

## **Turkey's Berlin Wall is cracking down (2)**

lundi 21 juin 2010, par [Yonca Poyraz Doğan](#)

### **Veteran journalist Cemal : Judicial coup process is not over**

**Journalist Hasan Cemal, whose most recent book, "Türkiye'nin Asker Sorunu" (Turkey's Military Problem), has been on the shelves since Wednesday, has said that even though the age of blatant coups seems to be over in Turkey, the threat of a judicial coup is still present.**

"I really have started to believe that coups with tanks and weapons which would force Parliament and political parties to be closed down and ban politicians are over in Turkey. But it is also true that coup processes inside the regime, or judicial coup processes, are not over," he told Today's Zaman for Monday Talk.

Cemal gave the closure case against the ruling Justice and Development Party (AK Party) in 2008 as an example. "When there was not a blatant coup, a judicial coup process was put into force. And the AK Party escaped it by a narrow margin.

The government is trying to prevent judicial coup attempts through the constitutional amendment package, which involves changing the structure of the Constitutional Court and the Supreme Board of Judges and Prosecutors [HSYK], but the threat of a judicial coup is still there," he added.

Answering our questions, Cemal elaborated on military-civilian relations in Turkey.

### *[First part of the interview](#)*

**You said in an interview that if a statement such as, "Yes, we made coup plans because we have believed that Prime Minister Erdoğan and his team would carry Turkey to reactionarism," came from a brave military person, then Turkey would be relieved. Do you know of a brave military person who would do that ?**

No, I don't [laughs]. What I want to point out is that in the 2000s, there were several coup plans to make the AK Party government ineffective and to unseat the government. These plans have surfaced in the diaries of Özden Örnek and [Mustafa] Balbay. Some of them were detailed in the Taraf daily, were subject to indictments, and judicial processes continue regarding some of those. I believe a significant part of those plans are real. The judicial process is still continuing, and the trial might result in an acquittal. I am not talking about the legal process. I still believe in the existence of such plans because I've experienced similar incidents. For example, I was part of a secret junta group that provoked the March 12 coup d'état in 1971. And related to that, after the March 12 coup was the Madanoğlu trial, which resulted in acquittals, but the decision to acquit people in that trial did not mean that the coup provocations were not carried out in order to open the way for a revolution in Turkey.

**If such an admission or confession came from a military figure, how do you think Turkey would react ?**

I say that Hasan Cemal looked into his past and said, "Yes, we wanted a coup, and for that, we carried out unprecedented operations, threw bombs or had them thrown." I confessed that after a while. This was a personal self-criticism, but I also did it to contribute to democratic thought in Turkey because what I did was wrong.

**If military personnel admit this, would coup plans end ?**

I look at the issue from military personnel's point of view as well. If some people in the military make such an admission, a good part of the military would be able to start a process of self-criticism. They would say, "How this could be done?" There would be consciousness of juntas and antidemocratic desires. This would lead to a more democratic understanding. Everybody would be relieved.

### ***Would that also help end polarization in the country ?***

It definitely would. The important thing is that — whether there are people who admit it or not or whether they would do it later — the judiciary touched those military people who thought of themselves as untouchable. This is the first time that coup planners — military personnel, force commanders, admirals and generals — are being trialed.

### **In regard to Ergenekon ?**

As for Ergenekon and its aftermath, the Sledgehammer plan and the Action Plan to Fight Reactionaryism, I don't know what the ruling of the court will be, but there is truth in those plans. These are breaking points in Turkey as far as democratization and the state of law are concerned. And there is a lot to do in that regard.

## **'Threat of a judicial coup is there'**

### **I understand from your writings that you believe the era of blatant coups is over in Turkey, right ?**

I really have started to believe that coups with tanks and weapons which would force Parliament and political parties to be closed down and ban politicians are over in Turkey. But it is also true that coup processes inside the regime, or judicial coup processes, are not over. It is possible to conduct a coup inside the regime through the judiciary. For example, the closure case in 2008 against the AK Party was an internal coup attempt ; it was a link of the chain that has been forming since 2002. When there was not a blatant coup, a judicial coup process was put into force. And the AK Party escaped it by a narrow margin. The government is trying to prevent judicial coup attempts through the constitutional amendment package, which involves changing the structure of the Constitutional Court and the Supreme Board of Judges and Prosecutors [HSYK], but the threat of a judicial coup is still there.

### **So they are ready to attempt another judicial coup ?**

The leader of the Sept. 12 coup, [Gen. Kenan] Evren, had said something like this : "We are establishing such a constitutional system and a regime with such a judicial system that there will be no need to realize a military coup. That judicial system will protect everything." When he said "protect," he meant the protection of the military tutelage system, or the "bureaucratic oligarchy," as the prime minister put it. If you want to end the bureaucratic oligarchy in Turkey and want to open the way for the state of law and democracy, then you need to make institutional changes to the military and the judiciary. There are important steps in the constitutional amendment package in regard to that, but there are still things to be done. The military is currently like a political party with arms ; it is a state within a state ; it is institutionalized within the state. In our "Experience Talks" program, retired Turkish ambassador and former Foreign Minister İlder Türkmen had said that there is a Cyprus Desk at the General Staff that has more personnel than the Cyprus Desk at the Foreign Ministry. Is such a state system, such a military acceptable ?

### **There have been some rearrangements regarding the military. What else do you think needs to be done ?**

Can Parliament inspect the military's defense budget ? No. There is an inspection system only for show. Can the Court of Accounts inspect it ? No. Even though a law on this has passed, it doesn't work well yet. On the other hand, look at the dual-headed judiciary : Does it exist in any European democracy ? There is

the Military Supreme Administrative Court ; there are no examples of that (elsewhere in the world). There is the Military Supreme Court of Appeals ; there are no examples of this. A constitutional change [in the amendment package] that would open the way to the trial of military people in civilian courts has recently been passed. It is an important step, but we don't even know what the Constitutional Court will do regarding this. On the other hand, does the Education Ministry have any say on the content of the textbooks which are used in military education ? No. Even if it does, it is only for show. In the European and American democracies, the General Staff is accountable to the defense minister. In Turkey, there are doubts as to whether it is accountable even to the prime minister ; it's a vague issue. Can you imagine a democracy in which there is a lawsuit against a military commander who still remains on duty, still does not give his testimony and still does not go to court ?

### **You mean Saldıray Berk ?**

Saldıray Berk. There is Article 65 of the Turkish Armed Forces' bylaws. According to that, the defense minister should immediately remove that commander.

## **'Spain, Greece, Argentina tried their junta supporters'**

### **Who prevents that ?**

Who would do it ? The General Staff. The prime minister and the defense minister should say no to that, and as we understand, they don't say this. And even worse, in which country with the rule of law can a chief of General Staff have a say on indictments that civilian courts prepare ? The General Staff does this and looks after its commander. So when there is a lousy indictment against Cemal, it is fine, but for a four-star general, there are good and bad indictments. Does such logic exist in a state where there is the rule of law ? There is one more thing that hasn't changed.

### **What is it ?**

The military has the exclusive possession of information. It completely excludes civilians from security and defense issues. In military affairs, it is military personnel who have the first and the last word. Spain has been through this process, Argentina has been through this process, Greece has been through this process. They have all called military personnel to account for having caused coups. Think about what happened in France lately, I saw it in the Zaman daily and wrote about it. A commandant objects to the fact that the gendarmerie is organized under the Interior Ministry, writes an article about it which is published in a specialized publication and he is immediately removed from duty by the signature of President [Nicolas] Sarkozy himself. A few years ago in Spain, a land forces commander was against the government's autonomy arrangements regarding Catalonia and made statements about it ; he was removed from office the next day. The responsibility for Argentina's horrible junta regime of the 1970s has been examined in courts with the now white-haired, 80-year-old generals. In Greece, the general behind the 1967 junta has been released for age and health reasons, but as a condition of his release, the parliament had him write a public letter to apologize what he had done in the 1967. We have seen so many coups and memorandums in Turkey, but no accounts have been given for any of them.

**As you have written, governments have some responsibility for that. You also indicated in your book that the government was the first to stand firm against the military's April 27, 2007 memorandum. You wrote : "If only the government could have said : 'We have sent the decree to the president for the acceptance of the resignation of the chief of General Staff'." This did not happen. Since the April 27 military memorandum, do you think there have been other occasions that have called for the government to remove the chief of General Staff from office ?**

Following the April 27 memorandum, Chief of General Staff [Yaşar] Büyükanıt and then his successor, İlker Başbuğ, made statements and engaged in political behavior that called for their removal from office. But is that easy ? It is politically difficult. When we look at the recent past, the AK Party government said

“Stop !” to the military for the first time at the time of the 2004 Annan plan on Cyprus. Özden Örnek’s says in his diary that the “Blonde Girl” plan for a military intervention was then planned, and force commanders Şener Eruygur, Aytaç Yalman, İbrahim Fırtına and Örnek were in agreement to prepare a memorandum or communiqué. Only Örnek opposed it, and it was a correct and democratic attitude. It was also important that the government had a political attitude. It was a breaking point in Turkey, where the military was told, “Hey military, don’t mess with politics !”

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### **‘Self-criticism process starts in military’**

**According to your book, President Demirel told you in Diyarbakır : “In this country, it is hard to do things that are not embraced by the military !” Do you think this statement is still valid in Turkey ?**

Demirel had said in previous years that “Turkey cannot become a democracy before it solves its problems with the military.” Demirel’s comment highlights the acceptance of the military’s red lines. The military has red lines, which are remnants of the Sept. 12 regime, in matters regarding Kurds, secularism, Cyprus and universities as well as in the matter of the 1915 Armenian issue. You can’t do anything that the military does not approve. But is this democracy ? Governments that are elected by the public’s votes say, “We acknowledge the Kurdish reality,” and the military says, “One minute !”

**So you are saying that the conditions that breed military tutelage still continue.**

There is a need for a change of mentality. On top of that, military education makes soldiers too nationalistic. Military people do not trust civilians ; they seek “traitors” everywhere. If this mentality is not halted by a democratic culture, then there is no way for progress. I am sure a lot of military people are not comfortable with this fact either. In Örnek’s diary, there is a section which notes how they erected a high wall between themselves and the civilian world and how this life in their ivory towers prevents them from feeling changes in the society. Military people should engage in self-criticism, and I believe they started doing this. We see that especially in regards to the Kurdish issue.

**End**

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### **Sources**

Source : TdZ, 18 May 2010, Tuesday