

## RESULTS OF THE APRIL 27, 2007 TURKISH MILITARY'S E-MEMORANDUM

**Abdullah Ural**

### Abstract

In 2007, the most debated subject in Turkey was the presidential election. The Justice and Development Party (Turkish: Adalet ve Kalkınma Partisi, AK Parti) announced that their candidate for Turkey's 11th president would be Abdullah Gül. As always, the soldiers were involved in the presidential elections. This atmosphere was driven by a statement posted on April 24, 2007 to the official website of the General Staff, with the intent of influencing the elections. The AK Party Government had a reactive rather than defensive response, unlike previous governments. In the aftermath of the issued e-memorandum, the government made the decision to call early elections, which were held on July 22, 2007. The AK Party increased its percentage of votes received from 34% in 2002, to 47%. Following these results, in defiance of the General Chief of Staff's Declaration, Abdullah Gül was chosen as president by the parliament. In spite of all obstructionist interference, the key factor for the AK Party to successfully manage this process is the ability to which a balance can be established between Turkey's civil initiative, the military and bureaucracy.

Keywords: RESULTS ; APRIL 27, 2007 TURKISH MILITARY'S ; E-MEMORANDUM

### INTRODUCTION

In Turkey, the military's intervention in politics can be seen from the last period of the Ottoman Empire. After the 1908 revolution, the management of military bureaucracy interventions increased considerably. This interventionist approach continued after the establishment of the Republic of Turkey. The military, while it played a "founding role" in the passing of the imperialist regime to a republican regime, perceives itself as a legitimate "keeper" of the republican regime. At times implicit, at times explicit, this watchdog role of the armed forces interfered with civilian politics. One can see the different shapes that such military interventions have taken from the final period of the Ottoman Empire until today. With a classic coup taking over the government itself, and the frequent use of various power elements, it has always been an eternal and active player in the political system.

The most recent classic coup of the Turkish Armed Forces (Türk Silahlı Kuvvetleri, TSK) was the September 12, 1980 coup. From the time of the 1980 coup until the elections on November 6, 1983, Turkey was governed by the military. Subsequent to the elections, a civilian government was established. Yet the military's retreat to their barracks did not imply that the restoration became operational or that the military had entirely retreated. This is because during the governance period in particular, cooperation with the foundations that have been established during the coup allowed them to have privileged position, and thus, remain an active director of the political system. For this reason, Turkey could not successfully implement a democratic and healthy military-civilian relationship, and could not achieve the desired level of democracy, the basis of the Republican regime. The primary reason that the military has such a great impact in Turkey is that a balance between civil space and civil initiatives and the military could not be achieved.

What began with the classic coup on May 27, 1960 and continued with interference in politics approximately once every ten years, interruption to democracy came with the final intervention on April 27, 2007 with the e-memorandum.

## 1. 27th APRIL E-MEMORANDUM

The most debated subject in 2007 was the presidential elections. The military has repeatedly been involved in presidential elections. In 2007, Ahmet Necdet Sezer's term was about to expire, and the new president would be determined by the party that held the most seats in the parliamentary assembly, the Justice and Development Party. The fact that a presidential candidate could be determined by the AK Party caused some anxiety among the military and some parts of society who justified the interventions of the military. Army Chief of Staff, General Büyükanıt, commenting on the presidential election, on April 12, 2007, said, "I hope a president is chosen that is sincerely dedicated to the basic values of the Republic, the unitary structure of the state, and a secular and democratic state." (NTVMSNBC, April 13, 2007.) With the nature of this statement, it was perceived as a sign that the military would also be involved in these elections.

Prior to this declaration, public opinion continued to be exerted by the part of society who was against the determination of the presidential candidate AK Party, and another important legal argument was added to those exertions. On December 28, 2006, Retired Chief Prosecutor of the Supreme Court, Sabih Kanadoğlu released a statement that in order to select the president, the parliamentary assembly must have a quorum of 367. (Cemal, 2010, p. 435) At that time, AK Party did not have a sufficient number of parliamentarians and in the case that the other parties would not participate in the session of parliament, the presidential election was not to take place. (Salkın, 2010) The Republican People's Party (Turkish: Cumhuriyet Halk Partisi, CHP) claimed this and Party Chairman Deniz Baykal made a statement claiming, "I say this so everyone should be prepared. In the first round of parliamentary voting, the moment that the number is under 367, within 10 minutes I will provide a petition to the Constitutional Court, and we will certainly make this application." (Radikal December 28, 2006), The AK Party spokesperson (Yenişafak, December 28, 2006) and in some political and legal circles (Hurriyet, December 27, 2006), it was revealed that Kanadoğlu's statement was accepted as an allegation and that there was no legal grounds for it.

Meanwhile, the Atatürk Thought Association (Turkish: Atatürkçü Düşünce Derneği, ADD) led a number of opposition civil society organizations in rallies to influence this process. Deniz Baykal joined the republican rally that occurred in Tandoğan in Ankara on April 14, 2007, and the slogan "Çankaya is secular and will remain secular," came to the forefront. President Sezer also joined the debates, and expressed in his April 14, 2007 statement at the Military Academy, "The regime has never experienced an era under this much threat." (Hurriyet, April 14, 2007) On April 17, 2007, True Path Party (Turkish, Doğru Yol Partisi, DYP) Leader Mehmet Ağar, and Motherland Party (Turkish: Anavatan Partisi, ANAP) leader Erkan Mumcu, revealed that they will cooperate for the presidential elections. In this atmosphere, driven by the presidential election process, on April 24, 2007 AK Party parliamentary group meeting, Prime

Minister Recep Tayyip Erdoğan announced that Abdullah Gül would be the candidate for the 11th President of Turkey. (Zaman, April 25, 2007)

On April 27, 2007 at 3:00 PM, the Turkish Grand National Assembly (TGNA) gathered for the General Assembly to elect the president. The statements of AK Party's Kanadoğlu may have been assertions, yet the CHP, DYP and ANAP members' decision not to participate in the first session of the parliamentary assembly prevented the quorum of 367. In the first round of voting in the presidential election, 361 parliamentarians voted and presidential candidate Abdullah Gül received 357 votes. Because the quorum of 367 was not reached in the first round to select a president, the process moved to a second round. The same day, the main opposition party, CHP, knowing that the 367 members that were required for the first round of voting were not present, applied to the Constitutional Court to annul the session. (Radikal, April, 28, 2007)

On the same day, on the evening of April 27, 2007, around 11:17 PM, the General Chief of Staff posted a statement on its official website. The General Chief of Staff statement was as follows:

#### *Press Release*

*It has been observed that there is a part of society that is in an ongoing struggle to undermine the basic values of the Turkish Republic, secularism being at the forefront, and those activities have increased in the recent period. The following ongoing activities have been submitted to the relevant authorities under suitable conditions: the desire to redefine basic values, and a wide range of activities, which extend as far as to arrange alternative celebrations of our national holiday, which is a symbol of our nation's coherence, the independence of our state and our nation's unity.*

*Those that attempt to carry out these activities exploit the sacred religious emotions of our people without shame, transformed into an open challenge to the government in the guise of religion, in an attempt to conceal their actual purpose. By bringing activities that draw attention to women and children, these actions resemble those that attempt to destroy the unity and integrity of our country.*

*In this context;*

*In Ankara, a Koran reading contest was scheduled on the same day as the April 23 National Sovereignty and Children's Day celebrations, but the contest was cancelled due to a sensitive media and public pressure.*

*On April 22, 2007 in Şanlıurfa with the participation of groups from the districts of Mardin, Gaziantep and Diyarbakır, a choir was created and young girls were forced to sing religious refrains at a time when they should have been in bed and in old-fashioned costumes not suitable for their age. Additionally, the attempts to remove pictures of Atatürk and the Turkish flag in the middle of the night revealed the true intent and purpose of the organization of such activities.*

*Furthermore, all school principals in the district of Altındağ in Ankara were ordered to participate in the "Holy Birth Celebration"; at an event organized by the District Mufti of Denizli with the cooperation of a political party, elementary students sang religious refrains with their heads covered; in spite of having four mosques in the town of Nikfer, in the county of Tavas*

*in Denizli, Atatürk Elementary School women were forced to listen to presentations about preaching and religion, and similar news has been heard.*

*The National Ministry of Education has determined the events that will be celebrated in schools. However, it has been established that such celebrations were realized upon instructions that were not regulated in directives. Also, it has been observed that although the General Staff had informed the authorized institutions, no preventive measure had been taken.*

*The fact that an important part of the related activities had been realized with the authorization and within the knowledge of civilian authorities which should intervene to such events and prevent them makes the matter even graver. It is possible to further demonstrate more examples.*

*Those that are anti-Republican, with no other purpose than to erode the basic characteristics of the state with this retrogressive approach, have expanded the scope of their activities over the past few days with the developments and discourse of the last few days with courage.*

*The developments in our region reveal many examples which might result from playing with religion and abusing beliefs for a political rhetoric and purpose from which lessons should be drawn.*

*It is possible to observe in our country as well as in other countries that a political rhetoric or ideology which is tried to be built on a sacred belief suppresses the belief and turns out to something else. It can be argued that the event which occurred in Malatya is a stunning example of this. There is no doubt that the only condition for the State of the Republic of Turkey to live in peace and stability as a modern democracy is to protect the essential characteristics of the State determined in our Constitution.*

*As a matter of fact, such behaviors and implementations are totally in contradiction with the principle "Being committed to the regime of the Republic not in words but in deeds and reflecting this with acts" stated by the General Chief of Staff in a press conference held on the 12<sup>th</sup> of April, 2007 and they do violate the basic qualifications and provisions of the Constitution. In recent days, the outstanding problem in the Presidential elections has been the discussion of secularism. This situation is observed with concern by the Turkish Armed Forces. It should not be forgotten that the Turkish Armed Forces is not neutral in these discussions and is the absolute defender of secularism. Furthermore, the Turkish Armed Forces is definitely against the ongoing discussions and negative comments and would reveal its attitudes and behaviors clearly and transparently when necessary. No one should ever doubt about it.*

*Briefly, whoever is against the philosophy of the Great Leader Atatürk "How happy is he who says I am a Turk" is the enemy of the Republic of Turkey and so will he stay.*

*The Turkish Armed Forces still maintains its firm determination to fully carry out its clear duties assigned to it with laws in order to protect these qualifications and its commitment and faith in this determination are absolute". Announced with respect to the public." (General Chief of Staff, April 27, 2007)*

This announcement was perceived as a new threat of intervention of the functioning of democracy, and many people assessed this e-memorandum as targeting the AK Party. With the announcement, secularism was used as an instrument by the military to interfere in politics and re-control the social, economic and politic developments that were evolving in a way undesired by the Army and to establish them as wanted.

The purpose of this paper seems to be the interference of the presidential elections and the influence of the judiciary. It can be said that the government was threatened by the statements in the announcement, such as "...the necessary behavior and attitudes will be exposed clearly and openly", "...maintains unwavering commitment and is committed to the belief that this determination is final." (Türküne, April 27, 2009, Zaman) The goal was to force the government to step down or to have the AK Party change their mind about their presidential candidate.

In addition, with the application of the main opposition party to the Constitutional Court, it began to seem as if the outcome of the presidential elections would be a court case, and this declaration of the army was meaning an intervention on justice by creating a very high pressure on a pending action. (Türküne, 2009)

## 2. GOVERNMENT REACTION

In response to the proclamation, the Council of Ministers gathered on April 28, 2007, and subsequently, the government spokesman, Cemil Çiçek, announced the stance of the government regarding the General Chief of Staff's proclamation. The government gave an "even stronger" (Radikal, April 29, 2007) response to the General Chief of Staff's proclamation as follows:

*"Yesterday a declaration expressing the opinions of the General Staff on various subjects has been served to media organs in midnight and has been published in the website of the General Staff. This declaration has been perceived as a clear attitude against the Government. There is no doubt that in a democratic environment, even thinking about this is unaccustomed. We would like to express that, the fact that the General Staff which is an institution associated to the Prime Minister uses an expression against the Government in any subject is unthinkable in a democratic State of law. The General Staff is an institution under the command of the Government, the functions of which are determined with the Constitution and the related laws. According to our Constitution, the General Chief of Staff is accountable to the Prime Minister regarding its duties and authorities.*

*The fact that this text has been served to media organs and its timing in the website are meaningful. First of all, it is extremely remarkable that such a text comes out in the process of the presidential election of the 11<sup>th</sup> president which is the supreme authority of our State and, moreover, in the middle of the night. That this fact happens in this fragile period when discussions are ongoing on the Constitutional Court would be perceived as an attempt aimed at influencing the supreme justice.*

*It should be clear to everyone that our Government is more supporting and fragile than anyone else in what concerns the principal and indispensable common values indicated in articles 1, 2 and 3 of the Constitution, the unity and integrity of our country, the notability of our nation and the qualifications of Turkey as a secular, democratic and social State of law. Turkey's national unity and integrity and the welfare of the Turkish Nation is possible with the protection of those values.*

*It is not possible to approve any behaviors and acts that are revealed from time to time by real and legal persons against the basic qualifications of our Republic, the Constitution as well as the laws. Anyway, in such situations, starting from the public prosecutor, the investigating authorities hold the authority to make the necessary investigations without taking any permit from anyone. Doing the necessary in these matters is their duty.*

*Furthermore, it is out of question that our government and the associated units remain insensitive to the implementations that are declared by media organs or are expressed in various environments and are in contradiction with the basic values of our State.*

*Therefore, it has been very regrettable that certain statements regarding the relations between the Government and the General Staff which are very inaccurate took place in the related text. For the healthy functioning of the process aimed at strengthening Turkey, modernizing it and increasing its democratic standards, it is compulsory that all the basic institutions of our State be more prudent and attentive on these subjects. Otherwise unrecoverable damages would have been given to the strengthening of our State, the peace and wealth of our country. The primary duty regarding the protection of the basic values of the State belongs to the Government. Since the Government is uncompromisingly a supporter of this subject, the fact that all the institutions associated to the Government be also supporting in this direction is after all natural.*

*Each problem of Turkey would be resolved within the rules of law and democracy. An adverse thought and attitude shall on no account be accepted. The mission that everybody and each institution shall fulfill is to ease the functioning of this process. The damage given to our country and our nation by being in other searches has been experienced with enough sorrow in the past.*

*Our government is firmly committed to further strengthen our Republic which is a democratic, secular and social State of law and to prevent our democracy from being damaged. Our Republic and democracy is an irrevocable, unalienable acquisition. Today we should struggle to find out how we can walk stronger to the future in harmony and cooperation to protect the basic qualifications of our State. +*

*Instead of consuming our energy with internal discussions, we should struggle in order to further strengthen our country in global competition and increase the wealth and happiness of our nation. In this context, we should defeat the efforts of some malicious persons to put the Turkish Armed Forces against our Government.*

*Al the persons having a sense of responsibility should avoid behaviors that damage the respectability of Turkey in the international community, harm our position in the modern world, threat the stability of the Turkish economy, are against democracy and inflict a deep wound in the Turkish conscience. Those who harm trust and stability should know that they would carry the responsibility of the negative results this would generate for our country and our nation.” (Sabah, 28<sup>th</sup> of April 2007)*

As can be seen, the AK Party government responded differently than previous governments, in that they were not defensive, but reactive. (Uslu, 2009, p.9) In the following statements, it was expressed that in no way will political intervention be acceptable: “...A statement of the General Staff against the government on any matter is unthinkable in a democratic state of law. The Chief of Staff is at the disposal of the government, an institution appointed to the constitution and related laws. According to our constitution, because of the duties and responsibilities of the General Chief of Staff, he is responsible to the Prime Minister.” “...The primary duty is to protect the fundamental values of our nation.” (Türküne, 2009) In fact, in later stages, the AK Party did not retreat at all. The military could not force the government to grant their desires.

### 3. REPORT RESULTS

#### 3.1. *Constitutional Court's 367 Decision*

As relayed earlier, Sabih Kanadoğlu asserted that 367 members of parliament must be present in order to elect the president. With the purpose intended by the declaration, in accordance with the claim put forward by Kanadoğlu to the Constitutional Court, the main opposition party's application was accepted that at the assembly that occurred May 1, 2007, it was determined that 367 was a sufficient number of parliamentarians. (Anayasa Mahkemesi, May 1, 2007) In this case, contrary to previous practice, the president was to be elected by the presence of 367 deputies in parliament.

The decision of the Constitutional Court was interpreted as a political decision by politicians and some of the leading lawyers (Hürriyet, May 1, 2007) and was regarded as illegal (Özbudun, 2009, p.14-17) For example, Berkan writes that the Constitutional Court's decision, after the military memorandum was described as an additional coup by the Constitutional Court. (Berkan, 2011 p.132.)

#### 3.2. *AK Party Increase in Voter Percentage*

After the publication of the e-memorandum by the Turkish Armed Forces and the aftermath, the government made the decision to go to early elections, which occurred on July 22, 2007. The results of the election revealed great support from the public for the AK Party, who increased their support to 46.6%. In the July 22 elections, CHP received 20.8% of the votes, and the Nationalist Movement Party (Turkish: Milliyetçi Hareket Partisi, MHP) received 14.2% of the votes, while 26 independent parliamentarians won seats. (Supreme Board of Elections, 2007) According to the election results, in spite of the fact that they formed a coalition, because they did not participate in the presidential election and left it to the Constitutional Court, the True Path Party and Motherland parties were punished by voters and eliminated from the political scene. (Berkan,2011,p.120-121.) As a result, the AK Party had a strong showing from the elections and again was able to gain a number of seats to form a single-party government.

A portion of the votes that the AK Party received can be attributed to the reaction to the memorandum. On April 26, 2007, CHP, ANAP and DYP did not enter the parliament, on April 27 the e-memorandum was issued, and four days later, the Constitutional Court added its 367 related decision. This situation restricted the will of the nation, progress was ceased, and as a result they made their choice. AK Party increased their percentage of votes from 34% in 2002 to 47%. According to Aydın Menderes, one of the all-time leading politicians, the actual amount that the memorandum issued by the military increased the AK Party votes must be at least 10%. (Aksiyon, July 30, 2007)

#### 3.3. *Abdullah Gül's Selection as President*

AK Party's strong showing in the elections and ability to establish a single-party government with increasing its number of seats allowed them to go to presidential elections again. On August

28, 2007, in the third round of the presidential election process, the success demonstrated by the AK Party and the support of MHP, Abdullah Gül was elected president in defiance of the memorandum issued by the General Chief of Staff.

### *3.4. Constitutional Amendment and Referendum*

Following the April 27 e-memorandum, AK Party made the decision to go to early elections, and the issue of making constitutional changes was brought to the agenda. (Sabah, May 3, 2007) In fact, the following modifications for the amendment package was brought to parliament: The general elections will happen every four years instead of five, the presidential election will be carried out by popular vote, the presidential term will decrease from seven years to five, one person can be elected president only twice, in order to carry out any election in the parliamentary assembly, at least one third of the total number of parliamentarians must be present. (Official Gazette, June 16, 2007)

Although these changes may be adopted by parliament, because a majority could not be achieved in the parliament, the according to constitutional rules, the issues when to a public referendum. (Official Gazette, June 16, 2007) According to the results of the October 21, 2007 referendum, the changes were accepted with 68.95% of the vote (Supreme Board of Elections, 2007, Referendum) In this way, the momentum that was gained from the April 27 e-memorandum, a number of important changes have been made to the political system.

### *3.5. The Judiciary Takes Action*

Following April 27 and the impact of the government's determination, the judiciary also took action in that any coup or attempted coup in Turkey would be challenged in court. Prosecutors and judges with courage began to investigate coups and interventions. Lawsuits were filed within the legal structure against those responsible for the September 12, 1980 military coup. When we assume that the purpose of the April 27, 2007 memorandum was achieved, we will not be able to say that the opening of these cases is unlikely.

### *3.6. Development of Civil Initiatives*

What began in 1909 as undoubtedly the government's most important response to military tutelage is broken nearly one hundred years later on April 28, 2007. Democracy is a regime based on the rule by civilians and in order for it to function in a healthy manner, in absolute terms, civilians must first demonstrate their will to participate in this regime.

One of the biggest reasons for the ability of the military to interfere in civil society and civil initiatives is the inability to find a proper level of balance. It is possible that the intervention is the most important result, it evolves over time, an experienced democratic and maturing civil society, with the support of the political culture, and triggered by the conversion of civil initiatives.

After the memorandum of 27 April, unlike the previous coups and memorandums, not only some reactions have come from abroad but also many non-governmental organizations have evaluated the declaration published in the name of the General Staff as a clear memorandum and intervention against the Turkish democracy and the State of law, politics and basic rights (Yenişafak, April 29, 2007) In the face of the memorandum, scientists and intellectuals and civil society organization such as “Young Civilians” and “The Coalition of 70 Million Against the Coup” for the first time organized massive marches with the “anti-coup” theme, and condemning the military. Behind civil society’s response were the socio-economic developments that have taken place since 1980, which can be said to have impacted the increased strength of the civilian arena. Society, with these developments, has reached a democratic consciousness and can stand behind the democratic system, (Çaha, April 26, 2010, Interview with Muhsin Öztürk, Aksiyon), and more importantly have the will and consciousness not to interfere (Güzel, April 26, 2010 Interview with Muhsin Öztürk, Aksiyon)

## CONCLUSION

The reaction that was shown by both the government and civil society to the April 27, 2007 e-memorandum demonstrates how a military intervention in politics impacts the process. It is possible to claim that this reaction has sparked a new era in civilian-military relations. Today, the people chose with the assurance of their political will, with the support of civil society, and walk on safer grounds against bureaucratic opposition.

The failure is that the change of mentality in bureaucracy has not been insured enough yet. The mentality of the military involved in this intervention is the subject of another paper. Though in short, it can be said that they perceive themselves as the founders of the Turkish Republic and that there is a philosophical movement in this approach. In fact, whatever the social needs and the principles surpassing time and space require shall be made. What is most important is actually people, human rights and respect for peoples’ individual freedom of choice. If a political philosophy is required, it will be completely abandoned. The military and civilian bureaucracy in Turkey, in a liberal democracy, only certain qualified professions attached to the principle of civilian authority will adopt this mindset change.

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