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A history of the national security state in Turkey

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Chapter IV

1. Consolidation of National Security State: “New” Enemies of the Post-Cold War Era

The 1990s was an era during which the policies implemented by the military to lift the barriers before market-based economic transformation and to consolidate the social sphere and the political system have backfired. In this period, traditional political powers entered into the process of disintegration in response to the rising demands of different political and social identities. Consequently, this state of dissolution has eroded into a representation crisis. The neoliberal capital formation model and Turk-Islam synthesis implemented by the military elite with relation to the anticommunist Green Belt doctrine in the 1980s yielded results contradicting the military authority's objective of creating a "political system of few parties" and a homogenous social base merging around moderate conservatism. In the 1990s, the military hierarchy was faced with a multiple and complicated opposition, of which it had contributed its development. The hegemonic discourse redefined as Atatürkism during the September 12 military regime lost its function as a social mortar. Social classes ostracized from the political system gathered around parties and movements advocating their new identities and started to raise their voices through their "intellectuals, media and institutions" (Bayramoğlu 2001, pp. 16-17).

These new organizations eventually enabled the recognition and legitimization of the political demands of Kurds and Islamists who had been excluded from the political field during the Republican era for opposing the construction of the Turkish and secular identity. However, their demands for integration into the system triggered the authoritarian reflexes of the central security actors. At this point, it is important to remind that an identity argument putting forward the symbols of the Kurdishness or Islam has never been viewed as legitimate by the state throughout the history of the Republic. Western-oriented, modernist, centralist, nationalist, populist and secular tenets of the founding ideology and the authoritarian structure of the regime have always suppressed the advocates of these two identities, particularly the first one, using means of violence and force.

During this period, backed by the international political conjuncture which saw a more confident assertion of political liberalism and a greater emphasis on human rights, the political demands of the Kurds grew stronger. Meanwhile, the Islamists became increasingly visible in daily life, the public realm, and finally in institutional and corporate life through gains enabled by the liberalized economic sphere and the cultural channels opened by the military. Therefore, following the ending of the Cold War, the security apparatus built by the military regime was faced with a two-sided threat. Consequently, the central security actors developed their security policies based on "separatist threat" instigated by the demands of the Kurds and the "fundamentalist threat" instigated by those of the Islamists.

When the hegemonic project of the 1980 coup d'état yielded results that were opposite to their expectations, the military members of the NSC strived to prevent the erosion of status quo. This attempt to restore the hegemonic project commenced a process that reminded the

ostracized of their ostracized position while creating new ostracized groups. In other words, the crises arising from the rapid collapse of the political setup of the 1980 coup d'état were instrumentalized as excuses for the consolidation of the security state.

Within this new framework outlined by the national security ideology, the military hierarchy while redefining Atatürkism with a more secular tone against the religionizing civilian society, its nationalist rhetoric evolved in a more rightist direction as the Kurdish identity gained visibility in the 1990s. On the secularism axis, the mistake made in the 1980s was corrected by reestablishing the old template by a fourth military intervention occurred on February 28, 1997.

Full Admiral Güven Erkaya, one of the architects of the February 28 coup, criticized the 1980 coup d'état's approach to religion as follows (Baytok 2001, p. 226):

"September 12 Coup emphasized that communism is a regime that rejects religion and encouraged the people to stake a claim on their religion. When this was overdone, this movement which started with good faith, helped to create an atmosphere which would benefit the "religion-exploiters" in the country."

For all these reasons, evaluating the 1990s as a period of the "consolidation of the National Security State" rather than "a Kemalist restoration" proves to be a more solid approach. After all, the justification of the basic mechanisms developed during the September 12 military regime to ensure de facto continuation of military intervention, even after the transition to democracy, was based on the "national security" concept defined by the military. Furthermore, as analyzed further below, the national security state responded to this loss of hegemony by increasing the number and authorities of security-related institutional mechanisms.

This chapter aims to demonstrate the consolidation process of the national security state through its reactions to the Kurdish problem and political Islam. Although the political Islam and Kurdish problem constituted two separate perspectives regarding institutionalization of the national security state, they ultimately served as common enemies of this state mentality. The reason why they are treated in the same chapter is this (common) functionality in the framework of national security notion.

1.1. The Collapse of the September 12 Political Stability Project

A short time after the approval of 1982 Constitution, the military government started to form the legal basis for the transition to democracy. Following the arrangement of electoral rolls on April 25, 1983, it enacted a new Law on Political Parties (Law no. 2812). Provisional articles of this law imposed bans on parties that were active on September 11th, 1980 as well as their members. The military administration prohibited founding of political parties which would be a continuation of dissolved parties. All active members of the dissolved political parties were also restrained from being the founder, executive, or supervisor of the new political parties. Moreover, central executives of the old political parties and "members, who have caused the party to be dissolved" have been forbidden to participate in politics for ten years.

The founding of political parties whose majority of members were prior members of a dissolved party, was also prohibited. The same law also decreed that the founders of a new party shall be approved by the NSB. Moreover, the required number of provinces in which a party had to be organized was raised to exclude small parties from the political system.

The coup administration also decreed Order no. 99, which declared that the political parties, of which 30 founding members were not approved by the NSC, could not participate in the elections. The Board decided that the elections for a new single-chamber National Assembly were to be held later that year on November 6, 1983.

By early 1983, the military signaled its intention to establish a bi-party system. The first of these parties was the center-rightist Nationalist Democracy Party (NDP), which the military administration openly supported. The second was the Populist Party (PP), which had adopted a tamed leftist discourse and was constructed as a "loyal opposition." The NDP's cadres were primarily comprised of retired military officers led by Turgut Sunalp, a retired general and an ally of NSB and President Kenan Evren. PP was led by Necdet Calp, the prime ministry undersecretary of the military regime.

In total, fifteen parties were established by August 1983; the NSC disqualified all but three of them on the grounds that they had ties to banned political leaders. The Great Turkey Party (GTP) and the True Path Party (TPP) as a continuation of the JP tradition and the Social Democracy Party (SDP) as a continuation of RPP tradition failed to reach the required number of founders due to the arbitrary vetoes of the NSB.⁹⁰ Welfare Party (WP) founded by NSP supporters and the Conservative Party (CP) founded by extreme nationalist were also vetoed. In the end, only three political parties acquired the right to participate in the elections. The only party approved to take part in elections besides the NDP and PP was the Motherland Party (MP) led by Turgut Özal. He was the man behind the January 24 Decisions and had served in the military government from 1980 to 1982 as deputy prime minister for economic affairs.

During the election campaigns, the coup government openly gave its support for the NDP. In a speech he gave on television two days before the elections, Evren (1991) called the citizens to vote for the NDP by saying, "if you are pleased with what the National Security Board has accomplished in the last three years, I believe that you will elect to power the party, which would not lead the country back into anarchy" (pp. 393-399).

For the first time in Turkey, new leaders addressed the people through televised speeches during their election campaigns. The NDP leader Sunalp tried to win support by emphasizing the importance of preventing the resurgence of terrorism. The PP leader Necdet Calp highlighted the strengthening of social justice and public sector. MP, although seemingly adhering strictly to the liberal economic norms and conservative cultural values, had in its cadre members from four different political tendencies of the pre-1980 period. MP had united the liberal, nationalist, and Islamist fractions of the right and some fractions of social democracy under one party. In other words, the rivals before 1980 formed an intraparty coalition against

⁹⁰ It is noteworthy that Erdal İnönü, the founder of SDP and the son of İsmet İnönü who has served as prime minister during the single-party period and as President of the Republic after Atatürk's death, was also among the vetoed.

the military regime through the MP. The direct support of the coup government for the MDP and the PP became the main leverage of MP leader. Özal while presenting himself as the only democratic leader in the elections (Zürcher, 1996, p. 411) he billed himself as a pragmatist who can solve the economic problems of the country with liberal expansion.

The election results came as a negative surprise for the military. MP had emerged as the first party with 45.15% of the votes. Following it was the PP with 30.46% of the votes, which was higher than expected. The NDP, the party of the status quo, managed to obtain only 23.27% of the votes. Due to the advantages that the election system provides for the first party, MP gained the absolute majority in the Assembly by winning 211 of the 400 seats. After a long time, a government which did not need to search for a coalition came to power in Turkey. In the face of this unexpected result, the military elite accepted the transfer of the governmental power to the MP.

1.1.1. Dissolution of the Tutelage Parties at the Elections

The results of the first general elections after the coup signaled that the political project of the September 12 regime would collapse soon. Political parties left out of the Assembly because of the military regime's vetoes started to apply considerable pressure to return to the political arena. The 1982 Constitution stipulated that the local elections would be held in the year following the first convening of the GNAT, therefore, in 1984. A commonly discussed issue before the elections was whether the parties excluded from the Assembly by the September 12 regime, particularly SDP and TPP as the representatives of traditional political cleavages would partake in the local elections.

Özal was initially against to this option (*Cumhuriyet*, 1984, January 5). He implicitly supported the coup government's decision to dissolve these parties, arguing that the political cadre from before 1980 would obstruct the economic reforms pioneered by MP. However, shortly after, he changed his mind on the subject.⁹¹ Thus, the 1984 local elections acquired critical importance for the future of the political arena.

Until that day, there was no law specific to local elections in Turkey. Fully taking advantage of this opportunity, MP prepared the Law on the Local Governments and Neighborhood Masters and Neighborhood Executive Committees (Law no. 2972 of 1984) which would work in its best interest. The MP government passed the law despite the opposition of the NDP and PP and announced the election date as March 25. Once again, both leftist and rightist parties embarked on a political competition and yet this time more divided than pre-1980. At this election, the center-right was divided into four political parties as MP, TPP, NDP, and WF and the center-left was divided into two as PP and SDP.

⁹¹ At least for that time, it may be misleading to read his change of attitude as his desire for democratization. In fact, considering the statements he made during those days, it seems Özal wanted to eliminate any potential criticism against the legitimacy of his government. Özal, at a later date, explained his attitude as: "Parties unable to participate in the election are saying 'we would win if we could participate.' Others applied pressure on us, too. I thought about it and said, 'bring it on.' Because we believe the people will do the right thing" (*Cumhuriyet* 1984, February 25).

During the election campaigns, the NDP repeated the mainstream discourses of the military regime, particularly underlining the need for "powerful state." The NDP leader Sunalp often blamed the rival political parties for being communists, involving extremists, and betraying September 12 (Cumhuriyet 1984, March 4). He claimed that not only leftist and but also the rightist parties would "lead the country back to pre-September 12 era". PP followed a similar discourse and insistently refused SDP's call for a united left, blaming its principal rival for being an extreme leftist.

These two parties failed to offer satisfactory solutions for the voters' problems but instead built their campaigns on themes used by September 12th junta for old parties. This aggressive discourse backfired spectacularly in the elections.

The elections yielded the following results:

Table 9: 1984 Local Elections Results

Parties	Mayor (%)	Number of Cities	City Council (%)	Provincial Council (%)
MP	43.2	55*	43.6	41.5
SDP	24.9	8	24.5	23.4
TPP	11.8	-	12.0	13.3
PP	7.8	-	8.1	8.8
NDP	5.4	2**	5.7	7.1
WP	3.7	2	5.0	4.4
Independents	3.1	-		

Source: Supreme Election Council

*Including the three big cities Ankara, İstanbul and İzmir.

**When the results were announced, NDP was the winner of the Ağrı municipal election. This result was revoked upon the objection of MP, and MP won the municipal elections held later for Ağrı.

These results confirmed that the NDP and PP were artificial parties with no real ties with the society. Both of them failed to pass the 10% general election threshold in the local elections and lost their legitimacy in the eyes of the constituents in a short time. This situation increased the possibility of failing to get into parliament for the divided opposition parties in case a general election. This strong risk forced left and right-wing parties to pull themselves together. PP leader Necdet Calp, who had been resisting to the idea of unification, resigned after his defeat (Tanör, 1995, p. 63). Following his resignation, PP and SODEP united under the name Social Democratic Populist Party (SDPP). The result of the local elections also had an impact on NDP. At the First Convention of the party held on July 13, 1985, Sunalp lost the leadership (Ersel et al., 2002, p. 159). The NDP dissolved itself in May 1986. Its deputies transferred to MP and TPP (Ibid., p. 171).

1.1.2. Return of the Banned Politicians

Political parties founded under new names were led by proxy-leaders for a certain period of time. TPP acted under the covert leadership of Demirel. The prior leader of RPP, Bülent

Ecevit, orchestrated the founding of the Democratic Left Party (DLP) in November 1985, a new political party which he led behind the scenes, and challenged SDPP in the race to share the legacy of RPP (Zürcher 1996, p. 413). During the same period, extreme nationalist CP assumed the name Nationalist Labor Party (NLP), waiting for the development of necessary conditions to assign Alparslan Türkeş as the party leader.

At the by-elections held on September 28, 1986, for the 11 vacant seats, SDPP Leader İnönü, Hüsametdin Cindoruk who led TPP as Demirel's proxy, along with three other TPP members got into parliament (Ersel et al., pp. 164-165). During the by-election campaigns, the bans imposed on old politicians by the 1982 Constitution (Provisional Art. 4) were openly broken. A constitutional amendment was needed to eliminate this forced contradiction between the law and practice. The President of the Republic Kenan Evren was aware that the parties designed by the September 12 administration had completely lost their legitimacy. Still, instead of directly opposing such an amendment in principle, he demanded a referendum with the expectation that the public would vote against lifting the political bans (Tanör 1995, p. 67). Özal agreed with Evren's proposal. During this process, leaders of SDPP, DLP, and TPP continued to challenge the government, by making a joint declaration for a constitutional amendment to lift the bans.

At the referendum held on September 6, 1987, despite Özal's opposing propaganda, political bans were lifted by 50.24% "yes" votes against 49.76 "no" votes. The Provisional Article 4, which outlawed former political party leaders and executives, was repealed. As soon as they returned to active politics, the pre-September 12 political leaders assumed the leadership of newly founded parties from their "proxies."⁹²

The lifting of the bans reinvigorated the far-left political movements which were in exile in Europe at that time. WPT and the Communist Party of Turkey (CPT) held a meeting in Brussels and merged under the name the United Communist Party of Turkey (UCPT). However, the party executives (Leader Nihat Sarın and General Secretary Haydar Kutlu) who came to Turkey to officially found the party were arrested upon their arrival (Zürcher 1996, p. 415). Party executives, following two and a half years long sentence, submitted a petition to the Ministry of Internal Affairs and officially founded UCPT in 1990. Immediately after its foundation, the Constitutional Court filed a closure case against the UCPT based on the Articles 141 and 142 of the Turkish Penal Law. The party was once again dissolved in 1991 on the grounds that the party's statute and program were undermining the principle of "territorial unity of the state and the unity of the nation" and that it had incorporated the word "communist" in its name. In other words, it was dissolved by a verdict reflecting the Cold War politics (Ersel et al., p. 200).

Prime Minister Özal, right after the referendum, decided to hold an early election. Following this decision, MP passed an amendment to the country's election law which added to electoral districts a threshold higher than the parliamentary one of 10%. As such, a party

⁹² At the extraordinary congress held on September 24, Süleyman Demirel was assigned as the leader of TPP. DLP elected Bülent Ecevit as leader on September 13. Likewise, Alpaslan Türkeş was chosen as the leader of NLP on October 5, 1987 and Necmettin Erbakan as the leader of WF on October 12, 1987.

which failed to pass the threshold in a particular district would lose all its votes in that district, and its votes were going to be distributed to the larger parties in relative proportions (Zürcher 1996, p. 414).

Table 10: 1987 General Election Results

PARTIES	VOTE RATES (%)
MP	36.31
SDPP	24.74
TPP	19.14
DLP	8.53
WP	7.16
NLP	2.93
RDP*	0.82
Independants	0.37

Source: Supreme Election Council

*Reformist Democracy Party (Islahatçı Demokrasi Partisi)

Due to the changes it made to the electoral law, MP managed to keep most of the seats in the parliament despite having won only 36.3% of the votes in the 1987 general elections. The other two parties which got into GNAT were SDPP with 24.8% of the votes and Demirel's TPP with 19.2% of the votes. Since the other parties failed to pass the threshold of approximately five million votes (one-fifth of the valid votes), they were not to be represented in the parliament.

After 1980, the old political leaders preferred to found new parties instead of doing politics in parties of common ideological bases. As a result, the political array became more divided than the pre-September 12 periods. Meanwhile, the overwhelming impact of an economic liberalization implemented without any effective regulations or good management was rapidly depreciating the support for MP. Electoral defeats suffered one after another prompted disintegration in the party. At the local elections held on March 26, 1989, MP dropped down to the third rank.

Table 11: 1989 Local Elections Results

Parties	Mayor (%)	City Council (%)	Provincial Council (%)
SDPP	32.8	33.2	28.7
MP	23.7	23.5	21.8
TPP	23.5	23.7	25.1
WP	8.7	8.9	9.8
DLP	6.5	6.7	9.0
NLP	3.0	3.3	4.1
RDP	0.5	0.5	0.9
Independents	1.3	0.2	0.5

Source: Supreme Election Council

During all these developments, as discussed in more detail below, a broad conservative mass emerged as a result of the September 12 regime's radical policy changes in economic, political and ideological platforms. According to Çakır (1995), this mass demanded and expected the WP to become a mass party and take advantage of the void created by a severely bleeding MP (p.28). WP won 9.8% of the provincial council votes in the 1989 local elections and increased hopes of getting into parliament in the next general elections. More importantly, the results of the 1989 local elections signaled that Turkey was about to enter another period of coalitions.

In the 1991 general elections, WP got into parliament winning 16.88% of the votes. In the same elections, the first of Turkey's pro-Kurdish parties, the People's Labor Party (PLP) also managed to get into parliament by winning 22 seats thanks to the alliance it formed with SDPP in Eastern and Southeastern Anatolia. Thus, and so, the political setup implemented by the September 12 coup to ensure political stability had collapsed in only seven years.

Table 12: 1991 General Election Results

PARTIES	VOTE RATES (%)
TPP	27.03
SDPP	20.75
MP	24.01
WP	16.88
DLP	10.75
FP	0.44
Independents	0.13

Source: Supreme Election Council

1.2. Civil-military relations during the transition period

During the MP administrations led by Prime Minister Özal between 1983 and 1989, the influence of coup powers on the politics was evident. The 1982 Constitution gave the President of the Republic, a more extensive and superior role than the 1961 Constitution. The President was empowered to summon the Turkish Grand National Assembly to meet, promulgate laws, return laws to the National Assembly to be reconsidered and call for new elections. He might also submit constitutional amendments to referendum and challenge the constitutionality of laws, decrees, and the Rules of Procedure of the National Assembly. Some of his executive functions included appointing the Prime Minister, convening or presiding over the Council of Ministers and the National Security Council, proclamation of martial law or state of emergency, issuing decrees having the force of law, in accordance with the decisions of the Council of Ministers under his or her chairmanship, deciding on the mobilization of the Turkish Armed Forces and ratification and promulgation of international treaties.

The 1981 constitution also provided the president with vast appointive powers that he (or she) can exercise independently of the cabinet. For example, he was empowered to appoint the Chief of the General Staff, the members of the Constitutional Court, one-fourth of the

members of the Council of State, the members of the Military High Court of Appeals, the Supreme Military Administrative Court, the Supreme Council of Judges and Public Prosecutors, the Higher Education Council, the State Supervisory Council, as well as the Chief Public Prosecutor and the Deputy Chief Public Prosecutor of the High Court of Appeals, all university rectors and all diplomatic representatives.

Moreover, Evren had a new legal instrument called the State Supervisory Council established by the 1980 constitution. The council was borrowed from the South Korean Constitution (Şarlak 1994) and was authorized to conduct investigations and inspections of public organizations at President's request (Gemalmaz, p. 997).

Other military figures of the NSB became involved in the civilian regime through a constitutional body designed specifically for them. According to the Provisional Article 2 of the 1982 Constitution, the NSB was turned into the Presidential Council for six years, starting from the first convening of the Assembly. The members of the NSB automatically became the members of the Presidential Council and were given the personal rights and immunities that deputies enjoyed.

The Presidential Council was "to examine laws concerning the fundamental rights and freedoms and duties, the principle of secularism, the preservation of the reforms of Atatürk, national security and public order set forth in the 1982 Constitution, Turkish Radio and Television Corporation, international treaties, the sending of Armed Forces to foreign countries and the stationing of foreign forces in Turkey, emergency rule, martial law and the state of war and other laws deemed necessary by the President of the Republic." It also had the authority to consider and offer opinions on matters relating to "the training of youth" and "the conduct of religious affairs." It would also actively participate in the holding of new general elections on the request of the President of the Republic. The Presidential Council was also responsible for preparing reports on internal and external security and such other matters deemed necessary and submitting its findings to the President of the Republic. In a nutshell, during its term of six years, the Council would control if the country were being governed in conformity with the September 12 philosophy.

Therefore, as Gemalmaz asserted, the termination of the legal existence of NSB after the transition to civilian government was nothing more than a "rough pretense" (Ibid). Although the scope of the nationwide martial law declared by the September 12 regime was gradually narrowed, it remained in effect until 1987. It was another means for the coup government to preserve its influence on the seemingly civilian regime.

In such a context, in which social and political dynamics were trying to be stabilized by authoritarian institutions and regulations under the direct control of the military hierarchy, the mission given to MP was limited to economic management of the country. Policy developments in all other the other strategic areas were under the control of the NSC.

The NSC, during this period, did not confine itself to determining macro state policies related to national security definition outlined in the Constitution and its law. It also imposed its decisions on some seemingly trivial matters to the MP administration, such as extending the airtime of television shows (NSC's Press Release of September 24, 1985), or broadcasting the

radio and television programs of Anadolu University Faculty of Open Higher Education designed to provide two-year associate degrees for primary school teachers (NSC's Press Release of September 27, 1985).⁹³

However, it is not accurate to evaluate MP's loyalty to military authority as a natural outcome of the conditions of the time. MP, as a political party which owed its existence to the conditions created by September 12 coup, particularly during its early period, perceived the coup and military authority actions as legitimate. Some remarks in the first MP government program explicitly indicate its approval of the coup (45. Government Program):

"In the pre-September 12 periods, the authority of the Turkish State was damaged and subjected to serious threats. Acts of anarchy, terror, and separatism have brought the country to the brink of a civil war. National Security Board temporarily assumed the government to reinstate national solidarity and integrity, provided peace, security and public order and saved our nation and State from dangers with its well-intentioned and successful actions. It is again a consequence of this well-intended effort that the path to democracy leading up to the November 6 elections had opened following the approval of the new Constitution by the majority of the people on November 7, 1982."

On the other hand, as one of the first representatives of the neo-conservative movement born in the U.S., the "authentic neo-con" Özal steadfastly believed that the democratization would be achieved by the opportunities brought about by economic liberalization. Because of this belief, he was at peace with the duties allocated to him in the division of labor made between the military and civilian authorities. Having a close relationship with the Hearth of Intellectuals, which aimed to redefine "national solidarity" through "Turk-Islam synthesis," Özal's "traditionalist" discourse on the cultural realm, was in line with the policies adopted by the state institutions of post-September 12. MP, under Özal's leadership, assuming it could contain if needed, created enormous opportunities for religious organizations that had been gradually increasing their influence on Turkish political life since the transition to the multi-party system. This approach, as Köker argued (1996), was a continuation of the cultural policies implemented by September 12 junta who wanted to use religion to create an "obedient" society based on the understanding that "subjects loyal to their religion will also be loyal to their state" (p.1225).

On the other hand, MP's relation with the military authority was an ordinary example of the Turkish right's pragmatic and ambivalent attitude in search for balance in domestic politics against the de facto authority of the military. For instance, Özal did not let Bülent Ulusu, who served as prime minister during the military government, be elected as the Speaker of the GNAT and refrained from appointing names close to the NSB to cabinet positions. However, at the same time, he paid attention to maintaining close relationships with the President and the

⁹³ NSC adopted these interventions as a behavioral pattern and continued to produce policies on unthinkable details unrelated to national security even after the September 12 cadre resigned from active politics. Other examples include prevention of smuggling in livestock export; afforestation of fire damaged forest land; requesting the General Directorate of State Theaters to hold a contest involving plays on PKK terror (*Cumhuriyet*, 1995, February 15; Gemalmaz, p. 998; *Radikal*, 1997, October 28).

board members. He even persuaded his party to decline the motion to investigate the corruption allegations against the prior Commander of the Air Forces Tahsin Şahinkaya, a prominent figure in the military regime despite Evren's consent. Özal also ignored the opposition's proposals to rescind the Provisional Article 15 of the 1982 Constitution which granted immense immunities to the coup powers (Tanör, 1995, p. 61). Moreover, the MP government accepted all NSC decisions with absolute obedience and approval (Köker, p.1255).

The contradictory stance of MP towards the military authority based on political pragmatism, and particularly the nationalist-conservative elements it brought about in the cultural realm, were embraced by all rightist political parties of the time. This stance caused the right-wing parties in Turkey to be stuck within a limited framework in their understanding of democracy. This narrow democracy perspective hindered their understanding of the reasons behind the growing support given to Partiya Karkerên Kurdistanê (PKK), the militant nationalist Kurdish organization which was formally founded by Abdullah Öcalan in late 1978 and launched an armed campaign against Turkey in 1984. The political cadres, feeding on the fear of another coup, gradually gave in to the military solutions concerning the Kurdish problem. Thus, the group which started with small-scale terrorist attacks against government installations and officials, as well as Kurds perceived as government collaborators, gained considerable credibility in Eastern and Southeastern regions where Kurds were densely populated. By the mid-1990s, this security-centered approach created immense social, economic and human costs for the entire country, especially for the people living in the state of emergency regions and generated a vicious cycle of reciprocal violence.

This vicious cycle paradoxically provided a basis for the expansion of military bureaucracy's already existing autonomous field in the state. The military hierarchy by way of addressing all the issues related to the Kurdish problem through a "security" perspective militarized the politics. In this framework, it re-activated the former security structures and established the new ones including the village guard system, Special Operation Department, clandestine paramilitary networks, and assassination teams. As explained in detail below, the strategy of "struggle through illegal means" adopted by the NSC in the framework of the "total war" concept that it declared in 1993, resulted in an unprecedented penetration of state by gangs engaging in a multitude of illegal activities, particularly drug trafficking.

1.3. Kurdish movement as the “new” security threat

The Turkish state, from the mid-1920s until the end of the 1980s, consistently avoided recognizing the existence of Kurds as an ethnic identity on Turkish territory. As Yeğen (1999) rightfully analyzed, despite denying their very existence, the state has always speculated on the Kurdish problem “as an issue of either political reaction, tribal resistance or regional backwardness, but never an ethno-political question” (p. 555). The state considered the Kurds as equal citizens of the Turkish nation as long as they defined themselves as potential members of the Turkish ethno-cultural community. The resisters as Yeğen (2009) asserted “were not Kurds with an ethno-political cause, but simply (Kurdish) tribes, bandits, sheikhs- all the evils of Turkey’s pre-modern past” who should be suppressed and punished (pp. 598-599).

On the legal platform, primarily the 1982 Constitution, as well as a series of fundamental laws was made based on this ideological narrative.⁹⁴ In this framework, as mentioned in Chapter III, the formulation of "indivisible integrity of the state with its territory and nation" and the criterion of "provoking hostility and spite based on ethnic, social class, racial, religious, sectarian and regional differences" were used to punish thought crimes related to the Kurdish problem. Most radical decision made in this respect by the September 12 military regime was to ban Kurdish language, even in private life.

The law on Publications and Broadcasts in Languages Other than Turkish (Law no. 2932 of October 19, 1983) enacted by the coup administration declared that "the mother tongue of all Turkish citizens was Turkish" and prohibited the use of any language but Turkish "as a mother tongue."⁹⁵

Illegal acts of this new high dose of nationalism at the state level led to much more devastating results. During the military regime, torture at penal institutions became a nationwide systematic practice, especially in Diyarbakır. The prisons were transformed into "suppression centers" for the denial of Kurdish identity (İmset, 1993, p.93). Many commentators who have been observing PKK since 1984 agree on the fact that the inhuman treatments, which started in Diyarbakır Prison in 1981, have turned even the apolitical and sympathizer cadres and petty criminals to the future leading cadres of the PKK, and that the Diyarbakır Prison has functioned as a "Party School" for the militant organization (Birand, 1992; Cemal, 2010).⁹⁶

In this framework, the imposition of a homogenous "Turkish nation" initiated as Turk-Islam synthesis by the September 12 regime and the violent practices of the security actors encouraged by this imposition garnered considerable political legitimacy and momentum to the Kurdish movement, particularly after 1987 (Cizre, 2001, pp. 233- 234). By the end of the 1980s,

⁹⁴ During the September 12 military regime, a wide range of new provisions was made for further securing homogenous Turkish identity. The main ones were as follows: "Children cannot be given names unsuitable to Turkish national culture, moral rules and customs" (Law no. 1587, Art.164); "non-Turkish names shall be changed by the Ministry of Interior Affairs upon conferring on the Standing Provincial Committee" (Law no. 5422, Article 1); "No language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education" (1981 Constitution, Art. 42); "No language other than Turkish may be taught to Turkish citizens in educational establishments" (Law no. 2923, Art. 2/a); "Foreign languages to be taught in institutions of training and education shall be determined by taking into consideration the view of the National Security Council" (Law no. 2923, Art. 2/c); A work of cinema, video or music can be banned or prosecuted if it is considered by a local administrative to "violate the inseparable unity including the territory and the nation, or to contravene national sovereignty, national security, [...] or customs and traditions" (Law no. 3257, Art. 9/3); "It is forbidden to found an association for the purpose of putting forward the proposition that there are minorities within the Turkish Republic based on differences of class, race, language, religion or region, or creating minorities by protecting, promoting or spreading languages or cultures separate from the Turkish Language and culture [...]. (Law no. 2908, Art. 5/Par. 6); "Political parties cannot put forward that minorities based on national, religious, confessional, racial or language differences exist in the Republic of Turkey" (Law no. 2820, Art. 81).

⁹⁵ The purpose of this law was also stated as "to protect the indivisible integrity with its territory and nation, national sovereignty, the Republic, national security and public order."

⁹⁶ An inmate at Diyarbakır Prison has told Birand (1992) those times as follows: "Prison authority was torturing so much and was in such a demeaning attitude that people unavoidably developed solidarity among themselves. [...] We were amazed at the resistance of the PKK militants. They became greater all of a sudden. So did the name of PKK with them. Otherwise, no one knew even their names. They virtually promoted a Kurdish awareness" (p. 119).

the ending of the Cold War and the integration of the country into the world gave this momentum an international dynamism.

By the mid-1980s, the state was far from comprehending the social explosion behind the PKK's escalating effectiveness and increasing members despite the military defeats the organization suffered. Two legal and institutional arrangements made during this period were particularly significant. The first was the implementation of the "Provisional Village Guard System." The second one was the declaration of a State of Emergency (SOE) in Eastern and Southeastern cities upon the demand of the NSC because of the rapid increase in conflicts.

1.3.1. "Provisional Village Guard System" as a New Security Actor

The Provisional Village Guard System is the name of a paramilitary organization established by the state to arm and organize the civilian Kurds, whom the state assumed would take its side against PKK (SÜREÇ Araştırma Merkezi, 2015, p. 7). It was first accommodated in 1924 when most of the population lived in rural areas (Law no. 422 on Villages, March 18, 1924). Based on the concerns that the conflict with PKK could spread to the villages, the village guard system once again gained currency after 1980. Military and political elites embraced it as a convenient method for the villages sparsely scattered in rural areas, without routine monitoring of security forces, to defend themselves. Thus, the Provisional Village Guard System was approved by the parliament with the arrangement made in Article 74 of the Law on Villages (3175/1) on March 26, 1985. The arrangement enabled the village guards to be employed as "temporary" public servants (Ibid., p. 15). This supposedly provisional paramilitary structure still in force has played an active role for over 30 years of struggle against the PKK.

The village guard system is comprised of provisional and voluntary village guards. Although it is difficult to find reliable information on their exact number, it is fair to say the village guard system is an immensely large organization. As expressed by the Minister of Interior Affairs of the time, 7,933 village guards were employed for duty at the time the system was implemented. According to Kirişçi & Winrow (1997), this number increased to 63,000 by the mid-1990s (p. 136). It is claimed that a total of 70,000 armed village guards were serving in the region as of 2014 (SÜREÇ Araştırma Merkezi, p.21).

This paramilitary structure was not subjected to any regulations until the issuance of the Village Guard Regulations on July 1, 2000, determining the basis and procedures of their employment, duties, responsibilities, and authorities to use arms, training, discharge, and other personal rights. This vagueness in the scope of their functions enabled the military to use this structure as it pleased. Primarily tasked with defending their village, the village guards participated in armed conflicts and intelligence activities beyond their duties, including cross-border operations (Özar, Uçarlar & Aytar, 2013, p. 9; SÜREÇ Research Center, p. 24).

Re-activated as a security policy against PKK, this system brought about many human rights violations. The State's village guard employment policy played a definitive role in this regard. The State preferred to hire the guards among the regional clans known to be "pro-state" since the Ottoman times, particularly the clans with a long criminal record. Aside from arming

these clans in return for clearing their records, the state also accepted the voluntary applications of villagers, who wanted to have the state support against their enemies stemming from inter-family disputes, a widespread situation in the region. Besides, beneficiaries of the repentance laws, i.e., the former criminals were also deemed suitable for employment as village guard (Ibid., p. 172).

However, it is necessary to indicate that some of the village guards had to assumed duty because of the military's threats to evacuate and burn down their villages. The system, which the poor villagers initially entered for a steady pay, by the 1990s, brought them into an impasse, especially those who had nowhere else to go and who could not dare to migrate (Ibid., p. 134, 139-140). Studies on this issue demonstrate that many village guards used their arms for their personal interests and became the primary authority in their villages and the region with the support of the state forces (SÜREÇ Araştırma Merkezi, p. 15). Moreover, many village guards participated in clandestine organizations like JITEM (as explained later) and engaged in a multitude of illegal activities including unsolved murders, illegal land occupations, rapes, and drug and human trafficking (Kurban, 2010, pp. 207-208).⁹⁷

The provisional village guard system was used as a means to assess the Kurdish tribes' "loyalty to the state" in the region. Especially in the 1990s, parallel to the "total war" strategy implemented against PKK, refusing to become a village guard was perceived by the military as an indicator of direct or indirect support for PKK. Villages and hamlets which refused the village guard system were evacuated for the suspicion of providing logistic support to PKK.⁹⁸ Most of the time, they were burned down and destroyed. Villagers were subjected to beatings, torture, and massacres. Those who accepted to be in the system were settled in evacuated villages (SÜREÇ Research Center, p. 11).

The village guard system turned into a mechanism that prevented ordinary villagers from staying neutral in the conflict. This condition constituted the main reason for the mandatory migration in the rural areas during the 1990s.⁹⁹ Villagers who refused the village guard system and got caught between the PKK and the state oppression were forced to migrate to city centers of the East and then to other cities, particularly Istanbul. In the process, the villagers either lost what was left of their belongings or had to sell them to merchants for low

⁹⁷ According to the Ministry of Internal Affairs, in the 18 years between 1985 and 2003, legal action was taken against 4,804 village guards who committed crimes; 376 of which were ordinary crimes, while 2,375 consisted of aiding and abetting the PKK. Some official data exist also regarding crimes committed by voluntary village guards. As of 2003, there were 12,279 voluntary village guards, 264 of whom were convicted for "murder and attempted murder, opposition to Law No. 6136, opening fire in residential areas, and trafficking of forestry products and weapons," while 78 were convicted for aiding and abetting the PKK.

⁹⁸ Chief of Staff of the time Doğan Güreş, in July 1994, has explicitly stated that the village evacuations were an element of state strategy against the PKK (*Reuters*, 1994, July 30).

⁹⁹ This analysis was an outcome of a nationwide questionnaire commissioned by the JDP administration to the Hacettepe University Institute of Population Studies, upon the request of the United Nations to determine the situation of people forced to migrate. Carried out between July 2004 and June 2006 under the coordination of the State Planning Organization, findings of the study named "Survey on Migration and Displaced Population" were announced publicly on December 6, 2006. The report contained significant findings regarding the reasons, results, and statistics of this involuntary migration or "internal displacement" which took place between 1984 and 1999. According to this report "the size of the migrant population originating from the 14 provinces due to security-related reasons is between 953,680 and 1,201,200." Approximately two-thirds of this population was displaced in the first half of the 1990s and one third between 1985 and 1990 (Kurban, 2006, December 31).

prices. The Eastern cities with insufficient infrastructure failed to accommodate this influx of people. Rising unemployment and poverty made matters worse for the people in the region (TESEV, 2008).

1.3.2. State of Emergency as an Instrument of Military Tutelage

State of emergency (SOE), meant the suspension of constitutional rights and freedoms for essentially the Kurdish citizens living in the Eastern and Southeast Eastern provinces of the country. Of the 19 executive orders issued with the declaration of SOE during the period, only three were submitted for the approval of the Assembly. Almost all political parties, except for NMT, promised they would lift the emergency rule when they came to power. However, they failed to obtain the approval of the NSC. Until it was revoked in 2002, SOE continued to be one of the leading instruments in the consolidation of the institutional power of military authority. The struggle against PKK provided the grounds for military intervention and rendered the authoritarian institutional structure dominant in politics (İnsel, 2003b; pp. 294-295).

In 1987, the MP government with the consent of Evren issued an executive order on July 19 and established a new security structure in the Kurdish region under the name of Governorship of the State of Emergency Region and Command of Public Order Corps. The Governor of the SOE was given extensive powers such as to change location or merge villages and hamlets, to discharge or reassign anyone except judges, prosecutors, and gendarmerie (Decree-Law no. 285). Military forces and the NIO in the region were to report to the Governor, and his expenditures would not be subject to state bidding law and auditing by the Court of Accounts (Ibid.). However, the powers of the governor were only on paper. In fact, he was just the civilian executioner of the measures deemed necessary by the military authorities. As mentioned in the previous chapter, according to the confidential statute of the General Secretariat of the NSC, the authority to make general evaluations on the emergency rule and determine any measures necessary to eliminate the threat belonged to the military.

On August 17, 1989, the Chief of Staff Army General Necip Torumtay confirmed this legal fact by a written statement emphasizing that the authority concerning the Kurdish politics was in the hands of the military and that the problem could only be solved by expanding the use of military methods. This declaration once again demonstrated that the army had absolute dominance over the region. The "Special War" methods put in practice following this declaration further shook the confidence in democratic administrations and led to growing support for PKK (İmset, pp. 140-147). On the same date of Torumtay's statement, Prime Minister Özal asserted that they were not considering taking any political action about the region and they would expand the existing military measures (Ibid., pp. 254-256). In the same year, SDPP's proposal to revoke the Law no. 2932 forbidding the Kurdish language was rejected by the parliamentary commission on the grounds of "separatism" (Üster 1999).

During this period, coercive measures of security forces such as systematic human rights violations, village evacuations, raiding and burning down of villages which refuse to arm against PKK, or destruction of settlements to prevent logistic support to the organization

deepened the antagonistic nature of the relationship the locals had with the state.¹⁰⁰ In agreement with the military authority on the preservation of emergency conditions, MP lacked the cultural, social, and political vision to solve the Kurdish problem through democratic means. This political deficiency laid the grounds for the military authority to reinforce its power, not only in the emergency rule region but also throughout the country by using the SOE as a pretext.¹⁰¹

Özal would later make a U-turn on his stance on the Kurdish issue, and repeatedly pointed up the necessity of a political solution to the Kurdish problem during his term as President of the Republic between 1989 and 1993. He would respond to a critical question of why he had never chosen this path during his prime ministry as follows (Barlas, 1994, p. 117):

"This Southeastern issue could have been dealt before; we could have searched for political solutions. But remember. During the first MP administration, the struggle was to switch to a civilian regime. For about 1.5-2 years, some of my ministers paid attention to Kenan Pasha more than me. They feared him, not me. We also had to overcome the bottlenecks in the economy and the foreign currency problems. That was what we had to do to prevent new military coups in a country which had just come out of a military regime."

The fast and multilateral emergence of the Kurdish problem in the Turkish political agenda was almost concurrent with Özal's presidency. The escalation of PKK attacks, expansion of protests from villages to towns and cities, the founding of pro-Kurdish People's Labor Party (PLP), and the growing number of demonstrations in the Eastern settlements coincided with the same dates.

In August 1989, ER Governor Hayri Kozakçıoğlu declared that "the PKK attacks have increased one-fold since the year before." SDPP Leader İnönü conveyed his impressions after his visit to the region, saying that "the force of the terrorist organization in the East is increasing" (Ersel et al., 2003, p. 277).

In March 1990, a massive popular uprising took place in the towns of Nusaybin and Cizre, two Kurdish-populated cities in the Southeast. The incident which was soon dubbed the 'Kurdish intifada' was triggered by the funeral of a young PKK militant in Nusaybin on March 14. The funeral turned into a mass demonstration of approximately five thousand people. The special army units trying to disperse the cortege faced a massive resistance of the people. The troops opened fire on the crowd, killing one and wounding six. The security forces detained

¹⁰⁰ Even Abdullah Öcalan's brother, Osman Ferhat Öcalan, felt obliged to thank Turkish state for the policies it pursued. According to him, Cizre (a city in the Southeast Anatolia) has become the stronghold of the PKK due to violent practices of the security forces. Öcalan said, "Half of Cizre, we won. The other half, T.R. offered us on a silver platter." (İmset, p. 140)

¹⁰¹ The central political objective of the MP administrations led by Prime Minister Özal was the economic development of the region. To that effect, they implemented many economic measure packages, primarily "Southeastern Anatolia Project" (GAP). The only civilian initiative to ensure security in the region was limited to the Repentance Law, which, despite Kenan Evren's veto, passed on June 6, 1985, and was reissued a few more times (Gençkaya, 2001, p. 109). After being elected President of the Republic, Özal made a self-criticism regarding the terror and the Kurdish issue in the 1983-1991 period saying, "We determined the right policies, but failed in the implementation" (Sazak, 1991, December 29).

500 people and declared a curfew in the town. On March 20th, the uprising spread to the neighboring town of Cizre, where the shops were also closed down. Here too, thousands of protestors clashed with the security forces, and the troops once again fired into the crowd, killing five. The next day, during the Newroz Festival, thousands protested in the town, with Öcalan posters and PKK flags. On the same days, shops and businesses remained closed, this time in Diyarbakır, İdil, Silopi, and Midyat in solidarity with Nusaybin and Cizre. Right after the demonstrations, PKK militants killed a teacher for not teaching in Kurdish. (Ersel et al., pp. 277-278, 322-323)

In the face of these developments, after a series of meetings of the NSC, the government enacted several executive orders imposing severe sanctions on the emergency rule region. Chaired by President Turgut Özal for the first time the MP cabinet met in session on April 9 and adopted the Decree No. 413. Publicly known as Decree on Censorship and Exile, the Decree no. 413 included the following regulations:

- The SOE Governor could ban and confiscate "any publication found guilty of "wrongly representing incidents occurring in a region which is under a state of emergency, disturbing its readers with distorted news stories or commentaries, causing anxiety among people in the region and obstructing security forces in the performance of their jobs.(Art. 11/e); The regional governor was empowered to stop distribution of these publications and confiscate them, no matter where they were printed, and even to close down their entire printing plants.
- The SOE governor might force the individuals who are observed to be acting against the general security and public order to compulsory relocation. The relocation site would be determined by the Ministry of Internal Affairs (Art. 11/k).
- The SOE governor could request position or placement changes of "harmful" or underperforming public employees.
- The SOE governor could control "all union activities, including strikes and lockouts, declarations of intent and referendums"; and prohibit them entirely if necessary. He could also prevent boycotts, slow-down schemes, and even close-down of workplaces (Art. 11/ö).
- The State Security Courts could open litigation in all kinds of cases requested by the regional governor, as long as they were included in the category of crimes handled by the court.
- Although seemingly unrelated, Article 158 of the Turkish Penal Code which prohibited "insulting the President of the Republic" was incorporated in the Decree. The penal code already stipulated up to three years imprisonment for those who insult the president. With the new addition, publications which insult the president would pay a fine up to 100 million TL (\$33,000). Besides, their owners would be fined according to circulation sales, with their responsible editors, paying half of this amount. The same penalty would be applied for insulting Parliament, the government, ministers, and

high-level state executives. Identical regulations would apply to cases stated in Article No. 268 of the Turkish Penal Code. This article already called for a maximum three-year prison sentence for insulting public officeholders.

The decree also increased the penalties for "separatist" activities (Provisional Art. 1). Besides, the decree added the NSC General Secretariat into the equation by obliging the SOE Governor "to be in coordination and cooperation with General Directorate of TRT, Ministry of Internal Affairs and General Secretariat of the NSC" on decisions concerning broadcasts about a region under the state of emergency (Provisional Art. 4). Article 33 of the decree also prevented any legal actions being taken against The Ministry of Internal Affairs, the SOE governor or any of his officials.

In a short while, the government issued another executive order, Decree No. 421 on April 14th. It expanded the SOE region, including the cities of Muş, Bitlis, and Adiyaman and the scope of sanctions imposed on the press broadened nationwide.

Decrees No. 413 and No. 421 were then combined with Decree No 424 issued on May 10, 1989 and gave the authority of censorship enforcement also to the Ministry of Internal Affairs. The goal of the decree was to prevent the news feed from the emergency rule region, as well as news and commentaries on Kurdish problem from being published in the press. The new emergency measures had an immediate effect on the Turkish press.¹⁰² Issued on the same date, Decree No 425 extended the SOE governor's authority to postpone or suspend strikes and lockouts from one month to three months (Art. 11/ö). This decree also eliminated the possibility of challenging the administrative decisions of the SOE governor and the Ministry before the administrative court (Art. 33).

All the opposition parties in the parliament reacted strongly against these decrees. SDPP appealed to the Constitutional Court for the repeal of Decree No 424. Also, PLP, the party which represented the Kurdish identity in the parliament, addressed a parliamentary question concerning decrees No. 424 and No. 425. However, it was not put in process by the GNAT Speaker because "it did not qualify as a question." In December 1990 and May 1991, the Constitutional Court ruled the Decree No. 413 and the decrees after it as unconstitutional. However, the ruling was not published in the Official Gazette. The decrees in question stayed in effect until 1992 (Ibid; Düzgören 1994, p. 201).

In a speech, he made in July 1990 President Özal, argued that there was an insurgency against the state in the Southeast and that the decrees were issued solely for ending it, but not for censoring the media in general.¹⁰³ In the same speech, however, while underlining that the official language of the country was Turkish, he also stated that Law No 2932 could be annulled.

Özal later said in an interview that his first effort to change the official Kurdish policy was "opening the doors for the Peshmergas fleeing the Halepçe massacre" in Iraq. He added

¹⁰² 2000'e Doğru and Halk Gerçeği journals promulgating the developments in the region were shut down indefinitely, and its printing house was shut down for ten months (Ersel et al., p. 306). The owners of printing houses, journals newspapers, as well as the writers and journalists, had to exercise self-censorship to avoid constant vexatious prosecutions (HRW, 1999).

¹⁰³ <http://www.byegm.gov.tr/YAYINLARIMIZ/ayintarihi/1990/temmuz1990.htm>

that the military has fiercely opposed his decision (Birand & Yalçın, p. 451). However, the incident which played a significant role in changing Özal's approach to the Kurdish problem was the Gulf Crisis, which started with Iraq's invasion of Kuwait in 1990. Seeing the opportunity to make Turkey a major player in the wider region, he had instantaneously supported the American-initiated economic blockade of Iraq and strongly advocated the need to make peace with the Kurds to achieve this end.

1.3.3. Political Initiatives and Failures

1.3.3.1. Özal's Efforts as the President of the Republic

After the Gulf War, among his promises to the Western countries Özal vowed to engage in political reforms to accommodate the aspirations of the regional cultures, helping them to meet their socio-cultural demands (Gençkaya, 2001, p. 144). Gaining sympathy by saying, "my grandmother was a Kurd" (*Cumhuriyet* 1991, March 28), Özal persuaded the MP government, over which he still had control, to repeal the September 12 ban on "talking and singing in Kurdish" on April 11, 1991. Then, until his death, while establishing an indirect channel of communication with Abdullah Öcalan for a ceasefire, he also developed policy recommendations such as passing a repentance law to grant immunity from prosecution for Kurdish guerrillas, permitting education and TV broadcasting in the Kurdish language (Gençkaya, pp. 105-149). He believed it was a major mistake that the PLP, the only formal legal bridge between the Kurds and the state, was not allowed to run in the local elections. He regularly emphasized that all the political parties in Turkey, including MP, were rigid institutions which were closed to negotiation. And more importantly, he realized that the Kurdish problem could not be reduced to a question of terrorism to be solved by embracing violent and oppressive military measures.¹⁰⁴

Although during his prime ministry Özal agreed with the NSC on the continuation of "emergency state conditions", as Bozarslan stated he was "the only political figure who openly criticized the 'anachronic' structure of Turkey and the 'founding taboos of the Republic' primarily by exposing the Kurdish reality" (Bozarslan, 2001, p. 142). However, his peculiar efforts to break taboos of the national security state did not translate into state policies.

The main reasons for this impasse were the friend-foe distinction made by the central security actors, their strict pro-status quo ideological positions, and their legal authorities giving them the power to directly intervene in the civilian realm. In the NSC, military authority categorically opposed any political solutions to the Kurdish issue and rejected all democratic aspirations by simultaneously identifying them as "separatist" intentions. This dichotomy

¹⁰⁴ Özal, in a statement he made to the press in January 1993 said, "Problems cannot be solved with violence and conflict. [...] Assume there were an uprising in the Southeast, and we reacted harshly. It would be of no use. Sometimes one should let the steam off. Time will solve some problems. One should be a little understanding. Then things will loosen up. That's what was done in Turkey, partially. They wanted to engage in an uprising similar to Palestinians in the Southeast. But they failed. I don't think the people in the Southeast want that. The important thing is to demonstrate if they were treated differently or not" (*Gündem*, 1993, January 14). A short while before his death, in a statement he made regarding the issue, he said, "There can't be a military solution to a crisis as such. The solution should be together with the people" (*Meydan*, 1993, April 6).

deepened the dilemma in the relations between the Kurdish citizens and the state, not only in the emergency rule region but also throughout the country. No matter what ethnic origin they come from, any civilian organization or individual proposing non-violent political solutions to the problem was officially stigmatized as internal enemies instantly. Political parties, which had made promises of democratization when in opposition, were easily tamed during their governments by the central security actors.

1.3.3.2. A Weak Initiative: TPP-SDPP Coalition under Demirel's Prime Ministry

The government program of the TPP-SDPP coalition under the prime ministry of Demirel formed a month after the general elections held on October 20, 1991, involved ambitious goals for democratization. The coalition parties announced to the public that they had agreed on a radical reform package to expand freedoms and end restrictions on the Kurdish citizens. Among the titles agreed upon were the recognition of Kurdish identity; repealing the ban on books, newspapers, tapes and records in Kurdish; lifting of the village guard system and gradually, the emergency rule; strengthening the local administrations in the region; and granting some autonomy to their municipal councils and establishment of a Kurdish Institute (Düzgören, pp. 119-120).

Prime Minister Demirel, right after the announcement of this new package, made a speech at Diyarbakır, which created the impression that the traditional official attitude towards the Kurdish issue was going to be abandoned. In his speech, Demirel said, "We can preserve the unity of Turkey only by treating the different ethnicities as equals. [...] We name people who talk Kurdish and say they are of Kurdish origin, as the 'Kurdish identity.' It is no longer possible to oppose this. [...] Turkey has recognized the Kurdish reality. For me, that is the most important progress of the last year. The recognition of the Kurdish reality is not an obstacle for preserving the unity of Turkey" (*Tercüman*, 1991, December 9). After this declaration, he made an additional remark that the military solution would be abandoned in the approach to the Kurdish issue. Even after a minor armed conflict between PKK and security forces, Demirel gave the following message: "First the bloodshed has to be stopped. The state has lost its deterrence power. You cannot use violence to restore it. Violence does not befit the state" (cited in Düzgören, p.121).

However, within the first month of the coalition during which peace messages were spoken aloud, the military power demanded from Demirel the authority to activate a "regional cleansing" plan to crush the PKK for good. The same plan had been offered to and approved by the MP government under the name "Operation Spring," but it was not put in motion because of the elections. Its approval by the coalition shadowed the government's determination to solve the issue on the political platform. Demirel, who had been overthrown on the grounds of not giving sufficient power to military authority before 1980 coup, in January 1992, complied with the military power. (İmset, pp. 311-312).

The national security policies of the NSC prevailed over the government's promises regarding the Kurdish issue. At the first NSC meeting of the coalition government held on November 29, 1991, none of the subjects of the reform package in the government protocol

became part of the council's agenda. The press release of the meeting also demonstrated no signs of an apparent deviation from the official state discourse.¹⁰⁵ In all the NSC meetings held during this coalition government, the only non-military measure suggested for the Kurdish issue was about the regional development. The civilian government could not stand firm against the imposition by the military authority to "continue with the military formula until the terror is crushed," nor could they prevent the security forces deployed in the region from regularly abusing their authority and committing human rights violations.

The large-scale civilian-military clashes which started with the Newroz festivities on March 12, 1992, confirmed that the politicians and the high-ranking civilian bureaucrats working in the region had no control or power over the security forces. The clashes were triggered by a relatively minor incident in Şırnak when a group of people gathered for the Newroz resisted the body search. This small-scale conflict turned into an uprising. The security forces who succumbed to provocations opened fire on the crowd. According to the data provided by the Human Rights Foundation, the events led to the death of 90 civilians along with hundreds who were injured, detained, and tortured, and loss of property. Demirel's advisor, journalist İlnur Çevik, in a statement made to BBC after the incident, declared that the bloodshed during Newroz was caused by security officers who refused to obey the civilian authority (cited in Düzgören, p. 169).

A research group in the coalition partner SDPP prepared a report on the events.¹⁰⁶ The report claimed that the governor and sub-governors had no control or power over the police and military and that some of the members of the security forces displayed intolerance and excessive violence towards the protestors in the region, opening fire on civilians and leading to bloodshed and escalation of events. Prepared by a team including General Comptroller and Assistant General Secretaries of the party, the report emphasized that the Kurdish problem could not be solved with violence and added that "the democratization program in the government agenda was necessary, but not sufficient for a peaceful solution." However, both SDPP Leader and Deputy Prime Minister Erdal İnönü and General Secretary of SDPP opposed the report on account of the fact that it "falsely criticized the State and the security forces" (Ibid, p. 174).

The contradiction between the discourse and the practice continued for some time. Right after the Newroz events, Prime Minister Demirel announced a new Southeastern package involving targets, such as the establishment of closer relations with the Kurdish citizens, frequent visits to the region by members of parliament, lifting the ban on Kurdish publications and broadcasts, and ending the emergency rule (Ibid, p. 173). The emergency rule, as stipulated in the law, was re-declared for four-month terms at NSC meetings. The issue first came up at

¹⁰⁵ The NSC meeting held on November 29 was led by President of the Republic Özal. It was the first NSC meeting Demirel participated as prime minister and SDPP leader Erdal İnönü as deputy prime minister. The decision taken at the meeting was as follows: "The Council, in this meeting, reviewed the general security, public order, and exterior developments and decided to publicly declare its agreement on the facts that the indivisibility of the state with its territory and its nation is indisputable; well-being of all citizens is under state protection; operability and credibility of the state shall be ensured; peace and security of the citizens shall be maintained adhering to the principles of democratic constitutional state; all citizens are entitled to equal rights and freedoms; mutual trust between the citizens and the state shall be established while maintaining security and public order, and that all these issues shall be implemented as a state policy."

¹⁰⁶ For full text of the report see, İmset, pp. 347-357.

the NSC meeting that took place at the War Academies Command on June 23rd. The press release did not involve any explanation except that the emergency rule in ten cities was extended for another four months (NSC Bulletin, June 23, 1992). On the same day, coalition leaders addressed the deputies at the parliamentary group meetings of their parties and repeated the importance of implementing the NSC decisions. The following statement made by the Chief of Staff at the time Doğan Güreş on October 16, 1992, indicated that the government's promise to "remove the emergency rule" was prevented by the military wing of the NSC (cited in Düzgören, p. 277): "As a soldier, I cannot think of any other means than a state of emergency. However, if the PKK runs rampant, I will suggest a martial law without hesitation."

The most important development confirming the binding influence of the military authority on Kurdish policy of the governments was the approval of the National Security Policy Document at the NSC meeting held on July 31, 1992. In the memorandum of the meeting it was stated that "[...] the 'Turkish National Security Policy Document', *re-formulated* for protecting and safeguarding of the constitutional order, national entity, integrity and interests of the state, [...] was reviewed, deemed acceptable and *decided to be submitted to the Government for approval* (we made the italics)". The name of this document, which was adopted at the council meeting attended by the President of the Republic Özal, Prime Minister Demirel, Minister of State, and Deputy Prime Minister Erdal İnönü, Ministers of National Defense, Internal Affairs, and External Affairs, had not been heard before by politicians or the public as yet. However, as can be inferred from the expression "re-formulated," the document had already been in the military wing's vault.

This meeting was notable for another reason. Up to that date, although NSC decisions had been unconditionally implemented by the governments, the written declarations never involved the expression "submitting for approval." Whereas at the meeting bulletin on July 31st, the NSC, for the first time, went beyond "reporting" the government about a decision and yet openly demanded its approval. Thus, an NSC decision, even in its wording, openly turned into an administrative sanction imposed upon the government by an allegedly advisory council.

The document identified separatism as the primary national security threat. With this document, the military authority was confining the Kurdish issue to a security-based perspective, precluding a political settlement. As mentioned in Chapter III, this secret document prepared by the NSCGS and of which the legal basis was then unknown to the public, meant that the security policies could only be determined by the military authority.

The document had yet another effect on the political realm. It stopped the governments, which intended to develop alternative solutions before any suggestions started to take shape. As such, not only on paper but also in reality, national security became a large field, where governments had no say in its development but had to assume the political responsibility for its consequences. Moreover, since this text, which determined the main internal and external threats according to a military mindset was a top-secret document; it was exempt from parliamentary supervision. From that day on, this document has served as an unlawful but an official reference text for restricting the political projects of parties that came to power through democratic channels as well as containing social aspirations.

During this time, two developments (not directly related to the Kurdish issue), which occurred out of the NSC, were critical for indicating the political failure of the government against the military authority. The first of these was related to the government's promise of confronting the organizers of the 1980 coup. On January 1993, the TPP-SDPP coalition declared that they would make a constitutional amendment to lift the immunity of the NSB. This proposal, which meant declaring the September 12 regime illegitimate, was among the election promises of the coalition parties. Opposition parties also agreed to support the constitutional amendment in the parliament (*Hürriyet*, 1993, January 8). However, the government backed down in no time and dropped its proposal to rescind the Provisional Article 15 of the Constitution, which rendered the September 12 executives immune to prosecution.

The second development was concerning the draft law introduced in the same month to attach the General Staff to the Ministry of National Defense. According to this draft law, Chief of General Staff would henceforth report to the minister of defense. The president and prime minister would have the authority to giving orders directly to commanders without going through the once all-powerful Chief of General Staff. A similar proposal had been discussed during the prime ministry of Özal but could not be introduced fearing Evren's veto. However, this time despite Özal's implicit support, Prime Minister Demirel made a U-turn on his government's initiative, and the law was rejected by the votes of the coalition members in GNAT Commission on Defense (TBMM Savunma Komisyonu) (newspapers dated January 14, 1993).

The military authority opposed both proposals claiming that they would weaken the institutional credibility of the army. This warning was enough for the civilian government to refrain from challenging the military authority.

In summary, the TPP-SDPP coalition government's pledges of removing the emergency rule and pursuing democratization all turned out to be empty promises. The democratization objectives put forth by the political leaders, especially during the early period of their governments, were easily forestalled in the NSC. Süleyman Demirel along with some prominent deputies of TPP embraced the military authority's approach to the Kurdish problem right after he became prime minister in November 1991. Ironically, despite its social-democrat identity and democratic discourse on the Kurdish issue, SDPP¹⁰⁷ also chose to adopt the military approach in exchange for maintaining its position as the coalition partner of the administrations led by Prime Minister Çiller between June 1993 and March 1996.¹⁰⁸ After the death of President

¹⁰⁷ In early 1995 SDPP merged with RPP assumed the name RPP.

¹⁰⁸ Before the general elections on October 20, 1991, SDPP, aside from PLP, was the only political actor to demand radical democratic reforms about the Kurdish issue. During this period, SDPP presented the public the "Report on Southeast" on the reasons behind the strengthening of the PKK. Prepared by a commission of five under the chairmanship of General Secretary Deniz Baykal, the report determined the reasons for the sympathy for PKK in the region as the oppressive policies including forced village evacuations and migrations. It suggested freedom for Kurdish language, recognition of cultural rights and the establishment of a Kurdish Institute. The "Report on Southeast" was unanimously accepted at the SDPP Party Group. SDPP Leader Erdal İnönü stated that democracy is absent not only in the Southeast but throughout Turkey and presented the report to the public as part of the program SDPP would follow when they come into power. The SSC had already instituted an inquiry for 25 deputies for their statements on Kurdish problem. Likewise, a short while after the report was publicized, Ankara SSC, opened an investigation against SDPP in July 1990 on the grounds that the report contained remarks against state security. The lawsuit ended with Supreme Court's dismissal of charges. SDPP, despite the pressure of SSC,

Özal, the only authority in the government to demonstrate an initiative to steer the issue in a relatively more democratic and civilian direction, the Kurdish issue entirely fell in the hands of the military hierarchy.

1.3.3.3. Ciller Administration: from Submission to Voluntary Collaboration

The PKK leader Öcalan, on March 17, 1993, right before the Newroz festivities, announced a unilateral ceasefire that would last until April 15th. Özal's efforts had played an essential role in this decision. Although the security forces did not officially accept the ceasefire, Özal considered it an opportunity and argued that new policies should be developed to make it permanent. He made the government and then Chief of Staff Doğan Güreş accept to postpone the Operation Spring which aimed to deliver a major blow to the PKK. During the ceasefire, a significant relief was experienced in the conflict regions. Özal desired to carry the armed conflict to a political platform. To that end, he started to prepare an extensive repentance law (Ersel et al., p. 369). Özal told his political advisor, journalist Cengiz Çandar, that if Prime Minister Demirel did not take a concrete step to settle on a plan of action, he would take the issue in hand at any cost (cited in Dündar 1999). Given the President of the Republic's moderate diplomacy, on April 16, 1993, Öcalan announced that the ceasefire would be extended "indefinitely." However, the day after the announcement Özal died, and the peaceful atmosphere was disrupted.

After Özal's death, on May 16, the parliament elected Prime Minister Demirel head of state, and after defeating two other candidates at the extraordinary party congress on June 13, Tansu Çiller became the new Prime Minister and the leader of TPP. At the meeting held on May 24, 1993, chaired by Demirel, the NSC decided upon a limited repentance law which allowed PKK members who have played no direct part in violent actions to give themselves up. (NSC Bulletin dated May 24, 1993). However, on the same day, 33 unarmed privates were killed by PKK militants, and the repentance law was suspended. Öcalan's statements of not knowing the attack were not found plausible. During the period when Demirel became the President of the Republic, and Tansu Çiller, the Prime Minister, the national security regime

continued to criticize the practices in the emergency rule region. It also decided to collaborate with PLP, when PLP was not let to run in the general elections. Deputies who had founded PLP upon their dismissal from SDPP ran in the general elections as SDPP candidates and got into parliament. However, in November 1991, five months after SDPP became the ruling partner, the internal conflicts on the Kurdish issue started to become evident. Another report on Southeast prepared by SDPP General Comptroller Ziya Halis, Assistant General Secretaries Mustafa Gazalcı and Ercan Karakaş, was denied by SDPP Leader İnönü and General Secretary Cevdet Selvi for loudly criticizing the state and the security forces. Around the same time Supreme Court Prosecutors Office, filed a suit in the Constitutional Court to close PLP. With the lawsuit, the legitimacy of PLP started to be discussed in the political arena. MP's new leader Mesut Yılmaz claimed that even a party advocating independence for Kurdistan could be established. SDPP Leader Erdal İnönü also seemed to be supporting the idea of a pro-Kurdish party. Only TPP Leader and Prime Minister Süleyman Demirel were against the idea. SDPP acted in line with TPP's stance and agreed with its coalition partner on a law on political parties that would prohibit the founding of a pro-Kurdish party (Düzgören, p. 45, 103, 174, 204; Ersel et al., p. 278; <http://www.byegm.gov.tr/YAYINLARIMIZ/ayintarihi/1990/temmuz1990.htm>; <http://www.byegm.gov.tr/YAYINLARIMIZ/ayintarihi/1990/agustos1990.htm>.)

intensified without stumbling upon any legal obstacle and became the primary reference for the bureaucracy and politics.

Tansu Çiller, a professor of the most liberal university of Turkey with a doctorate from Yale, was brought forth by Demirel as a "democrat" and "modern" woman. However, during her term as TPP Leader and Prime Minister, after wavering between these attributes and "the necessities of politics," she would end up with embracing the military discourse.

Following the signing of an ambitious government protocol on "democratization and restructuring of the State" with the SDPP, Çiller assumed office as the first female Prime Minister of Turkey on June 25, 1993.¹⁰⁹ In her early days, taking the initiative similar to Özal's and backed by her coalition partner, she embarked on a search for a political solution to the Kurdish problem. Before she assumed office, the statement she gave regarding the Kurdish issue on June 19, 1993, was as follows: "We will determine a common attitude with SDPP towards TV, radio, and education in Kurdish. I see the ethnic and regional richness of Turkey like the variation and coloration of a mosaic. There is no great harm in expressing cultural differences. We want to remove the emergency rule" (cited in Dözüören, p. 392). However, she also simultaneously pursued a balanced policy vis-a-vis the demands of the military authority. Chief of Staff and commanders-in-chief were expecting Çiller to announce her full support for the military operation they were to start in the Southeast. Only two weeks after her promise of a democratic opening, Çiller said that giving Kurds cultural rights would be "meeting the PKK's demands" (newspapers dated July 4, 1993).¹¹⁰

Çiller exhibited a conflicted attitude towards the Kurdish problem during this period. First, she decided to meet with party leaders to develop a political solution. In the meetings she had with the party leaders in July, she made a surprise announcement and opened the subjects of education and broadcasting in the Kurdish language into the discussion. SDPP and RPP made public statements defending these reform proposals. RPP leader Deniz Baykal also made an unexpected suggestion, stating that the TAF should withdraw from the Southeast. The leader of TPP's strongest rival at the time, Mesut Yılmaz, while arguing that the issue should be discussed at the NSC, he said that "the fight against terrorism should not be left to the army" (cited in Düzgören, p. 404). However, the strongest reaction to Çiller's initiative came from President Demirel. He immediately hindered the debate before any military involvement by stating "cultural issues cannot be opened to discussion before the terrorism is resolved" (Ibid.).

Çiller's last initiative to develop a political solution to the Kurdish issue in this period was to suggest the possibility of autonomy for the Kurdish region along the lines of the "Basque Model" following a meeting with his Spanish counterpart (*Hürriyet*, October 10, 1993).¹¹¹ In

¹⁰⁹ For the coalition protocol of the first Çiller administration see, <http://www.tbmm.gov.tr/hukumetler/KP50.htm>

¹¹⁰ Çiller's statement to press on July 4, 1993, was as follows: "We cannot allow TV and education in Kurdish. He (Öcalan) says the first step is broadcasting in Kurdish and the second step is the education in Kurdish. Can we say that we will 'allow' the first step of a plan to 'destroy the territorial integrity of Turkey step by step'? If PKK escalates, we will do the same. I will surely win the war against PKK. I have never lost any battle in my life."

¹¹¹ Spain, after dealing with Basque terrorism for long years, has solved the problem to a great extent by giving the region some rights, including rights to use their language, open their schools, train their teachers and

this framework, Çiller further argued that strengthening local administrations in the Southeast would be effective in the fight against terrorism, saying, "some regions should be given different status for a successful local administration" (*Milliyet*, 1993, October 11). Immediately after returning to the country, she discussed the issue with her coalition partner and decided to send a delegation to make a study visit to Spain.

The SDPP wing of the coalition declared their open support to Çiller's decision. Deputy Prime Minister Murat Karayağın, who had been elected as SDPP's new leader at the Ordinary Party Congress held on September 11-12, 1993 and replaced Erdal İnönü, made the following statement on the issue: "There is no need to look for another model. If municipalities are given these powers, and the number of personnel in the emergency rule region is increased, we can take an important step in solving the issue" (Düzgören, p. 443). However, a short time after these statements made by the coalition leaders, the General Staff announced its firm disapproval to any political solutions including the Basque model through a memorandum-like report publicized on October 13, 1993. In the report, all actors opening the fundamental principles of the state to the discussion, particularly the media organs which covered the subject, were sternly warned (Düzgören, p.444; Cerrahoğlu 1995).¹¹² The General Staff repeated similar warnings through press releases as articles calling for a political solution continued to appear in the press. Çiller was so harshly rebuked by the military leaders and President Demirel that she not only withdrew her suggestion but denied ever making it.¹¹³

Thus "the era of falcons" started in the fight against terrorism. A new security apparatus was established in the context of the new strategy publicly announced as "low-intensity warfare" by the Chief of Staff Güreş. Interestingly enough, low-intensity warfare was a politico-military concept developed by the military experts of the United States during Reagan's administration in the Cold War against Third World insurgencies, otherwise named as low-intensity conflicts (Hippler 1988). In essence, it was a doctrine for countering revolution. As stated by Klare and Kornbluh (1988) low-intensity warfare embraces a wide range of covert political and psychological operations variously described as "special operations," "special

determine their curriculum. In the framework of this new policy, a new parliament was established in the Basque region, and an almost autonomous structure was built. All public services, except for defense, foreign relations and economic management, were left to the Basque administration.

¹¹² Following warning was given in the report: "It is perceived to be imperative for the security, peace, and welfare of the State of Republic of Turkey that fundamental principles like the unitary state structure, secularism, and official state language being Turkish shall not be subject to discussion; all parties, including the press, shall contribute to the determination on these fundamental issues" (cited in Düzgören, p.445). Chief of Staff Güreş, in an interview he gave, stated his opinions on the subject as follows: "I do not accept the Basque Model on no account. Assume we gave them autonomy; you tell me the consequence. We'll disintegrate. Spain has two neighbors: Portuguese and France. If our neighboring countries one day become democratic, we too would have it under control like Spain. But we live in geography acting on emotions. [...] the first requirement is the military solution. After that, the social and economic problems can be dealt with. [...] What will they do with education in Kurdish? What good would it make if they are educated in Kurdish? Will people employ Kurdish speakers? Any leader attempting to allow education in Kurdish will lose leadership. Our disposition does not allow for that. There is an emotional aspect here. [...] I do not understand the political solution" (Cerrahoğlu, 1995).

¹¹³ When the journalists reminded Güreş that Çiller gave a green light to a political solution, the Chief of Staff invited the Prime Minister on the scene for a power play saying, "honorable Prime Minister, they are asking me the political solution, and I am asking them. Have them explain to me so I'd learn what the political solution is." Çiller responded to this invitation saying, "there is no regional regulation; everything is nationwide" (Ergin, 1993).

activities," and "unconventional warfare." Therefore, it necessitated Special Forces and other paramilitary "assets" than a conventional army. So, during this period, the military hierarchy in Turkey by adopting another strategy of the Cold War became increasingly oriented towards internal enemies, rather than external enemies. With this new strategy, the job descriptions of the military and the police became closely intertwined (Bora 2006).

The Era of Falcons

The belief that the "guerrilla warfare" going on in the Southeast could only be won by Special Forces led to the approval of the military leaders to transfer authority and resources to the police force, which the army had remained distant until then. Çiller appointed Mehmet Ağar as the Chief of General Directorate of Security in July 1993. Ağar presented a detailed report to the NSC on the reorganization of security forces. Ağar served under the General Secretariat of the NSC, and during his time of service, the influence of police teams under the Special Operations Department was significantly increased (Beşe, 2006, p. 115). The Special Operations Department chaired by İbrahim Şahin, a name from ultra-nationalist milieu, gained a privileged position over time. Retired lieutenant colonel Korkut Eken was charged with the training of the special operation teams (SOT), defined as the "professional army" by the public, to fight PKK using guerilla warfare tactics (*Zaman*, September 11, 1993).¹¹⁴

Ağar, Şahin, and Eken held the key roles in this new security apparatus. Their names would often be mentioned as the principal actors of organized crime activities as well as death squads, intimidations, and abductions, in the context of the politics-mafia-police triangle, which would be revealed in the following years due to a car crash publicly known as Susurluk Scandal.¹¹⁵

¹¹⁴ Prime Minister Tansu Çiller, by late September, declared that the preparations for the special army against terrorism were almost complete. Her statements on the issue on September 30 were as follows: "They say there are 5-6 thousand terrorists in the mountains. So, we are sending specially trained 10 thousand commandos to the mountains. They will live there. I am so happy about it." Çiller also confirmed her choice of the military solution as the only way, saying that they had refused "a recent ceasefire demand from the PKK circles" (*Sabah*, September 30, 1993).

¹¹⁵ Susurluk Scandal began as an ordinary traffic accident on November 3, 1996, outside the town of Susurluk in the west of Turkey. Three of the four passengers were killed: Hüseyin Kocadağ, a former captain in the Special Operations Unit; a man named Mehmet Özbay; and Özbay's girlfriend, Gonca Us. The only survivor was Sedat Bucak, a True Path Party member of parliament from the southeast city of Urfa known for his army of village guards set up to protect that region from the PKK. It came out that Özbay was none other than Abdullah Çatlı, a right-wing Idealist and a terrorist from 1970s. He had been searched for by Interpol since his escape from a Swiss prison in 1982, where he had been held on drug charges. Further investigation in the days following the accident revealed that Çatlı had numerous valid national identity cards made out in different names. He also held two Turkish diplomatic passports which had been personally signed by Mehmet Ağar, who later became True Path Party's interior minister of the time. Moreover, the local police declared finding a cache of automatic weapons and silencers, many of them the property of the Interior Ministry, inside the trunk of the car. In the parliamentary investigation that followed, Ağar refused to discuss Çatlı's relation to the state for national security reasons. However, as a result of further investigations, it has become clear that during the 1990s, certain elements of the Turkish security apparatus developed a relationship with criminals, with official sanction. The criminals were reportedly assigned to perform killings (mostly of left-wing activists or Kurdish nationalists) and to carry out other

In rural areas, SOTs served under the military authorities, and most of their members were chosen among extreme rightist NMP militants. As early as its establishment, there was news in the press about most applicants being NMP militants and that approximately five thousand idealists (*ülküci*) had lined up to join the "special army" (PKK'ya Karşı Ülkücü Ordusu," *Hürriyet*, 1993, August 6). Thereby, the idealist cadres who had served the mission of "helping the state" before the September 12 regime were allotted to the state cadres in the context of the Kurdish issue (Bora, 2004, pp. 117-120).

Another phase of this new structuring led by NSCGS was the implementation of a new strategy that intended to use illegal methods in the fight against the PKK. This strategy was designed by the Gendarmerie General Command under the name of the "Castle Plan" in the early 1990s when the support for the PKK started to rapidly grow among the locals after the Newroz incident (İnsel, 2000). It was claimed that the Castle Plan was submitted to the NSC by Commander of the Gendarmerie Lieutenant General Eşref Bitlis in 1991. It was later revealed that the same plan was brought to the attention of the Demirel-İnönü coalition during Turgut Özal's Presidency (Ibid). The Castle Plan proposed a "two-phased struggle against the PKK" to "eliminate" the logistic support elements as well as armed units of the PKK both in and out of the country. The plan included the assassination of the Kurdish businessmen believed to supply funding to the PKK, and the leftist Kurds suspected to support the organization. SOE Governor of the time Ünal Erkan claimed that many businessmen, including contractors, paid monthly tributes to the PKK on a regular basis (cited in Dözüğören, p. 422).

However, the plan was not executed until Çiller became Prime Minister (Ibid.). Following Çiller's statement, "We know the list of businessmen and artists subjected to racketeering by the PKK, and we shall bring their members to account" (Ibid), the number of unsolved murders increased significantly.

attacks or counter-terrorist operations. The Susurluk trial came before the State Security Court in Istanbul at the beginning of June 1997 and ended in early 2002. The charges against Sedat Bucak—for not having denounced Abdullah Çatlı, who was wanted by the police for setting up a criminal organization and for carrying weapons—were dropped because of parliamentary immunity. Charges against Mehmet Ağar were dropped for the same reason. However, İbrahim Şahin, and Korkut Eken, both were sentenced to six years in prison for creating and controlling a criminal organization. In the same year, several retired high-ranking army officials voiced their solidarity with Colonel Korkut Eken by declaring "He did what he did in accordance with the chain of military command" (*Hürriyet*, February 14, 2002). Eken was released after two years and five months of imprisonment. Other defendants, (police officers from the Special Task Force and Sedat Bucak's bodyguards who were also involved in the murders) were sentenced to four years in prison for forming a criminal organization. Several senior officials, including Kemal Yazıcıoğlu (the chief of the Istanbul Police between 1996 and 1997), were suspended from their duties but escaped criminal sanctions for his offense. After Ağar lost his political immunity in 2007, he was sentenced to imprisonment of five years on charges of "establishing an armed organization to commit crimes" in 2011 (*BIA News Center*, 2011, September 16). In April 2013, he was released on probation. For an extensive analysis of Susurluk Scandal, see Massicard (2010).

Table 13: Unsolved murders related to the Kurdish problem

Years	Number of Murders
1989-1991	41
1992	362
1993	467
1994	423
1995	166
1996	78
Total	1538

Source: Ersel et al., 2002 p. 433.

The report of the Human Rights Foundation of Turkey, which classified the unsolved murders according to the term of office of the Chiefs of General Directorate of Security, stated that 830 of the 1500 unsolved killings committed between 1991 and 1996 occurred during Mehmet Ağar's time (cited in Taygar, 1997). Ağar, as one of the chief executors of the dirty war officially launched against the PKK in 1993, responded to the criticisms by highlighting two points. Firstly, he stated that what has been done so far was merely "eliminating the threats against the security of the state through illegal means" (cited in İnsel, p. 5). Secondly, "he did not decide to deviate from the routine on his own" (Ibid).

It was later revealed that the state used two organizations during this period; one was established directly by the "deep" security cadres, the other was an organization with activities that were overlooked on the principle that "my enemy's enemy is my friend". The first organization was Gendarmerie Intelligence and Counterterrorism, abbreviated as JITEM; its existence was denied by the military authorities for a long time. The second one was the Turkish Hezbollah, a radical Islamist organization active in the Southeast.

Illegal Components of the Security State: Gendarmerie Anti-Terrorism Intelligence (JITEM) and Turkish Hezbollah:

JITEM was a department established within the Gendarmerie Intelligence Organization without any legal grounds. The existence of the organization was first exposed to the public

when disappointed JITEM members, who were promised impunity or extenuated sentences for their crimes¹¹⁶, disclosed its illegal activities to certain journalists and researchers.¹¹⁷

The existence of JITEM and its illegal activities have also been verified in official reports produced by parliamentary committees. These documents are the Susurluk Report produced by Chief of the Prime Ministry Inspection Committee Kutlu Savaş who was commissioned to investigate the infamous Susurluk accident happened on November 3, 1996; the Turkish Grand National Assembly ad-hoc Susurluk Committee Report and Minutes completed in 1997; the Parliamentary Investigation Committee's report on Unsolved Political Murders in Various Regions of Our Country dated 12 October 1995 and the "Susurluk Summary" of the Istanbul State Security Court General Prosecutor dated 30 January 1997.¹¹⁸

Hanefi Avcı, the Deputy Director of the Police Intelligence Department at the time, in his deposition to the Parliamentary Research Commission on Susurluk on February 4, 1997 said 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, JITEM

¹¹⁶ İbrahim Babat was one of the first informants of JITEM. He was apprehended in 1997 after an armed conflict in İstanbul and was sentenced to 17 years and six months of imprisonment instead of the promised sentence of 7 years. So, he petitioned to testify before the SSC in İstanbul, and Prime Ministry Inspection Board tasked with investigating the connections behind the Susurluk accident in November 1996. Babat's testimony was included in the Susurluk Report prepared by the Prime Ministry Inspection Committee. However, a significant part of his testimony was censored as "state secret" and extracted from the publicized version of the report. However, years later, the censored pages of the Susurluk Report were inserted in the indictment of the lawsuit publicly known as Ergenekon Case. Babat, in his confession, told that in 1990 there had been some radical alterations in the JITEM and some of the confessors following their release were enlisted in the JITEM Group Command as military personnel. He further added that in the meantime, an unlawful body was established under JITEM in which he was deployed. He also divulged their bombing activities that took place in 1991 (cited in Ertan Beşe, TESEV, 173).

¹¹⁷ One of the first studies on JITEM was Soner Yalçın's book titled *Binbaşı Erserver'in Anıları* (Memoirs of Major Erserver) compiled from the interviews he made with Major Erserver, a high-rank JITEM executive, who was executed in 1993 with two others from his team. First published in 1994, the book stated that JITEM was established in 1987 by Major Arif Doğan as a unit under Gendarmerie Intelligence Department and organized in İstanbul, Ankara, İzmir, Adana, Diyarbakır, Samsun, and Erzurum. In its cadre were assigned military personnel and PKK confessors freed in exchange for their participation in the organization. The book also revealed some of the assassinations committed by the PKK confessors who served in JITEM. Later, Cem Erserver's family friend, journalist Çetin Ağaç published a book titled *Jitem Gerçeği* (JITEM Reality). The appendix of Ağaç's work included two relevant official documents confirming the existence of JITEM. First of these was a letter of appreciation dated November 30, 1990, given to "JITEM Group Commander Senior Major" Erserver signed by Gendarmerie Commander of Public Security Major-General Köksal. The second one was the 1994 phone directory of Gendarmerie General Command which included the phone numbers of JITEM Group Commander and the JITEM units in the cities.

¹¹⁸ GNAT ad-hoc Unsolved Murders Committee Report referred JITEM as such: "We fail to understand the nature of JITEM's activities in the region. [...] It is seen that "some governmental bodies moved outside legal limits, abused their authority, and formed new structures by making use of legal loopholes." [...] The fact that JITEM 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 rule of law above everything to terminate the activities of this institution with no legal basis, an institution that deviated from its initial path and got involved in illicit activities." (Yedig 2005, November 20). Savaş's Susurluk Report made the following points about the organizations: "Although denied by the General Command of Gendarmerie, the existence of JITEM cannot be ignored. [...] JITEM had developed parallel to the southeast problem, which was more or less its *raison d'être*. [...] But the confessors and locals who were employed by JITEM 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."

official Cem Ersever began to operate in this manner” (cited in Beşe, p. 175). However, despite all the reports, books, official documents such as certificates of appreciation, governmental salary rolls, depositions, and personal testimonies, JITEM's existence was incessantly denied by the high-rank military authorities. The General Commander of Gendarmerie at the time and the former undersecretary of the NIO between 1988 and 1992, Teoman Koman, rejected the invitation of the Susurluk commission twice saying "We have no such organization!"¹¹⁹ Similarly, Former Chief of Staff Necdet Üruğ refused to answer the questions of the Research Commission regarding the mafia-state relations. Documents requested from the General Staff, Gendarmerie General Command, and other military units were also not submitted to the Commission. Many high-ranking military officials, including the Former Chief of Staff Doğan Güreş, made several written and verbal statements saying that an organization called JITEM had never existed (Beşe, pp. 171-172).

However, after Susurluk Report was made public in January 1998 by Prime Minister Mesut Yılmaz, the military authority had to change its allegations about JITEM. Yılmaz, upon reading the report became convinced of the existence of such an organization. Following his meetings with some military officials, he publicly announced that "JITEM does not exist anymore because it has been cleaned out” (Ibid., p. 173). Following Yılmaz's announcement, some military figures made several declarations regarding JITEM's dissolution.¹²⁰

After a long time, two incidents that occurred in 2005 brought JITEM back into the spotlight. In May 2005, a former PKK confessor was apprehended with a JITEM identity card while trying to extort tribute from a member of DPP, an active Kurdish party at the time ("İtirafçı Timurtaş yakalandı," 2005 May 5, *Radikal*). And on November 9, 2005, a bookstore (Umut Kitapevi) owned by an alleged former PKK member was bombed in Şemdinli, a district of Hakkari within the past emergency rule region. After the explosion which killed one and injured six, people gathered around, caught two noncommissioned officers (NCOs) and a civilian they thought to be related to the incident and handed them over to security forces. According to the media, during the search of the vehicle, the police found guns, bombs, military equipment and some files containing a list of names and addresses of various people labeled such as "potentially harmful" or "harmless." The civilian suspect turned out to be a former PKK

¹¹⁹ Mehmet Elkatmış, who took part in both investigation commissions on Susurluk incidents, told to the press in 2008 that they had encountered legal and practical impediments while investigating the chain of events leading to Susurluk incident. Elkatmış further stated that General Commander of the Gendarmerie at the time Teoman Koman had openly threatened him saying "This has become a power play between the Assembly and the military," in a letter he sent in response to the invitation of the commission. Elkatmış also noted that their request to examine the banking transactions of an alleged hitman (Mahmut Yıldırım codenamed "Green") were denied on the grounds that they were 'commercial secrets.' He also indicated that the NIO, like the military, did not provide any help ("Paşa tehdidi nasıl olur?", 2008, August 19, Haber5; "Elkatmış: Koman Paşa bizi yanılttı, 2008, August 19, *Yeni Şafak*).

¹²⁰ For example, former Commander of the Gendarmerie in the State of Emergency Region retired Lieutenant General Altay Tokat, stated in an interview that JITEM was a "public disclosure of an intelligence unit that fought against the PKK in the SOE 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" (*Zaman*, December 29, 2004.) The statement of (retired Colonel) Arif Doğan, said to be the founder of JITEM, gave on August 11, 2008, when jailed pending trial on the Ergenekon case is also important. As stated in the publicized parts of Doğan's affidavit, JITEM was "a structure established to be tried within the knowledge of commanders," and its operating field was the emergency rule region.

confessor and the other two waiting for him in the car from gendarmerie intelligence (Şemdinli İddianamesi 2006, p.74). All three were arrested. During the ongoing investigation, Commander of the Turkish Land Forces, Yaşar Büyükanıt, publicly stated that he knew one of the officers in person: "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" (Ibid.).

Hereupon, two parliamentary commissions were established to investigate the new allegations about JITEM. The first commission's report determined that the activities said to be carried out by JITEM deepened the Kurdish problem and increased the support for the PKK.¹²¹ The work of the second commission was recorded in the GNAT archives as "report not discussed (null & void)".¹²² In the meantime, the intelligence activities of the Gendarmerie Command were legalized and became official by Law No 5397 enacted in 2005.¹²³ With this law, JITEM assumed the name Gendarmerie Intelligence Organization (GIO) and gained legal status and the "surveillance" authority in its jurisdiction (Sarıbrahimoğlu, 2006, p. 102).

The second illegal body used by the military in the emergency rule region was the Turkish Hezbollah. Ruşen Çakır (2001), in his book titled *Derin Hizbullah* (Deep Hezbollah), asserted that the security forces did not interfere with this organization during the years the Turkish Hezbollah eliminated the militants of the PKK, considering the organization as its regional rival in the Southeast. According to Çakır, "although the state did not directly employ the Hezbollah, it has overlooked its attacks against the PKK militants and sympathizers (p. 76). Mehmet Ağar, during his term as the Minister of Internal Affairs, in a TV appearance, after underlining that "the state could not have an official policy such as cooperating with Hezbollah, he admitted that "some low-rank security forces might have "given Hezbollah militants a fair shake" (Ibid.). However, the incidents in the region have demonstrated the existence of a closer relationship between the state and the Hezbollah than Ağar claimed. For example, it would later come out that the heavy artillery, which was confiscated during an operation on Hezbollah in 2001, belonged to the army. Although some of the defendants were sentenced to three to seven years in prison for "being a member of a terrorist organization, no legal action was taken against the seized weapons. They were returned to the army (Cebe 2008).

Many killings committed by JITEM and Hezbollah members during the 1990s, were not brought to trial. In the same way, no criminal investigation has ever been launched against the members of the ultra-nationalist Special Operation Teams serving in the region despite the allegations of extrajudicial killings and human rights violations.

¹²¹ For full text of Investigation report on Hakkari Şemdinli, see, <http://www.tbmm.gov.tr/komisyon/insanhak/insanhaklari.htm>

¹²² See, "Geçmiş Dönem Meclis Araştırması Komisyonları Sorgu Formu" (Interrogation Form for Former Terms Parliamentary Research Commissions), Term/Lesigative Year: 22/4, Docket No: 10 / 322, 323, 324, Title: "Hakkari Merkez, Yüksekova ve Şemdinli İlçelerinde Meydana Gelen Olayların Araştırılması Amacıyla Kurulan Meclis Araştırması Komisyonu" (Parliamentary Research Commission for Investigating the Event Took Place in Hakkari Center, Yüksekova and Şemdinli Towns), http://www.tbmm.gov.tr/develop/owa/arastirma_onergesi_gd.onerge_bilgileri?kanunlar_sira_no=430

¹²³ See, Provisional Article 5 of Law No. 5397 on Ammendements on Some Laws of 2005.

1.3.3.4. Last Kurdish Initiative in the Security State: REFAH-YOL (WELFARE-PATH) Coalition Period

The last attempt to solve the Kurdish problem through political negotiations in the 1990s was made during the Refah-Yol coalition administration led by Prime Minister Necmettin Erbakan. In 1996 WP, after forming the government started the preparations to implement a new Southeast policy they had been developing for some time. They desired to adopt an approach that separates the identity demands of the Kurds from terrorism. The Minister of State at the time Abdullah Gül claimed the new policy would take its final shape by the end of the year. He further announced that they intend to change the old approach which has "fallen-behind-events," and execute "a new master plan" which takes into account the connection between the Southeast, terrorism and our borders" (Turkish Daily News, August 26, 1996; Hürriyet August 24, 1996). WP executives emphasized that they intended to implement a series of reforms which had been on the political agenda for years. Prime Minister Erbakan stated that they plan to coordinate and advocate the reform process in a comprehensive manner. Thus, the political and administrative components of the "Kurdish opening" would be finalized within 1996. The contents of the reform package were released to the public under five headings:

First of these headings was related to the Kurdish cultural rights. The government proposed to lift the official and arbitrary bans on TV broadcasting in Kurdish, the improvement of the Kurdish language and culture, and testifying at court in Kurdish.

Among the objectives of the coalition government was to narrow down the emergency rule region from ten to four cities located on the Southeastern border. The government stated that the extension of the emergency rule in these four cities was imperative for border security and that they intended to remove the emergency rule entirely from the region "when the conditions were right." WP announced that it would summon the Assembly to an extraordinary session to discuss the amendments to the related laws.

The third component of the government's plan was the dissolution of the village guard system in the southeast. The government proposed an amendment to the Law on Firearms to regulate the collection of guns possessed by almost 60 thousand village guards deployed in the Southeast.

The fourth component of WP's plan for establishing peace in the region was the proclamation of a partial amnesty for people who were sentenced for aiding and abetting terrorism. The aim was to release the ordinary villagers who had been convicted for providing shelter, food, and clothing to the PKK militants.

Lastly, having identified the root-cause of the Kurdish problem as the underdevelopment of the region, the government proposed to take economic measures specific to the Southeast.

In response to the government's new arrangements for sharing the responsibility of dealing with the Kurdish issue with the military authority, Chief of Staff İsmail Hakkı Karadayı, sternly warned Prime Minister Erbakan with the following words: "Any intervention to the military authority from out of chain of command would create weakness in the struggle against the terrorism. It is imperative and essential to include the views of the General Staff as a whole

in draft laws. Otherwise, both the fight against terrorism and the lifting of the emergency rule would be difficult" (*Cumhuriyet*, August 26, 1996).

The military leaders took the issue to the NSC meeting held on August 27th. The resolutions of the meeting once again confirmed the supremacy of the military authority over the civilian government. The statement of the military in the aftermath of the meeting explicitly indicated that the reform proposals of the coalition government were to be discarded: the government should "refrain from implementing policies which would weaken the good momentum achieved in the fight against terrorism" as well as "activities and initiatives which would instantly eliminate the measures which had been implemented for years." As had been the case for every former government, Erbakan, too, approved the decisions suggested by the military wing (*Hürriyet*, August 28, 1996).

The unnamed civil war in Turkey lasted until the joint U.S.-Kenyan-Turkish abduction of Kurdish Worker's Party leader Abdullah Öcalan in Nairobi on February 15, 1999. After Öcalan's arrest, the PKK declared a ceasefire and sent its members out of Turkey. During the same period, as part of the reform process following the official recognition of Turkey as a candidate for EU full membership, Turkey abolished the capital punishment and laid the grounds for Öcalan's extradition to Turkey.

1.3.4. Mass Kurdish Political Experience and Pressures

As demonstrated in Chapter III, during the 1990s many intellectuals, journalists, and writers, no matter their ethnic origin, were put on trial for their thoughts based on the Anti-terror Law. Similarly, many NGOs that evaluated the problem outside of the security paradigm were also suppressed by the security forces. Their alternative suggestions for a peaceful solution of the problem were publicly negated.¹²⁴

¹²⁴ Two reports which created serious public debates are of importance in this regard. First of these is the report commissioned by The Union of Chambers and Commodity Exchanges of Turkey (TOBB) to a research team led by Prof Dr. Doğu Ergil in 1995. Titled as "The Eastern Question: Diagnosis and Findings," this study aimed to assess the solution proposals of the people living in the region. It covered a total of 6 cities and 1,267 respondents selected from the Southeast. The findings of the study were as follows: First, the Kurds required the official recognition and the free exercise of their cultural identity. Secondly, they ask the state to address the problems of Kurdish citizens instead of prioritizing the PKK. Thirdly, the ultra-nationalist 'special operation teams' sent to the region on counter-insurgency missions repeatedly harassed and mistreated the civilians. Fourthly, village evacuations and destructions, as a part of a military policy aimed at denying a civilian base of support to the PKK, were alienating large segments of the Kurdish population living in the region. Similarly, the inhabitants were complaining about the adverse consequences of the village guard system. Consequently, based on these findings, the report suggested that the national solidarity should be built under a democratic system of government recognizing different cultural identities. The phrase "Turkish nation," should be replaced by the "nation of Turkey." The Kurdish reality should not be a taboo for the state anymore. As a final remark, the report also pointed out that seeing PKK terrorism merely as a public security issue was nourishing the organization (newspapers dated August 4, 1995). The report, which radically criticized the sanctions implemented in the region and the state's ideological approach to the problem, received a severe reaction from the military and some "civilian" circles. Prime Minister Çiller, who was known to be close to the TOBB president at the time Yalım Erez, publicly declared that she was not informed of the existence of such research and denied its relationship with her party. Meanwhile, the two of the central security actors of Turkey proceeded to discredit the contents of the report legally and publicly. Prosecutor's Office for the Istanbul SSC started an investigation as to whether the report contradicted the Article 8 of the Anti-Terror Law (*Cumhuriyet*, August 8, 1995). Whereas the General Directorate of Security officials,

Pro-Kurdish political parties which could serve as an alternative interlocutor to the PKK had their share of this repressive period. Despite their high vote rates in the emergency rule regions, all these political parties suffered from tremendous political and legal pressures of the security actors. Many members of these parties became the victims of "unsolved murders."¹²⁵

Turkey's parliament had deputies of Kurdish origin. These people however as Bruinessen asserted "usually refrained from expressing themselves as Kurds; at best they attempted to dispense patronage to their local constituencies" (van Bruinessen 1996, p. 20) However the Kurdish parties established from 1990 onwards, though avoided using the phrase Kurd in their names due to legal obstacles, aimed to represent the Kurdish nationalism in the political realm. However, due to the 10% threshold included in the Law on Political Parties by the September 12 regime, they were not able to get into parliament for a long time during the 1990s. Mostly preferred by Kurds living in the Southeast, because of their voter base and regions, these parties were identified with the PKK and due to the separatism allegations, either had to dissolve themselves or were closed by the Constitutional Court (*BIA Haber Merkezi*, 2009, December 12; *NTV*, 2009, December 8). The closure cases were brought to the European

who identified the report as "the crippled offspring of inbreeding," upon the instruction of Mehmet Ađar (the Director General of the Public at the time), publicized an alternative questionnaire, they conducted in the Southeast, immediately after the release of the TOBB report to the public. Results of the questionnaire, conducted by the Police Intelligence claimed to be carried out nationwide (in 79 cities) covering 4,170 respondents, were surprisingly in line with the state's discourse on the issue. Some of the results were as follows: "Reasons of terror in our country": 37% "Economic", 13% "Ethnic", 7% "Democratization" and 43% "International Terror". "Sources of terror": 22.4% "Western countries and Russia", 18.6% "Middle East countries", 50% "Both" and 10% "Other Factors". "Effectiveness of Terror": 7% "Successful", 21% "Unsuccessful", 10% "Preventable" and 7% "Other Factors." "Effectiveness of State Against Terror": 68% "Successful", 12% "Unsuccessful", 10% "State-Terror in balance" and 10% "Other Factors". "Suggestion for prevention of terror in general": 34% "New legal regulations", 11% "Physical measures", 50% "Increasing the public sensitivity", 5% "Other Factors". "Solution suggestions against PKK terror": 24% "Military solution", 14% "Political solution", 57% "Clear attitude towards neighboring countries", and 5% "Other Factors". Officials stated that this questionnaire was conducted "to understand public opinion, to direct intelligence activities and to shed light on assessments." They also stated that a similar questionnaire had been conducted in 1993, too. They added that "the comparison of the results of the two questionnaires revealed pleasing findings regarding security" (*Yeni Yüzyıl*, August 19, 1995). The second study which received negative reactions from the same circles was the report called "Democratization Perspectives in Turkey" (1997), commissioned by TUSIAD and prepared by Prof. Dr. Bülent Tanör. This report included many reform suggestions regarding the restructuring of political regime on the foundations of parliamentary democracy and the rule of law. To that end, the report stated that "for the demilitarization of the regime, the General Staff should be affiliated to the Ministry of National Defense and the National Security Council should cease to be a constitutional institution." The report also addressed the Kurdish issue and pointed out the necessity of extending the freedom of expression to debate on the problem. In this context, the report insisted on effective Kurdish political participation and criticized the closure of pro-Kurdish parties. Mentioned in the report were also provisions in the legal statute which disregarded the existence of a Kurdish identity which needed to be amended. The report received much criticism from conservative circles, especially from the General Staff (Muradođlu na).

¹²⁵ First of these unsolved murders was that of PLP Diyarbakır Provincial Chairman Vedat Aydın in 1991. Aydın who was a lawyer and human rights activist was taken from his home by two men claiming to be police. His body was found on a garbage heap a few days later. However, as stated by Van Bruinessen (1996) "while Aydın's assassination was the first, the most shocking and, in many respects, the most revealing case was the murder of Mardin Deputy of Demokrasi Partisi (DEP) Mehmet Sincar, on September 4, 1993 (p.20-21). He was leading an investigation on the unsolved political assassinations that had until then taken the lives of 53 members and local leaders of the HEP and DEP. He was murdered in the middle of the street in Batman together with another DEP member Metin Özdemir, right after the police teams escorting them lifted their protections for an "unknown reason" (Ibid., p.21).

Court of Human Rights (ECHR), and ECHR ruled that the European Convention on Human Rights was violated in all these closure cases (Fendođlu, 2011, January 3).

Table 14: Vote rates of Kurdish political parties in General Elections

Year	Vote Rates	Votes / Deputies	Political Parties
1991	Electoral alliance with SDPP	18 deputies	HEP (Halkın Emek Partisi- People's Labour Party)
1995	%4.17	1,171,623 / 0	HADEP (Halkın Demokrasi Partisi-People's Democracy Party)
1999	%4.75	1,482,194 / 0	HADEP
2002	%6.14	1,933,680 / 0	DEHAP (Demokratik Halk Partisi-Democratic People's Party)
2007	%3.92	1,334,518 / 22	Thousand Hope Candidates*
2011	%5.67	2,435,133 / 35	Labour, Democracy and Freedom Bloc**
2015	%12.96	5,847,134 / 80	HDP (Halkların Demokratik Partisi-People's Democracy Party)

Sources: Gathered from the websites <http://www.secim-sonuclari.com/> and bianet.org

* Independent candidates' bloc, an electoral alliance supported by Demokratik Toplum Partisi (DTP-Democratic Society Party) and several socialist parties (FSP, LP and SDP).

** Independent candidates' bloc formed by Barış ve Demokrasi Partisi (BDP-Peace and Democracy Party) with several other socialist parties.

The first political party of the Kurdish nationalist movement to get into parliament after 1980 was the Halkın Emek Partisi (HEP- People's Labor Party). Some SDPP deputies of Kurdish origin, who attended the Kurdish Conference convened in Paris in October 1989, were expelled from the SDPP in November 1989. Five more deputies resigned from the SDPP on November 23rd in protest of the expulsions. These protests were followed by mass resignations from the SDPP Diyarbakır organization. The HEP was established on June 7, 1990, by some former SDPP members and Kurdish intellectuals. In the 1991 general election, they formed an electoral alliance with the SDPP and got into parliament with 21 deputies. However, following the Kurdish oath-taking crisis in March 1992 and the events that led to the death of 110 people at the Newroz Festivities on March 21, 1992, 18 HEP deputies resigned from SDPP upon the request of SDPP Leader Erdal İnönü. On July 3, 1992, a closure lawsuit was filed against HEP. HEP deputies, who resigned from the SDPP, joined the Demokrasi Partisi (DEP-Democracy

Party) established on May 7, 1993, in case HEP was closed. The Constitutional Court ruled unanimously in favor of HEP's closure on July 14, 1993. About eight months after this incident, in March 1994, parliamentary immunities of 13 DEP deputies were lifted by the GNAT General Assembly. Of these deputies, Leyla Zana, DEP Leader Hatip Dicle, Orhan Doğan, and Selim Sadak were sentenced to 15 years on charges of treason and affiliation with the PKK and served ten years of their sentences.

Hereafter, they continued to run in elections with several new parties, each established as a substitute to another. It took until 2007 for the Kurdish political movement to get into parliament again. At that time organized under the name of the Demokratik Toplum Partisi (DTP-Democratic Society Party), the Kurdish nationalist movement changed strategy to overcome the 10% threshold and ran in the 2007 general elections with independent candidates supported by an electoral alliance with three other socialist parties, Labour Party (EMEP), Freedom and Solidarity Party (ÖDP) and the Socialist Democracy Party (SDP). The alliance named "Thousand Hopes Candidates" polled strongly in the south-east, winning 3.81% of the national vote and managed to win 20 seats in the parliament. However, on November 16, 2007, the Prosecutor's Office for the Supreme Court filed a lawsuit asking for the closure of the DTP since it allegedly became a hub of activities against "the indivisibility of the state with its territory and nation." The DTP was closed on December 11, 2009, by the Constitutional Court order. The Constitutional Court also banned 37 persons from politics for five years and expelled the party leader from the parliament.

The Peace and Democracy Party (Barış ve Demokrasi Partisi-BDP) was established on May 2, 2008, as a backup for DTP. BDP received 5.7% of the nationwide votes in the 2009 local elections and won 99 mayorships. Like its predecessor, it ran in the elections as an independent bloc. BDP formed the Labor, Democracy, and Freedom Bloc (Emek, Demokrasi ve Özgürlük Bloku) with almost 20 socialist parties and movements and participated in the 2011 elections with this broad alliance. The Labor, Democracy, and Freedom Bloc ran the elections in 41 cities with 65 independent candidates and won 35 seats in the parliament. These parties continued their efforts to improve the collaboration and organize an extensive opposition. They extended this collaboration by convening a congress in October of 2011. Named as the Peoples' Democratic Congress (Halkların Demokratik Kongresi) it was convened by the participation of 820 delegates from 81 cities, comprised of representatives from socialist parties, unions, women movements, LGBT, environmental movements, rights-based NGOs, and various religious minorities living in Anatolia. This movement organized another congress on October 27, 2013, and became a political party called the Peoples' Democratic Party (HDP-Halkların Demokratik Partisi). HDP won 12.9% of the votes in the June 7, 2015, general elections and became the first political organization aiming to solve the Kurdish issue to get into parliament as a political party.

1.4. Political Islam as the “new” enemy

1.4.1. Islam fear of Turkey’s founding ideology

Leaders of the New Republic launched the nation-building project by further advancing the process of modernization and Westernization that had started in the late period of the Ottoman Empire. A large part of this effort was dedicated to the secularization of the state. The aim was to replace the Ottoman society, which was composed of autonomous religious congregations organized around a faith-based hierarchy with a nation-state model based on equal citizenship with a determined central authority (Berkes 1998). During the early years of the republican era, the Caliphate was abolished; religious orders and institutions were closed down; religious schools and education were banned; Sunnah Islam was put under the state control; the use of religious speech, propaganda, and organization for political purposes was outlawed; the shari'a was abolished; a Western civil code was enacted that gave women equal rights with men; and the power of the ulema (learned men of religion) within the state administration was eliminated (Toprak, 2005, p. 169-170, Ahmad, 1993, pp. 52-71; Zürcher, 1996, pp. 271-283).

The modernization process and policies, along secularist lines, as Dağı (2005) stated "resulted in the exclusion of Islamic leaders, groups and thought from the centers of power, eliminating appearances of Islam in the public sphere" (p. 23). Although in the 1920s and 1930s some Islamist groups revolted against this new role attributed to religion by the Republican elites, the forces of the new regime managed to repress them in a short time and consolidate its power (Toprak, p. 170).

For the Islamists, "the republican reforms made it clear that it was not the West per se but the westernizers and the westernization program that swept them away from the centers of political and social order. They felt not only excluded but also that their identity and discourse were being de-legitimized and marginalized in the process of radical secularization in which Islamic social space was threatened by the sweeping program of republican westernization" (Dağı 2005, p. 23). The disagreement over the role of Islam in public affairs had reflections on political life the moment the system opened for competitive politics. Toprak indicated that of the 24 parties founded in that period, eight had Islamic themes in their programs (p. 171). By 1950 only one, the Nation Party (Millet Partisi), could gain enough support to enter the elections. However, it could only emerge with a single seat in the parliament. The Islamist votes went to center-right parties that offered a sound economic program along with cultural policies that were designed to appease the Islamists (Ibid.).

In the process of restructuring Turkish politics following the 1960 military intervention, Islam's political appeal increased. However, it was not until the 1970s that an explicitly religious party was able to make any headway in elections. The first outright political expression of political Islam was the establishment of the National Order Party (NOP) (Milli Nizam Partisi) under the leadership of Necmettin Erbakan established on January 6, 1970.

NOP was a new political organization representing the interests of small and medium-sized conservative business owners of Anatolia against the big business gathered in central cities such as Istanbul and Izmir. The main factor triggering this political movement was the increasing pressure from the monopolized industrial bourgeoisie, which was affiliated with

international companies, on the merchants and notables of the rural areas in the early 1970s. Anatolian merchants have become, as Çavdar put it, "agencies" of these national monopolies at that time (Çavdar, 1983, pp. 2093-2094). JP's generous capital-favoring policies during its government had deepened the conflict of interest between the center and the periphery. These groups turned away from the West insofar as they could not integrate with the center economically and culturally and expressed their economic discontent through a political discourse they legitimized with religious motifs. Defining itself as "nationalist and religious," NOP adopted a discourse proposing to restructure the social and cultural life in line with Islamic values and principles. This movement managed to obtain considerable support from leading religious orders and congregations such as Naqshbandi, Nur Movement, and Kadirîlik (Çakır, 1990).

However, NOP was closed immediately after the March 12 intervention for promoting policies against secularism. Although it was the only other party closed by the March 12 regime along with WPT, NOP's executives and supporters were spared the pressures exerted on WPT. A short while after the NOP was closed during the interim regime (October 11, 1972) the same group was permitted to establish a new political party named the National Salvation Party (NSP).

There were three main reasons for the military authority to allow the founding of the NSP. The first one was the potential to utilize Islamic teaching against the propagation of communism in line with the Cold War mission. The second reason was related to the army's distrust of the Justice Party (JP), which was the successor of the Democratic Party (DP) overthrown by the 1960 coup (Batur, 1985). Authors of the March 12 memorandum were expecting that the NSP would divide the rightist votes and weaken JP. Thirdly, NSP cadres, particularly Necmettin Erbakan were loyal to the statist tradition. Moreover, NSP cadres had adopted a relatively moderate Islamic rhetoric, and its seeming mission was to "legitimize Islam as part of modern and political life" (Sarıbay, 1999, p.74). Military power believed that NSP's integration with the political system would prevent the Islamist groups from radicalizing and posing a threat against the regime.

1.4.2. Islamism after the 1971 memorandum

In the 1970s, the NSP formulated its ideology as "Milli Görüş" (National Outlook-NO). The term came to be used as the name of the movement to differentiate it from what NSP leaders called the "Western Club." According to the NSP leaders, all the other parties were members of the "Western Club" and could not develop solutions to problems unique to Turkey (Toprak, p 182). The fact that the NOP was closed after the 1971 coup for its prior Islamic references led the Islamists to develop a new linguistic strategy during this period. To differentiate itself from the "Western Club" the NSP used words such as "Ottoman" and "tradition" instead of Islam (Dağı, p. 24), thus, filling the gap left by Islamic references with those borrowed from the Ottoman past. In that respect, the "national" in the party's name corresponded to the Ottoman "millet system" based on confessional communities and challenged the universal nation definition of the Republic. The NSP, similar to the Islamist counterparts in the last period of the Ottoman Empire, also drew a line separating the civil and moral content of the West from its

technological progress and advocated for a developmentalist policy regime (Turan 2012, 489-495). Rapid engagement of the country in heavy industry constituted the basis of the economic policy of the Islamists in this period. Meanwhile, its promise for the poor was confined to increasing social welfare by decreasing inflation (Ibid., p. 171). Its profoundly bold foreign policy promises included the establishment of alternative institutions to those in the West, such as United Muslim Nations, Muslim Defense Alliance, Muslim Common Market, and an Islamic currency and making Turkey one of the leading countries of the world by assuming the leadership of the Muslim world. The only democratic claim it made was that the Muslims who formed the majority in the country should have more say in its government. This poor conception of democracy has always been the problem for all parties established within or after the National Outlook tradition, which came to power by addressing religious-conservative votes (Toprak p. 175).

The NSP was relatively successful at the polls in the 1970s under Erbakan's leadership. It received 11.8 percent and 8.6 percent of the votes in the 1973 and 1977 elections, respectively, and joined in all coalition governments between 1973 and 1980, becoming an important political actor in Turkish politics. However, the NSP was closed like all other political parties with the 1980 coup, and its leaders were banned from politics. When a parliamentary system was put in effect again in 1983, while some politicians from National Outlook tradition joined MP, the others established a new party of under the name of the Welfare Party on July 19th, 1983.

1.4.3. The Rise of the Welfare Party

As paradoxical as it seems, it was the military policies after the 1980 coup that reinforced political Islam in Turkey through two means. The first of these, as explained in Chapter II, was the TIS project implemented parallel to the Green Belt doctrine. The second and more important one was its direct support for the implementation of January 24 Decisions, which brought about a radical transformation in the economic structure of the country. This shift, which dragged the country into the neoliberal globalization wave rising in the 1980s, had far-reaching destructive effects on large groups of the society as it had in many countries. Neoliberal globalization resulted in the "termination of the Keynesian agreement based on capital-labor collaboration after the Second World War," which was supported by the welfare state (Palley 2005), and caused the nation-state and local labor to lose their bargaining power against the international capital and multinational companies. The effects of this process were felt much more severely in third world countries, which in comparison to those in the West or the Far East had much lower per capita income and public resources, and which went through this process in a much more unplanned and hasty manner (Stiglitz 2002, p. 5).

Social-democrat parties advocating for the workers, peasants, low-level clerks and the poor classes against unemployment and erosion in income distribution, failed to achieve any progress because of their limited range of maneuver on an economic level. In the end, the demands of the globalization victims were left unclaimed by the traditional political parties. This political void was filled with either extreme nationalist or religious movements (Öniş

1997). During this period, in which cultural pluralism and democratic values were simultaneously on the rise worldwide, individuals and communities feeling vulnerable about their future, started to express their neglected identities and organize around them. The most striking of these identity-based movements was political Islam. However, it would be misleading to assert that political Islam was adopted as a way of expression only by the poor and marginal social classes who had fallen victim to globalization. Prominent studies on this subject, point out that in the 1990s also involved in these movements were well-educated big city dweller professionals and intellectuals, as well as businessmen working with modern, technological methods (Yavuz 2009, 51; Genel & Karaosmanoğlu 2006, 476; Çarkoğlu & Kalaycıoğlu 2009, 101). Moreover, despite their modernist leanings and having achieved a considerable rise in their social status, these groups had not found a place among the elites shaping the political system they live in. Therefore, these people, who may be called a "secondary elite" or "new bourgeoisie" revolved around a common Islamic identity to reinforce their socio-political status. In the 1990s, although in different ways, the shared trait between the poor who had adopted the new consumption patterns and the "secondary elites" who enjoy the benefits of modern city life was "exclusion." This shared feeling of being excluded from the political life found a way of representation in political Islam. In other words, political Islam became a protest movement which gradually strengthened as it was shared by different social classes (Öniş, pp. 748-749). The post-1980 neoliberal economic structuring supported by the military disrupted the capital-labor balance in favor of former in Turkey. This economic restructuring process, which had its reflections in the related articles of the 1982 Constitution, although achieved about 5% annual real growth in the gross national product during the 1980s, caused grave deterioration in the income distribution.

During this phase in which the labor market was disciplined through legal means (suspending union activities, banning strikes, litigating DİSK executives, replacing collective bargaining with High Board of Arbitration for wage determination, anti-labor articles of *the* 1982 Constitution, the Law on Collective Bargaining, Strike and Lock-out, etc.), all price controls were gradually removed. The immediate effect of economic liberalization was a serious increase in the general price levels, which consequently caused deterioration not only in real wage rates, but also retirement bonuses, severance pays, and agricultural subsidies (Boratav 1995, p. 163). The unions, particularly those affiliated with Türk-İş which were closely tied to the state through corporatist methods, could not have any influence until 1988 (Ibid.). According to Boratav, the Özal period were the years during which a 'corrupt' populism was in its heyday. As far as the poor urban groups are concerned, the chief objective of these policies was to create large masses of voters who "lack any class consciousness yielding to the program and ideology of the capitalist class" (pp. 164-165).

City municipalities, of which majority was won by the ruling party at the 1984 local elections, played a key role in realizing this strategy. Title documents and deeds of informal squatter settlements, zoning exceptions and pardons for illicit urban acts, and construction permits lacking any framing urban planning vision enabled rapid urbanization to reach the impoverishing urban classes and as a consequence created high expectations (Ibid., p. 165). Rural poor continued to migrate to cities with the desire to profit from urban rent revenue.

However, the immigrants' work skills were low-quality for the urban production processes. As a result, these groups were drawn to low-skilled informal sector jobs (Peker, pp. 171-181).

On the other hand, the abundance of the imported consumer goods brought about by the liberalization influenced all social classes. These policies implemented without giving any compromise to class-based economic demands resulted in the emergence of a massive "urban poor consumer population living in squatter houses (Boratav, p. 165). During the TPP-SDPP coalition government, particularly during Tansu Çiller's prime ministry, neoliberal policies were followed with the same fanaticism. Impoverishing deepened with ever increasing inflation and successive economic crises during the 1990s hence accelerated the rate of migration from the periphery to the cities.

As previously mentioned, forced migration of the villagers living in the conflict regions in the Southeast further aggravated the situation. Overcrowding of the cities increased unemployment and worsened the income distribution. In the face of these developments, coalition partner SDPP, despite its social democrat identity, showed no presence on the economic platform and merely approved Çiller's decisions. The public support SDPP gained by its "clean government" discourse, depreciated because of the corruption allegations raised against its municipalities, particularly those in the metropolitan areas.

In the early 1990s at a time when income inequality and lack of social justice became the two dominant social issues in the country, the WP managed to attract the attention of the ostracized groups struck in a poverty trap with the slogan "Just Order" (Adil Düzen). WP emerged as the first party in 1995 General Elections with 21.38% of the votes while the SDPP decreased its votes from 20.75% to 10.75%. However, the WP voters were not solely comprised of the poor. Parallel to the aforementioned global developments, in Turkey too, by the 1990s the WP was backed by a new Islamist bourgeoisie, which until then had become an influential capitalist group. This new class was comprised of numerous conservative groups of Anatolia which had rapidly enriched under the unregulated free market conditions, owing largely to the massive inflow of Green Capital in the 1980s (European Stability Initiative, 2005)

In 1990, a group of young businessmen among these new capitalists established an association named MÜSİAD (Independent Industrialists' and Businessmen's Association). The association, reaching up to 3,000 members of large and medium-sized companies in a short time, became an alternative pressure group to TÜSİAD, which had the biggest conglomerates of Turkey as its members (Buğra 1998; Gülağ 2001). MÜSİAD, contrary to TÜSİAD, at least for the time being, was against the Customs Union and EU. In economic and foreign affairs, in line with the WP's rhetoric, it was favoring a rapprochement with the Islamic countries and advocating an "Asian-Tigers" style capitalist model (Öniş, pp. 759-760). WP, established as the heir of NSP, became the voice of this new interest group in the political arena. MÜSİAD members, on the other hand, provided the necessary funding for WP to offer to the poor in exchange for their vote (Eligür 2010, pp. 201-209).

1.4.4. February 28 Period

When the WP became the leading party in the wake of the 1995 national elections and formed a coalition government with TPP in 1996, the military opened up a second front in the domestic realm. As Cizre and Çınar (2003) rightly suggested, the military "took the accession of the WP into government as confirmation of its belief that Islamist reactionism, *irtica* in Turkish, had become a substantial threat to the secular character of the Republic" (p. 309). By classifying the Islamic groups as the number one internal enemy of the country and denouncing the WP as their ultimate advocate, the principal goal of the military leaders was to overthrow the government and fortify the secular system. Consequently, to that end, the military wing of the NSC indirectly forced the Erbakan led coalition government to step down by imposing the prime minister a list of measures at a February 28, 1997, meeting of the council. In Turkish political literature, the phrase "February 28 process" indicates both "the far-reaching implications of the NSC decisions" and "the suspension of normal politics until the secular correction was completed" (Ibid., p. 310).

In this process, the military as the sole determiner of "all standards for measuring and judging" the scope of the Islamist threat, has formed new security devices for the sake of combating it. These new institutions have afforded the TAF an immense scope to influence, this time not only the political decisions but also public policy without any oversight of any kind. In doing this, it once again took advantage of his extensive legal authority to redefine the national security priorities (Ibid., pp. 321-322).

While the security state was reaching into the deepest pockets of political, social, and economic life, all the political parties, mainly the WP, chose to turn a blind eye to the tutelage problem in the political system. As Toprak indicated (2005) through its short-lived government "squeezed between exigencies of attempting to become a "catch-all party" of the center-right versus the expectations of its radicalized followers", the WP leadership "found it expedient to abide by the rules of the secular Republic in its policies, on the one hand, and to 'play to the tribunes,' as the media called it, by using a radical discourse to its followers" (p. 173). Hence, this duplicitous strategy of the WP, while polarizing the society as "seculars" and "Islamists," also gave an ideal pretext to the military for suspension of normal politics and refashioning the country's political and social life.

The following section analyzes this process in the context of further institutionalization of the national security state in Turkey.

1.4.4.1. The Army's Reactions to the Election Results

The time that the military elevated Islamic reactionism as the number one threat to the national security of Turkey coincided with the WP's electoral success in municipal elections that took place on March 27, 1994. WP won a total of 327 municipalities including the local administrations in six major Turkish cities (İstanbul, Ankara, Diyarbakır, Erzurum, Konya, Kayseri). It appeared in the press that the General Staff was very perturbed by the results. Higher ranks of the military interpreted the WP's victory as "doping of the masses through religious exploitation." Commanders stated that if the WP "doubled or tripled its seats in the parliament

in the upcoming elections, their unrest would escalate considerably" (Değer, 1994, April 1). Similarly, the election results came as a huge shock for the judiciary circles. The Attorney General of the Istanbul SSC Ahmet Köksal warned the public against the imminent "irtica threat" (*Milliyet*, April 2, 1994). Arcayürek, who was then the advisor to President Süleyman Demirel, remarked that the General Staff assigned a polling firm to assist them to predict the upcoming general election results (cited in Aslan, 2016, p. 367).

Then followed the reports of the NSCGS and the NIO on fundamentalist threat presented to the coalition government of the time at NSC meetings one after another (cited in Güner 1995, February 25). Political parties were reminded of the possibility of a coup with the implication that the civilian politics should eliminate the "irtica threat" before the military takes action. TAF increased the pressure right before the 1995 general elections. The military warned the public against the Islamic threat, by way of retired military officers who showed up on media channels at every turn, directly pointing the finger at WP. However, the warnings did not work out, and WP emerged as the first party in the general elections with 21.4% of the votes. When the vote distribution obliged the parties to form a coalition government, this time the military leaders compelled the other political parties to refrain from joining in a coalition government led by WP.

As expected, President of the Republic Demirel first appointed WP leader Erbakan to form a government. However, Erbakan turned empty-handed from his meetings with the political party leaders. TPP leader Çiller was then appointed to form a government. She also failed to achieve any result in her search for a coalition partner. Then the assignment was given to MP leader Mesut Yılmaz. Yılmaz came close to making a deal with the WP, which desired to come to power under any circumstances. However, the military hierarchy blocked this alliance behind closed doors. High ranking officers warned leaders of the two center-right political parties, TPP and MP against the "unpleasant" consequences of a coalition with the WP through informal means and urged them to reconcile and form an anti-WP government as soon as possible (Kalemlı 2002). Mustafa Kalemlı (2002), the Chairman of the GNAT of the time stated in his memoirs that Chief of General Staff İsmail Hakkı Karadayı visited him to express the military's reservations on the WP and asked him to convey their concerns to other political leaders (p. 245). Karadayı, in the same period, also paid a visit to Çiller and delivered the military's demand for an MP-TPP coalition personally to the TPP's Chairperson (Yüksel 2005, p. 12).

The military's intervention in the coalition talks yielded the desired result. MP and TPP formed an artificial coalition with the additional pressure of big capitalist circles and their media organs. The MP-TPP coalition government led by Prime Minister Mesut Yılmaz assumed office on March 12, 1996. However, it was short-lived due to the keen rivalry between Çiller and Yılmaz. This condition presented the WP with an outstanding opportunity. First, the WP, based on procedural irregularities, appealed to the Constitutional Court for the annulment of the vote of confidence. Then the party brought corruption dossiers on TPP leader Çiller to establish a special investigation committee. Yılmaz, who had leaked some of the incriminating documents to the WP, took advantage of this opportunity to eliminate his chief rival and joined the WP in the process (Yavuz, 2003). Not surprisingly, the coalition dissolved on June 6, 1996. When

Erbakan once again was entrusted with the task of forming the government, Çiller was cornered with the parliamentary inquiries that could lead to her impeachment by the Supreme Court. Erbakan persuaded Çiller to take part in his coalition government in exchange for her acquittal from all corruption charges (Akpınar, 2001, pp. 41-52). Eventually, the WP-TPP coalition government was formed under the leadership of Erbakan on June 29, 1996. Called as Refah-yol government, this coalition would come to be the most contested partnership in the entire political history of Turkey.

1.4.4.2. Military-Government Conflict during the REFAH-YOL Period

Throughout the Refah-yol government's term, high ranks of the military went on expressing their "sensitivity" about secularism and reminding to both the politicians and the public their "protective" and "regulatory" position in the regime at every opportunity. Graduation and handover ceremonies of military schools, national holidays, etc. were considered as opportunities for warning the public to be on their guards against the dangers facing the secular regime of Turkey.

Commanders attempted to subdue the government right off. Only three days after the Refah-yol government won the vote of confidence, Chief of Staff İsmail Hakkı Karadayı paid a visit to Prime Minister Erbakan. On 23rd of July, Erbakan was invited to the General Staff Headquarters for a briefing on subjects that entirely challenged the party's political messages. In the briefing, the military authority highlighted the TAF's "concerns about separatist and extreme religious activities aimed at annihilating the Atatürkist, secular and democratic order." Erbakan was also warned against the support given to the PKK and Islamist terrorist organizations by some neighboring countries, notably Iran and Syria. Moreover, the military informed the prime minister about the benefits of the military cooperation agreement, which was to be signed with Israel, a settlement which was met with grave criticism by the WP's social base (Hürriyet, 1996, July 24).

Erbakan, during his term as prime minister that lasted less than a year, accepted the military decisions on some fundamental state policies despite the opposite declarations in its party program. For instance, he signed the military cooperation agreement with Israel without any objection. Although having openly opposed to Turkey's membership to the Custom's Union, he was the one to announce that it would be for the benefit of Turkey to stay in the trade bloc. He even gave his approval to the dishonorable discharges of soldiers presumed to have connections with Islamists circles.

On the other hand, WP leadership, to preserve the support of their followers, took a series of highly provocative steps in domestic and foreign politics. The most sensational incidents that contributed to perception of rising reactionary movement against the secular structure of the Republic included the followings: plan to build a mosque on Taksim Square; decision to open Hagia Sophia to worship; initiatives to lift the headscarf ban in universities; the iftar (breaking the fast during Ramadan) at the Prime Ministry given to the sheiks of religious brotherhoods; visits to Libya and Iran, the two states listed as terrorist countries by the USA and known for their support to the PKK; initiation of relations with Islamist groups

such as Algerian Salvation Front, Palestinian Hamas, Lebanese Hezbollah, and the Egyptian Muslim Brotherhood; meetings with the Muslim Brotherhood held in Turkey; and the plan to jointly produce helicopters with Iran.¹²⁶ Pro-sharia statements and demonstrations of the WP's provincial leadership cadres further damaged the credibility of the party in their commitment to democracy among the military and secular circles. WP has regularly been accused of doing "takiyye," the right of Muslims to hide their true beliefs in hostile milieus.

WP's voluntary collaboration with the military in defense of the state's interests did not help the party gain legitimacy in the eyes of the security actors. Among the most telling examples of this cooperation were voting yes on lifting the parliamentary immunities of DEP deputies to dissolve the party, turning down the Amnesty International's request to deploy a representative in Turkey, and above all discrediting the spontaneous protests broke out after the Susurluk Scandal (Toprak, 2005, p. 176).

The military demanded Islamist reactionism threat be included in the NSC's agenda for the first time at the NSC meeting held in August 1996 (Bölügiray 1999, p.33). At around the same time, Higher Judicial Bodies also made anti-WP statements. The President of the Court of Cassation Müfit Utku, in his speech at the judicial year opening ceremony held on September 6th, directly aimed at criticizing the Prime Minister and government. He stated that no one has ever possessed the power to "establish sharia in Turkey" (*Hürriyet*, 1996, September 7). At the same ceremony, President of the Union of Turkish Bar Associations Eralp Özgen made similar statements saying that the country was being governed by "a mentality" which was "misusing religion for political gains" (Ibid). The leader of the main opposition party, Mesut Yılmaz, and the chief of general staff also spoke of the "rising reactionary danger" and the "obligation of protecting the secular state." The current emphasis made on these themes was an early warning of the upcoming campaign against the coalition government.

General Staff General Secretary at the time Erol Özkasnak after his retirement, stated that the February 28 process started with the briefing given to President of the Republic, Süleyman Demirel on January 17, 1997. It was the first time in Turkish history a Turkish President was summoned for such a briefing to the General Staff Headquarters. At the briefing, the commanders told Demirel that reactionary activities had become a top priority issue for the military and that the General Staff would start making the necessary changes in TAF's internal regulations according to this new situation. Indeed, in April 1996, TAF declared that it made an adjustment to the National Military Strategic Concept (NMSC), a military document that evaluates threats to Turkey. By this change, internal threat ranked above the external one for the first time in the history of the Turkish Republic (*Hürriyet*, 1997, April 30). Obviously, what was meant by internal threat was the rise of political Islam, hence the ruling party WP. The new NMSC "stipulated the need for suppression of subversive fundamentalist activity by military

¹²⁶ The invitation of the President of the Republic of Iran Hashemi Rafsanjani to Turkey was another radical divergence from the traditional foreign policy of Turkey. A joint helicopter production plan with Iran received a harsh reaction from the USA. US Ambassador to Ankara visited the Ministry of Foreign Affairs and delivered a verbal note stating that the USA would unquestionably oppose such an agreement with a terrorist country (*Hürriyet* 1996, December 20).

force if necessary" (Aktan & Koknar, 2002 p. 266). At the Supreme Military Council, Erbakan approved this text which aimed at toppling him and his party (Bayramođlu, 2002, p. 43).

On 22-24 January 1997, top-ranking generals met at the Navy Command in Gölçük for a war simulation. There, they decided to give an official warning to the government within legal boundaries. At the NSC meeting held on January 27, 1997, the military leaders once again demanded fundamentalist threat to be included in the following meeting's program. Upon the insistence of the commanders, President of the Republic Demirel agreed on putting the military's proposal on the agenda of the February meeting.

Having been deeply concerned about the military's determination, the Minister of Industry and Commerce at the time, Yalım Erez, warned Çiller against the possibility of a coup. Çiller's response to Erez signified that the USA had been following the developments closely. Çiller said to Erez, "Don't worry. I talked to the American government. There is no need for concern. There can't be a coup at this time and age" (cited from Ergin by Yüksel, p.58; *Hürriyet*, 1997, August 23).

On 4 February 1997, a sudden incident happened in Ankara. Tanks roamed the streets of Sincan, a conservative suburb of the capital. The official explanation by the military was that tanks were on their way to a regular military exercise. However, everybody knew that it was a reaction to an event held on January 30th organized by the WP Mayor of Sincan, Bekir Yıldız. So-called "Jerusalem Night," the performance was a continuation of a tradition started by Iranian Islamic Revolution Leader Ayatollah Khomeini to commemorate the occupied Al-Quds. For the event, a tent similar to the one in the Al-Masjid Al-Aqsa in Al-Quds was set up right across the Atatürk bust in the Sincan Square, and Iran Ambassador Muhammed Rıza Begheri was among the guests. In the play, the performers protested Arafat, repeated the statements of the militant Hezbollah and called for the return of Shari'a. In his speech he made at the event, Mayor Yıldız said that "a country with 99% Muslim population has already recognized sharia" (Akpınar, 2001, pp. 166-169).

On February 21st at the American Turkish Council meeting in Washington, The deputy chief of staff at the time, General Çevik Bir made the following comment on the incident: tanks moved on the streets of Sincan to "finetune Turkey's democracy" (Ercan, 1997, February 21). In the NSC meeting held exactly one week after Çevik Bir's statement, Turkey experienced its first "postmodern" coup.

1.4.4.3. February 28 Post-Modern Coup

The term 'postmodern coup' was coined by Türker Alkan, a professor of sociology and columnist (1997, June 13). It later became the main indicator of the period. The February 28 postmodern coup was certainly the fourth coup in Turkey. However, it was the first serious intervention, which aimed at ousting not only one or all political parties but also the lifestyles and belief systems of their supporters. In other words, this coup was not simply an intervention against a specific political target nor was it staged to establish a particular political order; it aimed at banishing the civilian society that created the source of that power and its potential to transform the system. The Islamist threat was different from the Kurdish threat in the sense that

it could not be eliminated by armed struggle. Thus, the methods to fight it had to be different. The war had to be waged both in the political and social arenas, hence required partners. What made the February 28 intervention postmodern, as stated by Sariibrahimoğlu (2008) "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 organizations (NGOs)" (p. 70). In this context, the conservative, religious, and Islamist groups who were relatively protected in the previous military coups would be subject to intense attacks in all their deeds.

NSC Decisions

The infamous NSC meeting on February 28, 1997, was very tense and lasted approximately for nine hours, (Donat, 1999, pp.407-408). At the beginning of the meeting, the military leaders presented a report that underlined the following assessments (Bölügiray, 1999, pp. 34-35):

- "The purpose of these movements, which identify the democratic and the secular Republic of Turkey as enemy is to establish an Islamic State run by Shari'a law in Turkey.
- The fundamentalist movements anticipate achieving this objective in three stages: notification, congregation, and cihad. In the end, they aim to establish an Islamic State by motivating people to join an armed uprising.
- Religious orders have become institutions exploited by some self-seeking interest groups.
- Having adopted more modern organization models, on the other hand, the religious movements aspire to address a broader population through associations, foundations, Qur'anic courses, private dormitories, university prep schools and private colleges.
- Hezbollah and İBDA-C (The Great Eastern Islamic Raiders' Front) are Islamist terrorist organizations, which organize around some bookstores and magazines.
- Some NGOs provide support and funding for the religious movements."

Afterwards, the military leaders compelled the Refah-yol coalition to adopt a list of measures to be implemented right away. These resolutions had been previously drafted after the NSC meeting in December 1996, by the office of the Chief of General Staff (Rubin and Kirişçi, p. 19; Aslan, 2016, p. 368). Handed to the government as a document titled "The Measures to be Taken Against Religious Reactionist Hostilities Against the Regime," the military resolutions included 18 articles as follows (cited in Yavuz, 2003, pp. 275-276):

1. The principle of secularism should be strictly enforced, and laws should be modified for that purpose, if necessary.

2. Private dormitories, foundations, and schools affiliated with religious orders must be put under the control of relevant state authorities and eventually transferred to the Ministry of Education.
3. An eight-year uninterrupted primary education system must be implemented across the country, and necessary administrative and legal adjustments should be made so that Qur'anic courses, which children with basic education may attend with parental consent, operate under the responsibility and control of the Ministry of Education.
4. National education institutes charged with raising enlightened clergy loyal to the republican regime and Kemal Atatürk's principles and reforms must conform to the essence of the Law on Unified Education.
5. Religious facilities built in various parts of the country must not be used for political exploitation, and such facilities must be built in coordination with local governments and relevant authorities.
6. Activities of religious orders banned by law no. 667, as well as all entities prohibited by said law, must be ended.
7. Media groups that oppose the military and depict its members as inimical to religion should be brought under control.
8. Personnel expelled from military service because of fundamentalist activities, disciplinary problems, or connections with illegal organizations must not be employed by other public agencies and institutions or otherwise encouraged.
9. The measures taken within the framework of existing regulations to prevent infiltration of the military by the extremist religious sector should also be applied in other public institutions and establishments, particularly in universities and other educational institutions at every level of the bureaucracy, and in judicial establishments.
10. Iran's efforts to destabilize Turkey's regime should be closely watched and policies to prevent Iran from meddling in Turkey's internal affairs should be adopted.
11. Legal and administrative means must be used to prevent the dangerous activities of the extremist religious sector that seeks to create polarization in society by fanning sectarian differences.
12. Legal and administrative proceedings against those responsible for incidents that contravene the constitution and laws of the Turkish Republic should be concluded in a short period of time, and firm measures should be taken at all levels not to allow repetition of such incidents.
13. Practices that violate the attire law and that may give Turkey a backward image must be prevented.

14. Licensing procedures for short and long-barrel weapons, which have been issued for various reasons, must be reorganized on the basis of police and gendarmerie districts.

15. The collection of (animal) sacrifice hides by anti-regime and “uncontrolled” (unregulated) organizations and establishments for the purpose of securing financial resources should be prevented.

16. Legal proceedings against private bodyguards dressed in special uniforms and those responsible for them should be concluded speedily, and all such should be disbanded.

17. Initiatives that aim at solving Turkey’s problems on the basis of the concept of “ümmet” (religious worldview) rather than the concept of “nation” (or a secular worldview) and that encourage the separatist terrorist organization (PKK) by approaching it on the same basis (Islamization of Kurdish nationalism) should be prevented by legal and administrative means.

18. The Law no. 5816 defining crimes against Atatürk, including acts of disrespect, must be fully implemented.

Another decision of the meeting was the establishment of a unit under the NSCGS's coordination to oversee the implementation of these measures (İba, 1999, p. 229).

Prime Minister Erbakan initially attempted to reject these resolutions which meant the expulsion of his party's core political base from the public sphere. The Prime Minister, who had ignored the tutelage problem until then, stated that government policies were formed in the parliament, not at the NSC (Ibid., p. 230). For the first time in Turkey's history, a prime minister refrained from signing the NSC resolutions. However, he backed down after his coalition partner Çiller's assurance to take the decisions to the parliament for discussion (*Hürriyet*, 1997, March 6).¹²⁷

However, none of those decisions were brought before the Parliament for debate thanks to the pressures from the military as well as the pro-secular NGOs and the media. The rising reactions of TPP's members also played an essential role in Çiller's failure to keep her promise (İba, p. 231). GNAT Speaker at the time, Mustafa Kalemlı, was also among those who "strongly and immediately" objected to taking the NSC decisions to the Parliament on the grounds that it might lead to a military government (cited in Yüksel, p.80).

¹²⁷ Çiller's said to Erbakan the followings (cited in Akpınar, 2001, p. 214): "I cannot control the deputies in my party. Heavy pressure from the army and the media leaves no choice but to sign these decisions. Otherwise, we cannot go on with this government. You sign the decision, and then we take them to the Parliament. (...) Let's open a general discussion at the Parliament (...) and discuss them from all angles. Because the Parliament is the highest authority in all matters."

1.4.4.4. Operation of “Unarmed” Forces: Overthrowing of the WP

Another significant aim of the February 28 process was to shape the public opinion against all organized groups with a religious orientation. To this end, the military gave briefings to the judiciary, the representatives of trade unions and professional organizations, academics, businesspeople, and mass media. These briefings, as asserted by Aydın and Çolak (2004) "signified a total cultural war eliminating all "anti-secular" life forms" (pp. 214-215).

In fact, the briefing marathon had started before the February 28. Right after the briefing presented to the President of the Republic in January, three generals had had a meeting with unionists and the representatives of the Atatürkist Thought Association at the office of Ankara Chamber of Commerce President Ahmet Çavuşoğlu. Also, in mid-February, RPP and several NGOs had organized the "Women's March against Shari'a" with the participation of the wives of military officers (*Hürriyet*, 1997, February 16).

However, after the February NSC meeting, the relations with the "unarmed forces" as coined by the TAF's top brass for its civil society partners, became much more systematic. Aside from the "fundamentalist threat," the briefings covered other major national security concerns such as "Turkish-Greek problems" and "PKK terrorism." In some of these briefings, the top-ranking officers underlined that the army would not refrain from a direct intervention to eliminate the internal threats.¹²⁸

Many NGOs reciprocated this joint operation call aiming to overthrow the WP government. TÜSİAD, TÜRK-İŞ, DİSK, the Confederation of Employer Unions of Turkey (TİSK), the Confederation of Tradesmen and Craftsmen of Turkey (TESK), the Union of Chambers and Commodity Exchange of Turkey (TOBB), Associations of Atatürkist Thought, Turkish Medical Association, vocational chambers, and associations as well as the bars in some cities made written and verbal statements condemning the anti-secular activities and called on the government to resign. On the other hand, some pro-government associations, and foundations such as Hak-İş Confederation and MÜSİAD, along with some unions affiliated with TÜRK-İŞ, made contrary declarations opposing the February 28 process. The secular-Islamist clash spread to the streets. The squares and the days which have symbolic meanings in the political history of Turkey became the arena of confronting demonstrations between the supporters and opponents of the February 28 process.¹²⁹

TAF's collaboration with the judiciary also yielded results in a short time. On May 21, 1997, Chief Public Prosecutor Vural Savaş filed a lawsuit to the Constitutional Court for the

¹²⁸ On April 29, 1997, at the briefing given by the General Staff Command to media executives and journalists, General Çetin Doğan said the following: "Turkish Armed Forces is also responsible for internal threats desiring to ruin the secular, democratic and social state of law. All citizens are responsible for it. Our difference is that we have arms. And we have the consciousness to use arms at the right time and the right place, in line with the people's wishes" (Akpınar, 2001, pp. 262-263).

¹²⁹ For example, "The Foundation of Voluntary Organizations of Turkey" (Türkiye Gönüllü Teşekkülleri) organized a public meeting themed "Do not Touch My İmam Hatip Schools and Quran Courses" in Sultanahmet Square attended by 30 thousand (*Hürriyet*, 1997, May 12). Whereas on May 19th, the date Atatürk landed in Samsun to start the War of Independence, pro-secular demonstrations took place all over the country (Akpınar, 2001).

"permanent dissolution of the Welfare Party for it had become a focal point of anti-secular activities."¹³⁰

Another area in which the judiciary was put into action by the military was related to the economic embargo that the army placed over the Islamic companies. Named as the "green capital" by the media, the General Staff blacklisted around one hundred so-called Islamic companies that allegedly provided financial support to the fundamentalists and barred them from participating in all sorts of military tenders.

The General Staff on June 10th gave the judges and prosecutors a briefing titled "Financial and Education Strategy of the Islamic Capital" (*Hürriyet*, 1997, June 10). Ankara Chief Public Prosecutor Office had delivered a verbal warning of the Ministry of Justice to all legal officials, stating that unauthorized attendance to the briefing would be a crime. However, 400 judges and prosecutors responded to the call of the military. Among the points raised in the briefing were the income stream of Islamist companies, the proliferation of the fundamentalist cadres in the judiciary and the delayed processing of charges about the offenses against Atatürk and the regime (İba, pp.235-236). The companies listed in the blacklist of the military were put under scrutiny by the judiciary insofar as they had to place ads on newspapers to purge themselves of the allegations.

In this period, the members of higher judicial bodies, judges, and prosecutors of SSCs who had participated to "the briefings at the General Staff Headquarters ruled decisions beyond the limits of the legislation in force. As analyzed in the third chapter, the political climate of the February 28 process reflected upon the impartiality and the trustworthiness of the judicial decisions.

The relationship between the media and the General Staff carried particular importance in the February 28 process. Traditionally, the mainstream media has always been in a voluntary collaboration with the military in creating and manipulating the public agenda. Duran (1996), in his book titled *Apoletli Medya* (Media in Epauettes) published before February 28, meticulously reveals the motives and reasons behind this rapport. Not surprisingly, during this period, the vast majority of the media organs approved and supported the de facto intrusions of the military. They functioned as a public relations department of the General Staff during this process. Media bosses and operatives often saw and published the military's demands even before they were told to do so. The popular newspapers of the time contained many memoranda like statements of unknown sources that were attributed to "a high-ranking military officer" (Yüksel, 2005, pp. 289-290). Moreover, they assisted the military during the whole process by creating favorable conditions to the extent that they fabricated and manipulated the news.

On the other hand, the dissident journalists who contested with the military's anti-WP campaign were heavily pressured. During the February 28 period, the commanders did not hesitate to blatantly threaten some media bosses, executive editors, media representatives, and

¹³⁰ For the full text of the indictment see, <http://www.hurriyet.com.tr/1997deki-refah-partisi-kapatma-davasi-iddianamesi-8460645>

prominent journalists.¹³¹ During this process, many media members had to exercise self-censorship, while some journalists lost their job because of the military's pressure.

On some occasions, some military units staged psychological operations to bring notable opposing journalists into disrepute. The most scandalous of those was known as the "Andıç Case." This case was also the finest example of a military strategy that used the two principal security threats against each other. On April 26, 1998, two of the leading newspapers of Turkey, *Hürriyet* and *Sabah*, published news based on the testimony of a former PKK commander captured by the security forces in early 1998. According to the alleged "confession" of Sakık, Cengiz Çandar and Mehmet Ali Birand, two prominent liberal journalists of the period were on the payroll of the PKK. Both journalists were suddenly labeled as "PKK agents" by the mainstream media, which took as fact the information leaked by the military. Birand and Çandar lost their jobs right away (Elmas & Kurban, 2011, p. 24).

Approximately one year later, in October 1999, Can Ataklı, the publishing coordinator of *Sabah* Newspaper at the time, in an interview he gave to *Öküz* magazine, admitted that the false documents related to the confessions of Sakık were fabricated by Çevik Bir, the second in command of the Chief of Staff at the time. In another interview, he gave to Bilal Aydın, Ataklı also revealed that during the February 28 period "90 percent of the news printed especially in big newspapers and TV channels were lies" (*Zaman*, December 22, 1999).

Indeed, the documents that surfaced later revealed that it was all part of a psychological operation initiated by some top-ranking generals in the context of a "Strong Action Plan." Besides Çandar and Birand the plan aimed at damaging the reputation of other well-known journalists and public intellectuals through propagating fake information based on Sakık's testimony. After the military leaked the fake news, President of the Human Rights Association of Turkey, Akın Birdal barely survived an assassination attempt. The Turkish Revenge Brigade, an ultra-nationalist militant organization, claimed the responsibility of the attack.

Following the media briefings after February 28th, anti-WP news reports augmented considerably. Old tapes featuring provocative statements of some WP deputies were drawn from the NIO archives and broadcasted by leading TV channels (İba, p. 239).

The coalition partner TPP, due to fear of a coup, decided to withdraw from the coalition unless Çiller became the prime minister. Erbakan, who preferred to maintain the coalition, submitted his resignation to the President of the Republic on June 18th. While resigning from his office, he requested Demirel to assign the task of forming the new government to Çiller. Erbakan also submitted the President "a notarized list of 282 names signed by WP, TPP, and Great Union Party (Büyük Birlik Partisi) deputies" to convince him that he had the necessary

¹³¹ For example, the military leaders summoned İlnur Çevik, the owner and executive editor of the pro-government Turkish Daily News, to the General Staff Headquarters to warn him of his paper's news content. Eventually, the publication strategy of the newspaper changed profoundly (Yüksel, p. 289). Similarly, Enver Ören, the owner of TGRT and Türkiye newspapers "blacklisted" by the military following a meeting with the Chief of General Staff ousted the top executives in his media group (Ibid.). Even the pro-secular newspapers were not free from intervention. For example, Deputy Chief of Staff of the time Çevik Bir attended to the editorial board meeting of Milliyet, a pro-secular newspaper at that time to rebuke the columnists who "wrote wrong" on the headscarf issue (cited in Yetkin, p. 313).

support to stay in office (Ibid., p. 242). However, on June 20th, Demirel, contrary to established practices of the politics, gave the task to MP Leader Mesut Yılmaz. Yılmaz formed a coalition government (ANASOL-D), with Democratic Left Party of Ecevit and Democrat Turkey Party founded by a group of deputies resigned from the TTP. The new artificial minority government secured the vote of confidence with the external support of the Republican People's Party and assumed office on June 30, 1997.

Following the overthrowing of the Refah-yol government, the military established a body called the Western Study Group (WSG) within the military structure to track down and eliminate fundamentalist activities. WSG's duty was to expose information on the ideological inclinations of political actors from all sorts of civil society groups as well as public officials to members of the media.¹³²

WSG was started with the initiative of then Commander of Naval Forces, Güven Erkaya and had an office in almost all levels of the TAF. All garrisons and military posts in residential areas were ordered to collect intelligence on high-ranking public officials and members or employees of all associations, foundations, vocational institutions, labor and employer unions, universities, student dormitories, provincial and city councils, local TV and radio stations, local newspapers, magazines, and media institutions. Any suspected person or event would be reported to the headquarters of WSG at the General Staff in Ankara in the form of "Western Study Group Daily Situation Reports" or Western Study Group Incident Notification Reports (Aslan, 2016, p. 368; Bayramoğlu, p. 46). Later, with a new directive issued by the Turkish Land Forces Command, the intelligence gathering duty was extended to the spouses and children of the TAF personnel.¹³³

WSG reports later became essential tools for keeping the issue in focus. The military notified the proper state authorities, NGO's, and the media organs about the 'religious reactionist' activities through another series of briefings. The fight against reactionary Islam was the central theme of the first NSC meeting held by the new government. The first significant act of Yılmaz government was the enacting of the eight-year mandatory education law, considered as the most critical article of the February 28 decisions. With this new law, secondary schools of *İmam Hatip Lycees* were closed, and their high school sections were turned into four-year lycees providing merely vocational training. Consequently, the graduates of these schools were prevented from entering universities, except the theology faculties. Hence in couple of years, the number of students attending them fell sharply (Çakmak, 2009, p. 836).

¹³² As cited by Çekirge (1997, July 10), in the preamble of WSG statute, its duty was described as follows: "Western Study Group is established to monitor and control all activities contravening Atatürk's principles and reforms and the state of law defined in the Constitution as the fundamental principles of the State of the Republic of Turkey. Having been tasked with monitoring fundamentalist activities, the group will inform the public through briefings."

¹³³ According to the Order no. 63 of the Second Army Corps Command, "Protecting and safeguarding the Republic of Turkey and the Turkish Armed Forces is the duty of TAF personnel and their spouses and children, as well as every Turkish citizen. In that respect, all Land Forces personnel and their families are sources of information. All Land Forces personnel and their families should deliver all documents, information, and reports to the high command through the command chain, and without speculating whether they are already known by the high command or not [...]" (cited in *Yeni Şafak*, 1997, July 10).

The revision of the National Security Policy Document (NSPD) was another critical development of this period. The military identified Islamic fundamentalism as equal to separatism in threatening the national security of Turkey. The revisions were approved at the NSC meeting held on October 31, 1997 (*Anadolu Agency*, 1997, October 31), and fighting against the rise of political Islam became an official state policy.¹³⁴

The public became aware of the existence of the NSPD through the regular references that the military authority made to the document. Prime Minister Yılmaz, politically legitimized its mandatory power in a statement he made right after its major revision (*Hürriyet*, 1997, November 4):

"The document is binding for all ministries. It is a classified document. If any discrepancies arise between the document and a law, decree, or an international agreement, they must be removed."

Following the approval of the NSPD, the Office of General Staff started to give briefings under the title of "The Geopolitical Structure of Turkey, Internal and External Threats" to all high-ranking state bureaucrats (İba, p. 257). In these briefings, the NSPD was defined as "the official document containing the national security policy of the state" (Ibid).

Finally, the principal objective of the postmodern coup was realized when, on 21 May 1997, the Chief Public Prosecutor of the High Court of Appeals, Vural Savaş filed a lawsuit with the Constitutional Court to outlaw the WP. In his suit, Savas claimed that the Welfare Party "has become a focus of actions contrary to the principle of secularism in the Constitution and has pushed our country toward a civil war atmosphere." The Constitutional Court dissolved the WP in January 1998. Ahmet Necdet Sezer, then Chief Judge of the Constitutional Court, said in announcing the ruling, "This court has decided to close the Welfare Party because of evidence confirming its actions against the principles of the secular republic" (*The New York Times*, January 17, 1998). The court also seized the party's assets and barred Erbakan and other key members from political activity for five years (*Cumhuriyet*, 1998, January 17; *Hürriyet*, 1998, January 17).

However, the military authority was not satisfied with the pace of anti-fundamentalist reforms undertaken by the current government. Rumors broke out that the military would submit a memorandum to the Prime Minister at the upcoming NSC meeting. These allegations brought a stern reaction from Yılmaz who said that the fighting against fundamentalist activities was the responsibility of his government and that "mind its own business" ("ANAP'tan yanıt," *Hürriyet*, 2001, August 8). The General Staff gave a harsh response to Yılmaz on March 20th with a written statement asserting that the accusatory claims of the Prime Minister on the commanders were "unfortunate remarks made for the sake of personal interests and political ambitions" (*Cumhuriyet*, 1998, March 21). Although Yılmaz made an effort to appease the tension, the reactions extended to the civil society actors. The major NGOs including TÜRK-İŞ, DİSK, TİSK, TOBB, and TESK sided with the military in this process and once again

¹³⁴ As reported by the press, aside from the political Islam and separatism, the document also identified Turkish nationalist movements that verged on racism, far right-nationalist mafia, and extremist left-wing movements as domestic threats of top priority.

declared the army as the guardian of the secular and democratic republic. Forty-six mass organizations organized a rally in Ankara on March 28th with the slogan "shoulder to shoulder against fundamentalism."

After seventeen months in power, the ANASOL-D government collapsed losing a no-confidence motion over corruption allegations on November 25, 1998. It was replaced by a transition government led by the DLP Leader Bülent Ecevit. This government stayed in power until the early general elections held on April 18, 1996. Meanwhile, the WP cadres founded a new party under the name of Virtue Party (VP-Fazilet Partisi). VP proclaimed a softer Islamic profile than the WP to the extent that it advocated full integration with the West to ensure civilian rule and democracy. VP fared well in the 1998 municipal elections but came in third in the 1999 general elections with 15.5 percent of the votes. Ecevit's DLP came first achieving 21.6 percent of the votes, while NAP became the second largest party in the parliament with 18.1 percent of the votes. The MP and TPP could only get 13.4 and 12.3 percents of the votes respectively. The RPP could not pass the national threshold and failed to get into parliament. After the 1999 elections, Ecevit found a three-party coalition government with the NAP and MP.

1.4.4.5. National Security State's Gains by February 28

During the February 28 process, the military broadened its mandate to include direct intervention in civilian incidents under the pretext of "combatting crisis" by two new security arrangements. The first of these was the founding of the Prime Ministry Crisis Management Center and the second was the signing of the "EMASYA Protocol," the protocol on Security, Public Order and Assistance Units (EMASYA).

The Prime Ministry Crisis Management Center: Civilian organization of the military

A short time before the NSC meeting on February 28, the Refah-yol government issued a by-law (By-Law No. 22872, on Office of the Prime Minister Crisis Management Center, 9 January 9, 1997) which enabled the military authority to supervise and manage the response to any given crisis situation through a new body called Prime Ministry Crisis Management Center (PMCMC). With this new regulation, the extent of the authority that the military held over the key political and social realms during the September 12 period through the secret regulation of the NSCGS became visible in many ways. This center, as Insel (1997) rightly stated, was an "institutional countermeasure" of the state against the ideologically undesirable groups and their organizations which had gained sufficient power to create their private "hegemonic spaces" (p. 15). The new legal arrangement, in addition to the national security notion, introduced a highly vague and ill-defined concept of "crisis" which functioned as a tool for legitimizing the military's further involvement in civilian affairs.

The "crisis situations" were defined in this document (Art. 4/Para. b) as follows:

"hostile attitudes against the indivisible integrity of the state with its territory and nation, serious violent acts endangering the constitutional rights and

freedoms and the existence of the democratic order, natural disasters, dangerous epidemics, big fires, major chemical and technological incidents like radiation and air pollution, severe economic depressions, mass migrations."

Affiliated with a civilian authority on paper, this center was to serve under the NSC General Secretariat to weather the crises "in line with the national interests" (Art. 1 & 3). Thus, it was once more confirmed that no political power would contradict the TAF in interpreting the "national interests." The topics under the direct responsibility of NSCGS were listed as follows:

"a) Abroad; signs of widespread acts of violence targeting the territorial integrity, the right of sovereignty, and the national goals and interests of Turkey.

b) Domestic; emergence and development of widespread acts of violence against the constitutional rights and freedoms and the democratic order, or serious deterioration of public order due to violent acts.

(1) Terrorist activities,

(2) Illegal strikes, lockouts, and work stoppages,

(3) Conflicts arising from ethnic, religious, and sectarian differences."

Thus, from determining whether any given phenomenon might be considered a crisis to managing and supervising the measures to counter it, the Prime Minister handed over his authority to the NSC General Secretary (Art. 6/Para. b).

On the other hand, the coordination and management of tangible crises response like natural disasters and severe economic depressions were left to the relevant ministries, on the condition that the NSCGS personnel were included in the coordination and "assessment and monitoring" boards (Art. 3/Para. b, c, d & Annex-4). The regulation also furnished the PMCMC with authority to recommend the government to declare of State of Emergency, Martial Law, Mobilization and State of War (Art. 6/Para. d).

Among the duties of the center were determining the "principles for political directives about the crisis," deciding on the required changes in the existing directives or the National Security Policy Document, ensuring the implementation of all counter-measures, and if necessary "make the necessary attempts" to turn them into Cabinet Decrees (Art. 8/Subparagraph b/Para. 1&2). Moreover, "depending on the nature of events causing the crises," the regulation gave the Chief of General Staff the authority to "establish 'Crisis Centers' in relevant Ministries, provinces, and districts."

The PMCMC was designed as a permanent body. The regulation also established a Secretariat seemingly affiliated to the Center but in fact, hosted by the Information Gathering and Assessment Group Department of the NSCGS (Art. 6/Para. b). The Secretariat's core cadre

and personnel were to be appointed upon the proposal of the NSC General Secretary and the approval of the Prime Minister" (Art. 10/Para. a).

Hence, the secret "double-headed structure" of the state, thanks to the PMCMC body, was converted to a "binary government," where the military side directed the civilian one. It was only the Istanbul Bar that reacted against the establishment of the PMCMC. The Bar challenged the constitutionality of its regulation by filing a lawsuit in court in 1998. The Bar also asked the political parties to join in the lawsuit and yet did not get any response from its call. The court rejected the Bar's attempt to nullify the regulation. However, during the case process, it was learned that the regulation was allegedly based on the NATO agreement (*Radikal*, 2002, 3 June).

Shortly before the February 28, Prime Minister Erbakan issued a decree dated on January 31 and sent a formal letter to the NSCGS that handed the Prime Ministry Crisis Management Center to its absolute authority. The decree also gave the NSC General Secretary and its staff the authority to make "review visits" on behalf of the Prime Minister" (*Aktüel*, March 1997). According to the decree, the purpose for these visits was "to inspect, steer and coordinate in situ the implementations of the decisions of the NSC" in ministries, public agencies, and provinces (Ibid.). The decree also provided that personnel from the relevant agencies could join the General Secretariat staff to run these inspections, but that this could only be possible with the NSCGS's approval (Balci, 2000, p. 195).

Consequently, by way of this new legal arrangement, the military undoubtedly ensured its supervisory authority over the government regarding the implementation of its future directives. The PMCMC was put into action a short time after the toppling of the Refah-yol government by a circular (B.02.PPG.0.12383/20062) issued on September 1, 1997.

EMASYA Protocol

During the February 28 process, the second critical legal change that paved the way for the military to intervene in domestic security matters was related to the EMASYA Units (Security and Public Order Assistance Units) operating under the General Command of Gendarmerie. Before further examining these units, it should be noted that in theory, the General Command of Gendarmerie 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 TAF in times of war. In practice, however, different from its counterparts in the Western democracies (France and Italy), Gendarmerie is a security force "operating under the command of the General Staff, as confirmed by its duties in the armed forces, organizational precepts, budget, promotion system and personnel training and education" (Sarıbrahimoğlu, 2006, p.100).

EMASYA units had existed since the 1960s, but its structure and responsibilities were altered immediately after the February 28, by a protocol signed on July 7, 1997, between the Ministry of Internal Affairs and the General Staff. The protocol, consisting of 27 provisions concerning the application of Article 11/D of the Provincial Administrative Law (no.5442), was mainly regulating the intervention of military forces in cases of public disorder and security

situations. It was also significant for it formed the basis of TAF'S new internal security doctrine in the post-February 28 era.

The protocol established "Public Order Safety Councils" in every province and district under the authority of the Garrison and Provincial Gendarmerie Commands. These councils were assigned the authority to gather and assess intelligence on "terrorist activities and social incidents." More importantly, Article 9 of the protocol authorized the EMASYA units to intervene in social conflicts whenever the military deemed it necessary without the need for governor's approval. Moreover, according to the protocol, during security operations, the Police Force's Special Operations Teams and village guards would function under the command of the EMASYA Commands (Aksoy, 2009, pp. 175-176). In other words, as stated by Bayramoğlu, "the sphere of authority of the governor, the head of the district and the police force was taken over by the soldiers" (Neşe Düzel's interview with Ali Bayramoğlu, *Radikal* 2004, April 14).

As soon as the protocol came into force, the EMASYA units became regular squads on duty 24/7 (Ibid.). Consequently, the task of maintaining public order was entrusted to the army. The idea of taking precautions before surfacing of any threat brought about an understanding of permanent intelligence gathering on all segments of society. The protocol paved the way for a constant flow of intelligence to the "Public Order Safety Councils." Hence, acting upon secret orders from gendarmerie commands, the EMASYA officials began to collect all information about social groups or political organizations at these centers.¹³⁵

1.4.4.6. Social Consequences of February 28

During the second half of the 1990s, the country was suffering from a severe and continuous economic crisis. The center-right parties, all of which failed to develop a democratic

¹³⁵ EMASYA units came into question in 2004 with a scandal called "high-society tagging." This scandal led to serious debates on intelligence gathering methods as well as what their content constituted. *Hürriyet* newspaper, in a headline report on March 10, 2004, wrote that the 2nd Armored Brigade Command sent a memo to military units and district governors demanding intelligence about persons and institutions engaging in "separatist and subversive" activities. According to the memo, among the targeted persons and institutions were "EU candidacy supporters, U.S. sympathisers, high-society groups, art circles, children of rich families, religious orders, Satanists sects, Ku Klux Klan members, free-masons, online communities, groups formed around sexual proclivities, drugs, meditation, and spiritualism." The directive ordered the following to be investigated in relation to the above-mentioned groups: their intentions and objectives, activities and their effects on the society and whether they were involved in any form of blackmailing. The directive also asked for information about "anti-state authors, and thinkers" and their media connections, "minorities and groups who identify as minorities (Cherkes, Romany, Abkhasian, Albanian, and Bosniac, etc.)". It was later discovered that the question concerning the Ku Klux Klan had been directly translated from field manuals of the US Army (Sariibrahimoğlu, 2006, p. 109). The General Command confirmed the filing activities (http://www.byegm.gov.tr/yayinlarimiz/anadoluyahaberler-yeni/2004/mart/ah_11_03-04.htm). Right after the issue was publicized, then Prime Minister Recep Tayyip Erdoğan, stated that intelligence-gathering was not TAF's duty and emphasized that filing was a crime (*Cumhuriyet*, 2004, March 15). In the meantime, the RPP submitted a parliamentary question about the alleged activities of the EMASYA units (<http://www2.tbmm.gov.tr/d22/7/7-2336s.pdf>). No official answer was given to this parliamentary question. However, Minister of Defence Vecdi Gönül stated that "the employment Turkish Armed Forces for EMASYA missions was in line with the Constitution, laws and established international practices," and added that "no person or group were surveilled" on the basis of belonging to a particular social or subcultural group (*Yeni Asya*, 2004, June 7).

resistance against the military's demands during the February 28 process were also tainted with corruption allegations. The political vacuum created in the process was filled by the army, which expanded its enforcement authority over the socio-political realm through monopolizing the power of threat evaluation. Although the phrase, "irtica" (reactionary Islam), appeared in almost every major official document produced in the process, the fact that it lacked any precise definition, enabled the military to label every religious group in the society as "internal enemy." The military elite declared all kinds of action, speech, activity, or thought, directly or indirectly linked to "Islam," as a component of fundamentalist threat.

Unlike the previous coups, the objective of the February 28 intervention was not confined to eliminating political Islam from the political realm. The military elite specifically aimed at cleansing Islamic visibility from the public sphere by intruding on every aspect of daily life intersecting with the state. This choice had devastating consequences on the lives of ordinary pious Muslim believers.

Defining the *türban* (kerchief) as a "political symbol," the national security state denied the right of thousands of female students to pursue higher education. The female students in İmam Hatip Schools and universities who refused to uncover their heads were barred from attending classes. The Ministry of Internal Affairs issued two confidential memos in 1998. The first was asking the university administrators to "enlighten and persuade" the new students to remove their "türban" and remind the legal regulation to those who insisted on doing so. The other memo, after criticizing the rapid release of detainees held in connection with "türban protests" and identifying their aim as changing the fundamental features of the Republic (Meclis Araştırması Komisyonu Raporu -*Parliamentary Research Commission Report*-, 2012, p. 1178), asked the security forces to determine the nature of the offense meticulously and transfer the detainees to Public Prosecution Office right away. In the memo, it was further stated that crimes that go unpunished played an essential role in the escalation of events and recommended the police force to maintain close relations with judges and prosecutors. Many female students stuck between their beliefs and their futures either abandoned education or went abroad.

Similarly, many female teachers were given various punishments because of kerchief. During 1997-2001, Ministry of Education dismissed 804 teachers for contravening the dress code (Ibid., p.1174). Many provosts and deans were allegedly accused of being "fundamentalist" or "appointing religious radicals to important positions." Numerous academics acted as informants, sending anonymous, or signed letters about their colleagues' activities to the Presidency of the Republic and the Council of Higher Education. Many research associates, assistant professors, and doctoral students were expelled from universities. Numerous graduate students sent abroad through education grants were called back, and their academic lives were ended. In this process, the vested rights of many public officials were taken away due to the retroactive effects of the legal measures (Eğitim-Bir-Sen 2014, p. 6).

During this period, the number of military personnel discharged from the army for their alleged connection with fundamentalist activities increased considerably (Ibid.). Since the Supreme Military Council (SMC) decisions were unappealable during this period, the officers discharged from the military could not appeal to the European Court of Human Rights (ECHR) to return their posts (Meclis Araştırması Komisyonu Raporu, pp. 1153-1154).

The Directorate of Religious Affairs (DRA) personnel who were suspected of engaging in fundamentalist activities were tagged. Although their alleged crimes could not be legally "proven," these personnel, mostly working as imam, preacher, and mufti, were appointed to other places or were subjected to various disciplinary punishments (Ibid., p.1163). A telling example of the social engineering project of TAF during the February 28 process was the establishment of a body called the "Research Center on Religious Affairs" under DRA. The center's staff was comprised of retired military officers, and it was tasked with "gathering information on and guiding the religious life in Turkey." The head of the center was also appointed as a consultant to DRA (Ibid., p. 1166).

Bureaucrats also received their share from this cleansing operation taking place in the public realm. During this period, many bureaucrats were either removed from duty or assigned to elsewhere because of their political affiliations and religious beliefs. Approximately 300 high-ranking bureaucrats were discharged from duty during the first two months of the ANASOL-D government (Eğitim-Bir-Sen, p. 24).

However, the overall effect of the February 29 process was particularly devastating for the civilian institutions. Political parties were dissolved. Associations and foundations were put under intense pressure. Numerous NGOs and their branches, especially those working in the field of human rights, were closed down. During this period, the military forced the government to outlaw eight foundations including the National Youth Foundation unofficially linked to the banned Welfare Party (Parliamentary Research Committee Report, p. 1170).

2. Dissolution of the National Security State: Democracy from Above

The primary reason that brought about the demise of the national security state was the recognition of Turkey as a candidate for accession to the European Union (EU) at the Helsinki Summit held in December 1999. In the following period, significant steps were taken to democratize the civil-military relations on an institutional level in line with the EU criteria. The early months of process did not run so smoothly, however. The first to open the taboo of national security to discussion among political leaders was Mesut Yılmaz, state minister, and vice prime minister in the 57th government, who did so in 2001 at his party's Seventh Ordinary Convention. Referring to the "national security syndrome's" obstructive role in the EU harmonization process, Yılmaz stated that, "only Turkey could have succeeded in turning a concept that enables the survival of the state into one that drains its lifeblood." (*Radikal*, August 5, 2001). Following Yılmaz's criticism, the military reacted rather harshly, by declaring that, "it was not only unfortunate but also dangerous to blame the national security concept for negative developments in the country" and that "national security should not be an issue of exploitation" (cited in Güney, 2015, p. 113).

His government was only able to take the first step towards reducing the NSC's role because of the support of the EU integration process. Within this framework, the number of civilian members in the NSC was increased by a constitutional amendment introduced on October 3, 2001, which made Vice Prime Ministers and the Minister of Justice members of the council. The statement that NSC decisions to be taken by the NSC "would be given priority by

the Cabinet of Ministers” was changed to “would be taken into consideration by the Cabinet of Ministers,” and NSC decisions were downgraded to recommendations.

However, the process of harmonizing Turkish legislative practice with those of other EU countries has gained momentum during the Justice and Development Party (JDP) government. The JDP was established in August 2001, by a group reformist Islamic politician led by Abdullah Gül and Recep Tayyip Erdoğan (former mayor of Istanbul between 1994 and 1998). Just 15 months after its establishment, JDP won a landslide victory at the November 2002 general elections and formed Turkey’s first majority government since the late 1980s.

The JDP’s earliest effort towards civilianization of the polity was the lifting of the emergency rule in Kurdish cities in Turkey’s eastern and southeastern regions. The state of emergency, which had lasted for almost two decades and become “the norm” for the whole region, was lifted entirely on November 30, 2002 (Bezci & Öztan, 2016). Its termination led to the gradual easing of the military hold on these provinces, characterized by high troop numbers, regular checkpoints, curfews, arbitrary detentions, human right violations, and a lack of recourse to the courts.

A second reform towards circumscribing the role of the military in the political process was carried out under Prime Minister Recep Tayyip Erdoğan. On August 7, 2003, despite the resistance from some of the commanders,¹³⁶ the JDP government adopted the Seventh Harmonization Package which redefined the NSC as an advisory body, stripping of its executive powers. The package transferred the authority of the General Secretariat to “coordinate and monitor” the implementation of NSC decisions to the Deputy Prime Minister. It changed appointment procedures enabling civilians to serve as Secretary-General. It decreased the council’s budget by 60 percent and established bi-monthly, rather than monthly, NSC meetings. The power of the Chief of General Staff to “select, approve, and appoint the Secretary-General” was transferred to the Prime Minister (Kutay, 2016, pp. 15-16).

The annulment of the NSCGS’s secret regulation occurred with the Cabinet of Ministers’ decision No. 6688 on December 29, 2003. This was the most fundamental reform to the structure of the NSC General Secretariat, as it significantly restricted the General Secretariat’s duties and authority and discontinued the activities of the National Security Policy Department, the Information Gathering and Assessment Group Department, and the Public Relations Department. The latter, which was responsible for planning and implementing psychological operations, reportedly had a budget of USD 3,000,000; this sum was transferred to the Office of the Prime Minister. In accordance with the new regulation, a new unit entitled Research and Development Office Department (Araştırma ve Değerlendirme Dairesi Başkanlığı, AR-DE) was established within the NSC to prepare documents on matters covered by the definition of national security and to create a data and documentation center on these matters (By-law No. 25340 of 2004).

¹³⁶ For instance, NSC General Secretary at the time Lieutenant General Tuncer Kılınç claimed that appointing a civilian as the NSC General Secretary would politicize the institution and prevent it from fulfilling its function to contribute to security policies (*Radikal*, 2003, August 25).

In addition to these positive steps towards civilianization, former Ambassador to Athens, Yiğit Aldogan was appointed in August 2004 as NSC General Secretary. Kenan İpek, who returned to headquarters while on duty as an undersecretary in Washington, and Gürsel Demirok, who returned to Ankara from the post of Consul General in Zurich and who was well known in Europe for a report he prepared on civilianization, were appointed as chief advisors to Alpdogan.

On November 20, 2004, Alpdogan broke new ground by opening the doors of the NSC to all media, regardless of any accreditation-based distinction. In his speech to the press, Alpdogan said that from then on the General Secretariat would work as a “think-tank” and its duty would be limited to providing the members of the NSC, which is an advisory organ on domestic and foreign threats, with intellectual content (*Yeni Şafak*, 2004, December 1). In 2005, Gürsel Demirok was appointed as President of AR-DE, which had been until then ruled by proxy by a Brigadier General. That year, along with the chief advisor to the NSC and heads of some departments, the contracts of 20 of the 53 retired military members of the Secretariat were not renewed, and the staff members started to be appointed among civilians (Özcan, 2006, p. 43).

Criticism of the anti-democratic elements in both the preparation process of the National Security Policy Document and the content itself continued for a long time after the new NSPD was debated by the NSC and proposed to the Cabinet of Ministers on October 24, 2005. The document was accepted by the Cabinet of Ministers in a March 20, 2006, meeting. In the wake of this event, the Human Rights Association (İnsan Hakları Derneği-İHD) and the Human Rights Foundation of Turkey petitioned the Council of State on March 24, 2006, requesting that the Cabinet of Ministers suspend its decision to accept and ratify the NSDP.¹³⁷ The judiciary rejected the case concluding that the NSPD was simply a recommendation.¹³⁸ Prof. Cengiz Aktar, an expert on the EU accession process, claimed that “the EU will not be concerned by what is said by an advisory institution; however if the contents of the document leaked to the press are implemented, the EU would take up the matter.” Likewise, Professor Dr. Zafer Üskül, a prominent academic on constitutional law, said that if the document’s policy recommendations were implemented by the government, this would result in some consequences, but that “in its present state it could not be considered unlawful” (*Bianet*, 2005, November 1).

A significant development, believed to result in a lessening of the NSC'S influence over domestic security matters, especially the fight against terrorism, happened in early 2006. During the December 29, 2005, NSC meeting, it was decided that the Supreme Council for

¹³⁷ This request was based on the conflict with Articles 2 and 6 of the Constitution to determine the authority of the Cabinet and with Articles 112 and 118, which determine the NSC's authority, as well as the conflicts with Law No. 2945 on the NSC General Secretariat, with UN conventions, and with the European Convention on Human Rights, of which Turkey is a party.

¹³⁸ In August 2006 the Court on Call rejected the case without examining the document, on the grounds that “the document qualifies as a recommendation” (*Birgün*, July 22, 2006). The plaintiffs objected, but the State of Council’s Council of Chambers of Administrative Cases, which heard the objection on October 12, confirmed that the document “qualified as a recommendation” and deemed unsuitable the plaintiffs’ grounds for objection (*Radikal*, August 30, 2006).

Counterterrorism (Terörle Mücadele Yüksek Kurulu, TMYK) would become functional and would include a secretariat. Following the February 23, 2006, NSC meeting, in line with this decision, the government decided to raise the Department of Security Affairs to the level of a general directorate and to grant it broader authorities. The draft law regarding this new Secretariat called the “General Directorate of Security Affairs” (Güvenlik İşleri Genel Müdürlüğü, GIGM), was presented to the parliament on March 7, 2006. The draft bill defined the institution’s aim as “ensuring that the Office of the Prime Minister plays a more effective role in security matters and counter-terrorism.”¹³⁹ GIGM became operational after the related law was published in the Official Gazette on May 30, 2006.

Later in February 2010, the parliament adopted a new law (Law No. 5952 of February 17, 2010) establishing an “Under-secretariat for Public Order and Security” under the Ministry of the Interior. The Undersecretariat, which was later attached to the Prime Ministry (Decree Law No. 643 of June 3, 2011) in 2011 was tasked with “developing policies on counter-terrorism, evaluating strategic intelligence and ensuring coordination in the implementation of the measures taken” by the government. This new institution further strengthened the hands of the civilian government against the military bureaucracy in security-related matters.¹⁴⁰

In the meantime, other substantive changes were made in the framework of accession process to the European Union. With an amendment made to the relevant articles of the Military Criminal Code in June 2006, the military jurisdiction over civilians was terminated in peacetime. The decisions of the Supreme Military Council were opened to judicial review, and in June 2009 legal adjustments were made for high-ranking officers to be tried by civilian courts for crimes subject to Heavy Penal Court jurisdiction under article 250 of the Code of Criminal Procedure, including coup d’état attempts, crimes against national security, and organized crime. Military representation in the Council on Higher Education and Higher Board of Radio and Television were ended. State Security Courts were abolished. Provisional Article 15, which had provided immunity from prosecution to all actors of the military regime established by the 1980 coup, was canceled. The law on the Court of Accounts passed in December 2010, opened the way to supervise the military expenditures, and extra-budgetary defense spending by the demand of the president of the parliament (Güney, pp. 115-118). Also, the cabinet decrees and prime ministry mandates issued during the February 28 process were repealed. The Prime Ministry Implementation, Follow-up and Coordination Committee, the predecessor of Western Study Group, was abolished. In January 2012, the compulsory national security courses taught

¹³⁹ The duties of the GIGM were: “conducting the relationships between the Office of the Prime Minister and the institutions responsible for domestic security, foreign security, and counter-terrorism (TAF, Gendarmerie, General Directorate of Security, National Intelligence Agency, Coast Guard Command, and the Ministry of Foreign Affairs) and, when necessary, ensuring coordination among these institutions; carrying out investigations and research into matters related to domestic security, foreign security, and counterterrorism, evaluating them, and making proposals; in regions where martial law or a state of emergency has been declared, gathering and evaluating information and ensuring coordination on relevant matters; informing the public of its duties; conducting the secretariat work of councils established on subjects related to its duties; and fulfilling other duties as assigned by the authorities.” (Law No. 5508, May 30, 2006).

¹⁴⁰ For the full text of the legislation for the Undersecretariat for Public Order and Security and Counter-Terrorism Act, in English see, http://www.kdgm.gov.tr/kurumlar/kdgm.gov.tr/eski_site/upload/kitaplar/eng/LEGISLATION%20OF%20THE%20UNDERSECRETARIAT.pdf

by military officers in high schools were finally removed from the curriculum. These courses had been severely criticized for reinforcing militarism and encouraging hatred towards minority groups living in Turkey by the educators and relevant NGOs (Coşkun & Ediğ, 2013).

The 2010 National Security Policy Document was mainly prepared by the civilian experts. The "reactionary threat" was removed from the text (*Hürriyet* 2014, October 13). Instead, the text mentioned "radical groups exploiting religion," a term, which under the Turkish Criminal code refers to fundamentalist groups that employ violent methods (Güzeldere, p. 230). Other official domestic security related official documents were readjusted accordingly. Finally, the major improvement on both practical and symbolic levels came with the amendment of the controversial Article 35 of the TAF Internal Service Law. The law which had previously tasked the army with the duty of "protecting and safeguarding the Turkish territory and the Turkish Republic," with an amendment made on July 13, 2013, was modified as "defending the country against external threats from abroad."

However, all these changes, which considerably demised the power of the military vis-a-vis the civilian authority, did not necessarily bring about the consolidation of democratic governance in Turkey. In fact, the security state of Turkey, whose establishment, consolidation, and finally dissolution were analyzed in this thesis, took a sharp turn after 2010. As shown in the concluding chapter, the JDP government (and principally its leader Recep Tayyip Erdoğan), which had undergone a significant transformation during its almost eight consecutive years of experience in ruling the country, after 2010, would gradually identify any form of peaceful opposition as a terrorist threat to its very existence and reactivate the security apparatus with new mechanisms and authorities. Most tragic of all, however, despite all the reforms undertaken in the last fifteen years, Turkey was faced with yet another coup attempt on July 15, 2016.