

NEWS BULLETIN

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Dear All,

This issue of the News Bulletin of Workers' Party (Turkey) entirely concerned with the so-called Ergenekon Case.

The Ergenekon Case, which has been going on for five years now, is one, in which several academicians, journalists, political leaders, members of the parliament and high ranking retired and active duty military officers are standing trial. The accused include former Rectors, the Chief Editors of the Ulusal Kanal (National TV) and Aydınlık, the Chairman and several Deputy Chairmen of the Workers' Party (Turkey) and the former Chief of Staff of the Turkish Armed Forces. The common feature that combines these people is that they are all patriotic figures who oppose imperialism and the collaborationist policies of the AKP administration.

On the 18th of March 2013, the prosecutors' opinion was submitted in which they demanded an aggravated life imprisonment for 64 suspects including Doğu Perinçek - Chairman of Workers' Party (Turkey) - along with other administrators of the Workers' Party (Turkey). For other 96 suspects of the Case, the prosecutors demanded imprisonments up to 15 years. Presently, the accused are making their last defences.

In the first part of this issue of the Bulletin, you will find a political analysis of this case by dogu Perincek, Chairman of the Workers' Party (Turkey).

The second part of the Bulletin treats the unlawful practices in the hearings of this case. The readers will not have any difficulty in observing the resemblances between the Ergenekon Case, on the one hand, and the Reichstag and Dreyfus Cases, on the other.

The final item contains information about mass protests carried out in the struggle against the Ergenekon Case.

With best and friendly greetings.

International Relations Bureau
Workers' Party (Turkey)

NEWS BULLETIN

THE SUMMARY OF THE LAWSUITS, “ERGENEKON” AND “BALYOZ”

By DoğuPerinçek, Chairman of the Workers' Party (Turkey)

This article will be summarizing the facts put forward by what has been experienced during the five years of prosecution and investigation carried out around the Ergenekon, Balyoz, Kafes, Poyrazköy, and the Espionage of the Naval Officers and OdaTV cases.

1) The mission of the court: to break law

It was proved during the investigation and in the trials by conclusive evidence that the allegations and so-called evidence were fabricated and that they were made up in certain centers. The statements made by "secret witnesses" who are a bunch of criminals consisting of a sister-murderer, several rapists, usurpers and a pimp who marketed his niece to prostitution, were all refuted.

But the "Specially Authorized Courts", are not after facts; proving facts in these courts have no value whatsoever. Expectations such as a belief in "the rule of law" or a "just trial" or "justice" is not valid for these courts. The Specially Authorized Courts are commissioned to break the laws. All the judges and public prosecutors who did not accept this mission were eliminated. We are at a point where justice cannot resolve but is resolved, where justice doesn't even exist. The Ergenekon scheme has demolished the institutions of justice in the Turkey.

2) The operation of a foreign state

The U.S imperialism is carrying out an operation against Turkey and Turkish Armed Forces. As the U.S. authorities have clearly declared, this operation is within the framework of extinguishing the Kemalist Revolution, partitioning the territory of the Republic of Turkey and founding a second Israel under the name of "Kurdistan". Tayyip Erdogan's mission as the Co-President of the Greater Middle East Project which has been declared by himself at 34 different occasions and in the secret "2 page-9 item agreement" that Abdullah Gul confessed to signing with the U.S. Secretary of State, General Powell in Ankara on April 3rd, 2003, is the function of this operation. This operation was named "Ergenekon" like the founding myth of the Turks on purpose, to defame the roots and the past of the Turkish people.

3) The undertakers, executives and the supporters of this operation

The Justice and Development Party has combined its own interests with the interests of the global mafia against the Republic of Turkey and the Turkish Army. Abdullah Gül and Tayyip Erdoğan are the chief executives in charge of this operation. The Rand Cooperation which has connections with the CIA declared in 1996 that these two were going to be assigned with the governing of Turkey. The organization around Fetullah Gülen has served this operation through its cadres in the Justice and Police Departments. The PKK is the most fervent supporter of this undertaking. They have declared their open support on every occasion. Recently, they have supported the verdict in the Balyoz case saying the imprisonments should have been longer.

4) Breaking up the National State and serving the Imperialist Powers

Their aims are extinguishing the Kemalist Revolution which is the core of the Republic of Turkey, dividing the national state, partitioning the national territory and splitting the nation into several ethnic groups, liquidating the Republic, and enslaving the Turkish nation. They have founded a dictatorship the authority of which is derived from

international illegal circles and feudal Islamic orders which they guise as Islam. They serve Imperialist powers and fight against the neighbouring Muslim states. Their mission is to shed the blood of tens of thousands of Syrians on behalf of their Imperialist masters.

5) Paralyzing the institutions of the Republic and the Turkish Army

All the institutions that sustain the national state have been disrupted by means of the Ergenekon and Balyoz schemes. With the top ranking officers of the Army and the prominent members of the opposition thus imprisoned, the state of the Turkish Republic has been paralyzed and left powerless against its enemies. In this way, the separatist terrorist organization, PKK has gained ground. The Turkish Army has been entrapped with the so-called law cases and bound up with prosecutions and investigations under the name of “justice”. The ability of the Turkish Army to defend the Republic and the homeland has been seriously injured. The Turkish Army, encircled not only by foreign Imperialist powers but also by its own government has fallen into a trap.

The scenarios of imaginary coup d'etats were made up for this purpose. There has never been any attempt for a coup d'etat by the Army but the Army has been continually receiving blows. That's why those who demand to purge the Army from those who carry out coup d'etats are actually reflecting their intention of dispersing the Turkish Army in order to enslave the nation

At present, not only the imprisoned commanders of the Army but also those on active duty are under threat. The attempt to break the ties of the Turkish Army with the Turkish people has been put into practice with the ongoing scheme of creating a “professional army”. The plan is to transform the Turkish army into a mercenary troop to be sent to crisis areas. On the other hand, a police force which is intended to become the armed force of the new reactionary regime is being created around the agents of Fetullah Gülen already positioned in high posts in the police force.

6) Neutralizing the patriotic powers and the Workers' Party (Turkey)

The Ergenekon and Balyoz operations target all the patriotic powers of Turkey. The present regime considers the defense of the Kemalist Revolution, the Republic, national independence, and territorial integrity of the country a crime. The public prosecutor of the Specially Authorized Court in charge of the said cases openly announced that the targets of these investigations were the Workers' Party (Turkey), the daily paper *Aydınlık* and *Ulusal Kanal*, i.e. the National Channel.” (tv Channel ATV; August 18th, 2012).

7) The walls the Empire of Fear rests upon

The Empire of Fear in Turkey rests upon the walls of the Silivri and Hasdal prisons. Today, destroying the Ergenekon scheme is the key to Turkey's independence, freedom and security.

8) Extraordinary Situation

The situation is extraordinary. We cannot live our ordinary lives. The vanguards of the Turkish nation and in fact the whole nation have to assume extraordinary roles.

9) It is not up to the reactionary regime to pronounce sentence on the vanguards of the people

It is not up to the Specially Authorized Courts to judge and pronounce sentence on the vanguards of the Turkish nation. These courts are only capable of injustice and remorselessness. These courts are not capable of judging the patriotic forces and the institutions of the Republic of Turkey.

These are the days that we should be ready for any mission and sacrifice for the sake of the independence, territorial integrity, freedom and bright future of Turkey.

NEWS BULLETIN

DREYFUSES ARE STILL IN PRISON AND THE REICHSTAG IS STILL ON FIRE IN TURKEY

The lawsuit known by the name “*Ergenekon*” (1) which has been going on for five years in Turkey is very similar to the lawsuits brought against G. Dimitrov in Leipzig and A. Dreyfus in Paris.

The Nazis set the Reichstag on fire, blaming G. Dimitrov and the opposition, and imprisoned thousands of people including many parliament members and high officials of political parties. They started investigations which went down in history as the “Reichstag Lawsuit” that resulted in extinguishing many democratic rights and freedom. The same method has been used in Turkey with the on-going political trials. In 2006, the Turkish Supreme Court was attacked and a judge was assassinated by radical Islamists due to a verdict passed by the Supreme Court. The court had banned women covering their heads on official duty. The lawsuit after the attack ended with their imprisonment. However, the case was reopened, connected to the Ergenekon Case and the “specially authorized” public prosecutors charged the country's opposition for the attack the court!

Just as the employment of “secret witnesses” who had previously been convicted of crimes such as rape and burglary in the *Dreyfus Case*, the testimony of similar personalities comprise the basis of the *Ergenekon Case*.

For this case:

- Over 100 000 telephones were wiretapped;
- 3000 people were persecuted;
- 1600 persons were made to give statements;
- 588 persons were arrested;
- And currently 71 persons are being tried as detainees;
- 7 accused persons died without being able to testify;
- 7 detainees have developed cancer;
- 10 detainees are currently being hospitalized for several serious illnesses.

In this case:

- The number of pages comprising the indictment is over 17 000;
- The supplementary files of the indictment have reached the size of 5 terabytes, which means 9 million pages;
- 44 “secret witnesses” have testified;
- For the first time in the history of Turkish jurisdiction, the same people have testified both as witnesses and defendants;

Over 600 hearings have been held so far, which is the equivalent of 150 years' criminal hearings.

The outstanding character of the *Ergenekon Case* is that the political activities of the Workers' Party (Turkey) and the activities of enlightening the public by the daily newspaper *Aydınlık* and the TV channel *Ulusal Kanal* (the *National Channel*) have been openly put to trial. This means that the political freedom and the right of free speech have been totally disregarded.

The hearings are held in a building within the prison campus in Silivri which is a town 100 km. away from Istanbul, behind the high walls and in the barbed wire seclusion of the prison which destroys the essence of the right of

public trial.

The government has positioned itself as one of the two parties of this lawsuit, which is the indicting side. The Prime Minister has openly declared that “he is the prosecutor of this lawsuit”. It is common knowledge that the members of the cabinet including the Minister of Justice have been repeatedly exposing attitudes to canalize and suppress the lawsuit.

The Prime minister and the Minister of Interior have openly declared that they “have established special courts in Silivri” and that they “have been conducting special investigations”.

The chief Judge among the board of judges was immediately replaced after he had cast his vote for the acquittal of most of the accused.

The Silivri trials are a series of hearings which are the open defiance of the law:

1. The number of attorneys for the defence have been unlawfully limited to 3 for each defendant.
2. The meetings of the attorneys and the defendants are recorded and these, along with the notes passed between them have been brought up as evidence against the accused. Even the number of meetings between the attorney and the defendant has been cited as evidence against the defendant.
3. Some attorneys have been banned from representing their clients and have not been allowed to participate in the hearings and court orders have been declared as to the obstruction of the meetings of the attorney with the defendant.
4. The attitude against the attorneys has recently reached the stage of physical violence by calling the police force into the court room to suppress the attorneys, which resulted in physically injuring them.
5. The Turkish Penal Code specifies the area which limits the authorization of each court. Despite this fact, certain “specially authorized courts” located in the Beşiktaş district of Istanbul issue search warrants for the locations all over the country and the prosecutors of these courts go to other cities to perform judicial activities and hear testimonies outside their spheres of authorization.
6. Some defendants have been punished with being prohibited from the hearings for certain utterances they made during their defence speeches and the hearings have been conducted in their absence.
7. The defence of the accused has been limited in terms of time as well. The time limit of the oral demands by the defendants and their attorneys is 15 minutes per month for each.
8. Moreover, the defence speeches made by the defendants and their attorneys have been made the subject of new lawsuits against the person or the attorney with the claim of affronting the judges or the prosecutors. Many defendants have been sentenced to tens of years of imprisonment as a result of these secondary lawsuits. The Chairman of the Workers' Party, Mr. Dogu Perincek has been brought to trial more than 10 times and has been sentenced to over 20 years of imprisonment for the speeches he made for his defence in the hearings.
9. Detention should be considered as an exceptional measure only when the defendant's fleeing or tempering the evidence is a probable possibility. Here it has been used as a weapon of punishment in this and similar political lawsuits. After five years of trail against the Chairman and top officials of a political party, these two reasons cannot be considered plausible.
10. During the stage of inquiry, all the house and office searches have been conducted unlawfully. The Chief Prosecutor in Ankara officially confirmed that the headquarters of the Workers' Party were searched unlawfully. A public lawsuit was brought against the police chiefs who were present in the search by the academics of the Department of Criminal Law in Ankara University.

It became obvious that some evidence which was claimed to be found in the search was actually planted later by the police. A case in point are the four compact discs claimed to be found in the search of the Workers' Party headquarters. These CDs do not appear in the official search report and that report lacks the signatures of all the parties present during the search. Despite this fact, these compact discs were cited as evidence both in the initial indictment and later as the Final Pronouncement of the Public Prosecutor.

11. In this lawsuit, the activities of “inquiry” and “prosecution” have been conducted concurrently. As the lawsuit was proceeding on one hand, the police and the prosecutor conducted new parallel inquiries on the same indictment concerning the same defendants. According to the Turkish Penal Code, the prosecutor does not have the right to conduct further inquiry once the initial inquiry has been made and the indictment has been completed and read during the hearings. The reverse means that the trial is being conducted by the police through the Prosecution.

12. Almost all of the documents put forward as evidence has been illegally obtained or concocted. These are unlawful wiretappings or fabricated CD's. The primary, basic and almost sole “evidence” the Prosecution puts forward is the “Interrogation of Tuncay Guney” (2). The persons interrogating Tuncay Guney are unknown. The interrogation bears no signature or name of any person or institution as its conductor. It does not exist in any official files. Even under these circumstances this interview has been made the foundation of a giant lawsuit.

The illegality of the recording of the interview has been officially affirmed by the board of judges of 13th Criminal Court of Istanbul, who filed a complaint against those unknown persons who conducted the interview.

13. The indictment contains claims which have been affirmed as “untrue” by court rulings and official documents. Nevertheless the Prosecution continues to use them as evidence against the accused. A case in point is the 10 claims made against D. Perincek, Chairman of the Workers' Party. Although these claims were withdrawn by the Prosecution as “mistakes” after the statements made by the Defence, they were brought forward once more in the Final Pronouncement of the Prosecution.

14. Some evidence, especially the documents in favour of the defendants, has been withheld from the defendants and their attorneys. A typical example is the diagram sketched by the Turkish Intelligence Service based on the interrogation of Tuncay Guney. The defendants and their attorneys could not acquire this piece of evidence for a very long time on the pretext that “the dignity of the people named in the diagram could be tarnished”. In reality, this diagram is the obvious proof of the absurdity of the indictments.

15. The court has refused to hear the defence witnesses and is trying to pronounce judgement without hearing the defence witnesses. Senkal Atasagun, the former Chief of the Turkish Intelligence Service was named as one of the witnesses. Atasagun declared to the press the following: “when the information contained in the Ergenekon Report and diagram reached me, I found it absurd and unbelievable. However, I had to convey it to the relevant authorities because it had been already prepared and I would have been considered taking part in it if I had not passed it to my superiors.”(3)

The court later decided against hearing him.

Mr Sabri Uzun, former Head of the Intelligence Department of the Turkish Police Force for six years, declared to the press in 2010 that he had told the person who brought him the diagram that “the diagram had no legal validity”. It is understood from Sabri Uzun's statement that *the Ergenekon diagram* was prepared as a draft in 2001 and was gradually restructured several times until its final form as seen in the indictment of the *Ergenekon* lawsuit was reached.

Petition to listen to Uzuns statements in the court was also rejected by the judges.

Retired generals who used to command the Military Forces in early 2000's came to the court voluntarily, to testify and were also refused to be heard.

16. The Court is trying to pronounce the final verdict without listening to the defence witnesses and to rely

solely on the testimonies of the 44 undercover witnesses.

17. Political Parties work under the protection of the Constitution. The law provides that the activities of the political parties be followed and controlled and inquired by the Supreme Court. The right to try the political parties falls solely on the Supreme Court. However, what is accused in the Ergenekon trial are the political activities of the Workers' Party. The Chairman, the General Secretary and the top officials of the Workers' Party are standing trial for their basic party documents and the decisions taken by their central organs.

This constitutes yet another example how the judicial praxis of these Special Courts breaks constitutional law.

Footnotes:

(1) Ergenekon is a turkish legend. It describes the mythic land in Central Asia which was where the first Turkish tribe originated and which had to be left behind when it turned to be too small for the growing population. This gave rise to the turkish migration to the West.

(2) Tuncay Guney served the Turkish Intelligence Service and worked with Fetullah Gulen, the Islamist figure presently residing in the USA and whose wealth is pronounced in billion US Dollars. He has deep connections all over the world especially tight ones in the Turkish Police Force and the Turkish Judiciary. Tuncay Guney is currently working as a Jewish rabbi in Canada and has declared numerous times, in long-distance interviews that his testimony on the "Ergenekon" issue was taken under physical and psychological torture by the police

(3) The Daily newspapers dated 16,17, 18 March 2009)

NEWS BULLETIN

MASS PROTESTS AGAINST THE TRIAL

Photos by Aykut Tölegen

Alongside the struggle of the lawyers and the accused in the hearings, the progressive and anti-imperialistic organizations and parties have been carrying out various protest actions against the Ergenekon Plot.

Each of the courts' sessions are visited by hundreds of citizens - despite the fact that the Silivri prison compound where the sessions are held is located some 100 km outside of Istanbul. The fact that the court is situated in a prison does also not prevent the people from attending.

Additionally, several huge demonstrations were held in front of the court. In December the 13th, 2012, thousands of people gathered despite the winter conditions outside the prison compound upon the call of the Workers' Party. Police used tear gas against the demonstrating but did not succeed in dispersing them.

On the 19th of March, 2013, the day the prosecution held it's summing up, tens of thousands participated in demonstrations jointly organized by several political parties and democratic mass organizations. The demonstrations were held in 70 cities and districts of Turkey.

On the 8th of April 2013, hundred thousand citizens rallied in front of the Silivri Prison Compound upon the call of the Workers' Party (Turkey), which was supported by other parties and mass organisations like the Youth Union of Turkey (TGB).



The activists razed AKP's barricades, specifically built up against this action. Despite tear gas and pressurized water, the crowd did not disband. Instead the police and gendarmerie had to retreat. The court had to postpone the hearing to April 11.



You can watch a short video of this demonstration here:

<http://inter.ip.org.tr/lib/pages/detay.asp?goster=haberdetay&idhaber=3513>

Since over two years, a huge tent with ground is constructed in front of the prison in protest of the trial. In the tent, where people also stay overnight in solidarity, the visitors are informed about the violations of law in the trial and its political background.



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