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DECISION ON THE JUSTICE AND DEVELOPMENT PARTY (AKP)

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**Introduction and Moderator**

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## PROCEEDINGS

MR. PARRIS: Looks like we got a start here. Good afternoon. My name is Mark Parris, and I have a bit of a cold, as you'll hear. I'm the Counselor of the Turkey Project here at Brookings. The project's director, my colleague, Omer Taspinar, would normally be up here doing this, but he has some duties at NDU, which is his day job, which make it impossible for him to be with us this afternoon, so you get second choice.

Before I get further into our program, I want to pause to express, on behalf of the Turkey Project at Brookings more generally, our sorrow at the death last week of Peter Rodman. Peter was one of our Senior Fellows here at Brookings. He's someone that I've known since we served together in the Reagan administration, and, in fact, he occupied the office immediately adjacent to mine here at Brookings, so we saw a lot of one another on a day-to-day basis.

He was a scholar of great distinction and a dedicated and highly effective public servant, and he was also a good friend of Turkey, both in his official capacities, having visited there often over the past few years, and in a personal capacity. He made a blue cruise just last year, and he was an enthusiastic participant and supporter of our Turkey Project. So we will miss him deeply. And, I'm sure, many here today will join us as our thoughts and prayers go out to his family.

I'd like to also take the opportunity to remind those of you here that our work on Turkey is supported by major contributions from

TUSIAD, the Turkish Industrialists and Businessmen's Association, and by the Smith-Richardson Foundation, as well as by contributions from several private Turkish companies.

The Project's goal is to bring together the Washington policy community and broader American audiences with Turkish scholars and analysts working on the cutting edge of that country's perpetually rich political life.

And in that regard, we have had no shortage of material in the 19 months since we started this program. That said, I cannot think of a more dramatic set of circumstances than those Turkey has faced since March of this year, when a state prosecutor asked the Constitutional Court to close down the ruling Justice and Development Party, or AKP, for being, and these are terms of art, "a focal point of efforts to change the secular nature of the Republic."

As it became clear that AKP might actually be closed down, the case drew a lot of international press attention, and the press tended to describe it in fairly hyperbolic terms -- a battle for Turkey's soul; a judicial coup d'état; the last gasp of the deep state.

The face-off spooked international markets and called into question the notion that Turkey's impressive growth of the past few years have made it immune from political risks. At one point, the Istanbul stock market dropped by 30 percent.

If it were possible, the case became even more opaque for a lot of Turkish observers, when a separate legal process, an investigation

into alleged ultra-nationalist plans to destabilize the country, broke into public view. The coincidence of the AKP case and the so-called Ergenekon case, in terms of timing, raised profound questions of a possible linkage.

I think it's safe to say, as we begin our session this afternoon, that this whole period has helped honest observers realize how imperfect our understanding is of the wellsprings of Turkish political culture. And if that is true, last week's decision to leave the AKP open, but with the machinery of punishment hanging over the party like a Damoclean sword, can only have deepened our sense of humility.

And that's why I am so pleased to be able to present to you today three Turks who make their living trying to figure out the country's politics.

Cagri Erhan, in the middle, is Deputy Director of the Center for Eurasian Strategic Studies, or ASAM. Ibrahim Kalin, on the right, is the Founding Director of the Foundation for Political, Social, and Economic Research in Istanbul -- in Ankara. Ankara, sorry.

Murat Yetkin, who is here for a repeat performance, having been in our very first Turkey 2007 program a year ago last February, is senior columnist and Ankara Bureau Chief for Radikal Newspaper.

Now, together, they and the organizations they present reflect an impressive swath of Turkey's political spectrum, and individually

they are some of the sharpest minds looking at Turkish politics today. And boy, do we need it.

I want to kick off this session, as we usually do, at least when I'm up here, by asking each of our guests a few questions and getting a little conversation started, and we will then open up the session for questions from you in the audience.

I would remind our participants that this is an on the record session, and to be careful in their responses.

I'm going to start with a really basic question, which is: what just happened? What were the last four months about? Was it a judicial coup or was it simply, as some American commentators have suggested, the rule of law being applied in Turkey? Was there a battle for the country's soul? At the end of the day, what was at stake here? Why does it matter? Was it really necessary?

And, Ibrahim, I'm going to ask you take the first swing at that question, and then ask your colleagues each to add to it.

MR. KALIN: All right. Thanks, Mark. Let me begin by thanking you for the invitation. What happened in Turkey is part of a larger debate, of course, about Turkey's past, Turkey's present, and Turkey's future. And the way what happened will be interpreted, in fact, is also part of the equation.

So let me just say at the very beginning that there are multiple ways of reading what happened, but I think from the very

beginning it was clear that it was not just a matter of a judicial court process. It was also a political process from the very beginning.

And the sense that many people got out of the court decision last week was that basically the court members sat down, looked at all the pros and cons, and, at the end of the day, you know they are human beings, too, so they just looked at the consequences, possible consequences, and decided not to close our party.

Having said that, of course, part of the discussion is that, according, again, to one line of interpretation the court basically accepted the charge, but did not go for the final kill, that is the closing of the AK party.

AK party had a narrow escape, no doubt, and I think it gave a sigh of relief to everyone, not just in Turkey, but also friends of Turkey abroad, because the consequences of closing AK party will have been dire for to the economy, for a number of critical issues in Turkey, including the Kurdish issue, for Turkey's foreign-policy engagements over the last few years, and for a number of other issues.

And another thing, of course, was that even if they closed AK party, it will have regrouped under a new name, under probably new leadership or the same leadership, but as long as the popular support is there, probably AK party will have been back.

Therefore, you know, I think what happened in a nutshell is basically it was kind of a political-judicial process, which ended on a happy note for the time being. It doesn't mean that I think that what triggered the

whole process -- the problems, perceptions, entrenched interests -- will go away. I think they will be around, and they will be part of the discussion going on.

But on the other hand, looking at this in the process over the last year or so, since the July 22nd elections in Turkey, a lot of people in Turkey interpreted this as a process of normalization. Will it happen? Will there be normalization on the civilian-military relations? Will there be some kind of a normalization on foreign-policy issues, improving relations with Northern Iraq? Will there be normalization on the Kurdish issue, Alevi issue, economy, and other critical issues that shape Turkish society question today?

The problem is that on all of these issues there is a lot of politicization going on. The stakes are too high. (Inaudible) are essential, therefore, the reactions sometimes tend to be irrational.

But I think it's a struggle on multiple fronts, but in a sense this is a struggle for the soul of Turkey, but in a different context. I think it will be too simplistic to say that this is a struggle, or fight, between Islamists and secularists or Islam and secularism. It's really rather I would put it in the following way: it's a struggle between reformists and establishment in Turkey, because what you define as reformist, what you define as establishment also changes according to the subject. You know, one view that is considered to be, say, progressive, open to change, et cetera on one particular issue, say, the Kurdish issue, for example, can be quite different when you shift the topic to another subject

matter, as we have seen, for example, in improving relations with Northern Iraq war or in European Union membership.

Therefore, I wouldn't really go for that, you know, kind of broad generalization that this is a struggle between these two camps, but rather I will say that, you know, an issue-based division exists in Turkish society.

MR. PARRIS: Let me stop you there for just a second and ask your colleagues if they would accept your description of this as a political-judicial struggle, the end of which is everybody is really relieved that the worst didn't happen. And, if you accept it, and you have to admit, it's kind of an oxymoron -- political-judicial or judicial-political struggle -- then what was the point? I mean, was anything really accomplished here by any of the parties concerned and in terms of Turkey and its development? Has it taken Turkey forward?

MR. ERHAN: At the end of the day, everybody is relaxed actually. Everybody is satisfied, and everybody is unsatisfied, on the other hand. For AK party, they are not closed down, but they are seriously warned by the Constitutional Court, and by -- the opposition, many members of opposition I am sure they are satisfied, because if AK party would have been closed, then the Turkish economy, and Turkish foreign politics, Turkish internal politics will present, would enter into a chaotic environment, and now they are half satisfied with it.

But I do not totally agree with what Ibrahim said about the process, the political-judicial process, because what already was done



was within the framework of law in Turkey -- of law. What we have -- we can discuss or argue whether closing down a party is democratic or undemocratic, but you cannot discuss whether this process is illegitimate or illegal. And it is not the first case. For many years, we had many parties closed by the Constitutional Court, and it will not be the last as well, because we have another one, DTP, the Democratic People's Party, mainly composed of Kurds in Turkey, is now under trial. So we can really discuss whether this process is democratic or not, but the process itself is legitimate. It's based on law. But, at the end, constitutional, judiciary, everywhere is not only run by legal terms.

Of course, at the end, the judges are individuals. Judges have their own ideologies. Judges have their own political views, and many other factors may affect their verdict. And there's this nature everywhere, even in the U.S., for constitutional court decisions can you say it is totally a legal matter? Of course, not. There is political affiliation. Judges in the Supreme Court here also affects their verdict.

So everybody is relaxed in Turkey I think after the verdict, but every party should take some lessons from the verdict.

And I would like to add something. We should take into consideration what the head of the Constitutional Court has said during the announcement of the verdict. He said, no single judge in Constitutional Court really wants to close down a party. So these 11 members of the Constitutional Court did not want -- they do not love to close down the party.

But legal framework in Turkey, the Constitution, and the political party law in Turkey has some articles, which allows closing down the party. So the Chief of the Constitutional Court asked all parties in Turkey -- the ruling party and the opposition -- to come together, change the constitution, change the political party law, and make specific limits -- limitations -- make it harder to close down the parties.

MR. PARRIS: Well, as someone who spent a good deal of my career dealing with the Soviet Union, I can remember situations where there were trials that, strictly speaking, were in accordance with Soviet law. Much of the rest of the world didn't consider that to be in accordance with the spirit of the rule of law, as we would understand it.

But leaving that aside, I think the question that's on the table is:, has this materially changed Turkey in any respect? I mean, presumably the people that started this process intended to accomplish something. Clearly, the objects of this process, that is, the AKP, had a view going in as to where they wanted to come out and what would be best for them as well as for Turkey. How is Turkey a different place today as a result of what is taking place in the last four months?

MR. YETKIN: Turkey is a place where the sharper edges of both sides have been ground off a bit. So we are closer to the center as a whole, with all colors in it.

Speaking of colors, I will go to a metaphor regarding this court. In the terms of football -- that is, what we call football, what you call soccer. The rest of the world calls it football, as you know. True.

There's a concept of this red card. If the referee should issue a red card, you're out of the game. I think the out party had two yellow cards and came to the limit of a red card with this verdict.

From now on, they will be more careful. I believe Erdogan, at least until the local elections in March 2009, he will do business as usual. He will not touch very sensitive issues. Most probably will get into a new reform process, because between 2005 at 2007 he had a lot of criticism for neglecting EU reforms. And right after the opening of the closure case, we saw that. We observed that. Two main issues: one was on the freedom of expression, a 301 case; and the other one is a case on -- is a law on minority foundations suddenly passed through the parliament in one night.

So it was possible. I think he would concentrate on that. Well, this is wishful thinking, as wishful as the thinking of the Chairman of the Constitutional Court when he said a change is needed in the Constitution and in the political parties law, which will make closing down parties difficult. He's right. But we have to see one fact in this ruling. If this case would have been open for 2001, we would be talking about something different because, according to the ruling up to 2001, a simple majority would be enough, and six members of the court who said the parties should be close would win.

But in the Constitutional amendments in 2001, led by late Prime Minister Ecevit, a qualified vote was brought so at least seven out of

11 members of the court were needed to close a party. So it fell one vote short of closure. We have to read ...

MR. PARRIS: Right. They were convicted.

MR. YETKIN: ... like that. Yes. Definitely, I mean, well, they were not given the capital punishment. That's the case now.

MR. PARRIS: Right. Right.

MR. YETKIN: That's what I mean.

MR. PARRIS: So you --

MR. YETKIN: They didn't get the red card, but ...

MR. PARRIS: -- escaped by a technicality, basically?

MR. YETKIN: Yes, and there's another very important technicality, but maybe you will --

MR. PARRIS: Maybe we'll come back to that. I want -- one of the ways of getting at the issue that we've been discussing is to take a look at the principal actors and maybe I could ask each of you to do that. Maybe, Murat, you'd like to take a swing at it, and maybe make your point.

Did the court want this case, as they clearly did, for example, when they invited the case on the quorum in the presidential selection contest? Is it realistic to believe that despite the fact that the military didn't say a word throughout this process that they were hands off on this matter? What -- did the opposition parties matter? Did civil society matter? Can you say a little about that?

MR. YETKIN: Everything mattered, I believe. I understand there are two opinions. One opinion sees everything as a part of a grand

scenario, a grand conspiracy, where the deep state pulls all the ropes of the decisions and does everything possible. The other is a very rosy scenario saying that everything is flowing as it should be and 11 independent judges are not influenced by the society and are taking their own decisions.

I think that the reality is somewhere in between. Those scenarios that a deeper state is pulling the ropes or implying that it's the army pulling the ropes, failed, because the supporters of those theses say that the military wanted a closure ruling. It didn't happen. The claim was that the military was doing this through the representative of the military-judiciary in the court. There's one member of the military-judiciary, and he was going to manipulate and arrange everything.

But we see that -- I talked about one vote short of closure. If that member would've said the party should be closed, it was going to be closed. But that member of the court, of military origin, said it should not be closed. It should be punished somehow, and we see that it's cutting half of the treasury aid to political parties for next year. But he said no. It shouldn't be closed.

MR. PARRIS: Murat is suggesting that --

MR. YETKIN: So it -- sorry. One sentence.

MR. PARRIS: Yeah.

MR. YETKIN: I think the conspiracy theories in this case --

MR. PARRIS: Don't hold up?

MR. YETKIN: No. They failed.

MR. PARRIS: And moreover, that over the course of these four months, public opinion, international opinion were factors affecting the individuals who made those decisions on the court is what you're implying.

MR. YETKIN: If we believe that there was a conspiracy and the military was doing that, we should assume that military didn't want a closure.

MR. PARRIS: Do you gentlemen want to comment on that briefly?

MR. ERHAN: I think Turkish army really was very successful in this democratic test. They did not intervene, and they did not make any comments on the issue. The Chief of Military Staff and the others they refrained to make public announcements, and I think this is a good step forward for hopes for Turkish democracy.

MR. PARRIS: Ibrahim, cynics would say they didn't have to, because they had it wired. I mean --

MR. KALIN: Well, I was going to say you could take it --

MR. PARRIS: Not that there are any cynics up here.

MR. KALIN: Yeah. If you take a cynical point of view, and you can say that part of the conspiracy theory was to make people believe that there was no conspiracy, so.

MR. PARRIS: Well, what do you think?

MR. KALIN: Well, I support the role of the Army --. I mean, it's known that the Turkish army plays a significant role in Turkish society as a whole -- you know, from politics to society, to the economy. But I see

some kind of rapprochement or change in the way Army looks at certain critical issues, because from the very beginning since AK party at least came to power the understanding was that it was going to be a major battle between the Army and the AKP Party for pure ideological reasons. But I think over the last 5, 6 years both sides came to see each other eye to eye actually on a number of issues -- from the Kurdish issue to security in northern Iraq, et cetera, on the Cyprus issue even. And basically, you know, taking the current position of the government on the Cyprus issue was a major, you know, change.

And I would refer to one significant speech given by Ilker Basbug last year.

MR. PARRIS: The new Chief of Staff?

MR. KALIN: Yeah. Now the current Chief of Staff. And he was number two at that time. He was talking about the Kurdish issue, not using the word Kurdish issue, but he was talking about the southeastern problem, and basically he said that, you know, this is an issue for which you need all the soft power you can have. You cannot just do this by military means alone. You have to have political, economic, cultural, and even he added psychological elements in the mix so that, you know, we can get around this issue.

I think it was a very significant message, you know, coming from a chief military person in Turkey basically saying that, you know, we fought this war for the last almost 30 years now. We've lost so many people. Yes, we're going to deal with the security issue as it is, that is, as,

you know, through military means, but basically if you're going to have a long-term solution for this problem, we have to go through the civilian means, et cetera.

That's one area of convergence, a very significant.

MR. PARRIS: Which means creating a political outlet, which some would interpret the AKP as being for the Kurdish population of Turkey in view of their voting patterns with --

MR. KALIN: Yes. Exactly. And, you know, on the diplomatic side of this is now the decision to improve relations with northern Iraq. It was a decision taken at the National Security Council meeting in April, I believe, that now it's time to talk to every actor in Iraq. They didn't mention, of course, their name, any specific names, but basically that was the message, which resulted in the, you know, in the meeting between Chief Advisor to the Prime Minister Ahmet Davutoglu, Murat Ozelik, the Iraq coordinator of Turkey, and Nechirvan Barzani, the Prime Minister of the Kurdistan region in northern Iraq involved.

So it's one example where you see this. What that tells, at least me, personally, is that there is some measure of confidence building between the Army and the AK Party on these key issues, and probably on this, you know, closure case issue, you know, one thing that Turkish army has always been very careful and very adamant to protect is its image. But if you get too much involved into civilian politics and meddling in, you know, other issues, non-military issues, et cetera, you begin to lose your



face, and you begin to lose your credibility. And I think that was something that Buyukanit carried throughout his two years basically.

So I will say that, you know, they -- yes, they kept silent about this issue for whatever reason, but I think, at the end of the day, it was a good decision on their part.

MR. ERHAN: May I add one sentence here?

MR. PARRIS: One sentence. And one sentence.

MR. ERHAN: Okay. In order to understand why army or Turkish military acted this way, we have to go 10-years back. There was a grand coalition in Turkey in 1999, when Turkey became a candidate for the EU. The parties of this grand coalition were politicians, the Army, and business circles. And the grand coalition was willing -- it was a large consensus to open all ways and means to make Turkey an EU member.

So gradually, Army started to change its traditional image, and when you trace back this one decade, you can see clear signs of their less involvement in political system.

But there are, of course, some exceptions. For instance, last year --

MR. PARRIS: I'm going to stop you at sentence number seven.

MR. ERHAN: Okay.

MR. PARRIS: And because you made your point. I mean, you're saying that evidence of their involvement is far --

MR. ERHAN: Yes. The case is EU. Yes.

MR. PARRIS: I'm watching you. One sentence.

MR. YETKIN: Well, if it is one sentence, I think we're not sure about whether AKP Party or CHP as main opposition drew any lesson out of this process, but certainly Army did. I want to make one little different point, and, Ibrahim, that is that we should remember when Buyukanit made a very strong statement last year during presidential elections, which was called as an e-intervention.

MR. KALIN: There are exceptions.

MR. YETKIN: But for the first time ever, the Turkish government the next day made a counter statement, and I think everybody got their message. And since then, we see that the relations are smoother.

MR. PARRIS: But what I hear all of you saying in sort of different words is that whatever the last four months may have been it wasn't simply the Army pushing the button. It was a much more complicated, much more nuanced --

MR. YETKIN: It was a bigger picture.

MR. PARRIS: -- picture. Yeah. And in that regard, let me ask you about a big piece of the picture that came in relatively late in the game, and that is this question of the Ergenekon investigation. How should Americans -- well, Americans don't understand it. How would you recommend that they understand it? Who's behind this? Who are the people that have been indicted? What do they represent? Is it

conceivable that the timing of this is coincidental? And what happens now?

Let me ask you to --

MR. ERHAN: Okay. Let's start with Ergenekon. It's even difficult to pronounce.

MR. PARRIS: Yes, it is.

MR. ERHAN: It is that according to Turkish legend or history, Turks emigrated from Central Asia for thousands of years, guided by a wolf from a desert area in order to find a new home for themselves. And this legend is called "Ergenekon." And there are many Ergenekons in Turkish history. Actually, this is not -- the last one is not the first one. There are some, maybe 10 years ago, I remember a book called Ergenekon after the Suserluk case.

MR. PARRIS: Mm-hmm.

MR. ERHAN: So the reference is to a somehow hidden organization in Turkey which has links with the state, the establishment, with politicians, with Mafia, with some crime organizations, and they make some illegal things. And now -- what's going on now is about an organization, according to the prosecutor's accusations, which is composed of some bureaucrats, some former retired generals -- retired military bureaucracy, some Mafia members. They came together -- it is all accusations, of course; it's not a court verdict, so we should take it -- unless proven guilty, we should understand that they are innocent now -- they come together in order to change the regime in Turkey, the system in

Turkey, or they come together to make some provocations for military to intervene and to topple down the AK Party.

The prosecutor's, public prosecutor's accusations is composed of 2,500 pages. It took me 10 hours to read it. I read it. I'm not sure whether you did. I'm a fast reader. I'm an academic, so I can read. I've finished War and Peace in two hours. Just kidding. Just kidding. Anyway, and I saw were really serious accusations, but on the other hand, there are a lot of unrelated people's names with it. For instance, there's a tape recording of a telephone conversation between two so-called guilty people, and there are some names there who are some politicians, some businessmen that they have no relation with it. And the names are in the accusations now.

So Ergenekon case is becoming more and more some sort of soap opera now in Turkey. Every day we see in some Turkish newspaper some new names and new accusations. For instance, Hurriyet takes another part of this, and gives some names of some people. Zaman takes another part of this. Radikal and (inaudible) takes another part of this. And everybody is satisfied with it.

MR. PARRIS: Well, do you think it's going to go anywhere? I mean, what --

MR. ERHAN: If this is 2,500 pages and the evidence is 400 DVDs, can you imagine? 400 DVDs released to the lawyers of those people and to the media, of course, because they just give it to media, it will take years and years for the judges.

But for the coincidence case, if I come back to your question, it is a coincidence, because the public prosecutor opened the closing case against AKP Party just many months after the prosecutor in Istanbul started an investigation against Ergenekon.

MR. PARRIS: Murat, a coincidence?

MR. YETKIN: I think they are not very much connected into each other.

MR. PARRIS: So basically, you agree?

MR. YETKIN: I have solid information that the main motivation behind the republic prosecutor to open up the closure case was the constitutional amendment attempts by AK Party on the head scarves.

MR. PARRIS: Head scarves.

MR. YETKIN: So we can say that. But they coincided. They overlapped in such a way that the perception --

MR. PARRIS: Sure.

MR. YETKIN: -in the society is like that.

MR. KALIN: And I think what coincided was the arrest of the generals. It was not the opening of the case --

MR. PARRIS: -- before the court --

MR. KALIN: Yeah. It was like a few days difference.

MR. PARRIS: And is there any significance to that in retrospect?

MR. KALIN: Well, what was significant I think in the process was that AKP Party celebrated the process. They had said at the very

beginning that as soon as the court case was opened, they said they will get it done as soon as they can, you know, unlike the other cases, which took -- I think the fastest one or shortest one was, like, eight months or so for the Refah Party. I think and now this will go on record as the fastest court case against any political party in Turkish history -- four months or something.

So what they did they did not ask for extended time. They submitted their defense immediately, and there was a public pressure also on the court to make a decision as quickly as possible. So, and --

MR. PARRIS: It looks like they had no -- in terms of coincidence between the arrest of the generals and the start of the case, AK had its own timeline, which was well established.

MR. KALIN: Yeah.

MR. PARRIS: And it intersected the other prosecutor's timeline in terms of presenting the evidence on the generals at precisely that point.

MR. KALIN: Yeah. Basically.

MR. PARRIS: Would you call this a political-judicial process?

MR. KALIN: The Ergenekon case?

MR. PARRIS: Mm-hmm.

MR. KALIN: Well, again, I mean, you know, the lines get blurred when you talk about these issues. I mean, I think it's political --

MR. PARRIS: That gets me to my next question.

MR. KALIN: Yeah.

MR. PARRIS: Where does this leave the Turkish judicial system? I mean, has it become simply a battleground for an endless political battle for Turkey's soul? Is that where we've ended up here?

MR. KALIN: Well, I mean, the liberal and democratic credentials of the Turkish judicial system are quite questionable. And, you know, you just look at these last 10 years, 20 years, 50 years, whatever, and you see, you know, in case after case, you know, closure of political parties, political bands, and all kinds of, you know, criminal cases are charges brought against prominent writers, et cetera. I mean, these are all done by judges, individual judges, and you have 9,000 of those in Turkey. It's not just, you know, one, two, three.

And basically, they have, you know, unlimited access and power. And, of course, I mean, there are limits to certain things in the statutes and the laws and the Constitution, et cetera, but basically they can just open the case. And what happened, for example, remember what happened with (inaudible). It was just a case, you know, turned into this, you know. He was found guilty, and then the incident happened. Could it happen, you know, to other people also? So, you know, you had that struggle with 301, and now everybody in Turkey is saying that, well, yeah, we got rid of or -- we didn't get rid of 301; well, we changed it. But you have probably another 300 301s in the Turkish criminal code. You can find something else.

So basically there is a problem with the judicial system in Turkey, this kind of unfettered, you know, power given to the judiciary to deal with certain issues. An ideological background, I think that remains to be a problem.

MR. PARRIS: In America, when we've run into impasses in the judicial system, the politicians' resort on occasion has been to sort of technical fixes, sometimes referred to as packing the court, that is, we appoint a lot of new justices, and that changes the balance. Is this something that technically could occur in Turkey? I mean, if the courts are already politicized, and they're going to continue to be an arena for an ongoing battle, is one solution to change the composition of the court or courts? Or is it a bigger problem than that?

MR. YETKIN: Turkey is in a transition state. Everything is getting transformed. I mean, the economy is in a transformation. Administration is in transformation; politics as well. We are talking about actually a very slow transformation process within the military. The judiciary is also changing, but there are pains.

And since a judiciary is where we seek justice, it hurts people, and it hurts those involved. So I think this is part of that transformation process. Of course, the members of the Constitutional Court will change. I mean, they have this age limitation of 65. By their 65th birthday, they have --



MR. PARRIS: But is the size of the Court set by the Constitution or -- I honestly don't know the answer to this -- is it by law or is it by --

MR. ERHAN: By Constitution.

MR. PARRIS: By the Constitution.

MR. YETKIN: So -- well, when a member -- empty -- when a seat is emptied the president appoints another one. So, to answer your question, the judiciary is also changing. I'll give you one example, if we have time. I live in an apartment block, you know. There was a problem. One of the apartments have changed the architecture of the -- his balcony, whatever. And the municipality said that it should be broken down. But he refused, and the municipality said the whole block should be taken down, and this was a court decision. So we all 37 apartments inhabitants we go to separate courts.

Three separate courts looked to our cases. Two of the courts rejected our complaints, and said that the whole block should be put down. But one court -- and that court was looking into three cases -- said that no, they should not be put down. So we all won. But the same case. Three different courts gave three different --

MR. PARRIS: And the building is still up?

MR. YETKIN: -- yeah, the building is still up. So --

MR. ERHAN: You can shop around like --

MR. PARRIS: Well.

MR. YETKIN: So this is the case. We are -- I think this judiciary transformation will come.

MR. ERHAN: This is a total transformation, and we have separate of powers in Turkey, and we claim to be the only democratic country within Muslim countries. And through the EU reform process, if you have a look at the accession partnership, one-third of the document is about judiciary system. We need to reform, and they are not against reforms. They are not against change. I mean, they did a lot. For instance, they are still giving -- maybe they educated more than 2,000 young judges in human rights issues. It's a quite important job done by judiciary itself. Nobody impose it to them. And if politicians or the government interferes with the judiciary, then it is against separation of law, and it will create more and more problems.

So they should do it themselves, and they are also -- they are not living on the skies. They are individual Turkish people. They also have some feelings about the future of the Turkey, and they have some children educated in universities, in schools. They also feel like us. They pay taxes. So if Turkey is on the path of a reform, they also, most of them, take part in this and reshape their system as well.

So we should not as a rule take judiciary or army or others within the so-called framework of establishment and put them always they are against reforms, they are against EU, they are -- no. They also live in this country, and, most of them, want to reform it -- make Turkey a better place as well.

MR. PARRIS: Well, let's take that invitation to look ahead. I mean, in very practical terms, we've got this decision by the court. It was a decision to convict. They are guilty. There was only one vote saying that they weren't guilty. They've been fined. The prosecutor who brought this case has already made clear that if there is further evidence of being a focal point of anti-secular activity, he's ready to move again. But the reality is the court did not close the party, presumably, because, as human beings, as Turkish citizens, as individuals, they looked out at the potential consequences, and they decided that, you know, this would be the wrong thing to do.

MR. YETKIN: This is not a collective decision.

MR. PARRIS: No, I understand. Right. But the result is that AKP is still open.

Now here's my question: Are there any more limits on what Prime Minister Erdogan and his government can do as a result of this than there were the day before the prosecutor brought it to the Constitutional Court? Realistically, in terms of the realpolitik, the way Turkey is run on a day-to-day basis, does this really change or put new limits on the Prime Minister's freedom of action? You're the bureau chief. Why don't you take a first cut at that?

MR. YETKIN: All right. I think there is a limit now.

MR. PARRIS: There's a -- there's more of a limit?

MR. YETKIN: There's a limit. There's more limits.

MR. PARRIS: There's a red card?

MR. YETKIN: I think it is all head scarf.

MR. PARRIS: Mm-hmm.

MR. YETKIN: If Erdogan will touch that issue once again before changing some reference points, like the political parties law, like the Constitution itself, you will have trouble again. We want to make a point here, just opening up a parenthesis, actually since the appointment of the higher education board last year, this head scarf issue was on the table -- and after statements, as everyone was assuming that this problem will be solved by itself and some universities would let it go. Some will prohibit, but in time it will be solved somehow. Erdogan actually had won that war. But what he wanted to do is to take the flag and fight in the battlefield and put the flag on the top of the castle, and he lost the war and the battlefield.

Actually, he won it. He had won it on the table.

MR. PARRIS: I guess what I'm asking is has he lost it?

MR. YETKIN: For now, yes.

MR. PARRIS: Agreed?

MR. YETKIN: Because what is a limitation? Now he turned this into a constitutional battle.

MR. PARRIS: Is there agreement?

MR. KALIN: I think there will be some pressure on Erdogan himself and AK Party to be more careful about some of the more critical issues in Turkey. They will probably feel that they will be under close scrutiny from now on, because, again, legally the case is not over. I

mean, they can open up another case very easily six months down the road, one year down the road, and, you know, they can put together another indictment basically citing other evidence. So it can happen. Legally, it can happen. Whether politically it can happen, we'll see.

But I think they will feel that, and I agree until at least March 2009 municipal elections, they are not going to touch any of this hot button issues for the time being. But, I mean, is that a solution? I think that's a big question for Turkey. Would that solve the problem? Will that solve the head scarf problem or other critical issues in Turkey?

So every time you deal with or touch one of these highly sensitive issues you have a crisis in Turkey, but, you know, putting them aside, you know, throwing them under the rug doesn't really solve them. The problems do not go away. You simply postpone them. The same with the head scarf issue; the same with the Kurdish issue, the same with a number of other critical issues.

Therefore, we have to find a way, a way of national reconciliation on this issue, and now probably Erdogan himself will have to work harder to get all political actors together to come to an agreement on the head scarf issue not simply because of the so-called neighborhood pressure. I don't think that's really an element, because, as many people say, if you look at the numbers, it's not a number one issue for anyone -- the head scarf issue. It will be, like, you know, the tenth most important issue. Number one, two, three will be economy, terrorism, security, et cetera, et cetera. That's right. But, you know, if you go by numbers, then none of the issues

that have become part of the universal culture of human rights, freedom of expression, even, like, you know, the other sensitive issues -- Kurdish issue, et cetera, will be on top of the list.

So I think it -- we shouldn't trivialize the significance of the issue itself. You can talk about the ways in which, or different ways in which this can be dealt with, but I think the problem will be there. And the head scarf ban is a ban that needs to go. It's really not -- it shouldn't be part of any democratic culture in Turkey. But it's a matter of finding the way to deal with this issue by creating a political consensus --

MR. PARRIS: And the timing of it?

MR. KALIN: And the timing of it, and the same goes for the new constitution. It will have to be on the table at some point in some form. If AK party now says that, you know, I got my fingers burned in this, and now I'm going to just put this aside for the time being. I'm not going to touch any of these issues. Then they will be just, you know, doing the dish in the kitchen, but really not producing anything.

MR. PARRIS: Cagri, as a former student of political science, I mean, we all know --

MR. ERHAN: Still.

MR. PARRIS: Hmm?

MR. ERHAN: I'm still.

MR. PARRIS: Yes, I know. There's analysis. There's what everybody knows is the rational way to do things in a smart way -- go slow, pick your time, pick your battles, get it right, build the constituencies.

And then there's personality. We've seen enough of the Prime Minister's personality over the past year or so. Is this a guy who's capable of reaching the right conclusions? I mean, Murat Bey has said, you know, there are some lines here that didn't exist before. Ibrahim has talked about considerations that ought to cause the PM to take it a little more carefully. Is the tough kid from Kasimpasha able to do that in your opinion?

MR. ERHAN: I'm still --

MR. PARRIS: I don't want to put you on the spot here.

MR. ERHAN: I'm still a student of political psychology, so I do have a capability to answer this question actually. But there are some signs just after the verdict was announced that show he doesn't take the decision as a conviction. He said just a few hours after the court decision was announced that AK Party was not a focus of anti-secular movements in Turkey. However, 10 members of the court found that it was a focus of anti-secular movements, and they convicted AK Party by cutting half of its financial support from state. So it's a sign from the very early moment that maybe it will take time for him to understand this meaning and take some serious steps forward in order to make more comfortable political environment in Turkey.

For instance, he can make a Cabinet revision. Why not? It's possible. Now, the parliament is closed, and he has two months to think about the decision, the verdict, and make such a Cabinet revision. He can soften his words. He can soften his rhetoric, et cetera.

And for head scarf issue and I disagree with Ibrahim, in this case I cannot put head scarf issue in the same place with Kurdish issue or Cyprus issue or EU issue. It is not as important as those ones, and I also agree that it's a human rights issue. But when you put -- the government should be selective, and twice they tried this. At the end, now, it is impossible, after this Constitutional Court decision in April, March? I don't remember. The head scarf one.

After the court decision, it is now constitutionally impossible to make it. They made it difficult. Maybe hadn't they changed the Turkish constitution for this issue, it could be solved in a way. But now, he should be selective, and he should take the issue out of his agenda now.

And when you ask the Turkish peoples, what are their top priorities, what do they expect from the ruling party in Turkey, they never put head scarf issue in top 10. In some surveys, it is 13th issue. In some cases, 11th issue. Economy is important. Security is important. Education is important social security is important. Foreign policy somehow important, and human rights as important as a whole. But head scarf issue is not a priority of Turkish people.

MR. PARRIS: The head scarf issue has hijacked the last four months at least of the Turkish political agenda. I don't want it to hijack this discussion as well.

But what I have heard all of you guys say at various points over the course of today is that in contrast to the polls, which show, in some cases, that the head scarf is a low priority for a lot of people at least,



a high priority is getting back to the EU track, writing a civilian constitution, doing a number of things.

Now I think you would all --

MR. ERHAN: And he lost five months.

MR. PARRIS: Everybody's nodding to that.

MR. ERHAN: He lost five months because of this process.

MR. PARRIS: Right. So here's --

MR. ERHAN: And to come back --

MR. PARRIS: But I would suggest that there's a reason that there wasn't greater movement on the Constitution or the EU reforms and that is that, you know, from a purely -- from the standpoint of local politics, these are -- this is hard work. It's difficult to get a consensus. If you're going to reform a constitution or write a constitution, someone is going to get angry. Why should we believe after this rough four months, a battle for Turkey's soul, that it will be easier to write a constitution or revive the reform track than it was last winter?

Ibrahim, why don't you. I mean, what's wrong with that analysis?

MR. KALIN: There's nothing wrong with that analysis. It's just that it's going to be tough to write a constitution, because we never wrote a civilian constitution. All of our constitutions were written under extraordinary circumstances. That's why, you know, we've been battling this Constitution for the last --

MR. PARRIS: Is this extraordinary enough?

MR. KALIN: Well, I hope it will turn into a normal, you know, environment where we can start a national debate about, you know, what the Constitution means what kind of constitution we can write, et cetera.

But, you know, why we've been battling with this Constitution for the last 20-something years is because of this. It was written by Army generals, and everybody knows that it's been changed so many times that even the original drafters, you know, don't recognize it anymore, but, nevertheless, it's the Constitution. It's out there.

So that's all the more reason why, you know, we need to have this debate in process going. But again, it will come back to this critical issue. Every time you have one of these touchy, critical issues, whether it's head scarf, whether it's Kurdish broadcasting, whether it's, you know, 301 or other issues, it will come back to this issue again.

So, you know, I'm not suggesting that we shall take out again the head scarf issue and deal with it separately. And the mistake at the beginning was, in fact, to do that exactly; that is, they did not go through that process of, you know, presenting a package of civil liberties or making it part of the new constitution, but rather because of that statement and everything MHP got gotten involved, and, you know, suddenly, you know, we had this 10 and 42 amendments in the Constitution, which blocked the process for the time being. That's true.

But, you know, none of that suggests that we should just simply forget about the whole issue. It's going to be there. It's going to be a problem. It has to be part of this process.

Now the new constitution, again, will be very difficult. I mean, we have had this discussion since last year and some people are even arguing that you cannot write a new constitution. You cannot. I mean, we heard these arguments from, you know, a number of people.

Now you may say well, that's a minority view, et cetera, but the view is out there. But if you look at the vast majority of Turkish people, I think, we have a consensus to have a new constitution. It's just a question of the content and the substance of that Constitution. That will be part of the discussion.

MR. PARRIS: I've got two final questions, and then I'm going to open it up to the audience.

Cagri, you have been yourself involved in opposition politics in Turkey.

MR. ERHAN: I'm still a member.

MR. PARRIS: You're still a member of the DYP?

MR. ERHAN: DP.

MR. PARRIS: DP. Sorry. Democrat Party. There was a lot of anticipation that if the AKP was closed, it would create some space in the political spectrum, which would enable the creation of a new political movement or party that would be a more competent competitor against the AKP than the existing opposition parties.

Where does this decision leave that effort? Do people like Abdullatif Sener go back to teaching?

MR. ERHAN: Not to the university. Definitely.

MR. PARRIS: Not to TOBB university. No. What's the future of the opposition in the wake of his decision?

MR. ERHAN: The problem in Turkish democracy is not an AK Party problem. It's an opposition problem, mainly. Of course, there are many facets of the problem. We are passing through it.

And traditionally Turkish democracy which was initiated after 1946, I may say, 50 years or more was ruled by governments from central right for central left. And this was some sort of one by one change.

However, now, central right is almost diminished. We couldn't have succeeded to merge the DYP Party at that time and Motherland Party before the elections. And central left could -- cannot increase their vote because they have a different agenda. They are not --

MR. YETKIN: It's not central left anymore.

MR. ERHAN: Mm?

MR. YETKIN: It's not central left anymore.

MR. PARRIS: It's not central left anymore.

MR. ERHAN: Yes, we can argue this as well. And Murat Bey is right because even the Socialist International months ago, they even talked about expelling CHP from Socialist International because they lost their social democrat leftist arguments in the party. They don't share this idea anymore, you know.

And the problem with opposition is stemming from Turkish political system. And the same problem is somehow it will not change the political system and that will affect negatively AK Party as well.

Now they are ruling party. They don't feel it deeply as opposition feels it. But within some years, they will also feel it.

The problem is the Turkish party system is not democratic. We have leader parties, and the old mechanism in parties, when you look from outside you see that they are democratic; there are executive boards. They have some councils. You think theoretically they discuss inside the party and they come a decision, and the leader announces it. No.

The leaders in all parties in Turkey may decide whatever decision will be taken, and he imposes. And unfortunately, nobody can oppose to the leader because if he does so, there will be elections and maybe he will not be nominated in some places or he will be --

MR. PARRIS: It doesn't sound to me like in the municipal elections, AKP is going to face a more formidable opponent than they did the last time in the short term.

MR. ERHAN: The main problem is changing this political system. We need four important points to be done within the political party system or political party law.

First, we have to make all boards within parties really democratic. Nobody which is elected cannot be -- should not be replaced by anyone. And the MP's nominations should be done through elections within parties.

The second one unfortunately we do not have a real financial control of the parties in Turkey. I mean, fundraising is --

MR. PARRIS: I'm trying to move on. But go ahead and finish up. Yeah.

MR. ERHAN: Okay. The third one, the leaders of the parties they do not want to leave there seats even though they lose the elections. So there should be mechanisms to replace maybe for two terms or three terms, but not for lifetime as we are witnessing in Turkey.

And the fourth one we have to by, of course, public pressure, we have to bring together these small parties which actually -- and it will be a natural result of this party -- political party reform system -- bring together the smaller parties to form more concrete larger parties. How? If we get rid of this 10 percent national threshold, it will be easily done.

MR. PARRIS: Okay.

MR. ERHAN: Otherwise, look at Turkish parliament. Because of this 10 percent threshold, 25 percent of votes are not represented.

MR. PARRIS: Sounds like Florida. What was the impact of foreign commentary, official, non-official, on the outcome of this? Did it make a difference?

MR. YETKIN: It did make a difference. First of all, it's good for every democracy that there is a solidarity in between. It's good to feel that.

I think the statements from the United States regarding the closure case in Turkey was much more balanced than the statements from EU. One may argue that the European Union was more courageous

to stand against a judicial process against the AK Party, but that was considered as counterproductive as well.

MR. PARRIS: Mm-hmm.

MR. YETKIN: And I'm not sure how it affected the judges. It affected the public opinion somehow, but it may have affected the judges through that.

I think the European Union officials have realized that and after their first sharp statements there was a foot to brake and they were more balanced. But, yes, it affected the whole perception, the whole understanding of the process. Turkish people realized once again that they are not isolated from the rest of the democratic world.

MR. PARRIS: Do you think the vote would have been different had the commentary from outside have been different?

MR. YETKIN: It may be too hypothetical --

MR. PARRIS: Yeah. Okay.

MR. YETKIN: -- but it affected the whole atmosphere. We can see.

MR. PARRIS: I won't push us on that.

MR. KALIN: Mark, if I may just say --

MR. PARRIS: Yes, please.

MR. KALIN: -- one word about that. I think the main difference between the U.S. and European responses was that we are in a negotiating member of the European Union. When Barroso came and, you know, gave that speech at the Turkish parliament with Oli Rehn with

him, standing by there, basically what they said, the message they gave was that they do care about what happens in Turkey, because we are negotiating with you. So we cannot simply say that, you know, it's your internal issue. We cannot really say anything about this. If you are serious about negotiating -- and Turkey is seeking EU membership. And I think that political leadership, or at least that group of people that support Turkey in the various European Union structures, basically said that we do care about Turkey's, you know, internal issues, and, you know, you'd better get used to it, because once you become a member, these things will be part of your national agenda as a full European Union member, if that happens, you know, at all at some point, you know, in the future.

And I think it generated a very healthy debate about what it means to be part of something like the European Union. Basically joining European Union, as is the case with joining any other transnational multinational institution, is to accept the fact that now you have to share your sovereignty with another body. We are a member of NATO. We are a member of OSCE. We are a member of, you know, a number of international institutions.

What you do basically, since we are a member of NATO, we have NATO bases in Turkey. So does that mean we are giving our country to foreign armies? No, you're basically sharing the sovereignty of your land to get in return security assurances from, you know, the members of that union.



The same applies to the European Union issue. So, in a sense, you know, it added to the debate about the issue of globalization and new nationalism in Turkey.

On the one hand, the kind of the globalists that said no, we have to embrace this fact, and if you're serious about the EU membership issue, we just have to find ways to deal with this. And, on the other hand, you know, kind of the new nationalists basically saying that this is a plot to divide Turkey, et cetera. And, you know, that's one of the undercurrents that you have in Turkey.

MR. ERHAN: But we cannot neglect that AK Party, MPs, and many party members, they really made a lot of visits to Brussels and knocked to doors, and --

MR. YETKIN: Exaggerated.

MR. ERHAN: -- they wanted them. Exaggerated.

MR. YETKIN: Exaggerated. They exaggerated the situation.

MR. ERHAN: Because if what you are saying is true, then we should also expect from EU to intervene in DTP cases. They do not give any announcements about DTP cases.

MR. PARRIS: Well, absolutely, they are. You're not just listening.

MR. ERHAN: Not as strong as they did in our case.

MR. PARRIS: And that's --

MR. YETKIN: AK party enjoyed the closure case against --

MR. KALIN: No. I'm talking about EU response to DTP case.

MR. ERHAN: Oh, yeah. It is very light. We don't see any Barroso announcements. He is not coming to Turkey to defend DTP.

So I think AK Party also made a lot of effort in Brussels and Strasbourg, even in Strasbourg --

MR. PARRIS: And was that helpful or harmful to their case in terms of perceptions.

MR. YETKIN: Oh, at the end, I think it was harmful. If they would have keep continue doing this, that it would negatively affect court decision because there was a huge public --

MR. PARRIS: Do you agree with that?

MR. ERHAN: -- the EU support in Turkey is now 36 percent something.

MR. YETKIN: Those can change daily, and I don't give much value to that.

MR. PARRIS: No, but it's a --

MR. YETKIN: But AK Party Deputy is lobbying more statements against --

MR. PARRIS: Against the Supreme Court. MR. YETKIN: It was really funny, and it was really strange.

MR. ERHAN: Even the Foreign Minister himself did --

MR. YETKIN: I know we've been through this before. That threat that we are going to kick you out was empty, because everybody

knew that if there was going to be a closure, there was going to be an early general election. It's more likely that AK Party or the successor party would win it again.

MR. PARRIS: Right.

MR. YETKIN: So to punish the wrong person, what? I mean, it was empty threat.

So that's why they put the brakes on.

MR. PARRIS: I'm going to summarily end this part of the conversation. I'll take questions. Please identify yourselves and wait for the microphone. We'll take Congressman Steve Solarz first.

MR. SOLARZ: Thank you. I've suggested to some of my friends in the Kemalist establishment that if they're really concerned about the threat which the AK Party poses to the secular system in Turkey, they should try to ban Denis Baykal rather than Tayip Erdogan, so there could be a more effective opposition.

But I have two sets of questions about the court decision itself. First, what was the basis of the opinion of the five dissenting judges? Did he just have to do with the nature of the penalty that would be imposed on the AK Party, and did the five, for example, favor not only banning the party, but also banning the prime minister and the president and the 70-some odd other AK Party political figures as well?

Secondly, as I understand it, the basis of the indictment was the charge that the AK Party was attempting to establish an Iranian-style

Islamic republic based on sharia, thereby overturning the secular basis of the state.

To the extent that the court, as Ambassador Parris has indicated, sort of accepted the basic charge, on what did the court base its conclusion that, in fact, the AK Party was guilty of trying to overturn the secular character of the state?

MR. PARRIS: You want to do that?

MR. ERHAN: Okay. The first question I can answer, actually. It's a technical issue, but I have to clarify, because at the end without knowing how Constitutional Court reaches a verdict, it is not easy to make -- analyze about.

There are 11 judges. And the question is asked to each of them whether to close the party or not, one by one. And at the end, the head of the Constitutional Court shows his vote. Six of them said yes. Four of them said no. And the final ones that we have to overrule all the public prosecutor's accusations.

So it is six to four -- and one. But, according, as Murat Bey said, according to modification -- amendment, which was then six, seven years ago, we needed seven votes. Okay? So party will not be closed at the end.

And according to another amendment, which was done in Turkish law, I tried to translate into English -- I'm sure it will be senseless - - but the name of the law is Law of Methodology of Penal Judiciary. Okay? (In Turkish).

If you cannot reach a verdict cover close down it. But if you decide that it is also the focus of anti-secular movements and rhetoric, then this four lower votes they come were added to the six others, so 10 altogether decides or convicts the party.

So at the end, it is convicted. That's why they decided to cut half of assistance, financial assistance from the government. But they decided not to close it down. It's like this and this metaphor is not -- does not belong to me, but to (inaudible) as well -- I sacredly refer to him. He said, "Son of the family he tries to burn down the house, but at the end the father of family says just takes the ear and says do not do it again."

So it's something like this. They showed a yellow card. They said you are guilty, but they didn't close it down.

MR. PARRIS: And the formal basis of the conviction was? They were convicted on -- that was your question; right?

MR. SOLARZ: What was the basis for the conviction?

MR. PARRIS: Yeah.

MR. ERHAN: The Constitutional Court takes -- it is an extraordinary court. So they take all kinds of law into consideration -- laws. There are some evidence, so-called evidence, which was given to them by public prosecutor, some speeches for some actions of party members, 67-some of them. And at the end, they decided they are against secularism, but it's not necessary to close down this party.

MR. PARRIS: Murat.

MR. YETKIN: We didn't --

MR. ERHAN: It is very technical. It is very technical.

MR. PARRIS: Murat, do you have something to add to?

MR. YETKIN: Yeah, we didn't have -- we don't have the final and justified resolution, as they called.

MR. PARRIS: So they haven't published the finding yet?

MR. YETKIN: Yes. Yes, but from the information as a journalist, we have from inside is that they find it violating the second article of the Constitution, which says Turkey is a secular, democratic state of law, and this cannot be changed.

MR. PARRIS: That's the best we're going to be able to do this afternoon.

MR. YETKIN: Yep.

MR. PARRIS: Here in front.

MS. KAMAREI: Thank you. I have two brief questions.

MR. PARRIS: Name. Name, name, name.

MS. KAMAREI: My name is Sona Kamarei (ph). I'm from Georgetown University.

I read today in a newspaper or a speculation about another Constitutional Court case targeted specifically against key AK politicians, primarily the Prime Minister.

What is your take on this? Have you --

MR. YETKIN: What politicians are you saying?

MS. KAMAREI: Targeted against key AKP politicians, so it's got to be a case on closure of AKP, but it's --

MR. YETKIN: Going after an individual.

MR. KAMAREI: -- banning individuals from politics.

MR. PARRIS: It's the same case.

MR. YETKIN: It's practically -- it doesn't have any meaning.

It is not possible. First of all, parliament members have parliamentary immunity. Second of all, political ban can't be brought to a politician because of causing the party to get closed. So without closing the party, you cannot any politician from party politics, so report is not true I think.

MR. PARRIS: Thank you very much.

MS. KAMAREI: Okay.

MR. YETKIN: I can easily say that.

MR. PARRIS: Right in front here.

MR. MITCHELL: Gary Mitchell from the Mitchell Report.

And this may be some version of the question that Congressman Solarz asked and or it may be going too far back in the textbook, but I just want to-I like the metaphor of the party had been given a couple of yellow cards. I want to be sure I understand for what actions had they been given yellow cards.

MR. YETKIN: Again, let me repeat it. From the information we got from our sources in the courts -- these are not printed yet -- but one prime minister's words in a press conference in Spain saying that what if the head scarf a political symbol. Head scarf -- somebody asked at a press conference -- I think a Spanish journalist asked there are criticisms that the head scarf is regarded as a political symbol. What do

you say to that? And what if it's a political symbol? We're going to do that -- in that sense, we're going to do that.

Head scarf is a religious symbol. So that is taken by the prosecutor and apparently by the majority of the judges that to use a religious symbol in politics, in political life, in administrative life, is a case --

MR. PARRIS: That constitutes becoming a focal point of efforts to change the secular nature.

MR. YETKIN: -- as a continuation to that, the AK Party had an attempt to change the constitutional laws regard --

MR. PARRIS: No, no. I'm just watching some of the lawyers in the room roll their eyes.

MR. YETKIN: I can see that, but I try to explain the information we got from the court sources, those two mainly.

MR. KALIN: Mark, if I can just add one sentence to that?

MR. PARRIS: Yes, Ibrahim.

MR. KALIN: Just to give you a little context. There has been a debate in Turkey about the head scarf issue, whether it's a matter of religious issue or it's a political symbol. And the debate goes along way. And basically the charge from the opposition party, the Republican Party and other people, has been that it's a political symbol. It's part of politics. Those who you see as covering their head they are not doing it out of religious concerns, but they are doing it as a political symbol.

So when the Prime Minister said that what if it was a political symbol, because basically he was saying that, you know, let's assume that



it's a political symbol, so we're going to ban it. So that was the debate that started in the whole process.

But I think part of your question was about what was included in the indictment, if I understand you correctly; that is, if you read the indictment of the chief prosecutor, basically about 80 percent of it is about the head scarf issue -- statements, amendments on Articles 10 and 42, and other statements.

But one of the interesting things was that got me very interested in, because, you know, I've follow Turkish foreign policy and the regional policy -- was the sections on Turkish foreign policy. That is, Turkey is getting involved in all of these political issues in the Middle East and the broader Middle East issues, et cetera, and, you know, other foreign policy issues, including Alliances Civilizations Initiative with Spain. They're all proof for AK Party's hidden agenda of Islamism, because, again, you know, it's stated very clearly in the indictment that this government is supported by the United States to promote the so-called moderate or soft Islam. That's why they're in power and supported by the U.S. government.

And the reason why they're getting involved in all of these issues, Middle East issues, is because America wants to project a model to rest of the Muslim world, and Turkey is that model, et cetera. It's a very convoluted, you know, logic, but it's there.

And you read the indictment there, and it's just, you know.

MR. PARRIS: The indictment is available on the Web.

MR. KALIN: If that's being a focal point of anti-secular activity... .

MR. YETKIN: Both indictments, the closure case indictment and Ergenekon case indictment. They are not the most bright cases of Turkish judiciary.

MR. ERHAN: And let me add most of the evidence was collected from Internet, you know, that's why --

MR. KALIN: It was called the Google indictment.

MR. YETKIN: In both cases.

MR. PARRIS: Going to go back here. The lady with the colorful blouse. There's a microphone making its way to you.

MS. COSMAN: Kathy Cosman, U.S. Commission on International Religious Freedom.

I had a question about several mentions were made of the importance of the Alevi issue in Turkey in the context of secularism, and also I believe there was a European court decision recently about a Greek orthodox orphanage that is supposed to be returned to the Greek Orthodox Church, and if in general you can also discuss the Minority Foundations Law.

MR. PARRIS: Who's best qualified to do that?

MR. YETKIN: I think Ibrahim.

MR. KALIN: Why me?

MR. PARRIS: All right. You start and then I'll give each of them an opportunity.

MR. ERHAN: Okay.

MR. KALIN: Well, I mean, each question requires a very long time to explain, but just very briefly. On the Alevi issue, you know we've had this problem for many years now. It's, again, one of the undercurrents in Turkey. Again, it's where religion, politics, power politics, power struggle -- everything gets mixed in the Turkish context. It's very difficult to separate and just identify the Alevi issue, say, as a religious-social issue, and there is the political side of it. Just they're all mixed.

And there have been years of negligence, obviously, you know, of this issue. But over the -- I would say it again, I mean, over the last, you know, 10, 15 years or so, there has been some progress made. At least attempts have been made to deal with this particular issue.

Now it has become an international issue for Turkey, so it's, you know, I mean, for a lot of people in Turkey, it's, you know, kind of hurting their pride, national pride and confidence that, you know, some of our citizens are going out and making these complaints to foreigners, Europeans, et cetera, and all of the European courts are basically giving all these decisions against Turkey.

So this, you know, this is part of the debate also.

Now the Alevi community at certain grievances and has certain demands. You know, some of them are political, but some of them are really simple, concrete, you know, issues related to services, for example. Some of them would like to get the same status as mosques as places of worship so that they can have certain privileges for utilities, et

cetera, or they want their dead as religious figures, to be paid by the government.

These are some of the concrete demands that they have, but then there are other larger political issues. An attempt was made last year, some of you probably followed this, there was this famous Ishtar, breaking of the fast on (inaudible), a day on which the Alevis also fast. And, you know, these people are invited to start a kind of a national discussion or debate --

MR. PARRIS: Really?

MR. KALIN: Yeah, but unfortunately it failed.

MR. PARRIS: It failed; yeah.

MR. KALIN: For five what?

MR. ERHAN: For five organizations only attended out of --

MR. KALIN: Well, over a thousand people attended the Ishtar itself. But unfortunately it failed.

MR. YETKIN: The Alevites -- there was a member who was appointed by the prime minister --

MR. KALIN: Yeah.

MR. KALIN: -- to initiate the whole thing.

MR. YETKIN: -- to initiate. He resigned.

MR. KALIN: He resigned from his position as an adviser to the prime minister on that issue, Rahat Chamorobo (ph).

MR. PARRIS: I'm going to take two more questions. It's five minutes to five, and if they're quick questions and quick answers, we might get one more.

Over here in the middle.

SPEAKER: Thank you. Thank you for all your input. And thank you so much for pointing at me, but first of all I would have liked to see a female on this panel, because I don't think the female perspective is really heard enough. And so my question, then, is regarding the yellow card, red card analogy you made, and you all express some sort of optimism, saying that AKP would take this as a serious warning sign and adjust its policies accordingly. But the day after the court decision came, the President made 21, I think, university appointments, based mostly not on merit, but political affiliation. So how do you interpret that?

And my second sort of follow-up question to the constitutional sort of rewriting, having established that the judicial --

MR. PARRIS: What's your question?

SPEAKER: -- sorry. The judicial process is not really reliable in Turkey, which leaves us the executive and the legislative branches, which are both under AKP's control, how can we have reliable all in encompassing constitution?

MR. PARRIS: Next question. Right here.

SPEAKER: Thanks. Quick question. Do you think that the court missed out on an opportunity to clarify or redefine Article II of the

Constitution, and what do you think this shows of how high the constitutional threshold is of what constitutes an anti-secular activity?

MR. PARRIS: Okay. Why don't you take the first question.

MR. ERHAN: I can answer about these appointments to universities, because I'm a university professor, so I voted in presidential elections in our university, just two months ago. And in Ankara University, the professor who gained most of the votes is appointed by President, but it's not the same case for other universities.

But this is a law as well, and it is not because our current president. Our former president also made the same thing. For instance, in Gaza University, in Ankara, the first professor gained more than 1,000 votes; the second one gained 600 votes. There were 500 votes between, and our former president appointed second one. So nobody criticized him that time who are criticizing President now.

So this is the law and this is ridiculous. As a university professor, I want the guy who came out of ballot box to be our -- my president. I don't want the Council of Higher Education, which is composed of 21 people, come together and decide to change the listing of the nominees, and then the president to nominate one of them. The system is so complicated. It is not democratic. So we cannot criticize our president about this issue. He does what the former presidents already done, because of the system. The system should be changed.

MR. PARRIS: So it's business as usual?

MR. ERHAN: Yes, it is as usual.

MR. PARRIS: And, Murat, the question of whether you can rely on the legislature and the executive. Under the circumstances, well, you can't rely on the courts, if you can't rely on the courts, and maybe, Ibrahim, did the courts miss an opportunity here.

MR. YETKIN: If you look from a perfectionist point, you cannot do anything, if this is a transformation process, and it is, so you're going to evolve it. You work in the circumstances, and, at the same time, you try to improve the circumstances, improve the conditions you're working in.

So, yes, legislation is possible. Maybe it's not possible 100 units, but --

MR. PARRIS: I think the question was can you trust the executive and the -- in a situation where AK controls both Cankaya and the parliament, can Turks sleep safely at night. Is that more or less ...?

SPEAKER: (Off mike) balanced more.

MR. PARRIS: Yes. Where are the checks and balances in the system?

MR. YETKIN: Checks and balances are failing. The separation of powers, as you asked, is not working very well because the executive branch has the control over the legislative branch.

But and we're going back to square one, without changing political parties law and without changing the --

MR. ERHAN: Constitution.

MR. YETKIN: -- con -- no, not Constitution -- without changing the political parties law and the election law, you cannot do that. You don't need a constitutional consensus for this. They just change two laws. And if the AK Party complains that we don't have any strong opposition which will be in our benefit as well, you change the law and see the opposition.

So, yes, then we can sleep better.

MR. ERHAN: In five years, it will be more complex and more difficult, because in five years we will elect -- or six years our president by popular vote as well. And, at the end, we will have a prime minister elected by the people and a president elected by the people, and there will be really problem of executive. Who is head of the executive?

MR. PARRIS: Some people would say that if you elect your leaders by popular mandate, you should be able to sleep at night, but that's another question.

MR. YETKIN: I don't see why people are having a problem with giving the people a chance to elect their president ...

MR. PARRIS: Did the court -- did the Court ? Abraham Lincoln would probably --

MR. YETKIN: ... nor why we should lose our sleep, but it's a good question. Did the court miss an opportunity to give at least an acceptable definition of secularism. Well, there is a definition of secularism, not in the Constitution itself, but in the -- what do you call it --

MR. KALIN: Ishjehad.



MR. YETKIN: No, no, not Ishjehad, the -- what do you call them. You have another set of texts that are, like, interpretations of certain articles of the Constitution --

MR. PARRIS: The implementing legislation?

MR. YETKIN: Yeah. Kind of like the parallel -- they call them commentaries or something --

MR. ERHAN: (Off mike)

MR. YETKIN: Anyway. No, no, gerache (ph). No, (inaudible) gerache and the (inaudible) gerache and -- it's called, and I don't know whether you call it technical term anyway.

But basically there is a clear definition of secularism there. The problem is it will help, of course, to have a definition of secularism accepted by the vast majority in Turkey. The problem is that even if you have been definition, as I said one that exists there in the -- probably the bylaws -- I think it's called -- anyway, is, you know, considered the reasonable definition.

The problem is it's a power balance that leads you to interpret secularism or being the focal point of anti-secular activities, you know, in different ways. It's, again, you know, it becomes part of the political process, where the judiciary or the legal system begins where the political process begins gets credit-it's all blurred.

We will need more than a legal technical definition of secularism to overcome this issue. And I agree. I mean, it will help to have, you know, the political parties laws changed and certainly maybe

clearer statements, limits on the definition of secularism, because, I mean, you know, it can become anything. It becomes almost a free ride, you know, to use secularism and then, you know, indict anyone.

You know one of my concerns, for example, about the whole Ergenekon issue that issue is that it's going to become an urban legend, where, you know, we're going to blame everything on the Ergenekon -- a traffic accident, you know, down in Konya will be part of Ergenekon. Then you know, you know, it becomes empty of content.

So the same thing happened unfortunately over the issue of secularism, but the underlying problem in Turkey is not about keeping religion and politics separate. I think it's only a very, very small minority in Turkey that argues for wishes for something like this in Turkey -- what you will call a sharia state. The problem is the very narrow, almost militant definition of secularism imposed upon people by using state powers -- if you don't get the state involved in this -- state -- the judiciary, government, doesn't matter, whatever it is, Army, et cetera -- people don't -- I mean, Turkish people overwhelmingly don't have a problem with this kind of a democratic secular system.

But when secularism becomes a state ideology, where you basically curb civil liberties, you know, human rights, religious freedom, et cetera, then you begin to have a debate. But really it's not about separating state and church or state and religion, but it's really about imposing a particular worldview, and then, you know, it becomes a debate

between tradition and modernity rather than dealing with the issue of separating the institution of religion from the institutions and politics.

MR. PARRIS: Final comments?

MR. ERHAN: I can comment on what Ibrahim just said actually. It is not necessary real clear definition of secularism. There is no clear definition of democracy anywhere. There is no clear definition of terrorism. But we know what it is. We perceive it, and about secularism -- secularism perceives in America is completely different than secularism proceed in France; it is different than in Britain. So why should we define it. We perceive it. And if you ask on the street, 85 percent, 90 percent of people in Turkey have no problem with secularism. They can worship in the mosques. I can worship in the churches. They can worship in "cem houses." And they can also go and vote and elect whatever they want.

So we cannot minimize secularism and equate it to the problem of head scarf. It is not. We can go to mosque. And we go to vote.

MR. KALIN: You just violated the principal of secularism by your comment.

MR. PARRIS: Last word. Last word.

MR. KALIN: Thank God, we're in America.

MR. YETKIN: If we talk about -- talk on Turkey now as an exception in the Islamic populated countries -- Muslim populated countries, it is because we have made our choice to be a secular state. That's it.

MR. PARRIS: Okay. Well, look, I think if this discussion does nothing else, it validates my point of departure, which is that this town, America has a woefully inadequate comprehension of what goes on in Turkish politics on a day-to-day basis. You've heard a lot of wisdom here, a lot of ground truth. I hope you'll join me in thanking our very capable panelists for a very interesting afternoon.

(Applause)

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