as “analyzing a contra-guerilla organization with cogent reasoning and fluent language”.<sup>73</sup>

In reality, far from being cogent or fluent, the indictment was clearly written in great haste and was littered with spelling, typing and sometimes even grammatical mistakes. Even by the standards of Turkish officialese, the indictment was tortuous in its willful verbosity and convoluted imprecision. Quotations from documents and wiretaps were mostly given without any context and embedded in the writer's own comments, making it difficult to understand where one ended and the other began; and the length of the sentences was often in inverse proportion to their substance. For example, in the evidence against Professor Kemal Alemdaroğlu, a single sentence ran for 8.5 pages from page 1366 of the indictment to page 1375, including extracts –

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<sup>71</sup> The congregation's webpage includes a request for corporate and individual sponsorship. [www.jacobhouse.ca](http://www.jacobhouse.ca) Accessed June 2009.

<sup>72</sup> *Taraf*, July 26, 2008.

<sup>73</sup> Mümtaz'er Türköne, “Ergenekon dedikleri neymiş?”, *Zaman*, July 27, 2008.

mostly isolated phrases plucked out of their context – from wiretaps of 32 separate telephone conversations with 26 different people between February 2, 2008, and March 4, 2008. Yet the sentence contained nothing of substance.

The indictment was also marred not only by repeated examples of flawed reasoning but numerous absurdities and contradictions. Most remarkably, despite its extraordinary length, the indictment produced no evidence that the Ergenekon organization it described even existed, much less that the accused were all members and engaged in a coordinated terrorist campaign to overthrow the government.

Indeed, rather than being based on deductive reasoning, the indictment appeared to project onto a collection of disparate events and individuals – not all of whom are necessarily innocent of any wrongdoing – a conspiracy theorist’s template of a ubiquitous, and almost omnipotent, centrally-controlled organization which had not only penetrated every sphere of public life but been responsible for virtually every act of politically-motivated violence and terrorism in modern Turkish history.

The indictment claimed that Ergenekon was the Deep State, that it had been responsible for many “bloody operations” and that it aimed “to provoke a serious crisis, chaos, anarchy, terrorism and insecurity and that, even if it has been only partially successful, the organization has been an obstacle to the development of the country.”<sup>74</sup> It maintained that Ergenekon based its organizational structure on the models used by the “Masonic Bilderberg organization, German Nazi organization, British Intelligence front organizations, some NGOs in western Europe and some Eastern intelligence and political organizations.”<sup>75</sup>

The indictment further claimed that, although it had been active for many years, in 1999 Ergenekon drew up written plans for an organizational restructuring and that, as part of its new strategy, it targeted seizing control of NGOs such as the ADD, the *Cumhuriyet Kadınları Derneği* (Republican Women’s Association or CKD) and the *Çağdaş Yaşam Destekleme Derneği* (Association for the Support of Contemporary Living or ÇYDD).<sup>76</sup> It also

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<sup>74</sup> Author’s translation. Ergenekon Indictment of July 10, 2008, p. 46.

<sup>75</sup> Author’s translation. *Ibid.* p. 75.

<sup>76</sup> *Ibid.* p 59.

described NGOs such as the *Kuvayı Milliye Derneği* and the *Kuvvai Milliye Derneği* as front organizations, which provided legal cover for Ergenekon's attempts to create chaos in the country.<sup>77</sup>

For proof of the existence of Ergenekon, the indictment relied almost exclusively on the statements by Güney after he was arrested in March 2001, documents seized during raids on the defendants' homes from June 2007 onwards and wiretaps. There were no confessions. The majority of the defendants appeared never to have heard of an organization called Ergenekon. A few of the defendants – particularly Küçük and Perinçek, with whom Güney had been in contact – had copies of the documents originally found in Güney's possession. The police also recovered a handful of other similar documents from the homes of some of the other detainees; such as *Devletin Yeniden Yapılmanması İçin Öneriler (Master Plan Ön Çalışması)*, or "Proposals for the Restructuring of the State (Master Plan Preliminary Work)", which was discovered in the home of Kuddusi Okkır. However, no such documents were found in the possession of the majority of the defendants. Even when documents were found, it was unclear how they had come into the defendants' possession; namely whether they had written them, been given them or simply downloaded them from the many ultranationalist pipedreams circulating on the Internet.

Significantly, all of the documents cited by the indictment as relating to Ergenekon clearly described plans for a hypothetical organization, not an existing one. In fact, some of the documents suggested very strongly that there was no such organization. For example, one of the items in a list entitled "Our Shortcomings" in *Proposals for the Restructuring of the State (Master Plan Preliminary Work)* stated: "We are not yet an organization."<sup>78</sup>

Similarly, the hundreds of pages of transcripts of wiretaps – which were mostly fragments of conversations culled from what must have been thousands of hours of telephone surveillance – did not contain a single reference to the speakers' involvement with a covert organization, much less

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<sup>77</sup> *Ibid.* pp. 195-196.

<sup>78</sup> Author's translation. *Ibid.* p. 60. Okkır died from cancer on July 8, 2008, after over a year in custody and before facing any charges in court

to Ergenekon; even though, in almost every case, the speakers were clearly unaware of the possibility that their conversations might be being recorded. The only occasion when Ergenekon was even mentioned was in reference to the first waves of arrests. But there was no indication that the speakers felt under threat or that they believed that they shared anything more than similar views with those who had been detained. In a wiretap of a telephone conversation on January 22, 2008, with someone described only as Kürşat, Hayrettin Ertekin referred to the detentions of the previous day, particularly to the arrest of Küçük. “There is no such organization or anything like that. What will happen now? ... They are making it up as they go along”... “Veli Küçük is not well-liked in the armed forces. He works on his own.”<sup>79</sup>

Nevertheless, some of the claims in the indictment about Ergenekon’s deeds and ambitions extended beyond the bounds of credibility. For example, the indictment claimed that the organization had met with the then U.S. Vice President Dick Cheney to discuss toppling the AKP government and replacing it with a more acceptable alternative.<sup>80</sup> Even more absurdly, the indictment maintained that investigators had uncovered evidence that the “Ergenekon Terrorist Organization” planned to “manufacture chemical and biological weapons and then, with the high revenue it earned from selling them, to finance and control every terrorist organization not just in Turkey but in the entire world.”<sup>81</sup>

Curiously, the indictment made no attempt to explain how what it portrayed as a vast and immensely powerful organization was financed. There were no references to bank transfers or the movement of cash between the accused. Nor was there any evidence of how the organization was supposed to have functioned, such as how the members communicated with each other and coordinated their activities. If nothing else, the transcripts of the wiretaps and documents seized from the defendants’ hard drives did make it very clear

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<sup>79</sup> Author’s translation following the punctuation and lacunae in the original Turkish. Tape 1751 of January 22, 2008 at 12.26 pm. *Ibid.* p. 1929. The reference to Küçük’s reputation is accurate. Küçük has long been regarded in the military as believing himself to be above both his colleagues and the constraints under which they operate. Author’s conversations with military sources, Şırnak, February 1998 and Istanbul, September 1999.

<sup>80</sup> No date or details were given. Ergenekon Indictment of July 10, 2008, p. 93.

<sup>81</sup> Author’s translation. *Ibid.* p. 81.

that it was not by telephone or computer. All that the transcripts proved was that some of the defendants knew each other, which makes the absence of any reference to any covert relationships or meetings even stranger; particularly as they frequently discussed other matters with considerable abandon.

Such shortcomings did not prevent the indictment from claiming that Ergenekon was responsible for several high profile acts of political violence in an attempt to cause chaos and provoke a military coup.<sup>82</sup> They included: the three grenade attacks on the Istanbul headquarters of *Cumhuriyet* newspaper in May 2006; and the shooting dead of one judge, and the wounding of four others, in an assault by a lone gunman on the Danıştay, or “Council of State”, in Ankara on May 17, 2006. On February 13, 2008, Alparslan Arslan (born 1977), a lawyer with Islamist and ultranationalist tendencies, was sentenced to twin life terms for the attacks. When he was arrested, Arslan claimed that he had carried out the attack on the Danıştay in protest at its refusal to allow headscarfed women to attend university. Five alleged accomplices also received prison terms.

The indictment also suggested that Ergenekon was responsible for a number of other assassinations, including: the murder on February 5, 2006, of an Italian Catholic priest, Andre Santora, in the eastern Black Sea city of Trabzon; the shooting of Hrant Dink in Istanbul on January 19, 2007; and the torture and murder of the three Christian missionaries, including a German national, in the southeastern city of Malatya on April 18, 2007. The indictment admitted that there was no evidence linking Ergenekon to the killings but noted that, as they were clearly “provocations”, it was likely that the organization was responsible.<sup>83</sup>

Unlike for almost all the other claims, the indictment did produce specific evidence linking not Ergenekon but one of its alleged members, namely Muzaffer Tekin, to the attacks on *Cumhuriyet* and the Danıştay. The indictment quoted Osman Yıldırım, one of Alparslan Arslan’s five alleged

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<sup>82</sup> *Ibid.* p. 73.

<sup>83</sup> *Ibid.* pp. 385-386. In fact, statements by the assailants make it clear that, regardless of whether or not they were acting on their own, the primary motivation in each case was simply racial and religious hatred.

accomplices, as claiming that he and Arslan had met with Tekin in a villa in the Ataşehir neighborhood of Istanbul on April 30, 2006. Yıldırım said that Tekin had given them three grenades and offered them \$500,000 in return for throwing the grenades into the yard of the *Cumhuriyet* building, promising that no one would be injured.<sup>84</sup>

However, although it is possible that someone else encouraged Arslan, there are problems with Yıldırım's testimony. \$500,000 is an excessive amount for the task in question; particularly as the assailants were so incompetent that they did not even know they had to remove the pin from the grenade. In a statement to investigators on March 13, 2008, Arslan refuted Yıldırım's claim that anyone had offered \$500,000, although he declined to comment further on the attacks on *Cumhuriyet* and the Danıştay.<sup>85</sup> Arslan's apparently already precarious mental health subsequently deteriorated still further. On April 9, 2009, Arslan was sentenced to a further three years in prison after setting fire to his bed in his cell. The judge also ordered that Arslan be sent for further psychiatric evaluation after an initial examination indicated impaired intellectual functions. It is unclear whether Arslan's mental health will ever recover sufficiently for him to be able to confirm whether or not someone else incited the attack on the Danıştay or whether he was acting on his own initiative.

In March 2009, following an application by lawyers acting for *Cumhuriyet*, the cell phone records for Arslan, Yıldırım and Tekin were made public. An analysis of base station data for the period showed that, although Arslan and Yıldırım had spoken with each other on the telephone five times during the day, neither they nor Tekin were in Ataşehir on April 30, 2006. Both Arslan and Yıldırım had been briefly both been in Ataşehir at the same time on May 1, 2006, but Tekin's telephone indicated that he had been in another neighborhood of Istanbul, in Kadıköy. Similarly, although base station data indicated that Arslan had spent a maximum of 12 minutes in Ataşehir on May 3, 2006 – apparently in transit between the nearby neighborhoods of

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<sup>84</sup> *Ibid.* p. 409.

<sup>85</sup> *Ibid.* pp. 408-409.

Dudulu and Kayışdağı – neither Tekin nor Yıldırım were in Ataşehir that day.<sup>86</sup>

Yıldırım's credibility has been further called into question by a statement he made to prosecutors on April 1, 2008, and which was included in the first indictment.<sup>87</sup> Yıldırım claimed to have knowledge of an Ergenekon death list. In addition to several leading politicians, businessmen, journalists and bureaucrats, Yıldırım claimed that Ergenekon was planning to assassinate: Türcan Saylan, the head of the ÇYDD; ultranationalist television presenter Tuncay Özkan; Sabih Kanadoğlu, the staunchly secularist former Chief Public Prosecutor; and, perhaps most remarkably, retired General Şener Erugyur, who had been detained on July 1, 2008, and would later be portrayed by prosecutors as one of the leaders of Ergenekon.<sup>88</sup> The indictment made no attempt to address the questions raised by the implication that one of the leaders of Ergenekon had apparently ordered his own assassination.

The indictment includes several examples in which a conclusion is diametrically opposed to the evidence on which it purports to be based. For example, the indictment includes an extensive quotation from an article posted on the [www.kuvvaimilliyen.net](http://www.kuvvaimilliyen.net) website which describes the murder of the Christian missionaries in Malatya in April 2007 as a foreign conspiracy to destabilize the country as part of a Western strategy which started in the late Ottoman Empire. It then lists what will happen after Erdoğan, or someone similar, has been appointed to the presidency; including the appointment of Fethullah Gülen as head of a "dialogue department" at the state-run *Diyanet* or "Directorate for Religious Affairs" and the assassination of the leaders of Turkey's religious minorities, which will together provide the pretext for foreigners to seize direct control of the country.<sup>89</sup> Through a process which appears to defy rationality, the indictment then presents the assassinations as describing Ergenekon's future plans.

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<sup>86</sup> "En önemli tanığın ifadelerini baz istasyonları yalanlıyor" ("Base stations refute statements of most important witness"), *Radikal*, March 6, 2009.

<sup>87</sup> Ergenekon indictment of July 10, 2008, pp. 411-412.

<sup>88</sup> *Ibid.* p. 412. Özkan was arrested on charges of being a member of Ergenekon in September 2008. The homes of Kanadoğlu and Saylan were raided as part of the Ergenekon investigation in January and April 2009, respectively, although neither was arrested.

<sup>89</sup> *Ibid.* pp. 637-638.

The same oblique reasoning also characterizes much of the “evidence” against the individual accused. Some of those named in the indictment are known to hold extremist views and to have been involved in the gangs which terrorized southeastern Turkey in the 1990s. A few are known to have links with the Turkish underworld. It is entirely plausible that a small number of secular ultranationalists could have decided to form a gang and use violence to try to destabilize the AKP government.<sup>90</sup> A small number of the transcripts of wiretaps also suggest that some of the accused were involved in illegal activities.<sup>91</sup> But they are the minority. The indictment produces no evidence of criminality – much less membership of Ergenekon – against the majority of the defendants. Indeed, the writers of the indictment appear so anxious to project a preconceived, conspiracy theorist’s framework onto the reality of the evidence that the result is a succession of non-sequiturs and absurdities.

For example, the indictment cites an article by *Cumhuriyet* editor İlhan Selçuk written shortly after the second grenade attack on the newspaper as proof of his complicity. It quotes Selçuk as writing that: “two unknown (or known) terrorists have thrown a second bomb at *Cumhuriyet*.”<sup>92</sup> The indictment then explains that the fact that Selçuk referred to two people and used the word “known” in parentheses was proof that “the suspect had information about and was aware of the attack”.<sup>93</sup>

In reality, there is little doubt that Selçuk meant that, after receiving so many threats from Islamists, he was convinced that they were also responsible for the grenade attack. It is perhaps conceivable that Selçuk would collude in an attack on his own newspaper in order to try to discredit Islamists. However, to suggest that he would collude in a false flag operation by a covert organization of which he was a member in order to discredit Islamists and then imply in a newspaper article that he knew that Islamists were not responsible is simply irrational.

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<sup>90</sup> There were rumors in ultranationalist circles that one of the accused was trying to form such a gang in late 2006, although it would have been new and small. It is unclear whether the initiative ever moved beyond the planning stage.

<sup>91</sup> For example, Tape 3446 of December 15, 2007. Ergenekon Indictment of July 10, 2008, p. 2193.

<sup>92</sup> Author’s translation. *Ibid.* p. 1792.

<sup>93</sup> Author’s translation. *Ibid.* p. 1792.



## Widening the Web

The prodigious length of the indictment has ensured that it has not been widely read. However, this has not prevented AKP supporters and opponents of the military from defending the Ergenekon investigation; or the AKP's opponents, particularly secularists and nationalists, from condemning it as a politically motivated ploy to intimidate and silence opposition to the government. Prime Minister Erdoğan has described the Ergenekon investigation as being similar to the *Mani Pulite* or "Clean Hands" judicial investigation in Italy in the 1990s to purge the state of corrupt elements.<sup>94</sup> CHP leader Deniz Baykal has accused Erdoğan of acting like the public prosecutor in the investigation; a characterization Erdoğan has warmly embraced.<sup>95</sup>

On July 31, 2008, the Constitutional Court announced its verdict in the closure case, voting by a margin of 10-1 to uphold Yalçınkaya's claim that the AKP had been attempting to undermine secularism. But only six members of the court voted for the party's closure, one short of the seven required by law. Instead, the AKP was ordered to pay a \$20 million fine.

The result satisfied neither the AKP nor its secular opponents. However, tensions declined through the rest of summer 2008 and, with them, the frequency with which claims relating to Ergenekon appeared in the pro-AKP media; only to begin to rise again in early fall as the AKP once again came under pressure, this time over claims of corruption.

On September 2, 2008, AKP Deputy Chair Şaban Dişli was forced to resign after the CHP produced documents allegedly showing that he had accepted a bribe of \$1 million to change the zoning classification of a plot of land to enable it to be developed. On September 17, 2008, a court in Frankfurt, Germany, convicted three Turkish-born executives at the German-registered Islamic charity Deniz Feneri e.V. of embezzling at least €16.9 million in donations in the period 2002-2007. The three all pleaded guilty and explained how the money had been illegally diverted to other business interests in

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<sup>94</sup> For example, "Erdoğan Ergenekon'u 'Temiz Eller'e benzetti", *Anadolu Ajansı*, July 8, 2008.

<sup>95</sup> "Evet milletin savcısıyım", *Yeni Şafak*, July 16, 2008.

Germany and Turkey, almost all of them owned by figures associated with the AKP, including several close associates of Erdoğan.

On September 18, 2008, early morning police raids resulted in the detention of 19 more suspected members of Ergenekon. They included: five low-level serving military officers and a cadet at a military high school, who were all suspected of serving as links between Ergenekon and the transnational radical Islamist organization Hizb ut-Tahrir: Nürseli İdiz, one of the Turkey's most famous actresses; and the socialite and concert organizer Seyhan Soylu, or "Sisi". Both İdiz and Soylu were subsequently released without charge, although 12 of those detained were formally arrested on suspicion of membership of Ergenekon.

Another wave of police raids on September 23, 2008, resulted in the arrest of six more suspected members of Ergenekon. They included: Tuncay Özkan, the outspoken ultranationalist television presenter who had been on Yıldırım's supposed Ergenekon death list; Serdar Saçan, who had overseen Tuncay Güney's interrogation when he was arrested in 2001; and Gürbüz Çapan, a former mayor of the Istanbul neighborhood of Esenyurt who had been active in the militant leftist movement during the 1970s.

On October 20, 2008, the first hearing in the trial of the 86 defendants named in the indictment of July 10, 2008, opened in a purpose-built courthouse in a prison complex in the town of Silivri just outside Istanbul. However, proceedings had to be suspended when the authorities discovered that more people had been accredited to the trial than could fit into the courthouse. The trial finally got under way on October 23, 2008. Under the Turkish judicial system, hearings are held at dates set by the judge rather than on successive working days. By mid-June 2009, the case was averaging three days of hearings each week and was not expected to be concluded until at least 2010.

On January 7, 2009, the TNP staged another wave of simultaneous dawn raids on suspected Ergenekon members. A total of 33 people were taken into custody, several of them retired high-ranking members of the Land Forces who had been seized from their military lodgings. Those detained included: retired General Tuncer Kılınç, a former General Secretary of the National Security Council; retired General Kemal Yavuz, a former commander of the Turkish Second Army who had subsequently become a political

commentator on Turkish television and was renowned for his harsh criticism of the AKP; retired General Erdal Senel, a former legal consultant to the TGS; Professor Kemal Gürüz, the former head of the *Yüksek Öğretim Kurulu* (Council of Higher Education or YÖK) and an unwavering advocate of the headscarf ban; ultranationalist author and television commentator Yalçın Küçük; İbrahim Şahin, the former head of the Special Operations Department of the Interior Ministry, whose subordinates had been implicated in numerous human rights abuses in southeast Turkey in the 1990s and who had himself been convicted following the Susurluk scandal.<sup>96</sup> The police also attempted to detain Bedrettin Dalan, a staunch Kemalist who had been mayor of Istanbul for the rightwing Motherland Party (ANAP) during the 1980s. Dalan had subsequently established the *İstanbul Eğitim ve Kültür Vakfı* (Istanbul Educational and Cultural Foundation or İSTEK) which owns several schools and Istanbul's Yeditepe University. At the time of the raid, Dalan was in the U.S., where his wife was undergoing medical treatment. Instead, the police detained his son Barış Dalan and his driver Coşkun Umur. They also searched the Ankara home of Sabih Kanadoğlu, the former Chief Public Prosecutor, who had unsuccessfully applied for the AKP's closure in 2002 and had been a vigorous opponent of the party's attempts to appoint Abdullah Gül to the presidency; although, despite a search of his home lasting five hours, Kanadoğlu was not taken into custody. The raids intensified suspicions that, in their anxiety to eradicate what they believed was a massive organization, investigators were ordering detentions and then looking for evidence to justify them. It was clear that no attempt had been made to ascertain Dalan's whereabouts; not even to check the records kept by the Turkish border police. Similarly, Kanadoğlu and Şahin appeared unlikely colleagues in arms; not least because Kanadoğlu had successfully appealed against a court decision ordering Şahin's acquittal on procedural grounds during the Susurluk trial.

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<sup>96</sup> After a trial lasting four years, Şahin was sentenced to a six-year prison term in 2001. But he was pardoned by the then President Ahmet Necdet Sezer after being seriously injured in an automobile accident.; although he had served 185 days in jail while awaiting trial.

The detentions of the retired military personnel galvanized General İlker Başbuğ, who had succeeded General Büyükanıt as chief of the TGS at the end of August 2008. On the evening of January 7, 2009, Başbuğ chaired a six-hour meeting of the Turkish high command in the TGS headquarters in Ankara. On January 8, 2009, Başbuğ sent a message to Prime Minister Erdoğan, informing him that they would meet in the early afternoon. When they met, Başbuğ expressed the military's concerns over the way the Ergenekon investigation was being conducted and told Erdoğan that he expected the government to ensure that due process was followed. Together with most of the others who had been detained, Kılınç, Yavuz, Senel, Gürüz, Barış Dalan and Umur were all subsequently released. But Şahin was among the 17 detainees who were formally arrested.

Another wave of detentions followed on January 22, 2009, although this time the investigators avoided taking any high-ranking military personnel into custody. Nevertheless, in simultaneous raids in 16 provinces across the country, counterterrorism police units detained 37 people, of whom 18 were subsequently formally arrested. The most prominent was Mustafa Özbek, the president of the metalworkers trade union, *Türk Metal Sendikası*. Özbek was also honorary president of the secular ultranationalist television channel *Avrasya Radyo Televizyon* (Eurasia Radio and Television or ART), on which journalist Mustafa Balbay had presented a regular program.

### **The Second Indictment**

On March 8, 2009, the investigators completed the preparation of the second Ergenekon indictment. Shorter than the first at 1,909 pages and 248 additional files of evidence, the second indictment charged 56 suspects not only with “membership of an armed terrorist organization” but a range of other offences such as: “attempting to overthrow the government of the Turkish Republic by using violence and coercion”, “inciting the people to armed rebellion against the government of the Turkish Republic”, “stealing documents related to state security”, “attempting to remove the Turkish Grand National Assembly or prevent it from functioning” and “illegal possession of arms and ammunition.”

The accused included: former Gendarmerie Commander General Eruygur; retired General Tolon; journalist Mustafa Balbay; Erol Mütercimler, the former naval officer who had been first to refer publicly to Ergenekon; former AKP dissident Turhan Çömez; Ferda Paksüt, the wife of Osman Paksüt, the rigorously secularist deputy head of the Constitutional Court; journalist Tuncay Özkan; Serdar Saçan, the former police officer who had overseen Tuncay Güney's interrogation in 2001; former mayor and leftist militant Gürbüz Çapan; and retired Gendarmerie Colonel Arif Doğan, who was believed to be one of the founders of JİTEM. The prosecutors successfully requested that the second indictment be merged with the first, so that all of the accused members of Ergenekon could be tried together.

The second indictment began by summarizing some of the evidence presented in the first indictment of July 10, 2008. It included extensive quotations from the documents allegedly recovered from premises associated with the accused – particularly those taken from Güney's home in 2001 – as proof of Ergenekon's existence, size and goals. Unlike its predecessor, the second indictment had been sub-edited and contained relatively few spelling, typing and grammatical errors. However, in terms of its claims about the extent of Ergenekon's influence, it was both more ambitious and specific than the first indictment.

The indictment of March 8, 2009, maintained that “evidence acquired during the course of the investigation” had raised suspicions that Ergenekon “had links with the PKK, DHKP-C and Hizbullah, had used, directed or taken under its control these terrorist organizations in line with its goals, that the targets set out in the organization's key documents had demonstrated that these goals had been put into operation and that evidence, events and analysis had confirmed these suspicions.”<sup>97</sup>

The indictment explained that Ergenekon was seeking to use the PKK to create tensions between Turks and Kurds in an attempt to provoke chaos and conflict,<sup>98</sup> while Veli Küçük in particular was accused of close links with the DHKP-C.<sup>99</sup> It then cited Güney's statements under interrogation in 2001 in

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<sup>97</sup> Author's translation, Ergenekon indictment of March 8, 2009, p. 76.

<sup>98</sup> *Ibid.*, p. 81

<sup>99</sup> *Ibid.*, pp. 82-86.

which he had maintained that the Turkish Hizbullah was being jointly controlled by “Turkey, Iran and Israel.”<sup>100</sup> It reinforced this claim by quoting a “secret witness” referred to as “Ahmet” who maintained that he had been a childhood friend of Hizbullah founder Hüseyin Veliöğlü and that Veliöğlü was incapable of running such a large organization.<sup>101</sup>

Later, the indictment claimed that two of the accused had attended meetings by Hizb ut-Tahrir and that this was proof that Ergenekon was attempting to penetrate and control the organization.<sup>102</sup> In fact, Hizb ut-Tahrir has never been very active in Turkey and has limited its activities to issuing statements and very minor public protests involving only a handful of sympathizers.

The indictment stated that Ergenekon had been responsible for the attacks on *Cumhuriyet* newspaper and the Danıştay in May 2006 and cited as evidence a wiretap of Emin Gürses, who had been charged in the first indictment. Gürses was quoted as saying that current conditions were suitable for inciting the public to put pressure on Erdoğan to resign. However, not only is there no reference to violence but the wiretap was listed in the indictment as being of a telephone conversation which took place on January 23, 2008.<sup>103</sup> As further proof, the indictment cited a wiretap of İlhan Selçuk, in which he speculated that if a case was filed for the AKP’s closure, and there was an economic crisis and some “instability”, then perhaps there would be grounds for hope (presumably of the AKP being forced from power).<sup>104</sup> This was followed by a quotation from a wiretap of Professor Kemal Alemdaroğlu in which he stated that: “I repeat this reality everywhere I go. This cannot be realized through democracy. If it is going to happen, then it has to be through a revolution. This should be a nationalist revolution.”<sup>105</sup>

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<sup>100</sup> *Ibid.*, p. 87.

<sup>101</sup> *Ibid.*, p. 89. In fact, the huge volume of data recovered from Hizbullah’s computer archives during police raids in 1999 and 2000 clearly demonstrate not only the falsity of claims that the organization was being controlled or manipulated by outside forces but Veliöğlü’s considerable talents as an organizer. See Gareth Jenkins, *Political Islam in Turkey: Running West, Heading East?* (New York: Palgrave Macmillan, 2008), pp. 185-195.

<sup>102</sup> Ergenekon indictment of March 8, 2009, p. 108 and pp. 332-346.

<sup>103</sup> *Ibid.*, p 90.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

Selçuk's hopes of a closure case may raise questions regarding his commitment to the democratic process but, given that all four of the AKP's predecessors had been closed down, they do not necessarily demonstrate prescience or involvement in the closure case against the AKP that was filed on March 14, 2008, which in any case is not illegal under existing Turkish law. Similarly, Alemdaroğlu's apparent disdain for democracy is not uncommon in a country where there is still considerable support for a resort to authoritarianism under specific circumstances.<sup>106</sup> Nor, in itself, is his statement proof of a transition from words into actions; much less of involvement in, or support for, the attacks of May 2006. In fact, the indictment stated that both men were speaking over 18 months later: Alemdaroğlu on January 11, 2008, and Selçuk on February 7, 2008.

Under these circumstances, it was curious that – if the two men really were involved in them – no mention was made of the attacks of May 2006. Indeed, as in its predecessor, one of the most striking features of the indictment of March 8, 2009, was that the hundreds of pages of transcripts of wiretaps – which, again, were mostly selected phrases quoted without any context – contained so little of substance. Most of the conversations cited were manifestly innocuous and proved nothing except that some of the accused knew each other. A small number suggested that the speakers held distasteful views or lacked confidence in the democratic process. But none indicated either involvement in the crimes attributed to Ergenekon or even the existence of the organization.

The second indictment devoted considerable space to documents seized from the headquarters of the ADD following the detention of General Eryugur on July 1, 2008. Some of the evidence did appear to point to wrongdoing. For example, investigators claimed to have recovered several copies of classified reports, possession of which presumably dated back to before Eryugur retired from active service. There was also considerable evidence – much of it apparently also dating to when he was commander of the Gendarmerie – that Eryugur had ordered records to be kept of the political and ideological

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<sup>106</sup> For example, the widespread public support for the closure of Kurdish nationalist parties.

sympathies of civil servants and members of the media, particularly those who were regarded as being sympathetic to the AKP.

There were also numerous quotations from the monthly reports of an organization known as the *Cumhuriyet Çalışma Grubu* (Republic Working Group or CÇG),<sup>107</sup> which appears to have been established within the Gendarmerie after the AKP came to power in November 2002. In addition to monitoring the activities of the AKP and suspected Islamist sympathizers, the CÇG appears to have made recommendations and proposals in order to counter what was perceived as the growing influence of anti-secular sentiments; ranging from letter-writing campaigns to printing posters of Atatürk and organizing seminars on Kemalist themes.<sup>108</sup> In an indication that even the military was not immune to conspiracy theories, several of the CÇG's reports claimed that the stridently Islamist *Vakit* newspaper was controlled by MIT and "British Intelligence".<sup>109</sup>

The indictment quoted a number of additional reports and briefing papers – some apparently prepared while Erugyur was still a serving officer, others after he had retired and taken over as head of the ADD – on alleged Islamist activities and proposed measures to counter them. However, the indictment's anxiety to prove Ergenekon's overarching power led it to confuse "anti-democratic" and "democratic" activities and subordinate the distinction between them to a feverish conspiricism. For example, the indictment appeared to contain evidence that Erugyur oversaw the compilation of confidential information about a large number of people – including some of his colleagues in the TGS<sup>110</sup> – and some of the reports suggested that, while he was commander of the Gendarmerie, Erugyur had been seeking to undermine public support for the government; both of which the indictment described as being illegal and undemocratic. However, it accorded a similar status to an ADD letter-writing campaign to university professors to

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<sup>107</sup> A similar group, known as the *Batı Çalışma Grubu* (Western Working Group or BÇG) had been established in the TGS in the mid-1990s and had played an important role in preparing the ground for the toppling of the Islamist *Refah Partisi* (Welfare Party or RP) in 1997.

<sup>108</sup> Ergenekon indictment of March 8, 2009, pp. 147-155.

<sup>109</sup> *Ibid.*, pp. 147-148 and p. 184.

<sup>110</sup> *Ibid.* P. 704.



encourage them to protect Kemalist values and condemned the mass public protests that followed the AKP's attempts to appoint Gül to the presidency in 2007 as an undemocratic attempt to overthrow the government.

The indictment claimed that Eruygur taking over as head of the ADD was part of a strategy by Ergenekon to seize control of NGOs and use them to try to create chaos and provoke a military coup which would overthrow the AKP government.<sup>111</sup> As proof that Ergenekon was using the ADD as a cover, the indictment quoted a wiretap of a telephone conversation on April 8, 2008, between Eruygur and his secretary at the ADD. The secretary had been cleaning Eruygur's office and had come across some letters to university rectors. She asked Eruygur what to do with them. He told her to throw them away as they were out of date. "It is understood that this is an attempt to destroy documents related to illegal acts committed in the past because of the risk of being taken into custody," proclaimed the indictment.<sup>112</sup>

More serious would appear to be extracts from what the indictment claims were four separate plans to stage a coup in 2003 and 2004. However, even here, the way in which the evidence was presented raised some questions.

The first alleged plan was related to what have become known in Turkey as the "Coup Diaries". General Özkök's reluctance to adopt a more assertive, even confrontational, attitude towards the AKP after its election victory in November 2002 caused considerable consternation and frustration throughout the TGS. In its edition of March 29-April 4, 2007, the weekly news magazine *Nokta* published extracts from what it claimed were diaries written by Admiral Özden Örnek, who served as commander of the Turkish navy from August 2003 to August 2005. The diaries appeared to document Örnek's growing frustration with Özkök and describe how Örnek proposed implementing a plan, allegedly codenamed *Sarı kız* or "Blonde Girl", in which the military would instigate a strategy of civil unrest in the hope of eventually toppling the AKP government. Örnek subsequently denied being the author of the diaries and pressure from the military – including a raid on the magazine's offices – eventually resulted in *Nokta* having to close.

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<sup>111</sup> *Ibid.*, p. 128.

<sup>112</sup> *Ibid.*, p. 129.

However, a police forensics report suggested that the diaries had originated from Örnek's computer.

It is unclear how, even if they are genuine, the diaries made their way from Örnek's computer to *Nokta* or if they were altered along the way. The general tone of the diaries does reflect the frustration of many high-ranking officers at the time, although the majority believed that they could not act against the AKP except in response to an unequivocal attempt to erode secularism.<sup>113</sup> However, the suspicion in the TGS remains that someone with links to an Islamist organization stole the original text of Örnek's diaries, amended it and then forwarded it to *Nokta* in an attempt to discredit the military.

Even if the diaries are genuine, they make no mention of Ergenekon or any other covert organization. Curiously, the indictment of March 8, 2009, suggested that Eruygur was one of the architects of the *Sarıkoz* plot and that a copy of Örnek's diaries was found in the ADD office.<sup>114</sup> There is no explanation of why Eruygur allegedly instructed his secretary to destroy the relatively harmless letters to university rectors but left what is portrayed as a coup plot untouched.

The indictment of March 8, 2009, also claimed to have uncovered evidence of three more coup plots in the form of Microsoft Powerpoint presentations on CDs belonging to Eruygur: *Ayışığı* ("Moonlight"), *Yakamoz* ("Phosphorescence") and *Eldiven* ("Glove").<sup>115</sup> All three appeared to foresee Eruygur managing to marginalize both Özkök and Büyükanıt, Özkök's expected successor, make himself chief of the TGS and then adopt a more forceful attitude towards the AKP. In fact, Eruygur is known to have been ambitious and to have harbored hopes of succeeding Özkök, but there are doubts as to whether he could have ever succeeded; not least because any such attempt to bypass normal procedures would have triggered considerable opposition from within the TGS. Yet, even if the three presentations are genuine, they again make no mention of Ergenekon or any other organization.

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<sup>113</sup> See International Institute for Strategic Studies: *Strategic Survey 2002/3* (Oxford: Oxford University Press, 2003), pp. 139-140.

<sup>114</sup> Ergenekon indictment of March 8, 2009, pp. 184.

<sup>115</sup> *Ibid.* pp. 184-185.

As further proof of Ergenekon's plans for a coup, the second indictment included extracts from what it claimed were notes on Mustafa Balbay's computer of his meetings as a journalist with some of the other accused. The notes appear to detail Balbay's conversations with disgruntled high-level military officers discussing the possibility of staging a coup against the AKP government. Balbay later admitted that the most of the notes were genuine. But he maintained that in some places they had been altered and in others new material had been inserted.<sup>116</sup> The notes, whose publication earned Balbay accusations of being a coup-plotter, portray Balbay as a committed Kemalist and an opponent of the AKP. However, they also appear to indicate that he had no organizational links with his interlocutors. For example, in the alleged notes of a meeting between Balbay and Eruygur on November 30, 2002, Balbay asked Eruygur how the TGS would respond to the AKP's election victory. Eruygur replied that he expected the TGS to apply pressure to the AKP but that a coup was impossible.<sup>117</sup>

The lack of any concrete evidence was even more pronounced in the cases against the other defendants. For example, Erol Mütercimler appears to have been charged simply because he was the first to talk publicly about the existence of an Ergenekon organization; apparently on the grounds that, if he knew something about it, he must necessarily be a member. But no explanation was given as to why he would seek to publicize the existence of an organization which was supposed to be secret.<sup>118</sup>

Serdar Saçan's main offense appears to have been that he had overseen the original interrogation of Tuncay Güney in 2001.<sup>119</sup> The indictment portrayed Sinan Aygün as the financier of the Ergenekon operation but failed to produce any proof of the movement of large sums of money, focusing instead on the fact that ATO had once paid for 600 sandwiches and 600 cartons of *ayran*, or "buttermilk", for the ADD's General Assembly in Ankara in June 2006.<sup>120</sup>

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<sup>116</sup> "Notlar Montajlı", *Milliyet*, March 25, 2009.

<sup>117</sup> Ergenekon indictment of March 8, 2009, pp. 267-269.

<sup>118</sup> *Ibid.* pp. 121-123.

<sup>119</sup> *Ibid.* pp. 1329-1330

<sup>120</sup> *Ibid.* p. 415.

The only substantive accusation brought against AKP dissident Turhan Çömez is that he was trying “to divide political parties or bring different parties under a single center in line with the aims of the organization”<sup>121</sup> and that he had established contact with Ferda Paksüt in order to obtain “secret and strategic information.”<sup>122</sup> The former is presumably a reference to Çömez’s opposition to Erdogan’s leadership of the AKP, and the latter appears related to the fact that Ferda Paksüt’s husband, Osman Paksüt, was one of the presiding judges in the closure case against the AKP.

The evidence against Ferda Paksüt was limited to the fact that she and her husband were acquainted with Çömez.<sup>123</sup> In a statement to investigators, Ferda Paksüt explained that she had first got to know Çömez after her husband, who at the time was serving in the Turkish Ministry of Foreign Affairs (MFA), had been posted to Baghdad and Çömez had assisted in equipping a local hospital.

However, in what became a disturbingly regular occurrence, the transcripts of telephone calls between Ferda Paksüt and Çömez were leaked into the public domain before she had been even questioned by the Ergenekon investigators. Although the conversations were not incriminating, they nevertheless allowed the pro-AKP media to allege a connection between Osman Paksüt and Ergenekon. It later emerged that Ferda Paksüt’s telephone had been tapped from April 2, 2008 until June 22, 2008 – a period when her husband was hearing the closure case against the AKP. In March 2009, alleged copies of Mustafa Balbay’s notes were also leaked into the public domain before they were presented to court, as were recordings of telephone conversations by Eruygur’s wife after he was admitted to hospital and what appeared to be a wiretap of General İsmail Hakkı Karadayı, the chief of the TGS when a military-led campaign forced the Islamist RP from power in 1997. As had been the case with Örneke’s alleged diaries, no investigation was initiated to attempt to trace the source of the leaks. AKP officials refuted suggestions that party sympathizers in the TNP were responsible, commenting that anyone could buy wiretapping equipment on the black

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<sup>121</sup> *Ibid.* p. 133

<sup>122</sup> *Ibid.*

<sup>123</sup> *Ibid.*, 1209-1217.

market.<sup>124</sup> But, again, this did not explain why the only people whose private conversations were being tapped were the AKP's opponents.

More worrying were indications that some of the evidence presented to the court had been tampered with. One of the folders of evidence was registered by police as having been seized from the ADD headquarters on July 1, 2008. But it was found to contain details of diplomatic appointments in the MFA on October 15, 2008; November 15, 2008; December 1, 2008; and February 15, 2009.<sup>125</sup>

There were also question marks over what initially appeared to be the investigation's one unequivocal success; namely the discovery of arms dumps. Members of the ÖHD are known to have buried caches of unregistered arms and ammunition around Turkey ready for use in an emergency. After İbrahim Şahin was detained in January 2009, acting on a diagram they claimed to have found in his home, members of the TNP uncovered a large cache of arms in a rural area outside Ankara. However, when they were presented to the media, the weapons appeared to have been wrapped only in old newspapers; which would have provided little protection against corrosion in the damp earth. Similarly, in April 2009, two excavations on property associated with İSTEK in Istanbul turned up a small arsenal of weapons and equipment. Curiously, in addition to rifles, ammunition and explosives, they included the empty casings for light anti-tank weapons (LAWs); which are militarily useless, making it unclear why anyone would wish to hide them in an arms cache.

Even if no evidence was discovered to link the alleged arms caches to an organization called Ergenekon, it is possible that they had been buried by some of the accused or their associates for later use. Some of the defendants were known to have a violent past. However, the same could not be said of the next wave of detentions of alleged members of the "Ergenekon terrorist organization."

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<sup>124</sup> Author's conversation with AKP minister, Istanbul, May 2009.

<sup>125</sup> *Radikal*, May 7, 2009.

### **A Conspiracy Too Far?**

Early on the morning of April 13, 2009, members of the counterterrorism department of the TNP detained 39 alleged members of Ergenekon in simultaneous early morning raids on 83 different premises across Turkey. This time the detainees were mostly former university rectors, academics and members of NGOs. They included: Mehmet Haberal, the rector of Başkent University in Ankara; Metin Öztürk, the former rector of Giresun University; Fatih Hilmioğlu, the former rector of İnönü University in Malatya; Ferit Bernay, the former rector of Ondukuz Mayıs University in Samsun; Mustafa Yurtkuran, the former rector of Uludağ University in Bursa; and Professor Erol Manisalı, an ultranationalist academic and television commentator.

In recent years, the provision of educational scholarships has become dominated by Islamist organizations, particularly those associated with the Fethullah Gülen movement. Their main secular rivals are the ÇYDD and the *Baba, Beni Okula Gönder* (Daddy, Send Me to School or BBOG) campaign which was launched by the Doğan Group, Turkey's largest media conglomerate.

BBOG focuses on providing girls from poor families, particularly in rural Anatolia, with financial support in order to enable them to go to school. On the morning of April 13, 2009, police raided ÇYDD and BBOG offices across the country, seizing computers and taking staff – a large proportion of them women – into custody. Those detained included Doğan Group Board Member Tijen Mergen. The police also raided the home of Türkan Saylan, the 73 year-old head of ÇYDD. Saylan was in the terminal stages of cancer. During the 2007 public protests against the AKP's attempts to appoint Gül to the presidency, Saylan had angered some hard-line secularists by publicly declaring that she and the ÇYDD were equally opposed to both the Shari'a and a military coup. In deference to her poor health, the police did not take Saylan into custody. She died a little over a month later on May 18, 2009.

Most of the staff members of the ÇYDD and the BBOG were later released, albeit after spending up to 60 hours in custody. However, eight of the detained academics were arrested on suspicion of membership of Ergenekon.

In July 2009, they were expected to be formally charged when the prosecutors completed a third Ergenekon indictment later in 2009.

## Conclusions

Since it was first launched in June 2007, the Ergenekon investigation has become the largest and most controversial court case in recent Turkish history. By ordering the detentions of hundreds of suspects and by the extraordinarily ambitious nature of their claims for the organization's power and size, the investigators have also ensured that the investigation has become a test case for the Turkish judicial system.

The massive volume of material in the Ergenekon investigation – not least the prodigious length of the indictments – has dissuaded most people from even attempting to read it all and acted as a shield against critical analysis. Inevitably, this has also exacerbated a tendency by the investigation's admirers and detractors inside Turkey and abroad to evaluate it according to their own political prejudices and preexisting worldviews rather than the merits, or otherwise, of the case itself. This is unfortunate, because even the most cursory objective examination of the investigation raises deeply disturbing questions, which multiply and intensify the more closely the alleged evidence in the case is examined.

The concerns raised by the Ergenekon investigation can be divided into two categories. One is conceptual and relates to the culture of denial and the conspiratorial worldview on which the underlying premise of the case is based; the other is judicial and includes the manner in which the investigation as a whole has been handled, the disregard for due process, the prosecutors' inability or unwillingness to understand the numerous contradictions in the indictments, the creative interpretation and occasional apparent manipulation of what little evidence is adduced, the arbitrary nature of many of the police raids, the length of time some of the suspects have been detained in prison without being formally charged, the frequency with which materials related to the case or its critics have been leaked into the public domain, and the subsequent suspicion that the investigation has become tainted by political motives.



Several of the concerns raised by the manner in which the Ergenekon case has been conducted – particularly the disregard for due process and the arbitrary nature of the detentions – can also be expressed with equal validity about previous judicial investigations in Turkey; ironically including some past investigations and prosecutions which were driven by the same secular ultranationalist worldviews that are held by the majority of those now detained under the Ergenekon investigation. But the Ergenekon investigation also contains fundamental flaws which are without precedent in recent Turkish legal history. For example, there have been instances in the past in which individuals have been wrongly convicted of membership of an outlawed terrorist organization, but there is no precedent for people being charged with membership of an organization which, as defined in the indictments presented to the court, does not appear to exist or to ever have existed.

The Deep State is a reality of recent Turkish history. However, it was always more of a culture of immunity rather than a single, centrally-controlled hierarchical organization. By the late 1990s, with the PKK in retreat and the ÖHD renamed and restructured to reflect the changing strategic environment, the influence of the Deep State had begun to diminish. The Susurluk Scandal marked, as it much as it caused, the end of an era. Over the years that followed, the many groups and gangs that had been recruited to combat the PKK fragmented or dissolved as their members either retired or turned full-time to a life of organized crime. There were even instances in which rival gangs fought and killed each other over access to sources of revenue.

Some of the secular ultranationalists who were active in the Deep State in the 1980s and 1990s are still in contact with their former colleagues and others on the nationalist right of the political spectrum. No ideology has a monopoly of political violence in Turkey. In common with leftists, Islamists and Kurdish nationalists, Turkish ultranationalists have used violence in the past. There is no reason to suppose they would not do so again in the future. It is also possible that some secularist ultranationalists would stage false flag operations to try to discredit Islamists and destabilize the AKP. But there is as yet no concrete proof that they have, or have not, done so.

What is undoubted is that, if former members of the Deep State were to resort to violence, they would use the same model that they used in the past; namely, form a small gang. They would be highly unlikely to attempt to create a vast, centrally-controlled organization like the one portrayed in the Ergenekon indictments. It would simply be too cumbersome, too expensive and too vulnerable to penetration.

One of the many frustrations of the way in which the Ergenekon case has been conducted is that, in their anxiety to project an imaginary organization onto disparate events and individuals, the prosecutors have ignored what should be the basic principle of any judicial investigation; namely, starting from the evidence. For example, whatever suspicions may surround the later discoveries of arms and ammunition, it is difficult to find any plausible explanation for the crate of grenades discovered in Ümraniye in June 2007 which does not involve an element of criminal activity, whether in the past, the present or the future. Similarly, although the hundreds of pages of transcripts of wiretaps included in the two indictments contain no evidence even to suggest the existence of an organization called Ergenekon, there are a handful of occasions when there appear to be indications that a few of the accused were engaged in other forms of illegal activity. No attempt has been made to investigate them.

The explanation is probably related to the fact that, although the organization portrayed in the Ergenekon indictments does not exist, for AKP supporters and conspiracy theorists in the Islamist camp it is too convenient a fiction to be ignored, both politically and psychologically. Holding secular ultranationalists with links to the military responsible for every act of political violence in recent Turkish history discredits the military itself, which – despite wielding less political influence than it did a decade ago – remains the most formidable obstacle to any attempt to change the prevailing interpretation of secularism in Turkey. It also distances Islam from being associated with terrorism. But it is also manifestly untrue, as violence and acts of terrorism have been carried out in the name of Islam in Turkey and elsewhere. To argue anything else is to deny reality.

The Ergenekon organization as portrayed in the investigation is the product of a conspiracy theorist's imagination. In a country where conspiracy

theories have become endemic, it is not surprising that they are shared by some of the members of the forces responsible for law enforcement; but it is alarming when the desire to uncover an imagined organization becomes the primary driving force behind the arrest and detention of hundreds of suspects.

It is likely that the Ergenekon investigation's conceptual flaws are also partly responsible for some of its many procedural shortcomings; as investigating officers attempted to compensate for the lack of proof of the organization's existence by embellishing the alleged evidence in their possession or by leaking into the public domain material they believed would be damaging to the accused or the critics of the investigation.

The Ergenekon investigation is frequently characterized by its detractors in Turkey as a calculated ploy to try to weaken secularist opposition to the AKP, particularly by undermining the prestige of the Turkish military. However, rather than using Ergenekon as a pretext to attack opposition to the AKP, the investigating officers seem to regard any opposition to the AKP as being controlled and manipulated by Ergenekon. The fact that such a belief is delusional does not appear to have weakened the conviction with which it is held.<sup>126</sup> Indeed, one of the most remarkable features of the Ergenekon investigation is the tenacity with which the investigating officers have clung to this belief despite the absence of any proof of the existence of such a vast organization in the ever-increasing volume of evidence they have collected. Instead of seeding doubts about its existence, the absence of any proof that Ergenekon exists appears merely to have reinforced their fear of its awesome power and capacity for secrecy.

But the same is not necessarily true of all of the advocates of the investigation in the pro-AKP media. Some are clearly more concerned with what they regard as the investigation's role in eroding the political influence of the Turkish military than whether or not it follows due process, or whether the charges in the indictment are true.<sup>127</sup> There is also evidence to

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<sup>126</sup> Author's interviews with sources close to the Ergenekon investigation. Istanbul, May, 2009.

<sup>127</sup> Author's interview with a leading member of the Fethullah Gülen movement, Washington, May, 2009.

suggest that such attitudes are shared by at least some of the leading members of the AKP. Although there is no indication that government ministers are actively involved in the investigation, neither have they made any attempt to address its numerous abuses and absurdities. Prime Minister Erdoğan, in particular, has not only defended the Ergenekon investigation but lambasted its critics for their lack of faith in the independence of the Turkish judicial system; a confidence which neither he nor other members of the AKP were vocal in expressing when hard-line secularists in the judiciary were attempting to outlaw the party in 2008.

The failure of the government to try either to investigate the sources of the leaks of wiretaps into the public domain or to curb the power of the prosecutors to order people to be seized from their homes without any evidence of criminal activity<sup>128</sup> has inevitably created a climate of fear amongst a large proportion of the Turkish population. Secular middle-class Turks in particular are now frightened of talking candidly with acquaintances on the telephone for fear that a doctored transcript might subsequently appear on a pro-AKP website. The prosecutors' apparent propensity for regarding anyone acquainted with one of the accused as a potential member of Ergenekon means that a growing number go to bed at night worried that they might be woken at dawn by a police raid. It is to be hoped that such fears are exaggerated, but they are certainly widely held.<sup>129</sup>

The Ergenekon investigation is a product of its time. The impunity with which the prosecutors have arrested scores of prominent secularists, including many retired members of the military, would have been unthinkable prior to the AKP's landslide election victory in July 2007. But, in addition to all its abuses and absurdities, it is also a wasted opportunity. There is evidence to suggest that, even if they were not members of a vast organization called Ergenekon, some of those detained were involved in some form of criminal activity. But they have now been lumped together with the majority of the accused who appear to be guilty of nothing more than holding

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<sup>128</sup> Such as, for example, in the raids of April 13, 2009. See above.

<sup>129</sup> "You shouldn't write about this or say that you once spoke with some of those inside. Even though you are a foreigner, they could take you in as well. Honestly, they could." Well-intentioned warning to the author from a member of the TNP. Istanbul, May 2009.

strong secularist and ultranationalist views. Even if some of the latter occasionally descended into racism, holding racist views is not a crime in Turkey and it is not the reason they have been indicted. Given the size and nature of the Ergenekon case it is unlikely that any of the accused – whether the few who are guilty of criminal activity or the majority who are innocent – will receive justice.

From a broader perspective, the public debate triggered by the discovery of the crate of grenades in Ümraniye in June 2007 could have provided an opportunity for the establishment of an independent truth commission which could perhaps have enabled Turks – including both secular nationalists and Islamists – to come to terms with the realities of recent Turkish history. But, in the short-term, a more pressing concern is not the wasted opportunity for Turkey to confront its past but what the Ergenekon investigation might be saying about its future, and the disturbing questions it raises about the prospects for democracy and the rule of law in the country.

## Authors' Bio

**Gareth H. Jenkins** is a journalist, author and analyst who has been based in Istanbul since 1989. He has written extensively on political, economic and security issues related to Turkey and the surrounding region. His special areas of interest include civil-military relations, political Islam and counter-terrorism. His monograph, *Context and Circumstance: The Turkish Military and Politics*, was published as Adelphi Paper No. 337 by the Oxford University Press in 2001. His latest book, *Political Islam in Turkey: Running West, Heading East?* was published by Palgrave Macmillan in May 2008.