

2017-12-04

Fråga-svar

Turkiet. MR-brott i samband med Ergenekon

Fråga

Information efterfrågas om nätverket ”Ergenekon”, som har anklagats för att planera en militärkupp i Turkiet.

Hur rättssäkra var rättegångarna mot personer som anklagades för att vara en del av Ergenekon?

Har det förekommit olagliga frihetsberövanden, tortyr eller förföljelse av dessa personer?

Svar

Det finns mycket tillgänglig information om Ergenekon, nedan är en kort sammanfattning. Kritik för bristande rättssäkerhet har riktats mot rättsprocessen i samband med Ergenekon. Vid sökningar genomförda under begränsad tid har ingen information hittats om att tortyr ska ha förekommit av personer som arresterats i samband med Ergenekon.

1. Om Ergenekon

BBC (2012) skriver om ett påstått nätverk, benämnt Ergenekon, bestående av hårdföra nationalisterna som enligt de turkiska myndigheterna planerade en statskupp. En tidigare befälhavare för Turkiets väpnade styrkor arresterades 2012. Omkring 400 misstänkta stod då redan inför rätta. Åklagare hävdar att organisationen Ergenekon 2003 försökte störta premiärminister Recep Tayyip Erdogan's regering.

BBC (2013a) beskriver vad som avses med namnet Ergenekon:

Ergenekon is the name given to what prosecutors claim is a shadowy network of ultra-nationalists and secularists in Turkey with high-level military and security connections, deemed to be hostile to the AKP because of its perceived Islamist roots. The network is accused of allegedly plotting to undermine and topple the AKP government.

The Ergenekon investigation dates back to 2007 when a cache of explosives was found in the home of a former military officer and tied by state prosecutors to what they said was a much larger conspiracy. It led to the arrest of some 200 people, including senior military officers.

Ergenekon refers to a mythical Central Asian valley said to be the ancestral home of the Turks.

Ergenekon uppges tidigast ha omnämnts i skrift 1997 av författaren Erol Mütercimler. (Today's Zaman 2008)

2. Eventuella MR-brott i samband med myndigheternas utredningar och agerande i fallet Ergenekon

Europeiska domstolen för de mänskliga rättigheterna (Europadomstolen) anser i två domar från 2016 att Turkiet har brutit mot Artikel 5 § 1 (rätt till frihet och säkerhet) i den europeiska konventionen om skydd för de mänskliga rättigheterna och de grundläggande friheterna (Europakonventionen) när det gäller fallet Ergenekon.

The Court found in particular that the Government had not provided any evidence of a link between the applicants themselves and the Ergenekon organisation. It therefore held that the interpretation and application of the legal provisions relied on by the domestic authorities had been so unreasonable as to render the applicants' deprivation of liberty unlawful and arbitrary. (s. 1)

US Department of State (2017) uppger att ett stort antal personer som åtalats och fällts i domstol i Ergenekon-fallet sedan friades i en högre instans 2016.

In April the Supreme Court of Appeals overturned the convictions of all defendants in the Ergenekon case, a large-scale trial that began in 2008 and eventually involved 275 defendants accused of plotting to overthrow the government. A lower court had ruled against most of the suspects in 2013, but most were released from prison in 2014 after the Constitutional Court ruled that their rights were violated on the grounds that the detailed explanation of the judgment against them was not issued within the legal timeframe, precluding appeal. The decision to overturn the convictions was based on lack of concrete evidence proving the existence of the alleged Ergenekon terrorist organization, irregularities in evidence and procedure, and violation of due process. As of year's end, the case was scheduled to be retried in a lower court. (s. 17)

BBC (2013b) skriver följande om arresteringar och straff för militäröfficerare som bl.a. anklagas för medlemskap i den hemliga organisationen "Ergenekon":

Hundreds of military officers have been arrested in Turkey over the last five years in connection with alleged coup plots. Dozens have been given long prison sentences.

Many are accused of having been members of a clandestine organisation called "Ergenekon", while others were convicted in a separate case called "Sledgehammer". They were allegedly involved in the "deep state" - a shadowy, powerful network of militant secularists.

I en Amnesty-blogg (2013) uppges följande om rättegångarna i Ergenekon-fallet:

The Ergenekon proceedings were also overshadowed by concerns about the fairness of the trial. These ranged from questions about the flimsy nature of evidence against some defendants, the implications for media freedom arising from the prosecution of journalists as coup plotters, concerns about the appropriateness of the application of terrorism charges, objections to the misuse of protected witnesses, which impeded the defendants' ability to challenge the evidence against them, and in particular the prolonged pretrial detention of some defendants. Some saw the trial as no more than a witch hunt by the governing A.K.P. against its political opponents.

International Federation for Human Rights (2012) kritiserar rättsprocesserna i samband med fallet Ergenekon. Även ett påstått försök till militärkupp kallad "Sledgehammer" nämns.

Trials into alleged right-wing conspiracies to trigger a military coup were initiated, notably the "Sledgehammer" and the Ergenekon trials. Over 500 people, including politicians, ex-military officials, business and media personalities, were taken into custody and nearly 300 formally charged with membership in the network. The prosecutors claimed that those persons were responsible for virtually every act of political violence committed over the last 30 years in Turkey, although progress in investigating the link between the suspects and past human rights violations has in fact remained slow⁶. (s. 9-10)

Human Rights Watch (2012) beskriver Ergenekon-fallet som ett led i Turkiets och det styrande partiet AKP:s (Justice and Development Party) ambition att förhindra militärens möjlighet att påverka landets politiska system. MR-grupper har dock kritiserat kampanjen mot Ergenekon för bristande rättssäkerhet:

While these investigations and trials were important and historic, human rights groups have raised serious concerns about them, including concerns about due process, the widening net of investigation to include individuals against whom there has been scant evidence of involvement in any plot, and prolonged detention of these individuals pending trial.¹⁶ (s. 13)

Human Rights Watch (2011) uppger att nio journalister och författare arresterades i mars 2011 utan att en ”rimlig förklaring” presenterades. De arresterade anklagades för koppling till de påstådda planerna på en statskupp benämnd ”Ergenekon”.

The arrest of nine journalists and writers on March 3, 2011, in the absence of clear reasonable cause, will have a chilling effect on free speech, Human Rights Watch said. The nine were accused of links to the alleged "Ergenekon" coup plots against the Turkish government.

Kritiska röster har höjts som menar att en del av bevisen i Ergenekon-åtalet är bristfällig och att vissa av arresteringarna beror på myndigheternas önskan att tysta motståndare och kritiker. (Human Rights Watch 2008)

Critics of the Ergenekon gang investigation have suggested that some of the evidence in the indictment is flimsy and that the arrest of some individuals has been motivated by the government's desire to muzzle its most outspoken critics and opponents.

Denna sammanställning av information/länkar är baserad på informationsökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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