ALMANAC TURKEY 2005

SECURITY SECTOR AND DEMOCRATIC OVERSIGHT

Editor: Ümit CİZRE

Turkish Economic and Social Studies Foundation
TESEV

DCAF
Geneva Centre for the Democratic Control of Armed Forces

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SPECIAL PUBLICATION

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CONTENTS

DEMOCRATIC HORIZONS IN THE SECURITY SECTOR PROJECT

The longitudinal political and social "weight" of the Turkish Armed Forces, and the imbalances ensued, are considered among the most important and complex issues in Turkish history. Recently, the need for further harmonization of the Turkish Civil-Military Relations (CMR) with the democratic standards was underlined at the European Commission's (EC) successive Annual Progress Reports on Turkey. The issue will no doubt be among the most important issues in Turkey's EU accession process. One could claim this harmonization can best be achieved by a healthy cooperation between the government, parliament and security sector institutions (the armed forces, the police department, the gendarmerie, and others) with the assistance of expert opinion, and by taking into consideration the demands stemming from civil society. Moreover, apart from the issue of harmonization of the Turkish CMR with the EU standards and universal democratic norms, the vitally important problem of implementing a substantive Security Sector and Bureaucracy Reform (SSBR) would certainly be on the top of Turkey's agenda for years (even decades) to come.

SSBR shall cover not only CMR-related issues but also involve the establishment of democratic control and oversight mechanisms on *all* domestic security institutions by taking a citizen-centered approach. Placed at a context going far beyond the narrow and somewhat misleading confines of a mere CMR issue, the problem needs to be addressed in its diversity and complexity. Since the very concepts of "reform" and "control of the armed forces" still remain controversial in Turkey, TESEV aims to contribute to this (potentially divisive and politicized) process by facilitating helping "normalize" the debates on the issue, in a cool-headed, objective and scientific manner. In this context, the fruitful past collaboration between the Geneva-based *Centre for the Democratic Control of Armed Forces* (DCAF – the Republic of Turkey is a founding member since November 20th, 2003) and TESEV seems to be becoming even more crucial in helping shape the ongoing process (indeed, the EC's 2005 Turkey Progress Report lauded TESEV & DCAF's work). TESEV strives to further the agenda of democratic and civilian oversight of the security sector by taking as its target audience, legislators, media professionals and civil society at large. National and international symposia, presentations at the Special Committees of the Turkish Grand National Assembly, as well as documentary and critical studies on the Security Sector are among TESEV and DCAF's interlocking project activities and outputs.

PREFACE

Almanac 2005: Security Sector and Democratic Oversight published by the Turkish Economic and Social Studies (TESEV) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) is not only the first-ever reference book on security sector reform in Turkey, but also among the very few in the world. It vividly describes the historical background, current advances, as well as remaining challenges in Turkey's experience with security sector institutions and civilian and democratic oversight. As this country proceeds on its path towards possible European Union membership, Almanac documents its progress on highly important topics, namely civil-military relations, as well as the challenging issues of instituting civilian and democratic oversight and control mechanisms over a whole array of security institutions, including the police, gendarmerie, intelligence services and others. As noted by the European Commission's 2005 Progress Report: "Turkey has made good progress in reforming civil-military relations (...) in addition to the reforms to the legal and institutional framework, it is important that the civilian authorities fully exercise their supervisory functions in practice. Further efforts are needed to raise awareness among elected members of the Parliament and to continue to build up the relevant expertise among civilians." TESEV-DCAF's Almanac is an important contribution to help raise awareness and build up expertise in that particular regard. In aligning Turkey's security affairs with Member States' best practice, civil societal contributions such as these will increasingly become more meaningful.

Girts Valdis Kristovskis
Former Minister of Defence;
Member of the European Parliament, UEN, Latvia
Vice-Chairman, Subcommittee on Security and Defence, European Parliament

REVIEWS

"Unfortunately the discussion of many key issues relating to the security sector is very limited in Turkey. These include the discussion of the legitimate use of power in security issues, the philosophy of both civilian and military organizations, the necessary provision of resources for security as well as the increase in activity by the relevant organizations in the light of new threats and the conditions necessary to initiate reforms. Some important ideas such as how to unravel the curtain of secrecy over these activities, how to find a place for security by simultaneously providing services within the principles of the rule of law and making them subject to civilian control, do not even emerge in the minds of many. The Almanac aims to help open a path for more equal sharing of knowledge and expertise; and to go beyond the 'race for power' among the security sector's protagonists by promoting productive collaboration. This book is not only the first in the history of the republic, but also emerges as a brave, progressive, productive and thought-provoking work that should be carefully examined to help transform Turkey."

Mehmet Dülger,
Member of Parliament and Chair,
Foreign Affairs Special Committee of the
Turkish Grand National Assembly

"I welcome this timely and important contribution to bringing Turkey closer into the fold of European governance. A book like this, uniting civilian experts to analyse security sector reform processes, sets an example of excellence for others to follow. I congratulate DCAF and TESEV for this great effort."

Martti Ahtisaari,
Former President of Finland;
Chairman of the Independent Commission for Turkey

"Democratic oversight of the security sector is one of the taboos in Turkish politics. Historically, the military led the liberation effort and the founding of the republic. As a staunch exponent of Turkey's modernization policies, most notably secularism, it is still perceived by many as their true guarantor. In contemporary times, the military and other security agencies have been engaged in an effort to terminate separatist terrorism that has plagued the country with fluctuating intensity. Under the circumstances, even introducing the topic is sometimes seen as an ill-intentioned effort to demoralize Turkish security agencies and render them powerless. Despite such adverse circumstances, Cizre and her colleagues have managed to produce a detached and balanced study to which even those sympathizing with the taboo will find difficult to object."

İlter Turan,
Professor of Political Science,
İstanbul Bilgi University

"... a comprehensive survey of recent events, both those that are hopeful and those are a source of concern, in Turkey's effort to establish a stable

and law-based system of civilian oversight of its armed forces."

Walter B. Slocombe,
Formerly Under Secretary of Defense for Policy, US Department of Defense (1994-2001)

"Civil-military relations in Turkey have undergone great and constructive changes during the past few years, which, if continued, will also have a positive impact on the accession negotiations with the European Union. In this context it will be very important, building on the goodwill which the Turkish military possess in society, to develop an informed security community consisting of members of parliament, academicians, journalists and others to provide the democratic underpinning of security policy. I trust that this reference book by DCAF-TESEV will provide them with most useful support."

Dr.W.F. van Eekelen,
Former Minister of Defence, Netherlands and Former Secretary General of the Western European Union (WEU)

"What has security come to mean in the contemporary world? Which practices of Turkey's security institutions are incompatible with the rule of law and democratic government? To what extent do the Turkish parliament, government, judiciary, civil society and media fulfill their responsibilities in terms of the democratic control of the security sector? If you want to have comprehensive answers to these questions you have to read this Almanac."

Dr. Şahin Alpay,
Bahçeşehir University

"The Almanac provides a remarkably complete systematic overview of Turkey's security structures and related civilian institutions, including an insight into their relations and interlinkages, with details that usually escape the attention of outside observers. Thus, it offers a solid base for any serious analytical work as regards the dynamics of civil-military relations in Turkey. I would recommend it as very useful reading for researchers as well as practitioners dealing with the security sector."

Ambassador Gregor Zore,
Head of Operations, DCAF Geneva

"The book gives a good picture of recent developments in the Security Sector in Turkey. The openness with which the topics are discussed makes it an important, and positive, contribution to the ongoing debate concerning Turkey's prospects of joining the European Union. It also enriches our knowledge about the diverse problems and challenges the security sector agencies encounter in some candidate countries waiting to integrate fully with the EU. Hopefully the book also will contribute to a more nuanced, and up to date, debate in Europe on today's Turkey."

Major General (ret) Karlis Neretnieks,
Swedish Armed Forces; Senior Researcher at the Swedish National Defence College

"With the great role Turkey plays for the security in the region and its unique contribution to NATO, the issue of Security Sector and its Democratic Oversight is of tremendous importance, especially in the context of future EU membership. TESEV-DCAF's Almanac for 2005 is practically the most comprehensive document to cover the large concept of the integrated security sector in such a large and important country. For example the Harmonie paper of CESS (Center of European Security Studies) on "Governance and Military: Perspectives for Change in Turkey" mainly covers the defense segment of the security sector in the EU context, whereas the Almanac creates the base for an annual assessment based on the EU's reference model of best practices and implemented by prominent Turkish experts.

Regional discussions on civil–military relations, transparency, accountability, the role of civil society and media and reform of the security sector based on such annual publications will play an important role. It is therefore crucial that the Almanac is now being published in English. The success of the Almanac as self-assessment tool could then be used effectively by other EU candidates that could draw on the Turkish experience."

Velizar Shalamanov,
Former Deputy Minister of Defence;
Chairman of the Managing Council of Association "George C. Marshall"

"The data and analysis presented in this book offer the reader a unique opportunity to gain a reliable and comprehensive insight into the security profile and security capacities of the modern Turkey. Additionally it could help them better understand, among other things, Turkey's specific civil-military heritage. Above all, this book gives readers a chance to examine, through a concrete example, whether and to what extent Euro-Atlantic solutions in the security sector are applicable, not only in Turkey, but also in other states outside NATO and the EU."

Professor Miroslav Hadzic,
President of the Managing Board,
Centre for Civil-Military Relations, Belgrade;
Faculty of Political Sciences, University of Belgrade

"The advancing political reforms in Turkey, as well as the ongoing turmoil in its neighborhood, make policy-relevant research on Turkish security sector development and reform imperative. In this respect, the DCAF-TESEV Almanac, written by scholars with first-hand knowledge of the security sector and therefore providing a uniquely comprehensive analysis, serves as an invaluable addition to this field of research. It is hoped –and expected- that this Almanac will stimulate further debate on the important subject of the democratic oversight of the security sector."

Dr. Philipp H. Fluri,
Deputy Director, Geneva Centre for the Democratic Control of Armed Forces

"The fact that civilian personalities are able to publish in Turkey and world-wide such a remarkable book that accounts for the challenges of security sector reform in a clear yet multifaceted way, is a vote of confidence for Turkey on its way to European integration."

Dr. Antje Herrberg,
European Policy Director,
Crisis Management Initiative

MISSION OF THE ALMANAC: CREATING PUBLIC INTEREST, SENSITIVITY AND ENGAGEMENT AS PART OF SECURITY SECTOR REFORM

Ümit Cizre*

This happens to be the first *Almanac* ever published about the security sector[1] in the history of the Republic of Turkey. It is an account of security agencies in 2005, their organizational features, declared and undeclared operational principles, activities, authority structures, the legal framework under which they operate, their basic approaches, and the changes and bottlenecks they have experienced within the context of being considered for full membership to the European Union, which has become a more realistic prospect since 17 December 2004. Essentially, this *Almanac* provides objective and reliable information about Turkey's security sector agencies in an analytic format with the aim of increasing interest and sensitivity on security, defence and strategy issues. It also aims to provide a suitable environment for opening a forum for enlightened debate regarding these issues. In other words, it is providing information about the problems and policies associated with threats and security issues in order to help pave the way for a democratic future.

In this *Almanac*, experts have explored various themes based on objective data in a dynamic and analytical framework in conjunction with current politics, international, political, historical and strategic developments. The four branches of the Turkish Armed Forces and their subsections are discussed: namely, the land, air, naval forces and the gendarmerie; the police force, the coast guard command; intelligence organisations; special operations units; the National Intelligence Organisation; the National Security Council; security-related activities of Turkey's legislative and executive branches; the military judicial system; the village guard system; the private security system; civil society and the media-security nexus. Accordingly, many issues are discussed in relation to the abovementioned sectors: the authority and functions of security units as of 2005, their brief histories, the threat concept that is absorbed into their structure, transformations in their functions, the institutions they are accountable to, their organisational logic, basic trends and developments that are observed in their practices, relationship to world affairs, legislation passed as part of the harmonising process with the EU, and the associated benefits and problems.

The significance of this *Almanac* is illustrated by the subject matter it covers, namely the security sector. The concept of 'human security' was initially addressed by the 1994 Human Development Report published by the UNDP, which stated that security could not be maintained by armed and uniformed military units alone. The report established that not all human security aspects fall within the scope of military considerations. This *Almanac* has, accordingly, endeavoured to interpret 'security' in the broader sense.

Human security transcends the military security of the state and is directly related to the

* Professor, Bilkent University, Political Science Department.

1 The security sector includes the units that are legally authorized to use power and order or threaten to use power. It provides the security of the state, sub-state communities and citizens by regularly being accountable to its society within the framework of democratic civilian oversight in accordance with democratic governance principles.

protection of the civil, political, economic, social and cultural rights of people. In other words, human security is now seen as a natural extension of democratic governance in terms of a government's commitment to protect citizens, including minorities, from poverty, deprivation, injustice, violence, unfair treatment and conflict. It necessitates the restructuring of the security sector with these concerns in mind. Effective reform of the security sector requires that security forces possessing legitimate authority to use force, as well as the civilian bodies that carry out democratic oversight over these bodies, should reach an understanding that human rights, and not state rights, stand at the core of security sector reform.

After confronting internal threats in the 1990s, which involved the adoption of a more militarized strategy and the sidelining of elected bodies, civil society and the media, Turkey failed to fully adapt to the post-Cold War era. Rather, the systematic reinvention of Cold War-era security concepts helped to restore the *status quo* and (re)legitimize the Turkish armed forces as the guardians of the regime. The securitization of every aspect of life was prioritised and Turkey failed to embrace a security approach that safeguarded human rights and enhanced an understanding of the democratic character of the state.

However, as the most important *sine qua non* condition of the uncompleted EU membership project, Turkey's security sector will have to shed its traditional military mindset and respond to new threats stemming from extraordinary international and domestic changes appropriately. This *Almanac* has been published at the right juncture to capture fundamental changes in threats, security, defence and foreign policy. It aims to cultivate an inquisitive national culture capable of challenging the traditional culture of obedience that engulfs the security environment.

What do we understand about the reform of security units? What kind of changes can this *Almanac* trigger? Security sector reform stems from a redefinition of security in line with post-Cold War developments. The reform process is posited on improving the operational efficiency and effectiveness of the police, armed forces, gendarmerie and intelligence units to confront newly-emerging threats, crime, organisations, weapons and violence. This requires upgrading of the technical capacity of security units. There should be no overlapping authority or inter-agency competition within the security sector. The chapters on the police force and gendarmerie amply demonstrate the corrosive effects of a problematic division of functions within the sector.

Also, security sector reform depends on the promotion of democratic accountability mechanisms among elected civilian bodies. Focusing merely on the physical modernization component without addressing the democratic governance aspect of non-technical ideas and perceptions is irresponsible. It amounts to rehabilitating security institutions by isolating them from new trends and developments in the concept of security and democracy as well as in terms of public discourse, power configurations and transformations in the material world. The important point is to reform both fronts simultaneously in order to build a security structure that is professional and results-driven while establishing democratic oversight venues as part of a broader intellectual project. The idea is not to strengthen the security spectrum at all costs but to fortify it in a way that takes into account modern democratic priorities, simply because in the present-day environment, this has become the meaning of security.

What is needed is to help build a citizenry that is sensitized to, critical of and engaged in the debate on the principles, approaches and policies of the security bureaucracy in an effort to create the initial stirrings of 'civic memory' on security issues (or a security memory). In this respect, TESEV's *Almanac* represents an important starting point by offering a unique perspective blending objective information and an analytic

perspective. Researchers, members of parliament, experts, think-tanks, concerned citizens, journalists specialising in security, students who wish to write dissertations, reports, books and articles on the subject are the targeted readership that will keep the security memory alive. By combining the empirical world with analytic thought and providing clear, objective and reasoned information, this *Almanac* helps to create the nucleus for an ongoing chain of references.

Democratic Civilian Control

This *Almanac* has another very important mission, that of opening the proverbial 'Pandora's Box' containing the spectrum of security organisations that have, until now, been considered merely an area of curiosity for expert professionals and out of the public's reach. As such, it wishes to contribute to the establishment of democratic civilian control/oversight of the security sector based on two main values: accountability and transparency. These principles emerged as a result of the re-conceptualization of the security environment in the post-Cold War era and they have reshaped the discourse of practitioners.

During the Cold War, traditional wisdom discerned that matters of security were to be partly overseen by parliament and the executive organs. Subsequent global realities, however, established new conditions whereby reform centred on the freedom-welfare-security nexus. A new consciousness began to dominate public discourse in line with the thinking of Professor Anthony Forster who argued that discourse shapes threat perceptions which are, in turn, constructed by social groups. This awareness led to a weakening of the state's monopoly over the security sector while creating a more inquisitive and discerning public.

There is now greater understanding that when the civilian sector, parliament and media play an effective role in defining threats and enacting public policies on defence and security matters, there is a higher likelihood that violence and corruption will be restricted. As Professor Robin Luckham, another prominent researcher in the field indicates, democratic oversight does not denote the mere implementation of civilian control over military and non-military units; it calls for inculcating the tradition of democratic accountability to end the persistence of military policies which hide behind the formalities of democratic governments.

Almost all international organisations, such as the European Union, the North Atlantic Treaty Organisation, the Organisation for Security and Co-operation in Europe, United Nations Development Program, the European Council, the International Monetary Fund and the World Bank understand that countries which are militarized in an uncontrolled fashion and breach human security cause instability both domestically and on a regional and global scale and also disrupt their own economic development. To support the foreign-policy targets of the west, these organisations propose the restructuring of the security sector as a precondition for undertaking a membership process or receiving financial aid and credit. The *sine qua non* of this restructuring process is the involvement of multiple civilian players in a sector whose sensibility, knowledge and interest in the sector are enhanced by access to activities and publications such as this *Almanac*.

This *Almanac* presents its information to a security consumer whom it hopes is embracing a new perspective vis-à-vis the shift in focus of from a narrow to a broader domain, i.e., from civil-military relations to the security sector as a whole. The sphere of civil-military relations lacks power in contexts such as Turkey's where the equation is characterized by an imbalance favouring the military. The term 'relations' can only apply if the playing field for both parties is democratically defined and levelled. Therefore, it is far more productive to implement a broader concept that covers both military and non-military agencies and their interaction. While Turkey's armed forces will continue to play a

prominent role in external and domestic security, security sector reform as a more comprehensive concept, will increasingly occupy the country's democratisation agenda together with the civilian-military problematic.

Turkey has made a commitment to considerably reduce the political role of the military in non-military realms in order to comply with the full membership requirements of the European Union. Contemporary security problems of a non-military nature—poverty and deprivation, infringements of freedom of expression, mass/forced migration, conflictual politics concerning ethnicity and religious identity, organized crime, human trafficking, abuse of women and children—cannot be resolved by the application of traditional military values, skills and belief systems alone.

The consolidation of civil society ultimately creates an opportunity for social and political actors to play a leading role in shaping society. The critical point is the predominant role that the armed forces have played in weakening an already precarious civilian authority. It has also aggravated the vulnerabilities of non-military security units, chiefly the police force. In the long run, however, it is conceivable to perceive that the empowerment of Turkey's civilian centres of power will remedy the sclerosis of the political class and boost its political efficacy.

This *Almanac* promotes a new dimension for the principle of democratic civilian control: it acknowledges that the connection between the military and civilians, or between bodies such as the police, the intelligence units and ordinary citizens, the media and members of parliament, is no longer one of mere superior-subordinate, subject-ruler relations. On the contrary, the term security sector implies an equal and dynamic interaction between civilian centres within the social and political fields and the military and non-military units of the security sector. More is contained in the term, therefore, than meets the eye: it indicates egalitarian power-sharing so that the self-confidence of civilian and security sectors correspond; communication between them can no longer be described as a monologue; their debates are underlined by the same points of reference and vocabulary; and their conflicts, rivalry and struggles give way to collaboration and harmony.

In conclusion, this *Almanac* endeavours to remove the shadow of secrecy from security institutions and present information on security matters in an objective and reliable manner. To this end, TESEV is intending to publish a yearly *Almanac* to contribute to the ongoing effectiveness of civilian oversight of the security sector. It aims to have a direct impact on power relations and on Turkey's democratisation program. It would be fitting to sum up the mission of the *Almanac* by adopting Professor Peter Feaver's famous paradox: "We say 'yes' to the security provided by the security bureaucracy if we are also safe against this spectrum."

TURKISH GRAND NATIONAL ASSEMBLY

Ahmet Yıldız*

Historical Background

The relationship between the military and civilian sectors constitutes the most critical aspect of the Turkish political system. However, it needs to be restructured to reinforce democratic governance in Turkey. The central problem originates from the underlying concept of state power which provides the military sector with an autonomous domain within the state. In this sense, the military is independent, to a certain degree, of state control and is perceived as the primary guardian of the republic. In brief, the functions of political execution and control are assigned to the military. This development, which dates back to the second constitutional period, has caused a permanent separation between the fields of activity and authority of the government and the military sector. It has, in effect created a fault-line with tremendously affecting Turkish politics. The tradition of preserving the position of the military sector, in an almost autonomous domain of power, elevates its authority and involvement in many areas of internal politics, ranging from international relations to education and basic rights. The incompatibility of this model with the contemporary idea of democratic governance has become one of the most resonant problems in Turkish politics.

In Turkey, the military has assumed an active role within politics via the National Security Council (*Milli Güvenlik Kurulu*, MGK) and the media; within industry and trade via foundations and the Army Solidarity Institution (*Ordu Yardımlaşma Kurumu*, OYAK); and within the judicial system via the military judiciary. At present, obligatory military service spreads military values through society. Nationalism, as opposed to a democratic political culture, shapes these values. Therefore, complete parliamentary control of military expenditures cannot be established and the democratisation of the status and functions of the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) remains a major roadblock in the process of European Union (EU) accession.

In the EU reform process that began with Turkey acquiring the status of candidate country in December 1999, and particularly with the 7th EU Harmonization Package, Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi,* TBMM) made radical amendments in Law No. 2945 on the MGK and its General Secretariat and in Article 118 of the 1982 Constitution, which provides MGK with executive powers over the government. MGK was accordingly defined as a consultative organ which makes decisions on issues related to the determination and exercise of the national security policy to be recommended to the government, as foreseen in the 1961 Constitution. The following points ensued from the legal modifications of the period:

- The practice of appointing military members to the Council of Higher Education (*Yükseköğretim Kurulu*, YÖK), to the Turkish Radio and Television Corporation (*Türkiye Radyo ve Televizyon Kurumu*, TRT), and to State Security Courts (*Devlet Güvenlik Mahkemeleri*, DGM) was discontinued.
- In MGK, where decisions depend on majority consensus, the number of civilian members

* PhD, Turkish Grand National Assembly (TBMM) Research Centre.

increased so as to surpass the number of military members.

- For the first time, a civilian secretary general was appointed to MGK.
- The MGK's Department of Psychological Operations, which showed evidence of active psychological war planning in the period of 28 February, was abolished and its functions were transferred to the office of the prime minister.
- For the first time, military supplies were placed under the control of the Supreme Court of Accounts (*Sayıştay*).
- Legal regulations allowing specific military hospitals to admit a certain ratio of civilian patients to make use of idle capacity were established.
- Students dismissed from Gülhane Military Medical Academy (*Gülhane Askeri Tıp Akademisi*, GATA) were given the opportunity of being transferred to other medical schools.
- Prohibited military zones were opened for the purpose of tourism pending approval by the General Staff.
- Private security services were reorganised.
- A new regulation was put in force with Law No. 5201 on the Control of Industrial Organisations Manufacturing Arms, Explosives and Munitions of War, which covers all industrial institutions in the private and public sectors working in the manufacture of arms and munitions and provides them with mechanisms for control.
- In 2004, perhaps, for the first time in the history of the Republic of Turkey, the share allotted for security expenditures, which had always been the largest budgetary item, was surpassed by the share allotted for the budget of the Ministry of Education. The same was true for the 2005 budget.

From a general point of view, the legal reforms limited the autonomous status of the armed forces within the state and represented the first steps toward the establishment of the primacy of civilian authority. Although various factors contributed to the creation of the reforms, the realization of the amendments was undoubtedly linked to the requirements of the EU process.

The legislative branch establishes laws regulating and defining the security sector, the scope of its authority and approves related budgetary allowances. It also executes parliamentary oversight and control of the security sector. This chapter studies the laws that were passed during the 22nd Legislative Period in the 3rd Legislative Year[1] (1 October 2004—30 September 2005), which have created meaningful results in terms of parliamentary oversight and control of the security sector. The methods of control will be analysed, the function, authority and membership structure of the National Defence Committee will be evaluated, and the role of the Plan and Budget Committee in the process of the preparation and approval of the defence budget will be examined. Parliamentary oversight and control of the security sector and orientation of security policy will be discussed, specifically in relation to the democratisation process in Turkey. The level of parliamentary oversight and control attained by the military (TSK and gendarmerie) and non-military (police and intelligence to some extent) domains of the security sector will also be studied.

Legislative Power, Defence and Security

In terms of parliamentary oversight and control of the security sector, how might the present condition of our subject matter be evaluated in accordance with modern conceptions of security, that is, with a focus on the security of the individual and society (human security), instead of exclusively on state security? When the position of the Turkish Grand National Assembly as the holder of legislative power is assessed, the general picture can be delineated as follows:

1 The Turkish Grand National Assembly (TBMM) Rules of Procedure Article 1: "A legislative period is the time period between two general elections of deputies for the Turkish Grand National Assembly, which lasts five years unless it is extended in accordance with the constitution or if new elections are called. A legislative year is the period from 1 October to 30 September." See **TBMM Kanunlar ve Kararlar Müdürlüğü, Türkiye Cumhuriyeti Anayasası ve Türkiye Büyük Millet Meclisi İçtüzüğü** (Ankara, 2005), p. 17. The TBMM Rules of Procedure is also available at <http://www.tbmm.gov.tr/ictuzuk.htm>.

Does the Parliament Discuss and Approve the National Security Policy Document?

The concept of national security is defined in the Frequently Asked Questions section of the Ministry of National Defence (*Milli Savunma Bakanlığı*, MSB) website as follows: "The protection of the state's constitutional order, national existence and integrity and all of its political, social, cultural and economic interests and its treaty rights in the international arena against all threats both internal and external."[2] This document, which formulates national security strategy in such a way so as to encompass the whole political arena, is recommended to the Council of Ministers upon a ruling by MGK. It becomes equivalent to a decree by the Council of Ministers following its approval by the latter. As the National Security Policy Document (Red Book/Code) (*Milli Güvenlik Siyaseti Belgesi*, MGSB) is considered a state document with a degree of secrecy, it is not submitted to the members of TBMM for their perusal.[3] The importance attached by the public to this document, the application of which falls under the responsibility of the Council of Ministers, and the fact that it has the power to shape the political arena as it defines basic internal and external threats as witnessed in the 28 February case, underline that this document bears greater importance than that of any ordinary decree by the Council of Ministers.

No claim could be made that the parliament has any influence in discussions concerning the concept of security and the determination of related parameters, particularly in terms of the composition and implementation of the National Security Policy Document.

Are Military Expenditures Subject to the Control of TBMM?

Law No. 4963 dated 30 July 2003 drastically reformed the control of military supplies. It foresaw that control would be chaperoned by the Supreme Court of Accounts acting on behalf of TBMM under the condition that it be kept secret.[4] According to Article 160 of the constitution and Articles 1 and 28 of Law No. 832 on the Supreme Court of Accounts: "The Supreme Court of Accounts is responsible for controlling all revenues, expenses and properties of social security institutions and public administrations included in the central administrative budget, and in passing final judgment concerning the accounts and transactions of those in charge, and in executing the functions of examination, control and decision given by law on behalf of the Turkish Grand National Assembly."

At present, this control also extends to the military. All the revenues, expenses and properties of the military are subject to the control of the Supreme Court of Accounts. In the same vein, the statements in Article 10 of Law No. 5170 dated 7 May 2004 and in Article 160 of the Constitution, which exempted military supplies from control, have been abolished. However, this was not reflected in the Law of the Supreme Court of Accounts. The regulation foreseen in Appended Article 12 has yet to be introduced as the institutions mentioned therein failed to reach an agreement over the statement of concern. The preparations of a new draft for the Law of the Supreme Court of Accounts, which will include this amendment, are underway.

What is the Role of the General Assembly and the Parliamentary Committees in the Process of Preparation and Approval of the Defence Budget? Does the National Defence Committee of TBMM Hold Adequate Authority and Capacity to Influence Defence and Security Policies?

TBMM's Plan and Budget Committee is responsible for examining TSK's yearly budget and placing restrictions on its expenditure. However, over time, parliament members have readily left the discussion of military issues to the General Staff and the government and

2 See <http://www.mgk.gov.tr/sss.html>, [Access Date: 01.02.2006].

3 Ibid.

4 See Appended Article 12 of Law No. 832 on the Supreme Court of Accounts enacted on 21.02.1967 (Appendix: 30.07.2003–4963/7 Art.): "The control of state properties held by the Armed Forces will be executed following the principles of secrecy necessitated by the national defence services. The principles and methods pertaining to the execution of this control are delineated by a secret regulation prepared by the Ministry of National Defence respecting the opinion of the General Staff and the Supreme Court of Accounts and approved by the Council of Ministers."

accepted as sufficient the information detailed in the draft budget and the minister of National Defence's introductory address. As the Ministry of National Defence does not present any information of an adequate technical level on military matters to committee members and the members do not request such information, defence budgets have to date been the most unproblematic budget item. In other words, it comes as a package and is approved almost without change.

The National Defence Committee, which was established on 27 April 1920, is one of the permanent special committees in the TBMM Rules of Procedure. The present National Defence Committee is composed of members (including a chairman, vice chairman, spokesperson and secretary) elected at the seventh meeting of the General Assembly of TBMM on 19 October 2004.

The National Defence Committee consists of 24 members, 16 of whom are from the ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) and eight of whom are from the main opposition Republican People's Party (*Cumhuriyet Halk Partisi*, CHP). Only one committee member, İnci Özdemir (AKP, İstanbul, daughter of a soldier), is a woman. One of the members, Vahit Erdem (AKP, Kırıkkale) is the ex-undersecretary of the Defence Industry. Ramazan Toprak (AKP, Aksaray), who was elected as the first chairman of the committee on 3 December 2002 resigned on 8 January 2003 following media revelations about his dismissal from the armed forces by the Supreme Military Council (*Yüksek Askeri Şura*, YAŞ). Cengiz Kaptanoğlu (AKP, İstanbul, ship-owner by profession) was subsequently elected Chairman on 5 February 2003.

In the Rules of Procedure, the committee's role is to: "examine the draft laws and law proposals concerning national security, defence, civilian defence and military service."[5] The draft laws and law proposals that are submitted to the TBMM chairman on the aforementioned subjects are transferred to this committee and conveyed to the General Assembly following debate. Therefore, the committee does not have the authority to examine and control the budgets of the Ministry of National Defence and the Turkish Armed Forces.

The committee does not play a direct role in the formation of defence policy. Rather, Turkey's defence policy is shaped by the General Staff, the Ministry of Foreign Affairs and MGK. The role of the MGK in determining defence policy is to accept and recommend the MGSB (whereby, in particular, the priority of internal and external threats is specified) to the government. Members of parliament can comment on defence policies, not as part of the committee but individually, and can exercise means of control together or individually. In Turkish parliamentary law the committee is not authorised to submit a proposal as a legal entity.

The Ministry of National Defence does not seek the opinion of the committee when preparing the draft budget. Committee members can participate in debates pertaining to the budget of the Ministry of National Defence, in the Plan and Budget Committee and present their opinions or suggestions. During debates on the defence budget for the fiscal year 2005, several members, in particular Onur Öymen and Birgen Keleş (the representatives of CHP, the chief opposition party), voiced their concerns over restrictions on deputies who are not permitted to criticize the defence budget. Some deputies requested that the secrecy aspect of military expenditure be removed (Kemal Kılıçdaroğlu, CHP). Others asked that the parliament be periodically informed on these issues (Birgen Keleş, CHP). Ironically, the same deputies presented highly ideological addresses supporting the armed forces specifically in relation to the mission of the army to protect secularism. As a case in point, the minister of National Defence makes decisions about the dismissal of army personnel in association with YAŞ without recourse to higher judicial authorities.

5 Rules of Procedure of 5 March 1973; Justification No. 763. See <http://www.tbmm.gov.tr/ictuzuk.htm>.

It is wholly apparent that this approach supports the military's adoption of the mission of protecting the qualities of the Republic through their own initiative. For example, committee member Mustafa Özyürek (CHP, Mersin) claimed that some circles lead campaigns to discredit the army.[6] As the Rules of Procedure imply, the committee can only examine the draft laws and law proposals and, therefore, it does not have input in the procurement of the arms, tools and munitions required by the military. Likewise, the committee neither suggests alternatives nor voices objections over these issues. Whereas in many democratic countries the parliament reviews and/or approves major projects for the procurement of arms, TBMM has no authority over this issue.

Similarly, the parliament has no authority over the appointment of top officials in the security sector. That is, the chief of general staff and the force commanders, the police chiefs and the chiefs of the intelligence agencies. Likewise, the role of the Defence Committee in relation to issues such as the determination of the physical size of the military bureaucracy, remuneration policies, education level, working and living conditions is limited to negotiating and accepting or refusing the drafts prepared by the government and submitted to the parliament along with the rare proposals submitted by the members.

Laws Passed in 2005 Concerning Control of the Security Sector

In reviewing the laws that were passed during the 3rd legislative year of 1 October 2004 – 30 September 2005, only two stand out as noteworthy in terms of parliamentary control of the security sector.

The first of these is Law No. 5365 enacted on 16 June 2005 entitled Law Amending TSK Internal Service Law; TSK Personnel Law; Gülhane Military Medical Academy Law; and the Law

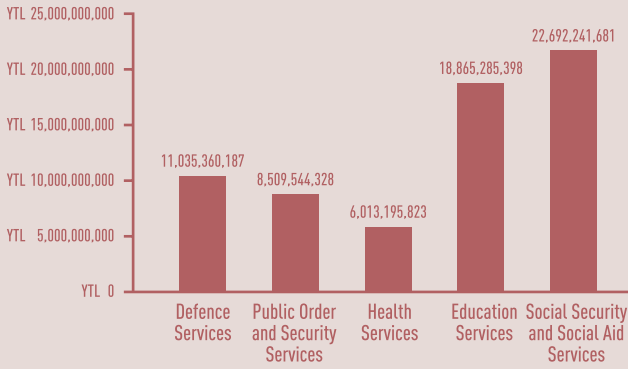
6 For the minutes of the debates of the 2005 budget of the National Defence Ministry at the Plan and Budget Committee see, 2005 Mali Yılı Genel ve Katma Bütçe Kanun Tasarıları ile 2003 Mali Yılı Genel ve Katma Bütçe Kesin Hesap Kanunu Tasarılarının Plan ve Bütçe Komisyonu Görüşme Tutanakları, Printed Minutes, p. 11–35.

NUMERICAL DATA PERTAINING TO THE 3RD LEGISLATIVE YEAR DEFENCE BUDGET

Functional Classification of the Allowances of Fiscal Year 2005

In the functional classification of the allowances of fiscal year 2005, the largest share (YTL 22,692,241,681) was allocated to social security and social aid while the share allocated to education (YTL 18,865,285,398) was the second largest, followed by defence (YTL11,035,360,187), and public order and security (YTL 8,509,544,328). The share allocated to health was YTL 6,013,195,823 YTL.

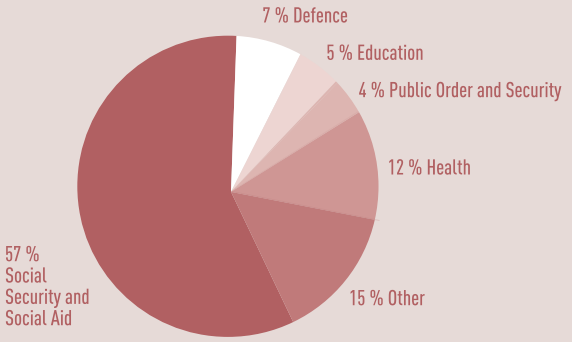
FUNCTIONAL CLASSIFICATION OF FISCAL YEAR 2005



Institutional Allowances for Fiscal Year 2005

The budget for fiscal year 2005 in terms of institutional allowances shows that the largest share (YTL 14,882,259,500) was allocated to the Ministry of National Education, followed by the Ministry of National Defence (share of YTL 10,977,067,000). The Ministry of Health ranked third (YTL 5,462,974,750). The institutions that received the largest allocations following the aforementioned are the Directorate General of Security, the Gendarmerie General Command, the Ministry of Internal Affairs, the National Intelligence Organisation and the Coast Guard Command. The Ministry of Education received the largest budget allocation in 2005 as well as in 2004. (Source: Naciye Aslıhan Tuncer and Baran Kuşoğlu, "Eğitim, Sağlık ve Güvenlik Harcamalarının Bütçe Payları," TBMM Araştırma Servisi Bilgi Notu, October 2005).

FUNCTIONAL CLASSIFICATION OF FISCAL YEAR 2005 (%)



Concerning the Establishment and Management of Circulating Capital in Institutions Attached to the Ministry of National Defence and to the Land, Naval and Air Forces. This law, among other articles, stipulates that military hospitals with circulating capital admit civilian patients at a ratio or number to be determined yearly by the General Staff, up to ten percent of the number of beds and on the condition that vacancies exist. The reason for this amendment is the discovery of an important rate of idle capacity in the 42 military hospitals and the desire to make the technology of those military hospitals available to civilian patients when required. There is no restriction for military personnel using the services of civilian health institutions (either state or private) in cases of emergency. The costs of such medical services are to be reimbursed by the armed forces and the Ministry of National Defence.

Law No. 5397 entitled Law Concerning the Amendment of Some Laws is also significant. It was introduced on 23 July 2005 after the realization that the new Code of Criminal Procedure (*Ceza Muhakelesi Kanunu*, CMK) No. 5271, which was introduced in 2004, did not allow all electronic communications to be tapped by the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT) and the police. Accordingly, this law permits a centralised operation of intelligence activities on a technical level hosted by the Telecommunications Authority. It also regulates the handling of legal interception by the agencies in charge.

Although no concrete steps have been taken concerning the limitation of intelligence activities to the National Intelligence Organisation (MİT), the police and the gendarmerie, to the exclusion of the military, an important development has nevertheless taken place the Gendarmerie Intelligence Organisation, known to the public as Gendarmerie Intelligence and Anti-Teror Organisation (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JİTEM), which is suspected of being responsible for many illegal acts of violence which the government has thus far denied, has been referred to in this text with a legal attribute and has been allowed to intercept communications through a court order. While the law allowed police and gendarmerie to tap communications only in cases of organised crime, no such limitation was placed on MİT.

The gendarmerie's request for authority to intercept telephone calls nationwide was rejected by the Internal Affairs Committee. Meanwhile, three committee members—deputies of the governing party—indicated that they view Article 2, which grants the authority of political intelligence to the gendarmerie, as a nerve ending where the military sector and the government meet. They consequently voiced their objections.[7]

Legislative Activities in 2005 Concerning Parliamentary Control of the Security Sector

During the third legislative year of the 22nd period, it was clear that, in terms of parliamentary control of the security sector, deputies preferred written questions and tended to apply the question motion most frequently. Very few of the other resources that were made available to parliamentary members by the Rules of Procedure, such as general debate, parliamentary inquiry, interpellation and parliamentary investigation were utilised. During the process of control vis-à-vis motions of question, enquiries concerning the abuse of

7 The reason for AKP Kastamonu Deputy Sinan Özkan's reservation is meaningful from this perspective: "The authority and mission of executing intelligence activities, which has a political aspect to it, is given to the gendarmerie which has organic relations with the armed forces and operates completely within the principles determined by the armed forces on issues such as ranks, promotion, recruitment and records. If the conditions of our country make it an indispensable necessity for the gendarmerie, who performs the duties of public order and security in the provinces, to execute the task of intelligence-gathering, this organisation must first of all be attached to civilian authority on all issues (promotion, rank, compensation, employment of personnel, records, etc.), as is the case in EU member countries, in order to be able to perform this task which has a political aspect, and, subsequently, it must use this authority within its own province, and it must even cooperate with the police as one single security unit (with different fields of responsibility) in the performance of its duties and responsibilities." See Yalova Deputy Şükrü Önder's, Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun Teklifi ve İçişleri Komisyonu Raporu (2/546), **TBMM Tutanak Dergisi,** Period 22 (2005), Vol. 91, p. 8 [Legislative Year: 2, 3 July 2005, Meeting: 47]. The text is also available at <http://www.tbmm.gov.tr/develop/owa/tutanak_g_sd.birlesim_baslangic>.

authority and mistreatment by the gendarmerie were commonly left unanswered.

During this period, only one oral motion of question worthy of note was submitted. Deputy Hüseyin Güler, (CHP, Mersin), in his Motion No. 6/1371 dated 9 December 2004 requested information from Minister of Internal Affairs Abdulkadir Aksu concerning actions taken against those police officers responsible for preventing teachers, all of whom were members of the education union *Eğitim-Sen*, from exercising their democratic rights. The minister answered this question at the 73rd meeting on 22 March 2005 stating that *Eğitim-Sen* members had been taken into custody for attempting to organise a demonstration after making a declaration to the press at the Kadıköy Port Square on 8 December 2004. This action was not permitted on the grounds that "it displayed qualities associated with illegal meetings and demonstrations."

Only eight of the written motions submitted during the third legislative year contributed to the enhancement of parliamentary control of the security sector. One of the motions was submitted by Emin Şirin (independent, Istanbul) and another by Musa Uzunkaya, (AKP, Samsun). The remaining six were submitted by CHP deputies. Questions pertained to the gendarmerie's mistreatment of citizens, the excessive powers granted to the police and gendarmerie by law, the activities and authority of the armed forces, and the contents of the National Security Policy Document. The proposals have been classified as follows:

Motions Concerning Allegations of Mistreatment and the Excessive Authority of the Gendarmerie

The first motion was submitted by Emin Koç (CHP, Yozgat). Koç, in his written motion

"BUDGET'S DONE, HAIL TO THE ARMY"

The fact that Mustafa Kemal Atatürk, the founder of the Republic of Turkey, was a soldier, and the general acceptance in society that the Turkish Armed Forces is the guardian of the republic, in addition to the fact that military service is embraced by popular culture, have ensured that the budget of the Ministry of National Defence traditionally regarded as falling within the domain of state power, remains outside the realm of politics. With the dominant effect of the prevailing political culture that centres on the idea that the armed forces have come from the bosom of and are identified with the nation and which, therefore, positions the armed forces above TBMM in terms of legislative power, the Ministry of National Defence budget has been treated almost ceremonially ever since the inauguration of the one-party period. Criticising the budget is seen as akin to criticising TSK, which is viewed as an institution beyond reproach. This has created a sort of symbolic ceremony wherein, following the approval of the Ministry of National Defence budget in the General Assembly without any debate, all the political parties, either individually or in unison, present expressions of thanksgiving expressing the 'gratitude of TBMM to the Turkish Armed Forces.' This ceremony is known as 'done with the budget, hail to the army.' What is interesting is that this practice that emerged during the one-party period survived until 1989 during the multi-party system, though with some minor interruptions. The transfer of all TSK-related matters from the sacred to the mundane and understanding of the issue as one related to democratic fields of human activity evolved during the second half of the 1980s and, especially, in the first half of the 1990s.

The exact minutes of the 1989 gratitude to the army ceremony are presented below:

VI – THANKS, CONGRATULATIONS AND WISHES

1. The common proposal of the Deputy Chairs of the parliamentary groups of political parties concerning the communication of the feelings of endearment, respect and confidence of the Turkish Grand National Assembly to our armed forces on the occasion of the approval of the Ministry of National Defence budget.

CHAIRMAN – Esteemed members of the parliament; Deputy Chairs of the parliamentary groups of the three political parties represented in the assembly have submitted a note addressed to us. I will have it read out:

"To the Chairman of the Turkish Grand National Assembly,

On the occasion of the debate and approval of the 1989 budget for the Ministry of National Defence by our Grand Assembly, we propose the communication of the feelings of endearment, respect and confidence of the Turkish Grand National Assembly to all the members of our powerful, glorious and heroic armed forces who are the determined guardians of our country and nation and the assurance of our national security."

Mükerrem Taşçıoğlu
Deputy Chair, Motherland Party Parliamentary Group

Onur Kumbaracıbaşı
Deputy Chair, Social Democratic People's Party Parliamentary Group

Vefa Tanır
Deputy Chair, True Path Party Parliamentary Group

CHAIRMAN – The Chairmanship will act accordingly and inform the valued members of the Turkish Armed Forces. (Applause)

I pray once more for the budget of the Ministry of National Defence to be auspicious.

(Source: TBMM Tutanak Dergisi, Period 18 (1988), Vol. 21, p. 200 [Legislative Year: 2, 19 December 1988, Meeting: 47, Sitting: 2]).

question no. 7/4515 dated 22 December 2004, addressed the following questions to Aksu:

"1. Is it true that the police and gendarmerie records pertaining to crimes committed before 31 December 1982 have been deleted in order to protect the rights of the people and protect them from grievances?
2. What is the number of people who will benefit from this deletion?
3. What are the starting and ending dates of the time period covered?
4. How many people have suffered grievances due to erroneous records? How have such grievances been redressed?
5. What kind of system will your Ministry henceforth follow concerning criminals?"

Aksu submitted the following response no. 7/45 dated 7 February 2005:

"1. The records kept by the police and the gendarmerie in the computer system of the Contraband, Intelligence Operations and Data Collection Department (*Kaçakçılık İstihbarat Harekât ve Bilgi Toplama Daire Başkanlığı*, KİHBİ) pertaining to crimes committed before 31 December, 1982 have been deleted.
2. Records relating to 111,515 people concerning crimes committed before the aforementioned date have been deleted.
3. The deletion covers records dating from the adoption of the Law on Amnesty in 1974—31 December 1982.
4. The deletion of records was deemed appropriate due to concerns that they might have caused in terms of unnecessarily taking individuals into custody or their use in security investigations. This practice aims at avoiding suffering and grievance by the people.
5. The records that are kept today about people are based on the request of judiciary or military authorities and contain the Republic of Turkey Identity Number and correct registry data and they are revised in accordance with the juridical decisions taken."

The second motion was submitted by Musa Uzunkaya (AKP, Samsun) on 3 January 2005 no. 7/4682. Uzunkaya inquired about the degree of truth in allegations that village imams had been filed by the gendarmerie in the Yuva municipality in Elmalı district, Antalya. Uzunkaya stated that Imams were brought by force to the station under the supervision of soldiers and interrogated about their political views. Uzunkaya asked whether any action had been taken against those responsible.

As the question concerning mistreatment and the abuse of authority by the gendarmerie was not answered in due time, it was published in the Received Papers List, that aims at exposing unanswered questions for public view. In such cases, this action represents the sole sanctioning tool capable of being effectively implemented in such cases.

The third motion no. 7/54 of 25 March 2005 was submitted by Ali Kemal Deveciler (CHP, Balıkesir), who was asking Aksu whether an investigation had been launched concerning those responsible for the infringement of the code of secrecy of the Public Prosecutions Office during Operation *KOD SÜRGÜ 5* which was undertaken by the Gendarmerie Regiment Commands of Balıkesir. This concerned actions of the mayor and municipal employees in the Municipality of Pelitköy in the Burhaniye district. This had caused the public employees concern over losing credibility. Deveci replied with a question as to "whether there was a consideration to transfer the gendarmerie personnel who had taken it upon themselves to act as police force, prosecutor, judiciary and executive authority?" Since the motion was not answered within a ten-day period following the fifteen days allocated in the Rules of Procedure, it was published in the Received Papers List.

The fourth motion (No. 7/6354, dated 17 May 2005) was submitted by Atilla Kart (CHP,

Konya). Kart inquires about the reason behind the dismissal of Kenan Güzelgün and Hayati Karadağ from the gendarmerie non-commissioned officer vocational college in Konya Ereğli where the two concerned were first-year students. Kart asked why the students and their families were verbally informed instead of by written notice. Kart questioned the grounds for the infringement of Article 5 of Law No. 4982 on the Right to Information and whether there was an aspect of confidential document or state secret related to the event.

Minister of National Defence Vecdi Gönül replied by stating that the question should be referred to the Ministry of Internal Affairs. Gönül requested that he be informed of any information obtained by the Ministry. From an administrative standpoint the gendarmerie is attached to the Ministry of Internal Affairs. On 4 June 2005, Minister of Internal Affairs Aksu offered the following response: "The individuals concerned were dismissed from the gendarmerie's non-commissioned officer vocational college based on [Ref] (b) Article 31 entitled Discipline and Dismissal of the Law and [Ref] (c) Article 61 entitled Conditions of Admission of the Regulations. They were informed of the decision via a written notification. However, the information and documents constituting the grounds for the decision were not disclosed as they were regarded as secret. There was no infringement of Article 5 of Law No. 4982 on the Right to Information as no claim or application was made concerning the issue."

Motions Concerning TSK

In motion no. 7/4473 dated 16 December 2004, Şefik Zengin (CHP, Mersin) addressed the prime minister with the following questions concerning TSK military hospitals which had been asked to admit civilian patients to the Gülhane Military Medical Academy (GATA) and the Turkish Armed Forces Rehabilitation Centre in Bilkent within the limits of certain quotas:

"1) What is the numeric data on civilian patients served in GATA and the examinations carried out?

2) What is the social status of civilians serving in GATA and the TSK Rehabilitation Centre?

3) What is the opinion of the doctors working therein about this practice?

4) Will military personnel be given the opportunity of likewise utilising the services of civilian hospitals?"

These questions addressed the concern that the practice of admitting civilian patients to military hospitals created discrimination against military personnel.

Minister of National Defence Gönül replied to these questions on behalf of the prime minister on 25 January 2005, stating that data on the number of people serving in GATA demonstrated that the hospital was overloaded. The ratio of idle capacity among provincial hospitals was also significant. There was no information provided on the social status of patients in military hospitals as no such records were kept. Military personnel already have the right to utilize civilian hospitals.

This was the only motion concerning TSK that was submitted during the third legislative year. Questions pertaining to the National Security Council were similarly lacking.

Motions Concerning the National Security Policy Document

Emin Şirin (independent, İstanbul) in motion No. 7/4250 dated 25 November 2004 submitted a number of questions. Those of relevance are as follows:

"1) Who is responsible for the preparation of the National Security Policy Document, and which law assigns this authority?

2) What are the criteria involved in the formulation of this document?

3) Will this document be presented to members of parliament in a closed sitting of TBMM either at the stage of preparation or after having been prepared, in order to ensure that the members of parliament are informed

about the document of concern known otherwise as the 'deep constitution'?

4) Does the government share the judgment of the Chief of General Staff who stated that: Turkey thinks that countries no longer constitute a threat against one other?

5) If the principal threat covered by the National Security Policy Document is asymmetric terrorism, is the fight against this kind of terrorism the responsibility of TSK or the police in principle?

6) It has been reported in the media that the issue of reactionary and separatist activities is the priority target in the National Security Policy Document. Has the desired result against reactionary activities been achieved? What is the actual status of each of the 18 recommendations submitted by MGK on 28 February?"

Şirin's questions were published in the Received Papers List pending a formal response. In fact, Şirin had also submitted a motion on the same subject in the second legislative year, again addressing the prime minister, which also remained unanswered.

The second motion No. 7/4507 concerning the National Security Policy Document was submitted by Ali Rıza Gülçiçek (CHP, Istanbul) on 22 December 2004, who asked, based on a report published in *Hürriyet*, whether the National Security Policy Document defined Alevism as a dangerous sect and pressed the prime minister on the subject. Minister of National Defence Gönül responded on behalf of the prime minister on 25 January 2005, arguing that the document did not include "any points that could bring our Alevi citizens under suspicion."

Conclusion

As the legislative authority, TBMM executes oversight and control over the security sector. When 2005 is examined in its entirety, the parliament's position was not effective in the enactment of legislation and utilization of methods of control thus reinforcing the fact that it does not play a meaningful role in the formation of defence and security policies, the determination of threats and appointments at the highest echelons of the security sector. On the other hand, the control of military supplies and expenditures by the Supreme Court of Accounts acting on behalf of the TBMM has yet to be realised.

Likewise, parliament has no direct influence over the share of the budget allocated for the procurement of arms. The purchase of arms exceeding a certain amount is not even submitted for approval by the parliament. Therefore, in the case of the defence budget, the representatives of the nation who should be involved in the allotment of the country's resources, do not/cannot perform an essential political function. There is no data pertaining to 2005 showing that the parliament achieved effective oversight of the security sector, particularly along the lines of accounting for its decisions or establishing transparency.

A related 'detail' was uncovered by the press in 2005. TBMM's external security is provided by the Battalion of the Parliament attached to the Presidential Guard Regiment, while its presence is unrelated to security requirements. The article entitled: "A More Civilian Outlook" by Resul Tosun (AKP, Tokat)[8] triggered reactions by the General Staff who described it as 'individual raving.'[9] This happened to be a tell-tale incident revealing the hindrances incurred and reactions provoked by deputies when they propose to modify issues that are unbefitting to the civilian character of the assembly.

8 Resul Tosun, "Daha sivil bir görüntü," **Yeni Şafak**, 7 December 2005.

9 "Genelkurmay'dan tepki: Muhafız alayı teklifi hezeyan," **Radikal**, 9 December 2005.

GOVERNMENT

Zühtü Arslan*

Background: National Security and Government

In democratic countries, governments are responsible for the formulation and the implementation of security policies since, in accordance with the democratic accountability principle, governments are held accountable to the parliament and the public for their performance, using elections as a platform. Governments must take measures to ensure security and peace in the country. They are also responsible for formulating and implementing policies to defend the country against external threats. Governments will accept technical support from public servants and experts while formulating security and defence policies, but ultimately, political decision-making and responsibility are vested in the government.

On the legal side, the constitution and the rule of law empower governments to determine, change and implement security and defence policies. Thus, according to Article 117 of the 1982 Constitution: "the Council of Ministers is accountable to the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) for ensuring national security and preparing the armed forces for national defence." Moreover, Article 118 of the Constitution, together with the amendment of 3 October 2001, defines the duty of the National Security Council (*Milli Güvenlik Kurulu*, MGK) in the following way: "to submit the recommendations for determination and implementation of national security policy of the state to the Council of Ministers. Decisions regarding the measures mandated by MGK to protect the existence and independence of the state, the integrity of the country and the peace and security of the public are evaluated by the Council of Ministers." Therefore, the Council of Ministers has the authority to make decisions related to national security and to implement them accordingly. However, despite this constitutional principle, relations between civil and military organisations are different in practice. The military bureaucracy is far more effective in determining national security policy.

The broader definition of national security in Turkey, apart from its classical and technical meanings, is to strengthen the autonomy/independence of the military sector and to improve its monitoring of the government through MGK. According to Article 2 of Law No. 2945 on MGK and the MGK General Secretariat, "national security" implies: "preservation and protection against the collective internal and external threats to the constitutional order of the state, its national existence, integrity, all of its political, social, cultural and economic interests and contractual rights in the international arena. This definition highlights that MGK is responsible for the preservation of Turkey's social, political and economic interests, a point criticised by the Commission of the European Union in its Regular Progress Report on Turkey. According to the report, the rule of law provides Turkey's National Security Council with "a broad definition of national security, which—

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depending on interpretation—could cover almost any policy field."[1]

The restrictions on the government and corollary empowerment of MGK have been the characteristic state of affairs since the council's inception. During discussions in parliament that established MGK law in 1962, then Deputy Prime Minister Turhan Feyzioğlu clearly indicated how the limits of national security policy were to be understood. According to Feyzioğlu, "national security policy—not only in Turkey but also in all other countries—cannot exclusively focus on military policy. The council also dealt with issues such as health, trade, education, industry, agriculture, transportation and public works policies."[2]

To impart such an indeterminate interpretation to national security invariably allows the armed forces to function as an ideological state instrument through its involvement in issues not directly related to national security. In brief, this nonspecific idea of national security extends the use of hegemonic power by the MGK. The constitutional provisions which authorize the government to formulate and implement national security policies therefore exist solely on paper.

Steps Taken by the Government on National Security Issues During the EU Harmonisation Process

The Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) which has been in power since 2002 attaches great importance to its relationship with the European Union (EU) and identifies full EU membership as its primary objective. Important steps have been taken to ensure democratic control of the security sector and democratisation of the political system, especially prior to the commencement of negotiations between the two bodies on 3 October 2005. The initiatives that were introduced at the time of the 2001 constitutional amendment reinforced the pre-eminence of democratic political government.

The 2001 amendment to the constitution modified the structure and functions of the National Security Council by increasing the number of civilian members and declaring that the decisions of the council were to be considered as recommendations. The legal amendments of 2003 restricted the authority of the MGK General Secretariat and lowered its budget and number of units. It was decided that the secretary general should be a civilian and that MGK would convene once every two months. These amendments endeavoured to mould MGK into an advisory organisation consisting of more civilian members. In fact, the changes were effective not only in theory but also in practice. In August 2005, MGK appointed its first civilian secretary general.

Numerous steps were also taken to reduce the influence of the military sector over the judiciary and other civilian authorities. Following the decisions of the European Court of Human Rights against Turkey, a constitutional amendment banning military judges from serving in the State Security Courts (*Devlet Güvenlik Mahkemeleri,* DGM) went into effect. In 2004, these courts were abolished altogether. Moreover, the authority of the MGK Secretariat General and armed forces to appoint members to the Council of Higher Education (*Yükseköğretim Kurulu*, YÖK) and the Higher Council of Radio and Television (*Radyo Televizyon Üst Kurulu*, RTÜK) were abolished.

One of the most important measures to provide parliamentary oversight of the military sector was taken during the 2004 constitutional amendment with the repeal of the provision that exempts the expenses of the armed forces from the inspection of the Supreme Court of Accounts (*Sayıştay*).

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1 See Commission of the European Communities, **Turkey: 2004 Progress Report,** Brussels, 6 October 2004, SEC (2004) 1201, p.18; **Turkey: 2005 Progress Report,** Brussels, 9 November 2005, SEC (2005) 1426, p.14.

2 **Millet Meclisi Tutanak Dergisi**, Period 1 (1962), Volume: 8, p.190-191. Hikmet Özdemir, **Rejim ve Asker** (İstanbul: Afa Yayıncılık, 1989), p.109-110.

While judged as positive initiatives, these amendments were, nonetheless, deemed insufficient in terms of establishing the necessary criteria for Turkey's full membership to the EU. In its progress reports, the EU noted that the direct and indirect impact of armed forces on civilian politics was still an issue.

The National Security Policy Document and Government

The National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi*, MGSB) is one of the most discussed but least known documents on civil-military relations in Turkey. Not a great deal is known about the preparation methods and content of the document which has been coined as the secret constitution, deep constitution, red constitution and red book. Moreover, the legal basis of this document is a controversial issue. Some assert that its legal basis is established in Clause 2 of Article 2 of the Law on the National Security Council and its General Secretariat. In this law, national security policy is defined as "a policy including the principles related to internal, external and defence-type operations determined by the Council of Ministers, within the views put forth by the MGK with the objective of providing national security and attaining national goals."

Therefore, MGSB is a document incorporating principles determined by the Council of Ministers *within* the opinions of the MGK. Here, the term within shows that the framework of this document is determined by MGK. The logical result is that the Council of Ministers is permitted to act within this framework and has the authority of evaluation within its limits. The only official information about the scope and method of preparation of this document is stated in the FAQ section of the MGK Secretariat General's website: "MGSB is prepared by the National Security Council General Secretariat in coordination with the related ministries, institutions and organisations and drafted for submission to the National Security Council. When the document is agreed to by the National Security Council, it is submitted to the Council of Ministers for approval. Once that approval is finalised, the draft is named: National Security Policy Document and becomes effective. The implementation of MGSB is vested in the Council of Ministers." The MGSB is defined as a "document of the Council of Ministers"[3] even though the MGK Secretariat General and not the Council is responsible for the preparation of the document, where neither Article 118 of the Constitution nor any article of law on MGK grants such authority to the MGK Secretariat General.

The question of the government's contribution to the document's preparation is significant in terms of the principle of the civilian authority's supremacy. The preparation of the most recent MGSB and its leakage to the press following an MGK meeting was controversial. The 2005 Progress Report on Turkey, prepared by the Commission of the European Union, states that the government participated in the preparation process by contributing a letter. According to this report, the prime minister sent a letter to the National Security Council Secretariat General in January 2005 stressing that it was the government's responsibility to maintain national security before the parliament. It was subsequently requested that the MGSB be shortened and kept to its essentials.[4] According to the news, the government and the MGK held opposing views in relation to the content of the document. Hence, related debates were postponed in the MGK meeting of 23 August 2005. In the meeting of 24 October 2005, the document was approved with the inclusion of various issues by the General Staff.

Both the leaking of the document to the press and the content of the MGK-approved document occasioned debate. It was a cause of irritation to

3 In the official website of MGK General Secretariat, the MGSB is defined as follows: "the National Security Policy Document is a document of the Council of Ministers that includes the essentials regarding internal and external security and defence policies to be pursued in accordance with the national interests and national objectives of the Turkish Republic." See <http://www.mgk.gov.tr/sss.html>

4 Commission of the European Communities, Turkey: 2005 Progress Report, p.14.

the government that the document had surfaced in the media despite its classification as confidential. Deputy Prime Minister and Foreign Minister Abdullah Gül gave instructions to the National Intelligence Organization to find those responsible. When the Commander of the Land Forces stated "beware of where the MGSB has been published after Monday's MGK meeting," journalists, military figures and politicians alike began to argue about who was responsible for leaking the document.

The content of the MGSB was discussed at least as much as its leakage to the press. According to the news, the new document confirmed that the armed forces was responsible for protecting the domestic order of the country and stated that while right-wing extermism was no longer a threat, fundamentalists and separatists were 'threatening factors' and Greece's tendency to extend the limits of its territorial waters was a *casus belli*. What must be underlined is that the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) was commissioned with the task of safeguarding domestic order/security whenever necessary. This is what ultimately defined its role and position within the system.

When these expressions from the document were evaluated along with Article 35 of TSK Internal Service Law, the legitimization of the guardianship of the armed forces over the political and administrative systems became wholly apparent. In the EU's 2005 Progress Report, attention was directly and indirectly drawn to the issue of guardianship. The government was also advised to heed the EU's warning about the lack of a pre-eminent civilian authority. In the final paragraph of the civil-military relations section of the report, the EU's counsel read as follows: "Turkey should work toward greater accountability and transparency in the conduct of security affairs in line with Member States' best practice. In particular, statements by the military should only concern military, defence and security matters and should only be made under the authority of the government, while the civilian authorities should fully exercise their supervisory functions, in particular as regards the formulation of the national security strategy and its implementation, including with regard to relations with neighbouring countries."[5]

The Supreme Military Council and the Government

One of the fundamental structures which has strengthened the institutional and political autonomy of TSK is the Supreme Military Council (*Yüksek Askeri Şura*, YAŞ). YAŞ was established to act only in peacetime, in accordance with Law No. 1612 during the period of the interim regime that was launched by the military memorandum (*muhtıra*) of 12 March 1971. According to the Law on Establishment and Duties of the Supreme Military Council, the members of the council are the prime minister, the chief of general staff, the minister of national defence, force commanders, the commander of the armed forces, the general commander of the gendarmerie, the commander of the navy and the generals and admirals of the armed forces. YAŞ meets twice yearly under the chairmanship of the prime minister. In addition to its legal duties, it decides on promotion, retirement and disciplinary measures regarding armed forces personnel.[6] Article 2 of Law No. 1612 stipulates that: the rights to vote on and evaluate notes provided by the members of the supreme military council regarding promotional issues are equivalent. In addition, according to Article 5 of this law, decisions shall be made by a simple majority vote by the members. In the event of a tie, the chairman's vote shall be the decisive one.

5 **Ibid**, p. 14-15.

6 Article 3 of Law No. 1612 on the duties of YAŞ reads: "a) to deliver an opinion regarding review when necessary and determination of the military strategic concept prepared by the General Staff b) to deliver an opinion regarding the objectives and main program of the armed forces c) to deliver an opinion about laws, regulations and directives regarding the armed forces d) to deliver an opinion regarding the armed forces when the prime minister, the commander of general staff and the minister of national defence requires it e) to conduct other duties in other issues." See **Resmi Gazete** (Official Gazette) dated 26 July 1972.

Elections shall be open-ballot unless otherwise decided.

It is well known that since the establishment of the first AKP Government, there have been debates between the government and the military during YAŞ meetings. It is significant that the prime minister and the minister of national defence submitted opposing annotations with regard to the discharge of military personnel due to disciplinary problems. These annotations were also included in the regular meetings of 2005.

At the YAŞ meetings of 1-4 August 2005 and on 1 December 2005, eleven and four TSK members of the personnel respectively were expelled due to undisciplined behaviour. The prime minister and the minister of national defence submitted opposing annotations on this decision. The fact that YAŞ—which is constitutionally under the government's authority—takes disciplinary measures against the prime minister's vote may be in line with the law on YAŞ. Yet concerns about democratic oversight and the ability of YAŞ to manoeuver independently of the government should be raised nonetheless. Moreover, despite the fact that YAŞ meetings are held under the chairmanship of the prime minister, the chief of general staff sits next to the prime minister creating an impression that the civilian and military authorities are on an equal footing.

YAŞ decisions are not subject to judicial review according to Article 125 of the constitution. This demonstrates that one of the major organisations within the security sector is exempt from judicial monitoring. However, one of the essential rules of law is that any action and function of the administration be subject to judicial monitoring. Higher judicial organs agree on this point. The chairmen of the High Court of Appeals (*Yargıtay*), the Council of State (*Danıştay*) and the Constitutional Court (*Anayasa Mahkemesi*) have stated that in light of the fact that YAŞ decisions are not subject to judicial monitoring, constitutional provisions stand in contradiction to the concept of a state based on the rule of law. On the 137th anniversary of the foundation of the Council of State—the superior court for administrative justice—its Chairman, Ender Çetinkaya, stated "It is obvious that exemption of YAŞ decisions and some administrative acts from judicial monitoring is in contradiction to the principle of state of law of our Republic."[7] President Ahment Necdet Sezer, who is the chief executive and who chairs the Council of Ministers if required, affirmed in his speech as chairman of the constitutional court that YAŞ decisions should be subject to judicial monitoring.[8]

Important Events of 2005

The Southeast Issue and the Government's Policy of Balance

In 2005, the government attempted to pursue a balanced policy on the southeast issue. In relation to the terror dimension, Prime Minister Erdoğan tried to isolate the PKK and organisations that were allegedly linked to the PKK (i.e. *ROJ TV* in Denmark) from politics. Security measures were considered and efforts were made to resolve sociological matters. In stressing the integrity of the nation and the state, the prime minister rejected separatist policies. Erdoğan also explored solutions by conducting open discussions with membes of the intelligensia.

A group of academics, non-governmental organisation (NGO) leaders, columnists and others met with the prime minister on 10 August 2005 to discuss the possibility of initiating a new policy on the southeast question. At this meeting,

7 The President of the High Court of Appeals—in his speech on the opening of the 2004 judicial year—also stated that Article 125/2 of the constitution should be repealed. See the speeches in <www.danistay.gov.tr> and <www.yargitay.gov.tr>.

8 Ahmet Necdet Sezer emphasised the state of law in his speech at the inauguration ceremony of the symposium organised for the 38th Anniversary of the Establishment of the Constitutional Court and he also criticised the constitutional provisions that inhibit the judgement of administrative actions and processes such as YAŞ decisions and the president's individual acts. According to Sezer; restrictions in the constitution for the control of administrative judgment damages the principle of state of law. See **Anayasa Yargısı,** Volume: 17 (Ankara, 2000), p. 9.

the prime minister stated: "from our point of view, the Kurdish issue and so many other matters are democratisation problems for us." This position was reiterated during the prime minister's visit to Diyarbakır. Initial debate centred on the controversial issue of 'supra' and 'sub' [national] identitites. In his speeches, the prime minister stressed that being a citizen of the Republic of Turkey is the supra [national] identity (*üst kimlik*) and that different ethnic groups function within their own cultures as sub [national] identities (*alt kimlik*). To strike a balance, the prime minister pledged his dedication to fight terrorism and emphasised that the integrity of the nation and the state would not be neglected. Concurrently, it was reiterated that regressions in the area of democratisation would not be tolerated and terrorist organisations would not be permitted to exploit the newly-found freedoms. The prime minister spoke of the importance of the struggle against terrorism in his speech at the 10th EU-Mediterranean Summit on 28 November 2005. Attention was directed to the obligation of inhibiting attempts by terrorist organisations to exploit the freedoms of democracy: "freedom of speech, thought and press cannot be permitted to become a shelter for terrorist organisations that try to gain undue advantage by creating an atmosphere of fear and killing innocent people arbitrarily. The advocates of terror, who agitate for freedom of speech for their supporters, should not forget that they disregard the right to life of the people they shoot to death." Considering the timing of this speech, the prime minister seemed to be directing his message to the prime minister of Denmark, who allows *ROJ TV* to broadcast in Denmark, as well as towards any other country that allegedly offered support to the PKK.

The knee-jerk reactions and particular sensitivities exhibited by other state institutions at the time might explain the government's adoption of the policy of balance. The prime minister's views on citizenship in the Republic of Turkey as a supra [national] identity and concept of constitutional citizenship (*anayasal vatandaşlık*) were criticised by opposition parties and became subject to 'fine-tuning' by both MGK and the president. The MGK statement of 23 August 2005 included a reminder to the effect that the duty of any government is: "preservation of the independence and integrity of the nation and unity of the country." The president addressed the matter of identity in his New Year's message of 2005.

Şemdinli Events and the Government

The bombing of a bookstore in Şemdinli— in the Hakkari province—on 9 November 2005, which resulted in the deaths of two people, created widespread public suspicion that a Susurluk-type scandal was behind the incident. The bookstore was owned by an alleged former PKK member and was presumably bombed by members of the Gendarmerie Intelligence Organisation (*Jandarma İstihbarat Teşkilatı*, JİT[9]). The event became a source of tension in Şemdinli, in the wider region and in the entire country. The demonstrations in Şemdinli spread to Yüksekova where, on 15 November, three people were killed and 16 were wounded. One day later in Hakkari, a group of demonstrators confronted the police: 20 people were wounded, five of whom were policemen. On 21 November 2005, Prime Minister Erdoğan went to Hakkari, Şemdinli and Yüksekova to visit the bombed bookstore. Erdoğan insisted that the damages would be compensated. One week after the Prime Minister's visit to the region, two JİT petty officers were arrested under suspicion of involvement in the incidents in Şemdinli.

During the judgement process, the government maintained a stern stance and pledged to launch an unbiased investigation. The prime minister, along with other ministers, stressed that Turkey was a state of law, that no suspect would be protected, that the criminals would be punished,

9 The unit in charge of intelligence in the gendarmerie is referred to as the "Intelligence Presidency of the Gendarmerie General Command" according to Article 2 of Law No. 5397 dated 3 July 2005 and Supplementary Article 5 of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie.

and that no such incidents aimed at the separation of state and society would be tolerated. The government also vowed to conduct a thorough follow-up in the event of any similar actions in the future. In his speech to the parliament, Erdoğan declared "there are those who try to change the illegal into the legal. (...) Some like foggy weather. I had the opportunity to witness it. But we will clear this fog. A state of law shall not have shadowy parts." In a further demonstration of its resolve, the government sent two civil inspectors to the region and changes were made to the governorship of Hakkari and the district governorships of Yüksekova and Şemdinli.

On 25 November 2005, the minister of foreign affairs, the minister of internal affairs, the minister of justice, the chief of general staff, the commander of the armed forces and the general commander of the gendarmerie held a terror meeting upon the invitation of the prime minister. According to the official announcement, "it was underlined that state organisations, NGOs and everyone bearing responsibility should contribute to the judgment process."

Controversies on Security Issues within the Government

It is well known that members of the cabinet are not always in agreement and that differences of opinion at times arise. The nationalist and security hard-liner position of Minister of Justice Cemil Çiçek toward the Armenian issue and the amendment of the Anti-Terror Law (*Terörle Mücadele Kanunu*, TMK), is not shared by the prime minister who adopts a more liberal stance, probably in response to the restrictive approach of the minister of justice. In his speech to the General Assembly of the TBMM on 24 May 2005, the minister of justice qualified the conference planned for 25-27 May 2005 at Bosphorus University entitled: Ottoman Armenians in the Period of the Fall of the Empire as "a dagger thrust into the back of the Turkish nation." Çiçek concluded his speech with the following words: "If it were within my jurisdiction, I would begin prosecution procedures immediately. I wish I, as minister of justice, had not relinquished my authority to prosecute. I wonder what the YÖK will do now. I wonder what Bosphorus University will do now. I wonder, we wonder, our nation wonders. We must put an end to this cycle of irresponsibility, lack of seriousness, treason and insult, propaganda conducted against this nation by those who carry this nation's identity cards. The conscience of this nation is perturbed."[10]

On the day following Çiçek's speech, Bosphorus University announced that the conference had been postponed. However, upon its rescheduling in September, it was then the İstanbul Administrative Court No. 4 that banned the conference. The prime minister criticised the decision of the court, stating that the opinions of the minister of justice are his own and that differing viewpoints needed to be expressed. The minister of foreign affairs stated that he would have attended the conference if his agenda had allowed it. As an interesting and ironic result, the minister of justice stated that the Administrative Court No. 4 had not banned the conference but merely changed its venue. Ultimately, the Armenian conference was held in Bilgi University on 24-25 September 2005 with the unwitting support of the government.

Another controversial point concerned the Code of Criminal Procedure (*Ceza Muhakemesi Kanunu*, CMK) which was approved on 4 December 2004 and introduced on 1 June 2005. The CMK shifted some of the authority of security forces to public prosecutors. It was criticised by the Ministry of Internal Affairs and the General Directorate of Security who claimed it would make Turkey "a paradise for criminals." Çiçek sternly reprimanded the police when he said "Do not keep criticising the law, just implement it!" He added that the security forces should perform under new conditions and renounce old methods. Minister of Internal

10 Minutes of the General Assembly, TBMM, 22nd Period, 3rd Legislative Year, 101st Sitting (24 May 2005), p.18. See. www.tbmm.gov.tr>.

Affairs Abdulkadir Aksu responded by saying: "Our security forces are not making excuses. They are striving to perfect their performance." Aksu also stated that laws which introduce fundamental changes might cause confusion and that uncertainty could be resolved by circulars from the relevant ministries and on-site training and seminars.

Following these discussions, some amendments were made to Code of Criminal Procedure No. 5353 dated 25 May 2005 to the effect that in cases where delay is unfavourable and where the public prosecutor cannot be reached, police officers are authorised to search and confiscate upon the written authorization of the police superintendent (CMK, Article 119/1, 127/1). Thus, as a result of this policy of balance, matters which were discussed by the ministries were effectively settled.

Finally, amendment to the TMK, which came on the agenda from the second half of 2005, deserves notice. TSK authorities claimed that they had limited resources to fight against terrorism and asked for a review of the TMK in line with the model of the British anti-terrorism law. Consequently, under the aegis of the Ministry of Justice, the commission drafted a new anti-terrorism law in September 2005. However, the text of this draft was not released to the public. According to critics in the media, the draft included ratification of formerly repealed Article 8 concerning imprisonment of a minimum of one and maximum of three years for proclamations, demonstrations or marches with the aim of separating the integrity of the nation and state of the Republic of Turkey. Critics also expressed fears that once these broad definitions were left open to interpretation they could represent the sword of Damocles against the freedom of speech.*

With the TMK amendment, differences of opinion arose between government members. While the minister of justice defended the use of restrictive amendments, the prime minister and the minister of foreign affairs maintained that no going back is possible democratization process and conformity to the Copenhagen criteria.

Budgetary Share of the Security Sector

The budgetary share of the security sector, especially the defence sector, is almost always an issue for debate. For the first time in 2004, it dropped to second place in terms of organisational classification. This trend continued in the 2005 and 2006 budgets. The appropriations of the security sector in the 2005 budget, the increase and decrease of expenditures and the budgetary distribution as per organisation are shown in the following tables.

When the fact that the treasury allowance of YTL 7,652,237,552 is subject to special budget supervisory and regulatory institutions is taken into consideration, the consolidated central government budget reaches YTL 174,339,990,202. Budget appropriation to public order and security services stands at a total of YTL 21,136,727,894.

SECURITY IN THE WORK PLAN OF THE 59TH CABINET

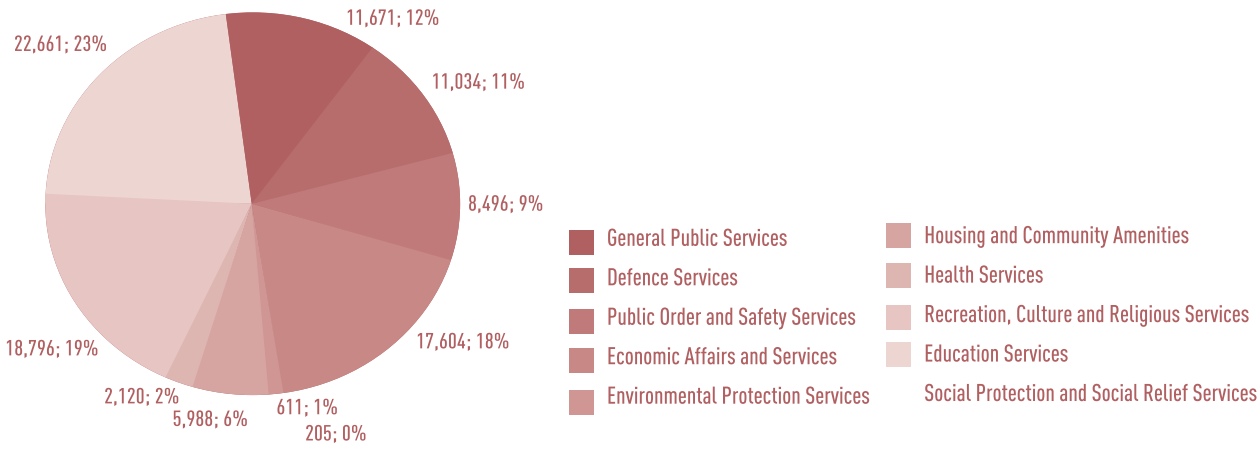
On 19 March 2002, Prime Minister Erdoğan underlined that the TBMM government program priviledged the position of the security sector: "Distinguished members of parliament, in parallel with the contributions of Turkey to NATO, Turkey has taken its deserved place in the European Security and Defence Identity (ESDI) which was established within the framework of the European Defence Strategy in the first AKP cabinet. Our government gives priority to the development of facilities required for the activities of our armed forces—that play an important role in preventing possible threats and in ensuring regional and global peace, stability and security—in international organisations, especially NATO and the United Nations. In this context, I would like to emphasize our understanding of the concept of security. Security is the essential and crucial function of a state. When the geographical position of Turkey and regional developments are considered, our government by no means is going to be insensitive to security and defence issues. What our security and defence require will be fulfilled by our government."

* Editor's Note: The sword of Damocles is a reference to the legend of Damocles. It represents "the insecurity of those with great power due to the possibility of that power being taken away suddenly, or, more generally, any feeling of impending doom," as cited in the online wikipedia resource, see <http://en.wikipedia.org/wiki/Damocles>.

TABLE 1: THE SHARE AND INCREASE OF DEFENCE SERVICES AND PUBLIC ORDER AND SECURITY SERVICES IN THE 2004 AND 2005 BUDGETS[11]

FUNCTIONS	2004 ANNUAL BUDGET YTL	SHARE %	2005 ANNUAL BUDGET YTL	SHARE %	INCREASE %
Defence Services	10,044,014,591	6.7	11,035,360,187	7.1	10
Public Order and Security Services	7,309,703,987	4.9	8,494,259,328	5.5	16
Total	17,353,718,768	11.6	19,529,649,515	12.6	26

Table 2: DEFENCE AND SECURITY EXPENDITURES IN THE NON-INTEREST BUDGET AS PER 15 DECEMBER 2005



Reference: Republic of Turkey Directorate General of Budget and Fiscal Control, <http://www.bumko.gov.tr/chart/data.htm>
Reference: Republic of Turkey Directorate General of Budget and Fiscal Control, <http://www.bumko.gov.tr>.

TABLE 3: APPROPRIATIONS AND RATES FOR DEFENCE SERVICES AND PUBLIC ORDER AND SAFETY SERVICES IN THE 2006 CENTRAL GOVERNMENT BUDGET

	BUDGET APPROPRIATION (YTL)	RATE %
Defence Services	11,926,587,182	6.84 %
Public Order and Security Services	9,210,140,712	5.28 %
Total	21,136,727,894	12.12 %

11 It is useful to specify the service units included in Defence Services and Public Order and Security Services shown in the budget. Defence Services includes: military defence, civil defence, external military aid, research and development regarding defence, non-classified defence. Public Order and Security Services include: security, fire prevention, courts, prison management, research and development regarding public order and security and non-classified public order and security services. See: Directorate General of Budget and Fiscal Control <http://www.bumko.gov.tr/proje/proje1/fonksinif.mht>.

TABLE 4: APPROPRIATIONS MADE FOR THE INSTITUTIONS OF THE SECURITY AND DEFENCE SECTOR IN THE 2004, 2005, 2006 BUDGETS

INSTITUTIONS	2004 (TL)	2005 (YTL)	2006 (YTL)
Ministry of National Defence	10,889,575,000,000,000	10,976,455,418	11,877,533,000
Undersecretariat of the Defence Industry		38,009,366	23,440,000
General Command of Gendarmerie	2,279,671,000,000,000	2,371,673,385	2,571,561,000
Coast Guard Command	162,360,000,000,000	174,658,857	194,459,000
Directorate General of Security	3,370,350,000,000,000	4,236,257,718	4,804,713,000
Undersecretariat of the National Intelligence Organisation	301,000,000,000,000	296,108,500	352,570,000
National Security Council General Secretariat	9,768,152,000,000	11,739,574	10,971,000

NATIONAL SECURITY COUNCIL

Gencer Özcan*

Historical Background

The Higher Defence Council (*Yüksek Müdafaa Meclisi*, YMM), the predecessor of the National Security Council (*Milli Güvenlik Kurulu*, MGK), was founded on 24 April 1933. YMM is assembled under the chairmanship of the prime minister, or the president if he/she so wishes, with the participation of the chief of general staff and the members of the Council of Ministers. Its activities are regulated by decree and its mission is described as "defining those duties that will be granted for national mobilization and preparing the necessary keynotes." YMM was later replaced by the National Defence Higher Council (*Milli Savunma Yüksek Kurulu*, MSYK), which was founded on 3 June 1949. MSYK consists of the prime minister as chairman, ministers proposed by the prime minister and elected by the Council of Ministers, the minister of defence, and the chief of general staff, with the addition of the president who is considered a natural member of MSYK. With the Council of Minister's decree of 1 July 1949, the ministers of internal affairs, foreign affairs, finance, public works, economy, commerce, transportation, and agriculture and enterprises became Council members. The same decree stipulated that the Turkish Armed Forces (*Türk Silahı Kuvvetleri*, TSK) commander general would be a member of the Council only in times of war. MSYK was given the following duties: "preparing the essentials of the National Defence policy that will be carried out by the government (...) defining the National Defence duties and missions that are to be carried out by the governmental organisation, private institutions and enterprises, and citizens and preparing the Total National Mobility Plan in peacetime and ensuring its full application when necessary."

MSYK was transformed into MGK with the 1961 Constitution. Like in the case of YMM, whose work was regulated by decree and was replaced by MYSK, whose work was regulated by law, MGK replaced MYSK, elevating the council into a constitutional institution. Article 111 of the 1961 Constitution redefined MGK's structure and duties and stipulated that the council's members consist of ministers that would be defined by law, the chief of general staff and various armed forces representatives. In this way, the influence of the military wing was considerably increased in MGK. According to the Article, MGK's mission is to "declare necessary basic concepts to the Council of Ministers in order to assist in the decision-making process concerning national security and provide coordination." Following the 12 March memorandum, Article 111 was changed with the amendments of 20 September 1971, stipulating that members should be the commanding officers of the army instead of representatives of various armed forces, and that the council would "advise the necessary basic concepts to the Council of Ministers in the national security decision-making process and for provision of coordination. MGK's decisions were thus strengthened, taking on the form of 'recommendations.'

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After the regulations of 12 September 1980, MGK's authority and duties were expanded, and the military wing within the MGK gained a determining influence over council decisions.

The Situation Post-1980

MGK is situated at the centre of the security state structuring that was reviewed by the military administration between 1980 and 1983, whose purpose was to legalize the preventive measures to be taken against domestic and foreign threats. With the 1982 Constitution and Law No. 2945 of the National Security Council and National Security Council General Secretariat, dated 9 November 1983, MGK's authorities and duties, as well as its decision-making process, were strengthened in a way that increased the military's influence. A strong MGK General Secretariat was established under the supervision of the general staff, with expansive authorities and staff opportunities. Through other legal regulations made during the National Security Council period, the institution's central role in the governmental mechanism was strengthened even further. The military had, on the one hand, the opportunity of exerting influence over developments that were regarded as national security problems during the regular monthly MGK meetings, and on the other, managed to play a key role in the preparation of the National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi* MGSB), regarded by some observers as the 'secret constitution' or the 'god of laws.' In this way, MGK has functioned as a military mechanism within the government for the past twenty years, supported by a general secretariat granted expansive authority, and a broad national security approach.

MGK's structure, authorities and duties are generally defined by Article 118 of the 1982 Constitution. According to this article, MGK consists of the president, the prime minister, the chief of general staff, the ministers of national defence, internal affairs, foreign affairs, commander generals of the land, naval and air forces and the gendarmerie. The distribution of the council members demonstrates that a careful balance was established between the military and the politicians. Possible conflict between ministers coming from different political parties in times of coalition governments increase the military wing's chances of having its views accepted. Similarly, when the support of the president has been assured, the balance is tipped in favour of the military. Article 118 also regulates MGK's position in reference to the Council of Ministers. MGK "declares its views concerning the decisions to be made regarding the determination and implementation of the national security policy and the coordination this requires to the Council of Ministers," and in return "the measures the council deems necessary are taken into consideration with priority by the Council of Ministers." The fact that the Council of Ministers has to take [the decisions of MGK] into consideration with priority is an important indicator of the way the political regime functions, and shows that the council was raised to the same level as the Council of Ministers.

MGK after the Helsinki Summit of 1999

After the European Union (EU) Helsinki Summit of 1999, regulations were made to shape Turkey's national security policies in a more democratic way. The legal regulations directly concerning MGK can be analyzed under three main headings. The first and foremost of these regulations is the amendment to Article 118 which made MGK into a constitutional institution. According to the amendment dated 3 October 2001, MGK consists of: the prime minister, the chief of general staff, deputy prime ministers, ministers of justice, national defence, internal affairs, foreign affairs, land, naval and air forces commander generals and the general commander of gendarmerie, under the lead of the president. This allows most of the members to come from the government wing. Again, with this amendment, it was stipulated that MGK's

decisions be evaluated by the Council of Ministers and not taken into consideration with priority. The amendments also stressed the fact that the MGK's decisions possess the character of 'recommendation.'

The second regulation refers to amendments made to the Law of National Security Council and National Security Council General Secretariat No. 2945, on 7 August 2003 in order to make it compliant with the constitution. With these amendments, it was stipulated that the secretary general be appointed by the prime minister and that the vast authorities of the council be limited. Law No. 2945 gave the general secretariat the authorities of following and controlling the practices and regulating, directing and coordinating cooperation. This made the MGK General Secretariat into a centre where intelligence coming from all governmental institutions was gathered single-handedly, making it a unit that functioned as the 'memory and action centre' of the government. The secretary general, whose duty was to provide continuity in the government became "the brain of the MGK—the secret prime minister."[1] The general secretariat's authority to follow and control the practices implemented as per MGK decisions were transferred to the deputy prime minister. As part of the same amendment, the council meetings are to be held every two months instead of every month, and a person of non-military background can now be appointed secretary general.

The third amendment refers to the abolition of the secret regulation defining the duties and working principles of MGK's General Secretariat through a new regulation dated 29 December 2003. The fact that this regulation—which permitted the General Secretariat to function as an autonomous executive power, through the extraordinary authorities it gave to the secretary general—was abolished is an important step towards transparency of the political regime. Decision No. 6688, a regulation that was accepted by Council of Ministers on 29 December detailing the restructuring of the General Secretariat and the redefining of its duties, authority and staff, was narrowed and the organic ties between the organisation and the General Staff were severed.[2] Additionally, the number of intermediary service units was decreased from eleven to six. This led to the closure of units, such as the Community Relations Presidency (*Toplumla İlişkiler Başkanlığı*, TİB), which had been responsible for conducting psychological operations.

In 2005, reflections of the changes made to MGK's duties and authority as part of the EU compliance laws were observed in different practices. The demilitarization/transparency efforts aimed to make MGK an institution that no longer exerts military power over the political regime. However, the military wing continued to deliver messages about sensitive subjects to the government during its meetings and, as was seen in the August meeting, continued to issue warnings. Nonetheless, with the increase of civilian members at MGK and its ongoing structural changes, the council lost, to a certain extent, its use as a platform in which the wishes of the military were legalized. This generated claims that the function had been transferred to the Supreme Military Council (*Yüksek Askeri Şura*, YAŞ).

The differences in the declaration that was released following the Supreme Military Council meeting of 30 November 2004, both in content and form, justify the claims of MGK's function being transferred to YAŞ. According to the declaration, during the YAŞ meeting: "the threats and risks in the region were analyzed, the surrounding countries' disarmament and

1 Ali Bayramoğlu, "Asker ve Siyaset," **Birikim**, August – September 2002, p. 44.

2 Journalist Murat Yetkin wrote that with the decrease in some service units and the number of consultants, the number of retired officers working in the General Secretariat will also decrease, contributing to the demilitarization of the organisation. "Right now, there is a staff of around 950 people. According to statistics, most of the personnel are of civilian origin but when you take out the secretaries and office clerks, most of the remaining civilians are retired officers. The government plans a soft transfer of the excess personnel to the General Staff or other government agencies." Murat Yetkin, "Bayramdan Sonra Sivil MGK Geliyor," **Radikal**, 28 November 2003.

modernization activities were compared;" in this context, the status of the important projects about maintaining the deterring power of TSK were assessed, the importance of the allocation of necessary resources for the realization of these projects were stressed, the *status quo* in Iraq, the impact of possible further developments on Turkey and the related preventive measures taken were discussed. An assessment of the fight against terrorism and fundamentalism was made, the issue of the total fight against terror in all areas was discussed, the fundamentalist activities against the secular republic were evaluated and the preventive measures that should be taken were reviewed, information about the establishment activities of the Centre of Excellence for Defence Against Terrorism that was proposed to NATO by Turkey was presented.[3] During the YAŞ meeting of 1 December 2005, Prime Minister Erdoğan was informed in detail about the fundamentalist wings' increasing activities against the secular republic in recent times by the General Staff Operations and Intelligence Units. A presentation was also made by the General Staff Plan Principles Department concerning the latest developments in the Middle East, the status quo in Iraq and the impact of possible developments on Turkey.[4]

MGK Activities in 2005

In 2004, important developments concerning the National Security Council were observed. These developments were observed in the process of redefining both the MGK and the General Secretariat's duties and authority as part of the legal amendments made for meeting the Copenhagen Criteria. Firstly, as a result of the changes made in the Law No. 2945, the working mechanisms of MGK that had been in effect since 1983 were changed as of December 2004. Secondly, the amendments concerning the changes to the authority, duties and administration of the MGK General Secretariat went into effect in the second half of the year. As of August 2004, the General Secretariat was led by a non-military administrator and coverage of 1984's secret regulation, defining the working principles of the organisation, was narrowed to a great extent. With the release of a new regulation, the General Secretariat commenced a process of visible demilitarization/ transparency. As part of the same amendment, MGK representatives in institutions such as the Higher Council of Radio and Television (*Radyo Televizyon Üst Kurulu*, RTÜK), the Turkish Radio and Television Corporation (*Türkiye Radyo Televizyon Kurumu*, TRT) and the Council of Higher Education (*Yükseköğretim Kurulu*, YÖK), were retracted. The review of the National Security Policy Document 2005 should be evaluated as part of these developments.

Agenda Headlines

Generally, the most important external security issues that are discussed by the council involve Cyprus, Greece and the developments in Iraq. However, domestic security is also discussed in great detail. Topics include public order problems such as separatist terror, fundamentalist threats and purse-snatching, reasons for domestic migration and the problems it causes in big cities, the implementation of a national science and technology strategy, "the effective use of our water resources" and "energy security." After "separatism" and "fundamentalism" were classified as top priority threats in the 1990s, issues involving domestic security have made their way onto the council's agenda more frequently.

The evaluation of issues that were included in the MGK agenda in 2005 commenced with the regular meeting held in the last days of 2004. In the meeting of 30 December 2004, the EU summit decisions of 16-17 December were assessed, and the two reports prepared by the Ministry of Foreign Affairs and the EU General Secretariat were opened to discussion. The

3 "Açıklamaya Dikkat," **Hürriyet**, 1 November 2004.

4 Uğur Ergan, "En Az İhraç," **Hürriyet**, 2 November 2005.

organisation of a schedule for full membership negotiations was a positive development. However, "the removal of some negative aspects" and "proceeding with the negotiations in a way that is not discriminating to Turkey, that is unconditional and that is sustainable" was stressed as a precondition. Concerning the PKK/KONGRA GEL activities that are classified as part of domestic security issues, it was stated that "after the organisation declared that it supposedly restarted its attacks; it failed to be as effective as it aimed to be in the region". In relation to foreign security issues, developments such as the Iraqi elections of late January and the killing of the Baghdad Embassy security staff were discussed.

The first meeting of 2005 was held on 25 February. The declaration that followed showed that the council gave priority to the *status quo* after Iraq's elections. It is interesting to note the importance given in the declaration to the participation by all in the creation of the new constitution for national integrity in Iraq. Also of note is the "satisfaction" expressed through the "recognition of the existence of a nation in the eyes of the global public, a nation that has all the characteristics of a parliamentary government and implements the democratic rules fully," after the elections held in the Turkish Republic of Northern Cyprus (*Kuzey Kıbrıs Türk Cumhuriyeti*, KKTC). The declaration also stressed that "a detailed evaluation was made concerning the level reached in our defence industry and how much of the modernization needs of the TSK it meets, as well as the measures regarding the development of a sufficient national defence industry."

The second meeting scheduled for 25 April was held on 18 April because of the presidential elections in the KKTC and the Armenian genocide claims that returned to spotlight on the 90th anniversary (24 April). Topics under discussion included foreign security issues such as EU relations, Iraq's transition period and problems with the United States, soft security issues, such as international migration to Turkey, domestic migration and the status of the energy sector, were also discussed. Minister of Energy and Natural Resources Hilmi Güler was invited to the meeting to make a presentation.

It was interesting to note that in the declaration that followed the meeting, besides issues concerning Cyprus, emphasis was placed on the soft security issues. "The reasons for domestic migration and the problems it causes in big cities" were highlighted and a call was made for the "immediate implementation of solutions to problems faced by cities losing and gaining population due to migration." It was also pointed out that "a detailed evaluation of energy security in Turkey, the situation of the sector, its potential, and of energy planning for the future, the investment demands and restructuring work" had been prepared.

The June MGK meeting received a lot of attention due to the debates concerning the MGSB update. Despite the news that the MGSB would be finalized in the meeting held on 21 June, the finalization had to be postponed due to lack of consensus between the military sector and the government.

The review of MGSB, in light of new threat assessments, drew public attention in August. Due to news reports stating that the preparations for a new document prioritizing asymmetrical threat factors because of the increase in PKK assaults in the months of summer were in their final stage, the debates about who should determine threat priorities and in which way intensified again. The news based on General Staff resources about the fundamentalist threat maintaining top priority was criticized in circles close to the government. Yet despite these debates, MGSB was not included in the August meeting agenda.

A report prepared by the MGK General Secretariat following the increase in PKK attacks was distributed to Council members

prior to the August meeting. The report seeks to answer the question of why PKK terror that was at a relatively low level after 1999 rose again in May 2005, and the rise in question was related to a variety of reasons such as PKK's internal struggles due to inactivity and leadership conflict, the developments in the Middle East, especially in Iraq, and the relations of Turkey with the EU that are about to take a new turn on 3 October. The report proposed new legal measures to be taken in order to eliminate problems faced by security forces that fight against terror, but stated that Turkey should refrain from measures like declaring a state of emergency that would harm the EU [membership] process.[5] The increase in PKK attacks, as well as the debates about the supra and sub [national] identities (*üst kimlik / alt kimlik*) that began in the month of August made the Kurdish problem the most important item on the agenda of the 23 August meeting.

The military members brought to the attention of the council, the expression 'the Kurdish problem' in speeches made by Prime Minister Erdoğan prior to his meeting with a number of opinion leaders on 10 August and also in Diyarbakır on 12 August. During the meeting, the military members asked the prime minister questions such as what exactly he means by 'the Kurdish problem,' what kind of a plan he has for its resolution and what he means by 'democratic Republic.' The declaration following the 23 August meeting was assessed as a "post-modern" warning by the military to the government, due to its content and form.[6] Article 2 of the declaration justifies these assessments. Statements like: "the main idea behind the founding philosophy of the Republic of Turkey or protecting the independence and integrity of the nation, the indivisibility of the country, and protecting the republic that is a democratic, secular and social state of law," are a kind of code that reflect a well-known style that is frequently used by the armed forces:

> "In compliance with the main idea behind the founding philosophy of the Republic of Turkey, the characteristics of the republic have been defined in the constitution; protecting the independence and integrity of the nation, the indivisibility of the country, and protecting the republic that is a democratic, secular and social state of law; providing the peace, welfare and happiness of the society without discriminating people based on language, religion, ethnic background and gender were listed as the main purposes and duties of the state. (...) The first and foremost purpose of the governments of the Republic is to achieve this aim by carrying out the duties foreseen in the constitution. There is no doubt that this aim will be achieved by protecting the independence and integrity of the nation and the indivisibility of the country."

The public also showed great interest in the MGK meeting of 24 October, that took place with the participation of the new force commanders who were appointed on 30 August, namely Commander of the Naval Forces Yener Karahanoğlu and Air Force Commander Faruk Cömert. The fact that the meeting coincided with the beginning of the full membership negotiations with the EU is meaningful. In the meeting of 24 October, the council pointed out that the water issue was the *casus belli* of the future in the Middle East, and discussed necessary measures to avoid shortages in Turkey in the next 20-30 years. The council's inclusion of matters such as energy security and water problems in its agenda is noteworthy.[7] The fact

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5 Murat Yetkin, "Konuyu Kim Açar?," **Radikal**, 15 August 2005.

6 Yetkin claimed that President Ahmet Necdet Sezer "earmarked almost every sentence" of the declaration. Murat Yetkin, "Geniş Açıdan Bakınca," **Radikal**, 25 August, 2005. In the press conference he held on 26 August 2005, AKP Deputy Secretary General Dengir Mir Mehmet Fırat answered a question about whether the declaration was a warning in the following manner: "The party reads it just like a declaration that was released by a constitutional institution. No one doubts the validity of the constitution. We know, just like everyone else knows, what the characteristics of the state are. Besides, there is no definition, nor forcing in this declaration. (...) Therefore, what we have here is a suggestion. We have not seen and do not see anything of a warning nature in the MGK declaration."

7 The Minister of Energy and Natural Resources Güler and the General Director of the State Hydraulic Works (**Devlet Su İşleri**, DSİ) Veysel Eroğlu made a presentation during the MGK meeting and in their presentation, they pointed out that Turkey is not a water-rich country and can therefore have problems in the future due to the increase in

that a soft security issue such as water shortage was analyzed not only from the point of view of the problems it causes in the relations with Syria and Iraq, but also from a technical viewpoint, was seen as a novelty attributed to MGK Secretary General Alpogan's period of duty.

Furthermore, there was also news about the new attempt to forge an assessment of northern Iraq and terrorism with the approval of President Sezer during the 24 October meeting, and that the work entitled East and Southeast Action Plan that would be part of the December meeting agenda is a result of this request by Sezer.[8] The increase in PKK assaults and the Şemdinli incidents that began on November 9 were the main points of the 29 December meeting agenda. Indeed, it was interesting to note that the issues that were debated—such as developments in Iraq, total fight against the PKK, internal migration and the economic problems stemming from it—were always somehow related to the Kurdish separatist movement problem. In the words of a journalist: "MGK is not concerned about citizens of Rize migrating to Istanbul, but about citizens of Diyarbakır, Şırnak, Hakkari, Batman migrating to, say, İstanbul, Mersin, Bursa, Ankara."[9] During the meeting, the East and Southeast Action Plan that was prepared to counter threats emanating from developments in Iraq and the Kurdish separatist movement problem were presented to the government. However, in the declaration that followed, no information was given about whether the plan was discussed by the council. The action plan stipulated that a separate secretariat be established within the Anti-Terror Higher Council (*Terörle Mücadele Yüksek Kurulu*, TMYK) responsible for coordination between government bodies. In accordance with the proposal, it was decided that TMYK, led by Deputy Prime Minister Abdullah Gül, be responsible for the coordination of the General Staff, Ministries of Internal Affairs, Foreign Affairs, Justice, National Intelligence Organisation and other related ministries, especially regarding matters concerning the Kurdish problem.[10]

The Updating of MGSB

The updating of MGSB was on the agenda throughout the year, and became the most important item in the 24 October meeting. An amendment to the document, which was last updated in 2001, was decided upon in the MGK meeting of June 2004. The prospect of a change for the first time since AKP had come to power, led to a struggle between the centres that share political power, sometimes in plain view of the public. The threats and how they would be prioritized in the document became the most controversial points. The document was expected to be shorter than its predecessors and it was foreseen that the [section containing the] external threats against national security would undergo a change. The forecasts that were based on information from government resources took into consideration developments such as Syria no longer being a threat, increasing concerns about the future of Iraq and Iran's attempts to develop nuclear power. In the MGSB draft prepared by the MGK General Secretariat, the main reason for the update was defined as the global terrorism that came to Turkey in the form of the İstanbul attacks, giving priority to the concept of asymmetrical terror.[11]

There are two changes worth mentioning in the preparation process of the MGSB. The first is the

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the population. In order to avoid water problems, it was decided that all relevant government institutions will coordinate and follow a long-term strategy, and it was foreseen that in target year 2023 "a water capacity of 38.5 billion cubic meters be reached for drinking, daily usage and industry." In the declaration following the meeting, it was stressed that: "in order to ensure an efficient use of our water resources; for the irrigation of agricultural areas, meeting the water needs of the cities and the industry, for the complete usage of the technical and economic hydroelectric production potential, the measures to be taken until the year 2023 and the immediate completion of dams on border-crossing waters" were discussed.

8 Murat Yetkin, "Irak ve Kürt federasyonu MGK'da," **Radikal**, 25 December 2005.

9 Murat Yetkin, "29 Aralık MGK'sının Önemi," **Radikal**, 31 December 2005.

10 Murat Yetkin, "PKK'yla Mücadelede Yeni Patron," **Radikal**, 4 January 2006. The Council that made it once again into the spotlight, following Chief of General Staff Özkök's statements about the necessity of establishing a new institution that worked under the prime minister and provided coordination between security circles and the government, held its first meeting in September 2005. Murat Yetkin, "Terörle Mücadelenin Başına Dışişleri Bakanı," **Radikal**, 27 September 2005.

11 Fikret Bila, "Milli Güvenlik Siyaset Belgesi," **Milliyet**, 25 November 2004.

simplification of the document from its original 90 pages to 25 pages upon the request of Prime Minister Erdoğan. The second involves the suggestions concerning changes to the tone of the document in the update prepared by the Ministry of Foreign Affairs. In news based on explanations made by ministry officials, the new tone was defined as follows: "We put together a simple text. Instead of vague expressions, we made clear definitions of Turkey's benefits, and the threats [it faces]. We expressed clearly the measures that could be taken against the threats. We wrote clearly what should be done and why. We put an end to military logic. Vague expressions that could be interpreted by anyone in any way they wish, such as 'various measures will be taken,' 'whatever is necessary will be done,' 'is open to threats' were not used."[12] MGSB did not include comments about the impossibility of opening the Heybeliada clergy school in the final draft as officials had stated that, in a document containing the general guidelines of the national security policy, such details were unnecessary.[13]

The most important change to the document is the removal of the extreme right-wing movement's being defined as a threat. It is interesting to note that along with separatist terror and fundamentalist activities, the extreme left-wing also kept its place in the document as a threat factor.[14] In the new 25-page document that was handed over to the Council of Ministers, separatism, fundamentalism and the extreme left remained as priority threats, whereas the extreme right was no longer classified as a threat but defined only as a factor that should be monitored. In the terror chapter that has apparently led to controversy between the government and the military, the expression 'terror organisations that employ religious motifs' was used. As part of this definition, organisations like Al-Qaeda and Hizbullah were openly named.[15]

In the document, Cyprus was defined as one of the foundation blocks of Turkey's security in the east Mediterranean, and the protection of rights and advantages in Cyprus was stressed as a priority target. As part of the asymmetrical threat-assessment that was employed for the first time in the MGSB, along with problems like international terrorism or drug and human trade, factors such as weapons of mass destruction were also taken into consideration. Among the issues that have an influence on public order, problems of an economic nature such as unemployment, imbalance in wealth distribution and differences of development among regions were named. Another feature worth noting was the return to the water problem, which was noted as a possible *casus belli* in the Middle East in the future. The water problem is now officially recorded as a matter of national security.[16] Additionally, there was news that the new MGSB kept the section containing the expression "'the usage of the army against domestic security threats and taking over the administration when deemed necessary in order to eliminate the threats" unchanged.[17]

In the section concerning external security, no ranking of threats was made; simply the influence of neighbouring countries on Turkey's security strategy was assessed. In the assessment concerning Greece, it was pointed out that no compromise should be made and a decisive policy should be followed in the matter of ownership of isles which is a controversial point.

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12 Hilal Köylü, "Patrikhane Tehdit Değil," **Radikal**, 28 December 2004.

13 Deniz Zeyrek, "Gerekirse Asker Yine 'Göreve'," **Radikal**, 28 October 2005.

14 In the Domestic Security Strategy Document, domestic threat was defined as: "a threat the roots and provoking resources of which are within the borders and abroad, consisting of extreme left, extreme right, separatist and minority activities, aiming at abolishing the government system defined by the constitution and replacing it with a system compliant with its own ideology and dividing the country through dangers that disturb the domestic security." Ali Sali, "MGSB'de İlk Tehdit Yine Terör," **Yeni Şafak**, 24 October 2005.

15 Turan Yılmaz, "Aşırı Sağ Artık Tehdit Değil," **Hürriyet**, 25 October 2005. This article by Turan Yılmaz caused severe reactions, especially in government circles. Foreign Minister Gül declared that he instructed MİT to find those responsible for leaking the document and defined the leak as irresponsibility. Ertuğrul Özkök, "O Haber Niye Hürriyet'e 'Sızdırıldı'," **Hürriyet**, 1 November 2005.

16 After the water problem was assessed as a security problem, TBMM Foreign Affairs Committee Chair Mehmet Dülger complained that the parliament was not sufficiently informed. Kemal Saydamer, "Dülger: Water Strategy Vital To Turkey," **Turkish Daily News**, 30 October 2005.

17 Deniz Zeyrek, "Gerekirse Asker Yine 'Göreve'," Radikal, 28 October 2005.

It was stated in the document that the possibility of Greece extending its territorial waters beyond six miles is unacceptable for Turkey, and that such an eventuality would be considered an act of war.[18] This statement caused tension in relations with Greece and Prime Minister Karamanlis, who postponed his visit to Turkey once again. Government circles reacted severely to the MGSB's changes being leaked to the press. Prime Minister Erdoğan claimed that the leak came from some MGK General Secretariat employees during the preparation process[19] whereas Minister of Foreign Affairs Gül stated that the leak was handled irresponsibly and that MİT was instructed to find the persons responsible for the incident. Chief of General Staff Özkök argued that journalists should have more sense than print anything that is made available to them.[20]

During the revision process, subjects that had been kept under a veil of secrecy were opened to debate, although in a limited fashion, and the government and the armed forces effectively strove to mobilize the public. In this manner, discussions that had once remained on MGK's agenda were now brought centre stage into the public arena. Topics once considered taboo became publicly discussed political issues. The debate in the second half of 2004 concerning the opening of the Fener Greek Patriarchate and Clergy School is a case in point. Although the General Staff assessed the opening of the Heybeliada Clergy School as an objectionable development during its update to the MGSB,[21] the judicium prepared by the Ministry of Foreign Affairs stated that the patriarchate did not pose a threat.[22] In what was reportedly the view of government circles, news articles stated that the clergy school would be permitted to open if "more Turkish teachers are sent to Komotini [Greece] Celâl Bayar High School in return."[23]

When the developments concerning MGSB are taken as a whole, despite some positive developments in the preparation process of the documents, a problematic emerges. In western democracies, similar documents prepared by the government and the security sector state the necessary precautions and the general action plan for national security as general principles whereas in Turkey, taking into consideration the preparation process, content and political impact of the MGSB, the document is designed predominantly by the military sector in a way that limits the authorities of various executive and legislative organs. During the preparation phase, the General Staff and MGK General Secretariat play a predominant role, as opposed to the Council of Ministers which should be in the centre of the process. When the content is analyzed, political decisions and problems that should be left to the responsibility of governments and the oversight of parliaments are taken out of the political process with the justification that they are issues of state security. As for its political impact, MGSB is seen as a document that analyses problems that could be evaluated and handled differently by different governments in a way that is binding not only for the present government but also for other governments that will come to power at a later date, thus burdening governments with the responsibility of decisions for which they are not liable.

In this manner, regular political processes are interrupted for the sake of protecting state secrets, and in the execution phase, decisions that

18 Barkın Şık, "Aşırı Sağ Tehdit Değil," **Milliyet**, 26 October 2005. According to news based on MGK sources, it is interesting to note that some conditions were put on the table in order to remove the casus belli decision that led to debates in the last days of October. "As long as the Greek Parliament's 1994 decision about '19 May 1919 being the genocide day of the Pontus Greeks,' its decision of '25 April 1996 recognizing the Armenian genocide,' and its 1998 decision about: '14 September 1922 being the day of the Asia Minor genocide' are not abolished, the decision of the Turkish parliament cannot be abolished either. Ibid.

19 Ergun Aksoy, "Kırmızı Kitabı Kim Medyaya Sızdırdı?. Erdoğan: MGK Genel Sekreterliği Çalışanları," **Sabah**, 2 November 2005.

20 "Özkök Cool Towards YÖK Stance," **Turkish Daily News**, 31 October 2005.

21 Uğur Ergan, "Heybeli Açılmasın," **Hürriyet**, 28 April 2005.

22 Hilal Köylü, "Patrikhane Tehdit Değil," **Radikal**, 28 November 2004.

23 "Güvenlik Anayasası Masada," **Cumhuriyet**, 21 June 2005.

were accepted by one government are imposed upon another in the name of continuity in state administration. These practices do not comply with the established practices of modern western democracies. As long as the preparation, implementation and revision of MGSB remain unchanged, steps taken for the demilitarization of MGK and the MGK General Secretariat will remain superficial.

MGK General Secretariat

Although the General Secretariat was established directly under the prime minister prior to the radical amendments in August 2003, it is an institution of a military nature as far as staff is concerned. According to Law No. 2945, the General Secretariat was given duties and authorities such as follow-up and supervision of practices organisation, guidance and coordination cooperation. Article 9 gave the General Secretariat the duty of informing the president, prime minister and MGK when an MGK decision did not become a Council of Ministers decision. The Secretariat, having the duty of carrying out various studies, research, analysis and assessment and presenting these, along with suggestions, to the president, prime minister and the National Security Council according to Clause (a) of Article 13 practically had the first say in putting the agenda together. Clause (b) of Article 13 states that the Secretariat was responsible for cooperation, follow-up and supervision of practices, and organisation, guidance and coordination cooperation in the implementation of council decisions. In Article 14, the Secretariat was authorized on behalf of the president, prime minister and MGK in the carrying out, follow-up, control and supervision of the duties defined in the previous article. Article 15 states that, the Secretary was appointed from among TSK members to the rank of general/vice admiral "by Council of Ministers decision upon a letter of recommendation by the chief of general staff and the proposal of the prime minister."

The duties of the National Security Council General Secretariat were regulated by a secret by-law, the MGK General Secretariat by-law that went into effect on 10 February 1984 with the Council of Ministers Decision No. 84/776. Article 17 states that among the MGK General Secretariat's duties and authorities concerning the MGK decisions that are adopted as Council of Ministers decisions: "It follows and controls the practices. It undertakes all necessary actions for the realization of activities and procedures in compliance with the decision's content. When necessary, it enters into cooperation with ministries, institutions and organisations, and carries out organisational, guidance and coordination activities between ministries, institutions and organisations in the name of the prime minister." The most striking aspect of the by-law is the authority it gives the General Secretariat for conducting psychological operations. The authorities of the Community Relations Presidency which was part of the General Secretariat, clarify how the community should be guided in compliance with national security objectives. TİB is to define various forms of psychological operation demands nationwide, prepare long/middle/short-term plans in accordance with the national policies and objectives, ensure that plans develop according to the necessities brought about by daily circumstances, carry out the Secretary General-approved Psychological Operations Plan, "follow up and control the practices of the executive units and carry out coordination duties as stipulated by the by-law."[24]

The restructuring of the General Secretariat in a way that controlled all aspects of social and political life is worth noting. The National Security Office within the General Secretariat consists of a Special Politics Undersecretariat, Social Politics, Political Economy, Education and Culture Politics and Science and Technology Politics Undersecretariats. Furthermore, the establishment of sub-units under the

24 "Milli Güvenlik Kurulu Genel Sekreterliği Yönetmeliği," **Humanite**, December 2003-January 2004, p.147.

Community Relations Presidency, such as a Print Media Undersecretariat, Audiovisual Media Undersecretariat, Internet Undersecretariat, and most interesting of all, a Non-Governmental Organisations' Undersecretariat can be seen as examples of the attempt to adapt Cold-War centred activities to the post-Cold War era.

MGK General Secretariat after the Legal Amendments of 7 August 2003

The secret by-law regulating the working principles of the MGK General Secretariat was abolished in January 2004. The new by-law, regulating the authorities of the General Secretariat with a single article, brought about important limitations to its authority and radical changes to its organisational structure. The most striking of these changes involved termination of the psychological operations authority of the organisation. The by-law of 32 articles abolished the most controversial units of the General Secretariat, such as national security policy, community relations, information-gathering and total defence civil services. The by-law, which was announced in the *Resmi Gazete* (Official Gazette), unlike its predecessor, represented a significant change in itself.

Following changes in the legal authority and duty definition of the General Secretariat and its organisational structure, it was observed that some of the organisation's functions were transferred to other institutions. For instance, the unit named Community Relations Presidency, which was responsible for psychological operations, was put under the General Staff. A series of news articles published in November 2004 contain interesting details about this transfer of duties. According to the news, shortly before Yiğit Alpogan's appointment as secretary general, a kind of spring cleaning took place, the security tags of unfavourable persons and institutions and psychological operation plans were destroyed and the new secretary general took over the post, finding the institution clean of these tags and plans.[25] Whether the intelligence tags were actually destroyed continued to dominate discussion in the days that followed. A commentary referring to the possibility of the transfer of the archives in question to another institution pointed out that in order to understand "where the birds flew," the question of "which government institution were the staff of Community Relations Presidency and the Intelligence Gathering Group Presidency transferred to" should be answered.[26]

The appointment of Ambassador Yiğit Alpogan, through his transfer from the Athens Embassy to the head of the General Secretariat in August 2004, represents an important step towards the demilitarization of the security democracy in accordance with the EU compliance process. When taken into consideration with the legal amendments made in the same vein, the appointment of an official who was not a member of the General Staff demonstrates that an institution of key importance in the development of national security policies enjoys a more harmonious relationship with governments. In the statements made by Alpogan in the days following his appointment, signs supporting this view were observed. Alpogan stressed that he commenced his job with a wish to make the General Secretariat Organisation "an institution that produces policies and strategies and serves its 'clients', i.e. its members," and that he would direct the organisation towards following developments abroad, that is, matters of national security, as opposed to domestic developments.[27] This statement is a sign that the organisation, with its intensive interest in domestic security matters which had become a mundane issue, would, under the Alpogan administration, no longer be concerned with daily political problems, but would instead inaugurate a new era by focusing its attention abroad. Exactly how this tendency

25 Deniz Zeyrek ve Serkan Demirtaş, "Yeni MGK'dan İlk İcraat: Fişler İmha," **Radikal**, 18 November 2004.

26 Murat Yetkin, "Kuşlar Nereye Uçtu?," **Radikal**, 19 November 2004.

27 "Sivil MGK Perdelerini Açıyor," **Hürriyet**, 25 November 2004.

might reflect on the organisation's practices can only be fathomed by future developments.

The Alpogan administration gave special importance to press relations, providing interviews to journalists specializing on security issues, organizing periodical press conferences and informing the public of its non-confidential activities. Alpogan's first step towards transparency was the press conference organized on 30 December 2004. The conference, a first after the founding of the High Defence Council in 1933, made a big splash in the press. During the conference, Alpogan defined his view of the General Secretariat Organisation as follows: "We see our organisation as an institution that carries out long-term projects on domestic and foreign threats and generates ideas. Our main task is to serve the Higher Council consisting of military and civilian members. (...) We provide the decision-makers with the necessary material and our work ends there. MGK is not an executive institution, but a consulting one."

In the press conference, Alpogan stressed that some of the controversial activities from the past would no longer be carried out, and that activities such as those concerning Turks living abroad had been terminated.[28] In his statements, Alpogan stated that a total of 294 people were employed by the organisation, of which 279 were civilians and 15 were uniformed soldiers. The Community Relations Presidency has been abolished and its duties taken away from the General Secretariat. In its place, a think-tank has been established. On the other hand, it was also noted that although Alpogan gave the number of uniformed soldiers in his statement, he refrained from saying that 71 percent of the undersecretaries were retired soldiers.[29] The fact that two diplomats from the Ministry of Foreign Affairs, namely Kenan İpek and Gürsel Demirok, were appointed as chief consultants to Alpogan, and that the contracts of 20 of the 53 retired military personnel were not renewed in 2005 did, however, represent small but meaningful steps towards the demilitarization of the organisation.[30]

The structural transformation of MGK's General Secretariat under the Alpogan administration is also worth noting. The new structure of the Research and Assessment Presidency (*Araştırma Değerlendirme Başkanlığı*, Ar-De), which was responsible for writing the security assessment reports that were presented in the MGK meetings, now consists of three separate units. Accordingly, the Presidency included one unit that was made responsible for the coordination of economic, cultural, scientific and educational research, and two units that were delegated with issues concerning domestic and foreign security, respectively. The appointment of Gürsel Demirok—a career diplomat in the Ministry of Foreign Affairs—as vice-president of the foreign security unit under the Ar-De Presidency, is an attempt at changing the military nature of the organisation. Another development is the restructuring of the Foreign Security Vice-Presidency with six group presidencies—i.e. EU, Middle East, Russia-Caucasus, Greece-Cyprus-the Balkans, US-Far East and international institutions—as is the case with the Ministry of Foreign Affairs. Additionally, Alpogan's visits to Israel in April 2005 and to the United States in January 2006 point to the possibility that the organisation will now function in a way similar to the Ministry of Foreign Affairs. The realization of this possibility is a positive step towards a more democratic implementation of national security policies in Turkey.

In 2005, the MGK General Secretariat in 2005 was also involved in the organisation of a strategy delineated on 21-23 December aimed at managing a possible crisis following an earthquake in the Marmara region. The purpose of the Disaster 2005 Crisis Management Manoeuvre, supervised by the prime minister's

28 "Şeffaflaştık," **Hürriyet**, 1 December 2004.

29 Faruk Mercan, "Kırmızı Kitaplar Yenileniyor," **Aksiyon**, 6 December 2004.

30 It is interesting to note that high officials, such as retired Major General Emin Ersan, who was first assistant to the Secretary General, Research Department President Erol Kırışoğlu and Department President in charge of Secretariat Services retired Brigadier-General Enver Var, were among those whose contracts were not renewed.

Crisis Management Centre, was made responsible for testing the efficiency of the national crisis-management system, contributing to the development of disaster plans, testing the civilian-military cooperation and security alarm measures, and providing training in disaster management. The Elite Observer Briefing that was part of the Disaster-2005 Crisis Management Manoeuvre took place in the MGK General Secretariat with the participation of Prime Minister Erdoğan. The briefing was also attended by Chief of General Staff General Hilmi Özkök, Foreign Minister Gül, Deputy Prime Minister Mehmet Ali Şahin, Minister of Internal Affairs Abdülkadir Aksu, Minister of Energy and Natural Resources Güler and the general commanders of the armed forces.

The implementation of a structure that would work directly under the prime minister and that take over the tasks and authority of the prime minister's Crisis Management Centre—founded in 1997 to work as part of the MGK General Secretariat and the Total Defence Civilian Services Office—represented an important step in the demilitarization process. According to the bill of the Turkish Emergency Management General Secretariat, the new institution would take the necessary precautions to ensure the realization of efficient emergency-management nationwide in cases of such a scale that they threaten the national security and the welfare of the people, such as natural disasters, disasters of human origin, terrorism, domestic and foreign threats, severe economic depression, epidemics, migration and population movements. It would also coordinate and define the principles of civil-military cooperation and create and implement related policies.[31]

Another important aspect of the new regulations of the Alpogan administration involved the increase of the female employee ratio to 40 percent.[32] Institutional transformation was also reflected in the publishing of Promotion and Title Change By-Law in *Resmi Gazete* (Official Gazette) on 28 August 2005.

It is clear that the attempts of the Alpogan administration at demilitarizing the organisation and transforming it into an intellectual institution to change the impression that the MGK General Secretariat merely represents an extension of the General Staff operating as an executive institution. However, if demilitarization is to be defined as purging the government bodies and its essential institutions of a militarist and commandeering approach legally and functionally, institutional demilitarization goes beyond ridding an institution of the administrative elements of uniformed officials and putting it under the command of non-uniformed executives. This should not be understood as undermining the legal changes that make it possible to appoint civilians instead of executives of military origin, and the appointments made as a result. Although the appointment of civilian officials to key positions within the security sector represents one of the most important and necessary steps toward demilitarization, it is far from being sufficient.

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31 The institution planned on having a structure similar to the Federal Emergency Administration Agency in the US will works directly under Prime Minister Erdoğan in order to provide coordination between units, increase the capacity for intervention and organize the currently distributed emergency-management under a single administration. According to the draft, the main service units of the institution will consist of a risk, damage decrease, preparation and improvement, intervention and emergency administration centre, fire services, education, operational services and standards, strategic planning of international and civil society relations, evaluation and information technologies, resource planning and administration, and security and civilian-military cooperation presidencies. It is stipulated that the secretariat, which will be authorized and responsible for cooperation and coordination with the General Staff, ministries, government bodies, universities, local administrations, non-governmental organisations and the private sector in their respective subjects of expertise, will employ contract personnel, have a separate budget and will not be subject to the Government Bidding Law in matters of procurement. Ufuk Hiçyılmaz, "Başbakanlık Krize Talip," **Aksiyon**, 2 May 2005.

32 Utku Çakırözer, "MGK'da Kadın Yönetici Devri," **Milliyet**, 21 February 2005. Füsun Arslantosun was appointed deputy president of the Department of Press and Public Relations, Asuman Orhan was appointed deputy president of the Personnel Department, and along with Emel Budak who was appointed to the Legal Undersecretariat, three female experts assumed key administrative roles for the first time in MGK history.

Conclusion

2005 saw the opening of national security problems to public debate. The public viewed the changes taking place within MGK in an effort to understand the true nature of the relations between the armed forces and the government. Prior to MGK meetings, debates about which matters would make it on the agenda and which issues would cause internal conflict were widely analyzed in the press. Judging from public interest in the developments concerning MGK, it seems that the organisation is viewed as a barometer displaying how much the military sector limits political power. Debates over its agenda have ultimately served a positive function by establishing the condition of discussing security matters which were once considered taboo as ordinary political problems.

When analyzing the transformative process of MGK and its General Secretariat, the demilitarization process emerges clearly alongside a decrease in the numbers of staff with a military background. 2005 certainly ushered in a period of greater transparency: the public was informed of General Secretariat activities and the publishing of appointment and promotion by-laws were observed. Furthermore, the appointment of diplomats as secretary general and heads of various research units, as well as the restructuring of some units parallel to that of the Ministry of Foreign Affairs, leads one to assume that the Ministry of Foreign Affairs will have an increasing influence on MGK in the future.

Initial attempts to modify images of a military institution that carries out secret activities to that of a civilian and transparent institution have been largely successful. Nonetheless, it is still too early to argue that the process of debating, developing and implementing national security policies is running in a democratic way. This statement does not, however, negate the fact that the steps taken towards the demilitarization of MGK and its General Secretariat are too important to ignore. Moreover, to think that a structure that took decades to emerge could be easily abolished in the near future would be tantamount to denying the political realities of Turkey, to say the least. The development of national policies in the direction of the demilitarization of the security apparatus, their implementation and revision, leading to civilian oversight of the security sector should be seen as a commonplace by the basic organs and institutions of the government, alongside its acceptance by the public. In this light, Turkey has a long way to go before it achieves a democratic and politicized national security structure and function.

MILITARY JUDICIARY

Ümit Kardaş*

Historical Background of the Military Judiciary in Turkey

Today, the existence of a military judiciary is recognized by the constitutions of many countries.[1] Constitutional articles generally leave the authority of decision-making concerning the establishment and the span of authority of the military judiciary to the legislative body. However, some constitutions do not make any provisions for the institution of any military judiciary, at least in times of peace.[2]

The fact that some countries do not make any provisions for a military judiciary, that others consider its abolition and that, in still others, a military judiciary exists where civil judges are given positions in military courts (civilianization), demonstrates that the very concept of a military judiciary is undergoing a process of change on an international level.[3] The military judiciary is brought to the fore by the ideals of basic human rights and freedoms that are gaining ground in the 21st century, along with considerations concerning the principle of the independence of judges as guarantors of these rights and freedoms.

In the Ottoman Empire, the military class was a privileged one, composed not only of those who went to war and worked in military outfits, but also those in public service. Anyone who was appointed with the Sultan's warrant (*berat*) to any government/state office was considered as part of the military.[4] When there was a question of dereliction of duty or oppression by a person belonging to the military class, the accused was sent to a military council. In the case of high state officials, the Sultan himself chaired the council. In general, the Imperial Chancery of State (*Divanı Hümayun*) functioned as a court. The rules imposed by Islamic law were not strictly abided to in the judgment of the military class. The Sultan, or his representative, could lead an investigation on their own initiative in cases in which it was deemed it necessary and could use the authority of political execution without obtaining a *fatwa***. Many examples throughout Ottoman history illustrate how this procedure led to illegal applications, unjust prosecution and death.

In relation to the trial of janissaries,[5] who were a disciplined military force attached to the central authority, the rule was that a janissary could only be judged by his commandant and within his

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1 Article 105 of the Belgian Constitution of 1831, Article 116 of the Dutch Constitution of 1887, Articles 107 and 120 of the Brazilian Constitution of 1967, Article 145 of the Republic of Turkey Constitution of 1982.

2 The Constitution of the Federal Republic of Germany may be cited as an example. The Constitution of Austria has foreseen no military judiciary either in times of peace or war.

3 Antonio Intelisano, "Independence of Military Judges, Judges Advocates and Public Prosecutors," VIIIth International Congress (Ankara, 1979), p. 4.

4 Ahmet Mumcu claims that the reason the word 'military' encompasses all public service in the Ottoman State is worth examining, and proposes that this may have originated from the fact that the state organisation was based on military aims in the interest of foundation. For more information, see Ahmet Mumcu, **Osmanlı Devletinde Siyaseten Katl** (Ankara: Birey ve Toplum Yayınları, 1963), p. 55-57; Mumcu, Coşkun Üçok, **Türk Hukuk Tarihi** (Ankara: Savaş Yayınevi, 1982), p. 198-199.

** Editor's Note: Fatwa is a legal opinion based on Islamic law, issued by a mufti (jurisconsult), on a particular matter.

5 Tarık Zafer Tunaya, **Siyasi Müessesler ve Anayasa Hukuku, Siyaset İlmi Serisi 9** (İstanbul, 1969), p. 265; Mumcu, Üçok, **Türk Hukuk Tarihi,** p. 237.

barracks. Even the vizier who had exclusive judiciary power was not permitted to judge or punish a janissary.[6]

In 1914, after the constitutional period, a Military High Court of Appeals (*Divan-ı Temyizi Askerî – Askerî Yargıtay*) was established in İstanbul under a provisory law. The president of the court, who possessed the authority of corps commander, was elected by the minister of war and appointed by the sultan. The court also consisted of seven members, of whom four were high-ranking officers and three were jurists.[7] This represented the first incident of jurists participating in a military court. In 1916, the Military High Court of Appeals was reorganized in greater detail through a provisory law. This was abolished by decree in 1920, leaving the authority of appeals investigations to an administrative institution, a committee attached to the Bureau of Military Justice of the Ministry of War (*Harbiye Nezareti Askerî Adliye İdaresi*). The committee, which was composed of three officers and two civilian jurists, was abolished after a short period and the Military High Court of Appeals was re-established.[8] After the establishment of the Turkish Grand National Assembly, the Military High Court of Appeals was initiated, of which the president and two members were soldiers and the two other members were jurists according to Law No. 237 of 1922.[9]

Following the declaration of the Republic, Law No. 1631 of 22 May 1930 on Military Trial Procedures (*Askerî Muhakeme Usül Yasası*) was passed, prepared with recourse to German and French laws. The military courts established within regiments or equivalent posts according to this law were composed of a president and two members.[10] This law set up regimental (*alay*) military courts, as well as military courts attached to each division (*tümen*, or its equivalent); to the army corps (*kolordu*, or its equivalent); and to higher command posts. These courts consisted of a military judge and two military officers besides a military judge who acted as prosecutor,[11] whilst the Military High Court of Appeals consisted of two departments, in each of which four military officers and four jurists presided as members. The members elected from among the military officers ranked as brigadier-general or higher were appointed by decree for a period of two years, whilst the jurists were elected from among colonels. The president and vice-president of the Military High Court of Appeals were elected from among military officers ranked as lieutenant-general or higher and appointed for a period of two years by decree from the Council of Ministers.[12] It is, therefore, impossible to assert that the independence and immunity of military judges was assured within the system established by Law No. 1631.

The Situation Following the Law on the Establishment and Trial Procedures of Military Courts No. 353, Dated 1963

The Constitution of 1961, Article 138, Clause 4, requires that the majority of military court members possess the qualifications of a judge. In Article 2 of Law No. 353, prepared in accordance with the aforementioned provision from the 1961 Constitution, it was decreed that military courts were to be composed of two military

6 Sahir Erman, **Askerî Ceza Hukuku**, (İstanbul: İ.Ü. Hukuk Fakültesi Yayınları, 1974), p. 14 -15. When the Janissary Corps was abolished by Mahmud II (Vakayi Hayriye), the rules concerning janissaries were also abolished, and a new code of law named **Kanunname-i Asakiri Muhammediye** (Law of Muhammedan Military Force) was put in force in 1829, following which the practice of court martials consisting of seven persons was established according to the law called **Cezaname** (Penal Code) dated 1838. The president in these court martials was to be either a colonel or a major of cavalry or infantry whereas the members consisted of two captains, one first-lieutenant, one lieutenant and one noncommissioned officer. Furthermore, an officer of the rank of captain (**örf zabiti**) would perform the role of prosecutor. Later, court martials of which the formation could change according to the rank of the accused but which always consisted of a president and four members, were established with Imperial Military Penal Code of 1870.

7 Fahri Çoker, "Askerî Yargıtayın Tarihçesi," **Askerî Adalet Dergisi** (1966), p. 39.

8 Vasfi Raşit Seviğ, **Askerî Adalet** (Ankara, 1955), p. 300.

9 Sahir Erman, **Askerî Ceza Hukuku** (İstanbul: İ.Ü. Hukuk Fakültesi Yayınları, 1974), p.308.

10 Hilmi Özarpat, **Askerî Yargılama Usulü Hukuk** (Ankara, 1950), p. 32; Erman, Askerî Ceza Hukuku, p. 316.

11 Özarpat, Askerî Yargılama Usulü Hukuk, p. 33–35; Erman, Askerî Ceza Hukuku, p. 316–318.

12 Özarpat, Askerî Yargılama Usulü Hukuk, p. 39–40; Erman, Askerî Ceza Hukuku, p. 342–343.

judges and one military officer.[13] However, as a result of the lack of a specific provision in the 1982 Constitution concerning the establishment of military courts, lawmakers established military courts independently and disregarded the requirement that the majority of military court members possess the qualifications of a judge. Obviously, leaving such a door open made the military judiciary even more controversial.

The General Staff Military Court (*Genelkurmay Askerî Mahkemesi*) consists of three military judges and two generals or admirals. Cases against generals and admirals are heard at this court. The disciplinary courts established according to Law No. 477 on the Establishment of Disciplinary Courts, where cases of disciplinary crimes committed by military persons are heard, consist of a chairman and two members, all of whom are military officers. During the trials of non-commissioned officers and privates, one of the member positions is filled by a non-commissioned officer. The Military High Court of Appeals is comprised of five departments. The members of the Military High Court of Appeals are elected from candidates who are first-class military judges ranked lieutenant-colonel or higher. Each vacant position requires three candidates, with the vote of the absolute majority of the total number of members of the General Council of Military High Court of Appeals, who are then appointed by the President of the Republic.

What are the Problems Concerning the Military Judiciary?

Article 9 of Law on the Establishment and Trial Procedures of Military Courts No. 353 modified in line with the constitution, defines the span of the authority of military courts in relation to military personnel. In addition to military crimes committed by military personnel, these courts also try crimes committed by military personnel against other personnel or on military premises or in relation to their military duties and service. Certain crimes committed by civilians are also considered within the span of authority of military courts.[14] Articles 12 and 13 of the same law pertain to cases of military and civilian persons committing a crime in concert as well as to cases where a person has committed crimes subject to military trial and crimes subject to judicial trial. Due to these regulations, it is advisable to discuss the subject matter separately for military persons and civilians.

Problem 1: What Is Military Crime? How Should It Be Defined?

There is no definition in the Military Penal Code (*Askerî Ceza Kanunu*, ACK) as to what constitutes a military crime. However, the need for such a definition remains of utmost importance, as other spheres of duty are determined with respect to this definition. Crimes committed by civilians in concert with military personnel are considered military crimes, which constitutes the grounds for their trial in military courts and causes them to be separated from their "natural judges."

Clearly, the civilian and military judiciary systems in Turkey are different from one another; they are based on different procedures and the independence and immunity of the judges in each are arranged differently. This creates incongruity with regard to the unity of jurisdiction. Therefore, it is of tremendous import that the concept of military crime be clearly defined, with well-defined limits that leave no room for interpretation. An example which illustrates the urgent need for this definition comes from Article 54 of the ACK; based on Clauses 125 through 145 of the Turkish Penal Code (*Türk Ceza Kanunu*, TCK), inserted

13 According to Article 1 of Law No. 353, military courts are founded near division, army corps and force commandants and the general staff. However, military courts founded near divisions have been abolished with an amendment to the same law, but with a temporary clause they have been allowed to serve until their abolition becomes final. See **Resmi Gazete** (Official Gazette) No. 17229, dated 23.01.1981. Again, an amendment has been made to Article 2 of Law No. 353 with Law No. 2538 dated 16.10.1981, which stipulates that in hearings against 200 or more persons, the military court must be composed of four judges and a military officer. See <http://www.msb.gov.tr/Birimler/AsAdIsB/AsAdIsB353Kanun.htm>.

14 Article 11 of Law No. 353 on the Establishment and Trial Procedures of Military Courts.

into the ACK and henceforth defined as military crimes. The crimes these clauses refer to are of a political nature and it is therefore imprudent at best to transform them into military crimes. Besides artificially expanding the parameters of military crime, this also results in military personnel and civilians committing these crimes in concert both falling within the purview of military jurisdiction and separated from their "natural judges."

Military crimes must be more narrowly defined so as to solely encompass military matters. In other words, military crimes should be those crimes committed by military personnel and related to military duty and service alone. These must be defined as those acts that directly affect military discipline and infringe upon military service and duty. These crimes must be the principal criterion in determining the span of authority of military courts. Based on this, few crimes specified in the ACK could be considered military crimes. It is of utmost importance to clearly stress that once the span of authority of military jurisdiction is defined with respect to the aforementioned criteria, it will not be possible for civilians to be judged in military courts.

Problem 2: The Criterion of Military Locus

A crime committed by military personnel, in addition to ACK, may also be covered in the TCK by Law No. 6136, or, by another special law. However, a crime committed on military premises falls under military jurisdiction. Upon examining the decrees of the Military High Court of Appeals, which were established in light of Articles 12, 21 and 100 of the Law of Internal Service, military premises can be constituted as places where soldiers are educated, where they carry out their duties or manoeuvres

WHAT ARE THE LEGAL FOUNDATIONS FOR TRIALS OF CIVILIANS IN MILITARY COURTS?

The trial of civilians in military courts is regulated in Article 11 of Law No. 353. A parallel regulation was effected by Article 6 appended to the ACK on 25 May, 1972. Article 55 of the ACK entitled War Treason refers to Article 129/1 of the TCK. This article stipulates that persons who conspire with foreigners to facilitate the military manoeuvres of the enemy at the expense of the state of Turkey or to damage the military operations of the state of Turkey, or commit acts toward the aforementioned purposes will be punished. In the new TCK, articles corresponding to these crimes will be applied.

Article 56 of the ACK, which refers to Articles 133, 136/last, 127/3 of the TCK, has been named Treason to National Defence. In the new TCK, articles corresponding to these crimes will be applied. Article 57 of the ACK is entitled Acts Against National Defence and, at the same time, refers to Article 135 of the TCK, which covers the crime of espionage in secret military zones. Crimes referred to herein are covered in Chapter 1 of the TCK, entitled Crimes Against the Personality of the State. Articles 127/3, 129, 133, 136/3—the final ones of the TCK, are comprised in the first part of Chapter 1 entitled Crimes Against the International Personality of the State. In the new TCK, articles corresponding to these crimes will be applied.

Article 63 of the ACK regulates the crimes of absentee conscription, absentee conscription by way of late accession, call-to-duty desertion, and total desertion. The punishment of reserve officers and military employees who do not report for duty when called is regulated in Article 64 of the ACK. Article 81 of the ACK regulates The Crime of Fraud in Order to Avoid Military Service. Article 93 of the ACK pertains to the punishment of those inciting foment, Article 94 to the punishment of incitation of mutiny, Article 95 to the punishment of those negotiating military affairs or gathering for military purposes without authority, whereas Articles 100, 101 and 102 regulate the crimes of military mutiny. Non-military persons who commit any of the crimes mentioned in clause (B) of Article 11 of Law No. 353 in primary military forbidden zones, guardhouses, outposts, military headquarters and barracks, military institutions or places where soldiers reside or are billeted will be tried in military courts. In addition, non-military persons who attack, curse or insult soldiers or resort to violence or threat in order to force them to perform or not to perform the functions related to their military duties in the aforementioned places are removed from their "natural courts" and subjected to the military judiciary.

Clause (C) of Article 11 of Law No. 353 covers the crimes named in the Articles 188, 190, 191, 254, 255, 256, 257, 258, 260, 266, 267, 268, 269, 271, 272 and 273 of the TCK committed by non-military persons against soldiers performing sentry, guard, patrol, and outpost duty or military police, military traffic, police or rescue and aid work. The authority of hearing such cases is left to the military judiciary. Again, articles that correspond to these crimes in the new TCK will be applied. Clause (E) of Article 11 of Law No. 353 also posits that civilians can be judged in military courts in circumstances described in other laws. For example, civilians who commit crimes delineated in the code of martial law, crimes which instigated the declaration of martial law, or crimes that are related to a crime heard by the court of martial law will be tried in military courts.

and where they live or are billeted. These places include detachments, headquarters, military institutions (military hospitals, schools, officers' clubs, factories, clothing factories, recruiting offices, supply bases and warehouses), which are identified in Article 12 of the Law of Internal Service.

Places deemed "military loci" have been "named" in this article. However, a definition for what is to be understood by the expression "military locus" which would define the extent of the military courts authority has not been provided. Neither Law No. 353 nor Law No. 211 on Internal Service provides a definition for military locus; definitions are only provided in reference to the aforementioned places. For example, in Article 12 of the Law of Internal Service, the term "military institution" has been defined. Military personnel are separated from their "natural courts" and from their "natural judges" solely on the basis that a crime has been committed in a place considered a military locus. The fact that a clear definition of "military locus" does not exist paves the way for a too-broad application of this criterion.

Problem 3: Why Is the Criterion of "Crimes Committed by Military Personnel Against Military Personnel" Problematic?

The military judiciary is responsible for cases involving military personnel. These need not be military crimes as predicated in the ACK. It is sufficient that the alleged actions be committed against military personnel.

Military personnel who commit theft, fraud, forgery or property violation against a military person will be judged in a military court. These crimes have not even been referred to by the ACK. In other words, they do not even bear quasi-military crime attributes. The fact that they fall under the authority of the military judiciary merely because they have been committed against military personnel is not a sound premise on which to determine the extent of the court's authority. These arrangements are contrary to the principle of "natural judge." Accepting the authority of military judiciaries merely on the grounds that both the perpetrator and the victim are military personnel and refraining from handing such cases over to civilian courts can only be interpreted as an effort by the military to conceal internal matters and keep them private. This problem has significantly expanded the court authority.

Important Developments in 2005

There has been no discussion of the aforementioned points nor have any legal modifications been made as of 2005, due to the assumption that the problems herein fall under the dominion of military issues that cannot be addressed. However, these are problems pertaining to the judiciary at large which need to be solved in light of the principles of "natural judgement," unity of jurisdiction and judicial independence. The only and insufficient modification that has taken place in this domain is the clause appended to Article 11 of Law No. 353 with Law No. 4963 dated 30 July 2003. This clause stipulates that cases concerning crimes covered by Article 58 of the ACK (TCK 153, 161, 155) will not be heard in military courts if they are committed in times of peace by civilians.

A Holistic Evaluation of the Problems Related to Military Jurisdiction

The issue of defining the jurisdiction of military courts is problematic. Different opinions within the judicial system itself have elicited disagreements between judicial institutions. The related decrees of the Department of Punishment of the Court of Jurisdictional Disputes clearly indicate the parameters of the conflict between the military and civilian judiciaries. Under present regulations, the authority of military courts has substantially increased. Military courts hear cases of military crimes and also cases of common offences committed by military personnel. This is contrary to their *raison d'être*. Thus, military

courts have become the sole place of trial for soldiers, insulating them from "natural courts." It is important to bear in mind that, being Turkish citizens, personnel should also be subject to common law.

The military court is a completely separate institution in terms of its structure, procedures, jurisdiction and treatment of attenuating circumstances. This is particularly evident when the special procedures of its jurisdiction are considered, such as the appointment of judges, punishments imposed and the dependency of military judges on the commander with whom they are in a hierarchic relationship. Military personnel are not only isolated from their "natural judges" but are also in a different realm of jurisdiction by being under military jurisdiction for common offences. Clearly, the authority of the military judiciary comprising local military courts and the Military High Court of Appeals must be determined with utmost precision and sensitivity.

The most striking aspect of this issue is the inclusion of non-military personnel into this system. It is obvious that crimes that elicit the trial of civilians in military courts are not crimes directly or indirectly related to the procurement of national defence, to the execution of military service or to the protection of the discipline. However, claims that certain crimes committed by civilians are impairing the military cannot be made, as these crimes are typically of a political rather than military nature. The trial of civilians in military courts equates to their removal from "natural courts." Thus, the politicizing of military courts has many drawbacks.

Last but not least is the fact that military judges are not independent and immune. Military judges dress in military uniform and are part of a hierarchic structure. Commanders effect the promotion of military judges, whereas the force commander to whom they report is responsible for their appointment. Judges are evaluated by the review committee attached to the Ministry of National Defence. The minister of national defence can impose disciplinary action upon them. In this situation, a combatant officer appointed by the commander acts with the authority of a judge. It is obvious that the trial of civilians who commit certain crimes—even in times of peace—in courts which do not fit into any democratic and legal framework violates the right to a fair trial. The presence of military judges also hinders the financial situation of civilian judges. Financial and social benefits considered for civilian judges have been stalled and limited in order not to affect the hierarchy within the ranks of military judges. Furthermore, such partiality emanates from the armed forces that act with the imperative of protecting its own hierarchy in mind. In a state of law administered by a pluralist democracy, it is not even conceivable to think of such impediments to civilian judges.

COMPARATIVE LAW AND THE ESTABLISHMENT OF MILITARY COURTS

The basic characteristic of the military judiciary in countries following the Anglo-Saxon system of law is the presence of ad hoc military courts which combine to hear a single case or a determined number of cases and are dismissed after declaration of the verdict. In the United Kingdom, the military court is composed of military officers and a "judge advocate," whereas in the United States, the court consists of military officers and a "military judge" participates in the hearings. However, the military judiciary has no authority whatsoever over civilians.

In Germany, Sweden, Denmark and Norway a military court is non-existent in times of peace. Austria has no military court even in times of war. In France, Belgium, the Netherlands, Switzerland and Spain, civilian judges participate in the establishment of military courts, paving the way for demilitarization. In Algeria, Morocco and Tunisia, civilian judges take part in the establishment of military courts. Furthermore, no Military High Court of Appeals exists in Belgium, France, the Netherlands, Greece, the United Kingdom, Canada, Russia, Algeria or Tunisia.

THE TURKISH ARMED FORCES

Lale Sarıibrahimoğlu*

Introduction

The Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) consist of land, naval and air forces working under the General Staff. The General Command of Gendarmerie and the Coast Guard Command, which operate under the Ministry of Internal Affairs in times of peace, operate under the land and naval forces in times of war.

As stipulated by Article 117 of the constitution, the chief of general staff is appointed by the president upon the Council of Ministers' proposal, and his/her duties and authorities are regulated by law. In times of war, s/he carries out the duty of commander-in-chief on behalf of the president. The chief of general staff, whose duties are to define the principles and programs for personnel, intelligence, operation, organisation, training/education and logistical support services in order to command and prepare the armed forces for war, also directs TSK's relations with other countries and the North Atlantic Treaty Organisation (NATO).[1]

Again as specified by Article 117, the chief of general staff works closely with the Ministry of National Defence (*Milli Savunma Bakanlığı*, MSB) and is accountable to the prime minister, not the minister of national defence. The chief of general staff's status whereby s/he became accountable to the prime minister instead of the minister of defence became explicit following the coup of 1960 and in the 1961 Constitution. However, the constitution fails to define to whom the chief of general staff is to be held accountable in the exercise of his/her duties. Former President Süleyman Demirel argued that this condition worked against the principles of a state of law.[2]

TSK's special status constitutes one of the most significant obstacles for Turkey on the path to its efforts at compatibility with the European Union's (EU) political criteria in its negotiations for full membership. The EU demands that the Turkish chief of general staff work under the minister of defence, as in western democracies. Turkey is the only member state of the NATO whose chief of general staff is answerable to the prime minister.

The second most significant problem regarding the role, authority and position of the chief of general staff is TSK's tradition of proscribing elected civilian governments, as witnessed with the three military coups and the "indirect intervention" of 28 February 1997, known as the "post-modern coup," in the 82 years since the founding of the Republic of Turkey. What made the 28 February intervention post-modern was the mobilization of an army of civilian allies who voluntarily defended the military over 'fundamentalism' by evoking the reactions of the press and many Non-Governmental Organisations (NGOs). TSK carried out the aforementioned coups based on Article 35 of the

* Journalist, Defence Specialist.

1 See <http://www.tsk.mil.tr>.

2 Yavuz Donat's interview with Süleyman Demirel: "Demokrasi'de ordunun yeri," **Sabah**, 3 November 2005.

3 The Internal Service Law, which was accepted after the 1960 coup, gives TSK the duty of protecting and watching over the Turkish Homeland and the Republic of Turkey as defined by the constitution.

Internal Service Law.[3] The problem with Article 35 is that the authority designated to appoint the duty of protection and supervision is TSK as opposed to a civilian political authority.[4]

The turning point in the public debating of subjects considered taboo in Turkish politics, starting with TSK, was prompted by the EU Helsinki Summit of December 1999 with the granting of candidate status to Turkey by the EU. The first serious efforts to democratise the civilian and military sectors were initiated in the aftermath of a grave financial crisis that erupted in February 2001. Reforms that paved the way for good governance such as diminishing TSK's active role in the political domain, parliamentary supervision of the MSB budget and the extra budgetary resources allocated to defence through the Supreme Court of Accounts were initiated after the financial crisis. These reforms were legalised by the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) which came into power as the sole ruling party in November 2002. The reforms were supported by the Republican People's Party (*Cumhuriyet Halk Partisi,* CHP), the opposition party of the time.

The year 2002 was also when the current Chief of General Staff General Hilmi Özkök took over from General Hüseyin Kıvrıkoğlu in a rather painful fashion. Then Prime Minister Bülent Ecevit, made a proposal to extend Kıvrıkoğlu's period of duty on 15 July 2002[5] even though the legal period[6] had ended. Ecevit's justification to continue with the current chief of general staff centred on the possible negative impact of the US-led invasion of Iraq in March 2003 and the potentially critical developments in Cyprus.

The proposal to extend Kıvrıkoğlu's period of duty was supported by TSK's high-ranking generals, dubbed the Eurasianists, who preferred to act in coalition on issues concerning Iran, Russia and Central Asia instead of improving relations with the US and the West. The majority of these generals have since retired.

However, President Ahmet Necdet Sezer did not favour the proposal despite Ecevit's insistent attempts, due to the possibility that such an extension might undermine the commanding principles of TSK and turn the hierarchy upside down.[7] Ecevit's attempts were halted by the former Chief of General Staff General İsmail Hakkı Karadayı, and following a meeting held with President Sezer in 2002, Özkök became the new chief of general staff.[8]

In 2003 and 2004, three important laws that diminished TSK's influence in the political domain and paved the way for its oversight by the civilian authority took effect. The first is the Law Concerning the Amendment of Some Laws No. 4963 of 30 July 2003, known publicly as the 7th Harmonization Package, which introduced amendments to some articles of the National Security Council (*Milli Güvenlik Kurulu* MGK) as well as MGK General Secretariat's founding Law No. 2945, dated 19 November 1983. The amendments, published in *Resmi Gazete* (Official Gazette) on 8 January 2004 were introduced by a decree accepted by the Council of Ministers on 29 December 2003. With this decree, MGK activities and decisions, providing the legal grounds for the influential role TSK plays in political life, were reduced to the level of "recommendations to the Council of Ministers," a civilian was appointed as MGK general secretary for the first time, five military members were to remain in MGK,

4 Yavuz Donat's interview with Süleyman Demirel, "35. Madde Kalkmalı," **Sabah**, 31 November 2005. In this interview, Demirel stresses that Article 35, which gives TSK the authority for carrying out a coup, does not exist anywhere else in the world.

5 Sedat Ergin, "Ordu ile oynamak," **Hürriyet**, 9 December 2003.

6 Despite some exceptions, chiefs of general staff have a legal period of duty of four years and are required to be under the age of 67 for any extension of this period to be possible.

7 Sedat Ergin, "Sivil darbe mi, askerî tasfiye mi," **Hürriyet**, 7 December 2003.

8 The author's interview at the time with well-informed military sources. On the other hand, there are important indications that the US played a role in the events that emerged with failure of the Kıvrıkoğlu operation and Özkök's becoming Chief of General Staff. In this context, the article written by ret. US Lieutenant Colonel Steve Williams for the American think tank **Western Policy Center**, dated 30 October 2002 and entitled "The New Face of the Turkish Army" is worthy of attention. The fact that the writer plasters Özkök with praise, whereas he criticizes Kıvrıkoğlu, drawing attention to the fact that Kıvrıkoğlu never visited the US during his term of office but went to China, and defining him as a recluse creates the impression of US lobbying activities for preventing the operation against Özkök. Indeed, Özkök visited the US one day after the 3 November elections that brought AKP to power.

whereas the number of civilian members was increased to seven. As a result of these amendments, TSK's membership to the Council of Higher Education (Yüksek Öğrenim Kurumu, YÖK) and Higher Council of Radio and Television (*Radyo ve Televizyon Üst Kurulu*, RTÜK) were abolished.

The second significant law is the Public Financial Administration and Control Law (*Kamu Mali Yönetimi ve Kontrol Kanunu*, KMYKK) accepted in December 2003 and going into effect in January 2005. This law stipulates the parliamentary oversight of TSK's budget—consisting of the military budget allocated through MSB and the extra budgetary resources allocated to defence—through the Supreme Court of Accounts. With a decree that was passed in February 2004 based on this law, the road was opened for the Supreme Court of Accounts to supervise military expenditures and any extra budgetary defence expenditures by demand of the president of the parliament.

The third regulation that stipulated civilian oversight of military expenditures was realized with an amendment made to the constitution. With the legal adjustment publicly known as the 8th Harmonization Package, an amendment was made to the last clause of Article 160 of the constitution on 7 May 2004. With this amendment, which went into effect following its publication in *Resmi Gazete* (Official Gazette) on 22 May 2004, the principle of auditing TSK-held state property through the Supreme Court of Accounts in the name of the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) was legalised, which was another step towards lifting the veil of secrecy on this matter.

However, it is worth noting that the regulatory statute necessary for the Supreme Court of Accounts to conduct this audit has yet to be passed due to TSK's ongoing objections.

During this period, TBMM also made an attempt to initiate the democratic oversight mechanism over fraudulent acts in weapons procurement. In 2003, TBMM's Corruption Investigation Committee launched an investigation with the claim that the state had sustained a loss of USD 180 million in the procurement of Airborne Early Warning and Control (AEW&C) systems. However, the investigation was terminated and the government approved the purchase of four AEW&Cs worth USD 1.5 billion. The termination of the investigation was yet another example of the parliament and the government's inhibition and reticence to scrutinize military bids.

These reforms, which made the military sector more accountable to taxpayers and partly diminished its dominant role in politics, were inextricably tied to Turkey's expectations that the country would be granted a definitive date for the commencement of full EU membership negotiations on 3 October 2005.

These steps, taken for the sake of harmonization with the EU's democratic criteria, triggered criticism, particularly of General Özkök, who defined AKP's coming into power as a democratic process and was credited with paving the way for the reforms. Indeed, anti-EU groups within and outside the armed forces held Özkök responsible by claiming that "he made concessions to secularism and was close to a party with a strong Islamist base, i.e. AKP."

Important Developments in 2005

In 2005, problems in relation to Turkey's internalization process emerged, such as the acceptance and implementation of a series of reforms that were passed to harmonize Turkish legislation with that of the EU.

The Commanders' Public Speeches

As criticized in the EU's Progress Report of 9 November 2005, TSK continued to influence politics. High-ranking commanders continued to regularly express their views on domestic as

well as foreign policy matters. One of the most concrete examples was the 45-page speech delivered by Özkök on 20 April 2005 on the occasion of the opening of the War College Command. Özkök covered domestic and foreign policy matters, showing that the tradition of making speeches in public in the name of TSK, which *de facto* become binding, by an institution with no political accountability to the public was by no means over.[9]

Land Forces Commander General Yaşar Büyükanıt's speech subsequent to the bookstore bombing belonging to alleged PKK convict Seferi Yılmaz in Şemdinli-Hakkâri on 9 November 2005 was yet another example of TSK's influence on national policies. However, reactions were swift because of TSK's influence on the judiciary. In reference to the gendarmerie petty officer Ali Kaya, Büyükanıt stated that he knew him well and that he is a good soldier.[10] Kaya was apprehended with petty officer Özcan İldeniz under suspicion of involvement in the bombing and for "disrupting the unity of the state".

Another example of the behaviour of high-ranking commanders was evidenced by the visit paid by Samsun Garrison Commander Major General Naci Beştepe to Ondokuz Mayıs University President Ferit Bernay, who was heavily involved in the secularism debates with AKP.[11] General Hurşit Tolun, retired from his post as commander of the 1st Army Command in the Supreme Military Council (*Yüksek Askeri Şura*, YAŞ) was another high-ranking military official who made politically-driven speeches in his retirement. In a speech delivered at the village support practice, which was organised by the 5th Army Corps in Önerler village of Çorlu-Tekirdağ, Tolun, who appeared as the leader of a political formation of approximately 40 retired generals, claimed that the supporters of *shari'a* who yearned for the caliphate and attempted to weaken the basic characteristics of the Republic of Turkey were conducting a systematic assault against persons and institutions trying to bring such actions to an end.[12]

The penchant of high-ranking commanders to make public speeches on domestic and foreign policy matters was sustained most obviously by Özkök and Büyükanıt. While a recent decrease in such behaviour has been observed, the fact remains that TSK continues to influence domestic and foreign policy, which should ultimately be shaped by the government.

The National Security Policy Document

The National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi*, MGSB), is a roadmap that identifies domestic and foreign threats faced by Turkey and delineates policies established to ward against such threats. Despite a number of legal reforms stipulating civilian oversight of the military sector, it cannot be said that National Security Policy Document is prepared completely under the initiative of the civilian authority. Although they might take a different form, roadmaps in EU countries also analyse threat perceptions in domestic and foreign security matters and summarize counter-policies. However, these roadmaps, which are prepared by civilian authorities working directly under the prime minister with the contribution of the military, are made open to the public. It is also possible to obtain information about the kind of structuring armies undergo based on these documents, particularly through material published on national websites. Nonetheless, it is also apparent that every country retains information that is classified as secret and that classified materials are naturally not open to public debate. At this juncture, the critical aspect of the practice of

9 See <http://www.tsk.mil.tr> (especially: Basın Yayın Halkla İlişkiler, Konuşmalar ve Yazılı Mesajlar, 2005 Yılı Konuşmalar ve Yazılı Mesajlar).

10 It is expected that General Büyükanıt will take over as chief of general staff in the Supreme Military Council (**Yüksek Askeri Şura**, YAŞ meeting of August 2006, and to continue this duty until his retirement in 2008. It is not known whether the government will interfere with Büyükanıt, who exhibits behaviour that intervenes with civilian politics. However, when asked whether Büyükanıt's assumption of this duty will be blocked a high-level AKP Deputy said "Let's see what the new day will bring" and expressed his displeasure with the future chief of general staff.

11 "Tümgeneral Beştepe'den OMÜ'ye destek ziyareti," **Cumhuriyet**, 21 January 2006.

12 "Tolon: Terör konusunda Türkiye'ye çifte standart uygulandı,"**Anadolu Ajansı,** 24 July 2005.

secrecy in Turkey is the fact that some of the information that is classified secret is not considered secret in countries that are more advanced, especially in terms of military technology.

Since the contents of such files are kept secret, information can only be obtained by news leaked to the press and from various high-level sources. Given that the public has dubbed the National Security Policy Document the secret constitution, it is possible to summarize developments regarding the document in 2005 as follows: in 2005, there was a desire to prepare the MGSB, perhaps for the first time, with the meaningful guidance and participation of the civilian authority.[13] However, the document was published in October 2005, following a delay stemming from the military wing's objections concerning domestic and foreign threat assessments and with an emphasis on the views of the military sector.[14] It was observed in the MGK meeting of October 2005 that the government made attempts to influence the shaping of MGSB. It appears as though the government will lead the way in the perception of domestic threats, beginning with the fight against PKK terrorism which is on the rise again.[15] However, the document was published only after the inclusion of a series of statements from TSK that considered the extension of Greece's territorial waters in the Aegean to 12 miles as a *casus belli*.

13 A long time before the debates on whether the civilian authority can shape the MGSB, it followed an active policy regarding Cyprus in 2004 and played a leading role in changing the Cyprus policy that is shaped with the influence of the military.

14 A high-level official who was interviewed by this author stated that, as opposed to claims in the press, MGSB was not published the way the military wanted, but was accepted with a slight change that the official could not disclose.

15 Indeed, when speaking about the General Staff's demand for a new legal regulation in the fight against terrorism, Minister of Foreign Affairs Abdullah Gül stated "The armed forces and the police get their instructions from the government. This global fight also has other aspects. Freedoms should not be limited," stating the need for the government to play the leading role in the shaping of policies. ("Gül: Terörle mücadelede direktifi hükûmet verir," **Milliyet**, January 4, 2006). Mir Dengir Fırat, one of the leading figures of AKP said "the General Staff, Gendarmerie Intelligence and Anti-Terror Organization (**Jandarma İstihbarat ve Terörle Mücadele Teşkilatı,** JİTEM), National Intelligence Organization (**Milli İstihbarat Teşkilatı**, MİT) are of no importance to us. We are the boss," hinting that the draft for the Anti-Terror Law will be prepared by the government. ("Genelkurmay, JİTEM bizi bağlamaz," **Milliyet**, 16 September 2005).

16 See <http://www.msb.gov.tr>.

Parliament and its related committees do not participate in the preparation of MGSB. According to Article 118 of the constitution, the duty of assessing whether TBMM should be informed about MGSB rests with the Council of Ministers, which is responsible for national security. However, a high-level general wishing to remain anonymous noted that "We (the military) prepare MGSB, and send it to the prime minister's office for printing". This statement confirming that the authority preparing this document is in fact TSK.

Similarly, the president does not play a role in the preparation of the MGSB and as chairman of MGK, is only permitted to make suggestions at MGSB-related meetings.

The White Book

As in other NATO-member countries, MSB also publishes a *White Book*. The purpose of this book is to provide information to the public about the country's domestic and foreign threat perceptions, and its defence policies and structures. The *White Book* is published with a frequency varying from country to country; for instance, it was published in Germany and France for the last time in 1994 after the dissolution of the Soviet Union. These countries are currently making preparations for a new *White Book* following the terrorist attacks of September 11, assessing asymmetrical threat perceptions concerning threats the provenance of which is unknown.

In Turkey, the White Books are traditionally published every two years.[16] However, this tradition has not been observed since 2000, the reasons for which apparently centre on various technical problems.

Although it is possible for the public to find informative content in the White Books of other NATO and EU countries, information in Turkey's *White Books* are taken from previous ones by means of a cut and paste method. For instance, detailed information regarding the army structures of other NATO countries cannot

be found in MSB's *White Book*. This *Almanac*, however, presents diagrams pertaining to the organisational structure of the TSK that are not contained in the *White Book* but were obtained from a number of specialized foreign publications compiled from its own sources (see. Diagrams 1–18).

The government is preparing to publish a report entitled: National Strategic Concept (*Ulusal Stratejik Konsept*, USK). Prepared with the coordination of the Ministry of Foreign Affairs, it is stated that the report analyses which global developments might influence Turkey in the decades to come and embraces a long-term viewpoint.

The USK, expected to be completed in March, is intended to represent an umbrella document that will be placed above MGSB, the *White Book*, and the National Military Strategic Concept (*Milli Askerî Strateji Konsepti*), which will provide the basis for the re-structuring of the armed forces.

Domestic and Foreign Threats

Article 2a of MGK was identified as problematic by the 2005 EU Progress Report in light of its broad definition and interpretation of national security.[17] For instance, the desire of the Joint Staff to close down the teachers' union (*Eğitim-Sen*) representing educators who advocate education in one's mother tongue, i.e. in Kurdish, was allegedly due to a broad threat perception.[18]

Yet, although both TSK and the government perceive PKK, the extreme-left Revolutionary People's Liberation Party/Front (*Devrimci Halk Kurtuluş Partisi/Cephesi*, DHKP/C), *Hizbullah*** and Al-Qaeda, determined to have connections in Turkey, as priority domestic threats, deep disagreements exist between the army and the government concerning the definition of domestic threat where TSK gives priority to domestic threat.

TSK's insistence on perceiving AKP as an indirect threat to secularism represents another interesting development. It undermines the idea that the elected government is the determining authority of threat perceptions.

TSK conflicts with the government on the issue of perception of foreign threats. Despite the Cyprus problem and the unresolved border conflicts in the Aegean between Greece and Turkey, the possibility that EU-candidate Turkey will go to war with EU-member Greece over these issues is practically no longer existent. Nonetheless, TSK considers Greece's extension of its Aegean territorial waters by 12 miles a *casus belli*,[19] reflecting a certain level of paranoia. The government, however, is expecting to overcome this impasse and is attempting to find a solution through diplomatic means.

Interestingly, following the September 11 attacks, TSK's threat perception did not undergo significant changes. Due to its long fight against the Kurdistan Workers' Party (*Partiya Karkerên Kurdistan*, PKK) terrorism, TSK states that it is already prepared for asymmetrical threats that might come from irregular sources.

Therefore, TSK perceives the problems that it identifies as extensions of the Cold War era—including symmetrical risks that might have a negative effect on Turkey's security and lead to a high-intensity conventional conflict, such as possible instability in neighbouring countries,

17 According to this article, national security entails the protection of the state's constitutional order, its national existence, its integrity, all of its interests in the international realm including the political, social, cultural and economic against all manner of domestic and foreign threats.

18 European Commission, **Turkey 2005 Progress Report**, 9 November 2005. See <http://www.abgs.gov.tr>.

** Editor's Note: **Hizbullah**, or the Party of God is a militant Islamist Sunni group unrelated to the Lebanon-based Shi'ite **Hezbollah**.

19 The fact that Greece's possible extension of her territorial waters to 12 miles is considered a **casus belli** led to the shelving of the idea of dissolving the Aegean army, which was established as a deterrent against Greece. This idea first emerged in May 2000 from former Naval Forces Commander Admiral Güven Erkaya, who was a consultant to then Prime Minister Ecevit. The same proposal came last year from TBMM Chairman Bülent Arınç. However, following TSK's reaction, the idea of dissolving the Aegean army was abandoned. The reasoning for this was the expectation that following the dissolution of the Aegean army, Greece would make a mollifying diplomatic gesture and also give up her armaments policy in the eastern Aegean islands. The Aegean army was established as the 4th Army Corps immediately after the Cyprus peace operation on 20 May 1975. It contains six brigades, four regiments, nine battalions, air defence troops, aerial and artillery batteries and logistics-support detachments.

the establishment of a separate Kurdish state in northern Iraq, and weapons of mass destruction; asymmetrical risks and threats, such as separatist and fundamentalist activities, and joint threats, such as international terrorism and illegal immigration.[20]

The resulting impression is that in relation to domestic and foreign threat perceptions, the government does not boast a comprehensive threat perception either. According to a western expert, it appears that the government conducts diplomacy with temporary solutions in mind while handing security matters over to the military.

The Problem of Downsizing the Army

TSK, which did not significantly alter its threat perceptions after September 11, has not experienced a downsizing of any kind or initiated plans to professionalise, which might allow for a more rapid response to such threats. Instead, TSK plans to adopt a mixed system consisting of professional soldiers and compulsory military service personnel over time.[21]

According to a western military expert, TSK, with its four forces, ten army corps, special forces command and two infantry divisions, maintains a structure similar to that which existed during the Cold War (see Sidebar 1). Another criticism of TSK's structure came from CHP İstanbul Deputy Şükrü Elekdağ. Elekdağ stated that the threat perceived by Turkey equates to approximately one fourth of the threat it faced in 1988-1998, that conventional threats had significantly decreased and yet no important changes had been observed in TSK's structure. Stating that the Turkish Armed Forces is the largest force within NATO after the US, Elekdağ pointed out that TSK should reduce its size, arguing that a decrease in the number of soldiers would allow for serious savings on expenditure.[22] (For an evaluation of the cost of a single soldier, see Sidebar 2).

According to official figures, the number of soldiers in Turkey stands at 820,000, and the largest segment is in the Land Forces Command (*Kara Kuvvetleri Komutanlığı*, KKK) (See Sidebar 3). However, according to unofficial figures, the number is actually closer to one million. The number of plain soldiers is approximately 800,000 whereas regular officers (including generals) form a small part of the aforementioned total. Germany, with a population of over 70 million, a number close to that of Turkey, has a total of 248,305 soldiers.

Western military experts believe that TSK's slowness in strengthening its capacity to respond to the new kind of threats that emerged after 9/11 is related to its focus on domestic threat-perceptions such as fundamentalist activities and PKK. According to this view, which is also adhered to by some Turkish military experts, the main obstacles to a meaningful reduction of TSK, whose main duty is to protect the homeland against foreign threats, relate to TSK's desire to play a leading role in determining domestic threats and, although not officially stated, to keep the domestic threat definition broad, including even the current government which is of Islamist origin.

On 23 June 2003, the period of duty for plain soldiers was reduced from 18 months to 15 for privates and from 16 to 12 for surrogate officers. In May 2004, TSK dissolved the 4th Brigade (see Sidebar 4). Although these decisions were rather symbolic as a means to reduce the number of military personnel and render the army more flexible, the Chief of General Staff General Özkök stated in his speech of 20 April 2005 that as a result of the dissolving of the 4th Brigade, the number of military personnel would be reduced by 150,000 and that until the modernisation project had been completed, there would be no further downsizing of TSK.

20 For the speech made by Chief of General Staff Özkök on 20 April 2005 at the War Academies Command see <http://www.tsk.mil.tr>.

21 Askere Alma Daire Başkanlığı (ASAL); see <http://www.msb.gov.tr>.

22 Elekdağ made this speech to the TBMM Plan and Budget Committee during the MSB budgetary meetings ("CHP'li Elekdağ'dan 'TSK yeniden yapılandırılsın' çağrısı," **Anadolu Ajansı**, 8 November 2004).

The speed with which a meaningful reduction and professionalisation of TSK might be conducted in the future undoubtedly depends on the nature of relations between the government and the armed forces.

It is also claimed that, in this context the AKP government gained political prestige by TSK's participation in several international Peace Corps operations.[23] In order to increase its strategic activity on the international level, TSK assumed command of the International Security Assistance Force (ISAF) in Afghanistan twice, once in 2004, and the second time in February 2005. TSK also hosts three of the Centres of Excellence established as part of the re-structuring of NATO in response to new threats. These are the Counter-Terrorism Centre, Partnership for Peace Training Centre and the 3rd Army Command in İstanbul, which has been allotted to NATO's Emergency Intervention Force.

TSK's EU Strategy

In 2005, in various statements and presentations, TSK indicated that it was not in favour of the EU membership bid, which began heavily influencing TSK's privileged and autonomous structure. The statement of Naval Forces Commander Admiral Yener Karahanoğlu at the opening of the naval forces military school for its 233rd educational year on 3 October 2005, the same date given for Turkey's negotiations for full membership to the EU, read as follows: "I believe we will have to count our fingers after shaking hands with the EU." These words epitomised TSK's opposition to and scepticism of the EU.

General Tolun, who retired from command of the 1st Army Command in 2005, and who is thought to be one of the leaders of the Back to the Defence of Rights Movement (*Yeniden Müdafa-i Hukuk Hareketi*), which is a political formation consisting of a group of academics and retired generals, continued to cause controversy on account of his outspoken opposition to the AKP as well as Turkey's projected membership in the EU. Claiming that Turkey was moving away from secularism, Tolun maintained that the West's interventions to protect the long-term benefits of EU countries and the US represented the root of all the problems Turkey faced, such as minority rights, attacks against the Aegean, Cyprus and the republican regime, along with pro- *shari'a* extreme tendencies.[24]

TSK stated that it would favour Turkey's admission into the EU as long as it retained its privileged status. Knowing, however, that membership under such circumstances was unrealistic, TSK has instead embraced an ambiguous approach.

TSK and Foreign Policy

Turkey parted from the *status quo* mentality, maybe for the first time, under the present government. The most telling example has been the important step taken by the government to solve the Cyprus problem which has been ongoing for over 40 years.

While a majority of Turkish Cypriots accepted the Annan Peace Plan—a plan named after UN Secretary General Kofi Annan—on 24 April 2004, which stipulates the reunification of the island, Greek Cypriots rejected it. When the EU not only accepted Greek Cypriots, who refused the solution plan, as full members in May 2004, but also failed to remove the economic embargo on Turks using the Greek veto as an excuse, frustration was expressed by many different sections of Turkish society and this was perhaps the reason for the slowing down of the reform process in Turkey.

TBMM's refusal to open a second front in Turkey for US forces during the invasion of Iraq paved the way for strain between the two countries. TSK played an important role in the rejection of the proposal and incurred

23 However, it is also observed that there is a difference in the policy of obtaining prestige solely with the power of TSK within the government. Indeed, Minister of Foreign Affairs Abdullah Gül said "Even if TSK is very powerful, or our economy is powerful, if [our] democracy is not within universal standards, [we] cannot become a strong country" ("Gül: TSK yetmez," **Milliyet**, 26 December 2005).

24 "Türkiye laiklikten uzaklaştırılıyor," **Cumhuriyet**, 10 December 2005.

significant damage in its relationship with the US. Accordingly, as a result of this situation Turkey became an onlooker to the developments that were taking place next door in Iraq and that have the potential to influence all of the Middle East.

However, while the government and TSK have taken important steps to improve relations with the US and follow concessionary policies towards Iraq, the US administration— despite a vindictive group bitter about the proposal of 1 March—began to re-invest in its policy of improving relations with Turkey, a country that the United States depends heavily on in the region for its own national interests.

Nevertheless, problems surfaced between Turkey and the United States over the procurement of weapons. Turkey's policy of increasing national materiel in its procurement of arms together with stricter US policies on the transfer of technology to developing countries impacted on its relationship with US companies. Turkey's introduction of a technology transfer licence in weapons manufacturing had an effect on many US-supported defence industry projects, including assault helicopter projects worth billions of dollars. Accordingly, the procurement of 20 assault helicopters by Turkey was not supported by US companies specifically because of the complications associated with the new specifications.

In 2005, the AKP government relaxed its strict stance against Israel's close cooperation with Kurds in northern Iraq, as well as its resorting to disproportionate violence in the Palestinian Territories. Following pressure from the strong Jewish lobby in the US, which signalled the retreat of Turkish support, Prime Minister Erdoğan promptly revived Turkey's commercial, military and political relations with Israel. Prior to his delayed visit to Israel, Erdoğan gave the Unmanned Airplane project to an Israeli Company, and thereby soothed Tel Aviv.

An important foreign policy development that made its mark on 2005 was witnessed in Turkey's improved relations with neighbouring Middle Eastern countries generated in part by an increase in trade with the region to 16.5 % over the last five years.

TSK, Parliament and Government Relations

The government's policy on the military sector and its civilian allies has been focused on maintaining the existing balance. Legal changes are being introduced to comply with the EU's *sine qua non* criteria, such as the determination of Turkey's domestic and foreign policies by civilian authorities, the restructuring of MSB along civilian lines, and the fact that the chief of general staff is authorised to work under the minister of defence. The political will to remove Article 35 from the Internal Service Law, which provides the base for military interventions, has not surfaced.

However, the goverment's passing of laws which pave the way for the democratic supervision of TSK has generated reaction. The latest instance of this was witnessed on 7 December 2005 when AKP Tokat Deputy Resul Tosun requested the relocation of the TBMM guard and ceremony battalion out of town along with other military headquarters. Tosun retreated when TSK made a statement on 8 December 2005 describing Tosun's call as "an individual raving."[25] TBMM Chairman Arınç's statement regarding the battalion underlined another spoke in the traditional dynamic of military-civilian tensions in Turkey.[26]

The fact that Prime Minister Erdoğan never consults with General Staff Operation Department Presidency Chairman Lieutenant-

25 As a reaction to this incident, then Motherland Party (**Anavatan Partisi**, ANAP) İstanbul Deputy Emin Şirin claimed in his letter to the chief of general staff on 9 December 2005 that "an abstruse addressee is targeted" and further stated "I invite you to be respectful to and not deprecate members of parliament and to treat those who express their opinions with courtesy." In the same letter, Şirin said that the location of the battalion should be at the land forces military school, at the same time expressing his reaction to the military's duty of watching over the TBMM, who represent the country's will despite its shortcomings.

26 The parliament's chairman stated "As long as I am in AKP, and as long as my name is Bülent Arınç, I do not have enough power to remove this battalion from here." ("Meclis'teki taburu kaldırma gücüm yok," **Hürriyet**, 7 October 2005).

General Bekir Kalyoncu, who was appointed as a consultant to the prime minister could be indicative of the government's deliberate distancing from the military.[27] Erdoğan's disapproval of the low fly-over of F16 planes during the funeral of those who died in the bombing of the Şemdinli bookstore underlined the very real tensions persistent in civil-military relations.

On the other hand, in order to clarify the military wing's reaction, it could be said that the government, which made important reforms on the road to democratisation, also carried out a series of practices that disturbed pro-reform secularist elements, such as AKP's failed attempt to make adultery illegal within the Turkish Penal Code in 2004, attempts at alcohol prohibition, Erdoğan's suggestion to consult the *ulema**** as a response against the European Court of Human Rights' stand approving headscarf prohibition (in Turkey's university campuses), and finally, the debate Erdoğan engaged in with the business world. AKP's slow progress in the EU harmonisation process and its attempts to modify the public agenda are worrying developments and reflective of what former President Süleyman Demirel calls the 'deep state' led by the military and anti-reformists.

Supreme Military Council (YAŞ) Meetings

TSK's prevention of personnel, who are discharged from the army through YAŞ decisions and on the grounds of fundamentalist activity, from returning to the armed forces through judicial means continues to be a point of contention between the government and the army. In the YAŞ meetings that are held twice a year and headed by the Prime Minister, promotions and retirements in the armed forces are determined at the August meeting. The matter of who is to be discharged on the grounds of fundamentalist activity is discussed at the November or December meetings. In 2005, Prime Minister Erdoğan and Minister of National Defence Gönül continued to query YAŞ decisions on the grounds that they should be subject to judicial oversight. The lowest number of discharges in recent years was decided upon at the YAŞ meeting of 1 December 2005. Four TSK personnel, three of whom were petty officers and one a captain, were discharged at a later date.

TSK Budget

Just like other public budgets, the MSB budget is discussed by the TBMM Plan and Budget Committee (*Plan ve Bütçe Komisyonu*, PBK). Neither MSB nor PBK have expert military and security staff, so the military budget is discussed as a routine budget matter at the committee meetings. It is therefore accepted without detailed discussions.[28] The budget discussions that are open to the press precede a five-minute closed session in which information described as secret which can be ascertained in specialized military magazines abroad, is presented by MSB's military personnel to members of parliament.

Apparently, however, not a single parliament member questioned on a public platform has offered any reason for keeping this information hidden from the public, although it is accessible to everyone.

The resources allocated to defence, including the MSB budget, constitute 10% of the total budget in 2006 and 3.2% of the gross domestic product (GDP).

For the first time in Turkey's history, the government announced that the resources allocated to the Ministry of National Education (*Milli Eğitim Bakanlığı*, MEB) exceeded those allocated to MSB in the budgets of the previous two years. The table detailing the budgets of the next three years, including 2006, confirms this statement (for the Ministry of Finance budget, see Table 1).

However, the impression that the MEB budget exceeds that of the MSB is in fact misleading

27 From the author's interview with well-informed sources.

*** The **ulema** specialises on matters related to Islam.

28 For the minutes of the PBK discussions on 11 November 2005 regarding the MSB budget, see <http://www.msb.gov.tr>.

since the table fails to include the extra budgetary resources that have been allocated to the defence sector. In MSB's White Book 2000 (for the MSB budget, see Table 2), the extra budgetary resources allocated to defence outside the MSB budget read as follows, and the total of these resources attest to the fact that the MEB budget was lower than the MSB budget in 2005:

- Defence Industry Support Fund (*Savunma Sanayii Destekleme Fonu*, SSDF) (For the resources that constitute the fund income, see Sidebar 5);
- Turkish Armed Forces Strengthening Foundation (*Türk Silahlı Kuvvetleri Güçlendirme Vakfı*, TSKGV) resources;
- Budget of the General Command of Gendarmerie;
- Budget of the Coast Guard Command;
- Foreign state and corporation credit which is reimbursed by the Treasury Undersecretariat budget;
- The income of the minister of national defence which is calculated in accordance with special laws.

The aforementioned extra budgetary resources (outside the MSB budget) for 2006 are estimated at YTL 2.6 billion for the General Command of Gendarmerie, YTL 194.4 million for the Coast Guard Command, YTL 2.05 billion (approximately USD 1.5 billion) for the SSDF, and YTL 685 million or more (USD 500 million) for the foreign state or corporation credits supported by the treasury undersecretary every year.

Therefore, when the General Command of Gendarmerie, the Coast Guard Command, SSDF and treasury aids that constitute the Defence Industry Undersecretariat (*Savunma Sanayii Müsteşarlığı*, SSM) are added to the MSB budget, which has been declared as totalling YTL 11.8 billion in 2006, the total resources allocated to the defence sector, in fact, reach YTL 17.4 billion in 2005, representing an increase of 7% from the previous year (for information concerning SSM's status, see Sidebar 6). Therefore, the total resources allocated to defence exceed the MEB 2006 budget of YTL 16.5 billion.

However, the MSB 2006 budget which stands at YTL 11.8 billion constitutes 6.8% of the total 2006 budget of YTL 174 billion (USD 127.2 billion) and the greatest resources are allocated to personnel expenditures at YTL 4.3 billion. This is followed by weapons procurement at YTL 3.6 billion. These two resources have increased in comparison to last year by 12.2% and 6.2% respectively.

The administrative expenditures portion of the SSDF, which is not under parliamentary supervision, constituting approximately 1% of the fund, has been included for the first time in the Ministry of Finance's budget, whereas the portion allocated to military procurement, which constitutes almost 90% of the SSM budget, has not been declared. Nevertheless, during the TBMM-PBK meeting held on 11 November 2005, Minister of National Defence Gönül announced that the SSM budget of 2006 was approximately USD 1.5 billion.

KMYKK, ratified in 2003 and going into effect in 2005, at the start of 2007 will dissolve the SSDF a fund constituting the source of income for SSM. SSM will continue to use the balance for weapons procurement.

The salary information of TSK personnel is not publicly disclosed nor is it provided by the minister of finance press bureau. However, it is now possible to access this information in an indirect way. For example, when the tables comparing the salaries of military and civilian civil servants were printed in the newspaper upon Deputy Chief of General Staff General İlker Başbuğ's complaints that the officers are very poor, it emerged that a 5th level sergeant earns YTL 938 per month, whereas an assistant medical physician earns YTL 820, a lieutenant earns YTL 1,038, a chief of police YTL 885, an engineer YTL 846, a doctor YTL 820 and, a teacher YTL 625 per month.[29] (For the salaries of military personnel for 2004, see Sidebar 3).

29 "Silahsız kuvvetlerin maaşı da çok düşük," Milliyet, 28 January 2005.

The issues that were covered in the last budget meetings of MSB that are worthy of attention are as follows. The members of parliament allotted only two hours for debate on the military budget, which constitutes the largest expenditure by Turkey in the PBK meeting this year where the minister of agriculture budget meeting took 10 hours on the same day. At the same meeting, two committee members, one from CHP and another from AKP, made statements about Turkey's defence expenditure. CHP Trabzon Deputy Akif Hamzaçebi, who took the floor during the meeting, stated that the MSB budget did not reflect the numbers that were transferred from previous to upcoming years and drew attention to the fact that the funds transferred from year to year showed an increase. Hamzaçebi pointed out that this number reached YTL 4 billion in 2004, with an increase of 30%.[30] Minister Gönül's response to Hamzaçebi's statement confirmed that figures for the MSB 2005 budget was YTL 14 billion, together with the funds transferred from 2004 to 2005.

At the same meeting, AKP Kayseri Deputy Taner Yıldız pointed to the difference between the resources which were known to be allocated to the defence sector in Turkey and information that was released in international publications on the subject of Turkey's defence expenditure. Yıldız stressed that in order to understand the size of the education, health and military expenditures in Turkey, the amount and proportion allocated to the same items by various countries should be compared.[31]

CHP Deputy Onur Öymen stressed that Turkey a country that imports the largest number of weapons, and thus emphasised the necessity of increasing domestic defence manufacturing. Öymen also drew attention to the fact that approximately one fifth of taxable income in Turkey is allocated to defence spending.[32]

Weapons Procurement

According to official figures, Turkey allocates USD 3 to 4 billion for weapons procurement each year. Although countries of the same scale as Turkey, such as Israel and South Korea, also allocate around USD 4 billion for their weapons procurement, unlike Turkey, their dependence on other countries for weapons technologies is much lower (for the principal weapons procurements of Turkey, see Sidebar 7). In a paper presented at a meeting organised by SSM on 10-11 December 2002, SSM expert Alper Köse stated that the total of domestic production, joint venture production and readymade import models constituted 73% of the total project value and stressed the fact that, in none of these models, the engineering responsibility covering the design and/or integration work belonged to domestic companies (see Table 4).

99% of the USD 1.5 billion SSM budget is allocated to weapons procurement. This constitutes one third of Turkey's total weapons procurement amounting to USD 4 billion. Turkey also has debts exceeding USD 5 billion for weapons purchased from the United States through the US Foreign Military Sales Credit (FMS).

Democratic civilian oversight has not been achieved in the field of TSK's weapons procurement. A loophole in the Public Bidding Law is used as an obstacle to increasing transparency in this domain.[33] The lack of supervision in weapons procurement has essentially made TSK the sole arbiter in this field.

An example of the government's lack of control over weapons procurement was evidenced in the

30 According to Hamzaçebi's assessment, when the 2006 budget is discussed, the amount that will be transferred over from 2005 is not revealed. Therefore, when evaluating the real size of the MSB budget, this should be taken into consideration.

31 According to Yıldız, "especially from the point of view of the budget allocated to sectors such as education and health, Turkey is ranked 94th on the human development list (**United Nations Human Development Report,** 2002). When we compare the education, health and military expenditures of Turkey with those of the first 20 countries, we should say that we are way behind in the fields of education and health, whereas we are ranking second after the United States in the military domain." See PBK Meeting, 11 November 2005, <www.tbmm.gov.tr>.

32 "Savunmada yerli üretim artmalı," **Cumhuriyet**, 25 November 2005.

33 For article 3/b of Public Bidding Law No. 4734, see **Resmi Gazete** (Official Gazette) dated 22 January 2002, No. 24648. The article made provisions for an exception in military procurement. Article 3/b of the law gave the Ministry of National Defence the authority to regulate its own rules. For the MSB Military Bidding Decree No. 6392, see **Resmi Gazete** dated 06 December 2003. With this decree, almost all projects gained secrecy status, whereas there is nothing to stipulate arbitration through an independent body like the public bidding council in cases of disagreement.

purchase of AEW&Cs. TBMM's investigation committee began a probe with the claim that the state had suffered damages worth USD 180 million during the USD 1.5 billion-worth procurement of planes in 2003, but was eventually forced to terminate the investigation. Minister of National Defence Gönül said "TBMM should also be involved in this kind of procurement," confessing that the government had been left out of the loop in the matter.[34]

Turkey's purchase of AEW&Cs, which are in the inventory of only a handful of countries in the world is yet another example of how TSK has based its weapons procurements on the threat perceptions TSK itself has determined. The perception of Greece as a threat played an important role in the procurement of these planes, and Greece is competing with Turkey in weapons purchase.

The lack of civilian oversight in the area of weapons procurement is an additional burden on Turkish taxpayers. The current level of strain was illustrated most recently by France's arbitration of Turkey's anti-tank missile purchase project. The project of Eryx short-range anti-tank missile procurement was signed in secret by the Ministry of National Defence with the French company MBDA in 1998, at a time when the French parliament was increasing its accusations against Turkey regarding the Armenian genocide. The project, covering a span of 10 years and perceived by the military as an essential addition to Turkish military installations, was brought to a standstill by TSK in 2004 on the grounds of technical deficiency. France consequently filed a case against Turkey in Geneva's International Arbitration Court requesting compensation to the value of USD 489 million, an amount exceeding the project's worth which stood at USD 486.5 million.

Erdoğan, regarding the problems experienced in the AEW&C bid, declared that any sizeable procurement of weapons in the future would be decided upon jointly by the military and civilians authorities. The government, if not TBMM would henceforth supervise Turkey's weapons procurements proposals in an ever-increasing fashion.[35] In 2005, the government took a positive step to end its dependence on other countries, which stood as high as 80% in terms of the procurement of weapons systems, by allocating a budget of YTL 416 billion to the Turkish Scientific and Technical Research Institution (*Türkiye Bilimsel ve Teknik Araştırmalar Kurumu*, TÜBİTAK) to be used chiefly for defence projects. The government has stated that by 2010 it targets the allocation of 2% of the total GNP to research and development (R&D) while at the same time transferring the authority of R&D projects to civilians—thereby delegating the supervision of such allocations to civilian authority.

The Fight Against Corruption Within the TSK

In the past, all claims of TSK corruption were concealed. The most striking example of this was the failure to investigate allegations of fraud by General Tahsin Şahinkaya, the air force commander of the military regime that followed 12 September 1980.[36] In 2005, TSK took a historic step in the fight against corruption and fraud within the armed forces and opened the way for a former commanding officer to be tried for allegations of fraud. In TSK, where the mentality of concealing any fault from the outside world prevails, Chief of General Staff General Özkök defied the taboos by initiating the trial of former Naval Force Commander İlhami Erdil for allegations of unjustified benefit, together with his daughter, spouse, one orderly officer and a friend of his daughter's in

34 Even though Gönül said "The most important factor against democracy is the budget committee and parliament not being in the loop. A purchase of USD 1.5 billion takes place. But anywhere else in the world, such procurement would be preceded and followed by parliamentary approval." He also stated that the project was signed during the previous government's rule, therefore freeing himself of responsibility ("Askerler istemese AWACS'lar alınmazdı," **Milliyet**, 9 May 2003).

35 "AWACS ihalesi sorun oldu," **Radikal**, 11 May 2003.

36 The Social Democratic People's Party (Sosyal Demokrat Halkçı Parti, SHP) deputy of the period, the late Cüneyt Canver gave a motion of question with 24 other deputies on 24 May 1986, for the investigation of allegations of fraud concerning Şahinkaya, including claims that he obtained unjust personal benefit during F-16 procurements from Lockheed Martin. However, this case was closed. Retired Ambassador Yalım Eralp brought the Şahinkaya incident back into the spotlight with a statement he made in 2001. Working as the Embassy Undersecretary in Washington during the Şahinkaya incident and speaking about the claims of fraud over the F-16 bidding, Eralp stated "The Americans did not name names, but the definition fit Şahinkaya." Eralp's interview with Yener Süsoy, **Hürriyet**, 12 November 2001.

2004. At the risk of angering any TSK members, Özkök ensured that the trial was open to the public, and thus a commanding officer was brought before trial for the first time for allegations of fraudulent activity.

A process different to that of former politicians in the Council of State was espoused, and the procedure of scrutinising the property holdings of the defendant, an important criteria that would help determine whether the person concerned had obtained unjustified benefit, was applied. The court-appointed expert, who scrutinized Erdil's salaries and allowances from the start of his career in 1958, stated that Erdil's two apartments in İstanbul Etiler Alkent 2, which were subject to trial: could not have been bought with his official and recorded savings.[37]

On 7 February 2006, Erdil was sentenced by the military court to 3 years and 1 month in prison for unjustified appropriation and using undue influence. The court ruled for the seizure of the apartments. Pending the finalisation of this sentence, Erdil, who has the right to appeal, will lose his title of admiral, and will no longer be admitted to officers' clubs.[38]

The Erdil trial demonstrated the willingness of TSK to investigate allegations of fraud within the armed forces. It also illustrated that the process of military court trials could be shorter than trials conducted by the Council of State.[39] Another case parallel to the Erdil trial was filed in relation to allegations of unjust profit worth YTL 150 million in the General Staff Special Forces Command Oğulbey Complex construction, and contractor Ali Osman Özmen who was arrested and detained during trial. The names of the generals who had been bribed by Özmen were obtained from Özmen's appointment book. General Tuncer Kılınç, who was the last MGK General Secretary to have a military background and was well-known for his secularist discourse and for frequently speaking about the fundamentalist threat, was also implicated.

Kılınç, who awarded the contract, confirmed that he had "borrowed" USD 150,000 from Özmen to purchase an apartment while he was undersecretary for the Ministry of National Defence.

Conclusion

Accountable, transparent and democratically overseen armed forces make for a strengthened military sector. The armed forces of the United States, Canada and most EU countries are technologically superior to Turkey's and stronger, despite their often smaller sizes, precisely because they are accountable. The modern democratic oversight approach has facilitated endeavours by the media, civil society, politicians, the parliament and citizens to ask questions such as the following: As a country that allocates such a large portion of its budget to defence, why has Turkey remained dependent on other countries at rates as high as 80%? The Undersecretary of the Defence Industry Murat Bayar has regularly questioned how independent Turkey can become in the field of security if it has failed, to a great extent, to produce its own defence technology. Indeed, when Turkey's technological dependence is taken into consideration, how credible is the argument that its armed forces should be strengthened because of its critical geopolitical position?

The fact that the principle of accountability in the security sector is for the public good was elucidated in research carried out by the World Bank in 2002 among countries to whom it gave credit. The research illustrated that the inclusion of defence expenditures in public expenses was an ultimately beneficial mechanism because it provided for a better understanding and acceptance of defence policies by the public, it provided the reasons and justifications for defence expenses, and it facilitated a more efficient and rational use of defence expenses.[40]

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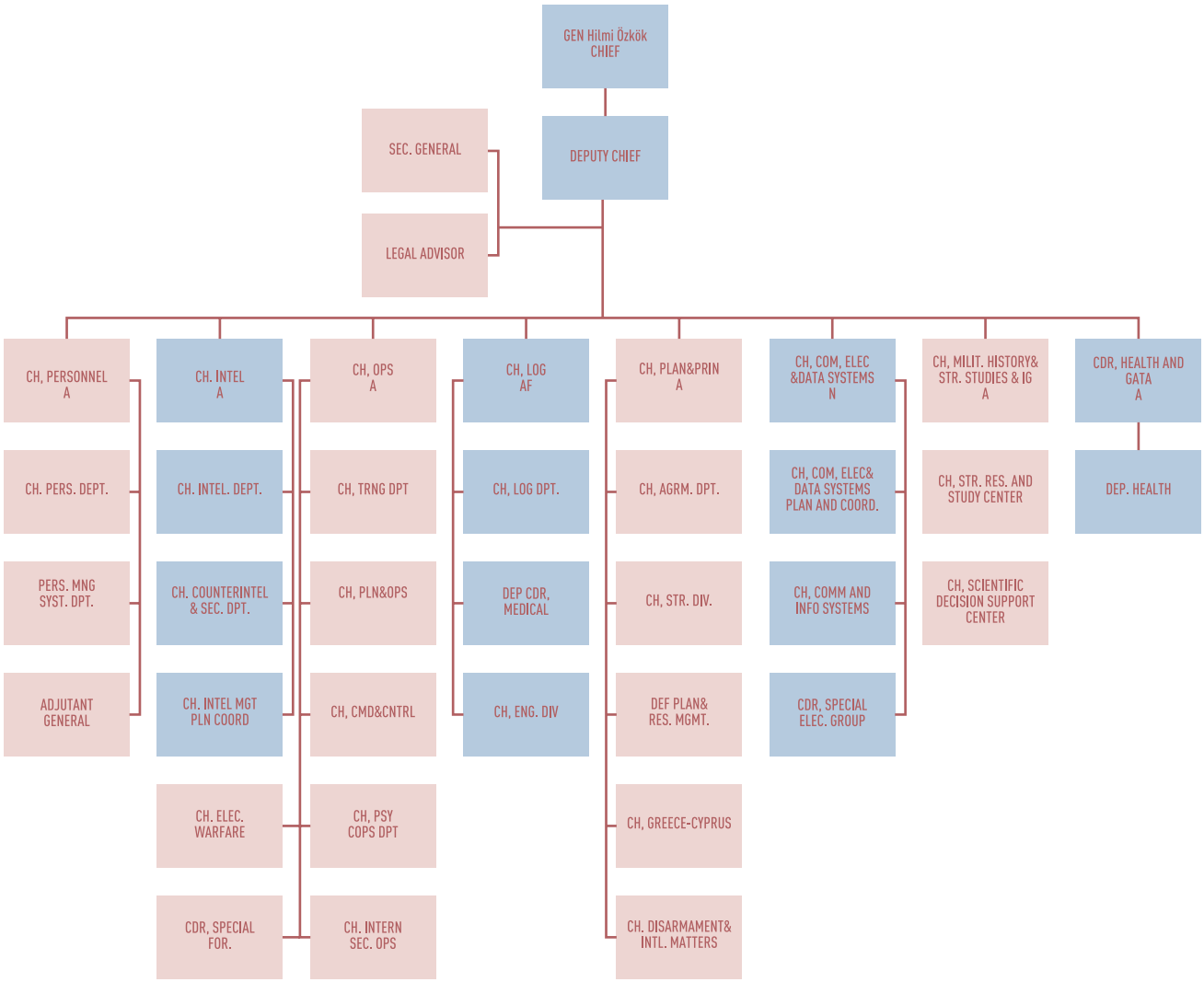
37 "Evlerin alımı hukuken ve ahlaken mümkün değil," **Hürriyet**, 24 November 2005.

38 "Evleri, kılıcı ve apoleti gitti," **Hürriyet**, 8 February 2006.

39 The trial of İlhami Erdil lasted less than two years, whereas the trial of former politicians in the Council of State are ongoing.

40 Nicole Ball, Malcolm Holmes, "Integrating Defence into Public Expenditure Work," Commissioned by the UK Department for International Development (11 January 2002). See <http://www.grcexchange.org/docs/SS11.pdf>.

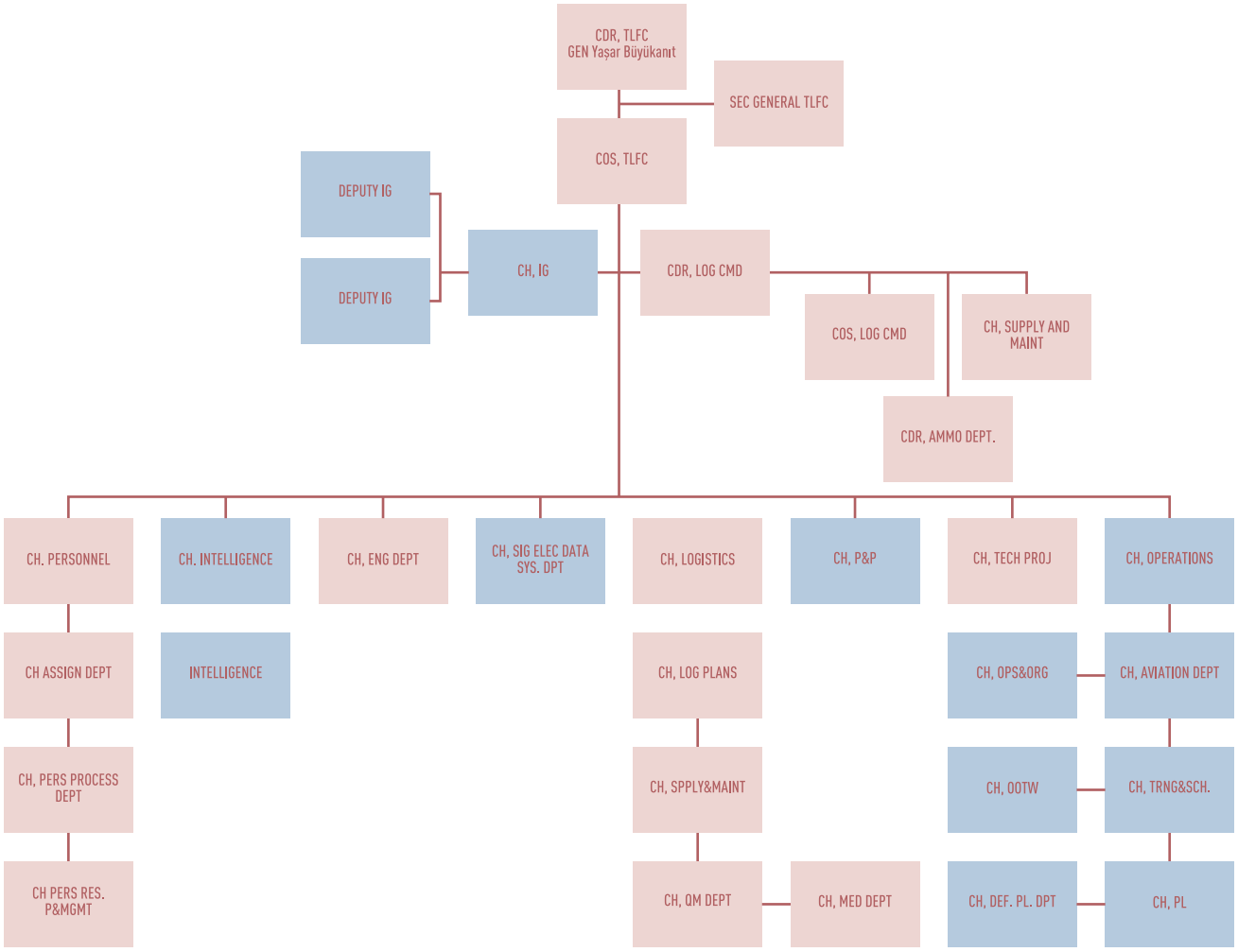
DIAGRAM 1: TURKISH GENERAL STAFF AUG 05



SIDEBAR 1:

TSK is still unable to implement its project of creating an army that is efficient and flexible, small in numbers but equipped with high-tech weapons. For more than 10 years, the Turkish land forces maintained their top-down structure of army-army corps-brigade-battalion. In the past, this structure was in the form of army-army corps-division-regiment-battalion. The division and regiment structures of the past were abolished with the new organisation and brigades were established with two exceptions, namely the army corps in Cyprus and the division in Sarıkamış. It is also known that there is no short-term preparation for the abolishment of compulsory military service and the professionalization of TSK through a meaningful downsizing. In the current situation, the war capacity of the army is kept through compulsory military service and contract personnel are recruited. While he was the commander of the Land Forces under the chief of general staff of the time, retired General Kıvrıkoğlu, General Özkök carried out a series of projects concerning the reduction of the number of army personnel and the founding of a more flexible army that has faster response. Within this context, Özkök had foreseen the abolishment of the 1st Army Command in Istanbul, the 2nd Army Command in Malatya and the 3rd Army Command in Erzincan, to be replaced by the two army commands, namely the eastern and western army commands. The purpose of the plan was to establish the joint operation capabilities of land, air and naval forces for deterrence way, so that the three forces can act together in times of threat. However, this plan was deemed too reformist and was rejected. Because the plan was aiming at reducing the numbers of army corps and brigades and decreasing the number of Land Forces Command personnel by almost a half, from approximately 402,000 to 280,000.

DIAGRAM 2: TURKISH LAND FORCES COMMAND HQ AUG 05



SIDEBAR 2:

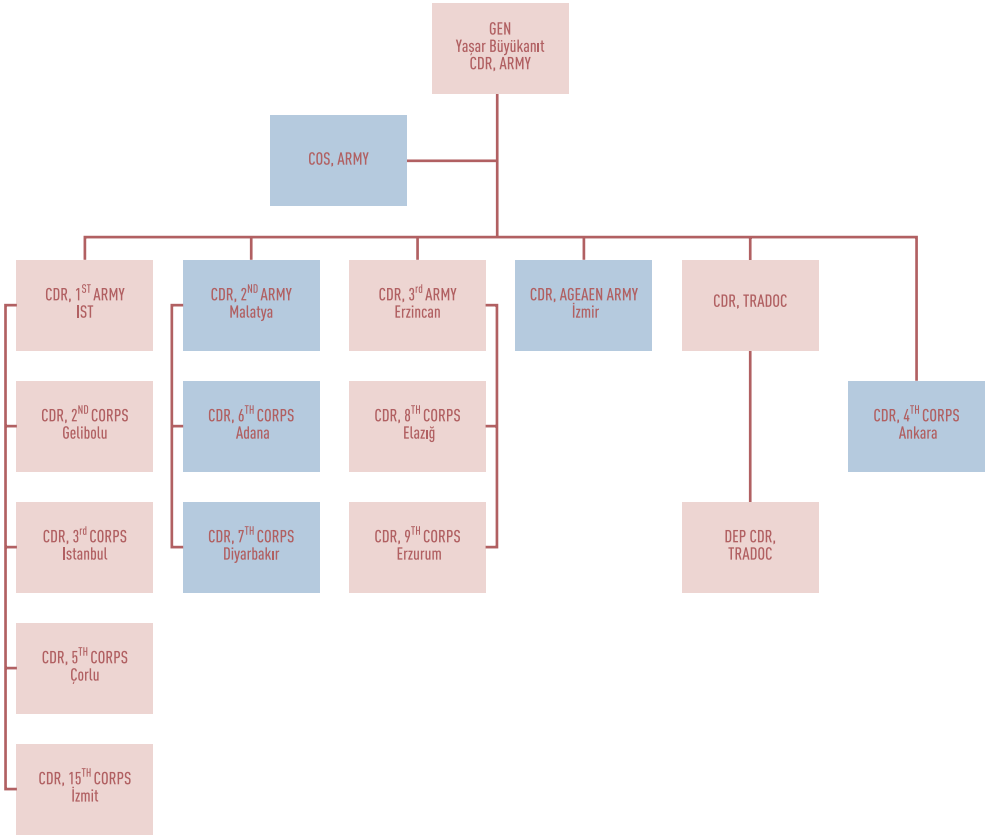
It is clear that the expenses made for a soldier are closely connected to his post. The most varying figure in these expenditure items will be the money spent on target practice. For instance, a soldier who works as a waiter in the officers' clubs will only be doing target practice with an infantry rifle, whereas a soldier using an anti-tank missile also has to practice with this missile along with the infantry rifle. If the soldier goes into combat, the expense related to ammunition consumption will be naturally very high. The clothing and feeding expenses of the soldier will also vary depending on the unit he belongs to, as well as its location. For instance, a soldier who is on duty in the south will wear normal summer and winter uniforms, whereas a soldier in the east will have to wear a more expensive uniform and boots that are suitable to the region's climate and that will prevent perspiration. The feeding expenses for a soldier in a commando unit and that in a normal infantry unit will also vary, since their caloric requirements differ. Also, salary paid to soldiers in southeastern Anatolia -formerly under the jurisdiction of the State of Emergency Region (Olağanüstü Hal Bölgesi, OHAL) Governorship- a region that is still sensitive due to terrorism, is higher compared to other regions. Also, when we take into consideration the fact that all of the soldier's needs are met by the state, quantifying the expenses for the following items is quite difficult: The following are costs incurred by the state:

1 Maintenance for the dormitories;
2 Construction of new dormitories when necessary;
3 Costs for washrooms;
4 Laundering;
5 Haircuts;
6 Garment repair;
7 Electricity;
8 Heating;
9 Vehicles, driver's education, gas, maintenance and repairs, depreciation, insurance, etc.);
10 Health-care;
11 Transportation.

Taking into consideration other items that a person might need, this list can be extended. To make a rough estimate, we can say that a soldier's daily costs equal YTL 8-10 million on average; yearly costs are YTL 3-4 billion on average. When we take into consideration the fact that a soldier's military service normally lasts 15 months, the total costs incurred during this time are approximately YTL 4-5 billion.

Source: Information culled from various military sources (2004)

DIAGRAM 3: ARMY COMMAND AUG 05



OTHER COMMANDS / AGENCIES

SIDEBAR 3:

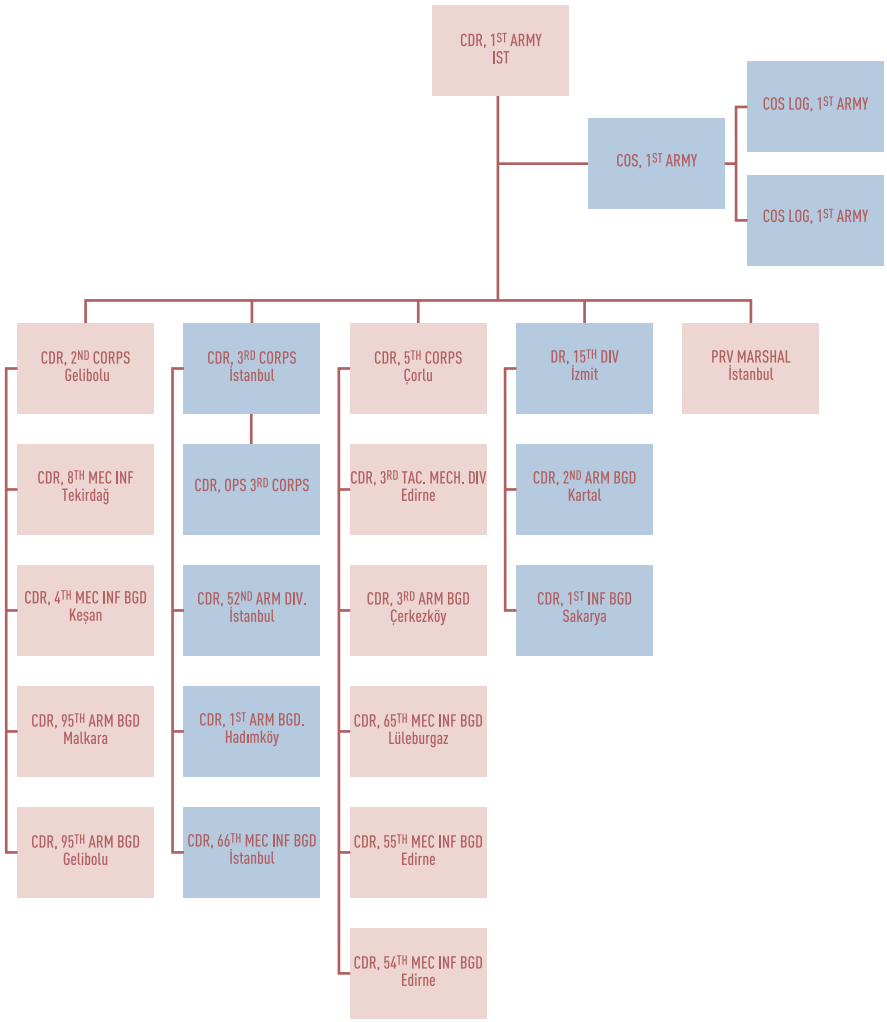
According to the White Book, which was last published in 2000 by the Ministry of National Defence, the number of soldiers per force is as follows:
Land Forces Command: 402,000
Air Forces Command: 63,000
Naval Forces Command: 53,000

General Command of the Gendarmerie: 280.000 (When the fight against the PKK was on the rise, the number of gendarmerie personnel increased considerably)

Coast Guard Command: 2,200
TOTAL: 800,200 (Of which 115,000 are professional soldiers).

This makes the number of soldiers completing their military service 685,200, the majority of whom are privates. The general staff declared that, with a decision it made on 22 June 2003 it reduced the duration of military service from 18 months to 15, which decreased the number of soldiers completing their military service by 17%. With this decrease, the number of soldiers completing their military service went down to 568,716.

DIAGRAM 4: 1ST ARMY COMMAND 2004



SIDEBAR 4:

In May 2004, the Turkish armed forces dismantled the 4 Brigade. Thereafter, the 33rd Armoured Brigade near the Bulgarian and Greek border, the 7th Mechanized Brigade in Kağızman-Kars near the Armenian border, the 10th Infantry Brigade in Ercis-Van near the Iranian Border, and the 9th Armoured Brigade in Central Anatolia in Çankırı were also abolished. The Generals of the four brigades that were abolished were transferred to Land Forces Logistics Command, and most of the weapons, equipment and materiel belonging to the brigades were stored in warehouses

Source: Information from the author's own sources.

SIDEBAR 5:

SSDF's main sources of income are defined in the SSM Establishment Law No. 3238.

Their distribution is as follows;

INCOME	PERCENTAGE	DEFINED IN
1- Income and Corporate Tax	3.5%	Law 2003
2- National Lottery Earnings	95%	Law 1992
3- Book-making proceedings		
a) Horse-race betting	10%	B.K.K. 1986
b) Football betting	3%	B.K.K. 2003
4- Numbers games proceedings (25%)	15%	Law1985
5- Light firearms import net proceedings	80%	Decree 1990

Source: SSM

DIAGRAM 5: 2ND ARMY COMMAND 2004

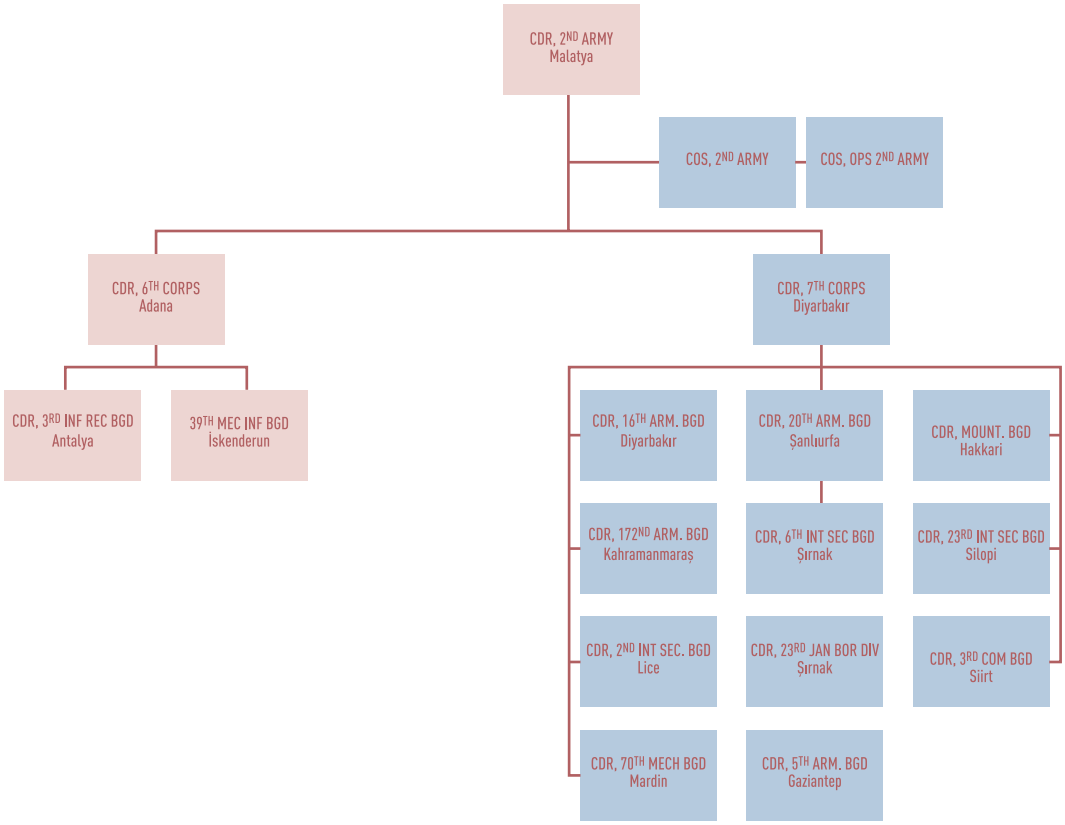


DIAGRAM 6: 3RD ARMY COMMAND 2004

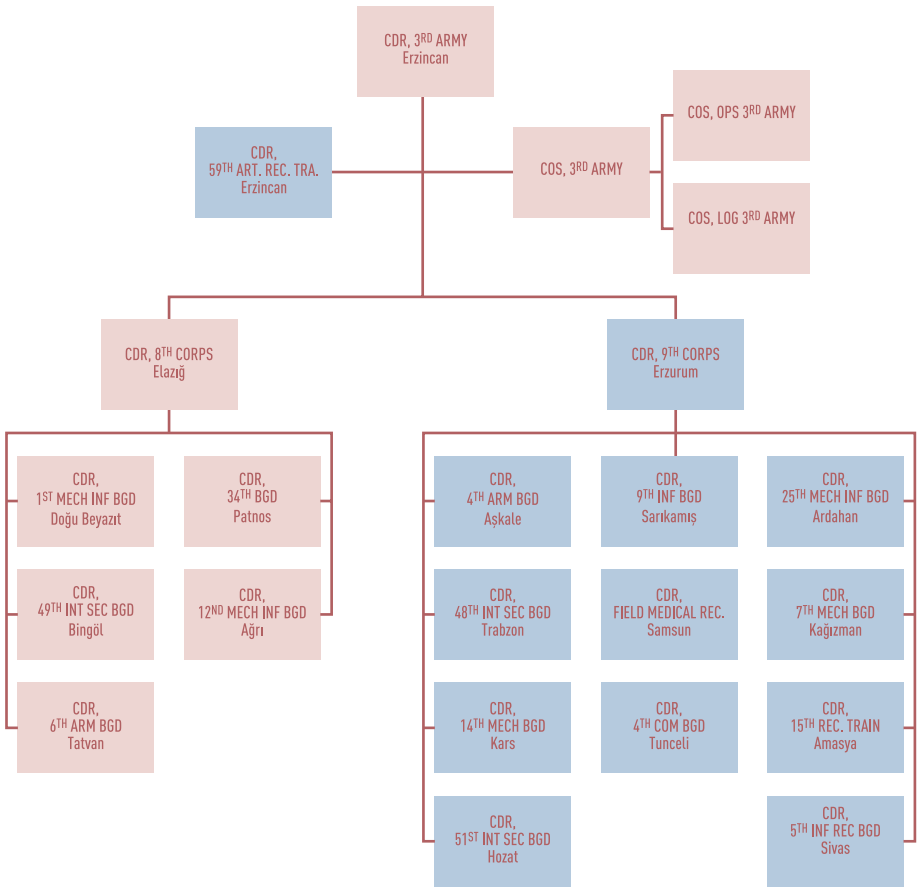


DIAGRAM 7: AGEAEN ARMY COMMAND 2004

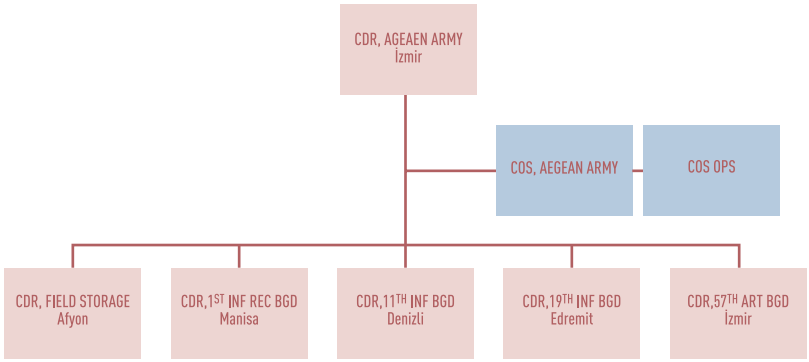


DIAGRAM 8: COMBINED WAR COLLEGES COMMAND 2004

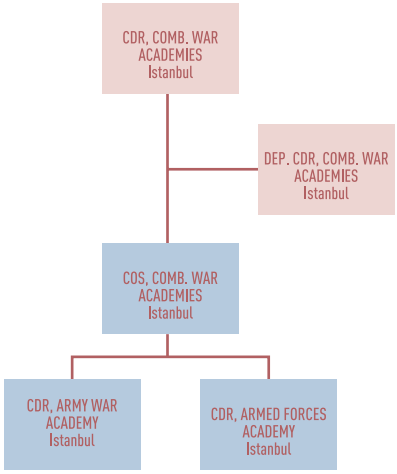
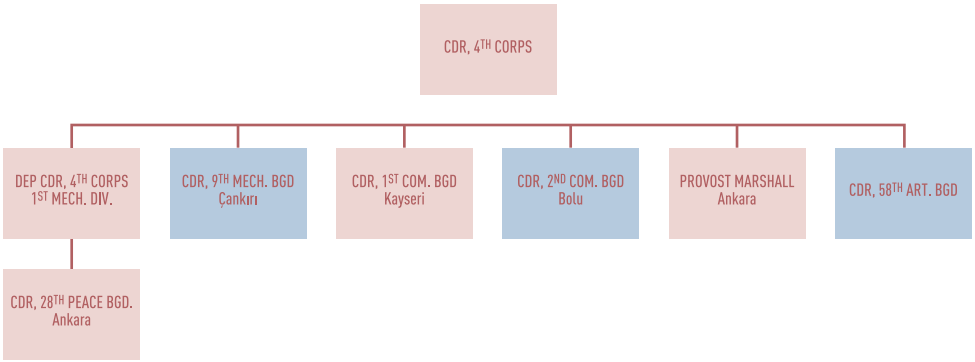
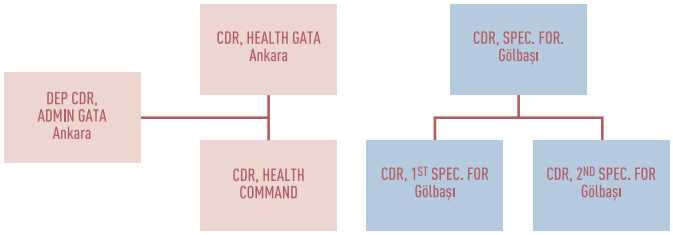


DIAGRAM 9: 4TH CORPS COMMAND 2004



ANKARA GARRISON TGS OTHER SUBORDINATES



NATIONAL SECURITY COUNCIL 2004

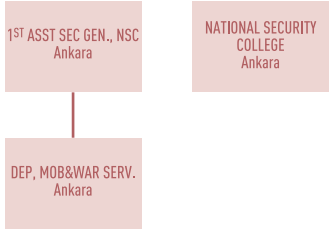


DIAGRAM 10: TRADOC COMMAND 2004

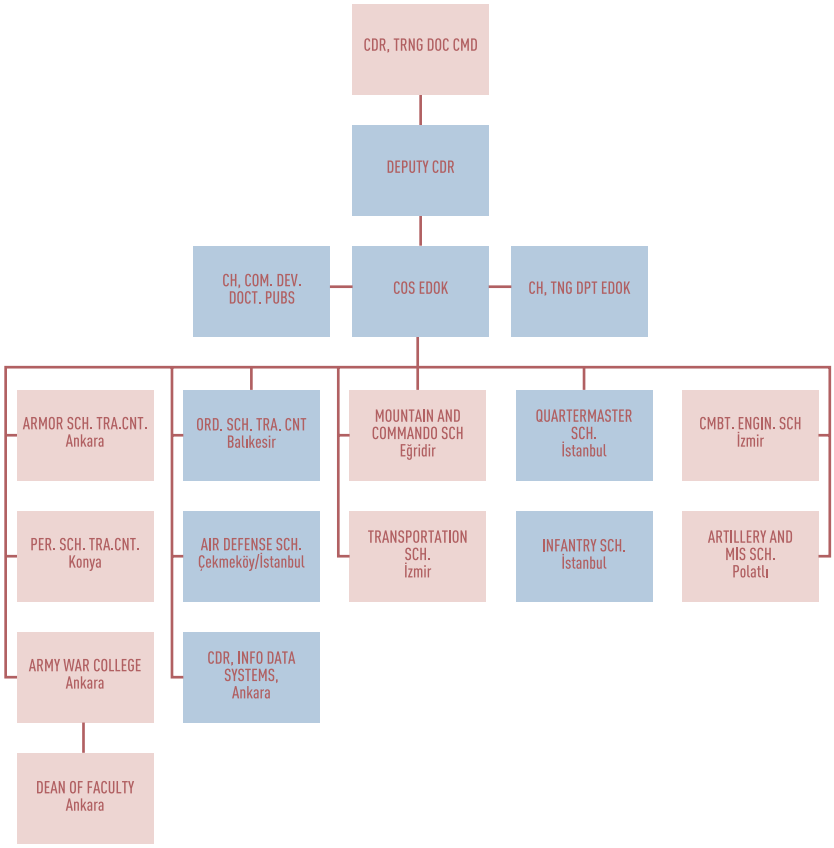


DIAGRAM 11: TURKISH NAVAL FORCES HQ AUGUST 05

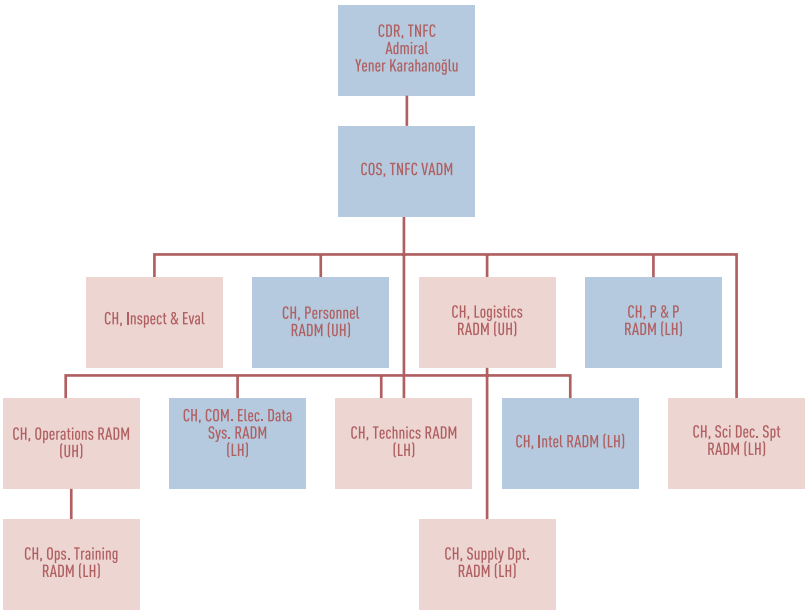


DIAGRAM 12: TURKISH NAVAL FORCES COMMAND AUGUST 05

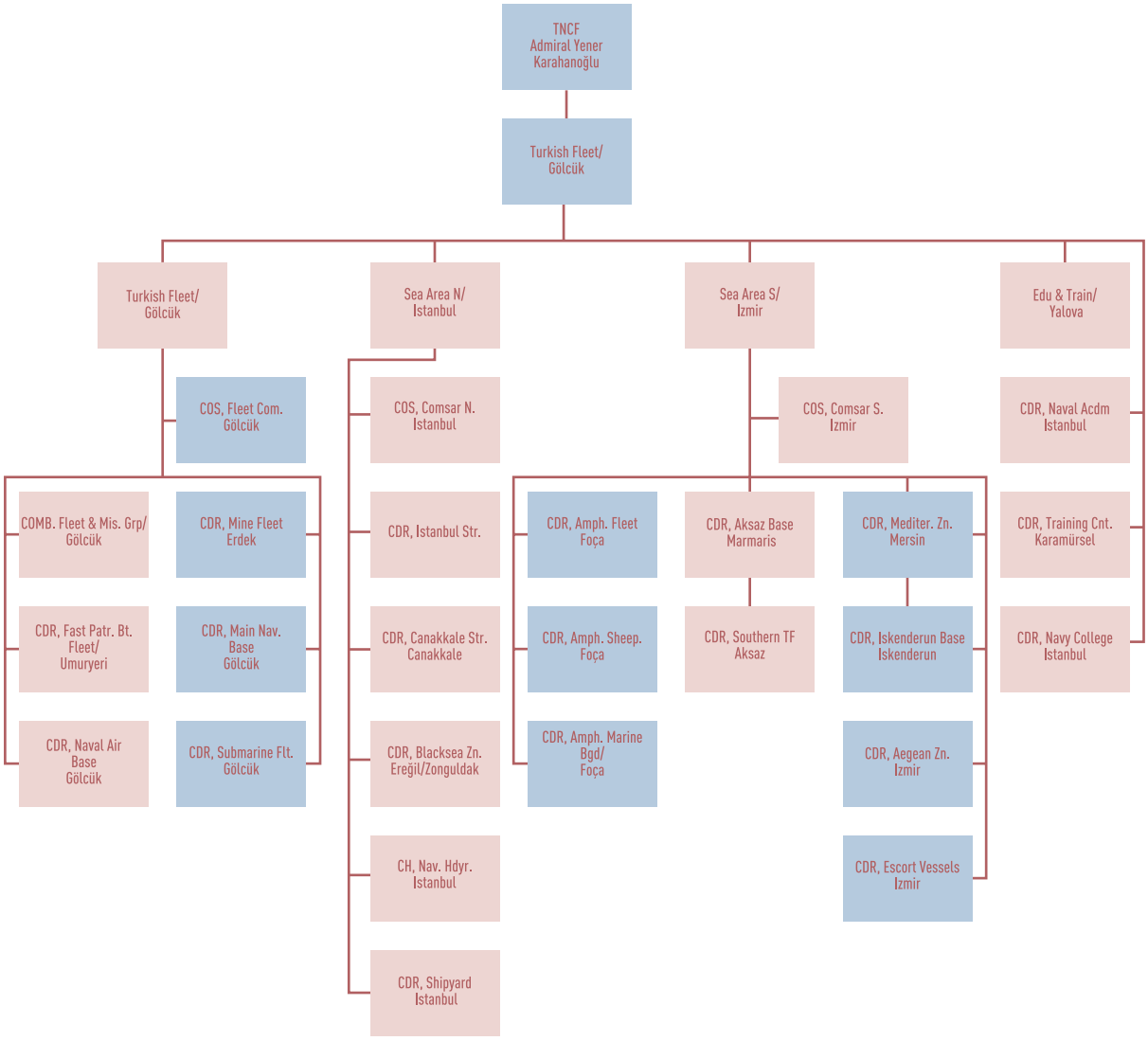


DIAGRAM 13: TURKISH NAVAL FORCES OTHER AGENCIES AUGUST 05

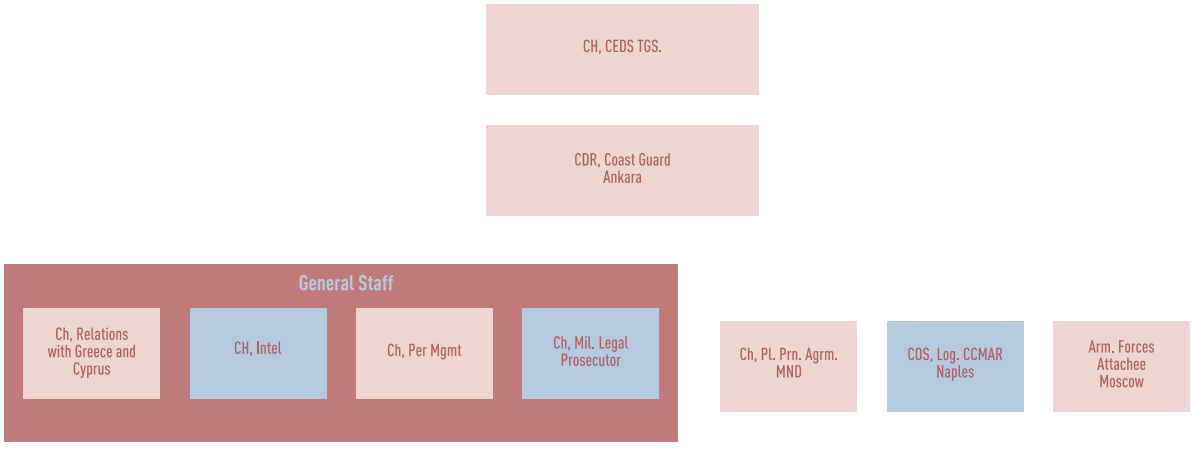
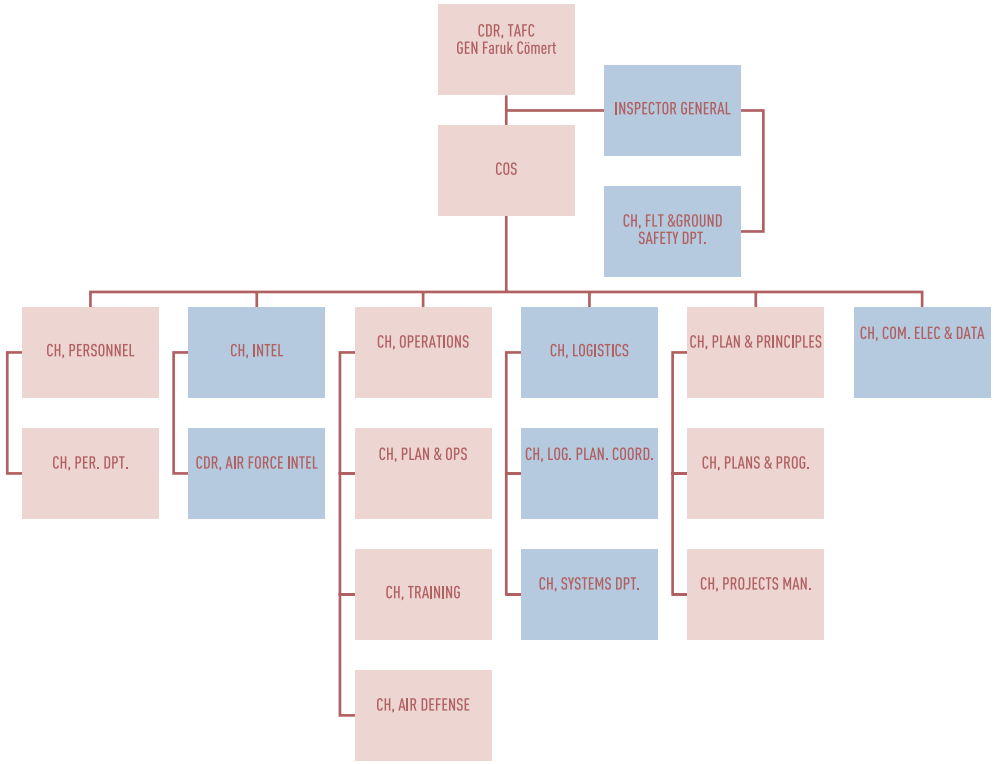


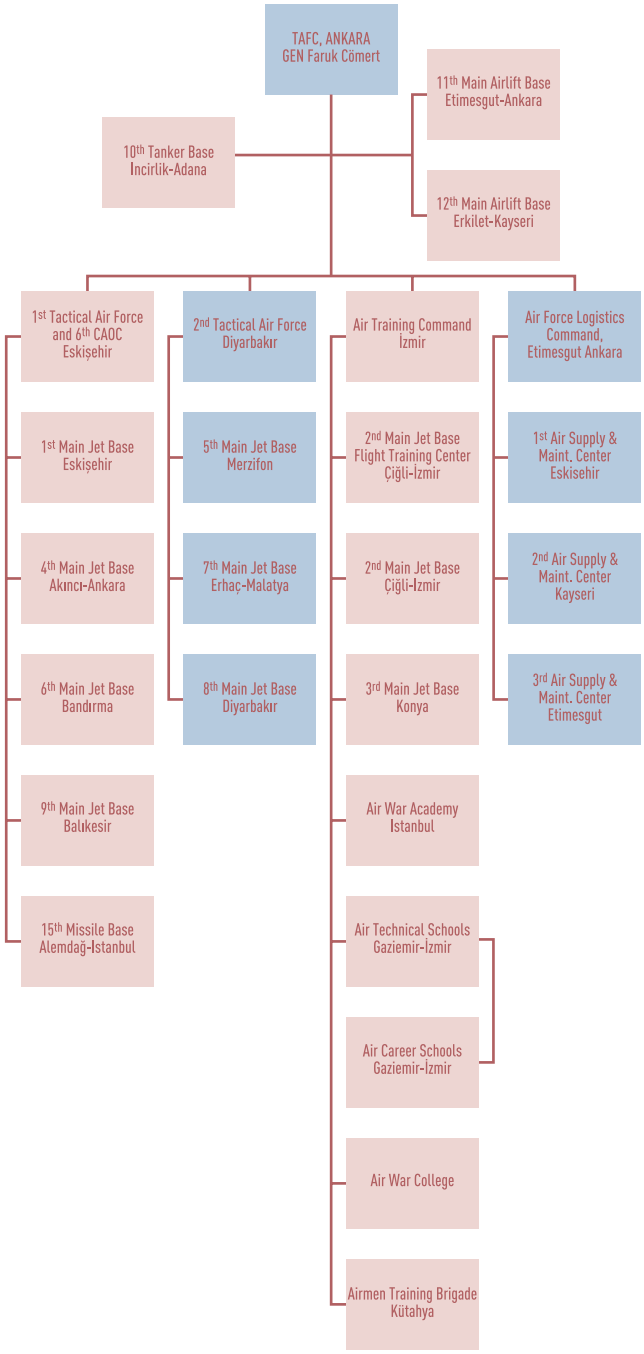
DIAGRAM 14: TURKISH AIR FORCES HQ AUG 05



SIDEBAR 6:

There are two official bodies in Turkey responsible for weapons procurement. One is SSM, founded in 1985; the other is the undersecretary of the Ministry of National Defence, who is a general. The Ministry of National Defence Undersecretariat, which is predominantly involved in readymade weapons procurement, transferred this duty in recent years to SSM. SSM was established in 1985 with Law No. 3238 in order to develop a defence industry infrastructure in Turkey and to decrease dependence on other countries for weapons procurement. SSM is an incorporated public institution with its own budget and is accountable to civilian authority. SSM is charged with the execution of the decisions of the Defence Industry Executive Committee concerning weapons procurement, the committee consisting of the prime minister, the minister of national defence and the chief of general staff. In the 20 years since SSM's establishment, USD16 billion was collected in SSDF and of this amount, 14 billion was used for weapons purchase. Another reason for the establishment of SSM was for civilians to decide matters of weapons procurement like in other democratic countries, and for the TSK to notify this civilian agency of its operational needs. However, in the following years, the SSM was militarized, and the users' (i.e. TSK's) becoming the decision-making body in weapons procurement caused confusion in the relations between the institutions that use and purchase weapons. With the Public Administration Basic Law, which could not be passed for various political reasons and the main purpose of which can be summarized as the transfer of some of the central government's authorities to local administrations for a more efficient administration, one of these two weapons-procurement institutions working under the ministry of national defence, the sole ministry with two undersecretaries, should be abolished. It is planned to abolish SSM and put it under the MSB undersecretariat that works under the military with the passing of this law. If this plan is realized, it will be a backwards step in the transparency and accountability of the weapons-procurement process.

DIAGRAM 15: TURKISH AIR FORCES COMMAND AUG 05



SIDEBAR 7:

Some of the projects in 2005-2023 that are to be covered by treasury-guaranteed foreign state credit or from the MSB budget are as follows. The total cost of these projects is expected to reach USD 9.8 billion:

1 Modernization of 4 moon-class submarines

2 Construction of 4 submarines of a new type

3 The modernization of the 48 F4 planes in the THKK inventory

4 4 long range regional aerial-defence systems

5 3 Turkish-type frigates (TF-2000)

6 4 advanced aerial/missile defence systems

7 *120 new-generation fighter planes (JSF)

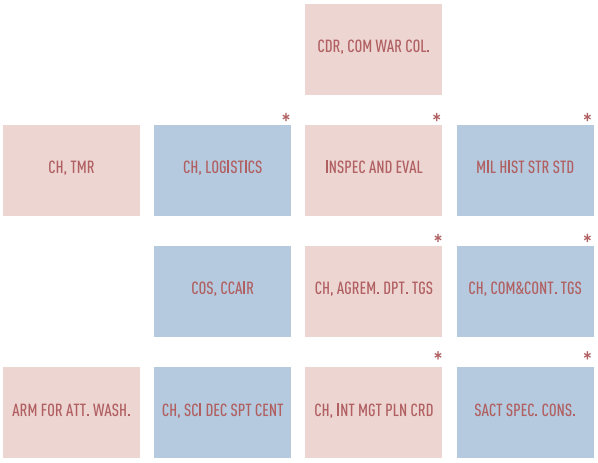
* In the project that is developed under the leadership of the United States, the American Lockheed Martin Corporation proposed to Turkey a local participation of up to USD 5 billion in order to block its European competitors who are pressuring Turkey into buying Eurofighters. During the project that is expected to cost Turkey USD 10 billion, the proposal for spending half of this amount for the strengthening of the domestic industry may pave the way for the strengthening of the defence industry infrastructure and the closing down of some idle companies that do not produce projects.

These fighter planes expected to enter the inventory in 2011-2023 will replace the F-16 fighter planes.

Projects that will be covered by SSDF in 2005-2014 are as follows:

- Procurement of 50 combat helicopters in the first phase
- The national manufacture of 250 tanks
- Procurement of 298 intermediary generation tanks (through an agreement signed in November 2005, Germany accepted to give used Leopard 2 tanks to Turkey)
- 56 low-altitude aerial defence systems
- 55 general purpose helicopters
- Manufacturing of 7 national patrol ships (Mil Gem – with maximum domestic industry involvement)
- 12 additional naval helicopters (Sea Hawk- American Sikorsky Corporation) that are to be procured with American Eximbank credit
- 16 patrol boats of a new type
- 10 naval patrol planes
- 1 submarine rescue ship
- 1 wet-dock landing ship
- 55 basic training planes
- 1 surveillance satellite
- 2 early-warning satellites
- 3 System+10 unmanned planes

DIAGRAM 16: TURKISH AIR FORCES OTHER AGENCIES AUG 05



* TGS (Turkish General Staff)

DIAGRAM 17: PEACEFORCE COMMAND 2004

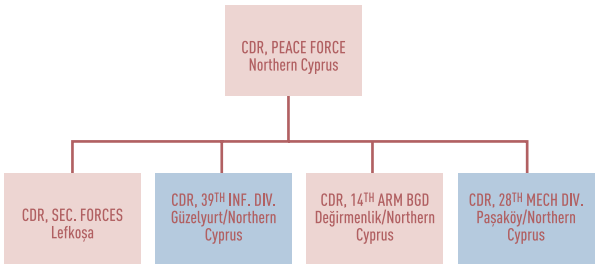


DIAGRAM 18: MINISTRY OF NATIONAL DEFENCE

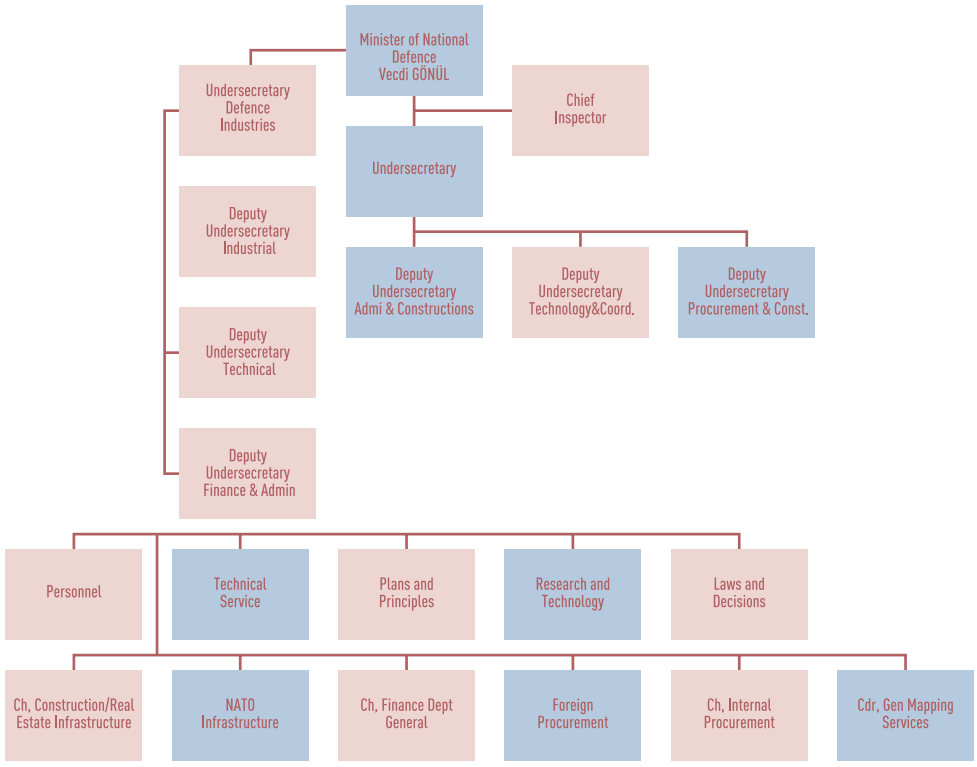


TABLE 1: THE ALLOWANCES OF PUBLIC ADMINISTRATIONS COVERED BY THE GENERAL BUDGET (YTL)

		2005 S.A.	2006 P	2007 P	2008 T
1	Presidency	31,067,570	32,589,000	34,884,000	36,021,000
2	Turkish Grand National Assembly	282,466,549	340,866,000	345,148,475	331,164,356
3	Constitutional Court	8,359,502	19,687,000	24,196,470	24,289,918
4	Supreme Court of Appeals	29,437,958	32,499,000	33,994,903	35,244,689
5	Council of State	19,715,593	21,954,000	23,834,000	24,694,350
6	Court of Accounts	54,231,715	54,431,000	58,151,447	60,318,974
7	Prime Ministry	936,431,161	1,317,236,150	1,418,268,606	1,506,744,460
8	NTNL, Intelligence Org, Undersecretariat	296,108,500	352,570,000	395,231,050	409,601,400
9	National Security Council Undersecretariat	11,739,574	10,971,000	12,370,350	12,811,200
10	Press Broadcasting and Information Gen, Dir,	41,522,635	43,272,000	45,778,300	47,585,250
11	State Personnel Presidency	10,005,442	8,947,000	9,703,400	9,988,450
12	Prime Ministry Higher Supervision Council	0	9,235,000	9,971,900	10,190,500
13	State Planning Organization Undersecretariat	117,183,597	264,068,000	282,535,740	291,454,665
14	Treasury Undersecretariat	61,149,009,043	51,757,408,000	48,520,747,976	43,346,129,306
15	Foreign Trade Undersecretariat	76,729,633	84,646,000	95,320,450	98,701,700
16	Customs Undersecretariat	200,514,878	186,220,000	191,496,700	196,942,600
17	State Statistics Institute Presidency	52,077,764	55,935,000	59,995,992	62,166,560
18	Religious Affairs Presidency	1,125,744,626	1,308,187,000	1,291,005,040	1,340,337,787
19	Administration for the Disabled Presidency	3,616,885	3,507,100	3,684,450	3,817,250
20	Family and Social Studies General Directorate	2,737,819	3,781,000	3,648,150	3,762,200
21	Status of Women General Directorate	959,561	1,606,750	1,482,850	1,534,950
22	Social Assistance and Solidarity Gen, Dir,	0	1,947,000	2,051,700	2,132,400
23	Social Services and S,P,C, Gen, Dir,	349,420,756	512,084,000	542,576,300	577,084,200
24	European Union General Secretariat	4,917,228	9,362,000	10,013,150	10,410,660
25	Ministry of Justice	1,600,220,956	1,771,982,000	1,943 735,715	1,924,403,828
26	Milli Savunma Bakanlığı	10,976 455,418	11,877,533,000	12,462 521,205	12,943,620,385
27	Ministry of Internal Affairs	790,717,345	917,872,000	957,127,735	991,356,666
28	General Command of the Gendarmerie	2,371,673,385	2,571,561,000	2,734,849,940	2,835,080,780

TABLE 1: THE ALLOWANCES OF PUBLIC ADMINISTRATIONS COVERED BY THE GENERAL BUDGET (cont,)

29	Directorate General of Security	4,236,257,718	4,804,713,000	4,894,677,750	5,068,236,720
30	Coast Guard Command	174,658,857	194,459,000	206,070,755	211,996,155
31	Ministry of Foreign Affairs	580,565,420	633,079,000	666,823,800	688,552,150
32	Ministry of Finance	27,489,625,953	33,373,367,352	33,091,138,230	34,624,469,954
33	Income Administration Presidency	0	2,605,564,200	2,736,594,200	2,842,349,850
34	Ministry of National Education	14,835,422,184	16,568,145,500	17,764,811,060	18,551,797,874
35	Ministry of Public Works and Settlement	695,572,988	774,266,000	865,585,900	897,560,750
36	Property and Land Registry Gen, Dir,	286,843,929	356,240,000	344,319,150	311,939,200
37	Public Highways General Directorate	3,482,771,334	3,963,346,000	3,797,800,000	3,789,957,000
38	Ministry of Health	5,447,962,016	7,477,471,000	6,104,957,550	6,410,666,850
39	Ministry of Transportation	670,067,931	989,878,000	1,223,738,850	1,456,390,150
40	Maritime Undersecretariat	44,813,060	49,919,000	53,798,450	55,040,050
41	Ministry of Agriculture and Village Affairs	4,414,428,567	5,156,602,000	5,382,971,010	5,596,158,732
42	Agricultural Reform General Directorate	27,005,014	38,060,000	33,184,430	33,291,900
43	Ministry of Labor and Social Security	65,053,650	76,081,750	19,291,683,850	22,094,185,950
44	Social Security Institution Presidency	12,645,412,898	13,505,231,250	0	0
45	Ministry of Industry and Commerce	280,277,654	310,597,000	330,994,600	340,975,040
46	Ministry of Energy and Natural Resources	248,679,730	280,254,000	263,332,341	275,104,832
47	State Water Works General Directorate	3,634,289,847	3,789,577,000	4,046,371,750	4,164,717,750
48	Petrol Works General Directorate	3,832,763	3,920,000	3,703,800	3,825,200
49	Ministry of Culture and Tourism	643,190,158	712,381,000	756,570,571	798,148,616
50	Ministry of Environment and Forests	440,427,169	438,502,000	468,181,958	486,292,911
51	State Meteorology Works General Directorate	78,553,384	87,517,000	104,047,450	106,316,300
52	Forests General Directorate	371,659,285	386,977,000	391,491,250	406,013,350
General Budget		161,340,438,607	170,148,107,058	174,337,176,076	176,351,579,776
Special Budget Total		9,463,775,026	11,302,981,361	11,768,081,706	12,281,046,248
Total of Regulating and Supervising Institutions		486,124,112	541,141,341	463,880,041	488,212,491
Total		171,290,337,745	181,992,229,760	186,569,138,453	189,120,838,515
Treasury Aid		7,341,136,024	7,652,237,552	8,052,458,117	8,479,398,623
Central Adm, Budget Total		163,949,201,721	174,339,992,208	178,516,680,336	180,641,439,892

Not: S.A.= Starting Allowance, P= Proposal

Source: Ministry of Finance Website

TABLE 2: MINISTRY OF NATIONAL DEFENCE 2006 BUDGET PROPOSAL, THE DISTRIBUTION OF 2007-2008 BUDGET ESTIMATES BASED ON ECONOMICAL CATEGORISATION AND COMPARISON OF 2006 BUDGET PROPOSAL WITH THE 2005 BUDGET

CODE	EXPLANATION	2005 BUDGET	2006 BUDGET PROPOSAL	DIFFERENCE	DIF. IN %	2007 BUDGET ESTIMATE	2008 BUDGET ESTIMATE
01	Personnel Expenditures	3,849,257,000	4,314,125,000	454,868,000	12.08	4,605,705,300	4,782,942,050
1	Civil Servants	3,061,500,000	3,392,205,000	330,705,000	10.80	3,641,042,100	3,782,678,550
2	Contract Personnel	4,587,000	2,760,000	-1,827,000	-39.83	2,962,450	3,077,650
3	Workers	689,420,000	790,160,000	100,740,000	14.61	823,238,000	853,337,000
4	Temporary Personnel	2,000,000	2,000,000	0	0.00	2,146,700	2,230,200
5	Other Personnel	91,750,000	127,000,000	35,250,000	38.42	138,316,050	141,618,650
02	Government Premium Exp, to Social Security Institutions	590,475,000	681,104,000	90,629,000	15.35	822,184,100	844,935,300
1	Civil Servants	460,000,000	515,750,000	55,750,000	12.12	649,001,600	674,247,650
2	Contract Personnel	2,233,000	354,000	-1,879,000	-84.15	568,750	590,850
3	Workers	122,000,000	143,000,000	21,000,000	17.21	149,000,000	155,000,000
4	Temporary Personnel	42,000	0	-42,000	-100	0	0
5	Other Personnel	6,200,000	22,000,000	15,800,000	254.84	23,613,750	15,098,800
03	Goods and Service Procurement Expenditures	6,189,475,000	6,572,475,000	383,000,000	6.19	6,716,700,000	6,985,379,000
2	Consumer Goods and Material Procurement	5,271,709,760	5,644,973,138	373,263,378	7.08	5,900,420,147	6,137,276,954
3	Travel Allowances	144,092,930	149,918,339	5,825,409	4.04	158,422,943	162,679,881
4	Duty Expenses	17,950,430	17,611,365	-339,065	-1.89	18,403,871	19,140,024
5	Service Procurement	300,516,465	309,822,924	9,306,459	3.10	323,764,942	338,718,538
6	Presentation and Publicity Expenditures	4,217,580	4,898,826	681,246	16.15	4,976,917	5,175,993
7	Movable Goods Procurement, Maintenance, Repair Exp,	105,020,310	112,511,157	7,490,847	7.13	117,484,400	122,183,780
8	Immovable Property Procurement, Maintenance, Repair	103,492,525	90,264,251	-13,228,274	-12.78	93,376,780	96,271,850
9	Treatment and Funeral Expenditures	242,475,000	242,475,000	0	0.00	101,850,000	105,935,000
05	Current Transfers	342,360,000	298,929,000	-43,431,000	-12.69	312,380,805	324,876,035
2	Treasury Aid	267,600,000	224,737,000	-42,863,000	-16.02	234,850,164	244,244,171
3	Transfers to Non-profit Organisations	50,000	50,000	0	0.00	52,250	54,340
4	Transfers to Households	10,710,000	10,697,000	-13,000	-0.12	11,178,367	11,625,499
5	Transfers Abroad	64,000,000	63,445,000	-555,000	-0.87	86,300,024	68,952,025
06	Capital Expenditures	5,500,000	10,900,000	5,400,000	98.18	5,551,000	5,488,000
1	Procurement of Finished Goods	5,500,000	6,000,000	500,000	9.09	5,261,000	5,270,000
7	Big Immovable Property Repair Spendings	0	4,500,000	4,500,000	100.00	290,000	218,000
9	Other Capital Expenditures	0	400,000	400,000	100.00	0	0
	Total	10,977,067,000	11,877,533,000	900,456,000	8.20	12,462,521,205	12,943,620,385

Source: Ministry of National Defence

TABLE 3: 2004 SALARIES FOR MILITARY PERSONNEL

RANK	GRADE	POST	NET SALARY
Chief of General Staff	1/4		5,465.95
Land Forces Commander	1/4		4,256.22
Naval Forces Commander	1/4		4,256.22
Air Forces Commander	1/4		4,611.03
General	1/4	Land	3,902.79
Lieutenant-General	1/4	Land	3,370.51
Lieutenant-General	1/4	Air	3,971.46
Lieutenant-General	1/4	Navy	3,262.97
Major-General	1/4	Land	3,123.03
Major-General	1/4	Air	3,818.63
Major-General	1/4	Navy	3,110.14
Major-General	1/4	Medical Doctor	3,096.02
Brigadier-General	1/4	Land	2,924.94
Brigadier-General	1/4	Air	3,696.27
Brigadier-General	1/4	Navy	2,987.79
Brigadier-General	1/4	Judge-President	3,529.14
Brigadier-General	1/4	Medical Doctor	2,892.08
Senior Colonel	1/4	Land	2,554.00
Senior Colonel	1/4	Air	3,363.21
Senior Colonel	1/4	Judge Member	2,824.80
Senior Colonel	1/4	Medical Doctor	2,459.14
Colonel	1/4	Land	2,316.69
Colonel	1/4	Air	3,201.63
Colonel	1/4	Navy	2,493.14
Colonel	1/4	Judge	2,806.66
Colonel	1/4	Medical Doctor	2,213.05
Lieutenant-Colonel	1/1	Land	1,974.97
Lieutenant-Colonel	1/1	Air	2,878.85
Lieutenant-Colonel	1/1	Navy	2,165.06
Lieutenant-Colonel	1/1	Judge-3 years	2,340.30
Lieutenant-Colonel	1/1	Medical Doctor	1,884.36

TABLE 3: 2004 SALARIES FOR MILITARY PERSONNEL

RANK	GRADE	POST	NET SALARY
Senior Major	2/1	Land	1,567.48
Senior Major	2/1	Air	2,425.92
Senior Major	2/1	Navy	1,748.11
Senior Major	2/1	Judge	1,892.43
Senior Major	2/1	Medical Doctor	1,465.75
Major	3/1	Land	1,492.46
Major	3/1	Air	2,335.75
Major	3/1	Navy	1,677.62
Major	3/1	Judge	1,586.82
Major	3/1	Medical Doctor	1,386.22
Senior Captain	4/1	Land	1,350.47
Senior Captain	4/1	Air	2,178.61
Senior Captain	4/1	Navy	1,555.70
Senior Captain	4/1	Judge	1,509.06
Senior Captain	4/1	Medical Doctor	1,330.11
Captain	5/1	Land	1,295.37

TABLE 4:

The distribution of foreign finished goods procurement from 1985, SSM's year of organisation until 2001

Systems	Units	Million USD	% (USD)
Road Vehicle Projects	2	94.4	3%
Air Vehicle Projects	11	2296.4	85%
Electronic System Projects	3	18.18	1%
Naval Vehicle Projects	3	300.29	11%
Total	19	2709.3	100.0

Kaynak: Alper Köse – SSM expert. This table is taken from the Papers Compilation of the Strategic Relations in Defence Industry Symposium organized by SSM on 10-11 December 2002 in Ankara

The distribution of supply models over main system projects from 1985, SSM's year of organisation until 2001 (million USD)

Models/Systems	Air	Land	Navy	Electronics	Total
Domestic Development and Production	63.9	166.76	115.5	72.6	418.76
Joint Development and Production	94.7	603.4	0	190.4	888.5
Consortium	1,500	0	0	0	1500
Licensed Production	0	125.8	0	431	556.8
Inland Production	1,379.8	1,117.1	625	8.2	3,130.1
Production in Joint Venture Corporation	530	1,670	0	828.5	3,028.5
Foreign Finished Goods Procurement	2,296.4	94.4	300.29	18.18	2,709.3
Total	5,864.8	3,777.46	1,040.79	1,548.88	12,231.93
%	47	31	9	13	

Source: Alper Köse

The distribution of supply models over main system projects from 1985, SSM's year of organisation until 2001

Models/Systems	Air	Land	Navy	Electronics	Total
Domestic Development and Production	2	2	4	6	14
Joint Development and Production	1	2	0	1	4
Consortium	1	0	0	0	1
Licensed Production	0	5	0	3	8
Inland Production	7	2	1	1	11
Production in Joint Venture Corporation	1	2	0	3	6
Foreign Finished Goods Procurement	11	2	3	3	19
Total	23	15	8	17	63
%	37	24	13	27	

Source: Alper Köse, SSM 2002 Paper Compilation

POLICE

İbrahim Cerrah*

Background

The domestic security sector has a dual structure, namely public and private security. Public security consists of three main law enforcement institutions: the police, the gendarmerie and the coast guard. The first of these, i.e. the police force, was established in 1845 in Ottoman-era Turkey to reflect the modern police organisations of European countries, such as Britain and France, resulting from the industrial revolution.[1] The remaining two institutions—the gendarmerie and the coast guard—are military institutions. On the one hand, they are part of the Turkish Armed Forces structure and, on the other, they are answerable to the Ministry of Internal Affairs as far as their tasks and duties are concerned. The police force resides within the Ministry of Internal Affairs as part of the Directorate General of Security. Along with these three main law enforcement institutions, the establishment of private security organisations has been made possible with the Private Security Services Law No. 5188 (*Özel Güvenlik Hizmetlerine Dair Kanun*, ÖGHDK) that went into effect on 10 June 2004.

The Turkish civilian administration system, and the police and the gendarmerie that are its law-enforcement units, is influenced by the French civilian administration system and its domestic security approach, as far as the institutional structuring and the determination of their functions are concerned. According to this model, the residential units that are defined as urban are under the jurisdiction of the police, whereas the rural areas are under the jurisdiction of the gendarmerie. However, the type of structure and duty distribution that emerged after the Industrial Revolution has evolved in recent years, particularly in terms of institutional structuring and the quality of service, as a result of the widespread reforms that took place in most European countries.

Although the London Metropolitan Police, which was founded in 1829 and represented the first example of a modern police organisation, was established as a domestic security organisation that distanced itself from the military and worked under the control of the civilian authority, the modern democratization of the British police force and its embracing of the public service approach transpired only in the 1990s. This is also true of other continental European countries. The progressive modernization and opening to civilian control of modern police organisations is an ongoing process.

Institutional Structure

The police force belongs to the Turkish civilian administration system which has a central structure, and as such, is a part of this central structure itself. However, when compared to western central administration models, this

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1 Although some recognize the Constable [Gendarmerie] Marshalry (**Zaptiye Müşiriyeti**), established on 16 February 1846–a year later than the police organisation–as the beginning of the gendarmerie organisation; it is widely accepted that the gendarmerie, as a military organisation providing security services, was established in 1839. See Gendarmerie General Command, **Jandarma Genel Komutanlığı Tarihi** (Ankara: 2002).

structure is excessively central. However, although the Turkish police, at first glance, is reminiscent of federal security agencies in the United States, their structure is entirely different from those under centralised federal institutional structuring, specifically because of the lack of law enforcement units under the national law-enforcement institutions, (i.e. the police, the gendarmerie and the coast guard). The institutional structure has two main categories, namely the centre and the provinces. The central police force operates under the Ministry of Internal Affairs in the form of Directorate General of Security. In the provinces, it operates under the command of governors (*vali*) and district governors (*kaymakam*). Civilian administrators (*mülki amir*) are responsible for the security and well-being of towns and districts. According to legislation and practices, the central and regional structure of the police force is defined as a law-enforcement unit that operates within the network of the civilian administration system and carries out its duties under the command and control of the civilian authority. Town governors and heads of district administrations supervise the force.

Structure of the Personnel

Employees of the Turkish police force are categorized as being within the Security Services Branch (*Emniyet Hizmetleri Sınıfı*, EHS), which includes both armed and uniformed personnel, and civilian personnel.

The ratio of the total number of civil personnel (17,715), that is, personnel outside EHS-consisting mainly of assistant clerks and general administrative clerks-to that of uniformed personnel (175,058) is approximately 11%, and their job descriptions and respective numbers are as follows:

TOTAL NUMBER OF EMPLOYEES IN THE SECURITY SERVICES BRANCH AND CIVILIAN PERSONNEL

SECURITY SERVICES BRAND	CIVILIAN PERSONNEL	TOTAL
175,058	17,715	192,773

THE JOB DESCRIPTIONS OF THE SECURITY ORGANISATION CIVILIAN PERSONNEL

Academic Staff (teachers / instructors)	123
Educational Services	90
Health Services	343
General Administrative Services	3,466
Technical Services	243
Assisting Clerks	12,215
Workers	1,235
Total Civilian Personnel:	17,715

The ratio of uniformed female to male staff in the security services, their distribution according to rank, their chances for promotion, and the ratio of the number of civilian personnel to ranked personnel and whether they hold influential positions are important criteria for democratic policing. The figures above can be analyzed in light of these criteria.

However, in analysing the quantity of domestic security personnel and how many police officers (domestic security personnel) serve how many citizens, the quantity of staff in the gendarmerie and the coast guard—two military institutions providing the same services as the police—should also be taken into account.

The gendarmerie numbers stand at approximately 280,000. However, according to unofficial figures, the number may exceed 300,000. Eighty percent of the existing gendarmerie are not professional soldiers, but privates fulfilling their military duty. According to official figures, most of the 2,200-strong coast guard personnel consist of these privates.

When the number of police force personnel (175,000) alone is taken into account, it emerges

that one police serves approximately 382 citizens. When the figures from the military institutions carrying out policing duties such as the gendarmerie (280,000) and coast guard (2,200), are added to this total, the average becomes one domestic security staffer per 146 citizens.[2]

THE TOTAL NUMBER OF LAW-ENFORCEMENT PERSONNEL AND ITS RATIO TO THE POPULATION

Police[3]	175,000
Gendarmerie	280,000
Coast Guard	2,200
Total	457,200
Turkey's Total Population	67,000,000
Number of Citizens per Law Enforcement Member	146 to 1 (police and military)

The total number of non-military and military law-enforcement personnel (457,200) to the total population (67,000,000) is one law-enforcement member per 146 citizens. Although this number appears high in comparison to European averages, the ratio of police officers working in urban areas (175,000) to the urban population (44,000,000) is 251 to 1. When the fact that 44 million people, or 66% of the total population living in urban areas is taken into consideration, it is clear that the number of police officers who are working in urban areas remains insufficient, specifically when compared with the number of gendarmerie operating in rural area law-enforcement. Taking into account the highly-concentrated urban population, the high number of crimes committed in these centres, the fact that most of the rural population has involvement in city businesses and spend their leisure time in urban areas the workload for the police force and the insufficiency in the number of its personnel prove to be a matter for concern.

The rural population under the jurisdiction of the gendarmerie personnel stands at 23,000,000 or 34% of the total population. When total gendarmerie personnel of 282,200, is divided by the rural population the ratio is one gendarme to 81 citizens.

The police force has a total of 175,500 employees working in the EHS category, and of these 9,500 is female. The ratio of this number to the number of male personnel is 5.4%. Although an increase in female personnel has been observed in recent years, the ratio is still very low. 9,017 female staffers are unranked police officers. There is only one female officer at the highest rank of security director first class. The total number of ranked female staff outside of police officers is 518 and this number is distributed among ranks.

The lack of female members in the organisation should not only be seen from the point of view of gender discrimination. In locations where police are present, uniformed or civilian female

THE TOTAL NUMBER OF LAW-ENFORCEMENT PERSONNEL AND ITS RATIO TO THE TOTAL POPULATION

POLICE	SERVING	POPULATION RATIO	CITIZENS PER POLICE OFFICER
175,000	44 million	66 %	251 citizens per 1 police officer
GENDARMERİE	**SERVING**	**POPULATION RATIO**	**CITIZENS PER SOLDIER**
280,000	23 million	34 %	82 citizens per 1 soldier

GENDER DISTRIBUTION OF THE TURKISH POLICE FORCE EHS PERSONNEL

EHS (MALE PERSONNEL-ALL RANKS)	EHS (FEMALE PERSONNEL-ALL RANKS)
165,524	9,534

2 The calculation of the number of citizens each security personnel serves (police, gendarmerie and coast guard) is based on the 2000 population census result 67,853,315 which was provided by the State Institute of Statistics.

3 The numbers pertaining to police and general population of the country are rounded.

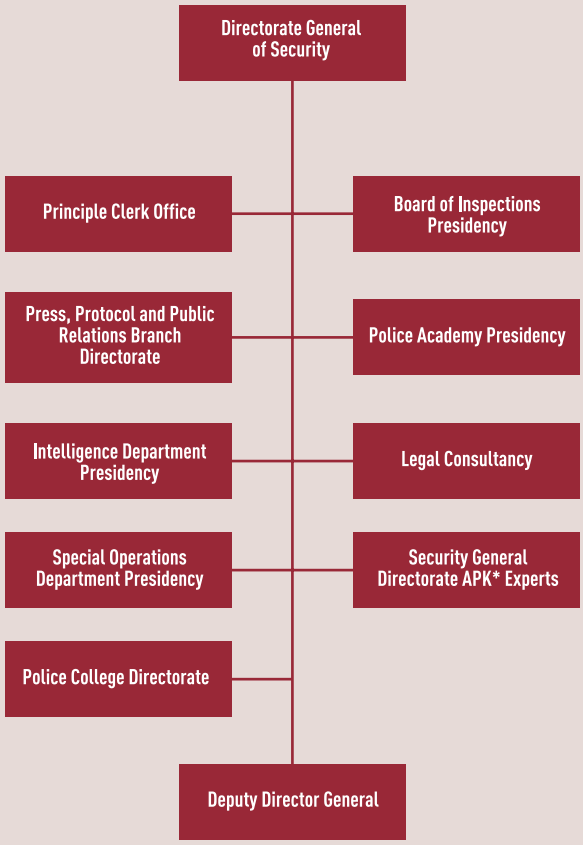
personnel have positive effects on the institution's culture and work environment. However, the employment of a sufficient number of civilian personnel for services outside law-enforcement is an important factor for the efficient and productive employment of uniformed personnel and invariably makes the places where police carry out their duties more welcoming for visitors. When male-female and civilian-uniformed personnel are seen working together with a ratio that reflects the social structure, the locations will naturally become more open and accessible to the public.

The Structuring of the Central Organisation (Directorate General of Security)

The Directorate General of Security works under the Ministry of Internal Affairs. The general tendency has been to appoint the director general of security from among governors who are civilian bureaucrats. In the past, however, directors with a military background have also been appointed, particularly following military coups. In recent years, governors with a police background have been appointed director general of security . The director general of security is appointed by a triple decree, by proposal from the minister of internal affairs, the recommendation of the prime minister and the approval of the president. The director's term of office is not predefined or limited.

Services in the central structure of the Directorate General of Security are carried out by the department presidencies. The services carried out by department presidents fall under the control of the security general director through five deputy-directors. Each deputy-director is responsible for the services of a certain number of department presidencies. The department presidencies in diagram 1 consist of branches and bureaus (the branch and bureau names are not displayed in the diagram). The central organisation is constantly expanding, and it sometimes undergoes changes resulting in new departments being established or a number of departments being merged under a single name.

DIAGRAM 1: ORGANISATIONAL DIAGRAM OF THE DIRECTORATE GENERAL OF SECURITY



*APK (Research, Planning and Coordination, **Araştırma, Planlama ve Koordinasyon**)

The department presidencies listed below work under the director general of security through five deputy director generals.

Department Presidencies within the Directorate General of Security:

Principal Command and Control Department, Archive Documentation Department, Public Order Department, Information Technologies Department, External Relations Department, Education Department, Security Department, Correspondence Department, Aviation Department, Administration and Finance Department, Supply and Maintenance Department, Construction and Real Estate Department, Interpol Department, Fight Against Smuggling and Organised Crime Department, Protection Department, Criminal Police Laboratory Department, Personnel Department, Health Services Department, Civilian Defence Expertise Social Services Department, Strategic Development Department, Anti-Terror Operations Department, Traffic Education and Research Department, Traffic Planning and Support Department, Application and Supervision Department, Foreigners Border Refuge Department and Traffic Research Centre Department.

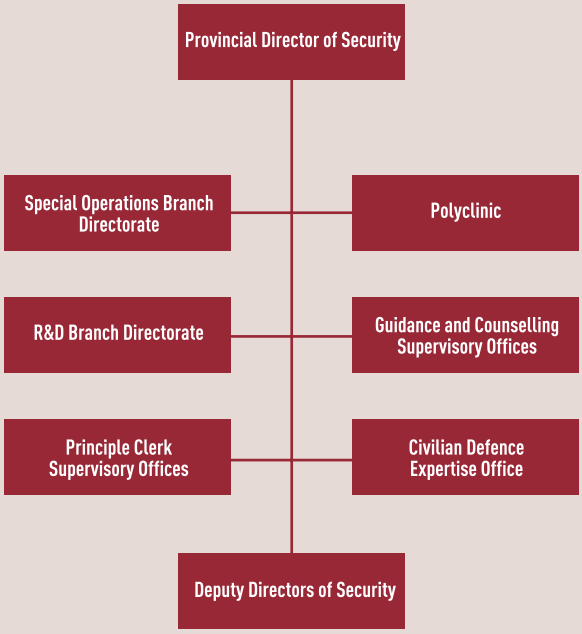
The Structure of the Provincial Organisation (Provincial Directorates of Security)

Turkey has 81 provinces, each of which is consisted of sub-units such as districts, municipalities, villages and neighbourhoods. The representative of the central administration in a province is the governor, and in the districts, the district governor who work under the governors. The governors and the district governors are appointed by the central political administration (the government) with the approval of the president. The governors that are the appointed representatives of the central administration are responsible for following up and supervising all public service institutions in the provinces and the districts under their jurisdiction.

The gendarmerie, which is part of the civilian administration and has the function of a domestic security unit similar to the police, is under the command and control of governors and district governors. However, as documented in the following chapters of the present volume, the gendarmerie and the coast guard, both of which are military institutions, are not under the complete command of the civilian authority responsible for discipline, record and appointment. On the other hand, the elected local administrations (mayor – *belediye başkanı*), who are an important part of democratic administrations, do not have any official authority or influence over the security services in Turkey. This is one of the most distinct differences between the Turkish police organisational structure and the domestic security services of modern administrations.

The institutional extension of the Directorate General of Security in the provincial area (provinces and districts) refers to the provincial and district directorates of security. The provincial and district directorates of security, operating outside provinces with a special status like Ankara, İstanbul and İzmir have a standard organisational structure (diagram 2). However, there are slight differences in the number of staff and the institutional structure depending on the population size of the provinces and districts. The most important difference between the central and provincial organisations relates to the services that are structured as department presidencies, which is one step down the hierarchical ladder, taking the form of

DIAGRAM 2: ORGANISATIONAL DIAGRAM OF THE PROVINCIAL DIRECTORATE OF SECURITY



The number of provincial deputy directors of security might depend on the population size of each province. The branch directorates listed below operate under the provincial director of security through the deputy directors of security.

The Branch Directorates within a Provincial Directorate of Security:

General Supervision and Discipline, Intelligence, Interpol, Public Order, Security, Anti-Terror, Fight Against Smuggling and Organised Crime, Special Forces, Crime Scene Investigation and Identification, Supply, Archiving, Correspondence, Electronics, Security Command Control Centre, Protection, Social Services, Traffic Registration, Traffic Supervision, Regional Traffic Supervision, Registration Notification, Tourism, Photo-Film, Passport, Foreigners, Protection of Sensitive Regions, Special Security, Children, Transport, Budget, Legislation Offices and Investigation, Press Protocol and Public Relations, Personnel, Education, Information Technologies, Construction and Real Estate, Esenboğa Airport Protection, Naval Port, Kindergarten and Day-care, Regional Aerial Transport and Regional Police Polyclinic.

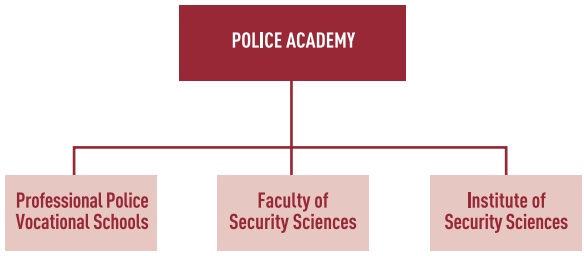
branch directorates in provinces and that of supervisory offices in districts.

Police Education

The Turkish police force has two main categories, namely pre-profession and in-house. In-house training is provided by the Educational Department Presidency. This department operates directly under Directorate General of Security and outside the police academy structure. There are other educational institutions that give expert in-house training, such as the Turkish International Academy Against Drugs and Organized Crime (TADOC) and the Crime Investigation and Research Education Centre (*Suç Araştırma ve Soruşturma Eğitim Merkezi*, SASEM).

The pre-profession education that is given to officers, supervisors and executives operates through three separate institutions directed by the police force. These are the two-year professional police vocational schools for officers, the faculty of security sciences for supervisors and the Institute of Security Sciences that provides graduate and post-graduate education for executives. With the introduction of Law No. 4652 on 25 April 2001, the Police Academy (diagram 3), which contains all three of the aforementioned educational institutions, was granted the standing of an institution of higher learning equalling that of a university. The president of the Police Academy is an executive equal to a rector.

DIAGRAM 3: ORGANISATIONAL DIAGRAM OF THE POLICE ACADEMY



There are currently 24 professional police vocational schools in Turkey. Students are selected from among male and female high school graduate candidates who are allowed to apply according to points received in the annual university selection examinations. Currently, there are 13,000 professional police students. These schools provide basic police training for two years upon completion of which graduates commence work as police officers. The educational subject-matter mainly covers law, professional police sciences, police ethics, computer science, foreign language, and coursework with social content, such as behavioural sciences and public relations.

The security sciences faculty, founded in 2001 under Law No. 2456, is a police higher education institution that provides four years of undergraduate-level education. As part of the Bologna Process, the Faculty embraced the semester system in the 2005-2006 school year. With the introduction of the new credit system, the Faculty became an exact counterpart of civilian and police higher education institutions in Europe. Upon completion of four years of theoretical, practical and internship training, graduates can be appointed deputy commissioners.

The Institute of Security Sciences, established in 2001 under legal regulations is a higher education institution open to all official and civilian candidates who wish to obtain graduate and post-graduate education on matters of domestic security. The Institute, which runs four different graduate programs under three different chairs, has a civilian academic serving as director. In addition to the graduate programs, the institute has provided trainings to middle (security supervisor) and higher (deputy security directors) executive candidates for their promotion for the last five years.

In-house training of the Turkish police force is run by the Educational Department Presidency that operates under the Directorate General of Security. The Educational Department

Presidency organizes in-house training programs in necessary areas, following demand. Through Law No. 5336, dated 6 May 2005, which was introduced to meet the increasing demand for police officers, university graduates were recruited as police officers following a six-month pre-professional training regimen. Currently, there are 2,000 students receiving training in five police education centres.

Finally, the police college, first established in Ankara in 1938, is a boarding high school. Turkey's two police colleges, located in Ankara and Bursa, operate directly under the Directorate General of Security, as is the case with the Police Academy and the Education Department. Graduates of the college, who receive an education equal to that provided by Anatolian high schools (science high schools), are admitted to the police academy without prior examination. Graduates, who attend civilian universities operating under the higher education system providing education in areas required by the police organisation, are employed by the police force appropriate to their areas of education.

Following recent developments in the educational system, in some respects the calibre of the police force has become superior to European police systems. The system has been endowed with the structures of a university under the tutelage of the police academy. A faculty that provides undergraduate education (the faculty of security sciences) has been established and the Institute of Security Sciences undertakes scientific research and provides graduate and post-graduate education. Although the police organisations of some European countries such as Germany, Spain and Britain aim at implementing a similar educational structure this has yet to be achieved. The civilian academic staffs—many of whom are 1990s graduates and post-graduates from European countries—have made important contributions to the growth of police education in Turkey. Uniformed members of the organisation, sent abroad for graduate and post-graduate studies, have similarly endeavoured to implement the training they have received. The idea is for the level of influence of the many lower and middle-level police personnel on the executive branches of the organisation be championed in the same way.

OTHER IN-HOUSE TRAINING INSTITUTIONS: TADOC and SASEM

The in-house training provided by the Education Department usually aims at meeting general in-house training needs. However, demand for expert-level skills' training also exists for the personnel of departments such as Intelligence, Public Order and the Fight Against Smuggling and Organized Crime. The educational institutions established within these departments provide training at the national and international level, with an elite educational staff, a scrupulous selection of participants and a superior quality of education.

TADOC, which is part of the Fight Against Smuggling and Organized Crime Department, and SASEM, which is part of the Department of Public Order, are the most active of these institutions.

Reform in the Police Organisation

The intellectual reform/modernization of domestic security services falls under the headings of transparency, accountability and civilian control and oversight. Transparency is defined as the opening of public service institutions to other institutions and organisations to which they are obliged to reveal the costs and nature of their services. The first point that comes to mind when speaking of institutional accountability is the civilian authority's preparing of legal regulations concerning security services through the legislative arm of the state. Civilian control, in its broadest sense, is applied on two levels. One is the legislative control run by parliament and government on a national level, and the other is the control and oversight performed by the civilian administrative authorities (governors and heads of district) who are appointed by the central government in order to conduct public services on a regional level.

The civilian control and oversight mechanisms within the Turkish police organisation can be

traced back to the organisation's establishment. Excepting the president, the remaining six members of the Constable [Gendarmerie] Council (*Zaptiye Meclisi*) founded in 1846 were civilians.[4] This structure, which can be defined as civilian, even democratic participation has no parallel in today's world. Despite all the time that has passed since then, the Turkish police organisation has been unable to establish systemic institutional civilian participation and a satisfactory control mechanism. On both the national and regional level, security policies and practices are only run and supervised by appointed civilian administration authorities and police administrators. The control of the civilian administration authorities (governors and heads of districts), which can at best be considered in-house control, cannot be qualified as democratic control and furthermore, the question of how efficient and productive is this in-house control mechanism needs to be addressed.

The Press Office that is a part of the Directorate General of Security organizes an informational meeting for print and audio-visual media members on the Friday of each week. These weekly meetings that have been existed since 2003 inform the public through the media about important events, existing problems and crises, routine developments, new developments and activities, all of which are related to domestic security. The information given by a high-ranking police director designated by the director general of security can be qualified as a practice embracing transparency principles.

In western European countries such as England and France, the structures called Independent Police Complaint Authority are civilian oversight mechanisms that supervise not only the police, but also those security units that provide domestic security services such as the gendarmerie. For instance, The National Commission of Deontology and Security established in France in 2000, functions as a civilian control mechanism over all institutions

4 Ali Birinci, "Türk Emniyet Teşkilatında İlkler," **Polis Bilimleri Dergisi**, 1(3) (1999).

POLICE FORCE TRANSPARENCY

Security units are among the service institutions that most vehemently resist transparency. For years, there was no systemic information-sharing mechanism in place, due to the idea that the nature of security services requires secrecy. Secrecy is an important and necessary element of security services. It is necessary for the operational success of security practices, as much as for the protection of individual rights and freedoms. However, secrecy should not be a rule but an exception. In democratic societies, the public is informed in a systematic fashion about security services. In annual activity reports, the total cost of the services, their share per citizen and comparisons with prior years are included. In this manner, citizens have the chance to evaluate the quality of the service that is provided them and to determine whether costs have risen compared to previous years. The implementation of the transparency principle in security services will double as the function of healthy control. For instance, figures relating to the fight against crime are good indicators of how effectively resources are being used and are markers of the security services' overall success.

Moreover, circumstances under which arrested suspects are held are important criteria to observe as part of the transparency principle. Also, the ratio between those suspects who are brought before court from among those arrested and those who are released is an important criterion to judge service quality.
Accurate information-sharing with the public in the areas listed below will not violate the secrecy required by the domestic security services, and will provide public support and justification to these organisations, making them more effective and productive.

- Service policies;
- Number of personnel;
- Allocation of resources;
- Information concerning crime;
- Figures concerning crimes committed;
- Number of crimes brought before court;
- Investigations resulting in imprisonment;
- Unsolved cases;
- Crime-fighting projects;
- Targets;
- Yearly success ratios in crime prevention and case-solving;
- Public satisfaction with security services provided by the police;
- Types and ratios of crime and their distribution among regions and cities.

This and similar information that does not require operational secrecy can be included in national and local yearly activity reports, and can be made accessible to citizens on the internet.

PROBLEMS IN CIVILIAN OVERSIGHT AND CONTROL

TESEV's Security Sector Working and Monitoring Group's activities, as well as the Preparatory Assistance for Civilian Control of Security and Law Enforcement[5] project realized by the Ministry of Internal Affairs and the United Nations Development Programme (UNDP) unearthed some problems in the matter of civilian oversight and control on a national and regional level.

The control carried out on law enforcement units by the governors and heads of districts appointed by the central government is, although of a civilian nature, clearly not democratic. Security services should be monitored by elected administrators who represent the citizens, i.e. the receivers of this service, or by institutionalized civilian elements, namely the non-governmental organisations (NGOs). Experience in these matters shows that the civilian oversight carried out by NGOs in coordination with official civilian control mechanisms provides a much healthier control. Civilian oversight mechanisms although they appear to be bereft of legal support and binding force, are very efficient when it comes to mobilizing civilian control mechanisms.

on French soil that provide security services, starting from the police and the gendarmerie. For Turkey, which has an administration and security services structure based on the French model, the founding of a similar independent police complaint authority is a necessity.

Important Developments in 2005

Some of the important projects in the area of policing and some incidents that can be seen as turning points and that are discussed from the point of view of policing practices are presented below.

As part of the democratization of the security sector, the two projects mentioned below were carried out in 2005.

- **Security Sector Working and Oversight Group (TESEV):** The activities carried out by the Security Sector Working and Monitoring Group founded in November 2004 at TESEV mainly focus on the national (parliamentary) oversight and control of the security services.

- **Ministry of Internal Affairs and the UNDP Project:** The field research entitled Preparatory Assistance for Civilian Control of Security and Law Enforcement, which is run by the Ministry of Internal Affairs and UNDP, unlike the TESEV project, focuses on the civilian oversight and control of the security services on a local level.

The Problem of the Civilian Authority's Superiority: the Incident Concerning the Governor of Diyarbakır and the Director of Security

The problem of the civilian authorities' control over high-ranking domestic security executives came to the fore when the Diyarbakır director of security's difficulty in adapting to work under the command of the governor found its way into the media in 2005. The incident, which was related to Director of Security Orhan Okur's problems with working under Diyarbakır Governor Efkan Ala, resulted in the director's appointment to another province in February 2005. This incident showed, once again, the necessity of reviewing the system of civilian authorities' control over security units in the context of the UNDP recommendations. This incident is important in highlighting the resistance and problems that occur when governors attempt to exert full power over security units, even though in theory the security units are under the command and control of the governors as stipulated by law. Although the exact details of the incident between the Governor of Diyarbakır and the director of security under his command are unknown, it can be defined as a compatibility problem.

The New Code of Criminal Procedure and the Administrative Police vs. Criminal Police Debate

One of the most important debates has been the re-emergence of the administrative police (*idari*

5 Ministry of Foreign Affairs and United Nations Development Programme Research Project: "Preparatory Assistance for Civilian Control of Security and Law Enforcement," (unpublished article, 2005).

polis) –criminal police (*adli polis*) problem with some amendments made to the Code of Criminal Procedure (*Ceza Muhakemeleri Kanunu*, CMK). The basic functions of the domestic security organisations (the police and the gendarmerie), which fall under the Ministry of Internal Affairs on a national and local level, have two main categories, namely the administrative and judicial.

- **The administrative function** consists of security services carried out by security members under the control of their superiors and civilian authorities, preceding a crime, usually for crime-prevention purposes.

- **The criminal function** consists of security services carried out by the police, under the control of a district prosecutor, following a crime.

Debates on this matter commenced with the Ministry of Justice's request for the police officers carrying out criminal duties to work solely and completely under the command of district prosecutors. The Ministry of Internal Affairs and the Directorate General of Security, subsequently argued that, as in western countries, there should be no institutional distinction between the administrative police and the criminal police, and that policing services should have a functional distinction, but remain under one roof. According to the Ministry of Internal Affairs, the administrative and criminal functions blend to a certain extent, making a definite distinction impossible to make. For instance, a police squad carrying out the duty of administrative police during patrol is required to use its criminal police authority when faced with a crime. Therefore, in the event of the establishment of a separate criminal police department, the patrolling squad will have no chance of intervening in judicial matters of this nature. Moreover, practices in western countries show that the criminal police have refrained from intervening in administrative incidents and the administrative police have refrained from intervening in criminal incidents, which harmed public trust in their work

As a result, the Ministry of Internal Affairs' proposal was accepted in the CMK and the administrative security distinction remained functional instead of institutional. Accordingly, the police will be named criminal police when in pursuit of a criminal matter and administrative police when in pursuit of an administrative matter, taking orders from the civilian authority or the prosecutor depending on the nature of the duty. Whereas, in practice, in order for the prosecutors to know who is under their command, the names of police units and those superiors who are to carry out administrative duties will be given to the district prosecutors in each province and district.

The New Anti-Terror Law

Another issue that was on the public agenda throughout the second half of 2005 and remained legally unresolved involved a new Anti-Terror Law (*Terörle Mücadele Kanunu*, TMK). Although the amendments that were effectuated as a result of the wave created by the 9/11 attacks were still strongly in effect throughout 2005, high-ranking officials of TSK especially, stressed that the existing Anti-Terror Law was insufficient and that a new regulation was needed. However, the police organisation, which retained jurisdiction in urban residential areas in matters against terror, was not as insistent.

The Anti-Terror Law No. 3713 that went into effect in 1991 underwent important changes on 30 July 2003. In the context of these changes, the amendment made to Article 1 of TMK stipulated that in order for an organisation to be considered a terrorist organisation, force and violence should be part of its mandate. The amendment aimed to expand the limits of freedom of expression as part of the changes made to the constitution, and to create the possibility of expressing and discussing all manner of ideas so long as they did not present

an immediate or imminent threat to public order.

Again, as a result of the same idea, the expression "propaganda against the indivisibility of the state" was removed from Article 8 of TMK, making a mere propaganda of [the general aims of the] terrorist organisations was no longer a crime as previously stipulated by Article 7/2, and instead propaganda inciting the use of force and violence became a crime.

Nonetheless, these amendments did not mean that all actions involving force and violence would go unpunished under Turkish law. According to the nature of the activity, some activities that were previously within the scope of TMK could be categorized as crimes against public peace (included in the Turkish Penal Code – *Türk Ceza Kanunu*, TCK). The new regulations, especially the crimes defined in TCK Articles 213, 214, 215, 216, 217 and 220 (provoking crime, praising crime and criminals, provoking the public to hatred (*düşmanlık*), and insults, provoking lawlessness and founding organisations with criminal intent) were used to fill the gap that emerged after the amendments to TMK. However, in the new law, the definition of terror is being re-evaluated and there is a desire to remove force and violence as criminal factors and to perceive all manner of organized movements as falling within the scope of terrorism.

Moreover, concerns about a practice similar to the state of emergency that was abolished on 30 July 2002 in southeastern Turkey being brought back to the whole of the country were expressed. In a system where civilian control over the security forces continues to face serious obstacles, the vast expansion of the authority of law-enforcement is cause for concern. The fact that the problem with terrorism has not only persisted in the region despite extraordinary authority but has deepened proves the need for its resolution with methods other than ever-increasing military and police measures.

Use of Force

One of the most debated issues concerning security services during 2005 was the use of force. Use of force can be placed into two categories. The first is the non-lethal force used by special operation units that operate in mass protest activities, as part of the chain of command. The other is the lethal force that security forces use in armed conflicts.

The real problem in Turkey concerning meetings and protest is not the permission to exercise this right, but the incidents with use of force that have taken place during exercise of this right. The use of force by police against female protestors on 6 March 2005 -marching to commemorate the women's day of 8 March- was widely criticized. Following an internal investigation, the officers involved received disciplinary punishment. The incident was also brought before court and the trial is ongoing. The intensity of criticism may have been linked to the presence of an EU delegation visiting Turkey at the time, and could be seen as critical to Turkey-EU relations. The criticisms, instead of being steadfastly rejected by the police force, could be drawn upon as a tool and opportunity to increase the professionalism and level of education of the organisation. Although learning from such incidents and preventing their recurrence is a method used in police training, no systematic effort has been observed for the development of a complete solution to the problem. Future special operations practices will, in fact, reveal whether the police actually learned from this incident.

Use of Force in Individual Incidents: the Incident of Kızıltepe (Mardin) of 21 November 2004

Security units at times carry out terror-related operations in urban centres and need to resort to lethal force. Nevertheless, the killing of a father and son who was 12 (while some alleged that his biological age may have been higher) during an operation in Kızıltepe, Mardin on 21 November 2004, was widely criticized.

In criticisms related to this incident in the media, it was not the legality of the use of force in such a situation and the sufficiency of police training that was under discussion, but the personal mistakes and responsibility of the individuals involved in this incident. Beside the individual mistakes and responsibilities of the security personnel, the question of whether sufficient training is provided in such operations was under review.

The Police-Gendarmerie Dilemma: Şemdinli (Hakkari) Incident

On 9 November 2005, two gendarmerie petty officers were allegedly involved in the bombing of a bookstore in the Şemdinli district of Hakkari. The incident reminded many of the government's ties to the mafia, a fact that was publicly disclosed after the Susurluk incident. The Hakkari incident, which is still under investigation and where trials are ongoing, was significant for several reasons.

The first problem concerns the civilian authority's ability to exert enough control over law enforcement units. The governors of Hakkari and the Şemdinli district, testifying before the TBMM Şemdinli Investigation Committee, stated that they had not been informed of the two gendarmerie petty officers' intelligence assignment in the district.

The second problem relates to the gendarmerie organisation's right to carry out assignments in urban centres despite the law[6] that defines their sphere of jurisdiction as being in residential areas outside urban limits and rural areas (unless in cases of approval by the civilian authorities). Although the police and gendarmerie organisations were warned about complying with the law as far as their respective spheres of jurisdiction were concerned in the memo distributed by the Ministry of Internal Affairs on 13 January 2005, entitled Cooperation and Coordination among Law Enforcement Units, this incident brought the issue of the gendarmerie acting within its legal sphere of jurisdiction back into the spotlight.

CRIME AND CRIME FIGHTING

For over 10 years, statistics involving public order crimes around the country have been gathered by the Public Order Department Presidency. The numbers are low in comparison to European countries and this should be viewed positively as an indication of low crime rates. Ironically, however, this low level is reflective of the fact that crimes remain unreported or they are not recorded even if they have been reported and this is cause for real concern. The difference between figures in police records and crimes that were actually committed which did not enter the records for one reason or another is defined as the 'dark figure of crime.'

The Crime Analysis Centre (Suç Analiz Merkezi, SAM) that was established in 2005 should make significant contributions to the strategic development of domestic security policies. Owing to the up-to-date information expected to flow to the centre from around the country, the criminal and scientific analyses of these crimes (the social, political, psychological, economic reasons for crimes) will be carried out and an important step will be made towards the fight against crime.

Community Support in Crime-Fighting: Community Policing

As part of the EU harmonization process, a project of Community Policing was initiated in 2005 as a sub-branch of the Strengthening of the Responsibility, Productivity and Effectiveness of the Turkish Police matching projects. The project is coordinated by Spain in the name of the EU, and the duration of this project has been estimated as 24 months. The project has provided Turkey with an important opportunity to match the existing structure of its police force to EU standards.

The project has two main purposes: increasing the efficiency and productivity of the administrative and managerial services carried out by the police force through the use of modern managerial tools, and, providing impetus for necessary change in the areas of service and education, as inspired by EU best practice.

6 For Article 10 of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803 and dated 10 March 1983 see **Resmi Gazete** (Official Gazette) No. 17985 dated 12 March 1983.

TECHNOLOGY IN CRIME FIGHTING: 'MOBILE ELECTRONIC SYSTEM INTEGRATION' (MOBESE)

Run by the Istanbul police and conceived as one of the largest security projects in the world, the Mobile Electronic System Integration project is expected to contribute greatly to the security and quality of life of the community in Istanbul, both population-wise and from the standpoint of economics.

The possibilities of camera surveillance, vehicle tracking through the Global Positioning System, GPS, fast information-retrieval, ascertaining difficult addresses through address query on digital maps of the city, all of which are within the scope of the project, provides the possibility for speedy arrival and intervention for emergency calls for the police. This affects the all-important time-factor element.

The project consists of the following main points:

- City watch and oversight through camera surveillance units, which is expected to provide two advantages: firstly, making the community feel that they live in a secure city and that the security forces work effectively in the fight against crime, thereby decreasing fear of crime which has strong psychological effect and, secondly, mobilizing the nearest squad to a crime scene through oversight in areas that are within the camera's scope of visibility.
- Determining the positions and mobilization potential of police squads on digital maps through GPS.
- Mobile communication for police patrol cars.
- Putting the Identification Law Number 1774 into practice through the information systems infrastructure.
- Developing the necessary crime databases for crime fighting and scientific research.
- Using the City Geographical Information System.

In order to improve the nature of services provided to the public, the project aims at the police force's cooperation with all levels of the public. The intention is to structure the project based on the police service structures of Britain and Spain, whereby value is given to public satisfaction. Expanding on the philosophy that might be termed: 'in order to satisfy external customers, internal customers should also be satisfied,' measures for improving police force working hours, conditions and raising their standard of living are equally important considerations. Whereas the weekly work week in European countries does not exceed 37.5 hours, in Turkey, most security personnel work up to 12-16 hours per day.

Of great significant is public support for the fight against crime, which in developed democratic countries is estimated at 80-90%. In Turkey, public support is as low as 15-20%, indicating the public's sensitivity about the fight against crime. It is also reflective of the lack of dialogue that exists between Turkish security forces and the public. Finding a resolution to this situation requires the security personnel's embracing the idea that the organisation's duty and mission is not force but service, and present itself to the public as such.

The İstanbul Police Force aims to provide more rapid, efficient and productive service to the community by adopting modern technological communication systems, which has been made possible through a project developed in 2005, called Mobile Electronic System Integration (*Mobil Elektronik Sistem Entegrasyonu*, MOBESE). With the support of an information system, the police will be more rapidly mobilized. The time of arrival to the scene should be decreased to a minimum, especially in services involving emergency calls. Even seconds are of the essence in emergency situations where loss of blood, heart attacks, brawls, fires, falling from heights and traffic accidents are involved. For a person losing blood, each minute of blood loss increases the risk of death by 35%; a delay of even one minute in the case of a heart attack increases the risk of death by 25%; a fire spreads at a rate of 25% per minute. All these examples clearly show the importance of rapid response for emergency services.

Conclusion

Despite the accent put on *service*, the Security Services Branch is perceived more as a *force*. This perception has been expressed time and again in verbal and written statements made by police force officials.

Democratic societies define domestic security duties as a *public service* and not as a *force practice*, and provide this service within the framework of rules and principles that are also valid for other public services. Defining these functions as a public service brings about internal changes as well as changes in the relationship with the community that is being served. These, first and foremost, consider the internal needs, demands and expectations (those of the police officers) and external ones (those of the citizens), and replace the chain of command method, which is the sole method now used, with dialogue and interaction. In short, democratic principles and values should be the basis for both the internal relations of personnel, who are the producers of the service, and citizens, who are the recipients of this service. The relationships that are desired in the public service institutions of modern societies are not an alternative, but a must for democratic governments.

GENDARMERIE

Lale Sarıibrahimoğlu*

Theoretically, as far as security and public order services and duties are concerned, the General Command of Gendarmerie (*Jandarma Genel Komutanlığı*, JGK) is a military security force operating by all appearances under the Ministry of Internal Affairs in times of peace, and under the command of the land forces as part of the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) in times of war. In practice, however, JGK is a TSK component operating under the command of the General Staff, as confirmed by its duties in the armed forces, organisational precepts, budget, promotion system and personnel training and education.[1]

The fight against domestic threats, as posited by the constitution, aims at maintaining the order of the state, its democratic and secular nature and its integrity. It falls under the jurisdiction of the Ministry of Internal Affairs, whereas defence against external threats falls under the responsibility of the General Staff and the Ministry of National Defence (*Milli Savunma Bakanlığı*, MSB).[2] However, TSK also intervenes in matters of domestic security, using the gendarmerie as stipulated by a number of laws and internal memos.

Although reforms that would provide democratic civilian control of the military have been integrated as part of the EU membership process, the National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi*, MGSB) containing domestic and external threats remains under heavy military influence. This, along with other factors which will be presented below, reveals that rulings about domestic threats falling under the jurisdiction of the Ministry of Internal Affairs are not valid in practice.

Another body responsible for the provision of public order and internal security in addition to the JGK is the police force, which is part of the Ministry of Internal Affairs. Governors have the authority to request military assistance, in accordance with the Provincial Administration Law No. 5442, Article 11, should these two forces fall short of providing internal security. This law stipulates that the military forces are under obligation to meet this request.[3]

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1 See <http://www.msb.gov.tr>; <http://www.tsk.mil.tr>.

2 **Milli Savunma Bakanlığı Beyaz Kitap 2000** (Ministry of National Defence White Book 2000), Chapter 4, Section 3, "Türkiye'nin Milli Güvenlik Güçlerinin İç Güvenlikte Kullanılması," see <http://www.msb.gov.tr>. See also Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, ratified by the Turkish Grand National Assembly (**Türkiye Büyük Millet Meclisi**, TBMM) on 10 March 1983, and the Establishment Law No. 3152, ratified by the Ministry of Internal Affairs on 14 February 1985. This law stipulates that the Ministry of Internal Affairs is responsible for the provision of domestic security, and the term 'internal threat' is not used. However, in **Milli Savunma Bakanlığı Beyaz Kitap 2000**, the term 'internal threat' is used without reference to any specific article.

3 Amended Article 11 Clause (d) of the Provincial Administration Law No. 5224 that was ratified in TBMM on 10 June 1949 and published in **Resmi Gazete** (Official Gazette) on 18 June 1949 is as follows: (Amendment: 29.8.1996 – 4178/1 art.) "The governors, when they fail or do not deem it possible to prevent incidents that may or do occur in the province with the forces under their command, [or] when they fail or do not deem it possible to implement the measures they have taken with these forces can, in order to use the law enforcement [units] of other provinces or the other forces that are assigned for this job, ask for help from the Ministry of Internal Affairs, and if necessary, from the nearest land, navy or air force command, including the border units of the General Command of Gendarmerie or the Land Forces General Command, by sending their request by the fastest means possible. In such cases, the choice of sending the request for the necessary forces to the Ministry of Internal Affairs, to the military units or both is at the requesting governor's discretion. The governor's request for help is to be met without delay. In emergencies, the request can be made verbally, to be put in written form later. If the governor requests for help from military units,

However, following a 1996 Constitutional Court decision, an amendment was made in 2003 to Clause (d) of the article in question that eliminated ambiguities concerning the duration of stay of the military forces in the region in which they have been dispatched.

The amendment authorized the governor to supervise security and public order and make decisions on the size of the military force and the duration of its stay, based on the nature of the events and in coordination with the garrison commander.[4] In practice, however, this amendment fell short of providing enough clout to governors so that they may use their legal authority in matters of domestic security.

Additionally, it can be said that TSK and JGK's internal regulations have an influence over laws. The 'filing scandal' of 2004, where TSK gathered information through the gendarmerie about different segments of society, as authorized by the Provincial Administrative Law mentioned above, is a case in point (for details, see 'Filing Scandal' below).

The Function of the Gendarmerie

The official headcount of JGK, established in 1839 as a military organisation, stands at 280,000, 80% of which are enlisted under compulsory military service, whereas the unofficial number is probably closer to 300,000. Currently, 190,000 police officers are responsible for security and public order in urban areas. The Coast Guard Command (*Sahil Güvenlik Komutanlığı*, SGK) is responsible for the protection of naval borders (for detailed information, see Coast Guard Command in the relevant chapter).

JGK's sphere of responsibility is outside that of the police force and lies in rural areas outside urban boundaries as well as in areas lacking a police force. The JGK is responsible for maintaining public order across 91% of Turkey's land surface. This public order service is provided for one third of the population (27 million), with the exception of the summer months when the number increases to 44 million, i.e. 65% of the population, including a substantial number of tourists.

The basic law concerning JGK is the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, put into effect by the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) on 3 October 1983. According to this law, JGK functions were listed under four main categories: civil, judicial, military and other.[5] Its main duties involve the provision, protection and maintenance of security and public order; the prohibition, pursuit and investigation of smuggling and initiation of necessary preventive measures; the detection of criminal behaviour; and the apprehension of criminals and their delivery—with attendant evidence—to the appropriate judicial authorities.

JGK's military responsibilities include duties assigned by military codes and regulations to the security forces in general, as well as duties assigned by the general staff during martial law, state of emergency and war.

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the requested unit is stationed at the most convenient location for interception by concurring with the governor in cases where an incident is likely to occur, or in the location of the incident if the incident is already taking place." (Amended sentence: 17.6.2003–4897/1 art.) "As the nature of the incident dictates, the requested military force's size is determined by the commander of the military unit in coordination with the governor, and the duration of the duty is determined by the governor in coordination with the commander of the military unit. If the military unit is mobilized independently, the duty is carried out by the military unit under the responsibility of its commander and by his/her commands and instructions, within the framework of the authority stipulated in the Turkish Armed Forces' Internal Service Law and the authority of law enforcement in providing public security. The cooperation and coordination between the security forces and the military forces are defined by the governor, in concurrence with the commander of the military unit. However, if this military unit carries out certain duties together with the gendarmerie or the police, command and administration is assumed by the military commander who has seniority. For incidents that cover multiple provinces, if the governors involved request forces from the same or different military commanders, rules for cooperation between provinces and forces, coordination, mobilization, chain of command and other related issues are determined by the General Staff and the Ministry of Internal Affairs within the framework of the principles stated above. For the implementation of these rules, the Minister of Internal Affairs assigns one of the governors involved when necessary, in order to provide cooperation and coordination."

4 **Ibid**.

5 See <http://www.tsk.mil.tr>.

JGK also includes the Gendarmerie Aviation Unit, established for the purpose of support in the domains of security and public order, aerial control of clandestine poppy and hemp fields, transfers for the sick and wounded, as well as search and rescue missions, with Gendarmerie Group Commands in Ankara and Diyarbakır and a Helicopter Unit Command in Van.

At any one time, there are 5,000 gendarmerie conducting special missions in Turkey, such as protecting television transmitters belonging to Turkish Radio and Television Corporation (*Türkiye Radyo Televizyon Kurumu*, TRT), securing airports, dams, hydroelectric power stations, refineries, oil production facilities, natural gas and oil pipelines.

11,773 gendarmerie, around 10,000 of which are enlisted as part of the compulsory military service, are responsible for providing security, on the 397 kilometers-long Iraqi border as well as for parts of the Iranian and Syrian borders. There are a total of five regiments, nine battalions and 39 divisions. As stipulated by Law No. 3497 introduced in 1988, the remaining land borders fall under the responsibility of the Land Forces Command (*Kara Kuvvetleri Komutanlığı*, KKK). However, conditions for European Union (EU) accession stipulate the cessation of military border control and the formation of a civilian border force to provide land and naval border security (for detailed information see the part on projects concerning the Formation of Border Police Organisation in the present volume). JGK also takes part in Peace Protection Force operations abroad (see Sidebar 1).

Personnel and the Hierarchical Structure

JGK personnel consist of officers, petty officers, special officers, cadets, non-commissioned officers, privates and civilian clerks and workers. The rules concerning the employment, training, promotion, leave, enrollment and promotion of gendarmerie and petty officers are established in the Turkish Armed Forces Personnel Law No. 926.

Officers ranked second-lieutenant, colonel, petty officers and special officers are posted by the general commander of gendarmerie. JGK generals are appointed by recommendation of the general commander of gendarmerie, the chief of general staff, the minister of internal affairs and a resulting joint decree signed by the prime minister and confirmed by the president.

The appointment of the general commander of gendarmerie is made through a proposal by the chief of general staff, the suggestion of the minister of internal affairs, and a resulting joint decree signed by the prime minister and confirmed by the president, as stipulated by the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803. Although this law states that the organisation is under the supervision of governors and district governors appointed by the Ministry of Internal Affairs, the TSK website asserts that it falls under the direct command of JGK headquarters when providing public order. According to the JGK website, JGK headquarters is the uppermost body assisting the general commander of gendarmerie in the dispatch and administration of troops. All cases pertaining to public order nationwide are monitored by headquarters and troops are dispatched accordingly.[6]

Moreover, the procedures and principles concerning dispatch and administration, as well as the development and execution of future projects are the responsibility of JGK headquarters. Security and public order duties are executed by the Gendarmerie Regional Command. The Provincial Gendarmerie Command reports to the Gendarmerie Regional Commands, (for information about JGK's

6 General Plan and Principles Department Presidency, **Milli Savunma Bakanlığı Beyaz Kitap 2000**, see <http://www.msb.gov.tr>; Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803 dated 10 March 1983, see <http://www.tsk.mil.tr>.

structure, see Sidebar 2; for the JGK Organisation, see Sidebar 3). The Provincial Gendarmerie Command establishes a systematic structure in districts and villages.

Visitors to the office of the general commander of gendarmerie have an opportunity to view a symbolic example of JGK's allegiance to TSK: the walls of the commander's room are adorned with pictures of chiefs of staff, and not the ministers of internal affairs to whom they report in times of peace.

The Education System

The gendarmerie executes its duties with officers, petty officers, special officers, non-commissioned officers and soldiers who are trained in the school of the gendarmerie and associated training units.

Gendarmerie schools train officers who have graduated from the military academy as well as petty officers who have earned the right to become officers by means of outstanding achievement, in accordance with the services provided by the gendarmerie. Petty and special officers are also trained and educated by these bodies.[7]

In accordance with the remaining branches of TSK, JGK employs non-professional soldiers who are performing compulsory military service. However, this has only served to impede domestic security, specifically because operations in the domain require specialized training.

The lack of a unified education system for the police force and the gendarmerie, who despite their separate areas of responsibility share the principal duty of providing public order, has also been a problem. Domestic security depends on successful execution of operations by specially-trained professional forces. In rural areas, a petty officer, i.e. a professional warrior, is appointed head of the security forces responsible for maintaining public order, whereas the soldiers under his command (non-professional soldiers who perform compulsory military service) receive only basic training for a period of one and a half months. According to police sources, it is arguable at best to claim that this training is specifically aimed at maintaining domestic security. That is, whether the short weapons training of a soldier who carries an automatic rifle is sufficient to handle that kind of weaponry is also open to debate.

EU-JGK-The Border Police Organisation Project

A number of projects have been initiated jointly by the Ministry of Foreign Affairs and the EU aiming at conformity to EU criteria. The projects focus on the government's arrangement of transparent domestic security policies and the formation of a Border Police Organisation consisting of professional civilians, in order to replace the separate structures of JGK, SGK and the police force.

The Schengen *acquis*—the roadmap on matters of justice, freedom and security policies established by the EU—stipulates the removal of border control posts between EU-member countries. Candidate states are required to adapt their national policies accordingly with an integrated and efficient administrative capacity. They are also expected to form a professional, reliable and effective police organisation to provide border control.[8]

To this end, three projects are currently being implemented by Turkey and the EU. The first proposes a decrease in the number of personnel enlisted through compulsory military service and an increase in the number of professional employees, thereby promoting transparency of the gendarmerie by means of supervision by the civilian authority. The objectives of this project

7 **Milli Savunma Bakanlığı Beyaz Kitap 2000**, see <http://www.msb.gov.tr>; <http://www.jandarma.gov.tr>; <http://www.tsk.mil.tr>.

8 European Commission, "Chapter 24: Justice, Freedom and Security," **2005 Progress Report on Turkey**, 9 November 2005 <http://www.abgs.gov.tr>.

were accepted in 2004 by JGK who agreed to work in collaboration with Britain. However, JGK retracted its involvement in 2005 on the grounds of its relationship with TSK and, moreover, its commitment to TSK's Personnel Reform 2014 project.[9] JGK stated that it was expected to follow TSK's policies on matters of personnel assignment, enrollment and staff matters and, as such, its priority was the Personnel Reform project of 2014. The Personnel Reform Project stipulates a rational policy to fill staffing gaps and base promotion on an individual's record of achievement as opposed to his/her length of service.[10]

The second project initiated by the EU and the Ministry of Internal Affairs involves the establishment of a professional Border Police Organisation. In order to provide integrated land and naval border security, the Integrated Border Security Administration Strategy Document signed by both parties stipulated the creation of an action plan.

Projections are for the Border Police Organisation to be established by the time of Turkey's slated full membership to the EU. The first phase of preparation is for the gendarmerie and the land forces to terminate their land border protection duties and for the coast guard to terminate its naval border protection duties. The EU does not view JGK as an active part of any future Border Police Organisation. However, during the transition period and until a Border Police Organisation is introduced, integration of the otherwise separate public order services provided by the police force and the gendarmerie will be observed. This project involves ongoing educational cooperation between JGK and France.

The establishment of a Border Police Organisation is of vital importance to Turkey and the EU's fight against organised crime, illegal immigration, nuclear weapons' programs, drug trafficking and terrorism. However, as stated in the EU Progress Report dated 9 November 2005, progress has yet to be made on the border patrol reform project. According to the report, the main reason is TSK's—or more specifically, JGK's and KKK's—reluctance to transfer authority to a border guard body consisting of civilian professionals. Progress ultimately depends on the establishment of future amendments to Law No. 3497 which allocates land border protection authority to TSK.[11]

The Ministry of Internal Affairs sent out a circular in January 2005 stipulating the cooperation and coordination of the police force, the gendarmerie and the coast guard in order to provide efficient land and naval border security and amend a law providing for the employment of 10,000 new police officers to this end from among university graduates.

The third joint EU and Ministry of Internal Affairs project, scheduled for 2007, aims at strengthening the supervisory powers of governors, district governors and prosecutors in order to obtain civilian control over JGK. The purpose of the project is to enable civilian authority to define domestic security policies and to establish the governors, district governors and prosecutors' capacity to supervise JGK personnel providing public order services. Municipal councils will be given an opportunity to undertake an important role in the project's development.

A serious problem facing both the police and gendarmerie relates to the fact that security force officers accused of human rights violations frequently go unpunished. Police are trained in the area of human rights issues and JGK established the Gendarmerie Human Rights Evaluation Centre (*Jandarma İnsan Haklarını Değerlendirme Merkezi*, JİHİDEM) on 27 April 2003. Although 162 complaints have been filed with JİHİDEM to date, mostly concerning mistreatment and wrongful arrest, disciplinary

9 Taken from an interview between western diplomatic sources and the author in November 2005.

10 Barkın Şık, "Albaylık zorlaşıyor," **Milliyet**, 18 October 2005.

11 European Commission, "Chapter 24: Justice, Freedom and Security," **2005 Progress Report on Turkey**, <http://www.abgs.gov.tr>.

action against gendarmerie members was only taken in three cases.[12] Authorities claim that the low number of complaints can be explained by insufficient penal sanctions.

However, the content of some of the JGK staff training not only fails to comply with the EU principles, but creates animosity against the EU and resentment toward the government's decision to join the EU. *Hürriyet* journalist Cüneyt Ülsever reported that JGK ordered its personnel to read the magazine *Yeni Hayat*, a publication containing anti-US and anti-EU articles.[13]

The Gendarmerie's Grey Zone and the Authority-Sharing Problem with the Police

As aforementioned, the basic law concerning JGK is the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, put into effect on 3 October 1983 as a response to the military coup of 12 September 1980. This law left the gendarmerie in a semi-military grey zone between the General Staff and the Ministry of Internal Affairs. Although Article 10 defines JGK's zone of duty as being outside urban boundaries, the fact that JGK operates in the police force's zone of duty at times underscores the need for democratic supervision. While investigating the Şemdinli incident which is discussed below, the TBMM ad-hoc Şemdinli Committee launched an enquiry into why two petty officers were located in the police's zone of duty.** Similarly, one of the 13 questions concerning the incident by opposition party (*Cumhuriyet Halk Partisi*, CHP) member and Hakkâri Deputy Esat Canan addressed why the petty officers in question were gathering intelligence outside their zone of duty without informing the local police. The Committee's report states that the conflict and lack of cooperation between the gendarmerie and the security forces hindered the investigation of the incident.[14]

Another example of the confusion regarding the gendarmerie and the police's zones of duty is the fact that some universities in the police's zone of duty are being protected by the gendarmerie. For instance, when the Middle East Technical University (*Ortadoğu Teknik Üniversitesi*, ODTÜ) was established, it was situated far from the city centre, thus putting it in a gendarmerie zone. However, the population increase extended the city limits towards the campus and the 50 km periphery surrounding the province was subsequently considered to be within city limits; therefore ODTÜ's jurisdiction is within these limits. The municipality and the government claim to be responsible for ODTÜ, however, the reality is the exact opposite. While the Gendarmerie Provincial Administrative Law bestows upon the governor and the district governor the authority to decide which region belongs to which security force, additional permission is required from the general commander of gendarmerie. Thus, in actuality, because the general commander of gendarmerie is yet to grant such permission, ODTÜ remains a gendarmerie-controlled zone.[15]

JGK justified this practice by effectively bypassing the law and simply issuing an internal memo.[16] In addition to Law No. 2803, approximately 500 laws and regulations define the gendarmerie's responsibilities and duties.

The Division of Authority Conflict between the Police and the Gendarmerie in Gathering Intelligence

The ongoing dispute between JGK and the police force concerning the execution of public order

12 **Ibid**.

13 "New Gendarmerie Controversy Sparked," **Turkish Daily News**, 17 March 2005.

** Editor's Note: in November 2005, a renegade member of the PKK currently employed as an 'informant' by the security forces, two officers of the local Gendarmerie and possibly higher level officers were involved in the bombing of a local bookstore and forming illegal networks that targeted suspect militants of the PKK and 'sympathising' citizens. For further details, see: "Security Developments and Reflections in the Press: An Overview for 2005," in this volume.

14 "Suçlamada geri adım," **Hürriyet**, 26 January 2006.

15 Taken from an interview between Ministry of Internal Affairs officials and the author of this chapter in November 2005.

16 Taken from an interview between an AKP deputy who wishes to remain anonymous and the author of this chapter in November 2005.

duties has been compounded by a lack of sharing of relevant information and intelligence. According to information provided by an undisclosed police force executive, the gendarmerie does not share statistical data obtained after the confiscation of narcotics in its rural area operations. Another example can be found in a completely different area: football. An important tool for easing tensions and increasing a sense of affiliation between two countries is through football games. Friendly matches are organised to this end. However, in Turkey, the conflict between the gendarmerie and the police has reached such a level that such games are not even considered. The most striking example of this clash of wills came from an intelligence note contained in the TBMM ad-hoc Şemdinli Committee minutes. The diary of one of the arrested petty officers, Özcan İldeniz, has an entry containing intelligence information about JGK's working principles where he writes that gendarmerie personnel should refrain from contacting the police about the bomb assault and should not "play football" with police officers.[17]

As opposed to western countries, Turkey has a serious weakness in its intelligence-gathering capacities. In EU-member countries, all intelligence concerning domestic and external security is gathered by an institution managed by the civilian sector reporting to the prime minister. In Turkey, the gendarmerie and TSK act in isolation, exerting power over the civilian authority, specifically in relation to intelligence-gathering and maintaining control over security policies and the assessment of domestic threats.

Minister of Justice Cemil Çiçek underlines the problems associated with multiple agencies and the lack of coordination between them: "there are many intelligence units. But the question is, are they successful? There is domestic and foreign intelligence in other countries. The intelligence agencies share the same resources. We cannot make legal regulations by thinking that everyone considers themselves in a different galaxy."[18]

To avoid the arbitrary tapping of phones and to gather intelligence centrally, TBMM introduced Law No. 5397 on 3 July 2005 through a series of amendments in annexed Article 7 of the Law on Police Duties and Powers No. 5397.[19] The aim is to gather all intelligence obtained by the JGK, police and the National Intelligence Organization (*Milli İstihbarat Teşkilatı*, MİT) by tapping from a single, central unit, namely at the Board of Telecommunications, which is part of Turkish Telecom and reports directly to the head of Telecom.

According to information provided by officials, the Gendarmerie Intelligence and Anti-Terror Organisation (*Jandarma İstihbarat ve Terörle Mücadele*, JİTEM) whose—existence cannot even be clearly determined by prime ministers and which is reportedly involved in a number of illicit activities—was legitimised through Law No. 5397 under the name of Gendarmerie Intelligence Organisation (*Jandarma İstihbarat Teşkilatı*, JİT), and obtained the right to tap telephones in its area of jurisdiction.[20]

17 Gökçer Tahincioğlu, "Yemin gibi İlkeler," **Milliyet**, 20 December 2005.

18 "'Adli kolluk' resmi görüşe rağmen geçti," **Sabah**, 28 November 2004; "Adli kolluk komisyondan geçti," **Zaman**, 28 November 2004.

19 According to Article 2 of Law No. 5397, the following article was annexed to the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, dated 1983: Annexed Article 5 – (Ek: 3.7.2005– 5397/2 md.) "When carrying out the duties stipulated in Article 7 of this law, in order to take preventive and precautionary measures and in order to prevent the crimes named in Code of Criminal Procedure No. 5271, dated 12 December 2004, Article 250, Clause 1, subparagraphs (a), (b) and (c) with the exception of crimes of espionage, the gendarmerie can, in its own area of jurisdiction, determine and monitor telecommunications, assess and register signal information with a court order, or in cases where a delay would be disadvantageous, by the written order of the director general of security or chief of the intelligence department. In cases where a delay would be disadvantageous, the written order that was given is presented to the authorised judge for approval. The judge must decide on the matter within a maximum of 24 hours. In cases where this term is exceeded, or in cases where the judge decides against the order, the measure is immediately removed. In such a case, records of the monitoring are destroyed in 10 days at the latest, the situation is noted in an official report and this report is kept on file for possible future inspection. These procedures are carried out by the centre that is established in reference to annexed Article 7, Clause 10 of the Law on Police Duties and Powers No. 2559, dated 4 July 1934. The eavesdropping covered by Article 135 of Law No. 5271 is also carried out through this centre."

20 **Ibid**. Subsequently, JİTEM gained legal status with an article annexed to the Telephone Eavesdropping Law in July and was named Gendarmerie Intelligence Organisation (**Jandarma İstihbarat Teşkilatı**, JİT). With this article, the term 'Intelligence Presidency' entered the Law on the Establishment, Duties and Jurisdiction of Gendarmerie, "Şemdinli patlamalarına JİT ve MİT savunması," Sabah, 27 December 2005.

The civilian authorities under the Ministry of Internal Affairs such as governors and heads of districts employ a two-tiered structure to maintain peace and order, namely the gendarmerie and the police. This approach is similar to the methods developed by EU countries, such as Spain, France and Italy. In Turkey, however, the lack of integration between these forces leads to serious breaches in the maintenance of peace and order. The main reason for this lacuna is that the armed forces answer to the civilian authority in EU countries as opposed to Turkey where this system of dependency has not been established yet.

Democratic Oversight and Control of the Gendarmerie

As with its umbrella organisation, TSK, JGK is not supervised by the elected government. Despite the many legal changes that have been initiated in Turkey as part of its increased transparency and visibility efforts, one of the most significant setbacks lies in its struggle to redefine the concept of 'state secret.' Just *who* conceives of and determines this concept and how it should be applied remains open for debate. Illicit activities carried out under the cover of the state secret concept have naturally tarnished society's trust in its government (see "The Filing Scandal" and "From Susurluk to Şemdinli" below).

The TBMM ad-hoc Şemdinli Committee confronted the state secret obstacle while investigating the Şemdinli incident. CHP Hakkâri Deputy Canan said in his statement that the incident could not be clarified as long as new regulations concerning the concept of state secret were not introduced, thus preventing many institutions from providing information.[21]

In the name of responsible and transparent use of public resources, it is of vital importance that the parliament—an institution accountable to the public—control the budgets of security organisations. However, the gendarmerie and SGK budgets, along with that of TSK, have not yet been put under the scope of parliamentary control. Despite the fact that JGK and SGK budgets are part of the Ministry of Internal Affairs' budget, they remain under the TSK's management and are represented as defence resources in addition to the TSK budget[22]

Moreover, JGK members have never been accountable to parliament. When the Gendarmerie General Chief of Intelligence Brigadier-General Mehmet Çörten met with the Head of the ad-hoc Şemdinli Committee Musa Sıvacıoğlu without the knowledge of the Committee members, a crisis erupted.[23]

One of the most pressing problems associated with the issue of oversight is the fact that although the gendarmerie is accountable in theory to the governors and heads of district while performing public-order duties, in reality it remains under JGK command. The TBMM Interior Affairs Committee has yet to actively supervise JGK. Some parliamentary members told this author that they have pushed for an end to the existing duality and argue that JGK, an internal security force, should be accountable to the Ministry of Internal Affairs not only in theory but also in practice.

An AKP deputy spoke of the following incident he experienced while he was deputy of a certain province. The incident illustrates the gendarmerie's loyalty to TSK in the performance of its public-order duties: "During a ceremony in honour of the president visiting the province where I was deputy, I ordered the Provincial Gendarmerie Commander to take post in the dam of the province. But I noticed that he ignored me and was waiting for the

21 "Commission Deliberated Axing State Secret Shield," **Turkish Daily News**, 28 December 2005.

22 General Plan and Principles Department Presidency, "Mali Kaynaklar ve Savunnma Harcamaları," **Milli Savunma Bakanlığı Beyaz Kitap 2000**, Chapter 9. See <http://www.msb.gov.tr>.

23 Members from CHP insisted that Çörten be invited to a commission hearing, "Şemdinli komisyonunda Tuğgeneral gerginliği," **Milliyet**, 29 December 2005. Indeed, in response to these reactions, Çörten later informed the commission members.

president at the airport. When I tried to intervene, he replied by saying 'You cannot give me orders.' And I said: 'You are no different than the chief of police.' In the end, the Provincial Gendarmerie Commander went to the dam, just like I instructed him. But why should I, as deputy, be exposed to upbraiding from this commander along the lines of 'You cannot give me orders?' Provincial authorities are disturbed by the gendarmerie taking orders from the military while performing public-order duties." The same deputy complained that gendarmerie members cannot be reviewed or appointed by civilian authorities.

According to this deputy, the gendarmerie takes orders from the general commander of gendarmerie, while the governor and district governors are merely informed after the fact. The deputy also pointed out that, although the gendarmerie takes orders from the military while performing public order duties, it is the Ministry of Internal Affairs, a civilian institution, who is assigned blame when security problems arise.

TBMM ad-hoc Şemdinli Committee's investigation showed how inadequately the local government representatives' supervision of the gendarmerie was executed. Statements were taken from former Hakkâri Governor Erdoğan Gürbüz, former district governor of Şemdinli Mustafa Cihan Feslihan and head of the Directorate General of Security Anti-Terror Bureau, Selim Akyıldız on 28 December 2005, in which Gürbüz and Feslihan stated that they were unaware that the arrested petty officers were conducting intelligence work on the day of the incident. When the officials in question said: "The gendarmerie takes care of this process internally, there is no mechanism in place that would make them inform us," it led AKP Adıyaman Deputy Hüsrev Kutlu to reprimand the men, saying: "Even the Land Forces Commander General Yaşar Büyükanıt knows these petty officers personally[24] How come you, as local authorities, do not know them?"[25]

Finally, a comment made by columnist Ali Bayramoğlu should be recalled: "Following February 28 [1997], the military took over posts traditionally controlled by the police and the governors. The gendarmerie moved from the rural area to the urban area. Security and Public Order Assistance Squads (*Emniyet, Asayiş Yardımlaşma Birlikleri*, EMASYA) obtained authority above that of the governor. A domestic security structure has been established that posits society itself as being the greatest threat. This structure goes against democracy. Governors and district governors simply cannot transfer their authority to military squads. Moreover, the power to gather intelligence in a country should not be in the military's hands. Today, it is the military bureaucracy that defines what threats exist, it is the military that gathers intelligence, assesses social incidents and bases all of its findings on internal security documents and not legal criteria."[26]

Important Developments in 2005

*The "Filing" Scandal****

Although the incident known as the Filing Scandal took place in 2004, when evaluated together with the Şemdinli incident of 2005, it reinforces the theory that the "state within the state" mechanisms are still very much in place. When the intelligence-gathering known to the public as "high society filing" was recently unearthed, evidence of the ways in which the intelligence was gathered led to very important discussions regarding how some security organisations had positioned themselves above the constitution. According to a *Hürriyet* newspaper headline from 10 March 2004, the 2nd

24 General Büyükanıt, in a statement he made immediately after the Şemdinli incident, said that he knows one of the petty officers in question and that he knows him to be a decent person. This led to Büyükanıt being accused of trying to influence the legal process. The statement was also a kind of admission of the official connection that exists between the gendarmerie officer in question and TSK.

25 "Hakkari ve Şemdinli'nin mülki amirleri komisyonda dinlendi: Astsubayları tanımıyorum," **Milliyet**, 29 December 2005.

26 Ali Bayramoğlu's interview with Neşe Düzel, **Radikal**, 12 April 2004.

*** Editor's Note: "Filing" here refers to the illegal practice by the Turkish Government intended to keep track of and then "file" citizens' activities and affiliations, especially those of a political nature.

Armoured Brigade Command sent a memo to military squads and heads of districts requesting that information about people and institutions involved in "separatist and subversive" activities be gathered. Among these people and institutions were EU and US sympathizers, high-society members, satanists, freemasons, minorities and internet newsgroups and, oddly, Ku Klux Klan members. It was later discovered that the question concerning the Ku Klux Klan had been directly translated from field manuals prepared by the US Army.

After the incident was exposed by the media, Prime Minister Erdoğan stated that information-gathering was not TSK's duty and stressed that filing is a crime.[27] The General Staff acknowledged the filing incident and released the following statement on 10 March 2004: "In accordance with Provincial Administrative Law No. 5442, the local civilian authorities can request assistance from the closest land, air or naval squad commands for the prevention of incidents if they deem it necessary. For effective precautions to be taken, pre-planning is a necessity. The activity of intelligence-gathering in the news article in question concerning high society filing has to be evaluated with this in mind." The statement also included the statement: "necessary investigations are being carried out in order to correct some aspects of intelligence-gathering," hinting at a potential "narrowing" of the criteria used for filing.

It was later claimed that the organisation behind the filing incident was EMASYA, an institution that has existed since the 1960s but whose structure had changed. According to Bayramoğlu: "After February 28 [1997], the armed forces determined that there is a fundamentalist threat in the country, and due to their possible mistrust of the police, wanted total control of the domestic security domain. As soon as the *Refahyol*[****] cabinet was toppled in 1997, the structure of the EMASYA squads changed. A protocol was signed between then Minister of Internal Affairs Sadettin Tantan and the General Staff. The squads were assigned the authority to intervene in social incidents whenever the military deemed it necessary without the necessity to wait for a request from the governor's office. As a result, these squads became regular squads on duty 24/7."[28]

Bayramoğlu connected the EMASYA squads to the filing incident in the following way: "This protocol actually provided the legal ground for these filings. The EMASYA squads under the command of the land forces became intelligence-gathering units, requested information from deputies' offices, and almost manipulated deputies' offices, all thanks to the authority bestowed upon them by this protocol. The last filing was based on this because with this protocol, the sphere of authority of the governor, the head of the district and the police was taken over by the "soldiers." EMASYA squads are not just any squad. These are organisations that exist in every garrison in every city in Turkey. They have the authority to stake out all of society. Such authority is inconceivable; it is a mad, terrible thing, an uncontrolled activity. Justice and law are not in effect."[29]

Stressing that the protocol itself is unlawful, Bayramoğlu noted that the Ministry of Internal Affairs is unfortunately not the only ministry to have such protocols: "For instance, the Forest Ministry also signed a protocol after February 28 [1997] giving the authority of inspecting factory waste and the state of workers in factories to the gendarmerie. The forest minister abolished this protocol with a unilateral memo stating: 'Such authority of a civil nature cannot be given to the gendarmerie.' The Ministry of Internal Affairs must do the same. Of course, courage,

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27 Constitutional Law Professor Zafer Üskül stressed that the 2nd Armored Brigade Command has no authority for requesting information from provincial administration offices. "Üskül: 'Yetkisi yok'," **Milliyet**, 11 March 2004; "Erdoğan: TSK'nin görevi değil," **Cumhuriyet**, 15 March 2004.

**** Editor's Note: A compound title used to refer to the coalition government between the Welfare Party (**Refah Partisi** – RP) and the True Path Party (**Doğru Yol Partisi** – DYP).

28 Bayramoğlu's interview with Neşe Düzel, **Radikal**, 12 April 2004.

29 **Ibid**.

competence and timing are of the essence in such delicate matters. If the political authority is really democratic and in favour of the empowerment of the civilian authority, it will abolish the protocol at a time when the risk of conflict is low."[30]

From Susurluk to Şemdinli

Despite Bayramoğlu's warning about the gendarmerie's expanding sphere of jurisdiction, the gendarmerie retains the right to withhold information from the public prosecutor, as witnessed by the Şemdinli incident in 2005, where findings alluded to an illegal structuring of power.

Twenty days after a grenade assault on Seferi Yılmaz's Umut bookstore in Şemdinli on 9 November, petty gendarmerie intelligence officers Özcan İldeniz and Ali Kaya were arrested on charges of disrupting the unity of the state. Two people died and many were injured in the incident. A notebook found on the officers showed that they failed to turn in the file they had prepared on Yılmaz to the public prosecutor's office.[31] The suspicion that JİTEM, an institution whose very existence is adamantly denied by official authorities, was a key player in this incident was also stated in the Şemdinli Report ordered by former Prime Minister and Leader of the Democratic Left Party Bülent Ecevit.[32]

The filing scandal and the Şemdinli bookstore bombing demonstrated the extent to which TSK and JGK had expanded their spheres of influence against domestic threats through institutions such as JİTEM and activities independent of civilian authority. The Susurluk incident exposed the civilian offsets of these illicit formations.[33] CHP Deputy Canan defined the Şemdinli incident as even graver than the Susurluk affair.[34]

Although the efforts of the Parliament in illuminating the Şemdinli incident and the steps taken to focus on the state secret concept that some public officials use as a cover are positive developments, the attempts of the TBMM committee to omit important factors in the Şemdinli report shattered the expectations of uncovering some illegal activities[35]

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30 Ibid.

31 "Yemin gibi ilkeler," **Milliyet**, 20 December 2005.

32 "Ecevit: Türkiye'de derin devlet hep var," **Ajanslar**, 21 November 2005.

33 The Susurluk incident occurred on 3 November 1996, as a result of a car crash between a Mercedes and a truck. Abdullah Çatlı, who was a convicted killer in the incident known as the Bahçelievler Massacre [involving the killing of seven Turkish Labour Party (**Türkiye İşçi Partisi,** TİP) members in 1978,] Çatlı's girlfriend, former beauty queen Gonca Us, and former Deputy Police Commissioner Hüseyin Kocadağ, who were in the Mercedes, all died. Then DYP Deputy Sedat Bucak was also in the car and was seriously injured. In the 10 years following this incident the dirty ties within the mafia-politics-state triangle were revealed. However, the mystery remains unsolved. The core of this incident is the intricate web of relationships and cooperation between state security officials and crime organisations involved in a series of murders. Only a few people, including former MİT member, retired Marshall Korkut Eken, were prosecuted in relation to the Susurluk scandal, for founding and heading crime organisations. When Bucak presented some secret documents and photographs to the court years later, under the cover of "state secret," the scandal gained a new, military aspect. One of the generals next to Çatlı in the photographs was identified as the Gendarmerie Public Order Commander of the time, Hasan Kundakçı. Kundakçı said: "I could be the one in the picture. I wish I knew Çatlı." Korkut Eken was supported by almost all the commanders immediately after his prosecution with statements along the lines of: "Eken did everything within our knowledge, his services to the country are of great value." "Bucak gizliliğe sığınıyor" **Cumhuriyet,** 1 October 2004.

34 "Canan: Susurluk'tan beter," **Milliyet**, 11 November 2005.

35 Upon insistence from members of the CHP, the committee removed the accusatory statements concerning General Yaşar Büyükanıt from the report. It was reported in the draft that Büyükanıt's words to the effect of: "I know him, he is a good soldier" about the petty officer involved in the incident could influence the court process, "Suçlamada geri adım," Hürriyet, 26 January 2006. The following segment was also reportedly omitted from the first report: "The relevant institutions must make the necessary explanations as to whether units like JİTEM and JİT exist. Illegal formations should be eliminated, and those involved, whether voluntarily or through negligence, should be punished. The public felt that the low flight of fighter planes during the funeral in Yüksekova was a form of intimidation (...)" When AKP Adıyaman Deputy Faruk Ünsal, who objected to the removal of these segments, refused to approve the report, the document was shelved. "Şemdinli raporu sonunda rafa kalktı," Sabah, 31 January 2006.

SIDEBAR 2

Gendarmerie General Command (JGK)

Commander: General Fevzi Türkeri

LIEUTENANT GENERALS

Staff Chairman/ Ankara

Supervision Chairman/Ankara

Training Chairman /Ankara

A varying number of Provincial Gendarmerie Regiment Commands work under the following Gendarmerie Regional Commands. Provincial Gendarmerie Regiment Commanders have the rank of Colonel, whereas Regional Commanders have various general ranks.

MAJOR GENERALS

Adana Regional Commander/Adana

Gendarmerie Schools Commander/Ankara

Chairman of Operations/Ankara

Gendarmerie Regional Commander/Tunceli

Gendarmerie Regional Commander/Erzurum

Gendarmerie Regional Commander/İstanbul

Gendarmerie Regional Commander/Ankara

BRIGADIER GENERALS

Gendarmerie Regional Commander/Aydın

4th Commando Training Brigade Commander /Foça-İzmir

JGK Chairman of Logistics/Ankara

JGK Chairman of General Planning & Principles/Ankara

21st Gendarmerie Border Brigade Commander/Yüksekova-Hakkari

Gendarmerie Regional Commander/Giresun

Gendarmerie Regional Commander/Bursa

JGK Chairman of Personnel Department/Ankara

Gendarmerie Chairman of Logistics/Ankara

3rd Gendarmerie Training Brigade Commander/Zonguldak

1st Gendarmerie Commando Brigade Commander/Şırnak

Gendarmerie Regional Commander/Diyarbakır

Gendarmerie Training Command Staff Chairman/Ankara

Gendarmerie Regional Commander/Tokat

JGK Chairman of Intelligence/Ankara

Gendarmerie Regional Commander/Kayseri

Gendarmerie Regional Commander/Konya

2nd Gendarmerie Training Brigade Commander/Bilecik

Gendarmerie Regional Commander/Batman

Source: Information gathered from various sources by the author

SIDEBAR 1

Turkish Gendarmerie Units work within Peace Force Troops in

- West European Squad (BAB) Multinational Police Consultation Unit (MAPE), deployed in Tirana/Albania,
- Albania Humanitarian Aid Force (AFOR),
- SFOR Headquarters deployed in Sarajevo/Bosnia-Herzegovina,
- International Temporary Existence (TPIH) deployed in Al-Khalil – Israel
- NATO Kosovo Peace Force deployed in Pristina/Kosovo (KFOR),
- Kosovo Turkish Task Force deployed in Pristina/Kosovo that were put together by UN Decisions.

Source: <http://www.tsk.mil.tr>.

SIDEBAR 3

The Organisation of the General Command of Gendarmerie;

1.Headquarters and its Troops

2.Domestic Security Troops

a Gendarmerie Troops that are not part of the district administration organisation

(1) Gendarmerie Commando Troops,

(2) Gendarmerie Aviation Troops,

b. Gendarmerie Troops that are part of the district administration organisation

(1) Gendarmerie Regional Commands

(2) Provincial Gendarmerie Commands (regiment level)

(3) Provincial Centre and District Gendarmerie Commands

(4) Gendarmerie Station Commands

(5) Gendarmerie Protection Troops,

(6) Gendarmerie Public Order Commando Troops,

3.Border Troops,

4.Training Troops,

5.Gendarmerie Schools,

6.Administrative and Logistic Support Troops and,

other departments that will be established in accordance with the nature of the duty.

Source: <http://www.tsk.mil.tr, http://www.Jandarma.gov.tr>.

COAST GUARD COMMAND

Lale Sarıibrahimoğlu*

Background

The Turkish Coast Guard Command (*Sahil Güvenlik Komutanlığı*, SGK) was established by Law No. 2692. It was accepted by the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) on 9 July 1982 as an armed security force distinct from the Turkish Naval Forces Command[1] (*Deniz Kuvvetleri Komutanlığı*, DKK).

Turkey's coastal security services were formerly performed by the Customs Guard General Command which was formed in 1932 with Law No. 1917, and was affiliated with the General Staff. This institution was charged with preventing naval smuggling and maintaining the security of Turkish territorial waters. The Customs Guard General Command, which remained active until 1956, reported to the Ministry of Customs and Monopoly as far as its functions were concerned and was part of the General Staff in matters of naval border security and personnel training. In 1956, the coast guard services were transferred to the General Command of Gendarmerie (*Jandarma Genel Komutanlığı*, JGK).

SGK, as stipulated by Law No. 2692, continued to operate under JGK from 1982 to 1985, until the infrastructure for its own establishment was complete. As of 1 January 1985, it operated under the Ministry of Internal Affairs in matters of domestic security in times of peace, and in times of war under the Turkish Armed Forces (Türk Silahlı Kuvvetleri, TSK) (for SGK organisational chart see Table 1).

SGK works in coordination with the Ministry of Internal Affairs for crimes committed within the continental shelf such as poaching or drug and fuel trafficking. Until 1985, the registries of SGK were under the jurisdiction of the general commander of gendarmerie, and its budget was regulated by JGK, whereas today the registries are under the jurisdiction of the chief of general staff. The general commander of gendarmerie is answerable to the minister of Internal Affairs in matters of public order, whereas the Coast Guard commander has no such affiliation with the minister of Internal Affairs.

When SGK was established, in order to fulfill duties stipulated by Law No. 2692, the necessary personnel, armament, ammunition and tools were defined by the DKK and JGK and were provided according to a plan devised by the General Staff and approved by the Ministries of National Defence and Internal Affairs.

Through an amendment made to the aforementioned law on 18 June 2003, SGK became no longer affiliated with the Turkish Naval Forces Command in relation to personnel matters and eventually became autonomous, as is the case with JGK. Therefore, SGK was allotted its own budget where it significantly expanded its weapons inventory. SGK, which

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1 For Law No. 2692 on the Turkish Coast Guard Command dated 9 July 1982 see Official Gazette (**Resmi Gazete**) No. 17753 dated 13 July 1982, <http://www.basbakanlik.gov.tr>, Legislation Information System.

started to acquire its own staff, aims to increase its control over the seas surrounding Turkey, namely the Black, Mediterranean and Aegean Seas, from 5% to more than 50%. This need is currently being filled by the air and naval forces.

In 2003, with an amendment made to Law No. 2692, the status of SGK personnel was also elevated and regional commanders with the rank of colonel were promoted to admiral. One of the main purposes in making SGK autonomous was to decrease its burden on the relatively limited DKK budget, which constitutes 14-16 % of the Ministry of National Defence (*Milli Savunma Bakanlığı*, MSB) budget according to unofficial figures.

SGK's manner of performing its activities can be summarised in the following way: SGK personnel carry out their duties in accordance with the TSK Internal Service Law No. 211 within their own chain of command. SGK performs the duties laid out by this law through cooperation, mutual assistance and coordination with relevant ministries, civil and judicial bodies, as well as other security forces and related institutions when necessary. In addition, SGK takes part in training and manoeuvres organised by the DKK where attention is paid to avoid disrupting SGK from carrying out its principal duty of providing naval security.

SGK's Duties and Sphere of Jurisdiction

The naval borders of Turkey are approximately three times larger than its land borders. Turkey's land border is 2,573 kilometres in length, whereas the naval border, including the islands, is 8,333 kilometres.

SGK carries out its duties of coastal security which cover supervision and control activities in accordance with the related laws, statutes and regulations, under the Ministry of Internal Affairs as stipulated by its establishment law and related statutes; in an area of jurisdiction consisting of territorial waters, exclusive economic zone and search and rescue territory, along the 8,333 kilometre-long coastal line that begins from the Georgian naval border Sarp and extends to the Bulgarian naval border İğneada in the Black Sea; from the Greek naval border Enez in the Aegean Sea to the Syrian naval border Samandağ in the East Mediterranean.[2] The SGK's duties fall outside the scope of responsibility of DKK.

Other SGK duties include: the protection of Turkish coasts, territorial waters, internal ports and gulfs; using the rights and performing the duties that fall outside the scope of responsibility of the DKK, in the waters under Turkish jurisdiction as defined by national and international law; defining the principles and methods concerning the prevention and surveillance of all manner of naval smuggling and related criminal proceedings; prevention and surveillance of smuggling in general, protection of military forbidden and security zones, territorial waters, historical artefacts, cultural and natural objects; prevention, surveillance and apprehension of criminals involved in sabotage, activities harmful to life and property on the sea and violations of fishery, trade, customs, wireless communication, the flag of Turkey, passport, promotion of tourism, health and environmental regulations. The coast guard is also required to follow necessary proceedings and deliver apprehended persons and confiscated vessels to judicial authorities.

SGK is also expected to take necessary measures to clear the area of stray mines, explosives and suspicious objects and hand them over to the relevant authorities, to confiscate weapons and ammunition found on refugees that enter Turkish territorial waters and hand them over to relevant authorities. Additionally, the SGK is tasked with protecting strategically important industrial complexes against naval threats such as pipelines; to participate in training and manoeuvres organised by the DKK; providing

2 For Law No. 2692 on Turkish Coast Guard Command dated 9 July 1982 see **Resmi Gazete** (Official Gazette) No. 17753 dated 13 July 1982, <http://www.basbakanlik.gov.tr>, Legislation Information System; General Plan and Principles Department Presidency, **Milli Savunma Bakanlığı Beyaz Kitap 2000**, <http://www.msb.gov.tr>.

naval security during land and air force shooting practice on the waters; performing search and rescue missions during air force missions over the sea and, escorting national/international yacht races organised by Turkish yacht clubs.

The SGK Budget

Since SGK, like JGK, operates under the Ministry of Internal Affairs in times of peace, its budget is allocated from the Ministry's budget, again like JGK, is under the supervision of TSK.[3]

However, SGK's weapons, ammunition and tools are provided independently from SGK's budget, in compliance with DKK standards and according to a plan that is prepared with DKK and approved by the Ministry of Internal Affairs.

As is the case with JGK, all exceptions and exemptions concerning customs and all manner of taxes, imposts, fees and storage dues apply to SGK, as stipulated by budget laws and other relevant laws.

Despite the legal changes introduced as part of Turkey's full membership bid to the EU—with negotiations beginning this year—it was observed that TBMM and the relevant committees were not yet fully able to establish control mechanisms over the SGK budget, which is also true for the Turkish Armed Forces' budget and JGK. When the minutes of the TBMM Plan and Budget Committee's meetings on the budget of the Ministry of Internal Affairs that are open to the public were analysed, it was apparent that the members of the Turkish Grand National Assembly had neglected, for the sake of accountability, transparency and the appropriate use of public resources, to question the budgets and the justification of weapon purchases by these three security organisations. Therefore, whether or not SGK's weapons procurement reflects genuine need and whether taxpayers receive information through their elected representatives about how their tax money is spent remains unclear.

A brief confidential meeting follows TBMM Plan and Budget Committee meetings, as decreed by Article 32 of the Rules of Procedure, in order to discuss those parts of JGK and SGK's 2006 central administration budget that involve secret operatives.[4]

SGK's Hierarchical Structure

The Ministry of Internal Affairs, in charge of domestic security and public order, is also responsible, through the heads of civil service (governors and heads of districts) for services provided by the police force and the half-civilian/half-military—although always only accountable to the military—JGK and SGK. SGK also works in cooperation with a number of government bodies to provide naval security.

However, although the SGK theoretically works under the Ministry of Internal Affairs in times of peace, in actuality it operates under the directives of the General Staff. For instance, despite the protocol that stipulates cooperation between SGK personnel and the naval police for maintaining public order, problems exist concerning multiple superiors and the overlapping of duties. Legally, the Boat and Squadron Commands operating outside Ankara and considered a rural area can only be inspected by the governor, not by the heads of districts who are responsible for the region. SGK, which is *de facto* under the supervision of TSK in times of peace, can be placed in part or completely under the command of DKK Operational Command upon the request of the chief of general staff in extraordinary situations. In times of war, SGK is completely under DKK's command.

3 For detailed information, see General Plan and Principles Department Presidency, **Milli Savunma Bakanlığı Beyaz Kitap 2000**, <http://www.msb.gov.tr>. SGK 2006 budget draft was defined as YTL 194.4 million which meant an increase of 11.34% compared with 2005. For the SGK budget details, see the table of Ministry of Economics budget in the chapter on Turkish Armed Forces in this Almanac.

4 The Plan and Budget Committee meetings on the budget for the fiscal year on 24 November 2005. See <http://www.tbmm.gov.tr>.

SGK's purview, its bases and its lodging quarters are defined by the Ministry of Internal Affairs in consultation with the General Staff, and its affiliated institutions and staff are regulated by the Ministry, again in consultation with the General Staff.

SGK personnel consist of officers, petty officers, professional non-commissioned officers, cadets, plain soldiers, civil servants and workers. According to official figures, SGK personnel numbers 2,200—where the number of civilians is 460—and consists mostly of soldiers carrying out compulsory military service.

The officers and petty officers of the SGK are trained in DKK or other TSK training institutions and expenses are overseen by the SGK's budget. Education, promotion, leaves, registration, punishment and awarding processes are carried out in accordance with TSK Personnel Code No. 926. The admirals, officers, petty officers and civilian personnel of SGK are subject to specific laws as far as employee rights are concerned. Therefore, SGK personnel such as the police, who serve in the domain of domestic security, are paid higher salaries in comparison to their civilian counterparts since they are subject to TSK laws. The payments in cash and in kind that the personnel of JGK and other institutions receive are also given to SGK personnel under the same provisions. SGK registry procedures for its personnel comply with TSK principles.

The education expenses of the officers, petty officers, non-commissioned officers and soldiers trained to work for SGK are overseen by the SGK budget. The specific training required for services performed by either military or civilian personnel are structured in accordance with the principles laid out by the Ministry of Internal Affairs.

The demand for officers and petty officers that cannot be met by SGK's resources are covered by other branches of the armed forces and JGK upon SGK's request and the General Staff's approval. These officers remain bound to their respective branches of command.

The selection of a coast guard commander is made by appointment from the naval forces commander, proposal by the chief of general staff, with a letter of promotion by the minister of Internal Affairs and a joint decree signed by the prime minister and approved by the president. Except for some rare instances, decrees of appointment are routinely signed by the civilian authorities cited above without their interfering in the promotional structure. The appointment of officers between the ranks of ensign and captain, of petty officers, civil servants and professional non-commissioned officers and the distribution of non-commissioned officers and soldiers are administered by SGK.

In the case of a crime that begins at sea and continues on land, or where criminals move from sea to land, SGK personnel continue to exert their authority on land until an authorized security force intervenes, to prevent evidence from being lost or those responsible from fleeing. The local civilian authority is notified of the situation by the most expeditious means available.

SGK's Structural Problem: Military and Civilian Authority-Sharing

In a similar vein to JGK, there is a duality implicit in the way in which civilian and military forces provide security for Turkish waters. For instance, the Directorate General of Coastal Safety and Salvage Administrations[5] operates under SGK and the Prime Ministry Maritime Undersecretariat precisely because of the similarity of duties exercised by the two organisations. This duality has continued despite the issuance of a modified regulation.

The duality can be explained by the fact that basic instructions concerning naval security are

5 Established as stipulated by the Decision No. 9466 of the Council of Ministers dated 12 May 1997.

given to SGK by TSK as opposed to the government, regardless of the fact that the coast guard operates under the Ministry of Internal Affairs in times of peace. As a means of resolving this issue, the Council of Ministers issued the Turkish Search and Rescue Regulation No. 3275 on 20 September 2001 to regulate civilian naval search and rescue missions. It took effect following its publication on 12 December 2001 in *Resmi Gazete* (Official Gazette) No. 24611.

With Regulation No. 3275, the responsibility and coordination of civilian naval search and rescue activities was handed over to SGK. Additionally, in compliance with the National Search and Rescue Plan published on 11 July 2002 in *Resmi Gazete* No. 24812 with Communiqué No. 2002/4, search and rescue duty on the seas was entrusted to SGK, in the air to the Directorate General of Civil Aviation, and the administration of both to the Principal Search and Rescue Coordination Centre of the Directorate General of Sea Transport in the Maritime Undersecretariat.

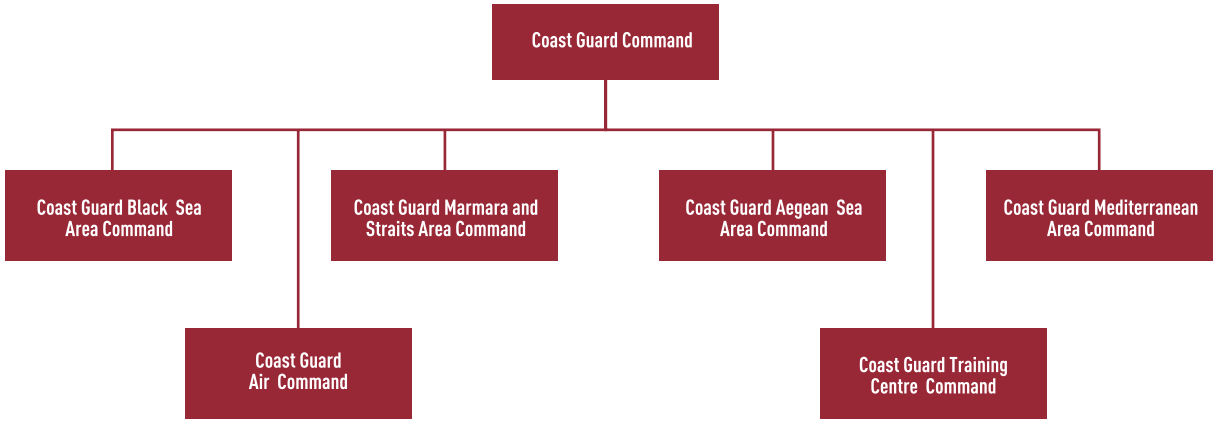
The main reason for the confusion of authority between SGK—who along with the (civilian) police is responsible for maintaining national security against domestic and foreign threats and other civilian institutions carrying out the same duty—is the ongoing organic relationship that SGK has with TSK in practice, although SGK is only a semi-military security force, like JGK. However, in order to provide the security of the country in accordance with the principles of efficiency, transparency and accountability, civilian and military security forces should be under the direction and management of the government.

This specific structure in Turkey differs from the functioning of naval security provisions in EU countries. Coast guard duties in EU countries are administered by institutions such as the Maritime Undersecretariat or Environment Undersecretariat or are shared between various ministries. The common principles among these countries convene that the protection of territorial waters is a duty performed by civilian institutions operating within the government with a professional staff. Coordination is shared between all the security forces responsible for maintaining public order. This policy recognizes that those institutions responsible for national security can only succeed in the face of threats like organised crime, nuclear weapons trafficking, terrorism and the spread of weapons of mass destruction by maintaining professional, well-organised security forces.

Given the fact that Turkey faces domestic and foreign threats such as illegal immigration from the sea and the land, the proliferation of weapons of mass destruction, drug trafficking, fuel smuggling, which are seriously harmful to the national economy, along with international terrorist infiltration, cooperation between institutions should be paramount and power struggles should naturally be avoided. In the European Commission's progress report released on 9 November 2005, it was argued that within the framework for solving the structural problems that lead to a multiplicity of authority and a lack of efficiency, coordination between the police, the gendarmerie and SGK is essential. These three institutions should be part of a single body that receives orders from civilians. Enforcing the establishment of such a structure is deemed essential. In addition, according to EU criteria, Turkey must establish a non-military border police force consisting of civilian professionals in order to protect the naval and land borders efficiently.

To this end, Turkey planned on implementing an integrated border management arrangement in 2003. The subsequent action plan is administered by the Ministry of Internal Affairs. However, as stated in the EU Progress Report dated 9 November 2005, there has been no progress in the development of the plan, the main reason being the joint reluctance by TSK, JGK and SGK to transfer authority for protecting Turkey's borders to civilian professionals. Indeed, a related project initiated by the EU in 2004 came to a standstill precisely

Table 1: SGK Organisational Chart



Source: Ministry of National Defence White Book 2000

There are also three group commands and Repair Support and Supply Support Commands per regional command. The Repair Support and Supply Support Commands provide logistical and technical support to ships in the inventory.

SGK established an air squadron for coastal security duties consisting of helicopters and airplanes.

due to JGK and SGK's reluctance to transfer authority to civilians.

However, in January 2005 the Ministry of Internal Affairs released a circular reiterating its mission to protect land and sea borders, provide efficient security and increase cooperation and coordination between the police, the gendarmerie and the coastal security forces. For such to be applied though, significant structural changes were required, namely the professionalisation of staff and the placement of both JGK and SGK under civilian authority. To date, the government has been unable to make the necessary legal changes that would allow JGK and SGK to provide public order. The inability to initiate such basic changes is reflective of the power of the military over the civilian sector. The prevailing view is that such actions aim at undermining the military sector at large.

OFFICE OF SPECIAL OPERATIONS

Ertan Beşe*

Background: The Appearance of Special Anti-Terrorism Teams

On 5 September 1972 during the Munich Olympic Games, eight Palestinian guerrillas from the Black September Organisation established by the Al-Fatah Group[1] kidnapped 11 Israeli athletes. A hostage rescue operation was organised by police units attached to the German Province of Bavaria. During the ensuing confrontation the guerrillas killed all 11 hostages, five of the guerrillas were killed and three were captured. It could be argued that this failed rescue attempt gave rise to the creation of modern anti-terrorist units.

The events in Munich brought to light the inadequacies of the German police in such circumstances. European countries subsequently determined the need to establish specially-trained security personnel for rapid intervention. To this end, special police units with superior firepower, trained in operations requiring high readiness, special communications, armed and unarmed conflict, prompt intervention, secret access, hostage rescue, negotiation and persuasion techniques were formed.

The first special anti-terror units were selected from existing special forces and therefore assumed a paramilitary character. However, these units proved to be quite costly as they required a continuous supply of personnel and equipment as well as intensive training.[2] These special anti-terrorist units were designed to operate as hostage-rescue teams. Hostage-rescue was the toughest mission such units engaged in. Concurrently, given the nature of their training, equipment and skills, these teams were highly suited to the execution of other kinds of operations, such as, taking measures against imminent terrorist attacks, performing sensitive guard/escort tasks, avoiding attacks and performing high risk operations. When assigned anti-terrorist missions, these units were regarded as paramilitary police.[3]

The anti-terrorism units in western Europe are often established within the police, the best examples being in Germany, France, Belgium, Italy, the Netherlands and Spain, and the only exception being the SAS (the British Special Air Service) Commando, which is the elite unit of the British Army used in anti-terror operations and other missions.

The Establishment and Functions of Turkish Special Operation Police Teams

Special Operation Police Teams (*Polis Özel Harekât Timleri*, PÖHT) were organised in 1983 within the Presidency of the Department of Public Order (*Asayiş Dairesi Başkanlığı*) under a central Special Operations Branch Directorate (*Özel Harekât Şube Müdürlüğü*) and Special Operations Group Authority (*Özel Harekât Grup*

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1 The military wing of the Palestine Liberation Organisation (PLO).

2 For example, following the Achille Lauro hijacking incident in 1985, Germany decided to form a special team for marine operations within the GSG-9, which cost them over DM 3 million just for the provision of initial equipment requirements.

3 Here, paramilitary stands for training, equipment, philosophy and organisation of semi-military quality.

Amirliği) in the cities of Ankara, İstanbul and İzmir as specially-trained units for sensitive operations requiring special skills such as forestalling the armed actions of terrorist organisations in inhabited or rural areas, overpowering or capturing the perpetrators of terrorist actions that were carried out and rescuing hostages in closed areas such as planes, vehicles and buildings.

As a result of the changing quality and quantity of terrorist events, in 1987 PÖHT moved from the Department of Public Order to the Anti-Terror and Operations Office (*Terörle Mücadele ve Harekât Dairesi Başkanlığı*) where it remained until 1993 under the name of Special Operations Branch Directorate (*Özel Harekât Şube Müdürlüğü*). Due to a rise in separatist terror acts, the Special Operations Department was transformed into the Office of Special Operations (*Özel Harekât Dairesi Başkanlığı,* ÖHDB) in 1993, by means of a Council of Ministers' decree dated 26 July 1993. This development was not published in *Resmi Gazete* (Official Gazette).

The decree published on 12 August 1993 authorised the establishment of a Special Operations Police Academy (*Özel Harekât Polis Okulu*) and the training of special personnel. The regulation concerning the activities of the office was qualified as top secret and the office was directly attached to the director general according to this regulation.

The contemporary ÖHDB incorporates the Departments of Education/Training, Personnel, Support, and Operations Planning and Evaluation at its centre and Branch Directorates of Special Operations in 48 cities. ÖHDB reports directly to the Director General of Security, whereas the Branch Directorates of Special Operations report directly to the Branch Director of Security.

Special Operations personnel are selected from among the volunteers and employees of the Directorate General of Security who possess the skills required for police duty combined with physical strength, athleticism, calm, discipline, determination and hardiness, as well as an ability to perform effectively and successfully in training and shooting. Training is conducted for at least three months, during which time recruits practice shooting with a variety of weapons used by special operations units, sharp-shooting, weapon utilization techniques, trekking and mountaineering, sports, close defence and hostage rescue in confined areas. They are taught the Principles and Reforms of Atatürk and human rights. Those who successfully complete basic training are appointed to the Branch Directorates of Special Operations.

From its inception, ÖHDB has conducted 29 rounds of special operations courses where it has trained 8,928 staff and officers, as well as five persons from the Uzbeki domestic safety units and 44 persons from the Turkish Republic of Northern Cyprus (*Kuzey Kıbrıs Türk Cumhuriyeti*, KKTC) domestic safety units. While some personnel have retired, other officers who are over 35 years of age and staff who are over 40 years of age have been appointed to various units in accordance with the regulations. The reduction in ÖHDB numbers has been attributed to the relative decrease of terrorist events in Turkey.

ÖHDB also organises training courses on demand for other Turkish security units and for the domestic safety units of Turkmenistan, Palestinian territories and Macedonia. These courses focus on intervention techniques in the event of hostage-taking.

Special Operations Teams (ÖHT) in Light of the Susurluk Report

During the second half of the 1980s and the first half of the 1990s where the Kurdistan Workers' Party (*Partiya Karkerên Kurdistan*, PKK) terror was felt most strongly in Turkey, Special Operations Teams (*Özel Harekat Timleri*, ÖHT), otherwise known as Special Teams, were

frequently the focus of attention and criticism due to the attire, attitude and behaviour of some team members, as well as the specific formations shaped by the particular conditions of the period.

ÖHT drew notable attention because of the successful operations they conducted against terrorist organisations, particularly the PKK. Claims that the Special Team had a Turkish nationalist agenda, that they featured symbols representing some political parties, that they played janissary band marches from armed personnel carriers, that they greeted one other by a special hand signal ('grey wolf' symbolism, associated with extreme right-wing formations) and that most team members wore their moustaches crescent-style (also associated with the extreme right-wing) began to be voiced.

However, ÖHT's public image was most seriously damaged with the Susurluk accident on 3 November 1996. One of the victims of this accident was Hüseyin Kocadağ, an ex-special operations team member and director of security. Kocadağ's presence at the scene was a symbol for the government in the triangle that also included mafia and politics. Yet, the real problem emerged with the investigation and reports that proposed to unravel the Susurluk event after broad media coverage.

An investigative report (known in brief as the Susurluk Report by the public[4]) was prepared by Chief of the Prime Ministry Inspection Committee Kutlu Savaş upon the order of then Prime Minister Mesut Yılmaz. According to this report, the Susurluk controversy could be traced back to the time when former Prime Minister Tansu Çiller stated that the government had "on hand the list of those businessmen who aid the PKK." Summary executions of numerous businessmen followed this statement. The question centred on who gave the orders for these executions. The report posits the Susurluk event as "the replacement of national and patriotic considerations with personal interest."[5]

The report included striking arguments and information about ÖHDB—known as the Special Team—under the heading of the Directorate General of Security (*Emniyet Genel Müdürlüğü*, EGM). One of these statements concerned the decisive influence of politics on the fight against the PKK and on the functioning of ÖHT. The report asserted that there was no difference between the 1980s and 1990s in terms of government militarization of the issue and affirmed that a sea change towards civilianization began with Mehmet Ağar's appointment to the post of director general of security and that ÖHT appeared to be an indicator of this change:

> "... The fight against the PKK was left to the armed forces during the 1980s. It has been criticized even in political discussions that the successive governments have no precautions against terrorism and entrust this issue to the military. Subsequently with the governmental change at the end of 1991, it cannot be claimed that a meritorious alteration in the fight against terror has hit the agenda. At least, no substantial difference in practice and outlook has become apparent (...). Finally, in 1993, radical change was targeted and the period of 'war hawks' began. The prime minister presented the prevention of terrorism as the priority activity on the agenda. Mehmet Ağar took office in the Directorate General of Security and a serious decision was made: the police was promoted to a position where it would be more active in the fight against terrorism and the Special Operations Teams have gained more importance."[6]

The report states that the provincial governors demand that ÖHT direct or at least join in every important event that requires special security.[7] The report also provides detailed information concerning the structuring of Special Operations

4 Kutlu Savaş, **Susurluk Raporu**, m.0001 (10 January 1997).
5 **Ibid.**, p. 10.
6 **Ibid.**, p. 11.
7 **Ibid.**, p. 12.

and stipulates that teams consist of at least 20 personnel and that they perform outside police regions, in provinces or in rural areas upon the demand of military units and under the responsibility of military authorities.

The report further asserts that the examination of existing documents and correspondence show that ÖHDB occupies a privileged status and position, which creates serious problems, the most important of which is the dispersion of forces to various areas instead of a consolidation where the need is most pressing. The report reiterates the problems identified in ÖHDB's information file of 30 June 1997, the most significant of which is the increase in the number of personnel in the provinces and regions without terrorist activities:

> "The total number of personnel trained is 8,443; 2,043 of which have left for various reasons. The work, vacation and annual leave conditions of the teams are generally heavy and arduous, for which compensatory payments must be made (...) Serious problems have occurred in a short time period in the distribution of the Special Operations personnel. In 1998, 5,000 personnel members were assembled in Turkey at large and outside of the Martial Law Region due to the appointment of personnel to other places after completion of their tour of duty, and only 1,600 personnel will be left in the region. Also personnel have marked preferences in terms of location and they focus on five cities in the west of the country. This situation reveals that the Office of Special Operations has deviated from its expected function in a short time."[8]

The briefing report clearly expresses that unbalanced provincial distribution will lead to a substantial vacuum in the eastern and south-eastern provinces which are the principal areas of duty for ÖHT, and to a simultaneous increase in the number of special operations personnel in the western provinces, which will create further problems. Furthermore, although it seems possible to overcome the first problem by arranging new courses, it will prove impossible to avoid the accumulation of personnel in western provinces. Besides, the financial burden that will be imposed by new courses is also considerable.[9]

Savaş states in the Susurluk report that the influence of Korkut Eken[10] over ÖHDB substantially increased following the appointment of İbrahim Şahin to the position of chief of the Office of Special Operations (ÖHDB) by proxy in 1993. The office was strengthened in this period, the number of personnel increased, and the success and effectiveness of Special Teams in the east and southeast reached its prime. Director General of Security Ağar became quite influential owing to the support provided by Prime Minister Çiller and the widespread activity of the police throughout the country.[11]

The cross-examination summary (*Susurluk Fezlekesi*)[12] dated 30 January 1997 where allegations made by the İstanbul State Security Court and the Chief Public Prosecutor's Office

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8 **Ibid.**, p. 13.

9 In recent years, this problem has been solved with the appointment of special operations police officers considered below-standard or extraneous, to posts in different branches.

10 Korkut Eken was born in Ankara in 1945. He graduated from the Turkish Military Academy in 1965. Eken officiated as team or company commander in various units such as the Commando Brigade, Air-Landed Operations Brigade, Turkish Forces Regiment of Cyprus and the like. He took part in the Cyprus Peace Operations and was awarded the Ribbon Badge Certificate (**Şerit Rozet Beratı**). In 1978, he was appointed to the Special Unit Commandership of the Special War Office (**Özel Harp Dairesi Özel Birlik Komutanlığı**, a unit composed of officers and non-commissioned officers with superior education) where he participated in various courses abroad. In 1982, he took charge of the establishment of Special Operations Police Teams (PÖHT). In 1987, he retired voluntarily from the Turkish Armed Forces as lieutenant colonel and took office at the National Intelligence Organisation as vice-president of the Office of Security. In 1988, he quit the National Intelligence Organisation voluntarily. In 1993, he took charge of the organisation of the activities of re-equipment and training of the Special Operations Teams (ÖHT) within the Directorate General of Security upon the invitation of the Director General of Security Ağar. Subsequent to the Susurluk accident in 1996, he was given a six-year jail term on the charge of "forming an organisation for criminal purposes and leading it." He began to serve his sentence on 1 March 2002 and was released on 28 July 2004. For further information, see <http://www.korkuteken.com/kimdir.htm>

11 Savaş, **Susurluk Raporu**, p. 16 – 17.

12 Preparation No: 1997/221; Cross-examination Summary No: 1997/1, (30.01.1997).

(*Devlet Güvenlik Mahkemesi Cumhuriyet Başsavcılığı*) were examined following the accident in Susurluk, the relationships between the victims and the evidence obtained states: "It was not convincing that an armed activist wanted in Turkey on charges of murder was found together with a high-ranking member of the police in charge of capturing the former, some police officers, and some members of parliament and that they had with them, besides their licensed guns, assault weapons and ammunition used for assassination and manslaughter can be defined a simple holiday or condolence call."

The turning-point came when the state began to use Special Operations Police Teams (PÖHT) against the PKK—which uses guerrilla tactics—in addition to military units which until that time did not possess adequate experience, in terms of tactics or strategy for such a war. This enabled the state to gain military ascendancy in the region. At the same time, these developments allowed for the introduction of tools suited to the character of the threat into the environment of low-intensity conflict that prevailed in the region.

The concept of resorting to a specialized force, specially-trained and equipped to combat guerrilla fighting methods was eventually adopted by security units other than the police. The Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK), reviewed and reorganised its existing units of special character against this threat and formed new units accordingly.

Subsequent to the wide establishment of state authority in the region and to the incrimination of members of special operations in some important aspects of the Susurluk event, special operations units tried to redress issues that drew criticism. These efforts yielded fairly positive results and, for a long period, the force drew attention for its successes rather than its failures. The special operations teams that were accused of wrongdoing began a campaign of renewal to reform their image by avoiding the sporting of symbols with political and ideological associations and shaving off their moustaches.

The Office of Special Operations (ÖHDB) and the Developments of 2005

ÖHDB drew attention by a tragic event, namely the five losses suffered in an ambush near Mosul, Iraq on 17 December 2004. At the end of 2004 and the start of 2005, ÖHT was questioned once again, about the killing of Ahmet Kaymaz and his son Uğur in the course of an operation carried out in the quarter of Turgut Özal in the Kızıltepe district of Mardin on 21 November 2004.

According to a report detailing the last two years' activities of the ÖHDB teams headquartered in Gölbaşı, Ankara, the organisation had suffered six losses as of March 2005, including the five aforementioned (Chief Superintendent Officer Nihat Akbaş, Police Chief Bilal Ürgen, police officers Süleyman Karahasanoğlu, Âdem Çiçek and Bülent Kıranşan) during which time the team was heading to Baghdad on a mission to defend the Turkish Embassy. This constituted the greatest loss suffered at one time by special operations.

The Directorate General of Security has reportedly intensified its educational programs in an effort to prevent members of special operations teams from drawing the public's attention with extrajudicial killings and violations of human rights. The teams are changing their methods of operation and establishing human rights seminars in an attempt to improve their image. Upon the instructions of Director General of Security Gökhan Aydıner, 4920 special operations team members have been given information on the new Turkish Penal Code (*Türk Ceza Kanunu*, TCK) and Code of Criminal Procedure (*Ceza Muhakemeleri Kanunu*, CMK) which came into effect on 1 June 2005. According to an ÖHDB report, 677 suspected terrorists were apprehended and 29 were killed in the past two years. In 2003, the teams apprehended 357 suspected terrorists and killed ten. In 2004, 318

suspected terrorists were apprehended, 19 were killed and two were wounded.[13]

ÖHT has undertaken significant operations against terrorist organisations such as Hizbullah,* Al-Qaeda, DHKP-C, TKP-ML/TİKKO, MKP and MLKP and particularly PKK/KADEK/Kongra-Gel** in the past two years. Ammunition stores of separatist and radical Islamist organisations have been discovered. 49 rifles, 82 guns, 76 hand grenades, three rocket launchers and two missiles belonging to terrorist organisations were seized. Furthermore, in searches carried out in rural areas, terrorist cells and caves, substantial amounts of diverse ammunitions, medical material, organisational documents, bomb-making material, foodstuffs, communication devices such as radios and satellite phones and paraphernalia were also found.[14]

The Kızıltepe Event

On 21 November 2004, in an operation carried out by PÖHT in the Kızıltepe district of Mardin, truck driver Ahmet Kaymaz (30) and his son Uğur (12) were shot dead in front of their house. The Kaymaz family claimed these were extrajudicial killings, asserting that Ahmet and his son were killed gratuitously, whereas the Mardin Provincial Governorship and the security authorities argued that "father and son were terrorist-organisation members and were killed as a result of a clash." Discussions began after the event as to whether these deaths were a case of 'extrajudicial killing' or 'wrongful death' or 'unlawful use of force.'

The indictment drawn up by the Mardin Chief Public Prosecutor's Office on 27 December 2004, states: "the Kızıltepe operation was organised with the purpose of capturing PKK member Nusret Bali, code-named 'Kabat' and Ahmet Kaymaz who helped the PKK at the district centre as a militiaman; that, according to the information and documents included in the file, Ahmet Kaymaz realized that their house was under police watch and came out of the house with his son Uğur Kaymaz in order to allow Nusret Bali who was in the house to escape from the back and that he took measures to make his son Uğur Kaymaz be mistaken for Nusret Bali (...) that Uğur Kaymaz was not identified as the son of Ahmet Kaymaz due to the fact that he was armed (...) In brief, the indictment claimed that Uğur Kaymaz had been killed by ÖHT by mistake because he was taken for Nusret Bali."

Various claims were made in relation to this event by political parties and different groups. These generally focused on whether the event was an extrajudicial killing or resulted from unlawful and unauthorized use of arms. Consequently, the event drew allegations that the attitude and behaviour of the security forces had still not reached the standards appropriate to a state of law and that the police unnecessarily resorted to excessive use of force. Approximately 14 bullets were found in the body of Uğur Kaymaz, all fired at short-range. According to some claims, there was no sign of a clash in the area and the arms seized on these persons were, in fact, planted on them subsequent to their deaths. The authorities claim that both persons were PKK members and had opened fire on the police.

Following the event, 5,000 people held manifestations in Kızıltepe to protest against the security forces, which, together with all other developments, naturally made the question of what is happening in Mardin a pressing one.*** This was the first large-scale manifestation held against state authorities in the region in recent memory.

The Directorate General of Security declared that the two kalashnikovs seized at the scene in

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13 "Özel timciler genel müdürlükten olumlu not aldı," **Zaman**, 27 March 2005.

* Editor's Note: Hizbullah, or the Party of God is a militant Islamist Sunni group unrelated to the Lebanon-based Shi'ite Hezbollah.

** Editor's Note: DHKP-C, the Revolutionary People's Liberation Party – Front; TKP-ML/TİKKO, the Communist Party of Turkey-Marxist Leninist/Turkish Workers' and Peasants' Liberation Army; MKP, the Maoist Communist Party; MLKP, the Marxist Leninist Communist Party; PKK/KADEK/Kongra-Gel, Kurdistan Workers' Party/Kurdistan Freedom and Democracy Congress/Peoples' Congress of Kurdistan.

14 **Ibid**.

*** Editor's Note: Kızıltepe is a district of Mardin.

the deaths of Ahmet Kaymaz and his son Uğur were indeed used in the clash, as determined by laboratory examination. Furthermore, it was also ascertained that one of the arms had also been used in the raid of the Yenişehir Police Station on 7 August 2004, where two police chiefs and two police officers were wounded.

According to one of the allegations that appeared in the press—attributed to different witnesses or anonymous public servants "father and son were shot during a shift away from the real target when the PKK member who was in the house escaped (...) There actually was a PKK member in that house, but it was neither Ahmet Kaymaz nor his 12-year-old son. The special operations police had gone there on a planned mission and they had taken measures around the house beforehand. The reason father and son were shot at such close-range was the fact that the police had gone to the vicinity of the house and taken safety measures. Yet in the course of the operation, the PKK member in the house escaped from the opposite side, so father and son were shot. During the operation, a shift in target had occurred and the wrong targets were hit. The fact that the bullets found in the two bodies were from pistols shows that a serious operational mistake and a significant problem with tactical planning and implementation occurred."[15]

The delegation, that consisted of two members of parliament who had been assigned to the Kızıltepe case by the Turkish Grand National Assembly Human Rights Committee, sub-committee member and Mersin Deputy of the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP) Hüseyin Güler, and Batman Deputy of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) Nezir Nasıroğlu, carried out examinations in Mardin and Kızıltepe. According to Nasıroğlu's statement, which appeared in the press following the examination "some indications pertaining to the allegations of extrajudicial killing were found. It is certain that a mistake was made in this event. That is, a 12-year old child can neither use a gun nor be a terrorist. We think the public servants made a mistake here. On the other hand, even if the allegation that these people were 'terrorists' were true, it seems it was in the realm of possibility that they be captured alive. The event occurred in an open area near the main road. We do not believe that these people were 'terrorists' as alleged by the public authorities. A father will protect his son in such an event even if he is heading for terrorist action."[16]

Again, the delegation of the Human Rights Association (*İnsan Hakları Derneği*, İHD), Mardin Branch[17] which carried out an investigation at the crime scene stated that "the scene where the event occurred is an open area and that it is highly probable that these people could have been captured alive without hurting them at all."[18]

In the conclusion of the aforementioned report, the delegation "concluded from the interviews they had with eyewitnesses, relatives of the victims and official authorities, and the examination of the crime scene that both victims were civilians and one a child; that the probability of them having fired weapons is extremely low; that the event in question may in fact be an example of extrajudicial killing; that these civilians may have been killed by the security forces either by mistake or intentionally."

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15 Fuat Akyol "Mardin'de şehven infaz," **Aksiyon**, 13 December 2004. According to the report of the Institution of Forensic Medicine (Forensic Medicine 1st Specialized Department), Uğur Kaymaz was shot in the back by 11 bullet shells and 13 foreign bodies. The report also states that the bullets found in the back of Uğur hit the body one after the other and very close to one another and that the person could not have continued to shoot after having incurred these wounds which damaged the heart. "Kaymaz'ın sırtındaki 9 kurşun da ölümcül," **Milliyet**, 18 December 2005; "Kaymaz'ın çatışmaya girmesi imkânsız," CNN **Türk**, 19 December 2005.

16 "Terörist değillerdi," **Radikal**, 1 December 2004.

17 The delegation consisted of the east-southeast Regional Representative of İHD Mihdi Perinçek, İHD Mardin Branch President Attorney Hüseyin Cangir, İHD Diyarbakır Branch President Attorney Selahattin Demirtaş, İHD Diyarbakır Branch Managing Committee Member Attorney İrfan Eser and İHD Mardin Branch Secretary Attorney Erdal Kuzu. The delegation went to Kızıltepe district and carried out investigations and interviews on 23 November, 2004.

18 **"Mardin İli Kızıltepe İlçesinde Ahmet Kaymaz ve 12 Yaşındaki Oğlu Uğur Kaymaz'ın Yaşam Hakkının İhlal Edildiği İddialarını Araştırma-İnceleme Raporu,"** 25 November 2004. See <http://ihd.org.tr/rapozel/kiziltepekaymaz.html>.

On the other hand, the report prepared by the Turkish Bar Association (*Türkiye Barolar Birliği*, TBB) states that the father was a PKK militiaman. Furthermore, in its conclusion to the investigation it made in Kızıltepe, the TBB delegation proposed an explanation that legitimized the arms used in the event.[19]

The four special operations policemen that participated in the operation were prosecuted on charges of "homicide in a way that the author cannot be discerned, exceeding the limits of self-defence" and, in November 2004, an administrative investigation into the actions of their supervisors was launched. As a result of the report submitted to the Supervisory Board by the two chief inspectors who went to Mardin by order of Minister of Internal Affairs Abdülkadir Aksu stating that the four policemen might be "at fault and responsible, the policemen were temporarily removed from office for the sake of the soundness of the investigation." Mardin Deputy Director of Security Kemal Dönmez and three special operations policemen were removed from office temporarily.

The policemen were returned to their posts before the case was heard. In the administrative investigation, it was suggested that the policemen be fined by garnishing their wages, and their place of work (Kızıltepe) be changed. The claim that the policemen who had not attended the first hearing of the case in Mardin's 2nd High Criminal Court on 21 February 2005 on the grounds that the men did not have life insurance and, who were appointed to different provinces be arrested because of the probability of obstructing the gathering of evidence, was rejected. The court ruled that the statement of the policemen be received from their place of work. The court also rejected the entreaty by Reşat Kaymaz, the brother of Ahmet, to take part in the case as the intervening party. The court in Mardin decided the case should be heard at the Eskişehir High Criminal Court on grounds of security.

The hearing in Eskişehir that took place on 18 December 2005 was conducted under extraordinary security measures. The four indicted policemen asserted that the father and son shot at them first and that the clash lasted for a period of ten minutes. One of the attorneys of the accused, Veysel Güler, argued that the confrontation occurred in an L shape, so that the victims had to turn their backs. Güler stated that the terrorist organisation (PKK) had been playing on people's emotions through children of late and stressed that "the use in manifestations of Uğur Kaymaz's photograph, who died in the clash, from when he was a second year primary-school student was aimed at creating supporters/sympathizers to the organisation and that children are being used in such actions in various parts of Turkey."

Güler also noted that photographs presented to the press of Uğur, who was allegedly 12 years of age at the time of death dated from when he was younger and that Uğur, who measured 165 cm (5' ft. 5") and weighed 45 kg (99 lbs) was estimated to have been approximately 15 or 16 years of age in the post-mortem examination.

Güler asserted that Ahmet Kaymaz and his son Uğur were PKK members, and that Nusret Bali code-named 'Kabat' who had escaped from Kaymaz's house where the events took place was killed in March 2005 in a clash with security forces.

Güler presented ten photographs to the court depicting 14 to 15-year-old children receiving PKK military training on the mountains as well as images of children burning the Turkish flag in Mersin.[20]

After the indicted policemen answered the judge's questions pertaining to the guns that

19 "The fact that security forces used 9 mm MP5 and uzi machine guns in this event where they generally use rifles in operations or clashes can be seen as an indication of extrajudicial killing. However, 9 mm MP5 and uzi machine guns are arms suited to close combat and the location of this operation was a street where it would not be possible to use rifles." "Kızıltepe Olayı'nda Baro Raporu: Baba Kaymaz PKK Milisi," **Milliyet**, 22 May 2005.

20 "Uğur Kaymaz davasında avukat protestosu," **Hürriyet**, 24 October 2005.

were used in the operation, the hearing was postponed until 22 February 2006. The postponement was intended to allow sufficient time for the statements of witnesses in Kızıltepe to be obtained and the issue of missing documents to be resolved. The attorney's request that the accused be arrested was rejected.

Conclusion

Initially, governments faced with the threat of terrorism generally elect to implement anti-terror strategies, increase their intelligence capacity and activities and form anti-terror commando or police units to be used in rescue or raid operations. The next step involves the imposition of new legal statutes that provide the concerned state units with the required authority necessitated by the anti-terror policies.

The defining of the domain of responsibility of such special units and the control of the units is of high importance, especially when an armed plan of action (war model) is adopted and specially trained anti/contra-terror teams are employed. When signs indicating that special units have committed certain acts that disregard for the ascendancy of the law or the state of law come to light, at least some of the public depending on the prevailing political ambience will believe that the state has not followed a balanced anti-terrorism policy aimed at the preservation of individual rights and liberties.

The most severe and dangerous consequence of the failure of adequate control of the special police (paramilitary) or military anti-terror units, is the development of what is known as dirty war encountered in certain countries. The concept of dirty war became widely known in the 1980s (especially after 1982) at which time the UK resorted to the SAS (*The British Special Air Service*) Commando which possess superior fire-power and are considered the most elite soldiers in the world, against PIRA (*Provisional Irish Republican Army*).[21] The concept of dirty war was cultivated particularly by the Special Support Unit (SSU) trained by the SAS and situated within the Royal Ulster Constabulary of Northern Ireland, which adopted the policy of deliberately killing suspected PIRA terrorists instead of capturing them alive and arresting them. This policy and particularly the reaction of Amnesty International that demanded an independent judicial investigation, elicited an internal investigation undertaken by Deputy Chief Constable John Stalker, a high-ranking officer of the Manchester police. The SSU was found to have illegitimately killed five people. However, the investigation could not discern whether high-ranking police authorities were involved in this shoot-to-kill policy. John Stalker was mysteriously removed from office before the investigation was complete.[22] Moreover, UK Secret Services MI5 and MI6 were accused of involvement in the murder of Belfast attorney Paul Finucane, who was representing the families of three PIRA militants shot dead by the SAS in Gibraltar in March 1988.[23]

In liberal democracies and states of law, the effectiveness of the fight against terrorism depends on the legitimacy of this fight with respect to the criteria of democracy and state of law. The long-term results and effects of certain policies and practices to be resorted to in the fight against terrorism must be carefully calculated. The solutions proposed against terrorism must not interfere with democratic political life in the long-run.[24]

The following can be observed concerning PÖHT "these teams have proven to be extremely effective in the fight against terrorism and they have made great sacrifices. In recent years, society has witnessed their sincere efforts to put an "end to the adversities of the past and keep

21 'Dirty War' is also used to refer to the kidnapping of thousands of people by the security units and their subsequent disappearance particularly in the military dictatorship in Argentina between 1976 and 1983.

22 John Stalker, **Shoot to Kill and the Affair** (Ireland: Harmondsworth, Penguin, 1988); Leslie MacFarlane, "Human Rights and the Fight Against Terrorism in Northern Ireland," **Terrorism and Political Violence** 4/1 (April, 1992), p. 93- 94.

23 Ertan Beşe, **Terörizm, Avrupa Birliği ve İnsan Hakları,** (İstanbul: Seçkin Yayıncılık, 2001).

24 **Ibid**.

them from recurring." However, certain unfortunate events such as the Kızıltepe incident unfortunately still take place. The investigation of this matter is ongoing, upon the conclusion of which the real dimensions of the event will become evident. The security units must learn the necessary lessons from this catastrophe and try to determine the weak points of the system in order to prevent similar events or mishaps from occurring and allow for the well-intentioned outfits to thrive.

The fact that these teams are located within the Directorate General of Security and are therefore attached to the Ministry of Internal Affairs, makes their administrative, legal and even political supervision and control suitable to democratic and civilian criteria. In fact, in cases of allegations of illegitimate practices such as in the event covered above, the necessary judicial process must be launched. Public satisfaction over the issue depends on the adequacy of the information provided to it. For this reason, in parliamentary democracies, the commissioning of security units under civilian scrutiny in the fight against terrorism proves to be more suitable to the mindset required for the conditions of democracy and a state of law.

Due to an increase in the presence of mines especially and to a decrease in a great number of security personnel midway through 2005, the military in particular began to voice its concerns that laws passed in the process of accession to the European Union (EU) and the new Turkish Penal Code (TCK) and the Code of Criminal Procedure (CMK), delimit the authority required by the security forces to fight effectively against terrorism and, therefore, impede the course of this fight. These concerns elicited a review of the Anti-Terror Law No. 3713 and considerations to increase the authority of security forces in specific regard to the fight against terrorism.

Contrary to these considerations, however, there is also the growing perception that terror is an internal security matter and therefore falls within the province of the police. The foremost argument cited on this point is the fact that it costs the lives of dozens of soldiers inadequately trained and equipped to confront the PKK.[25] Moreover, the use of military forces against the PKK legitimizes the latter on the international plane and contributes to an erosion of the armed forces.[26]

To conclude, special operations teams are specialised units trained to undertake high risk operations. Their establishment attests to Turkey's attempts to "catch up" to European states in particular and to arrive at a corresponding level of security in theory and in practice. However, to remedy the structural behavioural weaknesses that have been explored herein, the necessary political will must be sustained. Ensuring that such forces remain subject to democratic civilian supervision will ultimately render them stronger and more functional.

25 Thus, the Turkish Armed Forces introduced the special units which were suited to the conditions of the eastern and southeastern regions and the character of existing terrorist activity into the fight against terror along with the standard military units.

26 To read a striking evaluation on this issue, see Kemal Ulusoy, "Askerin Yetkisi Az Değil Fazla Bile!," **Aktif Haber**, 12 August 2005, see <http://www.aktifhaber.com>.

PRIVATE SECURITY

Mesut Bedri Eryılmaz*

The Concept of Private Security

Ensuring public security is the *raison d'être* of virtually every state since political, economic and social activities and individual rights and freedoms can only be fulfilled if the public enjoys a secure and peaceful environment.

Today, the sovereignty of the free market makes it more difficult for states to meet security requirements, which are the legitimate responsibility of the state. Individuals and firms that were accustomed to performing their economic and social activities under the protection of the state are facing unprecedented economic and social upheaval under free market conditions. With increasing crime rates and the rising cost to the lives and property of citizens, the need for security has become more pressing.

Conversely, funding for security services has decreased; the shrinking of the state has been put on the agenda to accommodate the free market and the void in security services performed by the public domain has become more evident. When it became apparent that the state was unable to fulfill all the necessary security requirements, the private sector was encouraged to provide security services, in the same way that the education and health sectors were encouraged to privatize. Paving the way for a rise in private security outfits, the state delegated personal security to the public, while it assumed responsibility for broader public security. The state has also embraced the demands of citizens who request the right and freedom to protect their lives and property against unfair assault.

Security has therefore branched out into the private service sector and is shared by the public sector, as in the case of private education, health and private 'public' transportation. In other words, the private sector performs its activities alongside the public sector. From a liberal point of view, the state enables the public sector to train private security personnel to secure their own interests and to buy these services by allowing corporatization.

For instance, in Turkey only 14–15 percent of the total police staff is assigned to the security of individuals. After the initialization of private security services, political parties, trade unions, international organisations and embassies have been advised to acquire private security services.

Therefore, private security is defined as security service units that are empowered to perform some duties on behalf of the public such as searching, confiscating, capturing and using force in areas owned by private organisations or institutions, provided that the personnel and trainees of such are subject to the control of the state.

The History of Private Security

Even though the idea of private security is a relatively new one, the concept of the state allowing private security organisations to

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operate in the public domain by means of special laws has a long history. In 1930, with Municipality Law No. 1580, a municipal police force was established to bolster local security with respect to the local government's field of operation. It was decided that resisting municipal policemen were to be punished in the same way that those resisting public law enforcement forces were punished. Village guards and officers, district guards, forest security officers and customs monopoly guards were the main examples of this concept.

There was an attempt to settle private security matters on a legal basis by means of Law No. 2495 on Protection and Security Services for Some Public Institutions and Organisations dated 22 July 1981. In order to fulfill the requirements of the private security sector, which made significant progress in the 1990s, the Private Security Services (*Özel Güvenlik Hizmetlerine Dair Kanun*, ÖGHDK) Law No. 5188 was introduced in June 2004.[1]

Concurrent with the private security service attaining legal status, international corporations entered the Turkish market. This became an increasingly attractive career move for retired army and police personnel, many of whom entered the sector, such as former Undersecretary of the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT), Sönmez Köksal, former chief of MİT in the İstanbul region, Nuri Gündeş, Brigadier Veli Küçük, former Governor of İstanbul Erol Çakır and former Head of the Bureau of Narcotics, Ferruh Tankuş. A number of members of the armed forces and police chiefs in particular moved into the private sector following early retirement.

With this law, the following issues were clarified:

(1) All security companies in the private sector were registered and authorised to provide private security services exclusively. This entailed security for buildings, utilities and individuals. It also made provisions for the secure transfer of money and high value goods, while allowing for alarm systems, video surveillance, CCTV (closed-circuit television) and similar advanced electronic and technologic devices to be used by private security companies. These factors combined have contributed to the transformation of the private security sphere into a profession.

(2) Cooperation and task-sharing between the public and private security sectors has evolved, whereby public forces were assigned to regulate and control private security. It was decreed that companies and private training institutions which operated outside their fields of operation and conducted criminal activities should be abolished and that the founders and managing personnel of these companies should lose their appointment and associated entitlements in any of the private security companies or training institutions across the board.

(3) Local Province Security Commissions consist of members from the public and private security sectors as well as the Chamber of Commerce and Industry. This diversity has allowed for the development of a more democratic and participatory decision-making mechanism, particularly with respect to the commissions' role in evaluating and developing private security.

(4) Provisions dealing with questions of financial responsibility for private security stipulated the compensation for third parties for losses caused by private security personnel. The establishment of private security services and training outfits in the field of private security are subject to the approval of the Ministry of the Internal Affairs.

1 The law was passed on 10.06.2004 and went into effect when it was published in **Resmi Gazete** (Official Gazette) No. 25504 dated 26 June 2004. The executive regulation implementing Law No. 5188 also went into effect when it was published in the Official Gazette No. 25606 dated 07 October 2004.

SUBSTANCE OF THE PRIVATE SECURITY SERVICE

How are Private Security Approvals Granted?

Individuals can receive private security services by employing private security officers, establishing private security units under the auspices of an institution or organisation or by hiring personnel from private security companies.

Individuals or organisations must apply to the office of the governor in their own province in order to procure private security permits.

The private security commission under the office of the governor is responsible for reviewing requests for private security permits, determining the method of service, the maximum number of personnel and the maximum number of arms to be kept or carried.

The Private Security Permission Certificate is bestowed to individuals/enterprises who/which have been granted a private security permit.

A list of the private security officers who are employed by private security units and a copy of the firm's insurance policy, must be submitted to the office of the governor within 15 days following the first working day of personnel.

Private security units and private security companies must submit a sample of their security and protection plans related to the location of their services to the governorship within 30 days. The office of the governor can request amendments to security and protection plans or request correction of any deficiences in those plans to be completed within 30 days.

The activities of a company and the private security services provided to third parties are subject to the approval of the Ministry of the Interior. In order to obtain this permission, the company's field of activity should fall exclusively under the province of "protection and security services."

The founders and managing personnel of private security companies:

(1) Shall be citizens of the Republic of Turkey;

(2) Shall not have been sentenced to any of the following (with the exception of crimes of negligence): "heavy imprisonement," imprisonment for more than six months; crimes against the "personality" of the state even if pardoned; misappropriation of funds; malversation, bribery, theft, fradulent deal-making, breach of trust, forgery, fradulent bankruptcy or employment, smuggling (except consumer goods), rigging a competitive bidding process, disclosing state secrets, verbal harassment, sexual assault, rape, abduction of a girl, woman or child, incitement to prostitution; pandering; using or smuggling narcotics.

Managers should have a four-year degree, should not be prohibited from public service and should have successfully completed basic training.

The office of the governor conducts background checks on private security officers and managers to be employed in private security companies and in private security training institutions. Those whose background check proves acceptable and who successfully complete basic training are awarded a five-year work permit by the governorship.

As of 31 October 2005, 572 private security companies applied for a work permit of which 464 were granted the Private Security Company Permission Certificate.

(5) It has also been determined that, as a rule, private security outfits should be unarmed except in cases that require armament.

(6) The vested rights of private security organisations established according to Law No. 2495 and, that of their personnel, are protected for a period of five years commencing with the implementation of Law No. 5188. At the end of this five-year period, the approval of such organisations shall be renewed and the identity cards of personnel shall also be renewed following the completion of some training to this effect.

(7) Companies that are not subject to Law No. 2495 but are established in accordance with commercial law to conduct private security services are permitted to carry out their activities provided that the conditions set forth by the law are fulfilled within a six-month period following the regulation coming into effect.

The Relationship between Public and Private Law Enforcement Forces and the Sphere of Duties of Private Security Officers

Public law enforcement forces operate throughout the country alongside the police, gendarmerie and the coast guard. Private security forces, established by a special law, consist of law enforcement units that are entitled to work in a limited arena and with restricted authority.

Upon examination of the authority of the police, gendarmerie and coast guard, it was noted that neither the content nor the scope of their authority differed from one another. Essentially, it is inconceivable to conclude that the authority of law enforcement forces, which perform equivalent duties in different regions, might differ.

However, some special law enforcement forces, falling outside public law enforcement, such as,

THE TRAINING OF PRIVATE SECURITY

Basic training for private security and refresher training courses are held in the special training institutions certified by the Ministry of Interior. An application is required for those wishing to obtain a permit to conduct private security training. Upon receiving the necessary information, an inspection commission determines whether the applicant has the necessary qualifications to operate a training centre.

The selected candidates chosen are subject to a minimum of 120 hours of basic training. 30 hours are dedicated to artillery and shooting practice. Private security officers who are not licensed to carry firearms are not obligated to take these courses. The training program of these officers is to be not less than 90 hours.

The managers of private security companies and private training institutions must attend refresher training courses every five years and present the resulting certificates to the ministry.

Refresher training programs consist of 60 hours coursework. Theoretical and practical courses are offered by the related training institution with a selection of lessons from the basic training program. The lessons cover recent developments in education and jurisprudence. 20 of those hours are spent in shooting practice.

Individuals who pass the written and practical examinations receive a refresher training certificate. Applicants for the exams are asked for proof of their attendance.

Individuals take written and practical examinations following the completion of basic training. Written examinations are held in the provinces and include questions prepared by the Central Examination Commission.

Certificates of basic training and refresher training for private security are valid for five years.

Those officers who retired or resigned from public law enforcement forces (after working for at least five years) are not required to complete basic training for the private sector. Their exemption expires after five years.

As of 31 October 2005, 338 training institutions for private security submitted an application of which 312 were granted the Private Security Training Institution Permission Certificate.

To provide certificates for trainees who are given basic training in training institutions:

1,522 candidates took the first private security examination on 7 January 2005, 1,253 of whom passed,

29,533 candidates took the second private security examination on 14 May 2005, 18,793 of whom passed,

38,601 candidates took the third private security examination on 15 July 2005, 28,840 of whom passed.

54,000 candidates took the fourth private security examination on 12 November 2005, and the results are pending.

The number of active private security personnel – in accordance with Law No. 2495 which was abolished on 26 June 2004 –reached 57,855. In accordance with provisional Article 1 of Law No. 5188, personnel were not required to have a private security training certificate. These former private security officers combined with a total of 48,886 candidates obtained the right to acquire the certificate and become officers. By passing the first three examinations, the total number of private security officers employed in the sector reached 106,741. The expected growth rate of the private security sector in 2006 stands at 15%.

This number is nearly half the total number of police in Turkey. This indicates that private security has contributed considerably to the maintenance of general security and the fight against escalating incidents of theft, crimes related to sniffing glue and snatch-and-run theft.

In European countries, the numbers of police and private security officers are proportional to one another. In the United States, the number of private security officers is triple that of the public police force, which numbers at 600,000.

forest security guards, customs officers and private security officers, are prohibited from fully exercising the powers of the police and gendarmerie. The authority of private law enforcement forces are essentially of a judicial nature and include searching, capturing and using the force necessary for this purpose. Officers are not granted special authority such as those of judicial survey, secret monitoring, tapping phone lines and recording testimonies, since having such jurisdiction requires technical structuring and close relationships with judges, public prosecutors and lawyers. According to Article 77 of the Village Law, village guards are entitled to use arms but only to protect the purity (*ırz*), life and property of people within the bounds of the village.

Similarly, in accordance with Articles 77, 78 and 79 of the Forest Law, forest guards are authorised to search, capture, confiscate and use arms in order to protect the forests. By the same token, according to Article 3 of the Law on Marketplace and Neighbourhood Guards, guards are empowered to gather evidence and use arms along with various other duties under the conditions determined by Article 16 of the Law on Police Duties and Powers (*Polis Vazife ve Selahiyet Kanunu*, PVSK).

The duties and responsibilities of private law enforcement officers were delineated in law. In accordance with the respective laws, forest security guards are authorised to perform their duties within the borders determined by the law;

marketplace and neighbourhood guards within a specific area inside the municipal borders; private security forces officers within the borders of the related establishment, and village guards within the bounds of the village. Private security officers are permitted to use their authority during their tours of duty and within their specified fields of operation. The period of time and nature of these operations are determined in terms of the working hours of the security personnel, tour of duty or contract of employment.

Private security officers can only attempt to capture a suspect within the limits of their field of duty. If the suspect escapes from the compass of their authority, officers are only permitted to pursue and capture the suspect in the role of a private citizen.

Public law enforcement officers (police and gendarmerie), in accordance with Supplementary Article 4 of PVSK, can always intervene in a judicial incident with the aim of prevention within the borders of their field of duty. Officers are also authorised and assigned to uncover criminal evidence and to protect and deliver evidence to the authorised police force. At this point, the service department, the location and time of the incident in relation to the intervention of a public security officer are inconsequential.

Therefore, a security officer assigned to the Keçiören, Ankara police station can intervene in an incident in Dikmen—which is also in Ankara—if that officer is off-duty and returning home. However, when in Fethiye—which is in Muğla—on holiday, for example, the officer can only intervene in the capacity of a private citizen.

As members of the public security force, coast guard officers are authorised to exercise their authority along the entire coast of the Republic of Turkey, in the internal waters of the Marmara Sea, the Bosphorus and the Dardanelles, its ports and bays, its territorial waters and other waters under Turkey's control and sovereignty.

The distribution of tasks and responsibilities between the police and the gendarmerie, which are the other two units of public security, were determined in Article 10, No. 2803 of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie. According to this article, the gendarmerie's arena of duties and responsibilities generally falls outside that of the police, which, in turn, falls outside municipal areas and/or districts without an organized police force.

In other words, the gendarmerie cannot work within municipalities. The exception to this rule is where there a police force is lacking within the municipality. If a police force has not been established in the municipality for any reason, an outfit from the gendarmerie may be established in its place. Similarly, the implementation of gendarmerie outside municipal borders depends on the presence or absence of a police force.

The Authority of Private Security Officers

In contrast to private security officers, the duties of public law enforcement officers fall under the purview of both crime-prevention and investigation (in the case of failure to prevent). This authority was granted in the PVSK No. 2559, dated 1934.

The following activities underscore the pre-emptive power of public security personnel: patrol duty, gathering intelligence, and search and capture. Law No. 5188 permits private security officers to conduct "search for prevention" and "capture for prevention" activities. To exercise this authority, a crime should not yet have been committed. Law enforcement units use this authority to prevent a possible threat.

On the other hand, the authority of security officers, after a crime has been committed, is rather comprehensive. This authority is defined as judicial and is expressed as "protective measures." These measures consist of judicial

review, intelligence-gathering, identification, phone tapping, secret monitoring, secret agent appointments, searching, confiscating, banning trips abroad, capturing, using force and recording testimonies.

The Code of Criminal Procedure (*Ceza Muhakemeleri Kanunu*) No. 5271 of 2004 defines the jurisdiction of security officers. Law No. 5188 grants private security officers some of the judicial powers of a security force, including the protection of evidence and its provenance, identification, confiscation, search and capture, as well as the use of arms.

In the security service arena, private security officers are expected to safeguard the security demands of every segment of society which is clearly increasing. However, private security is a complementary element of the states' own security forces whereby private security personnel are permitted to use only part of the powers assigned to public law enforcement forces to justify their *raison d'être*. The authority granted to private security officers is therefore rather limited.

The powers of private security officers were classified in Article 7 of ÖGHDK. According to the law, private security officers have been granted the following authority:

a) Performing access control at building entrances by means of sensitive doors, frisking by detector, inspection of personal belongings through x-ray or similar devices;

b) Identification, performing access control by means of sensitive doors, frisking by detector and inspection of personal belongings through x-ray or similar devices at meetings, concerts, sporting events, stage shows and similar events, as well as funeral and wedding ceremonies;

c) Conducting search and capture missions within reason according to Article 127 (Article No. 1412 of the new CMK);

d) Capturing and arresting persons ordered to be captured, arrested and convicted in their area of jurisdiction;

e) Assisting in serious emergencies and entering homes or workplaces in their area of jurisdiction when natural disasters such as fires or earthquakes occur;

f) Identifying, performing access control by means of sensitive doors, frisking by detector and inspection of personal belongings through x-ray or similar devices in facilities providing public transportation such as airports, ports, train stations and terminals.

g) Provided that public law enforcement forces are immediately informed, safeguarding criminal, threatening or other related evidence found during a search;

h) Keeping lost or found belongings;

i) Taking a person(s) into custody with the aim of protecting his/her well-being or life;

j) Protecting evidence and its provenance and taking a person(s) into custody with these aims in mind in accordance with Article 157 of CMK (according to the new CMK, Article 168, prohibition by force);

k) Using force in accordance with Article 981 of the Turkish Civil Code, Article 52 of Law on Debts and subclauses 1 and 2 of clause 1 of Article 49 of the Turkish Penal Code (*Türk Ceza Kanunu*, TCK) (Articles 24 and 25 of new TCK).

In addition, Article 8 of the same law authorises private security officers to keep and carry weapons.

In brief, the realm of authority of private security officers can be defined as follows;

(1) To protect evidence and its provenance;

(2) To intercept, identify and search;

(3) To keep in safe custody;

(4) To capture;

PUNISHMENT OF PRIVATE SECURITY PERSONNEL

Private security personnel are considered officers in accordance with the TCK. Therefore, as stated in Supplementary Article 4 of PVSK, crimes committed against private security officers on duty (who use their authority) are considered on par with crimes committed against public officers on duty. Crimes committed by private security personnel are considered on par with crimes committed by an (assigned) officer on duty.

Thus, a private security officer on duty can be either the perpetrator of a crime or the victim of a crime as stated in the TCK.

In addition to the TCK, some administrative crimes concerning punishment of private security officers are also laid out in the ÖGHDK.

a. Crimes Defined in the Turkish Penal Code

According to TCK, potential crimes by private security officers are defined as follows:

Restriction of freedom (TCK Article181);

Unjustified bodily search (TCK Article183);

Invasion of privacy (TCK Article194);

Misappropriation of funds (TCK Article.202);

Malversation (TCK Article 209);

Bribery (TCK Article 212, 213);

Arbitrary acts and harsh treatment (TCK Article228);

Breach of duty (TCK Article 230);

Failing to report a crime to authorities (TCK Article 235);

Abuse of authority (TCK Article 240);

Torture and mistreatment (TCK Article 243);

Mistreatment and excessive use of force (TCK Article 245);

Conduct unbecoming an officer (TCK Article 252).

The following are defined as crimes committed against private security officers:

The use of force, violence or restraint against an officer (TCK Article 254);

Resisting an officer (TCK Article 258);

Insulting, cursing and assaulting an officer (TCK Article 266);

Assault and battery of the officer (TCK Article 271).

b) Crimes Defined by the Law on Private Security Services

The ÖGHDK defines three types of crime committed by private security officers, all of which have an administrative character:

(1) Breaching the ban against effectuating a strike;

(2) The use of firearms against ÖGHDK regulations and allowing third-party use outside the area of jurisdiction;

(3) Allowing another person to use his/her ID badge.

The penalty for these crimes is YTL 1,000. This punishment is given by the highest-ranking civilian authority. Objections can be raised through an authorized administrative court within seven days following the notice of punishment. The decision of the administrative court can be appealed in a regional administrative court. However, decisions of regional administrative courts are absolute.

Moreover, the work permit of the private security officer is abrogated and the officer can no longer be employed as a private security officer.

(5) To use force and interdict;

(6) To assist in case of emergency.

The Rights of Private Security Officers

As per the order listed by the ÖGHDK, private security officers have the following rights and obligations:

(1) Private security officers must obtain identity cards. These cards are given by the governorships. The identity card bears the name and surname of the officer and discloses whether the officer is armed or not. This identity card is displayed prominently on an officer's uniform so as to be clearly visible during working hours and in the line of duty. An officer without an identity card is not authorised to perform his/her duties. (ÖGHDK Article 12).

(2) A private security officer must take a refresher training course of not less than 60 hours to renew his/her knowledge following the basic training of 120 hours.

(3) In the event that a private security officer is wounded, becomes disabled or dies in the line of duty, he/she or their inheritors are entitled to compensation within the framework of conditions determined by the employment contract and the collective bargaining agreement.

If a private security officer serves a public institution or organisation, compensation is determined in accordance with the collective bargaining agreement and the Law on Cash Compensations and Salary. The highest amount, as determined in contract or by law, is consequently awarded. This compensation does not affect payment of other compensations according to Labor Law No. 4857.

Moreover, the right of an injured private security officer or his/her legal inheritors to request further compensation is reserved by general provision (ÖGHDK Article 15).

(4) Private security officers cannot be recruited for any duty other than protection and security as determined by law.

(5) Private security officers cannot be dismissed during a lockout. However, they do not have the right to strike.

(6) Private security officers have the right to ask for private financial insurance to protect against any possible third-party harm they may be responsible for and their employer is obligated to provide this insurance.

Improvements in 2005 and Expectations for the Future

ÖGHDK is a rather new law. In 2005, it was criticized and amendments were made to correct these flaws. However, it has been difficult to adapt the current Law No. 5188 to the former Law No. 2495, which was in force for approximately 24 years. The issue of partially regulated private security outfits has yet to be adequately addressed.

In order to overcome some of the difficulties associated with Law No. 5188 the following measures were taken:

(1) A rather comprehensive circular of eight pages concerning the implementation of the law and related regulations was published by the Ministry of Internal Affairs on 19 April 2005. In this circular, many questions were answered with respect to the law and some supplementary regulations regarding implementation were made.

(2) Some amendments were made on 21 April 2005. The implementation of Articles 19 and 20, including punishments foreseen for those who fail to fulfil their responsibilities, were postponed until 31 December 2005 to grant time to those implementing the changes.

(3) To create greater employment opportunities, secondary school graduates were given permission to work as unarmed private security officers.

(4) Those organisations employing a specific number of security officers and having the necessary space for training were permitted to give 'on the job training.'

(5) The implementation of Article 5 of Law No. 5149 on the Prevention of Violence and Disorderly Conduct at Sporting Events was postponed for four years by means of Article 23 of Law No. 5340, which was approved on 28 April 2005 by the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) and went into effect with its publication in *Resmi Gazete* (Official Gazette) No. 25806 on 5 May 2005. Law No. 5149 grants entities the power to buy private security services for the purpose of security maintenance at sporting events and on playing fields. The aim is to provide for an extraordinary implementation of private security and to allow sporting clubs to fulfill their responsibilities.

The initial optimism resulting from the creation of the new law is mitigated due to the ambiguity of some aspects regarding its execution, the delay in offering qualifying examinations, the problem of achieving a standard implementation throughout the country and the red tape burdens that are placed on firms particularly as a result of the aforementioned circulars.

Nonetheless, private security sector actors have initiated measures to protect the sector against these hurdles. The Association of Security Systems and Oversight Organisations (*Güvenlik Sistemleri ve Gözetim Organizasyonları Derneği*, GUSOD), in existence since 1994, endeavours to restructure, organize and increase its members in Ankara and İzmir. It continues to establish new branches throughout the country. The Private

Security Sector Businessman's Association (*Özel Güvenlik Sektörü İş Adamları Derneği*, ÖGSİAD) was established in İstanbul and a similar association is projected for Ankara. The Private Security Social Assistance and Solidarity Association (*Özel Güvenlik Sosyal Yardımlaşma ve Dayanışma Derneği*, ÖZGÜVDER) was founded in Ankara. Employees have also been given the opportunity participate in the activities of employer companies.

To ensure stability of the private security sector, which is a matter of public concern and covers a wide range of fields, efforts should be made to enhance information systems, experience and overall tenacity. Non-Governmental Organisations (NGOs), whose roles are expanding in the current world climate, also have the potential to assist in the stabilisation of the private security sector. Improving the reputation of this sector as a valid professional choice and providing basic and effective methods for operations, as a substitute for bureaucratic formalities, by means of healthy dialogue with official authorities within the framework of a liberal approach can only be beneficial to the field in every respect.

Within this context, expectations from the government can be summarized as follows:

(l) Primarily, the revision of laws, regulations and circulars considering the protection of private security as a sector and its development in accordance with the law; the elimination of incongruous, contradictory regulations and taxing bureaucratic formalities coupled with the maintenance of standardised, fair and objective implementation;

(2) The prevention of the growth of 'parallel formations,' i.e. shadowy structures devoid of any legal basis which are potentially damaging for this otherwise legitimate sector;

(3) Avoiding extra financial burden on the sector and its employees especially considering that total fees paid by companies attaining permission of activity has reached YTL 6,216,000. Fees collected from security officers who have completed their training as of June 2005 stands at YTL 56,000. The state has the financial resources required to maintain officers, equipment, examinations, monitoring and other expenses. Considering that there is no provision regarding fees for examinations, bullets, for example, should be provided by training institutions for shooting exams. Institutions should not demand any additional payment from the private sector or its employees.

(4) The decrease of VAT on education from 18% to 8% by the Ministry of Finance should also be applied to private security training courses.

(5) For the healthy development of private security sector, dialogue between it and the government must be maintained in relation to both the formulation and implementation of legislation;

Moreover, it is essential that conformity with the universal principles of ethics is realized and implemented. The survival and dignity of the private security sector depends on this.

Conclusion

Implementing ÖGHDK has been difficult due to the lack of agreement with regards to the private protection of individuals. Law No. 2945 regulates several important elements of private security services; the unfeasibility of establishing private security organisations for companies not provided for in the law; the obligation of enterprises and institutions to establish private security organisations and the sanctions for those who are non-compliant. Many institutions and organisations, despite not being covered by Law No. 2495, provide their own security in various ways according to their own requirements. Many companies have begun to conduct private security services without permission and monitoring in order to meet

market demands.

Moreover, the protection of the public and property in meetings, concerts and ceremonies, as well as during the transfer of money and valuable goods, are some of the most essential duties of the state. Conversely, individuals have the right to protect their life and property against assault. In other words, along with the public security provided by the state, individuals should also have the opportunity to protect their life and property. With this aim in mind, Law No. 5188 superseded Law No. 2495. By means of this law, a new service sector was created under the name of "private security" with the aim of providing security services both effectively and democratically in line with contemporary requirements and developments, under the approval and control of the state.

This new law enforcement unit was created to operate within the private sector. Accordingly, detailed regulations on mandatory liability insurance and compensation for damages sustained by third parties, punishment of officers in the event that offences are committed, and the training, rights and authority of officers were established. Law No. 5188 provided the appropriate conditions for the private security sector to be legitimised as a profession. It established a legal basis for private security and contributed to the development of its liberal, participatory and democratic structure. Private security officers have relieved, to a large extent, the burden of public law enforcement forces, namely the police and gendarmerie. However, Law No. 5188 and its related regulations have thus far failed to satisfy all the expectations and needs of the concerned parties. Therefore, it is anticipated that positive changes, even small ones, will continue to be introduced in this field in the future.

TEMPORARY VILLAGE GUARDS

Ertan Beşe*

The Emergence, Functions and Legal Basis for the Temporary Village Guard System

Article 68 of Village Law No. 442, dated 1924 stipulates that "within village limits, village guards are present for protecting citizen's purity (*ırz*), life and property."[1] Article 74 of the same law stipulates that "if looters emerge at harvest time, the village headman and the council of elders make a list of potential guards from among villagers who can use weapons and hand it to the head of district. If the head of district allows, these voluntary guards protect the village and the villagers from pillagers and bandits along with the legitimate guards."

However, the roots of the guardianship system go beyond these considerations and the current Temporary Village Guard System (*Geçici Köy Koruculuğu*, GKK) can, in fact, be seen as the extension of the 'Hamidiye regiments' established in 1891 during the Ottoman Empire. Hamidiye regiments were military units, formed by the Empire that was ruled from İstanbul in order to maintain public order in the eastern provinces, consisting of members of the local populace and used especially against the Armenians.

Some of the views concerning the historical role and influence of the Hamidiye Regiments have been maintained by the Temporary Village Guard System.[2] For instance, it has been argued that the Hamidiye Regiments, just like the village guards, have strengthened the bonds between Kurdish clans.[3]

The story of the Temporary Village Guard System dates back to 1985 when the Kurdistan Workers' Party (*Partiya Karkerên Kurdistan*, PKK) was establishing itself and intensifying its attacks. The GKK system was established with the amendment of Village Law No. 442, Article 74 through Law No. 3175, dated March 1985 in response to massacres that targeted populations in scattered villages on rugged ground and in difficult of access regions. The law helped security forces protect citizens in the more remote residential areas and offered the villagers themselves some form of self-protection.[4]

The system continues to serve an important role in provinces determined by the Council of Ministers; in cases where the declaration of a state of emergency may be necessary, where serious signs of violent acts have been observed in or around a village, or where violations on the lives and properties of villagers have increased. The guards are appointed upon the proposal of the governor and the approval of the minister of internal affairs, which as part of the Ministry of Finance and Customs (Annex: 26.3.1985–3175/1), covers the salary, severance pay and clothing expenses of the guards. In case of injury, disability or death of village guards or temporary village guards, the rules of the Law Concerning

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1 The first Temporary Village Guardianship was formed with this law, in order for the villagers to protect themselves against looters who took advantage of the state's weak presence in those regions in the 1920s during the Liberation War.

2 On Hamidiye Regiments, see Osman Aytar, **Hamidiye Alaylarından Köy Koruculuğuna** (İstanbul: Medya Güneşi Yayınları, 1992).

3 Mete Tuncay, **Türkiye Cumhuriyeti'nde Tek-Parti Yönetiminin Kurulması (1923–1931)** (İstanbul: Cem Yayınevi, 1992), p. 132.

4 Annex: 26.03.1985–art. 3175/1; Amendment: 07.02.1990 – art. 3612/2

the Cash Compensation and Monthly Salary No. 2330 apply.

Therefore, the establishment of the Temporary Village Guard System was based on securing Regional Domination against the PKK and the concept of "not allowing the PKK's existence in the region." Their appointment was linked to specific extraordinary conditions, and the GKK system would cease to exist once they had disappeared, i.e. when normalcy had returned and public order had been re-established.

The current working procedures of the village guards are regulated by the Village Guards Regulation which was published in *Resmi Gazete* (Official Gazette) No. 24096, dated 1 July 2000. The regulation was based on the Village Law and prepared by the Ministry of Internal Affairs in order to regulate the rules and procedures defining the recruitment, sphere of jurisdiction, duties, responsibilities, trainings, dismissals and other employee personal rights of the village guards.

According to Article 11 of the regulation, village guards at the administrative level are placed under the supervision of the village headman. At the professional level, guards are placed under the command of the Gendarmerie Commander in the village where they work. The Provincial Gendarmerie commander ensures that personal rights within the village guard organisation are respected. In the name of civilian authority, the commander is responsible for both the training and supervision of village guards.

As legally armed units, the guards' duties and responsibilities are defined by law.[5] The fact that they are armed and granted authority makes their training and supervision even more important. Village guards are subject to training at the nearest military unit prior to undertaking active duty—and in the course of duty, if necessary—as stipulated by the rules and methods defined by the General Command of Gendarmerie. Training and its duration is continuously reviewed as dictated by current needs, meaning that it continues after the start of active duty.

Besides providing for the security of villages and fields in the region, the temporary village guards employed within the framework of the regulation in question carry out duties involving operations against terror organisations. They also protect industrial complexes and establish road security measures. Various government offices have noted that due to their extensive knowledge of the region, village guards have made important contributions to the fight against terror and the operations run by security forces. They have conducted dangerous missions and led operations specifically because of their familiarity with the region. Approximately 1,400 guards have lost their lives and their families have been targeted due to their involvement in the fight against the PKK.

The Current Status of the Temporary Village Guard System

The Temporary Village Guard System was initially implemented in 22 provinces: Diyarbakır, Hakkâri, Şırnak, Tunceli, Batman, Bingöl, Bitlis, Mardin, Muş, Siirt, Van, Adıyaman, Ağrı, Ardahan, Elazığ, Gaziantep, Iğdır, K.Maraş, Kars, Kilis, Malatya and Şanlı Urfa. As stipulated by law, the Council of Ministers has the authority to decide which provinces will be subect to the GKK system.

5 For Article 9 of the Village Guards Regulation, see **Resmi Gazete** (Official Gazette) dated 7 January 2000, No. 24096. "The duties of the village guards are as follows: a) Determining those who violate the lives, chastity, property and security of their possessions, following that, to notify the village headman and the nearest gendarmerie unit as soon as possible, to prevent them from running and hiding, to apprehend them with the help of the villagers and the village's municipal police; b) Apprehend perpetrators during or after the crime, before they cover their tracks; c) In incidents involving judicial law enforcement, taking necessary measures for preventing loss or destruction of evidence; d) When informed about disasters such as fire, flood, earthquake, landslide or avalanche, notifying the village headman and the nearest gendarmerie unit; e) Investigating the business and relations of ex-convicts or suspects who are in the village, following up on draft evaders, handing over information obtained to the village headman or the gendarmerie; f) Taking necessary precautions for various violations against vineyards, gardens and their roads, drinking water complexes, transformer stations and common village property, water wells, retaining walls and canals and similar village structures, and helping the general or specific law enforcement in their protection."

Council of Ministers Decision No. 9632 was the first ruling ever to be made in that respect on 27 June 1985.

When the system was first legalised in 1985, the practice began in 22 provinces, as aforementioned. With the Voluntary Village Guard System that was practiced in 13 additional provinces beginning in 1993, the total number of provinces covered increased to 35. There are currently 58,000[6] temporary village guards on active duty. However, the state has a total staff of 66,000 within the Temporary Village Guard System.[7]

In September 2005, in a statement answering a motion of question, the Minister of Internal Affairs, Abdülkadir Aksu, stated that there were 57,757 active duty guards in 22 provinces. The province with the most significant number of temporary village guards was Hakkâri. The numbers of village guards were documented as follows: 5,187 in Diyarbakır; 6,756 in Şırnak; 2,887 in Batman; 2,511 in Bingöl; 3,730 in Bitlis; 3,323 in Mardin; 1,860 in Muş; 4,661 in Siirt; 7,320 in Van; 7,614 in Hakkâri; 368 in Tunceli; 1,485 in Adıyaman; 1,838 in Ağrı; 91 in Ardahan; 2,083 in Elazığ; 555 in Gaziantep; 362 in Iğdır; 33 in Kilis; 2,236 in Kahramanmaraş; 558 in Kars; 1,365 in Malatya; and 934 in Şanlıurfa.[8]

For guards under full employment, the average salary as of December 2005 was YTL 390 per month[9] with clothing, shoe and food allowances being provided by the state. In 2005, the yearly cost of the system to the state stood at around YTL 300 million.

Approximately, 22,000 temporary village guards have resigned since 1985 and a significant number have had their employment terminated for various reasons. 1,400 have been killed on active duty, 2,000 have died of natural causes and approximately, 900 have been imprisoned for various crimes.

In addition to the temporary village guards currently under full employment, there are 25,000 voluntary village guards. The voluntary system is regulated by Chapter 8 of Village Law No. 442 entitled 'Village Guards and their Duties,' from Article 74 onwards.[10] Since it is based on a system where villagers protect themselves against the PKK, it consists entirely of civilians. The guards are appointed by the head of district, based on the decisions and proposals of the village headman and the council of elders. Pending approval from the head of district, the voluntary guards protect the village alongside the legitimate guards against looters.

Although voluntary guards are unpaid their weapons and equipment are supplied by the state and they have not been given authority to take part in precision operations targeting terrorists. In other words, their duties and authority are limited to passive defence, i.e. to "protecting themselves and the village."

The Main Problems Involving the Temporary Village Guard System in Relation to Economic and Social Security

Problems concerning the employee rights of the temporary village guards who were recruited

6 This number changes almost daily. The numbers usually given are 57,453, 57,500. Therefore, the number 58,000 has been given as an approximation.

7 According to Article 5 of the Village Guards Regulation, these are the requirements for becoming a village guard: "1) Being a citizen of the Republic of Turkey, 2) Being literate in Turkish, 3) Having completed military service, 4) Being older than 22 and younger than 60 years of age, 5) Not being deprived from public rights, 6) Not having been convicted of a crime, 7) Not being involved in separatist, subversive or fundamentalist activities, 8) To have a reputation of being good natured and not having the habits of fighting and drunkenness, 9) To be a resident of the village where the duty will be carried out, 10) To prove with medical certificate that there exists no physical or mental illnesses or handicaps that would prevent him from carrying out his duty." See <http://www.mevzuat.adalet.gov.tr/html/20524.html>.

8 "5 bin köy korucusu suç işledi," **NTV-MSNBC**, 28 September 2005.

9 Article 6 of the Village Guards Regulation regulates the selection and recruitment of village guard candidates. The Article states: "The names of the guards that are determined by the council of elders are given to the head of district by the village headman. A copy of the birth certificate, a document showing the educational status, a medical certificate and four snapshots are added to the file of the council of elders toward their decision. The head of district evaluates the matter and should he/she see fit, approves and concludes the recruitment process. The village headman is notified of the result." See <http://www.mevzuat.adalet.gov.tr/html/20524.html>.

10 Village Law No. 442, dated 18 March 1924, Article 74: "If looters emerge during harvest time, the village headman and the council of elders make a list of potential guards from among villagers who can use weapons and hands it to the head of district. If the head of district allows, these voluntary guards, together with the actual guards, protect the village and the villagers from looters."

following the rise of terror incidents have not been resolved in a manner that meets expectations and demands. Guards have not been provided with the health and social security mechanisms that would normally generate a regular income and insurance. and their family members lack sufficient health support. The fact that guards are not provided with reliable social security, although their work places them in constant danger, leaves many—especially those who support large families—in a difficult situation.

In cases of illness or injury, medical expenses are met by social assistance and support foundations. In case of injury, death or disability on duty, the Law Concerning Cash Compensation and Monthly Payments No. 2330 applies. If a village guard is shot in an armed conflict, compensation is awarded and his family receives a sum of money every three months. Although the same applies for injuries causing permanent damage, if a guard is killed as a result of an accident, his rights are greatly diminished, or even waived. In short, the limited allowance and support fails to meet the needs of the village guards.

When terrorism was at its peak, 58,993 temporary village guards were recruited. Along with the 30,300 voluntary village guards, the total number of village guards reached 89.293. In order to provide" social security rights for the temporary guards who did not have any form of social security besides their monthly payment, a paragraph was added to Article 74 of Village Law No. 442 in the Draft Concerning an Amendment to Village Law, dated 4 October 2005 and prepared by the Ministry of Internal Affairs. It aimed at providing health services to village guards who were not covered by any social security institution,[11] as well as their dependents, by issuing them a Green Card (*Yeşil Kart*, enabling them to use state's health services for free) while at the same time exempting them from the requirements set forth by the Law Concerning the State Coverage of Treatment Expenses of Citizens who Lack the Ability to Pay by Issuing a Green Card No. 3816.

For several years, the Ministry of Internal Affairs has been planning to introduce legal regulations aimed at the improvement of the guards' socio-economic circumstances. In 2004, the Ministry prepared the GKK Draft stipulating the following rights:

Article 209 of the Public Servants Law No. 657 refers to the health assistance given to the temporary village guards and the supporter dependents. Guards under the age of 45 or over the age of 45 but with less than 10 years of service, will receive double their normal salary multiplied by the amount of years in service as severance pay, regardless of the duration of their service, and the family members of guards killed in action will receive a compensation equivalent to double the normal salary.

Temporary village guards over the age of 45 and with a minimum of 10 years of service are expected to retire and will receive a monthly sum equivalent to a public servant's salary multiplied by a specially-calculated indicator. Those who receive this salary will benefit from health assistance as stipulated by provisional Article 139 of the Retirement Fund Law No. 5434 along with their dependents. Those who receive this payment will be issued an identity card as stipulated in Article 127 of the same law.[12]

Effects of the Temporary Village Guard System on the Clan Structure in the Region

Over time, clashes within the clans developed over the determination about just who could become a guard. These clashes resulted in the idea of 'state-friendly clan' and 'state-foe clan' coming to the fore. Such arguments have emphasised the likelihood of conflict escalating

11 The following paragraph was added to Village Law No. 442, dated 18 March 1924, Article 74: "Village guards, who are not covered by any social security institution, as well as their dependents, will be issued a Green Card while at the same time exempting them from the requirements of the Law Concerning State Coverage of Expenses for Medical Treatment for Citizens who Lack the Ability to Pay by Issuing a Green Card No. 3816. In the determination of dependent parents and children, the rules of Civil Servant Law No. 657 apply."

12 Enis Tayman, "Korucular için 'çıkış yolu' aranıyor," **Tempo**, 30 August 2004.

between 'guarding' and 'non-guarding' clans. It must be said that within the GKK system, there is a high risk of serious conflict and disunity among Kurdish clans, particularly in the long-run. This threat should be taken seriously, and the means for its peaceful resolution need to be identified.

In the Investigation Report (dated 1 January 1997, No. M.001), prepared by Chief of the Prime Ministry Inspection Committee Kutlu Savaş upon the request of the prime minister, also known as the Susurluk Report, it was stressed that: "since those public servants inclined to crime and the central [administration] share a mutual interest, corrupt alliances known as gangs emerged." This development is associated with the clan structure in the region.

The existence of the feudal structure in the east and southeast, the conflicts between clans, the fact that the GKK system is based on the feudal structure, the extensions of the clans in Iran and northern Iraq, the regional economy's links to smuggling, and above all drug trafficking, have also been significant in creating resources for illegal activities.[13]

The Problem of Expropriation of the Evacuated Villages

Another severe accusation concerns claims that temporary village guards appropriate the property of some villages. One example is the Assyrian/Syriac Orthodox (*Süryani*) Sare (aka Sarı) village, in the İdil Province of Şırnak, abandoned by villagers who migrated to Europe in 1994 following terrorist activity in the region. The guards settled in Sare in order to be more effective in the fight against terror and refused to leave despite the Süryanis express wish to return.

The Süryanis, the rightful inhabitants of Sare, submitted formal written requests to the President, the Prime Minister, the General Staff, the Ministry of Internal Affairs, the Şırnak governor's office and the İdil district administration for the right to return. The Şırnak governor's office gave notice to the guards instructing them to evacuate the village by 15 June 2004. Those who remained in the village, in a total of 28 houses, were removed from the village by force by the İdil gendarmerie command teams in September 2004. The officials announced that they evacuated the guards in order to guarantee the return of the Süryanis who were the lawful residents of the village.[14]

This situation turned into a grievance for villager and guard alike. The guards claimed that they had settled in this village upon request by the administration that subsequently summoned them to the station one night under pretext of an upcoming mission and kept them waiting overnight while gendarmerie teams went to the village and evacuated their families. The guards, totalling 300, claimed that they were not even permitted to retrieve their belongings, and they had no other option but to go live with relatives. The guards requested houses be built for them in order to solve this problem.[15]

Some charge that the village guards were originally involved in forced migration practices and therefore took part in murders and kidnappings. It was frequently reported in the press that the guards appropriated the property of villagers of Kurdish origin, used the fields left behind, and attacked those who returned.[16]

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13 Kutlu Savaş, **Susurluk Raporu**, p. 83. (Here, the page numbers of the **Susurluk Report** booklet published as a supplement to Aktüel magazine on 5 February 1998 were used).

14 Hüseyin Kaçar, "Süryani köyündeki korucular jandarma tehdidiyle çıkarıldı," **Sabah**, 13 September 2004; "Jandarma, Süryanilerin boşalttığı köydeki korucuları zorla çıkarttı," **Zaman**, 13 September 2004.

15 "Korucular yakalandı," **Radikal**, 29 September 2002.

16 For news reports on this matter, see **Radikal**, 29 September 2002. In 1997, in Beytüşşebap province, Mayor Hüsnü Timur raided the courthouse with 300 guards after his brother was taken into custody, and forced his release. On 11 September 1997, a guard's hand grenade accidentally exploded at a wedding in Cizre. In the ensuing random fire opened by guards who panicked, 9 people died and 57 were injured. On 2 April 2001, in Malagir village, guards opened wild fire on villagers who were disembarking from their pickups trucks. One was killed, the remaining three fled. On 17 November 2001, in Silvan, Diyarbakır, a 12-year old girl named Necla Tünle was kidnapped by relatives of head guard Abdulsamet Sümbül. Tünle was detained for 40 days and eventually freed by the military. On 3 June 2002, again in Beytüşşebap province, guard Mehmet Yüce was busted attempting to sell heroine to the police. Based on information provided by Yüce,

On 31 July, temporary village guards allegedly organised a raid in the Kankalesi Plateau near the Akpazar Village of Diyadin-Ağrı killing the villagers Şemsettin Sarıhan, Şamil Sarıhan, Remzi Sarıhan, Mustafa Sarıhan and Ali Sarıhan, and injuring villager Kemal Sarıhan. It was argued that the Akpazar Village Guards Mustafa Gündoğdu, Mahmut Gündoğdu, Ahmet Gündoğdu, Ercan Gündoğdu and Kıyas organised the raid because the Sarıhan family's cattle trespassed on [Gündoğdu] property.[17]

Ongoing Problems and Debates in 2005

The "Secrecy" Debate

An incident related to the temporary village guards that sparked ongoing debate and remained an important part of the agenda in 2005 related to the existence of a secret regulation concerning guards employed in the east and southeast.

In a written response to CHP Diyarbakır Deputy Mesut Değer's motion of question to the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) about whether the government had issued a secret regulation, Minister of Justice Cemil Çiçek stated that publication in *Resmi Gazete* (Official Gazette) of the regulation, which regulates the village guards' appointments, determination of sphere of jurisdiction, duties and responsibilities, would create problems[18] and therefore remained unpublished.

In his written response, Minister Çiçek stressed that the regulations to be published in *Resmi Gazete* (Official Gazette) are defined in Article 124 of the constitution and referred to in Article 1, Clause 2 of the Law Concerning Regulations that are to be Published in the Official Gazette No. 3011, where it is written "regulations concerning national security and national safety, and that are classified as secret are not published."[19] Çiçek explained that this practice was compliant with the law by making reference to a Council of State's decision in a case involving the abolishment of the GKK regulation.[20]

Certainly, the Temporary Village Guard system was established with the aim of preventing the separatist terror which has been at the forefront of Turkey's agenda for almost 12 years. However, there is little doubt that publishing the temporary village guards' regulation, which regulates staff appointments, sphere of jurisdiction, duties, responsibilities and severances would lead to problems.

Obviously, this situation and practice conflicts with established practices of the transparency principle and state of law, which are basic factors of a democratic public administration approach. If the authorities, recruitment processes, training regimen, et al of the police, the gendarmerie and similar organisations responsible for maintaining security in a country are common knowledge and meant to be so, that of the guards should be known as well. This is reminiscent of the official secret concept that Max Weber describes as the "specific invention of the bureaucracy." In other words, secrecy can lead to problems that prevent information-sharing between citizens and the administration.

According to the World Trade Organisation (WTO), transparency in public administration has three main conditions: the proclamation of laws, regulations and other policy documents related to public administration, the promulgation of all legal regulations to related

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5 kg of heroine were seized in the homes of two guards. On 9 July 2002, in Nureddin village in Malazgirt, Muş, three people died as a result of gun fire opened by guards on villagers who wanted to reap hay. On 29 July 2002, guards who opened fire on the house of the Elhan Family who returned to their village of Suluca, Muş from Izmir, injuring 15-year old Netice Elhan. On 21 August 2002, three people shepherding in Maraş were killed by guard Hasan Dağlan.

17 The Human Rights Foundation of Turkey, "Ağustos 2004 Raporu," see <http://www.tihv.org.tr/rapor/2004_08/agukurtsorunu.html>, [Access Date: 08 August 2006].

18 "Gizli yönetmelik, soru önergesiyle ortaya çıktı," **Zaman**, 25 July 2005; "Koruculara 'gizli' yönetmelik," **Yeni Şafak**, 14 August 2005.

19 "Gizli yönetmelik, soru önergesiyle ortaya çıktı," **Zaman**, 25 July 2005.

20 "Koruculara 'gizli' yönetmelik," **Yeni Şafak**, 14 August 2005.

parties, and the constant, objective and rationalistic use of legal regulations.[21]

Involvement in Criminal Activities[22]

Notwithstanding the important contributions that temporary village guards have made in the fight against terror, the most significant problem has been their involvement (forcible at times) in 'shady' and 'dirty' dealings and illegal activities. Their low level of education, coupled with the financial problems they experience, has increased the risk of their abuse by illegal organisations and organised crime.

Evidence has linked the guards working in the east and southeast to illegal activities such as racketeering, smuggling, blackmail and murder. In 2005, several guards were named in incidents attributed to JİTEM. Minister of Internal Affairs Aksu, in his answer to the motion for question given by CHP İzmir Deputy Türkan Miçooğulları in September 2005, declared that since the inception of the Temporary Village Guard system on 26 March 1985, 4,972 guards had committed crimes and of these 853 were arrested.[23] According to Aksu's statement, 2,384 crimes involved terrorism, 934 crimes involved property, 1,234 crimes were against individuals and 420 crimes involved smuggling.

According to the latest statistics, 4,938 guards have committed crimes in the past 18 years: 928 crimes involving property, 1,215 crimes against individuals, 411 crimes involving smuggling, and 2,384 miscellaneous crimes. The ratio of those who had committed a crime to the total number of guards was 8.5 percent. Depending on the nature of the crime, a guard's employment can be terminated based on Article 17 of the Village Guards Resolution.[24]

In the past two years, there has been an increase in crimes involving temporary village guards. In Aksu's answer to the motion of question given by CHP Diyarbakır Deputy Mesut Değer on 20 June he stated that 4,804 guards had been prosecuted for crimes. Of these crimes, 2,376 were miscellaneous crimes and 2,275 were for aiding and abetting the PKK. What these crimes consisted of was reported in *Tempo* magazine.[25]

Some of the offences have been listed as follows: extortion, robbery, murder, mutilation, armed conflict with municipal police, aggression against municipal police, armed attacks on property and vehicles, kidnapping, use of explosives, arson, aiding and abetting terrorism, drug trafficking, weapons and ammunitions trafficking, trafficking of goods which are subject to customs and monopoly regulations, livestock trafficking, historical artifact smuggling, rape, armed struggle among villages and clans, armed kidnapping of women, unlicensed gun-carrying, swindling, violation of property rights, livestock theft and grand theft auto.

In another statement released on 16 September 2003, Aksu stated that the total number of temporary village guards in 22 provinces had exceeded 58,000, costing the government YTL 15 million per month, with a monthly salary of YTL 253 including compensation. At that time, 2,376 village guards had been prosecuted for crime allegations.[26]

21 World Trade Organisation, Working Group on the Relationship between Trade and Investment, "Transparency," WT/WGTI/W/109, (02-1561), 27 March 2002, p.1. See <http://www.dfait-maeci.gc.ca/tna-nac/documents/W109-e.pdf>, [Access Date: 30 April 2006].

22 Village Guard Resolution Article 16 (Deeds Forbidden to Guards) states: deeds forbidden to guards are as follows: 1) To run a business aside from being a guard, e.g. opening a store, coffee house, inn or being a partner in these; 2) To abandon duty in order to be self-employed or in the service of another villager; 3) To unlawfully benefit from the vineyards, fields and produce under guard protection; 4) To put personally-owned animals to pasture or to become a shepherd in the village; 5) Failure to carry identity cards, weapons or wear the uniform, or changing these." See <http://www.mevzuat.adalet.gov.tr/html/20524.html>.

23 "5 bin köy korucusu suç işledi," **NTV-MSNBC**, 28 September 2005.

24 Village Guards Regulation Article 17 (Termination of the Village Guard Duty) states: "those guards who show negligence or laziness, or who engage in forbidden deeds as stated in Article 16 first receive a warning, and then a reprobation, both of which are kept on record. The third offence results in dismissal. Those who fail to turn up at their station of duty for two consecutive days or abandon it without permission or valid excuse are discharged. In addition, loss of weapons or ammunition either through negligence or deliberate action results in immediate dismissal, the head of district is notified in order to begin penal action and the guard must reimburse the cost of the weapon and ammunition."

25 Enis Tayman, "Korucular için 'çıkış yolu' aranıyor," **Tempo**, 30 August 2004.

26 "Bölgenin ve Devletin Sırtındaki Kambur Koruculuk," **Göç-Der News Bulletin**, No. 26, 2003, p. 11. Quoted in Füsun Üstel, "Zorunlu İç Göç Sonrası Köye Dönüş (ön) Raporu," **TESEV** (2004), p. 44.

In the Report of the Parliamentary Investigation Committee (10/90) for Politically-Motivated Unsolved Murders in Various Regions of Our Country,[27] dated 12 October 1995, it was underlined that the Temporary Village Guard system had deviated from its original purpose—as is the case with the shriver system—and became an illicit source of income from the country by some. Reference was also made to the guards' involvement in illegal activities.[28]

Many citizens, fearful of retribution and aware of the government's weakness in the region, have stopped informing the state of alleged criminal activities being committed by temporary village guards. Government officials have found it very difficult to resolve this issue. It has been argued that some guards work with illegal organisations out of fear and still receive their salaries from the state, while others use their position to smuggle weapons and drugs. As a consequence, regional drug and weapons trafficking has remained in the hands of the guards. Influential members of the community have also used the guard system to maintain their influence. The clan chiefs who were formally guard leaders have quelled their opposition in a lawless and merciless fashion, often naming the latter PKK members. Some guards murdered villagers against whom they had a vendetta and then claimed they were PKK members; others have oppressed and forced their opposition out of their villages.[29]

Research carried out in 2001 by Yüzüncü Yıl University and the Gendarmerie Public Order Command in 19 villages showed that the guards' loyalties lie with the clan leaders rather than with the state and that as the guards became accustomed to receiving salaries from the state, their [agricultural] productivity declined, and their involvement in illegal activities, chiefly drug and weapons trafficking, increased.[30]

Conclusion and Evaluation

The Temporary Village Guard system returned to the spotlight during the decline in PKK terror at the end of the 1990s. Discussions at the time centred on whether the system should continue to exist. Some circles began to talk seriously about its abolishment and information about its future existence was published in July 2003 as part of the European Union (EU) compatibility process.

Rumours about the abolishment of the Temporary Village Guards have caused unrest and, taking into account its cost to the state, any outcome of the proposed abolishment must be favourable to both the state and the guards. The system's abolishment could threaten those who have taken part in the fight against the PKK, making them open targets. Moreover, it might place a greater financial burden on those guards who abandoned their previous professions for whom being a guard is the sole source of income.

As the guard system has become a way of life for those involved in agriculture and husbandry, it has effectively transformed producers into consumers. With the stabilisation of security and the further existence of the system in question, any return of the guards to their former positions in society presents a serious problem. Consequently, governments have been generally reluctant to make decisions that might destabilise the system. Furthermore, the fact remains that guard duty is usually carried out by clans. These clans and their guard force numbering in the thousands are very influential, at least as far as voting potential is concerned. These factors play a significant role in the continuing existence of the guard system that has a remarkable power both politically and as a militia unit.

The following assessment from the suggestions chapter of the Susurluk report is still pertinent:

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27 No: 10/90, No: A.01.1.GEÇ/300–554, Decision No: 10 (12.10.1995).

28 Fedai Erdoğ, **TBMM Faili Meçhul Siyasi Cinayetleri Araştırma Komisyon Raporu** (İstanbul: Gizli Saklı Yayınevi, 2005), p. 99.

29 **Ibid.**, p. 101.

30 "Bölgenin ve Devletin Sırtındaki Kambur Koruculuk," **Göç-Der News Bulletin**, No. 26, 2003, p. 10. Quoted in Füsun Üstel, "Zorunlu İç Göç Sonrası Köye Dönüş (ön) Raporu," **TESEV** (2004), p. 35–36.

"the dissolution of the clan structure in the region halted and the structure became even stronger due to the clan-based GKK system that strengthened the semi-feudal structure that exists in the region. Clan leaders and family heads became stronger with the income provided and other crime and terrorist organisations emerged. Removing the influence of certain family and clan leaders in the region is a necessity."[31]

Once any decision to abolish the GKK system has been made, all possible economic and social problems should be determined beforehand and the necessary measures undertaken. If it is decided that the GKK system should endure, social security for the 1,400 guards who have been killed in the fight against terror should be provided. For the remainder, involvement in crime should be prevented, prevailing negativity should be stopped and the expectations of those who have carried out their duties while respecting the law should be met. To this end, the regulations that have been initiated by the government in order to resolve problems involving the GKK system, to increase the social security of the guards and improve their financial situation should be implemented, beginning with the Draft Concerning Amendments to the Village Law.

Some NGOs are of the opinion that the Village Guard system should be abolished, and those who were made guards by force should be provided with opportunities for returning to civilian life.[32] In the research conducted by Yüzüncü Yıl University and the Gendarmerie Public Order Command aforementioned, three suggestions were made: the first is using the guards in the barren hills and mountains, and the long-term employment of others to maintain natural and sustainable resources. The second suggestion concerns utilising the guards to meet public institutions' demand for unskilled labour in other regions of Turkey. The third involves the return of arms and voluntary resignation, since employment in residential areas might worsen living conditions.[33]

Additionally, TESEV's 2005 report entitled "The Problem of Internal Displacement in Turkey: Assessment and Policy Proposals," reaches the following conclusions on the Temporary Village Guard system: "In order to facilitate peace and security, both PKK militants and village guards must be reintegrated into society. A central policy needs to be outlined to guarantee their disarmament and, unless they have a criminal record, to remove policies that restrict their employment. However, neither PKK militants nor village guards should be employed in fields such as education and security. Leaving the initiative concerning village guards to local institutions, as well as developing faulty employment policies increase social tensions and lead to new problems. Also, conflicts between village guards and villagers, village guards and combatants, and combatants and villagers need to be resolved. In addition, village guards must be provided with social security coverage in order to prevent them from becoming re-involved in armed clashes and from abusing the power that stems from their positions for corrupt or violent purposes. In addition to centralised policies on these matters, NGOs should also play an important role in facilitating reconciliation."[34]

It is clear that the guard system retains important functions in the east and southeast: First, in guards' contribution in providing security in the region by their role in the fight against terrorism and, second, the economic contribution of the system as a source of employment. The system has been the sole source of income for approximately 60,000 families in the region. Some have argued that

31 Proposal No. 13, p. 92–93.

32 Turkish Human Rights Movement Conference, 25-26 November, 2000. For the Final Report and the Conclusion Statement see <http://www.turkeiforum.net/konf/conf3-tr.html>.

33 "Bölgenin ve Devletin Sırtındaki Kambur Koruculuk," **Göç-Der News Bulletin**, No. 26, 2003, p. 10. Quoted in: Prof. Dr. Füsun Üstel, "Zorunlu İç Göç Sonrası Köye Dönüş (ön) Raporu," **TESEV** (2004), p. 37.

34 Tamer Aker, A. Betül Çelik, Dilek Kurban, Turgay Ünalan and Deniz Yükseker, "Türkiye'de Ülke İçinde Yerinden Edilme Sorunu: Tespitler ve Çözüm Önerileri," **TESEV** (2005), p. 10. See <http://www.tesev.org.tr/eng/events/TESEV_IDP_Report.pdf>.

the system has taken on the form of an institution in the region. Even if the need for the guards diminishes, the abolishment of this system without replacing it with alternative institutions has the potential to create substantial problems.

The guards receive orders from the Provincial Gendarmerie Commander as stipulated by the regulations. The relevant gendarmerie units therefore serve an important function in the prevention of problems related to the guards. As such, incidents that put the gendarmerie under suspicion should not be permitted, especially given the fact that some activities involving guards and shrivers appear to be organised.

In conclusion, the GKK system has evolved as a result of the socio-economic circumstances in east and southeast Anatolia, where Turkey has battled terrorism for years. In this sense, any abolishment of the system seems unfavourable unless its security and public order functions and the financial support it provides to an important number of local citizens can be replaced by an alternative. Therefore, even if a security system is established where there is no need for the village guard practice, economic and social alternatives should be in place, since the matter is not a mere security problem.

POLICE INTELLIGENCE

Mesut Bedri Eryılmaz*

Introduction

The essence of the policing profession and its area of service are to create an environment of peace and trust in society by solving crimes and apprehending criminals. In other words, a decrease in the number of crimes and criminals, or an increase in the number of criminals apprehended as a result of policing practices are not the sole criteria for measuring success. The core of the security services mandate is to build trust in the community, provide peace and welfare, increase citizens' well-being and thus their quality of life. If policing is to be conceived as a social service meant to provide peace and harmony in society and not as a harsh and authoritarian legal force disconnected from the public and dealing merely with crime-solving, police intelligence needs to provide active crime-fighting units with correct and sufficient information to help them formulate better crime-fighting strategies.

In democratic societies, the intelligence branch of the police is the foremost part of the domestic security service. That is because, although apprehending criminals involved in a bombing is qualified as a policing success in the short-run, it does not negate damages caused by the bombing (such as the killing or wounding of citizens, economic loss, a feeling of distrust, an environment of panic and fear). What is imperative is to prevent such incidents before they occur by making use of successful intelligence activities. Indeed, the security debates triggered by the 9/11 attacks proved that intelligence organisations need to be more effective.

The police performs its duty of preventing possible crime with the help of intelligence as stipulated in the Law on Police Duties and Powers (*Polis Vazife ve Selahiyetleri Kanunu*, PVSK) Article 2 and fulfills the responsibilities of "protecting public order, providing security for the public, individuals and property, and the privacy of the home" and "protecting the life, property and purity (*ırz*) of the public, and securing peace in the community," as stipulated in PVSK Article 1. To this end, the police organisation is comprised of three main departments, namely the administrative, judicial and political, with intelligence being classified under the political as stipulated by the Police Force Law (*Emniyet Teşkilatı Kanunu*). With this function, the police not only protect the lives and property of citizens, but also help prevent the potentially negative economic and psychological effects of crime on society. A successful intelligence infrastructure will have a deterring effect on those contemplating crime by increasing their perception of the difficulties inherent in crime.[1]

The best-known characteristic of intelligence units is their ability to collect secret data. This is directly related to individual rights and freedoms and the confidentiality of private life, which are under the protection of the constitution. In this context, the intelligence

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1 Aytekin Geleri, Hakan İleri, **Organize Suçlarla Mücadelede Gizli ve Örtülü Yaklaşımlar** (Ankara: Seçkin Yayınları, 2003), p. 44.

units, which are seen as guarantors of national security, should be institutions that are effective, politically neutral, sensitive to the code of professional ethics, democratically controlled and working in their legal sphere of jurisdiction. Thus, the importance a country gives to the principles of accountability and those of rights and freedoms in its administrative approach should be proportional to the workings and implementation of intelligence organisations.

The European Parliament noted in its report (2001/2098 I INI): "For the purposes of guaranteeing national security and order, the state's right to obtain information is extended beyond the scope of individual investigations prompted by firm evidence that a crime has been committed. National law authorises the state to carry out additional measures to secure information about specific persons or groups with a view to the early detection of extremist or subversive movements, terrorism and organised crime. The relevant data is collected and analyzed by specific domestic intelligence services." This demonstrates that intelligence activities are a necessity and should always be carried out within a legal framework.[2]

The Concept of Intelligence

Although the concept of intelligence, dubbed information-gathering in Turkish, is technically described as the gathering of information through all available means concerning the aims, plans and capacities of enemy or potential enemy states and groups or individuals with criminal intent, the American Department of Defence defines it as "information and data gathered about an opponent through observation, research, analysis and comprehension." The concept of 'opponent' in this definition can include all manner of individuals, groups or states that pose a threat to the system and the society. Various definitions on the subject of intelligence exist in the literature, and thus can also be described as that information perceived as meaningful by the existing public administration philosophy, which is gathered, verified, interpreted for specific purposes, analyzed, categorised and, handed out to policy-makers who use it for the continuity (*bekâ*) and welfare of the state.[3]

Strictly functional descriptions of intelligence also exist in the literature, in addition to those of a theoretical nature. The functioning mechanism of intelligence is commonly termed the 'wheel of intelligence' and it is widely regarded as a circular process. The wheel of intelligence points to the transformation process from raw information/data into intelligence. The wheel of intelligence is defined as planning and directing, information-gathering, processing and production, analysis, distribution, information verification, comparison and analysis, distribution of intelligence, its application and assessment by the criminal intelligence unit.[4] There are also definitions of the wheel of intelligence as the receptor of raw information or news, its categorisation, its assessment, its interpretation and its distribution. Both of these basic approaches show that the main factors in intelligence activities are the gathering of raw data, its exposure to scientific analysis, and its presentation to the policy-maker. The information thus gathered and assessed, points out the sensitive targets and weak points of enemy states and individuals, as well as the physical and moral resources available to them.

The concept of secrecy is also inherent to intelligence. From the most liberal countries to the most severe dictatorships, intelligence activities are carried out in secrecy in every country. That is because news that is known by or accessible to everyone has no intelligence value.[5]

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2 For Şükrü Önder, **Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun Teklifi ve İçişleri Komisyonu Raporu**, 2005, see <http://www.tbmm.gov.tr/sirasayi/donem22/yil01/ss962m.htm>, [Access Date: 09.12.2005].

3 H. Uçak, **11 Eylül Sonrası ABD İç Güvenlik ve İstihbarat Çalışmaları No. 89** (Ankara: EGM İDB Yayınları, 2005), p. 13.

4 **Ibid**, p. 25.

5 M. Şenel, A. Turhan Şenel, **İstihbarat ve Genel Güvenlik Konularımız No. 56** (Ankara: EGM İDB Yayınları, 1997), p. 27.

Historical Background of the Police Intelligence Unit and its Current Activities

In order to understand the modern-day police intelligence unit, which is responsible for domestic security together with the gendarmerie intelligence, one must be acquainted with the historical background of the institution. The foundation of the intelligence department is based on the Important Issues Directorate (*Önemli İşler Müdürlüğü*) that is contained in Police Force Law No. 3201 of 1937, Article 16, Paragraph (a), Clause 5. In 1951, the Special Bureau was established directly under the Directorate General of Security (*Emniyet Genel Müdürlüğü*, EGM), in order to gather information about ideological trends, counter-espionage, and various smuggling-related activities. Following the Intelligence Member Mobilisation and Administration and Intelligence Operation Organisation Training, Small Group Units were established in Hatay, Ankara, İstanbul and Izmir, and intelligence units were formed. Of these, Hatay was mostly active in undercover foreign intelligence-gathering, whereas the others worked on counter-espionage and terror activities.

On May 27 1960, the Special Bureau was abolished along with the Small Group Units and an attempt was made to create the Important Issues Directorate that was established according to the Police Force Law and compliant with its founding principles. In 1963, a memo sent out to 10 provinces requested the recruitment of personnel fulfilling the necessary requirements and training was organised in order to establish intelligence groups in those provinces. With these courses that might be called basic training, educational cohesion of personnel in the intelligence groups was achieved. The Important Issues Directorate rapidly took on the characteristics of an intelligence organisation. Following the increase in ideologically-inspired incidents in the 1970s, the Important Issues Directorate became the Important Issues Department Presidency (*Önemli İşler Daire Başkanlığı*). In 1975, it was renamed Intelligence Presidency (*İstihbarat Başkanlığı*), and in 1983 Intelligence Department Presidency (*İstihbarat Daire Başkanlığı*, İDB).[6]

Today, the İDB consists of central and district units, and provides intelligence services in provinces through intelligence units within the provincial security directorates. The İDB, working directly under the Director General of Security, is structured as stipulated by the decree dated February 13 1989, which is compliant with the Police Force Law No. 3201.

To date, 7,138 police officers have served the department and currently 4,262 people are providing service, of which 783 are executives, 3,457 are officers, 5 are general administrative clerks and 17 are assistant technicians. In addition, 21.8% of the personnel (999 people) are university graduates, 76.9% (3,207 people) hold associate or high school degrees and 1.3% (59 people) completed junior high school.

As stipulated in Article 7, Clause 1 annexed to the PVSK No. 2559 in 1985, the central and provincial units of the department perform the following duties:

> "The police carries out intelligence activities on a national level in order to take the necessary precautionary and protective measures related to the indivisible integrity of the State's Soil and Nation, its constitutional order, and its general security; and to this end gathers, assesses and transfers information to the authorities or to those state institutions for whom the information would be of use. It also cooperates with other intelligence institutions of the state."

However, this authority of carrying out intelligence information as defined by law lacks the criterion of "providing a clear and concise definition" that is a must for the rule of law. Accordingly, Annexed Article 7 does not contain

6 Directorate General of Security Intelligence Department Presidency, <www.egmidb.gov.tr>, [Access Date: 09.12.2005].

CONDITIONS ON THE USE OF THE INTELLIGENCE AUTHORITY

In order to carry out the duties stipulated in paragraph 1 for prevention of the crimes listed in Code of Criminal Procedure No. 5271, dated 12.12.2004, Article 250, Clause 1, Paragraphs (a), (b) and (c)[7], with the exception of espionage crimes, telecommunications can be intercepted and monitored, information signals can be assessed and registered by a court order, or in cases where delay would be disadvantageous, through the written order of the Director General of Security or Chief of the Intelligence Department. In cases where delay would be disadvantageous, the written order is presented to the authorised judge for approval. The judge then renders a judgment within a maximum time of 24 hours. In the event this time-frame is exceeded, or the judge adjudicates against the order, the measure is to be immediately removed. In such a case, recordings made of the monitoring process are destroyed in 10 days at the latest, the situation is noted in an official report and this report is kept on file, to be produced in case of inspection.

The security unit must seek approval from a judge who carries the authority within their area of jurisdiction, who is a member of the high criminal court established by Law No. 5271, Article 250, Clause 1.

The identity of the person subject to the measures taken, the type of communication device, the phone numbers used, or whatever can be determined from the area code, as well as the nature of the measure taken, its period of coverage and the reasons for the request are included in the decision and the written order. Decisions can be made for a maximum of three months; these may be extended in the same way for a further three-month period a maximum of three times. However, for ongoing danger stemming from a terrorist organisation's activities, the judge might see fit to extend the duration by three-month periods more than three times if deemed necessary.

In cases where the monitoring period expires, the recordings of the monitoring are destroyed in 10 days at the latest, the situation is noted in an official report and this report is kept on file, to be produced in case of inspection.

In order to prevent the crimes listed in this article, technical monitoring can be carried out in intelligence activities, provided a court order is in place. Moreover, a written request can be made to public organisations and institutions in order to benefit from the necessary documents and information they possess. In cases where these institutions and organisations withhold information on legal grounds or because the information contains trade secrets, this information and these documents can only be used by court order.

The records obtained as a result of activities carried out in compliance with this article cannot be used for purposes other than those stated in Clause 1. The principle of secrecy applies to preservation of the information and records obtained. Those who act in violation of this article's provisions are subject to investigation by a public prosecutor, even if the violation takes place during or due to the assignment.

Court orders and written orders are carried out by members of the İDB. The beginning and end time and date of the process are recorded, as well as the identity of the member carrying it out.

Supervision of the activities stipulated in this article is carried out by the institution's superiors, inspectors of the EGM and the related ministry, and a person or commission specially-designated by the prime minister.

The activities stipulated in this article and the monitoring to be carried out in accordance with Law No. 5271, Article 135, are done through a single centre named the Presidency of Telecommunications (**Telekomünikasyon İletişim Başkanlığı**) working within the Institution of Telecommunications (**Telekomünikasyon Kurumu**) and acting directly under its president. This board consists of one president and three experts, namely, technical, legal and administrative. The board also has one representative of the National Intelligence Organisation, Directorate General of Security and the General Command of Gendarmerie. Sufficient personnel are employed to carry out the duties. The president of Telecommunications is appointed by the prime minister upon the proposal of the president of the institution. The president has the same employee rights as members of the institution. The minister of transport has the duty of preparing the necessary infrastructure for this centre. The founding expenses of this centre are met by the budget of the institution. A variety of goods and services procurement pertaining to the establishment of the centre as well as construction work is exempt from Public Bid Law No. 4734 and Public Bidding Agreements Law No. 4735, except in cases of wrongdoing or of bidding bans.

Monitoring carried out in violation of the procedures and principles laid out in this article is legally invalid and those carrying out such monitoring are subject to the rulings of Turkish Penal Code No. 5237, dated 26.09.2004.

The procedures and principles concerning the application of this article are to be regulated with a regulation to be published by the prime ministry within a period of three months, in consultation with the ministries of justice, internal affairs and transport.

clarification about who is to gather and keep said information about whom, and under what circumstances. Additionally, the article does not contain any regulation about the control of such an important authority. In its current state, the way the resolution of the article is formulated leaves it wide open for the abuse of intelligence authority, and to undercover and arbitrary infringement of individual rights and freedoms.

This lacuna was corrected with the amendment made to PVSK's Annexed Article 7 with Law No. 5397, on 3 July 2005, as compliant with Constitutional Article 13 that states that infringement of basic rights and freedoms should be regulated by law without exception, and as a result of the need for a legal regulation's

7 The crimes listed in the Code of Criminal Procedures (**Ceza Muhakemesi Kanunu**, CMK) Article 250 are those crimes that are included in the Turkish Penal Code, namely:
a) Production and trade of narcotic or stimulant substances as part of an organised activity,
b) Crimes committed using force and threat as part of the activities of an organisation formed in order to gain unjust economic profit,
c) Crimes defined in Book 2, Chapter 4, Units 4, 5, 6 and 7 (excluding articles 305, 318, 319, 323, 324, 325 and 332).

being clear and concise as mentioned above. A decree that provided for more detailed regulations about the use of intelligence authority granted with this article went into effect on 10 November 2005, after being published in *Resmi Gazete* (Official Gazette) No. 25989.

In order to eliminate potential future dangers for the state or society or to become aware of any anomalies, the authority to use public information or to monitor specific people in addition to information-gathering, assessment and communication intervention is also needed. The law meets such needs as well, defining the realm of intelligence as not only eavesdropping, but also as access to public records that might contain important information about targeted persons, and the secret monitoring and recording of their activities.

Although intelligence information seems to be described by law solely as the result of eavesdropping, analysis of public records and information, and evaluation of information gathered, in practice law enforcement also gleans important information from the interrogations and interviews of terrorist organisation members, apprehended, agents within an organisation, informants within said organisation, from the media and from the local intelligence community.

With the 2005 amendment of PVSK, a central structure was formed and all information gathered as a result of intelligence-gathering was recorded and properly filed. Concurrently, supervision of the process was given to a civilian, individual authority outside of intelligence units. This authority lies with the Presidency of Telecommunications working within the Institution of Telecommunications who gathers a wide variety of communication-intervention by its own initiative and with the use of superior technology.

The limitation of intelligence authority to only certain types of organised crime, the requirement for the existence of certain danger that might arise in the future, and the establishment of an efficient judicial and civilian supervision mechanism along with a custody and control mechanism over said records is important for the protection of individual rights and freedoms from excessive intervention by the state, as well as the efficient elimination of threats and dangers against the state and society.

Moreover, owing to this central structure, the monitoring of persons by all three intelligence units (National Security Organisation (*Milli İstihbarat Teşkilatı*, MİT), police intelligence and gendarmerie intelligence) at the same time or at different times will be prevented, thereby eliminating the possibility of long-term interference in people's private lives.

Although the monitoring/eavesdropping activities being gathered under one administrative body is an important step, there is wide public belief that only devotion to law and ethics would prevent the police and the gendarmerie from independent illegal monitoring of individuals and institutions without permission from the central authorities. Therefore, in the next phase where the belief that the state does not monitor anyone illegally must be instilled, the activities of intelligence units as in the remaining units of the security sector will be placed under democratic control and oversight by parliament, the media and non-governmental organisations and will provide the greatest guarantees for society.

These changes notwithstanding, it should also be noted that in an ideal intelligence infrastructure, the mere separation of monitoring/eavesdropping from remaining spheres of intelligence is not sufficient, and that those units that analyze the information and the units that act on the analysis and organise operations should also be separated because the single-handed gathering of information also means the single-handed gathering of power. The information should be divided and its sub-

divisions made meaningless out of context, thus, eliminating the possibility of one body holding all of the information alone and becoming a threat. In other words, those who gather the information should not know its meaning, those who receive and analyze it should not carry out an operation making use of its content. From this point of view, the new PVSK Annexed Article 7 is incomplete because, according to it, although communications are recorded in another centre, the police and the gendarmerie have the authority to analyze the information and carry out an operation accordingly.

With the amendment in 2005, some additional authority was given to police intelligence, besides the authority to carry out intelligence activities. In accordance with the prime ministry circular bearing a 'top secret' seal, the İDB has the authority to form a special unit—the budget of which comes directly from prime ministry resources—to will carry out witness protection, undercover infiltration, passport/identity issuance, pay for plastic surgery and even establish dummy corporations when deemed necessary. Although the necessary secrecy in intelligence activities is acceptable to a certain extent, how this authority, normally granted by law and openly known, were granted by mere decree should be questioned. Another important point is why these and other similar authorities that are granted to intelligence organisations around the world as a general rule are granted here in secret with their expenses not met by the general budget.

Developments in 2005

Thanks to information gathered through intelligence activities, important success has also been observed in the fight against common crimes such as murder, thievery, swindling, rigging of a competitive bidding process on top of the fight against terror and organised crime. However, the information and evidence are transferred to those units responsible for investigating these crimes and the intelligence unit does not follow up on the results. Therefore, no record of operations carried out as a result of information about common crimes gathered through intelligence is kept by the intelligence department. This is why the following only consists of student protests, terror and organised crime, believed to be the main motivators behind the establishment of intelligence-gathering facilities.

Developments about Student Protests and Incidents

Although some provocation was witnessed in student protests and incidents, these attempts bore no results on account of previous measures taken by the security forces. Just as in previous years, no incident involving widespread violence occurred in 2005. Sixty-three incidents were recorded where there were minor scuffles and fights, 272 people were taken into custody of which 33 were arrested. A total of 74 people were wounded as a result of these incidents.

Developments Concerning Organised Crime

Organised crime continued to be an important topic in 2005. In this period, 1,403 people were apprehended through 252 operations, of whom, 766 were arrested. As a result of these operations, 7 rifles, 780 pistols, 237 kg of cocaine, 551 kg of marijuana, 1,799,529 synthetic- drug pills were seized and customs and fuel trafficking worth YTL 8 million were discovered.

Developments Concerning Terrorist Organisations

According to 2005 data, terrorist organisations saw an important decrease in their armed acts compared to previous years. However, it is thought that, with the exception of terrorist organisations with a religious agenda who had earlier been severely dealt with, terrorist groups retain the potential for armed acts. The reason behind this is seen as the supranational determination to fight terrorism that came into being following the acts of Al-Qaeda in various countries. The organisations filled the gap that came from the lack of armed acts with activities on a legal ground.

THE PKK/KONGRA-GEL

PKK/KONGRA-GEL, is still the most important terrorist organisation in Turkey, with its approximately 1600 members within the country and 3,550 members across the border. In 2005, through 192 planned intelligence operations in 27 provinces, 19 suspected members were killed and 572 suspected members were apprehended, and after being brought before the court, 326 of these were arrested.

With the people apprehended, 121 kg of A/4-C/4 plastic explosives, 160 detonators, 30 rifles, 93 pistols, 2,151 cartridges, 69 hand grenades, 6 mines and 40 fake identity cards were seized.

Again, due to these operations, 26 new potential members from urban areas were prevented from joining the rural part of the organisation. In the same period, 115 suspected members fled the organisation and surrendered to law enforcement.

Owing to its operational work, the terror organisation's attempts to spread violence in metropolitan areas and tourist regions in 2005 were widely hindered. As a result of operations carried out in 5 cities to this end (namely, Ankara, İstanbul, İzmir, Mersin and Muğla), 157 people were taken into custody of whom 102 were arrested. Together with the apprehended organisation members, 63 kg of plastic explosives, 55 detonators, 2 rifles, 11 pistols, 5 hand grenades, 250 cartridges and 22 fake identity cards were seized.

In order not to substantiate the West's view of PKK/Kongra-Gel being a terrorist organisation, the organisation carries out its activities in tourist regions under the cover of a dummy organisation called TAK (Teyrebazen Azadiye Kürdistan, Kurdistan Freedom Falcons). However, it should also be noted that sources in the PKK deny any relation to TAK.

DHKP /C (REVOLUTIONARY PEOPLE'S LIBERATION PARTY/FRONT)

As a result of the operations carried out in 2005, many militants from the organisation involved in armed activities were apprehended, the activities in rural areas were terminated, and finally, thanks to an operation run in 5 countries simultaneously on April 1, 2005, many activities were uncovered. Therefore, the organisation decided to move into democratic field activities such as protesting the municipal dismantling of squatter dwellings.

As a result of operations carried out in many cities, internal documents, bombs, bomb-making materials and devices, and weapons were seized. Following an operation in Adana, one suspected member was taken into custody and arrested; following the operation in İstanbul between 5 and 24 July 2005, 21 suspected members were taken into custody of whom seven were arrested; following the operation in Diyarbakır on 27 April 2005, 11 suspected members were taken into custody and none were arrested; following the operation in Ankara in between 17 November and 2 December 2005, two suspected members were taken into custody and again, none were arrested; following the operation in Edirne on 29 April 2005, two suspected members were taken into custody and one was arrested; following a demonstration in Ankara Kızılay Square on 17 January 2005, 198 people suspected of participating in a demonstration for DHKP/C were taken into custody of whom 6 were arrested; following an operation in İstanbul in 7 January 2005 three suspected members were taken into custody and one was arrested; and following the operation in Erzincan in 4 December 2005 one suspected member was taken into custody but was not arrested.

As a result of operations carried out in many cities, internal documents, bombs, bomb-making materials and devices, and weapons were seized. However, a suicide attack attempt was made by the organisation on 1 July 2005, targeting the Ministry of Justice, but the intelligence units failed to determine the plan beforehand.

However, in 2005, 544 bomb assaults, 2 deaths from hunger strikes, 6,442 illegal demonstrations (without prior approval and outside areas defined by the governor's office), placard placing, handout distributions and protests were carried out by terrorist organisations. In these acts, 99 law enforcement members and 30 citizens lost their lives. Of the terrorist organisation members, 48 were killed, and 5784 were apprehended. The following information involves terror organisations:

The Evaluation of Activities and Conclusion

The police intelligence/İDB which was established in 1937 and began serving country-wide in 1983, seems to have achieved considerable success in the fight against organised crime. The most pressing necessity, the authority to carry out intelligence activities, was granted to law enforcement and the coverage and conditions for this authority were defined by law, albeit at a late date, in 2005. What is of import now is to adapt the practice to legal regulation and to create an environment of "human security" where people are not trailed, their communications not monitored and information about them is not arbitrarily gathered.

Intelligence remained an important weapon in the fight against crime in 2005. Although terrorist organisations maintained their potential for activity, this period saw a

* Editor's Note: **Hizbullah**, or the Party of God is a militant Islamist Sunni group unrelated to the Lebanon-based Shi'ite **Hezbollah**.

MLKP (MARXIST-LENINIST COMMUNIST PARTY)

The organisation carried out 28 bomb assaults in 2005, and following the operation in Istanbul on 1 January 2005, three suspected members were taken into custody of whom one was arrested; following the operations in Sivas on 12 and 26 May 2005, 10 suspected members were taken into custody; following the operation in Izmir on 7 April 2005, one suspected member was taken into custody; following the operation in Adana on 28 April 2005, five suspected members were taken into custody and two were arrested; following the operation in Mersin on 17 August 2005, three suspected members were taken into custody; following the operation in Malatya on 29 April 2005, four suspected members were taken into custody; and finally, following operations in Ankara on 22 September 2005 and 16 November 2005, two suspected members were taken into custody and later arrested.

MKP (MAOİST COMMUNIST PARTY)

The operations that took place, in 2005 led to the collapse of the organisation. Thirty members were killed in these operations.

Following operations in Ankara between 3 and 10 October 2005, four suspected members were taken into custody and later arrested; following the operations in Tunceli on 15 September, 8 and 9 October 2005 four suspected members were taken into custody of whom two were arrested; following two separate operations in Tunceli on 14 January and 17 June 2005 22 suspected members were apprehended, and pursuits made as a result of these operations led to the apprehension of another 12 suspected members, 5 of whom were released pending trial, the rest set free; and finally, in two separate operations in Niğde on 29 and 30.09.2005, two suspected members were taken into custody and arrested.

TKP/ML (TURKEY COMMUNIST PARTY/MARXIST-LENINIST) CONFERENCE

Following an operation in Mersin on 21 September 2005 one suspected member was taken into custody and later arrested; following an operation in Bursa on 31 May 2005 14 people were taken into custody and eight were arrested; following an operation in Ankara on 7 November 2005 seven suspected members were taken into custody, two of whom were arrested, three were released pending trial; and finally, following an operation in Tokat on 15 September 2005 three suspected members were taken into custody and later arrested.

HİZBULLAH*-İLİM GROUP

The organisation, which sustained considerable damage as a result of successful intelligence work and operations in the past, and which still has 500 members in prison, has languished and is now attempting to revive its existence through legal "front" agencies, such as publications, youth groups, etc. However, in 2005, following operations carried out in 22 provinces, 142 suspected members were taken into custody, along with weapons, ammunition and internal organisational documents, of whom 77 were arrested.

İBDA-C (GREAT EASTERN ISLAMIC RAIDERS-FRONT)

The organisation, that to date has come into the spotlight through its proactive acts of violence, currently carries out its activities through various publications. In 2005, four suspected members were taken into custody as part of operations carried out in Istanbul and Muğla, of whom only one was arrested.

CALIPHATE STATE (İCCB-AFİD)

The organisation was founded by the late Cemalettin Kaplan in Germany. The jihad he declared against Turkey, the plane assault on Anıtkabir and the occupation of Fatih Mosque were prevented by good intelligence work and the leader, Metin Kaplan, was returned to Turkey in 2004. In operations involving the organisation in five provinces in 2005, 17 people were taken into custody together with weapons, ammunition and internal documents, of whom three were arrested.

AL-QAEDA ORGANISATION

The organisation's Turkish chapter became known after the simultaneous suicide bombings in Istanbul in 15 and 20 November 2003 that resulted in the deaths of 59 people and the wounding of 700. As part of the trials for these acts, 40 people are still under arrest and 31 have been released, resulting in a total of 71 people being tried.

The organisation still makes attempts to organise acts, and member Louai Sakka and his courier, Hamed Obysi were apprehended on 6 August 2005 in Antalya during their bombing preparation targeting Israeli cruiser ships. In this operation, 6 kg of C4 plastic explosives, 864 kg of hydrogen peroxide used in bomb-making, 105 kg of acetone and one yacht and one zodiac boat to be used for the assault were seized.

Moreover, following an operation in Balıkesir on 28 April 2005, a person known to have sent many people to training camps was arrested. Additionally, 15 people were taken into custody as part of operations carried out in 6 provinces, of whom three were arrested.

In the operation involving the attack on the newspaper Hürriyet on 2 August 2005, eight suspected members were taken into custody and six were arrested.

HİZB-UT TAHRİR

2Until 2005, around 800 suspected members were apprehended with the pamphlets they were distributing, including three people who claimed to be leaders and were handed over to the court, whereas in 2005, 317 people were taken into custody as a result of operations carried out in 15 provinces, of whom 128 were arrested.

considerable decrease in their armed acts due to intelligence operations. In the 983 operations carried out in 2005—some aforementioned—based on police intelligence, 4,113 people were taken into custody of whom 1,480 were arrested and 48 were killed. Also, a considerable quantity of drugs, contraband gasoline, 62 rifles and 883 pistols were seized.

The police intelligence's success in crime prevention is undoubtedly linked to past experience and trial and error. Indeed, Turkey has suffered for years from terrorism and sustained considerable economic and physical loss while creating a second group of victims by violating innocent people's rights and freedoms in the fight against terrorism. In today's world climate, where the effects of global terror are felt in countries big and small, there is ongoing intensive debate concerning the clash and accord of civilisations, and the positive and negative results of Turkey's fight against terror can set an example for other countries.

No doubt, plots unveiled and organisations abolished are not the sole criteria of import for intelligence organisations. How these intelligence activities were carried out, whether individual rights and freedoms were respected, how much importance was granted to the current security approach that moved from security of the state to "human security" are just as significant.

As seen by the statistics, the relative decrease in the number of terrorist organisation members killed (approximately 1%) is a sign of an increase in the understanding of the right to life (i.e. refraining from extrajudicial killings) by the police. This is undoubtedly due to prior planning, taking necessary precautions to prevent damage to people who are to be apprehended and to third parties.

However, the fact that most of the people apprehended are released without trial (approximately 2/3), shows that many people are unjustly taken into custody and that their freedoms are arbitrarily circumscribed. Law enforcement explains this state of affairs by pointing at their need to utilise the intelligence gathered and organise operations before any criminal activity takes place. In other words, people are apprehended in the preparation phase of an operation. At that moment, since those contemplating a crime have not actually committed one, it is difficult to prove that a crime was about to take place and that the people in question really did have such intent.

Another factor that explains the high numbers of those released is the lack of trust between law enforcement and the judiciary. The judiciary does not believe that information gathered about those apprehended has been collected in a reliable manner. In fact, in case of a lack of supplementary material evidence, a judge has no way of verifying the intelligence information presented. Intelligence circles believe that amendments made to PSVK in 2005 that define clear procedures for intelligence activities, in accordance with principles of transparency, exactitude and democratic control and will eliminate this distrust.

Arguments concerning Turkish intelligence institutions' lack of coordination and

8 Former Intelligence Department President Sabri Uzun claims that Turkey would save USD 3 billion if security services were carried out by a single agency. See his communiqué entitled: "İç Güvenlik Hizmetlerinin İdeal Yapılanması," presented at the International Domestic Security Conference, 22-24 January 2004, Police Academy, Ankara. An example that illustrates the lack of cooperation between various agencies, surfaced when the General Command of Gendarmerie carried out an operation in Syria in 2003, apprehending 22 suspects and bringing them to Turkey. However, the police intelligence/İDB stated that they were trailing Hilmi Tuğluoğlu, who was among those taken into custody by the gendarmerie, waiting for him to meet with Azad Ekinci and Gürcan Baç, [the 'bigger fish' who allegedly gave the orders for the terrorist bombings in Istanbul] and claimed that "the gendarmerie acted too fast, ruining the operation." See: "Polisten jandarmaya sitem," **Hürriyet**, 3 December 2003.

multipolarity, usually coming to light following terrorist attacks, were still valid in 2005. Since knowledge means power, the National Intelligence Organisation, Directorate General of Security and the General Command of Gendarmerie abstain from sharing information collected as a result of intelligence activities, thus abstaining from power-sharing. Thus each institution has a piece of the puzzle and it is not possible to see the big picture without gathering all of the pieces. This leads to the question of why two separate institutions carrying out the same duty do not work together under one roof.[8]

To sum up, the net result of the 2005 activities of police intelligence was better than had been imagined in terms of providing "human" security, not endangering unprotected people's lives, being open to democratic legal control, informing the public while maintaining a healthy level of secrecy, cooperation and labor division with other security institutions, and making use of other countries' best practices.

THE NATIONAL INTELLIGENCE ORGANISATION

Ferhat Ünlü*

History: Secret Organisations during the Ottoman Empire

The modern intelligence activities in Turkey were, to a great extent, shaped by the westernisation concept. The decline and eventual demise of the Ottoman Empire was blamed on the lack of intelligence. The first modern intelligence organisation was subsequently formed, based on the example of the French secret police.[1] According to a book attributed to Mavroyani Pasha (who was of Greek stock), the court doctor of Sultan Abdülhamid II (1876-1909), an emperor known to attach great importance to intelligence, the first intelligence organisation in the modern sense was built in the middle of the 19th century, when the activities of foreign agents increased, in order to monitor possible riots in the Balkans. It is interesting to note that the appointed chairman of the first intelligence organisation of the Ottomans was not of Turkish origin: Cinivis Efendi was also of Greek stock. When the organisation failed to meet expectations, Sultan Abdülaziz (1861-1876) formed another in 1863. The appointed chairman, Baron C. was said to have been removed from office due to his activities against the country.[2]

The most important of the secret organisations in the Ottoman Empire was the "Yıldız" (Star) intelligence organisation founded by Abdülhamid II in 1880. It continued to exist until 1908, when the 2nd Constitutional Monarchy began.[3] The organisation later played an important role in the founding of the Special Organisation (*Teşkilat-ı Mahsusa*), the intelligence organisation of the Union and Progress Party (*İttihat ve Terakki*), setting an important precedent in the Turkish intelligence tradition. It embraced a more domestic intelligence approach, partly due to its limited means, and partly due to the chaos created by the internal struggles of the time. The Republic of Turkey's National Security Service (*Milli Emniyet Hizmeti*, MEH) and, later, National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT) practiced this concept of work, which occasionally generated criticism.

Teşkilat-ı Mahsusa – Special Organisation

It would not be incorrect to say that the groundwork for Turkish national intelligence was laid by the the Special Organisation. Unlike other secret organisations of the Ottoman Empire, an empire that based its existence on the bonding concept of religious unity (*ümmetçilik*) until its demise, the Special Organisation resembled the national intelligence organisation of a nation state, and it might be assumed that it possessed the makings of an organisation

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1 Although it is said that the first modern intelligence organisation of the Ottoman Empire is under French influence, there are also claims that the organisation was established with the instigation of the English. According to these claims, the British Ambassador Startford Canning's suggestions played a role in the founding of the organisation. There are other claims stating that Cinivis, who was the first chief of the organisation, was a double agent. The reference for all the information about the period in question is the booklet attributed to Mavroyani Pasha. There are also claims that Mavroyani was a double agent who worked as a doctor in the imperial palace. In the times that followed, German influence was greater on Ottoman intelligence.

2 Erdal İlter, **Milli İstihbarat Teşkilatı Tarihçesi: Milli Emniyet Hizmetleri Riyaseti** (M.E.H/MAH) (1927/1965) (Ankara, 2002). See <http://www.mit.gov.tr/tarihce/giris_1.html>.

3 **Ibid**, see <http://www.mit.gov.tr/tarihce/birinci_bolum_B.html>.

belonging to the republic. Although the organisation's main purpose was to unite the world of Islam around the idea of being Ottoman, it was formed by Minister of Defence Enver Pasha in the aftermath of the riots inspired by nationalism and the Balkan Wars. Its activities, consisting principally of espionnage, played an important role in shaping the national intelligence idea.

The Special Organisation, becoming official and international after the Union and Progress Party came to power, was active from the Indian sub-continent to Africa, from the Middle East to the Balkans and from the Arab peninsula to middle Asia. Mustafa Kemal Atatürk was involved in some of the organisation's activities.

According to research based on the archives of the Military History and Strategic Studies Board (*Askeri Tarih ve Stratejik Etüt Başkanlığı*, ATASE), the Special Organisation was established on 17 November 1913.[4] Its first chairman was Staff Major Süleyman Askerî Bey, its second was Ali Bey Başhampa and Hüsamettin Ertürk was its last.

The Special Organisation was a modern organisation that embraced an operational working style. It was structured around small military squads which conducted guerrilla activities, specifically in the Caucasus and the Middle East. Kuşçubaşı Eşref, who later became the head of the region of Arabia, was one of the organisation's most renowned leaders at a time when it had 30.000 members. It is interesting to note that Eşref Bey fought tactical battles against the British agent Lawrence of Arabia.

The Special Organisation was later abolished by Hüsamettin Ertürk, after Enver Paşa and his associates fled abroad in a German submarine.

The National Security Service (MEH/MAH)

The National Security Service (*Milli Emniyet Hizmeti Riyaseti*, MEH/MAH), the precursor of MİT, was established by direct request from Atatürk immediately following the founding of the republic, to meet its needs for a modern intelligence organisation. The organisation was founded on 16 December 1926 by a Council of Ministers Decision under President Mustafa Kemal Atatürk and also came to be known as MAH, for ease of pronounciation. In addition, use of the acronym MAH served to dissimulate the organisation's name. MAH was later interpreted inaccurately as Service to the National Deed (*Milli Amele Hizmet*), Service to the National Deeds (*Milli Âmâle Hizmet*) and National Public Order Service (*Millî Âsâyiş Hizmet*).[5]

MAH has been one of the most misinterpreted acronyms in the history of the republic, so much so that it has been cited as *Milli Amele Hizmet* even by experts and authors of MİT's unofficial history.[6] Even Mehmet Eymür, a former member of MİT used this definition in his book *Analiz*.[7]

MEH, the first secret service of the newborn republic, faced numerous hardships whilst conducting its espionage and counter-espionage activities in a period that also covered WWII. During this time, its activities mostly focused on espionage attempts against the young republic, the activities of the Ottoman dynasty and their supporters and preventive measures against activities considered subversive and separatist according to the official ideology (such as Armenianism, Hellenism, Kurdism, communism and opposition to the regime). The organisation aimed to facilitate society's acceptance of reforms based on the modernisation principle while eliminating the fundamentalist approach.[8]

The military exercised a strong influence on the intelligence sector. Seven of the eleven MEH

4 **Ibid**, see http://www.mit.gov.tr/tarihce/birinci_bolum_B.html>.

5 **Ibid**, see <http://www.mit.gov.tr/tarihce/ikinci_bolum_D4.html#D4>.

6 Tuncay Özkan, **Bir Gizli Servisin Tarihi: MİT** (Istanbul: Milliyet Yayınları, 1996), p. 99.

7 "Analiz 06: MAHT'tan MİT'e," **Anadolu Türk İnterneti** (ATİN), 1 August 1991. See <http://www.atin.org/detail.asp?cmd=articledetail&articleid=115>.

8 İlter, **Milli İstihbarat Teşkilatı Tarihçesi: Milli Emniyet Hizmetleri Riyaseti** (M.E.H/MAH) (1927/1965). See <http://www.mit.gov.tr/tarihce/ikinci_bolum_E2.html#E2a>.

chiefs prior to the founding of MİT in 1965, had a military background. Şükrü Ali Ögel (1886–1973), Mehmet Naci Perkel (1889–1969), Behçet Türkmen (1899–1972), Emin Çobanoğlu (1901–1983), Ziya Selışık (1900–1966), Naci Aşkun (1906–1982), Mehmet Fuat Doğu (1914–2004) had all been in the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) prior to assuming the role of Secret Service Chief whereas Hüseyin Avni Göktürk (1901–1983), Ahmet Salih Korur (1905–1982) and Ahmet Celâlettin Karasapan (1899–1974) were civil servants who were appointed to lead the intelligence organisation after working in various civil service posts.

MEH set secrecy aside 17 years after its establishment, the presidency was attached to the prime minister by means of a law implemented on 29 June 1943, and the National Security Service became the National Security Services in 1954.[9]

In Dr. Erdal İlter's book *MİT History (MİT Tarihçesi)*, MEH's activities were briefly listed as follows:[10]

a. Confront Armenians, Kurdists, those inclined to establish Red Lazistan in the Black Sea region, Mussolini's Italy, which is believed to have ambitions for an assault in the Mediterranean, and the activities of the Greek Patriarchate,
b. Contribute to the nationalisation of commercial enterprises owned by foreigners,
c. Play a key role in the definition of borders and the annexation of Hatay to Turkey,
d. Fight against foreign secret services during and after WWII.

The Establishment and Development of the National Intelligence Organisation (MİT)

MİT, the existing intelligence organisation of the Republic of Turkey, was established when the National Intelligence Organisation Law No. 644 took effect on 22 July 1965. With this law, the organisation known as MEH or MAH became MİT. The National Intelligence Coordination Committee (*Milli İstihbarat Koordinasyon Kurulu*, MİKK) was established as part of the law in question, under the MİT Undersecretary, to coordinate with the National Security Council (*Milli Güvenlik Kurulu*, MGK) and the Turkish Armed Forces.

The economic, social, political and military changes brought about by both the Second World War and the Cold War had notable influence on the establishment and development of MİT. From 1965 until the collapse of the Soviet Union in 1990, many of MİT's activities showed traces of secret US policies involving its war against communism and the Soviet Union.

MİT was a powerful and modern organisation, as far as the working style and the means available to it were concerned, particularly when compared to the National Security Services. While retaining its name, MAH became the intelligence-gathering unit within MİT. With the Governmental Intelligence Services and National Intelligence Organisation Law No. 2937 implemented on 1 January 1984, MİT's main duties were established and the organisation became directly attached to the prime minister. In 1984, the sub-unit MAH was abolished and its duties were transferred to Internal and External Intelligence Presidencies.[11]

On 2 March 1966, retired Lieutenant-General Fuat Doğu was appointed as MİT Undersecretary. Doğu had a great influence on the organisation and on the many young intelligence members who were recruited during his time who became directors themselves in the 1980s, 1990s and 2000. Current Undersecretary Emre Taner, his predecessor Şenkal Atasagun and the Deputy Undersecretary during the Özal era Hiram Abas,[12] were all recruited during Fuat Doğu's time. Mehmet Eymür, who wrote the first MİT report while he

9 **Ibid**, see <http://www.mit.gov.tr/tarihce/ikinci_bolum_D4.html#D5>.
10 **Ibid**, see <http://www.mit.gov.tr/tarihce/ikinci_bolum_E2_1.html>.
11 **Ibid**, see <http://www.mit.gov.tr/tarihce/ikinci_bolum_F.html#F>.
12 Abas was killed on 26 September 1990. The Revolutionary Left (**Devrimci Sol**), an illegal organisation claimed responsibility.

was Chief of the Security Department and was recruited a few months prior to Doğu's appointment as Undersecretary, was greatly influenced by him. In his book *Analiz*, Eymür speaks of Doğu's influence on Abas.

Historically Controversial Points about MİT

In its forty-one year history, controversy has centred on the the armed forces' influence on MİT. The very first undersecretary, Avni Kantan (1910-1966) graduated from a military academy. His successor Doğu (1914-2004) was made undersecretary prior to his retirement from the army. Nurettin Ersin (1918-2005), undersecretary from 1971-73 also performed various duties in TSK. Bülent Türker (1926 -) who acted as Deputy Undersecretary from 1973-74 and undersecretary from 1980-81, was also a soldier. Bahattin Özülker (1914-1974), who was appointed in the same year, Hamza Gürgüç (1913-1988) the undersecretary from 1974-78, Adnan Ersöz (1917-1991),[13] who was Gürgüç's successor for a year, Burhanettin Bigalı (1927-), who was on duty from 1981-86, Hayri Ündül (1929-), who was the undersecretary from 1986-89 and Teoman Koman, who was in charge from 1986-89, were all members of the military. Most were appointed before their retirement from the TSK. In short, not a single civilian was appointed undersecretary until 1992.

Only three civilian undersecretaries were appointed during the MEH period, highlighting the military heritage that was implicit in the development of the Turkish security sector and especially MİT. In 1992, during Tansu Çiller's tenure as prime minister, Sönmez Köksal, a former foreign ministry official, was appointed undersecretary as a result of the government's attempts to gain greater control over the organisation. Atasagun, who was appointed in 1998, was the first civilian undersecretary to come from MİT ranks.

Hiram Abas, who was appointed Deputy Undersecretary during Turgut Özal's presidency as a result of government attempts to purge the military's influence on MİT, stressed the influence of the armed forces and made the following suggestions in a letter to Özal:

> "In democracies, since the duty of protecting the regime against the population is not performed by the [secret] services, the military and the intelligence service need to not be too close. In democracies, because the mission of the intelligence is mainly focused on other countries and because intelligence is considered a specialisation, intelligence officers who have had on-the-job training and hands-on experience are preferred for the high ranks of the [intelligence] organisations. In our state, it is not yet clear which office MİT is attached to."[14]

Abas stated that MİT did not even notify prime ministers of the military's planned coups. Indeed, MİT did not communicate the coup plans of TSK's higher command to the prime ministers in 1971 and 1980. Several writers have written interesting stories on the subject.[15]

It was during the 12 March 1971 era (marked by the military's ultimatum against the government) that the rumours of torture by MİT reached their peak. It was known that people interrogated at Ziverbey Mansion were subject to physiological and psychological coercion. Among those subjected to torture at Ziverbey were retired officers Talat Turhan and Numan Esin who were involved in the 27 May 1960 coup, as well as journalist-writers such as Doğan Avcıoğlu, İlhan Selçuk and İlhami Soysal.

The introverted structure of the intelligence organisation was another matter for controversy. It was claimed that the organisation, in its categorisation of internal

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13 Ersöz died as a result of an armed assault.

14 "Analiz 07:Gehlen ve İstihbarat," **Anadolu Türk İnterneti (ATİH)**, 1 Ağustos]. See <http://www.atin.org/detail.asp?cmd=articledetail&articleid=116>.

15 In 1971, when then Minister of Foreign Affairs İhsan Sabri Çağlayangil was invited to Iran by the Shah, the latter said to Çağlayangil during the meetings: "In a few months, the army will make a coup in Turkey." See Cüneyt Arcayürek, **Darbeler ve Gizli Servisler** (Bilgi Yayınevi, 1989), p. 61

and external enemy concepts, gave priority to internal enemies, leading to practices that harmed the democracy. It was also understood that the organisation tapped the phones of politicians and wrote reports about people of high rank in the government (known to the public as 'filing'), and that these reports influenced appointments within the government. According to Faruk Bildirici's book *Gizli Kulaklar Ülkesi*, when Turgut Özal moved to the prime minister's residence, numerous electronic bugs were found around the building and, Özal personally supervised the electronic counter-measures because of his distrust of MİT.[16]

After the strengthening of the police force's intelligence unit in the 1990s as part of the fight against the PKK, phones were tapped extensively. From 1985 to 1996, both the police and MİT performed frequent mutual technical stakeouts. The *Susurluk Report* by the former Chief of the Prime Ministry Inspection Committee highlights the struggle that ensued between Mehmet Ağar, the Director General of Security, later Minister of Internal Affairs, and Mehmet Eymür, who was director of the MİT Anti-Terror Centre.[17]

The conflict, known as the Ağar-Eymür struggle, was the central point of the debates involving murders committed by Gendarmerie Intelligence and Anti-Terror Organisation (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JİTEM) in eastern and southeastern Turkey, as well as the Susurluk incident that involved the police force and JİTEM alongside MİT. It is understood that the National Intelligence Organisation made two secret assassination attempts on Abdullah Öcalan the PKK leader.[18] Mahmut Yıldırım, known as "*Yeşil*," served in both of the Öcalan operations. During that time, the top executives of the security sector were so carefree that they did not refrain from involving Viranşehir Mayor Halil Keleşabdioğlu in the attempt to assassinate Öcalan by detonating a minibus loaded with a ton of C-4 explosives in Damascus. Öcalan survived the attack. Another assassination attempt in Beirut similarly missed its target. The police team, led by Ağar, also planned assassination attempts on Öcalan in that period.[19]

The examples of Abdullah Çatlı[20] and Yıldırım (*Yeşil*), MİT staff policies and the use of civilian operatives abroad as well as within the country, led to justified criticism. According to Kutlu Savaş' *Susurluk Report*, then MİT undersecretary Sönmez Köksal answered questions on this subject with: "Do you think MİT always works with respectable people?"[21]

A reference point on this subject is Tuncay Özkan's book *Bir Gizli Servisin Tarihi*—MİT contains important information regarding the problems associated with MİT's working conditions, its limited budget and insufficient personnel most importantly.[22] Özkan states that the problem that should have been given priority was the managerial structure that was inherited from the military.[23]

Accordingly, MİT, the only representative of the national intelligence network from 1965 to the 1990s, was required to share its power—for want of a better word—in the 1990s with the police force and JİTEM, which was better known for its kidnappings and assassinations. One should bear in mind that until the 1990s, MİT was under the influence of the military.

In developed countries, there is more than one intelligence organisation. For instance, in the United States, the Central Intelligence Agency (CIA) is responisble for foreign intelligence

16 It is significant that bugging equipment was found in the prime minister's residence after the first democratic election following the coup of 12 September.

17 Kutlu Savaş, **Susurluk Report** (online version). See <http://siyaset.bilkent.edu.tr/susurluk/kutlu/p3.html>.

18 MİT memo dated 1 December 1996. See Ferhat Ünlü, **Eymür'ün Aynası: Eski MİT Yöneticisi Anlatıyor** (İstanbul: Metis Yayınları, 2001), p. 66, p. 74.

19 Savaş, Susurluk Report. See <http://siyaset.bilkent.edu.tr/susurluk/kutlu/p3.html>.

20 Far-right militant used by the MİT in the 1980s. Died in the Susurluk accident on 3 November 1996.

21 Savaş, Susurluk Report. See <http://siyaset.bilkent.edu.tr/susurluk/kutlu/p4.html>.

22 Özkan, **Bir Gizli Servisin Tarihi: MİT**, p. 332.

23 **Ibid** p. 310.

whereas the Federal Bureau of Investigation (FBI) is responsible for domestic intelligence. Similarly, MI6 covers foreign intelligence and MI5 the domestic in Britain. In recent years, the suggestion that MİT focus on foreign intelligence and the police force investigate domestic intelligence affairs frequently arises. MİT is not in favour of these suggestions. As stated in its official website in 2005, it supports the idea that domestic and foreign intelligence must be MİT-run in an integrated fashion.[24]

The purging of MİT's military heritage and its transformation into a more civilian and transparent institution commenced in the 1990s and accelerated in the new millennium. To this end, the organisation is now run by civilians. The last three undersecretaries, Sönmez Köksal, Atasagun and Taner are originally from the Ministry of Foreign Affairs. As part of the movement toward transparency, MİT has been releasing information about the organisation on its website for the last five years, albeit in a limited fashion.

MİT Developments in 2005

The Impact of Democratic Advances and New Laws as Part of the EU Membership Process to MİT's Working System and Transparency

It is widely believed that the democratisation efforts that are part of the European Union (EU) membership process, that accelerated during the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) rule and the fight against terror had an impact on MİT and partially damaged the working system of the organisation.

MİT argued that the Turkish Penal Code (*Türk Ceza Kanunu*, TCK) No. 5237, which made it onto the public agenda at the beginning of 2005 and went into effect on 1 June 2005 instead of the planned date of 1 April 2005 following intensive debate, posited limitations to electronic eavesdropping that could cause problems in the fight against terror. MİT Undersecretary Atasagun presented a special MİT draft to Prime Minister Recep Tayyip Erdoğan in a meeting where the Minister of Internal Affairs Abdülkadir Aksu, Minister of National Defence Vecdi Gönül, Minister of Justice Cemil Çiçek, General Commander of Gendarmerie Fevzi Türkeri and Director General of Security Gökhan Aydıner were also present.[25] The draft in question gave MİT the authority to tap phones with the permission of the undersecretary in urgent situations.[26] Whether MİT received the authority for eavesdropping as a result of this unknown.

The new Anti-Terror Law, another draft closely related to MİT's working system, has not been introduced because of the controversy surrounding it. The document, prepared by the Ministry of Justice, is of a draft bill nature, containing articles that would enhance the work of all security units, especially that of the intelligence organisation. There is wide suspicion that the bill contains anti-democratic elements, and these concerns have been expressed by members of parliament. It has been argued that the bill paves the way for the mischaracterisation of people who have no insurgent affiliations as "terrorists" and that the draft should be revised for compliance with EU criteria. As of February 2006, the draft had not been given to the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) Justice Committee and rumours suggest that it was shelved.

Although MİT made important progress in matters of transparency, the fact that some of its members were involved in scandals invariably tarnished its image. In 2005, MİT investigated External Operations Director Kaşif Kozinoğlu's alleged connections to organised crime leader Alaattin Çakıcı, following accusations that Kozinoğlu "assist(ed) a criminal organisation."[27]

24 See <http://www.mit.gov.tr/merak-Cevap17.html>.

25 "MİT telefonunu istiyor," **Milliyet**, 10 March 2005.

26 "MİT'ten dinleme ısrarı," **Milliyet**, 31 March 2005.

27 The former head of the Supreme Court of Appeals, Eraslan Özkaya was also said to be involved in the scandal in question.

In the conclusion and comments section of a three-page report, it was concluded that "in the carrying out of the duties he was given, Kozinoğlu acted in compliance with the organisation's work principles."[28] Kozinoğlu's subsequent acquittal, however, damaged the transparency principle that MİT formally embraced.

Although the transparency problematic is related to the staff structure and the organisation's traditional working style, the real problem centres on the fact that the universal working style of secret services is not exactly suitable for democratisation. Intelligence organisations use conspiracies, coups, assassinations, psychological warfare and act in complete secrecy. In an environment where lack of supervision prevails, opportunities for secret service members like Kozinoğlu becoming involved with corrupt allies arise.

Repercussions of the Early Retirement of Atasagun, the First Civilian Undersecretary to Come from the Ranks of MİT

Atasagun, who was appointed MİT Undersecretary in February 1998 while Mesut Yılmaz was Prime Minister, performed this duty for approximately seven years at a time when important developments were taking place in Turkish politics and the security sector. Atasagun was the longest serving Undersecretary and the first to come from the organisation's own ranks. Born in 1941, graduate of Galatasaray high school and the Faculty of Political Science at Grenoble University in France, Atasagun entered MİT in 1967.

Many believed that Atasagun would resign after AKP came to power and several newspapers named the retired General Edip Başer as his likely successor. However, the appointment was never effected and Atasagun remained in charge until May 2005, before retiring of his own accord on 11 June 2005.

Atasagun's early retirement caused widespread media speculation that internal conflict with the government was behind this move.[29] Another article claimed that MİT had failed in its intelligence forecasting concerning the January elections in Iraq, which caused uneasiness in the government.[30] It was also argued that a report was presented to the Prime Minister's Office, containing intelligence about ethnic Iraqi Turkmen parties gaining 30 seats in the Iraqi Parliament. However, by election's end, they had won only three seats.

This news was not officially denied on the MİT official website. MİT, on occasion formally denied articles in the press and it is not difficult to assume that the decisions for denial were based on the content of the news as well as their repercussions. As MİT does not openly or regularly inform the media of their activities, news concerning the organisation is typically based on information received from 'confidential sources,' which can lead to speculative and manipulative reporting. One should also bear in mind that speculations concerning MİT are usually first spread in the media only to later actually occur. Atasagun's retirement was a case in point.

Debates Concerning MİT's Gain of Authority by a Court Decision to Tap Phones and Track E-Mails

Electronic stakeout and eavesdropping, one of the most controversial subjects in the fight

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28 "Tek soruda aklandı," **Milliyet**, 17 May 2005.

29 The following was reported in a news article in the newspaper **Milliyet**: "It was claimed that Atasagun's mysterious retirement decision had to do mainly with the debates concerning MİT Head of External Operations Kaşif Kozinoğlu, and that Atasagun and the government had disagreements over working principles, especially in the last four months. It was recorded that the first crisis between MİT and the government broke out when a passport for former MİT member Faik Meral was found on Alaattin Çakıcı, who was apprehended in Austria, and that the scandal involving former Head of the Supreme Court of Appeals Eraslan Özkaya, Çakıcı and Kozinoğlu put a further strain on relations." The following was reported in another article in **Hürriyet** about the early retirement decision: "According to insider information, Atasagun had problems in his relationship with Prime Minister Erdoğan, had been considering early retirement for some time and reached a decision in order to prevent harm to the organisation." Atasagun, whose term of office would normally have ended in 2006, presumably told his close colleagues about his problems with the government and said:, "We must save the organisation. In order to prevent further harm to the organisation, my early retirement would be well-advised."

30 "MİT Müsteşarı Şenkal Atasagun'un neden emekliliğini istediğini açıklıyoruz;" **Haftalık**, 29 June—5 July 2005.

against terror versus democracy debate in 2005, was reported by the press. When a court order gave MİT the authority to tap all phones in Turkey, intensive public debate ensued.

For years, electronic eavesdropping has dominated debates about Turkish intelligence units. In the past, information about MİT tapping phones without a court order was published in the press and in books. Until a short time ago, unlike the police force MİT did not require a court order to tap phones or engage in electronic stakeout.

The electronic stakeout incident of 2005 brought the subject back into the spotlight. Before elaborating on the events, the difference between stakeout and eavesdropping should be clarified. Electronic stakeout refers to the technical surveillance of a communications device in order to determine who has been contacted. It is not possible to find out the nature of a phone call through mere technical stakeout. Electronic eavesdropping, on the other hand, is the recording of all conversations that take place over a communications device.

On 1 June 2005, the newspaper *Vatan* hit the newsstands with the headline: "The document that will shake Turkey," which revealed that MİT had the authority to undertake surveillance of all communications in Turkey, based on a decision by the 6th High Criminal Court of Diyarbakır. A brief summary of the article is as follows:

> "The National Intelligence Organisation has put all kinds of communications in Turkey under surveillance in the last two months. All landline phone calls, including overseas calls, all calls on Turkcell, Telsim, Avea mobile phones, all e-mail correspondence, the most detailed information about fax and SMS transmissions were handed over to MİT by court order."[31]

On the basis of this decision, Article 22 of the Constitution and Articles 2, 4, 11, 16 of Law No. 4422 ceased to be effective, along with the Turkish Penal Code, on the day the news was published, namely 1 June 2005. In other words, MİT had the authority to put all phones in Turkey under surveillance before the new TCK went into effect.

The surveillance news even caused reactions in the Council of Ministers. Deputy Prime Minister Mehmet Ali Şahin commented: "This can never be approved." It was also discovered that MİT had initially applied for the same decision to be taken to the 11th High Criminal Court of Ankara, but was refuted and subsequently applied to the 6th High Criminal Court of Diyarbakır.[32]

MİT was swift in making a statement:

> "It has been observed that the media published news about the National Intelligence Organisation on June 1st and 2nd 2005 which creates the impression that communication devices belonging to all people and institutions are under illegal surveillance. The National Intelligence Organisation takes pains in performing all its activities on a legal basis, being loyal to the law that defines its foundation and its duties. The latest surveillance and detection work that was requested by our organisation and that raised great interest in the media was realised in order to provide national security intelligence within the mainframe of the court decision, for the public good, and only within the scope of the mission, just like its precursors."[33]

After the news was published, many people and institutions filed criminal complaints against MİT. However, the public prosecutor of Ankara decided not to process the complaints. The Office of the Prosecutor deemed the surveillance incident "due and proper."[34]

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31 "Türkiye'yi sarsacak belge;" **Vatan**, 1 June 2005.

32 "MİT izlemesi Bakanlar Kurulu'nda;" **Milliyet**, 2 June 2005.

33 MİT Press Release, 2 June 2005. See <http://www.mit.gov.tr/basin23.html>.

34 "Savcı: Dinleme Yasal;" **Milliyet**, 25 June 2005.

Another important decision concerning stakeouts and eavesdropping was taken in July 2005. The bill which had given telephone eavesdropping authority to MİT, the police and the gendarmerie was accepted by the TBMM General Council. It stipulated that eavesdropping was to be made from a single centre that was part of Turkish Telecom.[35]

Taner's Appointment as MİT Undersecretary and the Kurdish Problem

Taner, like his predecessor Atasagun, entered MİT in 1967. A political science graduate from Ankara University, Taner worked on different levels of the organisation. Influential journalists described Taner as an expert on the Kurdish problem. During his time as Deputy Undersecretary, Taner met PKK Leader Öcalan in İmralı prison with authorisation from the government[36] and was known to be in the intelligence team that interrogated Öcalan in a meeting that was allegedly not conducted with the purpose of interrogation.

After Taner's appointment as MİT undersecretary in June 2005, the government took revolutionary steps to address the Kurdish problem. Certainly, the government's decisions and conjecture played a larger role than Taner's 'Kurdish problem expertise' in this. Recently however, the view that terror and the Kurdish problem could be eliminated through economic, social and political measures found support in the security sector. This view has been expressed by military officials on different occasions.

Taner visited the city of Selahaddin in October 2005 specifically to discuss the Kurdish problem, the PKK and issues in northern Iraq with Kurdistan Democratic Party, KDP (*Partiya Demokrata Kurdistanê*) leader Massoud Barzani. This visit was a first from the viewpoint of the Turkish government. Turkey, which had short-term diplomatic crises with the US on the pretext that Kurdish authority in northern Iraq was increasingly becoming stronger after the second Gulf war, visited the Kurdish authority after Taner's call. MİT officials might have met with Barzani or Celal Talabani in the past. However, such meetings probably took place when Barzani or Talabani were in Ankara. There is no information detailing a former MİT Undersecretary's visit to Barzani or Talabani in northern Iraq.

The meeting was brought into the spotlight by *Hürriyet* Editor-in-Chief Ertuğrul Özkök, when he was quoted by the English-language newspaper New Anatolian published in Ankara.[37] The owner of the *New Anatolian*, İlnur Çevik, who first broke the story, is a journalist in good standing with the northern Iraqi leaders.

A news article on the subject said that Taner asked for Barzani's help to eliminate the PKK from northern Iraq. Barzani's answers to the requests made by the Turkish side were given as follows:

> "- Alternatives other than [military] operations should be taken into account for the elimination of the organisation. Operations yield no results.
>
> - If PKK militants are to come to Turkey, shouldn't the 'Regaining Citizens Code' be used more efficiently?"[38]

35 "Telefon dinleme yetkisinde son nokta;" **CNN Türk**; 4 July 2005. See <http://www.cnnturk.com/HABER/haber_detay.asp?PID=318&HID=1&haberID=108432.

36 Ertuğrul Özkök: "İmralı'da ilk sıradışı ziyaret;" **Hürriyet**, 6 December 2005. "(...) I believe this visit made by Emre Taner to İmralı is much more important than his meeting with Barzani. Taner is an interesting MİT member. He built almost his whole career on the 'Kurdish problem.' For instance, he knows Barzani, with whom he met in the recent past, since his [Barzani's] childhood because when he was meeting with Barzani Senior in northern Iraq 40 years ago, the son was also present. That child has now grown up and become the head of the Iraqi Kurdish movement. In other words, he and Emre Taner share a past. Taner always says to people close to him: 'I learned about the Kurdish problem from Musa Anter' because he was one of the MİT Members who followed Anter. He took an active role in his four arrests and he interrogated him. 'He is one of the MİT members who find it utterly wrong that Anter was killed.' He looks at the Kurdish problem from a realistic perspective(...)". Editor's Note: Musa Anter was among Turkey's prominent Kurdish civil rights activists who was killed in September 1992.

37 Ertuğrul Özkök, "MİT Müsteşarı gölgeden çıktı," **Hürriyet**, 24 November 2005.

38 "MİT Müsteşarı ile Barzani ne konuştu?," **Haftalık**, 2-8 December 2005.

Another article stated that: "The Kurdish authority in northern Iraq is set to take action in cooperation with Turkey in order to eradicate the PKK. Barzani will declare the anti-PKK cooperation to last until the PKK lays down arms and is completely eradicated.' This declaration targeted the international community. Barzani favours Turkey's request on this matter."[39]

On 2 December 2005, MİT officially denied the statements: "In the articles in question, some of the claims are false and do not reflect reality."[40] It is interesting to note, however, that MİT chose not to deny *Hürriyet* Editor-in-Chief Ertuğrul Özkök's articles about Taner's meeting with Öcalan in İmralı and his visit to Barzani, deciding instead to release a formal denial of two articles in weekly magazines on the same day.

Despite the denial, it was later repeated in news articles that the Kurdish authority in northern Iraq, under the leadership of Barzani, did not favour a military operation against the PKK. In another article, it was alleged that in a conversation between Barzani and Taner, the former asserted: "Do not expect me to take armed action against the PKK. The times of Kurds killing Kurds, using Kurds to eliminate Kurds is over. Forget it."[41] The current picture reveals that Kurdish leader Barzani refrained from taking military action against the PKK "only because Ankara requested it."

Taner's visit to Barzani could be seen roughly as a manifestation of Turkey's desire to regain the initiative that it lost in northern Iraq after passage of the bill of 1 March was denied, and to solve the PKK problem, if not the Kurdish problem, by using Barzani's influence.

MİT's Budget Publicly Declared For the First Time in Its History

One of the important developments that reflected MİT's transparency principle in 2005 was the public declaration of its projected 2006 budget for the first time in national intelligence history. As part of the new budgetary policy, MİT resources were stated as totaling at YTL 352.5 million by the Turkish Grand National Assembly.[42]

This figure was the largest budget ever reserved for MİT. Of this, YTL 255 million were allocated for MİT personnel. This included security expenses of YTL 74.5 million. For the procurement of goods and services, YTL 44.5 million was allotted; for capital expenditures, YTL 31 million and for investments, YTL 30 million was reserved. The organisation had an allowance of the equivalent of YTL 126.5 million in 2000, YTL 117.5 million in 2001, YTL 172.09 million in 2002, YTL 262 million in 2003 (in compliance with the economisation memo, YTL 13 million and YTL 113 thousand was saved from the 2003 budget) and YTL 301 million in 2004.[43] The budget allocated for 2005 was YTL 296.1.[44]

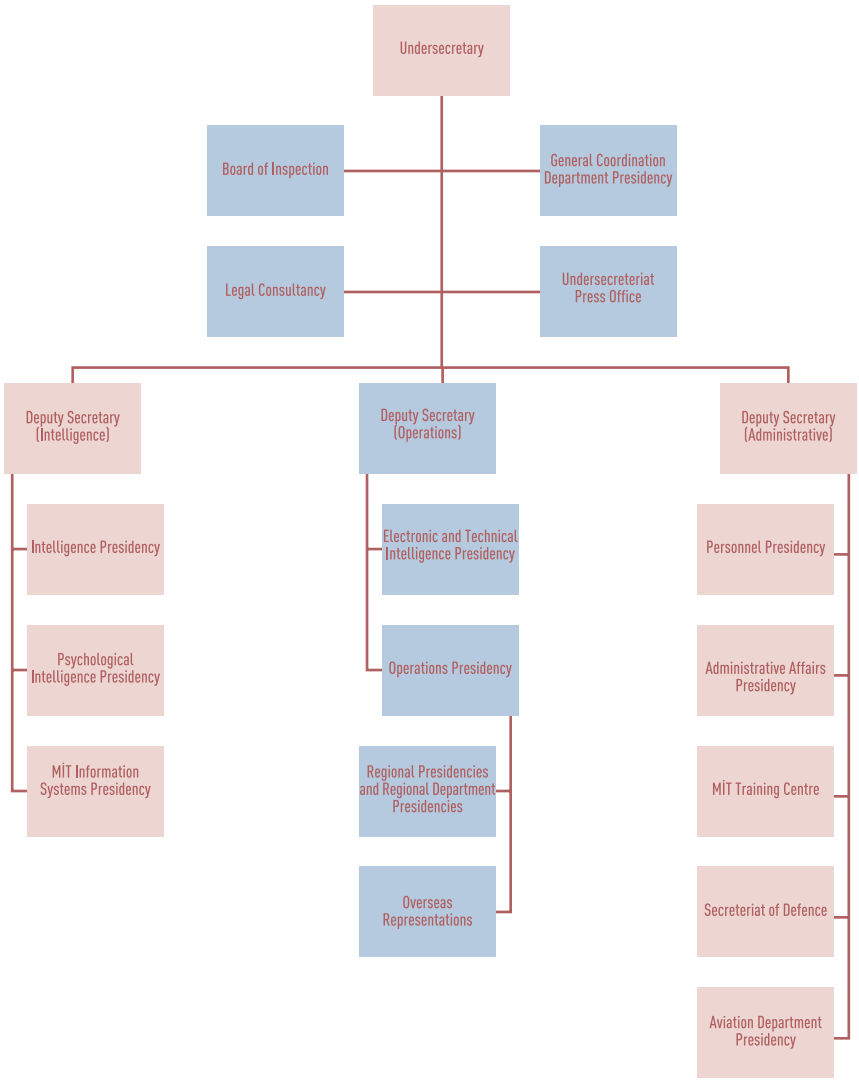
FBI and CIA Chiefs' Visits to Turkey

FBI Chief Robert Mueller and CIA Chief Porter Goss' separate visits to Turkey in December 2005 were of great importance to security policies. As part of their visits, the FBI and CIA chiefs met with MİT Undersecretary Taner.

Turkey-US relations were altered after the bill of 1 March that would have allowed US soldiers to enter Turkish soil before the second Gulf war did not pass. Denial of the bill damaged cooperation on matters of security and intelligence. The CIA and FBI's 2005 visit, at the highest level of the hierarchy, showed the desire for intensive cooperation from both sides,

39 "Welcome to Kürdistan," **Tempo**, 2 December 2005.
40 MİT Press Release, 2 December 2005. See <http://www.mit.gov.tr/basin24.html>.
41 "Kritik diyalog," **Bugün**, 23 January 2006.
42 "MİT bütçesi sessiz geçti," **Milliyet**, 11 November 2005.
43 For the MİT budget, see <http://www.mit.gov.tr/stat_butce.html>.
44 The chart concerning the MİT budget can be found in Appendix 1.

THE ORGANISATIONAL CHART OF MIT

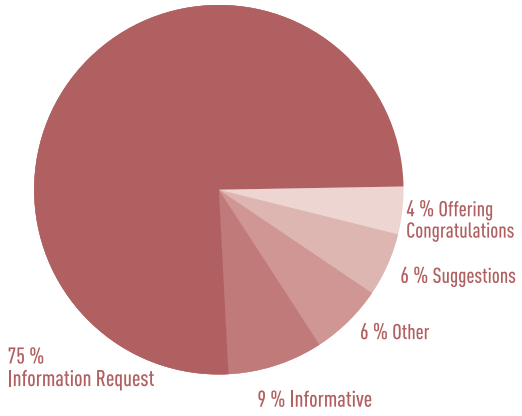


despite this bill and other issues, particularly concerning terrorism.

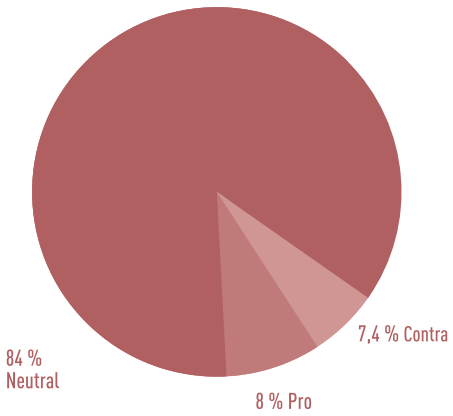
After Al-Qaeda's attacks on 11 September 2001, the US repeatedly stressed that Turkey was experienced in fighting terror and it looked for ways for cooperation. In the same vein, it became clear that Turkey needed full US support and cooperation in its fight against the PKK. Ankara claimed that PKK's existence in northern Iraq was condoned by the US and the Kurdish authority in the region and frequently called for sincere cooperation with the United States. Accordingly, it is not difficult to assume that possibilities for "cooperation in the fight against terror" were sought during the CIA and FBI chiefs' visits.

Although the purpose of the meetings was clear, news in the Turkish press about the CIA and FBI presence in Turkey was contradictory. It would not be inaccurate to suggest that news about US willingness to provide full support to Turkey on the PKK issue and its eradication from northern Iraq was exaggerated. The US had not undertaken any military preparations to eradicate the PKK from the region and, even if it had been the case, it was also known on the Turkish side that eradication by use arms could never be straightforward.

SHOWING MIT WEBSITE TRANSACTIONS



EVALUATION OF MIT-RELATED NEWS, YEARLY EVALUATION CHART (2005)



In conclusion, reliable and detailed information about the subjects that were discussed during the CIA and FBI chiefs' visits to Turkey was hardly to be found. However, as previously mentioned, it might be said that the general tenor of the meetings was intelligence cooperation against terror. Indeed, in a press conference organised prior to his return to the US, Mueller stated that the meetings focused on regional issues and joint intelligence efforts. Mueller concluded that: "With the improvement of relations, strengthening of personal connections and advanced intelligence-sharing, we will achieve results together."[45]

CHART OUTLINING MİT WEB TRANSACTIONS

Visits to the Website	801,669
Incoming e-mails	27,910
Outgoing Replies	8,979
Informative	2,545
Information Request	20,867
Congratulating	1,016
Suggestions	1,704
Other	1,778

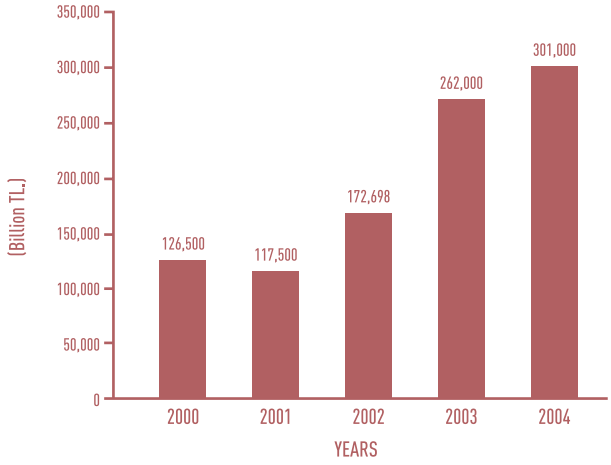
Reaction of Former MİT Deputy Undersecretary Cevat Öneş to the Kurdish Problem

Several months after retiring from his position as Deputy Undersecretary, Cevat Öneş wrote an article for the newspaper *Radikal* on 7 December 2005 about the Kurdish problem, security and democracy, to the surprise of the [intelligence] community. Due to the nature of their work, MİT members, by and large refrain from expressing their views on the organisation or security policies in general, even after their retirement. This fact is not related to established practices, or limiting legal sanctions. In Law No. 2937 defining MİT duties and responsibilities, secrecy of all manner of information pertaining to its duties and activities is deemed essential. As stipulated by Article 27 of the aforementioned law, MİT has the right to sue former employees who make statements or publish articles after their retirement should it wish to do so. Relations between MİT administration and some of its former members who violated this rule have been damaged.

The article in question argued that the Kurdish problem could be solved through democracy, under the headline: "Taboos are being broken." Öneş, wrote:

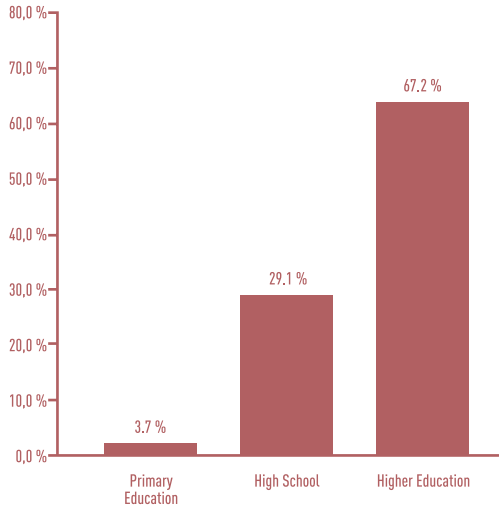
45 "FBI Başkanı MİT'e de gitti," **Radikal**, 10 December 2005.

MIT UNDERSECRETARIAT BUDGET IN 2000-2004 (AS COMPARED TO 2005)



Note: In 2005, MİT was allocated a budget of YTL 296.1 million. The 2006 budget of the organisation was declared as YTL 352.5 million.

CHART OUTLINING MIT PERSONNEL'S EDUCATIONAL STATUS



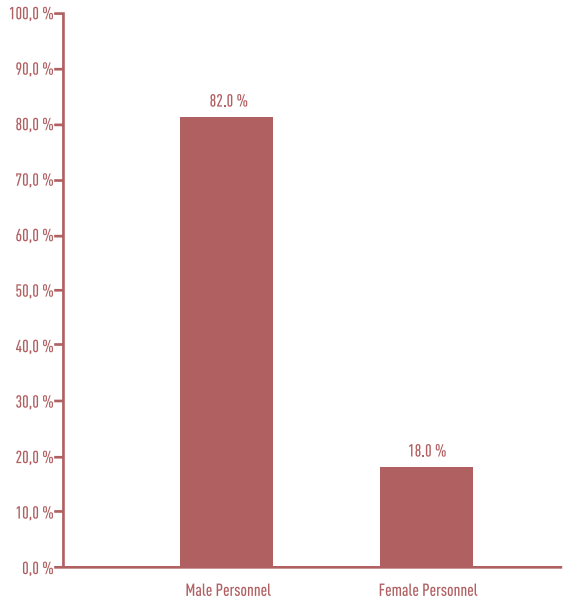
> "The fact that Turkey has the potential for solving its own Kurdish problem and other basic problems by strengthening, institutionalising its developing democratic-secular structure within the framework of the EU criteria is one of its most important advantages against the reshaping of the region it belongs to and the risks that can be created by the Iraq—Syria—Iran triangle. Such a development can create new horizons and new opportunities for Turkey in its region and in the global power balance."[46]

Öneş's article sparked debate and commentary. The same newspaper published a second article by Öneş on 28 December in which Öneş claimed that he had not written the previous article to explain MİT's, the government's or the state's approaches and quests.[47]

It is interesting to note that Öneş wrote the articles following MİT Undersecretary Taner's October meeting with Barzani in the northern Iraqi town of Selahaddin, dubbed KDP's capital.

2005 can be seen generally as the year when not only the government's political arguments, but also its intelligence policies underwent a significant change as far as its Kurdish policy is concerned. Prime Minister Erdoğan's statements on the Kurdish problem and sub-identity/main identity arguments were combined with

MIT PERSONNEL GENDER PERCENTAGE CHART



46 Cevat Öneş, "Terör-kimlik-türban... Güvenlikte yeni arayışlar," **Radikal**, 7 December 2005.

47 Cevat Öneş, "Güvenlik ve Demokrasi," **Radikal**, 28 December 2005.

political determination and—with the possible support of the bureaucracy—radical changes in security policies.[48]

Despite the fact that Öneş's articles cannot be considered as representative of MİT's approach, they are nevertheless important as they reflect similar approaches adopted by the security sector with regard to the Kurdish problem.

48 It should be considered that the government also took the military's opinion on matters of the Kurdish problem and the PKK, which are directly linked to the 25-year security concept of the state.

INTELLIGENCE ACTIVITIES OF THE GENDARMERIE CORPS (JİTEM & JİT)

Ertan Beşe*

The JİTEM Story Told through Documents and Publications

The Gendarmerie Intelligence and the Anti-Terror Organisation (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JİTEM), was the most talked-about institution in the 1990s, during which time the actions and activities of the terrorist organisation PKK, and the fight against it had reached its peak. However, very little was known about JİTEM. At the start of the new millennium, JİTEM seemed to have faded from the public eye, but the echoes of the bomb that exploded in the Umut bookstore in Şemdinli in November 2005 made it the centre of attention once again.

What made JİTEM a part of the public agenda in the 1990s and such an important subject for conspiracy theorists was to be found in the person of gendarmerie Major Ahmet Cem Ersever, who was identified with JİTEM. With his near-epic life that seemed to have come straight out of an adventure novel and decorated with the mysteries from the realm of intelligence, as one of the founders of the organisation, Ersever developed an enigmatic image. As in every adventure novel, this story also had winners and losers. Yet it seemed as though the winners in the story were not as apparent as the losers. Moreover, among the losers were not only the victims of the many unsolved murders attributed to JİTEM, but also one of the key figures of the game, Ersever himself.

Ersever's adventure ended in November 1993 when it was reported that the body of a male found bound and gagged with two shots to the head in the lime quarry near Elmadağ, Ankara, was that of retired Gendarmerie Major Cem Ersever. Two of the people closest to Ersever, namely Mahsune Dguebe and Mustafa Deniz, shared the same fate. Mahsune, a woman in her thirties, had been found dead a week earlier in a forest near Kızılcahamam and Ersever's assistant, PKK shriver Mustafa Deniz, was found dead in Polatlı, bound and killed with a single shot to the head two days after Ersever's body was found. The manner in which the story evolved was also significant: the bodies were left in three different locations in Ankara, symbolically reminiscent of Ersever's book, *Üçgendeki Tezgah (The Conspiracy in the Triangle)*.

When the Ersever murder hit the headlines, the name JİTEM—hitherto only cited in east and southeast Anatolia—began being openly discussed throughout the country. The names Ahmet Cem Ersever and JİTEM became practically interchangeable. Ersever had also coined a slogan using his own initials: "ACE, the best detergent for cleaning terrorism!"

In November 2005 the man captured allegedly trying to flee the scene after the bombing in Şemdinli turned out to be another shriver. The two people waiting for this man in a nearby vehicle were later identified as gendarmerie intelligence officers. These incidents revived the JİTEM puzzle.

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Most of the information about JİTEM, an organisation either praised as a legendary force against terror or blamed for gruesome murders worthy of a horror film, came from the accounts and depositions of PKK shrivers who were generally employed by JİTEM.[1]

One of the most famous PKK shrivers is Abdülkadir Aygan. In addition to the claims made about him in the Susurluk Report[2] produced by Chief of the Prime Ministry Inspection Committee Kutlu Savaş, his memoirs entitled: *İtirafçı: Bir JİTEM'ci Anlattı*[3] have also been published.[4] In this book, Aygan details the events he witnessed. Aygan's account made it possible to find the bodily remains of Murat Aslan, who had disappeared under arrest 12 years earlier. This led the Diyarbakır District Prosecutor's Office to bring five shrivers suspected of being JİTEM members—one retired army officer and one active surrogate officer—to trial, all of whom were suspected of involvement in eight murders between 1992 and 1994.

The book also contained documents showing Aygan being officially made a government worker under the name of Aziz Turan on 1 September 1991, as well as JİTEM salary roll entries for that name. The gendarmerie salary cheque among these documents shows that Aygan was stationed in "JİTEM." These documents are the most solid official proof of JİTEM's existence, demonstrating that the institution whose existence was adamantly denied by the authorities was engaged in official correspondence and was employing people with government-worker status. In other words, JİTEM officially existed, at least for some time. Moreover, while stationed in Burdur, Abdülkadir Aygan, alias Aziz Turan applied for membership to the Army Solidarity Institution (*Ordu Yardımlaşma Kurumu*, OYAK,) and was admitted.

Rahşan Anter Yorozlu, daughter of Musa Anter, the writer and poet who was killed in Diyarbakır on 20 September 1992 while he was attending a culture and arts festival, had a meeting with Aygan on 12 January 2006 with journalist Ersin Kalkan from *Hürriyet*. Aygan was part of the team whose mission it was to kill Musa Anter. Details of the meeting were published by Ersin Kalkan in *Hürriyet* on 22 January 2006. Kalkan and Yorozlu later answered questions about the meeting live on the *CNN-Türk* show *Tarafsız Bölge*, hosted by Ahmet Hakan Coşkun.[5]

One of the two most thorough official research documents on this matter are the *Susurluk Report*[6] produced by Chief of the Prime Ministry Inspection Committee Kutlu Savaş who was commissioned to investigate the incident triggered by a car accident in Susurluk on 3 November 1996; the other is the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) ad-hoc Susurluk Committee Report and Minutes[7] by the committee responsible for

1 Article 1 of the Law Concerning Sentences for Some Criminals No. 3419 defines shrivers as "those who are members of organisations that were established for political and ideological reasons in order to commit crimes defined in Turkish Penal Code (**Türk Ceza Kanunu**, TCK) Articles 125, 131, 146 and 162, but who did not take part in committing the [aforesaid] crimes; those who did take part in a crime but are not investigated. If shrivers provide information to help disperse the organisation or prevent crimes that the organisation intends to commit, or if they lay down arms and surrender, they will be exempt from criminal prosecution." Article 2 of the law regulates the protection of the shriver and his/her family. (This law was later abolished by Article 7 of Regaining Citizens Code No. 4959 dated 29 July 2003).

2 Kutlu Savaş, **Susurluk Report**, m.0001 (10.01.1997).

3 Timur Şahan, Uğur Balık, **İtirafçı: Bir JİTEM'ci Anlattı** (İstanbul: Aram Yayıncılık, 2004).

4 Abdülkadir Aygan, who was a PKK militant, surrendered in 1985 to become a shriver and put in the Shriver Ward in Diyarbakır prison. He was released in 1990 thanks to the Repentance Law and was enlisted. During his time in the military, he was recruited as part of the first staff of JİTEM consisting of seven people. He used the shrivers' right to become a 'civil servant' and became a government worker. His codename was changed from 'Şerif Aslan' to 'Aziz Turan' and he carried an official birth certificate under this name. Abdülkadir Aygan, who worked for JİTEM for 10 years, left the country after his confessions were published in newspaper **Özgür Gündem**. Aygan, father of five, is known to still live in Sweden.

5 In Abdülkadir Aygan's confessions, the 29 people who were said to have been killed by JİTEM are the following: Musa Anter, Vedat Aydın, Musa Toprak, Mehmet Şen, Talat Akyıldız, Zahit Turan, Necati Aydın, Ramazan Keskin, Mehmet Ay, Murat Aslan, İdris Yıldırım, Servet Aslan, Sıddık Yetmez, Edip Aksoy, Ahmet Ceylan, Şahabettin Latifeci, Abdülkadir Çelikbilek, Mehmet Salih Dönen and his uncle whose name could not be ascertained, İhsan Haran, Fethi Yıldırım, Abdülkerim Zoğurlu, Zana Zoğurlu, Melle İzzettin and his driver whose name could not be ascertained, Hakkı Kaya, Harbi Arman, Fikri Özgen and Muhsin Göl.

6 Savaş, Susurluk Report.

7 TBMM ad-hoc Susurluk Investigation Committee was established on 26 November 1996, based on the TBMM General Board Decision No. 472, dated 12 November 1996, in order to "uncover the ties between the state and illicit organisations and the accident in Susurluk and the relations behind it." The Committee, consisting of nine members, finished work on 3 April 1997. The Committee consisted of Fikri Sağlar (CHP İçel Deputy),

investigating the Susurluk incident. The Parliamentary Investigation Committee's report on Unsolved Political Murders in Various Regions of Our Country (10/90) dated 12 October 1995 and the summary by Istanbul National Security Court General Prosecutor dated 30 January 1997 (the Susurluk Summary)[8] are also worthy of consideration.[9]

Susurluk Report of Kutlu Savaş and the TBMM ad-hoc Susurluk Committee Reports and Minutes shed some light on the relationship between illegal organisations and government institutions, as well as the Susurluk accident and the ties behind it. When the assessments in these reports were taken into consideration, the following conclusions were reached: First, racketeering-influenced organised crime formed ties with some government institutions and their members and more importantly, this led to the formation of illicit organisations within the government that rapidly spiralled out of control. These ties took the form of turning a blind eye to illegal activities as well as taking an active part in them. They emerged as a consequence of the disregard for the legal principles of government. This resulted in a multi-faceted, dark web of ties involving government bodies and high-level bureaucrats, who got involved either knowingly or through circumstance.

Secondly, these reports unearthed some structural problems in the security units and intelligence organisations responsible for fighting serious violations of law such as terror and organised crime. It was discovered that the existence of multiple intelligence organisations and units with similar duties and spheres of authority leads to conflict and lack of coordination between the institutions. The reports provided further solid proof of JİTEM's existence and its activities.

These findings also revealed how some government workers serving in these organizations became involved in activities and relationships for personal gain due to the vacuum created by terrorism. However, the fact that some intelligence officials, such as gendarmerie major Ersever, were involved in covert operations on their own prerogative, outside the hierarchy and the chain of command was also made known to the general public.

The reports in question brought to light the structural problems stemming from the socio-economic and political reality of southeastern Turkey during the fight against terrorism in the 1990s, as well as the key players of this structure. This led to the emergence of the concept of terror profit. The reports pointed to the finger at people who profited from their various involvements in this way. It was stated that the terror profit, brought on by the socio-economic structure of the region, was intrinsically linked to the feudal structure in eastern and southeastern Turkey, the status of tribal chiefs, conflicts between tribes, and the tribes' physical continuations into Iran and northern Iraq. This led to questioning of the village guard system that was modelled on the feudal structure of the region, and the PKK shrivers. The reports also contained numerous references to tribe involvement in drug trafficking and weapon smuggling and to hundreds of unsolved murders. For example, it was stated that locals and PKK shrivers employed by JİTEM were left to their own devices over time. This naturally became a significant problem due to lack of control and authority. It was also pointed out that PKK shrivers and other people stationed in the southeast were later transferred to larger urban centres, and their pursuit of personal profit and involvement in corruption were related to these transfers.

Hayrettin Dilekcan (RP Karabük Deputy), Mahmut Yılbaş (DYP Van Deputy), Mehmet Bedri İncetahtacı (RP Gaziantep Deputy), Mehmet Elkatmış (RP Nevşehir Deputy), Metin Öney (ANAP İzmir Deputy), Nihan İlgün (DYP Tekirdağ Deputy), Sema Pişkinsüt (DSP Aydın Deputy), Yaşar Topçu (ANAP Sinop Deputy). In the six months that it was active, the Committee held 41 meetings, 10 special assessment meetings, went through 50.000 documents and interviewed 57 people. However, Mustafa Bayram, Teoman Koman and Necdet Üruğ did not visit the Committee, although it was required of them to do so.

8 Susurluk Summary, Prep. No. 1997/221, Digest No. 1997/1 (30.01.1997).

9 No: 10/90, Issue No: A.01.1.GEÇ/300-554, Decision No: 10 (12.10.1995)

Findings about JİTEM and Ersever were also published by researchers and journalists. One of the first and most detailed of these was by Soner Yalçın, who at the time was a journalist working for *2000'e Doğru*, and who later became known for his articles about the 'deep state' and related issues. Yalçın's articles and research on these subjects after 1991 made him a leading figure in the field and the foremost concept supervisor for television series and movie scripts on related themes. Yalçın even managed to interview Ersever, subsequently publishing the interviews in *Binbaşı Ersever'in İtirafları*.[10]

Seven months after the release of the *Susurluk Report*, a book entitled: *Cem Ersever ve JİTEM Gerçeği*, written by journalist Çetin Ağaşe who is a friend of the Ersever family, was published. According to Ağaşe, Ersever was like a son to General Eşref Bitlis, the General Commander of Gendarmerie, and was reporting directly to him. Ersever resigned from the army a month after Bitlis' death. The appendix of the book contains two important documents: the first is a certificate of appreciation dated 30 November 1990. JİTEM Group Commander Major Ersever was commended on his "success as a commander in the planning and execution of single-strike operations." The certificate was signed by Lieutenant-General Hikmet Köksal, the gendarmerie public order commander of the time. Moreover, Ağaşe also published the 1994 phone directory of the General Command of Gendarmerie, which contained the numbers of the JİTEM Group Commander and JİTEM units in each city. This was further proof of JİTEM's official existence and of Ersever's position within the chain of command.

After the Şemdinli incident in November 2005, TBMM President Bülent Arınç addressed the government asking if an institution or organisation called JİTEM really exists, requesting a clear explanation as to how it works and what kind of duties it carries out. Arınç assigned Chair of the TBMM Human Rights Committee, Mehmet Elkatmış the task of investigating the matter.

Does JİTEM "Not Exist" According to Officials?

While the existence of JİTEM has been verified by various documents, media reports and books, it has been denied by government authorities. Doğan Güreş as Chief of General Staff and Teoman Koman as General Commander of Gendarmerie stated that JİTEM has never existed. According to Güreş, JİTEM was a piece of fiction.

In his letter to the TBMM Susurluk Committee, former Undersecretary of the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT) (1988–1992) and General Commander of Gendarmerie Koman stated: "There is no legal or illegal entity within the gendarmerie called JİTEM, but there is a group outside the gendarmerie performing illegal activities under this name." Again, during his tenure as gendarmerie commander general, General Teoman participated in the *NTV* show *Enine Boyuna*, hosted by Nuri Çolakoğlu, in February 1998. There Teoman stated: "The name JİTEM was a fantasy. There is no legal entity called JİTEM. So how can something that does not exist have a name? A group of people came together, invented an impressive name: JİTEM. Because the name was used so many times, some authorities began to think that it was an official institution."

This denial reached such levels that when Vice-President of the Security Intelligence Department Hanefi Avcı stated to the TBMM Susurluk Investigation Committee in his deposition dated 4 February 1997 that: "Following the PKK's serious activities, some government officials began believing that the government had shortcomings in dealing with PKK members and big PKK supporters through legal means, that an illegal approach had to be adopted, and that as a result, JİTEM official Cem Ersever began to operate in this manner." Subsequently, the committee sent a written

10 Soner Yalçın, **Binbaşı Ersever'in İtirafları** (İstanbul: Kaynak Yayınları, 1994).

enquiry to the General Command of Gendarmerie, only to be rebutted with: "We have no such organisation!" Journalist Ali Bayramoğlu claims that in the course of a conversation he personally witnessed, Erol Özkasnak, the general secretary of the General Staff in the post-February 28 period warned: "Those who mention Susurluk and the Turkish Armed Forces in the same sentence, those who talk about JİTEM, are traitors."[11]

Although the official existence of JİTEM has been so vehemently denied, its actual existence has been proven by the aforementioned certificates of appreciation, governmental salary rolls, Investigation Committee reports, depositions and confessions of those who worked for the organisation.

Mesut Yılmaz, seven months prior to assuming the role of prime minister following the *Refahyol** Cabinet's dissolution subsequent to 28 February, was assaulted and had his nose broken in Budapest by a group of people allegedly organised by Mahmut Yıldırım dubbed '*Yeşil*' (Green), an infamous PKK shriver who was heavily involved with JİTEM.[12] Although the assailants were arrested, returned to Turkey and brought before the State Security Court, Yılmaz did not press charges and the assailants were never tried. Nonetheless, during his tenure as Prime Minister, he assigned then Chief of the Prime Ministry Inspection Committee Savaş the task of investigating all activities involving money, power and benefits and operating under the guise of 'national interests' and 'fight against terror.' Savaş produced a report on his findings.

In a way, it was clear that the developments leading to publication of the *Susurluk Report* began with a conflict between the key players of the Susurluk incident and the Prime Minister of the time. Known as the *Susurluk Report*, it was made public in January 1998 by Prime Minister Yılmaz. It consisted of approximately 120 pages, 11 of which were not open to the public and were classified as belonging to the realm of 'national secret.' The most striking information about JİTEM came from PKK shriver, İbrahim Babat. A significant section of his deposition was similarly shielded from public view for reasons of national secrecy. However, when Babat later served time, he spoke with journalist Necdet Açan from *Aktüel*. Açan published the full transcript of his prison interview with Babat.

Açan reported that Babat was a PKK shriver dubbed "Mete" and was second in command in a JİTEM group led by Ersever that consisted solely of PKK shrivers with the metaphorical 'license to kill,' James Bond-like. Babat could not recall how many people he had killed for the government or for personal gain. When he was arrested in an armed conflict in Kadıköy Istanbul, he was promised to be sentenced to seven years in prison, but after this sentence was commuted to 17 years and six months, he applied to present a deposition to the Istanbul State Security Court and the Prime Ministry Investigation Committee.

In light of his poor command of written Turkish, Babat's 11-page hand-written confession was dictated to a fellow inmate in Kırklareli Prison, part of which found its way onto page 75 of the *Susurluk Report*. The full confession was submitted to Prime Minister Yılmaz as Appendix 10 of the report.[13]

In his confessions, Babat claimed that in addition to fighting terrorism, JİTEM conducted some arbitrary and illegal activities that placed the government in a compromising position. However, his most shocking declarations involved the number of people he claimed to have killed in JİTEM's name.

Babat also stated that 1990 saw important changes in JİTEM, that some shrivers who were captured and released in that year were enlisted

11 Ali Bayramoğlu, "Şu JİTEM dedikleri ve Şemdinli," **Yeni Şafak**, 15 December 2005.

* Editor's Note: A compound title used to refer to the coalition government between the Welfare Party (Refah Partisi – RP) and the True Path Party (Doğru Yol Partisi – DYP).

12 For this claim, see Necdet Açan, Serhan Yedig, "Yumrukta 'Yeşil' Damgası," **Derin Devletin Peşinde** (İstanbul: Karakutu Yayınları, 2005), p. 82-86.

13 **Ibid**, p. 15.

by the JİTEM Group Command in order to assemble all soldier shrivers under one roof. During this period, an illegal group was formed under JİTEM of which Babat was a member. Babat claimed that they were ordered to kill anyone suspected of involvement with the PKK in Diyarbakır and its surroundings. He said that they killed these people and covered their tracks instead of capturing them and bringing them to justice because those were their orders. The JİTEM group was also involved in bombings in 1991.

In conclusion, Babat claimed that the JİTEM squads formed for the purpose of fighting terror deviated from lawful methods and became illegal entities. Rather than fight terror, the squads became involved in organised crime, various unlawful activities and profiteering, which effectively undermined the government. Babat maintained this was the reason he chose to speak up. In his view the fight against terror had become a 'fight for profit' and members of the government became involved in politically-motivated unsolved murders. Babat wrote his deposition to ease his conscience and clear the government's name, apparently of his own volition and under no outside pressure.

After reading the report in 1998, Yılmaz became convinced of JİTEM's existence. However, after consulting with officials, he publicly declared that: "JİTEM does not exist anymore because it has been cleaned out." In other words, Yılmaz recognised the existence of JİTEM from the report. However, in terms of JİTEM's dissolution, or near-dissolution, Yılmaz reaffirmed what had he had been told, stating on 22 January 1998 on the *Arena* program on *Kanal D* hosted by Uğur Dündar:

> "(...) First of all, as you said, the armed forces were never involved. It wasn't the gendarmerie; this was all about this institution formed within the gendarmerie under the name of JİTEM, Gendarmerie Intelligence and Anti-Terror Organisation. (...) It was later dissolved. JİTEM does not exist any longer. In other words, they took the first radical step. As you said, they cleaned out the people involved in this through their internal disciplinary mechanism. The Chief of General Staff has very clearly said to me: 'If there are people we overlooked after these investigations, we will find them and clean them out as well.'"[14]

When İsmail Hakkı Karadayı assumed the role of chief of general staff, (30 August 1994 – 30 August 1998), news stating the dissolution of JİTEM were leaked to the press.[15]

The last declaration about JİTEM's dissolution came from the former Commander of the Gendarmerie in the State of Emergency Region (*Olağanüstü Hal*, OHAL), retired Lieutenant-General Altay Tokat, also known as the commander of "Operation Hammer" in 1997, one of the most extensive operations against the PKK in northern Iraq. Tokat stated in his interview with the newspaper *Zaman* that JİTEM was a "public disclosure of an intelligence unit that fought against the PKK in the OHAL region" and that it had "fulfilled its role and was dissolved. Its units were transferred from a central structure to a regional structure. They now report to their local gendarmerie command posts."[16]

When asked about the indictment issued by the Diyarbakır Public Prosecutor's Office in relation to the extra-judiciary killings carried out with the knowledge of some JİTEM commanders, Tokat said: "It is wrong to mention JİTEM in an indictment prepared by a prosecutor who is no intelligence expert, an indictment based on depositions by people who have no idea about how intelligence works." According to Tokat, the Gendarmerie Intelligence Organisation (*Jandarma İstihbarat Teşkilatı*, JİT) did indeed

14 See <http://www.anap.org.tr/anap/genelbaskanlar/YILMAZ/ konusmalar/1998/ocak98/22ocak98.htm>, 22 January 1998.

15 Serhan Yedig, "Bir var bir yok! Hem var hem yok JİTEM," **Hürriyet**, 21 November 2005.

16 "Tokat Paşa: Suçlular cezalandırılsın, ordu yıpratılmasın," **Zaman**, 29 December 2004.

exist and there may have been some individual illegal incidents, but to imagine a unit that reverted to aggression and was involved in covert operations and illicit activities was out of the question.[17]

All of the above is important for officially ascertaining the existence of JİTEM. There were, however, some conflicting statements. This means that there was an institution that was not openly defined by the relevant laws and regulations, where its activities and staff were kept secret and where to whom it was accountable was unknown.

This is how JİTEM was referred to in the TBMM ad-hoc Unsolved Murders Committee Report:

> "We fail to understand the nature of JİTEM's activities in the region. When invited for a deposition, Captain Ş. Dönmez stated that the gendarmerie intelligence units are not a separate entity, they do not have a separate administrative body, that they are parts of regular squadrons, that they are not subject to separate laws, that their units belong to the Gendarmerie Public Security Command and are employed for the purpose of intelligence-gathering as part of the gendarmerie intelligence teams founded in the OHAL Region as stipulated in the Law on the Establishment, Duties and Jurisdiction of Gendarmerie Articles 5, 44, 46, 42, 84 and Law No. 6815, Article 5, that they mainly gathered intelligence about separatist terror and secondly about drug trafficking and weapons smuggling, and that they followed procedure in submitting the information to the executive bodies fighting terror, namely the OHAL Governor's Office, regional governor's offices and security units. Even this information shows that some governmental bodies moved outside legal limits, abused their authority, and formed new structures by making use of legal loopholes. (...) Moreover, the fact that so many units operate in the same area leads to a confusion of authority and prevents clear-cut task definitions. Those who benefit most from this confusion are provocateurs and terrorist organisations who act against the government and the republic. In an environment where some governmental bodies act outside their scope of duty, terrorist organisations spread rumours, causing agitation among citizens. (...) The fact that JİTEM is staging operations in a precinct without informing the police makes the citizens question authority (...) It would be a positive step for our government that holds the law above everything to stop the activities of this institution with no legal basis, an institution that deviated from the path and got involved in illicit activities."[18]

Savaş's Susurluk Report makes the following points about JİTEM:[19]

1. JİTEM existed: "Although denied by the General Command of Gendarmerie, the existence of JİTEM cannot be ignored. JİTEM might have been abolished, its staff relocated, its documents sent to archives, but many people who worked for JİTEM are still alive."[20]
2. The report assesses the existence of JİTEM as a normal occurrence, stating that it was formed due to a necessity to manage and dispatch the special teams in the region.[21]
3. It is said that JİTEM performed very efficiently in the region and even the local gendarmerie squads were not aware of its presence."[22]

17 **Ibid**.

18 Fedai Erdoğ, **Türkiye Büyük Millet Meclisi (TBMM) Faili Meçhul Siyasi Cinayetleri Araştırma Komisyon Raporu** (İstanbul: Gizli Saklı Yayınevi, 2005), p. 124–126.

19 Savaş, **Susurluk Report**, (In references made to the report, the page numbers of the Susurluk Report booklet published as a supplement to **Aktüel** magazine on 5 February 1998 were used).

20 **Ibid**, p. 26.

21 This was expressed in the report in the following way: "(...) Also, JİTEM's existence does not constitute negligence. Actually, JİTEM came into being from necessity. (...) It has been oberved that in order to coordinate the administration of special teams, a group called JİTEM was activated (...)," p. 26-27.

22 "(...) JİTEM performed efficiently in the region. Many of its activities were unknown to local gendarmerie squads (...)," p. 27.

4. It is also said that the high number of village guards and shrivers working for JİTEM led to a rise in the individual crime rate.[23]

5. The report explains the founding and development of JİTEM.[24]

6. One of the most significant aspects of the report is the way it points out how some JİTEM members, including officers, became corrupt and began acting outside the governmental hierarchy.[25]

Along with these points, the preface provides the legal characteristics of the report, stating that it is not an executive summary investigative report or inspection report. This sets it apart from the Susurluk Investigation Committee Report, General Assembly Investigation Report on Unsolved Politically-Motivated Murders and the Susurluk Summary. These documents have a legal basis whereas the Susurluk Report was simply intended to inform the prime minister and to provide suggestions. The introduction states that one of the main purposes of the report was to: "shed light on the intricate and mostly illegal web of ties and present them in a holistic manner before it loses its significance in a police investigation." At this point, the Prime Ministry Inspection Committee was careful not to enter the sphere of justice, aiming rather to provide assistance to the judiciary wherever possible. This approach was beneficial for the production of a report that maintains its integrity.

Another interesting argument in the introduction was that the Susurluk incident was divided into segments instead of being treated as a whole, hence the essence and bases of the incident were overlooked especially during the judicial process.

Additionally, difficulties encountered during the preparation of the report were also disclosed, with the conclusion that: "it was no longer possible to investigate every aspect" of the Susurluk incident for reasons having to do with governmental mechanisms and the processes of the investigation committees. What caused the Prime Ministry Investigative Committee to arrive at this conclusion was that some points fell under police jurisdiction and it was very difficult for investigators to tap these resources.

While the authenticity of JİTEM was still under discussion, its denial (especially of its official existence) by government officials made its way into an indictment prepared by Diyarbakır Public Prosecutor Mithat Özcan dated 29 March 2005 at the 2nd Diyarbakır Criminal Court for the trial of eight PKK shrivers.[26] These men were suspected of being JİTEM members and were charged with eight unsolved murders[27] between the years 1992-1994. The suit was filed following an application by the Diyarbakır Bar, after PKK shriver Aygan's allegations were published in *Ülkede Özgür Gündem*. The trial was then dubbed the 'JİTEM Case' and the 'Unsolved Murders Case.'

The 3-page indictment prepared by the office of the prosecutor stated that the eight murders were committed in the name of the "so-called government" organisation JİTEM, but through illegal means.[28] Because the defendants were ex-military personnel, the Diyarbakır 2nd High Criminal Court transferred the file to the 7th

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23 "(...) In time, the activities of civilian and military JİTEM members began drawing attention in the region. Because it had many village guards and shrivers as members, individual crime rates increased. These people left the region over time and continued their activities in other, more feasible environments (...)," p. 27.

24 "(...) In the past, Gendarmerie Intelligence was very small and weak, almost level with urban public order intelligence. During General Hulusi Sayın's term of office as chief of general staff, JİTEM improved. It was reinforced by people who spoke the local languages and was slowly strengthened. However it never became as powerful as MİT or the military intelligence. This was not necessary in any case. The armed conflict environment of the 1980s created by the PKK was the area of expertise for Gendarmerie Intelligence. Therefore, JİTEM had a development parallel to the southeast problem, which was more or less its **raison d'être** (...)," p. 81.

25 "(...) But the shrivers and locals who were employed by JİTEM became the source of a separate and significant problem when they were left to their own devices. Not only the locals, but also the regular intelligence employees were left out of the military hierarchy. Major Ersever was able to act individually in an environment where higher ranked officers were present (...)," p. 81.

26 These people are: Mahmut Yıldırım (aka **Yeşil**), Abdülkadir Aygan, Muhsin Gül, Fethi Çetin, Kemal Emlük, Saniye Emlük, Yüksel Uğur and Abdülkerim Kırca.

27 The defendants are accused of the unsolv ed murders of Harbi Arman, Lokman Zuğurli, Zana Zuğurli, Servet Aslan, Şahabettin Latifeci, Ahmet Ceylan, Mehmet Sıddık Etyemez and Abdülkadir Çelikbilek and are tried for three consecutive life sentences.

28 "Yeşil'in yargılandığı JİTEM davası başlıyor," **Zaman**, 24 January 2006.

Army Corps Military Court on the grounds of lack of jurisdiction and denied requests for their arrest.

The defendants were accused of "forming an organisation with criminal intent, engaging in torture to obtain confessions for crimes, and premeditated murder." Their trial began at the 7th Army Corps Military Court, the first hearing commencing on 27 January 2006 with none of the defendants attending. At the hearing, the court ruled on Aygan's arrestation. No further arrests for the remaining seven defenders were forthcoming. It was also discovered that Saniye Emlük, a civil servant in the Diyarbakır Military Office, had previously had his Turkish citizenship revoked. The trial was postponed.

Intelligence Activities of the Gendarmerie and the Most Realistic JİTEM Account

PKK raids in Eruh and Şemdinli took place on 15 August 1984, only four years after the 12 September 1980 coup that aimed at preventing anarchy and terror. This raid represented the start of something starkly different from pre-1980 terror and lawlessness, something that would cost tens of thousands of lives.

This new wave of terror and its accompanying guerrilla tactics turned into a long-term civil strife. This was a force that the officers and petty officers of the gendarmerie did not have adequate training or equipment to counter. They had been trained for conventional warfare by the Turkish army land forces and were educated on judicial matters and in maintaining public order. Their weapons and equipment were necessarily chosen with these realities in mind. In contrast, the training and skills of PKK members and the weapons and equipment used by the organisation were specifically designed for guerrilla tactics, based on the hit and run strategy.

The same might be said of the intelligence organisations. Intelligence units did not have the necessary mechanisms in place to fight the PKK in open country. The level of inefficiency in the intelligence network made it impossible for land forces to perform specific operations, to prevent terror raids and to develop a strategy against PKK front activities. This increased the PKK's success on the political activities' front and strengthened public support for the organisation.

Under these circumstances, the only source of information for the security units came from militants who had been apprehended, as well as from confiscated PKK documents and diaries. In other words, intelligence units could only familiarize themselves with PKK tactics and targets from the depositions of the militants who were apprehended or who surrendered.

In 1984, the year PKK terror took hold in Turkey, the intelligence units of the gendarmerie consisted mostly of intelligence branches in urban regiments and regional commands. The intelligence staff operated with limited resources, in uniform and stationed for the most part at intelligence headquarters. After becoming the Diyarbakır Public Order Army Corps commander in 1987, Lieutenant-General Hulusi Sayın chose to establish units similar to those in the Directorate General of Security, specialising in intelligence and reporting directly to the general command, with the aim of increasing the efficiency of the intelligence sector.[29]

JİTEM was made a legal entity through Article 5 of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie[30] No. 2803 and

29 Saygı Öztürk, "Komutan 'JİTEM' Gerçeğini Açıklıyor!," **Medya24**, 14 November 2005.

30 For Article 5 of Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, see **Resmi Gazete** (Official Gazette) No. 17985, dated 12 March 1983. "The Organisation of the General Command of Gendarmerie is stated in its own establishment and staff decrees in accordance with the nature of its duties and the principles of the Turkish Armed Forces. The Gendarmerie General Command's establishment, staff and duty stations are regulated by the Ministry of Internal Affairs, in consultation with the General Staff. During times of mobilization and war, squads under the command of military departments are organised with the approval of the General Staff. The organisation and mobilising of gendarmerie squads that are charged with security and public order duties are based on civilian divisions except in inevitable situations. To provide productivity and efficiency of service, organisations that cover more than one province are also considered."

Article 4 of the Law Concerning the Transfer of Our Borders, Coasts and Territorial Waters' Protection and Anti-Smuggling Activities to the Ministry of Internal Affairs No. 6815.[31]

From their inception, the teams were involved in intelligence activities as well as counter-terrorist tasks. This was how the name 'JİTEM' was coined. However, this was not in keeping with later practice: since the teams were specialising in intelligence, they were not meant to become involved in actual operations. This principle is in keeping with the structure of similar units in the police force. In other words, there is an "Intelligence Presidency" and "Intelligence Branch Offices," as there is a "Fight Against Terror and Operations Department Presidency" and its "Branch Directorates," that carry out operations based on intelligence provided by the former. This structure is based on the principle of separating intelligence-gathering from operations.

From what is understood about JİTEM to date, these teams carried out their activities using the 'staff system' [*eleman sistemi*][32] and technical stakeout approaches. The information gathered was analysed, became intelligence and submitted to the Intelligence Group Command. Every report was assembled by the Intelligence Group Command and operation teams were dispatched accordingly.

Despite the very significant problems that surfaced at a later date, JİTEM appears to have used the staff system efficiently against terror networks. The Law Concerning Sentences for Some Criminals No. 3419, dated 25 March 1988 and known to the public as the Penitence Law, Shriver Law or Pardon Law stipulated that: "Those members of terror organisations that took no part in terrorist attacks will be exempt from punishment provided they disarm and help prevent further crimes by the organisation through their confession." It has been determined that this protection from justice was an important factor in the success of the staff system, because PKK militants who wanted to benefit from the Penitence Law shared their knowledge about the PKK with JİTEM, and were eventually employed in regular jobs while maintaining their ties to JİTEM. They usually also assisted as translators and scouts and in the analysis of confiscated documents.[33] Moreover,

31 For the Law Concerning the Transfer of Duties of Elimination and Pursuit of Smuggling to the Ministry of Internal Affairs for the Provision of Border, Coastal and Territorial Waters, see **Resmi Gazete** (Official Gazette) No. 9363 dated 24 July 1956. "Article 4: For the Prohibition and Pursuit of Smuggling, an intelligence organisation is established by the Ministry of Internal Affairs and is allocated a budget each year." For the Law Concerning the Protection and Security of Territorial Waters No. 3497, new regulations were made. See the **Resmi Gazete** (Official Gazette) No. 1997, dated 22 November 1988. "Article 5: As this law goes into effect, the articles of the Law Concerning the Transfer of Duties of Elimination and Pursuit of Smuggling to the Ministry of Internal Affairs for the Provision of Border, Coastal and Territorial Waters No. 6815, dated 16 July 1956, of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, dated 10 March 1983 and of other laws that contradict this law cannot be put into effect (...)" "Provisional Article 1: "Until the duty of the protection of eastern and south-eastern borders is actively taken over by the Land Forces Command, the duties arising from Law No. 6815 are to be carried out by the General Command of Gendarmerie."

32 The 'staff system' **[eleman sistemi]** is the intelligence method used for intelligence-gathering on activities and people by infiltrating people into the targeted activities and organisations, or by converting existing members of these organisations. The people used to this end are defined as 'staff' **[eleman]** by the security forces, whereas the terror and organised crime organisations call them 'agents.' These 'staffs' differ from the official employees of an intelligence organisation. The official employees are government clerks on a government payroll, who have qualifications defined in relevant laws, who are usually part of the permanent staff and whose promotion and working conditions are regulated, whereas the 'staffs' are temporarily employed either voluntarily or in exchange for benefits in order to provide specific services. For instance, 'MİT member' refers to permanent National Intelligence Organisation (MİT) staff, and 'MİT Staff **[eleman]**' refers to a temporary employee who provides previously-defined services for the organisation as part of a mutual agreement.

33 Haşim Söylemez, "İtirafçılar tetikte," **Aksiyon**, 21 December 2005. See <http://www.aksiyon.com.tr/detay.php?id=22875>, [Access date: 3 February 2006]. "The term 'PKK Shriver' first came up after the People's Labour Party **(Halkın Emek Partisi**, HEP) member Aydın's body was found between Ergani and Maden. Shortly thereafter, it became a topic of debate with the unsolved murder of HEP executive Remzi İl in Diyarbakır. According to one claim, the murders were committed by Hizbullah. However the PKK argued that these murders were committed with the cooperation of the shrivers. HEP executives also believed there to be a shriver connection in these incidents. The murder of writer Musa Anter, and Democratic Labour Party **(Demokratik Emek Partisi,** DEP) Deputy Mehmet Sincar's shooting in Batman were also among the unsolved murders committed during this time. (...) According to intelligence units, 1550 unsolved murders were committed between 1990-2000 although the PKK claims that the accurate number exceeds 2000. These murders were committed along the Diyarbakır, Mardin, Nusaybin, Şırnak, Cizre, Batman, Silvan, Şemdinli, Hakkâri and Yüksekova line. Most of these unsolved murders were committed in Diyarbakır. Serial murders were mostly attributed to Hizbullah. However, suspicions were raised as the **modus operandi** was unlike that of Hizbullah. According to the PKK, there were shrivers within Hizbullah who were working in coordination with JİTEM. The PKK claims that 5000 people had left the organisation and were defined as traitors. Those who were militants and later quit the organisation usually fled abroad. Again, according to the PKK's claims, at least 500 people work for JİTEM as shrivers. The organisation [i.e. PKK] has a list of these people and they are categorised as 'important enemies' of the organisation. JİTEM, or another governmental body, has not yet commented on how many shrivers they have. Nonetheless, it would be incorrect to put those militants who took refuge with the government and the shrivers in the same category."

due to the fact that the open country was within the jurisdiction of the gendarmerie, that they had stations even in the smallest residential areas and had close contact with the locals, gendarmerie intelligence was in a position to be successful in its missions, particularly compared to the National Intelligence Organisation (MİT) and the police intelligence.

The concept of PKK shriver first surfaced after the assassination of the People's Labour Party (*Halkın Emek Partisi*, HEP) Diyarbakır provincial chair Vedat Aydın in 1991 and returned to the spotlight after the bombing of a bookstore in Şemdinli on 9 November 2005. The suspect Ateş was working for gendarmerie intelligence and was a former PKK shriver. This reopened questions surrounding the PKK shrivers' ties to government bodies.

Following the Şemdinli incident, a PKK shriver who gave his name as Fırat, claiming that he was on active duty but refusing to name the unit he worked for, gave an interview to magazine *Aksiyon* and made some interesting points about the shriver organisation. Fırat was one of the first militants to join the PKK from Diyarbakır. After receiving his military training from Mahsun Korkmaz, who was one of the first people to lead the organisation's military wing and was killed in a battle in Gabar Mountain in 1986, Fırat entered Turkey via Kandil in 1989. After taking part in many PKK activities, he surrendered to security forces in the Tunceli rural area in 1990 and voluntarily worked with the government. Fırat stated that the word shriver was a rather vulgar term and should instead be replaced by 'penitent person.' According to what Fırat told *Aksiyon*, not everyone was capable of becoming a shriver. The shrivers were chosen from among those who fought for the PKK but who were later arrested or who surrendered. Sound knowledge of the PKK organisation and solid strategic and military training were essential and those who were unmarried and without children or family stood a far greater chance of being selected.

Shrivers were targets because they fled from and turned against their organisation. For their protection, a new identity and some financial aid were provided. It was not sufficient for a militant to simply announce an intention to become a shriver or to work for the government. Those selected were tested and their activities were photographed and documented. Each shriver had to obey the superior to whom he was reporting and needed to conduct his life according to instructions received.[34]

The Gendarmerie Intelligence's Legal Status

The legitimization of gendarmerie intelligence for an institution like JİTEM or the Gendarmerie Intelligence Organisation (*Jandarma İstihbarat Teşkilatı*, JİT) was in the works for seven or eight years. In 1998, the Draft Law for the Addition of Two Articles to the Law on the Establishment, Duties and Jurisdiction of Gendarmerie prepared by the Ministry of Internal Affairs, was sent to the TBMM Presidency (21st term), with the decision of the Council of Ministers dated 27 August 1998.[35] The legal grounds for the draft were: "to enable the gendarmerie to carry out intelligence activities and to employ additional units in case the local gendarmerie squads are insufficient." This was, in a sense, the draft that would officially establish JİTEM. It was returned to the TBMM once again during the 22nd term on 13 January 2003 with file No. 1/402. The draft was sent to the Committee of Internal Affairs on 20 January 2003 and was returned following its retraction. The gendarmerie intelligence, previously known as JİTEM or JİT, finally gained legal status with the Law Concerning Amendments to Some Laws No. 5397, accepted on 03 July 2005, effective 23 July 2005 thus becoming the

34 Ibid.

35 Prime Ministry Directorate General of Laws and Resolutions, Bill Concerning the Addition of Two Articles to the Law on the Establishment, Duties and Jurisdiction of Gendarmerie dated 22 September 1998, Issue: B.02.0.KKG.0.11/101–1177/5368; Period and Legislation Year: 21, Keynote No. 1/572, Arrival at the Directorate: 22 September 1998; Arrival at the Internal Affairs Committee: 01 November 1999, Date of Release: 10 December 1999, Decision Date: 09 December 1999.

Gendarmerie Intelligence Department within the General Command of Gendarmerie. This law authorised the gendarmerie to carry out technical stakeouts.[36]

In fact, this law brought about radical legal and institutional changes to Technical Stakeout Law No. 5397, also known to the public as the 'Tele-Ear Law,' radically re-regulating communications tapping. The law stipulated that manifold types of telecommunications tapping be monitored by a single body and made provisions for a new structure to be established, namely the Telecommunication Communication Presidency.[37]

This law regulated the authority to phone tap, record and analyze the routing of a suspect or perpetrator's telecommunications in the course of a criminal investigation or prosecution, in the event of a strong suspicion of crime where no other means of gathering evidence exists. The tapping would be authorised by a judge or, in cases where time is of essence, by the public prosecutor's office. The law stipulates that the prosecutor must immediately request permission from a judge and the judge must render his/her decision within 24 hours. If following 24-hour wait period no decision has been rendered or the judge denies the request, the prosecutor will immediately retract the orders.

Until 1 June 2005, supervision of telecommunications and the tapping of phones with the purpose of fighting terror and terrorist organisations was regulated by the Law Concerning the Fight against Racketeering-Influenced Crime Organisations No. 4422, and subsequent to this date by the Law Concerning the Judgment of Crime No. 5271. The security forces' and intelligence units' authority for some of the precautions and methods used in the fight against terror came from the Law Concerning the Fight against Racketeering-Influenced Crime Organisations No. 4422, as stated in Article 16. Since Articles 2-10 of this law regulated precautions and methods like "tapping of telecommunications," "secret stakeout," "analysing records and data," "use of secret agents" and "use of witnesses and agents," Article 16 was used by units involved in the fight against terror. Subsequently, when new Turkish Penal Code (*Türk Ceza Kanunu*, TCK) No. 5237 and the Code of Criminal Procedure (*Ceza Muhakemesi Kanunu*, CMK) No. 5271 went into effect on 1 June 2005, the crimes and precautions previously regulated by Law No. 4422 were re-regulated (CMK 135).

Hence, the tapping that would be carried out under the scope of Article 135 of Law No. 5271 would thenceforth be overseen by the Telecommunication Communication Presidency within the Telecom Company, reporting directly to the president of the company. This board would consist of one president and three experts, namely one technical, one legal and one administrative expert, and would have representatives from the National Intelligence Organisation, Directorate General of Security and General Command of Gendarmerie.

An important change introduced through this law was the authority given to the Undersecretary of the National Intelligence Organisation or his assistant, the Director General of Security or the President of its Intelligence Department Presidency, and the General Commander of Gendarmerie or Chief of Intelligence to give written orders to the Telecommunication Communication Presidency for the determination, tapping, routing analysis and recording of telecommunications, in cases where time is of the essence. This was limited to their relevant scopes of jurisdiction. In addition, orders needed to be submitted to the judge in charge within 24 hours, who in turn would need to render his/her decision within 24 hours.

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36 For the Law Concerning Amendments to Some Laws No. 5397 see **Resmi Gazete** (Official Gazette) dated 23 July 2005 No. 25884.

37 In the provisional article added to Law No. 5397, it was stipulated that the Telecommunication Communication Presidency be established within six months at the latest. Since the law went into effect after it was published in **Resmi Gazete** (Official Gazette) on 23 July 2005, the institution was officially and actively established on 23 January 2006.

Law No. 5397 stipulating the tapping of phones from a single point also contained rules concerning gendarmerie intelligence. An article was added to the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803, to regulate the phone tapping activities of the gendarmerie. The article posits that the gendarmerie is authorised to request detection, tapping and routing analysis of telecommunications solely in cases within their scope of jurisdiction, through court order or, if time is of essence, through a written order from the gendarmerie general commander or chief of intelligence.

The Law Concerning Amendments to Some Laws No. 5397[38] stresses that intelligence is an essential tool in the fight against crime and criminality and is also closely related to privacy and family life since intelligence consists of the gathering and storing of information and the tapping of communications is closely related to freedom of communication. On these grounds the article states that it is imperative to regulate intelligence activities by law, in compliance with constitutional rights and freedoms in Turkey.

The idea that pre-emptive tapping for intelligence is not regulated, and that the law designated to remedy this void is also worth noting. Code of Criminal Procedure No. 5271 only regulates judicial tapping by the judicial police after a crime has been committed. The activities of intelligence agencies, however, are not directly linked to specific crimes: they are carried out with the aim of maintaining national security, ensuring a steady and systematic flow of information and providing analysis regarding threats to the democratic state of law.

The new regulations on the tapping of telecommunications arose out of the need for the timely determination and prevention of terrorist threats against the democratically-elected government. Efforts to redefine the authorities of the security forces in their fight against subversive, separatist and fundamentalist organisations who constantly change their tactics and strategies were also significant. It was claimed that these new regulations would protect the individual rights and freedoms of the citizen.

Thus, in a sense the gendarmerie intelligence organisation, about which even Prime Minister Erdoğan and TBMM President Arınç wondered about its existence, gained legal status with this law since with the second article of this law, the Gendarmerie Intelligence Presidency[39] became an official part of the Law on the Establishment, Duties and Jurisdiction of Gendarmerie.[40]

Basic Problems Concerning JİTEM

JİTEM, to quote Teoman Koman is "[an institution] that never officially existed but that was always influential, that had for some a scary and for others a legendary reputation and power. This was the reason for the abuse of its name by mafia-like criminal organisations. It grew to such an extent that frequent reports surfaced concerning people introducing themselves as JİTEM members and demanding extortion money, kidnapping for ransom and getting

38 This legal ground was prepared and presented by Yalova Deputy Şükrü Önder, who proposed the bill.

39 For the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803 see **Resmi Gazete** (Official Gazette) No. 17985 dated 12 March 1983. For additional Article 5 see **Resmi Gazete** (Official Gazette) dated 12 March 1983, No. 17985. "The Gendarmerie, while carrying out duties stipulated in this resolution's Article 7 Clause (a), in order to take preventive and protective measures, ,only within its own sphere of responsibility, can determine communications made through telecommunications, eavesdropping, evaluation and record signal information by court order, or in matters where time is of the essence, with the written order of the General Commander of Gendarmerie or Chief of Intelligence in order to prevent crimes listed in the Article 250, Clause 1, Subparagraphs (a), (b) and (c), with the exception of crimes of espionage, of Code of Criminal Procedure No. 5271, dated 4 December 2004. (...) The records obtained within the scope of this article cannot be used for purposes other than those stated in the first paragraph. The secrecy principle applies to the storage and preservation of the obtained information and records. Those who act against the dictum of this paragraph are subject to prosecution by the republic prosecutors, even if the act takes place during or due to the carrying out of a duty. Court orders and written orders are carried out by members of the Gendarmerie General Command Board of Intelligence. The beginning and end date and time of the act and the identity of the person carrying it out are recorded in a report of proceedings (...)."

40 For the Law on the Establishment, Duties and Jurisdiction of Gendarmerie No. 2803 see **Resmi Gazete** (Official Gazette) dated 12 March 1983, No. 17985.

involved in wrongful seizure."[41] For instance, on 5 May 2005, the newspaper *Radikal* published an article about PKK shriver Adil Timurtaş who was caught red-handed trying to extort YTL 30,000 from Lezgin Bingöl, a DEHAP member. Timurtaş claimed to be working for JİTEM. He is suspected of having been involved in many murders and currently there is a warrant out for his arrest. The article reported that Timurtaş was arrested despite showing his JİTEM identity card and was transferred to the Bureau of Organised Crime along with Hacı İnan, Abuzer Gün, Abdulvahap Demir and three Macedonians who were accompanying him. The article also stated that Timurtaş was decorated with the Superior Duty medal issued by the Land Forces Command's Special Operations Squadron Command.[42]

As aforementioned, the statements Babat made during his interview with Açan in prison made it clear that the authority and opportunities bestowed in order to protect the security and welfare of the government went out of the government's control and was abused by organised crime units for personal gain and illicit business dealings.

> "JİTEM groups, consisting of shriver soldiers with a license to kill, turned murder into amusement. Before each murder and bombing, they were playing word games to determine which organisation's name they would leave behind. (...) Cem Ersever, me, Abdülkadir Aygan and the other shrivers would sit down and chat. Cem would say: 'We have a job tomorrow, let's establish a new organisation.' A contest would begin to find a name. One would say 'Iron Fist;' another would say 'T.İ.T.' [Turkish Avenger Brigade – *Türk İntikam Tugayı*] and so on. That's how we would choose the name of the organisation that we would leave behind. It was really fun; we used to laugh a lot."[43]

Later, the rumour spread that shrivers were being used for illegal business by some government officials. The issuance of penitence laws aimed at bringing PKK militants back from the hills, damaging the organisation and recruiting shrivers resulted in an increase in shriver numbers. The shrivers began acting as scouts in operations run with military squads, special teams and village guards. The gendarmerie, the Directorate General of Security and MİT also began using the shrivers. Some of them even published their memoirs written during their time in the organisation, revealing the personal weaknesses of the leaders and thus contributing to psychological warfare.[44]

Shrivers abused the opportunities they were given by the government to form gangs. One of the most striking examples was above-named '*Yeşil*.' To some he was a shriver and to others he was an intelligence agent and in such a capacity had worked with different intelligence units. In time, he became a centre of power of his own. However, he continued to use the name JİTEM for his own purposes.

Several unsolved murders were attributed to JİTEM and in the press, JİTEM was described as "a source of fear" which crime organisations readily abused.

Latest Developments Concerning JİTEM and the Şemdinli Incident

If one takes into consideration the fact that JİTEM was an informal or semi-formal part of the gendarmerie, the legitimization of its intelligence activities with Law No. 5397, Addendum 5 on 3 July 2005 represents the most important development of late.

Besides legislative developments, the most significant events were the Şemdinli incident on

41 On interesting extortion and fraud activities where JİTEM and MİT's name were used, see Fuat Akyol, "JİTEM hayaletiyle gasp terörü," **Aksiyon**, 1 March 2004; Aydoğan Vatandaş, "Kendisine JİTEM süsü veren mafya," **Zaman**, 4 August 2002.

42 "İtirafçı Timurtaş yakalandı," **Radikal**, 05 May 2005.

43 For this claim, see Açan, Yedig, **Derin Devletin Peşinde**, p. 23.

44 Sami Demirkıran, Kod Adı: Killer's of Mehmet's , (Ankara: Kipa Yayınları, 2002); Demirkan, **PKK: Olaylar, Belgeler, Hatıralar!..** (İstanbul: Kipa Yayınları, 2001).

9 November 2005 and the Yüksekova incident that followed. These events brought JİTEM back into the spotlight.

The Şemdinli incident resulted in the deaths of two people. On 9 November 2005, the Umut bookstore owned by Seferi Yılmaz, an alleged former PKK member—who reportedly served 15 years in prison—was bombed. One person (Mehmet Zahit Korkmaz) died and six were injured. Later that same day, shots were fired into a crowd watching the prosecutor's crime scene investigations from a car that was said to belong to Special Sergeant Tanju Çavuş, killing one bystander, Ali Yılmaz and injuring four others.

This was not the first explosion in the region. From July to November, 14 explosions were reported, four of them in the centre, two in Şemdinli and eight in the Yüksekova district, killing eight soldiers and injuring many civilians. The placing of bombs in business centres, restaurants and buses caused panic and unrest among the public.

According to the media, the progress of the event is very symptomatic: three people parked in front of a shopping arcade. One left the car, threw a bomb into the shop in a plastic bag and attempted to escape. After he was caught and harassed by the public along with the other two, all three were handed over to security forces following a fire opened by these forces. It was alleged that the event was organised by these three people and started following a bomb thrown to the bookstore by one of them.

During search of the car, three Kalashnikovs, 10 full cartridge clips, a few camouflage vests, materials used for making and destroying bombs and three grenades produced by the [state-owned] Mechanical and Chemical Industry Corporation were found. Four files were also found, one of which consisted of six to seven pages containing vehicle registration, consignment papers and official signatures proving that the vehicle belonged to the gendarmerie. In another file, the names and addresses of various people were listed, including pictures and information about the owner of the bookshop as well as a layout of the shop and the shopping arcade. The name of the store owner was crossed out with a red pen. The other files contained information about some people from Şemdinli, party executives and dignitaries. These names were put in categories, such as 'potentially harmful' and 'harmless.' These files were documented by the prosecutor.

The two special sergeants that had been released were re-arrested. The prosecutor's office wished to charge the offenders with establishing a crime organisation (TCK Article 220), committing a crime against the community (TCK Article 170) and a crime against life (TCK Article 82), and Articles 1 and 3 of the Anti-Terror Law.

The MİT and Gendarmerie Intelligence Presidency subsequently reported the Şemdinli incident to the TBMM Şemdinli Investigation Committee. The 25-page intelligence report drafted by Brigadier-General Mehmet Çörten, revealed that the bombings in the Hakkari-Yüksekova-Şemdinli triangle were orchestrated by the PKK. It further states that the two petty officers had not been involved in the bombing, but were there on a mission. Furthermore, it was claimed that the PKK was preparing for street assaults similar to those seen in France and that "the bombings and street assaults in the Hakkari-Şemdinli-Yüksekova triangle were preparations to this end." The presence of the two officers (Kaya and İldeniz) at the crime scene at the time of the bookstore bombing was described as a "coincidence."

In the report, in addition to the explosion on 9 November, the general strategy of the PKK in 2005 was explained and statistics were included. The explosions in the regions of Hakkâri-Şemdinli and Yüksekova since 1 June 2005 were claimed to have been part of the organisation's strategy. The report accounted for 47 explosions between 1 June and 9 November 2005 and stated that the PKK's aim was to shift unrest to larger cities.

While General Commander of Gendarmerie Fevzi Türkeri said: "This is a local incident" on 11 November, Prime Minister Erdoğan stated: "This does not seem to be a local incident as claimed. There is a mentality behind this. This mentality might be part of an ideological structure or it could be the emotional reaction of a certain group of people. Once the evidence is solid, we are determined to dig out whatever is behind this." The prime minister also made a statement about the future, confirmed that he had consulted with the president and the chief of staff and that they had consented to go the necessary distance. He added that all government bodies were ready to act in harmony and do whatever is necessary.

When reminded that the Gendarmerie Intelligence Organisation (JİT) was suspected of guilt in the Şemdinli incident, Erdoğan stated: "No, I do not recognize such an institution yet. Things like that might have happened in the past or there might have been rumours. But there is no such thing in my term of office and I do not recognize such a thing." President of the TBMM Arınç requested an investigation of the Şemdinli incident and asked the government if JİTEM actually existed.

The pressing question looming in the background is why such high offices, such as the prime minister and the head of the assembly, were not definitively informed about the existence of JİTEM. One of the main reasons why the existence of a separate intelligence organisations working under the gendarmerie was not officially acknowledged—and was legally disputed until Law No. 5397—was the need of the offices and officers accountable for the actions of such an institution to protect themselves through denial. In the meantime, it can also be argued that this institution has, willingly or unwillingly, become a scapegoat for dirty deeds and that the government chose to claim ignorance about JİTEM's existence.

When the names of some Turkish Armed Forces members surfaced in the Şemdinli incident, Chief of General Staff General Hilmi Özkök said: "I neither accuse nor protect my personnel. Let us wait for the investigation to be concluded." The Republican People's Party (*Cumhuriyet Halk Partisi*, CHP) Chairman Deniz Baykal attested to the fact that some powers used terror for other purposes, saying: "what goes on in the region might be due to a conflict for profit. It is understood that some officials were involved in the incidents of 9 November. This is what the information suggests. There are undeniable signs."

The willingness of the president, the president of the TBMM, the prime minister, the chief of general staff and the leader of the opposition party to investigate and lay bare these incidents looked promising for a final resolution to the affair. When the TBMM ad-hoc Şemdinli Committee was formed, the public's desire for clarification was once again heard. However, differences of opinion among the Committee's members led to a deadlock and after approximately two months, the Committee was unable to complete its report, leaving positive expectations into simply unresolved questions.

What led to these differences of opinion and to the deadlock were discussions concerning some military executives named in the report. The TBMM Committee on Human Rights[45] formed in part to assist in the TBMM ad-hoc Şemdinli Committee, went to Şemdinli on 22 November 2005 for further inquiry.

The draft report containing research made by the subcommittee in Şemdinli and Yüksekova concerning the Şemdinli incident was sent to the TBMM ad hoc Şemdinli Committee. Commander General of the Land Forces Yaşar Büyükanıt publicly stated that he personally knew petty officer Kaya[46] and that he did not

45 This subcommittee consisted of the AKP Adıyaman Deputy Faruk Ünsal, CHP İzmir Deputy Ahmet Ersin and CHP Gaziantep Deputy Ahmet Yılmazkaya, under the presidency of AKP Nevşehir Deputy Mehmet Elkatmış.

46 Aygan, the former PKK shriver and JİTEM member, wrote in his book **İtirafçı** that Kaya is JİTEM member "Mutkili Ali."

believe that he would commit a crime: "I know that petty officer. He worked under my command. He speaks Kurdish. He was with me in northern Iraq during the Swift Force Operation." Büyükanıt made these comments officially, as a high-ranking officer, without consulting documents or existing information. In the first excerpts of the draft that was leaked to the press, this statement was termed "unfortunate" and "intervening with justice," and reference was made to Turkish Penal Code's article against influencing the judiciary.

The draft report also contained the following statement: "The General Command of Gendarmerie must give the necessary explanations about the existence of units such as JİTEM and JİT, or the lack thereof. Illegal organisations must be abolished, and those involved in such organisations must be prosecuted." This, in a way, means the questioning of JİTEM/JİT's existence.

The report states, as aforementioned: "Büyükanıt's statement to the press about knowing Kaya and his belief in Kaya's innocence was unfortunate. Although he went on to say that he would not try to protect the person in question if he is involved in a crime, this statement can be perceived as intervening with justice." Büyükanıt's words were subsequently applied more generally:"The statements made to the press by some officials can be perceived as intervening with justice."[47]

Presumably, this was what left the Committee in a deadlock. It was alleged that military officials called Mehmet Elkatmış to request that information given to the Committee not be leaked to the press and members be warned to that effect. However, two of the Committee's members claimed that this was not how they perceived the situation and that no such interdiction had been imposed on them. One member, Faruk Ünsal, stated that he did not request the mentioning of Büyükanıt or someone else's name or the mentioning of JİTEM in the report, but that he intended to insert a more general statement along the lines of "officials making statements that might influence the judiciary process."[48] According to an article in *Hürriyet* on 26 January 2006, subcommittee members Ahmet Ersin and Ahmet Yılmazkaya (from CHP) claimed that the judiciary was not so weak as to be influenced by such a statement and rejected its inclusion in the report. Facing pressure from CHP, the AKP wing accepted the removal of this sentence.[49]

Therefore, there were four different approaches to the Şemdinli incident. The first was the more official approach, accepting that the bombing was orchestrated by the PKK and that the presence of the gendarmerie intelligence on the scene was a coincidence. The second is the presumption that the intelligence members acted outside the hierarchy and through their own initiative, perhaps as the result of a personal conflict. The third approach views the bombing as the result of a Susurluk-like movement, in which PKK supporters are to be eliminated by using counter-terror methods. This would mean that an illegal group remains active within the state and that the gendarmerie intelligence continues to use shrivers to reach their objectives. The fourth approach perceives the incident as an act by foreign secret service active in the region aiming at incapacitating Turkey, specifically on matters concerning northern Iraq, by creating domestic turmoil.

Conclusion

The intricate web of relationships that were unearthed after the Susurluk crash of 3 November 1996 led to the questioning of some institutions and the structuring within those institutions. Although the ramifications were not as serious as in the Susurluk incident, Şemdinli nonetheless reignited earlier suspicions.

47 "Büyükanıt, Şemdinli Raporundan Çıkarıldı," **Haber** 10, 17 December 2005. See <http://www.haber10.com/haber/15700/>. [Access date: 4 February 2006].

48 "Şemdinli Komisyonu kilitlendi," **Haberextra**, 30 January 2006. See <http://www.haberextra.com/haber/9117/%C5%9Eemdinli/Komisyonu/kilitlendi>. [Access date: 4 February 2006].

49 "Suçlamada geri adım," **Hürriyet**, 26 January 2006.

Making the necessary arrangements for maintaining law and order and fighting threats is the most basic duty of a government. The use of legally-defined secret operations and intelligence organisations are part of the execution of this duty. One of the most important elements of a strong and stable state is to have strong security and intelligence organisations.

However, using the means and relationships provided by the government for activities contrary to legal and constitutional principles and establishing bonds and institutions to this end is not something that should exist in a democratic state of law: it runs counter to the modern democratic tradition of the bodies providing security being accountable to parliament and civilian authority. Thus it cannot be justified for any reason.

Practices and structures that do not comply with a state of law and democracy, that are not controlled by parliament, civil society and the media turn the fight against terror into simply a series of illicit activities and these practices invariably lead to public distrust of the government and its institutions.

Naturally, the fine balance in the protection of democratic and legal principles should be preserved, the fight against terror must not be compromised for the preservation of these principles and people and institutions making great sacrifices to fight terror should not be unjustly accused. However, to ensure that activities operate within a legal scope is an integral part of being a state of law. In a state of law, government officials are merely enforcers of the law. Therefore, people employed by the government should not consider themselves entitled to operate outside these laws and legal principles. Moreover, no one should be permitted to consider themselves as the only owners of the state, breeding distrust among citizens of varying political opinions, beliefs and lifestyles. At all cost, the government should also refrain from using illegitimate personnel.

Clearly some tactics used in the name of the effective fight against terror have at times led to serious irreparable repercussions. One of the best publicly-known examples is the use of shrivers by the gendarmerie. The public demands to be informed about where and how shrivers are used. The Şemdinli incident might present a good opportunity for the gendarmerie intelligence to eliminate public suspicions on the matter. The time has come to repress defensive reflexes and shed light on persistent questions. This also presents an important opportunity to demonstrate the power of the civilian authority and democracy in Turkey, especially during the course of the European Union (EU) membership process.

NON-GOVERNMENTAL ORGANISATIONS

Ferhat Ünlü*

The Effect of Anti-democratic National Security Practices on Civil Society: Civil Society Movements from the 1980s to 2000s

There is a direct correlation between the idea of civil society, the 'civic consciousness' of people living in a country and their view of the concept of statehood. Accordingly, if one—in addition to having a sense of civic responsibility—sees the authority that runs the country as an organisation established for his/her benefit, can come together with like-minded individuals to form mechanisms that will control the state authority.[1] The mechanisms in question can achieve an organised structure and become Non-Governmental Organisations (NGOs).[2] It can be argued that the 'sacro-sanct state' or state as father approach in Turkey has diluted the concept of civil society. The fact that the Republic of Turkey witnessed three military coups in its short history deepened this damage and delayed the development of a civil society consciousness. Along with the 27 May 1960 military *coup d'état* and the 12 March 1971 military 'Memorandum' [*muhtıra*], the coup of 12 September 1980—which rendered organisations, foundations and civil society formations, as well as the more institutional and organised structures of democracy, such as the media and the parliament dysfunctional—continued to make itself felt through its traumatic effect on the civil society consciousness and the 1982 Constitution.

With the coup of 12 September all NGOs as well as political parties were closed down and their property seized. 23,667 organisations were shut down.[3]

As of 21 April, 2005, there were 85,307 NGOs operating in Turkey.[4] The History Foundation (*Tarih Vakfı*) established the most detailed NGO database–<www.stkrehberi.org>–that aimed at improving ties between the organisations. The foundation's president Orhan Silier stated that there were approximately 50,000 NGOs in existence during the 1980s. Today, when the organisations in the public directory are taken into account—consisting of the 82,000 organisations taken from the Ministry of Internal Affairs Organisations Chair, the 4200 foundations from the Directorate General of Foundations and approximately 10,000 organisations from other networks—a total of

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1 For the perception of state and consciousness of citizenship ingrained in Turkish society, see Suavi Aydın, **Amacımız Devletin Bekası, Demokratikleşme Sürecinde Devlet ve Yurttaşlar** (İstanbul: TESEV Yayınları, 2006).

2 In Aydın Uğur, Yeni Demokrasinin Yeni Aktörleri: STK'lar, Merhaba Sivil Toplum, Non-Governmental Organisations are defined as "the structures and activities that consist of organisations, foundations, civil enterprises, platforms, webs of connections, etc. that citizens form voluntarily out of a common viewpoint, common benefit, common sensitivities, common demand, etc., outside the legal, administrative, productive and cultural state organs." Aydın Uğur, **Yeni Demokrasinin Yeni Aktörleri: STK'lar, Merhaba Sivil Toplum** (ed. Tacisel Ulaş) (İstanbul: Helsinki Yurttaşlar Derneği Yayınları, 1998) p. 69.

3 Some important data that displays the severity of the anti-democratic results of 12 September are as follows:
Number of people tagged: 1,683,000. Number of trials and people tried: 230,000 people in 210,000 trials.
Number of death sentences and executions: 517 people were sentenced to death, 50 were executed. Number of people whose citizenship was revoked: 14.000. Number of recorded deaths through torture: 171 people." Moreover, newspapers were not able to be published for 300 days, and many cases of torture and suspicious death were witnessed. See <http://www.memursen.org.tr/haberioku.asp?kategori=1&id=173>.

4 Sevda Alkan, "STK'lar darbe yorgunu," **Yeni Şafak,** 23 April 2005.

1.3 NGOs exist for every 1000 people.[5] Istanbul houses the highest number at 13,731, followed by Ankara and Izmir.

In the 1990s, the idea of civil consciousness gained momentum, particularly in Istanbul, Ankara and İzmir and despite the low-intensity conflict in the eastern and southeastern provinces. This was partly due to the Constitutional Amendment of 1995 through Law No. 4121, which made it unlawful for organisations to "have express political purposes, carry out political activities, be supported by political parties, act in concert with and share the same purposes as other NGOs." Political parties were no longer permitted to organise within or outside the country and the constitutional freedoms given to NGOs were limited.[6] The final paragraph of Article 34 of the 1982 Constitution, for instance, regulates the right to organise meetings and demonstrations, stipulating that organisations, foundations, unions and professional organisations which are government institutions are not permitted to organise meetings and demonstrations outside their subjects and purposes.

Nonetheless, it is clear that NGOs should not be removed from politics in modern democracies. When the fact that NGOs serve essential functions, such as controlling breaches of human rights, and mobilising the national and international public against such breaches is recognised, acceptance of the need for NGOs in the post-coup environment further increases. This understanding drew together victims of the coup and led to the establishment of NGOs that aim at eliminating problems stemming from anti-democratic practices, especially torture. The best-known of these is the Families of Prisoners Assistance Association (*Tutuklu Hükümlü Aileleri Yardımlaşma Derneği* TAYAD), founded in 1984.[7] Along with TAYAD, the Federation of Families of Prisoners Assistance Associations (*Tutuklu Aileleri Dayanışma Dernekleri Federasyonu*, TUHAD-FED) and Support to Families of Prisoners Association (Tutuklu Aileleriyle Yardımlaşma Derneği, TAYDER) also carry out similar activities.

The most important factor that influenced the NGO movement in Turkey after the coup of 12 September was the low-intensity war that began in the early 1980s in the east and southeast. During the armed forces' war against the separatist organisation Kurdistan Workers' Party (*Partiya Karkerên Kurdistan*, PKK), the anti-war, civilian discourse of some organisations, chiefly the Human Rights Association (*İnsan Hakları Derneği*, İHD) was judged to be supporting terror by the government and the 'centralist' media. Novelist Adalet Ağaoğlu, who is a founding member of İHD, criticised İHD in a similar way in 2000, at a time when the civilian initiative was improving considerably in comparison to the 1980s and 1990s. Ağaoğlu had resigned from the organisation the previous year, claiming that İHD "employs a one-sided, racist and nationalist approach."[8] Ağaoğlu's resignation was a solid indicator of the differences in perceptions of the PKK among the leftist intelligentsia.

However, there are other reasons for the state and the centralist media's coupling of İHD and the PKK in the 1990s. The "proof" of the İHD-PKK ties was provided in statements attributed to Şemdin Sakık.[9] It was claimed that Sakık said of İHD's then-president Akın Birdal: "He is more of a PKK member than me."[10] It was later discovered that these statements could not be attributed to Sakık and their publication by the centralist media, without verification, represents one of the least elegant examples of state-media cooperation in the 28 February 1997 period.

Representatives of İHD and Organization for Human Rights and Solidarity for Opressed People (*İnsan Hakları ve Mazlumlar İçin Dayanışma Derneği*, Mazlum-Der) were included in the delegation that went to the PKK camp in northern Iraq and returned the imprisoned

5 **Ibid**.
6 <http://www.tihak.org.tr/yaliefe1.html>.
7 <http://www.tayad.org>.
8 Sefa Kaplan, "İHD PKK'cı, artık istifa ediyorum," **Hürriyet**, 1 August 2005.
9 Sakık was handed over to Turkish security forces in northern Iraq on 14 April 1998.
10 "Birdal'dan A Timi'ne: Bilmem ne bereliler," **Hürriyet**, 26 April 1998.

Turkish soldiers to Turkey in August 1998. The delegation also included Van Deputy Fethulllah Erbaş who was a member of the Welfare Party (*Refah Partisi*, RP), which was then a partner in the ruling coalition. This good-willed attempt of the delegation was criticised by nationalist circles, and later by the centralist media, with an approach that is summarised by the following statement "they had pictures taken with the PKK flag." An investigation was launched in the Ankara State Security Court. İHD General President Akın Birdal, and the Mazlum-Der President İhsan Arslan, were taken into custody.[11] Arslan later became a deputy for the government party AKP.

Activities undertaken by the group known as the Saturday Mothers (*Cumartesi Anneleri*) also generated widespread debate during the 1990s. The group's activities represented expressions of symbolic protest against the unsolved murders in the "state of emergency region" and the disappearances of individuals in custody. On 27 May 1995, friends and relatives of persons who had disappeared gathered in front of Galatasaray high school in Beyoğlu İstanbul for a sit-down protest. After a year of harsh treatment by the police, the protests ended on 13 March 1999.[12]

The Effects of the Susurluk Incident and the Intervention of 28 February on Civil Society

The Susurluk accident of 3 November 1996[13] influenced civil society more than any other incident during the period. The protest called "One Minute of Darkness for Everlasting Enlightenment" that commenced on 1 February 1997 following the Susurluk accident, drew great interest. During this minute, an important portion of society turned off their lights at 9 PM and protested by banging on various kitchen utensils. RP Deputy and Minister of Justice of the era Şevket Kazan described the event in the following way: "They are playing candles out".[14]

The "One Minute of Darkness" protest, which also found support in the centralist media ended on 9 March 1997. Nonetheless, the anti-Susurluk spirit, which was a reaction not only to the counter-guerrilla activities of the 1990s in the east and southeast, but also to the state's anti-democratic practices pre- and post-1980, was maintained by both NGOs and the non-organised elements of society. The opinion of Engin Cinmen, one of the leaders of the "One Minute of Darkness" and a Citizen Enterprise legal spokesperson should be viewed in this context.[15]

The National Security Council's (*Milli Güvenlik Kurulu*, MGK) decisions of 28 February, 1997, were seen as a 'post-modern' military intervention, and became yet another subject of interest for civil society. However, NGOs failed to meet expectations as far as reactions to the intervention of 28 February were concerned. For those who were positioned on the left of the political spectrum and mounted protests of every anti-democratic practice, few organised appropriate reactions to 28 February. This was certainly due to the fact that the intervention targeted the coalition government where RP, which is considered Islamist, was the bigger player in the coalition government. Ideological differences meant that a certain divide came between many NGOs at that time. Even cooperation between Mazlum-Der, which heeds religious sensitivities and the left-inclined İHD, aiming to free the soldiers taken captive by the PKK, could not bridge the divide. It should be noted, however, that the post-2000 cooperation between leftist and Islamist NGOs for the purpose of human rights advocacy was a very positive development.

11 <http://www.byegm.gov.tr/YAYINLARIMIZ/AyinTarihi/1996/eylul1996.htm>.

12 "Cumartesi Annelerinden 'Cumartesi'," Bianet, 17 May 2002. See <http://www.bianet.org/2002/05/17/haber10036.htm>.

13 The accident, where police chief Hüseyin Kocadağ, civilian activist Abdullah Çatlı and his girlfriend Gonca Us died and DYP Deputy Sedat Bucak was seriously injured, became the symbol for the deep government.

14 The unfortunate declaration by the Minister of Justice was a send-up to the so-called Alevi tradition of putting out the candle.

15 Yasemin Varlık, "Susurluk Kamu Vicdanında Bitmedi," **Bianet**, 12 February 2001. See <http://www.bianet.org/2001/09/07/728.htm>.

Islamist circles were also unsuccessful in developing an appropriate reaction to Susurluk. An important reason for this was, specifically, the RP's coalition with the government and its Islam-friendly "National Outlook" (*Milli Görüş*) agenda. Islamists misjudged civil society and the centralist media's anti-Susurluk discourse as a 28 February-style conspiracy against their rule. The Ministry of Justice Şevket Kazan's scorn over the "One Minute of Darkness" action and Prime Minister Necmettin Erbakan's statement about the Susurluk protesters "they are doing the 'gulu gulu' dance" contributed to the inaccurate assumption that Susurluk was only criticised by those with a leftist tendency.

It can also be said that 28 February fragmented public dissent of government practices that were embodied in Susurluk through state-centralist public relations. The necessity for taking a pro- or anti-28 February divided the public which had previously had the potential to unite through the resistance to Susurluk common denominator.[16]

NGOs working for the Democratic Oversight of the Security Sector: TESEV

The Turkish Economic and Social Studies Foundation (*Türkiye Ekonomik ve Sosyal Etüdler Vakfı*, TESEV), is the leading NGO among those security sector projects related to the democratisation problematic.

The roots of TESEV, which started its activities as a foundation in 1994, go back as far as 1961, to the Economic and Social Studies Conference Board put together by late Dr. Nejat Eczacıbaşı.[17] In TESEV's current structure, the cooperation of academia, civil society and bureaucracy plays a significant role. TESEV announced its establishment in an era when the traces of the 12 September coup had eased, and the NGOs were re-born, for want of a better term. The establishment date of the foundation is 6 October 1994. Academics, bureaucrats, businessmen, executives, industrialists, journalists, union leaders and various professionals are among the founding members. TESEV, which has over 200 founding members, currently counts 300 members.

TESEV's main aim can be summarised as conveying economic, social and political matters to the society and political circles through reliable scientific research, thus contributing to the development of solutions to problems.[18] TESEV does not wish for its studies to be mere research to be found on a library shelf. The foundation aims at contributing to the political decision-making process for the public good. In short, the foundation carries out studies in Turkey for the development of independent thinking, the establishment of the transparency principle, the democratisation of the country as part of the EU-harmonisation process along with the strengthening of the country's role in the region.

TESEV, as the leading civil society institute related to democratic oversight of the security sector, began studies on the military and civilian security bureaucracy in 2000. TESEV's civilianisation work was established in 2003.[19] In the course of its meetings, it was decided that the areas of normalisation and democratisation of civilian-military relations needed to be addressed. The first such activity to this end was the publication of *Parliamentary Oversight of the Security Sector* in Turkish, a book that was prepared by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and Inter-parliamentary Union (IPU), of which Turkish Grand National Assembly (*Türkiye Büyük Millet Mecilisi*, TBMM) is also a member. The book's launching took place on 21 May 2004 with members of parliament, high level bureaucrats, members of the press, and all others interested in attendance.

16 On the two different institutions' similar approach to 28 February, see <http://www.mazlumder.org/ana.php?konu=aciklama&id=465&lang=tr>; <http://www.memursen.org.tr/haberioku.asp?kategori=1&id=173>.

17 <http://www.tesev.org.tr/tesev_tarihce.php>.

18 <http://www.tesev.org.tr/tesev_misyon.php>.

19 <http://www.tesev.org.tr/etkinlik/GSDA_TESEV.pdf>.

Another important working area of TESEV in 2005 was civil society and the security sector. Activity in this area has focused on effective oversight of the civilian security bureaucracy such as the police, the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT) and the Directorate General of Security Intelligence Department, as well as the gendarmerie intelligence and paramilitary units.

The complex structure of the relations between the civilian political power and military authority, a structure unique to Turkey, has been perceived as one of the acute administrative problems since the founding of the Republic, and as an obstacle in the European Union (EU) harmonisation process. Although TESEV attaches great importance to this subject, one of the most important characteristics of the works of the foundation has been to observe the theoretical expansions of the relations between security-political power, security-society and between the representatives of society, relating these to democratisation, and "best" practices. Therefore, TESEV does not merely focus on practical and narrow studies directed at fulfilling EU conditions and concentrating on the civilian-military balance. With its activities combining theoretical developments and the needs of the country, it also collates and delivers information on uniformed/non-uniformed security bureaucracy to ordinary citizens, members of parliament, academics, civil society workers, members of the media and university students. In other words, it assists in the democratisation of the secrecy principle that surrounds the sector.

As part of the democratisation of the security sector, TESEV organised a conference in Ankara on 3 February 2005, entitled Democratic Horizons in the Security Sector:

Turkey and the European Security Sector Governance Experience. The conference was attended by many members of parliament, bureaucrats and experts from Turkey and abroad, and was widely covered by the media.[20]

The book entitled *Democratic Oversight of the Security Sector: Turkey and the World* was prepared by TESEV in cooperation with DCAF.[21] The fact that the bureaucracy is in more of a decision-making and implementing position than civil society and even the elected government is seen as one of the greatest obstacles to democratisation in Turkey. In this context, the TESEV Security Sector Working and Monitoring Group[22] is important, since it questions the traditional function of bureaucracy in Turkey and addresses how a more civilian, more transparent administrative approach might be implemented.[23] The working group embraces the idea that security needs changed after the Cold War and became a social concept, and that this socialised security concept needs provisions for it to be effectively re-governed.

Another 2005 activity by TESEV, which is also related to the security sector, is the *Turkish Human Rights Balance 2005 Monitoring Report*, written by Professor Baskın Oran.[24] Although this report did not aim to replace the 2005 reports of NGOs such as Human Rights Association (İHD), Human Rights Foundation of Turkey (*Türkiye İnsan Hakları Vakfı*, TİHV), Mazlum-Der, BİANET or Antenna, it contains important clues as to the new course human

20 <http://www.tesev.org.tr/basin/basin_tesev.php>.

21 <http://www.tesev.org.tr/etkinlik/dcaf2.php>.

22 TESEV Security Sector/Working and Monitoring Group consists of Prof. Ümit Cizre (Bilkent University), Associate Prof. Serhat Güvenç (Bilgi University), Dr. Hasan Ersel (Sabancı University), Associate Prof. Gencer Özcan (Yıldız Technical University), Dr. Ümit Kardaş (retired military judge and prosecutor; lawyer) and Prof. İbrahim Cerrah (Director of Police Academy Security Sciences Institute).

23 In the Working and Monitoring Group's president Prof. Ümit Cizre's article published in '**Radikal İki**', it is stated that the democratic control of bureaucracy can only be carried out through the oversight of parliaments, ministries of defence, the media and NGOs. Cizre puts forth two solid suggestions in this context. The first is the clear separation of the spheres of duty and responsibility of the domestic and foreign security units that propagate and apply security and defence policies. The second is the implementation of the transparency and openness principle—which even includes the oversight of the secrecy principle—in the activities, tools, methods, policies and budgets of both civilian and military security bureaucracy. Ümit Cizre, "Güvenlik reformu, ama nasıl?," **Radikal 2**, 5 June 2005.

24 Baskın Oran, **Türkiye İnsan Hakları Bilançosu 2005 İzleme Raporu** (İstanbul: TESEV Yayınları, 2006).

rights issues have taken in the West and in Turkey in 2005, and unveils the damage the United States' war on terror has had on democracy, illustrated with examples. Oran evaluated the developments stating "panicking, Europe lost itself to the extent that it forgot how it constructed, even symbolised, pluralistic democracy drop by drop since 1215."[25]

Indeed, 2005 was a year when even EU countries exhibited an anti-democratic wave stemming from the so-called fight against terror. The negative result of the EU Constitution referendums in France in May, and in Holland in June showed that the number of people against expansion in the EU cannot be underestimated.

The activities of TESEV focusing on the security sector and the democratisation problematic were met with a negative response by nationalists. TESEV was the first institution subject to some of the prejudiced approaches espoused by the nationalist wave. Such approaches undermine the very foundations that support TESEV's studies, rather than the content of its work. The fact that the Open Society Institute, financed by US investor George Soros, supports TESEV is the sole cause for debate. In each TESEV study, the organisation, foundation, institute or private/public entity that supports TESEV is clearly stated. The question of why Soros backs social and political studies has been addressed by TESEV officials.[26]

Some nationalist media institutions even went so far as to say: "TESEV is attempting to poison Turkish society and spread the claim that the concepts of martyrdom, war veterans and heroism are fallacies in order to disincline the Turkish youth from becoming soldiers."[27]

Based on statements made by Nationalist Unions' Federation (*Türkiye Kamu-Sen*) Chairman Bircan Akyıldız during a visit by the Turkish War Veterans, Widows and Orphans of Martyrs Association and *Uz Ajans* officials who were preparing a documentary about the families of the martyrs, newspaper *Yeniçağ* headlined "TESEV crosses the line."[28]

The martyrdom and war veteranship debates went to such an extent that a court case was filed against TESEV Chairman of the Executive Board Can Paker in Şişli Criminal Court for "alienating public from military service" in compliance with Turkish Penal Code (*Türk Ceza Kanunu*, TCK) Article 155.[29]

ASAM

The Centre for Eurasian Strategic Studies (*Avrasya Stratejik Araştırmalar Merkezi*, ASAM) undoubtedly carries out the most intensive research on the security sector. In fact, perhaps the most important reason for the existence of ASAM relates to its capacity to produce strategic approaches that reinforce the current security approach. This is why Eurasia, which is seen as Turkey's National Hinterland by some nationalist circles due to the existence of the Turkic Republics in Central Asia, is the main subject of ASAM's studies. ASAM began its activities with the establishment of the Europe-Asia Union Turkish Economic, Social and Cultural Studies Foundation in 1993. It made its name through publication of the magazine Avrasya Dosyası in 1994, and in 1999, expanded its staff and became what it is today.

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25 **Ibid**, p. 41-42.

26 TESEV Chairman of the Executive Board and Chairman of the Advisory Board of the Open Society Institute Assistance Foundation in Turkey, Can Paker explains why Soros is financing the Open Society Institute in the following way: "Soros is a businessman and supports such a philosophy. Why does a man who has personal wealth exceeding 10 billion dollars do this? For a man who is 75 years old, where is the sense in making another 20 billion dollars? People can do a lot for some ideas, for some beliefs they have. A lot of people in Turkey do this. There are a lot of people in Turkey who make sacrifices, spend money and effort for what they believe to be right." "Soros, Türkiye'de 'Açık Toplum'a 6 milyon dolar verdi," **Hürriyet**, 27 May 2005. Can Paker's answer to the claims that Soros changed the regime in some central Asian countries by using his financial power is also important in this context. Paker, after explaining that the Open Society Institute is active in 50 countries, spends 450-500 million dollars a year, half of this money going to the country that is seen as the most problematic, the United States, and that from the remaining 250-300 dollars, 5-6-7 million dollars are allocated per country, said: "If you can change the regime with this amount, I think many corporations in Turkey are capable of regime change all over the world." "Soros'tan Türkiye'ye 6 milyon $," **Ortadoğu**, 28 May 2005.

27 Abdullah Akosman, "Vatana ihanetin adı açık toplum oldu," **Önce Vatan**, 30 May 2005.

28 "TESEV haddini aştı," **Yeniçağ**, 19 May 2004.

29 Ümit Cizre, "Güvenlik reformu, ama nasıl?," **Radikal 2**, 5 June 2005.

ASAM is an NGO that uses think-tank methods as far as its working style and propagation of strategy/ideas are concerned. The institution is the first example of strategic studies centres in Turkey. It can be said that ASAM's activities being focused on different parts of the world with nine separate study departments aims at establishing an approach that focuses more on foreign policy orientation inward-looking domestic strategy-intelligence tradition employed by the state bureaucracy in Turkey.[30]

The majority of ASAM's staff consists of retired military and civil servants, a fact that stands out. Chairman of the Board Edip Başer is a retired general. Başer worked at different levels in the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK), as deputy chief of general staff and as 2nd Army commander general among other positions. Başer was also repotedly considered for the post of MİT undersecretary.[31] ASAM President Gündüz Aktan is a retired ambassador. Member of the board Ertuğrul Güven—although it is not stated in his biography in ASAM—is a retired intelligence member who worked at high levels in MİT.[32] The remaining members of the board, Nüzhet Kandemir and İnal Batu, are also retired diplomats. ASAM's Vice-President Armağan Kuloğlu is a retired General Major. The president before Aktan was Prof. Ümit Özdağ, who occupied the post from 1999 to April 2004.[33] His father, Captain Muzaffer Özdağ, was a member of the group that realised the 27 May 1960 *coup d'état*—where Colonel Alpaslan Türkeş was another member—and later a member of the National Union Committee (*Milli Birlik Komitesi*, MBK).[34] Ümit Özdağ, just like current president Gündüz Aktan, is known for his nationalist opinions.

When the motivating factors for its establishment, working style, and the professional pasts or ideological stances of its members were assessed, ASAM became an institution that propagated projects for the purpose of strengthening the security bureaucracy around the current security approach, in the name of heightened internal and external defence for Turkey. The apparent discord that emerged during the "Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence" project carried out in cooperation with the Centre for European Security Studies (CESS) in Gröningen, the Netherlands and the İstanbul Policy Centre (*İstanbul Politikalar Merkezi*, İPM)[35] contains important clues about ASAM's view of civil - military relations.

Upon CESS' insistence on proposing to place the General Staff under the command of the Ministry of National Defence in order to increase the civilian and democratic control over the security bureaucracy, ASAM members decided to withdraw from the research project in April 2005.[36] The report was made public on 14 November 2005, with a significantly toned-down approach in its language. ASAM's criticisms had apparently been taken into consideration. The report was also submitted to the EU Council and the European Commission (EC). In the EC's Progress Report on Turkey dated 9 November 2005, reference was made to TESEV and DCAF's cooperative reports.[37]

30 These nine departments are Middle East, Russia, Ukraine, the Balkans, the Caucasus, Turkistan, Europe, America, Far-East/Pacific and Turkey Study Departments.

31 "MİT'i 2.5 yıl önce önerdiler," **Hürriyet**, 19 May 2005.

32 Güven was reportedly implicated in the coup attempt in Azerbaijan. Azeri President Haydar Aliyev accused Güven of cooperating with the putschists during the coup attempt against Cevadov on 3 October 1994. "Örtülüden kullanılan 45 milyon doların kaydı yok," **Hürriyet**, 14 January 1998. For another article on the same subject, see Sedat Ergin, "Yılmaz'ın zor kararı," **Hürriyet**, 23 February 1998. Also, for detailed information about the Azeri coup attempt, see Kutlu Savaş's **Susurluk Report.**

33 "ASAM'ın başkanlığına Gündüz Aktan atandı," **Zaman**, April 7, 2004.

34 <http://www.biyografi.net/kisiayrinti.asp?kisiid=2928>.

35 İPM was founded on 1 November 2001 as part of Sabancı University.

36 In a related news article by Barkın Şık in **Milliyet**, the following was stated: "The final report on the Civil-Military Relations in Turkey by the working group financed by the Dutch Ministry of Foreign Affairs and consisting of retired soldiers and civilians is completed. The president of the group, former Dutch Minister of Defence Win Wan Eekelen ignored the suggestions of the Turkish side in the final report and included the proposal of the General Staff being attached to Ministry of National Defence. ASAM, in its refusal of the proposal, stated 'there are issues that are not discussed and agreed upon, the sensitivities are not reflected. We cannot accept the report in its current state. This cannot be the report that we prepared in a joint effort.'" "Ankara'yı kızdıran rapor," **Milliyet**, 10 May 2005.

37 Commission of the European Communities, **Turkey 2005 Progress Report,** Brussels, 9 November 2005, p. 14, For the full text, see <http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf>.

The report proposes the control of the General Staff by a ministry (the Ministry of National Defence, naturally), instead of the head of government, i.e. the prime minister, as befits a developed democracy.[38] The report also states that TSK would be more appropriately overseen by the parliament due to the heritage of the military is tutelage in Turkey.[39]

ASAM Chairman of the Board, retired General Edip Başer, made the following statement about CESS and İPM's report:

> "What we say is this, If Turkey's security and threat circumstances change in the future, the authorised officials will make the necessary regulations. What should guide us is not this or that practice in the EU, but the security needs of Turkey. Sixty years ago, the principle problem was the danger of politisation of Turkish Armed Forces' top echelons. Some might say: 'will Turkey's security problems change, be different in 10-15 years? Will the politisation concerns vanish through democracy and the people's maturing or not?' I cannot say that we are mature enough in the political area. The EU's imposition has nothing but ulterior motives."[40]

Co-chairman[41] of the workgroup, retired General Major Armağan Kuloğlu, said the following on the matter:

> "It is believed that the report will be nothing but a one-sided document, will lead to unnecessary speculations, will be abused by certain circles and will not channel EU policy-makers toward the truth. That is why we resigned from the workgroup."[42]

ASAM President Gündüz Aktan claimed that the report's language was very harsh.[43] When ASAM members withdrew from the working group because of some comments and suggestions in the report, the nationalist circles rejoiced.[44]

ASAM made no comment, neither positive nor negative, nor did it prepare a report on one of the important developments of 2005, namely the new Turkish Penal Code's going into effect. This is an indicator of ASAM's difference from other NGOs, and of its focus on strategic matters and propagating of policies for the benefit of the government. The following statement on its website was proof of its propagating of policies for the good of the government: ASAM, with its structure, aims at defining and analysing the opportunities and obstacles for the realization of Turkey's national benefits, and the factors that threaten security.[45]

Not only is ASAM an unusual NGO, but some ASAM experts have also made comments that reveal a cynical approach to NGOs. One of ASAM's Central Asia experts, Gökçen Ekinci, states that "public movements that result in a change of leadership and lead to important results for the global balance of power gave way to a need for the definition of the trendy term 'non-governmental organisations' and a better assessment of these organisations. The fact that these organisations have unlimited areas of activity and that they have reached a potential that might threaten political systems increased the pressure on and criticisms to foreign non-governmental organisations."[46]

Another issue that should be pointed out is ASAM's aversion to Turkey's membership to the

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38 CESS, İPM, "Türk Sivil-Asker İlişkileri ve Avrupa Birliği: Süregelen Buluşmaya Hazırlık," p. 36. For the Turkish-language version of the report, see <http://www.cess.org/publications/occasionals/pdfs/occasionals4.pdf>.

39 CESS, İPM, "Türk Sivil-Asker İlişkileri ve Avrupa Birliği: Süregelen Buluşmaya Hazırlık."

40 "Asker düğümü tartışması," **Milliyet**, 11 May 2005.

41 In addition to Vice President Armağan Kuloğlu, European Desk Chief Dr. Mustafa Şahin and retired General Yılmaz Aklar, who later became Secretary General of ASAM, participated in the project on behalf of ASAM.

42 "Ankara'yı kızdıran rapor," **Milliyet**, 10 May 2005.

43 "Paşalar rapordan imzalarını çekti," **Hürriyet**, 27 June 2005.

44 <http://72.14.203.104/search?q=cache:iqdQ9PLcFHAJ:www.cengizkan.com/html/ocaksistem.php%3Fname%3DHaber%26file%3Darticle%26sid%3D1456+%22Avrupa+G%C3%BCvenlik+Ara%C5%9Ft%C4%B1rmalar%C4%B1+Merkezi%22+(CESS)&hl=tr&ct=clnk&cd=30>.

45 For more detailed information about ASAM's stance, see <http://www.avsam.org/tr/giris3.asp>.

46 Gökçen Ekici, "Yabancı Sivil Toplum Örgütleri ve Sivil Darbeler," 20 April 2005. See <http://www.avsam.org/tr/analizler.asp?ID=50>.

EU, which has even perceived by ASAM experts as a strategic defeat.[47]

The articles that made it on the cover of ASAM's magazine *Stratejik Analiz* in 2005 provide a clearer idea about the institution's working precepts:

"The Turkish Republic of Northern Cyprus is Looking for its Main Opposition Leader (November 2005), Elections in Azerbaijan (November 2005), The Iraq Constitution and Turkey (October 2005), Syria, Transformation and Turkey (September 2005), Terror in London (August 2005), Four Styles of Politics in the Turkish-American Relations (July 2005), Silk Road of the 21st Century: Baku-Tiflis-Ceyhan Pipeline (June 2005), Lausanne Peace Treaty and the Armenian Problem (May 2005), Armenia; The Genocide Obstinacy and the Future that is Lost (April 2005), Democracy Rehearsal in Iraq (March 2005), Global Injustice in Energy (February 2005), EU Membership Negotiations in the Shadow of Greek-Cypriot Veto Blackmails (January 2005)."[48]

İstanbul Policy Centre (*İstanbul Politikalar Merkezi*, İPM) which began its activities in December 2001 at Sabancı University, functions within the areas of sociology, administration and public policies.[49] Aside from Turkish Civil-Military Relations and the EU in cooperation with CESS, İPM did not undertake any research related to the security sector in 2005.

Reactions of NGOs to the Legal Regulations and 'Deep State' Practices in 2005

As a reflection of the improvement of civil society consciousness in 2000 and thereafter in Turkey, İHD, Mazlum-Der, TİHV, Foundation for Society and Legal Studies (*Toplum ve Hukuk Araştırmaları Vakfı*, TOHAV), the Turkish Bar Association (*Türkiye Barolar Birliği*), the Anti-War Organisation (*Savaş Karşıtları Derneği*), Initiative against Thought Crime (*Düşünce Suçuna Karşı Girişim*) and the other NGOs approached the developments in 2005 with great sensitivity as far as the laws and human rights are concerned.

The institutions in question, excepting the Turkish Bar Association that dates back to the 1930s, commenced their activities in the domain of human rights and law between the end of the 1980s and the beginning of 2000, and are therefore considered to be important representatives of civil society's awakening in Turkey following the coup of 12 September 1980.

The main issues under frequent debate by the NGOs in 2005 were the new draft Anti-Terror Law (*Terörle Mücadele Kanunu*, TMK), the new Turkish Penal Code (*Türk Ceza Kanunu*, TCK) that went into effect on 1 June 2005, and the Kızıltepe-Şemdinli incidents. The TMK draft is assessed by the NGOs as a backward step for Turkey in the progress towards the pre-eminence of law and assurance of human rights as part of the EU compatibility process.

The Anti-Terror Law

In Mazlum-Der's assessment report on the new TMK, the fact that the draft text was not shared with the public was criticised: "bills and drafts should be published on the internet for easy access and healthy discussion." The association interpreted the coming into spotlight of the TMK draft at a time when terrorism and conflicts were on the rise as an attempt at justifying the draft, and stated that it contained many elements against human rights.[50]

The new TMK draft can be seen as part of the new fight against terrorism concept that damages democracy that came into being in the world following the 11 September attacks and

47 Prof. Dr. Ümit Özdağ, **Avrupa Birliği'nin Türkiye Politikaları** (Ankara: ASAM Yayınları, 2003). For the electronic version, see <http://www.avsam.org/tr/asamcalismasi.asp?ID=1>.

48 <http://www.avsam.org/tr/stratejikanaliz.asp?x_yil1=2005>.

49 <http://www.erg.sabanciuniv.edu/ipm.htm>.

50 Mazlum-Der, "Terörle Mücadele Kanunu Tasarısı Hakkında Değerlendirme Raporu," 14 September 2005. For the full report, see <http://www.mazlumder.org/ana.php?konu=rapor&id=1042&lang=tr>.

other Al-Qaeda activities. The Anti-Terror Law, which contained harsh measures, came into the spotlight in England and the Blair government drew reactions from the media and NGOs alike.[51]

The Draft Concerning Amendments to the Anti-Terror Law which was accepted by the commission formed by the Ministry of Justice contains references to the anti-terror law of the United Kingdom.[52] Expansion of the definition of 'terrorist criminal' in the draft was interpreted as a backwards step by Mazlum-Der, especially after a progressive step like the removal of Article 8, which limited freedom of expression with the amendment made through Law No. 4928, dated 19 July 2003.

The Turkish Bar Association's approach to the new TMK was no different. In the magazine *Hukukla Yaşam* prepared by the lawyers of the Ankara Bar Association, it was argued that despite filling some important gaps, the draft is: "almost declaring a civilian state of emergency in the whole of the country".[53]

Diyarbakır Bar Association President, Sezgin Tanrıkulu, said: "We find the plans to amend TMK No. 3713 with new and heavier stipulations, whereas it should be abolished completely, unacceptable from the points of view of the pre-eminence of law and human rights".[54]

The harshest reaction to the new TMK came from the Initiative against Thought Crime association, of which Şanar Yurdatapan is the spokesperson. Yurdatapan stated that he saw two different texts and that both of them were of a nature that formed new types of crime and abolished some positive developments in Code of Criminal Procedure (*Ceza Muhakemeleri Kanunu*, CMK). Yurdatapan declared that they were preparing for a wide civil disobedience as a reaction to the law.[55]

In addition to these, Turkey's leading NGOs declared that the government did not consult with them on preparations of the new TMK draft. İHD, Mazlum-Der, the Human Rights Foundation, the Helsinki Citizens' Assembly and the Initiative against Thought Crime stated that, although Minister of Foreign Affairs Abdullah Gül declared that the new TMK was prepared in consultation with various social institutions including NGOs, no one from the government consulted or informed them.[56]

In the previous year, NGOs did not make any demands regarding the shortening of custody. This is because the custody duration was lowered to 24 hours with the new TCK introduced on 1 June 2005. The duration could extend to a maximum of four days for certain types of crimes.[57]

Police officials constantly express concerns that the new custody duration is insufficient.[58] Istanbul Police Commissioner Celalettin Cerrah requested that the custody duration be extended up to 15 days.[59]

In conclusion, the new Anti-Terror Law draft did not get legislated yet namely due to the continuing and determined criticisms of NGOs. There is information that the draft was shelved in April 2006. However, the possibility of new adjustments to the existing Anti-Terror Law, in consultation with security units has been proposed due to an increase in demonstrations and conflicts in the east and southeast since the spring of 2006.[60]

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51 Ekrem Dumanlı, "Terörle Mücadele Yasası işte böyle sorgulanır," **Zaman**, 14 November 2005.

52 Mazlum-Der, "Terörle Mücadele Kanunu Tasarısı Hakkında Değerlendirme Raporu."

53 "Barodan TMK uyarısı: OHAL getirilmek isteniyor," **Zaman**, 10 December 2005.

54 "Diyarbakır Barosu: TMK tasarısıyla yapılmak istenenler," 29 September 2005. See <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=6&ArsivAnaID=28810&ArsivSayfaNo=1>.

55 "Özgürlükleri savunmak için sivil itaatsizlik," Bianet, 28 September 2005. See <http://www.bianet.org/2005/09/28/67893.htm>.

56 "Hükümet yeni TMK taslağını hangi sivil topluma danıştı?," 10 January 2006. See <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=9&ArsivAnaID=30627>.

57 <http://tem.iem.gov.tr/cmk.php>.

58 "'Gözaltı süresi yetersiz'," **Sabah**, 6 January 2006.

59 "Cerrah'tan 'olağanüstü' talepler," **NTV-MSNBC**, 25 March 2006. See <http://www.ntv.com.tr/news/366383.asp>.

60 For Minister of Justice and Government Spokesman Cemil Çiçek's statements on this issue, see "Askerin istediği yasa çıkar **sinyali,"Hürriyet**, 31 March 2006.

Turkish Penal Code and Code of Criminal Procedure

One of the most important developments of 2005 concerning law and human rights is the Turkish Penal Code No. 5237 and Code of Criminal Procedure No. 5271. These two laws, although criticised from some aspects, did not draw systematic and harsh reactions from NGOs. Organisations known to adhere to Islamic sensitivity such as Mazlum-Der, Women's Rights Association Against Discrimination (*Ayrımcılığa Karşı Kadın Hakları Derneği*, AK-DER), Free Thought and Educational Rights Association (*Özgür Düşünce ve Eğitim Hakları Derneği*, Özgür-Der), All Theology Faculties and High Islam Institutes (*Tüm İlahiyat Fakülteleri ve Yüksek İslam Enstitüleri Mezunlar Derneği*, TİYEMDER), Humanitarian Aid Foundation (*İnsani Yardım Vakfı*, İHH), Freedom to Veil Enterprise Group (*Başörtüsüne Özgürlük Girişimi*) warned the government about the new TCK, stating in a joint declaration that "although the [new] TCK brings about some positive regulations, it is behind its predecessor in the articles concerning freedom of thought."[61]

In its 2005 General Human Rights Report, the Human Rights Association assessed 2005 as "a lost year as far as the improvement of rights and freedoms are concerned, [a year] when democracy and human rights wavered and sometimes went backwards" and declared that the amendment to TCK was a backward step.[62] The association stated that Articles 301, 216, 288 and 277 were obstacles to the freedom of expression.[63]

The Human Rights Foundation of Turkey made the following assessment on the results of the new CMK in practice in its 2005 report: "the cases that were filed against writers, journalists and human rights advocates based on TCK Articles 312 and 159 in previous years are now being filed based on 301, 288 and some other Articles, the trials are being held and even result against the defendants."[64] The Turkish Bar Association stated that the way the new TCK and CMK are interpreted and applied are not fit for their purpose.[65]

The Initiative Against Thought Crime called to civil disobedience for TCK, just as it had done for TMK.[66] Foundation for Society and Legal Studies and the People's Law Office reacted harshly to the new TCK and the amendment proposals to CMK. In a joint declaration by the two institutions, it was stated that the amendment proposals were a blow to the presumption of innocence and the right to defence.[67]

Furthermore, reactions to practices such as phone monitoring/eavesdropping, which fall under the secret intelligence activities of the state, or the assembling of prejudiced, subjective information material about individuals, also known to the public as 'filing' [*fişleme*]*, remain extremely weak. While experiencing setbacks in legal control, NGOs fail to present an organised, systematic reaction to confidential long-standing state practices, as long as they are not unveiled through a specific incident like in Şemdinli. For instance, the National Intelligence Organisation's application to Diyarbakır 6th

61 "Yeni TCK Tasarısı'na Sivil Tepki," **İHH İnsani Yardım Vakfı**, 17 September 2004, see <http://www.ihh.org.tr/cgi-bin/index.pl?mod=news;op=news_id;id=1021>.

62 İnsan Hakları Derneği (İHD), "2005 Yılı Genel İnsan Hakları Raporu," 28 February 2006. For the full report, see <http://www.ihd.org.tr/ana.html>.

63 **Ibid**

64 Türkiye İnsan Hakları Vakfı (TİHV), "2005 Yılında İnsan Haklarının Genel Durumu." See <http://www.tihv.org.tr>.

65 Chair Özdemir Özok explained the Bar Association's views about TCK and CMK in a symposium in Mersin as follows: "As you might remember, during the debates concerning these laws in TBMM General Meeting, a member of the parliament said 'this can only be stopped if a few people are sent to the gallows,' and also our Minister of Justice stated that the authorities were not enough, and that if the authorities are expanded, he would be able to rip out the culprits lungs. I leave you to assess how these statements comply with the legal grounds of Article 1 of the TCK. Beside those who do the legislation and those who put it into effect, how compliant are the actions of those who execute the law with the purpose defined in Article 1?" For a full transcript (in Turkish) see<http://www.barobirlik.org.tr/tbb/baskan/konusmalar/051203_mersin.aspx>.

66 <http://www.ortakpayda.org/boxes.asp?foo=read&feox=139&ronin=5>.

67 "'Yasa Teklifleri Savunma Hakkına Saldırı,'" **Bianet**, 10 May 2005. See <http://www.bianet.org/2005/05/10/60833.htm>.

* Editor's Note: "Filing" here refers to the illegal practice by the Turkish Government intended to keep track of and then "file" citizens' activities and affiliations, especially those of a political nature.

High Criminal Court, and the subsequent decision, in relation to the tapping of all phones in Turkey shortly before the new TCK's took effect, was not insistently brought to the spotlight by NGOs.

The Kızıltepe and Şemdinli Incidents

The most important incident that assisted the development of civil society's reaction to counter-terrorism, organised crime and later, to the illegal activities of the state's security/intelligence organisations was the Susurluk accident of 3 November 1996. The success of the NGO's reaction to the Şemdinli incident 9 years later, from the point of view of efficiency, organisation and continuity, could be attributed to the anti-Susurluk social consciousness. Şemdinli incidents have been accepted, per se, by civil society as an extension of the shadowy networks dating back to Susurluk.

In 2005, NGOs showed a much more systematic and powerful reaction to Şemdinli incidents than to the legal adjustments that threaten the law, human rights and the principle of democratisation, and to intelligence activities such as monitoring/eavesdropping. In some ways, an extrajudicial killing that took place in Kızıltepe-Mardin a year before the Şemdinli incidents prepared civil society for the reaction against the Şemdinli incidents. The incident in question involved the killing of truck driver Ahmet Kaymaz and his 12-year old son, Uğur Kaymaz during a special teams operation. On 20 November 2004, the special operations teams that surrounded a house, where it was claimed that a PKK member was hiding, opened fire and the father and son were killed.[68]

In their joint report about the killing of Yücel Solmaz in the Edremit district of Van, the Human Rights Association, Mazlum-Der Van provincial branch and Health and Social Service Toilers' Union (*Sağlık Sosyal Hizmet Emekçileri Sendikası*, SES) described the Kızıltepe raid as an extrajudicial killing.[69]

The best organised and systematic reaction in 2005 came from NGOs after the Şemdinli incidents. The incidents started after the gendarmerie intelligence petty officers Ali Kaya and Özcan İldeniz, and PKK shriver Veysel Ateş reportedly were involved in a bombing at the Umut bookstore owned by Seferi Yılmaz, who was allegedly a former member of PKK and served reportedly 15 years in prison. In the explosion that ensued, Mehmet Zahir Korkmaz died and Metin Korkmaz was injured. Following the explosion, Seferi Yılmaz gathered the public in the vicinity and began following the three suspects. These three individuals, who were seen as the perpetrators, were reportedly protected by the security forces.[70]

The incident was assessed as a provocative activity by the gendarmerie intelligence. It incited reactions from the media, the public and NGOs. A commission consisting of representatives from İHD, Mazlum-Der, İnsan-Der, the Contemporary Legal Practitioners Association (*Çağdaş Hukukçular Derneği*, ÇHD) Van provincial branch, Hakkâri Tradesmen and Artisans Chamber (*Hakkâri Esnaf ve Sanatkârlar Odası*), Hakkâri Memur Sen, Confederation of Public Employees Trade Unions (*Kamu Emekçileri Sendikaları Konfederasyonu*, KESK) Hakkâri provincial branches Platform, and the Hakkâri Student Parents' Association (*Hakkâri Öğrenci Velileri Derneği*, ÖVDER) prepared a report on the Şemdinli incidents on 12 November. The commission had carried out investigations at the crime scene and interviewed witnesses. The report stated the following:

> "Our commission concluded that as a result of the assault to civilians, the right to life

68 "Kızıltepe'deki operasyonda güvenlik kusurları belirlendi," **Zaman**, 13 December 2004.

69 İHD, Mazlum-Der Van provincial branch, SES Van provincial branch, "Van İli Edremit İlçesinde Yücel Solmaz (35, SES Van Şb. Üyesi) İsimli Yurttaşımızın Yargısız İnfaz Sonucu Öldürülmesi İddialarını Araştırma–İnceleme Raporu," 20 December 2004. For the full report, see <http://www.ihd.org.tr/rapozel/vanedremit.html>.

70 Indictment dated 3 March 2006 No. 2006/32. Known as the Şemdinli indictment to the public, this indictment was debated for days and weeks because of the Van Attorney Ferhat Sarıkaya's criticisms to high officials of the military, starting with Land Forces Commander General Yaşar Büyükanıt.

was breached, bodily integrity was attacked, and the right of property came to harm. The people of Şemdinli lost their trust in the public authority when the security forces released and did not arrest the suspects involved in the incidents, and are now in a state of indignation. To stem the tide and rebuild the trust, the necessary mechanisms should be mobilised immediately. For this reason, our Commission deems it appropriate to make two important calls: a Parliamentary Investigation Committee should be formed immediately by TBMM to investigate this incident. Otherwise, the probability of obfuscating evidence seems quite high, due to the nature of the incident. Due to [our] conviction that the Şemdinli Republic Attorney cannot cope with this incident by himself, it is suggested that a separate attorney be appointed for this incident by the Ministry of Justice. The Prime Minister, the Minister of Justice, the Minister of Internal Affairs and the Chief of General Staff must make declarations that would satisfy the public, and state that the incident will be thoroughly investigated."[71]

Indeed, an investigation committee was formed within the parliament, as suggested by the NGO Commission, the prime minister and high officials of TSK made declarations, and the indictment of the attorney's office about the Şemdinli incident had great repercussions[72]

The Human Rights Joint Platform (*İnsan Hakları Ortak Platformu*, İHOP), TİHV, the Helsinki Citizens' Assembly and Amnesty International's branch in Turkey described the case as a breach of law.[73]

NGO reactions to the Şemdinli incident were not limited to the reports of organisations such as İHD and Mazlum-Der. In his statement about the Şemdinli indictment, Mazlum-Der Chair Cevat Özkaya warned that the debates were moving to political grounds, emphasised the legal aspect of the matter and demanded punishment for those responsible.[74]

İHD General President Yusuf Alataş assessed the debates about the indictment stating: "maybe one of the most basic problems of our democracy is that even civilians cannot accept the fact that a civilian public prosecutor can also prepare an indictment about a high-ranking military official."[75]

In its general report on 2005, İHD included the opinion that crime organisations that are within or supported by the government which presumably went into hiding after the Susurluk incident, resurfaced. The Şemdinli incident was proof of this fact.[76]

In a brochure signed by the Amargi Women's Cooperative, the Anti-Capitalist, Independent Revolutionary Class Platform, the Science-Education-Aesthetics-Culture-Art Studies Foundation (*Bilim Eğitim Estetik Kültür Sanat Araştırmaları Vakfı*, BEKSAV), the Democratic Rights Platform (*Demokratik Haklar Platformu*), the Democratic Society Party (*Demokratik Toplum Partisi*, DTP), DİSK (Confederation of Revolutionary Workers' Trade Unions) /Limter Trade Union, the Toilers' Movement Party (*Emekçi Hareket Partisi*, EHP), Liberation of the Oppressed (*Ezilenlerin Kurtuluşu*), the Socialist Platform of the Oppressed, the Rights and Freedoms Front, the People's Cultural Centres, the People's Liberation Party (*Halkın Kurtuluş Partisi*, HKP), revolutionary magazines; *Haziran, İşçi Mücadelesi, Kara Kızıl Notlar,*

71 Mazlum-Der, "9-10 Kasım 2005 Şemdinli Olaylarını Araştırma-İnceleme Raporu," 12 November 2005. For the full report, see <http://www.mazlumder.org/ana.php?konu=rapor&id=1043&lang=tr>.

72 For Prime Minister Recep Tayyip Erdoğan's statements on the subject, see "Başbakan Erdoğan: Olay Mutlaka Açıklığa Kavuşmalı," **Zaman**, 11 October 2005. For the statements of Chief of Staff General Hilmi Özkök, General Commander of Gendarmerie Fevzi Türkeri and Land Forces Commander General Yaşar Büyükanıt, see Şemdinli Indictment p. 48. When Büyükanıt said: "I know him, he's a good guy" about Petty Officer Ali Kaya who was a suspect in the incident, this led to debates.

73 İnsan Hakları Derneği (İHD), "Basın Açıklaması," 12 November 2005. For the full text of the press release, see <http://www.ihd.org.tr/basin/bas20051112.htm>.

74 For Mazlum-Der General President Cevat Özkaya's statement, see <http://www.mazlumder.org/ana.php?konu=aciklama&id=472&lang=tr>.

75 <http://www.ihd.org.tr>.

76 İnsan Hakları Derneği (İHD), "2005 Yılı Genel İnsan Hakları Raporu."

Kaldıraç, Odak, Partizan, Proleter Devrimci Duruş, Sınıf Mücadelesi, KESK İstanbul Branches Platform, the Fight for Freedoms Platform, the Socialist Democracy Party (*Sosyalist Demokrasi Partisi,* SDP), the Socialist Solidarity Platform and the Social Freedom Platform, the people's determination for exposing the individuals responsible was stressed.[77]

Turkish Bar Association Chair Özdemir Özok stated that utmost sensitivity was required for the incidents in the Şemdinli and the Yüksekova districts of Hakkâri: "we have been very sensitive about the issue since the beginning. We formed a commission to investigate the incidents in Hakkâri, Şemdinli and Yüksekova."[78]

Initiative Against Crime spokesperson Şanar Yurdatapan, argued that debates about the indictment should not obscure the Şemdinli incident and warned: "do not let the result be like Susurluk."[79] Nonetheless, reaction to the Şemdinli incident was not forthcoming due to the discord between the east and west of the country. In stark comparison, reactions to Susurluk were expressed equally across eastern and western Turkey.

Conclusion

2005 was an intensive year for NGOs in the security sector and for those carrying out activities in the area of human rights and law. Security issues, terrorism and the 'democracy dilemma' were under constant debate in Turkey.

It should be reiterated that the reaction of NGOs to the Şemdinli incident was systematic and determined. However, this determination was not reflected in the stance of the public. Widespread public reaction to the Şemdinli incidents was not amassed as it was in the "One Minute of Darkness" after Susurluk. Reactions were limited to demonstrations by society's more marginalised groups. While people outside east and southeast Turkey, with some exceptions, did not approve of the Şemdinli incident, it was not considered mainly as 'their problem.'

The reactions of NGOs to the new draft Anti-Terror Law might instill greater optimism about the future of civil society in Turkey. The TMK draft was shelved with the determined support of civil society. Although attempts to restore the draft, which reportedly contained many anti-democratic regulations were made parallel to the increase in tensions in the east and southeast as of April 2006, it lost its legitimacy in the eyes of the public, as a result of efforts by the NGO sector.

Given Turkey's geographical, historical and political conditions, it is crucial that security sector and democratisation-based NGOs be allowed to strengthen and increase in number. Resolution of the Kurdish problem by economic, social and political means, confinement of "deep bureaucracy"–opponent to the process of European Union and democratisation–to its sphere of authority, and determined and sincere fight against problems representing a return to pre-1990s, such as torture, extrajudicial killings, political assasinations, drug and arms smuggling will only be possible through 'civilian capacity building' in the fields of security and democratisation and by the influence of NGOs on the public on basic issues as human rights, democratisation, the pre-eminence of law, civilian control of the security sector, as well as on the concept of civil society itself.

77 "Şemdinli'de yakalanan devletin ta kendisidir!-Rapor," 25 January 2006. See <http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=6>.

78 "Barolar Birliği Hakkari'ye Gidiyor," **Güncel Hukuk Haberleri**, 20 November 2005. See <http://www.hukuki.net/haber/detay.asp?id=525>.

79 Kezban Bülbül, "İddianame Şemdinli'yi unutturmasın," **Yeni Şafak**, 10 March 2006.

MEDIA*

Önder Aytaç**

Background

Democratisation and civilianisation can be achieved by transforming the security sector so that it may be overseen and controlled by parliament, civil service and the media. This control and oversight should not only be performed as mere adjustments on a vertical level by appointed state institutions at the top, but also be developed through the establishment of horizontal connections with the incorporation of the media and civil society.[1]

In Turkey, the relationship between the security sector and the media is one where the former unilaterally uses the latter as an instrument. However, the concept of an independent media has been developed in line with the liberalization process and has been further strengthened by the establishment of private television channels during Prime Minister Turgut Özal's rule.[2] The media and security relationship—operating in an ebb and flow between freedom of the press and preservation of the state—beginning with the 1961 Constitution, has tilted in favour of freedom of the press. However, beginning in the 1970s this freedom, which had no social and cultural basis, was curtailed following the 1980 *coup d'état* after which restrictions reached their highest level.

Beginning in 1983, in line with the pro-free market economic policies implemented by the Özal government, freedom of the press was provided with not only legal but also social, economic and cultural bases. Along with the founding of private television and radio channels, liberalization of the media sector peaked.

However, in 1997, along with the 28 February 'post-modern' *coup d'état*, new restrictions were initiated and a number of journalists were silenced after fictitious security reports, prepared by the intelligence unit of the general staff and referred to as 'memorandum' (*andıç*) were leaked to the media. Generals intervened in newspaper editorial meetings and applied restrictions through the system of accreditation. Some newspapers were subject to discrimination. Additionally, due to legal restrictions journalistic work, especially in the field of security, was strictly monitored and journalists were forwarded to public prosecutors by security organisations. These policies were maintained to some extent in 2005.

Media-Security Relations and Related Problems

In terms of democracy and good governance, the media not only has a right to gather and disseminate information for the public good on security-related issues, but also has a responsibility to report according to the principles of accuracy, truth and objectivity. In this context, the media paves the way for the

* I owe special thanks to Emre Uslu, PhD candidate at the University of Utah, Middle East Centre.

** PhD., Police Academy, Faculty of Security Sciences.

1 See, <http://www.tesev.org.tr/projeler/guvenlik_Sektoru_metin.pdf>.

2 Turgut Özal served as prime minister from 1983-1989 and as president of the republic from 1989-1993.

participation of civil society and contributes to its monitoring of the security sector.

In terms of civilian control, the media is responsible for disseminating the following information to the public:

- Strategically important documents, such as the National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi*, MGSB);
- Annual budgets and the resources of each security unit;
- Significant parliamentary discussions and decisions, as well as legal amendments regarding the security sector, as along with weekly press conferences held/scheduled by security units;
- Internet sites including minutes of meetings and discussions in parliament and related commissions that focus on the security sector and the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT);
- Annual reports and publications on security issues;
- Examination/audit reports by the Supreme Court of Accounts (*Sayıştay*) regarding the security sector;
- Information regarding protocols on internal security assembled by security units and bilateral or multilateral agreements with other countries' security units.

When the relationship between the media and security forces is evaluated in the context of the aforementioned points, the most significant question emerging is whether the system within which the media functions is liberal or one that is predominantly state-controlled. If media structuring is subject to strict state control, it naturally represents Turkey's security sector as perfect or even 'sacrosanct.'

In Turkey, where elements of the liberal system are only partially incorporated and where the state is seen as sacred, reporting on the state's security forces is carried out under the imperative of respecting what is considered sacred, and the reading of the abovementioned reports is carried out against such a cultural backdrop.

The Problem of the 'Sanctity' of the State

Despite the fact that news reports on Susurluk incident were the most liberal in the history of the Turkish media, since the Susurluk (1997) and Şemdinli (2005) incidents, the media has been urged to uphold what is sacred when reporting on security forces. The power and standing of the sacred conceptually determine the content of the news and the manner in which it is produced. For example, with news concerning Susurluk—while concentrated on the less sacred institution of the police—the reports deemed acceptable were prepared with the trilogy of police-mafia-politics in mind. These three institutions are thought to be the source of corruption in Turkey.

Then Deputy Chief of the Intelligence Department Hanefi Avcı from the Directorate General of Security (*Emniyet Genel Müdürlüğü*, EGM) stated that corruption is not limited to the police-mafia-politics triangle and that other units of the state are also guilty. Following Avcı's statement that many actions by hitherto unknown perpetrators were actually performed by Mahmut Yıldırım a.k.a. '*Yeşil*' (Green) on behalf of the Gendarmerie Intelligence and Anti-Terror Organisation (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JİTEM), news reports and analyses intending to deceive the public were disseminated. News on the Susurluk incident consequently disappeared from the headlines.

The Problem of Confidentiality

The concept of the inviolability of the state creates problems on many levels, specifically in

relation to the issue of confidentiality. Public information is classified under three headings: the unclassified, restricted and secret. By its very definition, unclassified information is not confidential. Restricted information can be circulated within the institution but cannot be disseminated without permission. Secret information should be protected. In the case of its disclosure without permission, such information has the potential to harm the institution and the state.

However, the issue of who is to decide what information is unclassified, restricted or secret is a very important one. Particularly for the security organisations that perceive the state as sacred, even common information is frequently listed as secret. Security issues may indeed logically be considered as falling within the definition of restricted or secret. However, since security personnel is generally reluctant to take risks and prefers to err on the side of safety, practically any information, no matter how benign, is bestowed a restrictive label justified by state security. This problem serves to exacerbate the public perception that some subjects remain secret, untouchable and even taboo.

A telling example of how confidentiality affects the media and security organisations was evidenced by the lawsuit launched against Gökhan Bozkurt, a reporter for *CNN Türk*. Bozkurt reported on the bargaining for tenders between Cemal Kaya, who subsequently resigned from the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) and officials from the Ministry of Energy. The lawsuit was filed on the grounds that Bozkurt breached laws on secrecy of investigation. Bozkurt was accused of breaching Article 10 of Law No. 4422 on Combating Organisations Pursuing Illicit Gain with his program *Gece Görüşü* on 15 February 2005 and faces three years' imprisonment. The trial is ongoing.

Along with the classification of restricted information, procedures for declassification are rather arbitrary. Officials and institutions might leak confidential information to the media to settle personal grievances. Thus, cultivating a good relationship with the media represents a kind of insurance for security personnel. The fact that the gendarmerie report on the Şemdinli incident was leaked to the media even though it should have remained confidential is an example of this.

The Issue of Certain Media Outlets Esteemed by the Security Sector

It should be emphasised that relationships between the media and sources of information are very important within the context of security sector publications. Media bosses reserve the right to change their reporters at the whim of news sources and Ankara representatives are frequently selected from among candidates who are accredited by the military, trusted by the police, close to the government and officials of the general staff and EGM. As a consequence, media publications and broadcasts depend on good relations and mutual interest.

Another problem regarding the relationship between the media and security organisations is the latter's lack of confidence in media representatives. Most of the junior and middle-echelon security personnel mistrust media employees, except for those reporters and columnists who maintain good relationships with high-level officials. In their view, media employees are 'ravenously hungry for news' and publish any information that is unearthed without regard for the consequences to the news source or other conditions. Therefore, security personnel believe that avoiding media representatives is generally advisable.

The Issue of Trials in Military Courts

Journalists are tried in military courts as a result of their comments and reports on security matters. Even though some legal regulations have attempted to ensure that no civilians be

tried in a military court, journalists are still standing trial there. For example, the Military Court of the 3rd Army Corps Command within the İstanbul-Hasdal barracks launched a case against Abdurrahman Dilipak in connection with his article that reads "If the Generals Do Not Listen to Advice," published on 29 August 2003 in the weekly Cuma. Because Dilipak criticised the statements of some retired generals during the 2003 promotion period, he was charged under Military Penal Code (Askerî Ceza Kanunu, ACK) Article 169 with "public action aimed at damaging the hierarchical structure, inciting insubordination towards superiors and commanders and deriding and insulting the military." The court decided to refer the case to a civilian court due to legislative change. Yet by order of the Commander of the 1st Army, the court's decision was appealed and the Military High Court of Appeals ordered that the case remain in the military court.

Military courts should normally operate as a disciplinary body to hear cases of crimes committed by military personnel during the execution of their duties. However, the establishment of a multi-functional mandate, whereby civilians may also be tried, shows that a two-tiered legal system operates in the country.

In the context of the media's democratic control over security services, there is frequent disparity between the information given to reporters' within security organisations and the particular approach of the newspaper editor toward the same security organisation. In these cases, reporters are trapped between their sources and editors. Such a case occurred when the former commissioner of the İstanbul Police Force stated that some operations had been crippled due to press reports. The commissioner's criticism sparked a backlash by the press. Police reporters, concerned that an escalation of tensions could harm both parties, acted as a moderating force and encouraged the commissioner to apply to the Turkish Press Council (*Basın Konseyi*) to settle the dispute.

The Issue of Accessing Sources

Security organisations tend to prohibit media representatives from visiting any office other than those of the principle clerks of the organisations. In this way, senior managers not only prevent uncontrolled statements by security personnel—which generally concern the problems associated with the institution—but also control the media by redirecting reports according to their own interests.

Even though press conferences held in the headquarters of security organisations are required, reporters seek additional relationships with insiders in order to gain access to better information. In addition, senior officials tend to cultivate relationships with journalists to exploit an avenue to tout their own success and increase their chance of being promoted.

Another point to emphasize is that the media can be exploited for political ends depending on the power of the institution and the political views of the managers of the institutions. With headlines that read: "high-ranking commander" or "high-echelon security authority," it is clear that this news is not public-oriented but rather intended for political purposes, related ministers, undersecretaries or general managers. The relationship between the journalists and the managers of such newspapers determines the method of the media's control over these institutions. This relationship is generally against the media.

As a result, the challenges faced by the media regarding the activities of security units can be listed as follows:

- To find a trustworthy news source;
- To publish the news from this source independently;
- To avoid threatening the security of the country in connection with the news;

- To avoid humiliating or damaging the security forces of the state;
- To submit evidence to court during a trial, as a defendant, in order to facilitate independent decisions by the court considering that security forces carry a great deal of weight in a court of law;
- To report news while in abstraction of the structural problems within media institutions and security organisations.

Internet and Security Bureaucracy

The spread of the internet and satellite receivers substantially increased access to information and fortified the trend toward transparency and accountability and the accessibility of official information. As a result, citizens are better informed, thus improving the quality of discussions about important political matters and helping to establish a transparent and efficient security sector.

The internet has a much better chance than conventional media to influence security organisations. The internet is resistant to legal and conventional pressures because it has no over-arching authority. In addition, the internet has changed the conventional reporter-news source relationship. Any employee uncomfortable or unhappy with the performance of their institution can themselves become a direct source of information on the internet.

The question here is how the accuracy of the news can be verified in terms of a system of checks and balances. The posting of a news report on numerous web sites, the various tools for verification and denial of the information in question and the attestation of the news by other means are all meaningful ways to verify the accuracy of internet news. Despite these issues, the internet remains the most effective medium to monitor closed bureaucratic structures such as security organisations. For instance, news on corruption in the construction bidding for special forces facilities or the participation of some military and police special operations personnel in bank robberies were found on the internet weeks or even years prior to their appearance in the official press. These internet reports were even responsible for the launching of an inquiry approved by the chief of general staff and the general commissioner.

An internet search of the word 'Şemdinli' following the bookstore bombing on 9 November 2005, results in 941,000 hits from different websites reporting news verified by security personnel, citizens and media representatives in the area where the incident occurred. For example, a leaflet entitled To the Kurdish People (*"Ey Kürt Halkı"*) which was allegedly signed by the 'heroic Turkish police' intended to foment sedition among the Kurdish population and was distributed in the region. It included defamatory anti-Kurdish statements and was distributed throughout Turkey's southeast before and during the Şemdinli incident. While the mainstream media did not report on the leaflet, it was posted on the website <www.aloihbar.org> and, as a result was found to have been fraudulent and subsequently entered into police registries.

Thus, the internet can be an important tool that can help fulfill the requirements of democracy, transparency, accountability and monitoring. Essentially, because the internet is not bound by the restrictions arising from the relationship between the media and security organisations, websites can report news that cannot be published or broadcast by the mainstream media. This puts pressure on security organisations to become far more careful in their actions and obey the law due to fear of disclosure.

Although security institutions have appealed to the courts to shut down certain websites, either the requests have been rejected or those websites

that were shut down re-emerged under different names.[3]

Events of 2005

Media and the New Turkish Penal Code

According to the alternative media source <www.bianet.org>, because the new Penal Code went into effect on 1 June 2005, members of the media have lived under the threat of imprisonment in accordance with Article 301 of the Turkish Penal Code (*Türk Ceza Kanunu*, TCK). Although the new TCK is prepared in line with the EU harmonisation process, Articles 301 and 305 of the law restrict free speech on security issues.

Article 301 states that: (1) Public denigration of Turkish-ness (*Türklük*), the Republic or the Grand National Assembly of Turkey shall be punishable by imprisonment of between six months and three years; (2) Public denigration of the government of the Republic of Turkey, the judicial institutions of the state, the military or security structures shall be punishable by imprisonment of between six months and two years; (3) In cases where denigration of Turkish-ness is committed by a Turkish citizen in another country the punishment shall be increased by one third; (4) Expressions of thought intended to criticize shall not constitute a crime.

According to the 2005 report by the Network for Monitoring and Reporting on Media Freedom and Independent Journalism, 29 journalists, columnists and publishers were put on trial due to Clause 1 of Article 301. Eight of these journalists were sentenced by local courts.

Article 305 of the same law states: (1) A citizen who either directly or indirectly accepts pecuniary benefits for himself or for another person from a foreign individual or organisation in return for engaging in activities against fundamental national interests shall be sentenced to imprisonment for a term of three to ten years. The same penalty shall be imposed on the person who provides the benefit or makes the promise; (2) If the act is committed during wartime or benefit has been given or promised in order to spread propaganda through the medium of the press and media, the penalty shall be increased by half; (3) Except in cases where the act is committed during wartime, the prosecution of the offence shall be subject to the authorization of the minister of justice; (4) Within the meaning of the present article, fundamental national interests shall mean independence, territorial integrity, national security and the fundamental qualities defined in the Constitution of the Republic.

In both of the aforementioned articles of the Turkish Penal Code, crime can be defined by using concepts outside of a certain framework by going beyond the general rule of constancy of crime. Within the context of media-security relations, the natural duty of the media is to criticize security implementations and delinquencies. Since, the concept of "public denigration" stated in Article 301 is not explained in detail, some criticisms that may be considered within the realm of freedom of speech can be deemed "public denigration" by security organisations that tend to bring them to court. Due to the ambiguity of the concept, musician Ferhat Tunç, and journalists Doğan Özgüden and Ersen Korkmaz have been charged with violation of Clause 1 of Article 301.

Again in Article 305 of the same law the concept of national security was not clearly defined. Thus decisions regarding national security can be rather subjective and can change at the whim of daily events.

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3 For example, the courts rejected the case brought by the general staff for closure of the site <www.aloihbar.org>. Unfortunately, <www.yolsuzluk.com> was not so lucky. First, its domestic access was cancelled and then, as a result of pressure on the service provider in the United States, it was completely shut down. By the same token, <www.ulusalihanet.com> faced harsh criticism by the general staff. The access to this site was banned at the headquarters of the Directorate General of Security.

The head of the Association of Turkish Journalists (*Türkiye Gazeteciler Cemiyeti*, TGC), Orhan Erinç stated that many journalists would be in prison if the new TCK were implemented in line with what the government intends. Erinç added: "Journalists save themselves from bad laws through good enforcement".[4] Erinç is of the opinion that nearly 26 articles of the new code are undemocratic in terms of penalties and due to their reliance on interpretation. The head of the İzmir Journalists' Association, Erol Akıncılar criticised the pressures on freedom of speech stating that: Increased penalties for the crimes of the press and media aim at intimidating them and journalists and reporters cannot perform their duties.[5]

Turkey paid a fine of YTL 224,000 in 2004 and YTL 540,000 in 2005 to ECtHR (The European Court of Human Rights) following its ruling related to freedom of speech and fair trial. Turkey has been obligated to pay YTL 764,000 in compensation since 2004 due to violations of Article 10 that protects freedom of speech and Article 6/1 that defines the right to fair trial and Article 2 regarding "inadequate examination" in the death of a journalist. This clearly shows the importance of the role of the media in monitoring the security sector.

Doğan Özgüden, Emin Karaca and senior editor Mehmet Emin Sert were indicted for Özgüden's article "After 30 Years" (*Otuz Yıl Sonra*) and Karaca's article "What the Thirtieth Year Reminds Of" (*Otuzuncu Yılın Anımsattıkları*) published in the review Avrupa'da ve Türkiye'de Yazın in April 2002. The journalists were accused of having insulted the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK) according to Article 159 of TCK in 2003. The court decided to separate Özgüden's file and to acquit Sert. Karaca was sentenced to a five-month term of imprisonment. The sentence was later commuted to a fine of YTL 900 and the case remains open on appeal.[6]

In 2005, local courts handed out fines of YTL 12,900; 900 of which was deferred, and total prison terms of four years, of which one and a half years were deferred, to radio employee Sabri Ejder Öziç, writer Karaca, journalist Hrant Dink, writer Zülküf Kisanak, publisher Fatih Taş, magazine *Çağrı* owner Aziz Özer and magazine reader Erkan Akay.

Seventeen journalists who covered current human rights issues such as the Kızıltepe case, the cancellation of the Ottoman Armenians Conference, and cases of torture, are being charged with: "Influencing the Court's Decision," and "Attempting to Influence Fair Trial," based on the Press Law and the Turkish Penal Code. Ender Can Cevahir, Fehmi Koru, Mehmet Sucu, İlhan Selçuk, İbrahim Yıldız, İlhan Taşçı, Alper Turgut, Hrant Dink, Aydın Engin, Serkis Seropyan, Arat Dink, Hasan Cemal, Murat Belge, Haluk Şahin, Erol Katırcıoğlu and İsmet Berkan will face fines or prison sentences if found guilty in these trials.

Twelve writer-journalists are charged with: "Disseminating Terrorist Propaganda" according to TCK or the Anti-Terror Law. Among these journalists are *Radikal* reporter Neşe Düzel, *Hürriyet* reporter Sebati Karakurt, journalist Ertuğrul Mavioğlu and ATV producer Ali Kırca. Five journalists are standing trial for reports on the mafia in the high criminal courts to be filed in the Criminal Court of General Jurisdiction following the amendments of criminal procedures and the penal code.

According to the Media Monitoring Report 2005 of the BIA (alternative news network) project, an appeals trial was held on 27 September in the 4th Judicial Office of the Court of Appeals brought against the newspaper *Anadolu'da Vakit* which

4 See, <www.byegm.gov.tr/YAYINLARIMIZ/AyinTarihi/2005/agustos2005.htm>.

5 See, <www.telehaber.com/haberler/haber-287453/>.

6 See, <www.savaskarsitlari.org/arsiv.asp?ArsivTipID=8&ArsivAnaID=30187&ArsivSayfaNo=1>. Article 159 of former TCK, Article 301 of new TCK foresees sentence of imprisonment six months to three years.

published an article entitled: "The Country Where Those Who Do Not Have the Ability to Even Become Corporals, Become Generals" (*Onbaşı Bile Olamayacakların General Olduğu Ülke*) The court is currently deliberating on a verdict. Ankara 20th Criminal Court of General Jurisdiction had accepted the generals' compensation claims on 20 May 2004 and sentenced representatives of the newspaper to a fine of YTL 624,000. With legal interest added, the amount reaches YTL 900,000. The criminal case is continuing in Bağcılar 2nd Criminal Court.

Journalist Rahmi Yıldırım, from the website <www.sansursuz.com> was sued for an article entitled: "The Qualified One Gets the Job Done" (*İş Bilenin Kılıç Kuşananın*) on military and civilian state officials allegedly involved in corruption. Yıldırım stood trial on 7 September facing up to three years' imprisonment. The case, brought by a complaint by the general staff for insulting the military, is ongoing in the Ankara 12th Criminal Court of General Jurisdiction. After the indictment was read in court, Yıldırım stated that the article was meant as critical commentary, that some parts of the article had been altered in the text of the indictment and that he had been misquoted.

In response to all of these curtailments, TGC decided not to award a Press Freedom Prize on the anniversary of the Lifting of Censorship celebrated on 25 July 2005. The selection committee protested TCK's restriction on the right to free speech, to inform and to acquire information and took a solid vote to abstain from awarding the prize. Union of Turkish Journalists (*Türkiye Gazeteciler Sendikası*, TGS) has asked for the amendment of TCK which restricts the freedom of speech and threatens journalists with imprisonment.

Conclusion

The problems between media and the security sector ultimately derive from conventional bureaucratic approaches, organisational structures, the concept of confidentiality and the ambiguity of the law and can be considered the reflection of general issues emerging with the

Penalties by the Higher Council of Radio and Television (Radyo Televizyon Üst Kurulu, RTÜK)

Penalties imposed by RTÜK in 2005 were as follows:

- For violations of provision (e) of Article 4 of Law No. 3984 amended by Law No. 4756 which stipulates: "Broadcasts shall not, in any manner, humiliate or insult people for their language, race, colour, sex, political opinion, philosophical belief, religion, particular sect, and any such considerations." **Warned: Haber Türk, Uyandırma Servisi** program, 15 June 2005 (30 June and 5 July);
- For violations of provision (e) of Article 4 of Law No. 3984 amended by Law No. 4756 which stipulates: "Broadcasts shall not violate the national and moral values of the community or the Turkish family structure." **Requested defence: ATV, Yalnız Değilsin** program 28 April 2005 (30 June and 5 July 2005). **Warned: Show TV, Serap Ezgü ile Biz Bize** program 14 April and 11, 12 May 2005; **Kanal D, Ah Kalbim** program, 25, 26, 28 April 2005 (30 June and 5 July 2005); **ATV, Harika Pazar, Elifnağme** and **Hande Ataizi ile En Çekici** programs, April 2005; **CNN Türk**, Evening News 12 May 2005 (30 June and 5 July 2005); **Kanal Türk**, foreign movie, 14 February 2005 (30 June and 5 July 2005);
- For violations of provision (g) of Article 4 of Law No. 3984 amended by Law No. 4756 which stipulates: "Broadcasts shall serve for the improvement of the general objectives and basic principles of the Turkish national education system and the national culture." **Warned: Smart TV, Kemal Haluk Cebe ile Yorum** program, 3 March 2005 (30 June and 5 July);
- For violations of provision (l) of Article 4 of Law No. 3984 amended by Law No. 4756 which stipulates: "Broadcasters shall respect the principles of impartiality, conformity and reliability in news programs; broadcasts shall not prevent the free formation of opinions." **Warned: TV5**, Evening News 26 April and 7-11 May 2005 (30 June and 5 July); **STV**, Evening News, 6 May 2005 (30 June and 5 July);
- For violations of provision (s) of Article 4 of Law No. 3984 amended by Law No. 4756 which stipulates: "All the items of the program services shall respect human dignity and fundamental human rights." **Requested defence: Kanal D, Kadının Sesi** program, 10-12 May 2005 (30 June and 5 July 2005) **Warnings: TGRT, İnci Ertuğrul Sizin Sesiniz** program, 11-13 April 2005 (30 June and 5 July 2005); **Show TV, Serap Ezgü ile Biz Bize** program, 14 April and 11, 12 May 2005 (30 June and 5 July 2005); **ATV, Özel Hat** program, 15 February and 12 April 2005 (30 June and 5 July 2005); **Flash TV**, Evening News, 7-8 May 2005 (30 June and 5 July 2005); **One day off the air: Kanal D, İkinci Bahar Gönüllerde** program, 22, 27, 28 April 2005) (30 June and 5 July 2005).

democratisation of Turkey. The most remarkable incidents of 2005 involved the trials against media members in accordance with Article 301 of the new TCK.

Technological developments have turned the internet into an alternative and invaluable source within the context of media and security relations. As the internet is not subject to the obstacles confronting the mainstream media, it is used especially for airing criticism. Even though various state institutions have sued internet sites for exposing controversial issues, the fact remains that the internet is an alternative medium. Within this context, the internet will invariably continue to play a significant role, particularly in relation to the process of democratisation and civilian oversight of the security sector in Turkey.

DEVELOPMENTS IN SECURITY AND REFLECTIONS IN THE PRESS: AN OVERVIEW FOR 2005

Itır Toksöz
Volkan Aytar*

The public institutions that provide security in Turkey, and lately the private institutions, were generally discussed from the point of view of their technical aspects. The issues of security were related directly and exclusively to the prevalence of the state, were seen as a specialized field, and were not analyzed on a public level in a critical way that would reflect its various aspects. Generally, the media unfortunately helped regenerate this information asymmetry on matters of security and turn non-experts into mere by-standers. The news concerning security in the media looked like ever-blinking, complex signals and continued to confuse the minds of the "trackers." Moreover, news reports varied from media institution to media institution to such an extent that it sometimes led to suspicions as to whether they concerned the same incident.

The Almanac focuses on all security sector institutions, those organisations and formations that will exert civilian control and supervision over them, as well as the contributions of the media. Our work, however, aims at taking note of security-related developments throughout the year and becoming a multi-faceted and reliable source of reference rather than discussing or analyzing each security organisation and institution. No doubt the methodology we embrace and the evaluations we make are shaped by our subjective stance and as such may contain errors and omissions. But our basic aim is to eliminate the confusion caused by the "flashing" news and the way these are published; to determine the most enduring news and making their follow-up easier for the future; and to state the developments of the year month by month in an integrated fashion. In other words, to cause cracks, no matter how small, in the aforementioned information asymmetry.

To this end, four daily newspapers (*Hürriyet, Sabah, Radikal and Zaman*) were scanned from their internet editions throughout 2005 and all news directly or indirectly related to security issues were gathered. Why were those four newspapers selected? *Hürriyet* and *Sabah*, which have high rates of circulation, publish the most news and are among the most influential newspapers in Turkey; they are also the flagships of the two biggest media groups in Turkey (Doğan and Ciner). Another best-selling newspaper, *Zaman* appeals more to religious sensitivities, something found relatively seldom in these two media groups. It attempts to position itself more as a reference newspaper, and it reserves much more space for security issues than the other newspapers. *Radikal*, again from the Doğan Media Group, targets a more urban, liberal-left readership, and sets itself apart by focusing more on human rights and freedoms. Apart from these four newspapers, *Cumhuriyet, Milliyet, Vatan, Akşam, Halka ve Olaylara Tercüman, Dünden Bugüne Tercüman, Yeni Şafak, Star* and *Ülkede Özgür Gündem* were also included by way of proof-reading, but there was no systematic scanning of these newspapers.

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Some technical problems faced by the internet editions and their sometimes poor archival methods made it difficult at times to select articles.

As for the criteria for news selection and how these were reflected in this work, in addition to articles related to the classical state-centred definition of security, care was also taken to reflect developments concerning security outside this definition. Developments directly related to geopolitical security and defence were included in proportion to their effect in the country. All issues and developments related to the articles in the *Almanac* were scanned. Along with the newspaper articles, developments monitored in *Almanac* articles were also included in the chronological list. Also, searches were conducted in the Turkish Grand National Assembly news archives with various keywords and those results are included here as well.

Separate codes were created for the newspaper and Almanac articles, and this coding system is used throughout the chronological list (an explanation of this coding system can be found in the table below). In this way, reference was made to all sources that included a specific piece of news. If the follow-up of to a news article that was found in many sources is made by a single source, this is also reflected in the coding system, and the part that is found in multiple sources against the part found in a single source is included separately. In this way the *Almanac* reader is able to see which source focuses on what details when publishing a specific piece of news. The chronological order is based on the date of the incident rather than the publication date wherever possible. In cases where the date of the incident could not be determined, the publication date is used.

While including the news in the chronological list, we faced a significant difficulty. We tried to keep a critical distance away from the language [and the undertones] the source employed, at the same time trying to reflect the mentality this language implies. We recognized that being pro or anti government influenced the way the news, especially security-related news, is reflected. We particularly tried to distance ourselves from unverified claims and accusations, or the labeling/targeting of persons or institutions. We refrained from using expressions such as gang/organisation member, terrorist, preferring: suspected supporter of (...) about those who were not legally condemned, or expressions that were based on claims and accusations that were not verified by other sources. On the other hand, we tried to demonstrate the ease and frequency with which the press uses such expressions. We also tried to show how such a criminalizing language can differ among newspapers that espouse different points of view, how a 'suspect' in one newspaper can be qualified as a 'terrorist' in another—or even how different people who apparently have committed the same crimes are qualified as 'suspect' and 'terrorist' within the same newspaper, in the span of a few pages. To emphasize this dual and highly thought-provoking situation, we used double quotes (“”). We have also used quotation marks for statements made directly by people to newspapers for the specific words and sentences they used, and we used direct quotes from newspapers.

A final instructive point is the news preferences and follow-up capacities of newspapers in time. Possibly due to the professional weakening of the newspaper correspondents and the lack of knowledge and background of the people writing on matters of security, and perhaps due to the lack of an *Almanac* they can refer to, we found that the news was often presented as a free-floating thing, devoid of context and social implications, and as such meant little to readers. This situation was made all the more intense by the insufficient background information included in the body of the news as well as the lack of follow-up, as stipulated by the editorial agenda's ideological preferences. As far as the aforementioned criminalizing language is concerned, it also meant breach of the right to respond and to defend themselves for those people and institutions bearing the guilty label.

In conclusion, when we look at the place of security in the press in 2005, we see that attempts to prioritize human security as well as state security, to positively transform the information asymmetry, to increase the information and action capacity of civilians and citizens to this end were weak, but we should also say that some developments with good intentions cannot be ignored. Newspapers began to show, albeit slowly, that security means more than classical state-centred security and that human security is also threatened. For instance, stories about crime waves in cities and the insufficiency of the methods for fighting these find more and more room in the press. However, considering that public order is related to other social problems and inequalities, if holistic sensitivities and policies cannot be developed and a change in the security-democratic rights balance does not happen in favor of the latter, this slow transformation might lead to the criminalizing of some groups thought of as threatening and might accelerate the journey to a completely supervised society through the total "securitization" of daily life.

THE CODING SYSTEM

[R] - Radikal
[Z] - Zaman
[S] - Sabah
[H] - Hürriyet
[T] - Halka ve Olaylara Tercüman
[Ak] - Akşam
[DBT] - Dünden Bugüne Tercüman
[V] - Vatan
[C] - Cumhuriyet
[St] - Star
[YŞ] - Yeni Şafak
[A-TBMM] - Almanac/Turkish Grand National Assembly
[A-H] - Almanac/Government
[A-MGK] - Almanac/National Security Council
[A-TSK] - Almanac/Turkish Armed Forces
[A-POLİS] - Almanac/Police
[A-JGK] - Almanac/Gendarmerie
[A-ÖH] - Almanac/Special Operations
[A-ÖG] - Almanac/Private Security
[A-GKK] - Almanac/Temporary Village Guards
[A-MİT] - Almanac/National Intelligence Organization
[A-JİTEM] - Almanac/Gendarmerie Intelligence (JITEM-JIT)
[A-MED] - Almanac/Media

2005: CHRONOLOGICAL LISTING

January:
Operations against PKK militants carried out by the Tunceli Gendarmerie Provincial Command continued throughout the month. Şırnak and Mersin were the other cities where operations were carried out throughout January. The debates about corruption and transparency in the TSK came into the spotlight with the trials in the General Staff Military Court. News was printed about the separate case prepared by the military prosecutor who discovered interesting ties between the Former MGK General Secretary, Retired General Tuncer Kılınç and contractor Ali Osman Özmen who was on trial on charges of swindling YTL 118.6 million during construction of the Special Forces Command's Oğulbey Complex in Gölbaşı, Ankara. It was stated that Kılınç was accused in the 171-page indictment of the Özmen trial in the General Staff Military Court. The trial of Former Naval Forces Commander General, Retired Admiral İlhami Erdil, his spouse Füsun Erdil, his daughter Deniz Erdil, Erdil's assistant orderly officer retired Captain Yalçın Kayatunç, and Şirin Melek Özden, the alleged secret partner of Erdil's daughter, continued, where they were indicted for causing [financial or material] loss to the military. Debates regarding the police's concerns about the new Code of Criminal Procedure (*Ceza Muhakemesi Kanunu*, CMK) were part of the public agenda in January. The preparation and mobilization of the troops that were to take over command of the International Security Assistance Force (ISAF) in February continued throughout the month. The debates concerning the camera tracking system, which was part of the Directorate General of Security's security and crime-fighting project Mobile Electronic System Integration (*Mobil Elektronik Sistem Entegrasyonu*, MOBESE) that is planned to go

live in April, also found their way into the press. Around the country, purse-snatching and mugging incidents continued to be part of the public agenda. The Public Fiscal Administration and Control Law, which stipulated the auditing of the TSK budget by the Government Accounting Bureau, went into effect.

January 1: In his new year's message, the chief of general staff claimed that "the separatist organisation and those who act alongside it are trying to overshadow the ongoing fight for the indivisible unity of the country with claims of 'extrajudiciary killings' and 'mass graves' and called on everyone 'to be vigilant and do what is required with them.' [R]

January 2: The application made to the 2nd Criminal Court for the arrest of the four police officers in connection with the killings of Ahmet Kaymaz and his 12-year old son, Uğur Kaymaz, in Kızıltepe-Mardin was denied and a decision was made for the trial of the officers without their arrest. [S]

January 3: The four-day training requested by the Land Forces General Command for the integration of officers to retirement began at Ankara University's Continuous Training Centre. The course was entitled Individual Development and Integration to a New Period in Life training program. [H]

January 3: In his motion of question, AKP Samsun Deputy Musa Uzunkaya asked if there was any substance to the claims that imams were tagged by the Yuva-Elmalı-Antalya Gendarme Station, and since the question was not answered within the time-limit, it was published in the "Received Papers List." [A-TBMM]

January 4: The debates concerning the mass grave discovered in Kulp-Diyarbakır continued, and it was stated that an M-16 automatic weapon and bullets were found in the grave which were sent to a ballistics laboratory. It was stated that the General Staff is also investigating the claims. [S] The next day, it was reported in the press that the military officials did not confirm that "an M-16 was found in Kulp," and that the General Staff did not receive any information to that effect. [S]

January 5: A decision was made that the Turkish Airlines (*Türk Hava Yolları*, THY) should support the Directorate General of Security for the training of police officers who will be on duty on planes, and that planes be allocated to the Directorate General of Security to this end, as per the Directorate's request to THY in the last days of December 2004. [Z]

January 5: The report of the Purse-Snatching incidents Committee, that included members such as Minister of State Güldal Akşit, Minister of Health Recep Akdağ, Minister of National Education Hüseyin Çelik and Minister of Internal Affairs Abdülkadir Aksu, was completed by the Cabinet. [R]

January 5: The trial of 38 defendants on swindling allegations during construction of the General Staff Special Forces Command Gölbaşı complex began in the General Staff Military Court. The swindling amounted to YTL 118.6 million. [S, Z] The defence's request for the trial to be closed to the press was denied by the military prosecutor who agreed with the prosecution and replied: "Freedom of the press can only be abrogated to protect democracy. This is a serious trial." [S]

January 5: The draft providing new opportunities for surrogate officers and soldiers discharged while being treated for life-threatening diseases, as well as students who are discharged from military schools was accepted by the TBMM National Defence Committee. The draft stipulated that the military will cover the expenses of those suffering from the aforementioned diseases for a maximum of 6 months. [R]

January 6: A police officer, who claimed he frequently has surveillance duty, filed a suit arguing that following a five-day leave due to

the illness of his spouse he was arbitrarily placed on surveillance duty. The ruling stated that the officer's "rights and interests were not violated." Following the decision, the police officer announced that the the case had been sent to the European Court of Human Rights and that they requested compensation from the Ministry of Internal Affairs. [H, Z, S]

January 7: Members of the press criticized the ban of non-accredited reporters from the various sessions in the General Staff Military Court involving corruption cases. The General Staff stated that their stance towards non-accredited press institutions is not "provisional and personal" but "institutional and a matter of principal." [H]

January 9: Based on news from the newspaper *Star*, the newspaper *Zaman* reported that following the claims of corruption in the Turkish Armed Forces (*Türk Silahlı Kuvvetleri* TSK), a tighter watch on the personnel and armed forces expenditures will be implemented as part of the corruption investigations begun at the behest of the Chief of General Staff, General Hilmi Özkök. [Z, St] In the following days, referring to this subject, Ethics Committee President Mehmet Sağlam said: "News of this kind justify the view that TSK and the High Court of Appeals should also fall under the control of the Ethics Committee." [Z]

January 9: Prison wardens applied to the Prime Ministry and the Prime Ministry Human Rights Presidency for the improvement of their working conditions so as to become compliant with European Union standards. Previously, the police and the night watchmen also filed applications in Ankara along similar lines. [Z]

January 11: Washington's request to change the status of the İncirlik base found its way into the public agenda. In the previous days, the issue had come up during US Deputy Foreign Secretary Richard Armitage's visit in the first week of January, and afterwards with the visits of NATO Supreme Allied Commander and US European Forces Commander James John, and it was also discussed during Commander of the United States Central Command John Abizaid's meeting with Minister of Foreign Affairs Gül. [H]

January 11: Following student protests, especially those at the Ankara University Cebeci Campus and at the Linguistics, History and Geography Faculty, a security summit was held under the initiative of Ankara Governor Kemal Önal between the governor, the police, the gendarmerie and the rector and deans with the participation of the rector of Ankara University, the deans of Political Science, Law, Education and Linguistics, History and Geography faculties. [Z]

January 12: The General Staff declared that the tank modernization project will not be halted. Following the five-month delay in the M60 A1 tanks' modernization project due to some technical problems, the Defence Industry Undersecretariat held a meeting with the IMI Corporation and made an attempt to plan for "revision of the situation with a memorandum of consent." [H, S]

January 12: Directorate General of Security Spokesman Ramazan Er stated in the weekly press conference that the Democratic People's Party (*Demokratik Halk Partisi*, DEHAP) congress is under observation, where some participants shouted slogans in favor of PKK leader Abdullah Öcalan and held aloft posters with his photograph. [R]

January 12: The High Court of Appeals Chief Public Prosecutors Office filed an application with the Prime Ministry for a permit to investigate the National Intelligence Organisation (*Milli İstihbarat Teşkilatı*, MİT) executives, including MİT Undersecretary Şenkal Atasagun, upon the request of the leaders of the Karagümrük Gang, Vedat and Nuri Ergin, also known as the "Nuriş Brothers," currently in prison. [S]

January 13: In a statement made during his trip to Russia, Prime Minister Recep Tayyip Erdoğan reiterated Turkey's discomfort regarding northern Iraq, especially as concerns the PKK, and hinted that an operation against the PKK is imminent but that serious steps can only be taken after the elections in Iraq. [H]

January 13: The Council of Europe Convention on the Prevention of Terrorism (*Terörizmin Önlenmesine Dair Avrupa Sözleşmesi*, TÖDAS) amendment protocol was accepted in the TBMM plenary meeting, where those involved in armed terrorist attacks will no longer be defined as "political criminals." The amendments made to TÖDAS, the only convention within the Council of Europe directly concerned with the fight against terrorism following the attacks of September 11, were signed by Turkey in July 2004. Within this framework, those committing the crimes of hijacking, kidnapping, hostage- taking, and crimes committed with bombs, grenades and firearms or aiding in these crimes will not benefit from "political-criminal" protection. [R]

January 13: When a suspect apprehended in front of the governor's office in Konya prior to Gendarmerie Commander General Fevzi Türkeri's visit turned out to be a Hizbullah* member, the incident put the police on alert. During Türkeri's visit, security measures were doubled. [C]

January 13: The Ministry of Internal Affairs released a memorandum on cooperation and coordination among law enforcement units in order to render border protection and security more effective, and at the same time to warn the police and gendarmerie organisations about the necessity of remaining within the framework of their legal duty. [A-POLİS, A-JGK]

January 14: It was stated that the Turkish Justice Academy, founded for training judge and prosecutor candidates, will also offer legal training to the police and the gendarmerie within the framework of judiciary enforcement. The academy also began training military judges and prosecutors. [Z]

January 14: The 2nd Legal Department of the High Court of Appeals unanimously overruled a local court's decision, ruling that the husband, who was the plaintiff, was completing his military service as a short-term soldier and that a husband who is completing his military service cannot be expected to pay alimony at this time. [H]

January 18: In a public survey entitled Political Tendencies, Voting Preferences and Expectations in the Rural Area conducted by the AKP among 668 people from various villages, results showed the most trusted institution was the TSK by a showing of 84%. This was followed by the gendarmerie at 83% and the presidency at 78%. Among the least-trusted institutions were political parties, the business world, unions, The Council of Higher Education and the media. [H, R]

January 18: According to information received from various governor's offices and Göç-Der, to date 30,000 people applied to benefit from Law No. 5233 on Compensation of Losses Arising from Acts of Terror and the Measures Taken to Fight Terror of these, Diyarbakır is in the lead with 10,000 people with the highest amount to be paid limited to 14,000 YTL. It was also stated that no application was yet complete. [S]

January 19: True Path Party (*Doğru Yol Partisi,* DYP) leader Mehmet Ağar suggested the formation of a "special security unit" that will act as a neighborhood watch on every street, especially in urban centres. [S, R] Following this suggestion, the Directorate General of Security made attempts to establish street crime prevention bureaus, which would be on watch around the clock in neighborhoods with high crime rates within its special teams in each unit. [S]

* Editor's Note: Hizbullah, or the Party of God is a militant Islamist Sunni group unrelated to the Lebanon-based Shi'ite Hezbollah.

January 19: It was stated that the Public Administration Reform Law, passed by the Assembly as part of the government's attempt to give the Defence Industry Undersecretariat (*Savunma Sanayii Müsteşarlığı,* SSM) special status, but vetoed by President Ahmet Necdet Sezer, is planned for revision, in order to prevent Sezer from vetoing it again. [R]

January 19: The Defence Industry Executive Committee, gathered under the lead of Prime Minister Erdoğan, declared its decision regarding the bid for the procurement of 10 naval observation and patrol airplanes. It was decided that instead of the Casa-235 planes, which were in the spotlight due to the accidents of 2001, planes will be bought from the Italian company Alenia. In the following days, the positive views of the aviation authorities on the decision were reported in the press. [S]

January 21: Various crime statistics in Turkey were disclosed. According to the Ministry of Justice data from the end of 2004, one in every 8 persons is an ex-convict, the total number of ex-convicts equals 8,021,512, and that the number of convicts and prisoners increases by 5,000 every year. [H] In the following days, it was declared that according to Directorate General of Security records, one in every four crimes is committed in İstanbul. The largest share of crime increase belongs to banking crimes; crimes of wrongful seizure have also increased, with information crimes increasing by 33% from last year. [H, S, R] Two out of every three crimes in İstanbul remain unsolved. [Z]

January 22: In an announcement by the Directorate General of Security Public Order Department, it was stated that street crime prevention bureau authorities will be established in cities due to the increase in offences against property such as purse-snatching, swindling, and theft. [H, Z, S, R]

January 24: The Directorate General of Security included 81 provincial security directors in its EU program prior to Turkey's negotiations with the European Union. [Z]

January 24: In the General Staff Military Court trial based on the claim that the special forces command caused the state to suffer a loss of YTL 118.6 million in the construction bid in Gölbaşı, the culprits in custody, contractor Ali Osman Özmen and engineer Captain Hüseyin Ceylan, were discharged. [R]

January 25: General Yaşar Büyükanıt, during his visit to the Turkish Republic of Northern Cyprus (*Kuzey Kıbrıs Türk Cumhuriyeti*, KKTC) for the inspection of the Cyprus Turkish Peace Corps Command (*Kıbrıs Türk Barış Kuvvetleri Komutanlığı*) troops, stated that the military would not leave Cyprus before permanent peace is established. [H, Z, S]

In the following days, Greek Minister of Defence Kyriakos Mavronicolas protested Büyükanıt's statement. The Turkish Ministry of Foreign Affairs adopted a diplomatic approach and remained silent. [H]

January 25: Minister of Health, Prof. Dr. Akdağ underlined the fact that they have been working in close cooperation with the general staff for almost a year, and that there was progress in the matter of military hospitals' opening to the public. The plan is to open 50% of the military hospitals' capacity to the general public. [H]

January 25: The Directorate General of Security announced that the Anti-Terrorism (Terörle Mücadele, TEM) branches in 81 provinces are being restructured and that as part of this project, a new unit called the Emergency Intervention Team is being established in order to carry out operations against terrorist groups in cases of emergency. [Z]

January 25: The motion of question given by CHP İstanbul Deputy Ali Rıza Gülçiçek in December asking whether the National Security Policy Document defined the "Alevi denomination as dangerous" and asking for the views of the Prime Minister on the matter was answered by the Minister of National Defence Vecdi Gönül in the name of the Prime Minister.

Gönül stated that the document in question did not contain "any point that would leave the Alevi population under suspicion." [A-TBMM]

January 26: The Directorate General of Security prepared a draft for the formation of Turkey's first DNA database for storing the DNA of felons to use as evidence to apprehend culprits. [R]

January 26: The Deputy Chief of General Staff İlker Başbuğ's monthly press conference in the General staff headquarters was broadcast live for the first time, by approval of Chief of General Staff Özkök. [H] General Başbuğ's focus was on Kirkuk, Iraq. Voicing concerns over the change in Kirkuk's demographic structure, General Başbuğ also talked about harassment by Greek planes, elections in Iraq and Afghanistan, US-Turkey relations, corruption and transparency debates about the TSK and the National Security Policy Document. [H, S, R]

January 27: Worker's Party (*İşçi Partisi*, İP) Secretary-General Mehmet Bedri Gültekin filed a criminal complaint against past MİT executives, claiming that they planned an assassination attempt against party leader Doğu Perinçek in previous years. [H]

January 27: In a leaflet prepared by the Directorate General of Security's Security Department, "the exercize of the right to organize meetings and demonstration marches" was posited. The leaflet stated that the methods for these rights are defined in the Meeting and Demonstration Marches Law No. 2911. [S]

January 28: In an operation carried out in Germany by the Turkish and German police, a narcotics ring run by a Turkish police officer was uncovered. As part of the operation ongoing since January 13 and supervised by the Department of the Fight Against Smuggling and Organized Crime, it was announced that a Turkish narcotics ring was apprehended in Mönchen-Gladbach, Germany. The Chief Superintendent of Diyarbakır Alişan Eroğlu police station, İsa Taşpınar was apprehended in the act, found carrying 8.5 kilograms of heroin. [H]

January 28: In order to increase the number of personnel working abroad, the Directorate General of Security began a foreign-language initiative and established a "Foreign Languages Training Unit" in its Anıttepe Ankara complex. [Z]

January 31: The Scientific and Technological Research Council of Turkey (*Türkiye Bilimsel ve Teknik Araştırma Kurumu*, TÜBİTAK), developed a mine detector that has odor sensors, artificial intelligence, and can detect metallic and non-metallic mines as a result of a project that has been ongoing for 7 years. According to the Ottawa Landmines Convention signed in 2003, Turkey agreed to clear out all landmines in nine years but lacked even a map indicating the locations of the mines. As a result, the General staff made a request to TÜBİTAK for the development of a mine detector. [H]

January 31: An article published by Israel's *Ha'aretz* newspaper reported that Israel was negotiating with Turkey about a cooperation agreement reaching 1.5 billion USD in value. The newspaper stated that Ministry of Defence General Director, General Amos Yaron and the delegation accompanying him held meetings in Ankara in the previous week to discuss defence cooperation issues between the two countries, with the discussions mainly focusing on the modernization of 48 F-4 Phantom and 200-300 M-48 Patton tanks by Israeli experts and the procurement of Israel's Harpy unmanned aerial vehicle. [H]

January 31: Security General Director Gökhan Aydıner stated that important progress was made compared with 2003 in the fight against narcotics and that the amount of narcotics seized in 2004 increased by 149%. [H, Z]

February:

The special forces trial continued throughout the month. As part of the trial, Chief of General Staff Özkök allowed the investigation of former gendarmerie Commander General (ret.) Şener Eruygur who was involved in the trial. Another

ongoing corruption trial was that of former naval forces General Commander Erdil and his spouse, on the grounds that they caused the military to sustain losses. Turkey took over the ISAF Command in Afghanistan. Debates over sending Turkish soldiers to South Asia in order to provide security and assistance coordination after the earthquake and tsunami disasters also found their way into the agenda. Another matter on the agenda was the seizure of 118 kilograms of hashish as a result of Operation Sadabat. Also, the Public Order Department Directorate announced on the third week of the month that 39 people were arrested in various operations in İstanbul on charges of wrongful seizure, pick-pocketing and theft; one case of murder. Forty-two cases of wrongful seizure, pick-pocketing and theft were solved as a result of operations in various provinces.

February 1: Israeli Chief of General Staff Lieutenant General Moshe Ya'alon visited Chief of General Staff Özkök. The two priority matters were the spy-plane project for the purpose of observation, especially in the eastern and southeastern zones and the modernization of F-4s and F-16s. It was observed that 'Arrow 2' missiles have not been part of the agenda for a long time. [H, S]

February 1: MİT Middle East Department Chief Kaşif Kozinoğlu, whose name was implicated in the MİT-Çakıcı-High Court of Appeals scandal, was temporarily assigned to the Turkish consulate in Tokyo. [S]

February 2: After the release of PKK/Kongra-Gel presidency council member Nuriye Kesbir, security and intelligence units decided to monitor the organisation's activities in Holland. The meeting, held at the Directorate General of Security Intelligence Department Presidency and headed by Security Director General Aydıner was attended by high officials of the gendarmerie and the security intelligence departments and prosecutors from the Diyarbakır Chief Public Prosecutors Office who are in charge of "terror activity" cases in Siirt, Şırnak, Mardin, Adıyaman, Bingöl, Şanlıurfa and Batman. Following the meeting, the drafting of a report was planned about the ties of the organisation and its political activities to be presented to officials in Holland. [R]

February 3: There was an increase in reported crimes committed by ill-intentioned people wearing official uniforms in Turkey. TEDAŞ, Turkish Telecom and the Bureau of Narcotics were also among the institutions that suffered from uniformed theft, and that various people obtained uniforms belonging to these institutions and swindled citizens. The decrease that came about with the new TCK in the punishment for wrongful seizures was said to be effective in this increase. [Z]

February 3: With the sector's being regulated as a result of the new private security law and the new procedures for establishing a security company regulated by this law, 95 legal companies became members of the Security Systems and Observation Organisations Association (*Güvenlik Sistemleri ve Gözetim Organizasyonları Derneği*, GÜSOD). [S]

February 6: The Turkish Standards Institution (*Türk Standartları Enstitüsü* TSE) defined standards for the police unit specializing in children. According to these, the officers should have the ability to role-play, to respect confidentiality and to show compassion and love toward children. [H]

February 6: According to law enforcement statistics, an average of 20,000 armed crimes are committed each year around Turkey, and of the weapons involved in these crimes, 20% are licensed. For solving and lessening the incidence of armed crime, the gendarmerie formed a meticulous ballistics database for every weapon they license; however, the police, who are responsible for the protection of 65% of the population, did not carry out such a project because no relevant decision was found in the laws and regulations. [Z]

February 7: It was announced that 15% of private security members, whose training was a matter of debate for some time and whose numbers exceed the hundreds of thousands, failed to pass the directorate general of security's examination, although they completed basic training. Private security was regulated with the new law concerning private security services No. 5188, and training became compulsory for private security members and private security executives. [Z]

February 7: In his reply to CHP Yozgat Deputy Emin Koç's motion of question from December asking: "Is it true that the police and gendarmerie files concerning crimes committed prior to 31 December 1982 will be destroyed in order to protect individual rights and prevent unjust treatment?". Minister of Internal Affairs Aksu stated that records belonging to the police and the gendarmerie in the Contrabandism, Intelligence Operations and Data Collection Department (*Kaçakçılık İstihbarat Harekât ve Bilgi Toplama Daire Başkanlığı*, KİHBİ) computer system concerning crimes committed prior to 31 December 1982 were indeed deleted. [A-TBMM]

February 9: The remains of Murat Silopi, who went missing ten years ago, were discovered following publication of the confessions of Abdülkadir Aygan, who claims to have worked for the Gendarmerie Intelligence and the Anti-Terror Organisation (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JİTEM). Subsequently, the Diyarbakır Bar Association and the Human Rights Association (*İnsan Hakları Derneği*, İHD) filed a criminal complaint in the Diyarbakır Chief Public Prosecutors Office against 31 suspects named in Aygan's confessions that include the State of Emergency region (*Olağanüstü Hal*, OHAL) governors Ünal Erkan and Hayri Kozakçıoğlu and high-ranking gendarmerie commanders, most of whom are suspected JİTEM members. [Z]

February 10: The Directorate General of Security announced it would form a special unit for murders, assassinations and unsolved politically-motivated crimes. The Bureau of Politically-Motivated Unsolved Murders is to be structured within the Terror Bureau Directorates in 81 provinces with four bureaus in the TEM Branch Offices, namely, incidents with perpetrators unknown, R&D, logistics and emergency-intervention teams. [Z]

February 11: Suspicions of a chemical attack roused by the strong odor emanating from a package in a THY plane's cargo hold caused panic in Esenboğa Airport. Following an intervention and tight security measures, investigations revealed the offending material to be garlic oil. [H, S, R, Z]

February 11: The 28th Mechanized Infantry Brigade joined the ISAF operation in Afghanistan and took over command of the Kabul Multinational Brigade for 6 months. [H, Z, S, R]

February 13: As part of the increase in airline security following the September 11 attacks in the US, cockpit doors were replaced with steel doors in order to prevent offenders from entering the cockpit. Hidden cameras were also installed in the cabin in order to observe passengers in-flight. [Z]

February 15: Minister of Foreign Affairs Gül stated in his party's group meeting that due to heavy criticism on matters of public order, the government's top priority is to provide security and public order. Gül added that to this end more than 30 new units were formed to counter purse-snatching incidents in İstanbul. [Z]

February 15: Security intelligence units sent secret reports to the directorate of securities of 81 provinces containing the activity calendars of leftist organisations such as PKK/Kongra-Gel, Revolutionary People's Liberation Party/Front (*Devrimci Halk Kurtuluş Partisi*, DHKP-C), Marxist - Leninist Communist Party (*Marksist Leninist Komünist Partisi*, MLKP) and Turkey Communist Party/Marxist-Leninist (*Türkiye*

Komünist Partisi/Marksist-Leninist, TKP/ML), raising an alarm around the country. The report, which spoke of terror organisations' intentions to turn springtime into a period of planned and effective revolt, stated that PKK/Kongra-Gel planned on beginning their activities on 15 February, the anniversary of Abdullah Öcalan's arrest in Kenya, and that to this end the organisation smuggled C-4 explosives into Turkey from northern Iraq. [Z]

February 15: In the trial of 71 suspects charged with involvement in bombing attacks between 15—20 December, 2003, eight people were discharged. İlhami Sayan, the lawyer of Meliha Yıldırım who was among the discharged, claimed that Gürcan Baç, the leader of Al-Qaeda's Turkey chapter who organized the suicide bombings of November 2003, was killed in Falluja Iraq. [S]

February 14: The Council of Ministers opened the amendment draft to the security organisation law for signature. This amendment would allow for university graduates to become police officers after a six-month training regimen. Government Spokesman and Minister of Justice Çiçek stated that the Ministry of Internal Affairs has a staff deficit in the police and that this deficit, when compared to EU figures, reaches 35,000. The number of police officers to be recruited was given as 10,480. [Z, S, R]

February 17: As stipulated by the security directors regulation, which was approved by President Sezer and which was conceived as a solution to the ongoing crisis between Diyarbakır Security Director Orhan Okur and Governor Efkan Ala, the security directors of seven provinces were transferred to the centre, and 14 security directors were assigned to new posts. [H, Z, R] Diyarbakır Security Director Orhan Okur was assigned to Çanakkale as a result of his problems adapting to working under Diyarbakır Governor Efkan Ala. [R]

February 18: The trial concerning Alaattin Çakıcı's escape abroad, where MİT External Operations Department Deputy Head Kaşif Kozinoğlu is also a suspect, started in Beşiktaş 9th High Criminal Court. [Z, R, S]

February 18: The general staff declared that they have no connection to the Turkish *Metal Storm* (*Metal Fırtına*) novel which tells the story of the United States' invasion of Turkey and Turkey's subsequent victory over the US through an alliance with Russia and Europe, and denied claims that the book was approved by the general staff prior to publication. [S]

February 18: The deputy security director and three police officers who were suspended in connection with the killing of truck driver Kaymaz and his 12-year-old son in Kızıltepe, Mardin were returned to duty. The trial began on **21 February** in Mardin 2nd High Criminal Court. [S]

February 19: In order to provide customs supervision over the many endemic plants and animals the export of which is limited by quotas and to prevent botanical espionage, the educational project prepared by TÜBİTAK began. The project was initiated by Abant İzzet Baysal University and TÜBİTAK when many species faced extinction due to smuggling abroad. [Z]

February 19: Following the bio-terror crisis in Esenboğa Airport due to garlic oil in the cargo, police officials were sent to the Interpol Global Bio-terrorism Conference in Lyon, France on 1-2 March to learn about bio-terrorism. [R]

February 20: It was reported that as part of the Şafak Operation carried out by the Kırklareli Gendarmerie Command targeting those responsible for fraudulent sale of treasury land, bid fraud and bribery, of the 100 people who were taken into custody and interrogated on 17 February, six were arrested. [Z, S]

February 21: The Identity-Sharing System (*Kimlik Paylaşımı Sistemi*, KPS), providing access to identity information with the touch of a

button was put in place by the ministry of Internal Affairs' Department of Identity and Citizenship Affairs It was stated that KPS is an extension of the Mernis project that helps simplify the work of the Department of Identity and Citizenship Affairs, that it stipulates the sharing of data accumulated within Mernis with other public institutions within a legal framework, and that it will provide fast and direct access to the citizen information needed by these institutions. [H]

February 23: It was stated that following the civilianization initiative of the National Security Council (*Milli Güvenlik Kurulu*, MGK), the problem of accreditation in military courts has been eliminated and that the trial of former Naval Forces Commander General Erdil is being covered by broadcasters *Samanyolu TV* and *Kanal 7,* and the newspapers *Anadolu'da Vakit* and *Dünden Bugüne Tercüman.* [H]

February 23: According to the Draft for Amendment to the Retirement Fund Law sent by the Cabinet to the TBMM presidency yesterday, the retirement age-limit has been lowered from 60 to 56 for colonels and from 55 to 54 for lieutenant-colonels beginning 30 August. The legal grounds for the draft includes the argument that this will help rectify the inequality between military doctors and medical academic and other colonels and lieutenant-colonels by requesting older staff members to retire in order to create vacant posts for younger ones. [H]

February 24: Six police officers, one of them female, working in the Anti-Terror Department İstanbul Directorate were sued for "mistreatment of two people forced to confess under duress." The court case was filed in İstanbul 7th High Criminal Court. [H]

February 26: The law providing for compensation for the medical treatment of cadets dismissed from school due to their long-term illness by the TSK has been approved by President Sezer. [H]

February 25: In the first MGK meeting of the year, the issues of Iraq, Cyprus, and the defence industry were discussed. [H] The announcement released following the meeting stated that the focus was on Turkey's close dialogue and cooperation with the new administration in Iraq and all segments of the Iraqi population and that the UN General Secretary's attempts for a solution in Cyprus as part of a good-will mission will continue to have Turkey's support. [Z]

February 25: Upon orders of the Chief of General Staff Özkök, a fight againt corruption in army bids has been implemented. With General Özkök's instructions, the denunciations on bids are being investigated by the General Staff Fight Against Corruption Committee and the Department of Logistics, all complaints received on the internet site *Alo İhbar* are thoroughly assessed, all files are reopened and the bids are scrutinized for evidence of corruption.[S] Military sources stated that following filing of the court cases involving retired Admiral Erdil and the Special Forces General Command, there was a major increase in both signed and anonymous denunciations to the general staff. [S]

February 26: Land Forces Military School Commander General Major Hulusi Akar insisted that the land forces military school be one of the institutions integrated into the EU, and announced that the application the school made to EU-training program Socrates has been accepted. [H]

February 28: According to the weekly news magazine *Aksiyon*, due to the serious increase in drug-trafficking between Turkey and the EU in the last two years, the Directorate General of Security began working toward opening a representative office in Afghanistan, an important global centre of drug trafficking, to be active in the region, the first step being opening a liaison office. [Z]

March:

The intervention of the police and their use of tear gas and truncheons during the

unauthorized demonstration on women's day and the incidents that followed, marked the month. Another important incident was two people's attempt to burn the flag of Turkey during the (Kurdish) Newroz celebrations in Mersin. The special forces command trial in the general staff military court continued throughout the month. With only a month before the Code of Criminal Procedure (*Ceza Muhakemeleri Kanunu*, CMK) goes into effect, debates about the law continued throughout the month as well. Within this framework, an issue that was raised was the possibility of MOBESE being blocked by the new CMK.

March 1: CHP Mersin Deputy Hüseyin Güler, through the two separate motions of question he gave to the TBMM presidency, with the request for an answer from Minister of Internal Affairs Aksu and Minister of Justice Çiçek, respectively, questioned the return to duty, and subsequent transfer of the four police officers who were held responsible for the killings of Ahmet Kaymaz and his son Uğur Kaymaz in Kızıltepe – Mardin. [H, S]

March 1: It was stated that the general staff, as part of the restructuring of the TSK, closed down the psychological warfare units, which came into the spotlight with the "memorandum" [*andıç*] debates, and replaced them with "information support units" under the name of Information Support Department Presidency. In its article quoted from *CNN TÜRK*, the newspaper *Zaman* stated that the reason for the change was "the negative image and the uneasiness the psychological warfare units cause." [Z]

March 1: Minister of National Defence Gönül stated that "İncirlik is not used by the US for transporting military material or staff to Iraq." In his statement, Gönül said that the General Staff did not make any agreements with the US during operations in Iraq on this matter. [S]

March 1: Minister of Internal Affairs Aksu stated that Turkey has reached a very satisfactory level in disaster management, especially in search and rescue missions, but that the Civilian Defence Organisation has still not reached a sufficient level of same. [Z] During the Civilian Defence Society's 46th anniversary, Civilian Defence General Director Atilla Özdemir stated that their biggest problem is staff shortage. [R]

March 2: The draft stipulating the recruitment of 10,000 new police officers was passed through the TBMM Plan and Budget Commission with amendments. It was stated that of the 10,000 required, only 2,000 new recruitments will take place in 2005. [H]

March 3: In his written answer to CHP Mersin Deputy Mustafa Özyürek's question directed to him during the TBMM Plan and Budget Commission's budget meetings, Minister of Defence Gönül stated that Turkey has 1,357 active-duty military personnel in the north of Iraq. [H]

March 3: The Governor of İstanbul Muammer Güler said that some of the closed police stations will be reopened due to the increase in theft and wrongful appropriation cases. [R]

March 4: Of the 9 people taken into custody as part of the operation against the outlawed Hizb-ut Tahrir organisation in Ankara, some of whom were high-ranking executives of the organisation, five were arrested for "being members of an illegal organisation." [S]

March 4: In order to answer the motion of question given to Prime Minister Erdoğan, involving the discovery of human remains found near the Keper field in the Alaca Village of Kulp, Diyarbakır suspected of belonging to the 11 people who disappeared in 1993, Minister of State and Deputy Prime Minister Mehmet Ali Şahin presented the TBMM presidency with official documents of the institutions involved. General Deputy Chief of General Staff Başbuğ asserted that the mass grave claims, "just like the other claims in the region, are professionally organized in order to receive reparations from

the state through the ECtHR" and added: "It is inappropriate to start an investigation by the General Staff when there is an ongoing investigation by a judicial authority." MİT Undersecretary Atasagun stated that "the allegations in the motion cannot be answered by MİT since they fall outside its sphere of jurisdiction." Minister of Justice Çiçek said that the remains found by the villagers were sent to the İstanbul Forensic Medicine Institution, that the investigation is ongoing, and that the Diyarbakır State Security Courts (*Devlet Güvenlik Mahkemesi*, DGM) Chief Public Prosecutor's Office has begun an investigation. [H]

March 5: As a response to claims that police officers will "slow down" the new Turkish Penal Code that will go into effect on 1 April, Deputy Director General of Security Er said: "Not implementing or slowing down the new Penal Code is out of the question," and stated that the police's duty is to implement the law and not to interpret it. [R]

March 6: The cabinet, making amendments to the regulation rectifying the terms of duty and the training of reserve officers, announced that henceforth, those citizens carrying out their military duty as reserve officers will have a drill of one month instead of three. [R]

March 6: The police intervened in the women's day demonstration in Beyazıt Square İstanbul with tear gas and truncheons. Sixty-three people were taken into custody. The incident caused harsh reactions in the country and abroad. The EU Troika stated that they were shocked by the police's use of force and that it is not becoming to Turkey. The Ministry of Internal Affairs started an investigation concerning the incident. [H, S] On **March 8**, lawyers from the Contemporary Lawyers' Association (*Çağdaş Hukukçular Derneği*), Ali Ekşi, Sevim Akat and Behiç Aşçı filed a criminal complaint with the İstanbul Chief Public Prosecutors Office about İstanbul Directorate of Security's Security Department teams. The 8 March meeting organisation committee filed a criminal complaint against the İstanbul governor's office and the riot police. [S] In the European Parliament General Assembly on March 10, a judgment paper "heavily condemning the behavior of the Turkish police" was accepted. [H, Z, S, R] **March 9:** The chief inspectors of the police determined the 8 police officers used "incommensurate force" in the incidents. [S]

March 8: The Mounted Squad of the Ankara riot police began an initiative to take on new duties and to renew their image. Following the requested approval by the Ankara Directorate of Security from the Directorate General of Security, it was announced that the Armored Mounted Squad established in 1995 as part of the Directorate General of Security will now take on duties in illegal demonstrations involving violence and provocation. [Z]

March 9: İstanbul Metropolitan Mayor Kadir Topbaş announced that, in order for the public to use parks, to practice sports and to be able to reach these areas undisturbed, the 13 groves and 212 parks in İstanbul will be protected around the clock by mounted security officials assisted by watchdogs. [R]

March 10: In the Security Summit headed by Prime Minister Erdoğan where Minister of Justice Çiçek, Minister of Internal Affairs Aksu, Minister of National Defence Gönül, MİT Undersecretary Atasagun, Director-General of Security Aydıner, General-Commander of Gendarmerie Fevzi Türkeri and bureaucrats concerned also participated, a decision was made to rectify complaints pertaining to the new Turkish Penal Code and the Code of Criminal Procedure (CMK) with eight separate regulations. Also, eavesdropping authority was given to MİT, the gendarmerie and the police for preventive intelligence purposes. [H, S, M]

March 10: A decision was made to establish the Emergency Management General Secretariat (*Acil Durum Yönetimi Genel Sekreterliği,* ADYGS) in order to prevent conflict of authority in times of disaster and emergency. The draft ordered by

Minister of State and Deputy Prime Minister Şahin was distributed to the institutions concerned and their contribution was requested. The draft stipulated that the Directorate General of Emergency Management begin working directly under the prime minister and be transformed into a general secretariat, and included plans to establish the Civilian-Military Cooperation Presidency within ADGYS which would determine the general principles concerning civilian-military cooperation in times of emergency. [H]

March 10: In the reception at the Defence Industry Trade Fair, Land Forces Commander General Büyükanıt said that the PKK increased the number of its militants to the same level as 1999—the year Öcalan was captured—and blamed the increase on PKK militants in northern Iraq crossing the border into Turkey. In 1999, when Öcalan was captured, the PKK had approximately 5,000 militants on Turkish soil. [H, S]

March 10: The government handed over to the TBMM the draft concerning the solution to the duplicate military service problem especially experienced by Turks who moved from Bulgaria to Turkey in the 1980s. The draft stipulated the exemption from military service of those who have already completed their service in their country of origin. [S]

March 11: The draft concerning the discipline pardon for government clerks was presented to TBMM. It was stated that the draft did not include TSK members, judges and prosecutors, nor policemen and watchmen. [H]

March 11: With the memorandum it sent to the governor's offices of all 81 provinces, the Ministry of Internal Affairs, which is in possession of state secrets, brought the investigation process of personnel to be recruited by institutions such as MİT, TSK, the police and prisons to European Union standards. Previously, the investigations were made separately in the province where the person's registration was originally made and the province where the person resided, whereas now, thanks to Pol-Net all investigations will be wholly carried out from the person's province of residence. [Z, YŞ]

March 12: Abdulkadir Aygan, who claims to be a former JİTEM member, made interesting statements to Eşref Okumuş from Sweden's *Expressen* newspaper. According to the news article, Aygan—who claims to be a relative of Öcalan's and a PKK spy during the time he worked for JİTEM—made a call to Amnesty International to disclose the location where victims of unsolved politically-motivated murders are buried. [Z]

March 12: War college Commander General Faruk Cömert stated in his closing address for the Interaction and Guidance Between Emerging Information Technologies and Security Policies symposium that "systems based on software of foreign origin are far from being safe" and that software serving critical purposes should definitely be of national origin. [S, C]

March 12: The Directorate General of Security took measures for car patrol in Atatürk Airport, which is a target for purse snatchers. Henceforth, the airport will be protected by foot-patrols and one car patrol, the number of armed guards in front of the domestic and international terminals will be increased and will be on duty around the clock. [Z]

March 15: In the statement released by the İstanbul Governor's Office Directorate of Provincial Public and Press Relations, it was announced that the first three police officers that were members of the riot police and that were determined to have used excessive force in the women's day incident of March 6 have been suspended by the administrative and police chief inspectors investigating the issue. [H, S] The following day, three more officers were suspended, increasing the total number of suspended police officers involved in the incident to six. [H, S, R]

March 16: "The Crime Map of Turkey" prepared by the police and based on the recorded public order incidents of 2004 showed that public order crimes increased by 10% compared to the previous year. [H, S]

March 16: As a result of a proposal presented in the TBMM general meeting, some articles of the Law on Private Security Services were amended. As part of the amendments, the going-into-effect of the penal regulations of the Law on Private Security Services was postponed from 26 March 2005 until 1 January 2006. [H]

March 16: Some regulations in the new TCK planned to go in effect on 1 April drew criticism from MİT on the issue of preventive intelligence, and from the police and the gendarmerie on the matter concerning issuance of search warrants. Accordingly, it was announced that the government will take the objections into consideration and will make changes to the relevant laws. [H, Z, S] Following the draft allowing the MİT to carry out preventive eavesdropping, a new draft was prepared allowing the Director-General of Security Intelligence Department Presidency to carry out preventive eavesdropping as well. [Z, R]

March 20: In his response to the written motion of question given by AKP Trabzon Deputy Asım Aykan, on the much-debated issue of paid military service [*bedelli askerlik*], Minister of National Defence Gönül stated that there was no paid military service in the works, that the existing human resources barely meet TSK's needs and that paid military service is a method reverted to only in times of excess resources. [S]

March 21: The police personnel known as the Middle K Group, who applied to the Constitutional Court to be promoted to the security executive, who joined the police force after high school, finished university during duty then joined the ranking officers, had their time completing military service count toward their active duty, lead to tensions between the Middle K Group and the police-academy graduates concerning rank and seniority. This also resulted in some Middle K members becoming superior to some chiefs of police who were academy graduates. It was announced that female officers, who do not serve in the military, are also affected by the new situation and that they are preparing to bring their case to court. The police officers began working for the necessary regulations to be carried out in the draft to be debated on 29 March in TBMM. [H, Z]

March 21: During the Newroz celebrations, demonstrations in support of the PKK and Abdullah Öcalan were held in some provinces. In Mersin, a group of people planning to burn the flag of Turkey were intercepted by the police and 6 people were injured. [S] The general staff harshly criticized the attempt to burn the flag in Mersin. [S]

March 22: In his response to CHP Mersin Deputy Hüseyin Güler's motion of question from December, requesting information on what action was taken against those police officers involved in preventing teachers belonging to the Eğitim-Sen teachers'union from exerting their democratic rights, Minister of Internal Affairs Aksu stated that the teachers, following their press conference in the Kadıköy Port Square on 8 December, 2004, were taken into custody because they did not disperse and wanted to hold a demonstration, and that this was not permitted since it could "lead to a situation of illegal meeting and demonstration." [A-TBMM]

March 22: CHP İzmir Deputy Hakkı Ülkü gave a motion of question about the recruitment of 10,000 new police officers. Stating that he is concerned about the [recruitment] of theology graduates, Ülkü stressed that the recruitment of university graduates was based on their ability to adapt more easily to emerging technologies, and asked why the Director-General of Security failed to train its staff for these skills. [H]

March 24: When asked about Land Forces Commander Büyükanıt's comments stating:

"The government does not have a policy on Iraq," Chief of General Staff Özkök said he was "surprised by the way these were perceived." Stating that the force commanders can discuss their own issues, Özkök went on to say "Elections were held in Iraq. Work has begun on forming a government and restructuring. There is big change. Of course, the policies should equally undergo these changes. He might have meant that he is not aware of these policies. Surely he did not directly say something along the lines of 'We do not have a policy on Iraq.'" [S]

March 24: Mersin Director of Security announced that the two children, aged 14 and 12, suspected of attempting to throw the flag on the ground and burn it were captured. [H, Z]

March 24: It was announced that for the training of new personnel, the general command of gendarmerie will encourage female petty officers and special teams who will intervene in times of crisis, that young women who are university graduates have been sent to gendarmerie stations after a year of training for the last three years and that 39 female gendarmerie candidates will graduate in 2005. [S]

March 25: The new draft stipulating the founding of police training centres and recruiting 10,000 new police officers from among university graduates was accepted in the TBMM General Meeting. [S] It was stated that of these young candidates, 2,000 began serving in 2005. [H, Z]

March 25: The Directorate General of Security filed a criminal complaint against the Democratic People's Party (*Demokratik Halk Partisi*, DEHAP) executives on the grounds that they were in the organisation committees of all Newroz celebrations around the country. [S]

March 25: As part of the European Union harmonization project, the Foreigners Border and Asylum Department Presidency announced its plans to form a database with the fingerprints of those foreigners who apply for Turkish asylum, those who wish to migrate to Turkey as part of the residence law, those who apply for refuge, and those captured trying to cross the border illegally. In 2000, Turkey accepted the application of the Eurodac Regulation for the comparison of foreigners' fingerprints as part of the EU harmonisation package. [Z]

March 26: The government handed over the draft concerning the use of military hospitals by civilians to the parliament. The draft stipulates amendments to the Law Concerning the Amendment of the TSK Internal Service Law, TSK Personnel Law, Gülhane Military Medical Academy Law and the Law Concerning the Establishment of and Management of Circulating Capital in Institutions Attached to the Ministery of National Defence and to the Land, Naval and Air Forces and accordingly, in cases where there are beds available in military hospitals, civilian patients will be admitted, not exceeding 10% of the total number of beds. [S]

March 27: According to the Directorate General of Security report evaluating the last two years of the special operations teams, the teams lost 6 members, killed 29 militants and apprehended 677. [Z]

March 28: İstanbul Director of Security Celalettin Cerrah stated that despite having captured 14,874 "guilty" children, only 1,224 were processed, and the rest went "back on the streets" since they cannot be interrogated by law. [S]

March 29: The TBMM Justice Committee accepted the draft involving the prevention of TSK's civilian and military personnel benefiting from the new TCK's regulations involving the postponing of fines, period of limitation, alternatives to short-term sentences, and pre-payment. The Military Penal Code (*Askeri Ceza Kanunu*, ACK) and the Draft for the Amendment of Law Concerning Establishment and Legal Procedure of Discipline Courts, and Discipline Crime and Punishment foresee two

additional articles to the Military Penal Code. [Z, S, R]

March 29: Videotapes showing radar control were scrutinized by the Directorate General of Security. Investigation began on 45 traffic police officers suspected of favouring friends, acquaintances and colleagues caught speeding, on the grounds of "recklessness in carrying out duties" and "indifference in carrying out duties." [Z]

March 29: JİTEM, the existence of which is denied by officials, was named in the indictment of the Diyarbakır 2nd High Criminal Court trial of 8 PKK shrivers who are suspects in 8 separate murders with perpetrators unknown in 1992-1994, and who are suspected of being JİTEM members. [A-JİTEM]

March 29: The expression "so-called citizens" used by the Chief of General Staff Özkök in his assessment of the flag-burning incidents in Mersin caused harsh reactions. The Contemporary Lawyers' Association İzmir Branch filed a criminal complaint of human rights violation with the Chief Public Prosecutor's Office on the grounds that "a fascistic atmosphere of lynching was caused because of the actions of two children whose criminal capability is questionable." [R]

March 31: The İstanbul Directorate of Security suspended two police officers who did not intervene to help a citizen whose car was stolen after being stopped during radar control. The officers, who said that they are on radar duty and cannot leave their post, were suspended on the grounds that "they showed recklessness during duty and did not help a citizen in need as befits their duty." [S]

April:
The going into effect date of TCK and CMK, planned for 1 April was postponed to 1 June. The trial of the 39 culprits suspected of having resorted to fraudulent practices in the construction of the Special Forces Command building in Gölbaşı continued throughout the month in the General Staff Military Court. In various provinces, security forces intensified their operations against illegal organisations, especially those concentrated in Bingöl, Şırnak, Hakkâri, Siirt and Tunceli. The operations in Siirt, Şırnak, and Cudi and Gabar-Hakkari, supported by air and land forces, are regarded as the biggest and most comprehensive of their kind in the last 6 years. The village guards, who were on passive duty due to the peaceful atmosphere that reigned in the region for some time were also assigned to active duty in control points set as part of the operation. Debates about the shortening of compulsory military service and paid military service also found their way into the agenda. The message Chief of General Staff Özkök conveyed in his yearly assessment found extensive coverage in the press. The three crises with Greece in the middle of the month also made their mark on the month's agenda. The "so-called citizen" debate began earlier in March continued to be part of the agenda. The lobbying of the police and the gendarmerie concerning CMK continued. Critical debates were heard when some retired military members began new careers as writers.

April 1: It was stated that in the operation against the illegal organisation Hizbu't-Tahrir, 10 people were taken into custody. [Z]

April 1: It was announced that work for the establishment of judicial enforcement within the police, gendarmerie, coast guard and customs units, which will only carry out investigations under the command and instructions of the public prosecutors and which will only be established in police stations, has been completed. The judicial enforcement, an investigation unit under the prosecutor, was first mentioned in the CMK. [Z]

April 1: The Directorate General of Security Fight Against Smuggling and Organized Crime (*Kaçakçılık ve Organize Suçlarla Mücadele*, KOM) Department President Hanefi Avcı's statement in the police academy periodical Akademik

Bakış that: "There are [state] officials in the gangs," caused conflict between MİT and the Directorate General of Security. It was announced that the incident led to the banning of the police academy's periodical. [R]

April 1: The issue of the police officers who "remained passive" when a car stopped for speeding was stolen was discussed. Security officials said: "If they have their guns and badges with them, they should intervene," while legal experts said: "They should at least have informed headquarters," and added: "if possible," they should intervene without discrimination. [R]

April 1: In his address at the Turkish Military Academy, Defence Sciences Institute's graduation ceremony, Land Forces Commander Büyükanıt named the biggest problems faced by Turkey as: "international terrorism, separatist racism, extreme nationalism, fundamentalism, organized crime and the drug trade." [S]

April 2: İstanbul police, frequently making its way into the public eye with images of violence, made a deal with a public relations company to rectify this negative image and had a video clip prepared, entitled: "We Are on Duty," with the participation of celebrities. [H, Z]

April 2: In the Kızılcahamam Training Camp led by Prime Minister Erdoğan, AKP Ağrı Deputy Melik Özmen made an interesting proposition. Özmen stated that the Lausanne Treaty was signed by İsmet İnönü, who was a retired general at the time, and that since Lausanne was a state policy and that the EU negotiations are as well, the delegation conducting the negotiations should include a retired general. [H]

April 2: Following the statements of PKK shriver Abdülkadir Aygan, who made it possible to find the corpse of a person murdered in custody 12 years ago with his revelation to a newspaper, an action was brought against six shrivers and two military members, one of whom is a retired major, in the Diyarbakır High Criminal Court. [R]

April 4: It was announced that the government found a solution to the seniority crisis between police chiefs who are academy graduates and those who are not, through the addition of a clause to Article 55 of the Police Force Law which will stipulate the counting of military service prior to police duty towards the working period in the first rank obtained. [R]

April 5: It was stated that 480 complaints were made to date to the Gendarmerie Human Rights Violations' Investigation and Evaluation Centre (*Jandarma İnsan Hakları İhlallerini İnceleme ve Değerlendirme Merkezi*, JİHİDEM), founded on 26 April 2003, and that legal proceedings were begun for 44 gendarmerie members. The minimal amount of complaints made to the centre—which was established to determine and prevent mistreatment during custody—was seen as evidence of mistreatment being reduced. [Z]

April 5: Minister of National Defence Gönül stated that the duration of the military service paid with foreign currency [*dövizli askerlik*], which is only available to those working abroad, will be reduced from 31 days to 21 days, and also that the military services as long-term plain soldier, short-term plain soldier and as surrogate officer will be reduced. [Z] Answering the parliament members' questions, which focused especially on paid military service [*bedelli askerli*], he stated that there is no paid military service for the time being, but as part of the modernization of the army, the duration of military service may be reduced. General Staff officials said that this issue was not part of the TSK agenda. [H, Z, S, R]

April 5: President Sezer returned the Law Amending the Police Force Law No. 5321, stipulating the recruitment of 10,000 new police officers to TBMM for revision. [H, S]

April 5: The National Security Council (*Milli Güvenlik Kurulu*, MGK) regular meeting for

April, which was planned for 25 April, was brought forward by a week. The MGK maintained that the decision was made due to the heavy schedule of council members, but it was interesting to note that the meeting was scheduled for the day after elections for the presidency of KKTC. [H]

April 5: In the trial in Diyarbakır 2nd High Criminal Court, the request for the arrest of eight suspects accused of "being involved in organized crime" and "kidnapping and murder" in the name of JİTEM, among whom were Mahmut Yıldırım, dubbed '*Yeşil*' and retired major Abdülkerim Kırca, was denied. [R]

April 6: Minister of National Defence Gönül's statement: "The military service can be shortened. It is scheduled as part of the modernization plan" was responded to by the general staff with "[Currently] we have no project involving the shortening of military service." [S]

April 6: It was announced that according to the "search" regulation completed by the Ministries of Internal Affairs and Justice, law enforcement units are no longer able to scrutinize computer records, papers and documents. [Z]

April 7: The 20 police chiefs who went to classes at Middle East Technical University (*Orta Doğu Teknik Üniversitesi*, ODTÜ) in uniform after the website for their online training crashed, who were attacked by protesting students and who were then trapped in a classroom, were eventually rescued by the gendarmerie. [H, Z, S, R]

April 7: Diyarbakır 2nd High Criminal Court rendered a decision of lack of jurisdiction involving the eight suspects who were tried for a life sentence for crimes of "involvement in organized crime, kidnapping and murder" in the name of JİTEM, on the grounds that said crimes are within the military court's area of jurisdiction, and sent the file back to the military court. [R]

April 8: Deputy Director General of Security and Directorate General of Security Spokesman Er said: "In Trabzon, our police went through an ordeal with level-headedness and persistence" in the weekly information meeting. [S] It was claimed that during the demonstrations in the city, Trabzon Director of Security Ramazan Akyürek gave an order to "protect the demonstrators" and called to the crowd for "common sense" with a megaphone, thus "intercepting a provocation that might lead the country into tension." [H]

April 9: Directorate General of Security Spokesman Er stated that public officials are involved with crime organisations, like KOM Department President Avcı, who made similar statements on the matter, saying: "this exists in the police organisation as well as in other public institutions. This is a reality, not a confession." [S]

April 11: The trial of those suspected of being active in the Al-Qaeda Turkish chapter and involved in the bombings of 15-20 November 2003 in İstanbul began in İstanbul 10th High Criminal Court. Request for the defendants' release was denied. [S]

April 12: The General Staff General Secretariat announced that a Turkish flag with anti-Turkey slogans written on it was left in the room of land forces military school students who were guests in the Greek Land Forces Military School as part of the security-increasing measures between Turkey and Greece. After the incident, Chief of General Staff Özkök requested an apology from Greece. The General Staff announced that an apology was issued by Greece on 25 April about the defacing of the flag and that the Turkish military students will resume their visit to Athens. [H, S, R]

April 12: Minister of Finance Kemal Unakıtan stated that the minefield to be opened to organic agriculture as part of the project to restore the fields between Turkey and Syria for agriculture will be cleared by the companies who won the

bid. As the early-projection calculated that clearing the entire field from mines would cost USD 600 million, the government decided to leave the task of mine-cleaning to the companies. [Z]

April 13: During the defence journalists' visit to the General Staff Headquarters, Deputy Chief of general staff Başbuğ stated that TBMM's decision on Turkey not accepting Greece's increase of her Aegean territorial waters by 12 miles is an expression of still-valid and effective state policy. [S]

April 13: In his address in the (*Higher Council of Radio and Television*, RTÜK) seminar, Directorate General of Security Deputy Chief of Security Department Sadettin İzkan complained about the media reflecting an image of the police that only focuses on violence in incidents of social unrest. [R]

April 13: The General Staff announced that all documents in their possession about Armenians are now opened to the public and that the documents in the archives numbering around 1,000 are to be published in four volumes. [R, H, Z] On **16 April**, the General Staff Military History and Strategic Studies and Supervision Department published the first two volumes containing documents from 1914-1918 entitled Armenian Activities with Documents from the Archives. [S]

April 14: The law that stipulated the establishment of police training centres and the recruitment of 10,000 new police officers, which was returned to TBMM for review by President Sezer, was accepted without change in the Plan and Budget Committee. [H, Z, S, R] The law was debated and accepted in the TBMM General Meeting on **27 April** .[Z, S, R]

April 14: It was revealed that of the 156,000 police officers on duty, 65,000—i.e. one in every three—are university students. Most of the police officers, who became university students as part of the Directorate General of Security's project for increasing the level of education, are on duty in the morning and preparing for class in the evening. The officers, who study at the Anadolu University Open Education Faculty, aim to increase their professional level and thereby, their potential pension. [Z]

April 14: Deputy Chief of General Staff Başbuğ clarified the "so-called citizen" expression used in the general staff statement following the incident in Mersin, stating that it was not used to define a certain segment of the population and that "so-called citizen" is used to refer to "those who do not feel themselves part of the Turkish nation." [H]

April 17: Minister of National Defence Gönül stated that a new practice of paid military service is not deemed possible. In his response to AKP Trabzon Deputy Asım Aykan's motion of question, the minister of National Defence issued a reminder that paid military service is directly related to the needs of the General Staff. [H, Z, S, R]

April 17: The Directorate General of Security announced that, as part of the effort to eliminate claims of bribing traffic police, 50 undercover teams will carry out bribe inspection in traffic this year. To this end, the directorate put together 50 teams consisting of a total of 150 members. [Z]

April 17: The Directorate General of Security developed two projects targeting smuggling incidents and increasing car thefts. With the vehicle tracking project, all routes used for smuggling around the country will be fitted with hidden cameras, and in order to identify stolen vehicles, a plate-recognition system that will read passing vehicles' plates will be put in place, thus enabling the creation of a record of stolen automobiles. [Z]

April 18: In its meeting today led by President Sezer, MGK assessed the results of the presidency election in KKTC. [H, Z, S] Other important points for discussion were relations with the EU, problems with the United States, claims of

Armenian genocide; also, soft security issues such as international migration to Turkey and the status of the energy sector were debated. [A-MGK] Incidents of social upheaval in provinces like Trabzon and Sakarya following the flag-defacing incident in Mersin, and increasing theft, especially in urban areas, were also assessed. [R]

April 18: Ninth President Süleyman Demirel, who was a guest on the *Ankara Kulisi* show on *CNN Türk*, answered the question "What is the deep state?" as follows: "It is the state itself, it is its military. The military, that founded the republic, has always been afraid of seeing itself collapse. A country that cannot be governed becomes dependent on the deep state." [H, R]

April 19: Prior to Prime Minister Erdoğan's visit to Israel and immediately after the Israeli newspaper *Ha'aretz* claim that the country will sell unmanned tactical support planes (*drone*) to Turkey, a decision resulting from the six-year negotiations was made on 20 April for Turkey to buy 10 unmanned Heron 'spy planes' in three shipments from Israel for USD 183 million. [H, S]

April 19: Following criticisms, in order to eliminate deficiencies in the Law on Private Security Services No. 5188 (*Özel Güvenlik Hizmetlerine Dair Kanun*, ÖGHDK), the Ministry of Internal Affairs released a very detailed, 8-page circular on the application of Law No. 5188. On 21 April, an amendment was made to the law and application of Articles 19 and 20, involving penalties for those who do not fulfill their obligations as stipulated by this law, was postponed until the end of 2005. [A-ÖG]

April 20: Chief of General Staff Özkök made an assessment speech in the War Colleges Command in İstanbul entitled "yearly assessment", the first of its kind to be organised by the general staff and to be publicly-held. [R] Özkök's speech mainly covered the 'middle-east model,' the Aegean, Iraq, the PKK, Cyprus, Armenia, migration, the EU, duration of military service and TSK. [H, S] On the middle-eastern model, Özkök said: "Turkey is not an Islamic state, nor an Islamic country. The principle of secularism is the keystone of all the values that define the Republic of Turkey," and added: "Let no one expect us to be impartial when it comes to secularism and modernity." Özkök's other topics included: depriving the PKK of external support, the idea that "claims of genocide ended with Lausanne," Greece's defence expenditures, that no new mollifying diplomatic gesture should be expected concerning Cyprus, that the period of military service did not become shorter, that paid military service is not on the agenda, and that the army's personnel will be reduced by 150,000 with the dismantling of the 4th Brigade. [H, S] Özkök also added that until modernization projects are completed, no further reduction in the number of TSK personnel will take effect. [A-TSK]

April 20: The term of duty at İncirlik base, which is used by the United States and allied countries, was extended by one year and two months until its completion. Government officials stressed that the decision had nothing to do with the United States' new requests regarding the use of İncirlik base. [H, Z, S] On **21 April** it was announced that the government is preparing to reply to the US request to use İncirlik as a cargo hub for Iraq and Afghanistan. [S]

April 20: According to the World Bank's World Development Indicators for 2005, compared to 2003 figures Turkey's resource-allocation to the military constitutes 4.9% of GDP and the largest share of military spending in light of GNP are allocated to those regions within Turkey where the possibility of armed conflict is highest. [S]

April 22: It was reported that in the meeting held between Prime Minister Erdoğan and Chief of General Staff Özkök, issues of Turkey's domestic and foreign security, Cyprus, the Aegean, Greece, Iraq and the PKK were discussed. [S, R, Z]

April 22: In the set of ten orders he released for the fight against increasing theft and purse-snatching crimes, Director-General of Security Aydıner required officers on duty to be law-abiding, polite and friendly to citizens. He also requested police teams be assigned to streets so as to catch thieves and purse snatchers in the act. [S]

April 23: In the last 10 days, three incidents occurred with Greece. Kardak became the centre of a crisis during the Greek Minister of Foreign Affairs' Ankara visit on **12-13 April**, and on **12 April**, a defaced flag was left in Turkish military students' guestroom in the Greek land forces military school. On **23 April,** another crisis erupted in Kardak. [S, R]

April 24: The police and the gendarmerie's several month-long lobbying involving the debates on the TCK, the security forces' search, confiscation, and designation of location authorities by permission of law enforcement executives in cases where a judge and prosecutor cannot be reached, was finally successful. It was announced that the package that stipulates changes to TCK that will go into effect in June now includes regulations that give the police and the gendarmerie the authorities of search, confiscation and securing of the crime scene. [S]

April 26: In the joint press conference held at the Ministry of National Defence by Minister Gönül and American Ambassador to Ankara Eric Edelman on the occasion of the agreement signed between the two countries concerning the modernization of F-16 fighter planes, it was announced that an agreement was made with the United States for the modernization of 117 F-16 fighter planes belonging to TSK. The modernization project, carried out jointly with Lockheed-Martin of the US, will cost USD 1.1 billion and be completed in 2012. [H, Z, S]

April 27: The General Staff prepared the National Security Policy Document (*Milli Güvenlik Siyaseti Belgesi*, MGSB) and it therefore contained its own proposals. It was announced that in the new National Security Policy Document draft, the "action plans" prepared according to countries were removed, the assessment of foreign threats changed, and that the imbalance in the distribution of wealth, the takeover of the economy by organized crime and unemployment were considered domestic threats alongside fundamentalist trends. [H, S]

April 27: The draft stipulating military hospitals' treatment of civilian patients under certain conditions was accepted by the TBMM National Defence Committee. [H] According to the draft accepted in the TBMM Health, Family, Labor and Social Affairs Committee, military hospitals, excluding Gülhane Military Medical Academy (*Gülhane Askeri Tıp Akademisi*, GATA) and those belonging to the General Command of the Gendarmerie, will now accept civilian patients in numbers not exceeding 10% of their total capacity. [Z]

April 28: Following deviations of more than 20% between crime statistics announced by some provincial directorates of security and those announced by the Directorates of General Security a decision was made to announce crime statistics solely through the Security Main Command Department Presidency in order to avoid multiplicity when providing information. [Z]

April 28: The General Staff was urged to hand over its suggestions regarding the National Security Policy Document to the MGK General Secretariat. It was also stated that all related institutions' proposals involving the National Security Policy Document publicly known as the Red Book which will be drawn up by the MGK General Secretariat have already been gathered, and that the new MGSB that will be drafted prior to the MGK regular meeting of June will be "brief and succinct." in compliance with the Prime Ministry's proposal. [H]

April 29: It was announced that the government gave instructions to the general staff to make it possible for the US to use İncirlik

as a cargo hub and that for the purposes of realizing these instructions the military and foreign affairs delegations of the two countries have been discussing technical details for the past few days. [S]

April 30: In the memorandum entitled Intervention of Public Demonstrations and Principles prior to May 1st sent to the governor's offices of all provinces by Minister of Internal Affairs Aksu, the principles that should be taken into consideration by law enforcement during the intervention of public demonstrations were outlined. [Z, S, R]

April 30: It was announced that investigations were begun involving the 15 police officers who asked for information about employee personal rights as part of the freedom of information granted by the Law on Right to Information that went into effect within the framework of EU reforms. After the officers' request for help from AKP Bursa Deputy Ertuğrul Yalçınbayır, the deputy introduced the issue to parliament by giving a motion of question to be answered by Minister of Internal Affairs Aksu, and the issue found its way into the press. [S, R] It was stated that Aksu responded to the notice by saying: "There is no one being investigated on these grounds." [R] On **1 May**, the Director General of Security made a statement also denied the claims, saying that no officer is being investigated. [S]

May:
As part of the corruption investigation involving the Special Forces Command, proceedings were dismissed for Undersecretariat of the Ministry of National Defence of the period, former General Commander of Gendarmerie retired General Şener Eruygur, Deputy Undersecretary retired Major General M. Kenzi Suner and Construction and Real Estate Department President retired Brigadier-General M. Yaşar Öney. The trial of former Naval Forces Commander retired Admiral Erdil continued in the General Staff Military Court. The police revisions to the new CMK continued to be part of the agenda throughout the month. Operations aimed at illegal organisations continued in Tunceli, Bingöl, Elazığ and Diyarbakır and spread to other cities such as İstanbul, Antalya, Mersin, Gaziantep and Erzincan. Casualties increased, especially due to mine explosions, and the threat of C-4 explosives emerged. In a statement made by the İstanbul Anti-Terror Department, it was said that in an operation against PKK/Kongra-Gel, 7.5 kg of plastic explosives were seized in İstanbul and Antalya. At the Edirne Kapıkule border gate, 36 kg. of heroine was seized and 2 people were taken into custody. The application period for the recruitment of 2,000 new police officers was extended due to an insufficient number of applications. It was stated that at the end of the new period, there were 5,932 candidates.

May 1: Following Rahmi Yıldırım's article *İş Bilenin Kılıç Kuşananın* dated 23 January, 2005 about the military-civilian officials who are suspected of involvment in corruption, published on the <http://www.sansursuz.com> website, a criminal complaint signed by Deputy Chief, Deputy Chief of General Staff Başbuğ was made to the Ministry of Justice requesting necessary proceedings be undertaken against Yıldırım and an investigation begun charging "libel and derision" of the Turkish Armed Forces and its command. [H, S]

May 1: It was announced that the "Representational Military Service", that allows disabled citizens who cannot be drafted to complete their military service symbolically, will be continued this year on **10-16 May** during Disabled Week. [H, Z]

May 2: It was announced that "block information" will be provided for the use of Turkish ports, airports, complexes and bases, including İncirlik base, to allied forces in compliance with UN decisions. It was stated that allies such as the United States, England and Korea should give a month's notice when they wish to use İncirlik or another Turkish complex. On **3 May**, Turkey agreed to the United States'

request to use İncirlik as a cargo hub with "conditional approval." [S]

May 3: Turkey put 17 joint military projects with Israel on the agenda, including the second F4 airplane modernization package. Israel previously won the bids for spy planes and M60 tanks' modernization projects. It was reported that Prime Minister Erdoğan and Minister of National Defence Gönül went to Israel for negotiations on this matter. [H]

May 3: While answering war college students' questions, Chief of General Staff Özkök stated that the Armed Forces entered the EU half a century ago through NATO, that becoming a member of the EU will change everything, and that TSK has personnel competent enough to comply with those changes. [S] Chief of General Staff Özkök said that Turkey's getting a negotiation date from the EU was a great success. [Z]

May 4: DEHAP Bağcılar Provincial Chairman Lezgin Bingöl filed a complaint with the İstanbul police along with DEHAP İstanbul Provincial Chairman Cevat Kavak when a group of people presenting themselves as JİTEM members went to Bingöl and tried to extort money because he aided and abetted the PKK. Police from the İstanbul Organized Crime Department took the group claimed to have asked for protection money into custody in less than 24 hours. It was announced that the leader of the gang was PKK shriver Adil Timurtaş, who is also named in Kutlu Savaş's Susurluk Report. [Z, R, A-JİTEM]. On **May 6,** it was stated that PKK shriver Adil Timurtaş, suspected in 28 extrajudicial killings, was released on the grounds of insufficient evidence. [S]

May 4: When the prime ministry did not allow the investigation of MİT executives of the period in connection with the criminal complaint concerning claims that said officials worked on the assassination attempt of Workers' Party (*İşçi Partisi*, İP) Chairman Doğu Perinçek, the case was shelved. [R]

May 4: In research carried out by the directorate general of security investigating the loss of skilled labour to the private sector, it was stated that high-ranking police officers, especially police chiefs who speak foreign languages and who have international experience, and who cannot solve their financial problems despite the increasingly heavy work conditions are changing over to posts in the private sector with higher salaries. [H]

May 4: Police officials announced that they seized 10 bomb mechanisms with A-4 explosives mounted on walkmans containing tapes with Kurdish songs. The officials stated that the bombs exploded when the tapes ended, and warned that a chief of police in Kuşadası died this way. [S]

May 5: A woman was apprehended in front of the Diyarbakır Directorate of Security, carrying 1.5 kg of C-4 explosives. It was later discovered that the woman was not a suicide-bomber but a terrorist attempting to leave a bomb with a mobile phone trigger. [Z, S]

May 5: The law stipulating the four-year postponement of implementation of Article 5 of the Law on the Prevention of Violence and Disorder in Sports No. 5149, which was accepted in TBMM on 28 April went into effect. [A-ÖG]

May 6: The İstanbul governor's office filed a criminal complaint against İP Chairman Perinçek, who had accused Chief of General Staff Özkök of refuting national sovereignty, based on the latter's address in the War Colleges Command. The complaint was based on Perinçek's "statements bordering on insult" and the legal grounds were "affronting the moral character of the Turkish armed forces and disaffecting the public from military service." [Z]

May 6: President Sezer approved the law that he had previously vetoed stipulating the recruitment of 10,000 new police officers from among university graduates after a six-month

training period and sent it to the Prime Ministry for distribution. [H, Z, A-POLİS] However, Sezer announced that he will take the case to Constitutional Court for the abolishment of certain articles. It was stated that Sezer previously vetoed the law since: "A six- month training period is insufficient and also makes it possible for theology graduates to become police officers." [H, S, R]

May 6: It was announced that the regulation forbidding the use of "tags" kept by law enforcement outside relevant investigations was abandoned, and that the article limiting the use of general information-gathering systems and similar records by directorates of security be removed from the new judicial record law proposal. It was stated that the rules stipulating the cleansing of judicial records belonging to those who were previously convicted of crimes, showed remorse and were later pardoned were left out of scope since it perturbed the public conscience. [C]

May 6: It was stated that a police officer from the İstanbul Directorate of Security applied to the District Administrative Court and filed a case with a request for "terror compensation," and that prior to filing he made a written application to the Provincial Directorate of Security and asked for the right to compensation, based on the theory that as part of the fight against terrorism, which is considered among the official duties of the police as stipulated by the Law on Police Duties and Powers, every police officer wearing a uniform is a target of terrorism and criminals. It was stated that according to decree No. 375, which is the basis for the response of the Provincial Directorate of Security, all personnel about to take part in operations for the fight against terrorism are paid on a daily basis with the approval of the governor concerned, and that the governor has the authority to determine whether the operation falls under the category of fight against terrorism or not. [Z]

May 11: Organisation for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media Miklos Haraszti sent a letter to Minister of Justice and Government Spokesman Çiçek, listing his "concerns and criticism" regarding freedom of the press in the new TCK and assessed the decision on postponing the implementation of the new TCK as "both principled and practical." [S]

May 11: ECtHR's decision ruling that Abdullah Öcalan "did not receive a fair trıal" drew reactions from the TSK High-level Command. During the international symposium entitled 'Society, Administration, Administrator and Leadership Approaches in the Light of Information-Age and Technological Developments' organized by the General Staff and held in the war College Command, Land Forces Commander Büyükanıt, First Army Commander General Hurşit Tolon and Deputy Chief of General Staff Başbuğ stated that they are parties to the trial. [Z, S, R]

May 12: The General Staff Strategic Research and Studies Centre (*Genelkurmay Başkanlığı Stratejik Araştırma ve Etüt Merkezi*, SAREM) organized an international symposium on 12-13 May in the War Colleges Command Atatürk War Games and Cultural Centre, entitled "Society, Administration, Administrator and Leadership Approaches in the Light of Information-Age and Technological Developments". [Z]

May 12: The second phase of the investigation concerning the beating of the women who wished to march in Saraçhane on the Sunday prior to women's day was completed. The civil service inspectors handing over their report to the Ministry of Internal Affairs proposed a salary deduction as punishment for the six riot police officers who were suspended, as stipulated by the Police Force Discipline Regulation Article 13 that cites: "negligence and lack of mercifulness in performing duties." As for İstanbul Deputy Director of Security Şükrü Pekgil and İstanbul Riot Police Deputy Directors Yadigar Özdemir and Suat Günbey, 'reprobation' was requested based on the same article of the regulation. [R]

May 12: Like Land Forces Commander Büyükanıt, Deputy Chief of General Staff Başbuğ stated that, based on recent intelligence about the smuggling of C-4 explosives from Iraq, attacks can be expected in metropolitan areas. [S, R]

May 12: MİT Undersecretary Atasagun presented the Prime Ministry with his petition for retirement. Prime Minister Erdoğan verified that Atasagun requested retirement. [H, Z, S, R] Atasagun's most senior deputy, Emre Taner's standing proxy came up for discussion. According to rumors, Taner is first in the list of potential candidates to head MİT. [S]

May 12: Minister of National Education Çelik declared that, in order to make vocational high schools more attractive to offset the rising demand for university education, a plan is in the works for vocational high school graduates to have one month less of military service, with the exception of religious high school graduates. This affects more than one million students. [H, Z, S] The following day, Çelik said that the reduction in the military service period will become definite after consultation with the Ministry of National Defence and the general staff. [H]

May 14: National Electronics and Cryptology Research Institute (Ulusal Elektronik ve Kriptoloji Araştırma Enstitüsü, UEKAE) Assistant Director Alparslan Babaoğlu stated that all crypto devices in Turkey are manufactured by them and that "our national ciphers" have not been cracked to date. [S]

May 14: The Parliamentary Justice Committee accepted proposals for amendment to CMK, which is to go into effect in June. The amendment grants a 24-hour grace period to the police and the gendarmerie for bringing those apprehended to the station, stipulating that the period of custody begin with the person's arrival at the station and last 24 hours, extending the period to 48 hours in actual fact. [S]

May 14: Following receipt of the petition, Prime Minister Erdoğan informed President Sezer and Chief of Staff Özkök by phone and exchanged ideas on possible successors to Atasagun for the leadership of MİT. As a result, the heads of state agreed on the appointment of senior Deputy Undersecretary Taner as head of MİT for a two-year period. [H]

May 15: It was announced that a gang was formed by four former police officers, two of whom were suspended, one discharged and one retired; that this gang extorted billions of liras from businessmen, and that İstanbul police apprehended the 7-member extortion gang, one of whom was female, in an operation named 'Handcuff 2' simultaneously carried out in 6 districts. [H]

May 15: The Directorate General of Security, aiming at minimizing the claims of dissimulating evidence from crime scenes, completed the regulation for a special unit to be established in compliance with the decision of separating those units gathering evidence from those evaluating and reporting it. [Z]

May 15: It was reported that the general aspects of the National Security Policy Document containing domestic and external threat-assessment for Turkey were determined in compliance with the relevant institutions' proposals, and that the proposals from all relevant institutions, including the General Staff, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Prime Ministry and MİT, have reached the MGK General Secretariat. [R]

May 16: It was claimed that the police will acquire the right to tap suspects' phones indefinitely, and that amendments to the new Code of Criminal Procedure law will mean a retreat from the rights and freedoms currently protected by this law. [Z]

May 16: As part of its decision to involve trained special operations teams against PKK

members using C-4 explosives, [a threat] that came into the spotlight with Land Forces Commander Büyükanıt's remarks, the Directorate General of Security made a decision to offer a special operations course in July in the special operations department after a long hiatus. [Z]

May 16: The Sol magazine for four articles published in issue 223 on the grounds of "libel and derision of the commanding ranks." [H]

May 17: CHP Konya Deputy Atilla Kart gave a motion of question with the request of a response from the Ministry of National Defence about the gendarmerie petty officer students who were expelled from school, but were only verbally informed, asking why they were expelled, why the information was not given in writing, and whether the situation had a "secret document or state secret" aspect. [A-TBMM]

May 18: On the website of a publication close to the PKK, remarks attributed to the organisation's command council member Yusuf Turhallı stated that the organisation's work on settling in metropolitan areas will be accelerated, and the danger of terrorists targeting big cities due to being cornered as a result of renewed operations against the PKK was underlined. [Z]

May 18: First Army Commander Tolon said: "the armed conflicts that were stopped a few years ago have resumed." [Z, S, R]

May 18: It was announced that the General Staff Chief Prosecutor filed a case against 25 suspects, of whom 20 are officers, on the grounds of fraud. The accused used fake stamps on documents in order to win bed and furnishing bids for the Gülhane Military Medical Academy, and that the first hearing will take place on 16 June. [S]

May 19: When a team from the narcotics division acting as buyers arrested three undercover police officers who were acting as sellers and had infiltrated the drug network, a dispute arose between the two groups of officers and the matter was handed over to prosecutors who ruled that the police can only carry out operations acting as buyers, and that performing operations as sellers is against regulations. [R]

May 19: The decree approving the early retirement of Atasagun from the duty of MİT Undersecretary and appointing senior Deputy Undersecretary Taner as his successor was prepared. [H]

May 20: It was announced that as part of the EU harmonisation process, preparations for the draft aiming at ending the trial of civilians in military courts in times of peace, and stipulating their trial in military courts only when they are involved in crimes committed alongside military personnel were completed. [H]

May 24: In an interview he gave to magazine *Jane's Defence Weekly*, Minister of National Defence Gönül said: "No relation can be an alternative to our alliance with the USA." Besides Turkish-American relations, in the interview Gönül also spoke about the PKK, the modernization of the TSK and military-civilian relations. [S]

May 25: As a result of amendments made to CMK with Law No. 5353, the authority to search and seize was given to law enforcement in cases where time is of the essence and "when the public prosecutor cannot be reached, by the written approval of the law enforcement executive." [A-H]

May 26: Gendarmerie troops performed a mine scan in order to prevent the PKK's mining attempts and cleaned out mines along the Diyarbakır-Bingöl road. It was announced that the scanning work targeted hand-made mines recently made with C-4 explosives. [R]

May 29: With Chief of General Staff Özkök's approval for investigation, a case was filed against 15 suspects, including Ministry of

National Defence External Procurement Department President, ret. Brigadier-General Oktay Alnıak, colonels, marshals and businessman Metin Kalkavan. No injurious costs to the treasury were determined during the trial and no irregularities were found in Alnıak's assets. [H]

May 29: Following the Supreme Military Council (*Yüksek Askerî Şûra*, YAŞ) meeting in August, the TSK decided to reduce the status of the 15th Army Corps deployed in İzmit—who provide logistical support to the troops in Thrace in case of an armed conflict with Greece—to the level of brigade, and to abolish the 9th Division—deployed in Sarıkamış-Kars and charged with preventing possible dangers coming from the,USSR—due to the change in Turkey's threat perception following the disintegration of the USSR. This decision might mean a reduction in the number of lieutenant-generals in TSK. [R]

May 30: The Military High Court of Appeals repealed the prison sentences given to two soldiers who used mobile phones on their day off [in uniform], on the grounds that "an individual's freedom of communication cannot be impeded." [S]

May 30: The Military High Court of Appeals ruled that the religious needs of the person who refused to be drafted because he is a Jehovah's Witness and became a draft evader, cannot have priority over TSK's basic rules and needs, and sentenced said person to 2 months and 15 days in prison, also drafting him by force afterwards. The legal grounds were that the state cannot protect an approach conflicting with the armed forces' basic rules and needs. [H]

May 30: It was stated that in order to prevent abuse by "smart informers" working for the police, such as manufacturing drugs to get a bonus from the state or presenting them to the police as the product of an imaginary crime network and having people arrested, the police will determine new standards for informers. [Z]

May 30: The serum plant belonging to TÜRKTIPSAN A.Ş., a joint venture of foundations working for the TSK, was opened with a ceremony attended by President Sezer and Chief of General Staff Özkök. [H] The plant cost 17 million euros and it was announced that in order to meet TSK's demand 6 million bottles of serum of 12 different types will be manufactured each year. [S, R]

June:
The new Turkish Penal Code and Code of Criminal Procedure (CMK) went into effect. Since the CMK did not allow eavesdropping for preventive intelligence purposes, MİT and police intelligence units expressed their concerns, and new regulations regarding "preventive intelligence" made their way into the agenda. When it was discovered that MİT tapped all communications devices in southeastern Anatolia by court order, this led to public disputes. Also, change at the top of MİT officially took place this month. Preparations for the new National Security Policy Document made their way into the agenda. June was yet another MGK month. Throughout the month, security forces carried out operations in Tunceli, Şırnak, Van, Hakkâri and Diyarbakır. Loss of life due to mine explosions in Ağrı, Şırnak and Siirt also found their way into the press. In operations carried out in Lice-Diyarbakır and Siverek-Şanlıurfa, a high number of cannabis roots were seized. The trial of military personnel involved in fraudulent procurement of construction material during former Naval Forces Commander General Erdil's command continued.

June 1: The new Turkish Penal Code and Code of Criminal Procedure (CMK) No. 5271 went into effect. [A-JİTEM]

June 1: The judicial law enforcement members and executives, a unit working under the Prosecutor's Office, were assigned their first duties with the going into effect of the new CMK. Judicial law enforcement, which will also work under the civilian administrators and be

assigned to police stations, will be working closely with the prosecutor, as declared in July in the press release by Minister of Internal Affairs Aksu. [Z]

June 1: Following the removal from office of Avcı, Ahmet Tek was assigned as President of Directorate General of Security Anti-Smuggling and Organized Crime Department (*Emniyet Genel Müdürlüğü, Kaçakçılık ve Organize Suçlarla Mücadele Başkanlığı*, KOM) Former KOM Chairman Avcı was assigned as head inspector of the police. Avcı personally led the Uzan, Çakıcı, Sedat Peker, Sedat Şahin, Mustafa Bayram and Endüstri Holding operations. The White Energy (*Beyaz Enerji*) operation, again led by Avcı, ended in the resignation of AKP Deputy Cemal Kaya from parliament. [S]

June 2: When it was discovered that MİT has been tapping all communications devices in southeastern Anatolia for the last two months by court order from Diyarbakır 6th High Criminal Court, this led to serious reactions. In a statement made by MİT, it was said that "MİT strives to carry out all its activities on a legal basis as stipulated by its establishment and duty law." [Z, R] The incident was met with intense reaction in local bar councils and various non-governmental organisations. [Z]

June 2: It was declared that the draft for the new National Security Policy Document was completed. It was stated that besides traditional domestic and foreign threats, the draft for the first time included a new heading, namely asymmetrical threat concerning international terrorism, activities of fundamentalist groups and the spread of weapons of mass destruction, and that the process was begun for approval of the document by MGK to become official and for the going into effect following the decision of the cabinet. [R]

June 2: Following the motion of question presented to the TBMM Presidency by CHP Konya Deputy Atilla Kart, with the request for a response from Prime Minister Erdoğan, asking "whether the government was aware of the eavesdropping and tracking carried out by MİT and why nothing was done," claims that MİT is tapping phones around the country spread in TBMM. [S, R] In the following days, it was announced that Prime Minister Erdoğan discussed the matter with MİT Deputy Undersecretary Taner. [R]

June 2: The last session of former Chairman of the High Court of Appeals Eraslan Özkaya's general damages cases against the newspaper *Milliyet* was completed. The case was due to the newspaper's publications on 23 August, 2004 concerning the relationship between Alaattin Çakıcı and MİT. The Judge rejected the case against editor Eren Güvener, reporters Gökçer Tahincioğlu and Tolga Şardan, and [columnist] Hasan Pulur, but ruled for damages to be paid in the amount of YTL 7,500 since the cartoon published on 28 August, 2004 constituted defamation of character. [R]

June 4: It was announced that the ministry of Foreign Affairs' proposal to remove the Heybeliada Clergy School's classification as "threat" in the National Security Policy Document was approved by the National Security Council General Secretariat and that the Clergy School was removed from the threats list in the draft that was prepared for the MGK meeting of 21 July. [R]

June 4: During his visit to the AKP Balıkesir Chapter, Minister of Justice Çiçek said "religious education is not just a matter of education. It is also a matter of Turkey's security." [H]

June 4: Directorate General of Security spokesman İsmail Çalışkan said: "The police taps only specific people's phone by court order. There is no such thing as tapping everyone's phone." [Z]

June 4: In his response to CHP Konya Deputy Atilla Kart's motion of question to the ministry of Internal Affairs concerning the discharge of the two gendarmerie petty officer students, Minister Aksu said that the decision was

communicated to the students in writing, but the documents and information constituting the grounds for dismissal were not revealed to them because of their "secret" nature, and that since there was no formal request, Article 5 of the Law on Right to Information No. 4982 was not violated. [A-TBMM]

June 6: In his response to CHP Konya Deputy Kart's motion of question, MİT Deputy Undersecretary Taner stated that MİT is carrying out a second investigation on Kâşif Kozinoğlu, the key figure of the MİT-Çakıcı-High Court of Appeals scandal, and that a "reprobation penalty" was handed out accordingly. The 'MİT-Çakıcı-High Court of Appeals' scandal erupted when a phone conversation between former Chairman of High Court of Appeals Özkaya and Chairman of the MİT 6th Operations Department Kozinoğlu was made known to the public prompting an investigation that began on 13 August 2004. Kozinoğlu, who was first found not guilty in the report sent to the Prime Ministry, was later brought to trial. [S]

June 6: It was stated that when the new CMK, which went into effect on 1 June did not allow eavesdropping for preventive intelligence purposes, the eavesdropping crisis that emerged in MİT and police intelligence units was included in the cabinet meeting agenda, following high-ranking security executives' statement that the "difficulties [they] go through in times when terrorist activities are on the rise" to ministers and the Prime Minister and that during the meeting, security units' "authority for eavesdropping" for "preventive intelligence" was discussed. [S]

June 7: İstanbul Independent Deputy Emin Şirin made an application to the MİT Undersecretariat under the Law on Right to Information and asked whether the tapped phones and intercepted SMS and e-mails included his own during these last two months, to which MİT replied: "The eavesdropping and tracking takes place in order to prevent terror, and eavesdropping on everyone is out of the question." [R]

June 7: In a defence seminar in the yearly American-Turkish Council (ATC) Conference that he attended with US Vice Chairman of Joint Chiefs of Staff Peter Pace, Deputy Chief of General Staff Başbuğ expressed that Turkey has points in common with the United States in the fight against terrorism, and stressed that solid, active steps should be taken against the PKK. [H, S] He also stated that Kirkuk, a problem area ready to explode, should be granted special status. [S]

June 8: In the draft of the National Security Policy Document, which will be discussed in the MGK meeting on June 21, Greece's declaration of her territorial waters as 12 miles constitutes a '*casus belli*.' [H]

June 8: The law prepared in order to eliminate gender inequalities, which stipulates the removal of the condition of completing military service for male military judge candidates was published in the *Resmi Gazete* (Official Gazette) and went into effect. [H]

June 8: The European Council Committee of Ministers drew attention to the judiciary reforms Turkey made and concluded the investigation involving military courts. [H]

June 9: The İstanbul Democracy and Global Security Conference began and continued until 11 June. During the conference, scientists, strategy experts and academics from 65 countries and 9 international institutions presented 319 papers in 45 sessions. [H, Z, R]

June 10: It was announced that during Prime Minister Erdoğan's visit to the United States an agreement was reached with the American corporation Sikorsky for the purchase of 12 naval patrol helicopters for USD 389 million. Minister of National Defence Gönül stated that the helicopters will be delivered in three to four years. [H, S]

June 10: With the going into effect of the Law on Private Security Services No. 5188, the establishment of private security organisations became possible. [A-POLİS]

June 10: During the weekly information meeting, in response to news that theology graduates were favored in the recruitment of new police officers, Directorate General of Security Spokesman Çalışkan said that of the 2,000 people recruited this year, only 69 were theology graduates. Çalışkan stated that the 2,000 candidates who passed the exam are mostly education, engineering, economics and management graduates. [Z, R]

June 11: Atasagun, known as the first civilian undersecretary to come from MİT's own ranks officially went into retirement. His successor is Emre Taner, another MİT member. [A-MİT]

June 13: In his statement to the Greek newspaper *To Vima*, MGK General Secretary Yiğit Alpogan said that "the debates trying to show" the military in Turkey "as against EU membership do not reflect the truth." [H]

June 13: The Ankara Chief Public Prosecutors Office, carrying out an investigation following the Deputy Chief of General Staff Başbuğ's criminal complaint to the Ministry of Justice in the name of the Chief of General Staff, filed a case against journalist Yıldırım, who said in an article on a website: "The generals are the protectors of [capitalism], its ordinary soldiers, actors and extras" based on the Turkish Penal Code's Article 159 covering 'libel and derision of the state's military forces' with the request for a prison sentence of up to three years. [R]

June 13: In İstanbul, the Jail Improvement and Control System (*Nezarethane İyileştirme ve Kontrol Sistemi*, NİKS), one of the components MOBESE, went into operation. As part of the system, the cells in 84 police stations and the 7 offices working on judicial [security] were equipped with cameras, providing 24-hour surveillance. [H, S] In the following days, the system was officially inaugurated by Prime Minister Erdoğan. [Z]

June 15: It was announced that as stipulated in the new CMK, the Directorate General of Security will destroy the fingerprints of those who were sentenced to less than two years in prison and those who were detained for crimes demanding more than two years in prison but who were later released due to lack of evidence, and that the Automatic Fingerprint Detection System worth USD 40 million where approximately 2.5 million fingerprints are stored will become idle as a result. [Z]

June 16: When commenting on the incident where a headscarfed parent was not admitted to the Atatürk University graduation ceremony, Land Forces Commander Büyükanıt said: "We should avoid things that will raise public tension." [H, Z, S] On **21 June**, news reports that 'scarfed' mothers were admitted without problem to GATA emerged in the press. It was announced that Land Forces Commander's statement that "It was an exaggeration... Nobody said anything about a scarf" about the incident in Erzurum set an example, and the mothers who attended the Gülhane Military Medicine Academy Nursing Professional School graduation ceremony were admitted to the hall regardless of their wearing a headscarf. [S]

June 16: Directorate General of Security warned those about to go on holiday about the precautions they should take against thieves on its website <http://www.egm.gov.tr>. [R]

June 16: Following the decision regarding the transfer of 2,698 police officers and 78 chiefs and executives from İstanbul—where currently 27,000 police officers are on active duty—to the provinces, and the transfer of only 600 officers to İstanbul, the Directorate General of Security stated that transfers to provinces outside İstanbul were temporarily stopped with the concern that approximately 3,000 police officers leaving the city at once might cause a lapse in security. [R]

June 16: The bill stipulating the opening of 10% of the military hospitals to civilians with the exception of GATA and General Command of Gendarmerie hospitals was accepted in the TBMM General Session. It was announced that accordingly, each year a certain percentage or number of civilian patients will be admitted to the hospitals, and the number or percentage will be determined by the General Staff. [H, S, A-TBMM]

June 16: During the United States' Independence Day reception, Deputy Chief of General Staff Başbuğ stated that the responsibility of Turkish security forces in the southeast is to fight against the terrorists there and that the Turkish security forces will continue this duty in the future. [S]

June 16: During the Special Forces Command construction fraud trial in Ankara 9th High Criminal Court, treasury lawyers requested a decision for lack of jurisdiction on the grounds that the trial in the Military Court and this trial are *de facto* and legally related. The trial committee ruled on a lack of jurisdiction despite the public prosecutor's objections. It was stated that the final decision will be given by the Court of Jurisdictional Disputes. [Z]

June 17: The bill prepared by the Ministry of National Defence in order to prevent Turkish citizens living abroad from entering into illegal status related to military service, stipulating the duration of the paid military service be reduced to 21 days, setting the payment at 5,112 Euros for those below the age of 38 and at 7,668 Euros for those above that age, and giving this right to those who were re-granted Turkish citizenship was handed over to TBMM. [H, Z, S]

June 17: In the GATA fraud trial in the Military Court, the defence stated that the investigation began with an informer's letter that turned out to be a fake and requested the dismissal of the case, whereupon the court ruled that even if the name and signature on the letter are fakes, a valid order was given and the case cannot be dismissed. [S]

June 17: It was announced that members of the "Democratic Society Movement Coordination Committee" that include former DEP and parliament members Leyla Zana, Orhan Doğan, Hatip Dicle and Selim Sadak, supported the intellectuals' call to "lay down arms" to the PKK the previous day. [S, H]

June 20: In his answer to CHP Kırklareli Deputy Mehmet Kesimoğlu's motion of question, Minister of Internal Affairs Aksu stated that a total of 358 people are under special protection in Turkey, but not all of them are provided with vehicles. [H, S]

June 21: In the National Security Council Meeting, the National Science and Technology Strategy was discussed instead of the National Security Policy Document as expected. The necessity of all institutions and organisations working in coordination for this strategy was underlined. In the statement released by the MGK General Secretariat, it was said that the latest developments related to public order and security were discussed, and also that a detailed assessment was made on the issues that constitute priority in foreign policy. [H, S] It was also said that a decision was made to carry out the debate about the National Security Policy Document in later meetings. [H, R, S] It was reported in the press that the government requested that the debate be held in later meetings, since they did not receive the National Security Policy Document in time. [S, R] The allocation of a budget of YTL 1 billion for the 2005-2014 National Space Research Project, which also covers the training of astronauts, was also accepted. This amount will be spent until 2008 for training astronauts, until 2009 for the establishment of a national launch system and the development of a national space infrastructure. [R]

June 21: Law No. 5365 enacted on June 16, 2005 and entitled Law Concerning the Amendment of the TSK Internal Service Law, TSK Personnel Law, Gülhane Military Medical Academy Law and the Law Concerning the Establishment and Management of Circulating Capital in

Institutions Attached to the Ministry of National Defence and to the Land, Naval and Air Forces stipulating the opening of 10% of the military hospitals to civilians, with the exception of GATA and General Command of Gendarmerie hospitals, provided there are beds available, was published in the Official Gazette. [S]

June 22: The Retired Petty Officers Association head office was hit by a bomb. The bomb was thought to be a percussion bomb and the building sustained damages as a result of the explosion,. [Z]

June 22: The Council of State, in its decision regarding a case filed by a teacher, said: "A procedure that does not have solid grounds and that is based on an investigation by an undetermined institution is not legal" and ruled that "[this person is] objectionable" reports prepared as a result of the tags kept by the intelligence units cannot be taken into consideration in a clerk's assignments and personnel records. [S]

June 22: In his response to AKP Bursa Deputy Ertuğrul Yalçınbayır's motion of question involving the World Bank anti-corruption and governance indexes and the government's planned and actual precautions for preventing corruption, Minister of State and Deputy Prime Minister Şener announced for the first time that a work group established in 2003 with the approval of the minister of justice is working on a project for redefining the concepts of "state secret," "trade secret" and "banking secret" and also "military secret." [H]

June 22: Following the new Code of Criminal Procedure clause stipulating that eavesdropping be conducted by court order only, work began with the request of intelligence units of MİT, Directorate General of Security and Gendarmerie. As part of the regulation brought before the Parliament as a legislative proposal, on the grounds that preparing a draft will "take time," it was stated that intelligence units can tap and record telecommunications without a court order for "eliminating threats against the state before they emerge." [R] In this context, it was stated that manifold communications will now be tracked and recorded by the Turkish Intelligence Centre (*Türkiye İstihbarat Merkezi*, TİM) in a "centralized" manner. [S] The proposal was discussed on **24 June** by the Internal Affairs Committee, and due to the committee members' hesitations was transferred to a sub-committee. Minister of Internal Affairs Aksu held that the legislative proposal was 'urgent.' [S, R] The sub-committee finished work on **27 June**, and handed over the results to the Internal Affairs Committee. [S] That same day, the committee accepted the legislative proposal. [H, R] The eavesdropping authority of the police and the gendarmerie was limited to organized crime, especially terrorism and drugs. No such limitation was stipulated for MİT. [R]

June 22: The Defence Industry Executive Committee meeting was held, headed by Prime Minister Erdoğan and attended by Chief of General Staff Özkök and Minister of National Defence Gönül. In the meeting, it was decided to start a project in order to open a bid for the purchase of the first "surveillance satellite" for the air force, especially for aerial supervision of PKK mobility from space and for gathering information. The committee decided to purchase 12 more helicopters for the naval forces in addition to the existing 8 Seahawk helicopters, and to open bids for the purchase of a "landing craft with wet dock," new types of tactical submarines that do not need to surface, submarine rescue ships, SAT boats, and urgent response and diving training boats. [H]

June 24: In order to determine the mine fields on the Turkey-Syria border, a Mine-Field Detection Committee was formed in Nusaybin-Mardin, led by the Head of District Ersin Emiroğlu with the participation of one representative from Border Regiment Command and from each of the Directorates of Commodity, Land Registry and Agriculture. Since the cleaning of mines to be done with the

oversight of the General Staff is too expensive, the cleaning bid was given to the supervision of the Ministry of Finance. It was stated that the Ministry of Finance put the Directorate General of National Real Estate in charge, and the directorate began preparing the bid specifications. The bid, based on the build-operate-transfer model will be completed in two months and the company to win the bid will have the rights to exploit the cleaned soil that is to be allocated for organic agriculture. In 1984-2004, 400 people died and 1216 were injured as a result of land mine explosions. [R]

June 24: The Ankara Chief Public Prosecutors Office ruled that eavesdropping by MİT following Diyarbakır 6th High Criminal Court's order did not constitute a violation of the rules and procedures and decided not to process the criminal complaint petitions arguing that MİT violated the freedom of communication by recording all mobile phone and internet communications in Turkey from 8 April—30 May 2005. [H, Z, S, R]

June 24: While attending the Croatia national day reception, Chief of General Staff Özkök said: "The civilian administration in Turkey should make economic, social and political ventures in the region. But military operations against terrorists will continue as long as the necessity exists." Stating that TSK not only provides security in the region but carries out many social activities, Özkök continued: "It can even be said that TSK employs positive discrimination towards the community in the region." [R, S]

June 25: Due to reports about the Tunceli Bar Association about a taxi that hit a mine in Tunceli and was put on display to "set an example," President of the Bar in Tunceli lawyer Bülent Taş said: "The writings glued to the car make it as if the Tunceli Bar Association and non-governmental organisations are guilty in the incident," filed a criminal complaint with the Public Prosecutor's Office and stated that they are thinking of suing the Ministry of Internal Affairs for damages. [H, Z]

June 26: It was stated that municipalities, which have a shortage of municipal police, are turning to private security companies and that the municipalities that cannot get municipal police allocations from the government try to fill the gap by opening bids for some tasks to private security companies. [Z]

June 26: The 'Centre of Excellence for Defence Against Terrorism' (*Terörizmle Mücadelede Mükemmmeliyet Merkezi*, TMMM) proposed by Turkey and accepted by NATO was opened in Ankara with a ceremony attended by Chief of General Staff Özkök and NATO officials. [H, R]

June 28: The draft for the protection of children, regulating the protection of children driven to crime and the principles to be applied in the trials of those who commit crimes was accepted in the TBMM Justice Committee. According to the draft, a person below the age of 18 is to be defined as a "child," children cannot be handcuffed or shackled and those below the age of 15 cannot be arrested. It was stated that "child units" will be formed within the police or the gendarmerie for children who are taken into custody. [S, R]

June 30: CHP İzmir Deputy Bülent Baratalı stated that according to research, 96% of the TSK personnel lives under the poverty level and gave a legislative proposal for the payment of compensations to majors, captains and sergeants. [H]

July:
A US official's statement that Turkey can carry out operations against the PKK within her borders gave way to disputes. The bombing attempt on the Ministry of Justice and the explosions in summer resorts such as Çeşme and Kuşadası, the kidnapping of private Coşkun Kırandi in Adıyaman by PKK militants put the discussions concerning terrorism back on the agenda. The Ministry of Justice formed a committee in order to make an amendment to the Anti-Terror Law. "Tele-Ear" law went into effect, causing an eruption of debate. Another

important development was the agreement reached between the Diyarbakır Governor's Office and the 120 villagers who applied to ECtHR for the compensation of damages incurred as a result of terrorism and the fight against terror. When the police searched Van Yüzüncü Yıl University President Yücel Aşkın's home with the public prosecutor's approval and seized historic artifacts and personal effects, this led to public reaction.

July 1: It was stated that Eyüp Beyaz, who was shot dead during his bombing attempt on the Ministry of Justice, had been trailed by the police for the last two years based on "suicide bomber" intelligence. [H, S, Z] Beyaz had pulled the pins of the bombs he was carrying, but when the bombs failed to explode he was shot dead attempting to flee. [R]

July 3: The proposal for Law No. 5397, entitled Law Concerning the Amendment of Some Laws, known to the public as Tele-Ear/ Telecommunications Law granting authority to intelligence units for determining, tapping and recording telecommunications in a centralized manner in cases where time is of the essence, was accepted in TBMM. [H] With this law, the Gendarmerie Intelligence Organisation (*Jandarma İstihbarat Teşkilatı*, JİT) gained legal status within the General Command of the Gendarmerie. [A-JİTEM] **July 23:** Following President Sezer's approval, the law was published in the *Resmi Gazete* [Official Gazette] and went into effect. [R, Z] It was stated that Sezer would go to the constitutional court for "the revocation of some paragraphs of the articles that constitute the essence of the law and halt their execution with the exception of temporary, operative and executive articles." [R] **July 24:** Minister of Internal Affairs Aksu defended the law and said: "the main duty of the police and the gendarmerie is to prevent crime before it is committed." [R]

July 7: The activities of the TSK in the southeast were praised by the Dutch Ambassador in Ankara, Sjoerd Gosses. Gosses stated that besides providing security, TSK also carries out important activities in the civilian domain. [H]

July 9: In the interview he gave to Semih İdiz in *CNN-Türk*, Delegation of the European Commission to Turkey Ambassador H. J. Kretschmer stated that the Kurdish leaders were not able to say a clear no to "terrorist activities" but that expressing this openly would be an important step for the peaceful resolution of the problem. [H]

July 10: In Çeşme-İzmir, a close-proximity bomb left in a square exploded, injuring 20. [S, Z] **July 15:** Five people were killed and 13 were injured in an explosion on a minibus in Kuşadası. Responsibility for the attack was assumed by the illegal organisation Kurdistan Freedom Falcons (*Teyrêbazên Azadiya Kurdistan*, TAK). [R]

July 11: Private Kırandi of the Adıyaman Gendarmerie Provincial Command was kidnapped by PKK militants on the Tunceli-Pülümür route while going to his hometown of Trabzon. Officials stated that a widespread operation was launched to rescue Kırandi. [S, R]

July 13: As part of the legal and judicial cooperation agreement with Iraq, Turkey demanded it return Sadettin Akdaş and Burhan Kuş, who are two of the perpetrators of the bombing attacks of November 2003. [Z]

July 13: In the order released by Nazilli Directorate of Security on 22 June 2005 entitled Bazaar Precaution it was stated that the teams patrolling the big bazaar that is set up in town on Thursday, 23 June should take "usual suspects" and "suspicious persons" to the police station for a General Information Gathering (*Genel Bilgi Toplama*, GBT) processing, and not release them until the end of the bazaar, even if the GBT procedure is completed. [R] **July 15:** In a press conference he organized, Directorate General of Security Spokesman Çalışkan said that this was not an arbitrary application, that it falls under Article 17 of the Law on Police Duties and Powers and Article 5 of the Custody Regulation,

both stipulating the procedures concerning the prevention of crime, and that the order is being investigated by the relevant public prosecutors office in order to see whether it complies with the law and the regulation [mentioned above]. [R]

July 13: An official from the United States said that Turkey will be supported by the US in operations against the PKK, as long as these operations remain within national borders, that this support might diminish if there are large-scale human rights violations, but that the US does not object to Turkey taking the necessary precautions under current conditions. [Z, S] In the interview he gave to Akyol in *CNN Türk*, Prime Minister Erdoğan stated that he did not approve of the Anatolian News Agency (*Anadolu Ajansı*) broadcasting the statements of an official whose identity is unknown, and added that when necessary, Turkey can carry out a trans-border operation. [Z, S, R] **July 19:** In his address to the Washington Institute think tank, Dan Fried, US Assistant Secretary of State for European Affairs, said that a trans-border operation targeting the PKK "is not the best move to make" and added: "We share Turkey's concern about the PKK being a terrorist organisation. (…) I do not think that hot pursuit is the best course of action in military tension. The best thing we can do together now is to make Iraq a successful state. Only then can Iraq clean out the extremists, the terrorists." [S] On **20 July**, the prime minister said that they were determined about the trans-border operations and said: "If some camps across the border threaten our border, our country and our people, an operation is our legitimate international right. We will exert this right if needed; we will carry out an operation if necessary." [Z] **July 25:** 1st Army Commander Tolon reacted to the US statement that it will support an operation by Turkey within its own borders, and said: "They act as if someone asked them about our legal and universal right to provide our national security and unity of land, as if somebody asked for approval from them, and they are expressing their support if we continue this fight within our own borders as though it were a 'favour'." [R]

July 14: A raid was carried out by the Van Directorate of Security Anti-Smuggling and Organized Crime Directorate teams, targeting Van Yüzüncü Yıl University President Aşkın's home following his departure abroad. It was claimed that the search raid carried out with the public prosecutor's approval was done in order to seize a "fraud document," about a fraudulent case where the president is suspected of being involved. Failing to find the document after a 13-hour search, the police seized historic artifacts and Aşkın and his wife's personal effects. [H] July 19: In a written statement, Council of Higher Education (*Yükseköğretim Kurulu*, YÖK) protested the police raid. [R]

July 15: United Nations General Secretary Kofi Annan announced the launch of the "Alliance of Civilizations" initiated by Spanish Prime Minister Jose Zapatero and [co-sponsored by] Prime Minister Erdoğan. It was stated that the Alliance of Civilizations "will aim to address emerging threats emanating from hostile perceptions that foment violence [and] have a role that will overcome the polarization which threatens world peace." [Z]

July 16: Upon news in some publications that he denied his statement that the PKK and Al-Qaeda terror are one and the same, European Parliament Turkey Rapporteur Camiel Eurlings stated that he did not deny his statement and that he sticks to his words. [Z]

July 16: It was discovered that the Directorate General of Security, which automated its archives as of January, still has not destroyed the arrest warrants from 1983-85 following the 12 September military administration and that people who were searched, tried and discharged were still tagged as "wanted." [H]

July 17: In an operation carried out in Şırnak, 10 PKK militants were killed. **July 26:** Iran began an operation against the PKK on its border with

Turkey. During the operation, 4 PKK militants and 16 Iranian soldiers were killed. [S]

July 19: In his response to a question in a meeting he held with press executives, TV and news agencies, Deputy Chief of General Staff Başbuğ said that the United States gave orders for the immediate arrest of the PKK's leading cadre. [Z, S, H, R] Sources in the Pentagon stated that they were not aware of such an order. [R]

July 19: In an article in the *New York Times*, it was stated that Turkey is one of the seven countries (Brazil, South Africa, Turkey, Saudi Arabia, South Korea, Japan and Taiwan) that does not manufacture nuclear weapons despite its existing ability, complying with international treaties. [H]

July 20: In an interview he gave to the Lebanese newspaper *El Mustakbel*, Abdullah Öcalan's brother Osman Öcalan said that the PKK has come to a dead end, that it cannot do anything to benefit the Kurds, and that it is time to look for solutions through democracy. [Z] It is supposed that Osman Öcalan parted ways with the PKK in April 2004 and joined the illegal Kurdistan Democratic Solution Party (*Partiya Welatparézén Demokratén Kurdistan*, PWDK).

July 20: Experts claimed that the motive for the Hikmet Fidan murder was a "hidden war" between those who want to solve the Kurdish problem and those favoring its existence, and that the "terrorist actions" that will escalate will be an obstacle on Turkey's path to the EU. [Z]

July 20: In order to make amendments to the Anti-Terror Law (*Terörle Mücadele Kanunu*, TMK), the Ministry of Justice formed a committee with the participation of representatives from the general staff, ministry of internal affairs, directorate general of security, general command of gendarmerie and academics. [S, H, R]

July 20: Minister of Justice Çiçek stated that the draft concerning the update of TMK will be ready in September. [S]

July 20: The truck driver who was handed over to the court with an order for his arrest following the accident in the Yıldırım District—Kapıkule Route in Edirne, was taken under "judicial control" as stipulated by the new CMK. The truck driver began signing a paper everyday, stating that he is still in Edirne. [H]

July 20: All Municipalities and Local Administration Service Workers Union (*Tüm Belediye ve Yerel Yönetim Hizmetleri Emekçileri Sendikası*, Tüm Bel-Sen) filed a case in the Ankara 12th Administrative Court requesting a ban on the "fingerprinting" practices carried out by a private security company as part of the Personnel Attendance Control System that the Ankara Metropolitan Municipality is planning to implement in order to control the personnel's attendance at work. [DBT]

July 21: It was announced that the Ministry of Internal Affairs is working on a bill that will prevent those who do not know how to use a weapon from carrying and owning one. [Z]

July 22: Minister of Internal Affairs Aksu stated in the Ministers of Internal Affairs of Iraq's Neighboring Countries Meeting held in Turkey that he proposed the signing of a protocol of cooperation against terrorist organisations that exist in Iraq that harm neighboring countries and that this proposal was accepted by the ministers. [Z, R]

July 25: In his response to CHP Diyarbakır Deputy Mesut Değer's motion of question, Minister of Justice Çiçek stated that the Temporary Village Guards Regulation was not published in the *Resmi Gazete* (Official Gazette) to prevent potential problems. [A-GKK]

July 25: During the anniversary of the abolishment of censorship celebrations, the Association of Turkish Journalists (*Türkiye*

Gazeteciler Cemiyeti, TGC) did not issue the Freedom of Press Award 2005, in order to protest against the Turkish Penal Code that recently went into effect. [A-MED]

July 26: Minister of Justice Çiçek stated that the government did not deem it necessary to implement Deputy Chief of General Staff Başbuğ's proposal of establishing a fight against terror unit within the prime ministry. [S, R]

July 26: Magazine Aksiyon claimed that instead of those quitting the organisation, the PKK now targets Kurdish intellectuals who prevent it from carrying out its propaganda, and that 250 Kurds are on their death list. [Z]

July 26: It was announced that the Diyarbakır Governor's Office reached an agreement with the 120 villagers residing in the Gömeç village of Hani Province who applied to ECtHR for payment of damages arising from terrorism and the fight against terrorism, and that a payment of YTL 1.5 million will be made. [R] **July 29:** The Draft for Amendments to the Law Concerning the Compensation of Damages Arising from Terrorism and the Fight against Terror was presented to the TBMM Presidency. It was stated that the draft extended the application period, shortened the time for damage assessment, and increased the amount of compensation from YTL 20,000 to 50,000. [R]

July 28: In his statement to the newspaper *Yeni Şafak*, MGK General Secretary Alpogan said that although the psychological warfare operations are no longer carried out, a budget was still allocated for these operations and that they returned these funds, which are not less than 3 million, to the prime ministry. [Z]

July 28: Answering journalists' questions at the reception in honour of KKTC Armed Forces' Day, Chief of General Staff Özkök said that the definition of terrorism should be made by scholars. [R]

July 29: According to the statement made by the Directorate General of Security, more than 30,000 women of foreign origin were extradited in the last 10 years on the grounds that they engaged in prostitution. [R]

July 29: İstanbul Directorate of Security Deputy Director in Charge of Intelligence and Smuggling Departments Şammaz Demirtaş said that following the bombings in London and Egypt, it was understood that the terror wave is moving from west to east, that an attack is expected in Turkey before November, and that 1000 people in İstanbul determined to be related to Al-Qaeda were tracked. [V] **July 30:** In the weekly information meeting, Directorate General of Security Spokesman Çalışkan did not verify the information about an expected [attack] in İstanbul. [C]

July 30: It was claimed that in the Adana Industrialists and Businessmen Association (*Adana Sanayici ve İşadamları Derneği*, ADSİAD) meeting, the Head of the Delegation of the European Commission to Turkey, Ambassador H. J. Kretschmer said that the army is still very active in the [country's] administration and that this constitutes an obstacle to EU harmonisation. [Z, H]

August:

Terrorism debates were still part of the agenda. The TMK draft that is being prepared drew reactions from within the country as well as from abroad. A discussion involving security forces' "limited authority in the fight against terror" took place between TSK and the government. The high-ranking military officials who retired and those who were promoted were announced after the YAŞ meeting. Private Kırandi, who was kidnapped, was released. The delegation that went to collect Kırandi was taken into custody. Hamed Obysi and Luia Sakra, who are suspected of being guilty of the November 2003 bombings in İstanbul, were captured. PKK/Kongra-Gel announced that they will suspend their armed actions until 20 September. Another debate emerged when Prime Minister Erdoğan used the expression "Kurdish problem" for the first time

during a meeting with a delegation of the country's intelligentsia. The accent put on "the independence and integrity of the nation" in the statement issued following the MGK meeting was assessed by some parts of the society as a "post-modern warning" to the government.

August 1: The Supreme Military Council (*Yüksek Askeri Şura*, YAŞ), headed by Prime Minister Erdoğan held its first-day meeting. [Z, R]

August 1: It was announced that the "Regaining Citizens Code" aimed at PKK members, excluding the executive cadre, was discussed in the Council of Ministers. [R]

August 1: Minister of Justice Çiçek stated that the Council of Ministers Decision regarding the shortening of military service was presented to President Sezer for approval. [R]

August 2: In a news report by *NTV*, it was claimed that a special team formed by the İstanbul Directorate of Security went to Ebu Garib Prison and interrogated Sadettin Akdaş and Burhan Kuş, who fled to Iraq after the bombing attacks of November 2003 and who were arrested and emprisoned there by US forces. [Z]

August 3: Journalist-writer Ümit Fırat stated that the PKK's only wish is the release of Öcalan and that renewed actions hurt Kurds the most. [Z]

August 3: ECtHR convicted Turkey on two counts; first in "violation of the right to life" trial involving the claims of disappearance under arrest of the People's Democracy Party (*Halkın Demokrasi Partisi*, HADEP) executives Serdar Tanış and Ebubekir Deniz in 2001, and second in the trial involving Sadegül Özdemir who was taken into custody in 1992 on the grounds of being an illegal organisation member and was kept in prison for more than 7 years. [H]

August 3: The YAŞ meeting headed by Prime Minister Erdoğan ended. According to the YAŞ decisions that were announced following President Sezer's approval, Naval Forces Commander General Admiral Özden Örnek, Air Forces Commander Halil İbrahim Fırtına and 1st Army Commander General Tolon went into retirement. Fleet Commander Admiral Yener Karahanoğlu was assigned as the new Naval Forces Commander, and War College Commander Faruk Cömert was assigned as the new Air Forces Commander. Deputy Chief of General Staff Başbuğ became the new 1st Army Commander. [R, Z, H] Eleven TSK members were discharged from the army for lack of discipline. [H, Z] It was announced that the Prime Minister put an "opposing annotation" to the removal decision. [Z] As a result of the YAŞ decisions, the names at the top of the military high courts changed as well. Colonel Judge Ahmet Alkış, who was promoted to brigadier-general, was assigned as the new Chairman of the Military Court of Appeals, and Colonel Judge Turgut Arıbal, who was promoted to brigadier-general, was assigned as the new Chairman of the High Military Administrative Court. [R] **August 6:** It was claimed that the 11 members who were removed from TSK were discharged on the grounds of "fundamentalist activities." [H]

August 4: Turkey handed over the command of the International Security Assistance Force (ISAF) in Afghanistan that it took over from EUROCORPS[1] on February 13 to Italy. [H]

August 4: Private Kırandi, who was a soldier in the Adıyaman Provincial Gendarmerie Command and who was kidnapped on 11 July was released in the surrounding countryside of Güleç Village, 15 kilometers from Tunceli. Private Kırandi was retrieved by the Human Rights Association (*İnsan Hakları Derneği*, İHD)

1 The military troop consisting of 60,000 personnel from France, Germany, Luxembourg, Belgium and Spain, and based in Strasbourg. See: <http://www.eurocorps.org>.

Southeastern Regional Representative Mehdi Perinçek, Diyarbakır Branch Chairman Selahattin Demirtaş, musician Ferhat Tunç and journalist Umur Hozatlı. [R] That same evening, the delegation and journalists who went to retrieve private Kırandi were taken into custody. İHD Diyarbakır Branch Chairman Selahattin Demirtaş was transferred to the court on duty [a court available at all times] with a motion for his arrest. Demirtaş, who was released after an hour-long interrogation said: "I am feeling a bitter joy…We have been brought before court with claims of 'making propaganda for the organisation.' We just performed our humanitarian duty." [H]

August 5: In his address in the welcoming reception that took place in the 4th Army Corps and Garrison Command for the troops and personnel who completed their duty in the ISAF-VII Operation in Afghanistan, Chief of General Staff Özkök said: "(…) The TSK are continuing the fight in a self-sacrificing way against separatist terror organisations who want to take the public back to the old, painful days, despite the limited authority that it now has (…)" [S, Z, R] **August 7:** Özkök's criticism was answered by legal experts. Legal experts said that the amendments made to the law as part of the EU harmonisation package did not diminish the authority of the security forces but that the problem stems rather from deficiencies in practice. [Z] **August 20:** In his statement to Sabah, the International Strategic Research Institution (*Uluslararası Stratejik Araştırmalar Kurumu*, USAK) Chairman Sedat Laçiner said "a clear definition of terror and terrorism should be made within the legal framework; if not, everyone can be labeled a terrorist." [Z]

August 5: 165 people from the Şaklat Village of Kocaköy-Diyarbakır signed an agreement with the Diyarbakır Governor's Office regarding the compensation of damages stemming from terrorism and the fight against terror and said that they would revisit the cases they filed in ECtHR. [H, Z]

August 6: Five soldiers died and one was injured as a result of the bomb explosion in the gendarmerie battalion command in Şemdinli-Hakkâri. [Z]

August 6: Hamed Obysi, who is suspected of involvement in the bombings of November 2003 was captured at the Cilvegözü Border Gate. [Z]

August 7: Luia Sakra, who is suspected of being the İstanbul representative of Al-Qaeda, and to have provided the bombs used in the attacks in November 2003 in İstanbul, was captured in Diyarbakır. It was claimed that Sakra was preparing for an attack against Israeli ships. [H, Z]

August 8: In the Annual Judicial Statistics 2003 prepared by the Ministry of Justice Directorate General of Judicial Records and Statistics, it was stated that the amount of criminal cases filed parallel to the amount of crimes committed increased by half in the last 10 years. It was also stated that most of the files involved the crime of failing to declare property, followed by thievery, uncovered cheques and atrocious crimes. [Z]

August 8: In her statement following her meeting with Prime Minister Erdoğan, Ankara's US Embassy Envoy Nancy McEldowney said that the United States will continue to help Turkey in its fight against the PKK and that attempts have increased to block financial aid flowing to the PKK from abroad. In response to a question asking whether the US will carry out an operation targeting the PKK's leading cadre, McEldowney said: "If there were an easy way to solve this, we would have prevented the explosions in London, Çeşme and Kuşadası." [H, R, S]

August 9: It was stated that during the Council of Ministers meeting he attended, MİT Undersecretary Taner said: "Since the PKK is on the brink of dissolving, it breached its own cease-fire." [S]

August 9: In a broadcast he on NTV, Minister of Justice Çiçek said: "When it comes to terror, they

put the government on one side of the seesaw and TSK on the other, whereas everyone is actually on the same side." [Z, S, H, R]

August 10: Prime Minister Erdoğan held a meeting with a delegation of the country's intelligentsia consisting of 12 people from among those who made a call to "lay down arms unconditionally" to the PKK. Using the term "Kurdish problem" for the first time, Erdoğan stated that this problem is one of democratization and added: "the biggest harm to our citizens of Kurdish origin comes from terror organisations." [S, R] The delegation included such people as İstanbul Medical Doctors Chamber Chairman Prof. Dr. Gençay Gürsoy, writer Adalet Ağaoğlu, journalist-writers Ali Bayramoğlu, Oral Çalışlar, Ahmet Hakan Coşkun, Mustafa Karaalioğlu, and Nuray Mert. [R]

August 12: According to statistics announced by the Ministry of Justice, 27,274 people—23,027 male and 4,247 female—were tried for crimes of "terror" in 1991-2004. [Z]

August 12: Deputy Director General of Security Er stated that the operation concerning the apprehension of Luia Sakra and Hamed Obysi was carried out solely with the joint efforts of Turkish intelligence units, and that no help was received from other countries. [S, Z]

August 12: In his address in Diyarbakır, Prime Minister Erdoğan said "(...) The Kurdish problem is not a problem that concerns part of this nation, but all of it. It is also my problem(...)" Stating that the government has three lines that cannot be crossed, Erdoğan named these as "ethnic nationalism, regional nationalism, and religious nationalism." Saying that the Turkish state "made mistakes in the past" Erdoğan stressed that the democratic process will not reverse itself. [H, R]

August 14: Association of Turkish Journalists Chairman Orhan Erinç said that they had complaints about Article 26 of the new TCK from the point of view of the penalties it stipulates, as well as the vagueness and openness to interpretation of its provisions. [A-MED]

August 15: As the work for the new anti-terror law draft continues, it was claimed that the Delegation of the European Commission to Turkey gave a letter to the government containing Brussel's opinions on the matter, and that the letter said: "Do not ignore freedom of speech in the name of the fight against terror. Do not bring back Article 8 of the TMK which you abolished with the 6th harmony package." [R]

August 15: Former Chief of Security Ahmet İhtiyaroğlu, who was tried for "mistreatment of individuals" was emprisoned after his 10-month sentence was approved by the High Court of Appeals. [H]

August 16: The Republican People's Party (Cumhuriyet Halk Partisi, CHP), applied to the Constitutional Court for the ban and annulment of the expressions: "A person or committee specially designated by the prime minister" that can be found in various articles of the Law Concerning the Amendment to Some Laws No. 5397 that went into effect in July. [H]

August 16: The Democratic People's Party (*Demokratik Halk Partisi*, DEHAP), decided to join the Democratic Society Movement (*Demokratik Toplum Hareketi*, DTH). In the speech he delivered at the meeting, DEHAP Chairman Tuncer Bakırhan said that the real addressee for the Kurdish problem is not the Turkish intelligentsia, but "the democratic Kurdish movement." [R]

August 17: In his response to questions from the press during his visit to İstanbul, Governor Güler, 1st Army Commander General Tolon said that the "fight against terror" and the "fight against terrorists" should not be confused; that the "fight against terror" falls under the responsibility of the state, whereas the "fight against terrorists" falls under the responsibility of security forces. [S, R]

August 18: In order to prevent the bad image projected by the press during arrests, the Directorate General of Security announced that police officers will be taught martial arts, starting with officers on duty in police stations. [Z]

August 18: It was claimed that the PKK will declare a cease-fire from 1 September—3 October. [H] Democratic Society Movement (DTH) made a call to the PKK for unconditional and permanent cease-fire. [H, R]

August 19: In his address during the ceremony where he handed over the Command of the 1st Army to General Staff Second-in-Command Başbuğ, General Tolon said that he "condemned and despised attempts of a certain group of self-proclaimed 'enlightened' intellectuals, whose enlightenment is questionable, to ruin the unitary structure of the Turkish Republic that is built on the nation-state form (...)" [S, H]

August 19: TSK started the distribution of the 'single smart cards' which have many functions such as identification, electronic wallet, health insurance card and electronic signature, and which are compliant with the Geneva Conventions, to active personnel, as well as entitled retired members and family members. [H]

August 19: The Belgian government stopped the press conference to be held by PKK/Kongra-Gel leader Zübeyir Aydar, where he was planning to announce the one-month long cease-fire decision, on the grounds that PKK/Kongra-Gel is in the terrorist organisations list of the EU. Making this announcement on their website, PKK/Kongra-Gel stated that they would discontinue their armed actions until 20 September. [R]

August 20: The Directorate General of Security presented the changes it requested in the TMK to the committee of the Ministry of Justice that it recently established for the preparation of the new TMK draft. It was claimed that the changes requested by the Directorate are similar to Article 8, which was removed as part of the EU harmonisation package. [R]

August 20: The İzmir Directorate of Security announced that leaflets prepared by the Directorate General of Security explaining "the activities carried out by illegal organisations in order to use the youth" will be distributed to students in Ege and Dokuz Eylül Universities. [S]

August 21: When a member of the press asked Prime Minister Erdoğan about his statements during his meeting with the intelligentsia, his Diyarbakır trip and his declarations regarding the Kurdish problem, and also asked what he though about the PKK's cease-fire decision, the prime minister said that the "Kurdish problem" and the "PKK terror and terror problem" should not be confused and should be treated separately. [Z, H, R]

August 21: Businessmen and non-governmental organisations' representatives from Diyarbakır stated that PKK's month-long cease-fire decision announced on its website is insufficient and made a call for the unconditional and indefinite laying down of arms. [R] DTH claimed that with the attempts made during the month where PKK announced its planned cease-fire, this period can be extended and even made permanent. [R]

August 22: Minister of Justice Çiçek stated that everyone should "digest" Article 3 of the constitution, which says that the constitution is unchangeable and amendments to it cannot be proposed, and Article 66 which regulates Turkish citizenship. [S]

August 23: An MGK meeting was held. In the declaration released by the MGK General Secretariat, it was stated that protecting the independence and integrity of the nation and the republic, providing the peace and happiness of society regardless of language, creed and ethnic origin is one of the basic purposes and

duties of the state. The declaration also stated: "In the National Security Council's meeting today, the determination to fight against terror that forms an obstacle to reach this goal and that attacks our citizens' security, right to life, well-being and prosperity was reiterated." [S, Z, R, H] In the report concerning PKK terror sent to council members prior to the meeting by the MGK general secretariat, it was stated: "Renewed limitations like OHAL in the region are not necessary." [H] **August 23:** It was announced that discussion of the National Security Policy Document was postponed due to differing opinions between the government and the armed forces. [A-H]

August 24: CHP TBMM Deputy Chair Ali Topuz stated that the MGK declaration that was released was a "post-modern warning" to the government. [Z, R, S]

August 24: It was stated that after leaving CHP, Celal Doğan contacted DTH as part of his search for a new party and said: "Let's form a joint party, but you distance yourselves from the PKK," and that DTH will answer this proposal in September. [R]

August 24: While delivering a speech in the TSK Honour Medal and Superior Service Medal Granting Ceremony, General Özkök said that terror is Turkey's most important problem and that "every segment of society should realize their responsibility in the resolution of this problem and [should begin acting accordingly]." [H, R]

August 26: Working on the regulation change involving the possibility for private televisions and radio channels to broadcast in Kurdish, RTÜK announced that MİT is investigating local channels that applied for broadcast in Kurdish, and that the information gathered will be used in decision-making about the broadcasts. [Z, R]

August 26: In his message on the occasion of 30 August Victory Day, Chief of General Staff Özkök said that the negative effects of globalism hinder the society's confidence in its future, and that the way to restoring this confidence and reaching stability is through "firm loyalty to the constitution's articles that are considered 'unchangeable'." [H]

August 26: During his visit to Ankara as part of his Greece and Cyprus tour, US Deputy Assistant Secretary of State Matt Bryza stated that the PKK is not only Turkey's, but also the US and Iraq's problem. [H]

August 27: In the *Dark Curtain: Perpetrators Unknown* dossier prepared by the Ankara Chamber of Commerce (*Ankara Ticaret Odası*, ATO), it was claimed that the number of unsolved politically-motivated murders is increasing. [H]

August 29: It was announced that in order to prevent the use of fake IDs, the Directorate General of Records and Citizenship Procedures will make citizens' identity records available to all public institutions electronically, as part of the Identity Sharing System (Kimlik Paylaşım Sistemi, KPS). [Z]

August 29: In his response to DYP Denizli Deputy Ümmet Kandoğan's motion of question involving juvenile delinquents, Minister of Justice Çiçek stated that in the 10 year period of 1994-2003, the number of juvenile delinquents increased twofold and that the crimes most committed among children were thievery, assault and battery, violation of traffic law and wrongful seizure. [H]

August 30: The Anti-Terrorism Branch Directorate declared that in the operation it carried out on 25-27 August they apprehended 5 people who are "members of an illegal organisation of a religious nature." [H]

August 31: ANAP Şanlıurfa Deputy Turan Tüysüz and his associates gave a legislative proposal for the amendment of certain articles in the Law Concerning Firearms and Knives No. 6136 to the TBMM Presidency. It was stated that the law would bring about limitations to the

issuance of weapons and that penalties would increase. [Z, S, H] Prime Ministry Spokesman Akif Beki stated that faced with the size of individual armament and the problems it causes, Prime Minister Erdoğan gave instructions to related units for a status assessment and development of solution proposals. [H]

August 31: DEHAP Nusaybin Chapter Chairman Nazım Kök, who was transferred to court due to the claim that he stated: "This is our martyr" during the Nusaybin funeral of Syrian PKK Militant Mesut İsa who died in Maçka-Trabzon, was arrested. [H]

September:
Debates involving the anti-terror law that is being prepared were the main issue on the agenda. Legal practitioners and NGOs drew attention to the fact that some expressions in the draft may bring about limitations to freedoms, while the government stated that the freedom-security balance will be observed. The committee established within the Ministry of Justice finished its work on the TMK draft. A committee made up of AKP deputies with a legal background finished its work involving the finalisation of the draft and the draft was presented to the Prime Ministry Undersecretariat. Another development was the prime minister's meeting with Iraqi leader Talabani and Iraqi Prime Minister Caferi during a visit to New York for a United Nations meeting. The "Armenian Conference" that took place at Bilgi University was another important event this month. Operations targeting illegal organisations also continued in September. Due to the increase in incidents, the Anti-Terror Higher Council met for the first time in eight years. The discussions that emerged when the police did not intercept the group who handed out leaflets and made a press statement while the Friday prayer crowd was dispersing from the Fatih Mosque also found their way into the agenda. Armed conflicts took place in eastern and southeastern Anatolia throughout the month.

September 1: In the interview he gave to Fikret Bila of *Milliyet*, Air Force Commander General Faruk Cömert said that rumors about Hizbullah being used against the PKK emerged during the Prime Ministry of Tansu Çiller and that he informed then-governor Muzaffer Ecemiş about these rumors. In turn, Muzaffer Ecemiş said that neither he nor any other governor contacted any illegal organisation. AKP member Ersönmez Yarbay said of the days when he was the chairman of the Uğur Mumcu Committee: "We have uncovered evidence pointing to 'an enemy of my enemy is my friend' policy." [Z]
September 5: Emin Emir, the lawyer of Cem Ersever, who was named as the founder of JİTEM in the Susurluk Report, stated that Ersever used to receive intelligence from Hizbullah leader Hüseyin Velioğlu. [Z]

September 1: In the message he issued on the occasion of World Peace Day, President Sezer stated that "the biggest obstacle for an atmosphere of peace is terror." [S] In the message he issued, President of Parliament Bülent Arınç said that they see the Turkish citizens of Kurdish origin who live in Turkey, who experience economic and cultural problems for various reasons, who see their difference as a cultural richness and who object to violence as the addressees of the "Kurdish Problem." [H]

September 1: In his response to CHP Ankara Deputy Yakup Kepenek's motion of question concerning the use of weapons and related incidents, Minister of Internal Affairs Aksu said that in 2000-2003, 94,493 incidents took place involving firearms and other weapons and that of these incidents, a total of 9,884 weapons were used, of which 2,112 were licensed and 7,172 were unlicensed. [H]

September 2: Minister of Internal Affairs Aksu sent a circular to governors drawing attention to the fact that the use of firearms on special occasions such as weddings, festivities, and send-offs to military service causes some citizens to be injured, crippled or killed, and that necessary precautions for these incidents should be revised. [S, R, H, Z] Directorate General of Security Spokesman Çalışkan announced that a bill was being prepared in order to eliminate the

deficits in the licensed weapon use regulations and to solve problems stemming from individual armament. [S, Z] President of Parliament Arınç stated that a campaign promoting life without weapons would commence when parliament resumes its sessions. Prime Minister Erdoğan said that a legal regulation on the matter was not necessary and that they will fight the problems stemming from individual armament by increasing public awareness. [R] On September 6 AKP Yalova Deputy Şükrü Önder announced that the government is making preparations for increasing the penalties stipulated by Firearms Law No. 6136. [H]

September 2: The faction named Hizb-ut Tahrir organized a demonstration in the yard of the Fatih Mosque in İstanbul. When answering questions about the demonstration that the police did not interrupt, Prime Minister Erdoğan said "Yes, [the police] should have intervened." On **September 5**, it was announced that eight people thought to be "Hizb-ut Tahrir sympathizers" were taken into custody. [S] On **September 6,** İstanbul Governor Güler said that he admitted that it was a mistake for the police not to take into custody the people involved after the incident, but that this did not mean that the incident will not have a follow-up. [H] On **September 8**, İstanbul Director of Security Cerrah responded to the criticisms aimed at the police. He stated that the people making statements in the mosque were previously taken into custody and sent to court for distributing the same leaflets and that these people were released after their depositions were taken. Drawing attention to the fact that the Minister of Internal Affairs has a circular concerning press statements, Cerrah said that if the statement does not constitute a serious crime, [the police] do not intervene. [H] On **September 10**, a group thought to be "Hizb-ut Tahrir sympathizers" trying to distribute leaflets in the yard of the Hacı Bayram Mosque in Ankara, where Prime Minister Erdoğan performed the namaz were interrupted by the police and 38 people were taken into custody. [R]

September 14: Erzurum Director of Security Tahsin Demir stated that Cengiz Kabataş, who is suspected of being in charge of the eastern Anatolia region for Hizb-ut Tahrir, was captured and sent to jail. [H, R] **September 30:** It was announced that Yılmaz Çelik, who is suspected of being the organisation's Turkey representative, was captured in Adana. [R, H]

September 3: Internet sites were included in the accreditation practice of TSK concerning press, media and similar institutions. [H]

September 4: Kurdish intellectuals and politicians held a meeting in Ankara and discussed a potential solution to the "Kurdish Problem." Stating that the addressee of the question is not the PKK, the intellectuals said: "We want to solve the problem in a democratic way, without resorting to bravado and bullying." [Z]

September 5: In Germany, the offices of daily Özgür Politika and the Mesopotamia News Agency (*Özgür Politika* and *Mezopotamya Haber Ajansı*,) in eight federal states were raided. The publishing house E.Xani Presse-und Verlags-GmbH, publishing the newspaper Özgür Politika, thought to be the official newspaper of the PKK, was banned. [R]

September 6: Minister of Justice Çiçek stated that the anti-terror law draft was presented to the ministers for information purposes. It was stated that the draft, which was also discussed in the AKP Central Executive Committee, will be analyzed in a committee formed of AKP deputies having legal backgrounds and that after being finalized in this way, will be open to signatures from the cabinet. [Z]

September 7: It was announced that there was a conflict within the committee working on the new TMK draft, especially on whether propaganda should be determined as crime or not, and that agreement was reached only on the regulation stipulating the punishment of those who provide financial support for terror. [S] It

was stated that the draft was accepted by a majority of votes and not unanimously. [Z, H] It was announced that "all kinds of criminal actions aimed at disrupting and destabilizing the constitutional, political, legal, economic and social structure" is considered "an act of terror." [H] Legal practitioners said that definitions such as "the definition of terror," "terror criminal" and "financing terror" contain ambiguities and that since the definition of "terror" does not contain the terms "coercion and violence," people could be treated unjustly simply for their ideas. [Z, H]

September 7: The exhibition entitled "The Incidents of September 6-7 on their 50th Anniversary" organized by the History Foundation (*Tarih Vakfı*), the Helsinki Citizens' Assembly (*Helsinki Yurttaşlar Derneği*) and the Human Settlements Association (*İnsan Yerleşimleri Derneği*), and consisting of photos and documents donated by ret. Admiral Fahri Çoker was attacked by a group defining themselves as "ülkücü" ["idealist"/extreme nationalist]. [R]

September 8: CHP Vice Chairman Mustafa Özyürek made a call to the government for a "terror summit" where what is done and what is planned to be done about terror will be discussed. [S]

September 8: In the press conference he held with board members, DİSK Chairman Süleyman Çelebi stated that due to the latest incidents in Turkey, they would not participate in the demonstrations that will be organized for the 25th anniversary of 12 September. [H, S]

September 9: The İstanbul Governor's Office postponed for one month the rally entitled "Abolish Temporary Article 15 of the constitution: Bring Those Responsible for the Coup Before Court" organized by the Initiative of the 78 Generation and other NGOs for the 25th anniversary of 12 September. [Z, S, R, H]

September 9: The Ministry of Internal Affairs Strategy Centre Presidency prepared a leaflet entitled "Social Incidents and Provocation Prevention Guide" containing precautions to be taken by security forces in social incidents and provocations. [S, H, R]

September 10: The Ankara Directorate of Security began teaching officers how to control their anger in order not to be carried away by provocations. Within this context, the Ankara Directorate of Security guidance and counseling office prepared a leaflet entitled "How to Control our Anger." [Z]

September 11: According to *Milliyet*, the internal security group preparing reports for MGK about the fight against terrorism, led by a civilian and working under the Research and Assessment Presidency (*Araştırma Değerlendirme Başkanlığı*, Ar-De), is now under the Mobilization and War Preparation Planning Department led by a brigadier-general. [Z]

September 11: The group that gathered in Kadıköy port to protest 12 September was intercepted by the police. [H] September 12: The Socialist Platform of the Oppressed (*Ezilenlerin Sosyalist Platformu*, ESP) and the Initiative of the 78 Generation filed a criminal complaint against the police officers who intercepted the protest. [H]

September 12: In the statement made by the Kütahya Chief Public Prosecutors Office, it was claimed that Mustafa Bağdat, who was taken into custody on the grounds of having protested against Prime Minister Erdoğan during the ceremony in Kütahya for the opening of the 2005-2006 educational year, wanted to attempt to assassinate the prime minister. [S, H]

September 12: In its report about its efforts in targeting organized crime, the Directorate General of Security stated that mafia-type illegal organisations are backed by existing institutional activities within the state mechanism, either directly or indirectly. [H, Z]

September 12: In the press statement he made for the 25th anniversary of 12 September, the

Turkish Revolutionary Workers' Unions Confederation (*Türkiye Devrimci İşçi Sendikaları Konfederasyonu*, DİSK) Chairman Süleyman Çelebi said: "Until those responsible for the coup are brought before court and the damages of the victims are compensated, we will neither forgive nor forget September 12." The Rights and Freedoms Front (*Haklar ve Özgürlükler Cephesi*, HÖC), ESP and the İHD İstanbul Chapter protested 12 September in the mass meetings they organized. [H]

September 12: The draft concerning the provision of health care by the state of the temporary village guards' dependents was open to signature in the Council of Ministers. [S]

September 13: US State Department Iraq Coordinator James Jeffrey gave a press briefing about Iraq and the PKK. Stressing that there is no difference between the PKK and Al-Qaeda, Jeffrey stated that their priority in Iraq is to overcome the resistance forces and that a large-scale movement against the PKK will take place after the resistance is overcome. [H]

September 14: Chief of General Staff Özkök, who went to Diyarbakır with the commanding officers of the army, claimed that there is an "element of provocation" in the latest incidents and said: "(...) Among the non-governmental organisations, there are those who carry out their duties very well, those who can't and those who do it wrong. We are like the wheels of a clock. It is only possible to see the right time if all the wheels work properly. [H, R]

September 14: *CNN Türk* Reporter Gökhan Bozkurt was sued on the grounds of "violating the secrecy of an investigation" when he brought the issue of the negotiations made between Cemal Kaya, who resigned from AKP in May 2005, and the Ministry of Energy bureaucrats into the spotlight. [A-MED]

September 15: It was stated that Prime Minister Erdoğan, in New York for the UN Summit with Minister of Foreign Affairs Gül, spoke to US President George Bush about the PKK and that Bush informed Erdoğan that he told Talabani to do something about the PKK. [R]

September 15: During the UN Summit of 14-16 September, Turkey signed the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was opened to signature in 2003. [H]

September 16: Following the comments that were seen in the press along the lines of "We are capturing, they are releasing," Director General of Security Aydıner issued a circular. Stating that this kind of approach harms the citizens' confidence in the police, Aydıner said in the circular that "loose and cold" behavior damages the police organisation's prestige. [Z, S]

September 16: Iraqi leader Talabani met with Prime Minister Erdoğan, in New York for the UN Summit and afterwards made statements to members of the press, saying: "We condemn the terrorist organisation PKK. (...) We are ready for cooperation with Turkey, and will do the best we can." Prime Minister Erdoğan also met with Iraqi Prime Minister Caferi. In the statement he made following the meeting, Caferi said: "we agreed on such principles as not letting our soil be used for attacks against any neighboring country and standing firm on this matter." [H]

September 16: In the statement made by the İstanbul Bar Association, it was said that legal regulations concerning individual armament is insufficient and alternatives were presented. [H]

September 16: In Dilek-Manisa, during the funeral of gendarmerie sergeant Emrah Akman, who died in Şemdinli-Hakkâri as a result of a road-mine explosion, an attempt was made to remove the signboard of the DEHAP provincial chapter. The crowd calmed down after captain Ali Cemalmaz, on duty in Manisa, took a Turkish flag from a local business and hung it on the building. [H]

September 17: It was claimed that [after seeing that] the definition of "victim of terror" only included civilians, Turkey also made the definition include soldiers in the draft being discussed in the UN. [H]

September 19: TBMM discussed CHP's motion for a general meeting concerning the recent increase in terror incidents. After the motion was rejected, the parliament went into recess, to be reopened on 1 October. [S, H, R]

September 19: The High Military Administrative Court decided to pay damages to the private who was tortured and crippled in the Gaziemir Transport School Command Discipline Prison, where he was sent during his military service as a disciplinary action. [H]

September 21: It was stated that in the meeting between Minister of Foreign Affairs Gül and US Secretary of State Condoleezza Rice, Rice said that a US action against the PKK's existence in Iraq "is not a matter of principle, but a matter of time." [S]

September 21: It was announced that the PKK extended its cease-fire until 3 October. [H, R]

September 22: It was stated that the many academics and intellectuals from the United States, Europe, the Middle East and Turkey who will attend the conference entitled: "Ottoman Armenians in the Final Era of the Empire: Scientific Responsibility and Democracy Problems" have presented a petition to President Sezer, Prime Minister Erdoğan, the ministers, the İstanbul governor's office and the university board with a request for protection. [H] A group of people gathering in front of Bilgi University where the event was held protested against the conference. Lawyer Kemal Kerinçsiz claimed that İstanbul 4th Administrative Court's decision denying the right to hold this conference meant that organising this conference at another university was a violation of law. [R]

September 26: Delivering a speech in the Turkish Military Academy opening ceremony for the 2005-2006 educational year, Land Forces Commander Büyükanıt said: "I condemn the mentality and the way of expression in the European Parliament that defines our fight against terror as 'aggressive military operations'." [H, Z]

September 27: The Anti-Terror Higher Council convened for the first time in eight years, headed by Minister of Foreign Affairs Gül. The "terror incidents" that recently increased and the precautions that should be taken for their prevention were discussed. [Z, S, R, H] It was stated that the "triple pincer" method was embraced, that security forces will continue their operations, that the Ministry of Foreign Affairs will track down the organisations' foreign connections, and that the ministry of finance will work towards eliminating the financial backup the organisations receive. [H]

September 28: It was announced that the Ministry of Internal Affairs is preparing a bill for preventing deaths caused by individual armament. It was said that the bill contained the condition of 30-hour training for those who wish to obtain a licensed weapon. It was stated that with the regulations that will be made, cartridge-casing samples will be taken from licensed guns, a database will be formed with these samples, and that the database will also include information about the weapons' characteristics and their owners' identity records. [H]

September 29: The committee consisting of AKP deputies presented the changes it made in the TMK draft to the Prime Ministry Undersecretariat. It was said that the statements that drew reactions from non-governmental organisations and lawyers were removed and a decision was made to keep the definition of terror as it already exists in TCK. [Z]

September 29: Turkish companies attended the 7th International Defence Industry Trade Fair

held in Ankara. It was stated that the General Staff's strategy of increasing domestic contribution made it possible for domestic companies to go forward. It was said that ASELSAN, which exhibited various products in the fair, will manufacture Base-Mounted Stingers worth 23 million euros for the Dutch Royal Army. [S]

September 30: It was claimed that during the secret inspection carried out by the Civil Aviation Security Council in İstanbul's Atatürk Airport, a dismantled pistol was taken as far as the apron, and as a result, the private security forces belonging to TAV Yatırım ve İnşaat were shifted. [Z]

October:

The operations and armed conflicts targeting the PKK in the eastern and southeastern regions continued. There was loss of life, especially due to road mines. It was claimed that an explosion that took place in a gas station in Maslak-İstanbul was perpetrated by PKK militants. Objections were raised from Europe against TMK, which was still a part of the agenda. In the statement made by the government, it was said that a regulation that is not contained in the *Acquis Communautaire* cannot be in TMK, and that the freedoms will be preserved. Another development was with the content of the National Security Policy Document, also known as The Red Constitution on which the MGK agreed, leaking it to the press. The arrest of Van Yüzüncü Yıl University President Aşkın as part of the investigation on claims of bid fraud, for preventing possible "destruction of evidence" caused new debates. It was claimed that MİT Undersecretary Taner went to the town of Selahaddin in order to meet with KDP leader Barzani.

October 1: Yılmaz Çelik, who is believed to be the Turkey representative of Hizb-ut Tahrir and who was captured in Adana, was arrested after being brought before court in İstanbul. [S, R]

October 1: It was announced that the "Democratic Solution to the Kurdish Problem, Yes to the EU" rally organized by Diyarbakır Democracy Platform was postponed by the Diyarbakır Governor's Office for 15 days. [R]

October 2: Chief of General Staff Özkök stated that Bülent Arınç's TBMM opening address where he said that "Turkey has fulfilled all of its responsibilities, it is now Europe's turn," was "an expression of his [Özkök's] emotions." [R]

October 2: The first students of the security protection and training course, established by former İstanbul Governor Erol Çakır, retired Brigadier Veli Küçük, who was named in the Susurluk investigation, and former İstanbul Narcotics Department Director Nihat Kubuş, completed their training and received their certificates. [H]

October 3: In an attack targeting a military squad in Muradiye, Van, a soldier was injured, and in an explosion in Yüksekova, Hakkâri, four police officers were injured. [Z, S]

October 3: In his address at the opening of the Turkish Naval Academy 233rd educational year, Naval Forces Commander Admiral Yener Karahanoğlu said: "I believe that after shaking hands with the EU, we will have to count our fingers." [A-TSK]

October 5: It was stated that in the process of compensation for damages stemming from the fight against terror the Ministry of Internal Affairs gives priority to the Hozat and Ovacık provinces of Tunceli and the Lice province of Diyarbakır. [S, Z]

October 5: The Ankara Bar Association formed a torture prevention group consisting of volunteer lawyers. [S]

October 6: Aydın Director of Security Yılmaz Orhan, who is a member of the commission formed by the Directorate General of Security within the framework of the EU harmonisation package, stated that the police once embraced the method of "hit-break, beat-insult-make'em talk, but that those days are now over." [R]

October 6: CHP İzmir Deputy Canan Arıtman prepared the draft that stipulates the handing over of unlicensed weapons within 60 days, and 5 to 8-year prison terms for those who keep unlicensed guns, and presented it to the party group. [H]

October 6: Providing information about the TMK draft in the TBMM Human Rights Committee, Minister of Justice Çiçek stated that they did not make any changes to the definition of terror and that a regulation that is not contained in the *Acquis Communautaire* will not be included in the TMK. [S, R]

October 7: It was announced that the PKK ended its cease-fire that was begun on August 20. [H]

October 7: Providing a deposition in the renewed trial of former DEP deputies Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak, former True Path Party (*Doğru Yol Partisi*, DYP) Deputy Sedat Bucak repeated his claim that Leyla Zana brought him a message from Abdullah Öcalan.The trial was repeated after the former DEP deputies won their case in ECtHR. [R, H]

October 10: It was announced that the Directorate General of Security is developing a strategy that aims to instill a "terror reflex" in the police due to the activities of PKK/Kongra-Gel where they use plastic explosives that will make the police ever-alert against terror activities and provide the possibility of spontaneous intervention. [Z]

October 10: It was announced that the depositions of Burhan Kuş and Sadettin Akdaş, who are in the Ebu Gureyb prison in Iraq, regarding the bombed attacks of November 2003 in İstanbul, and that the depositions were added to the case file. [S, H]

October 11: In the article published in London's *The Guardian*, it was stated that European Parliament member Richard Howitt said: "tactics from the bad days" such as "opening fire without discrimination, extrajudiciary killings, arrests, home invasion by masked perpetrators in the night" are still being used. [R]

October 12: It was announced that the report prepared by the AKP committee analyzing the TMK draft prepared by the Ministry of Justice was handed over to prime minister Erdoğan, and that after reading the report, the Prime Minister will make his decision. [H]

October 13: It was announced that the Parliament's Investigatory Commission on Honor Killings and Violence Against Women and Children started its four month-long work period, and that the committee headed by AKP member Fatma Şahin will carry out investigations in the eastern and southeastern regions where murders are most frequent, and in İstanbul, Ankara and Adana, which are the biggest targets for migration. [R]

October 14: It was stated that as part of the project carried out by the International Organisation for Migration (IOM), the police and the gendarmerie will receive training for 9 months concerning issues such as migration, asylum-seeking and human trafficking. [Z]

October 14: Van Yüzüncü Yıl University President Aşkın was arrested as part of the investigation involving claims of fraud in the faculty of medicine equipment auction against the possibility of "destroying evidence." Aşkın's arrest drew reactions from legal practitioners and academics. [R, H] It was claimed that Van's governor's office was normally supposed to get permission from YÖK, as stipulated by the law regulating the trial of civil servants, and to avoid this, arrested Aşkın on grounds of "forming a crime organisation." [S] YÖK members reacted to what transpired as Aşkın was being arrested and sent to prison. [R] **October 21:** Directorate General of Security Spokesman Çalışkan claimed that the police officers who escorted Aşkın did not use handcuffs, only took precautions by taking his arm, and hence the

police's practice was normal. [Z, H] Minister of Justice Çiçek stated that an investigation commenced following the claims of ill treatment during Aşkın's arrest. [S] **October 23:** The YÖK delegation that went to Van in order to support Aşkın was met with protests. [R]

October 15: The Ministry of Internal Affairs distributed a circular stipulating that law enforcement control bars, discotheques, night clubs and cafes frequented by the youth, and that they inform the families and the university administrations if they see the youth behaving in inappropriate ways. [S]

October 15: A bomb left in a car in a gas station in Maslak-İstanbul exploded, injuring five. [H] **October 29:** Seven people suspected of having carried out the bombing and of being PKK militants were taken into custody as a result of the operation based on images recorded on the gas station's security camera. [S, H] **November 1:** It was stated that the militant suspects are university students. [H]

October 18: According to *Milliyet*, as part of the Personnel Reform begun in TSK, instead of the automatic promotion system, a more rational policy will be implemented and a record of success will be consulted in order to grant promotions. [A-JGK]

October 19: Transparency International increased Turkey's grade from 3.2 to 3.5. Accordingly, Turkey's world ranking went from 77th to 65th. [Z]

October 19: It was stated that in order to show that the military is not against the EU and its lobby, the Turkish Retired Officers Organisation (*Türkiye Emekli Subaylar Derneği* TESUD) will invite CIOR (*Confédération Interalliée des Officers de Réserve*), which is part of NATO and consists of the organisations and federations founded by retired officers, to Turkey. [Z]

October 22: In a report prepared by the security units, it was claimed that the United States is negotiating with the PKK. [Z] **October 25:** US Embassy Ankara Envoy Nancy McEldowney stated that no such negotiations have taken place. [S]

October 22: The Directorate General of Security sent a memorandum to the Public Order Directorates and asked for the establishment of phone tapping units targeting prostitution and murders with perpetrators unknown besides terror, financial crimes, narcotic crimes and organized crime. [S]

October 23: It was stated that cameras similar to those used by the police for apprehending criminals were installed in the Law, Political Science and Science-Literature faculties of İstanbul University. [T]

October 24: The MGK meeting took place, headed by President Sezer. In the declaration made following the meeting, it was stated that an agreement was reached on the National Security Policy Document, and the decision was made for it to be sent to the Council of Ministers. [Z, S, H] It was stated that in the National Security Policy Document, which contains Turkey's strategies against domestic and foreign threats, "terror is on the top of the threat list." The document, which defines "fundamentalism, extreme left organisations, missionary activities and corruption" as domestic threats, also covers the effective use of water resources. [Z, S, R] The military's right to intervene where domestic threat exists was preserved. [R] It was also stated that the extreme right was outside the scope of domestic threats [S] and Greece's extension of her territorial waters to 12 miles would be considered a *casus belli.* [H, S, R] **November 5:** It was also claimed that the risk of Iraq's fragmentation and the nuclear activities in Iran may be threat factors. [H] **October 28:** Ministry of Foreign Affairs Spokesman Namık Tan stated that those who leaked the National Security Policy Document to the press committed a serious crime and that these people are being investigated. [S] **November 2:** Prime Minister Erdoğan and Minister of Foreign Affairs Gül

pointed at the low-level bureaucrats who participated in the drafting of the National Security Policy Document as the source of the leak. [H]

October 25: It was stated that the TMK draft prepared by the Ministry of Justice drew objections from Europe. Chairwoman of the EP Subcommittee on Human Rights Helen Flautre said that they were closely following developments concerning TMK and that they would take into consideration the flawed aspects of the reform process in Turkey. [Z]

October 26: It was announced that the Directorate General of Security will prepare a new regulation in order to provide compatibility with the EU and to eliminate some flaws. It was stated that the regulation will eliminate the problems caused to citizens whose vehicles are stolen, will bring about new adjustments to obtaining a driver's license and will make the payment of fines easier. [H]

October 27: The students who gathered in Ankara University Cebeci campus in order to protest YÖK were intercepted by the police. [Z]

October 27: Turkey researcher for Human Rights Watch Jonathan Sugden criticized the TMK draft and said that he found the draft "dangerous and unnecessary." [Z]

October 28: Broadcasting a message for the anniversary of the Proclamation of the Republic, Chief of General Staff Özkök stated that "TSK is an effective institution, helping Turkey exist as a unitary state in this tough geography" and claimed that "some circles are following a policy of attrition that targets TSK." [Z, S]

October 28: Directorate General of Security Spokesman Çalışkan declared that former HADEP Deputy Hikmet Fidan, who was killed on July 6, was murdered by the PKK. [H, Z]

October 29: Answering journalists' questions during the Proclamation of Republic reception, Chief of General Staff Özkök said: "I see no real benefit in talking frequently. Chiefs of Staff in the past did not talk too much either. We had to talk during the February 28 process (...) But my circumstances are different. I have to act according to my circumstances." [H]

November:

The explosion in the Umut bookstore in Şemdinli-Hakkâri, and the developments that followed made a mark in the public agenda for days. This incident was the last straw in Hakkari and its provinces, where the tension was constantly rising due to the explosions at the start of the month. The prime minister's promises that the incident will be clarified, and other statements made at other levels of the state failed to lessen the social strain in different towns and provinces of the region in the following days. In Yüksekova, three people died in the conflict between security forces and the public during the protests. The Şemdinli incident became part of the parliamentary agenda and a decision was made to establish a parliamentary committee to investigate the incident. The European Commission published the Progress Report 2005. In the report, the PKK was named as the source of the violence in Southeast. Another important development was the acquittal of the suspects in the "Yüksekova Gang" trial that continues in Hakkari High Criminal Court, who were previously sentenced. Hakkâri governor Erdoğan Gürbüz, whose statements were frequently published during the Şemdinli crisis, was appointed to Tokat, and Tokat governor Ayhan Nasuhbeyoğlu was appointed to Hakkâri.

November 1: The Belgian Ghent Court ruled that Fehriye Erdal, one of the suspects in the murder committed in Sabancı Centre in 1996, cannot be tried in Belgium for crimes she committed in Turkey. It was stated that the decision was made because the condition of use of a "fully automatic weapon" is evoked in trials in Belgium that fall within the scope of the counter-terror convention, where these murders were committed with a "semi-automatic

weapon." [R] Foreign Minister Gül criticized the decision and said that this decision made Belgium "look like an umbrella for terror." [H] **November 3:** President Sezer criticized Belgium's decision and stated that terror might one day harm them as well. [R]

November 2: In a primary school in Diyarbakır, when a teacher working as acting deputy dean was transferred to classroom duty on the grounds that "[she] teacher is not deemed fit for this this position," the teacher requested an appeal to annul the decision. In its decision concerning the matter, the Council of State said: "This demotion, where [the teacher is deemed] unfit for an administrative duty through information based on no concrete facts or reason, on content that is not publicized and on research of origin unknown, cannot be seen as compliant with law" and unanimously overturned the Administrative Court's decision. [H]

November 2: It was claimed that Van Yüzüncü Yıl University President Aşkın tagged the university lecturers, their spouses and children as "[Islamist] and fundamentalist," informed YÖK, and that YÖK then sent these lecturers to other universities. [S] **November 3:** YÖK Chairman Erdoğan Teziç said that he did not have any information about the [tag] records that were discovered in Aşkın's safe. [H] **December 14:** In the first session of Aşkın's trial, it was claimed that, when talking about the tagging allegations, Aşkın said this information was sent to the university presidency by YÖK and security units during the state of emergency period. [Z]

November 2: It was stated that an explosion in a vehicle in Şemdinli-Hakkâri injured 23 people. [S] In the operation in Şırnak targeting the PKK, two soldiers and one village guard died. [S] On **November 4**, two people claimed to be PKK militants were apprehended in Yüksekova - Hakkâri. [S]

November 6: The Directorate General of Security made the police library available on the internet. The library includes books, archives, research and reports on security, and doctorate and license theses. [Z]

November 7: The protest against YÖK in Ankara was intercepted by the police and 48 people were taken into custody. [Z, S, R, H]

November 8: Speaking in the group meeting of his party, CHP Chairman Deniz Baykal said that the solution for the existing situation is not to be found in the military or a coup, but in the public's common sense. [Z]

November 8: Hakkâri Governor Gürbüz claimed that the recent explosions in Yüksekova and Şemdinli are due to "internal conflicts within the PKK and trying to scare the public that lost its sympathy [towards the PKK]." [H]

November 9: One died, six were injured in the explosion in Umut bookstore in Şemdinli – Hakkâri, belonging to alleged former PKK member Seferi Yılmaz. It was stated that the police apprehended one person who is suspected of having put the bomb in the bookstore, that this person was taken into police custody, and that the public stoned the state building following allegations that one of the two suspects who fled took refuge in the provincial gendarmerie command. It was stated that a search of the apprehended person's vehicle revealed three Kalashnikovs, bombs, detailed maps of Hakkâri and its provinces, a makeshift map of to the bookstore, and names and photos of people. One person died when someone opened fire from a car during the search. In the incidents that followed, 5 people were injured. [S, R, H, Z] It was stated that during the incident, a police officer called DYP Chairman Mehmet Ağar and asked for help. [H, R] **November 10:** In order to soothe the crowd gathered to protest the incidents, Mayor and DEHAP member Salih Yıldız made a speech and said: "We have here something resembling the Yüksekova Gang and Susurluk. We are solving it, but you need to stay calm." [H, Z] **November 11:** Prime Minister Erdoğan said that they will

follow this incident to its very conclusion. [Z, S, R] While there were allegations that the vehicle that was searched belonged to JİTEM, it was stated that the person who threw the bomb and was pulled from the crowd by the police was a PKK shriver, and the two who fled were working for the gendarmerie intelligence. [Z, S] In the declaration made by the General Staff, it was said that the incident is now in the hands of the law. [Z, S, R] It was stated that Hakkâri Mayor Metin Tekçe claimed the person who opened fire during the search and caused one death is a specialist sergeant. [Z] CHP Hakkâri Deputy Esat Canan said that documents belonging to gendarmerie intelligence were recovered from the vehicle, and stated that the incident should be solved as fast as possible. [Z] Veysel Ateş who is suspected of being a PKK shriver, was arrested for tossing a bomb at the Umut bookstore, and specialist sergeant Tanju Çavuş was arrested for opening fire in the gathering crowd and causing the death of one person, whereas the petty officers Ali Kaya and Özcan İldeniz who fled the angry crowd were released when they said that they were passing through by coincidence. [R] TBMM Human Rights Committee Chairman Mehmet Elkatmış said that the Şemdinli incident was reminiscent of the Susurluk incident and that they will send a delegation of deputies to Şemdinli in order to carry out an investigate. [S] **November 12:** Gendarmerie Commander General Fevzi Türkeri claimed that "the incident is not similar to Susurluk, [that] it is provocation." Chief of General Staff Özkök said that he will "neither blame nor protect" his personnel and said that he has full confidence in the jurisdiction. [S, R] Land Forces Commander Büyükanıt said that he knows the petty officer who was involved in the incident, that this person once worked with him, and that "he does not think [the petty officer] is somebody who can commit a crime, [that] it will all be made clear at the end of the investigation." [R] **November 13:** Erdoğan stated that the incident "is not local, it is the continuation of a certain mentality." [Z, H] CHP Deputy Canan claimed that among the documents recovered from the vehicle, three lists with the names of 105 people were found. [Z, R] CHP delegation member Çanakkale Deputy Ahmet Küçük said that the incident was like the Susurluk incident and claimed "there are government forces involved." [R] It was announced that an investigation was begun by the Directorate General of Security on the police officer who called Ağar and asked for help during the Şemdinli crisis. [R] **November 14:** In the report prepared by non-governmental organisations including Mazlum-Der and İHD, it was alleged that there are still groups within the state that carry out illegal activities. [Z] CHP gave a motion to the TBMM Presidency for the investigation of Şemdinli incidents by parliament. [S, H] In the press conference he held, TBMM President Bülent Arınç asked the government to give information on whether JİTEM exists. [R] It was claimed that among the documents recovered in Şemdinli, a document with names of clans and clan members, and a list of names of DTP Founding Council members with pictures were found. [H] Ali Kaya, one of the Şemdinli incident suspects released pending trial, made statements about the incident. Kaya said that they were together in the car with Veysel Ateş and Özcan İldeniz prior to the explosion, that they went to Şemdinli to meet some "informers," that the documents and sketches from the car was intelligence information, that they had the weapons and bombs to protect themselves against possible incidents and that they were on the premises by coincidence. It was stated that there were contradictions in the depositions of Kaya, İldeniz and Ateş, that Kaya and İldeniz said they stopped to "go to the toilet" whereas Ateş said "we stopped to get a lotto ticket." [H] DYP Chairman Ağar reacted to the investigation that was begun concerning the police officer who called him and asked for help during the incidents. [H] **November 15:** The AKP delegation formed to investigate the Şemdinli incident presented their report to the Central Executive Committee. In the report, it was alleged that Ateş, İldeniz and Kaya went to Şemdinli, despite the receiving no such request from the police, and it was stated that "what the

gendarmerie was doing there" should be clarified. [Z] AKP submitted a proposal for the forming of a [parliamentary] committee to investigate the incidents in Şemdinli. [R] As a result of the conflict among the crowds gathered in Yüksekova – Hakkâri to protest the Şemdinli incidents and the police, three people died and 16 were injured. Hakkâri Governor Gürbüz said they received information that the police did not open fire on the crowd during the incident and that the shooting began within the crowd and stated that the cause of death will be determined when the forensic investigations are complete. [S, Z, H] DEHAP Provincial Chairman Şehabettin Timur claimed that fire was opened on the protestors not only from the armed combat cars, but also from surrounding buildings. [R] **November 16:** Speaking during the funeral of Abdulhaluk Geylani, one of the three people who lost their lives during the incidents, former Mayor Hetem İke reacted to Governor Gürbüz's statement about the information they received concerning shootings from within the crowd, and said "the crowd could have been dispersed in many different ways. But weapons were the solution of choice." [H] The low flight of two F-16 planes during the funeral drew criticism. [R] A joint statement was made by the Intellectuals Initiative, Peace Initiative and Citizens' Initiative. The statement asks for "the PKK to stop its armed activities, the Prime Minister to keep his promises, and the cessation of protection for provocateurs." [H, Z] The statement also notes that some commanders' commenting on a matter that is "in the hands of jurisdiction" gave rise to suspicions. [Z] A security summit was held in the prime ministry. [H, Z, R] In the statement made following the meeting, it was said that the incident will be followed up with "the same care as the first day." [Z, R] On **November 16**, Land Forces Commander Büyükanıt stated that the incidents that followed Şemdinli should be evaluated with care, and said: "Police officers, security forces were assaulted, firearms were used. There were injuries. I suggest you focus well on these." [H] **November 17:** In the press conference he held, Prime Minister Erdoğan said that an institution named JİTEM does not exist, and that "even if it did in the past" it does not exist in his time. [Z] **November 18:** Minister of Justice Çiçek said "Pay attention to what the DEHAP members do, look at whether they contribute to the solution." [Z] **November 19:** Hakkari Governor Gürbüz said that efforts are underway for apprehending those who provoked the incidents in Hakkâri, Şemdinli and Yüksekova. Gürbüz also stated that financial aid was sent from the Ministry of Internal Affairs for the repair of 194 businesses that were damaged in the explosion on 1 November, and that the heavy physical damage to businesses would be compensated in accordance with the trial results as covered by TMK. [Z, S] **November 21:** Human Rights Watch (HRW) Europe and Middle Asia Director Holly Cartner claimed that the police used excessive force by opening fire on the unarmed protesters and that the government should make a clear declaration that those who used excessive force will be punished accordingly. [Z] The special operations department sent 50 special team members to Hakkâri and its provinces on temporary duty. [Z] On the spur of the moment, the prime minister went to Van and from there to Hakkâri. In the speech he delivered in Şemdinli, he asked the public not to be deceived by the "foggy climate." Saying that everyone will come together under the main identity of citizenship of the Republic of Turkey, the prime minister repeated that the government has three red lines, and these are "ethnic, regional and religious nationalism." [S, R] It was stated that the MGK general secretariat will investigate the origins of the Şemdinli incident, and that it will share the report it will prepare with MGK members. [R, H] **November 22:** Speaking in the group meeting of his party, Prime Minister Erdoğan said that in the Şemdinli incidents, there are those who want to turn "illegality into legality." Stating that the incident is "above politics" the prime minister made a call to all political parties for cooperation. [Z] In the joint declaration made by 16 NGOs, it was stated that illegal behavior was adopted in the name of fighting terror in Şemdinli, and the public was warned against incendiary action. [Z] November

23: It was stated that Şemdinli public prosecutor Harun Hayık sent the digest he prepared as a result of the investigation he carried out involving the incidents of November 9 to the Van Chief Public Prosecutors Office, under the heading of "criminal organisation." [R, Z, S] It was announced that the file will be treated as secret. The proposals of AKP, ANAP and CHP for the formation of a committee to investigate the Şemdinli incident were merged and discussed in the TBMM General Meeting. At the end of the discussions, the formation of a committee was accepted. [S, R] The delegation led by TBMM Human Rights Committee Chairman Elkatmış made investigations in Şemdinli. [S, R] Hakkâri Governor Gürbüz was appointed to Tokat, Tokat governor Ayhan Nasuhbeyoğlu was appointed to Hakkâri. [H] Land Forces Commander Büyükanıt said: "I know Ali Kaya as a good petty officer. I can say this, but if a good petty officer is involved in crime one day, he will be punished for it. I say if he is involved then I will continue to protect him until all is clarified. But once everything is clarified, there is nothing I can do." Stating that they respect the court, Büyükanıt said that taking "reasonable precautions" in the fight against terror is necessary. [H] **November 25:** Şemdinli Public Prosecutor Ayık stated: "If I had the evidence I now have at the very beginning, I would have arrested Ali Kaya and Özcan İldeniz." [Z] **November 26:** Due to some information lacking in the digest, a delegation led by Chief Public Prosecutor Kemal Kaçan went to Şemdinli and interviewed the witnesses once again. It was announced that the digest that was prepared on Veysel Ateş, Ali Kaya and Özcan İldeniz and on Tanju Çavuş who opened fire on the crowd after the explosion will be separated, and that the two incidents will be treated separately. [Z] **November 28:** Following their depositions to the Van Chief Public Prosecutors Office, Sarıkaya, Kaya and İldeniz were arrested "as a precaution" by the court and were sent to Van prison. [Z, S, R, H] Prime Minister Erdoğan stated that "the citizens in Şemdinli cannot be used as witnesses, since the citizens there are under threat." [R] **November 29:** Legal practitioners reacted to the prime minister's statement and said that it is an expression of prejudice, and that [what the Prime Minister says] amouts to discrimination. [R] **November 30:** It was announced that Kaya and İldeniz were arrested as stipulated by TCK Articles 302 (high treason) and 220 (forming a criminal organisation), and article 1/3 of the anti-terror law. [S, R] The Şemdinli incident was protested throughout the month, resulting in loss of life and injuries.

November 9: The European Commission Progress Report 2005 was released. The report said that the army's influence on politics continues to exist. [S] The report also stated that the PKK is responsible for the violence in the southeast. [R]

November 9: It was claimed that the gendarmerie intelligence unit prepared a report concerning some lecturers at Van Yüzüncü Yıl University, that some lecturers were defined as "PKK sympathizers" in the report, and that these lecturers must appear in court to defend their rights. [Z]

November 9: Director of General Security Aydıner said that in the past, those who committed crimes deserving 7-year sentences were arrested, that with the laws regulated as part of the EU harmonisation process, this period was reduced to two years, and accordingly, cynicism along the lines of "the police gets them, the court releases them" decreased. In response to a question concerning torture, Aydıner said that human rights is taught in police schools, and that when it comes to torture, police officers should protect their profession and not their colleagues. [R]

November 11: In Silopi-Şırnak, a bomb left in Chief Public Prosecutor Talip Demirezen's official car exploded. [Z]

November 15: Prime Minister Erdoğan left the press conference he was to hold with Rasmussen because of the *ROJ TV* reporter's presence in the

room. *ROJ TV* is said to broadcast in favor of the PKK. [S]

November 15: In a conference he attended in Brussels, Jean Christophe Filori, who is in charge of Turkey and Cyprus in the cabinet of Olli Rehn, the EC member in charge of expansion, said: "The PKK is one of the biggest obstacles on the region's path to progress. The Kurdish elite should also realize that as long as the organisation's influence continues to exist, no positive development is possible." [R]

November 15: The report prepared by the Centre for European Security Studies (CESS), states that the General Staff should be under the Ministry of Defence and the military should be accountable to TBMM. [R]

November 16: The Directorate General of Security announced that in order to prevent a possible "terror attack" the headquarters in Ankara will be surveilled with night-vision cameras and that the entry points will be kept under control with electronic high-barrier systems. It was announced that the first phase of the bid, which is worth 250,000 Euros, was won by the Astel Corporation. [Z]

November 18: It was announced that following the requests of the governors, the Directorate General of Security will establish riot police departments in 11 provinces. Hakkâri, Siirt, Tunceli and Bingöl will have priority. [S]

November 20: The trauma centre that will provide free support to those who suffer from psychological problems due to "terrorism, natural disasters" began work in Beyoğlu, İstanbul. [H]

November 20: Director General of Security Aydıner conceived of a new set of rules in order to prevent some police units from hiding crimes in order to make the crime rate seem lower, and asked that all incidents be communicated to the centre immediately. [Z]

November 23: During the trial of former Naval Forces Commander Erdil, who is being tried with his wife and daughter on grounds of "wrongfully obtaining property," the expert witness made his calculations once again upon the objection of Erdil's lawyer, and repeated his statement that Erdil "could not buy" the two flats subject to trial in Etiler Alkent-2 "with his recorded and official savings." [A-TSK]

November 23: In the Yüksekova Gang trial ongoing in Hakkâri High Criminal Court, the suspects who were previously sentenced were dismissed. [R] **November 24:** Abdurrahman Düşünmez's lawyer Yaşar Altürk announced that they filed an appeal. [Z, H]

November 24: In his written statement, Chief of General Staff Özkök replied to rumors that he will become president in 2007, and said that at the end of his period of duty he will retire and that he will not go into politics after his retirement. [R, H]

November 24: In his statement, TBMM President Arınç said that there were some publications targeting TSK executives and said: "I think those who want to sow seeds of discord among those very valuable people at the top level of TSK, who are united not only as friends, but also in matters of republican principles and regime, are doing something very harmful." [R]

November 25: It was announced that five of the six people who were taken into custody in connection with the bombing of Silopi Chief Public Prosecutor Demirezen's car on 11 November and the bombing of the Silopi District Directorate of Security on 21 November were arrested and accused of participating in organized crime. [R] The digest said that the case falling within the purview of 'organized crime' will be tried in Diyarbakır High Criminal Court. [Z]

November 25: It was claimed that MİT Undersecretary Taner held a secret meeting with Kurdistan Administration Regional Chief and

Kurdistan Democratic Party leader Mesud Barzani. [R]

November 27: The crowd consisting of 10,000 people who were in Ankara for the "Great Education March" organized by the union Eğitim-Sen were not permitted into the city by the police because their demonstration was unlicensed. Police used water cannons and gas bombs on a group who blocked the road to İstanbul upon hearing that some of their colleagues who were waiting for them in Güvenpark, Ankara were taken into custody. Seventeen people were injured in the events. [R, H]

November 28: In the speech he delivered during the 10th EU-Mediterranean Summit, Prime Minister Erdoğan said that freedom of thought, speech and press cannot be used to create a "safe haven for terrorist organisations." [H]

November 29: Visiting Hakkâri to investigate the events, the TBMM Human Rights Investigation committee stated that due to the security cooperation between Iran and Turkey hindered by bureaucracy, military officials are informed about those PKK militants who infiltrate Turkey from Iran after a delay of four days. [Z]

November 29: The "Turkish Intellectuals' Manifesto to the Turkish Nation" read by Turkish Federation of State Employees' Unions (*Türkiye Kamu Çalışanları Sendikaları Konfederasyonu*, Kamu-Sen) Secretary General Fahrettin Yokuş, states that the constitution's unchangeable principles of: "one flag, one capital, one language, one national anthem, one nation, one country and one state" are the founding principles of the republic. [H]

December:
Echoes of the Şemdinli incident continued to reverberate. The Şemdinli Committee formed within parliament began work. TMK debates continued parallel to the Şemdinli incident. The report prepared by the Delegation of the European Commission to Turkey says that the draft conflicts with the EU harmonisation package. Another important highlight on the agenda was the consecutive visits of the Federal Bureau of Investigation (FBI) and Central Intelligence Agency (CIA) directors to Ankara. Holding the second meeting of this year, YAŞ discharged four members of the military due to lack of discipline and fundamentalist activities. Also, the changes made to the National Military Strategic Concept (*Millî Askerî Stratejik Konsept*, MASK) were presented for members' approval. The governor appointments in the month of November were followed by appointment of district governors. Discussions concerning the investigation begun by EU-Turkey Joint Parliament Commission Co-Chair Lagendijk based on TCK Article 301 also found its place on the agenda. The Directorate General of Security carried out two operations in Edirne and İstanbul, the first on smuggling and the second on bribery claims. Of the 44 people taken into custody in the first operation, 35 were arrested and sent to prison. In the MGK regular meeting toward the end of the month, the issues of Iraq, terrorism and internal displacement were discussed and in the declaration after the meeting, "the state's unitary structure" was emphasized.

December 1: The second YAŞ meeting of the year was held, headed by Prime Minister Erdoğan. [Z] During the meeting, Prime Minister Erdoğan was informed about "the recently increasing activities of fundamentalist movements against the secular republic." [A-MGK] A decision was made for the discharge of four members of the military on the grounds of "fundamentalist activities and lack of discipline." Prime Minister Erdoğan and Minister of Defence Gönül signed the activities with an annotation. Also, MASK, which is connected to the National Security Policy Document, was discussed and the changes that were made were presented for members' approval. [R]

December 1: The Van Chief Public Prosecutors Office announced that it discovered the hierarchy between Kaya, İldeniz, and Ateş, and accordingly it was revealed that Kaya was the team commander, İldeniz was in charge of Şemdinli, and Ateş an informer working under Kaya. [S]

December 1: Head of Yüksekova District Aytaç Akgül was appointed to Bulanık – Muş, head of Bulanık District Uğur Kalkar was appointed to Yüksekova; head of Şemdinli District Mustafa Cihat Feslihan was appointed to Ovacık – Karabük, head of Alpu District in Eskişehir Altuğ Çağlar was appointed to Şemdinli. [H, S, R]

December 2: İstanbul Director of Security Cerrah stated that 17 people, who were using children brought from eastern and southeastern regions for crimes such as purse snatching and thievery, were apprehended. [Z]

December 2: The Ministry of Justice finished the draft for Law on the Protection of Personal Data and presented it to the prime ministry. Some exceptions in the draft drew reactions. According to these exceptions, rules can be ignored in matters of security, public order, prevention of crime and the economic benefit of the state, and information on race, political affiliation, religion and denomination can be recorded. In matters that are not within the scope of these exceptions, the consent of the individual in question must be sought. [Z]

December 2: Şemdin Sakık, who is on trial in Diyarbakır 4th High Criminal Court due to his application to benefit from the Repentance Law, said: "The PKK was Abdullah Öcalan's family, farm, clan, gang, sect and mafia network." [S]

December 3: It was announced that the MİT undersecretariat did not deny the meeting between Undersecretary Taner and Massoud Barzani, but only stated that some incorrect information was reported in the press regarding the content of the meeting. [R]

December 4: In the interview he gave to the *Anadolu News Agency*, retired General Eruygur claimed that the Şemdinli incident was a provocation carried out by the PKK and its supporters, that there is no possibility for the gendarmerie to carry out a planned operation, that foreign secret service might have had a hand in the incidents and that this incident was solely aimed at disrupting the domestic peace. [S]

December 5: In the declaration made by the General Staff, the allegations that a JİTEM member going to Kirkuk was taken into custody in Iraq were denied. [S]

December 5: In the operations carried out in Edirne and İstanbul, 44 people were taken into custody for claims of "organized trafficking of alcoholic beverages and cigarettes." The suspects were handed over to Edirne 1st Peace Court of Criminal Jurisdiction where nine were dismissed and 35 were arrested and sent to prison. [S]

December 5: In the report it prepared concerning the new TMK draft, the Delegation of the European Commission to Turkey stated that the draft contradicted the compatibility laws and that it will limit human rights and freedoms. [Z]

December 7: A citizen, who was taken into custody in Sivas on 22 September, 1980, who was fingerprinted and who was convictied on charges of owning a "forbidden publication" made a request for the deletion of his fingerprints and record of conviction. This request was granted by the Council of State. [R, Ak, C]

December 7: The General Staff declared that the statements published in a newspaper and attributed to Chief of General Staff Özkök during his meeting with the President of the French Parliament Jean Louis Debre along the lines of: "I believe that our struggle with the fundamentalists will be more effective within the EU" were not uttered by Özkök. [H]

December 7: AKP Deputy Resul Tosun made a call for the moving of the TBMM Guard and Ceremony Battalion outside the city. [A-TSK] **December 8:** In its press release, the General Staff stated that these kinds of attempts are seen as "individual ravings." [R] **December 11:** TBMM President Arınç said that he found Tosun's statement wrong but that there is no harm in expressing opinions and stated that the General Staff's reaction is excessive and disproportionate. [R]

December 9: Paying a visit to Turkey, FBI Director Robert Mueller made a statement to the press in Esenboğa Airport saying that they discussed the PKK with the officials and that they will cooperate to fight the PKK in Europe and other countries. [S]

December 10: Directorate General of Security Spokesman Çalışkan claimed that human rights violations have decreased. [Z]

December 10: It was announced that the TBMM Human Rights Investigation Committee will request information from the Ministry of Internal Affairs regarding "politically-motivated unsolved murders," and that in light of the information received, it will carry out closer investigations. [H]

December 11: CIA Director Porter Goss came to Ankara. [H, S, R] Minister of Justice Çiçek stated that Goss came for an "information exchange." [Z, S] **December 13:** It was announced that the "global fight against terror" constituted the agenda of the MİT Undersecretary Taner-Goss meeting. It was stated that the Al-Qaeda connections in Turkey and intelligence-sharing with Iraq, Syria and Iran were discussed, that Turkey repeated its demands regarding the PKK presence in Northern Iraq and requested cooperation concerning the economic ties of the PKK in Europe. [R] It was announced that the CIA will activate the Bat Blanket system for preventing PKK militants on the northern Iraqi line from infiltrating Turkey, and that Turkey can take precautions in case activity is detected. [H]

December 12: The news stating that people were kidnapped by a US plane that landed in Sabiha Gökçen Airport, or that some suspects were interrogated was denied by Minister of Foreign Affairs Gül. He said: "They are trying to create an atmosphere where things allegedly happen outside the related units' and TSK's control. This is not true." [S]

December 13: In the TBMM Human Rights Committee's Şemdinli draft report, it was claimed that Land Forces Commander General Büyükanıt, who said: "I know him, he is a good soldier" about arrested petty officer Ali Kaya, was attempting to influence the judiciary. [H, R] It was said that the legal text regarding the crime of influencing the judiciary was also added to the draft. [H] The report added that the low flight of the F-16s during the funeral in Yüksekova was perceived as intimidation, that relevant institutions are expected to offer explanations about the existence of JİTEM and JİT, and that the informers who are known as "shrivers" should be sent away from the region with new identities after their legal duty is over. [R] **December 14:** While answering journalists' questions in Washington where he was an official guest, General Büyükanıt, when he was reminded of the criticisms he received in the Şemdinli report said: "I wonder what investigations were carried out after the incidents." [H, R] **December 17:** An article published on the news website *Haber10*, claimed that the statement about the possibility of Büyükanıt's comment being perceived as influencing the judiciary was removed from the Şemdinli report. [A-JİTEM]

December 13: Answering the press's questions in Konya, the Head of the Delegation of the European Commission to Turkey, Ambassador Kretschmer said that the role played by the army in Turkey is different than in EU countries and added that Turkey needs to work further on this matter. [H]

December 14: Prime Ministry Human Rights Standing Chairman Mustafa Taşkesen said that the "zero tolerance to torture" approach had

yielded results, that complaints claiming torture filed with human rights committees were at the top of the list in 2004, but that overall these complaints were ranked 17th in 2005. [Z]

December 15: Allegations were heard along the lines that: "the state-within-the-state was caught red-handed" in the first evaluation meeting of the parliamentary investigation committee on the incidents in Hakkâri, Şemdinli and Yüksekova. [Z]

December 15: Holding some meetings in Washington where he was an official guest, General Büyükanıt said that Turkish officials in NATO are working on the inclusion of the PKK in NATO's terrorism list. [S, R, H] **December 20:** When the 2005 update and re-publishing of the NATO terrorist organisations list was cancelled due to European members' [objections] on the grounds that "terrorism lists cause political problems," Turkey requested that NATO General Secretary Jaap de Hoop Scheffer declare the terrorist organisations list accepted in 2003 that includes the PKK as valid. [R]

December 16: The motion by the lawyers of Kaya and İldeniz requesting their release, was rejected by the Van 4th High Criminal Court. [Z, S, H]

December 16: In meeting he organized to get acquainted with the press, the United States' new Ambassador to Ankara Ross Wilson stated that the fight against the PKK is one of the matters of highest priority for the US administration and is among his duties. Wilson said that work continues in cutting off the PKK's financial resources. [S, H] Directorate General of Security Spokesman Çalışkan stated that during the meetings held with FBI and CIA directors in the Directorate General of Security, an agreement was reached about the PKK being the "priority threat." [S, R]

December 18: Minister of Internal Affairs Aksu announced that he has begun an investigation concerning the claims of "security weakness" regarding the scuffle that took place after writer Orhan Pamuk's trial in Şişli Courthouse. Pamuk was sued for "insulting Turkish identity." [Z, S, H]

December 18: An allegation was heard that EU-Turkey Joint Parliamentary Commission Co-Chair Joost Lagendijk said that TSK "likes to fight the PKK because it makes [TSK look] strong and important." [R] **28 Aralık:** The Beyoğlu Chief Public Prosecutors Office started an investigation about Lagendijk based on Article 301 of the TCK regulating the crime of "humiliation of the Turkish identity, the republic, and the institutions of the state." [S]

December 18: The second session of the Mardin-Kızıltepe trial was held in Eskişehir. [A-ÖH]

December 20: It was stated that when the fines for employing uncertified security members were increased up to YTL 6,000, with the cost of a certificate being around YTL 800, thousands of fake certificates were sold to young unemployed people. It was announced that a network offering fake certificates was dismantled in Malatya. [Z]

December 20: An article published in *Milliyet* claimed that there is an intelligence-sharing deficiency between the gendarmerie and the police, that one such example was found in an intelligence note included in the TBMM Şemdinli Committee meeting minutes found in İldeniz's appointment book containing intelligence notes about the working system of the gendarmerie, where it was written that gendarmerie personnel should not establish relationships with the police. [A-JGK]

December 21: In his speech during the Ministry of Defence budget meetings, Minister of Defence Gönül said that also Turkey manufactures missiles but that he will not disclose their range. [Z]

December 21: Within the framework of the Law on the Right to Information, activist-actor Mehmet Ali Alabora, member of the group

Global Peace and Justice Coalition (*Küresel Barış ve Adalet Koalisyonu*, BAK), KESK Chairman İsmail Hakkı Tombul and TMMOB Chairman Mehmet Soğancı among others, asked the prime ministry whether logistic assistance was given to the United States at İncirlik base. [R]

December 22: In the operation it carried out at the Kapıkule Border Gate following the "allegations of bribery," the Directorate General of Security took 58 customs and customs watch officers and 28 police officers into custody. [S, H, Z]

December 22: In order to develop Turkey's ability to intervene in disasters and ability of crisis management in a possible disaster, Disaster 2005 Crisis Management Exercise Elite Observer Briefing (*Afet-2005 Kriz Yönetimi Tatbikatı Seçkin Gözlemci Brifingi,*) took place in the MGK general secretariat with the participation of Prime Minister Erdoğan. [S]

December 24: The Ministry of Internal Affairs and Directorate General of Security announced that within the scope of the security measures to be taken in the southeast, plans were made to install five MOBESE cameras in Central Şırnak, seven in Silopi and five in Cizre. [Z]

December 25: Representative of the United Nations Population Fund Anne Brigette Albrectsen stated that influential police officers and imams should play a central role in the prevention of honour killings and said: "these civil servants who have an influence on society should change their mentality and discourse." [H]

December 27: The Gendarmerie Intelligence Organisation presented the report it prepared to the Şemdinli Investigation Committee. The report claimed that the explosion in the Umut bookstore in Şemdinli was the PKK's doing, and that Kaya and İldeniz were on the premises by coincidence. It was announced that this report contradicted the first report presented to the government by intelligence units, holding Kaya and İldeniz responsible for the explosion. [S]

December 28: Former Hakkâri Governor Gürbüz, Directorate General of Security Counter-Terrorism Department head Selim Akyıldız and head of Şemdinli District Mustafa Cihat Feslihan made statements to the TBMM Şemdinli Investigation Committee. All three stated that they were not informed of the intelligence work carried out by Kaya and İldeniz. [Z]

December 29: It was announced that in the MGK regular meeting headed by President Sezer, Iraq, the fight against terror and internal displacement were discussed. [Z, S] In the statement released after the meeting, stress was placed on "the protection of the state's unitary structure and its characteristics as defined by the constitution." [S, H]

December 29: The Şişli Chief Public Prosecutors Office ruled for dismissal of proceedings in the investigation against Orhan Pamuk for the crime of insulting TSK. [H]

December 30: The four different cases concerning the incidents at Fatih Mosque, held in the same court, and involving suspects who were arrested according to the same penal article were combined and the trial began. [S]

December 30: According to data obtained by the TBMM Tradition and Honour Killings Investigation Committee and Directorate General of Security, 1091 cases of honour, tradition and violence were brought before the police in the last five years. Ankara tops the list with 110 cases, followed by İstanbul with 101 cases, İzmir with 97 cases and Diyarbakır with 78 cases. [R]

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"Democratic oversight of the security sector is one of the taboos in Turkish politics. Under the circumstances, even introducing the topic is sometimes seen as an ill-intentioned effort to demoralize Turkish security agencies and render them powerless. Despite such adverse circumstances, Cizre and her colleagues have managed to produce a detached and balanced study to which even those sympathizing with the taboo will find difficult to object."

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"The book gives a good picture of recent developments in the Security Sector in Turkey. The openness with which the topics are discussed makes it an important, and positive, contribution to the ongoing debate concerning Turkey's prospects of joining the European Union. It also enriches our knowledge about the diverse problems and challenges the security sector agencies encounter in some candidate countries waiting to integrate fully with the EU. Hopefully the book also will contribute to a more nuanced, and up to date, debate in Europe on today's Turkey."

Major General (ret) Karlis Neretnieks, *Swedish Armed Forces, Senior Researcher at The Swedish National Defence College*

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