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TURKEY: What criminal trials do and don't reveal

By Güzide Ceyhan,

It was expected that Turkey's trial of those accused of murdering three Malatya Protestants would end last week, Güzide Ceyhan notes in a commentary for Forum 18. But an indictment related to Operation Cage – an alleged Navy plan targeting Turkey's non-Muslim communities - has been added to the case file but not yet merged with the case. The murders of journalist Hrant Dink, Catholic priest Fr Andrea Santoro and the three Malatya Protestants - Necati Aydin, Tillman Geske and Ugur Yüksel - are expressly identified as helping Cage realise its purposes. This Operation aimed to destabilise the AKP government by both targeting non-Muslims and encouraging protests about their targeting. But what have the criminal trials – very important as they are - really revealed? The tragic irony is that even if Cage is fictitious, freedom of religion or belief for all in Turkey is both limited and under threat. The government has focused on the issues which can most damage the AKP, i.e. possibly Ergenekon-related violent attacks on non-Muslim individuals. But Turkey's many other serious challenges to freedom of religion or belief have not been resolved. The government needs to take action now on those challenges, whether or not they feature in trial proceedings.

Turkish Protestants and human rights defenders expected that the Malatya murder trial hearing on 15 April would be the last in their three-year long pursuit of justice for the savage killings of Necati Aydin, Tillman Geske and Ugur Yüksel. The three were murdered in April 2007 in the Christian publishing house where they worked. In the previous hearing on 19 February, the prosecutors had asked for life sentences three times over for the five young men - Emre Gunaydin, Cuma Ozdemir, Abuzer Yildirim, Hamit Ceker and Salih Gurler - who are imprisoned and accused of the murders.

However, an indictment related to Operation Cage Plan – an alleged Navy plan targeting Turkey's non-Muslim communities - has been added to the case file. The files have not been merged yet, as the judges have to first investigate the added file, and then determine whether a reasonable relationship exists between the murders and the alleged plan. The prosecutors have requested that claims for the merger of the two cases be rejected at this stage "because there is no evidence indicating a concrete connection between the two cases". The judges have decided to postpone the decision to the next trial to take place on 14 May (see Compass Direct 21 April 2010 <http://www.compassdirect.org/english/country/turkey/17583/>).

Operation Cage

The Operation Cage Plan was found on a CD seized in April 2009 from the office of a retired Naval Major, Levent Bektas, who is a suspect in the Ergenekon case (see F18News 21 October 2008 http://www.forum18.org/Archive.php?article_id=1206). An annotated English-language translation of the Plan is at , and a non-annotated translation is at <http://www.turkishgladio.com/files/64ecage.doc>.

The plan reveals that prominent Turkish non-Muslim figures were targeted for assassination, to diminish international and domestic public support for the governing Justice and Development Party (AKP). The murders of Armenian-Turkish journalist Hrant Dink, Catholic priest Fr Andrea Santoro and the three Protestants in Malatya are expressly identified in the plan as having helped achieve this goal, by encouraging the view that non-Muslims living in Turkey were killed by fundamentalist religious groups.

However, the Plan goes on to say that "propaganda (..) staged by the AKP" has successfully attributed these crimes to Ergenekon (see F18News 10 July 2007 http://www.forum18.org/Archive.php?article_id=990).

The Cage Plan targeted non-Muslims generally, but the only named targets were Christian by faith or background. Groups such as Baha'is and Jehovah's Witnesses were not specifically identified in the Plan. The logic behind Cage choosing these targets seems to be that planners thought this would evoke most responses outside Turkey, and thus more negative foreign coverage and reactions against the AKP.

Chance to reveal what lay behind murders and advance justice

The media supportive of the AKP government strongly supports the view that all these murders were indeed arranged by Ergenekon, as the Cage Indictment states. The Indictment, prepared by state prosecutors, was accepted by Istanbul's 12th Criminal Court in March 2010. However, throughout the legal proceedings of the case against Fr Santoro's murderer - O.A. who was 15 at the time of the murder on 5 February 2006 - no actionable connection to any other instigators or larger plot was established in the trial, beyond a

climate of intolerance (see F18News 9 February 2006 http://www.forum18.org/Archive.php?article_id=724).

It is certainly not implausible that there could be more behind Fr Santoro's murder than an isolated individual's action, as some in Turkey strongly suspect. It remains unclear, for example, why Turkey's National Intelligence Organisation (MIT) secret police had a flat facing the Trabzon church where Fr Santoro was murdered (see F18News 10 July 2007 http://www.forum18.org/Archive.php?article_id=990). And it has yet to be seen whether the Cage Indictment will have any legal implications for Fr Santoro's case. The High Court of Appeals on 4 October 2007 confirmed an 18-year jail sentence imposed on O.A.

Since the beginning of the Malatya trial, the families of the victims, lawyers for the victims (who are not Christians), and the Protestant community have become convinced that the killings were part of a bigger plan involving many actors targeting the Christian community as a whole (see F18News 21 October 2008 http://www.forum18.org/Archive.php?article_id=1206). The prospect of the merger of the two cases has thus created hopes that this may make it possible to investigate the background of the murders, and bring to justice all those responsible.

Cage's aims

One of the methods of creating a perception of hostility and insecurity for non-Muslims, described in the Cage Plan, is disinformation against non-Muslim minorities. Accordingly, websites and other media and communication tools were to be used to spread the perception that non-Muslims constitute a threat to the nation and are divisive. This it was hoped would lead to hostile acts against non-Muslims.

The Plan also aimed at taking advantage of many people's fears of the AKP and its religious roots. Such people who could be used for this included members of vulnerable groups in Turkey, prominent writers opposed to the AKP, influential foreign non-Muslims, secular and democratic-minded Turkish citizens worried by the threat of enforced sharia (Islamic law), and religious leaders of non-Muslim communities. The instigators of Cage hoped that such people would make statements that their communities are under threat in Turkey.

Clearly, the plan aimed to orchestrate many people to create the perception that non-Muslims are under threat in Turkey because of the rise of Islam and particularly the AKP. Hence, many people played a part in the execution of Cage without actually knowing about it and embracing its purposes. Cage's goal – if the plan is authenticated – was to use the apparently contradictory ends of both inciting hostile actions against non-Muslims, and inciting condemnation of this hostility, to undermine the stability of the AKP government.

Tragic irony

The tragic irony is that even if Cage is an entirely fictitious plan, non-Muslims in Turkey – as well as Muslims – have good reason to think that freedom of religion or belief in Turkey is both limited and under threat. The actions and policies of the state – independent of Ergenekon and Cage – allow no other conclusion to be drawn (see the F18News Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

After Ergenekon arrests attacks decline

It has been noticeable that, after the start of arrests related to Ergenekon, the media became less hostile to vulnerable religious communities, particularly Christians. This is noted in the 2009 Report on Human Rights Violations prepared by the Association of Protestant Churches, published on 30 January 2010 (text in English at http://protestankiliseler.org/index.php?option=com_content&view=article&id=1153&Itemid=470).

The Report pointed out that 2009 saw a "decrease in defamatory and false information directed towards Christians by heavily biased publications". However it also notes Protestant concern that "frequent hate and slander filled publications continue in local media and on the internet". The Cage Indictment exposes a plan to utilise the media for hostile and defamatory coverage against non-Muslim communities, and such hostile coverage does indeed happen (see F18News 22 October 2009 http://www.forum18.org/Archive.php?article_id=1365).

However, proving a connection between orders given by named persons and this hostile coverage has not been possible. The exposure of the Cage Plan is on its own unlikely to help identify such a connection. Indeed, people may have acted as if they were following the Cage Plan without knowing about Cage, out of a genuine - but irrational and unfounded - fear that "missionary activities" are a threat to Turkey (see the F18News Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

It is not possible to know exactly what actions planned by those who produced Cage have been carried out, and what actions are unrelated to those people. For instance, it is known that assassinations were plotted against the Armenian Patriarch Mesrob Mutafyan, the leader of Sivas' Armenian community Minas Durmaz Güler, and Ali Balkiz and Kazim Genç in the Alevi community.

However, it has not yet been established that these were directly orchestrated by the Cage planners, or whether it is a result of the already existing social intolerance.

Indeed, the Interior Ministry issued a Decree asking for reinforced protection of non-Muslim citizens and requesting increased alertness for intelligence that might reveal planned attacks (19/06/2007, No. 508). Efforts have since been made to prevent attacks on non-Muslim citizens from happening again, and it is clear that these efforts have been successful to some degree with the uncovering of several plots (see the F18News Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Government hasn't addressed underlying issues

Yet it is important to note that the government focused its efforts mainly on preventing violent attacks on non-Muslim individuals and their property; the many other existing freedom of religion or belief issues were not addressed. What does this imply? Some suspect that the government's real concern is to prevent attacks that would damage its reputation internationally.

There is almost a perception, with almost a feeling of relief, among vulnerable religious communities that the brutal murders were just a plan by a small violent group within the military – an isolated event, not reflecting any negative attitudes towards Christians and other religious communities in Turkey. Indeed, the AKP government seems to be trying to show that they embrace positive policies in favour of freedom of religion or belief in Turkey.

However, the European Commission Turkey 2009 Progress Report has highlighted many serious freedom of religion or belief problems, which have either not been raised, or only referred to in passing, in criminal trials. These issues must be resolved to turn rhetoric on religious freedom into reality (see http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf).

The issues requiring resolution include: the property disabilities and confiscations faced by communities as varied as the Alevi Muslims, Catholics, the Greek Orthodox, Protestants, the Syriac Orthodox Church and the Jehovah's Witnesses (see F18News 27 October 2009 http://www.forum18.org/Archive.php?article_id=1368); the lack of legal status of religious communities themselves under the Foundations and other laws (see F18News 13 March 2008 http://www.forum18.org/Archive.php?article_id=1100); the non-existent legal possibility of conscientious objection to military service (see F18News 17 March 2010 http://www.forum18.org/Archive.php?article_id=1423); and compulsory intolerant religious education in public schools (see the F18News Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379).

Intolerance of freedom of thought, conscience and belief remains

Sadly, irrespective of who was behind Ergenekon or Cage, Turkish society does not demonstrate a tolerant or respectful attitude towards people of different religious communities. An interesting study conducted by Istanbul's Sabanci University in 2009, "Religiosity in Turkey - An International Study", reveals that of those who joined the study, 66 per cent said that members of other religions should not be allowed to expound their ideas by organising meetings open to the public. Indeed, 62 per cent said they should not be allowed to give out books that explain their views. The survey is available in Turkish from <http://research.sabanciuniv.edu/13119/>.

The sample used in the Survey was determined according to the standards established by the Turkish Statistical Institution, and represented a wide geographical range and randomly selected participants. A Protestant who wished to remain anonymous concurred with the result of the Survey, stating that "this is exactly our experience. Commitment to freedom of religion is often in general terms supported by people. But when it comes to specifics, there is a strong resistance to allowing the teaching of one's religion, the establishment of churches, etc. This resistance comes both from officials and from ordinary citizens."

Unfortunately, many Turks do indeed have a deep-rooted hostility to Christians and other religious minorities (see F18News 15 April 2008 http://www.forum18.org/Archive.php?article_id=1115). Powerful forces in the "deep state" have built on and support this intolerance (see F18News 22 October 2009 http://www.forum18.org/Archive.php?article_id=1365).

Conclusion

The Cage Indictment exposes an undercover plan by the "deep state", which aims to use the Dink, Santoro and Malatya murders and public opinion manipulation to create the view that non-Muslim Turkish citizens are targeted by fundamentalist religious groups. The file is like Pandora's Box and has raised far more questions than answers. If it is merged with the Malatya case, there is no doubt that it will take the case to another level where it might be possible to address the broader issues that led to the murders. However this will take many more years, as it will be added to a cluster of cases around the Ergenekon case, which itself raises many issues related to the right to fair trial with prolonged imprisonments without any verdict and legal means of retrieval of evidence. The results and impact of these cases are impossible to accurately predict.

And the government still needs to take action now on the other real challenges to freedom of religion or belief in Turkey, irrespective of whether they feature in trial proceedings. (END)

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For more background, see Forum 18's Turkey religious freedom survey at http://www.forum18.org/Archive.php?article_id=1379.

More analyses and commentaries on freedom of thought, conscience and belief in Turkey can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=68>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Turkey is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=mideast&Rootmap=turkey>.

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