

How do banks earn money?

Sweet interest acquisition that is called hot money

Of course it should not be forgotten here that these large acquisitions in banking are also a result of Türkiye's crooked and faulty economic structure. 30 – 40 % income given to state treasury bonds on dollar basis during fifteen years was actually one of the major damages given to this country.

This lack of planning caused the biggest losses encountered by the country during the history of republic. Unfortunately, although decreased, such losses are still continuing. The opportunity that had arisen as a result of the weakness of this country was benefited by the foreign banks and investors, local banks and those people in this country who had money.

The procedure was very simple: Either the banks were taking open positions against the foreign exchange deposits collected from the public, in other words they were selling the foreign exchange and were purchasing Treasury bonds in Turkish liras, or they were obtaining dollar credits from abroad, converting these dollars into Turkish liras and were purchasing treasury bonds (since the profit obtained from treasury bonds were always higher than the increase in dollar rates) and were earning continuously. Two devaluations were experienced in 1994 and 2001. Even though loss was encountered in this case, such losses were converted into profit as time passed by.

When those who had money at hand saw this sweet profit, of course, nobody preferred the hard ways to earn money, such as establishing a factory or to investing in the service sector, except for some investment-lovers like us... **The second base of the robbery which caused a tsunami effect was here. The country was no longer an investment environment.**

It was making the people, with the capacity to make business, prefer the easy way of earning.

On the other hand, when we accumulated a few liras, we were couldn't resist starting a new investment. Once this urge penetrates into the heart of a man, the man can no longer resist this temptation for the rest of his life. Right now, while I am writing this book at some place as an escapee, my father, who is 84 years old, is still busy with pouring concrete at our factory confiscated by TMSF, although he has undergone a heart operation, has high blood pressure, has been a diabetic for twenty years and is having difficulties in walking.

WE, my whole family are the kind of people for whom they say “only death will put them to a rest”. Although we know that you can't take worldly belongings to the other world with you... Ömer Hayyam stated this very good:

*What is this concern, longing for wealth
Did you hear of anyone staying permanently in this world
Is eternal life possible with these temporary things
Temporary as the breath and body you have*

I am reinforcing the bank

I am putting all our wealth in the bank

Since we gave everyone's money promptly when they requested, those who were happy to work with the bank started working with the bank again in a short while and started to bring back the deposits which they had taken away. As a result of this operation, my bank did not sink as requested and expected.

Hypothec Table

Mortgage Chart

Armstrong Company's Barn in Annapolis	Land-Building: \$327,270.00 Machinery: \$323,288.80 Total: \$650,558.80 Expire date: 07-02-2000	432	15,000	3	From: Tenthred. Ind. S.S. Co. Armstrong Tenthred. Ind. S.S. Co.	1st degree Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 15 million 0 mortgage (24.11.1998) Lower note in favor of Tenthred. Ind. S.S. Co. (20 years 08.01.2000) Attachment of 11,887 million in favor of Tenthred. Ind. S.S. Co.
Baynes Company	Value: \$323,288.80	1 and 2	15,000	3	Armstrong Tenthred. Ind. S.S. Co.	No limitations on it
Tobacco Company's Factory in Baltimore	Land-Building: \$327,270.00 Machinery: \$323,288.80 Total: \$650,558.80 Expire date: 07-02-2000	1 and 2 7 and 8	30,000 20,000	3 3	Tobacco Ind. S.S. Co. Tenthred. Ind. S.S. Co. Magna Steel Mfg. S.S. Co. Chapman Ind. S.S. Co. Knappe Ind. S.S. Co. Knappe Ind. S.S. Co.	1st degree in favor of Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 30 million 0 mortgage (21.12.1998) 3rd degree in favor of our bank 30 million 0 mortgage (21.12.1998)
Armstrong Company's Barn in Lithuania	Land-Building: \$327,270.00 Machinery: \$323,288.80 Total: \$650,558.80 Expire date: 07-02-2000	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	15,000 15,000 15,000	3 3 3	Armstrong Ind. S.S. Co. Magna Steel Mfg. S.S. Co. Tobacco Ind. S.S. Co. Knappe Ind. S.S. Co. Magna Steel Mfg. S.S. Co.	1st degree in favor of Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 15 million 0 mortgage (21.12.1998) 3rd degree in favor of our bank 15 million 0 mortgage (21.12.1998) Attachment of 11,887 million in favor of Tenthred. Ind. S.S. Co.
Spoke Company's Factory in Annapolis	Land-Building: \$327,270.00 Machinery: \$323,288.80 Total: \$650,558.80	432	30,000	4	Spoke Tenthred. Ind. S.S. Co. Capitol Tenthred. Ind. S.S. Co. Tenthred. Ind. S.S. Co.	1st degree in favor of Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 30 million 0 mortgage (24.11.1998) Lower note in favor of Tenthred. Ind. S.S. Co. (20 years 08.01.2000) Attachment of 11,887 million in favor of Tenthred. Ind. S.S. Co.
Spoke Company's Factory in Lithuania	Land-Building: \$327,270.00 Machinery: \$323,288.80 Total: \$650,558.80 Expire date: 07-02-2000	3074-3075 6, 8, 10 3074-3075 6, 8, 10	30,000 5,000 5,000	3 3 3	Spoke Tenthred. Ind. S.S. Co. Capitol Tenthred. Ind. S.S. Co. Tenthred. Ind. S.S. Co. Magna Steel Mfg. S.S. Co. Knappe Ind. S.S. Co.	1st degree in favor of Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 30 million 0 mortgage (21.12.1998) 3rd degree in favor of our bank 30 million 0 mortgage (21.12.1998) Attachment of 11,887 million in favor of Tenthred. Ind. S.S. Co.
Tenthred Baltimore	Land-Building: 1,811,580 Machinery: 1,811,580 Total: 3,623,160 Expire date: 07-02-2000	8	1,000	3	Tenthred. Ind. S.S. Co.	01.01.1998 1st degree in favor of Tenthred. Ind. S.S. Co. mortgage 2nd degree in favor of our bank 1,000,000 mortgage 3rd degree in favor of our bank 1,000,000 mortgage Attachment of 11,887 million in favor of Tenthred. Ind. S.S. Co.

Copy of Bank's records and/or Report

In order to show my employees and Treasury that I was behind my bank, I hypothecated all my factories and real estates to my bank as a guarantee for the credits that I used from my bank. Although the credit that I used from my bank was much less, I had hypothecated about 350 million dollars to my bank, two and a half years before my bank was confiscated. These guarantees I had given to my bank still remain.

In other words, I gave my bank my factories as a guarantee. If a person gives everything he has acquired in thirty years to the bank he owns, is there a chance that this person might have the intention to swindle this bank? Under such conditions, how can it be possible to claim that this person had the intention to swindle this bank?

Our poet Fuzuli, during the period in which he lived, served as a guardsman in the tomb where our Prophet's grandchildren Hassan and Hussein's graves are in the Kerbela city of Iraq.

Before Suleiman the Magnificent conquered Baghdad, the bandits were continuously robbing the people who lived in this city and stealing whatever they had. After the conquest of Baghdad by Suleiman the Magnificent the people were in peace and safety, and they no longer feared for their lives. Upon this, the people of Baghdad wanted to give a present to Suleiman the Magnificent.

Then they decided that, whatever they give as a gift to Sultan, who had converted Mediterranean into a Turkish lake by expanding the borders of the empire, who ruled for 46 years and who even gave financial aid to the King of France, it would not mean anything.

Suleiman the Magnificent was also an important poet and he had a diwan. His poems are still being read even though it's been 540 years since they've been written. Especially the verse

*There is nothing more reputable among people than power
There is no power in the world like a breath of health*

is truly admirable. Due to this, they want to give a gift that has a sentimental value rather than something like gold or silver. For this reason, they find Fuzuli who is the guardian of the tomb and ask him to write a poem or an

eulogy for the services that Suleiman the Magnificent had provided for the people of Baghdad.

Since Fuzuli was also a great poet. He writes his poem with the rhyme “su” before Suleiman the Magnificent leaves Baghdad and presents it to the Sultan himself. Sultan Suleiman, who is astonished to see a tomb guardian to write such a beautiful poem, immediately writes an order stating that 9 silver coins will be given as a salary to Mehmet Fuzuli each month from Baghdad’s Financial Administration” as an award in order to honor him and returns to İstanbul.

Fuzuli goes to Baghdad Financial Administration in the beginning of the month, presents the order written by the Sultan and asks 9 silver coins to be paid. The officials do not show the due respect to him and they do not pay the salary written in the Sultan’s order.

After this, Fuzuli writes his famous “complaint-letter” in our literature in which he addresses Nişancıbaşı Mehmet Pasha, who is the Prime Minister of that day. I am quoting a part of this letter, which describes the rude and sarcastic behaviors of the officers against the poet, since it resembles the behavior which I received.

*I am disappointed by my order since it betrayed me
The order is embarrassed since it was suffered uselessly*

As it will be seen in the poem, although Suleiman the Magnificent had his seal and signature in the order, he could not explain this. Upon this, Fuzuli expresses that he is disappointed by this order and the order is guilty and embarrassed against him because it could not provide any benefit for him, since he could not get his money with this order.

I had hypothecated all my properties, possessions and factories, which I had accumulated in 30 years, to Sümerbank, which I also owned. I paid hundreds of billion of liras mortgage charges to the Treasury from my pocket for these transactions. But although I did all these, I could not explain for years that these mortgages were given by me in order to form the guarantee for the healthy structure of the bank and that I had no intention of swindling the bank. I, just like our poet Fuzuli said in his poem, was not able to express myself although I had mortgage documents just like Fuzuli's sealed signed order, and I felt embarrassed against these documents and these documents were also embarrassed since they could not provide any benefit for me.

Besides the mortgage, I urgently sold the Marmara Beer factory, which I had established and owned before purchasing the bank, in order to deposit money in the bank. While I was selling it to Dutch Heineken company, **upon the request of Efes Beer at the last moment, I sold it for 52 million dollars of cash money. I transferred all this money from Alternatif Bank's Bakırköy branch to the account at Sümerbank's central branch and I deposited this amount in the bank.**

Again, if a person sells his factory, which he already had before owning a bank, and deposits this money in the bank instead of investing it in some other business or transferring it to a bank abroad, can we call this person a swindler? **What more could have been done other than these in order to be a proper banker?**

Purchase of Romania Tüpraş

Missing a giant business opportunity just for nothing

While purchasing Petrol Ofisi, actually when you look behind the picture, since we were going to possess the largest distribution market when Tüpraş would also be sold in the future, even though its privatization

was not on the agenda yet, I was thinking that we would also be among the possible purchasers. There was nothing more natural for the largest distribution company of the country to purchase the factory which produces the goods it distributes. The company owning Petrol Ofisi and Tüpraş would be one of the largest three companies of the country. But of course, for that day in 1998, this was only an idea, projected for the future, and which was possible to be realized.

While continuing to work on the Petrol Ofisi tender, the most modern refinery and petro-chemical plants of Black Sea and Mediterranean region, located in Constanta port in Romania was being sold by the Romanian privatization administration. This giant plant was a modern plant which was established by 1.5 billion dollars of credit that was obtained from Iran during the period of Ceausescu.

We were also interested in this plant which is only a day's travel away from İstanbul. We participated in the sales tender of this corporation by thinking that we would bring the petroleum products required and imported by Türkiye from here to the country and we would distribute them. As a result of the tender, we bought this refinery and petro-chemical plants with the contract that we concluded with Romanian privatization administration, by an appropriate price and a payment term spreading over a period of fifteen years.

But unfortunately, due to the top-level negative intelligence about us that they received from Türkiye during the transfer and delivery, they cancelled the tender and did not give it to us. While these events were taking place, Mesut Yılmaz, talked negatively against me once more during a speech that he made at the assembly, mentioning the refinery that I purchased as a result of this tender.

Share Sale – Purchase Agreement
of S.C. PETROMIDIA S.A. Constanta
No. ⁴⁰..... of 25 January 1999

THE PARTIES

Between:

STATE OWNERSHIP FUND, with headquarters in Bucuresti, 6 Stavropoleos Street, 3rd district, legally represented by Mr. RADU SARBU, Chairman of the Board of Administration,
hereinafter named Seller

and

The company AKMAYA SANAYI VE TICARET A.S., incorporated in Turkey with the Trade Register under no. 2370, having its headquarters in Istanbul, Turkey, E-5 Karayolu Uzeri, Evrensekiz Kavasgi Koyalti Mevkii, Luleburgaz/Kirkalerli legally represented by Mr. Hayyam Garipoglu and Mr. Ali Etefagh,
hereinafter named Buyer,

the present share sale-purchase agreement has been concluded, with the observance of the Romanian legislation in force applicable to the privatization of state owned companies.

PREAMBLE

A. PETROMIDIA S.A. is a joint-stock company incorporated in Romania with the Trade Register of Constanta under no. J/13/534/1991 with its principal place of business in Constanta DN 22B, Km 23, and having a registered share capital of 902,216,325,000 Lei divided into 36,088,653 shares with a nominal value of 25,000 Lei each of which 25,258,810 shares are owned by the Seller, respectively 69.991% of the share capital, all of which shares have been issued and are fully paid up.

B. The Company has no subsidiaries or branches.



However on those dates, there was nothing negative said about us except; I was taken into custody unfairly and without any reason in connection with the Malki case, following the Petrol Ofisi tender deliberately not being given to us, the deliberate illicit money inspection and the accusations such as Tü'fcrkbank, which were proved by judgment decree to be lacking any solid basis.

A Turkish industrialist and bank owner, who was not given the chance to grow in Tü'fcrkiye, was trying to set up a new path for himself by purchasing a giant refinery in Romania. Who would benefit from this? Of course, we and our country would. The tender not being awarded to us as a result of the Prime Minister of Romania being misinformed regarding us by claims such as, “these people you’re awarding the tender to, have relations with mafia”, which absolutely had no basis in reality, caused damage not only to us but also to our country.

New oil distribution company

The event of revenge and deception which made me give up

After the Petrol Ofisi and the Romanian refinery purchases failed, I said “Then I will establish a new company from scratch. I think nobody would say anything regarding this and I will get an oil distribution license for this company and then grow it one oil station at a time.” I prepared all the required documents in order to establish the company that would get a distribution license under the title Toros Petroleum Ind. J.S.Co, and I applied to Petroleum Affairs General Directorate in Ankara.

I will not go into detail here. I had purchased the warehouse and the majority of the land that is used currently by the Shell company in İstanbul, Ambarlı for this project, thus I had fulfilled the conditions of the law, required in order to be a distribution company.

After the authorities of Petroleum Affairs General Directorate performed the required on-site inspections, they wrote the required report for us in order to obtain the distribution license and sent it to the Ministry of Energy for the top-approval.

Meanwhile we dealt with our other preparations. We employed the required personnel. We concluded dealership contracts with tens of oil stations. While we were busy with the decorations and branding of dealer stations and telling everyone that “our distribution license will be signed by the Ministry soon.” However, even though weeks and months had passed, our document, waiting for the final signature, still could not pass the undersecretary’s table. Our request file is still waiting there to this day!

Of course, I understood as the time passed by, that this signature was not affixed based on an instruction that the Minister of Energy received from the Prime Minister. The Prime Minister did not want the signature to be affixed because the company requesting it, belonged to me.

Since our bank had not been confiscated then, which means since I had not seen the worst if it yet, I went to Ankara to see what I could do to solve the problem, I asked the help of some acquaintances, but the Ministry of Energy just would not be grant the permission letter.

Then I met a lady, owner of an advertisement agency, who was very close to Mesut Yilmaz and his wife. When I told her this problem, she said: “This is not a problem, I would go and tell this situation to Mr. Yilmaz. How can such a thing be! Of course you would also obtain a distribution right license, which everybody can obtain legally, since you have fulfilled all the conditions. This is an easy matter, we can promptly solve it”.

I was happy with this conversation and said “God bless that person”. I thought, although he had caused so much loss for me, Mesut Yılmaz’s negative opinion about me would also change this way. This lady really worked hard sincerely and with goodwill, but months continued to pass without obtaining any result.

A few times we went to Ankara together. She was going to Mesut Yılmaz’s house and was saying during the conversation that she knew us, that we were honest people and were waiting his help in order to obtain this distribution permission letter, which was stuck up at the Ministry of Energy. Actually I was going to say “Damn it!”, give up this business too and accept all the loss, but each time that lady came from Mesut Yılmaz’s house, she would say “This time it is okay, now the license will be given, wait a little more” or “okay, I will talk to Mr. Cumhur, the Minister of Energy” and I would say to myself, “I guess he has too much work, let’s wait some more”.

In her last visit to Mr. Mesut, he told her definitely **“Wait for ten more days, I will make them give him the license”**. She happily told me “it is okay this time, this is the last time, it will be finished now”. But within these mentioned ten days, Sümerbank was confiscated. **Upon this, this time Mesut Yılmaz calls this lady by phone on the day that the bank was confiscated, and tells her: “Did you see how I gave a distribution license, now, forget the license, he doesn’t even have the bank!!!”. This conversation was transferred to me as it is by the lady, she even said: “I was shocked, I did not expect such a thing from Mr. Yılmaz”.**

Of course you can also guess how shocked I was . He was the Prime Minister, and I was a person whose possessions were completely confiscated and whose name was consciously dishonored... What could I do to him in return for all these things he did to me? Moreover, what had I done to him to deserve being treated this way? But of course, let me remind the lines written by our poet in compliance with the saying “it is only Allah that shall never fall”:

Don't say I have property on the God's land
Don't say I have a right on the house and harvest
Don't say I am strong, I have supports
There are those who throw you on the ground
There are those who see the black ant in the night

I am longing for the days in the society which the strong does not oppress the weak. I believe that power is power only when used for rightful and just causes.

Those who steal the minaret, first prepare the hole to hide it in

Swindling can not be done as a family and with fifty-two people

A person who intends to commit a crime makes preparations in advance for the action he will take against the law, and prepares ways to keep their crime undercover. At least, he consults his attorney. Even an ordinary man, if he decides to kill somebody, uses a gunman hoping that maybe he would not be caught. Imagine this; I will attempt to rob my own bank, but while doing this, which means committing a crime which incurs punishment, I will still keep myself as the chairman of the board of directors of that company, moreover, I will have my own signature under each document and draw all the attention on myself!

How much sense does this make? A man has to be stupid and brainless in order to do something like that. It is not appropriate for people to brag about their intelligence, but since I know that I am not that stupid, I can say that, these attitudes we took are the main proof that we were not swindling the bank and we were not thinking of swindling it.

Moreover, since my three brothers and my father who is 84 years old now were also being judged of the same crimes; if I had the intention of committing a crime, assuming I did not or could not keep myself away, wouldn't I at least keep my old father and brothers away from these affairs related to the crime? Even if I did not keep myself and them away from these things, at least wouldn't I prepare a refined cover-up for the crime and do things in compliance with the laws, thus nobody would be able to accuse me and my family with any crime.

Then, if I was to commit a crime, why would I do this together with the fifty-two people with whom I was being judged at the court? One or two people would be enough in order to swindle a bank, which I owned and where I had all the authorities, why would I involve fifty-two people in this? This is like fifty-two people are coming together for beating a 5 year old child, isn't this nonsense? Since I did not do any of these, when you think about it logically, that the only conclusion that can be arrived at is that I did not commit any crime.

The state of the bank

Sümerbank was one of the top five banks

More than a year had passed after Petrol Ofisi and Malki events, we, more or less, got over with the fire in the bank and our condition was getting better each day. After all these things that I had encountered, I was feeling myself obliged to slow down and to gather myself together for a year or two. I was thinking that after I gather myself together, I could start making the necessary moves again.

Meanwhile, rumors such as "some banks will be confiscated" could be heard here and there. I was hearing these rumors, but was not taking these personally. Because in any country of the world, in order to confiscate

a bank, either that bank has to be in a bad situation by not fulfilling its financial commitments, it should not have any more liquidity and the loss should spread to the deposits of the public or the bank owner should encroach the facilities of the bank with illegal methods. Since these three cases were not valid for our bank, I assumed that there was nothing that I needed to worry about.

During the period of confiscation of Sümerbank, as written in the records of Banks Association, when all the banks are compared, Sümerbank was fifth bank of Türkiye with the most liquidity... Since swindling was not even conceived of in my bank, how could a bank with such liquidity be confiscated?

There were state treasury bonds in Sümerbank's safe-box which had a balance with interest worth 1.5 billion dollars that could promptly be turned into cash. Moreover, it had 197 million dollars in other banks and in their safe-boxes, ready for use anytime, but it was being confiscated.

This means: The bank has 1 billion 250 million USD of cash money, which is ready for the utilization of the bank at any time. Since the total deposits within the scope of TMSF deposited by the public against this is 1 billion 113 million USD, the bank has enough money to pay everybody even if the whole public rushes to the bank in one day. This is how much liquidity the bank...

Besides these, there were repots in Sümerbank which were not covered by TMSF; and against these, there were credits given by the bank booked under the receivables, its participations and other assets. Then, why were they confiscating Sümerbank but not doing anything to the other banks that were in much worse conditions? Our bank had enough liquidity to pay the complete deposits in one day, but it was being confiscated... There is nothing I can say other than questioning the conscience of those

who confiscated my bank ...

When our bank was confiscated, there was a bank, among the banks which were not confiscated, for which no procedures were conducted even though there were audit reports saying “this bank had sunken, this bank should be confiscated”. There were banks with worse ratios than Sümerbank according to banking data; nothing was done to them also.

The bank, for which there was an auditor report stating that all the deposits collected from the public were used by the company of the bank owner, was not confiscated. In short, equal procedures were not applied for everybody. Some, owing to their special relations, were able to come through this storm without any damage. When different actions are applied for particular people, it is meaningless to seek justness in such doings.

İlker, a journalist of Sabah Newspaper, once, very truly, said in his column “Where is the place that you go when you suffer a wrong? It is the Justice! Where do you run to if you also suffer a wrong there? To the press... But what if the press is also taking orders from the state, what will happen then? If the journalist, who is assumed to be a hero, is also serving the orders of the state, then it means that you are in deep trouble.”

In addition to these alternatives, maybe it is also possible, just like I did, to “write one’s memories in a book and try to comfort oneself”. I hope those who read this book will approach some events skeptically from now on and will not perform an extrajudicial execution for each person accused.

When witnessing these events from the outside, one can ask questions such as “why wasn’t your bank in a very good state, why weren’t you earning more money, why did you use credit from your own bank, why wasn’t there more capital in your bank?”. These are all appropriate questions but is it that easy to achieve right away all these targets determined?

GÜNLÜK VAZİYET TABLOSU

NO	İSİM	17.12.99	20.12.99	FARK	%
1	CASH	1,483	2,072	589	40
2	Effective Depot	3,434	4,859	1,426	42
3	TL TCMB	234	1,062	829	355
4	FE TCMB	37	37	0	0
5	TL Domestic Banks	706	754	48	7
6	FE Domestic Banks	2,079	2,089	10	0
7	TL Abroad banks	0	0	0	0
8	FE Abroad banks	31,081	31,382	301	1
9	TL Dep. Prov.	3,465	3,465	0	0
10	FE Dep.Prov	58,738	58,937	200	0
11	TOTAL LIQUID VALUES	101,255	104,657	3,402	3
12	K.V.TL cash credits	21,659	28,984	7,325	34
13	Spot	5,592	6,160	468	10
14	Operating	16,067	22,824	6,757	42
15	Individual credits	24,963	25,109	146	1
16	Foreign exchange credits	91,370	91,746	376	0
17	TL credits of Eximbank source	842	817	(25)	(3)
18	FE credits of Eximbank source	3,647	3,662	15	0
19	TL credits indexed to foreign exchange	13,309	13,309	0	0
20	Collection delayed receivables (Net)	2,845	2,802	(43)	(0)
21	TOTAL CASH CREDITS	158,596	166,431	7,835	5
22	TB + SB + HRP	469,043	471,754	2,711	1
23	WPI	0	0	0	#NO/0!
24	CPI	642	641	(1)	0
25	Eurobond	0	0	0	#NO/0!
26	Long-term securities TL + FE	85,802	86,170	368	0
27	TOTAL PORTFOLIO	555,487	558,566	3,079	1
28	TOTAL UTILIZATION	815,338	829,654	14,316	2

DAILY STATE TABLE

Utilizations		17.12.99		20.12.99		Difference		%
		TL	\$	TL	\$	TL	\$	TL
1	Cash	1,483	2,8	2,072	3,9	589	1,1	40
2	Effective Depot	3,434	6,5	4,859	9,1	1,426	2,7	42
3	TL TCMB	234	0,4	1,062	2,0	829	1,6	355
4	FE TCMB	37	0,1	37	0,1	0	(0,0)	0
5	TL Domestic Banks	706	1,3	754	1,4	48	0,1	7
6	FE Domestic Banks	2,079	3,9	2,089	3,9	10	(0,0)	0
7	TL Abroad banks	0	0,0	0	0,0	0	0,0	0
8	FE Abroad banks	31,081	58,8	31,382	59,0	301	0,3	1
9	TL Dep. Prov.	3,465	6,6	3,465	6,5	0	(0,0)	0
10	FE Dep.Prov	58,738	111,1	58,937	110,9	200	(0,2)	0
11	TOTAL LIQUID VALUES	101,255	191,4	104,657	196,9	3,402	5,5	3
12	K.V.TL cash credits	21,659	41,0	28,984	54,5	7,325	13,6	34
13	Spot	5,592	10,6	6,160	11,6	468	1,0	10
14	Operating	16,067	30,4	22,824	42,9	6,757	12,6	42
15	Individual credits	24,963	47,2	25,109	47,2	146	0,0	1
16	Foreign exchange credits	91,370	172,8	91,746	172,6	376	(0,1)	0
17	TL credits of Eximbank source	842	1,6	817	1,5	(25)	(0,1)	(3)
18	FE credits of Eximbank source	3,647	6,9	3,662	6,9	15	(0,0)	0
19	TL credits indexed to foreign exchange	13,309	25,2	13,309	25,0	0	(0,1)	0
20	Collection delayed receivables (Net)	2,845	5,3	2,802	5,3	(43)	(0,0)	(0)
21	TOTAL CASH CREDITS	158,596	299,9	166,431	313,1	7,835	13,3	5
22	TB + SB + HRP	469,043	886,8	471,754	887,6	2,711	0,8	1
23	WPI	0	0,0	0	0,0	0	0,0	#NO/0!
24	CPI	642	1,2	641	1,2	(1)	(0,0)	0
25	Eurobond	0	0,0	0	0,0	0	0,0	#NO/0!
26	Long-term securities TL + FE	85,802	162,2	86,170	162,1	368	(0,1)	0
27	TOTAL PORTFOLIO	555,487	1050,3	558,566	1050,9	3,079	0,7	1
28	TOTAL UTILIZATION	815,338	1541,6	829,654	1561,0	14,316	19,4	2
29	TL Guarantee Letters	54,337	102,7	54,483	102,5	147	(0,2)	0
30	FE Guarantee Letters	97,482	184,3	97,763	183,9	281	(0,4)	0
31	FE L/C	18,928	35,8	18,800	35,4	(129)	(0,4)	(1)
32	FE Pre-financing credits	264	0,5	266	0,5	2	0,0	0
33	FE Acceptance credits	1,999	3,8	2,008	3,8	9	(0,0)	0
34	Other guarantees and bills	817	1,5	819	1,5	2	(0,0)	0
35	TOTAL NON-CASH CREDITS	173,838	328,7	174,139	327,6	301	(0,1)	0

The daily state of the bank as of the date of confiscation regarding the total deposits within the scope of TMSF and the treasury bonds and money in banks against it.

Source	17.12.99	20.12.99	Difference	%
TL Sight	7,469	14.1	20,929	39.4
Savings	2,860	5.4	3,571	6.7
Commercial	4,610	8.7	17,358	32.7
TL Forward	34,304	64.9	34,098	64.2
Savings	33,753	63.8	33,547	63.2
Up to 1 month	613	1.2	610	1.1
Up to 3 months	24,688	46.7	24,539	46.2
Up to 6 months	7,049	13.3	6,998	13.2
Up to 1 year	1,403	2.7	1,401	2.6
Commercial	551	1.0	550	1.0
TOTAL TL DEPOSITS	41,773	79.0	55,026	103.5
FE Sight	28,958	54.8	26,843	50.5
Savings	12,028	22.7	12,018	22.6
Commercial	16,929	32.0	14,825	27.9
FE Forward	509,596	963.5	509,593	958.8
Up to 1 month	34,439	65.1	33,916	63.8
Up to 3 months	254,339	480.9	254,189	478.2
Up to 6 months	124,761	235.9	124,960	235.1
Up to 1 year	96,056	181.6	96,527	181.6
TOTAL FE DEPOSITS	538,553	1018.3	536,435	1009.3
Interbank tl	12,000	22.7	9,300	17.5
Interbank FE	23,272	44.0	23,386	44.0
TL Banks Deposit	57	0.1	56	0.1
FE Banks deposit	15,878	30.0	15,191	28.6
Repot	300,838	568.8	311,533	586.1
Credits from abroad	16,761	31.7	18,001	33.9
Blocked money	625	1.2	563	1.1
Imp. Transfer orders	2,265	4.3	2,304	4.3
Various debts TL + FE	1,092	2.1	1,549	2.9
TCMB Acceptance credits	0	0.0	0	0.0
Credits used	4,493	8.5	4,483	8.4
Eximbank TL	842	1.6	817	1.5
Eximbank FE	3,647	6.9	3,662	6.9
Other	3	0.0	4	0.0
Checks + Remittance to be paid TL + FE	395	0.7	489	0.9
Equities	38,763	73.3	38,763	72.9
TOTAL SOURCES	996,765	1884.6	1,017,080	1913.6

BILLION TL MILLION \$

Sources		17.12.99		20.12.99		Difference		%
		TL	\$	TL	\$	TL	\$	TL
35	TL Sight	7,469	14.1	20,929	39.4	13,459	25.3	130
36	Savings	2,860	5.4	3,571	6.7	711	1.3	25
37	Commercial	4,610	8.7	17,358	32.7	12,748	23.9	277
38	TL Forward	34,304	64.9	34,098	64.2	(206)	(0.7)	(1)
39	Savings	33,753	63.8	33,547	63.2	(206)	(0.7)	(1)
40	Up to 1 month	613	1.2	610	1.1	(3)	(0.0)	(1)
41	Up to 3 months	24,688	46.7	24,539	46.2	(149)	(0.5)	(1)
42	Up to 6 months	7,049	13.3	6,998	13.2	(52)	(0.2)	(1)
43	Up to 1 year	1,403	2.7	1,401	2.6	(2)	(0.0)	(0)
44	Commercial	551	1.0	550	1.0	(0)	(0.0)	(0)
45	TOTAL TL DEPOSITS	41,773	79.0	55,026	103.5	13,253	24.5	32
46	FE Sight	28,958	54.8	26,843	50.5	(2,115)	(4.2)	(1)
47	Savings	12,028	22.7	12,018	22.6	(11)	(0.1)	(0)
48	Commercial	16,929	32.0	14,825	27.9	(2,104)	(4.1)	(12)
49	FE Forward	509,596	963.5	509,593	958.8	(3)	(4.7)	(0)
50	Up to 1 month	34,439	65.1	33,916	63.8	(523)	(1.3)	(2)
51	Up to 3 months	254,339	480.9	254,189	478.2	(150)	(2.6)	(0)
52	Up to 6 months	124,761	235.9	124,960	235.1	199	(0.8)	0
53	Up to 1 year	96,056	181.6	96,527	181.6	471	(0.0)	0
54	TOTAL FE DEPOSITS	538,553	1018.3	536,435	1009.3	(2,118)	(9.0)	(0)
55	Interbank tl	12,000	22.7	9,300	17.5	(2,700)	(5.2)	(23)
56	Interbank FE	23,272	44.0	23,386	44.0	114	-	0
57	TL Banks Deposit	57	0.1	56	0.1	(1)	(0.9)	(2)
58	FE Banks deposit	15,878	30.0	15,191	28.6	(687)	(1.4)	(4)
59	Repot	300,838	568.8	311,533	586.1	10,695	17.3	4
60	Credits from abroad	16,761	31.7	18,001	33.9	1,240	2.2	7
61	Blocked money	625	1.2	563	1.1	(62)	(0.1)	(10)
62	Imp. Transfer orders	2,265	4.3	2,304	4.3	39	0.4	2
63	Various debts TL + FE	1,092	2.1	1,549	2.9	456	0.8	42
64	TCMB Acceptance credits	0	0.0	0	0.0	-	-	#no 0
65	Credits used	4,493	8.5	4,483	8.4	(10)	(0.1)	(0)
66	Eximbank TL	842	1.6	817	1.5	(25)	(0.1)	(3)
67	Eximbank FE	3,647	6.9	3,662	6.9	15	(0)	0
68	Other	3	0.0	4	0.0	0	0.0	9
69	Checks + Remittance to be paid TL + FE	395	0.7	489	0.9	94	0.2	24
70	Equities	38,763	73.3	38,763	72.9	-	(0.4)	-
71	TOTAL SOURCES	996,765	1884.6	1,017,080	1913.6	20,314	29.0	2

When a child is born, can his mother be accused by saying; why isn't he running? For an orange tree or a walnut tree planted, is it possible to say; why doesn't it give any fruit this year? In order to get fruit, you have to take care, apply chemicals, irrigate it at least six years after planting so that you may receive something.

Realize the growth of a bank, which was stabilized, within three-four domestically and abroad; innovate the technology and the branches, establish a new staff composed of thousands of people and provide training and adaptation of them, find the customers to invest in the bank and perform import and export; and also earn money promptly!

Those who realize their works with great difficulties, know very well that this is not easy. Moreover, these are the ordinary business problems of a normal banker. On the other hand, what happened to me was due to the political plan I mentioned above and the loss encountered was the result of the claims such as illicit money, murder connection...

Crisis and reasons of loss

***The loss caused by the captain
can not be attributed to the crew***

Besides these, it is also required to consider that, there was a crisis in Russia during the four years between 1995 – 1999 when I was a bank owner, and the whole world was influenced by it. Following this, there was a Far East crisis in the world, and then, we had disasters in our country like Çukurova and İzmit earthquakes, which were the crisis that influenced not only our bank but the whole country. As if these were not enough, there were three government changes during my four years of banking.

I survived through all these crisis and I could survive more, but I could not stand against the unfair accusations of the Prime Minister and the attacks he performed, using the power of the state. According to the research I have done, to the best of my knowledge, there is no prime minister in the 82 years of history of the republic, who has picked on a businessman to this extent. If I was opposing the prime minister politically or commercially and had taken some concrete steps and actually performed some acts or if I had supported some events against the prime minister, maybe then, these could be an excuse for the things that have been done to me and it could be said: this was a struggle and you lost. But I was a modest person who was trying to grow his business, who had no relations with the politics, who did not know the prime minister in person, and who did nothing wrong but to participate in a tender. I am searching if there is another businessman in any other country of the world, who was destroyed by the prime minister, even though he didn't know him and even though he had no relationship with him. I can find no other such an example.

As if these were not enough; three government changes took place during my four years of banking. Those who are not involved in this business might say "So what, what is your concern with the government change", but let me give an example: In 1997, we purchased state bonds worth hundreds of millions dollars against the deposits that we collected, thinking that this was the most profitable and reliable investment.

In those years, Erbakan was the prime minister. We were expecting that Türkiye would continue moving along in a stable way, that there would be no more crisis, and that the interests would decrease as stated in the program and declarations of the government.

So, we purchased the state treasury bonds for the bank. Treasury bonds we bought, were returning 80% interest, which was valid for that date. We assumed that if the interest rates decreased to 70 – 60%, then the

bank would earn money from this and would be more powerful. Then what happened? With the diplomatic note of February 28, Erbakan left prime ministry and the markets and economy lost their stability. The interests started to increase and Treasury bond interests increased to the levels of 120%.

What did this mean? We had papers in our hands bringing an interest of 80% in a period of one year but our expenses, in other words, the interest that we paid to the public was increased to 120%. This meant, in one month we started to have a loss of 40% on annual basis from the repots and deposits, which were renewed and the money we collected.

What was our fault here? This was an event which was completely the result of an instable country's instable policies that was beyond our control. In the foreign countries, let alone %40, if there is a discrepancy of even 3-4% regarding the interests, the banks, which had adjusted their projections for the long-term, would immediately go bankrupt.

We could not demand anything from anybody due to these events which developed beyond our control and the damages thereof. The loss caused by the administrators should not just be the responsibility of the administrators, because everyone is on the same ship. When the ship sinks everybody in it will sink as well. The penalty of the crisis caused by the imprudent politicians and the bureaucrats were paid by the bank owners and the business world.

But since we are to be just, can we find this acceptable: I suffer the loss caused by the state, then, the state forgets this and says "You are in loss in the bank, I am confiscating it".

Just as it is wrong to make an assessment without knowing and investigating the reasons for the losses of the banks, it is also wrong to treat

everybody as an embezzler by generalizing the faults of one or two impertinent people's discretionary expenditures. Of course those who do wrong should be punished as they deserve but this should be performed after discriminating the guilty from the innocent... Other than two or three known exceptions, it will be more correct to say that the banks embezzled their owners instead of the owners embezzling their banks. Among the twenty-two bank owners, how many of them got richer than they were before, and how many of them increased their assets?

Throughout my whole life, I have never seen myself as a robber or an embezzler; on the contrary I feel and see myself as an honest entrepreneur who loves his country and who is doing good things for his nation and I will continue to be this way until I die. I also feel and see myself as an entrepreneur who was embezzled and tried to be destroyed by the political power of that period for political purposes.

Again another event: There was an earthquake in 1999 and the political power of the period immediately accrued tax to the treasury bonds held by the banks. This decision of the government decreased the value of our papers about 65 million dollars. We did not oppose, we said that this is our state and our country and may the money that will be used for the people who were harmed by the earthquake, be beneficial; but if you pull the such a large amount of money out of my pocket in one day, collect 2,7 billion dollars of tax from the banks during that period, then, how can you have the right to tell me, "your ratio is not appropriate, your blah blah is not good etc."...

Those, who confiscated our bank by speaking about honesty to me, have to be honest themselves and they have to analyze the event correctly. The political power of those days, which could not administer the country and caused crisis, collected the money that it would spend for the earthquake by imposing a tax on the banks. Isn't it strange that, whenever required,



Earthquake tax taken by the government from the banks

ECONOMY

Vahap MUNYAR

The state is giving back to the banks, what it had taken by force

There is chaos due to the law prepared in order to save the banks. It seems that it will not be over soon...

A banker is interpreting this from his point of view as follows:

- During the Earthquake Taxes, the state collected 2,7 billion dollars of retrospective tax from the banks with a midnight operation. Applied retrospective tax on the treasury bonds which were sold as tax-free. Everybody said "It serves these banks right!" but nobody thought how difficult a condition this operation put the banks in.

I want to interrupt. He continues

- Banking sector's reserve requirements that reach 3 billion dollars are deposited in the Central Bank without any interest. If you apply 3% interest, we have 3 billion dollars of loss from there.

What else?

- There is also this; they also wanted four banks to pass 1 billion dollars into circulation in order to slow down the dollar in the first days of February crisis. We took Turkish Liras against it, but this was a loss of power under the conditions of those days.

The last two are extreme examples, but

the first example, that 2,7 billion dollars of retrospective tax was collected from the banks, is agreed by the whole sector.

The calculation of the banker I talked, corresponds to a loss of 6,7 billion dollars. But I think it would be more correct to consider the loss of 2,7 billion dollars, which is agreed by the whole sector.

Now what the bankers want to say this:

"The state must give back what it has collected from the banks..." Either correct or wrong, this is perhaps a most striking picture of the event.

they take the money they need from the banks without even asking, then they go ahead and confiscate them...

Why were we included within the scope of 64th article?

We were included within the scope of 64th article due to Malki event, not due to the worsening tendency of the financial state of the bank

When I was taken into custody due to Malki murder, the people rushed to the banks in order to get their money back, and Undersecretariat of Treasury, to which the banks were connected, said “this bank will sink anyway” and included Sümerbank within the scope of the 64th article. However, the banks are usually included within the scope of 64th article only if their financial states are weakened.

Which means Sümerbank was included within the scope of 64th article not due to the weakness of its financial state, liquidity difficulties, non-fulfillment of the commitments, not paying back the public's deposits; but due to the fact that I was taken to the organized crimes branch.

When I was taken by the police to Organized Crimes Branch due to Malki event, a decision was given by Undersecretariat of Treasury in one day and it was included within the scope of this article. However, even at that moment, when our bank was being confiscated, there were still banks which were not confiscated, although they were included within the scope of the 64th article years ago due to their weak financial states.

According to banking law, inclusion of a bank within the scope of the 64th article means that all the transactions performed by that bank, including giving credits, will be performed under the supervision and control of Undersecretariat of Treasury after that moment and that a representative of the treasury will be present in the board of directors.

They officially appointed an experienced certified bank auditor from the Treasury, Kadriye Nilgün Şişman, as a member of the board of directors of the bank. Any decision which did not contain her signature was not going to be valid. Since October 1998, all the transactions performed were realized with the control, supervision and signature of this auditor.

However, regarding the resolutions of the board of directors which were realized, swindling and embezzlement cases were filed against us for all the credit transactions which were also signed by this auditor, who was assigned by the state. However, no cases were filed against this auditor, who was in the board of directors representing the Undersecretariat of Treasury, in order to control the bank, or no accusations were made against her although she had her signature just like me under the credits that were claimed to be the subject matter of the crime. Again, of course, there was no need to accuse her, because all the transactions were performed in compliance with the laws and the treasury representative auditor signed the credit decisions due to the correctness of the transactions. My purpose is only to expose the double standard applied. The auditors, who had written partial reports about us, did not accuse their auditor friend, who had her signature in the same credit resolutions of the board of directors, for which they had accused us. Imagine this; an action is performed but one person involved is accused of committing a crime because of this action, while the other person involved isn't! How much sense does this make? Again another example: We are going through the February 28 process and people around me are advising me "there is not a single person who is active, other than you and your directors, in the bank's board of directors. You should at least include someone with military origin in your bank's board of directors". First, I was not able to perceive what benefit a soldier could have to the bank, but when I looked around, I saw that military-origin people are serving in these positions in many banks such as Akbank and in large corporations, so I thought that maybe there is a benefit which I could not see.

Upon this, we met with General Muhittin Fisunoğlu, ex-commander of Land Forces and we included him in our board of directors. I thought that a general, who commanded an army, would contribute by transferring to the bank's top-level administration, his life and administration experiences. During the period we worked with him, he had no income other than his salary, moreover, he transferred his experiences to the bank and tried to be helpful in the administration.

Although he had his signature as a member of the board of directors in all the credits that we were accused of, no cases were filed against him for swindling. Of course such cases shouldn't be filed... He was a straight, honest and elegant man who was like a father figure, but, what was done was a double standard. An action is either a crime or not. If it is a crime, it is a crime for everyone, if it is not, then it is not a crime for anyone. Wasn't it required to view it from this perspective? As a result, what was done to him was right and what was done to us was wrong. In other words the owners of two of the signatures out of the five signatures in the credit decision for which we were being judged due to embezzlement charges, were not being judged but the other three were seen as guilty and were being judged!

Confiscation of the bank

Those who could not digest their authorities

The day on which the bank was confiscated, the general manager and Muhittin Fisunoğlu had performed the opening of a new branch belonging to our bank in Romania and they were returning in the evening. I was just coming out of a cocktail which was organized for a company that our bank had quoted, and I received a telephone call in which someone said "your bank is also confiscated"



Fisunoğlu Pasha: I walk with my head high

Muhittin Fisunoğlu, member of the board of directors of Sümerbank, which is confiscated by the state, reacted against the ban prohibiting him to go abroad.

Fisunoğlu said, "if there is a crime, you bring it to the court. Nobody has the right to offend me in front of the public"

Ex-commander of Land Forces, Muhittin Fisunoğlu, who was a member of the board of directors of Sümerbank that was confiscated by the state, reacted against the ban imposed on him, prohibiting him to go abroad.

Fisunoğlu said "if those, who have imposed the ban, knew who was administering the bank, they would not do such a thing. What fault do men, who work for a salary, have? The Treasury's representative Kadriye Şişman was also in the administration. I am as innocent as she is. I am prohibited from going abroad, but she is not. If there is a crime, you bring it to the court. Otherwise, nobody has the right to offend me in front of the public. I walk with my head high. I did not embezzle. I also did not see any illegal transaction". Fisunoğlu declared the following to SABAH:

I DID NOT JOIN THE BOARD OF DIRECTORS FOR MONEY: As a member of the board of directors, me and my relatives can never benefit from the bank. I can not embezzle it. The bank was giving us a salary. Some banks give dividend or checks, ours did not. I did not go there for money, I went there so that it would keep me busy. I liked banking.

ENTRY TO BANKING: Last year a friend of mine said "You are an active person, would you be a member of the board of directors of a bank?". I told him that I was not a banker but if I can have any other contribution other than this, it would be okay. He introduced me to Hayyam Garipoğlu at a dinner. Garipoğlu told me "We would like to have you with us as an elder brother. We need a person who would be our brother". When I told him that I was not a banker, he said "I am also not a banker. Actually in banking, technical personnel runs the business". I accepted.

I DID NOT SEE ANY FRAUD OF GARİPOĞLU: In the past also I asked the claims about Garipoğlu. He swore. HE denied the claims. Garipoğlu told me "While I was purchasing the bank, Malki gave me 25 million dollars as a debt. We did not sign any checks or bills since we were friends. When he was killed, although there were no checks or bills, I delivered 25 million dollars to his family". If he wanted, he could deny this debt. He did not. This shows his honesty. Our bank was so strong that, even its owner Hayyam Garipoğlu was hypothecating his properties while drawing money from it. But if there are frauds from other aspects, I can not know these.

THERE WAS NO ILLEGALITY: I don't know if there was embezzlement, but during 13 months that I was there, I did not see, hear about or sign any illegal, improper transactions. I walk with my head high. The only thing I feel sorry for is that, they imposed a ban on me, which prohibits me from going abroad. This is just like extrajudicial execution since no crime was determined. During our period, there was no such thing as embezzlement.

THE BANK WAS STRONG: The bank had 1 billion dollars of money. Moreover, it had treasury bonds worth 1 billion dollars. The interest of these bonds was also about 1.5 billion dollars. When the government confiscated the bank, it acquired this 2.5 billion dollars. The bank did not sink, the credits given were credits that were spread over time. Whoever obtained a credit, also gave a guarantee or gave a guarantor or hypothecated his property. Sümerbank had a strong structure. I learned that the first day that our bank was confiscated, it paid 50 million dollars and also another 50 million dollars on the second day. It paid a total of 100 million dollars in two days. If you go to the largest state bank, they would not be able to pay even one fourth of this amount . But why did they confiscate it, that, I could not understand.

WHY DID THEY GIVE PERMISSION FOR BUCHAREST?: If this bank was going to be confiscated, one day before the confiscation, we opened a branch in Bucharest. Why did they give permission then? The state had also given permission to us in order to open 4 more branches. Why didn't they intervene?

I thought that this was impossible. I also had heard the rumors that the banks were going to be confiscated but I was not taking it personally. If a person does not have anything illegal on himself, he would not be disturbed by any search conducted by the police, and likewise, I was also thinking “my bank is strong, why would it be confiscated?”

Undersecretariat of Treasury knew all the credits in my bank. As a bank we were always sending reports. The representative of the Treasury in the board of directors was signing all the credit decisions and was reporting them to the treasury. Moreover, two auditors of the treasury, who had their own rooms in the bank during the last two years, were inspecting the bank the whole day and were issuing reports which also included the critics on the normal banking operations. Under these circumstances, I had received no warnings containing any accusations, either written or oral, and I was not worrying about anything.

Was a bank that was under this much control, lose money in one day? Was it going to lose all its capital and assets in one day? On the contrary, after all the troubles we had encountered, we were happy to see from the figures that the bank was getting stronger and improving each day and we were happy to see the developments.

I went to the bank when I heard that Sümerbank was one of the banks that were confiscated on the night of December 21, the general manager, who also heard the news, came too, we spoke if there was anything we could do and we left that bank that night hoping, just like anybody who is in trouble, that the justice system would correct this mistake.

When I came to the bank early in the morning, the new members of the board of directors were also there. When they said “We took over the bank, leave this place”, I was obliged to leave since there was nothing I could do.



The reason of confiscation of Sümerbank, was not that the bank was sinking, it is because my name was involved in Malki and Türkbank scandals.

and drinks of the cities as an advertisement spot and by giving abundant quantity of credits, Sümerbank, Yaşarbank, Esbank and Yurtbank were also confiscated by the Central Bank. Upon this implementation, it is commented that the innocent will not be separated from the guilty.

IS IT A POLITICAL REVENGE?

It is stated that among the banks, Egebank, Yaşarbank, Sümerbank, Esbank and Yurtbank, which were confiscated by the state based on the reason that they were in a crisis, Sümerbank, which is owned by Hayyam Garipoğlu, suffered the major wrong. Following the confiscation of 5 banks by the state, ANAP's leader Mesut Yılmaz, in a speech that he gave in the assembly, claimed that Sümerbank was given to the partisans under DYP government's ruling and that this caused Sümerbank's current state. These words spoken by Mesut Yılmaz, brought the rumors that Sümerbank was the victim of a political revenge. Confiscation of Sümerbank also received the reactions of the public in Adana.

Famous businessman Hayyam Garipoğlu is reacting against the unfair confiscation

"My Bank was solid as a rock"

The famous businessman Hayyam Garipoğlu, who stated that Sümerbank was confiscated as a result of misinformation, is expecting this fault to be corrected as soon as possible and says "I want my bank back".

Upon confiscation of Sümerbank, Hayyam Garipoğlu also lost Sümer Leasing, Yatırım Factoring, Türk Nippon Insurance and Romania International Bank. Now everything is under the state's control.

Garipoğlu who expressed that there were 1.1 billion dollars of deposits in Sümerbank before being confiscated by the state, said "This is just the deposit account, there were also treasury bonds, state bonds worth 1.2 billion dollars. I mean, if all the depositors requested their money back that day, the bank had the power to pay them back. Maybe it was due to hurry and a political decision was taken. Now I want my bank back".

Famous businessman Garipoğlu said "I learned in advance that Sümerbank was going to be confiscated but I doubted it. Because my bank did not have any problems. It would be correct to say, it was solid as a rock. However, when I went to the bank in the morning, they showed me the door. There was nothing to do but to respect the law and we collected our belongings and went out. The decision is political and it was taken in a hurry. The truth will be understood soon".

The bank that was purchased by Hayyam Garipoğlu within the scope of privatization, was confiscated due to the banks that were embezzled.

Sümerbank is a victim of political revenge

It is stated that there is political revenge behind the confiscation of Sümerbank that was purchased through tender by Hayyam Garipoğlu from Adana, within the scope of the privatization realized by the state. Sümerbank was confiscated together with 4 other banks.

Sümerbank, which served as a state bank for years, was sold through a tender within the scope of privatization. Garipoğlu Group of Companies was awarded the tender and became the owner of Sümerbank. The activities and financial situation of Sümerbank was also going well. There were also no problems in Sümerbank, which is known as Hayyam Garipoğlu's bank. There was also no splurge on advertisements.

THE INNOCENT WASN'T SEPARATED FROM THE GUILTY

The splurge on advertisements, performed by Egebank in the recent months, which is known as the President Süleyman Demirel's nephew's bank, also influenced some banks which were not having any difficulties. Beside Egebank, which was embezzled due to splurge by giving interest even for 250 dollars, by using the famous food

Hürriyet Economy

The criminal organization scandals burned out Sümerbank
Big operation - 5 banks were confiscated

Despite the trust in Sümerbank's name, which is almost integrated with the history of the republic, its owner Hayyam Garipoğlu's name was involved in Malki event and Türkbank scandal, caused the bank to be confiscated.

SÜMERBANK

Foundation date : 1933

Owner : Garipoğlu Family

Chairman of the Board of Directors: Hayyam Garipoğlu

General Manager: Cengiz Biçer

Number of branches : 88

Personnel : 1788

Capital: 17.5 trillion liras

Total assets: 312 trillion liras (end of 98)

Sümerbank, which is one of the 5 banks that were transferred to the Fund, was ruined by its owner Hayyam Garipoğlu's secret partnership with Nesim Malki which was also reflected in the court minutes. An authority who supplied information for Hürriyet said "The treasury did not forgive Garipoğlu's relations with others regarding Sümerbank". Garipoğlu who purchased Sümerbank from the privatization tender had stated in Malki Murder Case that he had taken 12.5 million dollars from Malki for the purchase of Sümerbank. The indictment that fired the process that took Garipoğlu's bank Sümerbank to being transferred to the Fund and the testimonies during the court are as follows:

* Erol Evcil, based on his partnership with Malki, requested money from me 3 years after his death. Evcil had paid money to Malki and Evcil was saying that he was in a loss. I told him that he was not my addressee, even Alaattin Çakıcı intervened in. However, I did not pay the money. This event is a commercial event. I only took money for the bank. I returned it back. I am a businessman. It is an exchange based on economic reasons. It is not a matter of helping criminal organizations.

* I wanted the money from Malki. It received it from Malki. However, it is also possible that somebody sent it on behalf of him. I sent this money to Privatization Administration afterwards.

The following striking expressions were included in the indictment:

"In the indictment where it is reminded that Garipoğlu, Erol Erkoen and the inheritors of Nesim Malki declared that this partnership was liquidated after the murder of Malki, and 26 million dollars, the share of Malki, was paid by Garipoğlu to the concerned ones, it is also stated that "With all these declarations and the pressures and threats of Alaattin Çakıcı afterwards, the efforts for payment of money to Erol Evcil by Garipoğlu prove that half of Sümerbank was purchased by Garipoğlu and the other half was purchased by Malki and Evcil".

It was founded by the savings of the public

Sümerbank was founded in 1933, by the instructions of Atatürk and the savings of public in order to initiate the development move within the frame of the First and Second Five-Year Development Plans. In 1987 a decision for the privatization of Sümerbank was taken and the bank was transferred to Public Partnership Administration. Sümerbank Holding was established in 1988. The banking unit of the Holding was restructured under the Sümerbank title in 1993 with the decision of Higher Planning Committee. Sümerbank's banking unit was privatized by its sale to Garipoğlu Group of Companies in 1995.

The ratio of the Sümerbank credits under follow-up to the total credits is increased when compared to last year and it was realized as 2.6 percent by the end of September 1999. The ratio of the credits under follow-up to the total credits for the same period last year was about 0.4 percent. The total assets of the bank during the same period increased by 75 percent and reached 549 trillion liras from 314 trillion liras. 355 trillion liras of the bank's assets are formed by TL and 195 trillion liras are formed by the foreign exchange sources. The net profit of Sümerbank for the mentioned period increased 142 percent and reached 6.05 trillion liras.

Garipoğlu had bought for 103.4 million dollars

Sümerbank was the first step of privatization efforts of the public banks. The Chairman of the Board of Directors of Sümerbank, which was sold on October 1995 for 103.4 million dollars, while it was a public bank, to İpeks Yarn Textile Industry, was performed by Hayyam Garipoğlu and its General Manager was Cengiz Biçer. Amasya Textile Industry, Akmaya Industry and Trade, Kasım Garipoğlu and Handan Güleş were among the main partners of the bank.





AGENDA
January 2003 Tuesday

HABERTÜRK

1 4

Altan Gökmen

Hayyam Garipoğlu - Metallica Connection

The guest of Press Club prepared by Hakan Aygün was Hayyam Garipoğlu on Sunday night. Habertürk team, which I am also a part of, pressured Garipoğlu quite a lot; they asked too much. He tried to express his intentions as much as he could. It was a good program that lasted 4 hours. Hayyam Garipoğlu's name reminds me completely a different thing, before Sümerbank and POAŞ. The case opened against him due to Metallica concert... During the period he was under arrest due to Sümerbank, in April 2001, Garipoğlu could not be brought to the trial due to lack of personnel and vehicle. His trial was postponed a few months and his arrest continued. Just two days after this, he was taken to the court with handcuffs on, for the case that was related to his sponsorship of Metallica concert. The news was as follows:

"Sümerbank's ex-owner Hayyam Garipoğlu, was judged in the case opened with the claim of non-payment of copyrights to MESAM (Musical Work Owners' Society of Türkiye) for the songs played during Metallica's concert, which was sponsored by the bank. Hayyam Garipoğlu, who is arrested at Kartal Special Type Prison with the claims that he illegally embezzled Sümerbank, which is transferred to Savings Deposit Insurance Fund, and who could not be taken to the first trial related to Sümerbank at İstanbul State Security Court due to the lack of personnel and vehicle, was brought to Şişli Sixth Criminal Court of First Instance due to Metallica case, with handcuffs. Hayyam Garipoğlu, whose statement regarding the accusations about himself was taken, said that he had no connections with Metallica Group and said 'I don't understand anything from Metallica. They told me that it was a famous band and asked me whether we could sponsor their concert or not. The Board of Directors decided to be a sponsor'.

This event, although it seems funny, was actually very dramatic and really bothered me. I wrote the following article during that period, which I can now publish only a part of it due to lack of space: "The only thing that I can sentence Hayyam Garipoğlu in my own conscience is that 'he does not understand anything from Metallica' I can forgive all other possible crimes but I can never forgive him for not listening to 'Enter Sandman' or 'Unforgiven' in his life. I can do everything so that he would get to know Metallica during the remaining part of his life. What I want to say is this: I can never accept taking away the rights

of people, who are arrested, whose liberties are taken away, for going to their own trials, which is their most natural right, by stupid excuses. I react to accusation of people for stupid reasons, which they are not even aware of. I am even more embarrassed that name of a legend like Metallica gets involved in this.

When I opened this subject in the Press Club, Hayyam Garipoğlu said that he watched the Metallica concert in the stadium, which he was sponsoring. I liked this the most. I drive to any conclusions regarding the serious accusations against him, but regarding Metallica, he has acquitted himself.

Sümerbank's ex-owner Hayyam Garipoğlu was at the Press Club Handcuffed banker spoke for the first time

Hayyam Garipoğlu, who attended "Press Club" in Habertürk TV replied the questions of Hakan Aygün, Sırrı Çağlar, Ali Fuat Duatepe, Cihat Tosçu, Altan Gökmen, Cüneyt Akman and Hülya Yürekl

Sümerbank's ex-owner Hayyam Garipoğlu, who was the guest of Press Club, stated for the first time that he had concluded a gentlemen's agreement with Malki for his partnership in Sümerbank. While describing his days in jail, Hayyam Garipoğlu, who could not prevent his tears from falling during live broadcast when he talked about his father and mother who are 80 years old, implied that the prime minister of the period Mesut Yılmaz was behind the conspiracies that he had encountered and that Mesut Yılmaz had shown him as the target in a speech that he had given at the assembly.

Political Conspiracy

Hayyam Garipoğlu evaluated the event that POAŞ was not given to him although he had won the tender, which was an import turning point in the process that ended with confiscation of Sümerbank, as a 'political conspiracy'. Garipoğlu described this process as follows: "When I purchased, Sümerbank had 30 thousand customers. We increased it to 400 thousand. I had the bank for four years. Our purpose was to grow the bank. Sümerbank had 4.5 billions of credit at the foreign banks. At that time, POAŞ was being sold. Since we did not know anything about petroleum, we made an agreement with an American company. We participated in the tender. American company's title is registered in the official records of the state; I can not say it, they wanted it to remain confidential.

Turning Point

We had a margin in POAŞ tender, if required, we were going to increase. It was financed by Americans. I went to America the day I was awarded the tender. They did not give it to us; they did not give it to the 2nd one, which was Garanti Bankası, in other words Aryan Şahenk. They gave it to the 3rd one.

Garipoğlu stated that POAŞ tender was a turning point, with the following expressions: They did not give me the tender. This and what happened afterwards were all conspiracies. I will disclose those who had set up conspiracies against me.

Was the conspirator Yılmaz?

Garipoğlu described "the misunderstanding" with the government of the period as follows: I was taken into custody as a result of political pressures. I am a banker. The Prime Minister of the period Mesut Yılmaz said "When Malki died, 700 trillions changed hands. Eyes are on Garipoğlu and Evcil. These people have relations with illicit money and drug traffics." All the money in circulation in Türkiye is 5 billion dollars. How can 14 billion dollars change hands. This means 15 trailer loads of money. As if the money had gone out of Malki's house and came to me!"

Garipoğlu, who stated that he had become a target with the speech of the prime minister of the period Mesut Yılmaz, said "I remember Deniz Baykal's expression, he said like this: 'the prime minister caused the collapse of a bank with these words'".

He accepted his partnership with Malki

Garipoğlu answered Sırrı Çağlar's question "Did Nesim Malki use you in order to enter into the banking market" as follows:

"I took 25 million 800 thousand dollars from Nesim Malki. I returned this money completely, which I had taken from Malki. I was looking for a general manager for the bank. I offered the position to Şükrü Karahasanoglu. He had left the general management of Emlak Bankası. Karahasanoglu introduced me to Malki. I purchased Sümerbank for 115 million dollars. Nesim Malki said, 'Make me a partner too'. There were claims of pawn broking against him; he was not able to get into banking business. I told Malki that we could be partners if he solved his problem with the treasury. We rented Malki's building for the General Management of the Bank'. Garipoğlu said that he learned afterwards that half of the money he took from Malki belonged to Erol Evcil. Upon this, Sırrı Çağlar took out the document for 28 million dollars and asked "Why is this document not in the records of the bank? Why did you feel the need for an effective bank? Why did you need a bank that consisted of just a table and a chair?" Garipoğlu defended himself as follows:

"They say Sümerbank had a shortage of 20 million dollars. If you add the credits of all the banks of the world and decrease these from their capitals, then, all the banks on this world are bankrupt."

Garipoğlu's shocking words

* The government confiscated my bank, not BDDK

* The auditors did not write a report saying that Sümerbank should be confiscated.

* We had purchased the largest refinery of Romania. Claims about us went to Romania from Türkiye. The tender was canceled.

* We agreed with Korkmaz Yiğit for the purchase of Kanal 6 for 10 million dollars... I paid 7.5 million dollars.

* I wish I did not leave 1 billion 500 million dollars in the bank. I wish I had established a factory, employed workers with this money.

* If I wanted to swindle Sümerbank, I would sell its assets to my relatives, friends for very cheap prices. I would swindle if I wanted to.

* What a double standard is this; the state is helping some sinking banks. The owners of these banks embezzled their banks and the state is giving them money on top of this. What are we then, step children?

* Nesim Malki was killed due to his receivables.

When authority is given to those who cannot digest it, you can see how heartless they can become . Selim Kocayusufpařaođlu, one of those appointed, was recommended to me as the general manager for the bank by Sami Erdem, who was the General Manager of Yařarbank then.

I did not prefer him as a result of the research I made and this was my natural right. After years when he came to the head of the bank with this event, I saw the effects of the old grudge due to the fact that I had not employed him.

I think that it might do good to transfer you an event within this context. During the last days of the rule of Sultan Abdulhamid, there was tension between the Sultan and Mithat Pasha regarding the foundation of constitutional monarchy in the country. Ahmet Mithat Pasha was telling everywhere and in every country he visited that welfare was only possible by the foundation of constitutional monarchy.

In order to get rid of the negative effects of these and in order to keep Mithat Pasha away from İstanbul, Sultan appointed him as the governor of Danube. During his service as a governor, the people complain to Mithat Pasha about Sururi Efendi, who was appointed as the judge of the county, accusing Sururi Efendi of fearlessly committing crimes such as bribery, corruption and similar crimes. Mithat Pasha examines the situation. When he sees that the crimes and accusations attributed to him are true, he dismisses Sururi Efendi from his position.

After a while from this event, Mithat Pasha is also dismissed from his duty and he returns to İstanbul. When the Sultan hears that Mithat Pasha, this time, secretly started working on the foundation of constitutional monarchy, he concludes that hanging Mithat Pasha or at least in keeping him in prison might be a solution.

For this purpose, he establishes Yıldız Court in Yıldız Palace, which is famous in the history and as the judge to this court, he appoints Sururi Efendi, who was dismissed from his duty while he was serving as a judge in Danube. The indictment prepared in this court is read in the presence of Mithat Pasha and he is asked if he had anything to say. Mithat Pasha says “all of these claims and accusations are unreal, they are false accusations”.

When the judge Sururi Efendi asks “isn’t there a single point that is correct in this indictment?”, Mithat Pasha replies “There is, sir”. Then the judge asks again “What are those?”. This time Mithat Pasha replies as “Besmele, that is written in the beginning of this indictment and the date under it are correct”. As a result, Mithat Pasha is sentenced to death by Sururi Efendi. After a short while, with the remission of the Sultan, this punishment is converted into life imprisonment and, in order to keep him away from İstanbul, he is sent to a jail in Taif, Saudi Arabia, which was within our borders in those days and as a result he is killed in that jail by being choked to death.

When the people like Kocayusufpaşaoğlu, who were not employed by me, were appointed at a position interrogating me, the treatment that Mithat Pasha was subjected to was also applied to me as partial inspector and auditor reports were prepared. But it should not be forgotten that injustice is just like death, it knocks on everybody’s door one day.

Again, when Atilla Taşdemir, who was sitting in his house, doing nothing, appointed to the bank as the general manager, he started to think of himself as the only pebble on the beach and he became conceited. He did everything he could in order to show the bank at loss and in a bad state. As soon as he started working in the bank, the first thing he did was to close down Ceyhan branch which was opened 40 years ago. The reason for this act which was performed as a form of revenge, was that I was born and had grown up in Ceyhan.

Sümerbank had a treasury bond purchase-sales operation division, which was successful, settled and qualified. The people working in this division were continuing their duties after the confiscation of the bank. When these new directors saw that the bank is making three-four trillion liras of profit from the purchase-sale of treasury bonds, they stopped these purchase-sales transactions of the bank with the instruction they had given, so that the bank would not make profit.

Partial inspector auditor reports

The transactions that were accepted to be correct yesterday were claimed to be incorrect after the administration had changed.

Taşdemir, made the inspectors and auditors in the bank, who were under his command, issue reports concerning non-existing crimes based on the instructions he received. Even though I continuously mentioned it, asked, why these inspectors, who were working in the bank, did not write any reports concerning a single crime before the bank was confiscated? All forty reports, which contains claims regarding crimes, were written after the bank was confiscated by the people, who were inspectors in the same bank. Isn't this meaningful?

In other words, the decision to confiscate the bank was given even though not even a single report, containing a crime that would require the confiscation of the bank, existed. After the confiscation, thick but baseless reports were written in order to form a basis for the confiscation procedure. Let's assume that those inspectors were working in the bank and they did not write such reports containing crimes so that they wouldn't lose their jobs.

Okay, but what about those certified auditors, who did not work in the bank and who were the personnel of Treasury, and were continuously

inspecting each transaction without leaving the bank for the last two years? Why didn't they write a single report during my ownership that "there is swindling in this bank".?!

But all of these same auditors, started deeming the previous normal credit transactions, which they had previously seen and supervised in the bank, as a crime after the bank was confiscated and they prepared reports concerning these. The credits that were examined in the inspections did not constitute a crime for years, but they were all assumed to be swindling acts after the bank was confiscated.

This question should be asked: the credit, which is considered a crime now, was in your knowledge a year ago, two years ago, and even three years ago also... you had examined it but you had not concluded that there was swindling. Okay then, how can you say that the same transaction is a crime today? Since it is determined that the auditors and inspectors, who wrote reports about me, accusing me of crimes, did not write crime report for these transactions, which they had

inspected in the previous years, didn't they also commit crime by not writing a report although they had seen the crime? Isn't this an abuse of authority? The reality is that since the reports were written one-sidedly in accordance with the instructions received after the bank was confiscated, these people actually committed the real crime by these reports that they wrote after the bank was confiscated.

Forget the auditors; Kadriye Nilgün Şişman, the representative of the treasury and a certified auditor, who has her signature in all the decisions of our board of directors... how did she sign those credit decisions which are claimed to contain swindling? Then, since she signed them all , which means that the person appointed by the Undersecretariat of Treasury, an institution which all the banks are responsible to, accepts all these transactions

as normal, how were these same transactions begun to be considered as crimes afterwards, by an instruction?

I am not in debtor to the bank, I am a creditor

***They did not give us the chance
to receive our deserved earnings***

After our bank was confiscated, Atilla Taşdemir, who was appointed as the director to the bank, did not act with goodwill and caused the largest loss to the bank as follows: We knew that we had to keep the bank in liquid condition with the experience that we had acquired in the previous events that we had encountered. For this purpose, we had purchased treasury bonds from the state with a nominal value of 1,5 billion dollars with the money against the deposits that were collected from the public.

The average interest income of these bonds was about 98%. I stated previously that, when Erbakan left prime ministry, we had encountered a loss from the treasury bonds that the bank had purchased from the state. This time, again we had realized these purchases, based on our foresight that the economy would not bear these high interests and the interests will have a decreasing tendency.

Fifteen-twenty days after the confiscation of the bank, as we expected, the interests in the market started to fall rapidly. All these bonds were sold by Mr. Atilla and the new administration, with the concern that “the bank should not be in a profitable state, then they would ask why did you confiscate this bank”!! Only if these profiting bonds were kept, and deposit withdrawals were funded by the repots, like we did, this bond profit of the bank only for the first six months was going to be about 300 million dollars. This profit of course was going to continue after the first six months.

If I lived in another country where I could claim my rights, even if all these heavy accusations directed to me were assumed to be true, it would be accepted that this profit was a profit that the bank had acquired against the risk it had taken. It should have been protected as an acquired profit belonging to the bank and not wasted by the appointed directors. The bank had been collecting deposits and purchasing bonds for years in order to earn this money, and sometimes losing money from these due to political economical crisis; but just when it was going to earn money, ill-will of the directors who were appointed so that we would not emerge as creditors as a result of the confiscation of the bank, were destroying opportunity. We had all sorts of troubles but no solutions. To whom would we tell our troubles and who would be interested in them and listen to us and from whom could we expect a solution?

This single transaction caused me and my bank, which didn't need to be confiscated in the first place, 300 million dollars of loss. If they had not confiscated the bank, or even if they did, had operated the bank as it should be operated, this profit would be earned.

This way, the figures that are requested from me today by saying "you are in debt, pay it" were not going to be requested. It's like; we planted the field, grew the crop, just when we were going to harvest, they came and did not even harvest but cut out everything and poured it on the soil.

The bank purchased these bonds when the interests were high, which gives us this right, but unfortunately we could not claim our right until today and I know that I will not be able to claim it after today because, forget saving our assets, right now, we are busy trying to save our lives and freedom.

Moreover, even if we attempt to claim our rights, every state authority and everybody, and sometimes even the judgment, although rare, are approaching and evaluating the case with the negative point of view that is formed in the society due to our bad reputation as embezzlers.

In Ottoman period, a well-dressed man walking on the street passes by an old beggar woman who says “For God’s sake, for your children” without giving her money. The beggar who sees a police passing by starts to shout as “Shame on you”. The police asks “Why are you shouting?”. The woman says “That man walking away is my son, he makes me beg here and he does not take care of me”.

Upon this, the policeman blows his whistle. When the man walking away turns back and looks the police says “Come here” and he continues “Aren’t you ashamed, Look at you! You are making your mother beg here”. The man asks “Which mother !”. The policeman says “Shut up, take your mother on your back, we are going to the police station”. The man compulsorily takes the woman on his back, they start walking towards the police station. On their way, the man sees his friend. His friend says “What is this? Who is this woman on your back?”

“They say, this is my mother”. Since his friend knows his mother he says, “How come! This is not your mother”. The man says “Of course not, but come and try to explain this to that policeman behind”. Explaining the truth is sometimes very difficult.

One month after the confiscation of the bank, when the new general manager said “you hypothecated 350 million dollars to your bank before it was confiscated, can you give us some more”, I said “of course” by thinking that this fault would be corrected and we would receive the bank back. I had given additional mortgage against the credits utilized, for 50 trillion liras which is about 100 million dollars, and also paid the title-deed charges of

1 million dollars from my account. Despite all these, we are still considered to be swindlers

Kanal 6

Are we going to have to deal with this too?

On the days when there were rumors that the banks were going to be confiscated, I also had questions on my mind such as “are these rumors about confiscation real or not, if they will be confiscated whose bank will be confiscated and how”. I was feeling the negative effects of not knowing a top-level politician with whom I could speak these matters and get correct information. As the owner of a bank and as a businessman who was intending to develop his business, although I did not sympathize with any party, I was aware of the fact that I had to establish good relations with the party in power and I had to introduce myself to the politicians at least at a level where they would say “we know Hayyam, he is our friend, he is a good man”, when my name was mentioned. I was thinking how I could achieve this, how I could establish friendships. But I had a problem regarding this: As a person working even on Sundays, how was I going to have time to establish such dialogues? You have to spare the time, be together and live some events together in order to establish close friendships with people.

As time went by, one day Ahmet Özal visited me and he came to me with an offer, saying “I was the establisher of Kanal 6 TV channel, then I was obliged to sell this channel to someone, that someone also sold the channel afterwards to Korkmaz Yiğit and Mr. Yiğit is also selling the channel due to some problems, would you like to buy it?”. Mr. Ahmet Özal’s concern was due to the fact that some of his personal debts related to this TV channel, which were due to be paid while selling the channel, were still unpaid. The remaining debts were going to be paid if somebody with good financial facilities would buy the channel.

I saw television broadcasting as a sector that was bright and that had growth potential. I saw this event as a chance. It was going to give me political power, I was going to advertise my group and also I thought that I could make Kanal 6, which had a brand value as one of the first private televisions channels of Türkiye, earn money by keeping the expenses under control. I immediately decided to purchase the channel because, as the owner of a channel, I was going to get to know all the politicians, either in power or opposition, who were going to visit the channel due to the broadcasts such as political news, panel discussions and I was going to have the chance to show that I was a straight person with whom they could be friends.

Upon this decision, I purchased Kanal 6 shares from Mr. Korkmaz by paying 10 million dollars in advance and by also undertaking some debts. The purchase procedures developed rapidly and since I did not have a broadcast company established to purchase TV channel yet and since at the first stage, as a bank owner, I did not want my name to be mentioned in the media as “Hayyam bought a TV channel”, I purchased the company shares on five people who were informed by Ahmet Özal. I also took share transfer instruments from them, signed by each of them, for ensuring the transfer of the shares purchased by them to me within one-two months. Due to the confiscation of my bank and my imprisonment following this, my legal dispute with these people regarding the fact that I own the channel and I have the possession with the share certificates, is sub judice.

Unfortunately, I had many disputes like this, after the bank was confiscated, in other words, when the car turned upside down. Once, I accepted the offer of a person I knew: “you put the capital, we do the business and share the profit” and I had given the required capital. When the bank was confiscated and I said “let’s stop the business, give the money back”, I was told “what money... this was not your money anyway, it was the public’s money”. There were also those who tried not to give back my money like this. Of course when I said “if the money belongs to the public, then pay it back to public”, they were trying to evade. You learn life everyday by living it. Those, who spoke like this, were once bowing and scraping, saying “thank you so much for giving a chance”.

I believe that purchase of this TV channel also played a role in the confiscation decision regarding my bank. I think this because I had taken over the TV channel just four days before the confiscation of my bank. I think somebody said “We have been picking up on this man for a year and this man still did not sink, he is still on his feet. Now he purchased a television channel. He will be a real trouble, let’s cross him out of the market completely”. I believe that my bank was confiscated as a result of such thoughts.

The event that will make you say “have a heart!”

The political decision that we were destroyed with

As years passed by, I first heard it from various sources, and then I also heard it with my own ears; actually Sümerbank was not among the banks to be confiscated. In 1999, IMF laid down the following condition in order to sign the letter of intent for stand-by agreement... IMF said, “there are banks with weak financial conditions among your banks, take the required measures for these, then we will sign”.

Upon the instruction of the government, Undersecretariat of Treasury sent a letter to the Prime Ministry indicating five banks under bad financial conditions according to them. Sümerbank was not among these banks.

But the letter was returned to the Undersecretariat of Treasury from Prime Ministry the way it was made public, upon the instruction of a politician, and a bank in the list was deleted and was replaced by Sümerbank. After this, Ecevit-Yılmaz-Bahçeli government of the period confiscated five banks upon IMF's request and after two days, the agreement between the government and IMF was signed.

There wasn't even a preliminary work performed by the Undersecretariat of Treasury previously for the confiscation of Sümerbank, but unfortunately, we lost the bank as a result of this sudden change.

When I asked the witnesses of the event “would you repeat under oath at the court that this is how it happened?” they did not accept it, thinking, why would I bother to save a sunken person? But this is the truth and those who have the authority may ascertain that this is the case.

What does loss mean?

Every balance sheet may be converted into a loss by faulty applications

One of the main reasons for confiscation of the banks was that the banks were losing money and their capitals. It may be possible to tolerate the faults to some extent, if a fair application is performed and everybody is treated in accordance with the same rules. But the faulty application was applied only to some banks and shown as the reason of confiscation only for these banks. On the other hand, if the same application was applied to the other banks in loss, these banks would also be required to be confiscated.

There is a Banks Association in Türkiye, which all banks are members of. When you look at their publications or through internet, for example in the balance sheets of 1991 when there were cases of confiscation, you will see that there are losses of about 700 – 800 trillion liras, not 100 -200 trillion liras, in the year-end balance sheets of the major banks of the country such as İş Bankası, Garanti, Yapı Kredi. If you deduct these large losses from the capitals of those banks, then, the loss would be spread over the public's deposits, which is exactly the same situation that they showed as the reason for our confiscation.

But a loss may always occur in any enterprise or bank. If there is a crisis that year, the bank may be in loss but this won't prevent the bank from profiting next year. But a bank can not be confiscated just because it lost money for a year. When a man catches a cold, they don't kill him immediately, they give medicine and treat him. It is not right to confiscate a bank because it is losing money... Okay let's assume that we were confiscated because we were losing money, then why were the other operating banks which were in loss, not confiscated? Don't you think this a double standard? They confiscated a bank for some reason, but didn't say anything to the other banks for the same reason, and then claimed that there were rules in this country.



ECONOMY

14.1.2002

SABAH

A confession from BDDK

Banking Agency confessed on its own website that "there are banks that give credits to group companies over the legal limits" and "respite is granted to these banks". On the contrary, such a breach in the past was considered to be a reason for being transferred over to the Fund.

Here is the Confession of BDDK

Is there a bank that gave credit over the limits to its boss? BDDK replies this question on its own website. Yes there is. We granted them a respite. Such a breach in the past was considered to be a reason being transferred over to the Fund.

Banking Regulation and Supervision Agency (BDDK) published on the website bddk@gov.tr, the conditions of the state aid in order to reinforce the financial system and the philosophy of the law enacted related to the subject without falling into the trap of technical details.

BDDK defines the law that caused arguments as "restructuring the banking sector in one go and reinforcing it permanently". The information contained in the website shows how the perception of the banking sector was changed during the "last two years".

"Until now, banks transferred to TMSF were the banks whose loss was spread over the liabilities (like deposits), and which lost all the equities (equities turned negative). Capital support will be provided only for the banks which have a positive capital

adequacy ratio (SYR). From this point, there is no change in the strategy of the transfer of the banks with negative capital (transfer to the Fund)."

DETERMINATIONS AND QUESTIONS

"All types of real and cash credits made available by the banks to their own groups including the partnership shares are closely followed-up. In the banks where the limits are exceeded, such exceeds are frozen as of a specific date and the required follow-up and controls are being performed for decreasing the exceeded proportionally within the time limit specified by the law (BDDK's official letter dated 04.07.2001 sent to Banks Association shows that the time given is 2006). Now, when we analyze these two determinations of BDDK,

1) The banks that do not have equities will not benefit the state support. In other words, the bosses of these banks first will put capital, then they will apply to the state. From this sentence, it can also be understood that there are banks in the system which lost their equities.

2) Banking Law Article 14/4 is applied for the majority of the banks transferred to the Fund until now. This article states "If the partners, who have the administration and control of a bank directly or indirectly, individually or jointly, use the bank's sources on behalf of themselves in a way to endanger the secure operation of the bank or..." In order to include a bank within the scope of this article, first, the credits given to the group companies should exceed the legal limits. How can the boss of a bank use the bank's sources for his own benefit? In other words, when does a limit-exceed occur?

There is only one way for the boss of a bank to use credits over the limit from the credit-cake of the bank: To force the channels abroad. The boss of the bank is performing this procedure by off-shore or by pledging the deposit of the bank in Türkiye to a bank abroad and getting a credit against this.

In the website of BDDK it is stated "a respite is given to the banks that have limit-exceeds", isn't this a confession that there are still banks in the system which would weaken the sources of the bank?

During the period of Zekeriya Temizel, BDDK was performing a criminal complaint to the prosecutors for the bosses of the banks who made the same transactions. BDDK, under the administration of Engin Akçakoca is telling that a new period is started by "giving a respite to the banks".

In other words, limit-exceed was interpreted as endangering the secure operation of the bank's resources seriously until yesterday. The new economy administration is now, according to its own determination, accepting that there are banks which use credits that exceed the limits and confessing the respite is given to these banks. These two different understandings created two different legal processes and two different public opinions. In the past, the group credit-exceeds for which there should be a fine were converted into a heavy crime such as "embezzlement". However, the tolerance extended to those today, who do the same transaction, is officialized by BDDK's statement.

Political authority decided to "reinforce" the banks by the transfer of billions dollars of sources.

* Will those banks which exceeded limits in group credits also benefit these supports?

* If not, why Kemal Derviş, State Minister who is responsible from the economy, did not support the proposal "state support should not be given to those banks that exceed the limits in group credits" while the law was being discussed at TBMM?

* Isn't it required to disclose the banks "that exceeded the group credit limits" in order to understand whether the state support is a rescue or a reinforcement for the banks?

* Will it be disclosed who transferred sources from off shore accounts to their own accounts?

* Isn't it required first to give such information so that Derviş's words "we will be fair" may be believable?



Unproductive utilization
Burhan Karaçam, who summarized the problem of Türkiye as faulty and unproductive utilization of the limited sources of the public, said "Currently, all the arrangements are being performed in order to discipline the utilizations of the public sources".

SABAH

19.1.2002

State was the cause of banking sector's troubles
Chairman of Koçbank, Karaçam, said "The responsible one for the crisis is not the banks but the faulty administration of the state"

Burhan Karaçam, the master of banking, stated that the troubles were caused by "faulty and unproductive utilization of limited sources of the public". Karaçam said "The duty losses of the public losses were remedied from our pockets. If there is embezzlement, this is where it really is".

Karaçam, the master of the banking sector, evaluated the crisis

It was the state who finished the banks
Burhan Karaçam, who stated that those who created the problems in banking sector and those who are obliged to solve it today are the same, said "the responsible one for the crisis is not the banking sector, it is the faulty administration"

The Chairman of Koçbank Board of Directors Burhan Karaçam stated that the state is responsible for the troubles that banking sector is facing today and he said "Those who created the problem are now trying to solve it"

Karaçam, who stated that high interest rates, which is one of the structural reasons that weakens the financial power of the banking sector, are the results of over-indebtedness of the public sector, reminded that a portion of this debt requirement was realized by the public banks and duty losses were caused.

Karaçam who said "The duty losses of the banks were remedied from our pockets. If there is "embezzlement" this is where it really is", continued "There is no difference between the public banks and private sector regarding the duty losses. The duty losses of the public banks were also remedied from our pockets. If there is "embezzlement" this is where it really is."

Burhan Karaçam, who organized a conversation meal related to i-CAN Film and Music Contest which they sponsored, could not avoid the questions regarding banking. Burhan Karaçam, who completed his 20th year in the sector and who is known as the master of banking, listed his evaluations and solution suggestions as he frequently did when he was the General Manager of Yapı Kredi Bankası:

THERE IS NO MORE EASY PROFIT

"The reason for the rise in the interests in 2000 - 2001 is the liquidity deficit of the public banks. These banks opened credits to public under control. They made the indebtedness of the public sector more attractive than the indebtedness of the market, in other words by increasing the interests. Since the hammer is held by the public sector, the banks could not say anything. Actually banking in a real sense was not being performed in those days, and what is obtained was easy profit. Those who created the problem and those who are obliged to solve it today are the same.

Of course there were other events which were more serious. When the banks were confiscated as if collecting the trays of the street peddlers, someone came to his senses and said “are we doing wrong?”. They said “according to this mindset, after these twenty-two banks were confiscated for these reasons, we will have to confiscate all the remaining banks also”. Upon this, they said **“now, let’s not confiscate the banks in trouble anymore, let’s give money to them so they can overcome their troubles”** and they enacted a special law. Following the enactment of the law, they decided to give quadrillions of money, which was the correct action, instead of confiscating the banks that need the money.

Then they saw that even the capitals given were not enough to correct the balance sheets of the banks, this time, they made a new legal arrangement and they reevaluated the participations, fixed assets and the real estates that the banks had purchased previously and used these assets to raise the figures in the assets of the banks and provided acceptable balance sheets. Of course if you are careful, you would see that these are only make-up operations performed on the papers in order to improve the balance sheets.

Making such arrangements, according to me, is correct for the economy of the country, but deprivation of the banks that were confiscated preciously from these applications is an inequality. Where is justice in this? Give money to one bank, let it operate, grow; confiscate the other and close it down, call its owner an embezzler, confiscate his property, moreover imprison him.

This subject was asked to the Prime Minister of the period Bülent Ecevit, by the journalist Sedat Ergin during an interview. When Sedat Ergin asked “Sir, by enacting this law, haven’t you put yourself in a position that you were unfair to the banks that you confiscated previously”, he received the answer “now, what’s done is done”.



Hürriyet

BANKS

* In the past, when the bank owners were losing their banks, now the state is helping the banks in similar situations; isn't this an inequality, an implementation that is far from being just?

This is the impression an observer might get. We also have the same hesitation. But if this precaution is not taken, I am thinking that the cost of the results that might arise will be heavier for the public, the society.

* Okay what will happen to those who lost their banks in the past?

Now, what's done is done.

If the Prime Minister of a country is giving such a response for a faulty implementation, then it creates a very hard situation for all the people and especially the people who have been victimized in that country.

It is not an ordinary man who is making this statement, but the prime minister of that country. Kill a man, then say “what’s done is done” and forget it. What can we do other than saying “God, give us patience”?

Double standard applications

The sensitivity shown to Esbank and Yaşarbank was correct but was not shown to everybody

An attitude that contradicts the law and double standard applications drive everybody crazy. Confiscation of banks, correct or wrong, is another subject, but, it is not possible to understand the differences in the behaviors related to the same events. When five banks were confiscated in 1999, embezzlement article 14/4 of the banking law was given as the legal base for four of the banks and damage article 14/3 was given for one of them. Let me explain two facts which might be an example for these different applications.

By mentioning the damage article, Yaşarbank was declared to be the one that was in the largest loss among the confiscated banks, and the one that caused the main lost for the state.

In this case if we ask why it was not accused of embezzlement and only the loss article was applied, the answer we would get is this: First of all, the person serving as the general manager at the time when that bank was in loss, in other words, when it was at the stage of sinking, was Gazi Erçel, who was the Chairman of the Central Bank during the stage of confiscation of the bank.

Accusation of the Chairman of Central Bank by embezzlement and his imprisonment, was not considered to be appropriate by the authorities at that time and it was decided "let's include this bank under another article".

The second reason was that the bank had a giant loss but the bank owner seemed to have a very small amount of debt to the bank. As a result, the owner of the bank which had the largest amount of loss among the five banks confiscated was not called an embezzler and the cases such as swindling, embezzlement that were filed against us were not filed against him. He was not imprisoned, confiscation and attachment procedures were not applied for all his property, but these were all applied for the other four banks. The injustice here is to beat one child while not beating the other. The best thing is to behave fairly to everyone, because beating one and protecting the other creates resentment. This is just like treating one as one's own child and the other as the step-child...

Again, Yavuz Zeytinoğlu, the owner of another bank, Esbank, which received a privileged treatment, was neither taken to Organized Crime Branch nor imprisoned nor was subjected to treatment that I and some other people received. It's good that he did not receive the treatment that we received, I was sincerely glad for this, but my objection was due to the fact that the treatment he received was right and the one we received was wrong. I just want to demonstrate the difference between the way we were treated.

I am in a prison ward and I see Yavuz Zeytinoğlu on television at chamber of commerce meetings or in various meals where ministers also attend, but when we look at the figures, the loss attributed to him (correct or incorrect, this is another subject) is twice as much as mine. Punishment and crime accusations are also same, but I am inside and he is out. It is claimed that the thing that protected Mr. Yavuz was that his deceased brother was a parliamentarian from Ecevit's party! I just want to demonstrate the concrete injustices.

In short, twenty-two banks were confiscated, some were imprisoned some were not. The banks of some were confiscated, and the banks of some were not confiscated. They even said “excuse-us” to the owners of some banks not confiscated and gave money to them, on top of all this. Moreover, a law was enacted, and balance-sheet make-up was enabled.

While the private bank owners all got their share of hard times one way or the other, the loss of the public banks was not considered as “embezzlement”. As if an ordinary item from the budget was being allocated for these... They called these losses as “duty loss” and just ignored them.

In other words, the billion dollars of loss in the state bank, which was more than the total loss of the private banks, was not even mentioned. What they did was not embezzlement, but if it was a private bank that was in loss, then the tactics of “hit him when he is down!” were applied, which were unfortunately, indications of illegality.

Neither the politicians nor the bureaucrats appointed by them were touched due to these losses that were formed in the public budget, and in a sense, the loss was paid by the public. The public was obliged to bear this loss for electing the wrong politicians. There is no other remedy in democracies anyway.

But while the innocent is punished together with the guilty, nobody hears the scream of the innocent and nobody questions if there is anyone among those declared as embezzlers, who is suffering an unfair treatment.

Somebody owning a bank, used the all money he collected from people for his own business as if it was his money, without even booking into the bank records. Not contenting with this, he bought four private planes, four yachts with his luxurious spending which rightfully caused the public’s reaction... But the person, who did not do any of these and who worked honestly in order to grow his bank and business, was also being evaluated

with the same criteria. The voice of the person screaming “I am suffering injustice, I am not an embezzler, they confiscated my bank for political reasons” was not heard by those people who have common sense.

The meaning of law and its value is only understood by people when they are deprived of it. When people suffer wrong, it is not important if this wrong is a small one or a big one. Let’s not forget how we react when somebody tries to get in front of us in a bread line or a ticket line.

One of the greatest faults is to remain silent regarding the injustices because one has a benefit or because the injustice does not concern him. When the power of the past period brought the country to the edge of ruin with its incompetence and corruptions and caused a crisis, they found the solution in telling the story “it’s these bankers, these embezzlers who caused all these and sucked your blood”, together with those who benefited from this story and by using the media.

Media, which knew this situation very well, and some columnists participated in this act, since this was pleasing the readers. A few columnists, who tried to write the realities in their articles, received reactions from the readers saying that “are you protecting the embezzlers?” and they were not able to examine the event in depth as required.

The real loss of the banks

***There is no such quantity of money
in our banking system***

Everybody, knowingly or unknowingly, is talking about bank embezzlement, but the reality is this: When the banks were confiscated, if these banks were to be closed down like İhlas Finans, if their winding up was realized by their owner or under the control of the state, their total loss would not exceed 18 billion dollars.

11 billion dollars of this figure belong to Mr. Uzan's and Mr. Karamahmet's banks and the remaining 6 – 7 billion dollars belong to the rest of the banks. Actually the state would have a few uncollected billion dollars from the people whom the state called embezzlers, since Karamahmet, Uzan and some other banks paid back the debts attributed to them either by consent or by attachment.

But if we look at the figures that are pronounced, first the loss amount was said to be 10 – 15 billion dollars; then 30 billions, then 40, then 70 and now 156 billion dollars are pronounced. There is no such amount of money present in the whole banking system of Türkiye, so how can this amount of money be embezzled?

The increase of this figure is probably provided by accruing high interests continuously to the money transferred by the Treasury to TMSF. If it continues like this, after ten years, this account total will possibly exceed the budget of the United States of America.

After the banks were confiscated by the previous BDDK administration, the loss caused by them to the banks during their administration exceeded the loss caused bank owners.

I hope that someday, it will be disclosed that how the actual loss at the time

of confiscation of these banks and the loss afterwards was caused and who caused them.

Did I take any money from the bank for myself?

Of course since nobody knows how large 1 million dollars or 10 million dollars is and how hard it is to bring this amount together, everybody is talking about billions of dollars. I do not know the others, but there is not a single dollar that were transferred to me from the bank.

They say only God gives without taking. TMSF administration is telling me today “you owe 370 million dollars to the bank”. When I say that I did not use such a credit for myself, that the money was used within the bank and that they were unfair to me, they rightfully say “it is not us who confiscated the bank, we are not interested in whether the previous government correctly confiscated the bank or not or what happened in the past, we are interested in the collection of this money”. While collecting this money, I would like to underline sincerely that they behaved constructively and they did everything possible in order not to close down the operating facilities.

how much of this money is composed of interests, how much of it is the credit used, where these credits were, how they came out of the bank, how they entered into my account, how and where I used this money are all recorded in the bank’s records. I do not know what the other bankers did but I am asking myself “so, assuming I have taken all this money, then where is it?”. Forget 370 millions, where is 50 millions or even 10 millions of dollars? **The answer is that I don’t have the money, which is also shown in the records of the bank, but all this money, which was used as credit, was put in Sümerbank. In other words, I did not have that money, it was in the confiscated bank.** Such figures occur when the bank was confiscated free of charge as if it had a zero dollar value, and when our hands were tied and the interests were accrued. While I was making my defense during the hearings I attended in the process of my judgment,

I always said “Please hang me if you prove that I transferred a single lira from the bank to my own account”.

The calculation method of the loss

Regarding the matter how it is claimed that the bank is in a loss, I can explain it like this: The bank is being confiscated. How much credit has the bank given until that day? Let's say it is 100 million dollars, they are saying “okay, so it is all embezzled money”. They are putting this entire amount into the bank's loss. If the capital of the bank is, let's say, 10 million dollars, they are deducting the capital from the loss and they are saying “here, the bank has a loss of 90 million dollars, there is no capital left, the loss has spread to the public's deposits”.

But if you apply this treatment to Akbank or if you apply this to the largest and strongest banks of the world, these banks too have to be confiscated on the same day.

For example, if a bank which has a capital of 1 billion dollars has given at least 3-4 billion dollars of credit and if one day someone comes and instructs “all of these credits are bad credits, book these into the loss account immediately”, then, on the day this action is performed, that bank gets to look as if it has gone bankrupt.

In fact, it is not correct to judge this loss, without finding the correct answers for the questions such as; were there warranties for these credits, how much of it would be able to be collected, how much of it would not be able to be collected, what other assets did the bank have, and without examining the future projections, profit expectations, the sales value of the bank.

What was done here was like the wolf saying “you muddied my water” in order to eat the sheep, and the sheep saying “I never went to the water-side in my whole life” and the wolf replying “then it was your

father who muddled it”. They were saying “whatever you do I will eat you anyway!”

Although the procedure performed seemed to be in compliance with the codes, it is not in compliance with the law and justice. Sometimes there are codes, but the code is not just since it is not in compliance with the law.

The stage of State Council during the legal process

When the bank was confiscated, we applied to the State Council in order to correct this mistake. While our file was being examined there, the lynch mob kept shouting our name and wanted to hang us, and our requests were not accepted. I believe the influence of the public opinion played a part in this.

Actually our only request was this: Based on the reports written by the public personnel, which confiscated our bank, after confiscation of the bank, it is claimed that “this bank sank, public’s money was lost by the loss encountered”. We said “We are declaring that these are not correct and we are claiming just the opposite”. Since both parties claimed opposite things, the purpose was the examination of the bank accounts by the experts to be appointed by the court and determination of the fact that whether the bank had sunk or not.

Of course if a bank has sunk and if the deposits of the public deposited in that bank are lost or if the owner has drawn the public’s money and used all of it in other places for his own benefit, then the state is required to confiscate that bank immediately and punish the responsible ones as ordered by the law.

But unfortunately, this request of ours for the determination of the financial state of the bank was not performed by the State Council and we were not able to prove that our bank was strong and get our rights and bank back.

But they say “if you are right, there are always solutions in law”. If we can pull ourselves together in future, maybe we can find ways to seek for a remedy in the country and abroad.

Being taken up by the police

Unpleasant memories we experienced at the Security Directorate

When we lost the bank, we thought it was the end of the world. It seems that it was only the beginning of what were about to suffer. The worst was yet to come. One evening, when I came out of my office at about ten o'clock, about 8 – 10 plainclothes policemen waiting in their cars surrounded me, they raised my hands and frisked me and told me that I was taken into custody. Actually I, my family and my employees were being followed for a long time. The same night, forty-fifty people, whoever they found, were taken into custody and we were collected at financial Branch Directorate at the Security Directorate.

Of course everybody was scared because we were collected at night as if we were the members of a secret terrorist organization. We were subjected to a treatment which the rustlers received and all sorts of behaviors which were contrary to human rights and not in compliance with the laws. But if, we, including me, were asked to come here on the phone, all these people, who had certain positions in society, would come here on their own will.

They kept me under custody for seven days. In these seven days; they asked me simple questions such as “what is this credit, what is that transaction”, which could all be asked within three or four hours in one day. I did not care much about my eyes being tied and being insulted during these questions. I also put up with my brothers being brought there and the other events, but actually the only event that broke my heart to pieces and

devastated me was that my old and sick father was also kept under custody for days just for a one page statement and that they handcuffed those hands, which were sacred for me, at that old age. My father, who was also an attorney, did not raise us so that we would receive such treatment. He always taught us to be honest, to live an honest life and to respect the rights of others.

There, I said “ My God, did we struggle all our lives until today in order to receive such insults”. After establishing factories, a bank and workplaces, which we considered as beneficial for our country, with all our modesty, one day, suddenly, we were subjected to claims of crime by the police in the country, to where we brought in foreign currency for 35 years by making export.

Honesty is a virtue which is hard to acquire later on in life. We had been honest and reputable for forty years... How can it be possible for us to, in one day, give this up and turn into a wild swindler. This makes no sense at all. They say man determines his own destiny, but I think sometimes the destiny cannot be controlled.

Now everyday we were on the headlines of the newspapers, we did not mind what they wrote about us. By the end of seven days, we were brought to State Security Court from the Security Directorate accompanied by a large crowd of media. After the interrogations, an arrest warrant was decided for me, perhaps because they thought that at least one person should be arrested since this event occupied the media for a long time. The other fifty people were released.

After this decision was later objected, arrest warrants were decided for eight more people including my brothers. Then they were all released, some at the stage of the first trial, some afterwards but I was not released. My two brothers did not have a partnership or any position in the bank... Their only crime was that their last names were Garipoğlu and that they



They also handcuffed my dear father, who is an attorney, at this age!

Güllüşah Zerrin Yılmaz, Fatma Süeda Kunt, Kamuran Beydoğan and Halil Sunalı, whose interrogations and other procedures were completed at İstanbul Financial Branch Directorate, were sent to State Security Court at 09.20 in handcuffs.

Arresting request for 11 people

Garipoğlu and the other 23 people who were taken for interrogation by the Republic prosecutors of the state Security Court Ercan Cengiz and Ahmet Ayvaz, were interrogated for the accusation of "embezzling the bank by forming a criminal organization" and then were transferred to 11th Vacation Court of the 6th State Security Court with the request of arrest. 13 people including Garipoğlu's father Kasım Garipoğlu were released by the office of the prosecutor.

52 million dollars were embezzled by an off-shore account

It is declared that Hayyam Garipoğlu, like the ex-owner of Egebank Murat Demirel, knew in advance that his bank was going to be confiscated and "he transferred 50 million dollars to his own account from off-shore accounts through shell companies.

Garipoğlu, who is claimed to have accepted the accusations regarding him during the seven days of interrogation at İstanbul Security Directorate, is also claimed to have said in his statements that "he knew in advance that the bank was going to be confiscated". According to the information received from the Security Directorate, Garipoğlu caused 52 million dollars of loss to Sümerbank.

"The customers coming to Sümerbank were directed to deposit their money in Etektifbank, which was established by Garipoğlu in Turkish Republic of Northern Cyprus and which was a shell company. The money of some citizens was also transferred here without notifying them. 52 million dollars collected this way at an off-shore account were transferred to Garipoğlu's account through shell companies.

Father - son before the prosecutor

Hayyam Garipoğlu and his father Kasım Garipoğlu (on the right) testified at Republic Prosecutor's Office at İstanbul State Security Court. While the father - son were being taken to the State Security Court in handcuffs, Hayyam Garipoğlu answered the questions of the journalists, that were directed to him, by saying, "I will speak later". It could be seen that Garipoğlu had not shaved and that he was tired.

EMBEZZLEMENT

Milliyet

All members of the family handcuffed

Hayyam Garipoğlu, his father and brother were brought before the prosecutor of the State Security Court in handcuffs. Among the interrogated suspects, the father Garipoğlu was released.

24 people including the ex-owner of Sümerbank Hayyam Garipoğlu, who is taken into custody with the claim of embezzling the bank, by forming an organization, of which the administration is transferred to Savings Deposits Insurance Fund, and his father and brother were brought before İstanbul State Security Court for interrogation.

Hayyam Garipoğlu, his father Kasım Garipoğlu, his brother Nizam Garipoğlu, ex-General Manager Metin Berk, Assistant General Manager Burhan Taştan, ex-General Manager of Etibank Murat Yüksel, ex-Member of the Board of Directors Cem Feridun Yeşil, Assistant General Manager of Bayındırbank Bülent Gökhan Günay and Mehmet Aktaş, Ali Aydın, Nadir Naseh, Razik Naseh, Abdullah Akbulut, İsmail Eyüp Erdoğmuş, Tuğrul Hüseyin Mataracı, Faruk Ünal, Eşref Erolur, Ahmet Yazgaç, Haluk Dayıoğlu, Ömür Gençoğlu,

were my brothers. They were imprisoned for one year just for this reason. My brother Mehmet Nida was in South Africa for a business trip when this event took place, he came from there and went directly into the prison.

We were imprisoned for the crime of forming a criminal organization, a gang, with my father who is 84 years old, my sister who is a medical doctor, the other members of my family, and my employees. Then in the court, it was understood that we did not form a criminal organization in order to commit crime and everybody was acquitted.

State Security Courts, being taken by the police, gendarme, discreditable behaviors... They were all suffered for nothing. There is no sanction for throwing mud and accusing without examining, inspecting, without concrete evidences, and then saying "sorry there was a mistake".

Since the preventing the liberties and damaging the honors of people do not mean much in our country, I and therefore they are not deemed important at all!

Prison life

The memories I remember with a smile

I was discharged after being imprisoned in the Kartal Prison for exactly seventeen months. Some days were a nightmare, some were not.

*Never mind my heart never mind
The bullet comes to an end by shooting
The jail sentence comes to an end by serving
The roads come to an end by traveling*

*Wild waves outside
Come and hit the walls
These sounds keep me busy
Never mind my heart never mind*

Sabahattin Ali

I liked this folk song before also, but I could never guess that my eyes would fill with tears each time I heard it under those circumstances. **My conscience was clean and I was in peace because I knew that I did not commit a crime, but a crime was committed against me. Those, who organized our imprisonment unfairly, were the ones who should be ashamed, who should have their conscious pricked.**

I was saying “these days will pass anyway”. I was remembering the Italian discoverer Galileo, or the deceased Prime Minister Adnan Menderes, who was hanged. I was saying to myself that, in those days, they also hanged him with the decision of the court, but today they are erecting monuments for him, constructing airports by his name, and I was comforting myself that anything could happen to a person in his lifetime. Our Prime Minister today, wasn’t he imprisoned just because he had recited a poem? I was going to say that every night has a morning and be patient until all these troubles were over.

I do not know the others, but a person learns to be more tolerant there. You start perceiving the events with a wider perspective. For example, I used to damn Mesut Yilmaz who caused all these, and I used to wish that he would also suffer what I had suffered. But during my days in prison, I began to think, “May God reform him and show him the correct way, let him not harm the others”.

After my arrest warrant at the court, the police took me to Kartal prison at night and delivered me there. I was a little bit excited and I was wondering what kind of a place I was taken to. First they took everything I had on me such as money, belt etc. Then they put me in a room where there were two gendarmes. The gendarme told me to undress, first I did not understand, then I undressed and stood with my underwear. When he said "Take those off too", I opposed but they made me take them off too. Then they asked me squat down and stand three times to control if I had hidden anything in my anus.

My God, from where to where?... I could never imagine the days that would be sent to jail and while going there, be examined in order to determine whether I was trying to take something in there by hiding it in my body...

I learnt that they take those who go in jail, first to a single cell. But it was so narrow and dirty that the gray bed sheets were almost black. That place still is in front of my eyes. The cell was so narrow that only one person could stand there, and there was a bunk bed and behind it, there was a toilet stone. When I saw a mouse coming out of it, I was scared not of the mouse, but its size.

They take those, who come for the first time, here so that they would come to their senses. I learned afterwards that if the prisoners do not comply with the discipline in their wards, they are brought here as punishment. The first time I entered the cell, I said to myself "If I am to stay here, I am finished" when the guardian harshly closed the iron door.

When the guardian went, I heard voices from the other cells such as "Welcome, may you get out of here soon". First I did not give a reply to these, then they started to shout and I decided not to reply at all. I kept remaining silent when I heard them speak among themselves as "they arrested an embezzler, maybe it is him".

In the morning, the guardians came and took me from this cell in the basement and put me in a ward with a banker who was arrested previously due to Egebank. This new place, which was the new ward that I was going to stay in, seemed like the Hilton to me after the cell.

The ceilings were high, there was a table and four chairs in the center and a small refrigerator left by somebody who stayed there before us, a covered toilet and shower hose connected to a tap there... But the best one was the door of the ward which was called “ventilation”... When you went out from that door there was a space of 5 meters long 5 meters wide, which was called the ventilation area. This place, which was surrounded by walls of seven meters high, was like a heaven for us, because it was the only place where we were able to see the sky. You understand that seeing the sky is a very valuable, desired and beautiful thing when you are not able to reach it.

After washing, sweeping and cleaning around a little bit, the first thing we did was to write to the management and request a television. In the prison, everything, from your requests to complaints, was operating on the system of petitions. We immediately requested, since each ward had the right to bring a small television, on condition that their cost is paid by the prisoners, but we were able to receive it after three weeks.

Everyday classic meals such as dried beans, chickpeas, kidney beans were given. While I was in prison, in the false news that we read in the newspapers, our ward was called “luxurious flamingo road”, inspired by American serials, and these false news claimed that embezzlers were served with delicious kebabs, and that we were in a luxurious environment. Such news evoked sadness in us and we thought, “if it’s so luxurious, please come and stay here and experience this luxury”.

Ward lamps were turned on or off by the switches outside the ward door, which were used only by the guardians and the lamps were on for twenty-four hours, I think, as a security measure.

Once a week, for about twenty minutes, we were able to see our relatives in the cabins, which were separated by glass, where there was no hand contact. Other than this, if a special permission was obtained from the prosecutor's office, again we were able to see our relatives behind this special glass, but this permission was rarely given. Anyway, what were you going to talk beside the guardians, with many cabins side by side... But still we were seeing our children and satisfying your longing.

I hope nobody has to experience such visits by their mother, father or children, which were performed with eyes full of tears. As a person, whose most precious beings in the world are his mother and father, it was unacceptable to see them looking at me with eyes full of tears in that environment. At such moments I was trying to control myself and raise their spirits, but when I returned to the ward, there were times when I would hide under the blanket and cry silently.

Also, it is hard to forget your friends who visit during your imprisonment. In the prison, Mr. Recep, who was a director that deserves many thanks, and his administration were in charge. Due to them, everybody's life was safe.

A guardian always accompanied us when we went out of our ward until we came back.

Ward doors were always under the control of security cameras and they were not opened unless there were at least two guardians on the corridor. If somebody was going to the doctor or the administration on the corridor, another ward door would not be opened until he entered into his ward.

Due to these measures taken in the wards along our corridor, nobody saw each other and talked to each other, although famous people such as Cavit Çağlar, Murat Demirel, Dinç Bilgin, Ali Balkaner stayed here.

However, during the holiday visits which were made open, everybody greeted each other in the small hall where fifty – hundred people were all together. Actually nobody had the intention of greeting. Everybody was trying to use this short time with their families. Moreover, everybody had signs of some trouble on their faces.

When you came out of the wards, there was a control point at the exit of the corridor while going to the visit cabins or the doctor. A gendarme soldier was waiting here beside a detector twenty-four hours and was controlling those who entered and came out of the wards.

Among us, whom they called embezzlers, only I had encountered a small event concerning security. One day my wife came for a visit and while I was going back to my ward I saw a crowd in front of the control point, however since my mind was on what we had talked with my wife, I came to that point with my mind engrossed in thoughts.

When I came to the control point, I had a strong slap on my face; actually nobody should be there, but I think they arranged one of the guardians for this. I did not give the chance for the second one and the guardians came in and took me to my ward.

I learned afterwards that, one of the prisoners, sentenced due to a murder, read in the newspapers how the embezzlers damaged the country and he was really angry with this, and he knew that we were staying there. He said to one of the guardians “coincide me with one of them when I get out of the ward so that I can beat him”. I was that lucky one. The man was sentenced because of a murder and he was afraid of nothing and didn’t care for anything since he would definitely be punished by imprisonment...



Milliyet.com.tr

They have beaten Hayyam Garipoğlu in the prison

The camera records of the event concerning the ex-owner of Sümerbank, Hayyam Garipoğlu, who is arrested in Kartal Special Type Indoor Prison due to Sümerbank case, being assaulted by a prisoner, were sent to the Ministry of Justice.

According to the information received, the cassette containing the record of the assault event of Hayyam Garipoğlu by the prisoner Kadir Kurt, whom he ran across on the the prison corridor , is submitted to the Ministry of Justice by Kartal Republic Prosecutors Office.

Meanwhile, the administrative interrogation opened by the administration of the prison related to assault of Garipoğlu continues.

Garipoğlu, who is staying at the left block A-7 ward of the prison, was assaulted by the prisoner Engin Kurt on the corridor 2 weeks ago when he was returning from the infirmary. During this assault Engin shouted at Garipoğlu as "You have eaten up Türkiye. You have sunk it."

I was lucky that he did not put a blade between his fingers, if he had attacked me like that it would be more dangerous.

If I also saw somebody in that environment, who had been shown as a traitor for years, I think I would also want to behave the same way, since I do not know the reasons behind the events and the inside story. For this reason I did not make a complaint about him. The administration and the prosecutor's office took my statement so that I would make a complaint about this person, but I said that it was only an accident and hustle and bustle and I passed over the matter lightly.

Forget complaining or demanding something, nothing came to my mind at that moment other than "My God, get me out of here as soon as possible, let me reunite with my family and liberty, even if I am naked all over."

In a verse written by our country poet Namık Kemal while he was in Famagusta jail, he describes that those who are not imprisoned will not understand the value of liberty.

*Be despondent in a foreign land and see
Be a prisoner and see the value of liberty*

We were able to buy yoghurt and garlic from the prison canteen. In the ward, we were squeezing the garlic and mixing it with yoghurt and eating this with my brothers thinking that "it has healing a nature and it is beneficial for health". When Cavit Çağlar was brought to the prison he was placed in the ward just across our ward.

When you rested your ear on the wall, you were able to hear the talking of the guardians on the corridor and the prisoners in the wards. Cavit Çağlar asked one of the guardians "My son, is the refectory close by?". The guardian said "No sir, it is far". When he said "But there is a smell of garlic",

the guardian said “Sir that smell comes from the ward across, from Garipoğlu’s ward”. Çağlar said “No son, the smell is continuous” and the guardian said “They are continuously eating garlic”.

One day, my and Dinç Bilgin’s trials at the State Security Court were on the same day. Our hands were tied with the same handcuffs and we were taken there and brought back with the prison car and between ten gendarmes. While we were returning in the car with our hands handcuffed, I can never forget the motivating words of Dinç Bilgin’s son, who tried to comfort him, one of the two biggest media emperors of Türkiye, while he was getting on the car and Dinç Bilgin’s eyes filling with tears, since it injured me deeply.

While going to and coming from the trials, my children were waiting the arrival of the prison car to the court house with excitement. While getting out of the car between the gendarmes with handcuffs on my hands, we were catching each other’s eyes and we were sending kisses to each other. We were going to each trial with the hope of being discharged, but when a decision for the continuity of the arrest was given, I was getting on the prison car again in order to return to the prison. There was a window on the upper section of the car with iron bars at the width of a hand, and when I looked out from there and saw my children crying, I was not able to hold myself.

At the most unexpected hours, at twelve in the midnight or at six in the morning, gendarmes would raid the wards frequently. At least ten gendarmes would come into the narrow ward, they would search everywhere. They were probably looking for mobile phones in our ward rather than weapons or cutting devices.

Although we told them that, since there was a punishment for having a mobile phone, even if there was a phone in our ward, we would give it to them, they were still frequently making these searches. During these searches

they were searching everywhere ; they were even dismantling the TV and looking inside it, taking out the toilet stone and look under it, they would divide the whole bread and see what was inside.

One of the things I did not understand in the prison was this: I don't know if it was a show or what, but when they were taking me to the trials, although my hands were handcuffed, they were giving eight gendarmes, tallest ones in the prison, to accompany me. There were cars at the front and back of the prison car.

While handcuffed like this and between so many gendarmes, they were holding us, the people who had seen the prison for the first time, by our arms on both sides while going to and coming from the trials, as if we were going to run away.

While waiting for the trial hour, they were keeping us at detention rooms of the courts. This is very hard in the beginning for people who are not accustomed to this, but then, as you go to the trials you start to accept this and your eyes are automatically directed to the detention room. What depressed me the most was, even my wife, who came to watch the trial and to see me, was not permitted by the gendarmes to approach me more than seven or eight meters based on the instructions that they had taken. She could not ask "how are you, are you fine?", and we were not able to speak a single word. We would only catch our eyes and say "damn it!".

When I was first imprisoned, my morale was fine. I was still keeping my goodwill and saying "we will defend ourselves in the first trial and the court will cancel our arrest right away". Although it is stated in our laws that "the trial of a person arrested shall be performed within one month", I was taken to the first trial seven months after being arrested.

To whom could I complain about this? It was horrible! You believe that you are unfairly imprisoned, you trust the judgment system and you say “justice will show itself in the first trial and I will be discharged” but you are not brought before the judge for seven months and you are helplessly waiting in the prison ward. In such a state, you really need your mental health and patience.

In the ward beside ours, Urfi Çetinkaya and Cemal Nayır and his men were staying. Just because of boredom, we would chat with them, we would speak by yelling to each other near the wall. One day, they took them to another ward and Mahmut Ceylan and his friends, who were arrested a short time ago, were brought in place of them.

After expressions such as “get over with this soon” and “don’t worry”, which give morale, we extended a hose through the concrete wall, in which there was a hole, and gave them hot tea. Since they did not have anything but water with them in the first days, they liked this tea served by the neighbor ward very much and they said “We will never forget this tea”. It was also very tragicomic that the tea could only be transferred from one embezzler to another embezzler by a hose.

There were five women staying in the ward across us. They were brought here after the riots at Ümraniye, Bayrampaşa prisons and they were among the forty-four leftist ladies who were fasting to death. Each morning and evening, they were singing their anthems all together at the same hour in a very disciplined way.

Water drainage of our ward’s ventilation was passing through theirs by a plastic pipe. After one-two weeks of our arrival, we started to talk to them through that pipe hole. When they asked us “what’s your crime?” we hesitated what to say. We decided to say “swindling”. They asked “where did you swindle” and again with a hesitation, we said “They say that we swindled the state”, upon this, they said “That’s fine, we love those who swindle the state”.

When we came, the guardians told us “don’t communicate with them. They have all been in prison for ten-fifteen years and they are dangerous”. For this reason, and also since we were new and inexperienced, when they asked our names, me and my brothers said that our names were Ömer, Adem and Mehmet , so that they would not know and understand that we were the embezzlers which the newspapers were writing about.

It was like this for a while, but now we were talking about various subjects everyday and we were passing time like this. They were educated girls who were continuously reading books and they had been in prison for eight to ten years. Although they were weak financially, due to their pride, they would not accept even simple things such as biscuits etc. that we brought from the canteen, when we offered these to them through the water pipe. Once, I heard when they were speaking among themselves that the family of one of girls sent forty million and she was telling this to her friends happily.

When the ex-mayor of Esentepe Municipality, Gürbüz Çapan, came to our ward, he immediately introduced us to the girls by saying “their names are not as they told you, these are the famous bank embezzlers”, and we all laughed together. We stayed in the same ward with Çapan for a year, and we established a good friendship.

Before he came to the ward, when the guardians came in the ward as a routine everyday,

in the morning and the evening in order to count us, we would promptly get up as if a commander had entered the room as in the military. Gürbüz was experienced, since he was imprisoned previously for being a leftist during the period of military revolution. We were getting up during the counting but he was continuing to read his book in his bed. First we also started not to get up, then behaved just like him afterwards.

By time, you get used to being in a prison. If not, how can those who are sentenced to ten-fifteen years stand this? It is not hard to be in prison, but it is hard to be there unfairly. What is hard and scary is not imprisonment, going into a jail for the first time scares people. After you go in, fear ends and you see that there is a lifestyle there with its own conditions specific to it, and you obligatorily comply with this and continue living.

High Criminal Courts

Respect for the judicial decision

Our case was heard at the State Security Court during one year, then the law was changed. They said “Criminal organization cases are not cases that concern the security of the state” and submitted our file to normal high criminal courts. After we tried for two years to express ourselves, our file and that there was no criminal fact in our case, the law changed again and our file was sent to a new high criminal court which was established to hear the cases related to banking.

We were punished, when we were trying to express ourselves once again. However, the court had requested during the process of the case, that our file to be sent to the expertise board selected by the court and also request it to be determined if there was any aspect of crime in the transactions realized or not. This requested report was issued by the experts in our favor stating that “there is no aspect of crime in the credit transactions that are the subject matter of the case.”

I respect the judicial decision, whether right or wrong. Otherwise, law and justice system would not settle in our country.

Is it a crime to use credit?

How I Was Accused

There are two aspects regarding the confiscation of my bank: First of all my bank was taken away from me, and everything I had, my factories, property, real estates, were sequestered in connection with this. The second aspect is that, they said to me, “you committed a crime” and criminal cases were opened and it was claimed that I had committed the crimes of swindling and embezzlement and I am decided to be imprisoned.

Okay then, how did I commit these crimes? According to the claims in my case file, I gave credits to some shell companies and collected this money afterwards and this way, I swindled the bank. The only documents in my file used against me as an evidence regarding this accusation are the reports of the inspectors and auditors which were written one-sidedly and were not objective, and which were written in accordance with the instructions of those who confiscated my bank. All of those people who have written these reports are employees of the complainant bank and institution.

In these reports, the laws were stretched in order to show the normal credits as if they were within the scope of the crime of embezzlement and crime complaints were submitted to the prosecutors of the State Security Court. These are reports which were written without examining whether the mentioned companies are shell companies or not, and which were written in order to form a basis for the confiscation action. **All these reports are accepted as the absolute reality. However, these reports were written by the personnel of the party who had confiscated my bank and filed a complaint against me. I claim that these are all lies.**

Upon my claims, the court sent the claims of both parties to an unbiased expert. The unbiased expert stated in his report, which he wrote



EXPERTISE REPORT

FILE NO : 2004/55 E
PLAINTIFF : P.L.
INTERVENERS : Sümerbank AŞ
Banking Regulation and
Supervising Agency 210 people

SUSPECTS: Hayyam Garipoğlu, Mehmet Nida Garipoğlu, Nizam Garipoğlu, Kasım Garipoğlu, Cengiz Biçer, Murat Yüksel, Bülent Gökhan Günay, Cem Feridun Yeşil, Osman Karabağ, Ali Aydın, Burhan Taştan, Ali Resul Ergeç, Ömer Caf, Yaşar Keçeli, Muhammet Çiğir, Tuğrul Hüseyin Mataradı, Hüseyin Çelik, Handan Güleç, Metin Berk, Fahri Bahçivanoğlu, Osman Yılmaz Buzcu, Filiz Sonat (Şafak), İsmail Eyüp Erdoğan, Güllüşah Zerrin Yılmaz, Fatma Süeda Kunt, Ali Alpdoğan, Faruk Ünal, Nimet Günay, Hüseyin Günay, Kamuran Beydoğan, Kıyasettin Yılmaz, Eşref Elolur, Abdullah Akbulut, Fatma Ebru Başer, Gazali Başer, Mehmet Aktaş, Yılmaz Oruçoğlu, Ahmet Şimşek, Şükrü Karahasanoğlu, İsmail Emen, Mehmet Faruk Keçeli, Orhan Aslıtürk, Server Faruk Karaokay,

Süleyman Çimen, Mahmut Saday, Mehmet Cingöz, Zeki Yeniceli, Erol Eren, Zeki Ünal, Cemil Naseh, Razık Naseh, Nadir Naseh

CRIME: To form an organization in order to commit a crime, to join this organization that is formed, to assist it knowingly, swindling and participation in this by the mediation of the bank, swindling and participation in this in order to provide the opening of a credit which should not be allocated. Contradiction to Banking Law no 4389 (embezzling the bank's money and participation in this)

CRIME DATE: Between 17.10.1995 - 22.12.1999

In compliance with the interlocutory judgment dated 27.05.2004 given by İstanbul 8th Criminal Court, the file no 2004/55 is examined by our expertise board.

I - THE DUTY GIVEN TO THE EXPERTISE BOARD

In compliance with the 12th article of the interlocutory judgment dated 27.05.2004, is the following has been requested from our expertise board: "To evaluate the claims and defenses, to determine the loss of the bank, to determine the quantity of the embezzlement, to determine whether a payment is effected by the suspects, if effected, when and how much it was effected, taking the actions of suspects into consideration and determining whether the acts of the suspects have a deceitful nature and if there is embezzlement, whether it was ordinary or through speculation..."



3 - Within the content of the events described above II (The summary of the case), B, 14 (partly) title 17, the claim that the suspects committed the crime of embezzlement (a.22/3 of the law 4389) by applying indirect crediting methods is not likely to happen, actually these methods were applied in order to overcome the limits that prevent the granting of credits to the group companies, these actions, if were to be given within the ordinary crediting procedure, only require an administrative fine (a.21/1 of law 4389), it would be appropriate to assess the realization of these indirectly, the same way,

4 - Within the content of the events described above II (The summary of the case), titles B, 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, the claim that the suspects committed the crime of swindling by applying back to back credits, off-shore banking, fiduciary transactions or other indirect crediting methods is not likely to happen, since the suspects who are in the administration of the bank cannot perform tricks and frauds against themselves due to the fact that they actually are the owner of the deposits in the bank and

they occupy the administrative positions of the bank, since the titles of the doer and victim can not be attributed to the same person, the aspects of the crime of swindling written in the article 504/1-3 in the matter that is the subject of inspection was not realized,

5 - Within the content of the events described above II (The summary of the case), titles B, 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 (partly), 15, 16, 18, the claim that the suspects committed the crime of breach of trust by applying back to back credits, off-shore banking, fiduciary transactions or other indirect crediting methods is not likely to happen, actually these methods were applied in order to overcome the limits that prevent the granting of credits to the group companies, these actions, if were to be given within the ordinary crediting procedure, only require an administrative fine (a.21/1 of law 4389), it would be appropriate to assess the realization of these indirectly, the same way

were concluded. This report prepared by us is submitted to you, the final decision belonging to your Esteemed Court which directly contacted the evidences. 08.11.2004

Expert
Mustafa LAZ
Bank Supervising Expert
Financial Consultant
Signature

Expert
Erdal ÇELİK
Retired Bank Manager
Signature

Expert
Dr. Ahmet Caner YENİDÜNYA
Marmara University, Faculty of Law
Crime and Criminal Procedures Law Branch
Lecturer
Signature

as a result of his inspections, that “no crime was committed”. But the court assumed the reports, which were written by the personnel of BDDK, which had filed a complaint against me, as correct and punished me.

As a result, the courts, and the judges are the only authorities that protect the justice in this country. I respect the judicial decision even if they sentence me to death. But we objected to the decision stating that this decision was wrong and it should be cancelled by the Supreme Court of Appeals and the correct action should be taken and acquittal decision should be given. I am still waiting for the result of this objection. I do not doubt that the result, as I deserve, will be acquittal but if a negative decision is given, I will say that this is my destiny and will give up due to my respect for the judgment.

Were there any shell companies?

Every company that I had relations with was considered to be a shell company

None of the companies that the bank had given credit to were shell companies. Shell companies are those companies which do not have any commercial activities, which are not registered in chambers of commerce and industry; which do not have balance sheets or which use fake balance sheets, fake documents and which do not have any personnel.

But all the companies that used credit from Sümerbank are companies that are completely registered, whose establishment procedures were completed and which were having commercial operations in the markets even when my Bank was not on the scene. Some of them are factories which realize the most efficient production activities in the country, regarding their respective fields .

The procedures required for these companies to complete while getting credits from the banks and the transactions which should be complied with by the bank while giving a credit to a company are: First of all, companies should make their credit applications to the bank branches, give balance sheets, and to sign the credit agreements; then their requests are sent to the general directorate of the bank, by the bank branch. After the analyzes are performed by the credit examination and allocation division, it comes before the department of assistantship of the general manager which is responsible from the credits, after obtaining the approval of that department, it is brought by the general manager before the board of directors and the credit approval procedures are completed with the approval signatures of the members of the board of directors.

Afterwards, I had commercial relations, debt-credit relations; joint factory establishments, import-export relations with all of these companies that got credits (there are thousands of credits given by the bank, but my business relations is limited by these few companies) and the credits they used were given as a debt to my companies where the factory owner with whom I established business relations with and the bank are also partners.

As a bank owner, it seems that it is prohibited for me to have commercial relations with and taking money from or giving money to my companies, my establishments and it is accepted that it is a crime of embezzlement and swindling when the companies using the credit give money to my companies. Actually, where and how it will use the credit it has taken, is the concern of the company, which fulfills the legal requirements and uses these credits. It is very natural for the companies, during their commercial lives, to give and to take money from each other with their own will. I has always been very natural and always will be.

Where is the money taken with the credit?

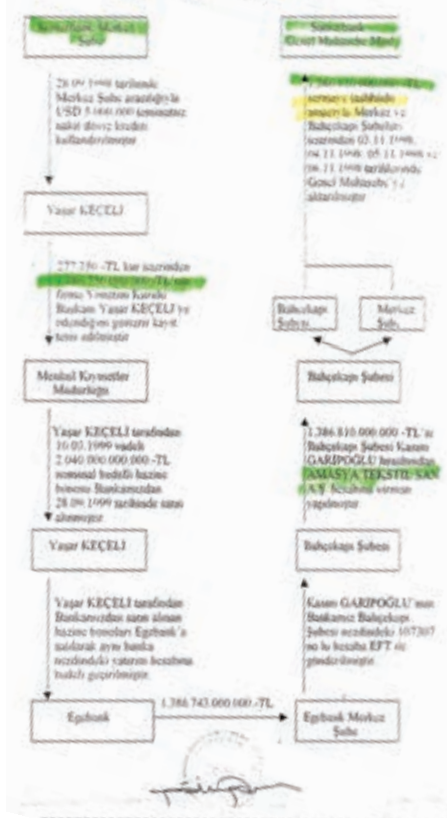
There is no money which went out of the bank

Okay, what did my companies do with this money that they had taken as a debt? This is the most important point regarding the event. All these credits we took, as can be seen in all the books of the bank and our companies, was paid back to the bank in order to be used in the capital increases and in the payment of the bank's remaining purchase value to the treasury. These facts are also written exactly like this in the auditor and inspector reports in which we are accused.

In other words, the all of the money that came out of the bank, went right back in the bank. I could have used this money that I had against the credit utilization, in purchasing a yacht, or establishing a factory or I could have transferred it to my account abroad. But no, I didn't do any of these. I returned the complete amount back to the bank and I reinforced the bank. If the person who is assumed to have swindled the bank, gives the money, which was transferred to his account, back to the bank, can we call this swindling?

If I had other means available, I would increase the capital and effect my treasury payments without getting debt from the companies with which I have commercial relations. However, it is not forbidden to get debt in business life and it is not a crime. Since my father did not have oil wells in Saudi Arabia, the growth and development could only be achieved by credits. I could also get credit from an institution abroad and increase the capital and pay the remaining debt of the bank this way. **Can we accuse a person who puts all the money he has into the bank, including his own money, credits and any money he received as a debt, and who hypothecates all his properties to his bank for his debts that will accrue, of having an intention to swindle the bank.**

**TELKA RABAK TEL KAPLAMA ENDÜSTRİ VE TİC. A.Ş. ÜZERİNDEN
KULLANDIRILAN KREDİLER**



THE CREDITS USED THROUGH TELKA RABAK TEL KAPLAMA ENDÜSTRİ VE TİC. AŞ.

Sümerbank Central Branch

On 28.09.1998, unsecured 5.000.000 USD cash foreign exchange credit was utilized through the central branch

Yaşar KEÇELİ

A record showing that 1.386.750.000.000-TL through an exchange rate of 277.350-TL was paid to Yaşar KEÇELİ, the Chairman of the Board of Directors, has been established.

Securities Directorate

Treasury bonds with a nominal value 2.040.000.000.000-TL, and with a term due 10.03.1999, are purchased by Yaşar KEÇELİ from our Bank on 28.09.1999

Yaşar KEÇELİ

The treasury bonds that were purchased by Yaşar KEÇELİ from our Bank were sold to Egebank and the sum was transferred to the investment account in the same bank.

Egebank

1.386.743.000.000-TL

Egebank Central Branch

It was sent by EFT to Kasım GARIPOĞLU's account no 107307 in our Bank's Bahçekapı branch

Bahçekapı Branch

1.386.810.000.000-TL is transferred to AMASYA TEKSTİL SAN AŞ.'s account from Kasım GARIPOĞLU's account in Bahçekapı Branch

Bahçekapı Branch

Bahçekapı Branch Central Branch

1.386.810.000.000-TL was transferred to General Accounting on 03.11.1998, 04.11.1998, 05.11.1998 and 06.11.1998 through the Central Branch and Bahçekapı Branch for the purpose of capital commitment

Sümerbank General Accounting Directorate

Forget the giant companies, even the governments borrow from the people of the country or from abroad and make investments such as establishing factories or constructing dams and they pay back their debts by the money which they earn from these investments. Is there any way in the whole world other than getting a credit, in order to do business, to accumulate capital, to make investment, to trade? The banks that come from abroad and purchase our banks are also realizing such purchases partly by the utilization of credits. All the entrepreneurs, until they have sufficient capital accumulation, will use cost-calculated credits so that they can get richer. Today, the country that uses the biggest loans and credits in the face of the earth is United States of America. **In this case, the commercial and legal transactions were made to look as if they were criminal transactions, as a result of great efforts.**

In 1995, the year in which I purchased the bank, we had already reached a state that we could establish more than one factory in a year. But we did not establish any factories after purchasing the bank until the confiscation of the bank. On the contrary, establishing a factory was what we were good at.

While purchasing the bank, our priority in the purchase was establishing more factories by obtaining reputation and credit facilities. Then, why didn't we establish those factories, which was a business that was our target and were good at? We could easily get the credit we needed for each plant that we were going to establish, from our own bank and establish the factory with this money.

Other than the projects that we were working on, there were many investment projects in our minds. We could not achieve them, even though we wanted to achieve them very much. Because, according to our laws, there was a limit determined by the law for the credit amount that a bank owner could use from his own bank and, by complying with this law, we did not use credits over our limits in order to establish a factory.

We were thinking first to bring the bank over a specific power level and grow it, then, to get credits from the bank in order to establish production plants. We did not want get any credits and establish any factories without growing the figures in the bank's assets, without increasing the profitability, since we knew that it would not be right if we took credit for even a single factory.

On the contrary, when we grew the bank to the level we targeted, we knew that if we would be able to establish even fifty factories at the same time, the bank would bear this and finance it. For this reason, we used the credits for the bank and within the bank, not for investment. We complied with the laws, we tried to comply with them but we received a treatment which was just the opposite of what we expected.

But I sometimes revolt and feel very sorry. If I had the brains that I have today and if I knew what I was going to go through, even if it was wrong, I would draw all the money down to the last lira. In other words, sometimes I think, if I had drawn at least 1 billion dollars from the available money, **I would establish thirty-forty factories with this and I would employ at least twenty thousand people in those plants and serve the country this way.**

Since I was going to be declared an embezzler anyway and lose everything I had; since nobody discriminated between the honest and the dishonest; and since there was no bank left, at least the plants I would have established would remain as my works, and I would serve the country.

Sheikh ul-Islam Yahya Efendi, in one of his verses, says;

For a long time you have been trying to acquire virtue and knowledge

Yahya, is there any desire for a man of wise?

Can credits be given to the groups?

Each bank uses its legal credit right on the condition that these credits do not contain any risk.

All the banks in Türkiye give credits to their subsidiaries and to the other establishments of the bank owner. Can there be anything more natural than this? A bank owner giving credit to the other companies which he doesn't know, will not give credit to his own factory from his own bank, how can this be?

Of course, if the group belonging to the bank owner needs money, the group will use the credit within the legal limits and will pay back when its need is over. Erol Sabancı, owner of Akbank, the largest private bank of the country, remarked in an interview that was published while the embezzler lynching mobs were screaming in the media: **“We haven’t given credit to our group companies since the last five years”. This means nothing but “we gave credits to our group companies for forty years, but now we are not giving them credit since they do not need it”.**

Even in the last banking law that was enacted this year, there is an article stating that the credits given to the group companies of the banks should be decreased gradually to some reasonable rates within some years. This means that, even this article, since there are no banks confiscated, was enacted **to decrease the high credit rates given by the existing banks to their own group companies.**

How much credit did I use?

I used credits within the legal limits

The total credits given by a bank having total assets of 2 billion dollars was 313 million dollars. This sum is 15% of the total assets. This figure included all the credits from the credit cards, to the credits given to the individuals, traders and industrialists.

The total of the credits in this sum, used by me and by the companies, which I have business relations with, is about 160 million dollars. This means, the amount of the credits I used was equal to 8% of the bank's assets. I put this money that I took as credit back into the bank, as I explained above. **I used various credits from the banks other than my bank for my companies and since it is registered in the records that all the credits that my companies used from the other banks, were brought to Sümerbank instead of being used for my personal businesses or for my investments, it is clear that my intention was not to swindle the bank but on the contrary, to grow it.**

I did not use the entire deposits that we collected in the bank as if it was my father's money, as they claim. If I had used all the money that we collected from public, as credit for myself, there would be no money in the bank's safe-box when it was confiscated. Isn't the existence of 1.5 billion dollars of cash money in the form of treasury bonds the best proof for the correctness of what I had told?

Moreover, it is also in the records of BDDK that when the public rushed to the banks in order to draw money on the day that they confiscated five banks, money was transferred to the other four banks from Sümerbank and the public's money was paid back.

When Sümerbank was confiscated, 600 million dollars were paid back to the public in the first three months. This was more than half of the total money in the deposits. Okay then where did this money come from? If there was not any money in the bank, did the state put money in the bank and effected these payments to the public? No, they were paid back by the money available in the bank.

Since the public's money was paid back by the money in the bank, then why was this bank confiscated? When we fell into the political arena, unfortunately we became the targets of intrigues that we couldn't even guess.

Sümerbank had deposited all the required reserves in the Central Bank. It paid back everybody who wanted to draw money from the bank. It fulfilled every commitment it made. It wasn't involved in any lawsuits with anybody. It was a growing, developing bank, but it was confiscated in one day...

One of the legal reasons of the confiscation was that it was assumed "the bank may not be able to fulfill its obligations in future". How can this reason make sense? Confiscate an airplane, which is flying normally, saying that "it might fall down in future", prevent it from flying, confiscate a ship which is sailing saying that "it might sink in future", prevent it from sailing...

A bank is confiscated if it does not fulfill the commitments stated above, and if it is really in a state that would prevent it from fulfilling these, or if there is an actual event of theft.

In the old days, people used to say, "one can do all kinds of things but one should always listen to his conscience".

I was going to sell the bank

***It was a mistake not to sell but how could I know
that it was going to be confiscated***

Even if a bank is to be confiscated, that bank should be warned in advance, shouldn't it? It should at least be warned beforehand, saying "You are not fulfilling such such such commitments, pull yourself together, if you can't, either find a partner or sell your bank to someone".

Six months before the confiscation of Sümerbank, I received an offer from a buyer who said to me, "would you sell your bank for 300 million dollars?". I refused that offer thinking that figure was not enough and also thinking that I would grow the bank in future and it would be worth billion dollars in future.

If confiscation of our bank was decided on, and if it was definite that they wouldn't allow me to perform banking even if for no specific reason, then we would obligatorily accept that too. At least, if we could sell our bank; this way I would get back the money which I put in the bank from my own pocket and the money that I had obtained through the credits and also this way our economy would not lose a giant enterprise, where thousands of people were working, since the bank would be operated by the buyers. It should not be forgotten that each enterprise, each company established is the property of the public. The person who is the owner is only a temporary trustee or guardian. The value added provided by these enterprises as long as they operate, is distributed to the whole economy and the public.

Just like how Dışbank and some other banks were sold for billion dollars, we should also be given the chance of selling the bank instead of closing it down. The determination of the sales price of a property is based various factors from timing to sales skills and the state of the buyer. Maybe we could sell our bank for 1 dollar or for 1 billion dollar. But our bank was taken from our hands for free.

The cost of the bank to me

We put all our possessions in the bank

I purchased the bank by paying to the state 115 million dollars as the price of royalty and purchase in the years when dollar brought 40 – 50% income. It cost me minimum 400 million dollars together with 50 million dollars of capital that I put in the bank and the interests and the other costs of these prices.

But the state took back, what it sold with money, as free of charge. Today I can not demand this receivable from anyone, even if I demand it, nobody listens to me. We do not have any right to object what is requested from us. Since we are living in a state governed by the rule of law, I also demand justice and my rights, but I don't know when I will find them.

One of the errors of the government of the previous period was the decision of closing down Emlakbank. Emlakbank was one of the oldest and largest banks of Türkiye. With a wrong decision, they closed down the bank in one day, which would have at least 1 billion dollars of royalty and market value. The state, by closing down the bank instead of selling it, lost this billion dollars and also a giant bank was removed out of our economy.

Unemployment of thousands of people was another issue. On the contrary, if Emlakbank had problem-credits and if its balance sheet was not good, these could have been taken aside, cleaned and then sold. When it was closed down, all these problems and credits were transferred to the state.

We were exporting to every country of the world and we were trying to market, and sell the products we produced. The companies abroad that produced and exported the same products faxed our pictures in the newspapers with handcuffs on, to our dealers and customers abroad and said “look, this company is a swindler and its owner is arrested with a jail

Garipoğlu'na 2017.5 yıl

Garipoğlu Allesi için istenen hapis cezaları

Hayyam Garipoğlu: 2017.5 yıl

Kasım Garipoğlu: 1847 yıl

Nizam Garipoğlu: 1847 yıl

Nida Garipoğlu: 1847 yıl

The letters sent by our competitors, related to our imprisonment, in order to get our export customers

FROM: PT. SENGUN KIRSH TULSA
EXCERPT FROM "HÜRRİYET" (POPULAR TURKISH DAILY NEWSPAPER) WWW.HURRIYET.COM.TR
DATE: JANUARY 24, 2001
ENDONESIA
"A RECORD BREAKING JAIL SENTENCE PROPOSAL FOR GARİPOĞLU" (OWNER OF AKMAYA YEAST COMPANY)

2017,5 YEARS FOR GARİPOĞLU

PROPOSED JAIL SENTENCE TOTALS FOR GARİPOĞLU FAMILY

HAYYAM GARİPOĞLU	:2017,5 YEARS
KASIM GARİPOĞLU	:1847 YEARS
NIZAM GARİPOĞLU	:1847 YEARS
NIDA GARİPOĞLU	:1847 YEARS (HE WAS THE CHAIRMAN OF AKMAYA RECENTLY)

PUBLIC PROSECUTORS OF THE ISTANBUL NATIONAL SECURITY COURT
FINALISE 3 MONTH LONG INVESTIGATION: RECORD JAIL SENTENCES
PROPOSED.
HAYYAM GARİPOĞLU WHO IS UNDER ARREST. FACES JAIL SENTENCE
OF UP TO 2017,5 YEARS BASED ON FOLLOWING CHARGES: ILLEGAL
GANG OPERATIONS, FRAUD AND EMBEZZLEMENT OF SÜNERBANK
FUNDS.

En

Please inform to us
ASAP. What will be happened
about your business and
us

sentence of two thousand years”, and made propaganda in order to get our markets and customers.

We were trying to reply these attacks from here, due to the prohibition imposed on me and all the members of my family who make business, prohibiting us to travel abroad since the day of confiscation of the bank since when six years have passed. It is not possible to describe the difficulty of realizing these without getting out of Türkiye due to the prohibition of traveling abroad which means confining the people in the country, who make business, make export, make investment, follow the technology, try to get market shares from the competitors in the other countries.

I perceive this state as a second punishment given by our law system to the people, who try to make business, an implementation which ignores the concept of trade in today’s world, which is changing and globalizing in order to become a single market. I think God is helping us, because although we have been disconnected from the world for six years; without following the fairs, technology, we are still able to find customers and make exports. Yes, we lost very much in these events but the actual loser was our country together with us.

The matter of Off-Shore

Other victims of the confiscation procedure

Since the day I purchased the bank in 1995 until mid 1998, we did not have any off-shore banks. In the banking sector where there is competition, generally all the other Turkish banks had sometimes one sometimes two off-shore banks. All the banks in the globalizing world had established off-shore banks which they were seeing as a requirement and which were connected to them, in the countries with the appropriate tax and law legislations.

We had to establish an off-shore bank against the pressuring demands that we received from both the branch managers and the bank customers. Because due to the differences in tax legislations applied in Türkiye to the banks in the country and abroad, if a customer depositing his money in the bank, had deposited his money to some other off-shore bank abroad, he would pay less money and would be able to receive a few more points of interest.

In order not to lose customers, we established an off-shore bank in Cyprus so that we could present this service too. If Sümerbank was seen in the establishment of the bank as the founder, then all the deposits there would also be under the guarantee of the state. However, during the foundation of the bank, its ownership was undertaken by my relatives .

If I had ill-will from the start, I would have registered this off-shore bank to Sümerbank so that I could have the state deal with the deposits collected, and then, draw back; so that when something happened to the bank, everybody would receive their money from the state and I wouldn't have any problems with anybody. But since the off-shore bank was not established on behalf of Sümerbank, it was not under the guarantee of the state.

About one hundred fifty depositors, having total receivables of 13 million dollars, suffered like me since they could not receive their money back. This sum of money that was collected at the off-shore bank was about one hundredth of the deposits collected in Sümerbank. All these depositors, with their own instructions and requests, deposited their money in the off-shore bank, through the mediation of Sümerbank branches, in order to get more interest and they received their account books.

Sümerbank and the off-shore bank, based on the contract that they had concluded, were working as interlocked. Off-shore bank's operations

were also automatically stopped when Sümerbank was confiscated, since the off-shore bank was giving the deposits it collected to the participations of Sümerbank and also it was using it in the credits in order to be used in the payments related to Sümerbank.

When a train and the wagons going on the rail are stopped, the off-shore bank, which was one of the wagons of the bank, also had to stop. However, all the depositors who preferred the off-shore bank were always able to draw their money and get their interest whenever they wanted, until the day of confiscation.

When the Sümerbank ship, which was safely sailing on the ocean was confiscated and sunk, the deposits of innocent people also sunk together with the bank. If a miracle happens and I can prove the injustice applied to me, and recover my loss, these people will also be saved from their loss together with me.

World bank's credit and an investment lost

In the last weeks prior to the confiscation of my bank, I took, after long efforts by going to America five-six times in one and a half year, a credit of 25 million dollars from IFC, which is a subsidiary of World Bank, with a term of eight years for a chemistry factory that we were going to establish.

After I was taken into custody due to Malki murder, this credit, which was approved by World Bank and which was ready for utilization, was also canceled. We could not establish a factory, but our country also lost by being deprived of an investment. How far can the arms of an unfair accusation reach...

Our work conditions are getting harder

Before our bank was confiscated, we were able to purchase all types of services and raw materials that we purchased with various terms, but after that date, and during six years including today, we have been obliged to purchase each raw material with advance payment. The sellers were rightfully saying “let’s play it safe, who knows maybe the whole family will be imprisoned again or the state might come and confiscate what they have”, and they were not giving the goods before receiving the payment.

Even under these conditions, we are trying to operate our plants and make export. Forget this, I haven’t been able to get a credit card from any bank since these last six years. The credit card, something which in the past my bank was saying to thousands of people “take a credit card from us also, use it”, and which the banks are trying to market on the streets, was not given to me by any bank because people think I am an embezzler. Even this event is a good indication of how hard we were trying to sustain our commercial activities and how we tried to make business.

A journalist friend of mine, to whom I told this, did not believe me and said “let me get you one with my bail”. I said “okay take it”, then when they heard my name they did not give it to him too, so he came to me and said “you were right”.

Since that day, there are attachments and precautions on all our personal accounts and company accounts due to the confiscation. It is very hard for an innocent person to face such things in his business life, which he spent trying to protect his reputation. With patience and without demoralizing, I never gave up thinking that all these will one day come to pass and that justice will prevail.

I never lost my belief that if a door closes another one opens. Soon, when our legal process is over, I have no suspicion that we will be at a

better position than our previous position. God give us health, and when we get rid of those shackles on our hands, feet, we will run more, we will work more and will compensate the years we lost by accomplishing more in less time.

Actually, money is not that important to me. The target of all my efforts and works had always been to make new investments and to open a new workplace. There is an abundant amount of bread and cakes for those who want to make business in a globalizing world which is turning into a single market.

There are so many things to do just if we can get rid of those struggles among ourselves within the country and open our eyes to the markets of the world. We usually think “if I don’t have it, he should not have it also”. In other words, not the idea of equality in wealth but equality in poverty is dominant.

Of course there are many social reasons for the formation of these ideas. Even in our old Turkish movies, the boss or the factory owner character is always bad, fat and treats the poor girl or the poor boy is unfairly. This also contributed to the formation of the hostile attitude against wealth in our brains since our childhood.

On the contrary, we should be a country, which loves the rich. And the rich should digest his richness and keep his modesty and try to be a reputable businessman. We should say “Wealth should exist in this country so that I can also get advantage out of it”. We should see those, who invest in their country, and who pay taxes, as heroes. A person, who had earned money in one way, may increase this by interests or various investment alternatives abroad in today’s world. But if he is not doing this and keeping his money in Türkiye whether by interest or investment, then, I think we should see this person as someone who wants to value, share his accumulations with us.

In 2000, I was arrested due to these events. I even established a factory from my ward in prison by giving instructions through letters. I am proud of myself for this decision. I had purchased the machinery of the factory beforehand and while I was in prison, they were ready abroad for shipment.

I could have taken them to another country abroad and assemble them there. I even established this factory at my aluminum plants in İzmit, which was confiscated and attached by the state.

A friend of mine, to whom I told this situation during a lunch, said “Now I can not believe this, you have to be really crazy to establish a factory, under these conditions with your last financial facilities, at a site that is being transferred to the state, which is already under the attachment of TMSF”. I said, “Come on, let’s go and we went to İzmit from İstanbul and I showed him the new factory which I was establishing.

I was imprisoned in October 2000 and I was discharged in April 2002, in other words, I had never seen the sky in the year 2001. The serial number, specifications and production date of the machine are written on the machines in a factory. When my friend was visiting the factory, he looked at the dates on the machines and saw 2001, the date on which I was in prison, he said “I raise my hat to you”. It was a good morale, but who cared...

I was a trader, industrialist and banker for 35 years and now I was an embezzler. I did not even buy myself a house to live in neither in my hometown Adana nor in İstanbul. I always lived in a rented house and I am also living in a rented house today . If I wanted, I could have bought a villa, manor house or waterside residence, but I do not attach importance to these.

I also did not have yachts, houses, manor houses abroad and do not have such things today either. I always tried to “buy one more machine” with the money I had in hand. But when I look at my state today, it seems to me that I had made a mistake. I think this is another indication of my lack of perspective, which I lacked since my first years in business up until today.

I stated before that the target behind my desire to purchase the bank was to grow the bank one day and make it a strong and debtless and to establish more and more factories, which is one subject we’re very good at and learned well through the years. I was thinking that I could pay my debt to this country, where I had the chance to become rich and live a comfortable life, only by working like this and by providing employment for more people. Petrol Ofisi tender pulled me, without my desire and interest, inside a whirlpool of politics, which I knew nothing about, and shattered me.

I tried to seek for my rights by going to Press Club program broadcasted on the Habertürk TV channel in order to explain myself to media and I tried to tell what I have gone through. I tried to explain myself at various channels in the media and even at the corruption research commission established at TBMM by saying “I am here as an entrepreneur crying for help and I am addressing the conscience of those with common sense”. But seeking for a right and achieving a result is very hard. Generally, I was comforted with the replies I received such as “You are right” or “what a pity for you”, but, unfortunately I could not find the solutions that would correct my state or remedy the error that had been done.

We could never explain it that we never had the intention of committing a crime. A man would not do something which he does not want to do. We had no such a desire and intention, we still do not.

At the end of thirty five years of my trade life, my economical state and ethical development was not suitable for swindling, embezzlement and committing crime. Anyway, if we had any intentions of committing a crime, we would make preparations prior to it. Those who steal the minaret, first



YARIN

ECONOMY

My business went downhill

Garipoğlu, who defended that confiscation of Sümerbank had hindered all his business, listed these as follows:

* I purchased a bank in Germany with 15 branches at that period. German Treasury conducted a research on me for 6 months. When I was arrested, they cancelled the sale.
* I could not purchase a corporation in Romania, which is similar to TUPRAŞ, due to this reason.

* World Bank did not give me 26 million dollars of credit.

KUTMAN THREATENED ME FOR POAŞ

Businessman who spoke to Corruption research Commission said 'I became the target of a political leader and his team. I was even threatened. My business turned upside down due to this reason.

Businessman Hayyam Garipoğlu said that he was threatened due to POAŞ tender. Businessman Garipoğlu, whose information was applied to by TBMM Corruption Research Commission, claimed "When I offered over 1 billion dollars in the POAŞ tender, I became the target of a political leader and his team".

According to the information given by Fahrettin Poyraz, Parliamentarian of AKP from Bilecik, while Garipoğlu replied the questions of the Commission, he accused the leader of a political party during that period.

POAŞ WAS SOLD CHEAP

Before entering the tender, Garipoğlu claimed that a relative of the mentioned political party leader talked to him and said that he threatened him as "Don't participate in the tender, they will not give it to you even if you win". Garipoğlu also claimed that POAŞ was not sold to the one who gave the highest offer, but to the third highest offer. Upon a question by the journalists as "whether the political party leader was Mesut Yılmaz or not", Poyraz replied "You know all these as well as me. I can not pronounce the name".

I AM THE REAL VICTIM

Garipoğlu said that he had purchased Sümerbank for 115 million dollars and he added to the capital of the bank, the 60 million dollars, which he had acquired from the sale of Marmara Biracılık. Garipoğlu stated that about 180 million dollars went out of his pocket upon transfer of the bank to the Fund, and he said 'I am the real victim here'.

Garipoğlu, who had defended that the real-estate assets of Sümerbank exceeded 100 million dollars, said "If I had any intention of embezzling the bank, first I could have sold these". Garipoğlu also asked the commission "A bank with so much assets, what price was it sold for after being transferred to the Fund? Don't you have to examine this?"

was it sold for after being transferred to the Fund? Don't you have to examine this?"

PRESENTED DOCUMENTS

Garipoğlu gave the Commission documents such as the reports that were prepared by the Financial Crimes Research Board and Banking Certified Auditors, court decisions, financial state of Sümerbank before and after the sale. Garipoğlu said "These documents demonstrate that I have no connection with illicit money".

THREAT CAME FROM KUTMAN

According to Hayyam Garipoğlu's statement, Mehmet Kutman threatened him by saying, "Don't participate in the tender, they will not give it to you even if you win". Kutman is a relative of the period's Prime Minister, Mesut Yılmaz. Again according to the statement, when Garipoğlu entered POAŞ tender, the price went up to 1 billion 60 million dollars from 570 million dollars. According to Garipoğlu, those who wanted to purchase POAŞ for cheap, collaborated with the government and punished him.

YENİ ŞAFAK 07 JUNE 2003 AGENDA Yılmaz's cousin threatened

Hayyam Garipoğlu claimed that he was punished by Mesut Yılmaz and his team due to the high price he had given in POAŞ tender and that Yılmaz's nephew Mehmet Kutman had threatened him.

Hayyam Garipoğlu, the ex-owner of Sümerbank, which was confiscated by the state, claimed that he was sunk by ex-president of ANAP, Mesut Yılmaz and his team, due to the fact that he had entered POAŞ tender and gave a high price. Garipoğlu said that Yılmaz's cousin Mehmet Kutman called him on the phone and said "Don't participate in this tender. Even if you win, we will not give it to you". Hayyam Garipoğlu, who had given information to TBMM Corruption Research Commission claimed that Mesut Yılmaz gave operation instructions for them because they had entered POAŞ tender. Garipoğlu said "We were a company in Türkiye that had a past, had a career in industry and that did not have any debt. When we entered POAŞ tender, we became the target of Yılmaz and his team. We were punished, because we gave a price of over 1 billion dollars in a tender which was planned to be sold for very cheap." Garipoğlu, who emphasized that confiscation of Sümerbank and POAŞ process is related, said "Both are in the same period", Garipoğlu, who stated that his name was associated with Malki tender and illicit money after POAŞ tender, said that the reports written by MASAK had acquitted him.

Presented a report to the commission

Commission members asked Hayyam Garipoğlu, how the deposits of the depositors were paid in Sümerbank. Garipoğlu said "We paid all the deposits. When Sümerbank was transferred, it had 1.5 billion dollars of treasury bonds, we also transferred those. When I sold Marmara Biracılık I also deposited that money".

The commission also asked 230 off-shore sufferers in Cyprus, who had total 16 million dollars of receivables, and Garipoğlu said "They suffered once, we suffered a thousand times". Garipoğlu also presented the commission, the reports and documents that he brought and beside the Banks Certified Auditors and MASAK reports, he also gave the commission a report which compared Sümerbank's state between the dates of confiscation and its transfer to BDDK and also the newspaper clippings about the process concerning him.

Poyraz: We are determining a target

TBMM Corruption Research Commission's secretary member Fahrettin Poyraz, AK Party Parliamentarian from Bilecik, replied the questions of the journalists. Poyraz said, after the completion of the current proceedings, "the interrogation of some matters" may be requested and some matters may be researched again. Poyraz said "We are determining what the targets will be. We don't claim that we will soon solve everything," and when he was asked if they were going to call Turgut Yılmaz, brother of Mesut Yılmaz, ex-president of ANAP, before the commission, he answered "there is no such thing on our agenda now".



GÜNEŞ

7 June 2003 Saturday

He reached out for POAŞ, his life fell apart

Hayyam Garipoğlu, who spoke to Corruption Commission, said "When I offered over 1 billion dollars in POAŞ tender, I became the target of the leader of a political party".

Ex-owner of Sümerbank Hayyam Garipoğlu gave striking information to TBMM Corruption Research Commission. Garipoğlu, who said that POAŞ tender had changed his life, claimed that before entering the tender, a relative of a political party leader talked to him and threatened him.

I am the victim

Garipoğlu, who said that this person told him "don't enter the tender, they will not give it to you even if you win", also said "POAŞ was sold to the owner of the third highest offer". Garipoğlu reminded that he had purchased Sümerbank for 115 million dollars and said, "When the bank was transferred to the Fund, 180 million dollars came out of my pocket."

I can not give names

After this meeting which was closed to the press, the spokesman of the commission Fahrettin Poyraz of AKP gave information to the journalists. When Poyraz was asked whether the political party leader whom Garipoğlu mentioned was Mesut Yılmaz, he replied as "You also know these. I can not pronounce any names".

An odd story

Ex-owner of Sümerbank Hayyam Garipoğlu, who was listened by Corruption Commission, gave information that would form agenda for the parliamentarians.

They took my bank from me because I had won the POAŞ tender

Ex-owner of Sümerbank Hayyam Garipoğlu, whose bank was confiscated after POAŞ tender, and who is sentenced in the case

concerning the Nasim Malki murder, gave surprise declarations in Assembly Corruption Research Commission. Hayyam Garipoğlu who spoke for the first time in Corruption Commission targeted directly ANAP's ex-president Mesut Yılmaz and his cousin Mehmet Kutman and he clearly pronounced their names and described what they did to him. Garipoğlu said "I gave the highest price for POAŞ. First, I became the target of a political party leader's team, then his nephew. On the date of the tender Mehmet Kutman came to me and said "We will not give you this tender, even if you win it". But I did not take these words seriously."

I could have embezzled if I wanted to

In his speech Garipoğlu said that he had purchased Sümerbank in 1995 from the Administration of Privatization for 115 million dollars and afterwards he had also put 60 million dollars in the bank, which came from the sale of Marmara Beer. Garipoğlu said "This way 180 million dollars came out of my pocket". Garipoğlu who told that Sümerbank had real estates worth 100 million dollars also said "If I wanted to embezzle the bank, would I put that 60 million dollars from my pocket, into the bank? Or wouldn't I sell the real estates which were worth 100 million dollars?"

Garipoğlu, who stated that he had given the highest price in POAŞ tender in 1998, emphasized that, although he had won POAŞ tender, Higher Board of Privatization did not announce him as the winner of the tender and he said "Meanwhile I went to USA in order to conclude an agreement with TEKEKO company. I wanted them to be my partners in POAŞ. The authorities there told me "the tender will not be given to you". I was shocked. Three days later, the news agencies announced that the tender was given to the consortium in the third place."

He had a grudge against me

Garipoğlu, who explained that after POAŞ, the procedures for confiscation of Sümerbank were started, said: "Mesut Yılmaz lost political power because of POAŞ and he started to nurse grudge against me. The confiscation procedure for Sümerbank was started for this reason. BDDK confiscated it without waiting for the report of Banks Certified Auditors. We had gone through many things. Depositors were also influenced and they started to draw their money. Currently, 230 people have 16 million dollars of receivables from Sümerbank. They are victims and so am I. Moreover the provisions for their money still exist today.

Garipoğlu made an explanation afterwards and said that the expression "those who wanted to purchase POAŞ for cheap punished him by using the government administrators of the period" does not belong to himself. Garipoğlu said "The correct expression is that sales price of POAŞ was increased which was an earning for the state".



STAR DERİN HABER

07 JUNE 2003

A serious accusation about Mesut Yılmaz

Assembly Corruption Commission listened to the businessman Hayyam Garipoğlu yesterday. Garipoğlu, who made shocking explanations, accused Mesut Yılmaz regarding many things including the POAŞ tender. Here are these explanations:

A serious accusation was directed by the businessman Hayyam Garipoğlu to ANAP's ex-president Mesut Yılmaz. Garipoğlu stated that the prices in POAŞ tender were increased due to his participation and he was punished due to this and he said "They gave the tender to Doğan Group who had given the third highest offer in the tender. The breaking point for me was POAŞ tender. Yılmaz and his party, who lost political power because of the POAŞ tender, took revenge from me." Garipoğlu also said that he was the real victim regarding the confiscation of his bank Sümerbank.

Breaking point for me

Assembly Corruption Research Commission listened to ex-owner of Sümerbank, businessman Hayyam Garipoğlu yesterday. Garipoğlu, while answering the questions of the commission members, accused the prime minister of the period Mesut Yılmaz due to POAŞ tender. Garipoğlu said "For me, the breaking point was the POAŞ tender. When I offered over 1 billion dollars, I became the target of this political party leader and his team". I was threatened

Garipoğlu said the following:

"Before entering the tender, the relative of Yılmaz, Mehmet Kutman called me. He said 'Don't enter the tender. Even if you do and win it, they will not give it to you. It will be given to Çörtük group' and threatened me. Çörtük Group was on the third rank and Doğuş Group was on the second rank in the tender. There was a difference of 10 million dollars between the offer of Doğuş Group and my offer and 60 million dollars between the offer of Çörtük Group and my offer.

American Company learned it

I went to America after getting the tender, I was going to have a partner. The authorities of Texaco told me "they will not give the tender to us". I was surprised at this, I told them that we had taken the tender and the Higher Board of Privatization was going to decide. But they insisted that it would not be awarded to us. After 3 days, we received the news from Reuters and we learned that the tender was given to Çörtük Group. Then Higher Board of Privatization did not approve this too. Then it was given to Doğan Group. The price of POAŞ was 570 million dollars. I participated in the tender, the price increased to 1 billion 60 million dollars. Those who wanted to buy POAŞ for cheap punished me by using the government administrators of the period. POAŞ was sold, not to the highest offer but to the owner of the third offer."

They took revenge this way

When a commission member asked the reason of this, Garipoğlu replied as follows:

"When this tender was not given to me, the media discussed this matter and various articles were written. Although the tender was transparent, a public opinion was formed. This situation caused Mesut Yılmaz and his party to lose power. They took the revenge of this from me this way. They gave a message to the public with this. Privatization was intensely being performed during that period. By doing this to me, they intimidated the prospective privatizations in the future. They wanted to show everybody that privatizations can not be performed unless by their will. And they achieved this. ANAP destroyed me. They did all these in order to destroy me."

It was Mesut Yılmaz, who finished me

Businessman Hayyam Garipoğlu also reminded the Prime Minister of the period Mesut Yılmaz's words "700 trillions changed hands in one night" which were said during the Türkbank's tender process, and he said the following:

"The Prime Minister of the period Mesut Yılmaz showed a non-existing money as if it existed, in order to accuse me. The total deposits during that period in Türkiye would not exceed 4.5 billion dollars, including those under the pillow.

This figure pronounced was equal to 14 billion dollars. This was claimed just to accuse me. It was the Prime Minister of the period who said this. Can a Prime Minister make such a large calculation error?"

If a Prime Minister speaks like this, would that bank survive? But still, all the deposits of the depositors were paid back. It was Mesut Yılmaz and his party who finished me. They did this to destroy me."

Sümerbank was confiscated unfairly

Hayyam Garipoğlu, who described the process of purchase and confiscation of Sümerbank, gave the following information: "I purchased Sümerbank for 115 million dollars. We also added 60 million dollars, which we acquired from the sale of Marmara Bıracılık, to the capital of the company. In order to confiscate a bank, first it is required to make inspections and examinations. These, first confiscated then inspected and issued reports. They made the required arrangements in order to sink the bank during that time.

I am the actual victim

Undersecretariat of Treasury wrote a letter regarding the confiscation of five banks, to the Minister responsible from Economy. The minister was Recep Onal. Sümerbank was not among those five banks.

The State Ministry returned that letter back to the Treasury. They took one bank out of that list and added my bank Sümerbank and re-sent it. They even did this. About 180 million dollars came out of my pocket upon the bank's transfer to the Fund. I am the actual victim in this event.

Inspect its sales price

The real-estate assets of Sümerbank were exceeding 100 million dollars. If I had any intentions of embezzling the bank, first I would sell these. What was the sales price of the bank with so much assets, after it was transferred to the Fund? You have to inspect this. The reason for transfer of Sümerbank to the Fund was given as the grievance of 230 people who had offshore deposits in the bank. The total receivables of these people was 16 million dollars. I was going to pay them if the bank was not confiscated. They suffered only once, I suffered a thousand times. It is very normal for the depositors to rush to the banks in order to draw their money, if a tradesman is imprisoned in Türkiye.

I was arrested, the sale was canceled

Garipoğlu who claimed that the confiscation of Sümerbank had ruined all his business, said that he had purchased a bank with 15 branches in Germany in that period, that German Treasury inspected him for six months, and this sale was canceled when he was arrested. Likewise, Garipoğlu also stated that he could not purchase an institute he purchased in Romania, similar to TÜPRAŞ, and also added that 26 million dollars of credit from World Bank was canceled.

I wanted to be pulled into a murder case

Garipoğlu stated that they wanted to pull him into the murder case of the businessman Nesim Malki, however, it was evidenced by the court decision that he had no connection. Garipoğlu also presented the commission, the Banks Certified Auditors and Financial Crimes Research Board (MASAK) reports that were prepared about him, the court decisions, a report which compared Sümerbank's state between the dates of confiscation and its transfer to BDDK. Garipoğlu defended that these documents demonstrated that "he had no relations with illicit money".

I will go to European Court of Human Rights

In his speech at the commission, Garipoğlu said "I haven't been fortunate regarding the legal aspects. I will go to European Court of Human Rights after we try all the domestic legal methods for all my cases, and I will seek remedy there." Fahrettin Poyraz who made explanations after the meeting said that, after the commission completes its proceedings, "the interrogation of some matters" may be requested and some matters may be researched again. Poyraz said "We are determining our targets. We don't claim that we will soon solve everything." and he stated that all the documents that were sent within the scope of the commission is under protection.

They forced the lock of the door

Poyraz, who said that the rumors that the doors of the commission were forced were not real, and who reminded that there is a security guard at the door, emphasized that, the door lock of the personal room of the chairman of the commission, Azmi Ateş from AKP, was forced a while ago. When he was asked by the journalists if they were going to call Turgut Yılmaz, brother of Mesut Yılmaz, ex-president of ANAP, he answered "there is no such thing on our agenda for now".

prepare the hole to hide it in. If we wanted to swindle and rob a bank that belonged to us, would we do the following simple and ordinary things, which I will list below?

1. If we were to rob the bank, we would rob it and when it was confiscated there would be no money left in the bank. Since the money at the level of billion dollars deposited by the public, was in the bank, this means we did not rob it and the money was still at its place. If the money was at its place, then what did we rob?

2. If we were to rob the bank, we would not hypothecate in favor of the bank, all our real-estates such as factories, lands, which we acquired before being a bank owner. If a bank owner is giving all his properties to his bank so that the bank will be stronger, you can not say “this bank owner will swindle his bank”. Because, a person with such an intention would not bring his property outside the bank and put it into the bank which he intends to embezzle.

3. If we were to rob the bank, we would not sell a beer factory, which we acquired before being a bank owner, for 52 million dollars and put this money into the bank which we intended to rob. Which robber would bring his belongings and leave them in a house that he intends to rob?

4. The person who will rob the bank does not spend money or make investments in order to grow and develop that bank. He would keep that money in the bank and try to pocket it without spending it for the bank. On the contrary, beside the hundreds of expenses that we made in order to grow the bank, our bank performed the opening of a bank branch in Romania even on the last day on which it was confiscated.

5. If a person, who will rob the bank, had purchased a bank abroad, would he purchase this on his own behalf or on behalf of the bank which he will rob? If I had established Romanian International Bank, which I

established in Romania, not on behalf of Sümerbank but on behalf of one of my relatives and on behalf of a foreign company, I would still have a bank there when Sümerbank was confiscated. But since I did not do this and I established that bank on behalf of Sümerbank, then, this means that I had no intentions of swindling Sümerbank.

6. When I purchased Türk Nippon Sigorta, which has branches all over Türkiye, would I purchase this on behalf of the bank which I am accused of intending to swindle or again on behalf of another company? Likewise, would I establish the leasing institute, which I established under the title Sümer Leasing, the factoring institute, which I established under the title Sümer Factoring, and Sümer Yatırım which made stock exchange transactions, on my own behalf or on behalf of Sümerbank, which I was going to swindle? Since I performed all of these on behalf of Sümerbank, isn't it clear that my purpose was not to swindle Sümerbank, but on the contrary, it was to reinforce and grow it.

7. Wouldn't a person, who has intentions of robbing the bank, sell the assets, real-assets worth of millions of dollars that are under the possession of the bank, when he first purchases the bank, by a very low price and take these out of the possession of the bank and transfer them to his companies or relatives? Isn't the fact that not even a single real-estate was sold until the day of confiscation of the bank, indicate that we had no intention of robbing the bank?

8. Since my father was a man of law, my brothers were economists and I was the chairman of the board of directors of the bank; wouldn't we all receive money from the bank under titles such as salary or consultancy charges during our whole bank ownership? On the contrary, none of us received any money from the bank under any title during all these years. Isn't this an indication that we had no intentions of swindling the bank?



Some of Sümerbank buildings. None of them are sold by me

9. If we had the intentions of robbing the bank, would we leave the money at our company accounts and deferred checks receivable at Sümerbank branches? All of this money was confiscated. For example, would we leave my father's personal savings of 1 million dollars at the time, deposited in the Ceyhan branch?

10. If I had the intentions of robbing the bank, nobody could say anything if I had purchased for the bank, 15 – 20 % of the shares of the factories that I owned for very high prices and then take that money corresponding to those shares, out of the bank and put it in my own pocket. My bank would have minority shares in my factories, which would not have any value, but the money would legally be transferred from the bank to my pocket or to the accounts of my companies. I did not do a single transaction like this, isn't this an indication that I had no intention of robbing the bank?

11. If I had the intention to rob the bank, would I establish the offshore bank on my own behalf or on behalf of Sümerbank? Since the offshore bank's establishment ownership was on my relatives, now I have to deal with the problems of the depositors, but on the contrary, if the ownership was transferred to Sümerbank, all the deposits of the public which were deposited in offshore would be guaranteed by the state's payment guarantee that is given to deposits and these were going to be paid by the state. Isn't this an indication that we did not have any ulterior motives?

12. If I had any intention to rob the bank, wouldn't I cause losses for the bank, from stock-exchange purchase-sale transaction instructions to foreign exchange rate tricks, interest tricks or from hedge transactions to future transactions, which are simple banking methods known by everybody, and provide benefit for myself. Isn't the fact that I did none of these, although I knew them all, an indication that my intention was not to swindle the bank but on the contrary to grow it?

I am telling you all these, but I also know that it is very hard to tell or describe them to someone who is not in this business. One thing I frequently hear from people related to the banks that were confiscated in the past is “they gave banking license to everyone who wanted to have one”.

I do not know how others received their banking licenses. It is not possible for me to know and also it is none of my business, but I know very well how I received my banking license.

First of all, I was seeing myself competent enough to perform banking in Türkiye according to my opinion. I had no criminal record. I was in no legal conflict with anyone. We were a family possessing factories, employing thousands of people and the most important of all, having reputation in the market and also in the banking community and not having a single lira debt to a bank.

Then, what was our shortcoming that would disqualify us to do banking? Bankers do not descend from the sky. I did not talk to any politician while purchasing the bank, actually I did not know anyone. When I was awarded the tender, the financial structure of my companies were examined for two months both by the Undersecretariat of Treasury and Ministry of Finance and the license required for performing banking was given.

Who won while we lost?

Actually, when the confiscations of the banks are examined, the fact that who benefited from these confiscations should also be considered. Together with this operation of confiscation of the banks, a specific capital group, a capital group that emerged from Anatolia which had a potential to grow, was destroyed in a sense. In other words, this operation was the operation of the major banks and large capitals, for destroying the minor capitals. Law was used as an instrument in the application of this operation.

These groups were behind all this fuss, and embezzlement accusations. For example, if today my bank was not confiscated, during these last six years, in which we were in prison and our hands and feet were tied, we would have achieved an economic growth similar to a snowball.

And with this power, we would get a share both from the institutes that the state was selling by privatization and also from various businesses in the country. We would participate in the tenders; or we would get the market share by competing or we would share the market. So, the groups that were efficient in the market now would be facing the competition of fifteen-twenty bank owners who were enterprising and were able to create something out of nothing. On the contrary, today all of them are trying to save their lives and struggling to survive.

Before confiscation of the banks, the fees for remittances, guarantee letter commissions or commissions taken by the banks in import-export transactions were much lower than those that are applied today, due to the efficiency of competition. But today, when compared to what they were previously, all these rates are at a very high level, which is bad for the customers but good for the banks. So, by this confiscation of the banks, the current banks were not only supported but also protected.

In the past, all the banks were giving the maximum interests they could to the customers after making the required calculations, but after the confiscations, the banks decreased the interest rates they gave to the depositors due to the elimination of competition. When 22 banks were closed down, all the deposits, customers of these banks and all the annual profits acquired by these banks were shared between the private banks which were not confiscated. It should not be forgotten that if someone is losing something, there is always the possibility that someone might benefit from this.

In Türkiye, it is proposed that “there are too many banks, let’s consolidate them and decrease their number”. In my opinion this is wrong. The more the number of banks, the more competition there would be, which is followed by productivity; a sector is formed and courageous people, who would break the chain and open towards the world, would emerge. Even if I hear such voices saying “You keep your banking ideas to yourself, if your opinions were correct, you would not sink your bank”, I think that these people have no fairness and I believe that it should not be forgotten that anyone might be in need of justice one day.

Maybe a small bank with a single branch established today may leave today’s largest bank behind after ten years, owing to its work and creativity. In today’s world, the successful companies which were established ten years ago are able to leave the global centennial giant companies behind. In the past, there were over seventy banks in our country, now it is about fifty. This is also considered as “too much”. On the contrary, there are three thousand banks in Germany, ten thousand banks in America, three thousand banks in Switzerland; but in undeveloped Algeria there are fourteen banks and there are nine banks in Ethiopia. Regarding those who say “there are too many banks, let’s decrease their number”, you decide yourself if we have shortage or overage, which countries we should try to be like and who wants this to be like this and why.

When the companies grow, they are obliged to be institutionalize, otherwise they can not be administered. Institutionalized companies are obliged to conduct each business in compliance with the laws and registers. For this reason you have to know who did what when and how, in order to say this director that banker this businessman is clean or those are dirty.

Just like those proverbs which claims that the bandit robs the rich, and the rich robs the public; when you look at such events from a vertex, you can see that the strong one gets away with what he wants in each period. The implementation of this fact in our lives, applies for all, from the

largest states to the individuals of families. In the countries where welfare and social structure is developed, the civilization is trying to bring rules and limits that would not let the powerful one use his power unfairly. Those, who had acquired power one way or another, should endeavor so that the society could live better and raise the life level and they should also try to avoid being intentionally unfair without forgetting that they are also mortals and they will leave this world someday. Hayyam's following verses is the ideal for those who pass all their lives in problems and stress thinking about property, wealth;

*Aren't you ashamed to turn your back to the justice
Forgetting the dos and don'ts and falling into a dirty pleasure
Let's say that this world is yours all over
What can you do other than leaving it*

For years, we paid taxes, paid insurance premiums, made exports, made production, created employment, but, except for a few respectable people in the business world, nobody, courageously, said "these things done are wrong, we should not lynch these people like this by extrajudicial execution, without discriminating the guilty from the innocent, without having a finalized judgment decision". They just said "I don't care as long as it does not involve me" and watched. Of course those, who had benefits out of these events, were very happy when these banks were confiscated.

Another reason for the media owners, who created the public opinion by their media, to keep this matter of embezzlement on the agenda for years was the war that was going on between them for the power and their wish to destroy each other. Media, which very well knew the realities and the truths of the events in the matters that are their concern, of course reflected this matter of embezzlement, in accordance with their calculations regarding the future and where their benefits may lay.

The weapon they used in this war was always these embezzlement claims. Especially Mehmet Emin Karamahmet, Cem Uzan, Dinç Bilgin, Erol Aksoy, the owners of newspapers and/or televisions, who both owned media and press, lost their banks, and partly their media, at the end of this war... While the elephants were running, unfortunately the horses having no relations with their fight were also smashed.

Examples of events that were or were not brought to the agenda

***If we were hanged at Taksim Square,
whose heart would get cold?***

Those who follow the agenda of the country, don't they know were and how the actual embezzlement was performed in this country during the previous government? Of course everybody watching the economy from the top knew this, but some events were brought to the agenda and some were not.

WEDNESDAY 19 DECEMBER 2001
INDICATOR - HURŞİT GÜNEŞ

Who became rich as a result of IMF's public banks operation?

Who became rich as a result of IMF's public banks operation? The problem of public banks was the dynamite of the November crisis, in other words, the precious program. It exploded and the program collapsed. Now the reform of these banks forms the most important leg of the new program.

Last Thursday, Vural Akışık, the Chairman of the Joint Board of Directors of Public Banks was our guest. We questioned him together with ex-banker İbrahim Betil. Akışık explained. We listened. Although Akışık was responsible from the period after the crisis, we could not get into the previous period due to time limitation. Akışık is focusing what they did during the last months on three points. The first, compensation of the loss accumulated until now by the Treasury through domestic debt bills; the second, providing liquidity from the Central Bank against these papers; and the third, decreasing the liquidity requirement by limiting the credits, and this way decreasing the cost in the resource structure and getting cheaper...

	15 December 1999	15 March 2000	13 December 2000	28 February 2001
Duty Loss	10,2 qn TL	10,0 qn TL	11,8 qn TL	13,5 qn TL
Loss interest diff (%)	47	79	85	333
Short-term borrowing	2,4 qn TL	6,4 qn TL	6,6 qn TL	13,5 qn TL

The table that we arranged from Akışık's figures clearly shows where the public banks stand:

1) Before the start of the old program, the duty losses of these banks were exceeding 10,2 quadrillion TL. Maybe IMF did not consider this due to the limited short-term borrowing. But it was a very big negligence that IMF was not interested in a loss of these dimension and started the program! Moreover, after southwest Asia crisis it was assumed that they had gotten their lesson regarding banking.

2) In March (which was exactly three months after), short-term borrowing increased and reached 6,4 quadrillions. In other words, while the risks were rising, Treasury and the Central Bank watched this and did nothing and so did the IMF.

3) The interest difference in the table shows the rate of the cost with which the public banks compensated the duty loss, to the cost of Treasury's borrowing. This difference increased throughout the program. This way, some people, who were selling money to public banks, earned money that was with a high interest, guaranteed and also liquid (overnight). Moreover, this lasted for months! Which banks were these?

We hope there are no banks today, which owe the strong capital they have today to this! Because, if the loss of 3,5 quadrillions that was created during two crisis (in other words, 5 billion dollars with the rate of exchange of that date) is paid to specific banks, this is beyond negligence. If the banks, which give debt to the treasury against bonds, sink, but those who give overnight money to its banks prosper, how can this be explained?

What happened during the November crisis? While the hot money was going out of the country, some banks had liquidity difficulties and while Central Bank (MB) was trying to provide this liquidity, IMF came into the scene and said "if you provide, I will not let you benefit the additional reserve facilities". As a result, the interests flew up to thousand percents, but after a while 10 billion dollars entered MB.

Afterwards, the tension in the markets continued, foreign currency demand was created in the first political crisis, and devaluation was unavoidable. However, IMF now wide-opened its doors to give liquidity to public banks (Of course, after the rate of exchange became floating). However, this loss which was monetized, caused the inflation and rate of exchange to rise.

If IMF gave 15 billion dollars to the public banks in November, would the rate of exchange and program be saved? This can be discussed. The operation that can not be performed when the rate of exchange was fixed was performed when it was floating. But the economy was injured seriously. Meanwhile, some (banks, those with large amounts of money) became more prosperous.

Briefly, it is very well known that the banks, which benefited from this chaotic environment, owe a lot to IMF. But who these banks are, is not known, .

If I have to give only two examples: Aren't those, who, for a long period of time, kept depositing quadrillions of money in the state banks in return for an interest rate above the market's reported interests and earned billions of dollars from this without any risk, known? The public administrators, who enabled these to earn such quantities, are also known...

Public banks were obliged to get money from some banks with high interests in the form of daily reports, instead of being funded from the treasury or the Central Bank for their losses that reached 12 – 13 quadrillions and this way it was provided that public will lose and some would earn. Then it was said "enough" and the losses of the public banks were compensated again from the public and an end was put to the transfer of resources which were performed to some people with these high interests.

Isn't it known, who took which large amounts of foreign currency the same day and sold it the next day with a profit of 100% when devaluation took place in 2001? But what is strange is that these are also included in the chorus that was yelling and calling us "embezzlers". While there were those, who continuously embezzle the treasury through legal methods by giving debt to the treasury, the accusation of embezzlement is directed only to those whose banks are confiscated.

On the contrary, those who are involved in this business know very well that all the credits in the banks were called as loss and the mentality which says "each loss is embezzling" is not just and conscientious and the same treatment was not applied to everyone. If the same way of thinking was applied to the existing banks, they should also be confiscated promptly.

If the government of the period improved the confiscated banks, and gave the required small amount of liquidity (I do not know the other banks but Sü'fmerbank did not need any liquidity or any other thing) by taking the required guarantees, none of the banks would sink, except for one bank

which was a special case. There would neither be a banking crisis, nor other factors and losses that were influenced by the banking.

Actually the first target of the confiscation was to hospitalize the sick bank and apply the required treatment and provide its survival. But the treatment applied in the hospital did not aim survival and the banks were closed down. These were all valuable establishments of the country which were established as a result of great efforts. It is hard to build something, but easy to destroy it.

They saw their mistake afterwards, and in order to prevent the sinking of the other banks, they did not confiscate the banks in the later applications, on the contrary, they gave capital to them. This money given that day saved those banks and helped them acquire a value that is worth billions of dollars. But it is obvious that this correct decision (if you look from the angle of the confiscated banks) was given too late.

Forget being interrogated or questioned, not even a single word was said to those who had taken these wrong decisions and caused such losses for the country, on the contrary, they were thanked. But the mentality “let’s not stop hitting the embezzlers” still continues.

Actually when those with wealth hostility, who thought “how could these men become so rich while I couldn’t”, and who could not overcome their jealousy, saw the bank owners lose everything they have and being sent to jail, they thought that this was their chance. With the provocations of those presumptuous ones who expressed their grudge in their articles, the claims of embezzlement were accepted by the public as if it was a judgment at law . Maybe if one or two of us were hanged at Sultanahmet or the Taksim Square with a nice ceremony, then all the problems of Türkiye would be over and maybe then, the hearts of such people would cool down.

The greatest damage caused by all this embezzlement fuss

As a result of these events, arrests, cases and insults to the bankers, the entrepreneurs of our country started to stay away from banking sector. This was the greatest and irremediable loss that our country encountered.

The banks are the most important institutes of all the communities where the people are living in comfortable conditions. Without banks, there would be neither development nor industry nor the service sector. Like the blood circulation, the heart or the brain in the body, bank activities are one of the main elements for a country on its way to prosperity. I think that the existence of local capital owners, even internationalized Turks among these banks, is required for the benefit of the country in the long term. It should not be forgotten that in the past the countries were invaded by cannon balls, guns, weapons. Now the countries are not invaded by these old methods; they are invaded by money, in other words by the banks which are called the “finance sector”. During a crisis period, the owner of a bank, if he is a Turk, might even say “everything is for the country” and back off from his bank, even his life, but a foreign bank acts only according to its financial benefits during a crisis.

Escape upon imprisonment decision

My lawyer called me while I was in my office on a normal business day, he said in astonishment “I can not believe it”, and told me that the trial was over that day and the decision given for me was given as twenty seven years of imprisonment and arrest. When I heard this, the astonishment and shock was transferred to me from him.

I had a hard time believing this. There was nothing for me to do but hang up the phone. On the contrary, I was expecting my discharge and hoping these days, which were like a nightmare, would be over with the court decree.

I would not accept it even if the whole world punished me for a single day, because I knew that I did not commit any crime. Since the judgment was independent, the only thing to do was to wait for the Supreme Court of Appeals to correct this wrong decision and to deliver justice.

I was accused of swindling the bank that I owned. On the contrary this was an unreal claim. If I could make someone believe the correctness of something by swearing, I would say “I swear to God it’s true that I did not swindle, I did not even think of it”. Would I do such a stupid thing such as stealing my own property, risking to lose my reputation while it was at its peak and to be stamped as a thief? I sincerely believe in our folk poet Dertli’s life philosophy, reflected in the following verses:

*Don’t lose your reputation for the worldly things
Who obtained what he desired from the destiny
Isn’t there death at the end of everything
A ruin would be enough to spend time*

Before anything else, I come from a family structure in which it is believed that ethical values are important and they should be protected. Forget the others, how could I look into the eyes of my mother, father, children and my wife if I had done what I was accused of?

Okay now what am I supposed to do? Either I was going to go and give myself in and go in prison or I was going to run away. How sad it was.. I came out of Ceyhan and became an industrialist, a nation-wide banker, then, thinking “why shouldn’t we also be a world-wide company, what don’t we have that those who are world-wide companies do have?”, I worked on giant projects and advanced on the way to become a global company; now, I suddenly I started to think jail.

Since a court decision was given, the correct thing was serve time in prison. But I decided not to go into the prison and to run away. The only reason for this was that I was thinking that being punished without committing crime would increase the dimensions of the unfair treatment performed against me.

Upon this decision, I immediately left my workplace, rode in my car and drove away from where I was. First I called my wife on the way, then my mother, my father, my brothers and told them about the imprisonment decision and my decision to run away. But since I did not forecast that such a punishment decision would be given, I did not have any preparations for any place where I could go.

Okay then, where I was going to go? Since I could not go to my relatives, which was the first place they would search, I should go to a friend. But who would accept and hide a person, who had received such an imprisonment punishment? In case I was caught, those who hid me would also be guilty for assisting and harboring my escape.

So, when people are in a difficult situation, they need friends, who could take risks for them, besides their family members. At that moment, I understood that it was not easy. Although I had many acquaintances, friends, would I take the risk of hiding in my house, a friend, who had been sentenced to prison? With this thought, I decided not to propose anything to anybody, whom I thought of calling at that moment.

While passing time in the car with these thoughts, first I went to a far-relative of my wife. When I started to tell the situation, I felt that I was received very coldly and I left that place without finishing my sentence.

I still can not forget my happiness when I hesitantly called two other acquaintances and heard them saying “come as soon as possible or

wherever you are, let us come and take you” . I will be grateful to them as long as I live.

But afterwards, I went to another place where I could stay alone in order not to cause any troubles for them. While driving the car, I was trying to hide my face so that nobody would identify me, and so that I would not be caught by the police. I was looking down as if I was looking at my legs, but still, I was feeling as if everybody, not only those who pass by, but also those coming from the other direction were also looking at me, and as if they were going to identify me and say “here, there is the fugitive”.

I have been here now for more than seven months and I am waiting for my file to be examined by the Supreme Court of Appeals. My morale is not bad since I know that I am right and innocent, and since I am sure that I will be acquitted at the end of this process. But, you can understand how hard it is for a person who is used to working even on Saturdays and Sundays all his life, passing twenty four hours in a room as if locked in a cage, only after you live through it,

Seeking remedy

One day, with the help of a friend, I went to a retired Chief Prosecutor of the State Security Court. When I told him my problems and the injustice I had encountered, I was expecting him to give an idea and show me the way. His reply to me was like this: “What was the fault of our thousands of citizens who performed their military service in the Southeast region, who were martyred or became handicapped at a very young age, forget injustice, they lost their lives. You will accept your fate just like them, by saying that this country is ours and for the sake of our country we might encounter certain injustice sometimes.”

If we think with according to this, of course, there is nothing that can be done. But I think that we should not perceive, accept every event with this mentality, and we should struggle in order to correct the injustices.

Once, my friend took me to a minister so that I would tell him my problems; the minister replied as follows after listening to me “Look, Hayyam, You look like a man who is an entrepreneur at heart. These things you tell were all left in the past and you’d better forget these. Nobody can bring yesterday back, so, you will try again and will achieve the same by time.”

What he said was correct, I was not able to convey the injustices I had encountered, no matter how hard I tried. But of course the minister could not know that starting all over again would not be easy, that it would take years and would be very hard.

They say “There are lies in too much talking, there is illegality in too much earning”. Really, it is very hard to achieve something in a very short time without doing a business that is a monopoly which everyone can not do, or a profitable business that is benefiting from the public resources or winning money from the lottery.

Four-five months ago, 9th President Sü'fcleyman Demirel reacted as “This is seizure, this is illegality” when the properties of his brother were confiscated due to the Egebank event. However, the same procedures had been applied to other bank owners previously. He also showed a reaction at that time, although not this clear, and said that everyone is innocent before the finalization of the judgment decision, which was one of the basic principles of law.

If he could see that the decisions of confiscation of banks, which were signed by him during his presidency, were going to cause so much injustice and loss to the economy of the country due to the application

method of confiscation procedures, I am sure he would not sign those decisions and would look for a more constructive solution. Afterwards, using the “Demirel” surname connection in Egebank which was confiscated, a basis required to prevent Süleyman Demirel’s political attempts were created.

This way, I think with this confiscation event, he was tried to be blocked politically and this event was planned in advance. The first day I came out of the prison, Süleyman Demirel called me, and told me his good wishes and gave me morale. Likewise, he also called the other bankers who got out of the prison at different times and provided morale and support, saying “Look, don’t be offended by yourself or the state, anything can happen to people in life, be strong, everything will come to pass in time”.

No matter how hard I try, I was not able to convey sufficiently the core of the problems we had, and this was due to non-discrimination of guilty from the innocent and the right from the unrighteous. The innocent shouldn’t be punished together with the guilty. If someone committed the crime of rape, of course it is required to punish him as ordered by the law. But accusing an innocent person saying that he is also a rapist and punishing him with the same punishment is wrong, illegal and not just and such an application should not be performed in a democratic country. Such events should also not take place also in our country. Unfortunately, we were subject to this treatment and we haven’t been able to explain our problems to anyone for years.

God, don’t give anyone a problem which does not have remedy and don’t give anyone a problem which can not be conveyed to anyone. Both are impossible to get rid of and both make you depressed. I find the consolation again in the verses of those great men, our poets. Tokatizade Şekip Bey cited the following verses for Lokman Hekim, who, according to our belief, remedies all the sicknesses, problems with the herbs he gives:

*I saw many ignorant scientists
I saw everybody moaning for something
I saw Lokman crying one day
He was helpless for his cureless illness*

Even if Lokman Hekim could not find a cure for his illness, we say, it is not surprising that we could not find a cure either and we are grateful for our state.

Discriminating the innocent from the guilty

Of course it should not be misunderstood; were all the banks that were confiscated clean, like a white spoon out of milk? They may not be. Among them, due to these events we also saw afterwards, those which used the money collected from the public, without even entering them into their records, in a way which was never done in the whole world.

Now, if such a person is to be called “embezzler”, I would also share this opinion. If I was an authority, I would apply whatever the law ordered for those people who ruined the economic system. I am sure these people are also sorry today.

But first, I would make discriminate the guilty from the innocent. If you hang someone else instead of the person who should be hanged, then this is the point where the real crime is committed. When the wrong applications of these people were exposed after their banks were confiscated, the public started to think as if all the bankers were like these and were embezzling the public’s money this way; so they started to treat each banker the same way and hated them.

Because of those who misbehaved and made wrong, those who behaved right also received a bad treatment and you can never guess how sad it is unless you suffer it yourself.

By the way, one day when I was in prison, I saw in a newspaper belonging to these people, who use the money without even entering into the records, that my name was on the headlines as “Cannibal Hayyam” (as if I was eating, embezzling the public’s money like a cannibal). While lynching us, they did not think that the law will be needed by everybody. They used the journalists, who accumulated personal grudge and anger, like a weapon and they barked for us to be sent to prison.

God does not have a stick to hit promptly. But as time goes by, while they were accusing us unfairly, they were also subjected to wrong and faulty procedures and they suffered as a family. Sometimes, the ones who shout the most, the ones who talk about honesty the most are those who have the most faults.

They say “Every man is the architect of his own fate”, for this reason, here, I am only trying to examine my own bank, which I know. Among the other banks, there may be those which were also accused unfairly too. There may be those who got into trouble during the economic crisis and as a result of the state of that day, as well as those who embezzled. The important thing is to make discriminate between the one who had broken the jug and the one who had not, and to determine the one who had committed a crime and the one who had not.

Those who got money from their banks and used it for their businesses, were those who had the means of closing their debts by selling their companies such as cell phone companies which are profitable and can be sold easily to the ready customers. The mentioned figures are really high amounts. It is not easy to start from scratch and to accumulate all these.

If a person works for a salary and saves money, he would finally have a house and a car maybe. If he trades and let’s say, if he is successful, he would earn 1 million dollars and if he is very successful he would earn 10 million dollars. But how many people can earn 100 million dollars or more

in his life? If a bank owner had embezzled this amount of money, then why are 10 years required for them to pay it back, why don't they bring it immediately and pay back? Because it is known that such an amount of embezzlement was not performed, except for by a few banks, which were exceptions.

If you have a bank, and if there is also economic stability, you may earn large amounts of money with the money circulating in the bank. But, you can not pay the debt of a factory immediately with the earning of a small store. You can not also pay hundreds of million dollars of bank debt immediately with the earning of a factory. It is like sinking Titanic and telling a boat to carry the entire load, of course this is not possible. But, the debts of many factories can be paid with the earning of a bank.

Reason of embezzlement

There should be a beneficial result for every action. A person killing someone for revenge, fulfills his desire, a person stealing a car becomes the owner of a car, a person getting education in a school receives a diploma. If I, as I am accused of, had embezzled my bank, then, as a result of this I should have obtained a benefit which would cause me to perform this action.

Since an action can not be performed without a reason, in order to embezzle the bank, I should have drawn the public's money deposited in my bank and sent it somewhere else to my own account or the account of a relative of mine.

What is more important is, as a result of this action I should have been at a state that is better than the previous one. I should have reached a level that is richer than my previous level, otherwise, I should be the most stupid person in the world. I commit the crime of swindling, which is an

infamous crime, and I take the risk of imprisonment as a result of this, but at the end I do not acquire any benefit for myself. Moreover, I lose all my property which we possessed as a family as a result of great struggles in thirty five years.

When you look from this point of view, we can summarize the situation as follows:

I had high life standards and was at the top. I had sixteen factories which did not own a single lira to anybody. I was employing five thousand employees in these plants. In addition, I was the owner of Sü'fcmrbank, which employed two thousand employees in its eighty nine branches and which had total 2 billion dollars of asset value. I was the owner of a bank in Romania which had eleven branches, and a leasing company, factoring company, stock exchange investment and insurance companies.

What did I have left on the day that they confiscated my bank? My bank in Türkiye was gone. My insurance company was gone. My finance institutes such as leasing, factoring and investment companies were gone. In other words, they were all confiscated. Antalya port which belonged to our group was confiscated. All other factories, title-deeds and all the machinery and equipment at the factories were confiscated. All the money, lands, real-estates in the banks, belonging to all the family members were seized and confiscated.

As if losing these were not enough, they said to us, “you took credit from the bank and you owe 370 million dollars together with the interests and expenses.”. Besides these, an imprisonment of twenty seven years was decided.

Okay, was I crazy to fall into a state where I lost my everything, while I was living like a king? I should have earned more than what I had lost in

order to take such a great risk of having all these troubles; so that I would dare to perform these dangerous and non-ethical works.

Is there a single person reading this book, who would perform a non-ethical work, which would cause him to lose all his wealth (including a bank) without any benefit, without earning any increase in his wealth and without putting a single lira in his pocket! This means there is something wrong here. Either I am lying or what was done to me was wrong.

On December 21st, 1999, you are a reputable banker. One day later, on December 22nd 1999, all your property is taken away from you, your name is labeled in the media as an embezzler, in other words, a thief, throughout the whole country. As if this was not enough, you get an imprisonment sentence of twenty seven years. Okay then, under these conditions, why would a person prefer to embezzle?

There is only one thing that can be said here: "Okay, you lost all these things you said, you even took the risk of being imprisoned; that reputation which is hard to acquire but easy to lose was not also important for you, you drew and embezzled the money deposited by the public in your bank anyway, and this money is more than enough for you". Yes, if correct, it is the only possibility that might seem logical.

Actually, if you are a person accepted as reputable by each level of the society, while you own such industrial plants, and while you have banks that earn or will earn money, would you give up all these and settle for a certain amount of money? How much sense this makes and who would prefer this, I really don't know.

Everybody knows that the money earned after acquiring money over a certain amount is nothing but increasing the zeros in the bank accounts.

But the actual question should be this: If a person who is accused of embezzling, did not take a single lira from the deposits of the public in the bank, for his personal utilization, then what should we do? Yes, what you just read is exactly true, I did not steal a single lira from the public, in other words, I did not take a single lira from my bank for my own pocket or business, but I have been struggling with this disaster since many years. But unfortunately, I can not overcome and solve it. I can not even succeed in explaining myself to anyone and finding a solution. Because everybody says “these were all in the past” and even if they believe that we are right, forget giving any decree, they even hold back from starting an investigation, with the concern that they might have to undertake responsibilities in the future”.

But still, I believe that one day, the divine justice will reveal but I hope that it will not take long and this misery will end soon.

One day, a man shot his enemy and ran away. When the police came, one of the men on the crime scene said that he killed the man, even though he did not. In the police station, they asked him the reason and beat him, then he was arrested and imprisoned.

The trial was heard and he was sentenced to death. Meanwhile, the real killer was following up the trials just because of his curiosity. He was wondering why that man was saying that he was the killer and also he could not understand why he was putting the blame on himself.

Finally, on the date of execution, they took the man to the gallows and pulled the chair underneath him. While the blood, saliva and bubbles were coming out of his mouth, the real killer could not stand this, he jumped to the gallows and cut the rope with the knife in his hand and saved the man from death. When those present there asked “what are you doing”, he said that he was the real killer and the guilty one.

When they asked the man lying on the floor why he did like this for years his answer was as follows: For years, I was grown up being imposed that divine justice would reveal one day. One day, I wondered if this was true, and I wanted to test it. For proof, I claimed that I committed a crime, which I hadn't committed; upon this they said "see, it was correct, divine justice revealed and you narrowly escaped death". He answered as follows: "Yes that is correct, but what do I do with that divine justice which revealed after I was beaten for years, imprisoned and after blood flushed out of my mouth and nose?"

Our situation resembles the situation of this man very much, but I hope it will not take long.

I hope you will tolerate me for keeping you busy with my own troubles. I wish good health and happiness to you all.

1954	The birth of Hayyam Garipoğlu
1971	Beginning of commercial life
1975-1995	Establishing factories (cotton gin, flour, semolina, yarn, yeast, chemistry etc.)
1995	Meeting Nesim Malki Sümerbank's purchase Malki's death
1998	Participation in POAŞ tender Accusation with Malki murder Accusation of rigging Türkbank tender and organization of a gang Accusation of illicit money
1999	Confiscation of Sümerbank
2000-2002	Prison life
2005	Arrest decision



İlker Sarier, a journalist of Sabah Newspaper, once, very truly, said in his column; "Where is the place that you go when you suffer a wrong? It is the Justice! Where do you run to if you also suffer a wrong there? To the press... But what if the press is also taking orders from the state, what will happen then? If the journalist, who is assumed to be a hero, is also serving the orders of the state, then it means that you are in deep trouble."

In addition to these alternatives, maybe it is also possible, just like I did, to "write one's memories in a book and try to comfort oneself".

I hope those who read this book will approach some events skeptically from now on and will not perform an extrajudicial execution for each person accused.

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