

PERSPECTIVES

Political analysis and commentary from Turkey



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Heinrich Böll Stiftung – Turkey Representation

The Heinrich Böll Stiftung, associated with the German Green Party, is a legally autonomous and intellectually open political foundation. Our foremost task is civic education in Germany and abroad with the aim of promoting informed democratic opinion, socio-political commitment and mutual understanding. In addition the Heinrich Böll Stiftung supports artistic and cultural as well as scholarly projects, and co-operation in the development field. The political values of ecology, democracy, gender democracy, solidarity and nonviolence are our chief points of reference. Heinrich Böll's belief in and promotion of citizen participation in politics is the model for the foundation's work.

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- Democracy**
- Ecology**
- Culture**
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Editor's note

Turkey's agenda is changing at an incredible speed. This change makes itself felt in every area of society. Social, legal and political changes happen in many fields; from economy to culture and internal politics, from environmental issues to external politics. This social transformation process seems to be sharpening the already existing polarization within society. It seems that the AKP government employs more and more populist and authoritative methods instead of following a democratic path in this transformation process. In such critical periods of sharpened polarization, the role of the governments is to provide an opportunity for social transformation to materialize in a peaceful and democratic environment. Therefore, the role of the political actors and civil society is also of great importance.

The media in particular plays a significant role in helping to understand the society of Turkey and to grasp the reflections of this change on various political and social areas. However, suffering from multi-dimensional structural shortcomings, as well as political and legal pressures, the media in Turkey is not able to play this role sufficiently. The prevalent approach to journalism that blurs the difference between news reporting and commentary and handles the issues with a partisan attitude has shaken the trust in the media in Turkey. Therefore, there is a gap of profound analysis and information supporting readers inside and outside of Turkey in drawing their own conclusions.

This is relevant for the reader outside of Turkey, especially for those who monitor social change and responding politics. Not being able to access accurate and complete news and information and a lack of comprehensive analyses make it difficult for those who want to understand Turkey, but who cannot speak the Turkish language. It is also striking to see the limited number of topics raised in articles on Turkey published abroad. Scarcity of publications in foreign languages about Turkey, and particularly about actual political issues, is yet another problem. News reports and articles about Turkey generally focus on foreign politics, economy and, occasionally, internal politics. In general, they are merely event-based. Issues like social transformation, political systems, environment, ecology, or art are brought to light by only a few news reports and analyses in other languages.

Understanding the transformation of Turkey requires more diverse analyses of a higher quality for the reader inside and outside of Turkey. Aiming to fill this gap, the Turkey Representation of the Heinrich Böll Stiftung (hbs) has decided to publish a periodical, "Perspectives – Political Analysis and Commentary from Turkey", in both Turkish and English.

This quarterly periodical strives to be a source of reference for civil society, decision makers,

opinion leaders in Turkey and, particularly, in Europe as well as for those who are watching and trying to understand the developments in Turkey. Each magazine will present feature articles, articles on ecology, democratization, culture, international politics and news from hbs. Each issue also contains a short biography in an attempt to present the impact of the developments in Turkey from a human perspective.

The feature articles of this first issue deal with the historical background and recent developments concerning the "deep state" of Turkey. We regard the "deep state" as one of the important impediments in the democratization of this country. With the different reforms that led to a change in the civil-military relationship, with the law suits such as the Ergenekon trial, and with the trial against responsible personality of the coup d'état in 1980, it became a much discussed topic; if the AKP government attempts to destroy the deep state; if it is accommodating to it or just changing the actors of the "deep state". In our first issue, we try to give answer to these questions. In addition to the feature articles, topical articles on issues such as the reform of the educational system, censorship in the arts as well as the renewable energy law and the reform of the health system are addressed.

We very much hope that Perspectives does not only provide political analysis and commentary on Turkey but also contributes to a fruitful and lively debate on issues of importance for a peaceful, democratic and sustainable future of Turkey. With round table discussions that we will organize on the topic of the feature articles, we would also like to discuss intensively with you.

On behalf of the Turkey Representation of the
Heinrich Böll Stiftung

Your
Perspectives Turkey Team

PHOTO: VOLKAN DOĞAR



Tracing the Deep State *

To write and speak about the deep state in Turkey means to handle an issue both well known and unfamiliar at the same time. The “Deep State” is usually defined by the metaphor of an iceberg, which is an image almost everyone is familiar with, that is believed to be there and that becomes visible from time to time. For some, it has been “liquidated and tried in court”. Wikileaks documents revealed that only 12 days after the coming to power of the Justice and Development Party (AKP) in 2002, the US Ambassador in Ankara sent a report titled “Deep State in Turkey” to Washington in which he stated; “Deep State supremacy is being challenged step by step with openness rare in the history of the Turkish Republic.”¹ According to the report, “what Turks refer to as the Deep State” is the “informal, para-judicial governance motivated by an expansive definition of national security.”² The first time a structure, that defines itself as the “deep state”, was brought to court was in 2008, with the Ergenekon Trial. Run after all those years, and believed to have connections with many murders by unknown assailants, the deep state appeared before us as an organization allegedly founded by a group of detained retired soldiers and journalists. Its most important mission was claimed to be to overthrow the AKP government. As it was understood from the indictment of the lawsuit, some of those detainees called themselves “Ergenekon” and “Deep State”, but still considered the lack of an organization as a shortcoming.³ What appeared to be an incredibly strong deep state was a group of former soldiers, retired due to disability or separated from the army and an 84-year-old concession holder of a newspaper. The detainees also included General Veli Küçük, who has connections with the Gendarmerie Intelligence and Counter Terrorism Organization (JITEM) and the “Susurluk Incident”, an event that made the deep state visible, along with Colonel Arif Doğan and some mafia members.

The Susurluk crash in 1996 was one of the few cases leading to the surfacing of the deep state. In those days, what was meant by the “deep state” concept, which became a legendary structure and a known fact and was described by columnists with references to the secret missions in James Bond films, was the adoption of illegal methods and association with criminals by state officials for a struggle that was thought to be difficult to embrace within legal limits.⁴ Years after the Susurluk Affair, in 2009, some of the defendants in the Ergenekon case were speaking of themselves as members of

the deep state; however, until then the Turkish state still could not investigate the legendary organization JITEM.⁵ Since 2009, our daily lives were suddenly occupied with the TV news about police raids and court-house images related to the Ergenekon, Oda TV, Sledgehammer (Balyoz), Internet Memorandum (İnternet Andıcı), Revolutionist Headquarters (Devrimci Karargah), KCK (Union of Communities in Kurdistan) cases initiated by specially authorized courts and prosecutors established by a decision of the High Council of Judges and Prosecutors (HCJP). Some of these cases were linked to the Ergenekon case. The idea that “Turkey was cleared of the deep state” started to circulate. The questions of whether the deep state has been liquidated by the new order established by AKP and whether this structure is the most urgent problem of the state or not still remain.

Ergenekon and the Gladio

The subject of the lawsuit process, Ergenekon is claimed to be an organization established during the Cold War period. We know that it is linked with the anticommunist stay behind an organization that appeared in Europe in different forms after the Cold War known as the Gladio.⁶ After many years, a former head of military counter-intelligence accused the right-wing militants and the CIA of bombing the Bank of Milan, which killed 16 people in 1969.⁷ According to the claims, this secret paramilitary network against the “threat of communism” was planned in 1949 by the USA, UK and Belgium.⁸ Despite many claims and clues, it was never proved that a stay behind paramilitary unit was established in Turkey; however, some books on the deep state have claimed that the name of the organization in Turkey was Ergenekon.⁹ Counter-insurgency discussions during the 1970’s, attacks on 1 May 1977 by armed men who were never captured, “commandos”, the perpetrators of many violent events before 1970, political assassinations of many intellectuals and the Kahramanmaraş massacre... all these events meant that Turkey was, in a way, going through a hot war during the climate of the Cold War. The fact that this conflict environment was created to lay the ground for a *coup* was among the widely accepted ideas.

The 1980 military coup has been analyzed in many different ways. The general understanding is that the military coup was a kind of shock that prepared Turkey for the new right wing policies; the social and political organization was shaken by direct military force and the state of emergency



Ayşegül Sabuktay

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regime under the supervision of the USA and the labor force was tamed in accordance with the demands of the bourgeoisie. The coup government suspending the minimum requirements of the rule of law and the integrity of political life should not be, of course, confused with the “deep state”. The “depth” of the deep state simply originates from a lack of “openness” and the execution of “covert operations” by using the power and authority of the state. The military coup, on the other hand, is the use of physical power by the army to regulate the political sphere. Although triggered by the *raison d'état*, it is not a deep state operation, but a materialization of the army's power over the political system.

From the early 1990's until 1996, a large number of bombings and unsolved murders of members of the Kurdish movement once again raised the debate over the deep state and counter-insurgency. One of the victims of the Susurluk crash, Abdullah Çatlı, was the youth leader of the pre-1980 anticommunist movement. This was not a coincidence. His companions in the anticommunist movement were with him in the events that took place after 1990. The fact that this team murdered 7 young members of the Worker's Party of Turkey (TİP) in their homes before 1980 had come about by chance. Staff utilized in the struggle against communism in the 1970's was the same staff used in the fight against the Kurdish movement in the early 1990's. Various events have shown that neither the collapse of the Eastern Bloc nor the anticommunist organization becoming meaningless ended the deep state operations in Turkey or in other parts of the world. Yet, any government wanting to use force outside the legal limits would probably be in need of covert operations. This is the very reason why the deep state is a privilege unique to the state holding the monopoly on violence; it occurs when the state or a group within the state wants to use force beyond the existing legal system.

Cases of criminals employed by the state or state operations outside the legal system usually become uncovered when an accident happens or different groups struggle for power. In Spain, 10 people, including the Minister of the Interior and the State Secretary of Security were tried and convicted of attempting to murder, and in some cases murdering, 28 members of ETA by hiring assassins of an organization called the “Antiterrorist Liberation Groups” (*Grupos Antiterroristas de Liberación, GAL*).¹⁰ Policies pursued by Britain against the IRA were often expressed as illegal actions of the state, covered with great care.¹¹ It was a plane crash that brought light to the sale of arms by the USA to Iran, the subject of a US-led arms embargo. The USA then diverted the money to provide arms to the Contras fighting the socialist government in Nicaragua, although the funding of the Contras by the government had been prohibited by Congress. During the court process, these people stood trial as offenders of crimes against the state. The reason why the offenders broke the law was surely beyond gaining personal interest. They were motivated by the *raison d'état*.

Deep State results from concerns of legitimacy

It seems extraordinary that the AKP government is investigating the deep state and even bringing it to court; however, we know that the “deep state” metaphor is used to describe the executive power that clandestinely operates as a part of the state to do illegal actions. If this secret operation somehow comes out in the open, no one assumes responsibility for it. In this sense, the deep states usually have a legitimacy problem; and the problem is solved by remaining secret. The reason is that the illegal actions of the deep state or the modern constitutional state taking its roots from *raison d'état* are, by necessity, unique to the state of being within a liberal democracy paradigm.

What legitimizes the *raison d'état* as the concern of the state for self-protection usually appears when law cannot become a direct instrument of political power. If the principles of the liberal parliamentary paradigm that can be summarized as the elements of a democratic rule of law¹², i.e. separation of powers, independence of the judiciary, immunity of the legislature, democratic legislative process fed by the public sphere, legal scrutiny of the executive power, etc., have, to a certain extent, limited the powers of the executive, the ruling power may still try to secretly exert force and become a deeper executive, carrying out some of the actions clandestinely. In that sense, although it may seem ironic, the deep state is a part of the modern constitutional state and the liberal democracy paradigm. The concerns of being deep came down to a minimum level

Run after all those years, and believed to have connections with many unsolved murders, the deep state appeared before us as an organization allegedly founded by a group of detained retired soldiers and journalists.

during the military coup period as the legislative power was taken by force by those who seized power, judiciary oversight disappeared, extraordinary security and judicial measures were taken against social opposition and freedoms of press and political organization were suppressed in order not to leave room for political opposition. During this period, the relationship between law and the struggle of the social powers was disconnected. Law was no longer a framework limiting the ruling power that should be passed over; it was controlled, almost entirely, by the political power. Nevertheless, the social base may not leave the government free to do whatever they want, and may be ready to struggle; in that case, many people can be killed, though not out in the open by a firing squad, but in a rather discrete way, like in Argentina, by way of disappearances. If force is applied rather arbitrarily, without having to justify

it, the state does not have to become deep at all, as it can still exert its power without applying to the deep state. In the case of GAL, the social democrat government of Spain, instead of using assassins, it had its own staff to kill members of the opposition and kept those people in prison for many years without reason. So, how meaningful is the deepening of the state in this case? Today, if there is a supra-governmental detention center like Guantanamo, where people can be kept without any charges for years before they see a court and if the USA can hold the right of killing whomever they want because he/she is a terrorist¹³, is it necessary to operate secretly and without assuming any responsibility? On the contrary, in most of the cases, the fundamental method of establishing law is first to use force and make this new type of law *de facto* applicable.¹⁴

The bombing of a car in Italy in 1972, and the years-long lawsuit that followed, unearthed the organization known as the Gladio. After many years, a former head of military counter-intelligence accused the right-wing militants and the CIA of bombing the Bank of Milan, which killed 16 people in 1969.

Holding the majority of seats in Parliament for 10 years, and having managed to establish a new period and stability in Turkey, the steps taken by the AKP government related to the power of the legislature, judiciary independence, judiciary oversight over the executive, freedom of press and political freedoms may give us an idea as to why the AKP government will need discrete operations, in other words the deep state, in terms of what was explained above. “A strong government as a guarantor of stability”, can suppress all opposition powers by using methods that are legal in appearance but questionable when it comes to being lawful. With the restructuring of the judicial system after the referendum, the state turns law-enforcement and the judiciary into instruments, without any embarrassment at all. So, the system seems to be operating legally, but it is far from being lawful. The state may not seem to be “deep” but it does not need to be deep anyway. It looks like the *nomos* of this relatively “surfaced” state will be worse to deal with than that of the deeper one.

The state where the concern of legitimacy has disappeared

Though it seems odd, not only the periods of coup, but authoritarian parliamentary systems also have a functioning legal regime. South Africa during the Apartheid period and Germany during the Nazi period had laws, courts, judges and law-enforcement bodies. Nazi Germany did not use the deep state to kill thousands in concentration camps in a planned and

systemic way. Under such circumstances, a strong state that is not deep can be more restrictive than the deep state in terms of rights and freedoms. In “A Dry White Season”, a film based upon Andre Brink’s novel of the same name, we hear the following lines from Marlon Brando: “legal struggle does not mean anything as whenever I win in court, they change the laws so that I cannot win”. This line from the movie summarizes the basic characteristic of the system that we perceive as “law”. Examples from different periods in different countries show that states already operate around certain procedures, certain *nomos*. This situation takes its roots from the arbitrariness of being able to define what crime is and what it is not, in the field of implementation of laws that seems to be endless. As the structure of the state possesses extraordinary powers to define crime and the criminal, the conditions based on which an action will be deemed a crime are worthy of further study. For instance, in 1960, in the USA, a group of white college students on a school trip to Alabama with their lunch had dinner at a restaurant where black people also had lunch. This led to their detention, on the charges of distorting public order. Later, they were found guilty by the judge and were arrested.¹⁶ The legal methods developed by the law enforcement bodies against social opposition are also very interesting. On the other hand, creating fake evidence and treating actions that do not constitute crime as if they are requires effective law-enforcement and a judicial system that co-operates with the government, in other words, a weakened principle of separation of powers, which is a necessity of liberal democracy.

Over the past few years, the illusion that “the deep state is being tried in Turkey” has been gaining ground. Here, what is meant by the “deep state” is usually the alleged coup attempts and social movements against the AKP government. It is hard to know whether such coup plans were made or not. Needless to say, this period has allowed AKP to take over power, to set up a new hegemony and to make others accept its political leadership. However, in the post 9/11 period, marked everywhere in the world by the return of the authoritarian states and extraordinary jurisdiction procedures motivated by security paradigms, which also became ordinary topics for everyone in Turkey, it is ironic, to say the least, to run after the deep state. These days, a writer can be kept in prison for months because the book he is about to publish is found on somebody else’s computer. Destruction of the book by deleting it from the computer must be one of the creative practices of law enforcement officials, who are polices that operate under the prosecutor. The quality of the evidence is challenged by expertise reports. Specially authorized prosecutors and courts established by the HCJP are facing objections as they are stepping outside their mandates¹⁶ and functioning almost similar to the arms of a “deep judiciary” against any person or group in opposition. This new judiciary order is not only limited to the issues related to the security of the state, but also interested in investigating the municipalities of the opposition parties. There is no doubt about the Kafkaesque characteristic and the extraordinary legal order of

the environment created by the specially authorized prosecutors and courts. If you have the authority to fill the prisons with all the opposition groups, the need for clandestine operations and deep state will surely lessen.

As it was already pointed out by Selçuk Kozağaçlı, the Chairman of the Progressive Lawyers Association, the case files are crammed with documents that cannot be qualified as evidence.¹⁷ The files are so thick that it is almost impossible to have an idea of their content. The remains of the deep state of a certain period are being tried together with today's opposition groups. It is surprising how often claims are raised about actions to overthrow the AKP government recently. While "deep state" is liaised with the Ergenekon, Sledgehammer and Oda TV cases, minds are still confused about the connection of the murder of Hrant Dink with the deep state. About the latter, the court decided that there was no connection with a secret organization, and even if there were an organization, its aim was to overthrow AKP and that was the reason why they murdered Hrant Dink. The claims can even go as far as to say that the massacre in Uludere was a deep state operation against AKP.¹⁸

The Susurluk crash in 1996 was one of the few cases leading to the surfacing of the deep state. In those days what was meant by the "deep state" concept, which became a legendary structure and a known fact and was described by columnists by making references to the secret missions in James Bond films, was the adoption of illegal methods and association with criminals by state officials for a struggle that was thought to be difficult to embrace within legal limits.

The irony in such a legal order lies in the fact that we are still dealing with a deep state image that, according to some, is related with the Committee of Union and Progress of the Ottoman. It seems that the state that has already reached the surface, has created and normalized an incredible judicial system, and it is trying to cover the gaps in its legitimacy with the deep state image and by playing the victim. Meanwhile, the government completes its own institutionalization over this antagonism. When the specially authorized prosecutor started to investigate the undersecretary of the National Intelligence Organization, a law was passed, within only a few days, obliging the specially authorized prosecutor to receive the permission of the Prime Minister before investigating the operations of persons appointed by the Prime Minister. Now, the power to control possible deep state operations is directly held by the Prime Minister, which creates a limitless area of immunity.

When the Susurluk scandal broke out, Carl Schmitt was the name referred to, to define the operations of the deep state. He is more suitable to days like these when the state implements the laws as arbitrarily as it wishes without hesitation. Democracy as the other pillar of the government is, in the mildest sense of the word, based on a Schmittian understanding of democracy. So, what is authoritarian and following the Schmitt tradition is not the deep state of Turkey, but the visible state, which we describe with the metaphor of the tip of the iceberg.

Footnotes

- * I would like to thank Dr Yeliz Şanlı and Dr Zafer Yörük for reading the previous version of this article and sharing their views with me.
- 1 "Deep State Has Tele-Judiciary" ("Derin Devletin Tele-Yargısı Var"), Taraf Newspaper, www.taraf.com.tr, date of access: 15.05.2012.
- 2 Ibid.
- 3 Ergenekon Case Indictment. <http://www.cnnturk.com/2008/turkiye/07/25/ergenekon.iddianamesinin.tamami/485342.0/index.html> erişim tarihi: 15.05.2012
- 4 For a detailed study, see Sabuktay, Ayşegül (2009): *Devletin Yasal Olmayan Faaliyetleri Susurluk Olayı'na Hukuk Siyaset Kuramından Bakış (Illegal Operations of the State: An Overview of the Susurluk Incident from the Perspectives of Law and Politics)*, Metis, İstanbul.
- 5 See Radikal newspaper, 20.07.2009.
- 6 Blum, William (1995): *Killing Hope: U.S. Military and CIA Interventions Since World War II* Monroe: Common Courage Press, s. 107.
- 7 See The Guardian, 26.03.2001.
- 8 Blum, William (1995): *Killing Hope: U.S. Military and CIA Interventions Since World War II* Monroe: Common Courage Press, s. 106, 107.
- 9 Dündar, C./ Kazdağlı, C. (2001): *Ergenekon Devlet İçinde Devlet (Ergenekon, the State Within the State)*, extended 9th edition, İmge, Ankara.
- 10 Amnesty International Report, 1999, <http://www.amnesty.org/fr/library/asset/EUR41/004/1999/fr/66fc0222-e114-11dd-b0b0-b705f60696a0/eur410041999en.pdf> erişim tarihi: 15.05.2012.; Aretxaga, Begona (2000): "A Fictional Reality: Paramilitary Death Squads and the Construction of State Terror in Spain" *Death Squad: An Anthropology of State Terror*, ed. Jeffrey A. Sluka, Philadelphia: University of Pennsylvania Press, p. 46-69.
- 11 Sluka, J. A. (2000), "For God and Ulster": The Culture of Terror and Loyalist Death Squads in Northern Ireland" in *Death Squad: The Anthropology of State Terror* ed. Jeffrey A. Sluka (Philadelphia: University of Pennsylvania Press), p. 127-157.
- 12 Habermas, Jürgen (1986). "Law and Morality". Translated by K. Baynes. The Tanner Lectures on Human Values. Text delivered at Harvard University.
- 13 For the example see Bauman, Zygmunt (2002): "Reconnaissance Wars of the Planetary Frontierland", *Theory, Culture & Society* 19, no.4 p. 81-90, 85; ve Dillon, Michael (2000): "Network Society, Network-Centric Warfare and the State of Emergency" *Theory, Culture & Society* 19, no.4 p.71-79, 77.
- 14 Jenkins, Gareth (2009): "Ergenekon Soruşturması Özünden Uzaklaştı" (Ergenekon Investigation Moving Away from its Purpose), BBCTurkish.com.
- 15 Transposed by Turk from Durr 1965, Austin (1982): *Political Criminality: The Defiance and Defense of Authority*, Beverly Hills, London, New Delhi: Sage Publications, p. 47.
- 16 See the Objection Petition no: 2012/12 submitted to the İzmir 8th Heavy Penal Court. 03.04.2012.
- 17 Kozağaçlı, Selçuk (2012): Interview with Selçuk Kozağaçlı, Chairman of the Progressive Lawyers Association: Extraordinary Judicial Regime and the Police - "A Flexible and Sticky Network" *Birikim*, issue 273, p.30-40.
- 18 Uludere, is that the business of the state? T24, <http://t24.com.tr/haber/ertugrul-kurkucuden-yeni-safaka-uludere-derin-devlet-isi-mi-yuh-diyorum-yuh/203993> date of access:15.05.2012.

The Deep State: Forms of Domination, Informal Institutions and Democracy

In Turkey, the deep state is generally used to denote that “power holders exceed their authority and penetrate mainly the security sector and the judiciary”. As the attributes included in the definition increase and generalize, the concept is emptied and discussions become meaningless. Another mistake is to reduce the concept to a network of interest. This mistake raises the illusion that the deep state can be destroyed by imprisoning the individual groups.

The definition of deep state is implicit within the definition of the state. State is a legal entity vested with the legitimacy of monopoly to use force,¹ yet within the framework of the reason of the state (*raison d'état*), the rights of the state to go beyond legality and human rights shall be reserved; in other words, as Carl Schmitt explains, the right of the power holders to declare a state of emergency shall be reserved.² The deep state is, in a Weberian sense, a mode of “domination”³. Its trademark is that it is a mode of both formal and informal, in other words, dual domination. The deep state emerges in the absence of the democratic oversight of the military or – as in the tutelary democracies – under the circumstances where the executive body misuses its authority as we observe in the countries, particularly in South American countries, subject to the presidential system, where military oversight does not exist or civil oversight is managed in undemocratic ways.⁴ We can detect the existence of the deep state quantitatively by measuring the “autonomy of the military”⁵, in other words, its authority of decision-making. Military autonomy presents a continuum that spreads in the professional- political- judicial spheres and in which each sphere is attached to one another and the boundaries become blurred while they are being attached. If military autonomy is at a high or a very high level, the constitutional institutions become Janus- faced. Owing to these Janus-faced official institutions, the informal institutions such as the threat of coup, autocratic cliques, mafia, organized crime, corruption and extrajudicial execution become effective.⁶ Hence, the conditions of dual domination come into being.

Firstly, let us analyze the professional sphere⁷. Military doctrine and training, based on the fact that the Turkish Armed Forces (TSK) is the bearer and the guardian of the official ideology, has incontestably become the basis for the

privileged status of the military. Within the scope of Kemalism/Atatürkism, civil-military bureaucracy aimed to establish a uniform nation-state against plurality regarded as a threat and to educate people through the Westernization/ modernization project. It supported secularism with a Jacobin mentality and the discourse of “anti-secularist” enemies within legitimized the coup threat. In the period of the deep state that started with the transition to the multi-party system in 1946, “armed” military coups were staged in 1960 and 1980 and “unarmed” ones in 1971 and 1997. After every transition to democracy, the coup threat continued to suppress the elected officials as if it was swinging above them like the sword of Damocles. The notorious article in TSK's Internal Service Code, which has proved a legal basis for the military coups, has never been addressed.

Although military autonomy in the professional-political sphere has decreased by means of the reforms, it is still at a high level. The over-centralized structure of TSK, with the Turkish General Staff at the focal point, has been the basis for political autonomy. The Turkish General Staff is still affiliated to the Prime Ministry instead of the Ministry of National Defense. Even if a reform were to be made today, the superiority of civilians could not be achieved without a radical change since the Ministry of National Defense consists of the army members subject to the chain of command. Since 2011, the Supreme Military Council (YAŞ) that makes decisions on promotion, retirement, disciplinary punishment and discharge from the army has changed its practices in favor of civilians, yet the YAŞ Act, based on the principle of military superiority, has not yet been addressed. Moreover, the army has economic power thanks to political autonomy. The “military-industrial complex” established pursuant to the 1960 coup, the Armed Forces Pension Fund (OYAK), which is a “military holding” ranking among the top five holdings in Turkey, has been strengthened by means of privatization of the state-owned enterprises, and thanks to the low-interest loans and tax concessions⁸. According to Transparency International, the transparency of the Turkish defense budget is on the same medium-low level as Rwanda and Tanzania⁹. We know only some part of the military expenses since there is a significant amount of extra budgetary funds. As per the Law on the Turkish Court of Accounts, the army shall not be subject



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to efficiency and effectiveness audits, the results of the audits will be shared with the public to the extent that the military allows and the Council of Minister circular approves.

Penetrating the political-judicial sphere, the military tutelage has severely damaged the electoral system. The Constitutional Court dissolved 24 political parties it regarded as enemies within (mostly pro-Kurdish, Islamic or socialist parties). Although the decisions of the National Security Council, which established duality in the legislature and executive, are leveled down to the decisions of consultation and the National Defense Security Paper is revised by the government, the National Strategy Paper determining the defense policy is still developed and implemented outside the government¹⁰. The crucial element in the political-judicial sphere is the shield of impunity resulting from military and civil jurisdiction, in other words, the Janus-faced jurisdiction. We should address impunity in the historical background of the chain of informal institutions comprising autocratic cliques, mafia, organized crime and extrajudicial execution. Autocratic cliques are exclusive groups composed of the leaders of the secret military operational units and/or organized crime groups. In Turkey, the main autocratic clique was established, affiliated with the intelligence and military operation agency called "Gladio" founded by NATO and having ties with the USA and UK Intelligence Agencies (CIA and MI6), against the "communist threat" in the 1950's¹¹. Gladio was used for eliminating political opposition and for overthrowing governments when necessary¹². Gladio was founded under the name of "Counter guerrilla" in Turkey in 1952, after the membership to NATO and was supported by a civil underground organization called "White Forces". The official name of the Counter guerrilla is the Special Warfare Department (Özel Harp Dairesi) established as an affiliate to the General Staff of Turkey. The Special Warfare Department has operated under different names within the course of time: The Tactical Mobilization Council (Seferberlik Tetkik Kurulu) (1952-1967), the Special Warfare Department (1967-1991) and the Special Forces Command (Özel Kuvvetler Komutanlığı) since 1991.¹³

The Tactical Mobilization Council and the National Security Service (Milli Emniyet Hizmeti Riyaseti), the predecessor of the National Intelligence Organization (MİT), organized the pogrom aimed at the Greeks and Jews in Istanbul on 6-7 September, 1955. In the 1960's, MİT, Gendarmerie Intelligence and Anti-Terrorism Unit (JİTEM), the Special Operations Department and leadership of the village guards joined the autocratic cliques. The Special Warfare Department was in a close cooperation with the CIA during the Cold War. A prime minister was for the first time informed about the deep state when the head of the Special Warfare Department, deprived of financing provided by the Joint US Military Mission for Aid to Turkey, asked for money from Prime Minister Bülent Ecevit as the USA

laid an arms embargo on Turkey in response to the Cyprus intervention in 1974.¹⁴

The deep state has a symbiotic relation with the low intensity warfare because resources can easily be created through arms trading, drug trafficking and money laundering. The existence of autocratic cliques are denied by the state and protected by the shield of impunity. In the 1970's, the mafia and members of organized crime emerging among the extreme right organizations such as the Association for Struggling Against Communism and Idealist Hearts (Ülkü Ocakları), be they Mehmet Ali Ağca who comfortably and without any effort escaped from one of the most strictly monitored prisons in Turkey while serving his time for the Abdi İpekçi assassination or Abdullah Çatlı, a murderer and drug dealer, who was travelling with a green passport in Turkey while he was wanted by Interpol's Red Notice, were protected. Extrajudicial executions, namely "unknown assailant murders", disappearances, assassinations and massacres shaped the political agenda. The Special Warfare Department and MİT organized the massacres of Kızılder

Military doctrine and training, based on the fact that the Turkish Armed Forces (TSK) is the bearer and the guardian of the official ideology, has incontestably become the basis for the privileged status of the military.

(1972), Taksim Square (1977), Bahçelievler and Kahramanmaraş (1978) and the assassination of Ankara Deputy Public Prosecutor Doğan Öz (1978) and journalist Abdi İpekçi (1979). They attempted to assassinate Prime Minister Ecevit (1977) and Turgut Özal (1988) who tried to struggle against the deep state.¹⁵

As Gladio was abolished in Europe after the Cold War, the deep state in Turkey started to rise on account of the declaration of a state of emergency in 1987 due to the low intensity war between the Turkish Armed Forces (TSK) and PKK. The threats such as the new global order formed in the 1990's after the Cold War, the rise of the political Islam, PKK's will to found an independent Kurdistan and the First Gulf War were countered by the establishment of hegemony for the first time by Atatürkism.¹⁶ In the 1990's, particularly between 1993 and 1996 when Tansu Çiller, the leader of the True Path Party (DYP), was prime minister, military autonomy reached the peak level owing to full support of the political leadership to the autocratic cliques and hegemony of Atatürkism and the deep state became the state itself. In this period, the Special Warfare Department and MİT played a role in the bombing of the Kurdish supportive newspaper Özgür Ülke (1994) and the murder of many Kurdish

businessmen. (1993-1994).¹⁷

The triangle of “state-mafia-parliament” became apparent with the Susurluk and Şemdinli scandals. In 1996, the Former Deputy Chief of Istanbul Police, Hüseyin Kocadağ, and Çatlı, who was wanted by Interpol, were killed in a car crash in Susurluk and Sedat Bucak, the leader of a village guard tribe and a Şanlıurfa deputy of the True Path Party, which established a coalition government with the Welfare Party (RP), survived the accident with injuries.¹⁸ The Deputy Prime Minister, Tansu Çiller, protected the deep state in her speech referring to Susurluk in 1996: “Those who shot and were shot for the sake of this state are always remembered with respect. They are honorable.”¹⁹ Official investigations on Susurluk documented the role of Special Operations Department, Mehmet Ağar, who was the Minister of Interior in RP- DYP Government, and JİTEM in the deep state.²⁰ In 1993-1995, when Mehmet Ağar was the National Chief of Police, the Special Operations Department was attached to the General Directorate of Security and was used for the struggle against PKK. Hüseyin Kocadağ was, as well, a member of the Special Operations.²¹

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In 2005, a PKK confessor and two non-commissioned officers who were alleged to be working for JİTEM were caught in the act during the bombing of a bookshop in the town of Şemdinli in Şırnak. JİTEM is accused of five thousand “unknown assailant murders” and 1500 missing people between 1989 and 2008. Kurdish politician Vedat Aydın (1991), Musa Anter, an intellectual (1992), 75 correspondents and distributors of the Özgür Gündem Newspaper (1992-1994) and its successors, Major Cem Ersever, Former Commander of Gendarmerie Forces, Full General Eşref Bitlis (1993), Chief of Diyarbakır Police, Gaffar Okan (2001) are among the people who were assassinated.²² The existence of JİTEM, denied by the General Staff, was documented in the “certificates of merit, state payrolls, investigation commissions and confessions and explanations of the personnel who worked for them”.²³ Unknown assailant murders occurred mostly in 1992-1994. Most of the murders will not be brought to court as of 2014, since the statute of limitation for the cases, for which the Prosecutor has not commenced the legal process, is 20 years - unless they are declared to be crimes against humanity.

The deep state has lost its power with the democratization reforms in the 2000's, yet it is still standing. In 2002, the leadership of the Justice and Development Party (AKP) which came to power after separating from the National Vision Movement in which political Islam was organized, presented the EU membership process and the reforms as evidence to prove that the Party turned into a pro-Western, conservative central-right political elite and thus, was able to protect itself against a possible intervention.²⁴ In a period when the Cyprus problem was being discussed in the European Union, the USA was moving away from Turkey, which refused to participate in the invasion of Iraq and, AKP was clearly supported in the Middle East, the military did not oppose the reforms with the “instinct to survive” in order not to lose its leading position in Westernization to AKP and not to hinder the EU membership process supported by the majority.²⁵ The e-memorandum published on the website of the General Staff in 2007 so as to protect secularism resulted in nothing after the success of AKP in the elections. As the coup threat weakened, for the first time in the history of the Republic, the retired and active high-ranking commanders started to be tried under the Ergenekon case in 2008 for planning four military coups in 2003-2004. AKP aimed for judicial autonomy. The constitutional package that was passed with the 2010 referendum paved the way for bringing the military coups to court and removed the immunity of the Chiefs of the General Staff. The Ergenekon case was followed by the Balyoz (Sledgehammer) Case in 2010 and the case of “Action Plan against Reactionary Forces”, which was combined with the indictments of websites set up for propaganda against the government in 2011. İlker Başbuğ, the Former Chief of General Staff was arrested within the framework of the “Action Plan against Reactionary Forces Case” in 2012. The coup of 12 September 1980 also began to be tried, followed by the operations of 28 February.

What do these cases mean? As a reflection of the political polarization, according to CHP, radical secular middle classes, university members, neo-nationalist nongovernmental organizations and think tanks, these cases are nothing but an intimidation policy against the opponents of the ruling party. The influence of AKP felt in the governmental organizations leads to allegations that “it has founded its own deep state”. In this respect, there are three points we need to underline: First of all, bringing hundreds of members of the army before the judge does not eliminate the deep state. Under the AKP rule military autonomy is still at the highest level. Moreover, military autonomy might increase in the absence of democratic opposition, which will urge AKP for democratization reforms. Secondly, the cases include only the coup plans; in other words, the scandals of Susurluk and Şemdinli, the Special Warfare Department, JİTEM, relation of the deep state with the previous parliaments and governments are excluded. Thirdly,

transformation of detention into punishment due to the never ending cases and arrest of the journalists damage the legitimacy of these cases. Despite acting desperately, AKP has weakened the military tutelage, and thus, decreased the power of the deep state. It has as well spread to the institutions but it is not enough to create its own deep state. The deep state gains power with

the “Kurdish issue”. The main point we should be concerned about in the name of democracy is that by only dealing with some coup perpetrators, that is to say, the tip of the iceberg, AKP does not address the autocratic factions and basically has no problem with the existence of the deep state. We cannot eliminate the deep state unless peace is established in this territory.

Footnotes

1. Max Weber (1978): *Economy and Society: An Outline of Interpretive Sociology*, (translator) Ephraim Fischhoff vd., Berkeley: University of California Press, s. 54.
2. Mithat Sancar refers to Carl Schmitt while he establishes the relationship between lawfulness and the deep state, See. Mithat Sancar (1998): *Yasallık ve Meşruluk Geriliminde Hukuk Devleti, Birikim*, Issue 116, 36-44; Carl Schmitt (1993): *Legalität und Legitimität*, 5th Edition, München und Leipzig: Verlag von Duncker&Humblot.
3. Weber *ibid.*
4. For a more comprehensive analysis of the deep state, see Mehtap Söyler (2012): *Informal Institutions, Forms of State and Democracy: The Turkish Deep State, Democratization*, 1-25 <doi:10.1080/13510347.2011.650915>.
5. David Pion-Berlin (1992): *Military Autonomy and Emerging Democracies in South America, Comparative Politics*, sayı 25, 83-102. I am expanding the analytical framework of Pion-Berlin from the professional-political arena to the judicial arena.
6. For the informal institutions in question, see Hans-Joachim Lauth (2000): *Informal Institutions and Democracy, Democratization*, Issue 7, 21–50.
7. For the military autonomy between 1980-1997, see Ümit Cizre (1997): *The Anatomy of the Turkish Military's Political Autonomy, Comparative Politics*, Issue 29, 151-166.
8. İsmet Akça (2009): *OYAK: Kimin Ekonomik Güvenliği*, Ali Bayramoğlu and Ahmet İnsel (ed.): *Almanak Türkiye 2006-2008, Güvenlik Sektörü Ve Demokratik Denetim*, İstanbul: TESEV Yayınları, p. 179-181.
9. Transparency International UK, *The Transparency of National Defense Budgets*, London, Ekim 2011, p. 20–1.
10. Ali Bayramoğlu (2004): *Asker ve Siyaset*, Ahmet İnsel and Ali Bayramoğlu (ed.): *Bir Zümre, Bir Parti: Türkiye'de Ordu*, İstanbul: İletişim Yayınları, p. 91.
11. According to Murat Belge, the deep state takes its roots from the *Teşkilat-ı Mahsusa* (The Special Organization), an intelligence organization which was particularly active in the massacre of the Armenians in 1915, during WWI; see Murat Belge (1998): *Teşkilat-ı Mahsusa, Birikim*, Issue 116, 16-20.
12. See Daniele Ganser (2005): *NATO's Secret Armies: Operation Gladio and Terrorism in Western Europe*, London: Cass, p. 224–45.
13. See Ecevit Kılıç (2010): *Özel Harp Dairesi: Türkiye'nin Gizli Tarihi*, İstanbul: Timaş Yayınları.
14. Bülent Ecevit (1991): *Karşı Anılar*, DSP Yayınları; Ecevit: *Türkiye'de Derin Devlet Var*, Hürriyet, 20.11.2005.
15. Ertuğrul Mavioglu, Ahmet Şık (2011): *Kırk Katır, Kırk Satır 1, 2. baskı*, İstanbul: İthaki Yayınları; p. 25-42; Kılıç, *Özel Harp Dairesi*, *ibid.*, p. 150-228.
16. Mesut Yeğen (2006): *Kemalizm ve Hegemonya*, Ahmet İnsel (ed.): *Kemalizm, Modern Türkiye'de Siyasi Düşünce*, 5th Edition, İstanbul: İletişim Yayınları, p. 56-74.
17. Kılıç, *Özel Harp Dairesi*, *ibid.*, p. 297-300.
18. See Soner Yalçın, Doğan Yurdakul (2000): *Reis*, İstanbul: Su Yayınları, p. 387-9.
19. Çiller: Çatlı Şerefli, *Milliyet*, 27.11.1996.
20. For the official investigation documents, see *Susurluk Records*, Preparation No. 1997/221, Record No. 1997/1, 30.1.1997; Kutlu Savaş, *Susurluk Report*, Prime Ministry Inspection Board, 10.1.1997; Veli Özdemir (1997): *Susurluk Documents Volume: 1. Minutes of Statements, Emek Kürsüsü Dizisi*, 1st Edition, İstanbul: Scala Yayıncılık; Veli Özdemir (1997): *Susurluk Documents Volume: 2. Minutes of Statements. GNAT Committee Report including the comments of the opposition, Emek Kürsüsü Dizisi*, 1st edition, İstanbul: Scala Yayıncılık; GNAT Research Commission, *Report on the Political Unsolved Murders Committed in Various Places in Our Country*, Registry No. 10/90, Edition No. A.01.1.GEÇ/300-554, Decision No.10, 12.10.1995.
21. Ertan Beşe (2006): *Özel Harekât*, Ümit Cizre (ed.), *Almanak Türkiye 2005: Güvenlik Sektörü ve Demokratik Denetimi*, İstanbul: TESEV Yayınları, p. 114-123.
22. See Human Rights Association, <<http://www.ihd.org.tr>>; Ecevit Kılıç, 5 Bin Kişiyi Öldüren JİTEM Dağıtılmadı, *Sabah*, 26.1.2009; Ecevit Kılıç (2010): *Jitem: Türkiye'nin Faili Meçhul Tarihi*, İstanbul: Timaş Yayınları.
23. Ertan Beşe (2006): *Jandarma İstihbarat (JİTEM/JİT)*, Ümit Cizre (ed.), *Almanak Türkiye 2005: Güvenlik Sektörü Ve Demokratik Denetimi*, İstanbul: TESEV Yayınları, p. 172.
24. İhsan Dağı (2008): *Turkey's AKP in Power*, *Journal of Democracy*, page 19, 29.
25. Ümit Cizre (2007): *The Justice and Development Party and the Military: Recreating the Past After Reforming It*, Ümit Cizre (ed.) *Secular and Islamic Politics in Turkey: The Making of the Justice and Development Party*, London& New York: Routledge, p. 140–144.

Ergenekon as an Illusion of Democratization

The structure called “deep state” is actually an organization that is present under various names in almost all corners of the world because, wherever there is a state, there is a “deep state”, too. Even though we do not know for sure, we need to say that it existed in certain countries in Europe. As a matter of fact, the deep state has been uncovered in many North Atlantic Treaty (NATO) countries under the names “Gladio”, “La Rose des Vents”, “Sword”, “Super NATO”, “Operation Gehlen”, etc. in a not-so-distant past. We now know, thanks to these developments, that NATO set up Gladio during the Cold War era, departing from the idea of creating a barrier against the exportation of revolutionary ideas from the former Union of Soviet Socialist Republics (USSR) by creating a barrier as a fighting force with racist-nationalistic elements.

This semi-official paramilitary group that was called “deep state”, which perpetrated horrendously murderous attacks, is a concept that is not at all unfamiliar to the inhabitants of Turkey. Even though it is sometimes referred to as “counter-guerilla” or “Gladio”, its globally common name, the deep state raises the suspicions of everyone after every murderous and shady event in Turkey, albeit without the knowledge of what it actually corresponds to. However, attempts are made to explain the illegal activities of the deep state in a number of different ways, depending on the political conjunctures, on account of the network of political relations that penetrates into the centre of power called “the state”. In recent years, the phrase “deep state” has been heard more often. The very familiar reason behind this situation is the chain of investigations and court cases called “Ergenekon”, which started in mid-2007.

During the Ergenekon operations, which initially started under the guise of an operation for clearing out the deep state, it seemed as if the untouchables were been touched, the unfinished business at the gates of the military barracks was being completed. The detention and arrest of some people from military and police backgrounds scrapped by the deep state, whose names had been uncovered back in 1996 when the Susurluk scandal erupted, the capture of Gendarmerie Intelligence and Anti-Terrorism Unit (JITEM) members, who were the official perpetrators of many murderous attacks and murders, access

to their blood-stained archives, usurpation of bombs, guns, discovery of ammunition buried in the ground to be unearthed as necessary, left everyone with the good-intentioned impression that this investigation was a major one and the gates to a showdown with those who had turned the country into an inferno of unsolved murders and unburied dead had been opened. Naturally, demands for democratization and demilitarization came to the fore. The democratization demands of the pro-liberalization sectors that adopted the Ergenekon investigations with a –so to say– blind faith, were actually related to their preferences towards integration with the European Union (EU). However, the postponement of the EU process until an unspecified time in the future, the suspicions that arose about the ability of the Union to maintain its existence, let alone to continue its expansion on account of the economic and political crises it has been going through, gave the upper hand to the Justice and Development Party (AKP) government, which had turned its back to the EU in the process.

The illusion of demilitarization and democratization

The first bill of indictment that emerged in relation to the investigation purported to convince public opinion that this process was indeed a process of clearing out the deep state through the manipulations of media bodies that were pro-AKP and part of the Fethullah Gülen community. As a matter of fact, page 46¹ of the bill of indictment, which described the establishment of the organization called Ergenekon, said: “The Ergenekon terrorist organization is an organization, initially referred to as ‘deep state’, perpetrated many murderous attacks in our country, aimed at creating an environment of crisis, chaos, anarchy, terror and insecurity via these acts and partially achieved this aim; thus, it is an organization that is a barrier in the way of the development and growth of our country”.

The bill of indictment, which reminded us that the deep state organization was created in many countries by NATO for the purpose of fighting communism, also described the objective in the following statement: “However, these organizations exceeded the boundaries of their objectives in time and they turned into terrorist organizations used by certain persons and groups to actualize their own targets and ideologies. Many



Ahmet Şık

Ahmet Şık graduated from Istanbul University and began his career as a journalist at Milliyet newspaper. Between 1991 and 2007, he worked at several newspapers, including Cumhuriyet, Evrensel and Yeni Yüzyıl, Nokta magazine and Reuters News Agency.

Şık stood trial for interviews he published in Nokta based on Article 301 of the Turkish Penal Code and was accused of “violating the confidentiality of the Ergenekon investigation” due to the two books he co-wrote with Ertuğrul Mavioğlu. He was acquitted.

On March 3, 2011, Şık was detained within the scope of the Ergenekon investigation. Together with Nedim Şener, a journalist, he was first sent to Metris, then to Silivri Prison. He was released on 12 March 2012.

countries in the world – with Italy as an example – conducted the required struggle against such formations so they could become ‘states of law’ to the extent that they could win this struggle”.

The following lines were taken from page 47 of the same bill of indictment:² “Towards the end of the 20th century, a traffic accident happened in Susurluk³, which partially opened the doors to this murderous organization in our country. However, it was not possible to pursue it further due to the effectiveness and power of the organization at that period, only the tip of the iceberg above the water could be uncovered, thus the organization carried on with its murky acts in line with the organization’s aims.”

In his bill of indictment of approximately 2500 pages, the prosecutor explained –frequently underlining this point – that the deep state organization, which had existed for years and become embodied in the name “Ergenekon” during this interrogation, turned Turkey into a hell of mafia and terrorism and it was an organization that was behind many bloody, dark incidents, however, its actors could not be touched on account of its power in public institutions. The same illusion was always created in that first, long bill of indictment and the other indictments prepared during the operations that continued in the aftermath: the deep state for which the tip of the iceberg could be seen so far was now being investigated. Turkey would complete its demilitarization process to become a democratic state of law.

However, in contrast to this ambitious “objective”, the bill of indictments were also marked by the contradiction that “Ergenekon” was being used to describe the deep state on the one hand while it was said, on the other hand, that the organization was not within the state, but outside it, trying to penetrate it. It was constantly emphasized that the fact that some defendants were soldiers did not mean that they represented the entire Armed Forces of Turkey (TSK), Ergenekon did not have any relations with any institutions in the security bureaucracy, and it was organized in a secretive manner aiming at penetrating all the state institutions by passing itself off as deep state. As a matter of fact, in spite of this entire atmosphere that was created and among massive information pollution, it was ignored that the concrete accusation directed at the defendants consisted only in the murderous raid at the Council of State⁴ and the bombing of the Cumhuriyet newspaper⁵, which were associated with one another based only on the relations among some suspects that consisted of phone contacts. The following lines on page 56⁶ of the first bill of indictment of the Ergenekon investigation have actually drawn the limits of the investigations:

“It is obvious that the Ergenekon organization, which termed itself ‘deep state’, actually had no connections and relations with any official state institutions, the Constitution of the Republic of Turkey as well as the applicable laws allow no clandestine establishments, furthermore, no

institutions or organizations exist that can use state authorities without the control of the state in respect of the overall structure of laws nor is it possible for them to exist.”

The deep state has but a name

First and foremost, it is useful to specify that Ergenekon reflects a racist, fascist, pro-coup, ultra-nationalistic mentality, placing political Islam, Kurds and the socialist left as its targets and involving some suspects who have various associations among themselves rather than constituting an organization. In this context, let us remember three important incidents in recent history considered to be connected to this mentality, but believed to have been assassinations committed by the deep state by the author of these lines, even though their “perpetrators are known”. This chain of assassinations and murders that occurred one after another and targeted members of religious minorities can be recounted as the murders of the priest Andrea Santoro in Trabzon⁷; Armenian socialist journalist Hrant Dink in Istanbul⁸ and Tilman Ekkehart Geske of German origin, Necati Aydın and Uğur Yüksel, who were members of the Christian religion and worked at Zirve Publishing House that printed Bibles in Malatya⁹.

It would be useful to mention a couple of reminders based on what we have expressed so far and what deep state has meant in Turkey. To recount in one sweep the incidents that come to mind upon mentioning “deep state” in Turkey, we come up with the following: the attacks and provocations against members of religious, ethnic minorities living in Turkey that began in the 1950’s, including the events of 6 -7, September; the mass murders that formed the foundation of the coup on 12 September, 1980; the assassinations of which the perpetrators are believed by almost everyone to have been state actors; the war that has been ongoing with the PKK stemming from the Kurdish question ever since the mid-1980’s, albeit, interrupted by unilateral ceasefires; the illegal activities of JITEM, which had the largest share of the dirt of this war; the acts of the Hezbollah organization known among Kurds of Turkey as “Hezbulkontra” which was proven to have perpetrated various massacres in Kurdish cities, again, under the supervision of JITEM. During the Ergenekon investigations, however, the activities which were not included in the scope of this investigation include; burning villages, evacuating villages and forced migration practices; bomb attacks; disappearances while under detention, which was used as a systematic means of struggle by the state of Turkey in the 1990’s and which affected more than 2 thousand people according to reports by human rights organizations; the cases of torture and summary executions of which nearly each and every one were left with impunity.

So, as for the question ‘Has this shady process been tackled in the Ergenekon trials during which the policemen, members of juridical bodies

involved in the investigations, who have been subject to various allegations of being members of the Fethullah Gülen community, pro-AKP people and the media – again, part of this community – spread the propaganda that the deep state was being investigated?’, we can answer it as follows: Unfortunately no. Unfortunately, none of the exemplary events mentioned above and other deep state activities were included in the area of interest of the Ergenekon investigation. The demands by relatives of victims, each of whom were considered to be victims of the deep state, to be party to the Ergenekon cases were rejected by the court that conducted the hearing. Even the Hrant Dink assassination case, which was frequently referred to in every bill of indictment claiming that it was committed by the Ergenekon gang, the defendants of which were, in fact, known to have been openly threatened by it and which was made the most important justification tool of the Ergenekon investigation process, was not held as a subject of this court case. It is a real pity that the murders and massacres targeted at intimidating the Kurdish people in the war against the PKK, which has become the largest killing field of the deep state, were only used as propaganda material to gain justification for the investigations via the media, avoided being included in the investigations.

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The objective is not the liquidation of the deep state

As we attempted to explain above, the investigations could never be conducted in the vein of a showdown with the deep state. The prosecutors, who departed from the reflection of their ideas on the actual facts, reduced this opportunity to the investigation of coup attempts that remained at the planning stage based on abstract accusations dictated by the police rather than concrete evidence. With initially the AKP and Gülen community, then only the opponents of this community being on the target board, this has been an investigation marked by a desire to silence all opposition voices, frequent generation of false evidence and the addition of some parts that would compromise judicial integrity with the documents about people who were wanted to become targets in an attempt to settle some political affairs rooted in the past. Namely, the actual cause is not to have a showdown with Gladio or to clear out the counter-guerilla; it is to intimidate, scare and seek revenge on the dissidents with miscellaneous identities or political alignments

by making use of the suspects, who also included some people that were involved in crimes. The people who expressed this fact were at all times faced with the same accusation: being pro-Ergenekon. Furthermore, various people, who were dissidents or who took a critical distance to these troublesome investigations, ranging from judiciary officers, who investigated deep state activities, to journalists, who dedicated their professional career to working on this subject, were turned into the defendants of the Ergenekon investigations based on various conspiracies and false evidence.

This chain of investigations in time turned into an operation of revenge and intimidation that enabled the Fethullah Gülen community to create –in care of the AKP government– a horizontal and vertical organization in the administrative structure with the security bureaucracy ranking first. The fact that this mentality, which had, in its past, been a founder of anti-communism associations and which applauded the deep state that acted in line with their own objectives, now presents itself as the “enemy” of the deep state is not only ironic, but also completely obnoxious. It is clear as day that this chain of investigations aims to consolidate and perpetuate the power of political Islam in the presence of AKP, for which it is like protective armor and, consequently, to remove all barriers in the way of the deployment of the Fethullah Gülen organization in every level of bureaucracy and economy, which has already been achieved to a great extent in both the police and judicial bodies. Please do not assume from this remark that I am trying to exculpate some suspects of their guiltiness, about which a general opinion exists in the public conscience. On the contrary, some of these suspects, whose names are well known to everyone in Turkey, have obviously been involved in various crimes, some of which have been included in the investigation and some of which have unfortunately not been. However, Ergenekon investigations do not include in their adjudication scope those crimes committed by these people who are also known to be guilty in the public perception. To say it loud and clear, the Ergenekon process does not adjudicate the real criminals based on account of their real crimes.

Real criminals are not being tried for their real crimes

Those who think there is a showdown with the coups and the Armed Forces of Turkey being liquidated despite its resistance are wrong. The ongoing fight does not go further than a cutthroat showdown between the former counter-guerillas, who fell from the governing power and the counter-guerillas currently in power whose actual duty is to defend the deep state. As this whole process unfolds, the new owners and actors of the state have also taken their positions; namely, Ergenekon is a showdown and an operation that concerns not the past but the present. That is the reason why everyone who noticed and criticized the showdown has become targets. This has

been the primary reason why the Ergenekon investigations have been devoid of public support similar to that in the Susurluk process, during which the details of the deep state in Turkey were most visibly spilled.

Hence, in contrary to the manipulative propaganda that is being conducted, the Ergenekon investigations are not about the liquidation of the Gladio, or deep state. Considering the general opinion about the investigations that some suspects scrapped by the deep state undertook tasks in Gladio, it would not be wrong to say that the deep state, which is still on duty, is dismissing some of its staff members that have been discarded as unfit for duty. In other words, it is not the Gladio that is being cleared out, but certain remnants of counter-guerilla that have strayed from their path and turned into interest-seeking gangs once they completed their tasks, have been grumpy towards their owners –alluding to societal peace – pulling their strings when brought into the open since they are unaware of the changing political paradigm of the country, and the world. It is a fact that Ergenekon operations and investigations not only liquidate a part of the already discarded elements of the counter-guerilla, and it is also equally a fact that they subtly ensure the institutionalization of a brand new deep organization. Therefore, we actually witness an exchange of the owners and

actors of the Gladio rather than its liquidation; because the AKP and the Gülen community, the unofficial partner of the government, know very well that “being in the government is not the same as being in power”. The actual success is not to come to power, but to know how to maintain it. The power had to be preserved under any circumstances, be it in legal or illegal, democratic or not. That is exactly the reason why the Ergenekon investigations have become a tool for causing the military guardianship to step back while strengthening another guardianship in its place, which is claimed to be civilian. Even though this process has been presented to us under the guise of “a showdown with the murky and blood-stained past of the country”, they wanted us to believe it without any questioning, the deep state, counter-guerilla, JITEM and the crimes of the 30-year-long war have not been dealt with during the adjudication process. While the case of Hrant Dink, who was killed in the most prominent assassination that gave justification to the Ergenekon investigations, has still not been settled, his murderers are presented as if they are being adjudicated; the identities of the former and present actors of the deep state behind this murder have still not been uncovered. How can they want us to believe that we will be freed from the deep state?

Footnotes

1. The first Ergenekon bill of indictment number 2008/968 w ritten by the prosecutor Zekeriya Öz and accepted on 28 July, 2008.
2. Ibid.
3. On November, 3, 1996, a Mercedes brand car, in which Sedat Bucak, the Şanlıurfa MP of DYP (True Path Party), Hüseyin Kocadağ, Chief of Police, Abdullah Çatlı, an idealist and a culprit of massacres as well as his girlfriend Gonca Us were travelling crashed into a truck in the Susurluk sub-province of Balıkesir. At the accident, only Bucak survived. The deep state relations that were uncovered after this accident came to be referred to as “Susurluk”.
4. On 17, May, 2007, at the attack to the members of the 2. Office of the Council of State in Ankara, Mustafa Yücel Özbilgin, a judge and chairman of the 2. Office, died, while four members were injured. It turned out that Alparslan Arslan, the hit man of the attack, was also the perpetrator of the bomb attacks against the Cumhuriyet newspaper. The Vakit newspaper had previously shown the members of the 2. Office of the Council of State, who had decided that a veiled teacher could not work at a school, as targets in its headline. Alparslan Arslan's car contained a clipping of this headline in which the newspaper had placed photos of the members. However, a business card that was found on Ancak Arslan belonged to an anti-AKP nationalistic association. Arslan, who was determined to have been in contact with some Ergenekon defendants, was also a member of the Nizam-ı Alem Ocakları (Societies for the Universal Order), the youth organization of BBP (Grand Union Party). The AKP Government faced significant reaction from the public due to the belief that this attack was committed for the sake of religious beliefs.
5. On 5, 10 and 11, May, 2006, grenade attacks occurred at the building of Cumhuriyet newspaper in Istanbul.
6. see footnote Nr. 1.
7. In Trabzon, the priest of the Santa Maria Church, Andrea Santoro, was killed as a result of an armed attack on 5, February, 2006. Oğuzhan Akdin, 16 years old, was caught as the murder suspect and condemned to life imprisonment at Trabzon Aggravated Crime Court; however, due to his age his sentence had been converted to

- 20-years imprisonment. It turned out later that the phone conversations of Priest Santoro were tapped; he was under police surveillance based on the allegation of being engaged in pro-Pontus activities.
8. Hrant Dink was killed in front of the building of the Agos Newspaper Ogün Samast, 17 years old, was caught as the hit man of the murder. As a result of the investigation, the trial on defendants based on the allegation that they incited Samast to commit the murder and were involved in the assassination was adjudicated on 17 January, 2012. Yasin Hayal, the defendant who was being accused as the instigator was sentenced to life imprisonment. In the trial, at the end of which other defendants were sentenced to laughable punishments for various crimes, the court acquitted all the defendants from the crime of forming an organization based on the reason that no organization could be found in the assassination. Among those who were acquitted was also Erhan Tuncel, who was a police informant and whose instigating role in the murder was being discussed. Istanbul 14. Aggravated Criminal Court said in its detailed ruling: “It is not possible in criminal law to establish a conviction for a terrorist organizational crime based on certain logical interpretations without any evidence. Even if there was an organization, it could not be detected where, when and for which purpose it was established. The principles and crimes around which the reciprocal wills of the founders of the organization were formed could not be identified. Even if there was a structure which showed continuity, information on the kinds of acts in which it was involved could not be obtained.”
9. Tilman Eckehart Geske, Necati Aydın and Uğur Yüksel who were working at Zirve Publishing House, which printed Bibles in Malatya on were killed on 18 April, 2007. Five people, who were perpetrators of the massacre, were caught at the crime scene and arrested. The Zirve Publishing House massacre was included in the scope of the Ergenekon investigation in March, 2011. On 17 March, 2011, 20 people, including the retired colonel, Mehmet Ülger, who was the Gendarmerie Legion Commander in Malatya at the time, were detained. However, the investigation on the massacre was later excluded from the scope of the investigation based on the reasoning that it did not have any connections with the latter.

Democratization, revanchism, or...

The Republic of Turkey is 89 years old and, today, Turkey is experiencing the most antagonistic polarization ever witnessed in the last 89 years.

This is a generalization. However, we were told in law faculties and journalism classes that we should avoid generalizations. We were told: "Generalizations are misleading; they make you overlook the nuances."

Still, Turkey is experiencing the toughest, most antagonist polarization of the last 89 years. The poles are not only standing and looking at each other with hatred, but also clashing. The clash has surfaced in almost every aspect of life.

In the political arena, there is a clash for power. The clash is between the Justice and Development Party, which has taken charge of the state by grasping political power step by step, and the Kemalists who, after holding power for almost 79 of the 89 years of the Republic, are now losing it. The polarization between these two sides in the political arena is continuing for the time being. Social democracy is failing to become either "social" or "democratic"; and the Marxist left is very small and far from being a deterrent power. Therefore, the rising power is political Islam. With 50% of voter support, they have the ability to easily establish a government by themselves.

In the economy, the commercial and industrial bourgeoisie created by state support following the establishment of the Republic is no longer unrivalled. New capitalists, most of whom were born and raised in the Anatolian cities sometimes referred to as the "green capital", (translator's note: green in this context is associated with Islam) are in fierce competition with the traditional capital in industry, commerce and finance.

In the ideological arena, the clash is between seculars versus segments of society attached to religious references. Seculars constitute the segment experiencing pressure in the tenth year of the AKP government.

Lifestyle is also one of the areas where the polarization is materializing. Social segments tightly adherent to Western lifestyles and values are "concerned". There is a growing concern that political Islam, holding the power of the state, is slowly going to start interfering with their lifestyle with a view to changing it. The number of cities and towns where alcoholic drinks are prohibited in a de facto basis, is increasing. The media and cultural circles are also feeling the political Islamist movement breathing down their necks.

This is a snapshot of Turkey in the year 2012. Some, especially the Kemalists, in uniforms or not, believe that the beginning of this situation dates back

to 2002, when AKP took office. That is wrong.

The roots of the clash today date further back, even before the Republic (1923). The seeds of the clash were sown during the Ottoman Era in 1839, when the Ottoman Empire, an Oriental Islamist state, turned its face to the "West", to Europe, with the "Gülhane Declaration" introduced by the Sultan. The traditional structure of the Ottoman State was radically altered. For instance, the Ottoman State completely abandoned its traditional military organization and shifted to the "Prussian model". Right to inheritance and private land ownership were officially accepted. A civil code that was meticulously drawn up in a way that would not be overly incoherent with the rules of Islam was passed to replace the law of Sharia. The obligation to get a fatwa from the religious authority (the Sheikh'ul Islam) in relation to state matters was gradually abolished. The legal inequities between Muslims and non-Muslims in the territories of the Ottoman State were eliminated.

There is a saying among the public which literally describes what happened: "From now on, it is forbidden to call a "gavur" (non-Muslim; Translator's Note: the word "gavur" has negative, if not derogatory, connotations) a "gavur"!"

The seeds of today's clash were sown then – an ongoing clash between two opposing ideologies, two opposing lifestyles, and two opposing understandings of political power. Wars prevented the aggravation and a sudden surfacing of such a clash. The Russo-Ottoman War (1878), Balkan Wars (1912-1913), World War I (1914-1918), National Independence War (1919-1922) were, on one hand, the elements bringing about the collapse of the empire, but, on the other hand, these events postponed the internal power struggle.

Following the Independence War, a Republic was founded on the wreckage of the Empire in the Anatolian part of the imperial territories. It was the army that established and defined the character of the state within the young Republic. It was the army because the army was the most organized, knowledgeable and well-equipped institution of that society.

What was established by the army was not an empire, but a nation-state with some racist tendencies here and there. The state was structured based upon a mixed model from Germany and France: secular citizens, secular state, French administrative structure, German army model, Latin alphabet and Latin calendar. The Civil Code was a direct translation of the Civil Code of Switzerland, the Penal Code was copied from Italy and the Trade Code from France. Religion was entirely placed under state control. Mosques were under direct supervision of the Directorate of Religious



Aydın Engin

Since 1961, Engin has written many theatre acts and film scenarios. He was the "ghost writer" in many of Yılmaz Güney's films. Having started journalism in 1969, Engin worked at most of the prominent newspapers in Istanbul. He was detained five times because of his writing and was imprisoned in military prisons. Mr. Engin lived in West Germany as a political refugee between 1980 and 1992. After his return he worked at Cumhuriyet newspaper; currently he is writing for T24 and working as a freelance journalist for foreign media agencies.

Affairs. Even the sermons given in the mosques were written in Ankara and then sent to the imams. The religious schools (medrese) and dervish monasteries (tekke) were closed down, and Sufi orders (tarikats) were banned from openly carrying out activities. Kemalism became the official ideology of the state and Kemalists (mainly soldiers) became its owners.

The Islamist power lost the battle against the Kemalists, who were truly devoted to the secular, Western way of living and the ideology of enlightenment - until the mid-1990's.

In my opinion, such a long introduction was necessary to have a correct understanding and interpretation of the legal and political process known as the "Ergenekon trials".

What we call the "Ergenekon trial" is a sack that is almost full. The remaining space is being filled. High-ranking military officers who were committed to, but failed, in creating a military coup in 2002-2003, murder rings consisting of military and police officers and racist, fascist militants who were formerly PKK fighters but became gangs connected with extortion, drug dealing and gambling; those who issued statements openly threatening the governments and used all the dirty methods of psychological operations to close down the Islamic oriented political parties (Welfare Party, Felicity Party, AKP) with the support of the trade unions, employers' organizations, main stream media and the supreme courts have all been put in this sack. Nevertheless, "the secular neo-nationalist" people, NGOs and groups truly devoted to the Kemalist ideology, but radically objecting to democracy on the grounds that the uneducated and ignorant electors always make the wrong choice, have also been included in this sack of Ergenekon trials. Therefore, one cannot speak of a legal process, or at least a pure legal process, when it comes to the "Ergenekon trials". These trials are the current reflection of the above mentioned "conflict picture". This is a power struggle to take control of the state, to win the right and monopoly of governing the state.

It would be a mistake to handle the Ergenekon trials, and the process itself, within the limits of the law. There are, of course, individuals and groups, mostly detainees, who are criminals and belong to gangs and who are now sitting in the dock during the Ergenekon trials. There are high-ranking officers who have unmistakably attempted actions deemed to be crimes in states of law and democracies, such as military coups. However, in the same sack, one can also find individuals and groups who have never committed a crime, but who have adopted the Kemalist ideology, raised strong objections to the political system represented by AKP but kept those objections within the limits of thought. Therefore, it is not possible to consider the Ergenekon trials merely as a legal and judicial process free from political impacts.

It would be similarly wrong to qualify the trials as an attempt to take revenge on the Kemalists, who, until ten years ago, dominated the state and assimilated, silenced and banned the Islamic-oriented political powers, individuals and organizations.

Saying, "you made us suffer during the first 80 years of the Republic, now it is our turn", as an emotional reaction cannot have a place in a serious power struggle. If the purpose were solely to take revenge,

there would be no need to apply such lengthy and comprehensive judicial processes that lose credibility over time. Judging by the current situation, it is even possible to say that "if revenge was the target in the first place, it was taken already". The army has been assimilated to such an extent that, let alone conducting a military coup, they cannot even think about it. What was once the judicial power attempting to close down even the AKP, is now cleaned up and loyal to the government. Generals, who once served as Chiefs of General Staff or army commanders, are now spending a part of their retirement behind bars. People and organizations (army, judiciary, media) that have resorted to coups in an attempt to stand up against political Islam represented by AKP were made pay for it in a terrible way.

Turkey is experiencing the toughest, most antagonist polarization of the last 89 years. The poles are not only standing looking at one another with hatred, but also clashing. The clash has surfaced in almost each aspect of life.

The Ergenekon trials, however, are still ongoing and expanding further. In spring 2012 the "postmodern" coup of 28 February was included. Next in the line are the coups of 27 May 1960 and 12 March 1971. The surviving members of the junta of the 12 September coup d'état are standing before the judge. The prosecutors are working on a more comprehensive indictment. "Revanchism" would be too shallow a word to explain what really is going on. This is a power struggle not only for political power, but also for economic, cultural and ideological power as well.

Today, AKP, in other words political Islam, seems to be the winner in the struggle. However, the war is still going on. That's why the country is facing the harshest polarization in the history of the Republic.

The winner and loser or, to be more precise, the winner-to-be and the loser-to-be, are fairly evident: Judiciary, army, ideology, culture and even economy that for many years was in the hands of the Kemalists, are now falling into the hands of the Islamic oriented political powers. The Kemalist army is becoming an Islam-related army and the Kemalist judiciary is becoming a political Islam-related judiciary. The political movement represented by AKP diverted the Ergenekon trials towards liquidating its political rivals. The opportunity that came with the Ergenekon trials to move towards higher standards of democracy and to get rid of the excessively dirty politics and political system is about to be missed. That could have been possible with the Ergenekon trials, the beginning of which gave us many reasons to believe so.

That is why it is wrong to talk about democratization while looking in the mirror of the Ergenekon trials. The revanchism explanation is insufficient and sentimental. Turkey is going through a power struggle leading to the changing of the governing power. The Ergenekon trial is the mirror that best reflects this battle.

The Near Future of Turkey on the Axis of the AKP-Gülen Movement



Ruşen Çakır

Ruşen Çakır, of Laz origin, was born 25 January 1962 in Hopa. A graduate of Galatasaray High School, he began work as a journalist at *Nokta* magazine in 1985. He worked at *Tempo*, *Cumhuriyet*, *Milliyet*, *CNN Türk* and *NTV*, managed Program for Democracy, Civil Society and the Muslim World on TESEV and has been at *Vatan* since 2002. Author of 13 books, some co-written by Hıdır Göktaş, Sami Oğuz, Fehmi Çalmuk and İrfan Bozan, he contributes to conferences in Turkey and abroad. He taught “Contemporary Islamic Political Thought and Turkey” at Marmara University and “Islam, Democracy and Civil Society” at Buffalo New York State University. A member of Galatasaray Alumni Association and Galatasaray Club, he is married to author Müge Iplikçi and has one son.

It can be said that one of the first inclusive critical articles on Fethullah Gülen and the movement he leads is in the chapter, entitled “Fethullah Followers: Tears, Patience, State and Nation” of my book “Verse of the Qur’an and Slogan: Islamic Formations in Turkey”, first printed in November 1990. I wrote this book as a result of five years of work. At that time, the Gülen community was totally different than today: It was not possible to see the existence of the community with the naked eye apart from the monthly *Sızıntı* magazine and a couple of low profile foundations. Fethullah Gülen himself was not visible except for a few of his preaching videocassettes.

However, people of different Islamic circles I met at that time thought that this community was destined to be one of the most influential Islamic communities and they were concerned about this because they found Gülen too “moderate”. (I have observed that some of these people later became involved in the Gülen movement somehow.)

The power of the Gülen community came mainly from high schools (colleges), which were operated on the basis of positive science and foreign language education and private courses that prepared the students for different schools. Allegedly, Gülen motivated the graduates from these schools to take office at various levels of the State, in other words, his goal was to surround the State from the bottom up. For instance, Fethullah Gülen, who wrote editorial articles under the pseudonym, “M. Abdülfettah Şahin” in *Sızıntı* magazine, expressed the following in one of his articles, titled, “Souls Uniting In Agony”: “Today, we do not need anything else but those who say ‘I am willing to burn in the flames of hell for the material-spiritual bliss of my nation’ (...) those who perish in God and the nation by pushing aside their personal interests and egotisms (...) those who suffer from society’s agonies and always follow the source of the wailings (...) those with the torch of science in their hands who fight against ignorance and vulgarities by lighting a lamp everywhere (...) those with a superior faith and determination who come to the rescue of others stuck on the path (...) those who continue their ways like a steed without falling to desperation, without rebelling against the hardships they are subjected to (...) those brave fellows who rear up with the joy of sustenance while forgetting the desire to live...!”

I finished the chapter of the book I mentioned immediately after this citation with the following

paragraph: “The Fethullah followers, who are one of the most persistent and successful advocates of Islamic thought in modern Turkey, with its popular attitude of the times of its initial flourishing, and could be summarized in the maxim, “Let’s get the science of the West but let’s keep our culture”, have raised up many ‘brave fellows’ as a result of having based their service work on the youth during their school years. This community, which prefers to put its personnel cadre into the service of the State (at least for now), has at the same time enormous financial resources. One day in the future, when it has self-esteem, the assumption could ‘theoretically’ be made that the community could aspire for political power. However, it is doubtful how far this staff could go further while being raised through empty agitation, speculative arguments, and a deep attachment to the personality cult.”

Extraordinary success in education

Now, after 22 years, I can say that my predictions about the Gülen movement have mostly proved to be right, while the last sentence, that is the assumption, which is doubtful how far this staff could go further, is totally and clearly inappropriate. Because, especially in the last five years, the Gülen movement is the first name (and in some cases the only one) that comes to the mind when an “Islamic community” is mentioned. The foremost reason for the influence of this community is the extraordinary success they have displayed in education. This success automatically led to a decrease in the effects of other Islamic communities, and marginalization of most of them. Because almost all the powerful Islamic communities in Turkey always focus their attention on education and they compete seriously in two areas: 1) aid from the religious people whose financial situation is good; 2) children of religious families whose financial situation is not good, especially those whose intelligence are above the average.

The Gülen community, by becoming a center of attraction in the field of education, has begun to get both the lion’s share in financial aid from the religious rich and most of the intelligent children of the religious families in their schools. The success of these schools gradually reached such a point that they began to subsidize themselves instead of the financial aid. Of course, in order for this to happen, the schools had to give up their attitude of opening doors only for those children selected by the community and accept the children from “outsider”

families who heard the praises of the schools, and they did so.

Cadre claims

The most important matter of debate, criticism and accusation directed at the Gülen community, which has gained a fair reputation and respectability not only in Turkey but throughout the world for their schools, media organizations, and foundations operating with themes such as “interfaith relations”, “dialogue”, “tolerance”, has been taking place around allegations, which can be summed up as “set-up in the State”. Gülen himself responded to the set-up claims of the community within the State, particularly in the key ministries with a large number of staff, such as the Interior, Justice, Education ministries and the Turkish Armed Forces as follows: “First and above all, I am essentially a child of Anatolia. It cannot be called infiltration when somebody encourages the individuals from his own nation to take office in some establishments in his own country. Both those individuals and establishments belong to this country. What is implied with the infiltration was already done by those outside of this nation at a certain time. Yes, an individual of a nation does not infiltrate into the establishments, which exist for his own nation; it is his right, he goes in there; he goes in to civil service, to the court of law, to the intelligence service, or to the foreign affairs. It should be noted that those who bring forth such allegations of setting-up, infiltration, proliferation and who try to intimidate dutiful people are the kind who have almost at all times infiltrated, set-up and proliferated on behalf of their own philosophies by hiding behind their slander and misdirecting.” As it is seen, Gülen objects not to the set-up allegations, but to those of “infiltration”, presented to be something illegal.

As a matter of fact, the most important establishment in the community, the Journalists and Writers Foundation (GYV), in which Gülen is the honorary chairman, expressed the same subject in an article entitled, “Important Statements on the Agenda”, issued on their website, on April 5, 2012 as such: “It is as clear today as it was yesterday that to establish a connection with those members of security and jurisdiction, who carry out their duties within the limits of the law, and the community is intentional. To target people only in terms of their identities, colors, sects or religious beliefs instead of the quality of their work and the value they represent is both a dangerous and a primitive act. To introduce a person as dangerous just because of his affiliation with a thought is also against the basic human rights. In this respect, introducing a person as dangerous just because he is showing respect to the Service (Hizmet) is a violation of basic human rights.

(...) It is also extremely natural to have people in the state bureaucracy who set their hearts to the Service (Hizmet) Movement. Moreover, to perceive serving people's own state within the limits of regulations and laws as ‘seizing the State’ or ‘infiltration’ is ruthlessness.”

There is nothing to object to in the responses

of Gülen or GYV to the allegations of setting-up. Of course, in a democratic society, government cadres should be open to people from all walks of life, on the basis of merit. It could never be considered that people trained in the schools of the Gülen community and who felt close or even connected to the movement do not serve the State simply for this reason. However, the placement of these individuals in the bureaucracy as part of a strategy as well as a hierarchical organization within the community and manipulation of the State's opportunities for the community's (his own) interests changes the circumstances. As a matter of fact, there have been many allegations that the Gülen Community has systematically infiltrated the State, books were written on this and a lawsuit was brought against Fethullah Gülen as a result of this. Gülen, judged by the Ankara State Security Court, was acquitted by a unanimous vote in the Supreme Court Criminal General Council (9th Criminal Chamber of the Supreme Court File No: 2007/6083 – Judgment No: 1328 and dated 05.03.2008).

Nevertheless, despite the court decision, accusations against the community have not ceased. The Gülen movement began to be discussed and questioned again with the book, “Simons Living in the Golden Horn”, published in August 2010 and written by Hanefi Avcı, Eskişehir Chief of Police, who wrote it while in office.

Avcı was a nationalist-conservative Chief of Police who specialized in the intelligence part of the fight against terrorism. He was considered to be somebody who is not distant to the Gülen movement. However, Avcı, as an insider, put forward very strong claims for the organization of the community within the Turkish National Police by giving names and describing events. As a result of this, his book was a best-seller in a very short time. However, even though Avcı had been fighting against terrorism for years, he was arrested and put on trial for being affiliated with a radical leftist movement, called “The Revolutionary Base”. Following this, he was also included in the OdaTV case and it was claimed that he had a relationship with Ergenekon.

To a large extent, it can be said that the public thinks that Avcı had been silenced through investigations and trials by exactly the same people against whom he was fighting. Indeed, after a while, the journalist, Ahmet Şık, known to be preparing a book on the organization of the community within the police, was also taken into custody and the police confiscated copies of the work-in-progress on different computers. Despite this, the book was published on the Internet, temporarily entitled “The Army of the Imam”, and following this, it attracted a lot of attention when it was published with the title, “001. Book: Whoever Touches it Burns”.

The MIT (National Intelligence Organization) Crisis

Another journalist, who was arrested on the same day as Şık was Nedim Şener, who had researched and shed light on the negligence of the state officials in the murder of the Armenian journalist, Hrant Dink. Therefore, he had disturbed some of the

chiefs of police that were suggested to be affiliated with the Gülen movement. After his arrest, it was claimed that this hostility was present behind it, and, therefore the Gülen movement.

In the course of events, during the Ergenekon process, this was the second big break after the incident of Prof. Türkan Saylan, Director of The Support for Modern Life Association. Namely, it was thought that Professor Saylan was included in the investigation mainly because she was running a rival educational establishment to that of the Gülen movement. In other words, this investigation was seriously clouded with the possibility that highly influential members of the Gülen community were, at the same time, settling up their own accounts in the cases of Professor Saylan, Şık-Şener during the Ergenekon process.

Of course, in a democratic society, government cadres should be open to people from all walks of life, on the basis of merit. It could never be considered that people trained in the schools of the Gülen community and who felt close or even connected to the movement do not serve the State simply for this reason. However, the placement of these individuals in the bureaucracy as part of a strategy as well as a hierarchical organization within the community and manipulation of the State's opportunities for the community's (his own) interests changes the circumstances.

In February 2012, in Istanbul, specially authorized prosecutor Sadrettin Sarıkaya called five new and former MIT managers for an interrogation, particularly Undersecretary Hakan Fidan, designating them as "suspicious". This incident has been briefly called "the MIT crisis", which can be referred to as the third big breaking point. One of the most significant differences of this crisis has been that the ruling party, AKP, did not refute the claims about the Gülen movement's organizations within the government, which has been on the country's agenda for a long time. It was even a complaint, sometimes implicit, sometimes explicit, that the Gülen movement pressured policies on the government through their veins in the government.

Actually, the MIT crisis was not the first problem that happened in the "alliance by itself" between the AKP government and the Gülen movement, it was, rather, "the last straw" as Ali Bayramoğlu, a writer in *Yeni Şafak*, put it. Even though this alliance has shown success, mostly in the cases that target to liquidate the military tutelage, such as Ergenekon, Balyoz and similar cases, the most

serious controversies have also been experienced due to the same processes. The disagreement that arose at times between the executive and judicial powers around the inclusion of some retired, some on active duty, top-ranked military officers into the interrogations and/or being tried in a court while under arrest should be evaluated in this context. The last example of this has been the arrest of İlker Başbuğ, the former Military Chief of Staff, not standing trial in the Supreme State Council but in the Specially Authorized Court and being already under arrest despite the objections from the topmost government officials.

Even though the Gülen movement and the AKP government seem to be acting absolutely together in the resolution of the Kurdish and PKK problems, it was already known that they had very different, even contrary perspectives on these issues. The last MIT crisis proved how crucial these differences are.

In spite of the fact that, later, it was insisted that the prosecutor's only purpose was to interrogate the illegal activities of some MIT members who had infiltrated into KCK, it was obvious that the interrogation of the MIT members was mainly to discuss in detail the government's negotiation policies with the PKK and Öcalan. This situation, as was emphasized by some people close to the government, could be seen as a search for establishing a "judicial tutelage" above the politics.

A new "Deep State"?

One of the main problems a Western observer experiences in understanding the Turkish political environment is the distinction between the government and the State. It is obvious that a Western observer also has difficulty in grasping the meaning of what is often repeated in Turkey, "it is easy to be in the government, but difficult to come to power". It is extremely useful to use the concept "the Deep State" in order to explain that a civilian government elected in Turkey cannot ever act outside the thick red lines, drawn by the structure, that is called the "State", and if it dares to, it would be overthrown.

This is precisely how the ruling cadres of AKP, which has been in power almost for 10 years, had been the victims of this "Deep State". For instance, most of them were members of the Welfare Party, which had first lost power through a "post-modern coup d'état" initiated by soldiers on 28 February 1997, then was closed down by the Constitutional Court. The later founded Virtue Party was also closed down on flimsy grounds; they were put on trial for being closed down while in the government and had a near miss. For that reason, it was an extremely understandable and incisive decision to begin the liquidation of the "Deep State" after Abdullah Gül became the president and, particularly, after the 2007 general elections in which AKP got 47% of the vote. It is a commonly accepted fact that officials in the police force and in the courts who carry out their activities in relation to the Gülen movement are mobilized and lead the investigations on Ergenekon and Balyoz in a coordinated manner with the government for this purpose. However, with the MIT

crisis, if it is kept in mind that the term “judicial tutelage” has been introduced by some writers close to the AKP government, it is inevitable to ask the following question: is the liquidation of the “Deep State” being replaced by a new one?

It is obvious in this question that the main emphasis is on the Gülen community. Similarly, it is quite clear that the answer to this question is not a simple “yes”. Because it is not possible for AKP, which managed to get at least one out of very two votes in the last elections, to share its power with another focus, and above all, accept being under its tutelage.

Then, what kind of a future is awaiting Turkey?

The Key is in Gülen's Hands

In order to answer this question, let's have a look again at the Gülen community. It can be easily said that it is a real success story, when we look at how the movement does not lose its influence in the 21st century, but on the contrary, it continuously gains power. No doubt, this success was not easy to get and its main subject is Fethullah Gülen himself. We know that he has been taking his steps cautiously from the very first day and personally monitoring each of his students closely. Therefore, reasoning such as, “The Master Hodja is good but there could be bad elements around him” can no longer apply. Undoubtedly, there have been some people in this ever-growing structure who have been engaged in serious mistakes, and such people may still be doing so. However, it cannot be thought that any person has any right and possibility to commit strategic mistakes that would leave the whole community in the lurch and under suspicion. (At this point, the GYV description is: “As a result of human nature, as in all other social movements, there could be some individuals who could act without complying to the understanding of voluntariness and civility within the Service (Hizmet). However, these mistakes cannot be attributed to the Service (Hizmet). If this mistake has an illegal quality, undoubtedly the law would deal with that.” We can say that these words are quite meaningful but insufficient.)

This point should be underlined: Even though people, who are spread out to all corners of the globe and working in different areas, such as media, health, trade, bureaucracy, are attached to the

movement and they obey the central discipline rules, it is extremely natural to have differences in their views and perspectives.

The Gülen movement is a success story but, of course, it has failures in its history as well. One of the most striking ones is the strategy of staying indifferent to the unjust treatment the other Islamic structures are experiencing, which was developed in the early phases of the process of February 28, and later perceived to be wrong when it was their turn. It is clear that the MIT crisis is a much bigger strategic mistake. If the question “What has led the Gülen movement to the greatest mistake in their history” is asked, it can be said that, primarily, they miscalculated the power of AKP and, of course, Recep Tayyip Erdoğan; in relation to this, that they thought AKP would never risk their own support. The main problem arises from the serious break between the perspectives of AKP and the Gülen movement, and the community does not draw close to accepting this break. Namely, the operations carried out in collaboration between the specially authorized courts and the police for the liquidation of the military tutelage have been put forward all together but, after a certain stage, it is observed that the government wants to “normalize” the country, whereas the other side, let alone finishing the operations, attempts to interfere with every aspect of life. The investigation of match fixing is the clearest example of this.

The operations handled in the triangle of police-prosecutor-judge gradually turned into an image of a new sort of social engineering, and responses to it from inside and outside have been troubling the government for a while, and the MIT crisis was the last straw. It is not impossible for the AKP government and the Gülen movement to stop this crisis from becoming chronic. This, however, seems to be possible only when the people from the Gülen movement in the State accept that the times have changed and have given up preventing the normalization process of the country. In this context, it won't be surprising if Fethullah Gülen pulls the movement gradually to this line and tries to compensate for this strategic error. The sine qua non condition of this is, however, that the Gülen movement becomes transparent as soon as possible. It seems unlikely for Turkey to become normalized without living through this.

Counter-Guerilla Becoming the State, the State Becoming the Counter-Guerilla

The end of the World War II following the surrender of Japan on August 15, 1945, divided the world in two, although it initially remained unnoticed due to the “euphoria of peace”. The larger of those blocs was then led by the USA and the other bloc was under the leadership of the Soviet Union.

On March 5, 1946, Winston Churchill, the Prime Minister of the United Kingdom, delivered a speech in the US state of Missouri, at a conference also attended by US President Harry Truman. It was this speech that triggered the “Cold War” that was to continue for many years between West and East. Churchill stated; “From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent”. A response to this declaration soon came from the leader of the Soviet Union, Joseph Stalin. What ensued was an ice age in the world’s political scene that would continue until the collapse of the Soviet Union in 1991.

With this new and unknown type of warfare, regular armies, fighter aircraft, tanks, cannons and face-to-face battles lost their significance. They were all replaced by a much more sophisticated arena for survival, one that depended on strong intelligence networks, whereby the mutual arms race was instigated at dangerous limits through provocative threats. This was the end of the colonial policies put into effect by openly occupying countries with weaponry, and the beginning of secret methods of occupation realized through collaborative powers.

This new type of war also generated its own organization and working methods. Firstly, mutual war pacts were made, even though they were never to face noteworthy combat. The world was militarily divided between the Warsaw Pact led by the Soviet Union and the North Atlantic Treaty Organization (NATO) of the capitalist block. Through these pacts, intelligence and counter intelligence methods were developed in other areas as well, dragging the countries into endless chaos. Inner conflicts never ceased, governments fell, and new governments were established. The nuclear arms race progressed at full speed. Mutual placement of nuclear missiles, although they were never launched, caused great crises, led the world into an unimaginable level of tension and toughened diplomacy; secret operations ensued and civil wars took the lives of thousands. Investigations initiated in many NATO countries in Europe after the end of the Cold War in 1991 revealed that behind all these bloody events stood the deep state operation called the “Gladio” (Short-sword).

Turkey’s choice

As this unabated global polarization continued, Turkey changed its distant policy that it had maintained throughout World War II. Following the track of NATO, which it joined on September 8, 1952, Turkey assumed the role of the battering ram against the Soviet Union and soon found its lands full of radar and army bases. The relationship with NATO had already begun, and by all means, requests from it were to be met.

The state organization was redesigned, based on the propaganda suggesting that the Soviet Union could at any moment start an internal conflict in Turkey by provoking the communists, traitors and minorities. This new style of state organization was, in fact, quite suitable to the “müesses nizam” (the established order) coming from the Committee of Union and Progress (İttihat) tradition. After all, they had the experience of The Special Organization (Teşkilat-ı Mahsusa), which was the source of many dark operations. The police forces, the intelligence organization and the army, in a very short time and with no difficulty, turned into anti-communist instruments. The plan, strategy and the organization of the Turkish Armed Forces in particular were reshaped according to the NATO concept. This restructuring also included Gladio-like organizations in the other NATO countries.

In an interview, retired artillery officer Lieutenant Colonel Talat Turhan, who served in the Plans and Operations Department of the General Staff, described the transformation in the army based on his own experiences¹: “The field manuals of our army are direct translations of the American field manuals. In the USA, the field manual related to the counter-guerilla organization is FM-31, i.e. field manual-31. That was translated for our army as ST-31, i.e. Sahra Talimnamesi (Field Manual) 31. According to this field manual, unconventional warfare consists of two stages: covert and overt operations. The covert, or underground, part is the very organization that we talk about now, which has begun to be unearthed in the NATO countries. So, what do we see in this organization that has roots going as deep as the villages? There are intelligence units, sabotage units, assassination units. Quoting from the official field manual; ‘Terrorization and provocation through assassination, bombing, armed robbery, torture, mutilation and kidnapping; retaliating and holding hostages captive, arson, sabotage, disseminating falsified news, despotism and blackmailing’. Again, I quote from the field



Ertuğrul Mavioğlu

Ertuğrul Mavioğlu spent 8 years in jail as political prisoner. In 1985 he started working as journalist at Hürriyet newspaper and graduated from the Marmara University in 1986. He worked in Yeni Çözüm magazine, and newspapers such as Yeni Politika, Evrensel, Radikal, Cumhuriyet, Yeni Binyıl and Milliyet. He is author of “Those Not Hanged but Fed” (2004), “The Epaulette Justice” (2005) and “Our Men Could Not Do It” (2008). Together with Ahmet Şık, he co-authored “40 Mules, 40 Cleavers” (2010). His recent book is entitled “Media in the Screw Press, Journalist in the Pot” (2012).

manual: "The covert elements of an unconventional warfare force are in principle not subject to law".

The first encounter at Ziverbey

The first encounter of the intellectuals in Turkey with the counter-guerilla was after the 12 March 1971 memorandum, when they were detained and taken to the Ziverbey Mansion in Erenköy, Istanbul, which was used as a torture center. In his compilation², author İlhan Selçuk used the following sentences to convey what was told to him in this counter-guerilla base: "İlhan Selçuk, you are standing against the counter-guerilla organization affiliated with the General Staff. You are our detainee. There is no constitution or whatsoever here. The organization has sentenced you to death. We are authorized to do whatever we want with you".

The counter-guerilla organization was secret, illegal, but not organized outside the state. The center of the counter-guerilla organization was the Mobilization Investigation Board (MIB) established by Brigadier Daniş Karabelen, who was trained in the USA in 1952 after Turkey was accepted into NATO. The aim of this organization was to organize resistance and insurgency against an enemy occupation during times of peace. This was a type of

The investigations initiated in many NATO countries in Europe after the end of the Cold War in 1991 revealed that behind all these bloody events stood the deep state operation, "Gladio" (Short-sword).

action equivalent to the "Low Intensity Conflict", a concept that appeared with the Cold War. Adoption of this concept developed by the US Army Training and Doctrine Command was equal to the organization of anti-revolutionist insurgencies, establishment of hidden armories and ammunition stores in various sites in the country³, assimilation of opponents and even discontented masses through provocation, assassination of mass leaders and many other similar operations.

MIB was hierarchically affiliated with the Special Forces Command, which was attached to the Second Chief of General Staff. Although it was officially set up in 1952, preparations dated back as early as 1948. 16 officers who were sent to the USA in 1948 to receive strategy training on "special warfare" institutions and "stay behind" constituted the core of the Special Forces. Turgut Sunalp and Alparslan Türkeş were among those officers. Therefore, it was no coincidence that Türkeş, after being dismissed from the army, set up the Nationalist Movement Party (in Turkish, MHP)⁴, training and organizing paramilitary fascist powers who were to be released against all the progressive powers in the mid 70's and Sunalp assumed leadership of the Nationalist Democracy Party (in Turkish, MDP), which was established with personal support from Kenan Evren following the military coup of 12 September.

Nightmare of the minorities

The first significant action of the MIB was the role it assumed during the attacks against minorities in Turkey, known as the 6-7 September events. The attacks were initiated against minorities on September 6-7, 1955, upon the falsified news of the bombing of the house in Salonika where Atatürk was born. 5,583 houses and stores were looted. After the attacks in 52 different places, retired Full General and former commander of the Special Warfare Department, Sabri Yirmibeşoğlu said: "The 6-7 September events were also the job of the Special Warfare. It was a splendid organization. And it achieved its goal."⁵

MIB actions were not only limited to Turkey. On August 1, 1958, upon instructions from then Prime Minister, Adnan Menderes, a secret, illegal armed organization called the Turkish Resistance Organization (TRO) was established. Sabri Yirmibeşoğlu let the operation style of TRO in Cyprus slip out during an interview he gave to Habertürk newspaper⁶: "To increase the resistance of society, you attack something valuable and pretend that it was the enemy who did it. For instance, you burn down a mosque. That's what we did in Cyprus, we burned down a mosque". He then tried to correct this historic confession by saying "it was just an example". In 1967, the commander of the MIB, Brigadier Cihat Ayol, changed the name of the board to the Special Warfare Department (SWD). Specialized in operations against the unconventional warfare forces, SWD was also called "the secret army within the army".

Auxiliary forces of the State

The fact that political bodies were unaware of the existence of SWD became clear during the prime ministry of Bülent Ecevit, leader of the Republican People's Party (CHP in Turkish). In 1974, when funds were requested for SWD from the discretionary budget, Ecevit asked for a briefing about this official body that he had never heard of previously. After receiving a briefing from Yirmibeşoğlu, Ecevit wanted to audit SWD, however, that was a failed attempt. The second time Ecevit came into contact with the SWD organization and its area of activity was in 1978. He was visiting Sarıkamış as the Prime Minister and he and his wife were invited to dinner at the Officer's Club. Over dinner, Ecevit tried to obtain information from Yirmibeşoğlu about those who took part in the civil organization of SWD. The following conversation took place between them⁷:

"Ecevit: Take the provincial leader of the Nationalist Movement Party, for instance; can't he be, at the same time, one of the secret people within the civil extension of the Special Warfare Department? Yirmibeşoğlu: Yes he is, but he is a very reliable and patriotic colleague."

The person who was then the provincial leader of the Nationalist Movement Party was Yılma Durak, the very person who was known to be the "nationalist leader of the East" and who was involved in the assassination of Abdi İpekçi and the break out from the Maltepe Military Prison of the assassin Mehmet Ali Ağca.

Gladio involved in crash

Durak was merely one of many other examples. A car crash on November 3, 1996 near Susurluk, Balıkesir revealed to everybody that SWD housed other names who were involved in many fascist massacres. The victims taken out of the black Mercedes that hit a truck included the chief of police, Hüseyin Kocadağ and Abdullah Çatlı who was wanted by police for the strangling death of seven young members of the Worker's Party of Turkey (in Turkish, TİP) in Ankara. Sedat Bucak, tribal leader and Deputy of Şanlıurfa survived, but was seriously wounded. The question of why Çatlı, a chief of police and a member of parliament were in the same car was the most important topic on Turkey's agenda for many months to follow.

Field Manual 31: According to this field manual, unconventional warfare consists of two stages: covert and overt operations. The covert part is the very organization that we talk about now, which started to be unearthed in the NATO countries.

Eventually, it surfaced that this dark network, described as the "state – politics – mafia triangle", was responsible for many bloody murders and massacres that had been going on for years and that had always been covered up. Çatlı and his idealist (Grey Wolves) friends were not merely responsible for firing off bullets into worker's cafes or striker's tents and organizing dark assassins of young leftists and revolutionists; they also had a significant and determinant role in the Çorum, Sivas, Malatya and Kahramanmaraş massacres that took place at the end of the 1970's. While they were executing those murders and massacres, they were also supported by the state.

After the military coup of 12 September 1980, a team was specifically organized by the junta leader, Kenan Evren, to be used against the Armenian organization ASALA (Armenian Secret Army for the Liberation of Armenia), and to take part in hundreds of operations against the Kurds in the 1990's. The investigations initiated and reports issued after the crash in Susurluk revealed the fingerprints of the state on many different events, including unsolved murders, disappearances while in custody, Hezbollah's serial killers against the Kurds, people thrown alive into wells of acid, kidnapping and assassinations of Kurdish intellectuals and businessmen. However, there was no green light for bringing a lawsuit against the suspects.

The missed opportunity with Ergenekon

The Ergenekon investigations initiated in 2007 have brought about a new opportunity in Turkey to bury the counter-guerilla, the organization similar to Gladio that was disbanded after the Cold War in Europe. It was an opportunity for names like Veli Küçük and Arif Doğan to be arrested; they

were the founders of the Gendarmerie Intelligence and Counter Terrorism Unit (in Turkish, JITEM), a deep state organization that cannot be touched despite its connections with the counter-guerilla uncovered during the Susurluk investigations. Nevertheless, this opportunity was long gone when the archives of JITEM that were seized from Arif Doğan were added to the additional documents of the second indictment of the Ergenekon trial after being censured. They not only secreted this archive, containing information on the planning of many dark operations, but they also limited the Ergenekon investigations to the "attempted coup" to once again hide the numerous dark operations, including unsolved murders and disappearances.

All of these developments made it clear that Gladio in Turkey, unlike in the rest of the NATO countries, was not going to be disbanded as it was serving a much different purpose in this country. Süleyman Demirel, the 9th President of the Republic, was a guest on a TV program on CNN Turk called "Ankara Kulisi" on April 17, 2005. His statements on this program were quite descriptive: "The deep state is the state itself. Deep state is the soldier. The soldiers who founded the Republic are always afraid of the collapse of the state. People sometimes abuse the rights granted to them; whenever they gain the right to hold a protest march, they go and make a mess, break windows and fight with the police. If the country needs the deep state, it is because the country cannot be managed."

The results of using the deep state effectively against the Kurds since the beginning of the 1990's have led Turkey into a dead end in this war in which Turkey has never been able to keep within legitimate limits. The state that insisted on not giving rights to the Kurds and, therefore, which could not be managed on legitimate and legal grounds, was obviously going to be "in need of the deep state" for a very long time.

Footnotes

1. Milliyet newspaper, 16 November 1990.
2. İlhan Selçuk, Ziverbey Köşkü, Cumhuriyet Publications, 2009.
3. Chief of General Staff İlker Başbuğ, confessed the existence of these armories for the first time in a press conference on 29 April 2009: "Until 1986, Turkish Armed Forces, Special Forces Command in particular, had arms and ammunitions buried in different locations in Turkey. In 1986, instructions were given to collect all those arms and ammunitions and to bring them to storage areas. This operation was completed in 1998".
4. Before the 12 March 1971 Memorandum, İsmet İnönü, the leader of CHP (Republican People's Party), warned the President of the Republic, Cevdet Sunay, about the Grey Wolves, the branch of the MHP (Nationalist Movement Party). The answer he received from Cevdet Sunay was: "They are just some young ones fighting against communism". (Metin Toker, Solda ve Sağda Vuruşanlar (Fighters of the Left and the Right) page 157) This response from Sunay, a former Chief of General Staff, is based on his knowledge of the relationship between the Special Warfare Department and the commando camps of the Grey Wolves training paramilitary fascists.
5. Fatih Güllapoğlu, Tanksız Topsuz Harekat, Tekin Publications, 1991.
6. Habertürk newspaper, 23 September 2010.
7. Bülent Ecevit, Karşı Anılar, DSP (Democratic Left Party), 1991, page 43.

Is the Ergenekon Case an Opportunity or a Handicap?

At the beginning of the Ergenekon investigation, a positive and optimistic perception and mood were prevalent in many circles. Initially, it was hoped that the investigation would cause the dissolution of illegal structures within the Turkish State, yet formed with the state's knowledge, supervision and control; that it would illuminate many past dark events and that responsible individuals would be punished, and a genuine and satisfactory confrontation would occur. As such, many people agreed that the Ergenekon investigation and proceedings offered an opportunity for building an open, just, liberal, pluralist and democratic society under the rule of law.

However, the police methods, judicial/legal practice pursued in the ongoing process, and investigations and trials eroded the initial positive air. Exclusion of certain individuals and events, which should have been included in the investigation and trial processes as well as inclusion of certain individuals or events, which are hard to consider as falling within the scope of Ergenekon, and the debate whether means and methods employed during investigations and trials conformed to national and international law, create a dilemma as to whether the Ergenekon Case is an opportunity or a handicap.

Although it is impossible to discuss this process in all aspects within the limited space of a journal article, it is necessary to deal with some aspects of the Ergenekon proceedings and discuss conformity of the legal mechanism to national and international laws.

Where does the name of Ergenekon come from?

Essentially, Ergenekon is the title of a Turkish national epic. The existence of an organisation under that name was first mentioned in the documentary prepared by Can Dündar and Celal Kazdağlı, which was broadcast on Show TV in 1997.

In 2001, the police took Tuncay Güney, a former journalist, in custody in connection with an investigation into illicit trafficking of automobiles. During the police search carried out at his house and office, the police found six sacks of documents allegedly belonging to the Ergenekon Organisation. According to documents and information submitted to the Ergenekon case file by the Turkish National Intelligence Organisation (MİT), MİT learned of the existence of an organisation named Ergenekon, organised within the army, through information provided by an informant. The informant described him/herself as a police officer and attached six CDs to the informant

report. However, although there was all this information and documents, no legal investigation was initiated and for a very long time, MİT did not share the information in its possession with the government.

Investigation process and handicaps

The investigation into the organisation named "Ergenekon" was initiated upon the discovery of 27 hand grenades found on the roof of a slum house in Ümraniye, Istanbul, in June 2007. Following the trail of the hand grenades, the police informed the relevant unit of the Office of the Chief Public Prosecutor of Istanbul, designated to investigate organised crime. Thereafter, also using Güney's statements and documents obtained from him, the Office of the Public Prosecutor issued numerous search warrants, apprehension and custody orders. During subsequent investigations, many individuals were taken into custody and arrested; guns, bombs and ammunition buried underground were found.

At the initial stage of the investigation, a wide belief and hope arose in the Turkish public that there would be a catharsis, a confrontation, the illegal structure within the state would be dispersed, perpetrators of various incidents not identified or who were unable to be identified would be caught, and a step would be taken towards being a constitutional state. The general perception was that the organisation named "Ergenekon" was a branch of the anti-communist illegal structure known to be constituted by NATO in every country party to this pact, this structure would be dissolved entirely, all activities of this organisation would be revealed, and this would lead to public catharsis and democratisation. However, it can be seen that, as time passed, the positive expectations concerning this investigation were shaken due to the investigation procedure pursued and its scope.

First of all, in spite of sufficient suspicion that the organisation established by NATO in each member state –many of which were dissolved and responsible individuals were tried by those states– was formed within the Mobilisation Survey Commission, which then took the name "Special Forces Command" (ÖKK) under the Turkish Armed Forces, the commission, or ÖKK, is not included in the investigation. The activities of this command remain secret. Although it is presumed that the foundation of this organisation dates back to the 1950's and since then, many incidents in Turkey such as 6-7 September, Maraş Massacre, and 1st May 1977 were perpetrated within the framework of this organisation, the



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investigation is being limited to 2001 onwards. Past events and their perpetrators are not subject to this investigation.

Despite the fact that it is known that this organisation was the planner and implementer of numerous “dark” incidents since the 1950’s, and many crimes, including the ones in the 2000’s were perpetrated under this framework, those crimes and individual perpetrators are not included in the investigation. Limited to the period after the Justice and Development Party (AKP) took office, the investigation has actually been revolving around activities aimed at overthrowing, discrediting or damaging the current AKP government. Aside from a few post-2000 incidents and crimes, the principal charge against the suspects is: “forming a terrorist organisation and subverting or discrediting the Government of the Republic of Turkey through this organisation”.

Likewise, although there is a strong belief that the Ergenekon organisation was an active party in the violent resolution of the Kurdish problem, and committed numerous unsolved murders, burnt villages in the Eastern and Southeastern regions of the country, and was responsible for disappearances under custody, no investigation is being conducted into these matters. All criminal acts relating to Kurds and the Kurdish problem are being excluded from the scope of the investigation.

Even if it is accepted that their ideas partially coincide with the Ergenekon organisation, many individuals, whose writings or statements would be considered within the scope of freedom of speech and/or press, are being turned into suspects or accused without sufficient evidence. Furthermore, individuals such as Türcan Saylan, Ahmet Şık, Nedim Şener, who are publicly known to be against the Ergenekon organisation are being included in the investigation and arrested. Such a style of investigation not only damages its own credibility and reliability, but also supports the argument that “this investigation is a move to intimidate AKP opponents”.

Also, despite confidentiality of investigations and the fact that even suspect’s attorneys cannot obtain information and documents, information and documents concerning the individuals included in the investigation are being served to the press. Many mandatory procedural rules under the Turkish Code of Criminal Procedure are being violated by investigation authorities themselves. These problems, only some of which are stated here, constitute the handicaps of this investigation and have an adverse affect on the process.

Trial process and handicaps

Among investigations commenced upon the discovery of the 27 hand grenades, the first one was completed on 25 July 2008, and the Specially Authorised Chief Public Prosecutor of Istanbul initiated the “First Ergenekon Case”, concerning 86 suspects, before the 13th Specially Authorised High Criminal Court of Istanbul. The first hearing of the first case, consisting of an indictment of around 2,500 pages and 440 binders of evidence, was held on 20 October 2008.

Other pending Ergenekon cases under various indictments were joined with various other cases con-

sidered to have a connection to this organisation and, consequently, numerous separate cases were joined with the First Ergenekon Case. The number of accused exceeded hundreds and, presumably, the case file consists of several million pages of documents, hundreds of electronic files, physical evidence and numerous other evidences kept in judicial custody.

Some of the cases joined with the First Ergenekon Case are:

- First Ergenekon Case with 86 accused initiated on 25 July 2008,
- Second Ergenekon Case with 58 accused admitted for adjudication on 25 March 2009,
- Third Ergenekon Case with 52 accused admitted for adjudication in August 2009,
- Council of State attack case before the 11th High Criminal Court of Ankara with 9 accused,
- The case before the 5th Criminal Court of First Instance of Üsküdar with 4 accused concerning the sale of the Glock brand gun used in the Council of State attack to perpetrator Alpaslan Aslan,
- Patriotic Legion Union of Forces Movement case seen before the 11th High Criminal Court of Ankara with 2 accused,
- The case concerning the threatening of Zekeriya Öz, the public prosecutor who once ran the Ergenekon investigations,
- The case initiated before the 12th High Criminal Court of Istanbul with 7 accused concerning the bombing of the Cumhuriyet Newspaper,
- The case in which the person accused of preparing to assassinate Ecumenical Patriarch I. Bartholomew is tried,
- The case with 4 accused before the 12th High Criminal Court of Istanbul concerning the ammunition discovered in Şile,
- The case against Attorney Yusuf Erikel and his friends, with 8 accused,
- The case with 2 accused initiated due to allegations of an assassination plot against Minas Durmazgüler,
- The case initiated under a supplementary indictment accusing 2 people prepared in June 2011 concerning the plan to assassinate Minas Durmazgüler,
- The case initiated concerning the Action Plan Against Reactionary Forces with 30 accused,
- Internet Memorandum case dated July 2011,
- The case initiated against the Former Chief of General Staff İlker Başbuğ under a supplementary indictment.

When one considers joined cases as well as numerous ongoing investigations and cases that may be joined to the Ergenekon case; examination of all files, raising defenses and a just decision seem almost impossible. Combining this many events and accused in one case so easily, albeit an existence of links, makes resolution of the matter legally impossible and weakens the belief for a just decision.

The fact that the hearing room and prison are in close quarters, the hearing room’s distance from residential areas, difficulty of transport, tight security controls for attendees, violate the principle of a public hearing. Followed with profound interest and attention by the press and public in its first days, the interest in the case decreased.

A common problem of the investigation and court proceedings is that given the many crimes said to have been committed or planned to be committed by the organization, most of the victims of those crimes have not been informed about them. Despite the fact that according to the Code of Criminal Procedure in effect, victims of a crime or those who are aggrieved as a result of that crime should be included in the indictment as victims or complainants, this rule was not complied with in respect to the investigations and court proceedings. Likewise, despite the fact that many of the case files contained information regarding crimes committed against some individuals, adequate investigations into those crimes have not been conducted: The fact that victims of crimes committed against individuals were not informed of those crimes, that the majority of the intervention requests were denied, that adequate investigation into those crimes were not conducted, and that accusations were limited to efforts to overthrow or discredit AKP and the AKP government, caused the case to be perceived as a conflict between power groups within the state and a shift of power.

However, the police methods, judicial/legal practice pursued in the ongoing process, and investigations and trials eroded the hope that the trials and investigations formed an opportunity for a new and just society.

Also, the fact that despite the allegations that the police officers, judges and prosecutors involved in the investigation and court proceedings were supporters of the religious community founded by Fethullah Gülen, and that they have been managing this process for the interests of their own organization, these have not been satisfactorily addressed and lack of any investigation into these allegations affect the credibility of the court proceedings and investigations.

Forensic expert Prof. Dr. Şebnem Korur, who is one of the few individuals whose intervention request in the proceedings have been accepted and whom we are the attorney for, has not been called and heard by the court. Again, when we requested to conduct a witness examination with the intent to reveal the existence of the organization, the court decided not to allow us to examine witnesses other than two accused who illegally recorded Fincancı's personal data, and prevented our active participation in the case.

There is a direct relation between the extinguishing of the initial hope created by this process and the numerous unlawful acts committed during the investigation and proceedings. In fact, it is a main problem of this case, that those who are engaged in investigating various illegal organizations and their acts disregard procedural and material rules during investigations and court proceedings.

Legal situation

The violation of numerous procedural rules during the investigation and trial stages brings the proceedings and the justness of its outcome into question. Principal legal problems experienced during the investigation and trial stages are:

- Insufficient investigation and prosecution of crimes committed against individuals, group of individuals or institutions,
- Failure to name the individuals who claim to have been a victim of a criminal act in the indictments as aggrieved, and failure to inform such individuals,
- Rejection of the majority of requests to intervene in the case and, with respect to those whose requests are accepted, depriving them of the rights conferred upon interveners under the Code of Criminal Procedure, thus obstructing active participation of the intervener in the case,
- The proceedings are conducted in Specially Authorized Courts without any constitutional justification,
- The scope of jurisdiction of the Specially Authorized Courts is explicitly susceptible to expansion as intended, and this scope is being expanded to cover all areas of democratic opposition,
- Article 250-252 of the Code of Criminal Procedure, which form the basis of the Anti-Terror Law and Specially Authorized Courts, contain unacceptable restrictions on a fair trial and personal safety, these restrictions are employed broadly and arbitrarily, exceeding the law,
- Apprehension, custody, search, confiscation, arrest, continuation of arrest orders are not proportionate,
- At the investigation stage, confidentiality orders were entered against the suspects and their attorneys at every instance, whereas information and documents concerning them were leaked to the press to manipulate public opinion,
- Many things which should be considered as falling within the scope of freedom of speech have been considered as criminal acts,
- Many events and investigations have been joined under one case file which have made consideration of evidence, explanation and defense impossible,
- No satisfactory answer has been given to allegations that public officers serving in this investigation are members of a religious community and have been acting with this motivation,
- As the hearings are conducted inside the prison, and due to difficulties of transport, publicity of judicial proceedings has not been achieved,
- Defenses raised by the accused and their attorneys are easily turned against them as new accusations; they are sanctioned and temporarily or permanently banned from attending the hearings,
- Length of the judicial proceedings.

Due to such numerous first-hand reasons, court and investigation processes continually lose value. Nevertheless this case and investigation should continue and be monitored for fixing the flaws with the belief that this is an on-going process and certain mistakes can be remedied.

The Dink Murder and State Lies

Even if for one moment we believe the state's statement of "I am not in this thing" with respect to planning and committing the murder of Hrant Dink, it is clear that the state, which has acted negligently and intentionally in the prosecution of the murderers, has been an accomplice. All forces of the state were involved in this murder. The ones who govern the state, in other words the executive and judiciary, were made accomplices to the murder.

Whatever it may say, the state played a role in the planning, committing and prosecution of the murder and covering up the case file through its security forces, gendarmerie, intelligence officers, politicians, inspectors, prosecutors and judges.

Firstly, on 17 August 2010, in my column, I requested that the Honourable President Abdullah Gül prompts the State Supervisory Council (DDK) under his command. In my subsequent articles, I stated that, "The DDK report is the last chance for rescuing the state's honour". However, in the report disclosed to the public in January 2012, unfortunately this last chance was lost as well.

Even when I skim through the report, I come to this conclusion: the game (lies) in the Dink murder continues. And, besides, a certain group of bureaucrats compel the state's entire power to make people believe those lies, but for the public, the game is over, the expiry date of the lies has passed. Regardless of the state's attempt to acquit public officers, this will not yield any result. The Dink murder is the latest rung in our history of political murders. Like all political murders, the place where the murderers, responsible individuals and state are prosecuted is in society's conscience. In our society's conscience it has long been decided who is guilty. It would be expected that the courts' decision conform to the decision in the people's conscience. This is the nature of political murders; decision aligned with the people's conscience.

And for this reason, the reaction created by the 14th High Criminal Court's decision dated 17 June 2012 in the proceedings, in which only the murderers were tried for five years, acquitting everyone else apart from the instigator, Yasin Hayal, and declaring that "there was no organisation", was huge. The court's decision and the decision in the people's conscience were very different from each other. The court was saying, "there was no organisation behind the murder", but, nevertheless, was actually displaying the power of the "organisation" by acquitting the official intelligence officer of the Trabzon Police,

Erhan Tuncel, who was "the state's fingerprint in the murder".

Another aspect of the murder, which was covered up, was the media's participation. The journalists directed by intelligence officers, who share responsibility in the murder, were made partners in the game instead of seeking the truth. The disinformation in the media regarding the Dink murder ended with the book I wrote in January 2009, titled "The Dink Murder and Intelligence Lies"

Very little was achieved in five years

Hrant Dink was murdered on 19 January 2007. Dink's murder was so political that the style of the killing carried a message of revenge. He was shot to death in the back of his head, just like the founder of the Union and Progress Party, General Talat, was shot to death by Armenians in the middle of the street in Berlin, on 15 March 1921. Of Armenian origin, journalist Hrant Dink was shot to death in front of everyone in the middle of Istanbul's Şişli neighbourhood in front of the Agos newspaper at 14:57. The 17-year old murderer seemed to want to be caught. He even cried out at the crime scene, "I killed him". Wearing a white cap, it was as if he wanted to be easily identified on the busiest street of Istanbul.

Slim and feeble, a 17 year-old boy, even though he did not fire the gun in his hand again, no one jumped to catch him. He put the gun in his belt and went to his relatives in Istanbul. He spent the night there. The next morning he hopped on the bus to Trabzon, his homeland, wearing his white cap and carrying a Turkish flag with him. Murderer Ogün Samast was going to be caught, but he fled the crime scene. The plan went astray. Some people, who were informed of the situation, departed to Giresun to kill the boy murderer. However, murderer Samast was caught in Samsun. His white cap and the Turkish flag - the trademark of the murder he brought with him on his way to Istanbul - were on him. Indeed, aren't all political murders in Turkey committed in the name of "country and flag"? And so, it happened this time. In his first statement in Samsun, the murderer said he killed Hrant Dink because he "insulted Turkishness". Like Mehmet Ali Ağca, who killed journalist Abdi İpekçi in 1979, he committed the murder by himself, with national sentiments.

The statement given by the murderer of Hrant Dink was reiterated by the then Head of Istanbul Security Forces, Celalettin Cerrah. Also, according to him, "the murder was committed alone and with



Nedim Şener

Nedim Şener began his career as journalist at Dünya newspaper; in 1994, he moved to Milliyet, and has been an investigative journalist since 2000. Author of 10 books, he received many awards, including one for his investigations into the assassination of Hrant Dink and is included in the International Press Institute (IPI) Press Freedom Heroes. Arrested as part of the Ergenekon investigation, he was in prison for almost 13 months. He is a member of Turkish Journalists Association and Turkish PEN, and joined the Writers in Prison Committee of PEN after his release.

nationalist sentiments". A scene was being re-played in the history of unidentified murderers.

Fingerprint of the State

However, before too long, the state's fingerprint in the murder revealed itself. His name was Erhan Tuncel, an assistant intelligence officer at the Trabzon Police Directorate. Tuncel reported one year before that the murder would occur. All officers at the Trabzon Police Directorate, including Chief Officer Ramazan Akyürek, knew about the murder. In fact, a warning about this murder was communicated to the Istanbul Police Directorate on 17 February 2006 and, on the same day, to Branch C at the Directorate of Intelligence Unit in Ankara, which is concerned with minority and right wing terrorist organisations. Exactly one year before, Trabzon, Ankara and Istanbul police knew that Hrant Dink was going to be killed. Subsequent to Ogün Samast's, the murderer, arrest, Yasin Hayal and his friends were captured and sent to Istanbul on the grounds that they had instigated the murder. One day later, Erhan Tuncel

Whatever it may say, the state played a role in planning, committing, and prosecuting the murder and covering up the case file through its security forces, gendarmerie, intelligence officers, politicians, inspectors, prosecutors and judges.

was caught in Trabzon and was handed over to the Istanbul Police. Three days after the murder, on 22 January 2007, Erhan Tuncel explained the connections with the state. He said the murder was planned by Yasin Hayal. However, Yasin Hayal and the other accused were telling different stories. It was alleged that Erhan Tuncel came up with the murder idea, and provided all the information about Hrant Dink, such as his address and photo. Indeed, both Yasin Hayal and murderer Ogün Samast were saying they did not know Hrant Dink and had never read the *Agos* newspaper. It was alleged that the state's intelligence officer determined the "Prey" (Hrant Dink) and the "Hunter" (Yasin Hayal, Ogün Samast and their friends). This established the state's fingerprint in the pre-murder planning. And, at that point, the Chief Officer of Trabzon Police, Ramazan Akyürek, Chief Officer of C Branch of the Intelligence Unit, Ali Fuat Yilmazer, the Head of Istanbul Security Forces, Celalettin Cerrah and the Chief Officer of Intelligence Branch, Ahmet İlhan Güler, among others, would be responsible for the murder. It was said the Commander of Trabzon Gendarmerie Regiment, Colonel Ali Öz and surely the National Intelligence Agency (MİT) knew about the murder, and turned a blind eye in order for it to happen. They were turning a blind eye to the murder, and after the murder, other state units running the investigation and examination were covering up their crimes.

Here is an account for you: To date, the state

issued 28 reports concerning this matter. Courts and prosecutors issued approximately 50 non-jurisdictions, incompetence and non-prosecution decisions. Two indictments were prepared concerning the matter. In the proceedings, where instigators and planners were tried, only Yasin Hayal and Ogün Samast received a sentence. Erhan Tuncel, the intelligence officer, who was alleged to have directed the accused in relation to the murder, was acquitted at the end of the proceedings, which lasted for five years.

Only Trabzon gendarmerie personnel were brought before the judge: four of them received a four-month sentence, two of them received a two-month sentence and two were acquitted. No one at MİT, which knew since 2003 that Hrant Dink was going to be killed, faced the prosecutor, let alone being tried in court. While no investigation was initiated against the Deputy Head of MİT Istanbul Region, Özel Yılmaz, who was alleged to have threatened Dink in 2004, instead of being dismissed, he was promoted as the Head of the Izmir Region.

As to the police: None of the police officers in Trabzon, Istanbul and Ankara were prosecuted. None of them appeared before a court or even a prosecutor. Yet, among the institutions involved in the planning of the murder from day one, the police were at the forefront. Most of the 28 reports prepared by the state were towards acquitting police officers. An invisible hand always protected the police officers. To date, only one police officer received a long-term suspension of promotion penalty. Five police officers received salary cut penalties, three personnel received a reprimand and one officer received a warning. Non-prosecution decisions were issued with respect to exactly 31 individuals.

Deep labyrinths of Ankara

Among the reports prepared by the state, two of them are highly important. The first one is the Prime Ministerial Inspection Committee's (BTK) report dated 10 October 2008. The second one is the DDK report that President Abdullah Gül had the DDK prepare. In the report the Prime Minister had the BTK prepare, Head of the Intelligence Unit, Ramazan Akyürek, and Head of C Branch under the Intelligence Unit, Ali Fuat Yilmazer, were explicitly accused. Prime Minister Recep Tayyip Erdoğan signed this report on 2 December 2008. However, this report has never been made subject of a legal proceeding. On the contrary, it was destroyed within the wheels of bureaucracy in Ankara.

Following the acquittal of the organisation that committed the murder, on 17 January 2012, Prime Minister Erdoğan gave an important guarantee: "The Dink murder shall not and cannot be lost in the deep labyrinths of Ankara". However, the report President Abdullah had the DDK prepare showing great sensitivity, displayed how the most important report bearing the signature of Prime Minister Erdoğan was lost within those corridors. Between pages 304 and 313, this whole process is explained with all its details.

Now let us summarise this process chronologically:

10 October 2008: BTK prepared its report indicating that personnel of the Directorate of Police, Intelligence Unit had been negligent in connection with

the Hrant Dink murder.

28 December 2008: Prime Minister Erdoğan signed the BTK report affiliated with him. This meant that a preliminary examination was due for the personnel of the Intelligence Unit of the Police Directorate, in other words, a report was going to be prepared in regard to named police officers and others, whose names were determined, and this was going to be communicated to prosecutors.

9 October 2009: Civil Inspectors of the Ministry of the Interior prepared an investigation report concerning the named police officers, instead of the preliminary report requested by the Prime Ministry. Instead of “conducting a preliminary examination”, the Civil Inspectors conducted a re-investigation into the matter that had been investigated by the Prime Ministry. In this report, the civil inspectors stated that there was no due action to be taken with regard to allegations of “neglect of duty” by the personnel of the Intelligence Unit. In other words, they acquitted the police officers.

The Dink murder is the latest rung in our history of political murders. And, like all political murders, the place where the murderers, responsible individuals and state are prosecuted is society's conscience.

8 December 2009: Civil Inspectors of the Ministry of the Interior sent this report, acquitting the police officers, to the Prime Ministry.

18 January 2010: The Presidency of BTK sent a letter to the Civil Inspectors, by which the latter was informed that the report acquitting the police officers was unlawful.

22 January 2010: The Prime Ministry advised the Civil Inspectors that, “Your assignment is not preparing an investigation report, it is conducting a preliminary examination regarding the individuals” and sent its objection letter to the Committee of Civil Inspectors of the Ministry of the Interior and requested it to take the action due under the report.

17 March 2010: Upon the revelation of the two inconsistent reports, the then Minister of the Interior, Beşir Atalay, sent a letter to the Prime Ministry and requested “constitution of a joint investigation team by Civil Inspectors and Inspectors of the Prime Ministry”.

30 April 2010: The President of BTK rejected this request. In his letter, the President of BTK stated that, “The Ministry of the Interior has duty, power and discretion concerning the matters determined by the Prime Ministry Inspection Commission as a result of its investigation.” In other words, the Prime Ministry requested the Ministry of the Interior to take due action based on the report.

5 May 2010: Instead of complying with the Prime Ministry's request, the Ministry of the Interior decided “not to take action with regard to the allegations in the BTK report”.

2 February 2012: DDK established that the Prime Ministry's report was swept under the carpet. However, instead of requesting due action under the Prime Ministry's report, the DDK report concluded “there was no action to be taken with regard to personnel of the Intelligence Unit on the ground that attorneys of Dink family have not objected to this situation through administrative proceedings”. In this way, going back-and-forth between the Prime Ministry and the Ministry of the Interior, the report, signed by the Prime Ministry Erdoğan was lost “within the deep labyrinths of Ankara”.

Presidency report has also been clouded

Unfortunately, the DDK report continued the custom of protecting state officials. It would have been expected that the DDK report would be issued in line with the public's conscience. However, it turned out that a report was prepared acquitting and relieving police officers from responsibility, in particular intelligence police officers, albeit the Prime Ministerial report. One of the main reasons for this is that Mehmet Ali Özkılıç was among the team who prepared the DDK report. Five years ago, on 5 February 2007, Mehmet Ali Özkılıç together with Chief Civil Inspector Şükrü Yıldız wrote a report (number 138/12, 93/11) stating that officers of the Intelligence Unit of the General Directorate of Police had no responsibility in the Hrant Dink murder. Since then, Mehmet Ali Özkılıç, an inspector at the Ministry of Interior, was promoted to a member of the Presidency of DDK. Therefore, Özkılıç should not have been assigned to an inspection concerning Hrant Dink's murder, because credibility of a report signed by Özkılıç would be low. This is not Özkılıç's fault, who wrote a report acquitting the police officers, but was necessary not to create any question mark over the DDK report. Yet, Özkılıç was included in the inspection team. In the end, it was written in the DDK report issued on 2 February 2012, bearing Özkılıç's signature, that “there was no action to be taken due to Dink's murder” with respect to officers of the Intelligence Unit of the Police Department.

Conclusion: The state does not blame the state

The point we arrived at in the end is a big zero. This is because two accused were convicted of murder; among gendarmerie, four received a four-month sentence and one received a six-month sentence. Except monetary fines, no police officer received a penalty; no investigation was even initiated against them. Even I was charged with 30-year imprisonment because I published their failures in a book, and was acquitted. In fact, I was arrested and spent 13 months in prison for nothing within the scope of the Ergenekon operation run by those police officers as a “revenge”. But not a single gendarme, police or intelligence officer appeared before a judge or prosecutor. I realised that “The state does not blame the state”. I realised that “intelligence lies” were replaced by “state lies”. My duty as a journalist, just like intelligence officers, is to reveal the lies of the state, “for Hrant, for Justice”.

Freedom of Expression in the Arts and the Current State of Censorship in Turkey

As the director of the Black Ribbon Project¹, under which cases of censorship imposed on the arts by different actors through a variety of methods are being investigated, documented and discussed on its website, in this article I intend to conduct an analysis regarding the impact of AKP's cultural policies on the freedom of expression in the arts.

In Black Ribbon Project, the idea of censorship is used in its broadest sense. This encompasses not only censorship implemented by laws, but also various methods of censorship implemented by different actors. Sanctioning, banning, targeting, threatening, intimidation, humiliation, obstruction, aggression, de-legitimization and alienation are methods employed in cases of censorship. Implementers of censorship include state institutions, political groups and parties, individuals who pursue the interests of the state, local organisations, cultural and art institutions, curators, occupational organisations, sector representatives and funding institutions.

If we consider that censorship in the arts exists in every country and government, and that only the players in censorship differ, conducting an analysis on a particular political era is only possible by combining the cases of censorship, close examination, comparing them with other cases of censorship and associating them with the discourse and practices of the political era in question.

Firstly, what should be considered more extensively is, as described by a human rights activist from Batman, the state's suppression policy towards artists in the Kurdish region to criminalise, marginalise and terrorise them in parallel with ongoing KCK arrests that started in 2009.

According to a news report published in Yeni Özgür Politika newspaper on 10 April 2010,² a criminal lawsuit was brought against 13 members of the first Kurdish music group and the only Kurdish theatre company in Batman, affiliated with the Spring Cultural Centre, before the 4th High Criminal Court of Diyarbakir for violation of "Law No. 2911 on Meetings and Demonstrations" on the grounds that they held a demonstration by participating in Newroz celebrations, issued a press statement, and inflamed the public with erbane (tambourine with disks) that they sang along with. The court sentenced them to the punishment of "non-performance of art". The artists were prohibited from performing plays at any social event, playing tambourine and singing. In the interview I

conducted with the artists within the scope of the Black Ribbon Project, I learned that this was not an isolated punishment and many actions were brought against almost all members of the Cultural Centre with charges of "propagandizing for the terrorist organisation", "being a member of the organisation" on grounds such as participating in press conferences, shouting slogans, singing, being a host for Newroz celebrations; two artists have been imprisoned and some were released owing to the "Probation Law". Probation means that the artists temporarily were banned from social life entirely and that if they did not obey this sentence, they would be imprisoned to serve the original sentence rendered against them. In addition to the pressure on the artists, youngsters who attend the training programme are being threatened and obstructed in order to reduce the culture centre's effect on the public and harm its legitimacy.

Indeed, the background of suppression and restrictions, which is not limited to the Kurdish region, can be observed from the Minister of the Interior, Idris Naim Şahin's speech in which he expressed the sentiment that "weeds in the backyard, which feed terrorism should be identified properly":

*"... however, operations run by the terrorist organisation do not consist of only attacks in treacherous ambushes in mountains, hills, cities, streets and backstreets in the night, it is not only armed terrorism. There is also psychological terror, scientific terror. There is a backyard that feeds terrorism. In other words, there is propaganda, terrorist propaganda. There is an effort to represent terrorism as innocent and justified. Some cannot see this structure. Some, support it despite their knowledge, providing personal justifications in order to render it reasonable. What kind of support are they delivering? Perhaps they are reflecting it on a canvas with a painting. Reflects it in his/her poetry, writes here and there, writes daily articles in columns. Unable to slow down, he/she tries to demoralise the soldiers, police who served in the fight against terrorism by making them the subject matter of his/her art directly. Those who fight against terrorism are being fought against, picked at in some way. Terrorist operations run in the backyard by going around the back – and here the backyard is Istanbul, İzmir, Bursa, Germany, London, whatever, it is professorships in universities, institutions, non-governmental organisations."*³



Pelin Başaran

After her BA from Middle East Technical University (METU) Pelin Başaran completed her MA at Bosphorus University. Until March 2010, she was part of the founding team and international projects manager at garajistanbul contemporary performing arts space. She also worked at the Local Cultural Policy Program initiated by Anadolu Kultur, Istanbul Bilgi University, ECF and Boekmanstichting. As founder and director of PARC, she is currently working as manager of "Black Ribbon-Freedom of Expression in the Arts" www.parc-int.org www.siyahbant.org pegin@parc-int.org

This speech by the Minister of the Interior means the abandonment of the responsibility borne by the relevant state through the enforcement of laws that protect the right of freedom of expression, and even the encouragement of the widespread practice of censorship by state institutions themselves as well as individuals who pursue the interests of the state by targeting state democratic institutions, educational institutions and artists.

A criminal lawsuit was brought against 13 members of the first Kurdish music group and the only Kurdish theatre company in Batman, affiliated with the Spring Cultural Centre, before the 4th High Criminal Court of Diyarbakır for violation of “Law No. 2911 on Meetings and Demonstrations” on the grounds that they held a demonstration by participating in Newroz celebrations, issuing a press statement and inflaming the public with erbane (tambourine with disks) which they sang along with, and the court sentenced them to the punishment of “non-performance of art”.

Another point, as recently observed in discussions regarding the privatisation of theatres,⁴ is the state's arbitrary actions and efforts to legitimise its decisions by various strategies. Instead of determining and remedying content and organisational problems of theatres working in affiliation with it, through a regulation that it suddenly put in effect excluding the main actors from the solution process, the state changed the organisational structure and shifted the function of creating a repertoire from the art director to a bureaucrat appointed by the state. Attempts were made to legitimise this process through speculative reasoning such as disconnection between the theatres and public and the low number of spectators. Similarly, many actors engage in arbitrary censorship, which is not always labelled as such, attempts are made to legitimise them with reasons such as “sensitivities of the public”. An example of this is the Prime Minister, Recep Tayyip Erdoğan's demolition order regarding the Monument to Humanity (İnsanlık Anıtı).⁵ It was claimed that the Monument to Humanity, which was described by the Prime Minister as a “freak of nature” during his visit to Kars, damaged social values due to its proximity to a tomb (türbe), and the monument was demolished soon after the Prime Minister's statement about the demolition of the monument. In spite of the campaign and legal action pursued by MHP concerning the demolition of the monument, the real reason for the demolition in such a short period of time was the Prime Minister's desire to cement his power before the general elections by removing this monument, which was located on the Armenian border and was somewhat of a reference to the peace

between Armenia and Turkey.

As seen in the events in 2010 regarding the play entitled “Lick but Don't Swallow (Yala ama Yutma)” written by Özen Yula and directed by Biriken Grubu (Biriken Group),⁶ various communities and media organisations, which have internalised the said discourse of the government, are imposing censorship through methods such as intimidation, obstruction and targeting based on their social sensitivities. Regarding that play, which told the story of an angel who found itself in an actress' body on a porn set in Turkey, Vakıf newspaper reported in an article titled “Messages Full of Provocation from the Immoral Play” that “sensible Muslims want this immoral play discarded before it is performed at all”. Due to the effect of successive reporting by the newspaper, the play crew demanded protection from the police. On the day that the crew visited the police; Beyoğlu Municipality officers arrived at Kumbaracı 50 and sealed the theatre on the grounds that “there are no fire escape ladders”. When the number of threats through electronic mail and telephone increased, the crew decided not to perform the play any more. After necessary arrangements were made at the venue, Kumbaracı 50 was licensed and opened to the public again. The Biriken Group could perform the play only two times within one day at İDANS under the category “new production” without much publicity and it was performed once abroad.

When we consider the statement of the Minister of Culture and Tourism, Ertuğrul Günay, regarding these incidences, we can see that in addition to his remarks supporting freedom of expression in the arts, he also underlines that it is necessary for art to respect social sensitivities; with such a stance he has failed to fulfil the constitutionally guaranteed duty conferred upon the Ministry to protect the arts and artists.

The question that should be raised here is which social sensitivities are being employed to legitimise censorship and which values are being re-created.⁷ If we consider these questions within the framework of the General Secretary of the Presidency of the Republic, Mustafa Işen's statement dated 25 March 2012⁸ mentioning his responsibility to form the structure of “conservative art”, we have an indication as how the government will shape its future cultural policies and by which strategies it will legitimise these policies.

Footnotes

1. For more information please visit the website of www.siyahbant.org.
2. Access to this website is blocked. See <http://www.yeniozgurpolitika.org>.
3. CnnTurk, 26 November 2011, <http://www.cnntrk.com/2011/turkiye/12/26/icerleri.bakanindan.yeni.teror.tarifleri/642042.0/index.html>
4. For archives, please see <http://www.siyahbant.org/?p=990>.
5. For archives, please see <http://www.siyahbant.org/?p=670>.
6. For archives, please see <http://www.siyahbant.org/?p=630>.
7. Karaca, Banu (2011): When Duty Calls...: Questions of Sensitivity and Responsibility in Light of the Tophane Events”, Red Thread, No: 3, p. 40.
8. GazeteVatan, 25 March 2012, <http://haber.gazetevatan.com/muhafazakar-sanatin-yapisini-olusturmaliyiz/439012/1/Haber>.

Solar Energy in Turkey: Challenges and Expectations

Solar energy has been attracting increasing media coverage and discussion in Turkey. Frequently bringing solar energy to the agenda is not a bad thing; however, it also does not imply that the problems related to this topic have been completely resolved. I will briefly explain the reason why Turkey, one of Europe's sunniest countries, has not been able to make the necessary breakthrough in solar energy and I will list the 10 biggest challenges facing this industry.

One of the obstacles facing solar energy is decision makers. It can be said that almost every party supports solar energy; however, when it comes to laws and regulations, the result is not as effective as the verbal support. Among legal entities, there is a combination of those supporting solar energy, as well as those hindering it. This division is heightened in both respects by the existing information pollution. In my opinion, in Turkey, solar energy generation will be put into practice in three different ways:

- 1) Power generation from solar energy in locations that are not connected to the grid (this is an option that is not currently subject to any law or regulation).
- 2) Power generation by individuals or institutions that are connected to the grid, but who do not want to apply for a license as they are not big investors and only intend to generate their own power or engage in micro-scale sales by benefiting from the regulation on electricity generation without a license (in Turkey, installed capacity of under 500 kilowatt (kW) can generate power without a license).
- 3) Energy companies willing to set up systems with an installed capacity equal to or more than 4-5 megawatt (MW) will find appropriate locations and conduct solar measurements. Most probably, these companies will vie to win tenders. The winners will be granted licenses and establish large solar energy plants.

Reading the legal documents is likely to scare you. You may well end up saying, "I should give up on investing in solar energy and put my money in the bank and collect interest at the end of the month". You would be correct in this thinking. This is the first time an investment limit of 600 MW was introduced to an energy source in Turkey. This is a one-of-a-kind practice in the world through which the obligation to measure the solar energy potential was introduced into law. Was that enough? No. They also announced that applicants would be subject to a competition. Our dear readers will get the message when they compare the time the government spends on a law they wish to see quickly enacted and the time spent on a law that is adopted rather unwillingly.

Much more can be written on this issue; however, one example would be striking enough. The easiest action that can be taken by a government that supports clean energy is to cut VAT (at least for a certain period), which can be accomplished through a single decision of the Council of Ministers.

In our country, the VAT on frozen animal sperm is 1%, while the VAT on a solar panel is 18%.

At this stage, we should have a look back in time. The Renewable Energy Law, keenly awaited by many real and legal entities, including companies operating in the renewable energy sector in particular, was discussed and adopted by the Grand National Assembly of Turkey in the last days of November 2010. However, the result was a big disappointment for those involved in the solar energy business. Under the Law, the incentive for power generation from solar energy was forecast to be 13.3 USD cents for 10 years. By comparison, in Greece the same incentive is 45 USD cents with a purchase guarantee of 20 years. Simply put, there is seven times more incentive for solar energy in Greece.

According to another interesting provision, the use of domestically manufactured technologies in your investment to generate solar electricity provides you with a 50% increase in the incentive rate for a period of five years. So, instead of 13.3 USD cents, you receive 20 USD cents for five years. Here, the situation is a little strange as the incentive to promote domestic manufacturing is not given to the manufacturer of these systems, but to those who use domestic products. This is similar to giving owners of domestic cars the right to buy gas at cheaper prices. We shall see who will rely on this provision and began manufacturing solar panels.

The law is targeting installations equal to and greater than 500 kW as well as legal entities capable of obtaining the license, which, in a way, indicates that it is instead for solar power plants (SPP) that are to be erected in open fields. However, the option for less than 500 kW that has been waiting for regulation for three years, although the law was there, is targeting those who would produce structures and generate power by themselves. Briefly, what this option entails is that you first use the electricity that you have generated from solar energy and cover the rest of your needs from the grid. If your generation surpasses your consumption, you supply the surplus to the grid. The main idea is to create a building that requires zero energy by balancing out generation and consumption. Additionally, there are no large technical or legal obstacles to starting the implementation as the



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system allows for netting on kilowatt hour (kWh) and the use of a simple meter to measure the electricity generated. The critical issue here is not the legislation or regulations; it is rather, related to how much money is spent on electricity in buildings with appropriate roofs for installation of such systems, how this price is going to change in the coming years, how much solar energy can be captured in the region and the reduction of prices for solar energy systems.

The expectation is to equalize the price of solar electricity with the price of power from the grid within a couple of years in places such as hotels and shopping malls that pay great sums for electricity. This will trigger the birth of a huge solar energy market in Turkey and subscribers will opt for solar power, even without any incentives, as this type of energy will be cheaper (and cleaner). So, one can say that it will be the beginning of the real “green energy revolution” in Turkey.

One of the obstacles facing the solar energy sector is decision makers. It can be said that solar energy is supported by almost every party; however, when it comes to laws and regulations, the result is not as effective as the verbal support.

The obstacles to the development of the solar energy sector in Turkey should not be limited to legislation only. This is a market where uninformed entrepreneurs organize fancy celebrations in five star hotels when they step into the solar energy business. These “so-called entrepreneurs” asked for abnormally high incentive rates from the Ministry of Energy and Natural Resources when the law was being drafted, they had no vision, no experience in domestic manufacturing, and no long-term strategy for solar energy. All they wanted was to hit the goldmine as soon as possible. Fortunately, the majority of these people and enterprises disappeared after some time since the cost of solar energy systems and the incentives provided are only making it possible for long-term planners to stay in the market. However, some of the entrepreneurs I described above are still doing business to the detriment of the market and to the potential solar energy customers. It is not easy to step in their way either; they even appear at international conferences and give unrealistic presentations that do not make any sense. For instance, they claim that “Solar power is now cheaper than coal”. It would be to the benefit of all if conference and exhibition organizers act carefully so as to not invite such people to deliver presentations or papers.

An inadequate civil society organization is another problem facing the sector. Many non-governmental organizations have been, and are still being established in Turkey. Still far from being institutional, these organizations should immediately begin collaborating with large, experienced, national and international renewable energy companies and NGOs to benefit from their economic power and knowledge

in order to be strong and effective. In Turkey, the ultimate goal of the clean energy NGOs should be to create a sector where their members, in particular, reach a sustainable income level. Unfortunately, to develop the solar power sector in Turkey, there is not much to be done by the organizations in companies that only employ a few people.

No one notices, but we keep saying that roofs constitute a great potential to capture solar power; however, in Turkey, roofs and buildings are in terrible condition. This is a problematic area because all small and medium scale installations will be on buildings and the part of a building closest to the sun is generally constructed when the contractor is running out of money. I am wondering how the solar power sector will find a place for system installation on rooftops lacking insulation, statically so unbalanced that even a cat would be scared to climb there and sometimes full of cooling equipment, solar collectors and satellite dishes. Therefore, the main target group will probably be newly constructed buildings within the scope of urban transformation, as long as the architects make the necessary preparations in advance. The roofs of buildings should be available for the installation of solar panels in terms of direction and slope. Right to sunlight (a building should not be deprived of the sunshine it receives when a new building is constructed nearby) should find its place in the settlement plans.

Finally, the issue of finance needs to be raised. Seeing a solar panel still makes most finance institutions in Turkey react like so: “How much water can this system heat? I had a similar thing installed in my summerhouse and I’m quite happy with it. Why do you need us?”, etc. Which brings us to the understanding that the financial institutions, which are to provide long-term (5-10 years) financing between the implementing company and the customer, are unaware that electricity can be generated from solar power and, therefore, need immediate training. This is an important point because many foreign funds can be accessed through banks and financial institutions in Turkey, and when these institutions lack the necessary knowledge on this area, the solar power sector will not be able to reach the desired level of growth. Adding the global financial crisis into the combination may lead to a reduction in such investments as well as the attraction of solar energy in the eyes of customers due to the increase in interest rates.

In spite of these problems, we still prefer to be part of the solar energy sector in Turkey, which is awaiting more regulation. This, I believe, is an appropriate point at which to conclude the paper. After the revision of the Solar Measurement Communiqué, the General Directorate of Meteorology should draft and publish another piece of legislation (a circular, or a directive, etc) to provide guidance about measurement practices. The second action required is from the Energy Market Regulatory Authority (EMRA). The deadline for license applications, documents and information required for solar energy license applications are to be identified and announced by EMRA. Afterwards, all eyes will turn to the Electricity Transmission Company of Turkey, which is in charge of preparing regulations on contests for tenders.

A Brief Evaluation of Seasonal Agricultural Workers in Turkey

The presence of seasonal agricultural workers in Turkey can be traced alongside the development of capitalism in rural areas. Their stories, beginning with the cotton production in Çukurova, continue today throughout the entire country, now including the harvest periods of almost all crops. During this considerably long period, seasonal agricultural workers immigrated from a variety of cities and regions. For instance, immigration of seasonal agricultural workers took place from the villages of the Central Anatolia Region to the mountainous villages of the Aegean Region or to the plains where cotton is harvested. However, the 1950's are the most pivotal point for the rural areas of Turkey. It is a very significant period in which the capitalist production structure declared its sovereignty in the rural areas, first with the start of the mechanization of agriculture, then by the introduction of more land for agriculture, the unequal distribution of agrarian loans among farmers and many other signs. The process has retransformed the production methods of rural areas as much as urban life as a result of the ensuing mass migrations.

The changes happening in agricultural production methods can be said to create a larger demand for a seasonal agricultural labor force, while those who could not take part in the mass migration to cities provided the source for the seasonal labor force. Those who carried this potential have been, however, the sharecroppers in the Southeast Anatolian Region. The data on the immigration to the cities between 1950 and 1970 display that the Southeast Region lagged behind in this area. Therefore, alongside the most striking social event of the mass immigration from the rural areas into cities, a less significant mass replacement from traditional sharecroppers to seasonal agricultural workers can also be mentioned. Beginning in the 1980's and into the 1990's, the nearly 'obligatory' migration from the Southeast Anatolian Region, has almost locked the migrants of this region into being seasonal agricultural workers (Çınar and Lordoğlu, 2010).

After citing these developments briefly, it can be easily concluded that; "The seasonal agricultural workers in Turkey, mainly from the Southwest Anatolia Region, are a populace of workers migrating every year all around the country to work for a couple of months. However, these temporary migrations of workers are not limited to only one place. Depending upon the harvest seasons of

the agricultural crops, they move a few times." (Akbiyık, 2008: 231; Geçgin, 2009: 15; Yıldırak et al., 2003). After their long journey, most of them return back to their homes, even if only for a few months, while there are also some who don't return home for a couple years. An important number of seasonal workers are always on the move, depending upon the harvest season of different crops.

The life of seasonal agricultural workers can be explained by evaluating some of the stages of their work periods. The problems start with the high rates of unemployment in the home cities of the workers. Low employment opportunities and the unequal distribution of land in the rural areas of Southeast Anatolia considerably reduces the means of livelihood for its inhabitants. Hence, research and interviews with workers show that they designate unemployment in their hometowns as their biggest problems. Therefore, the limited opportunity for employment of the inhabitants of the region makes seasonal agricultural work the only option. People who prefer this work start their trips each April and May. These trips are the most well known aspects of the workers' lives in the country as a result of the media coverage of their traffic accidents. Following the increase in accidents, the previous travel by truck has begun to decrease due to more frequent controls. Nowadays, workers continue their similarly dangerous trips by loading their beds, rugs and kitchen utensils onto minibuses carrying a weight well over their capacity.

Another important problematic area is accommodations once they arrive to their workplaces. Workers spend almost all their time in the open air. They make use of nylon or pieces of cloth as tents where they sleep and keep their possessions. The tent compounds created by workers are open to all natural conditions, with limited access to water and there is no toilet or bathroom (Özbekmezci and Sahil, 2004). In addition to these negative conditions, the tent compounds are, in fact, never "temporary" because workers spend a considerable amount of time during the year under such alleged temporary circumstances by moving from one place to another.

The poor state of their living conditions is another factor for exposure to exclusion in their work places. The afore-mentioned accommodation circumstances of workers create pollution and a bad smell, as well as a bad environment. For



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local inhabitants, these tent compounds could be places to avoid or even to be wiped out if possible. However, a more significant dimension of exclusion is usually experienced because of ethnic origin, and sometimes, religious beliefs. Actually, seasonal agricultural work is a place of confrontation for different groups in terms of ethnicity, race and religion, not only in Turkey, but also in other countries. As seen in examples from other countries, this confrontation has the potential to create a tense situation. Nevertheless, in Turkey, it is well known that seasonal agricultural workers become a party to ethnic conflicts for various reasons and, as a matter of fact, such conflicts could grow to such an extent that they receive media coverage. It is not usual that this state of exclusion results in a clearly conflicting state, because workers and local inhabitants in their work place need each other. Both sides cannot take the risk of totally breaking off their connections. However, the attitudes of exclusion and the expression of the differences hidden in daily life increases the differences and makes communication more difficult in this situation where ethnic identities are re-created through temporary encounters. Ethnic identities re-created under such circumstances form more acute boundaries. Additionally, some workers who are openly exposed to teasing or verbal abuse do not want to return to the same region again.

The changes happening in the production methods of agriculture can be said to create a larger demand for a seasonal agricultural labor force, while those who could not take part in the mass migration to cities provided the source for the seasonal labor force.

We do not find a better situation once we move away from the social relationship towards labor relations. The labor relations of seasonal agricultural workers are composed of intermediaries, who are called “messengers” or “head uncles”, and the employers. These three way labor relations are actualized completely informally. Employers do not have to take any responsibility for the workers. The only thing they do is show them a space for their accommodation. Their only consideration in doing this is to allow workers to reach the gardens where they work as quickly as possible. Seasonal agricultural worker and employer relations are not considered within the scope of the current Labor Law. Therefore, these relations are transferred to the Code of Obligations, whose purpose is not to protect the worker. However, neither the Code of Obligations nor the Labor Law includes regulations concerning the specific problems of seasonal agricultural workers. For instance, workers have an accommodation problem. This problem becomes much more serious when

considering the fact that workers tend to migrate with their whole families, including elders, babies and small children. Yet, both the Code of Obligations and the Labor Law are currently far behind in regulating such circumstances.

The fact that the workers cannot legally demand any of their rights increases the need for intermediaries when they encounter problems during their work periods as a result of their weak position against employers. Workers ask for help from the intermediaries concerning their needs during the work period. The intermediaries make the decisions on everything about work conditions of workers, including even the most important decisions, such as wage negotiations with the employer. They arrange the travel for workers, their shopping at their place of work, bringing them to the health centers when necessary and many other arrangements. Even though it seems that the assistance from the intermediaries is making things easier for the workers, all of these strengthen the dependence of the workers on the intermediaries. The worker cannot find work without consulting the intermediary, and cannot handle any problems in his workplace by himself. Creating such a dependence and its degree of control is one of the definitions of the intermediaries' work. The intermediary has created limitless ways of generating income for himself apart from the commissions taken from the employer and the worker.

The services of the intermediaries, playing a big role in the exploitation of the labor of seasonal agricultural workers, still continues without any controls. Even though “The Regulations of the Intermediaries in Agriculture”, put into action in 2011, tried to regulate the agricultural intermediaries' operations, only a small number of intermediaries were registered. Even the services of those who have been registered could not be regulated. However, instead of trying reform the institution of intermediacy on a legal basis, which continues to exist because the government does not regulate the employer-employee relations or the living conditions of workers, it is more reasonable to have regulations to eliminate the conditions that generate this institution.

In order to find solutions for the specific situations affecting the seasonal agricultural workers, in 2010, the Prime Ministry issued Circular No. 6, concerning the itinerant seasonal agricultural workers. The circular is an important step and attempt at describing and solving the specific problems of seasonal agricultural workers. However, due to a clear attitude from above about its solutions to the problems, it is quite open to criticism. The circular only pointed out the main problems. The solutions for the problems are, however, far from being realistic and taking into consideration the main reasons for the existing problems. For instance, the real problem during trips, in which 25 people get on a minibus or in the back of a truck with an original capacity for 12, is not caused by the insufficiency or lack of traffic inspections. Instead, these dangerous

trips arise rather from the poverty of seasonal agricultural workers who are not able to afford their own travel expenses. Therefore, the solution to this problem should be different from “increasing traffic inspections and necessary controls for the safety of vehicles and traffic”. Similarly, after suggesting solutions for accommodations, which is another important problem, the following item does not seem realistic when the poverty level of the seasonal agricultural workers are taken into consideration: “Drinking water and disposal water, as well as electricity supplies at the site, are to be provided to the users by network installation, site drilling, water tank/truck, power line or generator supply facilities by the special province administrations and utilization fees are to be taken from the users”. There is almost no possibility for these families to afford such an expense while working for extremely low daily wages and while they are also keeping their expenditures at a minimum during the time they work in order to save money from their work for the time they are not employed.

However, the most significant part of the circular is Article 10, which states that the local security forces will be customarily patrolling through the workers’ residential areas day and night for security purposes. The language that is used for such highly sensitive encounters, especially in an official statement, should be constructed more carefully. The circular does not clearly state what it aims to achieve by “patrolling for security purposes”; therefore, it remains open to debate as to why security is featured so strongly. In addition, such a regulation could make the communication problem more difficult in cases where it is already quite problematic between the seasonal agricultural workers and the local inhabitants, and differences can be deepened or negated.

In conclusion, the limited approach to the problems, such as traffic accidents, child labor, accommodations, the conduct with an alleged supposition that seasonal agricultural workers would create a security problem for the locals deem the circular problematic. Still, after this circular, some projects were implemented in some cities with the aim to improve the accommodation

problems of workers and the right of education for their children. However, their numbers are limited and each one of them does not have the same content and regulations. Clear results can be observed in only a few places. The establishment of sites with electricity and water connections, schools, tents, mobile toilets and bathrooms are being discussed. Even though they continue, with some problems, these efforts are promising. The biggest concern is how all activities performed within the scope of the project will be financed once it finishes. Therefore, it is important to produce more permanent solutions and to include such regulations within the social policies of the state rather than in projects.

The seasonal agricultural workers in Turkey are a populace of workers, mainly from the Southeast Anatolia Region, migrating every year all across the country to work for a couple of months.

However, the problems do not seem to be solved only through regulations on their living conditions and work relations realized by the state. Social exclusion and the increase in ethnic and religious tension postpones the solutions. In the legal provision of basic rights, such as education, housing and health care, it is perhaps more important that the personnel who enact these rights have the correct attitude in providing such services as education, health, security, and justice (Çınar and Lordoğlu, 2010). Indeed, the fact that some workers report that they do not go to medical institutions in the areas they work due to the attitude of the healthcare staff could be cited as an example. In conclusion, even when there is an efficient legal protection, and basic rights are effectively provided on paper, it carries the risk that they would be subject to personnel who have internalized the social perceptions of this country.

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Syria: The Case of the “Arab Spring” Transforming into the “Arab Revolution”

When “the only man”, “strong dictator” Zine El Abidine Ben Ali had to leave his long-lasting rulership, being unable to stand against the mass demonstrations that took place in the middle of January 2011 in Tunisia, no one in the world thought that the “Arab Spring” had begun.

When the developments in Tunisia recurred soon in Egypt, “the Last Pharaoh”, Hosni Mubarak left his seat, unexpectedly, as a result of the demonstrations joined by hundreds of thousands of people at Tahrir Square in the middle of February, all the world came to the conclusion that the “Arab Spring” had blossomed.

Then Libya, located between these countries, came forward. In Libya, the seat of Muammar Gaddafi, who had been in power for more than 40 years, had begun to rock. The progress in Libya was different from that in Tunisia and Egypt. This country, with its long coast, was virtually divided into two in line with its historical and geographical features. While the old Roman period’s Benghazi-centered Cyrenaica region adjacent to Egypt rebelled against the regime and brought an end to it, Tripoli-centered Tripolitania, adjacent to Tunisia, remained under Gaddafi’s control. Libya was virtually divided between Cyrenaica and Tripolitania. The country, which depended on a clan structure, began to experience a civil war between the clans.

When the possibility of Gaddafi surviving by seizing Benghazi appeared, France and England, remotely controlled by the United States, interfered. The bombardment, led mainly by France, prevented Benghazi from being seized by Gaddafi in the final stages, but Libya was not similar to one of the blossoming branches of “the Arab Spring”. External intervention came into play. External intervention acquired a NATO dimension.

The developments leaped to Bahrain, which is situated on the Gulf, and to Yemen, which is at the bottom. Bahrain was not like Yemen, Egypt, Tunisia or Libya. Bahrain, which has a population as small as one of the districts of Istanbul, with its Shiite-majority population ruled by a Sunnite Royal family, represented something much bigger than its size: the conflict of Iran-Saudi Arabia on the basis of the Sunnite-Shiite division in the Gulf. Yemen was a totally different story, an altogether different geopolitical area.

After the images coming from Libya, the

Bahrain turmoil and the uncertainty in Yemen, American media has given up the term “Arab Spring” and articles on the “Arab Winter” began to be published. As if spring has changed into winter without experiencing the summer.

The Arabs themselves have referred to the developments that passed through North Africa and the Arabian Peninsula “Revolutions”. Some intellectuals used a more cautious language; they found the phrases of “Arab Rebellions” or “Arab Enlightenment” appropriate.

All these names and definitions could not become a reality before they touched the “heart” of the Middle East, Syria. Syria was not only the geopolitical heart of the Middle East, but also the centre of “Arabism”.

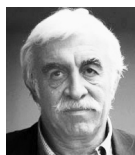
The “Arabist missionary” of Syria goes back to before the 14th century, to the first years of Islam. Islam, after being born in Mecca and Medina established, its first state based in Damascus in the lands of what is now Syria. Between the years 661-750, the Umayyad Dynasty established the first Arab-Islam Empire. They did not only establish it, but conveyed Islam to North Africa, and from there to Spanish Andalucía.

During the long Ottoman centuries, the name Syria did not exist, but there was “Bilad-ı Sham”, the Damascus County that included today’s Lebanon, Jordan and Palestine. Arab nationalist opinion and action, in other words “Arab Enlightenment” and “Arab independence idea”, appeared in the “Damascus County”.

Major historian Arnold Toynbee, talks about the two geopolitical pivots of the world in his 12-volume work called “A Study of History”. He defines one of them as Syria, in which, for one millennium long civilizations and religions had mingled “in a way to leave deep traces in human history”.

The developments that started in Tunisia, acquired the most important “epicentre” in Egypt could maybe be called the “Arab Spring”, but could not attain the character of an “Arab Revolution” unless they reached Syria.

The bottom waves of change had caught even Bashar al-Assad, the ruler of the Syria regime, unprepared. Tunisia and Egypt, which are in a different political axis, or even Libya, did not ring the alarm bells for al-Assad. He seemed happy with the developments in Tunisia and Egypt and was busy telling the foreign press why the same developments could not happen in Syria.



Cengiz Çandar

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On 15 March 2011, the flames of the “Arab Revolution” came into Syria from the most unexpected place, from Daraa, near the Jordanian border in the South. The children of the Internet and Al-Jazeera watched what happened in Tunisia and Tahrir in Cairo on their screens. Writing “Bashar Irhal”, meaning “Bashar Move”, as graffiti on the walls of Daraa returned to them as torture and death.

The tyranny in Daraa has returned to al-Assad in the form of the people of Syria rebelling everyday in greater numbers.

With the argument of solidarity with Daraa, first Baniyas and Latakia on the shoreline, then Idlib just on the edge of the Hatay border, continuing with Deir ez-Zor near to the Iraq border, and in consequent periods, one of the cities forming the country's backbone on the Damascus-Aleppo motorway, Homs, came onto the scene. Homs was the centre of the massacre, where ten to twenty thousand people lost their lives in 1982 during the era of Bashar al-Assad's father's rule. Homs became “Syria's Stalingrad” and according to some, “Syria's Sarajevo”.

After one year of the beginning of the chaos in Syria, ten thousand people lost their lives. More than a hundred thousand people took refuge in Lebanon, Jordan and Iraq, twenty-five thousand people to Turkey. Twice that number had to move within the country. The country's third biggest city had been mostly evacuated and those refugees accumulated in the capital Damascus as migrants.

To take things back in Syria, to return to the “status-quo ante” is impossible now. However, the rulership did not change as in Egypt, Tunisia, Libya and even Yemen. It cannot rule the country as before, however, it does not come down. It is experiencing a situation like a “stalemate” in a chess game.

There are many reasons for this situation. The most prominent one is the geopolitical location of Syria, where many of the regional and international fault lines intersect. The Assad-Makhlouf family is grounded in a religious order, which composes 8-12 percent of the country's population, the Alevis. The regime has been continuing its rulership grounded in this religious order and the implicit coalition with the other minorities for more than 40 years. During this period, people belonging to this cult had settled in the key points of the two most important institutions of the regime, intelligence-security bureaucracy and the armed forces.

The Alevis, Christian minorities, most of them being Greek-Orthodox (10-14% of the country's population), the Druze minority, who is worried about Sunnite dominance (about 3-4% of the population) and the passive support of the Ismailite cult (about 1%) form the mass configuration of the rulership.

If we add the Kurds (about 10%), forming another ethnicity who have been mostly neutralized, 35-40% of the Syrian population either is together with the regime due to existential concerns or are not among the active components of the rioting.

Also, if it is considered that the trade

bourgeoisie of two biggest centres, Damascus and Aleppo are in a “co-habitation” with the regime to a large extent, enough mass support is established for a merciless, oppressive regime.

If this kind of a regime resorts to boundless violence to stay in power, it prolongs its existence on such a mass ground. In this case, the Sunnites are faced with an asymmetrical disadvantage, although they are the majority of the population to a large extent.

The old Roman period's Benghazi-centered Cyrenaica region, adjacent to Egypt, rebelled against the regime and brought it to an end, while Tripoli-centered Tripolitania, adjacent to Tunisia, remained under Gaddafi's control. Libya was virtually divided between Cyrenaica and Tripolitania.

However, if the most important support of these kinds of regimes, the “Horror Wall”, comes down, meaning the masses without weapons risking everything and go out to the streets, it is not possible for the rulership of the country to continue.

This situation inevitably leaves Syria with two options:

1. An instability lasting in a chronic and violent environment;
2. Possibility of civil war.

The country, being the intersection point of regional and international fault lines, steps in here. Syria's rulership configuration and foreign allies (Iran) naturally transforms it to the area of struggle for the regional Sunnite-Shiite conflict.

In this aspect, the fault lines that Iran-Saudi Arabia, Iran-West, also Iran-Israel and, most importantly, the unnamed Turkey-Iran rivalry expresses settles on Syrian land.

In addition to all this, Russia; who has the only sea base left in the Mediterranean, in the Tartus Harbour of this country, wants to return to Middle Eastern politics, as in its Soviet Union days, over the Syria crisis and calculates to force its hand in the international agenda. With this calculation, it was one of the supporters of the Syrian regime, it used its trump card of being a member of the UN Security Council, and it also dragged China and India, two important members of the developing markets alignment called “BRIC”, to be supporters of the Syrian regime.

Turkey, who considered Syria as the centre base of the Middle East initiative and developed very special and intimate relations with al-Assad, in the 2000's made a dramatic turn and cut loose with the Syrian regime. It became the initiator of the “Syria National Council” (SNC) opposition, to prepare the rulership in case of the fall of the Syrian regime, in Istanbul in 2011 October.

The reason for Turkey transforming from being

the closest ally in the region to the position of being the enemy of the regime are as follows:

1. Turkey has played the role of the pioneer in the position of “sponsor” of the regime changes in Tunisia, Egypt and Libya and, as a rising regional power, changed from being “pro status quo” to “local power supporting change”. It could not maintain its position as a regional power by opposing the changes in the Arab World. When the change wave came to this country as a natural outcome of its attitude in the Tunisia-Egypt-Libya axis, it had to support the option for change also in Syria.

2. The cultural and even organic union of the mass nucleus that AKP is grounded on with the Syrian Sunnites left the rulership in Turkey with few options at a historical era when they rose to their feet. Moreover, the “centre gap” that Sunnites were experiencing after the Iraq war against the “regional Shiite axis” that Iran composed, had to inevitably be filled by Turkey as the traditional Sunnite power of the region.

3. The political position Syria holds helps Turkey to be in close relationship with the USA, not being negatively affected by the Turkey-Israel relations when the Israel relations are very bad; also its determining active role in the region provided an opportunity for an indispensable partnership with the European Union, which was struggling with its internal problems and could not spare energy to deal with the Middle East. So, Syria was presenting an opportunity for Turkey to put together its relations with the West and cooperate.

The Arabs themselves have called the developments that passed through North Africa and the Arabian Peninsula “Revolutions”. Some intellectuals used a more cautious language; they found the phrases of “Arab Rebellions” or “Arab Enlightenment” more appropriate.

Turkey’s variable politics that changed step by step between March and October 2011 and resulted in opposing the regime has to be understood within the rationality of Real Politics.

Of course, there is the unnamed “Syria’s Kurdish problem” which defines many actors’, prominently Turkey’s Syria politics. Syrian Kurds represent ten percent of the population in total and they are the biggest national group after the Arabs. However, the lands they live in are not permanent like the Kurds in Iraqi Kurdistan or the Kurds in Turkey. They mostly live in the northeast of the country, next to Iraqi Kurdistan and Turkey’s south-eastern cities, in the Al-Jazeera area, also where Syria’s oil reserves exist and in the region where the city of Afrin is located between Hatay and Aleppo.

They came together under the Kurdish National Council (KNC), which was established under the authority of the Iraqi Regional Government by more

than ten Kurdish parties whose representing power is debatable. KUK did not come together with SUK yet, which is accepted as the “representative” of the Syrian opposition. Moreover, it is said that the power of the Democratic Change Party (PYD), known as PKK’s Syrian branch, is as much as KUK by itself or even more than that. PYD’s other advantage to other Kurdish organisations is that it is an armed organisation. Also, PYD, though it may be temporary, has a manoeuvre area that can move on the Iran-Syria axis.

The uncertain situation of the Syrian Kurds increases the rapprochement between Ankara and Erbil under USA support, which needs to position itself against the Iran-Syria axis, but it also complicates the political moves towards this country.

It is believed that Kurds are in a role that can determine the fate of the Syria insurrection; together with this, it abstains from being involved in a game that does not have a certain winner and loser yet and has suspicions because of the fact that Turkey had not been able to solve its own Kurdish problem yet.

All of these aspects create a much bigger question mark about the direction of the developments in Syria and the remaining life of the regime in Syria.

Of course, the fact that it is an election year in the USA and the Obama government is avoiding putting the necessary and adequate stress for the regime change in Syria also helps the al-Assad regime to continue.

Between all these question marks, one thing is certain for now: The developments in Syria, and whatever changes will happen as a result, will determine all of the Middle East’s future. It will change the course of history.

Turkey/Iran: A Critical Move in the Historical Competition

Turkey and Iran are neighbouring countries that have the deepest roots as states and, historically, in competition in the region, but having completely different visions in recent years in their approach towards regional policies. The approaches of Ankara and Tehran are “in line” with the traditional foreign policies put into effect by the two countries and serve their existing strategies.

Their attitudes during the Arab uprising are merely the derivatives of their general macro policies. However, the two countries, contrary to their global approach to certain issues, sometimes unite for pragmatic purposes; but, this unification, rather than being based on principles, is based on temporary relations of “interest”.

The relations between Turkey and Iran have several focal points: Iran’s controversial nuclear energy discussions, regional competition, approach to the Arab uprising, and the tension fed by different expectations on the future of Syria.

These issues will be the determining factors for the future of the two countries in terms of their medium and long-term relations, as well as their existence in the region. Among those issues, the most prominent ones are the nuclear crisis on a global scale, and the Syria crisis on a regional scale. The latter is also capable of defining the first. Turkey and Iran are the two most important countries in the region and have the deepest historical, cultural and state traditions. They are historically in competition, sometimes threatening one another, but generally not interfering with each other. Their fluctuating relations have been ongoing for many years. Turkey and Iran, as emphasized by Stephan Kinzer, are the two countries in the entire region with a tradition and experience of democracy despite all the antidemocratic aspects of the Islamic regime. Until recently, Turkey’s relationship with Iran was determined by the alliance it created with the USA and Israel based on the perception of a possible internal political threat. Within the framework of its “zero-problem” policy, the AKP (Justice and Development Party) government was aiming to reduce problems with neighboring countries as well as to save “excluded” countries like Iran and Syria from isolation by being a bridge between them and the rest of the world. One must bear in mind that Turkey did not hold a purely innocent and friendly agenda while moving ahead with the zero-problem policy. Turkey did not leave aside its own “interests” when it became a member of the club of rare countries capable of maintaining

relations with everybody. However, one cannot speak of a single determinant when it comes to the Middle East; every country has many other connections and is under the influence of many other determinants. The ambitious “zero-problem” approach has already petered out as Turkey’s position in foreign politics has shifted from zero-problem to many problems after the upheaval due to the Arab uprising. Adopting a rather harsh manner and a certain mission in dealing with the problems with neighbors and a heavy rhetoric against counterparts is a conscious policy but also an indication that Turkey cannot find its way. Turkey took a courageous step and huge risk by voting in favor of Iran’s nuclear program together with Brazil at the UN General Assembly. Despite all efforts, Iran’s insistence on not backing down left Turkey in a difficult position. In other words, “Turkey was used” or acted naïvely on this issue. This was an important breaking point for Turkey’s confidence in Iran.

The main objective of Turkey’s Iran policy is to maintain a balance in the region. Iran is known to have influence over Iraq, Syria, Lebanon and Hamas. In order to implement this policy, Turkey has explained its argument to the West: to balance Iran in the common areas of influence, to prevent Iran from being the only country having control over the areas of influence and to develop a balanced and controlled competition. A few years ago, Turkey started to develop relations with Syria with a twofold objective: to save Syria from isolation and to reduce Iran’s area of influence. The aim was to leave Hamas to Iran. There was a harsh competition over Lebanon. However, Turkey felt obliged to be on good terms with everyone while trying to implement its politics in the region. But this policy was quite naïve and did not stand a chance of success in the Middle East. It should always be remembered that “in the Middle East, you may want to be friends with everybody but this does not solely depend on your intentions”.

While Ankara was busy with all those issues, it also faced criticism over the “axis shift” as a result of the problems with Israel. This was rejected as a discourse, but brought into action over Iran. Ankara abandoned its former position once it understood that its efforts would remain futile against the unclear policies of Iran. It adopted a new policy with the Arab Spring. Although Iran seemed to be standing by the people during this period, it soon lost its credibility because of its Syria policy. The most important reason here is that the Arab uprising had different dynamics than what was considered by Iran; the dynamics lacked the Islamic aspect from the very beginning.



Mete Çubukçu

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Until the Syria crisis, Iran ignored the impact of the Muslim Brotherhood and the Sunnite character of the revolts; however, with Syria, it began to consider the issue as a survival problem. For some, the reason why the AKP government turned its back in a very short time on the Assad regime is because the party has the same roots as the Muslim Brotherhood movement.

Taking the initiative unnecessarily

The difference of positions adopted by Turkey and Iran related to Syria indicates a future detachment. Moreover, with the Syria crisis, the polarization on the Shiite – Sunni axis has also sharpened. So far, Turkey (and the Sunni front as dominant as the one in Saudi Arabia) has been careful about not being involved in this axis.

Being unable to convince Iran, Turkey had to change the path. With the placement of the missile shield in our country, let alone changing its axis, Turkey is trying to prove that it is the most important power and actor in the Western alliance. With regards to the Syria issue, Turkey was not “pushed” by others as some suggested, but rather, took the initiative itself to assume this role.

The relations between Turkey and Iran have several focal points: Iran’s controversial nuclear energy discussions, regional competition, approach to the Arab uprising, and the tension fed by the different expectations concerning the future of Syria.

Turkey’s over-engagement in the Syria issue is related mainly to its competition with Iran. This can be explained as “taking the initiative unnecessarily”; in other words, being over involved in an issue beyond the real purpose. However, another reason could be that in the Shiite-Sunni polarization, Turkey, backed by the Gulf countries and the USA against Iran, took on the mission to be the spokesperson and possibly the “striking power” of the Western world. Looking at the general discourse, the intention of Turkey as a “sub-imperial” country and the efforts to create the psychological background for this are quite obvious.

It is a well known fact that the missile shield has been installed to protect Israel from Iran. With such a move, Turkey has removed doubts about its “axis shift”; however, it received criticism for becoming the executor of the American and Arab policies in the region due to its occasional, and rather overblown, outbursts against Syria.

Turkey had problems with Iraq’s Maliki regime as the two countries had opposing opinions about our country’s Syria policy. The combination of certain developments – Iraq’s Second Vice President, Tariq al-Hashimi, fled Baghdad and sought protection in the Kurdish region of Iraq, Turkey supported the Iraqi Bloc of Hashimi during the elections, and the crisis in Syria – carved out the path leading to Iraq beco-

ming one of the problematic neighbors. The Tehran government wants to use Iraq to conduct the other pillar related to the Syria crisis. In the event that the Damascus regime collapses, the Iran, Iraq, Syria and even Lebanon fronts will also “fall”. It may be meaningful to see the governments of these countries in conflict with Turkey. However, the determined and “dangerous” process adopted by Iran towards Syria is also obvious.

Syria seems to be meeting the requirements of the Annan Plan, however, it continues to bomb cities. The opposition seems to have accepted the Plan but is not implementing it as they do not believe in it. They claim that it is another trick of the Assad regime to gain time. Many, including Russia, know that it is the last chance for the Assad government. A year ago, Turkey, in regards to Syria, raised the bar to the level of “intervention”, but not having received the expected backup from the international community, had to pull back. Lacking the support of the UN or NATO, Turkey had to accept the Annan Plan, which it had declared null and void even before it was adopted. The opposition in Syria is against the Plan, but considers this period as an opportunity to regain power and restructure its organization as “external intervention” seems unlikely in the short run. The countries forming the “Friends of Syria Group” decided to extend financial support and military communications tools. Countries like Saudi Arabia and Qatar want to arm the opposition and they actually do so. Believing and expecting that the Annan Plan will fail, Turkey has still not accepted the Plan. Hence, the failure of the Plan is directly proportional with the theses of Turkey. However, the Plan, as it is, seems to be unlikely to survive.

In the end, as a country “willing and determined” about the regime in Syria, Turkey’s choice of policy against its regional rival, Iran, will change not only the relations between the two countries, but also the equilibrium in the region in general. Turkey, on stage as a prominent country, should not pursue a short-term policy such as taking advantage of the pressures against Iran. On the contrary, Turkey should be aware that if the competition with Iran approaches a dangerous level, this will be not to the benefit of our country, but to the benefit of those like Saudi Arabia, who pursue different agendas to protect their oppressive and retrogressive regimes. The destiny of Syria will function as a litmus test in the future of relations between Turkey and Iran.

The Safavid and Ottoman empires fought each other multiple times during the 16th and 17th centuries, but neither of the parties had the upper hand over the other. What they did was to weaken each other against Europe. In the end, the Treaty of Zuhab was signed, defining the border between Turkey and Iran. The border has never been violated to date, and the parties never fought, although there were small conflicts. This border is the only border in the Middle East, including the recent ones, which was not drawn with an imperial ruler. We can assume that it will not be distorted. Ever-lasting competition between the two countries will continue intensively in areas other than those in armed conflict - with or without Syria.

4+4+4: Turning the education system upside down

For many of those who work in the area of education policies, it was hard to believe that a draft law entitled “Bill on Amending the Primary Education Law and Other Laws” was submitted to the Grand National Assembly of Turkey on February 21, 2012. In fact, Zaman daily had already published a news story on January 5 about the division of the education system into different stages. However, no one expected the ruling Justice and Development Party (AKP) to propose a legislation which divides the eight-year primary education into two stages, stage one and stage two, each lasting four years; and allows for distance education and apprenticeship training starting from stage two, i.e. at the age of 10, therefore reducing compulsory education effectively to four years and enabling vocational training to start at the age of 10. This is the same government that has been taking steps since coming to power to increase access to the eight-year compulsory schooling. Submission of the bill to the Grand National Assembly of Turkey (GNAT) was merely the beginning of a process full of surprises.

First reactions to the bill

The bill was introduced to the media as if “compulsory schooling was increased to 12 years”. In fact, the bill was proposing to leave the authority to increase compulsory education to the discretion of the Council of Ministers and there were no provisions whatsoever related to the conditions upon which this decision could be made. The main purpose of the bill was to disqualify primary education from being an uninterrupted basic education program and to establish schools where different programs could be implemented after the 5th grade. The bill also made it possible to establish secondary schools attached to high schools, therefore students, after finishing the 5th grade, could continue their education in schools that are affiliated with vocational high schools, or imam hatip schools (vocational schools to train Islamic clergy). Distance learning and apprenticeship training were also included in these different programs in the first draft of the bill.

The bill, in general, and the possibility to implement distance learning and apprenticeship training at the primary education stage (for children between 10-13) caused an uproar among the non-governmental organizations (NGOs) that have been working for many years on issues related to the schooling of girls and the prevention of child labor. Many organizations, the Education Reform Initiative (ERI) in particular, have issued statements one after another to point out that the bill is far

from capable of introducing regulations that will help the advancement of the educational system in Turkey. Upon the reactions, the National Education Committee of the Grand National Assembly of Turkey, which met on February 23, 2012 to discuss the bill, decided to set up a sub-committee to rewrite it.

The establishment of a sub-committee and signals coming from the ruling party between 23 and 26 February 2012 were interpreted as if AKP was not going to insist on the bill. The interpretation that the ruling party would step back from the bill became stronger when one of the members of the National Education Committee from AKP and an MP from Mersin, Çiğdem Münevver Ökten, said, “solutions will be produced to remove the concerns” and when the Minister of National Education, Ömer Dinçer, said that vocational education should not be started earlier, but should be postponed to later stages, at a Vocational Education Workshop that took place in Antalya on 24 February.

The rationale of the bill submitted to Parliament was far from satisfactory to many people and organizations. The most important reasons put forward by the government were that the eight-year uninterrupted schooling was a monster created by the 28 February 1997 military memorandum regime, it was harmful for 6 year-olds and 13 year-olds to attend the same school, which was a unique practice never seen anywhere else in the world. According to the NGOs, “eight-year uninterrupted schooling” referred to a system with many examples in the world, which is built on a single education program even though there are elective courses, and which provides children with basic life skills without being diverted to separate programs or vocational education. International surveys have shown that the primary education in Turkey lacked the capacity to give students basic life skills; therefore, as emphasized by the NGOs, it was important to strengthen the primary education and emphasize basic skills to overcome this problem.

Contrary to the statement by Ömer Dinçer, the rationale of the bill was in favor of starting vocational education at an earlier age, as a measure to promote vocational education. While doing so, the text of the rationale defined vocational education as constituting 60 per cent of the secondary education in the EU, whereas data from international organizations showed that only 48 per cent of the students in secondary education were in vocational education programs. Germany was cited as a country that owed its success to an early start of vocational education. However, discussions on the early tracking of children into different types of schools that triggered inequalities were



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completely ignored and initiatives taken in most of the states of the country to increase the years devoted to basic education were not mentioned. The last point put forward in the rationale of the bill was related to the recommendation issued by the National Education Council in November 2010 to divide the education system into different stages. The recommendation was issued on the last day of the Council meeting without being discussed. Prior to that, the regulations related to the convention and decision making processes of the National Education Council had been amended in May 2010 in a rather hurried way and the proportion of Council members appointed by the Ministry of Education to the total number of members was increased from 60 to 75 per cent.

The bill in general and the possibility to implement distance learning and apprenticeship training at the primary education stage (for children between 10-13) caused an uproar among the non-governmental organizations (NGOs) that have been making efforts for many years related to the schooling of girls and the prevention of child labor.

28 February 2012: 4+4+4 in the halls of Parliament

All that criticism was raised by the majority of the NGO representatives and university deans who attended the meeting of the sub-committee on 28 February. According to attendees, the preparations were not mature to divide the educational system into stages and, even if staging were to happen, it should not be to the detriment of the integrity of the program. They also stated that the eight-year uninterrupted basic education had important benefits that should not be given up, for instance, increase in the schooling rate, extension of basic education, and students' confrontation with competitive central examinations at a later age. The deputies of the ruling party tried to refute the scientific findings and field observations, pointing out the possible risks of staging primary education, such as possible reduction of the schooling rate for girls, detachment of children with disabilities from school and increase in discipline related problems. They argued that staging the system did not have anything to do with the quality of education. However, the real development happened in the AKP Group. Prime Minister Recep Tayyip Erdoğan, embraced the bill to an unexpected degree that was proposed as a political party group bill rather than a government draft, and blamed the NGOs, especially TUSIAD, which were standing against the bill, for protecting the heritage of the 1997 military memorandum.

The draft of the sub-committee removed the possibility of distance learning and apprenticeship training in grades 5 to 8 and took the judgment related to compulsory secondary education back from the Council of Ministers. That was an important

achievement. However, the clauses related to the provision of elective courses based on the skills, interests and capabilities of students in grades 5 to 8, as well as the clauses allowing for different programs and types of schools were made even stronger. Another provision was added to the draft, which would make children start primary education one year earlier. The government avoided arguing in detail as to why these regulations were necessary although they were completely in conflict with the previous statements of the Minister of National Education about postponing the age to start vocational training and disseminating pre-school education.

Meanwhile, the opposition parties in Parliament began to make efforts for a more effective opposition against the bill. The first round of the committee discussions was marked by the 12-hour speech of Engin Özköç, deputy of the Republican People's Party (CHP). However, the opposition failed to effectively refute the justifications of the bill and to convince different segments of society. When around 100 deputies from AKP wanted to attend the second and last round of meetings, discussions became impossible and probably the fiercest fight in the history of Turkey's Parliament broke out. The chairman of the committee, Nabi Avcı, had the draft read, voted on and adopted while the fight was still going on and declared that it would be transferred to the General Assembly. That was the conclusion of the committee meetings that left everyone with questions as to whether the rules of Parliament had been followed or not during the committee discussions.

The discussions in the General Assembly were rather uneventful as everyone must have received the message from AKP that the bill would be passed no matter what. NGOs and the opposition lost courage. The bill passed the General Assembly after the addition of several other provisions stipulating that primary education consists of primary school and middle school, each lasting four years; and middle schools can be established together with high schools and as imam hatip middle schools. Another addition was related to the introduction of two elective courses – "Koran" and "The Life of Mohammed, the Prophet" – to the middle school curriculum. Following its adoption by Parliament, the bill was also approved by the President of the Republic and entered into force on 11 April 2012.

Changes in the education system: A batch of uncertainties

The Law 6287, which made history as the "4+4+4" formula, brings forward many changes in the educational system. How these changes will be implemented is still unclear as of May 2nd, 2012, the date this paper was written. One of the main uncertainties lies in the age of starting school. The Ministry of National Education announced that the age of starting primary school is brought forward one year. Previously, children who turned 72 months in the same calendar year as the school year were allowed to start school. Thus, those who were born in 2006 were going to start school in the 2012-2013 school period. The new law however, says that 5 year-olds can start school. There is no regulation as to how the age will be calculated; therefore it is not clear whether turning 5 means turn-

ing 60 months or 72 months. If those who turn 60 months are allowed in school, primary schools will have to host almost two times as many students as they normally do. According to teachers, neither they, nor the curriculum, nor the physical conditions at schools are ready for accepting the 60-month-olds. Making children start primary education one year earlier can also have a deep impact on pre-school education, about which great efforts have been made in Turkey in the recent years. Participation in pre-school for five-year-olds (60-72 months) has increased very quickly: two out of every three 5-year-old children were enrolled to a pre-school program. However, this trend may come to a halt when they start to accept five-year-olds in the primary schools. Pre-school education may be overshadowed as the priority of the educational bureaucracy will be to implement the new regulations, and families (just like in the past) may be reluctant to send their 4-year-olds to pre-schools. Turkey may not be able to see the promised benefits of the pre-school education.

How students will be separated in different schools and programs remains unclear. Imam hatip middle schools will be opened for sure. But it is still uncertain whether permission will be granted to open vocational middle schools or middle schools under prestigious high schools. Even slight differentiations between schools may result in the introduction of competitive exams for placement as well as competition among parents and students who believe that the number is too low for good quality high schools and universities. If this happens, students in Turkey will have to pass a central examination at the age of 9. Even though placement will not depend on a central exam, the questions of how to decide which middle school to attend and how to make sure that the socio-economic status of the family will not affect this decision still remain unanswered.

Another fear is the possibility that the transition to middle school at the end of the 4th grade may turn into an excuse to pull disadvantaged children, especially girls and children with disabilities, out of school. In that case, despite the efforts from the central government, schools may not be able to provide a friendly environment for children with disabilities. As the transition to middle school is an important breaking point, children with disabilities may be discouraged to continue school. The same risk is also valid for girls, for whom, even before this law, the schooling rate towards the end of primary education had been dropping despite all the gains of the eight-year compulsory schooling. Research results have also shown that with the eight-year compulsory schooling, there was a significant drop in the phenomena of "child brides" and "teenage mothers". If the risks in question materialize, this falling trend may reverse and the number of child brides and teenage mothers may increase again.

We still do not know what kind of different programs, schools and elective courses (apart from religious education) will be introduced in middle schools. What we also do not know is whether these courses and school types will be classified as vocational education programs. Uncertainty prevails over other issues, such as whether courses related to religious education will be delivered during or outside of school hours, whether these courses will be "voluntary" or "elective",

how schools will ensure freedom of faith and thought, or how they will guarantee an environment free of discrimination.

4+4+4 and the future of Turkey

The 4+4+4 process draws a very pessimistic picture about the future of Turkey in terms of democracy and the transformation of the education system. Education, an area which interests everyone and which should be constructed on the basis of scientific findings, has witnessed a transformation within one month, which turned the whole system upside down, without any research or impact assessment processes. Opinions of non-governmental organizations and the major universities of the country were substantially ignored. Incidents that have nothing to do with democracy took place under the roof of the Parliament. Unfortunately, it was proven once again that the most important factor to pass a bill is the leader's ownership.

As we move quickly towards the 2012-2013 education year, the major problem facing the system is the uncertainty of how the amendments will be implemented. Neither public schools nor private ones have any idea or information about which course programs will be taught next year, whether they will serve as a primary or a middle school, how the transition from grade 4 to 5 will happen and, on top of everything else, how the FATİH Project, through which all students will be given tablet computers will be implemented. Beyond all these, the reforms promoting individual development – i.e. strengthening the services provided in basic education according to the needs of the students, postponing and improving vocational education, personal development oriented restructuring of middle school education, freeing the education system from the suppression of central examinations etc - are losing ground. What sticks in our minds is the question of whether it is possible to reflect upon the economic incentive package that was declared only days after the adoption of 4+4+4 by the Parliament, and the statement of "the South-East will become the China of Turkey" separately from the 4+4+4 issue.

See the website below for the publications of the Education Reform Initiative related to 4+4+4:
<http://erg.sabanciuniv.edu/node/756>.

Voluntary courses vs. elective courses:

These are, in fact, two very distinct concepts. ERI, in its publication titled: "Religion and Education in Turkey: Recent Developments and the Transformation Process (2011) defines voluntary courses as follows: "Courses delivered generally outside the school hours which require an extra effort from the student for participation. Here, the student does not select from among different options, but makes an extra request to school management to take this course." The same publication defines elective courses as follows: "Courses chosen by the student from a set of options and delivered during the normal school hours." However, the recent law stipulates that the courses related to religious education ("Koran" and "Life of Mohammed, the Prophet") are "voluntary optional courses". This provision, of course, reinforces the uncertainties.

“Health Transformation Program” and the 2012 Turkey Health Panorama

Do you think that incomplete, wrongful, disagreeable former practices make the present incomplete, wrongful and disagreeable practices forgivable? In other words, is this an issue of quantity? When you compare the former with the present in the most basic terms, the tendency of the change, thus, the scale of devastation would be clearly understood.

In the good old days, the health of a citizen was under the responsibility and guarantee of the state. The facilities were few, the resources were inadequate; but, although success could not always be reached in every aspect, the health of citizens, and society in general, was a priority rather than merely the diagnosis and treatment of illnesses.

In the new model “health and well-being is a subject to be solved on one’s own.” Meanwhile, the responsibility of the state is just to create a system for the “diagnosis and treatment” of the emerging illnesses and to monitor and control the institutions under that system. Only the ones who are able to pay for the provision of services can benefit from this system. In this way, the state has already discharged its duties to public health by assigning itself the function of “regulating and controlling the healthcare field” as defined under the 1982 Constitution.

After the 12 September 1980 coup, even starting from the beginning of 80’s, the concepts of “general health insurance”, “family physician model”, “privatization of public health services” and their overall “liberalization” and “opening to foreign capital” in parallel with global tendencies constituted the key elements of the “Health Transformation Program”.

This means the continuity of general economic policies of the “right-wing” governments shaping the economic order facilitated by the 12 September coup. Yet, the best practitioner in this program has been the AKP government, which is not only “in the right-wing”, but also adopts a “religious” discourse. Within the 10 years since 2002, this model has been transformed with public support, in other words, “democratically”. Though not entirely successful, the foundations of this transformation are partially installed. Rather than adopting a “trial-error-change” style and bringing all elements of the model together through “early implementations”, with the advantages of the “lobster” method, significant

progress has been made towards pre-determined targets. Two elements of the program are still in progress and the pre-conditions of the third have already been fulfilled.

The practices implemented within that period have resulted in a higher support than the voting rate of the AKP, in spite of the 10 per cent threshold. This support comes mainly from middle and lower middle classes and is based on the “voluntary” practice of doctors. Because this process is determined by the above factors:

1. The main elements of this model, “the obligation for everyone to pay an insurance premium”, “the referral requirement”, the payment of “additional charges” have not been implemented and have constantly been postponed.
 2. Many healthcare services have been provided “without usage fee (presently 3-25 TL), contribution (20 per cent in average) and additional fees (presently, the upper limit is 90 per cent of the portion paid by the Social Security Institution, SGK)”, which represent the key elements of the model, people benefited from these services almost without paying any money.
 3. Retirees have been able to, under the scope of health insurance, access “private health institutions” without restrictions and the invoices of these services have been paid by combined SGK resources.
 4. Thus, during this process, too many resources are being used increasingly (today it is 5 times more than 2002) and all services provided are subsidized by the State. Private healthcare institutions showed eagerness in participating in this process and did not charge any additional fees from patients, considering the regular flow coming in from the SGK.
 5. As a result of the high fees given to healthcare personnel and doctors under the name of “extra or working capital share”, “customer satisfaction” based practices were realized.
- Thus, for a long time, the model has not been implemented in its entirety.

Nevertheless, in June 2011, after the general elections, express regulations in accordance with the requirements of the model have gradually begun to be realized in these matters.

Starting in 2012, new regulations have been made, particularly in the General Health Insurance field:

By reviewing the status of “Green Card” holders, everyone is included in the scope of



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obligatory health insurance other than the poor, whose income is less than one-third of the minimum wage. According to their income, a premium between 35 to 213 TL must be paid to the SGK. In case of non-payment, they would become indebted to the SGK and during this period, they cannot benefit from diagnosis and treatment services.

In all levels of service, including “family physicians”, a regressive “usage fee”, a minimum 20 per cent “contribution” for all services and an “additional fee” payment obligation for services provided by private/privatized health institutions are introduced. If you cannot pay these, you cannot benefit from healthcare services.

The family physician practice has supposedly begun to be implemented in the whole of the country; however, it cannot go beyond a “diagnosis and treatment service unit” for the “lowest income holders”.

The disadvantaged groups such as the totally “poor” segment of society, people with “permanent care needs”, “elders”, “disabled”, “unemployed”, “immigrants”, “clandestine” using these kinds of services frequently do (and can) not consult family physicians, since they are not placed under the scope of the SGK and do not have economic opportunities.

These groups go to “emergency” departments of the upper level institutions when their illnesses become “fatal”. Therefore, today, these segments of society become unhealthier, their illnesses are more serious and the service they need is more “expensive”. Consequently, today, the poor and disadvantaged segments cannot reach any “diagnosis and treatment” facilities. On the other hand, the distribution of the existing service institutions is also not equal. The healthcare institutions are established in places with “the ability to pay”.

Accordingly, people living in the poorest urban zones and the distant and deprived rural areas have now less opportunity to benefit from healthcare services.

The government decided to provide emergency health services free, but as a result of additional costs caused by this practice, the Ministry of Health introduced a re-regulation upon the request of the SGK. As of today, many consultations are rejected on the grounds of “non-emergency”.

The services for the protection and improvement of public health are provided based on regions under units called “public health centres”. The opportunity to benefit from this service is decreasing in line with the distance between the service unit and the beneficiaries. These services are not included into the scope of the SGK. Since the medical staff working at these centres is paid lower wages, the services are usually provided with fewer personnel than needed. Hence, the existing staffs are working half-heartedly. They tend to transfer to other institution with higher salaries whenever possible.

The communities most in need of health protection and improvement are the lowest

segments in socio-economic terms. Thus, their health is poorer and, in particular, they face community-based diseases.

After the 12 September 1980 coup, even starting from the beginning of the 80's, the concepts of “general health insurance”, “family physician model”, “privatization of public health services” and their overall “liberalization” and “opening to foreign capital” in parallel with global tendencies constituted the key elements of the “Health Transformation Program”.

The citizens and healthcare providers are placed on opposite sides of health care service. In particular, politicians and executives project negative opinions and behavior towards medical doctors and healthcare personnel. When they become the victim of financial difficulties and false norms, people see healthcare providers as the cause of their problems and often resort to violence against them. Today, we see aggression and violence towards, including murders of, medical staff.

In conclusion, it can be said that the real object of the Health Transformation Program is not the health and well-being of society. This program does not aim to provide a healthcare service for the entire society, but to “manage the various illnesses” of the insured sector. This is because, as a result of the many features it carries, the healthcare field also becomes a means and platform to accumulate capital for a “capitalist system”. And, in this regard, Turkey is a suitable “market and implementation area” with its population and resources.

How multi-faceted are the problems of freedom of opinion and expression in Turkey?

The views of freedom of opinion and expression in Turkey seems “inexplicable” to outsiders. On the surface, there are lively social interactions in newspapers, books, television channels, radio stations, films, associations, trade unions and foundations. In the media, you can come across criticisms as harsh as in Western countries. If you look only at that side, you may say, “Turkey is a truly democratic country in terms of freedom of expression.”

However, expressions, articles, songs, and plays including perhaps much lighter criticisms may be banned; their writers, singers and actors may be prosecuted and threatened with long terms of imprisonment. The Prime Minister may bring a case against a cartoonist for depicting him as a cat entangled in a ball of yarn. While the official “TRT 6” channel broadcasts in Kurdish, a mayor may well find himself in prison for printing a health brochure in Kurdish.

Which is the real Turkey, what does this dilemma mean? “The moment we realize that the State is an oligarchy, a structure lined up with military at the centre, surrounded by judiciary, academy and high bureaucracy influencing all laws and practices and in Turkey it is not the government that governs the State, the knots start to sever...” At least it was like that until very recently.

The relentless conflict between the “appointed” and “elected” that has left its mark on the last 10 years seems to favour the latter, but it is not over yet. After the military had to withdraw and was substituted by the judiciary, constitutional amendments, including essential reforms were introduced. These amendments targeting the “impartiality” of the judiciary are criticized with the claim that they impair the independence of the courts.

Problems of freedom of expression in Turkey are still multi-faceted. Laws are still problematic: The Penal Code has been entirely amended; however, the articles criminalizing opinion are maintained by changing the article numbers. Many provisions, including Articles 125, 288, 301 and 318 of the Turkish Penal Code (TCK) and Articles 6 and 7 of the Law on the Fight Against Terrorism (TMK) are able to send people expressing their opinions first to the courts and afterwards to prison. With the involvement and approval of the Minister of Justice to the implementation of the infamous Article 301, the number of cases under this Article has decreased, but a more absurd situation has arisen. If the acts referred to in Article 301 are valid, then aren't we committing a crime “under the auspices of the Ministry of Justice” now?

The practice is problematic: The prosecutors and judges who think that “When you talk about guarding the state, the law is just a minor detail” may blatantly adopt the most arbitrary practices. Sometimes they create legal scandals as if to hinder the EU-accession of Turkey by strengthening the hand of conservative European parties.

The general perception is problematic: The unresponsiveness of society towards all these matters is an important factor in the continuity of these incidences. This unlawfulness also feeds from the fear experienced by the majority of society from the state and the “vassal” mentality inherited from the Sultanate era.

Now the question is: Would a truthfully independent and impartial judiciary emerge eventually after the amendments made and to be made by AKP in the judicial system, or would it be just a change of “master”, which means that the prosecutors and judges guarding the “State” yesterday would guard the “government” with the same enthusiasm today? While the Prime Minister suggests that monuments be demolished by calling them “freaky” and threatening actors with “prioritizing their theatres” after accusing them of looking down on society, it is terribly hard to be optimistic about the future.

The Freedom of Expression in Turkey; How Broad is it? (*)

In April 2012, 100 journalists and 35 newspaper distributors were in prison. Largely, they are accused of “committing crimes on behalf of an illegal organization without being a member of that organization or assisting an illegal organization.”

Within the first three months of 2012, 21 people, including 12 journalists, were tried and received sentences of imprisonment for 254 years in total under the allegations of “propaganda for an illegal organization”, according to Article 7/2 of the TMK. 7 people, including 4 journalists, were sentenced to 16 years and 11 months imprisonment on the grounds of TMK 7/2.

120 summaries of proceedings were prepared for 24 out of 29 deputies of the Peace and Democracy Party (BDP) in three months.

Seven journalists were sentenced to imprisonment for 9 months and fines of TL 13,500 in total and six people were sentenced to imprisonment of 2 years, 2 months and 20 days and fines of TL 8,480 by reasons of an alleged “insult”. A newspaper was sentenced to fines of TL 4,000.

Özgür Gündem, Atılım, Demokratik Vatan, Demokratik Ulus, Yeni Demokratik Yaşam newspapers were seized, suspended and banned. The Newroz poster of BDP and concert posters of Grup Yorum were banned and confiscated. An investigation was initiated on 10 books published by Aram Publishing.

The Radio and Television Supreme Council (RTÜK) interrupted the broadcasting of 2 programs, gave 327 warnings and 94 fines to radio and television institutions during the period of January-March 2012.

(*) Source: Independent Communication Network (BIA) Media Monitoring Network and Freedom of Expression Report 2012 January-February-March



Şanar Yurdatan

He began his music career in “Kuyruklu Yıldızlar (Comets)”, founded by students at Istanbul University Faculty of Sciences. Stripped of Turkish citizenship in 1980, he and his wife Melike Demirağ were forced to exile for 12 years. After his return in 1992, he became known as human rights activist. His awards include “Freedom of Opinion”, “Best Circumvention of Censorship” by “INDEX on Censorship” and Human Rights Watch’s “Global Rights Defender”. He is author of 10 books and nearly 100 brochures; he co-authored 3 books with A. Dilipak.

Crimes Against Humanity and Persistent Resistance Against Cruel Policies

The common point we arrive at in all conversations we hold on the history of humanity is, unfortunately, that the periods we have lived through so far can be explained through a history of cruelty. There are also good and beautiful moments experienced by humanity. As a matter of fact, the good and beautiful moments won out over cruelty and they ended again as a result of it. In my case, when I began writing something about my life, the very first thing that somehow comes to my mind is the brutality I have experienced so far. No doubt, the occupations and massacres following one another throughout the history of the land where I live, the reflection of the oppression in my consciousness has a share in it. In particular, relating all these moments in this period of history as a woman is much more difficult and problematic.

While the sovereign rulers in this area have applied cruelty to its full extent, they preferred that people forget, have them remain without memories through their policies. However, when a person is made to forget even one meaningful day in his/her life, her/his soul would be hurt. The powerful rulers prefer a policy to make people forget at the expense of hurting people's souls, and consequently its history. These moments are not forgotten. It is thought that they are forgotten, but it is only in a deep dream state at the bottom of our soul, as long as it is not healed, it merely waits for the time to explode.

My father was from a village called Çobanyıldızı in the district Pülümür in Dersim. When he was only 12 years old, he had become an "immigrant" in Istanbul. He had to. In the land where he was born, there was nothing but poverty, while Istanbul had an "unknown hope". When he came back to his motherland with his savings in order to get married, he fell in love with the daughter of a relative from a nearby village. He married my mother, by force in a way. They had four daughters. We migrated all together with the whole family to Istanbul.

Those years were the times when people sharpened their poverty with consciousness. It was also the time when we came across the newspaper Cumhuriyet. The walls of our home were adorned with posters of Yılmaz Güney and photos of Ecevit with the motto "Ecevit is our hope". It was a hopeful society with a lot of self-esteem that believed that the future was going to be created by them. The kids heard the adventures of Deniz Gezmiş as bedtime stories.

From the time I knew myself, I had been raised

as a leftist as part of the family tradition. It was a good thing to be leftist for us. Feminism, on the other hand, was a different awareness I had come to learn later, in front of the prisons. We were living in Istanbul but had not forgotten the land, Dersim, we came from. The only problem my family had was about our education. When we were just small children, my mother would strictly caution us while sending us off to school, "Do never say that we are Alevi or from Tunceli." This had led us to begin reading and living with an awareness of our marginalization even in those primary school years. We were Alevi, leftist, and Kurdish. At that time, our Kurdish identity was not yet problematic. Kurdish was within the home... A relative was in Mamak Military Prison. He was from the 1968 generation. He was standing trial, facing the death penalty. The mourning we had at home when Deniz, Hüseyin and Yusuf were put to death is indescribable.

Therefore, our family treated us more protectively. Up until high school, they were, even though reluctantly, controlling us in terms of the books we read or the places we wanted to go.

I was dancing folk dances and teaching them at the high school. This was something secret at first and, later I had quite a difficult time in convincing my father. As a result of the testimonies signed under torture from those who were arrested, my name had reached the politics police as the "folk dancer Nimet". I cannot ever forget when my family said in fear, "What we have feared has come over us." When the September 12 coup d'état had taken place, I had just finished high school and was a student at a private preparatory course for the university. Amid the screams of my mother, I was taken into custody by the police who told her, "We will release her in two days." I was questioned in the Political Branch in Gayrettepe of the Istanbul Police Headquarters. During this violent interrogation, one of my teeth was broken and I was in no state to use my left arm. My jaw was out of place and my hair had been pulled out by their roots. While I was under detention, I had been turned in a car tire, and various parts of my body, which had been stripped naked, had been subjected to electric shocks. I was taken to a Palestinian hanging and had seen others die during torture. I had been subjected to a torture commonly known as "public beating" for days on. I lost 8 kilos during these 40 days. I have tinnitus still since this day as a result of this torture. While I was going through all this, I had just turned 19.



Nimet Tanrikulu

Nimet Tanrikulu is one of the founders of the Human Rights Association (IHD). While heading the Istanbul Branch of IHD, she took part in the initial formation of the Saturday Mothers in 1995. She is one of the founders of the 78ers Federation. She is also member of the Women's Initiative for Peace and of the Truth and Justice Commission for the Diyarbakır Prison. She graduated in economics, worked in business administration for many years and now writes about women, peace and human rights.

Women had a more difficult time during September 12.

When people talk about the violence towards women nowadays, they should also look back at September 12. As a woman, I never wanted to tell much more than this. Surveillance in Selimiye, then later Metris Prison... There was a lot of evidence given against me from many people whom I had known or not known. All of them had been obtained as a result of torture. I had never accepted any testimony apart from what I had told them. I was threatened by having a gun put in my mouth, but I did not sign. What I had signed at the police station was no longer than a few sentences. I was released at the first hearing. I was outside, but I was worried about the people I had left back in the prison. I was deeply influenced by the process I had gone through. When I came out, I asked myself what and who we were, and what we did, I questioned the process by myself, perhaps I confronted myself...

I had to do something. Those were very dark days. At first, I had no idea what to do. There were times when I could not get out of bed for days. I could not accept the things we had to endure. Moreover, these inhuman acts were continuing increasingly. Even though I did not know their names or who they were, I felt suffocated when I remembered what they were going through. I began going in front of the prisons. I did not know anywhere except the way between home and the school. It was a difficult search for me. I had read Duygu Asena's book of that period as a woman and when I told my mother, "I am going to become a feminist", she said "they will take you in again". I kept searching for the friends from prison. I met them around there in front of the prisons. I was extremely happy. These places were the address where I met and got to know Didar Şensoy. We were striving to improve the conditions at the prisons together with the relatives of the prisoners. During this period the Human Rights Organization (IHD) was founded. It was important to get to know Emil Galip Sandalcı and his contribution to the fight for human rights in the difficult times in 1986. IHD was the place where I intensively grew up and learnt to become a woman. As a result of the September 12 coup d'état, during the era in which all rights and freedoms were eliminated, I began looking for ways of doing something else here for myself, for society and for those who had put forth their lives in order to make humanity's aspiration real for an equal, just, free and classless society. Now, some began writing about me that I was "an ex-convict of human rights, conscience gendarme of the September 12 regime". It's probably the result of fighting within the IHD over 20 years.

The 1990's were the years during which we lived the most difficult days of the Kurdish problem in this land. I had experienced the first oppression during the September 12 interrogations, torture due to my origin, Dersim. In those years, when the human rights violations were the gravest, there was a need to go to the region, to be a witness to these violations. Like today, it was a very different thing to be taken into custody there.

During this process, the lands from which the

Kurdish nation had to immigrate as a result of the atrocities they experienced, like my family, and from whose culture I nourished myself were always in my mind and in my heart like a deep wound. When I was a student, my father helped me join the Tunceli Education and Health Foundation (Dersim was forbidden then). Our regional institutions were being closed down as a result of the oppression and hardships of the war instead of our demand for peace. Despite everything, we were trying to find solutions to the loneliness created by the war by founding new ones. The district governorship rejected the bylaws of the institution because of the word "Dersim". "In the official language the name Dersim is not used. Therefore, this expression should be changed to 'Tunceli Culture and Education Foundation'". We decided to resist this "secretly forbidden" word in relation to Dersim. Although the region, which was named "Tunceli" for the last 67 years, was known as "Dersim" for 670 years, they claimed that there was no such word in use and our fight against this continued for 3.5 years. It was 2004 when our foundation was accepted with the word "Dersim" in its bylaws.

As a woman who has just learnt feminism, I was trying to get involved in every demonstration carried out for human beings. Demonstrations for the end to capital punishment, struggle against the authorities in the prisons, disappearances under detention, peace chains, peace walks, peace trains, all the violations the Kurdish nation has gone through in this land, the prison protest of the women in black, don't touch my friend, children's rights, hunger strikes in the prisons, death fasts, campaigns for 'don't touch my Munzur', and the longest one of all is the Saturday Mothers.

The first four years of the Saturday Mothers was our longest demonstration, lasting 200 weeks. There were thousands of names listed consecutively. The disappearance of a person is the last stop in the history of torture under the siege of a society without memory. We had to become the witnesses against the creation of a society with no memory, knowing that the place where we live today is not composed of only our limited world; we had to follow the clues of our disappeared ones so that they do not remain lost forever and we had to confront all these processes in order to remain humans.

The Saturday Mothers were, in a way, being witnesses. The difficult and the painful part of being a witness is feeling a thousand times in your brain, your heart, while remembering what has been alive. We considered the torture we lived through during the September 12 military coup d'état as a "dreadful human rights violation". However, when we came out of prison, the pain of learning that our friends had been murdered and added to the list of disappearances was indescribable. When I came out, seeing the body of Nurettin Yedigöl, tortured under detention, lying under the stairs, when I found him among the list of the disappeared, I lived the historical attestation that there can never be a worse crime against humanity than this, I felt a huge sense of desperation, the feeling of rebellion!

Even though talking about the historical attestation of the tragedy of disappearances is very

difficult, the experiences of the atrocities had to be told over and over again as a manifesto against the existing forgetfulness to prevent the reign of oblivion. The shame of forgetting would destroy us! I was in Galatasaray for 195 weeks out of 200. We were not too many... Saturday Mothers were sometimes beaten up, sometimes taken into custody and sometimes arrested at the sit-ins that began in May of 1995, every Saturday at 12:00 for those who disappeared under detention. I do not even remember how many times I have been taken into custody. Neither do I remember the number of trials... And also, the permanent injuries on my body from the pounding I received during the struggles I tried to continue outside after the torture under detention.

The first attack was organized against the Saturday Mothers on July 8, 1995. It was a silent resistance that everybody took part in. Even though those who were sitting there were called "Saturday Humans", they were actually women who had become politicized by their identity as mothers in order to search for their disappeared ones. The more they sat at Galatasaray and met with each other, the more they sprang to protestations from mourning. A part of those women have become totally different today. They say, "When women hold hands, a lot of things change". In the struggle in the search for the disappeared ones, there has been quite important progress made, both nationally and internationally.

On December 10, 1996, the International League for Human Rights broke its rules and awarded the Carl Von Ossietzky Award to a demonstration instead of a person who has come forward in his/her struggle for human rights. It was very special for me to receive this award in the name of the Saturday Mothers.

On May 30, 1998, the Argentinean Plaza del Mayo Mothers met the Saturday Mothers in Galatasaray. The Plaza Del Mayo Mothers, who are exemplary in the struggle for the disappearance under detention worldwide, shared their experiences with us and the message not to give up.

They tried to sit there for 200 weeks. The preventions began on the 170th week, in August 1998, and continued for 30 weeks. A total of 431 people, who were observed over seven months, were taken into custody, lasting from a few hours to five days, they were beaten up, battered, pulled on the ground and insulted. They were put on trial for resisting the police, breaking the Meeting and Demonstration Law. Some of the illiterate women stood trial for writing on the walls of their cells.

On Saturday, March 13, 1999, in the 200th week, the Saturday Mothers, because of the increasing attacks, met in the "Forests of Disappearances" of Amnesty International in order to have a break in the sit-ins. There was again prevention, detention. Hasan Ocak's mother, Emine Ocak was taken into custody while she was caressing the tree, planted in his name, and calling it "my son". A long hiatus started.

When they had a hiatus, perhaps they could not reach their disappeared ones, but the Galatasaray sit-ins turned into places where it was said that detention meant the possibility of disappearing while

under the state's protection and that anyone could be sent to detention.

The Ergenekon trial began to shed light on some of the incidents we had been speaking out about for years. This trial was important in respect to some truths and the officials' confession about the state's structuring. They were saying that Ergenekon's officials had been on duty in the Kurdish cities for years and if required, they could bring light to the massacres. They said, "The other side of the Euphrates should be crossed over". They said, "Public peace cannot be maintained in a country where there are death wells." Despite everything, the official personages still keep on playing the three monkeys. Recently, the "acid wells", "death fields" and "radiator cauldrons" have returned to the agenda! These have been recorded as human crimes in Turkey. Among the human rights violations related to the disappearances under detention, it is now possible to talk about the "Turkey type death".

Human rights activists decided to have sit-ins again in Galatasaray, Diyarbakır and in other places as a result of the outcome from the Ergenekon trial and what the informants said about the murders by the unknown assailants and disappeared people. They are continuing to meet together with the Saturday Mothers for the 372nd week. Right now, there is a test of sincerity for all those with a conscience who claim that they are against the coup d'état: to create large crowds of people to remind us every day about the bitter truth about what the "acid wells", "death fields", "radiator cauldrons" and "mass graveyards" represent.

Our generation lived through much torture and deaths as a result of the 1980 military coup d'état. We have been witness to many things. We witnessed the gravest of all the cruelty policies and the disappearances under detention. They pulled them out of our lives, we grew up and aged without them. The ones who disappeared always stayed young and human in our lives.

A part of me has always said "It is important to be involved in the women's struggle" and that's why I care so much about it. According to me, as a woman who is in front of this struggle much more by founding IHD, the women's collective fight was important. I am trying to be involved and spare time for the work of the "Socialist Feminist" movement, which includes some of the women I have been together with in the human rights struggle, who know about the oppressive and destructive effect on women's bodies and labor, as well as the role of militarism on gender. It is extremely important to have a women's independence movement that is rid of all the structural hierarchy and all kinds of discrimination against women!

Women, whom we have been walking together with in the women's independence movement and who are from all walks of life in this country, who are influenced by the same violence, who are from different political and social circles, from a variety of identities, different beliefs, and different sexual orientations, we all have been fighting against the war and male dominated violence. Since the 1980's we have insisted on peace by coming together in

women's peace groups. Today, we still struggle to form our actions, our words of peace against the ongoing war, lasting for 30 years in this country, within the "Women's Initiation for Peace", formed in April, 2009. Women's solidarity flourishes by knowing that women's voices need to be active for clearing the way for peace by witnessing the arrest of the Kurdish women with whom we keep on moving in the women's independence movement and what they lived through during the war and giving a voice to the "Peace Points" of the Western part of the country.

Another aspect of the process of human rights and the Saturday Mothers was the struggle I kept within the Generation '78 Initiative. The collapse of the world with two poles, the end of the Cold War created new tendencies all around the world and added more dimensions to human rights and freedoms. Now our need to confront/reckon with the human rights violations that had extended themselves to crimes against humanity of the previous world has arisen.

The Generation '78 Initiative came about as the idea and movement of finding a democratic way for solidarity, historical update, confrontation, coming to terms with September 12, and as a movement for rights and freedom based on relations beginning from generation '78 and extending to the poor segments of society. It was extremely significant for us to keep the struggle against the ongoing results of September 12 in all areas of our lives. Our struggle carried out within the Generation '78 Initiative is yielding fruit. The rejected, allegedly non-existent and lost Generation '78 has come out onto the history scene and showed that the truth was otherwise, that it existed through its struggle. An anti-September 12 culture emerged. Generation '78 is the main reason for this.

Before 1980, there was a forgetfulness, which was out of sync with history. As Generation '78, we have taken significant steps in creating a public memory that includes the 1970's and even extends to the 1960's and over to the breaking points of the pre-September 12 society. I was involved in a two-year campaign, "We Claim Our Citizenship Rights" and finally, as a result of a law decreed in TBMM (Grand National Assembly of Turkey), we have removed the bans on the citizenship rights imposed on our generation. Democracy could not be mentioned in a country that is governed by the constitution of a coup d'état. By carrying out important work on the constitution, we have conducted negotiations with the government.

Following this, there was the struggle to remove the ban on the temporary article 15 in the Constitution that provided parliamentary immunity for the pro-coups and for the foundation of a Truth and Justice Commission for 12 September. The Generation '78 Initiative has played a significant role in initiating the trial of September 12, which began on April 4, 2012 in Ankara and in the process of removing the ban on the temporary article 15. We continue our struggle to extend and make it a real September 12 trial.

In societies where grave and serious human rights violations happen, it is a very complex process to deal with the past in the best possible way. It is

known that "truth commissions" realized in many countries have an important share in such processes. Also, in Turkey, we passed through a very dark process, which only intensified with the military junta regime of September 12, 1980. The Generation '78 Initiative made a call to create a truth commission. Thus the Truth and Justice Commission for Diyarbakır Prison was founded.

We began with this prison in order to bring the brutal conditions of the era of September 12 within the Diyarbakır Prison to the agenda, and as the dreadful crimes against humanity committed against the construction of the Kurdish identity still constitute a serious hindrance in front of the future. We are in the search for truth and justice in revealing the brutality of this prison, one of the reasons for the ruptures created between the Kurdish and Turkish nations.

Through the Truth and Justice Commission for the Diyarbakır Prison, we have reached a pivotal point. With over 500 recordings, about two thousand criminal complaints, the Diyarbakır Chief Public Prosecutors' Office has come to the point of initiating an investigation on Diyarbakır Prison. While carrying out this intensive work collectively, we, as the Generation '78 Initiative and the commission, completely relied on ourselves, the volunteers, self-resources and sincere support of the democratic structures. Without sentencing September 12, the trial of the violent conditions of the Diyarbakır prison, it is also not possible for the flourishing of peace and democracy in its real sense.

If we are not struggling against the injustices we have lived through, if we cannot stand together in changing them, we will not get any rights or other gains. Today the September 12 regime continues through the constitution of the coup d'état. If the militarist ideology under the name "unchangeable items", unilateral definition of citizenship and state, institutions of the coup d'état, such as National Security Council or YÖK (The Council of Higher Education) to design and control our social and political lives, the Political Parties Act with its 10 percent election threshold system, specially authorized prosecutors and courts, oppression of beliefs and assimilation, the central authoritarian system which attributes the power of the state to the neoliberal state, prohibitions on the mother tongue by calling it an "unknown language", laws sanctifying violence and strengthening the family which are far removed from positive discrimination despite the women's presence, and finally politics dominated by the language of war, if all this continues, we can only succeed by uniting our protests and demands for a free and humanistic life.

It is very important to uncover the truth in the search for justice. I used to defend "national self-determination" persistently during my university years. Today, I defend self-determination of the people. This is necessary for peace...

News From hbs

Nationalism and Nuclear Energy in the International Political Discourse

The catastrophe at the nuclear power plants of Japan last year is still present in our memory: every day we could follow the details on TV of the horrible consequences of the catastrophe; e.g. huge areas had to be abandoned because of contamination, nuclear clouds bearing the risk of spreading the contamination to regions far from Japan. Never before were weather reports, especially wind reports, of such a great concern as after the accident in Fukushima. And even later, when media interest shifted to other events around the globe, the tragedy in Japan continued. Recently, Japan had to close all its nuclear power plants, which produced 30% of Japan's energy.

Within the framework of its foreign policy program, HBSD organized several meetings with civil society representatives from other countries. One example was the Ani Dialogue II meeting of young CSO members from Armenia and Turkey in July 2011. Another example was the round table on "Pipelines and Politics" at the international conference, "Turkey's Foreign Policy Decoded", held in December 2011. At all these formal and informal meetings, which were held after (!) the accident in Fukushima, we were confronted with very similar arguments:

a) "It is our right to have nuclear power plants. Nobody can prevent us from possessing this technology and deny our right of development. Nuclear energy becomes a matter of national interest and pride". If we think this attitude out, it means that to expose a society to an incalculable risk is considered a national right. By questioning nuclear energy, you can then easily be on par with a national enemy.

b) Some even argue that the refusal of nuclear energy is part of an international imperialist conspiracy against developing countries. Interestingly, they do not even discuss in whose interest the very expensive and economically unreasonable technology lies. The direct costs of the Fukushima catastrophe are calculated to be around 50 billion dollars, keeping aside the costs of the next decades. From an economic point of view, nuclear energy is not efficient – even without calculating the costs of such a catastrophic accident.

c) "Nuclear energy is necessary to fill the energy gap; we do not have other energy sources; we are much too dependent on the foreign energy

supply; we have to diversify our energy supply and go nuclear". Interestingly, when asking about alternative scenarios and the potential of renewable or energy efficiency, one rarely gets an answer. Some even argue, we would have to cut off the lights. Although Japan was relying heavily on nuclear energy, the country was able to phase out nuclear energy. It would be worthwhile to examine the examples of Japan or Germany. But instead, without even looking at their policies, new arguments are put forward about why these two countries are so different and the local conditions are not comparable.

d) Others claim Fukushima will not happen in "our" nuclear power plants, we (will) use better, newer technology, hereby expressing some kind of "national pride" and fully ignoring the fact that the quality of the accident in Fukushima was far beyond all worst case scenarios projected by experts.

As soon as issues are equated with the so-called "national interest" there seems to be a deadlock of thinking. The deep-rooted – and historically explainable – mistrust against "arguments stemming from the industrialized world" is, in a way, instrumentalized to impede further arguments. The question of why nuclear energy companies should be working more in the interest of the developing countries is completely left out of the argument. How such a highly dangerous technology could be in the "interest of a nation" is not even questioned.

A similar deadlock can be observed when debating the issue of the nuclear program of Iran. Here, once again, to possess peaceful nuclear technology is taken for granted and once more defined as a "right". Even the critics of the regime strongly defend the "national right to possess nuclear energy". When disagreeing with this logic, as Iran is one of the leading energy exporting countries, I was confronted with the reply: "This is a very German perspective". Let us ignore the fact that this is not a German discourse. What is striking is that national arguments are even put forward from those who have to seek refuge from their own country. Concerning Iran, one reason for this commonly shared attitude might be the debate about the nuclear weapons program, Iran's obligation to allow inspections by the IAEA according to the NPT and the sanctions imposed as Iran does not fulfill these obligations. There also seems to be a broad consensus among critics

of the Iranian regime on the refusal of sanctions. Furthermore, it is argued that according to the NPT, a nuclear weapons program is prohibited, but not a nuclear energy program. Therefore, Iran has the right to possess this technology program. Insisting on this legal argument seems to impede any critical debate about advantages and disadvantages. Although this juridical argument is in itself correct, the debate about nuclear energy is not a debate about legal rights; it is much more a debate about sustainable energy policies and the risks of nuclear energy.

As the debate about nuclear energy is framed alongside a discourse of “rights of nations”, I would propose to shift the notion in the debate towards the “interest of societies and people”. This might open ways to end the impasse in the discussion and to overcome the mental deadlock. The issue is not the denial of rights, but the search for an intelligent energy policy that does not put societies at risk. As could be seen from Chernobyl and Fukushima, nuclear power plants are not only a risk for the countries where they are established, the effects of nuclear accidents do not stop at national borders. We have to overcome nationalist discourses and think in categories that provide answers to the challenges of global concern, such as energy politics.

For further reading about the debate on nuclear power and armament, we would like to refer to our publication “Myth of Nuclear Power” at www.tr.boell.org and www.boell.de (Ulrike Dufner)

Chernobyl 4 Ever

The nuclear energy industry has an obvious answer to the query “name three things you want to forget”: Three Mile Island, Chernobyl and the Fukushima nuclear accidents. To like nuclear energy, you have to forget its dark face. That’s why it is no surprise that they are trying to delete the Chernobyl accident from our memories, even after 26 years.

Filmed 25 years after the Chernobyl nuclear disaster, “Chernobyl 4 Ever”, a documentary by Alain de Halleux, looks into what has happened since 1986 in Ukraine and the ongoing effects of the accident. The current state of the anti-radioactive pollution efforts and the concrete structure to prevent radioactive leakage, namely the “Sarcophagus” that is now being renewed are the themes of the film. While handling these issues, the film also discusses the commitments by the international donors as well as the role of the nuclear energy companies in the technical work carried out to end the ongoing disaster.

Generation of 1986

Another facet of the film is that it lends an ear to the young people who were born in Ukraine in 1986. The viewer’s attention is drawn to the fact that the generation of ‘86 is less and less interested in the results of Chernobyl, as well as to the success of the nuclear industry in burying the memories of the accident it created. Just like in Turkey...

Alain de Halleux has a 30-year long career in journalism and directing. He worked in conflict zones and filmed a series of documentaries related to the rights of the Gypsies and nuclear energy. The narration in the documentary reflects the influence of his vast experience. Shown in Turkey, with the contributions of the Heinrich Böll Stiftung Foundation Turkey Representation and the Green European Foundation, the film received very positive feedback from viewers. Years after the accident, great similarities can be found in the interest or the non-interest on the issue shown by the young people who were born in Turkey and by their peers in Ukraine.

The nuclear industry has been on the rise again in recent years with the belief that they managed to make people forget about the Chernobyl disaster. Many countries have been discussing erecting new nuclear power plants and extending the operational periods of the existing ones. However, the disaster in Fukushima reminded everyone of the dark face of nuclear energy and Chernobyl once again. This documentary provides an important contribution to the nuclear energy debates. It makes us remember once again how long-lasting and immeasurable the effects of the nuclear energy generation are, a method with fatal consequences. This is what we should do in order not to forget: Remember! (Özgür Gürbüz)

Gendered memories

The effects of wars and political violence on women throughout the 20th century were discussed for the first time in Turkey during the conference on “Gendered Memories of War and Political Violence”, 22-23 May 2012. Traumas faced by women during wars and in violent environments were addressed during the conference as if the words uttered by Prime Minister Erdoğan just one week after the conference were foreseen: ‘Abortion is murder and should be banned’ and ‘women who have been raped and impregnated should give birth, the state would look after those children’. If the AKP and Prime Minister had participated in this conference, they probably would not have demonstrated that attitude one week later.

Co-organized by Sabancı University Gender and Women’s Studies Forum and Central European University, the conference looked at how war and political violence are remembered from the perspective of gender. The conference, supported by the Heinrich Böll Stiftung Turkey Representation, hosted 46 feminist academics as speakers or panelists, and 200 participants from 22 countries.

Feminist researcher Cynthia Enloe began her talk with the questions, “In which war are women remembered and which ones are forgotten in the post-war period?” and “Why should the feminists care?” and argued that how women are effected during and after the war is not a subject much talked about although the issue of war and memory is an ongoing discussion. Enloe pointed out the lack of women in the monuments built after the wars and how these monuments are shaped around men’s victories or losses and then she opened the floor to discussion that many participants joined by giving examples. According to Enloe, recent feminist studies have been posing important questions related to the setting and time of wars. Enloe also underlined that in traditional narration, war is considered merely as a fight on the battlefield, however, it actually covered a greater area: “We, the feminists, claim that a battlefield can also be a kitchen, a refugee camp or many other places out of the geographic area of the war”. She went on by arguing that even many years after the end of the war, the effects of it on women and gender relations still continue and, therefore, the “post war” concept has been redefined in feminist studies, in which classical definitions are questioned.

Another important topic of the conference was how sexual assault and harassment against women in times of war or military coup were handled in works of literature and art. The speakers emphasized that sexual violence, as a matter of shame, honor or “national honor”, is spoken about only if it is committed by the enemy; violence against women is usually taken as an insult or attack at men or the nation and is used as a tool to otherize the enemy.

Within the scope of the panel on “Women’s Narratives of War and Soldiering”, attention was drawn to the war and civil war experiences of

women from Italy, Vietnam, Turkey, Abkhazia, Israel and Yugoslavia and to the way they legitimized their decisions to join the war. In an example given related to the Italian Civil War, the speaker told that the struggle of the women who volunteered to join the armed forces of Mussolini was not a political move, but a spiritual one. Many women enlisted in the army following Mussolini’s call for volunteer service during the civil war in 1943, leading to the establishment of the “Women’s Reserve Troop”. The troop consisted of six thousand women, three hundred of whom were killed during the war. A researcher on these women, Schiavo, explained that the post-civil war period attempted to forget the existence of these women of the fascist movement, who then became a taboo subject in democratic Italy. As it was emphasized by the other speakers, most of the women who fought in battles were deleted from history as they did not fit the “good mother, loyal wife” definition which was created immediately following the war.

The majority of the female soldiers felt the necessity to join the army as they were disturbed by the damage to their country’s honor. Those who isolated their connections with the war from politics and ideologies had a more spiritual attachment to the decisions they made. The extracts from the diaries of Italian women who joined the war were interesting:

“I could accept to lose, even to cry but never to lose honor!”

“I went to war in order not to feel like a worm among other worms, not because I support Mussolini or his fascist regime.”

“Did we lose? No! Mission accomplished. I won my personal war.”

Another panel of the conference had a provocative title: “Wars at home”. The focus of this panel was the experiences of women and men “at home” after the war. Invisibility of the physical and emotional efforts of women in Turkey whose husbands are veterans with a transformed definition and experience of manhood; and the problems faced by female soldiers in the USA after they return home from wars in faraway places were discussed. In her talk, Yeşim Sünbülöğlu, a researcher on the unappreciated victims of wars, the wives of disabled veterans, told that in such cases, women assume different roles such as providing care for their husbands and following up on the relations between state institutions and their husbands; and despite being a critical part of the rehabilitation process, the physical and emotional efforts of women are usually ignored or perceived as a natural process to ease the burden and the pain of the veteran.

“The bodies of the disabled soldiers become dependent on others, their wives. As they require intensive care, their “fragile manhood” also is damaged. Women, on the other hand, see this as a situation to be fixed in addition to the physical injuries, and try to re-establish the role of the veteran at home. The following words from a woman who was a part of this

study explain this quite well: 'My husband may be dependent on me now, but I still listen to his opinion about everything. He solves our problems. After all, he is the man of the house.'"

In two panels, the conference also focused on the sexual crimes committed during war times and their reflections in the international law processes upon the testimonies of women in the post-conflict or post-war periods. During the panels, stress was put on the fact that crimes of rape during war are not analyzed from the perspective of the feminist context as they are usually considered to be a systemic "ethnic cleansing" method. This, of course, leaves the analyses of these experiences incomplete.

Today's discourse leads to the perception that crimes of sexual violence in times of war are remorseful and regrettable; however, they are war crimes that can be ignored. One of the consequences of such a perception is that many men who are described as 'normal' become a rape monster during the war and can continue their lives after coming back from war without feeling ashamed at all. It is almost impossible to adjudicate all individuals who have committed those crimes, but, would the imprisonment of those who give the orders be sufficient to comfort the social conscience? Some of the panelists who believed that the feminist analyses should produce a broader perspective for the rape discourse emphasized that war and killing have been eroticized by today's patriarchal culture, and it was important to examine and question the tools of erotization.

The panel on "Gendering the Armenian Genocide", in which the Armenian genocide was evaluated from the gender perspective, was both challenging and influential for the speakers and for the audience as well. The researchers who presented their studies in this panel addressed the deletion of the rapes during genocide from history, the ostracization of the raped women from Armenian society, and the process of forced marriages and forced conversion to Islam. Attention was drawn to the importance of the purification of historical narrative from the patriarchal gender analyses.

Although rape was routine during the genocide, there is little research dealing with this issue. This was a fact underlined by the panelists who stated that in the verbal history studies conducted with genocide survivors, narratives related to sexual violence usually included softened and allusive expressions, the details of how these events happened were not given and both men and women were dominated by the feeling of embarrassment when they were talking about sexual violence. Men either do not want to talk about this issue or find it very difficult to say what happened. Women, in general, do not want to speak about what they have gone through. A few women who decided to share their experiences did not give consent to have their stories recorded. Many women prefer to remain silent, as openly talking about what they went through makes them feel as if they are being raped again.

The presentation of a report made on Armenian women who converted to Islam revealed that some of the Armenians who survived the genocide were adopted by or were married into Muslim families and they were given Turkish, Kurdish or Arabic names. According to the rumors, there are 200 thousand Armenians who were forced to convert to Islam, however, the exact figure will never be known. So far, this issue was handled by only a few scientific studies, also history writers consider the Islamized Armenians as part of the "disappeared Armenian society". The panel also discussed the issue of qualifying Islamized Armenian women as "unowned" both in Turkish and in Armenian languages and the expressions such as "our women" and "their women", as a reflection of the masculinized understanding of nation and patriarchal gender discourse.

Broad discussions were held on the trauma women go through in the post-coup or post-war periods and how this can be corrected, resorting to sexual violence and assault during wars and the situation of women impregnated during war, remembering through photo narratives various conditions women have to face during and after the war and the past and the current status of feminist memory studies.

The papers presented during the conference are scheduled to be published in a book, in English, by an international publishing house and some of them will be published in a special edition of the European Journal of Women's Studies in 2015.

For further information related to the conference publications:

www.tr.boell.org and <http://genderforum.sabanciuniv.edu/> (Semahat Sevim)

The Rural Development Initiative

In Turkey there are a number of civil society organizations directly or indirectly carrying out activities in the area of rural development. However co-operation and communication among the civil society organizations working in this area are rather limited. Following closely the rural development-related national and global developments as well as policy changes and building a joint movement accordingly can strengthen the civil society and the activities conducted in this field. Based on this idea, many non-governmental organizations active in the field of rural development met in 2008 to establish the Rural Development Initiative (RDI).

RDI is an initiative consisting of a group of people and institutions who believe that there is a growing need for rural and local development in an environment which is marked by increasing unemployment, immigration, poverty, lack of clarity in policies; and this need has become more obvious with globalization and the EU accession process. The Turkey Representation of the Heinrich Böll Stiftung (hbs) has been participating at all the meetings and is supporting this initiative right from the start.

The RDI aims to emphasize three fundamental points in its meetings. These are:

- to discuss with the participants the problems faced in the rural field,
- to ensure exchange of experiences by making on-site visits to different regions to observe rural development activities and models,
- and to discuss on and expand the Rural Development Initiative and its future.

RDI's goal related to rural development is the elimination of the factors that give birth to the abovementioned problems. RDI considers rural development as an equality-justice approach and believes that permanent and sustainable rural development can only be realized by protecting the environment, ecological cycles and bio-diversity; paying attention to local authenticities and inter-regional differences and; supporting especially the small producer organizations, on the basis of gender equality and with the purpose to ensure the sustainability of the nature.

Within this regard, 8 meetings have been organized so far with the participation of academics from different universities in Turkey as well as people and institutions working in the area of rural development. The first meetings were held in Diyarbakır and Kars in 2008, followed by the meetings in İzmir Seferihisar and Hatay in 2009, Mardin and Nallıhan in 2010, Erzurum and Uzundere in 2011 and, Ankara in 2012.

Reports and detailed information related to the meetings held by the Rural Development Initiative can be viewed on the following website:

www.kirsalkalkinmagirisimi.blogspot.com

(hbs)

Heinrich Böll Stiftung Foundation Scholarship Program

Our aim is to support the progress in the area of rural development as well as energy and to help young people to develop long-term policies as the future decision makers in those areas. Since March 2008, Heinrich Böll Stiftung Foundation Turkey Representation (hbs) has been providing scholarships to graduate students who have chosen rural development or energy efficiency/renewable energy as their research and thesis topics, starting from their second or third semesters and for a maximum period of three semesters.

The scholarship program is based on our values such as ecology and sustainability, democracy, human rights, justice and gender equality. We are questioning what we should change radically in practice and at an intellectual level to attain a sustainable life and trying to develop policies accordingly.

The students who would like to study the abovementioned areas under the scholarship program will be supported with a monthly payment of EUR 150 worth of Turkish Liras and at the beginning of each semester, EUR 150 worth of Turkish Liras for research and course book expenses.

Our scholarship students have been quite successful in their studies and have also developed themselves socio-politically. Their success is not only appraised based on their grades but also on their social consciousness and on the entire biographical context.

The scholarship does not only concern a performance based rewarding. It also requires the students to continue their studies with a target oriented approach, to take responsibilities and be effective at a socio-political level with a broad perspective in line with our expectations. What we mean by socio-political engagement is to take part in student organizations or civil society organizations, to serve as student representatives, etc.

Our scholarship students have always been open towards extraordinary, innovative and interdisciplinary research. Their scientific approach is critical and constructive. In addition to submitting regular reports related to their studies throughout the scholarship period, they also make a presentation, in January after the beginning of the scholarship program, about their thesis studies in front of a jury consisting of journalists, academics and NGO representatives.

The expectation from the scholarship program is to help the scholarship students to acquire a systemic way of thinking, methods and skills related to rural development and energy efficiency.

Please follow www.tr.boell.org to make your application for the next scholarship program and to find detailed information about the conditions for application.

Habap fountains

It never crossed my mind as I read, in tears, Fethiye Çetin's "My Grandmother" (Metis Books, 2004) years ago, that one day I would be going to the village of Heranuş.

Habap (aka Ekinözü) is a village in the Kovancılar district of Elazığ, inhabited by Armenians until the beginning of the 1990's, featuring two churches, two schools and a monastery. Fethiye's grandmother, Heranuş is from this village. Just like many others who survived the 1915 disaster, Heranuş, as well, could not make it back to these lands where she was born and raised. Her grandchild Fethiye Çetin, together with Zeynep Taşkın, took the initiative to restore the two multi-niche fountains with the contributions of the Ministry of Culture and Tourism, as well as the Hrant Dink Foundation and in collaboration with young Turkish, Kurdish and Armenian volunteers. Don't let the word "fountain" mislead you into underestimation. These are amazing structures, each with three niches.

As I was one of the first to arrive in the village for the opening of the fountains on Sunday, May 23, 2012, I witnessed the shawm and drum band welcoming the crowds arriving for the ceremony. It was a moment worth living. Fethiye, as the happy host, welcomed everyone coming in buses and mini-buses from Istanbul, Ankara, Dersim and France at the entrance of the village. Together, the crowded group of people from all over the world went to the fountains. Following the opening remarks by Nebahat Akkoç, the District Governor of Kovancılar, the Mayor and the village head, Rakel Dink also made a brief, yet moving speech. She found it difficult to talk at times as if she had a lump in her throat. People danced the halay (a traditional dance) in tune with the feast of music played by local musicians and Kardeş Türküler. From there, we all went to the upper fountains. Of course, the halay continued. By the way, it was probably the first time a concert was held for a fountain.

After the lower and upper fountain visits, the group continued to the community house of mourning that is located by the mosque at the entrance of the village, where local food prepared by the women of the village was served. As we learned later, women had worked until 3 am the previous morning to prepare the food and then they danced the halay and sang folk songs to celebrate. After tasting the local food, we took cars up to a certain point and then we climbed up the hill on foot to see the remains of a monastery called "Vank". From there, the view was magnificent. We looked at the village and its surroundings. Down the hill, the young lads of the village were gathering around a pond that was used to irrigate an area where two brothers had their houses and fields. The driver who took us up the hill gave a very interesting example while we were chatting: "If I left my car in a car park, why wouldn't it be possible for me to claim my car when I get back there to pick it?" That was an example he gave to our question of "whether the villagers were


concerned that the Armenians who were there for the restorations would claim their lands and houses back". He continued by saying that the restoration of the fountains was a blast for the villagers and everyone was very happy.

Despite the difficulties faced during the initial stages of the restoration work, the villagers and local governors showed an incredible respect for Fethiye. She constantly had someone approaching her, kissing her cheeks and hugging her. Of course, kids had the most fun throughout the day. It was mainly boys though, running around and showing off with the few English words they knew, thinking that we were foreigners.

If only the women of the village would come and join the halay by the fountain instead of sitting on the hilltop and watching the events from a distance. That is unfortunately a reality of this region.

As Heranuş said, "May those days go by and never to come back again"

With the wish that the beauties that occurred that day spread across the country...
(Saynur Gürçay)



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