

BULLETIN

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The Trials of Turkey's Military Coup Organisers and Political Implications

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In April this year, Turkish authorities initiated trials of the organisers of the 1980 military coup, and arrested dozens of army officers accused of being responsible for the 1997 coup. These actions are another attempt to come to terms with Turkey's past. They can also contribute to strengthening democracy and the rule of law in this country. The European Union should therefore monitor the processes to avoid judicial irregularities and tampering with evidence. It should also support the Turkish authorities in their efforts to further democratise the country, and encourage them to conduct smooth constitutional reforms that broaden the scope of civil liberties and rights.

The Trials of the Army Officers. In early April 2012, the trials of the former president of Turkey, Gen. Kenan Evren, and the former commander of the air forces, Gen. Tahsin Şahinkaya, both of whom headed the 1980 military coup, started in Ankara. Over the course of three years of military rule after the coup, 50 people sentenced to death and executed, about 200 died in prison after being tortured, and many were declared missing. During the same period, about 650,000 people were imprisoned, and 14,000 had their citizenship revoked. Repression reached both the left-wing and the Islamic right-wing. All the trade unions and political parties were banned and their leaders imprisoned. Moreover, the Council of Higher Education (YÖK) took control of all of the universities in Turkey and expelled students and sacked professors with left-wing leanings. The Council also prohibited the wearing of traditional Islamic headscarves at universities. Under the leadership of the military junta, Turkey passed the 1982 constitution and acts restricting civil liberties and guaranteeing military leaders' immunity from prosecution (the constitution also included the controversial law prohibiting the use of the Kurdish language in public places). Moreover, 1983 saw the introduction of a provision that allowed the military to declare a state of emergency in some provinces for up to six months.

The alleged organisers of the 1980 putsch are not the only army officers who have been tried in Turkish courts recently. In mid-April 2012, Turkish prosecutors issued arrest warrants for dozens of former officers, accusing them of forcing then-Prime Minister Necmettin Erbakan—a strong opponent of Turkey's integration with the EU and a supporter of increasing cooperation with Islamic countries—to step down in 1997. In late March 2012, Turkish prosecutors demanded prison sentences of 15 to 20 years for 364 active and retired officers. They are accused of belonging to the organisation "Ergenekon", an ultra-nationalistic group whose goal is to destabilise the country.

How the Suspected Organisers of the Military Coups were Brought to Face Justice. During the past three decades, the military had enjoyed multiple privileges. After the Justice and Development Party (AKP) came to power in 2002, this situation changed. The AKP started, slowly but systematically, to limit the influence of the army on public life. Also, between 2002 and 2006, the judiciary took a number of reforms to harmonise Turkish law with European standards; it pushed through the candidacy of Abdullah Gül for Turkey's president, a post which carries with it a direct influence on judicial nominations; and in 2008, it passed the Parliament Act, abolishing the ban on wearing headscarves at universities. It also managed to take control of YÖK. The turning point in the power struggle between the AKP and the military-Kemalist establishment was the referendum on 12 September 2010, which, not coincidentally, was held on the 30th anniversary of the coup. It led to the inclusion of 26 AKP-proposed amendments to the country's constitution,

which resulted in limiting the competence of military courts and the enlargement of the Constitutional Court and the Supreme Council of Judges and Prosecutors. The AKP also abolished Article 15 of the Constitution, which protected the leaders of the 1980 coup from a trial court.

In 2011, while enjoying increasing influence on public life and an improvement in results in parliamentary elections (they received 49.95% support), the AKP moved on to the next stage—the case against the army. Taking its former leaders to court was supposed to be a warning to the army, which has repeatedly threatened the government with a coup (most recently in 2007, the result of which was the slowing of the implementation of democratic reforms). However, legal action against the army is seen as a way to strengthen the ruling party in Turkey. The AKP managed to gain the support for executing this task from the majority of Turkish society (mostly moderate Islamists, liberals and national minorities), which believed that the armed forces were a major obstacle on the path to the full democratisation of the country. Most citizens fear that military coups can result in chaos for the country, and economic degradation and isolation on the international scene—including dashing hopes of Turkey's integrating with the European Union. Such public sentiment was already visible during the AKP's first term in 2007. Research conducted in this period shows that as many as 81.9% of Turks are against military coups, and only 12.3% support them. This approach to the prosecution of military officers has also been positively received by members of other parties, including the Peace and Democracy Party (BDP), representing the interests of the Kurdish community, and the ultra-nationalistic Nationalist Movement Party (MHP).

Opposition to Military Trials. A traditional ally of the army in Turkish politics has been the centre-left Republican People's Party (CHP), which won 26% support in the 2011 parliamentary elections. In the opinion of its members, the 1980 military coup brought about the end of political instability and street fighting between left-wing and right-wing extremists, which in the 1970s claimed the lives of about 5,000 people. Moreover, they argue, the coup initiated the process of implementing liberal rules in the market economy. This is why, according to CHP, the government's actions aimed at reducing the role of the army in public life are intended to introduce in Turkey an authoritarian system based on Quranic law. The opposition also claims that the prime minister of Turkey, Recep Tayyip Erdoğan, is taking revenge on the army for its role in toppling the pro-Islamic government in 1997. Both the prime minister and the current president, Abdullah Gül, were members of that government. They also claim that the government seeks to maintain a sense of danger as posed by the army in order to legitimise its own actions against the opposition. Evidence put forward in support of this argument includes the latest scandals involving "Ergenekon", whose victims are mostly political opponents of AKP.

Conclusions and Recommendations. The trials of members of the Turkish military are an indication of the diminishing influence of the army on the country. This implies that Turkey is not at risk of another coup. It can also play an extremely positive role in the process of Turkey's democratisation. This shows that the country can come to terms with its past, and stand up for those who fell victim to the former system. In the near future, we can expect further arrests of representatives of the army who are alleged to have been responsible for military coups. It is possible that those responsible for pogroms during the rule of the military-Kemalist establishment will also be brought to justice.

Although the prospect of the return of authoritarian rule to Turkey seems low, the EU should monitor the military processes during the preparation and execution of the trials to ensure transparency. The EU should also encourage Turkish authorities to carry out much deeper domestic reforms, in order to bring the country closer to European standards of democracy and human rights. A new constitution, increasing the scope of individual freedom, seems necessary for this purpose. In order to bring Turkey in line with EU standards, it would also be advisable to encourage the Turkish authorities to lower the electoral threshold, which is the highest in Europe (10%) and has a limiting effect on the development of civil society.