

A TURKISH TRAGEDY: THE SLEDGEHAMMER CASE

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In just about three months, 196 active-duty and retired officers are scheduled to go on trial in Turkey, charged with plotting to overthrow the newly elected Justice and Development Party (AKP) government back in 2003. The coup plot – codenamed Operation Sledgehammer – allegedly involved the bombing of two mosques, downing of a Turkish fighter jet, and harassment of targeted individuals among other activities, with the purpose of destabilizing the government and paving the way for martial law and eventual takeover. The defendants in the case have vehemently denied the existence of such a plot.

The AKP has openly lent support to the charges, egging the prosecutors on and inflaming public opinion against the defendants. Prime Minister Recep Tayyip Erdoğan has let it be known that he was aware of the alleged plot at the time. He has used the case – along with the similar Ergenekon trials – as political fodder against the opposition and to lend support to his campaign to amend the constitution. Claims of judicial independence notwithstanding, members of the government have reacted angrily when judicial decisions have gone the way of the defendants, one government minister going so far as to accuse a judge that issued a release order of being a member of the same “gang” as the coup plotters. Another government minister has recently claimed that the alleged plotters had him and other AKP members slated for execution.

In view of the nature of the charges and the scale of the alleged plot, the Sledgehammer trial is likely to become a significant landmark in the history of the Turkish republic. What is at stake in this trial is considerably more than the guilt or innocence of the 196 officers involved.

If the charges prove to be well-founded, the country’s powerful military establishment will stand disgraced for harboring violent, anti-democratic elements within its senior ranks. And it will be the first time that civilians have brought it to account for its frequent meddling in politics. Turkish democracy will have gone through a rite of passage, emerging stronger. Conservative-Islamist groups – the AKP and their ally the Gülen movement, a network of the followers of the Muslim spiritual leader Fethullah Gülen – will be vindicated and their political dominance assured.

But if the prosecutors’ case crumbles, it is the government, the Gülenists, the judiciary, the media, and much of the country’s intelligentsia that will find itself discredited. For these groups have fought hard in recent months to convince Turks (and Turkey’s friends abroad) of the veracity of the Sledgehammer coup plot. They have waged an intense campaign to disgrace the individuals named in the indictment. If the charges turn out to

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be baseless, these efforts will be revealed to have been directed not at deepening Turkey's democracy, but at framing innocent individuals, so as to whip up popular frenzy against the military establishment.

The sad irony is that the facts of the case leave no doubt as to where the truth lies: Operation Sledgehammer is a fiction. It was authored not by the defendants in the case but by unknown malfeasants who fabricated the documents sometime after 2008. Anyone with a couple of hours to spare – and a good command of the Turkish language – can see it for himself. That the charges have been allowed to stand for so long and a trial will take place at all is testimony to the intensity of the disinformation campaign waged by the AKP and its supporters and a ghastly travesty of justice.

This is a bold claim, but one that is easy to substantiate. The Sledgehammer plot is chock-full of inconsistencies, the most telling of which are the inadvertent, but glaring anachronisms that make it plain that it could not have been hatched in 2003 as claimed. The documents that purport to be original military plans from 2003 contain references to entities that did not yet exist and future developments that could not have been known at the time. It's just as if a text pretending to date from 1970 referred to Diana Spencer as Princess of Wales – a title which she acquired only in 1981 – or mentioned her car crash decades later. Hence, to any but the most jaundiced eye it is patently obvious that the incriminating documents were authored not by the military officers who are on trial, but by others many years later.

Before we get into the details, though, let's review the key facts of the case.

In January 2010 an anonymous individual claiming to be a retired officer delivered to a virulently anti-military newspaper, *Taraf*, a suitcase of material which he said had been secreted from the 1st Army headquarters in Istanbul. The material consists of a couple of thousand pages of military documents from the early 1980s and from 2002-2003, 10 cassettes containing voice recordings from a military seminar in March 2003, and 19 CDs also allegedly from 2003. Extracts from some of the documents on the CDs were serialized in *Taraf*, and the whole batch subsequently turned over to the Istanbul public prosecutor.

The authenticity of much of this material, including the voice recordings, is not in question. It is not known how they were leaked from the 1st Army. They are primarily routine military documents that do not refer to illegal behavior or mention foul play. The incriminating documents that describe the Sledgehammer coup plan and related activities are contained in three of the 19 CDs, and it is these CDs on which the indictment is based. (The cassettes contain the proceedings of a military seminar devoted to contingency planning. The prosecutors maintain that the seminar was a dress rehearsal for the Sledgehammer coup, even though there are no references during the seminar to

Sledgehammer, to a coup, or to any criminal activities.) The Sledgehammer case therefore stands or falls with the authenticity of these three CDs.²

There is no direct evidence that ties these CDs to computers in the 1st Army where they are said to have been produced. Not a single one of the hundreds of officers questioned in the case has acknowledged ever hearing of the Sledgehammer plot or any of the other plans included in the incriminating CDs. The evidence that the three CDs in question are authentic comes solely from their “metadata:” the username and time information contained on the CDs and the Word documents therein.³ According to these metadata, the documents and the CD’s were produced in 2003, and the authors of the documents were the military officers now under indictment.⁴ Aside from this metadata, there is no evidence that the CDs are in fact authentic.

The problem with basing the case on metadata evidence is obvious. Every computer forensic expert knows that manipulating the metadata on a computer file or CD is child’s play. One simply has to assign appropriate user names to a computer account and set the computer’s clock to any desired time – or use one of the many freeware programs that do this kind of thing – to produce documents and CDs bearing any metadata that is needed. Remarkably, this didn’t prevent TÜBITAK – once the nation’s premier scientific institution, now reeling under government control – from authenticating the CDs based on their metadata alone, without mentioning even in passing how easily the metadata could have been faked.⁵

² Much has been made in the Turkish media of some of the statements made by military officers during the seminar which reflect a degree of hostility towards the AKP administration. One can question the appropriateness of such statements in a military seminar. However, the Sledgehammer case is based on a claim that is quite different, namely the charge that seminar was a dress rehearsal for a coup. If the Sledgehammer Operation never existed, as we argue here, there could not have been a dress rehearsal for it. In addition, only a small fraction of the seminar participants has been charged under the indictment, suggesting that not even the prosecutors quite believe their story. So we shall not have much more to say on this seminar.

³ It is telling in itself that these three CDs were burned with software that differs from that used to produce the remaining CDs.

⁴ It is not entirely clear how the prosecutors have selected who to indict. Some active seminar participants have not been charged. The selection of indictees from among those whose names appear in the Sledgehammer documents also seems arbitrary.

⁵ The initial arrest warrants for the Sledgehammer defendants were obtained largely on the basis of this TÜBITAK report. There are curious procedural irregularities in the manner in which this report was obtained. For example, the prosecutors asked TÜBITAK to assign the case to a specific individual, who then authored the report, even though normal practice would have been to leave the decision to TÜBITAK. Following several subsequent forensic analyses that challenged this report, the prosecutors were compelled to ask TÜBITAK for a second report. This one was prepared by a group of TÜBITAK experts, and it made clear that the metadata could have been altered, and that the authenticity of the CDs could not be conclusively established without access to the original computers where they were burned. But these crucial caveats were buried within verbiage that provided cover for the prosecutors to hang on to their claim that the CDs were authentic.

Much more serious than the absence of affirmative evidence on the authenticity of the Sledgehammer CDs is the evidence that shows, beyond any reasonable doubt, that they are fabricated. This evidence began to trickle out within days of the publication of the documents in *Taraf*. The trickle became a veritable flood once the indictment was issued several months later and much greater access to the contents of the CDs became possible.

Some of the earliest discrepancies that came to light strongly suggested that the Sledgehammer documents had been produced not in 2002-2003, when the coup plot was alleged to have been hatched, but years later. For example, the core document describing the Sledgehammer operation refers to three staunchly Kemalist/nationalist civil society organizations with which the plotters planned to collaborate. But one of these, the Turkish Youth Union (“Türkiye Gençlik Birliği” or TGB in Turkish) turned out to have been founded only in 2006.

There was a similar-sounding Turkish Youth Union Association (“Türkiye Gençlik Birliği Derneği” or TGBDER in Turkish) in existence during 2002-2003, and *Taraf* promptly argued that it was this group that the coup plotters planned to enlist. (The prosecutors subsequently made the same argument.) But this seems quite unlikely in view of the fact that TGBDER, unlike TGB, does not have a Kemalist agenda, or indeed a political coloring of any kind, and devotes itself to promoting friendship and interchange with youth groups in Europe. The more likely explanation is that the authors of the Sledgehammer documents committed a simple mistake, referring to a group that did not yet exist in 2002-2003.

Then there was the curious case of the economic program included with the Sledgehammer documents. This program turned out to include verbatim passages from a speech delivered in 2005 by Haydar Baş, a shady figure who leads a marginal political party and is also the leader of a small religious sect. Baş confirmed that the speech had not been circulated before 2005 and denied any knowledge of the coup plot. No-one has offered a satisfactory explanation for how a speech from November 2005 could have found its way into a document dated December 2002.⁶ The indictment is completely silent on this, even though the issue has received a fair amount of play in the Turkish media.

Other discrepancies include the case of some journalists blacklisted in the Sledgehammer documents. These were journalists who focused on culture, arts, and restaurant reviews at the time and had transitioned to political topics in later years, and who were unlikely candidates for censure by the military. The coup plotters made other implausibly far-sighted references to future developments, including the AKP government’s use of tax inspections to intimidate the media – something that did not take place until 2009.

⁶ *Taraf*’s Alper Gormuş has claimed that earlier versions of the speech had been circulating on the Internet, and that the military officers may have made use of those. But these earlier versions have not been found. Haydar Baş himself has explicitly said that his ideas “were first shared with the public in 2005” and he has not mentioned any previous drafts.

Taraf began to serialize excerpts from the Sledgehammer documents in January 2010. The reporter who had “broken” the Sledgehammer story published a book in short order, with additional excerpts. Before the indictment was issued, scrutiny by outsiders of the Sledgehammer evidence remained restricted to these selected material. The rest of the contents of the three incriminating CDs remained under wraps because the prosecutors prevented the accused and their lawyers from having access to them, citing the confidentiality of an ongoing investigation. When the prosecutors finally issued their indictment in July, it became possible to examine the evidentiary basis of the case to a much greater extent. To date, however, copies of the CDs have not been delivered to the defendants.

The indictment is a treasure trove of contradictions and inconsistencies. It evinces a prosecutorial branch determined to assert the guilt of the defendants, often paying little heed to reason, logic, or the rules of evidence. The police reports contained in the annexes reveal police officers acting more like student debaters charged with arguing one side of the case than investigators trying to uncover the facts. But most striking of all are the additional, unequivocal anachronisms buried within the Sledgehammer files that the prosecutors have failed to uncover or have chosen to overlook.

To understand the nature of these anachronisms, a couple more words are needed about the Sledgehammer files found on the CDs. Some of these are detailed descriptions of military operations designed to pave the way for martial law and an eventual military coup. But the files also contain appendices that provide long lists of various kinds – names of officers charged with carrying out specific tasks, notes on government bureaucrats and security personnel, hospitals and pharmaceutical companies for resort in case of emergencies, associations, newspapers, and magazines to be banned, and so on.

It is these lists that have proved fertile ground for pointers to the fraudulent nature of the documents. Much like the “facts” revealed in *Taraf*, they contain numerous entries that reflect knowledge of events that took place in later years and which could not have been known back in 2002-2003, when the coup preparations were allegedly underway. Here are some examples.

- Among the associations to be closed is an entity named “Liberal Europe” (“Liberal Avrupa Derneği”). No such group existed in 2003. Liberal Europe carried the name “Free Democrats” (“Hür Demokratlar Derneği”) until April of 2006, at which time it did change its name to “Liberal Europe.” Obviously any document created back in 2003 would have referred to this association by its original name, not Liberal Europe.
- The list of hospitals includes one named “Medical Park Sultangazi.” This hospital’s original name was “The Sultan Hospital” and the name change did not occur until June 2008 when it was bought by the Medical Park Hospital Group. Any document created in 2003 would have referred to it as The Sultan Hospital.

- The list of drug repositories includes a pharmaceutical firm called “Yeni *Recordati* İlaç ve Hammaddeleri San. ve Tic. A.Ş.” This firm did exist in 2003, but its name was different and did not contain Recordati, which is an Italian firm that bought the Turkish entity in October 2008. The Turkish firm’s name in 2003 was “Yeni İlaç ve Hammaddeleri San. ve Tic. A.Ş.” and this is what any document written in 2003 would have called it.
- A naval officer whose full name appears as Barbaros Büyüksağnak in all authentic military documents dated earlier than 2007 is listed in several Sledgehammer documents as *Yaşar* Barbaros Büyüksağnak. That second name makes its first appearance in military records in June 2007 when the Naval forces registry was updated and revised.
- One of the officers listed in the documents is shown on assignment at “CC Mar Naples,” the acronym for Maritime Component Command Naples. There was no military unit by that name in 2003. CC Mar Naples was inaugurated on July 1st, 2004, replacing the Headquarters Allied Naval Forces Southern Europe (HQ NAVSOUTH).

Instances of this sort are too numerous to list here,⁷ but these selected examples should be enough to give a flavor of the inadvertant anachronisms that can be found in the Sledgehammer files. It is as if the perpetrators’ “fact-checkers” made an attempt to confirm the existence of these entities at the time Operation Sledgehammer is supposed to have been hatched, but overlooked that some of them may have undergone a name change since 2003.

If at least some of these documents are of post-2003 vintage, as it seems certain in light of these timing inconsistencies, an unavoidable conclusion follows. The metadata of the CDs – which, to repeat, indicate the CDs were produced and burned in 2003 – must have been purposefully tampered. Someone has tried to frame the defendants, and prosecutors have either fallen for the setup or have been accomplices to it.

There are many other inconsistencies in the Sledgehammer documents, which are individually perhaps not as conclusive as the anachronisms just mentioned, but collectively amount to a powerful case against the authenticity of the coup plot. For example, the coup plans contain obvious violations of the chain of command, such as the head of a military school ordering air force battalions into action. They include documents allegedly prepared in the Istanbul headquarters of the 1st Army while their supposed authors were abroad, hundreds of miles away. Even though considerable care was obviously taken to make the material look like authentic military documents, their formatting and wording contain numerous departures from standard military usage.

⁷ For a detailed listing and discussion of these anachronisms, see our blog (in Turkish): <http://cdogangercekler.wordpress.com>.

Last but not least, there is the unsolved mystery of why the Sledgehammer plans were never put into action, despite detailed preparations. The indictment claims higher-ups, in particular the commander of the landed forces, stepped in to prevent the coup. But unaccountably, prosecutors never questioned him on the matter; nor has he acknowledged any knowledge of Sledgehammer.

Who is behind these fraudulent documents? The Turkish army's history of political intervention lends surface plausibility to charges of coup plots. The AKP and its allies have an obvious interest in discrediting the military and government-friendly dailies such as *Zaman*, *Sabah*, and *Star* have been a steady source of disinformation on the facts behind the case. Moreover, we know that some of these groups have circulated fabricated coup plots before. Former U.S. ambassador to Turkey, Eric Edelman, has recently revealed that he was handed allegedly original army documents sometime during 2003-2004 by an individual linked to a group allied with the AKP government.⁸ These hand-written documents described preparations for a military coup. They turned out to be crude fakes upon closer examination by American experts, who concluded that the forgery was aimed at mobilizing U.S. support for the AKP government against the Turkish Army.

A dramatic recent book by a distinguished police chief, Hanefi Avcı, has shed considerable light on these machinations.⁹ Avcı claims that followers of Fethullah Gülen – the influential US-based spiritual leader – have formed a state within the state, effectively wresting control of the national police and large parts of the judiciary. (The Gülen movement is independent from the AKP, but the two have long been closely allied.) Gülenist police officers and prosecutors are targeting their perceived opponents, Avcı writes, using illegal wiretaps, selective leaks to the media, judicial manipulation, planted evidence, and fabricated documents.

Avcı provides an account of how each operation is carefully planned by Gülenist *imams* who tightly control their charges within the police and the judiciary. He claims the prosecutions are based on secret military documents leaked by Gülen sympathizers within the military, which are doctored and enhanced with additional material as needed. He describes the organization of the Gülenists within the national police in some detail, even naming the *imam* who allegedly runs the network. Avcı does not discuss the Sledgehammer case in detail, but leaves no doubt that he believes the defendants have been framed.

Such accusations against the Gülen movement are not new in Turkey. But what makes the book a bombshell is that its author is known to be close to the Gülen movement and

⁸ Edelman's account is reported in <http://cdogangercekler.wordpress.com/2010/07/03/belge-sahtekarligi-zerine-eric-edelmanin-ilgin-bir-trkiye-hatirasi/>.

⁹ Hanefi Avcı, *Haliçte Yaşayan Simonlar: Dün Devlet Bugün Cemaat*, Angora, 2010.

the AKP.¹⁰ He also has an impeccable track record of courage and incorruptibility. No friend of the army, he famously pursued rogue elements within the military in a landmark investigation several years ago. Furthermore, Avcı makes clear he abhors the worldviews of some of the military officers in the Sledgehammer case.

So Avcı cannot be accused of harboring militarist, ultra-secularist, or ultra-nationalist sympathies. In view of his inside knowledge and long career in intelligence, neither can he be called a conspiracy theorist making wild accusation. His story has a credibility that earlier accounts have lacked. Yet when Avcı reported his concerns to his governmental superiors, appealing personally to a cabinet minister, apparently nothing happened. The AKP government refused to investigate and did nothing with Avcı's information.

Once the darling of government-friendly media, Avcı has instead found himself the subject of an intense character assassination campaign waged by those same publications. In a pattern that is all too familiar, police have now linked him to a violent extremist group. Gülenist media are having a field day with the damaging, if implausible, accusations leaked from the investigation.

Only a serious and impartial investigation can verify whether Avcı's claims are well-founded or not. But Avcı's claims ring true and help make sense of many curious aspects of the Sledgehammer case. They account in particular for the highly prejudicial behavior of the prosecutors and the investigators, who have systematically disregarded evidence of fabrication while feeding the media with leaks against the defendants. They also explain why Turkey's best selling daily *Zaman*, the media flagship of the Gülen movement, has been so intent on deceiving its readers on the facts of the case, dismissing the inconsistencies with implausible rationalizations and publishing one falsehood after another in support of the allegations.¹¹

Why are the AKP and its allies doing this? The answers seem to be payback, pre-emption, and political mileage. Undoubtedly, there is a certain element of revenge involved, as the AKP and the Gülenist have both suffered in the past from heavy-handed treatment and persecution at the hands of the secular/military establishment. The AKP has been under threat of closure for much of its existence. As one AKP member has put

¹⁰ Avcı has spent most of his life within Gülenist circles and both his children graduated from Gülenist schools. He was a darling of the Gülenist media until his book was published. He has been vilified by the same media since, with accusations of torture, careerism, cover-up, and even psychological derangement.

¹¹ For example, when the TGB anachronism first came to light, *Zaman* responded by deleting the group from its published extract from the Sledgehammer documents. When doubts were raised about a reference in the documents to the Greater Middle East Initiative, a diplomatic effort that went into effect months after those documents were allegedly prepared, *Zaman* wrote against all known facts that the Initiative was in effect in 2002. *Zaman* has claimed that General Doğan, the alleged ring leader, initially accepted his role in the coup plot before recanting, that the documents bear his signature, that the military high command has confirmed the existence of Operation Sledgehammer. None of this is true. See <http://cdogangercekler.wordpress.com/2010/08/11/zaman-kendini-ele-veriyor/> and <http://cdogangercekler.wordpress.com/2010/08/21/zamanin-yalanlama-yalanlari-gncellestirilmis-998-baski/>.

it, “now it’s our turn to blacklist them.” This experience has led many within these groups to believe that they are waging an existential fight: either they will bring the military and their allies to heel, or they will be forced to perish. Perhaps the dirty tricks are meant to ensure that the old guard can never threaten religious/conservative groups again.

No less important, Sledgehammer and other similar cases allow Prime Minister Recep Tayip Erdoğan to gain political leverage over the opposition and the military. Erdoğan has whipped up frenzy around these cases to gain the backing of domestic liberals in addition to solidifying his traditional political base. As the recent campaign around the constitutional referendum showed, the prosecutions enable him to position himself as the protector of Turkish democracy against the coup plotters allegedly still running rampant among the military and secularists. And by manipulating the judicial process, he can bend the military to his will. For example, the re-issuing of arrest warrants in July was a transparent attempt to ensure Erdoğan would control appointments to the senior ranks of the military.¹²

Such is the audacity and magnitude of the Sledgehammer fraud that the mind boggles at the implications of its unraveling. The tragedy is that the discredited will be precisely those who are supposed to uphold Turkey’s democracy, or have loudly proclaimed that goal to be their primary aim: the AKP government and its Gülenist allies, who have severely undermined the rule of law while preaching the primacy of democracy and civil liberties at every turn; the prosecutors who have spared no effort to incarcerate individuals they must know are innocent; the judges who have been intimidated and browbeaten to disregard the presumption of innocence; the police who have used their investigative powers to frame individuals rather than bring the facts to light; TÜBİTAK, which has compromised scientific principles in order to lend support to the prosecutors’ quest; the media which has allowed itself to become a vent for disinformation and has refused to stare the facts in their face; and last but not least, members of Turkey’s liberal intelligentsia who have resolutely kept their blind folders on lest their cherished narrative of military malevolence be impaired.

It will be extremely difficult for Turkish democracy reconstruct itself after a debacle of such proportions. The country badly needs to reestablish its civil-military, balance which in the past has too often veered in the direction of military dominance. Unfortunately, the current vendetta is more likely to produce a backlash than to put an end to “military tutelage.” Putting Turkey back on the right path will require untainted political leaders and great courage and leadership on their part. It will also take an army that is willing to make a sharp break with the military coups and political meddling of the past.

¹² Officers who are under arrest cannot be promoted. As soon as the promotion decisions were made, arrest warrants were revoked.