

# **Ergenekon: Turkey's military-political contest**

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**The trial of alleged conspirators acting in defence of Turkey's "deep state" is exposing the country's military as well as its political leadership to new pressures**

Turkey's year of extraordinary political controversy continues to absorb and divide the country's citizens. The latest high-level dispute surrounds the opening on 20 October 2008 in Istanbul of the long-awaited trial of eighty-six suspects involved in the elusive "Ergenekon" conspiracy. The scenes of chaos and overcrowding in the specially-constructed courtroom were such that the judges decided to adjourn the case until three days later. The delayed launch is an early signal that the legal process promises to be long and difficult. Behind, the trial, moreover, are divisions within Turkey's political and military elites that have the capacity to create even more crises in the period ahead.

## **A secret power**

The 2,455-page Ergenekon indictment, which has resulted in around thirty charges being levelled at the suspects range from membership of terrorist organisations and plotting the violent overthrow of the government to arson and the illegal possession of firearms. It is an unwieldy document that contains evidence of variable quality, with hard forensic evidence at one end of the spectrum to little more than unsubstantiated hearsay at the other. This offers serious grounds for doubting that the trial will succeed in bringing many guilty verdicts, certainly of high-profile defendants and for the more serious offences (see "Ergenekon: Turkey's 'deep state' in the light", 7 August 2008: <http://www.opendemocracy.net/article/ergenekon-turkey-s-deep-state-in-the-light> ).

There are additional reasons for pessimism. The chances of progress are likely to be worn down by Turkey's notoriously slow legal system, and probably obstructed by the well-established practice of pleading "state secrets" to ensure immunity. The retired general Veli Kucuk, one of the leading defendants in the case, successfully used just this ploy during the investigation of his role in the Susurluk incident in 1996 - when a car-crash in western Turkey (in which a high-ranking police officer, a far-right mafia boss and a Kurdish paramilitary died) revealed the existence of sinister collaboration between representatives of the *derin devlet* ("deep state").

The trial is already intensely politicised. The opposition Cumhuriyet Halk Partisi (Republican People's Party / CHP) leadership insists that the case has essentially been engineered by the ruling Adalet ve Kalkinma Partisi (Justice & Development Party / AKP) government as a means to persecute its opponents. A number of detentions relating to the investigation made since the trial began - such as (on 26 October) those of another four Ergenekon suspects who had been working for the TV station Kanalturk, a formerly anti-government channel bought by a pro-AKP group in early 2008 - which could further complicate the process. Furthermore, Turkey's judges are notoriously susceptible to pressure. Unless it is brought prematurely to a halt, the trial is likely to take years to complete, with the result that the public's attention will gradually wane.

A particular weakness of the indictment is its failure to incorporate - thus far - the diaries of a former Turkish navy commander that were published in the journal *Nokta* in March 2007 (an act which provoked the magazine's closure). These included details of coup plots in 2003 and 2004 against the AKP government. It seems likely that the Ergenekon hearings will put the cases of two retired generals arrested in connection with the plots - former gendarmerie head Sener Eryugur and retired general Hursit

Tolon - on a slow track.

A number of senior serving officers implicated in the plots have not been arrested, and the military top-brass have declared that the diary contents will be the subject of an internal military investigation - where the jurisdiction of civilian law does not apply. This has attracted considerable criticism in Turkey's increasingly outspoken media, although AKP government ministers have not seen fit to comment. The suspicion is growing in Turkey that the Ergenekon investigation will not dare stray in the direction of the military, or at any rate of its upper echelons.

True, the success or otherwise of the Ergenekon trial in bringing justice to the guilty may not be the only criteria against which it will be measured. Turks have long been convinced of the existence of a "deep state", or of "a state within the state", that enjoys immunity and that bears responsibility for many of Turkey's long catalogue of unresolved political assassinations, death- threats and other politically-charged incidents (see "Turkey's Dark Side: Party closures, conspiracies and the future of democracy", European Stability Initiative, April 2008).

The trial proceedings will serve to further publicise and, in the eyes of many, "prove" both the existence and the culpability of the "deep state", and confirm the nature of its personnel. In any case, the very fact that the trial is being held at all raises hopes that major changes in Turkish political life are underway. But should the Ergenekon case simply fizzle out, this will only confirm to many Turks just how truly "deep" the deep state is in their country's public life - and how involved in it are elements of the military establishment.

### **A gun at the table**

The Turkish general staff (TGS) has been put under yet more, and perhaps even more damaging, public scrutiny as a result of an attack by the Kurdish guerrillas of the PKK on 3 October 2008 on a Turkish military outpost at Aktutun, just a few miles from the Iraqi border, in which seventeen soldiers lost their lives. The TGS initially declared that a shortage of funds was to blame for the flimsy construction and inadequate defences of the outpost. This was greeted with near-universal derision when, almost immediately, photographs appeared in the Turkish media of the air-force chief Aydogan Babaoglu relaxing on a new military-only golf-course near the resort town of Antalya.

The general apparently continued with his round of golf as reports of the Aktutun attack filtered through. The fact that Turkish public emotion is inflamed by the deaths of the country's "martyrs" in the anti-PKK fight makes this something of a public-relations disaster for the military.

In addition, reports began to appear suggesting that the TGS had in fact received advanced warning of the attack but had failed to act. This invited comparison with a similar PKK attack on another military outpost, at Daglica, in October 2007 (when twelve soldiers were killed and eight more kidnapped). An investigation into that attack had revealed that the general staff had been tipped off about plans for the attack nine days before it occurred. In the days that followed, Turkey witnessed an almost unprecedented public questioning of both the professionalism of the TGS, and even of its integrity (see Yigal Schleifer, "Turkey: The Military, Pillar of the Secular Tradition, Finds Itself on the Defensive", Eurasianet, 23 October 2008).

If that was bad enough for the military, soon after the Aktutun attack took place things got worse. The newspaper Taraf revealed what it claimed was classified video footage, taken from an unmanned aerial-vehicle (UAV), of extensive PKK preparations for the attack. These involved the placement of heavy artillery, the laying of mines, and the movements of up to 350 PKK fighters; the paper published additional evidence that the TGS had been in receipt of successive indications of an imminent PKK assault throughout the month preceding its actual occurrence.

In response, a visibly angry and emotional TGS chief, General Ilker Basbug, appeared in a live television broadcast, unusually and menacingly flanked by the land, air and gendarmerie commanders. He warned

the assembled media against undermining the armed forces and giving succour to terrorists: "This is my last word. I invite everyone to be careful and stand in the right position." The TGS investigation into the incident at Aktutun denied the accuracy of Taraf's evidence, but failed to explain quite how and why the PKK attack succeeded as it did.

Notwithstanding the widespread journalistic resistance to Basbug's threatening gesture, prime minister Recep Tayyip Erdogan sprang to his defence and refused to criticise the military's negligence. "Nobody should dare to show our government or security forces as weak" in the fight against terrorism, he declared. Within days, Basbug and his senior colleagues found themselves briefing the full cabinet on measures being taken in the fight against the PKK - the first time in the history of the Turkish republic that top military commanders had attended a cabinet meeting (the usual forum for such briefings is the National Security Council [NSC]).

The AKP government's deference to the Turkish general staff's operational autonomy is being increasingly matched by its accommodation to the TGS's political power. This suggests an additional reason to question just how far the Ergenekon case will be allowed to go. It will also be interesting to observe how the TGS's much-valued relationship with the Turkish public stands up in the face of events such as these. For in the end, it is Turkey's citizens who are guardians of their country's democratic order.

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