



Ergenekon conspiracy trial approaches to the end

After a very controversial and long-lasting process, which was strongly criticized by human rights organizations, by the EU Progress reports and by annual human right reports of the Department of States, it appears that the final verdict for Ergenekon plea is on way. On 18 March, prosecutors submitted their final opinion regarding the plea. Prosecutors claimed that the existence of the Ergenekon organization was proven. According to the final indictment, the organization was heavily involved into illegal activities with the goal of shaping the Turkish society as well as the Turkish politics. Some of the things Ergenekon organization involved in were as follow: Issuing falsified health report for former prime minister Ecevit in order to remove him from the office, killing three Protestant missionaries in Zirve publishing house in 2007, launching web sites and internet blogs to wage psychological war that aimed to topple Erdogan governments, prosecutors claimed.

Among those whom prosecutors asked life-long prison term, are generals, including the former Chief of Staff Ilker Basbug, journalists, politicians, university professors, and some mafia leaders.

Some of the pro-government journalists and particularly Fethullah Gulen movement seem satisfied and happy with the way Ergenekon plea was handled and with the penalties demanded by the prosecutors. Nevertheless, Erdogan recently stated that associating the former chief of staff, Ilker Basbug and some other generals with Ergenekon organization and hence plotting against the government is unacceptable.

The relations between Erdogan government and the judiciary which was dominated by Fethullah Gulen supporters and sympathizers are tense since Zekeriya Oz, one of the former prosecutors in Ergenekon plea, wanted to question Hakan Fidan, head of the National Intelligence Organization (MIT) and some other intelligence officers in 2012.

It might be true that the Ergenekon plea opened the way for the solution of the Kurdish problem by purging the most militant cadres of the Turkish nationalist front and putting the army under civilian control. It, nonetheless, also polarized the Turkish society further.

In this regard, it is very likely that Erdogan, a very pragmatist and realist politician, will enact a general pardon that will include detainees of Ergenekon, Balyoz and KCK pleas altogether. Otherwise he could risk creating a "Turkish problem" while trying to resolve the Kurdish problem.

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The Kurdish issue, the “peace process” and the report on Uludere.

The final report published by the Uludere sub-commission brought to the fore again the debate over the Uludere incident on 28 December 2011. On 28 December 2011 thirty four Kurdish smugglers were killed in a Turkish military air raid along the Turkish-Iraqi border, near Uludere, mistaken for PKK militants. The eight member sub-commission, which has been established as part of the Human Rights Commission and assigned with investigating the incident, finalised its report at the beginning of March. The report will have to be approved by the Human Rights Commission and then it will be presented to the Speaker of the Parliament.

The Deputy Prime Minister Bulent Arinc had pledged, that it will be investigated whether the incident was a result of negligence or fault. Prime Minister Erdogan has several times reiterated that justice will be attributed and the responsible ones will be held accountable. However, the report, that was completed almost fourteen months after the incident, has not been deemed satisfactory by the opposition and the public. According to media reports, it finds no deliberate action in how the air strike occurred. It attributes the events to a lack of coordination between the military and political authorities, failing to elaborate over how the incident took place and without attributing any responsibility. It provides no answers regarding the controversial points, such as who evaluated the images taken by the unmanned aerial vehicles and mistakenly assessed that the smugglers were instead a group of PKK militants, on what intelligence they were based, who authorised the operation. The head of the sub-commission, AKP deputy Ishan Sener defended the conclusions of the report by saying that the commission does not consist of judges but rather of representatives of the nation, who tried to investigate the incident. The leader of the main opposition Republican Peoples Party, who has been calling on the government to claim responsibility for the attack, characterised the report as an attempt by the AKP to cover up the event. Ertugrul Kurkcü, a pro-Kurdish BDP lawmaker, stated that the report should be rewritten.

The report was completed amidst historic efforts to resolve the Kurdish issue and to put an end to the almost thirty-year-old armed conflict. It therefore acquires a special weight, since a transparent investigation into the incident and the accountability of the responsible ones would constitute an important trust-building step. On a positive note, on 23 March PKK “officially and clearly” declared a ceasefire after Abdullah Ocalan’s call on the organisation to lay down the arms and withdraw from Turkey.

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John Kerry's Ankara Visit

After having been appointed Secretary of the State, John Kerry visited Turkey, for the first time, on the 1st of March. Kerry received a high level welcome in Ankara and held talks with FM Davutoglu, PM Erdogan and President Gul.

Although both sides usually express “mutual understanding”, “mutual interests” and stress the “importance of the Turkish-American relations for Eurasia”, Turkish-American relations are far from being “strategic” or somewhere near to it. While it is true that the current situation of relations is far better than it was in the Bush era, it is fact that Turkey and America see different interests when they look at the same pictures.

After two long wars in Iraq and Afghanistan, which cost trillions of dollars and casualties, America does not seem enthusiastic about getting involved into the Syrian civil war in a direct way. It is reported that, instead, the American intelligence and the Special Forces officers provide training to the moderate factions of the Syrian rebels. It also seems that America does not have a post-Assad plan, yet has legitimate concerns about Salafi-Jihadist groups such as Ahrar al-Sham, Abdullah Azzam Brigades and Jabhat Nusra. On the other hand, Turkey wants an immediate end to the Assad regime. This does not necessarily mean that Turkey is indifferent to the possible developments in a post-Assad Syria. Rather, Turkey thinks that the majority of the Syrian opposition groups are moderate, and extremists groups constitute only a tiny minority within the Syrian rebels. In this regard, Turkey tries to convince Americans for boosting the economic and the military aid to the Syrian rebels in order to accelerate the collapse of the Assad regime.

Iraq stays as another issue in which Turkish and American views and interest differ significantly. As publicly expressed, the Turkish government claims that the Maliki government pursues a sectarian agenda, which will eventually lead to the disintegration of Iraq. Making things worse, Ankara claims that Iraq indirectly, at least for now, supports the Assad regime by allowing Iranian arms and money shipment to Syria through Iraq soil. Furthermore, Ankara seems convinced that the Shiite Maliki administration is turning to a satellite of Iran.

Rejecting none of the arguments mentioned above, Washington assesses that Iraq, one of the biggest oil producers in the World, would improve already- close relations and become an Iranian proxy if it feels isolated in Sunni-dominated Middle East. More importantly, why America does not directly involve into Syria explains the logic of the American policy over Iraq. Still trying to recover from the financial crisis and having to deal with other important issues like the rise of China, the unpredictable prospects in Korean peninsula, and America wants stability in the Middle East. Within this regard, it could be argued that Americans think that Iraq can still be enlisted to the pro-American bloc in the Middle East on the contrary to Turks, who see Maliki's Iraq as a “lost cause”.

All in all, while the political and physical borders of the Middle East are about to be re-drawn, American and Turkish interests on the two major issues, Iraq and Syria, remain different, at least for now. Nevertheless, the improvement of the Turkish-Israeli relations, a new development on Iran's nuclear program or a sudden collapse of the Assad regime would urge Washington and Ankara put their different views aside and co-operate in shaping the new Middle East map.

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The fourth judicial reform package: an important step forward.

The much anticipated fourth judicial reform package, after having been approved by the Prime Minister and the Council of Ministers in February, was submitted to the Turkish parliament in early March. The parliamentary Justice Commission began discussions on 14 March. The *Draft Law Regarding Changes On Certain Laws In Relation To Human Rights And Freedom Of Expression*, as the official title of the text is, contains 22 arrangements as part of a series of judicial reforms. The first and second judicial reform packages were enacted in March 2011, envisaging among others the establishment of a human rights department at the Ministry of Justice tasked with representing Turkey before the ECtHR and improving human rights standards in Turkey. The third judicial reform package which was adopted in July 2012 includes amendments to a number of laws aiming at improving fundamental rights and freedoms and increasing the efficiency of the justice system. The fourth judicial reform package aims at revising several problematic areas, thus contributing to the strengthening of democracy.

The bill envisages amendments of Article 220 of the Turkish Penal Code (TCK) and Articles 6 and 7 of the Anti-Terror Law (TMK); it provides a clearer definition of terrorist propaganda, by adding the condition of incitement to violence in order a discourse to be considered as terrorist propaganda. The package includes arrangements for accelerating the judicial process, as well as for abolishing the statute of limitations for crimes of torture. It aims, among others, at improving Turkey's bad record at the ECtHR, especially concerning freedom of expression, as government officials have stated on several occasions.

However, criticism was not absent. Most of the criticism lies in the fact that the bill does not include any amendments for Article 314 of the Turkish Penal Code and fails to define membership in a terrorist organisation, on the basis of specific criteria. Therefore, despite expectations the bill contains no provisions that would facilitate the release of imprisoned members of Kurdistan's Communities Union (KCK), the alleged urban wing of the outlawed PKK, since their cases relate mostly to charges of membership in a terrorist organisation. The main opposition party leader, Kemal Kilicdaroglu, has expressed his disappointment regarding the proposed reforms, claiming that they fall short of expectations. The pro-Kurdish BDP lawmaker, Hasip Kaplan, has harshly criticised the bill as "empty of content.

<http://www.hurriyetdailynews.com/judiciary-reform-bid-sparks-controversy.aspx?pageID=238&nid=42557>

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