

# Turkey: Conflict escalates between government and judiciary

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The conflict between the Kemalist establishment and the elected government of the Islamist AKP (Justice and Development Party) led by Prime Minister Recep Tayyip Erdogan has reached a new peak.

Less than two months ago, Turkey's Supreme Court allowed the filing of a case by the chief prosecutor, Abdurrahman Yalçinkaya. He accused the ruling AKP of "being a focal point of anti-secular activities" and "trying to turn the country into an Islamic state." He called for the party to be closed down and for Prime Minister Erdogan and his 70 top colleagues, including President Abdullah Gül, to be banned from politics for a period of five years. Now the Supreme Court and the government have publicly denounced each other, effectively accusing the other side of acting illegally and illegitimately.

On May 21, the Supreme Court of Appeal, which is comprised of 35 chief judges, issued a harsh public statement attacking the Islamist AKP government for interfering in the judiciary by exerting systematic pressure. The statement claims that the government is seeking to create a "judiciary controlled by an executive body" and implies that this is a part of the AKP's hidden agenda to wreck the so-called "secular" republic.

The statement reads: "For the past year and especially recently, systematic attacks on the judiciary have undermined the Republic's founding values. This is exactly the goal, but it must never be forgotten that human history never witnessed a nation and a state that was able to serve its people with such a controlled judiciary." Here the chief judges of the Supreme Court gave the message that the AKP's alleged meddling in the judiciary is an indispensable part of its hidden agenda aiming at the transformation of the existing "secular" regime into an Islamic one.

According to this statement, the draft judicial reform is proof of the government's determination to control the judiciary. In addition the judges denounce the government for presenting the reform to the European Union Commissioner responsible for EU expansion before informing and consulting the Turkish judiciary.

The judges also attack the government for seeking foreign support—in this case particularly from the European Union—against the indictment filed against the AKP at the Constitutional Court: "Instead of defending itself in accordance with the law, the government denounces the judiciary to the people, it assumes the right to shape everything according to its will and by the consent of people, and tries to influence the Turkish judiciary by garnering the support of foreign people and institutions, all to get a positive result in the closure case."

In reality, this was a repetition of recent allegations directed against the AKP by the Kemalist CHP (Republican People's Party) and the fascist MHP (Nationalist Movement Party), claiming that the AKP

deputies at the Parliamentary Assembly of the Council of Europe (PACE) had requested the Assembly to draft a report criticising Turkey for the court case against their party. By echoing this allegation, the chief judges indirectly accused the AKP members of PACE of treason against the Republic's basic values.

Ten days earlier, the president of the Council of State (Turkey's Supreme administrative court), Sumru Cortukoglu, spoke at the 140th anniversary of the founding of the Council of State. Cortukoglu reacted harshly to the comments and statements made by EU officials concerning the closure case filed against the AKP. Referring to "both national and international circles aimed at directing and influencing Turkish judicial institutions on issues already passed to the judiciary," she said: "They should respect the independent Turkish judiciary, which decides on behalf of the Turkish nation, as they respect the judicial institutions as well as their decisions and the judicial process in their own countries. This is what democracy and judicial independence requires."

The government immediately reacted to the statement by the Supreme Court. Justice Minister Mehmet Ali Şahin told reporters that the statement was totally unnecessary. "I don't see the logic here. I cannot understand why the court released such a statement when there was no need for it. This statement has come out of the blue," he said.

On the same day, government spokesman and Deputy Prime Minister Cemil Çiçek organised a press briefing at the prime minister's office in the presence of Sadullah Ergin, the deputy leader of AKP's parliamentary group, and Dengir Mir Mehmet Fırat, AKP's deputy chairman. He attacked the judges' statement, declaring it was "illegitimate" and "unacceptable." Çiçek said, "Not only does this statement lack democratic legitimacy, it also lacks legal legitimacy. This is a political statement and is totally inadmissible."

He went on: "The Supreme Court of Appeal is not a political organ and it cannot act like an opposition party. It is not the job of the judiciary to discuss the activities of legislative and executive organs and processes of enactment." Çiçek also mounted a counterattack and maintained that the chief judges "violated Article 138 of the Constitution by taking sides in an ongoing case at a higher court."

On the following day, Turkey's Council of State posted a statement on its official web site. It maintained that the chief judges used their mandate under the Constitution by issuing their statement and rejected claims that it was politically motivated.

The reasoning and timing of the judges' statement shows that there is neither any room nor any desire for compromise. In this regard, the headline of the *New Anatolian* was telling: "Turkish judiciary declares war on government, cabinet hits back."

The military and its supporters are not only determined to close

down the AKP and ban Erdogan, Gul and many others from active politics, but are also determined to carry out a long-term purge against the Islamists within the ranks of the bureaucracy. They are seeking to weaken the Islamist wing of the bourgeoisie, which has won influence under AKP rule, in favour of the Kemalist wing.

Such a project based on toppling a democratically elected government through judicial means and implementing long-term suppression against another faction of the ruling class requires a much more authoritarian regime. This can take different forms, including an interim regime, a government of technocrats, or a direct military takeover—all of which pose a grave danger to the working class and the oppressed.

The Republican People's Party (CHP), like the German Social Democratic Party and the British Labour Party, is a member of the Socialist International. The CHP gave immediate and unconditional support to the judges' statement. Onur Oymen, the CHP's deputy leader, told reporters, "Everyone should respect the statement of the Supreme Court of Appeal."

CHP leader Deniz Baykal, acting as a mouthpiece for the military against the AKP government, called the chief judges' statement a "memorandum (*muhtıra*) of the judiciary." In Turkish such wording directly connotes the numerous past memorandums of the Turkish military, some of which were followed by a direct military intervention.

Baykal made this analogy by approving the statement of the chief judges who are acting and speaking on behalf of the military, but his attitude is hardly surprising. A year ago both he and his CHP welcomed the memorandum posted on the official web site of the military on April 27, 2007, which contained a thinly veiled threat of a coup against the possibility of an Islamist becoming the president of Turkey.

On the other hand, Devlet Bahçeli, leader of the fascist Nationalist Movement Party (MHP), called for the president to step in "to overcome the crisis." Bahçeli criticised both the judiciary and the government for interfering in each other's business. The MHP once again stuck to its new post-election tactical line, which is based on keeping a greater distance, at least in public, from the "secularist" camp led by the military. Based on the election results, the leadership of this party has apparently concluded that they should get rid of their image of being a henchman of the military.

The government's present stand resembles its response to the April 27 military memorandum. Cemil Cicek was the government's spokesman at the time, but in the capacity of justice minister. He sharply denounced the statements made by the general staff in April and declared that, according to the constitution, the army is subordinate to the prime minister. In a democratic constitutional state, it was "inconceivable" that the general staff declare its opposition to the government. He also explicitly accused the army of trying to influence the judiciary.

In the end, the AKP got the upper hand. Under pressure from the military the Turkish Constitutional Court issued a ruling effectively aborting the presidential election, which had already started and seemed sure to hand the presidency to a leader of the AKP. The head of government, Recep Tayyip Erdogan, then responded by proposing new parliamentary elections. The results of the general elections held on July 22, 2007 were a huge blow to the supporters of a military intervention and the self-appointed defenders of the republic against the alleged danger of the Sharia [Islamic law].

The bourgeois media—both "secular" and Islamist—as well as liberals

and left-liberals tried to paint a rosy picture, claiming that the clear-cut outcome of the election meant that the country had been able to successfully overcome the crisis, and Turkey was entering a stable period. However, as the WSWs has pointed out in many articles, an analysis of the objective situation demonstrates that this was just a postponement of the crisis. The rejection of the line of the military and its civilian supporters by a majority of people made this postponement possible. Today this Indian summer of the post-election period has been replaced by a regime crisis, which this time leaves no room for postponement, let alone a solution.

The bitterness of the conflict between these two factions of the bourgeoisie can only be explained by the objective crisis gripping Turkish society—the impact of the international financial crisis, rising class conflicts as well as growing tensions in the Middle East provoked by the American aggression against Iraq and increasingly Iran. The financial crisis has threatened Turkey's economic stability, while the tensions in the region have threatened the country's political stability and its regional interests.

This development has driven the Kemalist establishment into an increasingly aggressive and nationalist stance. It has no solution to the crisis apart from more militarism and attacks on the social and democratic rights of the working class. The attempt to ban the AKP, which was supported by a substantial majority of the electorate less than a year ago, is part of these attacks.

The AKP, on the other hand, as a party of big business, is organically incapable of countering these undemocratic attacks by appealing to the masses on a progressive basis. Its free-market social and economic programme is utterly hostile to their interests. Instead the AKP reacts by moving further to the right, as was shown by the green light it gave to the generals to invade Northern Iraq and its recent brutal suppression of the May Day rally in Istanbul.

Since the filing of the indictment against the ruling AKP by the chief prosecutor on March 14, tensions between the two camps of the ruling class have continuously increased. Almost two months after the case against the AKP was filed and three weeks after the country's Constitutional Court unanimously agreed to hear the case, the public statement by the Supreme Court's chief judges is a further step in the attempt to overthrow a democratically elected government and the president by judicial means, orchestrated behind the scenes by the military.



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