

Indictment of 'Masterminds' of Murders in Turkey Expected

Judges in Turkey's southeastern city of Malatya have announced the preparation of an indictment in the case of three **murdered Christians** that is expected to reveal a shadowy network that incited five young men to carry out the crime.

The Third Criminal Court of Malatya is expected to announce the indictment on April 9, followed by a week of witness testimony that judges believe will link the five murder suspects to the "masterminds" who prompted them, plaintiff lawyers said. The brutal murders of Turkish Christians Necati Aydin and Ugur Yuksel and German Christian Tilmann Geske at the Zirve Publishing House by five young men in 2007 are believed to be part of a conspiracy to overthrow the current pro-Islamic government.

"In the next court hearing, the new indictment will certainly be ready, and the case will deepen as the suspects and instigators are judged together," co-plaintiff lawyer Erdal Dogan told Compass.

Dogan said the case will speed up with the introduction of the new indictment and make it easier to bring those responsible to justice.

Co-plaintiff attorney Orhan Kemal Cengiz said that with this second indictment he expects former gendarmerie commanders and other officers who have been arrested in connection with the Malatya murders to finally take the stand in the case—something he and colleagues have long hoped for.

"The longer we wait, the more anxious we become, because it should have been announced [long ago]," Cengiz said.

Cengiz said he is not sure how deep the second indictment will

probe into the network he and other attorneys believe was behind the five murderers. For the last five years, plaintiff lawyers have argued there is overwhelming evidence that the Malatya murders were connected to Ergenekon, a hidden network within the state alleged to have plotted crimes to destabilize the government.

"It is difficult to speak about it without seeing the indictment itself," said Cengiz. "It should implicate a wider network behind these murders. But we don't know to what extent they will expand the limits of the case. I hope it will uncover the real network, but it may be too shallow; then again, it may really go deep."

Ergenekon is believed to be behind at least three key murders of Christians since 2006, including those in Malatya, as well as other crimes.

This month plaintiff lawyers for families of the Malatya murder victims demanded key *Ergenekon* indictments be joined to the Malatya murders case. The 37th hearing of the Malatya murders case took place on Feb. 17.

One of the requested indictments concerns a case opened against retired Gen. Ilker Basbug, a former chief of general staff. Basbug testified last month in an investigation that implicates him in an anti-government propaganda campaign of the Turkish Armed Forces. The propaganda campaign aimed to instill fear in the public that the government was attempting to establish a religious order based on Islamic law.

This month authorities prepared an indictment against him as a senior administrator of the *Ergenekon* terrorist organization within the Turkish Armed Forces. Basbug is the highest-ranking officer to be jailed and involved in legal proceedings in Turkey this far, according to *Today's Zaman*.

In April 2010, judges added to the Malatya case file one of the *Ergenekon* indictments concerning the so-called Cage

Operation Action Plan. The Cage Plan surfaced when authorities seized a CD from the office of retired naval officer Maj. Levent Bektas, a suspect in the *Ergenekon* case, which exposed plans to assassinate prominent non-Muslim Turkish citizens. The naval forces group planned to pin the murders to the current pro-Muslim government.

The Cage Plan called the killings of Armenian journalist Hrant Dink in Istanbul, Catholic priest Andrea Santoro in Trabzon, and the three Christians in Malatya successful "operations."

Ergenekon hearings have been ongoing since October 2008, and scores of its alleged members, including military personnel, members of the press, academics and businessmen, are in jail.

Advances and Setbacks

The trial hearings for the murders of the three Christians in southeastern Turkey in 2007 continued slowly last year amid advances in investigations—and the replacement of judges whom lawyers say were making significant progress in the case.

Last year the prosecutor for the *Ergenekon* case in Istanbul, Zekeriya Oz, ordered the arrests of various suspects in relation to the Malatya case. Malatya plaintiff lawyers saw this as a major advance in their efforts to illustrate to the courts and public that the two files should be joined, as they concern the same perpetrators.

Initially 20 suspects were arrested in last year's investigation pertaining to the links between *Ergenekon* and Malatya, and seven of them are still in custody. They include former Malatya Provincial Gendarmerie Brigade Commander retired Col. Mehmet Ulger and a theology instructor at Malatya's Inonu University, Ruhi Polat. Five of the seven are active in the military.

These suspects were arrested after a CD surfaced with a voice recording of a meeting in which they discussed the Malatya killings, how much they paid the assailants and how the

murders influenced the country's agenda.

It is believed that Ergenekon members were spying on Christians in Malatya and organized numerous talks vilifying missionaries in Turkey as agents who aimed to overrun the state. There are approximately 4,000 Christian converts among Turkey's population of 75 million.

A transcript of a speech made on April 18, 2007, the day of the Malatya murders at Inonu University in Malatya entitled, "Besieged Turkey at the Start of the 21st Century," by Hursit Tolon, was included in the Malatya case file this month. Tolon is a retired general and key suspect in the Ergenekon investigation.

Though the Turkish Constitution ensures freedom to disseminate information about one's faith, many Turks hold deep-seated, anti-Western nationalism and suspicion of Christians, who are seen as seeds of Western propaganda aimed at questioning Turkish sovereignty.

The Malatya case experienced a major setback last year when *Ergenekon* prosecutor Oz and Malatya head judge Eray Gurtekin were taken off the cases and promoted to higher positions. Plaintiff lawyers expressed dismay as both prosecutors had contributed to major advances in the case. Plaintiff lawyers in both cases said they believed the promotions were an effort to sidetrack the cases and sabotage the advances they had made.

Buried Cases

Last month an Istanbul prosecutor acquitted seven suspects in Dink's murder of belonging to a network or terrorist organization. The acquittal came as a surprise in the face of evidence linking Dink's murder to members of police, *Ergenekon* suspects and the Gendarmerie Intelligence Organization.

In January 2007, Dink, an Armenian Christian and editor-in-chief of *Agos*, was shot by 17-year-old Ogun Samast from

Trabzon. Samast was sentenced to 22 years and 10 months of prison for killing Dink, while the man who instructed Samast to kill Dink received an aggravated life sentence on charges of instigation to premeditated murder. Other suspects also received prison sentences.

Dink's death five years ago, and the court's decision last month, created public outrage over prejudice against Armenians and non-Muslim minorities in Turkey and the court's inability to bring to justice the instigators of the crime.

After the the Istanbul court reviewing Dink's court case declined to pursue evident links between the young men who killed him and *Ergenekon*, Cengiz, who is also a writer for English daily *Today's Zaman*, wrote a column titled, "Will the Malatya massacre be also covered up after Dink?"

"This verdict was the worst of the worst that the court could ever deliver in this case," Cengiz wrote.

The Turkish Presidency's State Supervisory Council (DDK), in a 650-page report issued this month, recommended that the Dink case be re-opened in order to bring top police and gendarmerie officials to justice for negligence before and after Dink's murder.

The DDK recommendation is not binding, but a prosecutor in the case is already collecting evidence to re-open the case. The Malatya case file is expected to be used as evidence in the new Dink case.

This month marks the six-year anniversary since the murder of Santoro in the northern city of Trabzon. Authorities arrested a 16-year-old in relation to Santoro's death and sentenced him to 18 years of prison for pre-meditated murder.

No further probes were made into who might have been behind the crime despite evidence that the Trabzon police had tapped Santoro's phone three months before the murder. Malatya

lawyers say a deeper investigation would easily uncover links to the murders of Christians that followed.

In June 2010, Catholic Bishop Luigi Padovese, vicar apostolic of Anatolia, was murdered by his driver. There are suspicions that this case could also be linked to the other Christian assassinations, but court proceedings by the state prosecutor are closed to the press.

Hate

A book released in October 2011 by Turkish journalist Ismail Saymaz shocked the nation, exposing how the Malatya murders constituted an act of national hate. The book is entitled, *"Hate, Malatya: A Murder with National Consent."*

Saymaz provides detailed information that shows how the killing of Santoro in Trabzon and the murders in Malatya are connected, and how the security forces viewed the Christians as national threats.

Shortly after the release of Saymaz's book, a veteran crime reporter for the *Hurriyet* newspaper, Ali Daglar, published *"The Priest Murders – 200 Years of Close Pursuit and the Bloody Zirve Finale."* The book examined the Malatya murders in the context of national prejudice toward Christians throughout the last two centuries.

There is no legislation in Turkey to penalize hate crimes. This month the Hate Crime Legislation Campaign Platform organized a series of meetings between civil society groups, academics and concerned citizens.

Lawyers from the group are drafting legislation that will define and authorize penalties for hate crimes. The group plans to submit it to the Turkish Parliament by the end of 2012. The platform cites the murders of Santoro, Dink and those at the Zirve Publishing House as examples of hate crimes.