

International New York Times

February 18, 2014

Tainted trials against army now haunt Turks' leader Same prosecutors target Erdogan, whose advisers disavow the earlier cases

By TIM ARANGO

A series of sensational trials that shook the Turkish military in recent years achieved what many regard as the most important legacy of Prime Minister [Recep Tayyip Erdogan](#)'s more than a decade in power: sending the army back to its barracks and out of politics.

But now Mr. Erdogan and his advisers are acknowledging what many experts have long said: The trials were a sham. He has reversed himself not because of any pangs of guilt, analysts say, but for the simple reason that the same prosecutors who targeted the military with fake evidence are now going after him.

One document that supposedly laid out the details of a planned coup was discovered by a forensics expert to have been written with a version of [Microsoft](#) Office that did not exist at the time of the supposed plot. Some of the officers said to be in the coup-planning meeting were in Israel or England or out at sea. A pharmaceutical company that was to be taken over by the army after the coup was listed under a name it adopted only years later.

Yet all of this — and plenty more dubious evidence — was judged in recent years by a court here as sufficient to convict hundreds of military officers and other officials of conspiracies to overthrow Mr. Erdogan's Islamist-rooted Justice and Development Party, or A.K.P. But now, facing a sweeping corruption investigation focused on him and his inner circle, a centerpiece of Mr. Erdogan's strategy to survive politically is to discredit those military trials.

Many of the prosecutors and investigators in both cases are followers of Fethullah Gulen, an Islamic preacher who lives in exile in Pennsylvania and whose adherents were once partners in Mr. Erdogan's governing coalition but are now considered by the government as a "parallel state" to be rooted out through purges of the police and judiciary.

A top adviser to Mr. Erdogan, Yalcin Akdogan, has called those military cases a "plot against their own country's national army," which is now being replicated in the corruption investigation against the government. A government watchdog has issued a report that determined some of the evidence against the military was fabricated.

More remarkably, one of the judges involved in the trials has said that he never read all the indictments, and that if he had, he would not have accepted them as legitimate. "I would have rejected the indictment for many reasons now," he said in an interview with the news website T24.

The government has pushed to shut down the “special courts” in which the officers were tried. Variations of the courts, set up under anti-terrorism laws, have been in place in Turkey since the 1970s. They operate under special rules that allow secret witnesses and wiretaps that would not be admissible in regular courts. That makes them vulnerable to manipulation for political ends, legal experts say.

“The courts are specially designed for the government to use judicial forces against opponents,” said Metin Fezioglu, the head of Turkey’s bar association. “They managed to get the military out of politics,” but “that was not the right way to do it.”

The reassessment of the evidence that supported the military trials is putting new light on what has been hailed, here and abroad, as Mr. Erdogan’s most important legacy: securing civilian control over the military. How it was done, however, is now increasingly viewed as an act of revenge by Turkey’s Islamists against their former oppressors in the military, once the guardians of the secular tradition laid down by Mustafa Kemal Ataturk, the founder of modern Turkey.

After rising to power in 2002, the Islamists were always on guard for conspiracies against them, and for good reason, as the military had carried out three coups in the prior century. With that history in mind, the Islamists were determined to diminish the military’s political role.

In 2005, years before the trials, a man affiliated with the Gulen movement approached Eric Edelman, then the American ambassador, at a party in Istanbul and handed him an envelope that contained a handwritten document that supposedly laid out an imminent coup plan. But as Mr. Edelman recounted, he gave the documents to his colleagues and they were determined to be forgeries.

For the officers in prison, and their families and lawyers, the turn of events has created the possibility of new trials and, ultimately, perhaps, exoneration. But they are cautious, saying that they do not fully trust Mr. Erdogan, and that he was complicit all along, having embraced the trials as key to his legacy.

“At the end of the day, this is an opportunity for us,” said Nil Kutluk, the daughter of a navy admiral who is in prison. “Don’t get me wrong: I don’t think that the corruption allegations should be covered up. But personally there is nothing more important for me than my father and other innocent people getting out as soon as possible. We are talking about people in their 60s who are losing days of their lives behind bars.”

On a recent afternoon, stacks of red, blue and green binders that detail some of this questionable evidence were piled high on a conference table in the office of Celal Ulgen, a lawyer who represents several of those convicted in the military trials, including Cetin Dogan, a former army general who was said to be the ringleader of the coup plot.

“I don’t have hope,” he said. “I’m just doing my job. Every time I’ve done this in the past, it’s been like playing a game of table tennis against the wall. It just keeps coming back.”

Mr. Ulgen said he would submit the binders to a court in Istanbul as part of a new effort to gain retrials for his clients, and hundreds of others.

The sprawling investigations and court cases against the military officers and other members of Turkey's old secular elite were largely divided in two. One was called Sledgehammer, a reference to the code name of the supposed coup plot, while the other was called Ergenekon, named for a shadowy "deep state" organization that carried out conspiracies in the name of protecting secularism.

Jared Genser, a human rights lawyer in Washington who has taken on the military defendants' case on a pro bono basis, and whose filing to the United Nations resulted in a determination that the officers were being detained in violation of international law, said that "in the case of Sledgehammer, both the Gulenists and the A.K.P. were on the same page. Of course, Erdogan knew about it and was complicit."

Moreover, the trials came to define Mr. Erdogan's power, and what many critics regard as his recent authoritarian turn.

"These cases, Ergenekon and Sledgehammer, are the two pillars of Erdogan's now autocratic system," said Selim Yavuz, a lawyer who represents his father, a former army general imprisoned for conviction in Sledgehammer. "People saw if he could do this to the army, he could do it to anyone. Now he is seen as the almighty."

In moving now to discredit some of the evidence, Mr. Erdogan's government is walking a tightrope, clinging to its record of democratization and removing the military from politics, while putting distance between itself and the tactics employed to do so. Whether the corruption charges are justified or not — there has been plenty of leaked evidence, especially wiretapped conversations, that appears incriminating — the corruption inquiry has laid bare the influence of the Gulen movement within the Turkish state, something that had largely been suspected but difficult to prove.

When the corruption investigation went public, Gareth Jenkins, a longtime writer and analyst in Turkey, said he noticed several similarities in tactics to the investigation of the military, and ticked them off: the same prosecutors; the use of simultaneous dawn raids on the homes and offices of suspects; an immediate defamation campaign in the Gulen-affiliated media; and the leaks of wiretapped conversations.

"As soon as you saw these characteristics you thought, This is the same group of people doing it," Mr. Jenkins said.

Dani Rodrik, an economist at Princeton and a son-in-law of Mr. Dogan, the jailed general, wrote a book on the case with his wife that detailed many of the inconsistencies in the trial evidence. He said the cases would inevitably force a reassessment of Mr. Erdogan's record, even as he now sees Mr. Erdogan as the lesser of two evils and believes, now that the government has disavowed the cases, that the convictions will ultimately be reversed. "They substantially weakened the

military politically and empowered a mafia within the state,” Mr.Rodrik said. “That’s their record.”