

Removal of Ergenekon's Öz reminiscent of courageous Doğan Öz's forgotten case

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The recent appointment of Zekeriya Öz as İstanbul deputy chief public prosecutor — a promotion that also meant he was taken off the Ergenekon case, which he has been overseeing since the beginning — has brought to mind past cases in Turkey in which courageous attempts of other prosecutors were blocked through controversial moves, even with assassinations.

Former Public Prosecutor Sacit Kayasu and former Van Public Prosecutor Ferhat Sarıkaya are also among recent examples of such cases. Sarıkaya was disbarred after he indicted then-Land Forces Commander Gen. Yaşar Büyükanıt on charges of attempting to influence the judiciary by unfairly favoring a defendant in an ongoing case.

As for Kayasu, he was fired because he asked the State Security Court (DGM) in Ankara to prosecute Kenan Evren, the leader of the Sept. 12, 1982 coup. Kayasu took his case to the European Court of Human Rights (ECtHR) as he had no right of appeal in Turkey. The ECtHR fined Turkey 120,000 euros to be paid to Kayasu in compensation as well as ordering Kayasu's reinstatement, which has not been implemented so far.

An older prime example is that of Ankara Public Prosecutor Doğan Öz, who was assassinated in 1978 while investigating suspicious activities of groups clustered within the state's military mechanism — called the deep state in Turkey.

Öz is regarded as the first prosecutor who examined the Gladio network in Turkey. Öz had found out that the Counter-Guerrilla organization was affiliated with the General Staff's department of war, which recently came to the agenda in connection with an ongoing search of the Tactical Mobilization Group offices.

'I am becoming afraid, but someone must deal with it'

Before he was assassinated, Öz had discovered that street skirmishes between rightist and leftist groups were all sponsored by a single source. In January 1978, when terrorist attacks intensified, he said to his wife, Sezen Öz: "Some incidents I am investigating point to high positions within the state. I am becoming afraid, but someone must deal with it."

The prosecutor deepened the investigation and decided to share the issue with then-Prime Minister Bülent Ecevit, who also headed the Republican People's Party (CHP). He prepared an initial report before he concluded his investigation and presented this report to Ecevit. Fikri Sağlar, a former culture minister who was also an active member of the parliamentary commission set up to investigate the Susurluk incident — which revealed connections and cooperation between the police, politicians and criminal gangs — published this report in 2005 in his column in the *Birgün* daily. The report that Sağlar obtained from Sezen Öz said, "Behind the increasing incidents of violence is the Counter-Guerrilla, which seeks to destroy hopes for democracy and establish a fascist order."

Öz realized that the street skirmishes, which seemed to be simple acts of violence, were in fact intended to lead to an overthrow of the government. "Our continuing investigation and work have shown that the acts of violence that at first glance seemed to threaten security of life and property and which continue also during the term of the new government cannot simply be described as acts by anarchists. What is

happening in reality is the destruction of the hopes of the Ecevit government to ensure a fully functioning democracy in the country as well as to introduce a fully fledged fascist order," he said in his report.

Touching on the international ties of Gladio, Öz said the Counter-Guerrilla was being managed by the CIA and the Iranian and Israeli secret services. "These organizations want to transform the state apparatus into a structure suitable for this purposes and bring anti-democratic movements to office," he said.

According to Öz's report, the clandestine network was trying to reach the masses by conducting its work inside political parties, nationalist trade unions, some employers' unions, artisans' associations and student unions that belonged to the idealists (Ülkücü), an ultranationalist group, of the time.

"The military and civilian security forces are also part of this," Öz said. "Counter-Guerrilla is affiliated with the General Staff department of war. Counter-Guerrilla activities are being conducted by the military recruitment offices that deal with mobilization affairs in provinces and districts. Noncommissioned officers who receive training are being used. As for civilian security forces, National Intelligence Organization [MIT] officials are being used. The Nationalist Movement Party [MHP] and its members on the political platform are training both groups to fight against guerrillas, provided with ideological training and taught about how to mobilize ordinary people," he said.

Prosecutor Öz also noted that assassinations and acts of violence and anarchy that occurred before 1980 should be seen within this framework and proceeded to caution about an impending military coup. "The plan is to present some leftist movements as the real target, confuse the populace and call for martial law, then take office through elections or, if this is not possible, through a coup before moving to destroy democracy and make exploitation of the people the only choice."

The prosecutor was planning to file a case against the officials of the General Staff's department of war. However, two months after he presented the report to Ecevit, he was assassinated when he was about to get in his car in front of his house, on March 24, 1978. Öz's assassin immediately fled the scene, but there were eyewitnesses. One of them gave a description of the murderer to the police. Meanwhile, a man named Muzaffer Üstünel was killed. The police found that the gun used to kill Öz was the same one used in Üstünel's murder. Police found out that a man recently detained for threatening a woman, İbrahim Çiftçi, looked like the murderer of Öz. When standing face to face with the eyewitness in Öz's case, Çiftçi confessed to having killed Öz and exposed his accomplices. A murder case was filed on Dec. 26, 1978, and Çiftçi began to stand trial, in which the prosecutor demanded the death penalty for him. The case was referred to an Ankara military court after the Sept. 12, 1980 coup d'état. The court sentenced him to death because he confessed to having committed the murder. The higher court overturned the ruling, and then the court insisted on the ruling four times. However, the Military Supreme Court of Appeals overturned each of the rulings. The Ankara court said in its final verdict that although it established that Çiftçi willfully killed Öz, the court had to conform with the ruling of the Military Supreme Court of Appeals and ruled for the acquittal of the suspect.

It emerged later that Çiftçi's lawyer Can Özbay, who was also the lawyer of Mehmet Ali Ağca, the man who shot and injured Pope John Paul II in 1981, wrote a letter to then-Prime Minister Bülent Ulusu and demanded Çiftçi's acquittal. Çiftçi ran as a candidate for the leadership of the Nationalist Movement Party (MHP) in 1997 but could not be elected. Current leader Devlet Bahçeli won the election.

First prosecutor to mention Counter-Guerilla

Öz was the first prosecutor who mentioned what is known as Counter-Guerilla, a clandestine armed guerrilla organization formed within the state apparatus (the Turkish branch of Operation Gladio). Ecevit also based his election campaign in 1978 on Öz's report. Erol Mütercimler, who is currently a suspect in the ongoing case into Ergenekon - a clandestine criminal network charged with plotting to overthrow the government by creating large scale chaos in the country, said in 2007 that the Counter-Guerilla Ecevit mentioned operates under the name of "Ergenekon." Mütercimler's remarks have been the basis for the

Ergenekon investigation. Dozens of suspected Ergenekon members, including those from the military, academia and the business world, have been jailed as part of the investigation into the group. The probe began in 2007 with a raid on a shanty house in İstanbul that police discovered was being used as an arms depot. The ensuing investigation revealed questionable links between a variety of individuals and groups with a wide range of, and even opposing, political ideologies and associations and their involvement in past incidents, such as unsolved assassinations and suspicious bombings.

In October 2006 a hand grenade was thrown at a cafe belonging to Çiftçi in the Alsancak district of İzmir. Çiftçi — who was also a suspect in the murder of secular academic Necip Hablemitođlu and who was suspected of having links to Ergenekon, according to the prosecutor — died because of the attack. The hand grenade that killed Çiftçi had a serial number matching four others found in the Ümraniye shanty house. In October 2009, Erdiñ Utaş, the prime suspect in the murder of Çiftçi, was sentenced to life. The murder appears to be linked to the Ergenekon gang.

Sources

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