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Implementing the 'February 28' Recommendations: A Scorecard

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On February 28, 1997, the regular meeting of Turkey's National Security Council (NSC) lasted much longer than usual.¹ After a full nine and one-half hours, the NSC announced its adoption of eighteen recommendations² (in the context of the Council's Decision no. 406) designed to stem the perceived growth of Islamism in Turkey. Turkish military leaders almost certainly were the driving force behind this move. Pressed by both the military and his secularist coalition partner Tansu Çiller, Necmettin Erbakan—Turkey's first pro-Islamist prime minister—signed the recommendations but insisted that they would be implemented only if approved by the Turkish parliament. The military leaders, for their part, insisted that the government was obligated to implement them.³

Indeed, the secular establishment in Turkey had long been worried by the growth of Islamism, particularly as embodied by Erbakan's *Refah* (Welfare) Party (RP). The RP had been steadily increasing its voting power in parliament since the party's establishment in 1984, and in 1995 parliamentary elections it achieved the ultimate breakthrough by finishing first—winning 21.4 percent of the vote and a thin margin of victory over two secularist center-right parties.

After an all-secular minority government collapsed, Erbakan came to power as prime minister on June 29, 1996, heading a two-party coalition. His party's junior coalition partner was the center-right (and secular) *Doğru Yol* (True Path) Party, led by former prime minister Tansu Çiller, who was named both deputy prime minister and foreign minister. The

¹ All of the council's ten constitutionally designated members—five civilians and five military officers—were present: its chairman, President Süleyman Demirel; Prime Minister Necmettin Erbakan; Deputy Prime Minister and Minister of Foreign Affairs Tansu Çiller; Minister of Interior Meral Akşener; Minister of Defense Turhan Tayan; General İsmail Hakkı Karadayı, chief of general staff; General Hikmet Köksal, army chief; Admiral Güven Erkaya, naval chief; General Ahmet Çörekçi, air force chief; and General Teoman Koman, chief of gendarmerie. Also present at the meeting was General İlhan Kılıç, NSC secretary-general. See "Ortam Gerildi, Koltuk Gitti" (English translation: As the situation intensified, the seat was eliminated), *Milliyet*, February 28, 2000, online in Turkish at <http://www.milliyet.com.tr>

² The official communiqué of the February 28, 1997, NSC meeting lists eighteen "measures" (singular, *tedbir*). The Turkish media has generally referred to this list as the "eighteen decisions" (*karar*). Most English publications, however, speak of "eighteen recommendations," the term used here. Implicit in the term "recommendation" is the notion that the NSC can merely recommend policies, while the government may choose whether to accept or reject them, as the Turkish constitution suggests. In the wake of the February 28 recommendations, the military made clear its view that the government was required to implement these measures—a view rejected by the Erbakan government.

³ Fatih Çekirge, "Demirel'e İkinci İrtica Brifingi" (Second fundamentalism briefing to Demirel), *Sabah*, March 12, 1998, online in Turkish at <http://www.sabah.com.tr>

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military and much of the secular establishment feared that Erbakan and his party cohorts wanted to establish a state based on Islamic law (*shari'a* in Arabic and Western journalistic usage, *şeriat* in Turkish). But neither Erbakan nor his party had ever publicly embraced that objective. To do so would have been illegal under Article 24 of the Turkish constitution, which bans

exploitation or abuse of religion or religious feelings, or things held sacred by religion in any manner whatsoever, for the purpose of personal or political influence, or for [the purpose of] even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.⁴

Nevertheless, various statements by Erbakan and other RP members convinced many Turks, including the military, that imposing religious law was indeed their real goal. RP members, for example, had at various times sought to amend Article 24.

While in office, Erbakan in fact had virtually no opportunity to legislate an Islamic agenda. Still, the military and other secularists were concerned by what they saw as Erbakan's efforts to staff the state bureaucracy with party sympathizers, establish close relations with Iran and Libya, and increase the role of Islam in Turkey's public culture—often in a way that flouted Turkish law, as when the prime minister hosted a widely publicized Ramadan dinner (*iftar*) for leaders of Sufi religious orders, or *tarikats*, on January 11, 1997.⁵ *Tarikats*, although illegal, had enjoyed greater toleration in Turkey during the previous decade or so; Erbakan's dinner, however, seemed to signal an ostentatious disregard for the formally illegal status of these orders.

Beyond Erbakan's specific actions, the military and its secularist supporters were also becoming worried by numerous trends in Turkish society that they felt were tipping the scales in favor of Islamism. For example, growing numbers of students were at-

tending the state-sponsored religious school system, originally designated only for those seeking to become clerics. Likewise, numerous independent courses of religious instruction had begun to emerge, contravening both Turkish law and the constitution itself, which requires state control of religious education. Independent mosques (beyond state control) were also increasing in number, with the clerics who ran them often preaching an Islamist message.

Coming, in a sense, at a time of peak concern about these issues, the February 28, 1997, NSC meeting marked the beginning of an official anti-Islamist campaign in Turkey, primarily initiated and carried out by the military, but also backed by several civilian institutions—including an unprecedented coalition of leading Turkish labor unions and business organizations. The intent of the campaign was to force Erbakan out of office and reverse the political and societal gains that had been made by Islamism. (His coalition crumbling under the pressure, Erbakan did resign four months later, on June 16, 1997.)

Now, more than four years after this crucial NSC meeting, "February 28" or "the February 28 process"—whether understood specifically as relating to the eighteen NSC recommendations, or more generally as a state-led, anti-Islamist campaign—remains a live and often controversial issue in Turkey. Turkish military chief of staff Hüseyin Kıvrıkoğlu has declared several times (most recently in January 2001) that "February 28 is a process . . . [that] will last a thousand years, if necessary."⁶ In summer 2000, Prime Minister Bülent Ecevit sought to justify a decree that would have facilitated the firing of fundamentalist and separatist civil servants by stating that the measure was intended to help implement "February 28." In February 2000, President Süleyman Demirel emphasized that February 28

⁴ *Almanac Turkey 1989* (Ankara: *Turkish Daily News* Publications, May 1989), p. 113.

⁵ Hakan Akpınar, *Postmodern Darbenin Öyküsü* (The story of the postmodern coup) (Ankara: Ümit Yayıncılık, February 2001), pp. 160-166.

⁶ Fikret Bila, "Kıvrıkoğlu'dan Mesajlar" (Messages from Kıvrıkoğlu), *Milliyet*, September 4, 1999, online in Turkish at <http://www.milliyet.com>; Sedat Ergin, "Three Messages from Kıvrıkoğlu," *Hürriyet*, September 1, 2000, in Foreign Broadcast Information Service, Western Europe (FBIS-WEU) 2000-0902, September 1, 2000; "Bin Yıl Sürecektir" (It will last a thousand years), *Cumhuriyet*, January 17, 2001, p. 19.

would continue, even though implementation of the eighteen recommendations is “not easy” and will “take time.”⁷

Critics of the February 28 process have chided post-Erbakan governments by implicitly accusing them of relying on military support. In the wake of the February 2001 economic crisis, for example, Recai Kutan, the leader of another pro-Islamist party, called the Ecevit government a “product of February 28.”⁸ His remark, no doubt cryptic to outsiders, was immediately intelligible to those familiar with Turkish politics. Only two parties constitute the parliamentary opposition in Turkey: Çiller’s Doğru Yol and Kutan’s *Fazilet* (Virtue) Party (FP), a *de facto* successor to Erbakan’s RP, which was ultimately banned in 1998. As the constituent elements of the Erbakan-led coalition, both parties are today widely considered unacceptable to the military as government partners. For this “February 28”-related reason, Kutan was arguing, the current governing coalition is the only one that can be assembled with the current parliamentary arithmetic. In Kutan’s view, therefore, the nation was being made to suffer under a failed government kept in power only by “February 28” considerations.

This Research Note will review the eighteen NSC recommendations of February 28, 1997, and the numerous actions taken thus far to implement them. Such actions include legislation bringing the teaching of the Koran under state control, assigning supervision of mosques to the Religious Affairs Chairmanship (RAC),⁹ and requiring all Turkish students to receive at least eight years of secular schooling. The latter legislation has had the effect of

reducing the number of students attending Imam Hatip Lyceums (IHL, or Minister–Preacher Schools), religious schools that, although state sponsored, were believed by many secularists to be dominated and used effectively as indoctrination centers by Islamists. Prior this legislation, the Imam Hatip schools taught grades 6 to 12. With the eight-year secular schooling requirement implied by Recommendation no. 3 (see page 7), Imam Hatip junior high schools (grades 6 to 8) were closed (see discussion on pages 7–8).

Other February 28 recommendations have been implemented by judicial action, executive decree, and the decisions of semi-autonomous state agencies. For example, the judiciary’s closure of the pro-Islamist Refah Party in 1998 is a decision that can probably be broadly understood to be part of the February 28 process. Earlier, an executive decree had dictated that IHL principals be graduates of arts and sciences—rather than theological—colleges.¹⁰ And in 1999, in one of the most publicized and controversial actions in the state’s clampdown on Islamism, the semi-autonomous Higher Education Council (YÖK, by its Turkish acronym) reaffirmed a ban on female students wearing headscarves in universities.¹¹

Not all the February 28 recommendations have been implemented, however. For example, no known action has been taken to crack down on Sufi religious orders (Recommendation no. 6); to restrict licensing of short- and long-barrel firearms (Recommendation no. 14); or to ensure that officers expelled from the military are not employed by other “public agencies or institutions” (Recommendation no. 8). Legislative initiatives designed to facilitate

⁷ “Demirel Says 28 February ‘Ongoing Process’,” *Anatolian Agency*, February 28, 2000, in FBIS-WEU-2000-0228, February 28, 2000.

⁸ “28 Şubat Bu Hale Getirdi” (February 28 brought it this way), *Yeni Şafak*, February 28, 2001, online in Turkish at <http://www.yenisafak.com.tr>

⁹ Often referred to as the Religious Affairs Directorate, the RAC was bureaucratically upgraded from a directorate to a chairmanship—thus making it directly responsible to the prime ministry—in the 1960s.

¹⁰ Kamuran Zeren, “Turkish Government Said Introducing Rules for Imam Hatips,” *Hürriyet*, September 2, 1997, FBIS-WEU-97-248, September 5, 1997.

¹¹ “Measures against Turkey’s Religious Schools Said Planned,” *Hürriyet*, February 8, 1999, FBIS-WEU, February 8, 1999.

the firing of Islamist public officials and to subject private foundations (including those formed for religious purposes) to oversight by the State Control Board (*Devlet Denetleme Kurulu*) have also thus far gone unrealized.

At the same time, however, the Turkish government has taken some measures to modify the NSC recommendations in the direction of greater leniency. For example, subsequent to legislation restricting Koran courses to students who had completed the eighth grade, parliament changed the law in order to permit students to enroll in summer Koran courses after the fifth grade.¹² Another law, passed in 1997, placed Koran courses under the jurisdiction of the more religion-friendly RAC, rather than the Ministry of National Education, whose supervision was prescribed by Recommendation no. 3. Although fully a part of Turkey's official bureaucracy, the RAC is staffed with religious authorities and is generally considered to be the governmental agency that is least antagonistic toward Islamism.

Taken together, the eighteen NSC recommendations are not of equal weight, nor are they perfectly comparable to one another. Some are very general, suggesting a guideline or principle of action rather than a specific law or action (e.g., Recommendations I, VII, XI, XIII, XVII, and XVIII); while some are specific (e.g., Recommendations II, III, IV, V, VI, VIII, IX, XII, XV, XIV, and XVI). Implementation of most of the recommendations seems to require only executive action, or executive action supplemented by prosecutorial initiatives. A few require legislative action or a combination of legislative and executive action. At least two of the recommendations, numbers 12 and 16, seem to call for an acceleration of the judicial process, an area normally considered outside the purview of the NSC (see chart on page 7). Moreover, some of the recommendations clearly have more far-reaching implications—in short, they are more important—than others. For example, the major educational reform called for in Recommendation no. 3 and later implemented is likely to have a weightier and

longer-term societal impact than would most of the other recommendations.

In addition, it should be noted that the February 28 process has produced indirect anti-Islamist consequences not reflected in the review presented here. For example, in April 1999 parliamentary elections, the Fazilet Party won only 15.4 percent of the vote—a decline of 6 percent from its predecessor Refah's showing in the previous 1995 vote. No doubt contributing to this decline were voter perceptions that a strong FP showing would exacerbate societal tensions, that the military anyway would prevent Fazilet from coming to power—whatever its vote total—and that the party might soon be banned. Of course, the judiciary's 1998 removal of Erbakan from politics, the banning of the RP, and FP's consequent need to replace many RP party personnel (as part of an effort to prevent Fazilet's own banning) also hindered FP's election campaign and depressed its final vote count. In the aftermath of the election and to this day, FP's problems with the military and the always-present possibility that it may be banned all but preclude the party from being considered as a government coalition partner, as noted earlier. Meanwhile, intra-party debate about the appropriate response to February 28 has produced a serious split in FP ranks. Thus, the "scorecard" review presented below, while indicative, does not fully explain the ramifications of the February 28 process or the extent to which the main goal of that process—limiting the spread of Islamism in Turkey—has been achieved. A full assessment of that type is beyond the scope of this paper.

A few aspects of the study should be explained as a helpful guide to the reader. First, the author would like to emphasize that this presentation is intended solely as an objective review of how the February 28 process has thus far been implemented, absent any political or partisan purpose. Nevertheless, in some cases, the judgment of the author has necessarily been used to determine the intent of a recommendation and/or the nature of the implementing action.

¹² "Demirel Says 28 February 'Ongoing Process'."

In several cases, a brief “background” following the recommendation explains “intent,” according to the author’s understanding. Very few of the implementing actions discussed below have been explicitly linked to one of the February 28 recommendations. Thus, to some extent, their classification here reflects the author’s judgment. Some post-February 28 anti-Islamist actions arguably do not correspond to any of the recommendations (other than to the general principle laid out in Recommendation no. 1). In addition, it would be a mistake to assume that none of the actions discussed below would have occurred outside the February 28 process, given the fact that an inherently secular nature for the state is stipulated by Turkey’s constitution.

Second, the term “Islamism” is used here as a synonym for “political Islam” and “Islamic fundamentalism,” meaning the advocacy of a political order based on Islam and Islamic law. The word used most commonly by the Turkish military, the secularist Turkish press, and many other Turkish secularists to express that same concept is “irtica.” İrtica, however, literally means “reactionaryism,” and it connotes a contempt not expressed by the term “Islamism” or even by the term “Islamic fundamentalism” in English. “Islamism” is chosen as a value-neutral term, generally less emotive than “Islamic fundamentalism.” When directly translating irtica, “Islamic fundamentalism” is used as a closer, if inadequate, approximation. The word “secular” is generally used here in the Turkish sense of “*lâik*,” which suggests belief in some state control of religion. It should be noted that many in Turkey who consider themselves secularists nevertheless favor looser controls on religion than those advocated by the February 28 process.

Third, it should be understood that the sole purpose of this study is to review the implementation of the eighteen recommendations for the benefit of those

studying political Islam in Turkey or related issues. This study does not seek otherwise to analyze the February 28 process or to tackle the numerous historical, political, social, and institutional issues raised by that process.

Finally, the major sources of information for this study are the Turkish and international press and official Turkish documents. An attempt has been made to present a comprehensive review of post-February 28 measures aimed at restricting the growth of political Islam. Acknowledging the possibility that some relevant items may have been either overlooked or misinterpreted, the author welcomes critical comments by the reader.

In reviewing efforts to implement the eighteen recommendations, the legislative, executive, and judiciary actions taken in response to each recommendation are hereafter listed in order. A table summarizing the types of action taken on each recommendation—legislative, executive, or judicial—appears on page 7. An appendix contains the English version (with Turkish translation) of NSC Decision no. 406, as well as the Turkish text of the eighteen annexed recommendations (see footnote 2).

NSC RECOMMENDATIONS OF FEBRUARY 28, 1997

I. The principle of secularism should be strictly enforced and laws should be modified for that purpose, if necessary.¹³

Background. This is a general recommendation that sets forth the basic principle from which the subsequent NSC recommendations are derived.

II. Private dormitories, foundations, and schools affiliated with Sufi religious orders (*tarikats*) must be put under the control of relevant state authori-

¹³ English translations of the eighteen recommendations, modified as deemed appropriate by the author, have been taken variously from “Stock Taken of 28 February Decisions,” *Sabah*, August 23, 2000, in FBIS-WEU-2000-0826, August 23, 2000; “Erbakan Neyi İmzaladı?” (What did Erbakan sign?), *Sabah*, March 19, 1997; “28 February Decisions await Laws,” *Milliyet*, September 5, 1999, in FBIS-WEU, September 5, 1999; and “28 Şubat Kararları Yasa Bekliyor” (28 February decisions await laws), *Milliyet*, September 5, 1999. Turkish texts can be found online at <http://www.sabah.com.tr> and <http://www.milliyet.com.tr>

ties and eventually transferred to the Ministry of National Education (MNE), as required by the Law on Unified Education (*Tevhid-i Tedrisat Kanunu*).¹⁴

Background. This recommendation is aimed at assuring the secular nature of education as required by the 1924 Law on Unified Education, one of Atatürk's major reforms. This law removed education from the purview of clerics and established the requirement that all educational institutions, including religious ones, be placed under the authority of the MNE.¹⁵ The recommendation is also intended to limit the influence of Sufi religious orders, which were formally banned in 1924 but had, nevertheless, been gradually reasserting a more visible role in Turkish society, particularly since the 1980s. Despite their illegal status, the tarikats had come to sponsor numerous Koran courses, as well as private dormitories for students and organizations ("foundations") aimed at promoting their beliefs.

Executive Action

- Minister of National Education Hikmet Uluğbay signed a *yönetmelik* (directive) in February 1999 placing private schools and "trade courses" (*meslek kursu*) run by religious foundations under state surveillance.¹⁶ Boarding schools affiliated with such trade courses were forbidden by the new regulation. Uluğbay's order made clear that such schools and courses would be shut down if it could be proven

that they were attempting to inculcate their students with anti-secular attitudes.¹⁷ The directive specifically called for the "closure of all private primary and intermediate schools practicing gender segregation," a religious practice that the Turkish state saw as inherently contrary to secular norms. Gender segregation limited to specific courses within the schools was also forbidden by this directive.

- On July 17, 1999, Prime Minister Bülent Ecevit issued a *genelge* (circular) instructing all relevant government officials to increase the monitoring of private dormitories, religious foundations, and schools affiliated with religious orders.¹⁸

- In October 1999, the Directorate of Foundations transferred the supervision of sixty-two dormitories sponsored by religious foundations to the MNE.¹⁹ At the time, more than 12,000 students were living in these hostels.

- On March 30, 2001, the NSC announced that 29,716 dormitories and pensions had been inspected and cases filed against 12,071 people who failed to implement Law no. 2584, which regulates the functioning of dormitories and pensions.²⁰

Judicial Action

The March 1999 Turkish Supreme Court decision to try the board members of the Youth and Solidarity Foundation for Higher Education Graduates Abroad (YUVA, by its Turkish acronym)—based on Law

¹⁴ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

¹⁵ Ministry of National Education, "Tevhid-i Tedrisat Kanunu," online in Turkish at <http://www.meb.gov.tr/kanunlar/tevhiditedrisatkanunu.html>

¹⁶ Kamuran Zeren, "Uluğbay Deals Blow to Tarikat Schools," *Hürriyet*, February 8, 1999, in FBIS-WEU, February 8, 1999. According to the Turkish government's Directorate of Foundations, as of early 2000 there were 4,241 foundations in Turkey; more than 10 percent—517 in all—stated that their purpose was religious in nature. See Nail Güreli, "Hizbullah'a Göz Yumuldu" (Hizbullah was overlooked), *Milliyet*, March 17, 2000, online in Turkish at <http://www.milliyet.com.tr>. Trade courses instruct in a variety of trade-related subjects from tailoring to computers to foreign languages.

¹⁷ Kamuran Zeren, "Uluğbay Deals Blow to Tarikat Schools."

¹⁸ "İrticaya Karşı Fak Fuk Fon" (Fund against fundamentalism), *Milliyet*, July 23, 1999, online in Turkish at <http://www.milliyet.com.tr>

¹⁹ Hülya Aydoğan, "İrtica Yurtları Devletin" (State takes over fundamentalist dormitories), *Milliyet*, October 12, 1999, online in Turkish at <http://www.milliyet.com.tr>

²⁰ Serpil Çevikcan, "MGK: Kriz Aşılacak" (NSC: We will overcome the crisis), *Milliyet*, March 30, 2001, online in Turkish at <http://www.milliyet.com.tr>

no. 313 of the Turkish Penal Code—marked the first judicial action taken against so-called Islamist foundations in the post-February 28 period. The YUVA foundation was accused of sending Imam Hatip graduates abroad, especially to Egypt's Al Azhar University, to get an Islamic education.²¹

III. With a view toward rendering the tender minds of young generations inclined foremost toward love of the republic, Atatürk, the homeland, and the nation, and toward the ideal and goal of raising the Turkish nation to the level of modern civilization, and to protect them against the influence of various quarters:

1) An eight-year uninterrupted educational system must be implemented across the country.²²

2) The necessary administrative and legal adjustments should be made so that Koran courses, which children with basic education may attend with parental consent, operate only under the responsibility and control of the MNE.²³

Background. This recommendation was designed to stifle the two channels through which, it was widely believed, Islamists were able to influence Turkish youth at a crucial and impressionable stage in their development: the Imam Hatip school system and Koran courses. Until this time, Turkish law had required only five years of secular education, after which students could drop out, continue their schooling, or enter the state-sponsored religious school system (IHL), which taught grades 6 through 12. Secular critics of the Imam Hatip schools believed that the state, although nominally in charge of the schools, had lost *de facto* control to Islamist administrators and teachers, who, they claimed, were effectively using the schools as indoctrination centers.

Koran courses in Turkey are designed to teach the Koran, its Turkish translation, and the general principles of Islam.²⁴ The courses are traditionally taught during

Recommendation	Type of Action Taken*		
	L	E	J
I			
II		•	•
III	•	•	
IV		•	
V	•	•	
VI		•	•
VII		•	•
VIII			
IX		•	
X			
XI		•	
XII			•
XIII		•	•
XIV			
XV			•
XVI			•
XVII			•
XVIII			•

*L=Legislative; E=Executive; J=Judicial

after-school hours or during the summer break. Prior to February 28, 1997, they were formally administered under the aegis of the MNE but were, in effect, controlled by private foundations or individuals. Many secularists increasingly saw the Koran courses, like the Imam Hatip schools, as an unregulated vehicle for propagating an Islamist message.

Legislative Action

• On August 16, 1997, by a vote of 277 to 242, the Turkish parliament passed Law no. 4306 requiring

²¹ Oya Armutçu, “Şeriatçı Vakıf Çete Suçundan Yargılanacak” (The fundamentalist foundation will be tried on charges of forming a gang), *Hürriyet*, March 13, 1999, online in Turkish at <http://www.hurriyet.com.tr>

²² “28 February Decisions await Laws.”

²³ “Erbakan Neyi İmzaladı?” (What did Erbakan sign?).

²⁴ “Yönetmelikler,” *Elektronik Resmi Gazete*, No. 23982, March 3, 2000, online in Turkish at <http://www.rega.com.tr>

eight years of uninterrupted secular education.²⁵ This legislation was widely perceived as targeting the Imam Hatip junior high schools (grades 6 through 8), which were subsequently closed in deference to this requirement. The law also effectively restricted Koran course attendance to children who had already graduated from the eighth grade.

- In September 1999, parliament modified Law no. 4306 by passing legislation opening summer Koran courses to children who had completed five years of secular education (instead of eight) or who were of equivalent age (usually twelve years old).²⁶

Executive Action

- On August 20, 1997, the government issued a regulation placing all Koran courses under the authority of the more religion-friendly RAC, rather than the MNE as had been prescribed by Recommendation III. This is an example of a governmental action taken to modify a "February 28" recommendation in the direction of greater leniency. Under the new action, the MNE and governors' offices retain authority to inspect the courses.²⁷
- On March 3, 2000, the Turkish government issued a regulation requiring that Koran course classrooms have, at most, a thirty-person capacity and be approved by state health authorities.²⁸ Each course must also have a minimum of fifteen students. The same regulation set out the goals and curricula for Koran courses, as well as requirements for establishing a dormitory for Koran course students from other cities.²⁹ Under the terms of this regulation, summer Koran courses may not last longer than two months, nor

can they exceed a maximum of three days per week and three hours per day of instruction.

According to 2000 statistics, there are today around 6,500 official Koran courses in Turkey, attended primarily by youths. These courses are approved and often set up by the RAC. In addition, it is estimated that there are still around 40,000 illegal Koran courses administered by individuals or entities unaffiliated with the RAC, notwithstanding the state's effort to bring these fully under governmental control.³⁰ On March 30, 2001, the NSC stated that, as of March 1, 2001, 370 Koran courses had been closed.³¹

IV. Our national education institutes charged with raising enlightened clergy loyal to the republican regime and Atatürk's principles and reforms must conform to the essence of the Law on Unified Education.³²

Background. The "education institutes" referred to here are the IHL. This recommendation appears intended to assure that Imam Hatip students receive a pro-secular education. By referring to the "essence of the Law on Unified Education," the recommendation may also be intended to limit attendance at IHL to students bound for careers as religious officials; Article IV of the 1924 Law on Unified Education requires that religious schools function solely for the purpose of training clergy.

Executive Action

Law no. 4306, which was passed on August 16, 1997, by the Turkish parliament, limited the study of Koran in IHL to between 768 and 960 hours per year. It

²⁵ Milli Eğitim Bakanlığı, "4306 Nolu Kanun ile" (With law no. 4306), online in Turkish at <http://www.meb.gov.tr>

²⁶ "28 Şubat Kararları Yasa Bekliyor" (28 February decisions await laws).

²⁷ "Diyadin İşleri Başkanlığı Kuran Kursları Yönetmeliği'nin Bazı Maddelerinde Değişiklik Yapılmasına Dair Yönetmelik," *Elektronik Resmî Gazete*, August 20, 1997, online in Turkish at <http://www.rega.com.tr>

²⁸ "Yönetmelikler."

²⁹ Ibid.

³⁰ "Turkey to Close down Koran Courses," *Hürriyet*, March 11, 2000, in FBIS-WEU-2000-0316, March 11, 2000.

³¹ Serpil Çevikcan, "MGK: Kriz Aşılacak" (NSC: We will overcome the crisis).

³² "28 February Decisions await Laws."

also halted the building of new IHL, in anticipation of a declining student population.³³

As a result of Law no. 4306 and related directives issued to implement this recommendation, the number of Imam Hatip students has indeed fallen precipitously. In 2000–2001, there were 91,620 students in these schools compared to 178,046 in 1997–1998, the first year after IHL junior high schools were closed.³⁴ In 1996–1997 (before the February 28 process began), IHL registered 511,502 students, including those in grades 6 through 8.³⁵ To the extent that this recommendation is intended to limit the mission of IHL solely to training religious officials, it remains less than fully implemented, since the number of students still far exceeds the number of religious positions likely to be available.³⁶ Moreover, girls now constitute almost half of the IHL student population, despite the fact that women are barred from the clergy in Islam.

V. Religious facilities built in various parts of the country must not be used for political exploitation to send messages to certain circles. If there is a need for such facilities, the RAC should evaluate the need, and the facilities must be built in coordination with local governments and relevant authorities.³⁷

Background. This recommendation was probably intended, in large part, to assert state control over the growing number of independent mosques in Turkey.

Legislative Action

On July 31, 1998, parliament passed Law no. 4415 placing all religious sites (mosques, *mescids* [small prayer areas], and *türbes* [saints' tombs]) under the authority of the RAC and making the RAC responsible for the assignments of all religious personnel.³⁸ The passage of this new law effectively amended Law no. 633 (1965), which set forth the creation and functions of the RAC.³⁹ Prior to passage of Law no. 4415, responsibility for hiring personnel rested with the foundation to which the building belonged. According to the new law, RAC control is restricted to administration of the sites themselves while the landowner retains the rights of property ownership. The law also requires an oral examination⁴⁰ for all applicants to religious posts. Personnel in place at the time the law went into effect were required to pass a similar exam in order to retain their positions.⁴¹

Executive Action

- In August 1998, RAC chairman Mehmet Nuri Yılmaz issued new regulations, according to which construction of new religious buildings a) are subject to a new zoning and construction code, b) require the authorization of RAC-appointed municipal religious affairs officials (*müftüs*), c) are to be built only when necessary, and d) must accord with aesthetic standards set up by the RAC.⁴²

³³ "Government Minister Explains Implementation of New Law," BBC, August 20, 1997; "Milli Eğitim ile İlgili Mevzuat" (Information regarding national education), Milli Eğitim Bakanlığı (website of the MNE), online in Turkish at <http://www.meb.gov.tr>

³⁴ "İmam Hatiplerin Öğrencileri Azalıyor" (Number of students in Imam Hatips in decline), *NTVMSNBC*, October 29, 2000, online in Turkish at <http://www.ntvmsnbc.com>

³⁵ Hakkı Dede, "Turkey's Imam-Hatip Lyceums Said in Rapid Decline," *Zaman*, January 5, 1999, in FBIS-WEU-99-007, January 7, 1999.

³⁶ *Ibid.*

³⁷ "28 February Decisions await Laws."

³⁸ "Election and Anti-Fundamentalist Bills Passed, Parliament Goes into Recess," *Turkish Daily News*, August 1, 1998, online in English at <http://www.turkishdailynews.com>

³⁹ *Elektronik Resmi Gazete*, No. 23543, December 4, 1998, online in Turkish at <http://www.rega.com.tr>

⁴⁰ The law does not specify the nature of the examination.

⁴¹ *Elektronik Resmi Gazete*, No. 23543.

⁴² Mutlu Serel, "Camiler Dergah Olmaz" (Mosques will not become dergahs), *Cumhuriyet*, August 8, 1998, online in Turkish at <http://www.cumhuriyet.com.tr>

• RAC chairman Yılmaz stated in August 1998 that frequent inspections of Turkey's more than 74,000 official mosques⁴³ were taking place in order to ensure that the content of local imams' Friday sermons conformed to sermon guidelines issued by the RAC. Traditionally, the RAC issued Friday sermon guidelines to the mosques, but over time and particularly with the emergence of "independent" mosques, the speeches were becoming more political and anti-secular. The inspections were therefore part of an effort to reassert state control over all mosques. An NSC report on March 30, 2001, claimed that as of March 1, 2001, all independent mosques were under the RAC's supervision.⁴⁴

VI. Activities of religious orders banned by Law no. 677, as well as all entities prohibited by said law, must be ended.⁴⁵

Background. Law no. 677 of 1925, known as the *Tekke ve Zaviyeler Kanunu* (Law on dervish lodges), closed all tarikats and dervish lodges, in accordance with the Atatürkist view that these represented a regressive force in society.⁴⁶ Over time, and particularly since the 1980s, tarikats once again had begun to achieve an unofficial, if low-profile, acceptance in Turkey.

Apparently, little has been done to implement this recommendation. No tarikats are known to have been

closed as of yet. However, pressure has been placed on some institutions generally associated with tarikats as indicated below.⁴⁷ A report drafted by the Western Working Group (WWG), a monitoring group within the Turkish Armed Forces (TAF), claimed that twenty tarikats control 4,000 businesses, including four holding companies and eleven financial institutions worth TL 350 trillion (\$540 million).⁴⁸

Executive Action

In June 1997, the TAF warned that the military would no longer purchase goods from "companies whose owners support Islamist publications, foundations, and groups." The companies affected spanned the banking, retailing, manufacturing, and construction sectors.⁴⁹

Judicial Action

Prosecution of Fethullah Gülen, the leader of a branch of the Islamic Nur order, began on October 16, 2000. Gülen was charged with secretly aiming to topple Turkey's secular system and establish an Islamic state.⁵⁰ He faces a maximum of ten years in prison if found guilty. The indictment came after a WWG report claimed that Gülen and his followers were training cadres to take over the state and implement *shari'a* law.

⁴³ Ibid.

⁴⁴ Çevikcan.

⁴⁵ "28 February Decisions await Laws."

⁴⁶ "Tekke ve Zaviyelerle Türbelerin Seddine ve Türbedarlıklar ile bir Takım Ünvanların Men ve Ilgasına Dair Kanun," *Resmi Gazete*, No. 243, December 13, 1925, online in Turkish at http://www.yargitay.gov.tr/bilgi/kanun_liste/PC1677.hm3.text.html

⁴⁷ A special Islamism-monitoring group in the prime minister's office reported in 1998 that 4,500 of Turkey's 10,000 registered foundations were engaged in "fundamentalist" activities, including 647 under clear tarikat influence. No action is known to have been taken against these foundations. (Note that the overall number of foundations given here differs greatly from that reported [in footnote 47] two years earlier by a monitoring unit in the prime ministry. There is no obvious explanation for the discrepancy.) See Alper Ballı, "Dinci Yurtlara Dikkat" (Attention to Islamist dormitories), *Cumhuriyet*, July 11, 1998, online in Turkish at <http://www.cumhuriyet.com.tr>; and "Turkish Report on Religious Foundations Released," *Hürriyet*, July 11, 1998, in FBIS-WEU-98-195, July 14, 1998.

⁴⁸ "Hoca Efendi'yi Yıkan Rapor" (Report that damaged Hoca Efendi'yi), *Aktuel*, February 12, 1998, online in Turkish at <http://aktuel.birnumara.com.tr/w/>; "Tarikatların Kaynakları," *Cumhuriyet*, July 18, 1998, online in Turkish at <http://www.cumhuriyet.com.tr>

⁴⁹ "The Generals Raise Pressure on Premier," *New York Times*, June 13, 1997, online in English at <http://www.nytimes.com>

⁵⁰ "Religious Leader Stands Trial in Absentia," *NTVMSNBC*, October 16, 2000, online in English at <http://www.ntvmsnbc.com/news/37314.asp>

VII. Media groups that oppose the TAF and its members should be brought under control. These [groups] try to depict the TAF as inimical to religion by exploiting the issue of personnel whose ties to the TAF have been severed by decisions of the Supreme Military Council (SMC, or *Yüksek Askeri Şura*) based on their fundamentalist activities.⁵¹

Background. On November 26, 1997, the NSC further demanded that the government do more to check the burgeoning number of Islamic radio and television stations. A subsequent NSC report claimed that there were 5,200 local newspapers and magazines, 124 radio stations, and 41 television channels engaged in “fundamentalist propaganda.”⁵²

Executive Action

- On March 24, 1998, Prime Minister Mesut Yılmaz announced the existence of special investigative units in every town, monitoring radio stations and television channels believed to be pro-Islamist. These units inform prosecutors and the government broadcasting authority, the Higher Council for Radio and Television (RTÜK, by its Turkish acronym), if any illegalities are detected.⁵³
- On July 23, 1999, Prime Minister Bülent Ecevit issued a circular instructing all government officials to closely monitor activities of organizations that finance Islamist movements and pro-Islamist media.⁵⁴
- In September 2000, RTÜK stated that, since 1994, it had issued warnings to forty-six radio sta-

tions and twenty-eight television channels because of “fundamentalist” broadcasting. It had suspended broadcasting by twenty-two radio stations for a total of 1,590 days and eight television channels for a total of 676 days.⁵⁵

- On March 30, 2001, the NSC announced the establishment of Media Prosecutors offices in Adana, Bursa, Malatya, Diyarbakır, and Samsun. These offices will watch for manifestations of fundamentalism in the print media.⁵⁶

Judicial Action

- On October 19, 1999, Mehmet Kutlular, owner of *Yeni Asya*, a radical Islamist newspaper, was arrested on charges of provoking hatred and creating religious animosity.⁵⁷

VIII. Personnel expelled from military service because of fundamentalist activities, disciplinary problems, or connections with illegal organizations must not be employed by other public agencies and institutions or otherwise encouraged.⁵⁸

Background. This recommendation was made in apparent response to the hiring of dismissed military personnel by local governments controlled by Refah Party mayors. No action has been taken on this recommendation, and it is not known if local governments have continued this hiring practice. Since the February 28 process began, hundreds of members of the Turkish military have been dismissed for fundamentalist activities.⁵⁹

⁵¹ “Erbakan Neyi İmzaladı?” (What did Erbakan sign?).

⁵² Mohammad Nouredin, “Turkish Military Seen Poised to Intensify Anti-Islamist Campaign,” *Mideast Mirror*, September 11, 1998, online in English at <http://www.mideastmirror.com>

⁵³ “Turkish Leader’s Aides Draft Laws Aimed at Islamic Fundamentalists,” *Houston Chronicle*, March 24, 1998, online in English at <http://www.chron.com>

⁵⁴ “İrticaya Karşı Fak Fuk Fon” (Fund against fundamentalism).

⁵⁵ “Geric 22 Radyoya Ceza” (Punishment for 22 reactionary radio stations), *Cumhuriyet*, September 11, 2000, online in Turkish at <http://www.cumhuriyet.com.tr>

⁵⁶ Çevikcan.

⁵⁷ Seva Ulman, “Turkey Cracks down on Radical Islamists,” *United Press International*, October 19, 1999.

⁵⁸ “28 February Decisions await Laws.”

⁵⁹ “Ordudan 45 İrticacı İhraç Ediliyor” (45 fundamentalists expelled from the military), *NTVMSNBC*, August 2, 2000, online in Turkish at <http://www.ntvmsnbc.com>

IX. The measures taken within the framework of existing regulations to prevent infiltration into the TAF by the extremist religious sector should also be applied in other public institutions and establishments, particularly in universities and other educational institutions, at every level of the bureaucracy, and in judicial establishments.⁶⁰

Background. A June 1998 briefing by the Supreme Military Council to the prime minister asserted that the civilian government's failure to implement this recommendation had encouraged ongoing anti-secular activities within the educational system, including infiltration of fundamentalist personnel into universities and other educational institutions.⁶¹ The council said that anti-secular activities—such as prayers during class time—were occurring in 53 percent of public high schools, 85 percent of IHL, and 65 percent of private schools.⁶² After this briefing, the following actions were taken:

Executive Action

- A 1998 Ministry of Interior report addressing fundamentalist activities in local administrations led to the investigation of 379 deputy governors and district governors. None were dismissed.
- In February 1999, it was reported that the Ministry of Interior would send monitoring units to the provinces to investigate ministry personnel with alleged ties to religious sects.⁶³ No results of the investigation were publicly reported.
- In July 1999, Prime Minister Bülent Ecevit issued a circular calling on government officials to

crack down on all manifestations of fundamentalist activity at every level of government.⁶⁴

- According to a November 1999 report by the prime minister's office, approximately 3,000 civil servants had been punished for involvement in fundamentalist activities since February 28, 1997.⁶⁵ Punishments ranged from warnings to dismissal.
- In August 2000, Minister of National Education Metin Bostancıoğlu announced that, since the beginning of 1998, his ministry had dismissed over 500 employees involved in fundamentalist activities.⁶⁶

X. Iran's efforts to destabilize Turkey's regime should be closely watched. Policies that would prevent Iran from meddling in Turkey's internal affairs should be adopted.⁶⁷

Background. For national security reasons, the content of this recommendation was not publicly released, but was nevertheless eventually leaked to the press. Turkish-Iranian relations have been characterized by "controlled tension" since the founding of the Islamic Republic of Iran in 1979. The period since 1997 has been worse than the period before it—sharper rhetoric, more mini-crises. In 1997, Turkish military leaders publicly declared that Iran was supporting Islamic fundamentalism—including fundamentalist terrorism—in Turkey. Overall, however, Turkish policy toward Iran in the post-February 28 period seems to be more responsive to traditional geopolitical circumstances than representative of a dramatic policy departure rooted in this particular recommendation.

⁶⁰ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

⁶¹ Yusuf Özkan, "Incentives of 26.2 Trillion TL for Islamic Business," *Milliyet*, June 21, 1998, in FBIS-WEU, June 21, 1998.

⁶² Ibid.

⁶³ Kadir Ercan, "Police Teams to Struggle against Reactionism," *Hürriyet*, February 11, 1999, in FBIS-WEU-1999-0218, February 11, 1999.

⁶⁴ "İrticaya Karşı Fak Fuk Fon" (Fund against fundamentalism).

⁶⁵ "Üç Bin Memura İrtica Soruşturması" (Fundamentalism investigation for three thousand civil servants), *Milliyet*, November 30, 1999, online in Turkish at <http://www.milliyet.com.tr>

⁶⁶ "Milli Eğitim'de KHK Temizliği Sürüyor" (Decree clean-up in national education continues), *NTVMSNBC*, August 30, 2000, online in Turkish at <http://www.ntvmsnbc.com>

⁶⁷ "Stock Taken of 28 February Decisions."

XI. Legal and administrative means must be used to prevent the very dangerous activities of the extremist religious sector that seeks to create polarization in society by fanning sectarian differences.⁶⁸

Executive Action

On August 27, 1999, the Turkish government froze the accounts of two Muslim-oriented organizations—*İnsan Hak ve Hürriyetleri Derneği* (Human Rights and Freedoms) and *Mazlum-Der* (Society for the Solidarity of Oppressed Peoples)—that took part in earthquake relief efforts. These organizations were charged with using humanitarian aid to lure supporters.⁶⁹

XII. Legal and administrative proceedings against those responsible for incidents that contravene the Constitution of the Turkish Republic, the Law on Political Parties, the Turkish Penal Code, and especially the Law on Municipalities should be concluded in a short period of time, and firm measures should be taken at all levels not to allow repetition of such incidents.⁷⁰

Judicial Action

- In May 1997, Chief Prosecutor Vural Savaş issued an eighteen-page indictment against Prime Minister Necmettin Erbakan's Welfare Party, claiming that it had become the "focal point" for anti-secular actions contrary to the Law on Political Parties and the constitution.⁷¹ The Welfare Party was officially shut down on February 22, 1998, with the publishing of a Constitutional Court opinion asserting that

the party had been involved in anti-secular activities contravening Articles 68 and 69 of the constitution and Articles 101/b and 103/a of the Law on Political Parties.⁷² With this decision, Erbakan and five other Welfare Party members were banned from political activity for five years.

- On February 8, 1999, a case against seventy-nine members of the defunct Welfare Party began. The defendants included Necmettin Erbakan and two of his former ministers, Şevket Kazan and Ahmet Tekdal, charged with violating the Law on Political Parties and failing to account for the use of 1 trillion TL (\$2.9 million) that the party had legally received from the government treasury.⁷³ The case came as the consequence of an investigation, initiated immediately after the party's banning, by a commission consisting of officials from the Finance and Interior Ministries and the police force. As this study goes to press, the case has not yet been decided.

- On December 17, 1997, the Diyarbakır State Security Court attorney-general filed an indictment against former Istanbul mayor Recep Tayyip Erdoğan. On April 21, 1998, the Diyarbakır State Security Court found Erdoğan, elected mayor as a Refah Party member, guilty of violating article 312/2 of the Turkish Penal Code (i.e., of "openly instigating hatred and animosity among people on the basis of religion and religious differences") in a December 1997 speech he made in Siirt.⁷⁴ On March 26, 1999, the Supreme Court affirmed the decision by the Diyarbakır State Security Court. Erdoğan received a ten-month sentence, was removed from his post as mayor, and banned from future political activity.

⁶⁸ "28 February Decisions await Laws."

⁶⁹ Selcan Hacıoğlu, "Islamic Groups' Accounts Frozen," *Yahoo News*, August 27, 1999, online in English at <http://www.yahoo.com>

⁷⁰ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

⁷¹ "Turkish Islamists Slam Indictment Given for Closing of Their Party," *Deutsche Presse Agentur*, May 22, 1997.

⁷² "Yargı Bölümü, Anayasa Makemesi Kararları," *Elektronik Resmi Gazete*, No. 23266, February 22, 1998.

⁷³ "Erbakan Goes on Trial with 78 Other Turkish Islamists," *Deutsche Presse Agentur*, February 8, 1998.

⁷⁴ "Hoca, Erdoğan'a Kızdı" (Hoca angry with Erdoğan), *Sabah*, December 11, 1997, online in Turkish at <http://www.sabah.com.tr>

- On April 21, 1999, Erol Yazar, the chairman of the pro-Islamist Association of Independent Industrialists and Businessmen (MÜSİAD) was also found guilty of violating Article 312/2 of the Turkish Penal Code. He was given a one-year suspended prison sentence and banned from future political activity.⁷⁵
- On January 18, 2000, Chief Prosecutor Savaş submitted a twenty-two-page indictment to the Constitutional Court requesting that the Virtue Party be banned. The prosecutor claimed that the party was promoting anti-secularist activities and was simply a continuation of the banned Welfare Party.⁷⁶ At press time, this case had not yet been decided.
- On April 10, 2000, the Diyarbakır State Security Court sentenced Necmettin Erbakan to four months and twenty-six days in prison and banned him from politics for life.⁷⁷ He was found guilty of violating article 312/2 of the Turkish Penal Code in a February 1994 speech he delivered in Bingöl. On July 5, 2000, the Supreme Court confirmed this decision.⁷⁸

XIII. Practices that violate the attire law and that may give Turkey an anachronistic image must be prevented.⁷⁹

Background. This recommendation appears to concern itself with laws that prevent women from wearing a headscarf (*türban*) in schools (including IHL), at universities, and during the performance of government jobs.

Executive Action

- On January 12, 1998, Minister of National Education Hikmet Uluğbay issued a *kararname* (decree) reaffirming a ban on the wearing of headscarves in schools and educational institutions during the 1998–1999 academic year.⁸⁰
- In February 1998, Uluğbay reaffirmed the January decree in a *talimatname* (memo) to teachers and principals, stressing the need for full implementation of dress rules and instructing ministry inspectors to monitor compliance. This decree was followed by investigations of 265 teachers across the country.⁸¹
- On May 8, 1998, the Turkish government's Higher Coordination Council for Human Rights ruled that the headscarf is a "political symbol" and that its banning in public agencies, universities, and training institutions did not contravene basic human rights. The ruling followed a decision by the Higher Education Council reaffirming the ban on headscarves in universities—one of the most publicized and controversial actions taken in the context of the state's clampdown on Islamism.⁸²
- In November 1999, rectors from all of Turkey's seventy-one public and private universities voted to apply the ban on headscarves.⁸³
- From the beginning of the 1999–2000 academic year, the Higher Education Council required all female students to submit twelve photographs of themselves without a headscarf for student identification cards. Students without proper identification were

⁷⁵ "MÜSİAD Başkanı Yazar'a 312'den 1 Yıl Hapis" (MÜSİAD Chairman Yazar is sentenced to one year in prison for breaking Law no. 312 of the Turkish Penal Code), *Hürriyet*, April 22, 1999, online in Turkish at <http://www.hurriyet.com.tr>

⁷⁶ "Prosecutor Presents Case to Ban Turkish Islamic Party," Deutsche Presse-Agentur, January 18, 2000.

⁷⁷ Esin Atar, "Erbakan'a Son Darbe" (The last blow to Erbakan), *Milliyet*, July 6, 2000, online in Turkish at <http://www.milliyet.com.tr>

⁷⁸ Ibid.

⁷⁹ "Stock Taken of 28 February Decisions."

⁸⁰ Kamuran Zeren, "CWG: No Concessions Whatsoever," *Hürriyet*, August 24, 1998, in FBIS-WEU-98-236, August 24, 1998.

⁸¹ "Turkish Government Runs into Fresh Trouble over Secularism," Agence France Presse, February 26, 1998.

⁸² "Human Rights Council: Islamic Headdress is Political Symbol," *Milliyet*, May 9, 1998, in FBIS-WEU-98-129, May 9, 1998; "Measures Against Turkey's Religious Schools Said Planned," *Hürriyet*, February 8, 1999, in FBIS-WEU, February 8, 1999.

⁸³ "Dozens Arrested in Turkish Headscarves Protests," Agence France Presse, November 6, 1998.

to be denied entry to university campuses. New regulations also gave university rectors the power to take disciplinary action against students attempting to flout the new rules.

- On April 6, 2001, the government amended the “Regulation on the Turkish Flag” (a 1985 law that set forth guidelines pertaining to the use and care of the national emblem). The new regulation bans students, teachers, and other administrators who participate in flag ceremonies from wearing headscarves.⁸⁴

Judicial

- On August 25, 1998, a regional court in Istanbul reversed a lower court’s decision to overturn the ban on headscarves in universities.⁸⁵ On December 28, 1999, the High Court of Appeals affirmed the decision of the Istanbul regional court.⁸⁶
- On May 31, 2000, Canan Bezirgan, a University of Istanbul student at the time, was sentenced to six months in prison (commuted to a fine of TL 1.9 million, roughly \$3) for attempting to take a test while wearing a headscarf.⁸⁷

XIV. Licensing procedures for short- and long-barrel weapons, which have been issued for various reasons, must be reorganized on the basis of police and gendarmerie districts. Restrictions must be introduced on this issue, and the demand

for pump-action rifles, in particular, must be evaluated carefully.⁸⁸

Background. This recommendation was made in apparent response to reports that Islamists were stockpiling weapons, especially pump-action rifles.⁸⁹ Following the NSC meeting on February 28, 1997, the Turkish General Staff proposed that all pump-action rifles be collected. The police rejected this proposal, however, declaring that it would cost too much—TL 22 trillion (approximately \$162 million)—to finance such an operation.⁹⁰ A draft bill regulating the buying, selling, and maintaining of certain types of pump-action rifles has passed the Turkish parliament’s Internal Affairs Committee and is scheduled to come before parliament in 2001.⁹¹

XV. The collection of [animal] sacrifice hides by anti-regime and uncontrolled [unregulated] organizations and establishments for the purpose of securing financial resources should be prevented, and no collection of sacrifice hides should be allowed outside the authority recognized by law.⁹²

Background. Traditionally, during the Islamic Feast of Sacrifice (*Kurban Bayramı*), hides from sacrificed animals are collected by the state-affiliated Türk Hava Kurumu (Turkish Aviation Society, TAS), with proceeds going to the RAC; agencies that help the poor, orphans, and disaster victims; and the TAS

⁸⁴ “Bayrak Töreninde Türban Yasağı,” (Ban on headscarf in flag ceremonies, *Hürriyet*, April 10, 2001, online in Turkish at <http://www.hurriyet.com.tr>

⁸⁵ “The University of Istanbul Excludes Headscarves and Bearded Students,” *Turkish Daily News*, September 2, 1998, online in Turkish at <http://www.turkishdailynews.com>

⁸⁶ “Headscarves Banned in University Classes in Turkey,” XINHUA, December 28, 1999.

⁸⁷ Molly Moore, “The Problems of Turkey Rest on Women’s Heads,” *Washington Post*, October 29, 2000.

⁸⁸ “28 February Decisions Await Laws,” *Milliyet*, September 5, 1999, in FBIS-WEU, September 5, 1999.

⁸⁹ According to 1998 estimates by the General Directorate of Security, there are 86,000 licensed pump-action, 368,000 semi-automatic, and 2,046,000 other kinds of rifles in Turkey. See “Pompalı Tüfek Tartışması” (Pump action rifle discussion), *Cumhuriyet*, June 19, 1998, online in Turkish at <http://www.cumhuriyet.com.tr>

⁹⁰ “Türkiye Hızla Silahlanıyor” (Turkey is rapidly arming), *Cumhuriyet*, June 26, 1998, online in Turkish at <http://www.cumhuriyet.com.tr>

⁹¹ Turkish Grand National Assembly, “Türkiye Büyük Millet Meclisi Tasarı Teklifleri,” Esas No. 1/420, Haziran 24, 1999, online in Turkish at <http://www.tbmm.gov.tr>

⁹² “Erbakan Neyi İmzaladı?” (What did Erbakan sign?).

itself, which supports civilian aviation.⁹³ In recent years, Islamist organizations, Sufi orders, and others have begun collecting and selling the hides independently, claiming to give the proceeds to the poor and to mosques.⁹⁴

Judicial Action

On April 7, 1998, thirty-seven people were arrested for illegally collecting sacrificial hides for the pro-Kurdish HADEP (People's Democracy) Party.⁹⁵

XVI. Legal proceedings against bodyguards dressed in special uniforms and those responsible for them should be concluded speedily, and, taking into account the fact that such illegal practices might reach dangerous proportions, all private bodyguard units not envisaged by the law should be disbanded.⁹⁶

Background. This recommendation was made in apparent response to Prime Minister Erbakan's use of private bodyguards in addition to the security personnel provided by the state. Erbakan's departure from office apparently put this issue to rest.

Judicial Action

On June 13, 1997, three of Erbakan's private bodyguards were arrested after they scuffled with military police at Gölcük Naval Base.⁹⁷

XVII. Initiatives that aim at solving the country's problems on the basis of "umma" [religious community] rather than "nation" and that encour-

age the separatist terror organization (Kurdistan Workers Party [PKK]) by approaching it on the same basis [i.e., as a part of the umma] should be prevented by legal and administrative means.⁹⁸

Background. This recommendation was probably a response to the occasional claims of Erbakan and other Welfare Party members that Turkey can solve its Kurdish problem on the basis of "Islamic unity."

Judicial Action

Several members of the banned Welfare Party have been accused of calling for the establishment of an Islamic state, including former parliamentarians Halil İbrahim Çelik, Şevki Yılmaz, and Hasan Hüseyin Ceylan, whose cases are still being tried in State Security Court. Ceylan is accused of stating in a 1993 speech that "This country is ours but this system is not. Turkey will disappear."⁹⁹

XVIII. Law no. 5816, which defines crimes against the great savior Atatürk, including acts of disrespect, must be fully implemented.¹⁰⁰

Judicial Action

- In February 1998, 128 members of the *Aczmeni* Sufi order were sentenced to two to six years in prison for "insulting Atatürk and disobeying security forces."¹⁰¹
- On December 11, 1997, Şükrü Karatepe, mayor of Kayseri, was sentenced by Ankara State Security Court no. 1 to one year of imprisonment. He was charged with making anti-Atatürk statements on November 10, 1996¹⁰² at a ceremony marking the anni-

⁹³ Türk Hava Kurumu (website of the TAS), online in Turkish at <http://www.thk.org.tr>

⁹⁴ The Turkish Treasury estimates the annual worth of the sacrificial hides to be \$30 million. See "37 Arrested for Collecting Sheepskins for pro-Kurdish Party," Agence France Presse, April 8, 1998.

⁹⁵ Ibid.

⁹⁶ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

⁹⁷ "Turkish Premier Erbakan to Relinquish Power to Çiller," Deutsche Presse Agentur, June 13, 1997.

⁹⁸ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

⁹⁹ Anayasa Mahkemesi Kararları, "Anayasa Mahkemesi Gerekeçeli Karar: Refah Partisinin Kapatılması," February 22, 1998, online in Turkish at http://www.belgenet.com/dava/rpdava_g01.html

¹⁰⁰ "Erbakan Neyi İmzaladı?" (What did Erbakan sign?).

¹⁰¹ U.S. Department of State, *Turkey: Country Report on Human Rights Practices for 1998* (Washington: GPO, 1998).

¹⁰² "Şükrü Karatepe in Yahyalı Prison," Anadolu Agency, April 28, 1998.

versary of Atatürk's death. Mayor Karatepe is alleged to have said, "I am participating in this ceremony reluctantly in a period when they don't respect our beliefs."¹⁰³ His sentence was reduced to four months and twenty-six days, and he was incarcerated on April 21, 1998.

• On October 29, 1998, Zeki Başaran, mayor of Ağrı, was removed from office after a speech in which he implicitly accused Atatürk—without mentioning his name—of being a "traitor who collaborated with enemy forces."¹⁰⁴

¹⁰³ Ibid.

¹⁰⁴ "Turkish Prosecutor Demands Jail Sentence for Islamist Mayor," Agence France Presse, November 3, 1998.

APPENDIX: THE EIGHTEEN NSC RECOMMENDATIONS OF FEBRUARY 28, 1997

NATIONAL SECURITY COUNCIL DECISION NO. 406 [English Translation]

1. On February 28, 1997, the National Security Council held its regular monthly meeting. Present at the meeting were the President (NSC chairman), Prime Minister, Chief of General Staff, Minister of Foreign Affairs and Minister of State, Minister of Defense, Minister of Interior, Chiefs of Armed Forces, Chief of Gendarmerie, and the NSC secretary-general.
2. At this meeting, the council examined and evaluated the threat and dangers that result from destructive activities and statements aimed at destroying the republican regime and the democratic, secular, and social-law state—which is committed to Atatürk nationalism and whose basis and characteristics are described by the Constitution—and replacing it with a political religious order.
3. As a result of this evaluation, it is unanimously agreed that
 - a. Groups aiming to create an Islamic republic based on *shari'a* law in Turkey constitute a multi-directional threat to the democratic, secular, social-law state as defined by the Constitution.
 - b. Fundamentalist groups opposing the republic and the regime are trying to weaken the democratic, secular, social-law state by making secular and anti-secular distinctions.
 - c. In Turkey, secularism is a guarantee not only for the regime but also for democracy and public peace, and it is also a way of life.
 - d. The concepts of the social-law state and justice, which are the structural essence of the state, cannot be abandoned; failing to investigate the non-contemporary practices that disregard the law is incompatible with the principle of superiority of law.
4. As a result of these views and evaluations, it is decided that
 - a. The cabinet should be informed that it should take the measures listed in Annex A in the short, medium, and long term in order to prevent the multi-directional threat to our republic—a democratic, secular, social-law state—by groups aiming to create an Islamic republic based on *shari'a* law in Turkey.
 - b. The NSC General Secretariat, according to Article 9 of Law no. 2945 on the NSC and the NSC General Secretariat, should, at regular intervals, brief the Prime Minister, the President, and the NSC on the results of cabinet decisions pertaining to the measures listed in Annex A, as well as those measures that did not become cabinet decisions.

Translated by the author.

MILLİ GÜVENLİK KURULU KARAR 406 [NSC DECISION No. 406, in original Turkish]

1. Milli Güvenlik Kurulu, 28 Şubat 1997 günü Sayın Cumhurbaşkanı başkanlığında Başbakan, Genelkurmay Başkanı, Dışişleri Bakanı, ve Başbakan Yardımcısı, Milli Savunma Bakanı, İçişleri Bakanı, Kuvvet Komutanları, Jandarma Genel Komutanı ve Milli Güvenlik Kurulu Genel Sekreteri'nin iştirakları ile aylık olağan toplantısını yapmıştır.
2. Kurul'un bu toplantısında, esasları ve nitelikleri Anayasada belirlenmiş, Atatürk milliyetçiliğine bağlı, demokratik, laik ve sosyal hukuk devletimizi ve cumhuriyet rejimimizi yıkmak, onun yerine bir siyasal dini düzen kurmak amacıyla yürütülen yıkıcı faaliyetler ve yapılan beyanlar ile bunların oluşturduğu tehdit ve tehlikeler gözden geçirilerek değerlendirilmiştir.
3. Yapılan bu değerlendirmeler sonucunda:
 - a. Ülkemizde şeriat hukukuna dayalı bir İslam Cumhuriyeti kurmayı hedefliyen grupların, Anayasanın tanımladığı demokratik, laik ve sosyal hukuk devletimize karşı çok yönlü bir tehdit oluşturduğu.
 - b. Cumhuriyet ve rejim aleyhtarı aşırı dinci grupların laik ve anti laik ayrımı ile demokratik, laik ve sosyal hukuk devletini güçsüzleştirmeye yeltendikleri.
 - c. Türkiye'de laikliğin sadece rejimin değil, aynı zamanda demokrasinin ve toplum huzurunun da teminatı ve bir yaşam tarzı olduğu.
 - d. Devletin yapısal özünü oluşturan sosyal hukuk devleti ve adâlet ilkeleri anlayışından vazgeçilemeyeceği, yasalar göz ardı edilerek yapılan çağ dışı uygulamaların takipsiz kılınmasının hukukun üstünlüğü ilkesiyle bağdaşmayacağı hususlarında görüş birliğine varılmıştır.
4. Bu görüş ve değerlendirmeler sonucunda:
 - a. Türkiye'de şeriat hukukuna dayalı bir İslam Cumhuriyeti kurmayı amaçlayan aşırı dinci grupların demokratik, laik, ve sosyal hukuk devleti olan Cumhuriyetimize karşı oluşturdukları çok yönlü tehditin önlenmesi amacıyla Ek-A'daki tedbirlerin kısa, orta ve uzun vade içerisinde alınmasının Bakanlar Kuruluna bildirilmesine.
 - b. 2945 Sayılı MGK ve MGK Genel Sekreterliği Kanununun 9uncu maddesine uygun olarak, MGK Genel Sekreterliği tarafından: Ek'te belirtilen tedbirlere ilişkin Bakanlar Kurulu Kararları ile Bakanlar Kurulu Kararı haline getirilmeyen uygulamaların, sonuçları hakkında belli süreler içerisinde Başbakan, Cumhurbaşkanı ve MGK'na bilgi verilmesi kararlaştırılmıştır.

**MILLİ GÜVENLİK KURULU'NUN 28 ŞUBAT 1997 TARİH VE 406 SAYILI KARARINA EK-A
(REJİM ALEYHTARI İRTICAI FAALİYETLERE KARŞI ALINMASI GEREKEN TEDBİRLER)
[ANNEX A TO NATIONAL SECURITY COUNCIL'S DECISION No. 406, DATED FEBRUARY 28, 1997
(NECESSARY MEASURES TO BE TAKEN AGAINST ANTI-REGIME FUNDAMENTALIST ACTIVITIES,
OR "THE EIGHTEEN RECOMMENDATIONS"), in original Turkish]**

1. Anayasamızda Cumhuriyetin temel nitelikleri arasında yer alan ve yine anayasanın 4 üncü maddesi ile teminat altına alınan laiklik ilkesi büyük bir titizlik ve hassasiyetle korunmalı, bunun korunması için mevcut yasalar hiçbir ayırım gözetmeksizin uygulanmalı, mevcut yasalar uygulamada yetersiz görülüyorsa yeni düzenlemeler yapılmalıdır.
2. Tarikatlarla bağlantılı özel yurt, vakıf ve okullar devletin yetkili organlarıncâ denetim altına alınarak Tevhidi Tedrisat Kanunu gereği Milli Eğitim Bakanlığına devri sağlanmalıdır.
3. Genç nesillerin körpe dimağların öncelikle Cumhuriyet, Atatürk, Vatan ve Millet sevgisi, Türk Millerini çağdaş uygarlık düzeyine çıkarma ülkü ve amacı doğrultusunda bilinçlendirilmesi ve çeşitli mührakların etkisinden korunması bakımından:

a. 8 yıllık kesintisiz eğitim, tüm yurtda uygulamaya konulmalı.

b. Temel eğitimi almış çocukların, ailelerinin isteğine bağlı olarak, devam edebileceği kuran kurslarının Milli Eğitim Bakanlığı sorumluluğu ve kontrolünde faaliyet göstermeleri için gerekli idari ve yasal düzenlemeler yapılmalıdır.

4. Cumhuriyet rejimine ve Atatürk ilke ve inkılaplarına sadık aydın din adamları yetiştirmekle yükümlü Milli Eğitim kuruluşlarımızı Tevhidi Tedrisat Kanununun özüne uygun ihtiyaç düzeyinde tutulmalıdır.

5. Yurdun çeşitli yerlerinde yapılan dini tesisler belli çevrelere mesaj vermek amacıyla gündemde tutularak siyasi istismar konusu yapılmamalı, bu tesislere ihtiyaç varsa, bunlar Diyanet İşleri Başkanlığınca incelenerek mahalli yönetimler ve ilgili makamlar arasında koordine edilerek gerçekleştirilmelidir.

6. Mevcudiyetleri 677 Sayılı yasa ile men edilmiş tarikatların ve bu kanunda belirtilen tüm unsurların faaliyetlerine son verilmeli, toplumun demokratik, siyasi ve sosyal hukuk düzeninin zedelenmesi önlenmelidir.

7. İrticai faaliyetleri nedeniyle Yüksek Askeri Şura kararları ile Türk Silahlı Kuvvetleri (TSK)'nden ilişkileri kesilen personel konusu istismar edilerek TSK'ni dine karşıymış gibi göstermeye çalışan bazı medya gruplarının silahlı kuvvetler ve mensupları aleyhindeki yayınları kontrol altına alınmalıdır.

8. İrticai faaliyetleri, disiplinsizlikleri veya yasa dışı örgütlerle irtibatları nedeniyle TSK'den ilişkileri kesilen personelin diğer kamu kurum ve kuruluşlarında istihdamı ile teşvik unsuruna imkan verilmemelidir.

9. Türk Silahlı Kuvvetlerine aşırı dinci kesimden sızmaları önlemek için mevcut mevzuat çerçevesinde alınan tedbirler; diğer kamu kurum ve kuruluşları özellikle üniversite ve diğer eğitim kurumları ile bürokrasinin her kademesinde ve yargı kuruluşlarında uygulanmalıdır.

10. Ülkemizi çağ dışı bir rejimden ve din istismarının sebep olabileceği muhtemel bir çatışmadan korumak için, İran İslam Cumhuriyeti'nin ülkemizdeki rejim aleyhtarı faaliyet, tutum ve davranışlarına mani olunmalı, bu maksatla İran'a karşı komşuluk münasebetlerimizi ve ekonomik ilişkilerimizi bozmayacak fakat yıkıcı ve zararlı faaliyetlerini önleyecek bir tedbirler paketi hazırlanmalı ve yürürlüğe konulmalıdır.

11. Aşırı dinci kesimin Türkiye'de mezhep ayrılıklarını körüklemek suretiyle toplumda kutuplaşmalara neden olacak ve dolayısıyla milletimizin düşmanca kamplara ayrılmasına yol açacak çok tehlikeli faaliyetler yasal ve idari yollarla mutlaka önlenmelidir.

12. T.C. Anayasası, Siyasi Partiler Yasası, Türk Ceza Yasasına ve bilhassa Belediyeler yasasına aykırı olarak sergilenen olayların sorumluları hakkında gerekli yasal ve idari işlemler kısa zamanda sonuçlandırılmalı ve bu tür olayların tekrarlanmaması için her kademedeki kesin önlemler alınmalıdır.

13. Kıyafetle ilgili kanuna aykırı olarak ortaya çıkan ve Türkiye'yi çağdışı bir görünüme yöneltmek uygulamalara mani olunmalı, bu konudaki kanun ve Anayasa Mahkemesi kararları taviz verilmeden öncelikle ve özellikle kamu kurum ve kuruluşlarında titizlikle uygulanmalıdır.

14. Çeşitli nedenlerle verilen, kısa ve uzun namlulu silahlara ait ruhsat işlemleri polis ve jandarma bölgeleri esas alınarak yeniden düzenlenmeli, bu konuda kısıtlamalar getirmeli, özellikle pompalı tüfeklere olan talep dikkatle değerlendirilmelidir.

15. Kurban derilerinin, mali kaynak sağlamayı amaçlayan ve denetimden uzak rejim aleyhtarı örgüt ve kuruluşlar tarafından toplanmasına mani olunmalı, kanunla verilmiş yetki dışında kurban derisi toplatılmamalıdır.

16. Özel üniforma giydirilmiş korumalar ve buna neden olan sorumlular hakkında yasal işlemler ivedilikle sonuçlandırılmalı ve bu tür yasa dışı uygulamaların ulaşabileceği vahim boyutlar dikkate alınarak, yasa ile öngörülmemiş bütün korumalar kaldırılmalıdır.

17. Ülke sorunlarının çözümünü "Millet Kavramı Yerine Ümmet Kavramı" bazında ele alarak sonuçlandırmayı amaçlayan ve bölücü terör örgütüne de aynı bazda yaklaşarak onları cesaretlendiren girişimler yasal ve idari yollardan önlenmelidir.

18. Büyük kurtarıcı Atatürk'e karşı yapılan saygısızlıklar ve Atatürk aleyhine işlenen suçlar hakkındaki 5816 sayılı kanunun istismar edilmesine fırsat verilmemelidir.

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RESEARCH NOTE no. 10

**Implementing the 'February 28' Recommendations:
A Scorecard**