

June 19, 2014

EUROPE

Turkish Officers Convicted in 2012 Coup Case Are Released

By Ceylan Yeginsu

ISTANBUL — Turkey’s highest criminal court on Thursday ordered the release and retrial of 230 military officers who were convicted in 2012 of trying to overthrow the government of Prime Minister Recep Tayyip Erdogan. The decision came one day after the country’s constitutional court delivered a landmark ruling saying that the defendants’ rights had been violated.

The officers were among 330 convicted in the “Sledgehammer” case, so called because of the code name of an alleged plot to destabilize the government through clandestine attacks. Many of the remaining convictions were previously overturned on appeal. The case was widely viewed by legal and forensic experts as tainted by dubious evidence, and was seen as an act of revenge carried out by Turkey’s Islamists, including the prime minister, against their former oppressors in the military.

The court’s order was a victory of sorts for Mr. Erdogan, who recently began discrediting the convictions even though they had been hailed as key to one of his most important accomplishments: securing civilian control over the military. The armed forces had forced out four civilian governments over four decades and persecuted pious Turks, who now form the base of Mr. Erdogan’s support.

“When I talked about the possibility of a retrial, some people downplayed it,” Mr. Erdogan told reporters in televised comments on Thursday. “It is our hope that justice will triumph in the end.”

Mr. Erdogan’s change of heart came after a sweeping corruption investigation focusing on him and his closest advisers emerged late last year. Many of the prosecutors and investigators in the corruption inquiry and the Sledgehammer case are followers of Fethullah Gulen, an Islamic preacher who lives in self-imposed exile in Pennsylvania. Mr. Gulen, once an ally of Mr. Erdogan, and his network had worked hand in hand with the government to break the army’s power, but since 2011, the relationship has deteriorated into a bitter power struggle.

Mr. Erdogan believes that Gulen sympathizers are behind the corruption inquiry, and sees his former ally as the leader of a “parallel state” that is working to overthrow his government. Mr.

Gulen has denied the allegations and said that neither he nor his followers had any motive to hurt the government or the army.

In March, Parliament voted to abolish the special courts in which the officers in the Sledgehammer case and another case related to coup allegations, Ergenekon, were tried. The courts had operated under special rules that allowed secret witnesses and wiretaps that would not have been allowed in ordinary trials.

The constitutional court said some of the evidence, which dates back to 2003, had been misused; lawyers for the defendants have said it was falsified.

Lawyers involved in the case and relatives of the defendants welcomed the court's decision, but said it was long overdue.

"The due-process violations in the trial were evident from Day 1," Dani Rodrik, an economist at the Institute for Advanced Study in Princeton, N.J., and a son-in-law of Cetin Dogan, a former army general said to be the ringleader of the coup plot, said in an email. "I hope the next step will be to go after those who perpetrated the forgery and staged a sham trial based on it."

Mr. Dogan's lawyer, Celal Ulgen, called for the Turkish justice system to hold the "real perpetrators" to account. "We can't call this a victory or democratization until the Turkish judiciary holds the orchestrators of these shams accountable," he said. He added that he expected the new trial to begin in January.

The families of the convicts and demonstrators gathered outside Silivri prison in Istanbul late Thursday, waving Turkish flags and dancing as they waited for the release of the officers. Television footage showed dozens of people who had arrived in a convoy of honking cars to greet more than 40 officers leaving the Mamak military prison in Ankara, the Turkish capital.

"I still can't believe this has come to an end," said Nil Kutluk, the daughter of a navy admiral who was convicted in the Sledgehammer case, adding, "Everything was about seeking justice for our loved ones; with this decision we are also free."

Referring to the Erdogan-Gulen split, Ilkay Sezer, a lawyer who represented nine of the coup suspects, said: "I am not interested in any rift between any groups. All I am interested in is that courts ruled in line with universal principles of law."