

Turkey's 'Malatya Massacre' Perps Face Trial

Nineteen suspects accused of inciting the brutal 2007 murders of three Christians in eastern Turkey went on trial before Malatya's Third Criminal Court in early September.

With the court's acceptance in June of a third indictment in the case, known as the "**Malatya Massacre**" in the Turkish media, allegations against primarily military officials have finally been made public.

"This indictment provides the first solid evidence that our military authorities officially assigned the named suspects to monitor and attack the Christians in Malatya," Umut Sahin from the legal committee of the Turkish Association of Protestant Churches told Open Doors News.

The new 761-page indictment alleges that the attack by five young murderers who stabbed, tortured and slit the throats of two Turks and a German citizen in their Malatya office had been masterminded by a retired general in Turkey's 1st Army Corps and ultranationalist military officials in the Malatya gendarmerie. The gendarmerie is a law-enforcement arm of the military; It has jurisdiction outside of Turkey's cities and towns.

Ret. Gen. Hursit Tolon, who was named as the prime suspect behind the killings, at the Zirve Christian Publishing House in Malatya, failed to appear during the six consecutive days of hearings that began Sept. 3. The 70-year-old former general sent the court a 10-day medical excuse from his prison cell.

Initially jailed in 2008 as a suspect in the alleged Ergenkon conspiracy, Tolon was accused of plotting to topple the ruling

Justice and Peace Party (AKP) government of Prime Minister Recep Tayyip Erdogan. After his release in 2009 due to poor health, he was re-arrested in January 2012 on “serious suspicions of a criminal act.”

According to the new indictment, the Zirve murders were part of the so-called Cage Action Plan hatched by military officials trying to undermine the AKP government through assassinations, threats and acts of terror against Turkey’s non-Muslim minorities.

In the initial indictment, state prosecutors demanded three consecutive life sentences for the five killers, all apprehended at the scene of the crime. When the presiding judge questioned them during the September hearings, several of the murder suspects insisted that they had no motive to overthrow the government and had in fact voted for the AKP.

Denying any acquaintance or links with Tolon and the other accused conspirators, defendant Emre Gunaydin declared, “We went on an expedition on behalf of Islam on our own to accomplish this event.”

A Judiciary Scandal?

Just two days before the Sept. 3 hearings began, Turkish authorities shocked the lawyers for the victims by abruptly replacing the two prosecutors, and two of the three judges, in the case, leaving only one member of the judicial panel familiar with the trial’s massive files: presiding Judge Hayrettin Kisa.

“This has seriously damaged effective progress in the trial,” said Erdal Dogan, a lawyer for one of the victims. In particular, the two prosecutors who had worked on the new indictment for the past one and a half years, examining the evidence and questioning witnesses and the accused in person,

were taken off the case.

“Changing the court prosecutors has had an unbelievably negative impact on the case,” Sahin said. “For six days, the accused suspects made incredible criticisms of the indictment, but the new prosecutor did not utter a single word for the whole six days!”

In response, the Council of Judges and Prosecutors stated that the Justice Ministry’s reassignment of the Malatya prosecutors and judges was a routine transfer, simply following recent legal reforms affecting the status of criminal courts.

But according to Orhan Kemal Cengiz, a lawyer for the victims, “This is a serious and really unacceptable scandal, concerning such a huge case. There are more than 40,000 pages in the attachments to this indictment alone!”

“Is it possible that the AKP government is uncomfortable with the conclusion of this case?” questioned Today’s Zaman columnist Orhan Oguz Gurbuz on Sept. 16. “The government must address these doubts and questions. Otherwise, it will undermine its own legitimacy and the pluralist/democratic identity that it has relied on since the beginning.”

Spying on Christians

After the new indictment was read out in court, six of the accused soldiers testified to what had been going on behind the scenes for at least a year before Necati Aydin, Ugur Yuksel and Tilmann Geske were attacked and killed in their office on April 18, 2007. According to their testimony:

Under the local commander’s direction, the Malatya gendarmerie had been monitoring the handful of Christians in Malatya 24 hours a day, tapping their telephones and paying informers some 60 percent of their intelligence budget to collect data

on their activities, sometimes in cooperation with police and secret intelligence officials.

And after the attack, the gendarmerie officers tapped the telephones of the victims' families, lawyers and judges in the case, and then gave false documents and testimony to manipulate the trial, trying to portray the three murdered Christians as criminals linked with illegal groups like the Kurdistan Workers' Party (PKK), the soldiers testified.

On the witness stand, the soldiers told Judge Kisa that they refused to accept "any of the accusations" against themselves.

"I was obeying orders conveyed to me within the command-chain hierarchy," Sgt. Adem Gedik said, defending his illegal surveillance within the Malatya city limits, which fall under jurisdiction of the police force, not the gendarmerie.

Hearings on the case will resume on Nov. 12, when Tolon and the remaining alleged perpetrators are scheduled to testify.

The key suspects include Col. Mehmet Ulger, Malatya's gendarmerie commander at the time; Ruhi Polat, a theology instructor at the local Inonu University; Maj. Haydar Yesil; and Ilker Cinar, an intelligence agent assigned by military officials to fake his conversion to Christianity, infiltrate the Turkish Protestants and then publicly "reconvert to Islam," denouncing Christians as a threat to national security.