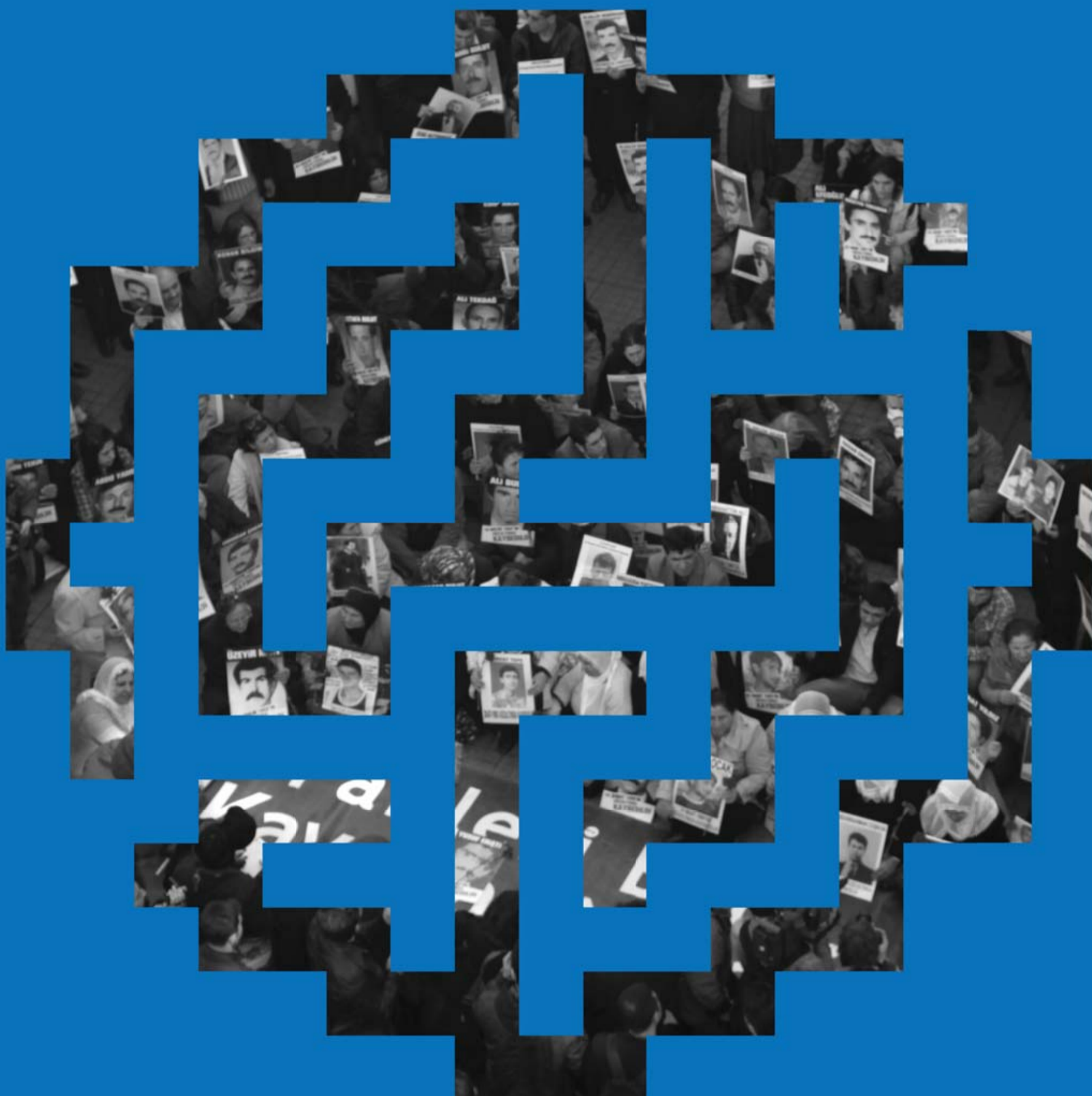


TRUTH JUSTICE MEMORY CENTER

ACTIVITY REPORT
2015 – 2016



WHO WE ARE

The Truth Justice Memory Center was established with the aims of uncovering the truth concerning past human rights violations, strengthening the collective memory with regards to them, and supporting survivors in their pursuit of justice. It is an organization which believes that the prospect of sustainable peace and democracy is only possible through a just and recognition-based approach to victims of past human rights violations. The Center espouses the ideal of a free and inclusive society, which values and embraces difference, acknowledges the state violence in its past as well as victims' rights and individual freedoms, and has achieved effective civil control over repressive state apparatuses. It contributes to the development of mechanisms and tools for the creation of a peaceful and free society, which considers human rights to be its fundamental values.

INSTITUTIONAL SUPPORTERS:

OAK Foundation, Sigrid Rausing Trust

PROJECT SUPPORTERS:

Chrest Foundation, Open Society Foundation, Global Dialogue Foundation, Heinrich Böll Stiftung Turkey, Delegation of the European Union to Turkey, Friedrich Ebert Stiftung Turkey, Charles Stewart Mott Foundation, Robert Bosch Stiftung

TRUTH JUSTICE MEMORY CENTER (HAKİKAT ADALET HAFIZA MERKEZİ)

Tütün Deposu
Lüleci Hendek Caddesi 12 Tophane 34425
İstanbul, Türkiye
info@hafiza-merkezi.org
www.hakikatadalethafiza.org

PREPARED FOR PUBLICATION BY

Burcu Ballıktaş Bingöllü
Kerem Çiftçioğlu

EDITOR

Ekin Sanaç

TRANSLATOR

Feride Eralp

EDITOR OF THE ENGLISH VERSION

Meltem Aslan

PROOFREADER

Asena Günal

PRINTING

Mas Matbaacılık San. ve Tic. A.Ş.

Hamidiye Mahallesi

Soğuksu Caddesi 3

Kağıthane 34408 İstanbul

T: +902122941000

www.masmat.com.tr

Certificate No: 12055

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MEMORY STUDIES ASSOCIATION
PUBLICATIONS (HAKİKAT, ADALET
VE HAFIZA ÇALIŞMALARI DERNEĞİ
YAYINLARI)

TEAM

DIRECTORS

Meltem Aslan

Murat Çelikkan

MEMORY STUDIES PROGRAM

Özgür Sevgi Göral

(Program Director)

Hatice Bozkurt

Gamze Hızlı

Özlem Kaya

LEGAL STUDIES PROGRAM

Emel Ataktürk Sevimli

(Program Director)

Melis Gebeş

Duru Yavan

DISSEMINATION AND ADVOCACY
PROGRAM

Murat Çelikkan

(Program Director)

Burcu Ballıktaş Bingöllü

Kerem Çiftçioğlu

FUND RAISING AND PROJECT
DEVELOPMENT

Enis Köstepen

GOVERNING BOARD

Yiğit Ekmekçi (President)

Murat Akduman

Meltem Aslan

Deniz Batıbeki

Yıldırım Türker

EXECUTIVE BOARD

Meltem Aslan

Murat Çelikkan

Yiğit Ekmekçi

Emel Ataktürk Sevimli

Özgür Sevgi Göral

Gamze Hızlı

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Meltem Ahıska

Celal Başlangıç

Ali Bayramoğlu

Yılmaz Ensaroğlu

Yüksel Genç

Osman Kavala

Eren Keskin

Hüsni Öndül

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AFTER 5 YEARS

End of year 2016 marks the 5th year of our work as the Truth Justice Memory Center (Memory Center) for the acknowledgment of, reparations for, and non-repetition of past gross human rights violations and crimes against humanity.

When we were established in 2011, we had determined our area of focus to be enforced disappearances, as a gross human rights violation in Turkey's recent history. Our aim was to call for a reckoning with the crime of enforced disappearance. In order to raise this demand, we carried out work towards revealing truths regarding enforced disappearances, providing access to justice for those affected by these violations, and strengthening social memory in this regard.

In our first 3 years we took concrete steps for the achievement of these goals. First we started conducting documentation work on universal standards regarding enforced disappearances in Turkey, and created a publicly accessible database on enforced disappearance. We regularly shared this information with the public using innovative methods. We laid bare the legal and political patterns of the practice of enforced disappearance and voiced our demands. In addition to this we undertook the production of the documentary, *Büka Baranê* (Bride of the Rain), ensured the sharing of knowledge and experiences regarding the literature on confronting the past across the world, and developed a cross-border network with NGOs working in this field in countries of the region in geographic proximity to Turkey.

Following the achievements of this period, in the years 2015-2016 we started searching for answers to how to build upon the work we had already begun on the one hand, and how to respond to the changing political context on the other.

Resuming of the clashes in the summer of 2015 had an immensely negative effect on our field work, which lay at the center of our documentation efforts regarding the forcibly disappeared. It was not only that the blanket curfews put in place in this period made our field work technically impossible, but also that as a result of the new gross human rights violations suffered during the

clashes, it became harder to talk about the past with our interlocutors, the relatives of the disappeared, without talking about the present. Unable to conduct field visits, we focused on secondary sources in our documentation work during this period. Despite all of these difficulties, the number of disappeared persons whom we verified and collected detailed information on reached 472 by the end of 2016.

During this phase we carried out our legal work on the impunity issue under four main categories. First of all, we continued our legal data collection activities. As part of this, we reached the legal data of 133 people verified to have been forcibly disappeared in Şırnak in the 1990s. The number of people whose legal data we had reached thus became 344. Secondly, we provided legal support and carried out interventions on different judicial levels through these files we had reached. Within this scope, we penned petitions in order to stimulate and accelerate investigations, and intervened into cases at the Constitutional Court (AYM) level by submitting *Amicus Curiae*. We enhanced our collaboration with other institutions working in the field of impunity through the Coalition Against Impunity (Cezasızlıkla Mücadelede Güçbirliği-CMG) network, and, with the 6 cases on dealing with the past we began following in court as of 2015, we commenced our court case monitoring work.

The intensification of the conflict also impacted our work to render visible our demands for reckoning with the past. The activities for visibility we carried out in 2015, before the clashes had resumed or right at their beginning, sparked public attention. As the violations became more and more serious with the start of 2016, these opportunities dwindled away. For instance, leading up to the 7th of June 2015 general elections we carried out a twitter campaign with the slogan #90larlaYÜZLEŞMEKiçin (Confronting the 90s), in which we addressed our demands regarding a reckoning with the past to MP candidates. We managed to convince 9 MP candidates from HDP, 6 from CHP and 3 from AKP to take part in this campaign. Participation in a campaign of this sort or following up on existing demands was not possible prior to the early elections in November 2015 or in its wake. We based another campaign we

carried out in October 2015 on the summary judgment hearing of the Case of Temizöz and Others. In this campaign we drew attention to the material contradictions and inconsistencies in the acquittal of retired Colonel Cemal Temizöz, who was on trial for 6 years as part of the case brought against the Şırnak arm of JİTEM (Gendarmerie Intelligence and Anti-Terror Unit), charged with the extrajudicial summary execution and enforced disappearance of 21 persons. Our last campaign in this vein was in December 2015, when we conducted a poster campaign during Human Rights week asking about the fate of the forcibly disappeared.

We also took important steps in the direction of improving our relations with NGOs operating in the Caucasus, North Africa and the Middle East during this period. We organized 1 thematic workshop and 2 summer schools under the Network for Historical Dialogue and Dealing with the Past, and the number of organizations part of this network's contact group reached 53.

With this activity report, we wish to provide more detailed information regarding our activities in 2015-2016 as well as share some internal discussions we carried out in this process. We hope for our work to contribute to the struggle for democratization in Turkey in these times marked by the return to armed conflict in terms of the Kurdish issue, the shrinkage of civil space, and the erosion of the rule of law.

As this activity report was being prepared, our Co-Director Murat Çelikkın was sentenced to 18 months of prison per article 7/2 of the Anti-Terror Law (TMK) due to his participation for one day in the "Editor-in-Chief on Watch Campaign" to show solidarity with the *Özgür Gündem* Newspaper. As the verdict was approved by the court of appeals, he was held in the Kırklareli E-Type Prison since September 2017. After serving 70 days in prison he was released on probation on October 21, 2017. We consider the sentencing and imprisonment of our Co-Director Murat Çelikkın, who has contributed immensely to the establishment of the Memory Center as well as all that it has achieved since, to be part of the recent wave of offences on human rights community in Turkey.

MEMORY CENTER ACTIVITIES DURING THE PERIOD OF CONFLICT

Written by: **Murat Çelikkan (Director)**

Since 2015, things haven't been very positive for organizations working in the field of human rights, be it due to developments in Turkey or the state of affairs across the world. While the situation in Western countries may be roughly summarized as authoritarian impositions against democracy, in the Middle East and Eastern Asia human rights have been on the decline.

It is to the extent that the so-called devotion to human rights demonstrated in U.S. foreign policy has lost even its alleged importance. The facts that the Trump administration rushed to seal a 12-billion-dollar arms deal with Qatar, which it had formerly rendered target in the Arab Peninsula and declared country non grata on grounds that it gave "support to terrorism", that European Union member states took to acting in violation of international asylum conventions distancing themselves from a humanitarian approach especially when it came to the refugee issue, and that in consequence there are 68 million forcibly displaced persons across the world today may be deemed as the indicators of the start of a new period of upheaval in which the cards shall be reshuffled globally.

For long, Western countries, considered the cradle of democracy and human rights, have been bringing security policies to the fore and espousing a politics that is out of touch with human life, especially the lives of the poor and those in disadvantaged positions. These, in addition to the politics of fear led by the U.S. for many decades, have fueled people's racist, xenophobic and nationalist tendencies, creating what may be called 'conservative white rage'. More optimistic commentators believe that the Grenfell Tower fire, resulting in the death of 79 people in London, symbolically heralds the death of neoliberalism as well, and that this may lead to the return of an egalitarian politics with respect to the oppressed, the poor and the excluded.

In Turkey, on the other hand, two incidents have both expanded the field of struggle for human rights defenders, while also drastically narrowing down the space for movement. The first of these is the end of the Peace/Resolution process in the Kurdish issue, which had begun in the Newroz of 2013 with Abdullah Öcalan's call, on the 24th of July 2015 and the subsequent resumption of armed conflict. The second is the coup attempt that took place on the 15th of July 2016.

The first of these developments resulted in the government's return to the paradigm of solving the Kurdish issue through violence, by resorting once more to security policies that had produced no outcome but human carnage for the past 30 years, and in the PKK's adoption of a new strategy by bringing the clashes, which had mostly taken place in rural areas up until the present, into cities. These strategies gave rise not only to more than a year-long curfews in Kurdish provinces, a large number of civilian deaths and the forced displacement of about 400 thousand people, but also to the destruction of entire towns and state-enacted expropriation as a new form of violation. The human rights organizations that drew attention to the violations of the right to life taking place during this period of intense ravage and destruction were either shut down or their directors were taken under custody, made to face investigations and prosecution. In the wake of the 15th of July coup attempt, the government began taking such measures under the pretext of combating the coup that it seemed as if a coup had actually taken place. As a result of 23 Statutory Decrees (KHK) and the practices of the renewed State of Emergency, 105 thousand civil servants including 5 thousand academics, of whom 371 were signatories to the Peace Declaration titled "We Will Not Be a Party to this Crime" ("Bu Suça Ortak Olmayacağız"), were dismissed from public duty. According to data provided by the Journalists' Association of Turkey (Türkiye Gazeteciler Cemiyeti-TGC) 159 journalists have been imprisoned (not including 123 journalists treated as "fugitives" abroad). The Media Observation Report by the Independent Communication Network (BIA) states that 179 media institutions have been shut down, the assets of 54 journalists have been seized, and the passports of 46 journalists have been annulled. With the lifting of Parliamentary immunities, 10 Members of Parliament from the HDP were imprisoned, and 4 MPs lost their seats in Parliament. 37 Provincial Chairs of the HDP were arrested as well as 97 District Chairs. As 65 Mayors from the DBP were arrested, appointed administrators took the place of elected mayors in 86 municipalities. The directors of various human rights organizations were prosecuted and jailed. 375 civil society organizations were also shut down by way of Statutory Decrees. All of these developments resulted in the tremendous shrinkage – as is popularly termed – of civil space.

The articles of the Anti-Terror Law on terror propaganda or membership in a terrorist organization have been used as a sword of Damocles hanging over the heads of anyone touching upon the Kurdish issue, mentioning peace or drawing attention to the unfairness of State of Emergency practices.

In the face of such developments, remaining afloat became the primary goal of the Memory Center just like many other civil society organizations. In this vein, the Center placed more weight on strengthening its institutional identity, organizational structure and democratic constitution. Improving national and international solidarity and collaborations also gained greater importance.

The most significant reflection these developments had on the work of the Memory Center was the redefinition of the notion of "the past" in terms of issues regarding confronting the past. The connection between the past and rights violations taking place merely a year ago, and the way in which these quickly became the "past" themselves led to a change in strategy. As field work became impossible or highly difficult, the Memory Studies Program was forced to develop new strategies. Contemporary rights violations cases were added on to the workload of the Legal Studies Program. The fact that new developments were taking place in terms of enforced disappearances, the main area of focus of the Memory Center although not on Turkey's agenda in any significant manner for the past 15 years, made it necessary to follow up on these incidents. Though it seems difficult for these claims to be verified and given certainty at this moment, it has become mandatory to follow up on them for future verification.

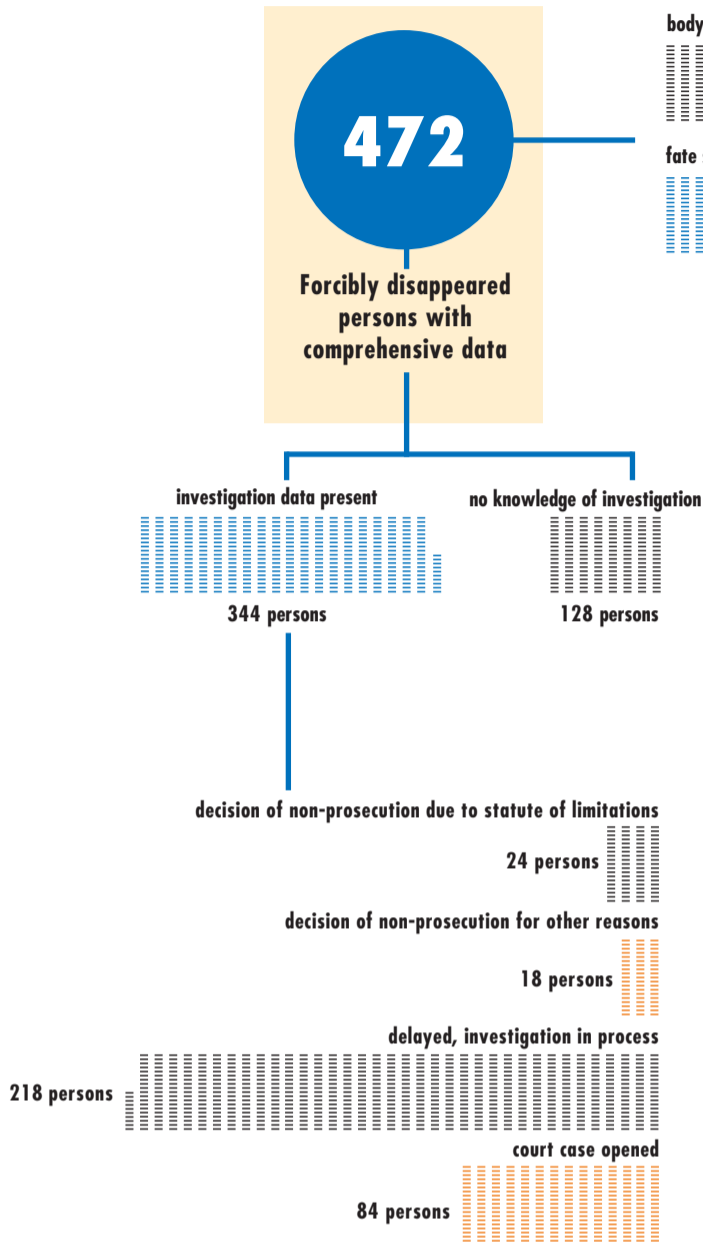
Our field of Peace Studies, which we started working in as a means for ensuring justice with regards to the rights violations of the past, also had to be transformed. Defending peace in such hard times became a new goal in and of itself. So we started a study on why the Peace/Resolution process failed, the developments that took place after the process ended, the effects these developments had on the prospect of peace, and the expectations and suggestions different actors had with regards to peace. The Memory Center continues its activities as a civil society organization with these changes, without losing its focus and its priority regarding gross human rights violations.



Photo: Veyis Altay

THE MEMORY CENTER IN NUMBERS

Semi-structured interviews with **247** relatives of disappeared persons, lawyers and sources

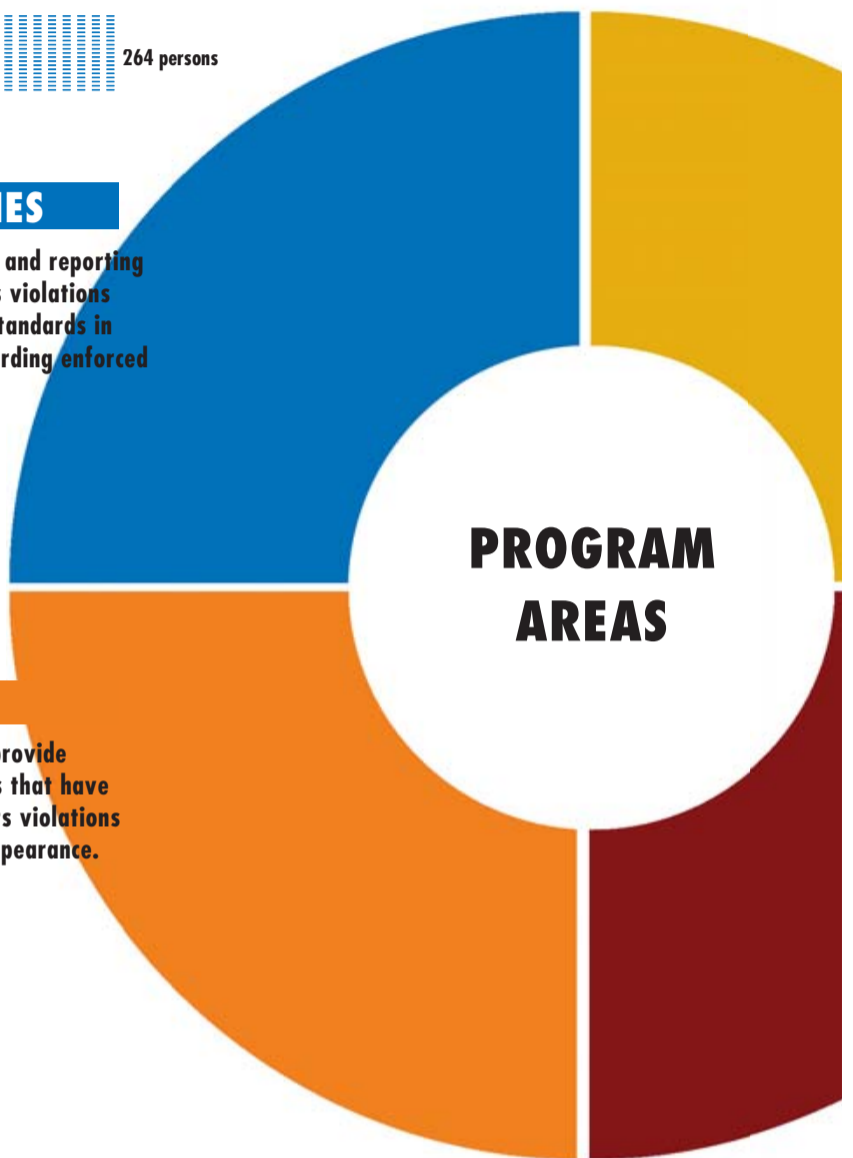


MEMORY STUDIES

Ensures the documentation and reporting of systematic human rights violations in line with international standards in order to reveal truths regarding enforced disappearances.

LEGAL STUDIES

Carries out legal work to provide access to justice for groups that have suffered gross human rights violations – especially enforced disappearance.



Of the 84 forcibly disappeared persons whose cases have been brought to court;



Of the 344 forcibly displaced persons whose legal data have been analyzed, there are **72** applications made concerning **129** individuals to the **European Court of Human Rights**. The Court ruled that:

- Violations had occurred in **55** applications concerning 103 persons*,
- **10** applications concerning 15 persons were found inadmissible,
- And a friendly settlement was required in **6** applications concerning 11 persons.
- The evaluation for **1** application concerning 2 persons is still underway.

* In 1 application concerning 3 persons, the ECtHR found 2 guilty of violations while 1 was released of all charges of violation due to lack of evidence.

A CHRONOLOGY OF THE PEACE PROCESS

The day-to-day detailed chronology compiled by the Memory Center of important developments and official statements regarding the Peace Process, which officially started in the Newroz of 2013, may be accessed at: bakikatadalethafiza.org/baris-sureci-kronolojisi. İMC TV, Al Jazeera Türk, Wikipedia, bianet, the Kurdistan Strategic Studies Center, İrfan Aktan's chronology and various sources were drawn from in preparing this chronology.

3 JANUARY 2013

Ahmet Türk, the Chair of the Democratic Society Congress (DTK) and Independent Member of Parliament from Mardin, and Ayla Akat Ata, Batman MP from the BDP, met with PKK Leader Abdullah Öcalan in İmralı.

9 JANUARY 2013

One of the important figures of the PKK, Sakine Cansız, was massacred in Paris along with Fidan Doğan and Leyla Şaylemez.

23 FEBRUARY 2013

The BDP delegation (Pervin Buldan, Sırrı Süreyya Önder, Altan Tan) went to İmralı.

21 MARCH 2013

The letter written by PKK Leader Abdullah Öcalan calling for a ceasefire was read in the Diyarbakır Newroz celebrations.

hakikatadalethafiza.org

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+11K



+11K

#90larlaYÜZLEŞMEKiçin (Confronting the 90s) #Argentina #ECHR
#Peace #Peace Process #Documentation #Bûka Baranê
#Cemal Temizöz #Impunity #Cizre
#Cumartesi Mothers #Court Case Monitoring #Diyarbakır
#World examples #Perpetrator Unknown
#Transitional Justice #Confronting the Past
#Memorialization #Memory Center
#Truth Commissions #JITEM #Murat Çelikkan #Panel
#Report #Interview #The Case of Temizöz and Others #Trials
#Enforced Disappearance #IHD #Şırnak
#Zorla Kaybetme #IHD #Şırnak

DISSEMINATION AND ADVOCACY

Carries out campaigns and activities in order to render visible and bring into public discussion suppressed narratives regarding past gross human rights violations.

271 NEWS REPORTS IN THE PRESS SINCE 2012

2012

5

2013

106

2014

46

2015

47

2016

67

April

An announcement of the Bûka Barane documentary produced by the Memory Center was made.

July

The reports titled *Unspoken Truth: Enforced Disappearances and Enforced Disappearances and the Conduct of the Judiciary* were published.

October

Doğan Güreş, who has political responsibility as former Chief of Staff in 122 cases included in the "Database on Enforced Disappearances", died.

October

The campaign titled "If not Cemal Temizöz, who killed these 21 people?" began.

January

News on hearings were regularly shared with the press as part of the court case monitoring project.

June

A summer school was organized under the Regional Network for Historical Dialogue and Dealing with the Past.

CAPACITY BUILDING AND COOPERATION

Gathers information on issues such as transitional justice, historical dialogue, confronting the past and democratization, engages in information exchange in national and international events, and organizes trainings.

The Regional Network for Historical Dialogue and Dealing with the Past (RNHDP)

coordinated by the Memory Center, has included a total of **53** civil society organizations from the Caucasus, Middle Eastern and North African countries, and Turkey in its activities up until now.

Organizations according to their countries of operation:

USA: **2** – Azerbaijan: **2** – Algeria: **5** – Armenia: **6**
Palestine: **3** – Georgia: **2** – England: **2** – Sweden: **1** – Israel: **1** – Switzerland: **1**
Cyprus: **2** – Lebanon: **4** – Egypt: **1** – Russia: **1**
Syria: **3** – Turkey: **19**

Organizations according to their fields of work:

Peace and conflict resolution: **20** – Transitional justice: **6**
Impunity / Rule of law: **25** – Historical dialogue: **9**
Gender / Women's rights: **4** – Youth: **4** – Humanitarian aid: **1**

22 MARCH 2013

A ruling of non-prosecution was given regarding five officials from the National Intelligence Organization (MİT) including Undersecretary Hakan Fidan. On the 7th of February 2012, Hakan Fidan, Emre Taner and Afet Güneş, all of whom were active in the Oslo negotiations, had been summoned by a specially authorized prosecutor to testify as "suspects". Allegedly, Erdoğan had been the one to prevent this attempt by prosecutors and police under Gülen's influence.

23 MARCH 2013

The PKK declared a ceasefire.

3 APRIL 2013

The government established a 63-person *Wise People's Committee* to work on a regional basis, contributing to the resolution process.

9 APRIL 2013

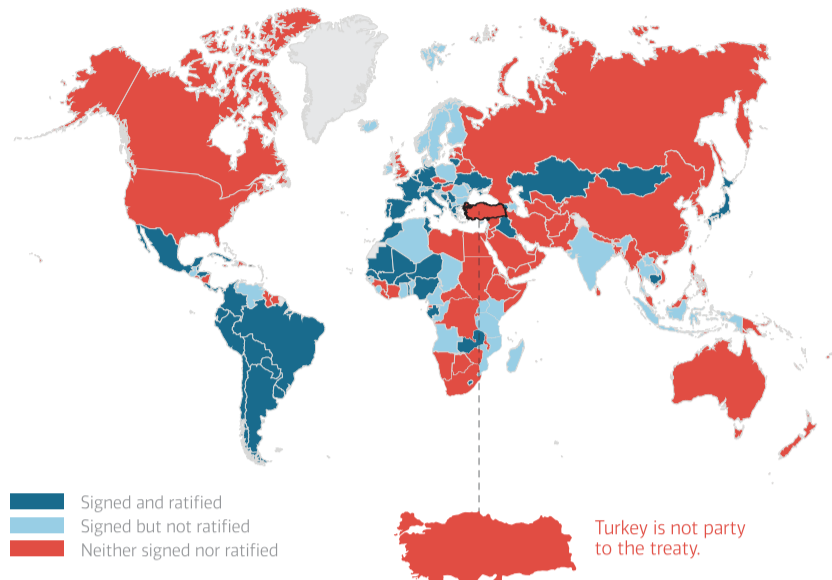
A Parliamentary Commission on the Resolution Process was established in a voting session unattended by the main opposition parties, i.e. the CHP and the MHP, through the votes of MPs from the BDP and AKP.

11 APRIL 2013

The *Bill on the Revision of Several Laws in the Context of Human Rights and the Freedom of Expression* was voted in by the General Assembly of the Parliament. According to this new law, "legitimizing, praising or encouraging recourse to violence or force or the threat thereof" was made a requisite for imposing penalties for engaging in terror propaganda, and printing and publishing the statements and manifestos of terrorist groups.

THE DEFINITION OF THE CRIME OF ENFORCED DISAPPEARANCE

International Convention for the Protection of All Persons from Enforced Disappearance



The United Nations International Convention for the Protection of All Persons from Enforced Disappearance



Enforced Disappearances in Turkey



"They kept me for 3-4 days as well. He was next to me then."

*Taken from interviews conducted in Mardin's Nusaybin district on the 3rd of March 2015 with Hayat Altunkaynak, mother of Davut Altunkaynak, who was forcibly disappeared in 1995 in Dargeçit, Mardin.

According to the **United Nations International Convention for the Protection of All Persons from Enforced Disappearance**, which came into effect on the 23rd of December 2010, the term 'enforced disappearance' is used to describe "(...)the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law (...)"

THE COMPONENTS OF ENFORCED DISAPPEARANCE

1. The involuntary deprivation of liberty of a person,
2. The involvement of state agents in this detention even if only by acquiescence,
3. A refusal to acknowledge this deprivation of liberty or concealment of information regarding their fate.

Since the establishment of the Center, comprehensive data has been collected on 472 persons forcibly disappeared from 1980 to the present. This data has then been placed on a publicly accessible database at www.zorlakaybedilenler.org after being analyzed and verified. Semi-structured interviews have been conducted with 247 relatives of forcibly disappeared persons, lawyers and sources. Investigation data was gathered with regards to 344 persons. It was found that the fates of 264 of these 472 persons still remain uncertain.

In 2015-2016, the time period that is the subject of this report, on the other hand, a total of 67 interviews were conducted during two field visits to Mardin and as part of ongoing work in Istanbul. Data regarding 106 forcibly disappeared persons was added onto the database following verification. Updates of general and legal data were carried out with regards to 195 persons as a result of access to new sources. 17 short video clips were prepared from footage of new interviews with relatives of forcibly disappeared persons, and disseminated.

PEACE PROCESS CHRONOLOGY

8 MAY 2013

The PKK began its process of withdrawal from Turkey's territory as it had previously announced it would.

28 MAY 2013

The Gezi protests started. On the 8th of June, PKK Leader Öcalan saluted the Gezi movement adding, however, that "nobody should allow themselves to be manipulated by nationalist, putschist circles." Sırrı Süreyya Önder, Member of Parliament from the BDP and one of the emblematic figures of Gezi, was removed from the delegation to İmralı.

20-28 JUNE 2013

Many protests against the military fortresses under construction took place across the Kurdish region. Medeni Yıldırım was killed by soldiers during one such protest in Lice.

26 JUNE 2013

The Wise People's Committees presented the reports they had prepared regarding the process to Prime Minister Erdoğan. Murat Belge, Kürşat Bumin and Baskın Oran left these committees at different moments in reaction to the AKP's conduct towards dissidents during and in the wake of the Gezi protests and its policies regarding the Kurdish issue.

9 SEPTEMBER 2013

The PKK announced that it was halting the withdrawal process since the government had not taken any steps towards democratization and the resolution of the Kurdish issue.

AN ARCHIVE CONTRIBUTING TO THE MEMORIALIZATION OF THE FORCIBLY DISAPPEARED

HOW TO REACH ACCURATE DATA AND CARRY OUT DOCUMENTATION WORK?



Gamze Hızlı from the Memory Studies Program explains the processes of data collection, verification and update undertaken with regards to the contents of the public database available at www.zorlakaybedilenler.org.

Could you briefly describe the process what happens from the moment different forms of data are collected to their entry into the Database on Enforced Disappearances?

We started out by specifying our sources and data collection methodologies. Since we wanted our archive to contribute to memorializing forcibly disappeared persons as well, we set out to conduct semi-structured interviews with their relatives and loved ones in addition to other sources we were able to access. Especially in 2012 and 2013, the period in which the clashes halted, we were able to conduct about 200 interviews. Since most interviews were in Kurdish, they first had to be transcribed and then translated into Turkish. Following an analysis and summarizing of these interviews, database forms created at the very outset were filled out with input from various other sources we were able to access with regards to each forcibly disappeared person. These sources and all relevant documents were coded and archived both in the digital sphere and in print. After all of these stages were complete we conducted the final checks and entered the data into the database.

What kind of methods do you use for verification when faced with conflicting data?

There are certain procedures we have put in place right from the start and those we have developed over time with regards to data verification. First of all, in order for any piece of information to be considered accurate it must be verified by at least two separate, independent sources – one of which is a primary source. Taking into account the area regarding which we have been collecting data, we have defined our primary sources to be the testimonies of relatives of the forcibly disappeared or of witnesses, the reports of human rights organizations conducting their documentation and advocacy work by accepting applications from or interviewing victims' relatives directly, and all kinds of legal documents. The exception to this is situations where relatives of forcibly disappeared persons are the only source available, since they have refrained from applying to any institution whatsoever, including official bodies and human rights organizations, due to the prevailing climate of horror during that period. In such cases we make database entries based solely on the statements of the relatives of forcibly disappeared persons. Whenever there is conflicting data, we prioritize legal data as a rule. This is because the data forming the basis when calculating statute of limitations and in breaking the cycle of impunity is, in fact, this legal data. Yet if this contradicts the narratives of relatives of the disappeared, we mention this discrepancy in the summaries we prepare.

What mechanism do you implement for updating data shared on the database?

We keep track of the press releases of the Saturday People (Cumartesi İnsanları), the statements of other organizations working in this area and news reports regarding this issue, and try to gather information on developments in ongoing investigations via lawyers we work with or are in contact with. Although the most frequent updates are with regards to legal developments, from time to time lawyers or relatives of forcibly disappeared persons also share information regarding the database through e-mail or social media.



www.zorlakaybedilenler.org

Aiming to amass verified data on forcibly disappeared persons, events, suspected perpetrators and judicial processes in the wake of the 12th of September 1980 military coup, the Database on Enforced Disappearances is constantly updated upon obtaining new data. As of the end of 2016, the database provides detailed data on 472 forcibly disappeared persons. It shall be further improved in 2017 in order for data to become more accessible and analyzable. We hope that this endeavour, aiming to contribute to disappeared persons' relatives' long-standing struggle for justice and truth, may grow and evolve in years to come with the contributions of relatives we haven't been able to reach yet, witnesses of the period and all those who may provide information.



31 OCTOBER 2013

Nusaybin Mayor Ayşe Gökkan turned her on-site sit-in protest of the construction of a wall on the border to Syria-Rojava into a 'death in fast'. Gökkan ended this death fast on its 9th day upon a declaration that the wall would not be built.

9 NOVEMBER 2013

Sırrı Süreyya Önder was reincluded on the İmralı Delegation. Önder announced that the meeting Öcalan said: "We are determined to maintain the will for peace despite all adversities, ven if unilaterally."

2 DECEMBER 2013

The Parliamentary Commission on the Resolution Process presented its report to the General Assembly. Commission chair Naci Bostancı said, "The Resolution process has been determined to be building a 'negative peace', and something more is needed to move towards a 'positive peace'."

11 JANUARY 2014

In the BDP Delegation's first visit to İmralı following the 17-25 December operations, Öcalan stated that "Those who wish to set the country aflame by igniting another coup should know that we will never add fuel to this fire. We will stand against all coup attempts just as we have up to date."

21 JANUARY 2014

The PYD declared autonomy in the densely Kurdish-populated Rojava region in the north.

HOW HARD IT IS TO SPEAK ABOUT THE PAST WITHOUT SPEAKING ABOUT THE PRESENT

THE WAY IN WHICH THE CHANGING POLITICAL CONTEXT IMPACTS FIELD-WORK

Özlem Kaya and Hatice Bozkurt from the Memory Studies Program evaluate the impacts of the return to armed clashes in the region as of the summer of 2015 on conducting field-work.

In which ways and in what kind of process have the armed clashes resuming as of the 24th of July 2015 affected your field-work for the documentation of enforced disappearances in 2015 and 2016?

Enforced disappearance was practiced in a widespread and systematic manner in the region under the Emergency Regime in the 1990s, targeting Kurdish citizens especially. In this sense enforced disappearances are directly related to the dynamics of the ongoing conflict in terms of the Kurdish issue. As may be imagined, the resuming of armed clashes in the summer of 2015 deeply impacted the field visits we conduct to document the disappeared. For those directly affected by practices of enforced disappearance, extrajudicial and summary execution, forced migration or displacement in the same region in the 1990s are the same people as those who are currently impacted by the resumption of armed clashes. We became unable to even go to the areas we previously visited for field-work due to curfews, which first began as temporary but were then lengthened to the point of being almost unlimited. The military operations carried out in the region during these curfews resulted in immense destruction, and many people ended up having to move elsewhere (mostly within the region) either temporarily or permanently. The fact that many non-governmental organizations were shut down as a result of the State of Emergency declared after the 15th of July coup attempt also affected our work. We had been reaching relatives of disappeared persons through their own organizations, and the two with which we collaborated most tangibly – namely YAKAY-DER (Association of Solidarity and Assistance for the Families

of Missing Persons) and MEYA-DER (Mesopotamia Association for Assistance to Families with Lost Relatives) – were shut down. Finally, it must be mentioned that what is affecting us is not only the technical limitations brought about by these recent developments. It is tough to speak about the past without speaking about recent violations and state responsibility for them. This is taxing both because it makes us question the effectiveness of the work we do and because it runs the risk of severing the connection between the past and present.

What kind of different approaches did you start taking in data collection and accessing sources when your field-work was interrupted?

Since we had aimed to work towards memorialization when we set out to document enforced disappearances, we were conducting in-depth interviews with all relatives of disappeared persons we were able to reach. When it became impossible for us to do this due to reasons mentioned above, we first focused on combing through the media. Newspapers reporting on happenings in the region in the 90s are Özgür Gündem and, after it was shut down, its successors under different names but with similar principles and publishing policies. We scan through these papers. In addition to this, our Legal team continues gathering legal data within the scope of projects they are carrying out in collaboration with bar associations in the Kurdish region. In this manner we keep reaching new names. Also, we had brought together lists published by certain persons and institutions, such as the Human Rights Association (İnsan Hakları Derneği – İHD), which has been working in this field and publishing reports for many long years when we first started working with regards to enforced disappearances. We started working on this compiled list in a more meticulous way as well.

A FEMINIST PERSPECTIVE IN MEMORY STUDIES

Özlem Kaya speaks on how they were influenced and affected by a feminist perspective, specifically in the memory studies program:

We have placed importance on espousing a gendered approach to the work at the Memory Center from the very start. Women's testimonies have been deeply valuable to us in our work on enforced disappearances. Even though they are the ones who have been struggling for justice and truth in terms of this issue for many years, their differential experiences based on being women have shaped the demands and political language in this field in a very limited manner only. As in other parts of the world, the most explicit gendered statements are based on motherhood. Although we do recognize the importance of the experience of motherhood for women, squeezing the entire discussion into this identity prevents us from taking different experiences of womanhood into account. We published a report titled Holding up the Photograph, in which we attempted to put forth the experiences of women whose husbands had been forcibly disappeared. Among the goals of the Memory Center is producing information on different methods for dealing with gross human rights violations of the past oriented towards actors in Turkey, along with documenting enforced disappearances. A feminist perspective is also crucial in thinking about these methods. Lately we have been conducting research on Women's Courts as an informal mechanism for truth and justice. We are planning to publish this as a report as well. Women's Courts are a good example of how women bring their own interpretation to the struggle for revealing the truth and achieving justice in many places across the globe. We hope that discussing in light of different methods the ways in which the struggle for peace in Turkey includes women's demands for truth and justice, its limitations and successes will make a humble contribution to the struggle waged by women actors.

CURFEWS AND CIVILIAN DEATHS

The Memory Center worked on the visualization of data regarding violations of the right to life, which took place during curfews put into effect in Kurdish provinces as of the 16th of August 2015. Using data documented by the Human Rights Foundation of Turkey (Türkiye İnsan Hakları Vakfı - TİHV) Documentation Center by gathering news reports, it presented this data in the form of four interrelated tables;

- **The Name List** section provides information on the identity of those killed during curfews, details on their death and identification process, a summary of what happened and sources of news/information,
- **The Time Table** provides information on the places, dates and durations of curfews,
- **The Numbers** section provides ages and gender-segregated data,
- **The Map** section provides the geographic locations of curfews and deaths.

According to TİHV data curfews took place between 16 August 2015 and 1 June 2017;

- In **10** provinces
- At least **43** districts
- And, according to the official record, at least **218** times in an indefinite and 24-hour manner.
- At least **1 million 809 thousand people** living in these districts according to the 2014 census have been affected by these curfews, primarily through violations of their most fundamental rights to life and health.

Name List	Time Table	Numbers	Map
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Table below lists the names of the people died during the curfews, with basic information on their identity and death. By clicking on each name, you can read information on the identity of the deceased (name-surname, gender, age), details on his/her death and news source on the event of killing.

Using the menu on the right, you may filter the list based on the city the killings that took place.

You can see the details by hovering your mouse on a name. To see the full list for Şırnak, please filter this city.

Cities	2015												2016				
	Null	June	August	September	October	November	December	January	February	March	April	May	June	July			
Şırnak	Agil Akil Cemal Uygur Davut Acar Ercan Kur Ferhat Bircan			Mehmet Erin Erdoğan Osman Cemil Özgür Tarkan	Mülkiye Geçmiş	Resul Ekinci	Reşit Emin Abdülaziz Yural Seyfettin Sözer Necati Osdan Zeynep Özbek	Hüseyin Paksoy Serhat Altun Yusufl Yajcı Yakup Kazım Tongil	Abdullah Gün M. Sadık Buzderi Mehmet Özgül Nizar İsrgan	Hacı Korkmaz Ramazan Gümüş Sahip Edin Bayram Tatar	Ahmet Tonguç İsa Tonguç Muhayyir Tonguç Saadetin Tonguç Behiye Erener	Abuzeyit Tim Ali Sumbul					
Tunceli																	
Silvan																	
Muş			Abdullah Toppak Rabina Kuzluca														
Mardin		Hakan Doğan		Ahmet Savmez İlhan Caba Şahin Turan	Abdülkadir Yılmaz Emin Öz Muhammed Alunkaynak Musur Astan	Takyedin Oral Cudi Teber Hasan Dal Alpdoğan Mehmet Emin İnan	Hasan Korkmaz Fahma Kılıç			Mehmet Pitek			Heyhat Mügge Sasdet Mügge				
			Fatih Es		Mehmet	Ersin Aydın					Yusufl Ajan						

- Cities
- Batman
 - Bingöl
 - Bitlis
 - Diyarbakır
 - Elazığ
 - Hakkâri
 - Mardin
 - Muş
 - Sirt
 - Şırnak
 - Tunceli
- Gender
- All
- Legend: Gender
- Unknown
 - Man
 - Woman

PEACE PROCESS CHRONOLOGY

2 MARCH 2014

The Democratization Package announced on the 30th of September by Tayyip Erdoğan and criticized by the BDP and DTK for "being empty" was accepted in the Parliamentary General Assembly.

15 MARCH 2014

Contrary to Abdullah Öcalan's positive message, the KCK declared that the government was "no longer their interlocutor in the move towards democratization."

10 JULY 2014

The Draft Law on Ending Terror and Strengthening Social Integration, known as the "Framework Law" was voted in by the Parliamentary General Assembly and ratified by the President. According to the Law, those carrying out tasks within the scope of the resolution process would have no civil, administrative or criminal liabilities due to this work.

27-29 AUGUST 2014

After Recep Tayyip Erdoğan's election as President on the 10th of August, Ahmet Davutoğlu became the Chairperson of the AKP. Erdoğan claimed that he would take a close interest in the resolution process during his term in office as President. Those running the peace process also changed with the new Cabinet.

15-23 SEPTEMBER 2014

ISIS laid siege to Kobanê. That very same day the AKP recovered 49 hostages including the Consul General in Mosul through "diplomatic negotiations". Murat Karayılan made a declaration saying, "The process in the North has come to a de facto end with the attack on Kobanê. Leader Apo will say the final word."

CONTINUING MEMORY WORK IN TIMES OF CONFLICT

Written by: *Özgür Sevgi Göral (Memory Studies Program Director)*

In discussing issues of remembering and forgetting, Luisa Passerini uses the term the paradox of forgetting. This term underlines that in order to forget something we must remember it at least in part. Absolute forgetting is not in fact possible; for forgetting by definition entails knowledge of what we have forgotten. When arguing that Turkey has chosen to forget the entirety of its many different practices of violence, this paradox must be kept in mind. An absolute forgetting is not possible on state or society level; just as Passerini has emphasized, those who forget are always aware that there is something they have forgotten. There are certain suppressed memories in Turkey. The contradictory memories resulting from the conflict rising around the Kurdish issue, which has shaped Turkey's last thirty years, constitute an important part of this repertory. No matter how we name it, the period in which the clashes halted and the strong prospect of finding a democratic solution to the problem emerged witnessed the proliferation of such memories in the public sphere as never before.

Memories rendered unspeakable or incomprehensible in the time of conflict started being spoken and heard. Memories regarding enforced disappearances also found the chance to be heard by a more diverse and broad public in this period, as a result of court cases brought against perpetrators, the space opened up by the determined perseverance of the Saturday Mothers as well as the emergence of a partial awareness in terms of reckoning with the 90s. This chance would only have been the beginning; comprehending the experiences of relatives of disappeared persons, who had not only lost their loved ones, but reached information on how this had happened in bits and pieces, watched perpetrators be protected by a shield of impunity, had their mourning stolen away and been denied even a grave would require a practice of remembrance, the assumption of responsibility, and a long and laborious questioning of the inequalities between memories. The resolution process ended before this work could be undertaken, and the acrimonious language of militarism and conflict once again came to dominate the

political field and our everyday experiences, clamping down on the emergence of plurastic memories. Now, as the conflict continues full steam ahead, certain memories are yet again deemed privileged and acceptable, while those of relatives of disappeared persons have come to be ignored and turned a deaf ear to once more. The democratization of the field of memory in Turkey has entered another long, arduous and grueling period of struggle. However, as we are reminded by Passerini yet again, this grueling struggle is ongoing in many countries across the world. This struggle is too urgent and crucial to be left to an idealized future in which conflicts end and a grand moment of peacemaking comes to pass. The most important motivation behind our work today is the thought of making a humble contribution to the struggle for the democratization of the field of conflicting memories in Turkey. We believe that this contribution shall play a role in the formation of a common practice of remembrance.



Photo: *Veysi Altay / Cizre*

6-12 OCTOBER 2014

As ISIS' siege of Kobanê reached the end of its first month, street protests began with an "indefinite call to action" by the HDP and KCK. Curfews were declared in many provinces in the wake of these incidents that resulted in the death of 41 people in 40 provinces. Öcalan's call put an end to the protests.

9-10 OCTOBER 2014

As the Kobanê incidents raged on, Deputy Police Chief of Bingöl Atif Şahin and superintendent Hüseyin Hatipoğlu were killed in an attack in Bingöl.

11 OCTOBER 2014

Cemil Bayık held the government accountable for what was happening in Kobanê and Turkey, saying that the mandate for extraterritorial military action and intervention given to the Armed Forces by the Parliament meant a declaration of war, and that for this reason they had sent all recalled troops back to Turkey.

19 OCTOBER 2014

In a meeting with the Wise People's Committee, Prime Minister Ahmet Davutoğlu said that the "resolution process had three main characteristics," i.e. being "national, local and authentic."

17 NOVEMBER 2014

The negotiations, which had been suspended due to the Kobanê Incidents, were resumed when the HDP delegation composed of Pervin Buldan, Sırrı Süreyya Önder and İdris Baluken met with Deputy Prime Minister Yalçın Akdoğan. The formation of a Monitoring Board to act as third party (a "third eye") was also discussed in this meeting.

THE DEFINITION OF IMPUNITY

“...AN IMPOSSIBILITY ON ALL COUNTS, BE IT CRIMINAL, ADMINISTRATIVE, DE JURE OR DE FACTO”



Photo: Veysi Altay / Dargeçit, 2012.

According to the definition made by United Nations (UN) Independent Expert Diane Orentlicher in her report on principles to combat impunity, impunity means “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account, whether in criminal, civil, administrative or disciplinary proceedings, since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, in found guilty, sentenced to appropriate penalties.” The term is most commonly used to indicate serious and systematic rights violations committed by state actors themselves or by those acting with the acquiescence of the state, or which have come to pass due to lack of supervision by the state and its institutions.

THE MEMORY CENTER WORKS WITH REGARDS TO IMPUNITY UNDER 4 MAIN HEADINGS:

1. Gathering Legal Data on/Documenting Gross Human Rights Violations and Enforced Disappearances

The Memory Center is carrying out intense documentation work, hence acquiring the legal data constituting the basis of the analysis of judicial practices in order to formulate its strategy for combating impunity. These documentation efforts also aim to contribute to the generation of collective memory regarding violations within the framework of the “right to truth”. Four visits to Cizre were conducted in 2015-2016 within this scope, and legal data regarding **133 persons** verified as having been forcibly disappeared in Şırnak in the 1990s was obtained through joint work with the lawyers of the Şırnak Bar Association.

2. Legal Support and Interventions

As part of its legal strategy, the Center’s legal interventions in the 2015-2016 time period were comprised of contributions to petitions to the Prosecutor’s Office in ongoing investigations regarding **44 of the 133 persons** forcibly disappeared in Şırnak, reminding the Office of national and international obligations and voicing once more requests for the acceleration of investigation processes, as well as the identification and trial of those responsible. Work towards similar interventions to the investigations regarding **59 more persons** is currently underway. In this period, the Memory Center has also made preparations to intervene by way of *Amicus Curiae* in the cases of **10 persons**, which are at the Constitutional Court (AYM) level, as it did in 2014 in the Hasan Gülünay case. Along with this it presented a monitoring report regarding enforced disappearances to the Committee of Ministers of the Council of Europe with the collaboration of the Berlin-based European Center for Constitutional and Human Rights (ECCHR).

In addition to all of this, the Memory Center has sought to mobilize alternative methods and sources of legal intervention – be it through print or online publications. A report titled *Impunity Legislation in Turkey* and the *Amicus Curiae* report presented under the individual application file on the enforced disappearance of Hasan Gülünay, reviewed by the Constitutional Court, were published. Certain international court rulings and articles as well as translations of relevant legislation were shared on *Failibelli.org* (perpetrator not-unknown). Templates of petitions and application forms were made available online for the benefit of lawyers.

3. Strong Relations, Lasting Collaborations

Having maintained its lasting collaborations and sharing of knowledge and experiences with regards to combating impunity with local organizations on the field and with other human rights organizations in this period, the Memory Center conducted meetings with representative offices of Yakay-Der, Meya-Der, İHD, MHD and ÖHD during its visits to Batman, Diyarbakır, Şırnak, Mardin and Hakkari. It took part in the meetings of the **Coalition Against Impunity (CMG)**, and organized its meetings in Ankara on the 23rd and 24th of July 2015 and in Istanbul on the 24th and 25th of December 2016. Within this scope, it also held a workshop on “The Impunity Problem and Dealing with the Past”, which brought together judges from the Democratic Judiciary Association (Demokrat Yargıçlar Derneği), lawyers and academics working in the field of criminal punishment and human rights, on the 30th of May 2015.

4. Court Case Monitoring

The Memory Center began following “Court Cases Reckoning with the Past” regarding the serious human rights violations of the 1990s, monitored via CMG as well, more systematically as of 2015, after taking over Failibelli.org from TESEV. It currently continues following court cases through monitoring teams formed after training sessions conducted from September 30th to October 2nd 2016, within the scope of the project “**Empowering Young Human Rights Defenders to Fight against Impunity**” carried out in 2016 in collaboration with the Şırnak Bar Association and with the support of the Delegation of the European Union to Turkey and the Open Society Foundation.

PEACE PROCESS CHRONOLOGY

18 NOVEMBER 2014

With regards to KCK Co-Chair Cemil Bayık’s demand for the inclusion of a foreign state in the Resolution Process, Prime Minister Davutoğlu stated that “The presence of a foreign party, as in a ‘third eye’, is out of question. The resolution process is the natural outcome of a process of democratization. Wise Peoples’ Committees are in place anyway. We won’t have any ‘eye’ looking in on us from the outside. We already tried this once in Oslo. Oslo was a mediated process and we saw its consequences. It failed.”

1 DECEMBER 2014

In the text referred to as a Draft for Peace and Democratic Solution, Öcalan suggested four main headings for the solution of the Kurdish issue: Method, History and Philosophy, Main Agenda Points, and Action Plan.

27 DECEMBER 2014

The bodies of 4 YPG fighters killed in clashes in the Kobanê region of Syria and Sinjar region of Iraq were brought back to Cizre’s Nur neighbourhood, upon which clashes broke out between members of YDG-H and persons affiliated with HÜDA-PAR, resulting in the death of three more people. DTK’s Co-Chair Hatip Dicle deemed the incidents to be a provocation targeting the resolution process.

7 JANUARY 2015

Immediately after trenches dug to prevent the entry of police forces into Cizre’s Nur and Cudi neighbourhoods were filled in and closed up, armoured vehicles driving into the Cudi neighbourhood opened fire killing 14 –year-old Ümit Kurt.

26 JANUARY 2015

The town of Kobanê, which had been under ISIS’ attack since the 15th of September 2014, came under YPG control after 134 days of fighting.

NEW REPORT: IMPUNITY LEGISLATION IN TURKEY

COMBATING IMPUNITY FOR THE RIGHT TO JUSTICE, THE RIGHT TO KNOW THE TRUTH, THE RIGHT TO REPARATION AND THE GUARANTEE OF NON-REPETITION

The report titled *Impunity Legislation in Turkey*, published by the Memory Center in 2015, analyzes the three violations at the root of Turkey's impunity problem – namely, the crimes of **extrajudicial execution, enforced disappearance, and torture** – within the framework of international and domestic law. Written by Asst. Prof. Öznür Sevdiren, the report provides a key framework regarding the relationship between the notion of impunity and international crimes before beginning its assessment of domestic law. This framework also constitutes a reference point for the subsequent analysis of the approach to the crimes of extrajudicial execution, enforced disappearance and torture at the level of domestic legislation in Turkey.

THE FOUR MAIN PURPOSES OF COMBATING IMPUNITY:

- 1. Right to Justice:** the establishment of justice, which indicates “recognition and remembrance of what victims have been made to suffer”, as in, the paradigm of punitive and reparative justice.
- 2. Right to Know the Truth:** the state's responsibility to prevent collective memory from being erased as a result of revisionist and denialist tendencies by keeping a record of violations and archiving evidence and documents with regards to them.
- 3. Right to Reparation:** putting acceptance/recognition in the place of denial is healing for victims. It therefore contributes to public peace or “reconciliation and stability”.
- 4. Guarantee of Non-repetition:** since impunity leads to the repetition of crimes, there is emphasis on the future-oriented dimension of combating impunity, which is its positive-preventative function.

HOW ARE INTERNATIONAL CRIMES PUNISHED?

One of the important concepts related to impunity is that of “**gross and serious human rights violations**”. The notion of impunity has come up in the international literature within the framework of “gross violations”, which have been defined by the Council of Europe. These gross violations constitute the material elements of an international crime if they have been committed in a widespread or systematic manner or within the context of a conflict. This brings us to another reference point of impunity – i.e. the notion of “**international crimes**”. This notion was born in the wake of the destruction wrought by World War 2 and the Holocaust, out of the idea that obligations for the protection of human existence require gross and widespread violations to warrant criminal sanction in international law. The binding principles in terms of international crimes are set in the **Rome Statute** ratified in 1998, and the contents and definitions of these crimes are being improved on by the **International Criminal Court** established based on this statute as well as the statutes and jurisprudence of the **International Criminal Tribunal for the former Yugoslavia** and the **International Criminal Tribunal for Rwanda** in particular. The four fundamental crime types described in the Convention are the **crime of genocide, crimes against humanity, war crimes** and the **crime of aggression**. In the case that these crimes are committed within the territories of States Parties or by their citizens, the court has jurisdiction no matter where the crime has been committed. Despite the fact that Turkey has not signed the Rome Statute and does not recognize the jurisdiction of the International Criminal Court, it is claimed that both the convention and the court have binding consequences with respect to Turkey due to principles of customary and conventional law, as has been explained in detail within the report.

THE SYSTEMATIC NATURE OF THE CRIME OF ENFORCED DISAPPEARANCE IN TURKEY

The crime of enforced disappearance is defined as a *crime against humanity* due to the elements of the crime, in both international human rights law and international criminal law treaties, and therefore constitutes an *international crime*. According to the report, there are two time periods in which practices of enforced disappearance in Turkey have been conducted as part of a widespread and systematic attack in a manner fulfilling the definition of ‘crime against humanity’ – that is, committed as part of “a state policy” in the words of the Rome Statute:

1. The 12th of September military coup and the following period of martial law and

2. The State of Emergency regime in the 1990s.

There are many official reports and bills of indictment indicating that the enforced disappearances of the 1990s in particular were committed within the framework of an organizational structure and plan. Turkey included a definition of crimes against humanity – albeit with certain differences from international definitions – for the very first time within its Penal Code in 2004. Therefore, according to the report, the crimes of enforced disappearance fall under this definition of ‘crime against humanity’ in the Turkish Penal Code due to existing evidence that they were committed in connection with the national security policies of the time. However, one of the main problems encountered in trial processes in Turkey is that even in the few court cases opened with regards to these crimes the acts are defined as ordinary crimes such as homicide and forming an organization for criminal purposes.

EXTRAJUDICIAL ARBITRARY EXECUTIONS AND TORTURE

Following enforced disappearance, the report also contains comprehensive sections on extrajudicial, summary and arbitrary executions and the crime of torture, which surround the crime of enforced disappearance and were committed under the guise of the shield of impunity in the 1990s.

These sections first present a conceptual discussion on these crimes and then focus in a detailed manner on changing domestic legislation items regarding each and every one of them from past to present. Within this scope it first and foremost analyzes the State of Emergency and Martial Laws, which are components of the constitutional regime of exception, and then legislation on the use of force in ordinary periods.

Similarly, with regards to the crime of torture, first of all the shield of impunity provided by the interim regime after the 12th of September Coup and state of emergency regime is described, followed by reform processes from past to present, finally arriving at more current discussions. This section of the report therefore ends up providing a comprehensive topography of the legal tools of Turkey's regime of exception, and their practical implementations.

The report ends with a series of findings and suggestions regarding legislation, which may be categorized under the headings of violations of the right to life, international crimes, and the ban on torture.



The “*Impunity Legislation in Turkey*” report prepared by Asst. Prof. Öznür Sevdiren and published by the Memory Center in 2015 analyzes the three violations at the very root of Turkey's impunity problem – namely, extrajudicial executions, enforced disappearances and the crime of torture – within the framework of international and domestic law.

28 FEBRUARY 2015

Deputy Prime Minister Yalçın Akdoğan and Minister of Interior Affairs Efkân Ala met with the HDP group deputy chairpersons Pervin Buldan and İdris Baluken as well as HDP Istanbul MP Sırrı Süreyya Önder in the Prime Ministry Office in Dolmabahçe. Önder conveyed Öcalan's statement regarding the replacement of armed struggle with democratic politics at this point in the process, and listed the 10 items forming the backbone of peace. Speaking on behalf of the government, Akdoğan also stated that they considered this statement quite important, saying: “We deem this declaration regarding the acceleration of the disarmament process, a complete cessation of armed activity, and emphasis on using democratic politics as a method instead to be deeply significant.”

These two statements came to be referred to as the Dolmabahçe Agreement.

9 MARCH 2015

Undersecretary of the Turkish National Intelligence Organization (MİT) Hakan Fidan, who had resigned from his post to run as ‘candidate for candidacy’ in the 7th of June elections, publicly retracted his candidacy with a written statement. The very same day Bülent Arınç stated that Fidan had been reassigned to his post in MİT.

15 MARCH 2015

In a speech he made in a ceremony President Erdoğan said, “There is no Kurdish issue in Turkey. It's only that our Kurdish siblings have their own problems too, just like people from every other portion of society in Turkey.”

STRUGGLE FOR LAW AND JUSTICE AGAINST THE SHIELD OF IMPUNITY

THE PRACTICE OF AMICUS CURIAE IN THE CONTEXT OF ENFORCED DISAPPEARANCES

Legal Studies Program Director Emel Ataktürk Sevimli evaluates the practice of amicus curiae within the context of the cases of forcibly disappeared persons, and the Constitutional Court ruling following the legal opinion presented as amicus curiae by the Center in collaboration with seven organizations regarding the enforced disappearance of Hasan Gülünay on the 20th of July 1992.

Could you define the practice of amicus curiae as a means of intervention into court decisions?

Amicus curiae is actually an adjective. It literally means “friend of the court” in Latin. One may use this procedure to apply to high courts in decision-making positions, saying “We are not party to this case, but are an expert institution working on issues related to the legal dispute constituting its subject matter, and we wish to present to you our legal opinion on how this dispute should be handled legally.” The legal opinion in question may be submitted if the court agrees to accept it.

Why is it important to define state responsibilities in light of international jurisprudence and legal doctrine for the sake of combating impunity in investigations into the gross human rights violations of the past, particularly cases of enforced disappearance?

Especially in countries with weak democratic trajectories such as Turkey, when there are any tensions between citizens and state officials due to human rights violations, judicial authorities prioritize the state, rather than developing an attitude that is protective of the rights and freedoms of citizens. Violations are hence denied. Neither domestic law nor international legal standards are paid any heed to. For this reason it is deeply important to conduct documentation and analysis work with regards to both violations themselves and the attitudes of judicial actors with respect to these violations. It is necessary to relentlessly keep pointing to universal legal norms and examples of their implementations across the globe in the face of the concrete consequences of the practice in Turkey, and to keep reminding the state of its obligations born of the conventional law it is bound by as a signatory.

What kinds of examples stand out with regards to the use of the practice of amicus curiae in cases of enforced disappearance?

The practice of *amicus curiae* is, in fact, commonly used both at the Inter-American Court of Human Rights and the European Court of Human Rights. It is a method that has been put to use in the high courts – their equivalent to Constitutional Courts – of many Latin American countries ranging from Uruguay to Honduras, Chile to

Argentina, Panama to Peru and Colombia, and opened new legal pathways especially with regards to enforced disappearance and extra-judicial arbitrary executions. The many expert NGOs presenting their opinions as amicus curiae to these above-mentioned courts have brought the high court decisions of Latin American countries up to international standards, as many disputes with regards to the right to truth, crimes against humanity, the issue of statutes of limitations, and continuous crimes ended up being resolved as per these legal opinions presented. The fact that these organizations insisted on trying to use all kinds of legal means made enormous contributions to high court rulings highlighting the obligations of states under domestic or international law. We hope for it to be the same in our case.

On the 1st of November 2014, you presented a legal opinion to the Constitutional Court as amicus curiae along with seven civil society organizations, with regards to the case on the enforced disappearance of Hasan Gülünay, which it was reviewing at the time. Are there any other examples of the use of the practice of amicus curiae in other cases of gross human rights violations in Turkey?

Yes, there are. If I remember correctly, the Criminal Law Association (Ceza Hukuku Derneği) and the Constitutional Law Research Association (Anayasa Hukuku Araştırmaları Derneği) presented a legal opinion as amicus curiae shortly before we did, with regards to the internal security package, which was on the agenda at the time. Later on, Lawyers’ Rights Watch Canada, the Law Society of England and Wales and the Paris Bar Association presented their joint amicus curiae observations to the Constitutional Court with regards to a group of our lawyer friends who had been subjected to many unlawful practices while carrying out their defense duties during the period of curfews.

Why does the investigation on Hasan Gülünay’s enforced disappearance constitute an important example for observing the common characteristics of procedures implemented with regards to enforced disappearances in Turkey?

As we often say, when both enforced disappearances and extra-judicial arbitrary executions are the question in the same case it becomes impossible to investigate and determine state responsibility. There are some huge obstacles, which I exemplified above, tying up judicial practices and it is not easy to overcome them. Actually our main concern is to succeed in doing this in Hasan Gülünay’s judi-

cial process and open the path for similar legal processes with regards to other enforced disappearances based on this precedent. The problems are more or less in common in all cases: investigative authorities are not interested in revealing the truth, investigations are not carried out effectively, evidence is not collected, and ultimately those responsible end up being protected and watched out for, while victims are offended once again. All of these common violations mentioned are present in this case in the most tangible, concrete way.

Could you further expand on how you predict a court ruling in line with the legal opinion you presented as amicus curiae would affect other cases of enforced disappearance?

We are of the opinion that enforced disappearance is not a singular and independent crime, but one committed in a widespread manner as a product of state-led, planned practices in the 1990s; and we have the documents to prove this. This is defined as a “crime against humanity” in both international conventions and the Turkish Penal Code. Yet judicial authorities in Turkey refuse to take the backgrounds of these crimes into account, handling them as singular crimes of homicide and hence closing cases at the end of 20 years as per the statute of limitations. This is unacceptable. The legal discussion regarding these cases must be conducted in light of universal legal standards, and legal notions such as the right to truth, crime against humanity, continuous crime and continuous violation, and must change accordingly.

In its ruling on the Hasan Gülünay case in 2016, the Constitutional Court did not take into account the established jurisprudence of the European Court of Human Rights with regards to enforced disappearances. What does this decision tell us about whether individual applications shall be an effective means of legal remedy on the domestic level in the future?

This first ruling was not as we had hoped it would be in many ways, but there are still two more legal opinions we have presented to the Constitutional Court as amicus curiae. We won’t stop working to achieve positive results with regards to these legal opinions, in order to overcome the legal issues I mentioned above in the dozens of cases of enforced disappearance yet to be reviewed. We hope that in the end the Constitutional Court will change its negative jurisprudence on this matter and open the way for judicial processes on the gross human rights violations of the past. Despite everything, I do not wish to paint a negative picture at this point, as our hope remains alive still.

PEACE PROCESS CHRONOLOGY

19 MARCH 2015

Upon Erdoğan’s statement denying the existence of a Kurdish issue, Co-Chair of the KCK Executive Council Cemil Bayık said that no politician who hadn’t set out to resolve the Kurdish issue would have any future.

20 MARCH 2015

Referencing Deputy Prime Minister Yalçın Akdoğan’s statement with regards to a Monitoring Committee, President Erdoğan said, “I’m reading all of this from newspapers. To tell you the truth, I hadn’t been informed about it. And I’ll be very clear: I’m not at all supportive.”

21 MARCH 2015

In his letter to the Newroz celebrations in Diyarbakır, PKK leader Abdullah Öcalan called on the organization to gather a congress in order to end its armed struggle against Turkey, and on the government to establish a Monitoring Committee as well as a Commission for Truth and Dealing with the Past. Bülent Arınç criticized President Erdoğan’s statements regarding a Monitoring Committee, saying that as the government they remained determined on this front.

22 MARCH 2015

President Erdoğan made the following statement with regards to the Dolmabahçe Agreement: “I don’t approve of that meeting... It entails no call to democracy. What part of it am I to accept?... Our Deputy Prime Minister made a statement right after it. It’s the complete opposite of theirs. There’s nothing in common between the two. Then what on earth did they meet or negotiate about? Could you even call this a joint declaration?”

ZORLA KAYBETMELER HAKKINDA AMICUS CURIAE RAPORU

EUROPEAN CENTER FOR CONSTITUTIONAL AND HUMAN RIGHTS

HAKİKAT ADALET HAFIZA MERKEZİ

HELSINKİ YURTTAŞLAR DERNEĞİ

İNSAN HAKLARI DERNEĞİ

İNSAN HAKLARI ARAŞTIRMALARI DERNEĞİ

TÜRKİYE EKONOMİK VE SOSYAL ETÜDLER VAKFI

TÜRKİYE İNSAN HAKLARI VAKFI

HAKİKAT ADALET HAFIZA MERKEZİ
HAFIZA MERKEZİ

The Memory Center published the legal opinion it had presented to the Constitutional Court as *amicus curiae* under the title **Amicus Curiae Report on Enforced Disappearances** in 2016. The opinion presented to the Constitutional Court by the Memory Center, Turkish Economic and Social Studies Foundation, Human Rights Foundation of Turkey, European Center for Constitutional and Human Rights) and certain members of the Human Rights Joint Platform – i.e. the Human Rights Association, Human Rights Agenda Association, Human Rights Research Association and the Helsinki Citizens' Assembly – on the 12th of December 2015 had been admitted for review. Yet the established case-law of the European Court of Human Rights on enforced disappearances was not taken into account in the ruling made on the case by the Constitutional Court on the 21st of April 2016.



WHAT HAD HAPPENED? Hasan Gülünay's Enforced Disappearance

20 JULY 1992 – Hasan Gülünay left his home in Tarabya, Istanbul, in order to go to work and never returned.

22 JULY 1992 – A certain individual claiming to be calling Hasan Gülünay's workplace from the offices of the Police Anti-Terror Unit said that Gülünay was in custody. When, in response to this, his wife Birsen Gülünay applied to the Istanbul State Security Court, she was informed that he was not, in fact, in custody, but that there was a search warrant in his name as his driver's license had been found on the body of Ali Ekber Atmaca, who was killed during torture in custody and buried without notifying his relatives.

31 JULY 1992 – Amnesty International addressed an open call (no. 251/92) to Süleyman Demirel, the Prime Minister of the time, İsmet Sezgin, Minister of Interior of Affairs of the time, and Necdet Menzir, Istanbul Chief of Police of the time, emphasizing that at least four incidents of enforced disappearance had taken place in the last 16 months, and voicing concerns that Hasan Gülünay may have been tortured and disappeared.

28 SEPTEMBER 1992 – Following verbal applications, Gülünay's wife Birsen Gülünay applied to the Parliamentary Committee on Human Rights Inquiry, calling for an inquiry into her husband's fate. Upon instructions to this end from the Committee, the Governorship asked the Istanbul Police Department to look into the matter.

14 OCTOBER 1992 – İsmet Sezgin, Minister of Interior Affairs at the time, responded to the parliamentary question posed on the 11th of September by Diyarbakır MP Sedat Yurtdaş with regards to Hasan Gülünay's enforced disappearance, saying that all of the claims made in this parliamentary question were unfounded and that its actual purpose was to act as propaganda for illegal seditious organizations.

19 JULY 1994 – Upon receiving no response from the Istanbul Police Department, the Governorship renewed its demand for an inquiry.

23 AUGUST 1994 – Approximately two years after the Governorship's demand for an inquiry, the Police Department stated that Hasan Gülünay had never been taken under custody. The person responding on behalf of the Police Department was Istanbul's Deputy Chief of Police Hüseyin Kocadağ, who later lost his life in the Susurluk accident, an incident which revealed the existence of a sub-organization within the police force implicated in gross human rights violations.

25 JUNE 2009 – In light of certain new evidence and facts revealed as part of the Ergenekon investigation, Birsen Gülünay reapplied to the Istanbul Chief Public Prosecutor's Office through the mediation of the Human Rights Association (İHD) along with 17 other relatives of disappeared persons. The file was first directed to the Şişli Chief Public Prosecutor's Office, but was then sent back to the Istanbul Public Prosecutor's office on grounds of lack of jurisdiction since Hasan Gülünay was disappeared in the Gayrettepe Public Security Branch facilities.

17 JULY 2009 – As part of the investigation file no. 2009/41443, kept in record by the Bureau of Investigation into Public Official Crimes under the Istanbul Chief Public Prosecutor's Office, the Istanbul Police Department was asked whether there was any record of Hasan Gülünay's arrest. The Police Department responded saying that there was no record of an arrest procedure with regards to the individual in question.

31 JULY 2009 – Taking no other action with regards to the case, the Prosecutor's Office decided that there were no grounds for prosecution since the crime was subject to a statute of limitations after 15 years.

15 OCTOBER 2009 – Pursuant to the objection filed, the Beyoğlu 2nd High Criminal Court decided for the investigation to be resumed. The new investigation file was numbered 2009/61296. No actions were taken under this file other than routine correspondences requesting "the determination of whether Hasan Gülünay was alive or not".

24 MAY 2012 – The lawyers of the Gülünay family requested for Erol Çam, who said he had heard Hasan Gülünay shout "My name is Hasan Gülünay; they'll kill me and make me disappear under custody" while he was kept in the Istanbul Anti-Terror Unit from July 16 to 23, 1992, and for confessor Ayhan Çarkın to be heard.

31 OCTOBER 2012 – It was decided that there were no grounds for prosecution in the case since the 20-year statute of limitations period had passed.

18 DECEMBER 2012 – The lawyers of the Gülünay family filed an appeal against the decision that there were no grounds for prosecution.

22 JANUARY 2013 – The appeal made by the Gülünay family against the decision of the Prosecutor's Office was rejected by the Bakırköy 7th High Criminal Court.

8 APRIL 2013 – Birsen Gülünay made an individual application to the Constitutional Court (AYM).

1 NOVEMBER 2014 – The independent legal opinion presented by seven civil society organizations along with the Memory Center acting as *amicus curiae* to the individual application file to be reviewed by the AYM was admitted.

21 APRIL 2016 – The Constitutional Court ruled that the obligation to conduct an effective investigation, arising from the right to life, had been violated, but that the investigation could not be renewed since the limitation period was up.

9 NOVEMBER 2016 – An application was made to the European Court of Human Rights (ECtHR) for an affirmation that the 2nd article of the European Convention on Human Rights (ECHR) regulating the protection of the right to life, its 3rd article on the prohibition of torture, its 5th article regulating the right to liberty and security, and its 13th article on the right to an effective remedy had been violated, and for the imposition of certain measures upon the State in order to put an end to this systematic practice as per the 46th article of the Convention.



27 MARCH 2015

The Internal Security Package criticized for expanding police powers, rendering every single person a "reasonable suspect", and stripping the people of their democratic right to protest was voted in by the Parliament and ratified by President Erdoğan on the 3rd of April. Yalçın Akdoğan said, "The Resolution Process is not an issue that can be sacrificed for the sake of elections. It is a strategic matter. We stand firm when it comes to the Resolution Process, and we won't step back."

11 APRIL 2015

Clashes broke out between soldiers and the PKK in an area in the vicinity of Ağrı's Yukarıtüttek village, where a tree planting event planned by the HDP and DBP was to take place. Witnesses of the incident and HDP executives said that 15 soldiers were "abandoned" on the ground and that wounded soldiers were left to die and were then rescued by civilians in the region.

28 APRIL 2015

President Erdoğan said: "There is no longer a Kurdish issue in our country. From time to time I hear them speaking of 'parties' –who the hell do you think you are calling yourself a 'party' to this process? There is a state in this country. For there to be a table at which two 'sides' sit, the state itself must have collapsed."

5 MAY 2015

Co-Chair of the KCK Executive Council Bese Hozat said: "Calling for a congress is currently not on our agenda, because the process did not work out. No steps were taken. The PKK was to gather a congress based on steps to be taken by the state. So we took it off our agenda."

5 JUNE 2015

A bombing targeting the HDP rally held in Diyarbakır's İstasyon Square took place. 5 people lost their lives and more than 400 were wounded as a result of two successive explosions. It was claimed that Orhan Gönder, who was apprehended in Antep and had reportedly admitted to the crime, was an ISIS member.

CAMPAIGN: #21İNSANIKİMÖLDÜRDÜ? (WHO KILLED THESE 21 PEOPLE?)

21 PEOPLE WERE KILLED, 22 YEARS WENT BY, 47 HEARINGS WERE HELD! IF CEMAL TEMİZÖZ IS INNOCENT, THEN WHO KILLED THESE 21 PEOPLE? (OCTOBER-NOVEMBER, 2015)

The *Temizöz and Others Case*, which was opened in 2009 based on witness testimonies in the Ergenekon and Balyoz (Sledgehammer) cases, had offered a crucial opportunity to reckon with the activities of counter-insurgency unit in the 1990s. Yet come 2015, the prosecutor was requesting the acquittal of eight defendants including Temizöz on grounds of lack of adequate evidence. In this same period acquittals absolving perpetrators were following one after the other in other cases followed by the Memory Center regarding crimes committed in the 1990s as well (such as the Nezir Tekçi Case, Musa Çitil Case and Musa Sayar Case).

A campaign was started in the face of this official exoneration process with the aim of drawing public attention to the judgment hearing. The purpose was to draw attention to the contradictions in the fact that commanders, against whom strong bills of indictment had been prepared only a short while ago, calling for aggravated prison sentences on grounds of having committed crimes against humanity, were now being absolved.

The campaign slogan was the question: **#WhoKilledThese21People?** The fact that the state, responsible for holding accountable the perpetrators of the killing of 21 people, had not fulfilled this responsibility was emphasized with this rhetorical question. As part of the campaign a petition was started, many internally consistent testimonies from the bill of indictment indicating the criminal responsibility of the defendants were published in order to support the call, news reports were made, and instant updates on the developments in the judgment hearing were shared on social media.

Eventually, even though the acquittal of Cemal Temizöz and the eight other defendants could not be prevented, success was achieved in drawing public attention to the case. **2 thousand 700 people signed** the petition from the 20th of October to the 9th of November. The question **#WhoKilledThese21People**, used as the campaign slogan, was embraced to a considerable extent by the public at large, and **the hashtag was among Turkey's top 10 (trending topics) list** on social media right as the decision for acquittal was being given.

20 October 2015, the petition was introduced.

2 October – 5 November 2015, the testimonies of witnesses and victims in the bill of indictment were shared on the Memory Center website, as well as on *Bianet* and *T24*, *Diken* and *Agos*; different journalists were contacted for the purpose of having them publish news articles.

4 November 2015, a press conference was held prior to the hearing with the participation of families and civil society organizations part of the Coalition Against Impunity.

5 November 2015, the hearing was held resulting in an acquittal at 19:55. **#WhoKilledThese21People** became one of Turkey's trending hashtags right around this time.

9 November 2015, the number of signatories reached 2700.



Prior to the judgment hearing of the Cemal Temizöz Case, the press conference held by human rights defenders and the relatives of victims on the 4th of November 2015 / Ankara



Sanık Adem Yakın: JİTEM'i bilirim Fransızca'da seni seviyorum demektir !! #21İnsaniKimÖldürdü

Tweets by the Memory Center during the judgment hearing: Defendant Adem Yakın: If there's an accusation there should be proof of the crime. #WhoKilledThese21People / Defendant Adem Yakın: This is completely rigged, nothing but a plot, a show being staged. #WhoKilledThese21People / Defendant Adem Yakın: All I did was my duty. I didn't witness or participate in anyone's murder. #WhoKilledThese21People / Defendant Adem Yakın: I've heard of JİTEM, it's the French word for 'I love you'!! #WhoKilledThese21People

PEACE PROCESS CHRONOLOGY

7 JUNE 2015

In the 7th of June elections the AKP received 40.9% of the vote, the CHP 25%, the MHP 16.3%, and the %13.1. The HDP thus won 80 seats in the parliament in this very first election it entered as a political party.

8 JUNE 2015

Commenting on the results of the election, Deputy Prime Minister Yalçın Akdoğan said, "The HDP will only get to see the Resolution Process in a movie theatre from now on. Just like you can't taste sweetness merely by saying 'honey', it's not enough to simply keep saying 'peace'. Now that they have 13% of the vote, let's see them call on Kandil and have the PKK lay down its arms."

11 JUNE 2015

The HDP Party Assembly convened and announced a 15-point declaration evaluating the election results, in which it said "No matter which political parties comprise the new government, we call upon the state and the government to resume the Resolution Process from where it was left off."

15 JUNE 2015

YPG forces took possession of Tel Abyad (Girê Spi), located between the Jazira and Kobanê Cantons.

17 JUNE 2015

KCK Co-Chair Bese Hozat stated that a ceasefire would only be possible if equal conditions for negotiations were ensured and the Parliament took action, saying "The Process can no longer continue as before. The AKP has wasted the chances it was given." Hozat also expressed that there had to be visual and written records of all meetings in İmralı from now on, as well as signatures on all documents.

Temizöz ve Diğerleri Davası

1993 - 1995 yılları arasında
Şırnak'ın Cizre ilçesinde
21 kişi öldürüldü

Bugüne gelindi ve savcılık
BERAAT talep etti.

1993

Üzerinden **22 yıl** geçti ve **47 duruşma** yapıldı.

2015

Cemal Temizöz suçsuz ise...

#21 İnsanı Kim Öldürdü



The Temizöz and Others Case: 21 people were killed in Şırnak's Cizre district between 1993 and 1995. 22 years and 47 hearings went by. We reached the present day, and the prosecutor requested the ACQUITTAL of all defendants. If not Cemal Temizöz... #WhoKilledThese21People - Coalition Against Impunity.

WHO IS CEMAL TEMİZÖZ?

Cemal Temizöz served as lieutenant from 1993 to 1996 in Şırnak's Cizre district. He was the senior decision-maker of JİTEM (the Gendarmerie Intelligence and Anti-Terror Unit), the counterinsurgency unit reportedly active in Cizre in this period. It is widely claimed by the local population that he was responsible for the many gross human rights violations committed in the region as the head of many mixed groups composed of militias (village guards), informants and security forces part of this structure.

THE GENDARMERIE INTELLIGENCE AND ANTI-TERROR UNIT (JİTEM)

Enforced disappearance forms the core of the accounts of the few confessors and army members speaking on the subject of extrajudicial and arbitrary executions part of the "low-density warfare" waged by the Gendarmerie Intelligence and Anti-Terror Unit, a paramilitary counterinsurgency structure known as JİTEM.

WHAT HAD HAPPENED?

The bill of indictment no. 2009/972 of the *Temizöz and Others* case, dated July 14 2009, was written based on the testimonies of Kamil Atak's brother Mehmet Nuri Binzet, a temporary militia-man (village guard), and two anonymous witnesses codenamed Sokak Lambası (Street Lamp) and Tükenmez Kalem (Ballpoint Pen). The witness testimonies both form a coherent whole and the material traces of the killings and crimes fully verify the witnesses' accounts. According to these;

- Identity documents were never found on the bodies of disappeared or executed persons – in cases where these were discovered,
- Those kept in detention were first tortured for a couple of days; they were forced to disclose names or places in order to find out who was supporting the PKK in the region,
- Interrogations and torture sometimes took place in the shelters beneath the homes of Kamil Atak and Kukel Atak,
- The confiscated IDs were handed over to Cemal Temizöz after the persons in question were executed,
- The "interrogation team" composed of informants and certain soldiers used Kalashnikovs instead of weapons in the possession of the gendarmerie command,
- They either put those they had executed under stones in a very makeshift manner, or left them as they were right where they had been killed,
- The Hizbullah village called Basisk in Kurdish and Kuştepe in Turkish was a particular preference for executions, and the Hizbullah members in the village became collaborators,
- Cemal Temizöz and Kamil Atak were in the leading role in the interrogation team. Especially Cemal Temizöz, since he was the main authority giving orders and receiving ID cards after each execution,
- Soldiers serving in Şırnak and its districts created a list including names such as Cem Ersever, Veli Küçük, Arif Doğan, Mete Sayar and Cemal Temizöz,
- The most well-known among the village guards in Şırnak, all of whom have been convicted of various crimes: Kamil Atak, Bahattin Aktuğ and Hazım Babat,
- The most well-known informants working with soldiers and village guards are Adem Yakın codenamed Bedran, Fırat Altın (Abdülhakim Güven) codenamed Ferit, and Hıdır Altuğ codenamed Tayfun,
- A great portion of these names were mentioned one by one in the accounts of relatives of disappeared persons interviewed in Şırnak. These relatives described in detail the division of labour between the soldiers, village guards and informants as well as the policies they espoused.

15 JULY 2015

HDP Co-Chair Selahattin Demirtaş announced on television that "the PKK should definitely lay down its arms against Turkey." KCK Co-Chair Bese Hozat declared in her article published in *Özgür Gündem* that the new period would be one of people's revolutionary war.

17 JULY 2015

Asserting that the resolution process was not over, Deputy Prime Minister Yalçın Akdoğan said "A coalition shall be established and the process shall unfold within the framework agreed upon with that party. Its name may be otherwise but we remain loyal to the content and spirit of the process."

20 JULY 2015

31 people lost their lives in an explosion taking place in front of the Amara Cultural Center in Urfa's Suruç district. Members of the Federation of Socialist Youth Associations (SGDF), coming from various provinces and waiting to cross into Kobanê for a youth camp to take place from July 19 to 24, were making a statement to the press at the time of the explosion.

22 JULY 2015

Two cops named Feyyaz Yumuşak and Okan Uçar were found dead in their homes in Ceylanpınar, Urfa. "The Apoist team of self-sacrifice" claimed responsibility for the incident.

24 JULY 2015

Air-supported operations were carried out across Turkey against ISIS, DHKP/C, and the PKK and YDG/H. According to the announcement made by the Prime Ministry Coordination Center 251 people were taken under custody in simultaneous operations in 13 provinces.

FAILIBELLI.ORG (PERPETRATOR NOT-UNKNOWN)

SYSTEMATIC CASE MONITORING, IN-DEPTH DOCUMENTATION OF ONGOING CASES...

Written by: *Burcu Ballıktaş Bingöllü (Dissemination and Advocacy Program)*

Run through the joint efforts of the Legal Studies Program and Dissemination and Advocacy Program, Failibelli.org (Perpetrator Not-Unknown) is a very significant outcome of our Court Case Monitoring work, which we consider to be a method for combating impunity.

Taking over the website FailiBelli.org from the Turkish Economic and Social Studies Foundation (Türkiye Ekonomik ve Sosyal Etüdler Vakfı – TESEV) in 2015 accelerated both the systematization of trial monitoring work and the more in-depth documentation of cases of enforced disappearance.

Initially coming online in 2012 as part of the Turkish Economic and Social Studies Foundation's "Human Rights Case Monitoring" activities, Failibelli.org focused on the **Ergenekon, JİTEM, Temizöz and Others, Musa Çitil, Zirve Publishing House Massacre, Musa Anter Murder and 12th of September** cases, which were on Turkey's agenda at the time.

When we assumed control of the website, data and documents regarding cases of enforced disappearance – the **Yavuz Ertürk (Kulp), Nezir Tekçi, Kızıltepe JİTEM, Dargeçit JİTEM, Mete Sayar, Naim Kurt and Ankara JİTEM** cases – and cases with unknown perpetrators – the **Vartinis (Altınova)** and **Lice** cases – were included in the content published, along with the previous ones.

20 HEARINGS WERE MONITORED IN THE 2015-2016 PERIOD

Within the scope of the project we carried out throughout 2016 with the support of the **Consulate General of Sweden**, we kept up our practice of monitoring, based on producing reports or news articles on hearings via a courtroom observer or journalist during the first half of the year, with monitoring teams as part of the EU Project beginning in its second half. **A total of 20 hearings held in 8 court cases** were hence observed and reported on in 2015-2016. We took care for each monitoring team to contain at least one journalist, one legal expert and one social scientist during 2016. With the inclusion of illustrator Su Vardal in these teams later on, visual means of expression also came into play in conveying courtroom happenings.

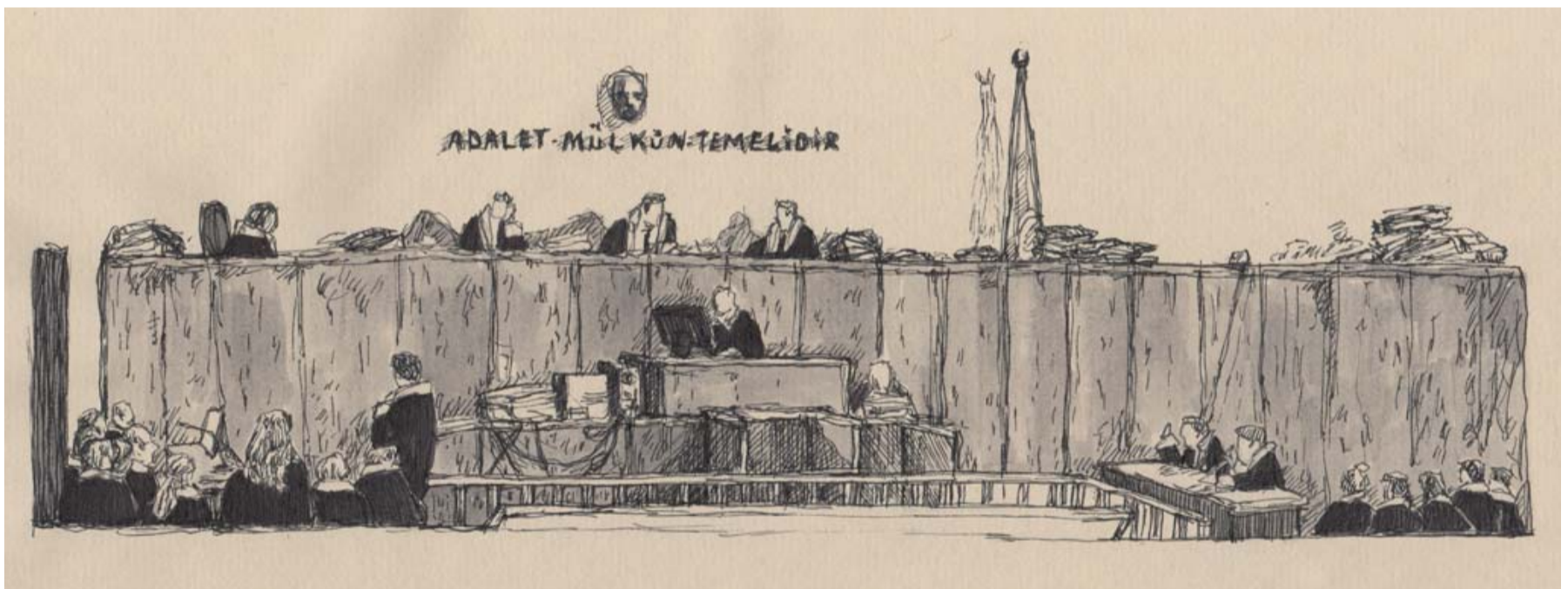
Intense communication/dissemination work has been conducted in order to render visible these court cases and the demand for justice and to ingrain these violations into collective memory in the midst of complications and difficulties brought about by Turkey's very tumultuous last two years. In this respect, the case updates made to media organs and journalists practicing rights journalism, as well as the announcements and briefs made through social media accounts during and after hearings all served as mini-campaigns in their own right.

Failibelli.org became an important database for interested researchers, lawyers/legal experts and journalists with key documents such as bills of indictment, etc., Timetables displaying important thresholds in legal processes, News regarding court cases from past to present, Courtroom Notes and analyses. At this time efforts were also made to render the site into a source for alternative intervention methods in combating impunity and international case-law.

In line with this aim, translations were made of certain major articles regarding transitional justice and its mechanisms as well as exemplary court rulings in cases of enforced disappearance to act as precedents for local courts. Previously translated rulings and translations of legislation produced by the Council of Europe and United Nations were gathered under the "Resources" tab. **13 articles, translations of 36 European Court of Human Rights (ECtHR) Decisions, and 12 documents on international legislation** were published during 2015-2016 in this section, which we have been trying to enrich continuously.

Finally, online petition templates have been prepared for human rights lawyers working in the field of enforced disappearances and made available at *Failibelli.org/basvuru-ornekleri* under the tab "Application Templates". The petition templates prepared direct the user to different reference pieces of legislation step by step through the internet. The petition forms also encompass appeals to be lodged to Public Prosecutor's Offices for the revival of investigations in cases of enforced disappearance and individual applications to be made to the Constitutional Court regarding enforced disappearances.

As of the year 2017, the monitoring of **6 ongoing court cases** is in progress within the scope of Failibelli.org and with the additional support of the **Mott Foundation**. And *Failibelli.org* shall continue providing a platform for the ongoing collaboration between the components of the *Coalition Against Impunity* regarding court case monitoring as it has been doing up until now.



Illustrated by: *Su Vardal*

PEACE PROCESS CHRONOLOGY

1 AUGUST 2015

Making a declaration on behalf of 10 of the members of the 63-person Wise People's Committee, Ali Bayramoğlu said "The weapons must be silenced immediately."

10 AUGUST 2015

The Şırnak People's Assembly declared self-rule in Şırnak. In a declaration it made two days later the KCK said "The people of Kurdistan have no other option but self-rule." The number of areas where such declarations of self-rule were made reached 16 within two weeks.

16-17 AUGUST 2015

One-day curfews put in place on the 16th of August in the Varto district of Muş and the 17th of August in Diyarbakır's Lice district, later came to be imposed across a much broader region and for longer time periods. According to data released by the HRFT (TİHV) at least 321 civilians lost their lives between the 16th of August 2015 and the 16th of August 2016 in situations of conflict during curfews.

3 SEPTEMBER 2015

The Parliamentary General Assembly voted to extend the Turkish Armed Forces' mandate for extraterritorial military operations for another year. While the AKP, CHP and MHP voted in favour of the extension, the HDP voted against it.

10 OCTOBER 2015

100 people died and more than 400 were wounded as a result of two large explosions taking place in the Peace Rally held by KESK, DİSK, TMMOB and TTB in Ankara. The KCK announced that they had "decided to halt the activities of their armed forces in response to calls from within Turkey and without." While the stated reason for this decision was ensuring a healthy environment for the elections to take place on the 1st of November, the starting date given for this period of inaction was the 15th of October.



Fotoğraf: Cem Türkel / EPA

COURTROOMS ARE WITHOUT TAHİR ELÇİ NOW!

Tahir Elçi was a real peace ambassador, true to his name (his surname literally means 'ambassador'). He was killed on the 28th of November 2015, while making a statement to the press calling for clashes not to spread to Diyarbakır's historic city center. Alongside having acted as a lawyer in countless cases of gross human rights violations and created new case-law with cases he brought before the European Court of Human Rights (ECtHR), Elçi was also an irreplaceable human rights defender with his unending energy and relentlessness in pursuing his cause. As someone who has taken part in much of our work, and has shared his labour and friendship with us, Mr. Elçi's memory will always live on with us at the Memory Center.

Cases of gross human rights violations followed by Tahir Elçi*

- The Kızıltepe JİTEM Case (1992-1996)
- The Musa Anter and Main JİTEM Case (20 September 1992)
- The Cemal Temizöz and Others Case (1993-1995)
- The Kulp Case (1993)
- The Mete Sayar (Görümlü) Case (14 June 1993)
- The Lice Case (22 October 1993)
- The Kuşkonar Massacre Case (26 March 1994)
- The Nezir Tekçi Case (26 April 1995)
- The Uğur Kaymaz Case (21 November 2004)
- The Şemdinli Case (9 November 2005)
- The Roboski Massacre Case (28 December 2011)
- The Medeni Yıldırım Case (28 June 2013)
- The Nihat Kazanhan Case (14 January 2015)

*Compiled by the Diyarbakır Bar Association and Human Rights Joint Platform (İHOP).

TRIAL MONITORING IN NUMBERS

20 hearings were taken part in.
19 of these were monitored and reported on.
News pieces were published regarding 5 hearings.
Illustrator participation was ensured in 3 hearings.

ONGOING CASES BEING MONITORED

6 ongoing cases are currently being monitored within the scope of *Failibelli.org* as of 2017:

The Musa Anter and Main JİTEM Case,
The Lice Case,
The Ankara JİTEM Case,
The Dargeçit JİTEM Case,
The Kızıltepe JİTEM Case,
The Yavuz Ertürk (Kulp) Case.

20 OCTOBER 2015

President of the Diyarbakır Bar Association Tahir Elçi, referred to court for arrest due to his having said on live television that he didn't consider the PKK a terrorist organization, was released. Following his release Elçi said "I stand by what I said. I don't believe that the PKK and KCK organizations can be described by the term 'terrorist organization'."

1 NOVEMBER 2015

As a result of the early elections on the 1st of November, the AKP received 49.5% of the vote attaining the majority required to form government, while the HDP received 10.75% of the vote winning 59 seats in Parliament.

10 NOVEMBER 2015

In its Annual Progress Report on Turkey the European Commission included severe criticisms in the field of human rights and democracy, and the following statement: "Peace negotiations should be restarted immediately."

18 NOVEMBER 2015

The Council of Europe Commissioner for Human Rights Nils Muiznieks stated that "Although the Turkish state has the right and obligation to combat terror," the methods used in operations must guarantee the preservation of human rights and must meet international standards. He emphasized that the open-ended and continuous curfews put in place until further notice seriously restricted the most fundamental human rights of quite a large population.

THE LICE CASE İzmir 1st High Criminal Court

OCTOBER 1993

On the 22nd of October the Lice Massacre took place, resulting in the death of 15 civilians, one soldier and Gendarmerie Regional Commander Brigadier General Bahtiyar Aydın, and damage to 242 workplaces and 401 residential structures.

APRIL 1994

The families applied to the ECtHR. In January 2004 the Court condemned Turkey in the Ayder and Others Case.

SEPTEMBER 2013

The bill of indictment was prepared by Diyarbakır Public Prosecutor Osman Coşkun.

OCTOBER 2013

The indictment was accepted by the Diyarbakır 8th High Criminal Court.

JANUARY 2014

After the first hearing in Diyarbakır the Supreme Court decided to transfer the case to the Eskişehir 1st High Criminal Court.

THE YAVUZ ERTÜRK (KULP) CASE Ankara 7th High Criminal Court

OCTOBER 1993

On the 8th of October a large-scale military operation was launched in the Kulp-Muş-Lice area. 11 people were detained in this operation run by the Bolu Brigade. 11 people were seen being boarded onto a military helicopter on the 16th of October.

OCTOBER 1993 – JANUARY 1994

The relatives of the disappeared appealed to various authorities.

DECEMBER 1993

The Kulp Public Prosecutor's Office started an investigation.

JANUARY 1994

After the decision of lack of jurisdiction by the Prosecution, the investigation was handed over to the Diyarbakır State Security Court (DGM).

APRIL 1994

Not having received any return from prosecutor's offices regarding their applications, the relatives of disappeared persons sought recourse at the ECtHR.

APRIL 1997

The Diyarbakır DGM Chief Public Prosecutor's Office decided that there were no grounds for legal action.

MAY 2001

The ECtHR found Turkey guilty in the Akdeniz and Others Case, and sentenced Turkey to a fine.

THE ANKARA JİTEM CASE Ankara 1st High Criminal Court

SEPTEMBER 1993 – JULY 1996

19 people including Abdülmecit Baskın and many Kurdish businesspeople were killed.

NOVEMBER 1996

On the 3rd of November the Susurluk Accident occurred, revealing the relationships between the deep state and mafia, as well as hit lists and death squads.

MARCH 1997

The Susurluk Case was opened on charges of "Forming an armed organization for criminal purposes between 1993 and 1996, and failing to inform the authorities of persons with arrest warrants in their names".

FEBRUARY 2001

The Susurluk Case was concluded. Mehmet Ağar remained "untouchable" in the conviction ruling.

NOVEMBER 2007

Mehmet Ağar's immunity was lifted and the investigation file was sent to the Council of State.

JULY 2008

The Mehmet Ağar case started being heard in the High Criminal Court.

MARCH 2011

Former Special Forces member Ayhan Çarkın, one of the defendants in the Susurluk Case, made important confessions regarding the deep state. An investigation was launched based on these allegations.

THE DARGEÇİT JİTEM CASE Adıyaman 1st High Criminal Court

OCTOBER – NOVEMBER 1995

Seyhan Doğan (14), Abdurrahman Olcay (20), Mehmet Emin Aslan (19), Abdurrahman Coşkun (21), Nedim Akyön (16), Hikmet Kaya (24), Süleyman Seyhan (57) and Davut Altınkaynak (13) taken under custody between the 29th of October and 3rd of November were never heard of again.

MARCH 1996

On the 6th of March Süleyman Seyhan's body was found in a well near the clinic in a village inhabited by village guards. On the 8th of March Specialist Sergeant Bilal Batırır, who is said to have pointed out Süleyman Seyhan's location, was also forcibly disappeared.

NOVEMBER 2004

With its decision on the Süleyman Seyhan case, the ECtHR sentenced Turkey to pay a fine on grounds that "the Right to Life and to an Effective Investigation" had been violated.

NOVEMBER 2011

After the investigations conducted by the Dargeçit Chief Public Prosecutor's Office regarding disappeared persons were joined in 2009 under a single file as Prep No 1995/2, the summary of proceedings no. 2011/46 prepared regarding the suspects in November 2011 were sent to the Diyarbakır Chief Public Prosecutor's Office, charged with this duty under article 250 of the Code of Criminal Procedure.

FEBRUARY 2013

Some of the bones uncovered in excavations conducted in the Bağözü village in February 2012 were identified as belonging to Mehmet Emin Aslan.

JULY 2013

The Forensic Science Institute (ATK) reported certain bones found in the February 2012 Bağözü excavations to be belonging to Seyhan Doğan.

JANUARY 2014

The fact that some of the bones unearthed in the February 2012 Bağözü village excavations belonged to Abdurrahman Coşkun was fully verified by an ATK report.

THE KIZILTEPE JİTEM CASE Ankara 5th High Criminal Court

OCTOBER 1993

Kemal Birlik and Zeki Alabalık were arrested on the 20th of October.

FEBRUARY 1994

Yusuf Tunç was forcibly disappeared on the 9th of February.

JUNE 1994

Abdülvahap Ateş was forcibly disappeared on the 14th of June.

JANUARY 1995

The Hindula Village was raided by soldiers and emptied. Mahmut Abak and Mehmet Emin Abak were forcibly disappeared on the 15th of January, while Nureddin Yalçinkaya and Necat (Şemsettin) Yalçinkaya were disappeared on the 27th.

FEBRUARY 1995

On the 11th of February Mahmut Abak's body was found.

MARCH 1995

Kemal Birlik, Zeki Alabalık, Abdülbaki Birlik and Zübeyir Birlik were forcibly disappeared on the day of their release on the 29th of March.

OCTOBER 2008

Aydos, anonymous witness of the investigations, claimed that Hasan Atilla Uğur was responsible for many perpetrator-unknown killings.

THE MUSA ANTER and MAIN JİTEM CASE Ankara 6th High Criminal Court

JUNE 1999

The first bill of indictment regarding JİTEM, numbered 1999/570 and with 6 defendants, was prepared.

DECEMBER 1999

Another bill of indictment no. 1999/1084, with 5 defendants, was prepared regarding JİTEM.

FEBRUARY 2000

The lawsuits filed based on these two bills of indictment were merged under case no. 1999/187 E.

MARCH 2005

A new bill of indictment numbered 2005/3479 was put together against 8 defendants.

MAY 2010

The JİTEM Cases were merged within a single case file numbered 2009/477.

JUNE 2012

Hamit Yıldırım, accused to be the perpetrator of Musa Anter's murder by JİTEM hitman Abdülkadir Aygan in his confessions, was taken under custody.

Defendants: Yavuz Ertürk, Commander of the Bolu Mountain Commando Brigade at the time
Murdered Victims: Bahri Şimşek, Nesrettin Yerlikaya, Turan Demir, Ümit Taş, Celal Aziz Aydoğdu, Abdo Yamık, Mehmet Şerif Avşar, Behçet Tutuş, Mehmet Salih Akdeniz, Mehmet Şah Atala, Hasan Avar.

FEBRUARY 2014

JUNE 2014

AUGUST 2014

JANUARY 2015

The Eskişehir 1st High Criminal Court sent the case back to the Diyarbakır 8th High Criminal Court on grounds of lack of jurisdiction. The Supreme Court transferred the case once more, deciding for it to be heard in İzmir.

Case proceedings were halted in the first hearing in İzmir on grounds that there was need for permission from the Ministry of Justice since defendants Eşref Hatipoğlu and Tünay Yanardağ were senior-ranking military commanders. The lawyers filed an objection against this freeze order.

The İzmir 2nd High Criminal Court rejected the objection to the freeze order.

The 3rd Chamber of the Supreme Board of Judges and Prosecutors (HSYK) overturned the decision to halt the case.

Defendants: Eşref Hatipoğlu, Diyarbakır Gendarmerie Regiment Commander at the time, and Lieutenant Tünay Yanardağ.
Murdered Victims: Bahtiyar Aydın, Yüksel Bayar, Ali Nurettin Soyer, Abdullah Akçakmak, Mizgin Cantürk, Bayram Yıldız, Hüseyin Cantürk, Emine Kırac, Zana Çakır, Ali Şanlı, Saniye Boğan, Mustafa Çakır, Ali Canpolat, Kudret Ergün, Muhyettin Gülen, Dilbirin Cantürk, Halil Dolan.

NOVEMBER 2004

DECEMBER 2005

FEBRUARY 2012

OCTOBER 2012

OCTOBER 2013

JANUARY 2014

A mass grave containing 11 people was found in the vicinity of the Kepir hamlet of the Alaca Village.

The fact that the bones found belonged to 11 forcibly disappeared persons was verified via a report by the ATK.

In response to the question addressed by the Diyarbakır Chief Public Prosecutor's Office to the Bolu 2nd Brigade as part of the preliminary inquiry, the Brigade stated that their records had been submerged under water during the earthquake.

The Bolu Provincial Directorate of Disaster and Emergency stated that there was no record of damage to the Brigade archive building during the earthquake.

Yavuz Ertürk was interrogated as part of the preliminary inquiry. An arrest warrant was issued in his name, stopping the clock on the statute of limitations. The bill of indictment was accepted and the case, asking for 10 aggravated life sentences for Yavuz Ertürk, was opened.

The 5th Criminal Chamber of the Supreme Court decided for the case to be heard in Ankara for security purposes.

Defendants: Mehmet Açar, İbrahim Şahin, Korkut Eken, Ayhan Çarkın, Ayhan Akça, Ziya Bandırmalıoğlu, Ercan Ersoy, Ahmet Demirel, Ayhan Özkan, Seyfettin Lap, Enver Ulu, Uğur Şahin, Alper Tekdemir, Yusuf Yüksel, Abbas Semih Sueri, Lokman Külünk, Mahmut Yıldırım, Nurettin Güven, Muhsin Koman.
Murdered Victims: Namık Erdoğan, Metin Vural, Recep Kuzucu, Behçet Cantürk, Savaş Buldan, Hacı Karay, Adnan Yıldırım, İsmail Karaalioğlu, Yusuf Ekinci, Ömer Lutfi Topal, Hikmet Babataş, Medet Serhat, Feyzi Aslan, Salih Aslan, Lazem Esmaili, Asker Smitko, Faik Candan, Abdulmecit Baskın, Tarık Ümit.

MARCH 2011

SEPTEMBER 2011

APRIL 2012

APRIL 2013

SEPTEMBER 2013

OCTOBER 2013

JANUARY 2014

MAY 2014

Former special forces member and defendant in this case Ayhan Çarkın made important confessions with regards to the deep state. Investigations were launched based on these allegations.

Mehmet Açar was sentenced to 5 years of prison in the Susurluk Case.

Mehmet Açar was put behind bars.

Mehmet Açar was released from prison.

Mehmet Açar testified as 'suspect' in the court case on perpetrator-unknown killings.

The bill of indictment regarding the killing of Abdülmecit Baskın, prepared in case the limitation period was to run out, was admitted by the court.

The new bill of indictment regarding the other 18 extrajudicial, summary executions and enforced disappearances in Ankara was accepted.

The two cases were joined in the first hearing.

Defendants: Mardin Gendarmerie Brigade Commander Hurşit İmren, Dargeçit District Gendarmerie Commander Mehmet Tire, Gendarmerie Post Commander Mahmut Yılmaz, Gendarmerie Deputy Post Commander Haydar Topçam and Specialist Sergeant Kerim Şahin serving as driver at the Gendarmerie post; in addition to these: Faruk Çatak, Mahmut Ayaz, Naif Çelik, Ramazan Savcı, Kemal Kaya, Mehmet Acar, Faik Acar, Hüseyin Altunışık, Mehmet Emin Çelik, Sadık Çelik, Fethullah Çelik, Osman Demir and Bahattin Ergel through a supplementary indictment.
Murdered Victims: Süleyman Seyhan, Nedim Akyön, Mehmet Emin Aslan, Seyhan Doğan, Davut Altınkaynak, Adurrahman Olcay, Adurrahman Coşkun, Bilal Batırır.

OCTOBER 2014

NOVEMBER 2014

DECEMBER 2014

FEBRUARY 2015

MARCH 2015

MAY 2016

The first bill of indictment was prepared.

The bones uncovered in the excavations in the Tilzerin village in July 2013, verified as belonging to Adurrahman Olcay were handed over to his family and interred in Batman.

The Midyat High Criminal Court partially accepted the indictment.

It was decided that suspects against whom previously decision of non-prosecution had been entered were to be included in the case via a Supplementary Indictment to be prepared. The case was transferred by the 5th Chamber of the Supreme Court to the Adıyaman High Criminal Court for "security purposes" before even a single hearing had taken place.

Human bones were found in a cave in the Dilan (Ulaş) village.

The bones found in Dilan and identified as belonging to Davut Altınkaynak (13) and Nedim Akyön (16) were handed to their families and interred by them.

Defendants: Retired Colonel Hasan Atilla Uğur, Colonel Eşref Hatipoğlu-Provincial Gendarmerie Commander at the time, Gendarmerie Commando Company Commander Ahmet Boncuk, Sergeant Major Ünal Alkan and village guards Adurrahman Kurğa, Mehmet Emin Kurğa, Ramazan Çetin, Mehmet Salih Kılınçaslan, İsmet Kandemir.
Murdered Victims: Abdülvehap Yiğit, Süleyman Ünal, Mehmet Nuri Yiğit, Tacettin Yiğit, Zübeyir Birlik, Abdülbaki Birlik, Kemal Birlik, Zeki Alabalık, Menduh Demir, Nurettin Yalçınkaya, Necat (Şemsettin) Yalçınkaya, Mehmet Emin Abak, Hıdır Öztürk, Abdülvahap Ateş, Mahmut Abak, Yusuf Tunç, Şeyhmus Kaban, İzzettin Yiğit, Yusuf Çakar, Adurrahman Öztürk, Mehmet Ali Yiğit, Abdülbaki Yiğit.

JANUARY 2013

MAY 2013

MAY – JUNE 2013

MARCH – JUNE 2014

JULY 2014

NOVEMBER 2014

The charges brought against Hasan Atilla Uğur were transferred to the Kızıltepe Chief Public Prosecutor's Office.

The fact that bones found in the Katarlı village in excavations in 2008 belonged to Nureddin Yalçınkaya and Necat (Şemsettin) Yalçınkaya was verified.

Bones belonging to three separate persons were found in the well in the Tilzerin village, where Mahmut Abak's body had been found in 1995. Ossified human remains were also discovered in the well inside the Yurtderi village church.

In reports prepared by the Forensic Science Institute on the 4th of March and 4th of June, it was stated that some of the bones discovered in the Yurtderi excavations were identified as belonging to Zübeyir Birlik and Zeki Alabalık.

The Kızıltepe Indictment was completed. JİTEM was held responsible for the perpetrator-unknown killings and village burnings taking place between 1993 and 96.

The 5th Chamber of the Supreme Court decided to transfer the case from Mardin to Ankara before a single hearing had taken place.

Defendants: Mahmut Yıldırım (a.k.a. "Yeşil" i.e. "Green"), Abdülkadir Aygan (Aziz Turan), Muhsin Gül, Fethi Çetin (Fırat Can Eren), Faysal Şanlı, Hayrettin Toka, Hüseyin Tilki (Hüseyin Eren), Ali Ozansoy (Ahmet Turan Altaylı), Adil Timurtaş, Recep Tiril (Recep Erkal), Kemal Emlük (Erhan Berrak), Saniye Emlük (Emel Berrak), İbrahim Babat (Hacı Hasan), Mehmet Zahit Karadeniz, Lokman Gündüz, Yüksel Uğur, Hamit Yıldırım, Savaş Gevrekçi.
Murdered Victims: Hasan Caner, Hasan Utanç, Tahsin Sevim, Mehmet Mehdi Kaydu, Harbi Arman, Lokman Zuğurlu, Zana Zuğurlu, Servet Aslan, Şahabettin Latifeci, Ahmet Ceylan, Mehmet Siddık Etyemez, Abdülkadir Çelikkbilek, Musa Anter.

JULY 2013

APRIL 2014

DECEMBER 2014

JANUARY 2015

JUNE 2015

JANUARY 2016

The bill of indictment prepared on the 25th of June 2013 with regards to the killing of journalist-writer Musa Anter on the 20th of June 1992, was accepted and the court case was hence opened.

The Diyarbakır 2nd High Criminal Court responsible for the Musa Anter Case sent this case to the court where the Main JİTEM Case was being heard, requesting the two files to be joined.

The Diyarbakır 1st High Criminal Court decided to join the two cases.

The Musa Anter Case was transferred to Ankara "for security reasons".

The Ankara 6th High Criminal Court negated the joinder of the cases.

The joinder of the two cases was upheld and finalized by decision of the 5th Criminal Chamber of the Supreme Court.

EFFORTS TO DEVELOP AN ADVANCED ANALYSIS OF A MULTI-LAYERED PROBLEM

COURT CASE MONITORING AS A METHOD IN COMBATING IMPUNITY

The Memory Center commenced its court case monitoring work as a new method in combating impunity in 2016, within the scope of its “Empowering Young Human Rights Defenders to Fight against Impunity” project, in collaboration with the Şırnak Bar Association and with the support of the Delegation of the European Union to Turkey and the Open Society Foundation. Within this framework, Melis Gebeş and Duru Yavan from the Legal Studies Program relate the processes of systematic monitoring of 6 cases regarding enforced disappearances.

Could you briefly describe your collaboration with the Şırnak Bar Association in terms of court case monitoring work?

The joint work we carry out with the Şırnak Bar Association reaches far beyond merely trial monitoring. The common goal of all of these efforts is decoding and breaking the cycle of impunity, which is an enduring state practice in Turkey. In all of the work we have conducted up until now, we have attempted to do this by focusing on the gross human rights violations of the past. Şırnak is one of the primary locations marked by such intense and widespread rights violations, as the state has abused its monopoly of violence and made recourse to extra-legal methods in suppressing political opposition here. The support and contributions of human rights organizations based in Şırnak are very crucial to our work. The Bar Association is among the most important of these. Our partnership with the Bar also mobilizes and empowers lawyers waging a legal battle to bring perpetrators of violations to account. Court case monitoring is but one arm of the work produced through this partnership and solidarity in terms of combating impunity. By using this method, we are trying to define problem areas resulting in impunity in cases regarding gross human rights violations, make these public and identify possible solutions.

Would you summarize what the JİTEM and Musa Anter, Kızıltepe JİTEM, Ankara JİTEM, Dargeçit JİTEM, Lice, and Yavuz Ertürk (Kulp) cases you have chosen to monitor have in common?

Of the few court cases opened with regards to the gross human rights violations of the 1990s, these are the ones that are as of yet still unconcluded. Monitoring work can only be carried out with regards to ongoing court cases since it implies processes of gathering information and preparing reports on problem areas by way of an observation of the trial itself. Due to the structure and configuration of these gross human rights violations, those on trial in both ongoing and concluded court cases are either state agents or persons acting in collusion, with the acquiescence, or under the control of public authorities. We see these persons protected by a shield of impunity each and every time they are brought before court in Turkey. It is possible to notice the judiciary using similar strategies to perpetuate the cycle of impunity in court cases we have been following. One such method is transferring the case away from the locality in which the crime has been committed, to courts in other cities. In this way, not only are practices of evidence collection, such as on-site assessment or pointing out places, rendered near to impossible, but the attendance of plaintiffs, lawyers

as well as the community itself in hearings is also made immensely difficult. Ultimately, these ineffective trials disempowering victims keep wounding society’s sense of justice over and over again. The lack of accountability encourages perpetrators to commit new crimes without fear of retribution. The result is a compounding of the pain suffered by victims and the loss of their belief in justice.

You organized a training program titled “Transitional Justice Mechanisms during Ongoing Conflict, World Examples and Turkey” in 2016 in order to both form and inform trial monitoring teams. Individuals working in what kinds of fields participated in this training? What were the criteria employed in the subsequent establishment of teams?

Lawyers from the Şırnak, Istanbul, Mardin, Diyarbakır, Siirt, Ankara, Batman, Muş, Van and Mersin Bar Associations, members of the press from various media organs and social scientists from different disciplines participated in this program we organized. By ensuring the involvement of persons working in different fields in trial monitoring activities, we aim to observe from different angles and perspectives the way in which these trials are being conducted, the conduct of defendants and victims, the actions they are subjected to, as well as the attitudes of the panel of judges, prosecutor and lawyers. In this manner we are trying to encompass the different areas impacted by the impunity problem, which is not only a concern of the field of law, and achieve an advanced, qualified analysis of a multi-layered problem. Using an inter-disciplinary method provides fertile grounds for this. We see, for instance, problem areas that are often internalized or normalized by legal experts being noticed and reported on by individuals from different fields.

Why is it of critical importance for developments in the courtroom to be instantly shared with the public by trial monitoring teams?

As much as these cases are of public interest and are conducted in a public manner, we see that in practice trials actually take place behind closed doors, and information of what happened inside the courtroom does not reach the public. What happens inside a courtroom is not limited to the contents of the official trial record. Events and attitudes prior to or after the end of hearings are not, for instance, included within these written proceedings. Yet, in reality, the process begins right upon entry into the court house building for all parties of the case. How defendants or the friends and relatives of victims experience this entire process – the fact that victims end up having to wait in the same area with relatives of defendants while defendants themselves enter through the back door with their bodyguards – must also be instantly shared with the public.

What kind of methods are used in trial monitoring work in order to contribute to the creation of societal awareness with regards to gross human rights violations?

The sole demand with regards to the cases we follow is not bringing the perpetrators of gross human rights violations to account. These cases also create an opportunity for revealing the truths of these violations. The importance of courtrooms acting as platforms for victims’ voices to be heard doubles, especially when one considers how they

have endeavoured to bring these truths to the attention of state authorities for many long years without success. As part of trial monitoring activities, these truths voiced during hearings are shared with the public. Truths, which have not reached a certain portion of this polarized society for a very long time, are therefore heard by these people as well and opened up to discussion. It is possible to say that a dent is made – albeit a small one – in the canon of one-sided official truths, full of heroic sagas, based on suppressing and forgetting what has actually happened.

What is the main motivation behind your inclusion of artists in trial monitoring teams for them to illustrate what they witness in courtrooms?

Hearings are open to the public by rule, but the public is usually only able to follow developments taking place within courtrooms through written proceedings or news articles produced based on them. These are mostly technical or legal texts. But most of the attitudes, stances and positions embodying impunity confronted in hearings are beyond technical matters of law. An illustration of the ways in which parties listen to each other, including the postures they assume, their mimics, and even the architectural structure of the courtroom allows people who are not actually present to easily picture what has taken place during hearings. Our main motive here is to render visible the dimensions of impunity which fall outside the realm of law, to make ‘the average person’ – so to speak – feel as if they are inside the courtroom, putting themselves in the shoes of victims’ relatives and following the developments taking place during hearings from their perspective.

Have you faced attempts to violate your right to attend and observe trials in courtrooms?

The problem we face most often in trials we follow is the presence of an excessive amount of riot police in the waiting area and inside the courtroom. It is a common practice for riot police to be seated in the first rows, leaving ample space between each other, in hearings of such cases. This both results in erecting a thick wall of sorts between observers and actors of the case making following the hearing more difficult, and puts pressure on everyone within the courtroom. This dominant presence of riot police in the room demonstrates that observers are considered potential threats, and these observers keep trying to take notes and follow developments under the watchful eye of all of these police officers. We have found that this results in a violation of the right to observe cases to a certain extent. Trial monitoring teams hand – or try to hand – an assignment letter to judges containing information on who shall follow the case within the scope of our joint project with the Şırnak Bar Association. The purpose of this letter is not to request permission, but to inform. We have not really experienced any problems with regards to this. The widespread response is, “You don’t have to give us this paper, anybody who wishes can attend hearings anyway.” Yet, in time, as the same teams have steadily continued attending the hearings of the same cases, judges have started taking this more seriously. At this point, we see many of them having the presence of monitoring teams in courtrooms during hearings recorded in the written proceedings.

PEACE PROCESS CHRONOLOGY

28 NOVEMBER 2015

President of the Diyarbakır Bar Association Tahir Elçi was shot in the head at the end of a press statement in Sur, hence losing his life. In his last declaration at the base of four-legged minaret Elçi had said “We do not want any guns exploding, clashes or operations in this historical area.” Those who shot Elçi have still not been identified.

2 DECEMBER 2015

Saying that the State’s meetings with Öcalan were ongoing, AKP MP from Diyarbakır Galip Ensarioğlu made the following statement: “These negotiations are continuing within the knowledge of the State only. Other factions shall be included whenever it is determined that this would be beneficial.”

27 DECEMBER 2015

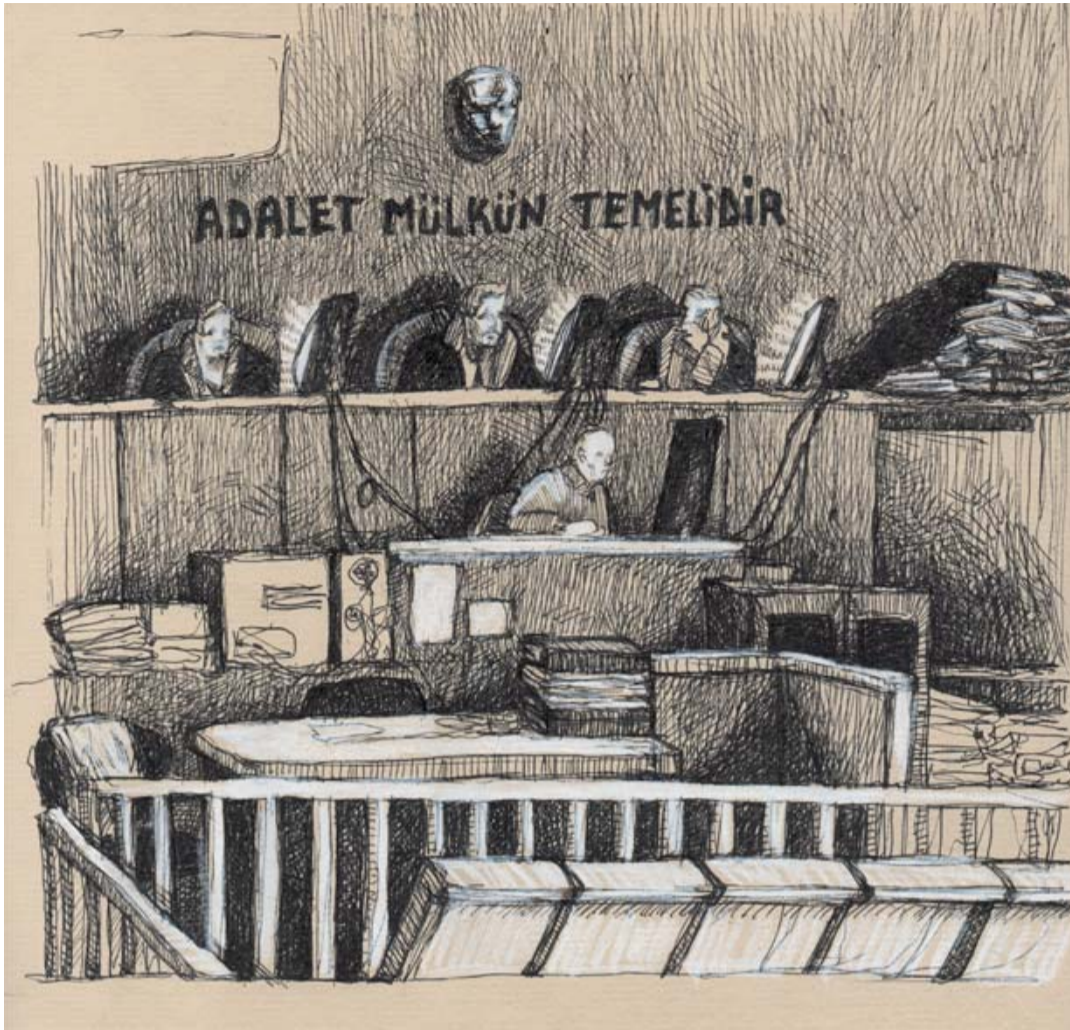
The components of the DTK issued a declaration describing “self-rule” following an emergency meeting. Youth in Nusaybin and Cizre announced that they would enact their self-defence in protection of their neighborhood as the “Civil Defence Units- Yekineyên Parastina Sîvil (YPS)” and “YPS Nisêbîn” from now on.

11 JANUARY 2016

1128 academics and researchers from 89 universities in Turkey, and more than 355 from abroad signed the petition titled “We Will Not Be Party to this Crime”, calling upon the state to put an end to its use of violence and create the circumstances for negotiations to be resumed.

12 JANUARY 2016

President Erdoğan reacted against signatory academics, saying “These so-called intellectuals go and say the state has committed a massacre. You counterfeit intellectuals! You’re up to your throat in shady business. You’re too caught up in your own darkness to know the Southeast, the East, or where any of these places are.”



Illustrated by: Su Vardal – Dargeçit JİTEM Case, 2 December 2016, 6th Hearing

ILLUSTRATING IMPUNITY

Illustrator Su Vardal, who depicted the hearings of the Ankara JİTEM and Dargeçit JİTEM cases, explains what she pays special attention to in the courtroom and the process through which she finalizes her drawings.

I had never once been in a courtroom or attended any hearing before starting to illustrate trials for the Memory Center. When I went to my first hearing in Ankara as an illustrator, I was really nervous. There were mountains of files everywhere, and even though I wasn't able to draw everything, I was all eyes as I was trying to memorize what was going on around me. 2-meter-high piles, whose contents I could only ever imagine, and piles behind the seats of the 10 to 15-m-wide amphitheatre we were seated in...

I start out by reading the case file before attending hearings. I try to pick out the most striking incidents – and those which have the greatest impact on me – from everything that happens during and after a hearing. I think about how I would convey this sense in my compositions and prepare sketches additional to those I had already drawn in the courtroom. After these I draw the clean, final versions. So I could say that the theoretical process is more intense. While preparing my drawings I try to quickly sketch out the physical conditions while noting down people's mimics and the accounts of witnesses and victims, because what I wish to do is create surreal spaces in which I can combine fact and fiction. And indeed, both what has been experienced and the courtroom within which I sit seem too terrible to be true...



Illustrated by: Su Vardal – Ankara JİTEM Case, 11 December 2016, 10th Hearing

17 FEBRUARY 2016

A total of 28 people – 20 military officers, 7 civilian personnel of the Armed Forces and 1 civilian – lost their lives and 81 were wounded in a bomb attack against a military service vehicle in Ankara. TAK claimed responsibility for the attack.

13 MARCH 2016

37 people lost their lives and 125 were wounded in the bombing that took place in the Bakanlıklar (Ministries) bus stop in Ankara's Kızılay Square. TAK claimed responsibility for the attack.

10 MAY 2016

3 people lost their lives and 22 – including police officers – were wounded in a car bomb attack in Diyarbakır's Bağlar district. One of the wounded police officers died while receiving treatment in Ankara's GATA Hospital on the 20th of May.

20 MAY 2016

The Parliamentary Assembly approved the draft constitutional amendment bill to lift the immunities of 138 members of parliament – 50 of whom were HDP members – facing certain charges, with 376 votes in favour.

7 JUNE 2016

President Erdoğan ratified the amendment lifting parliamentary immunities. 7 police officers and 4 civilians lost their lives and 36 people were wounded, 3 of whom gravely so, in an explosion targeting a police bus passing by in the Vezneciler stop in Istanbul. TAK claimed responsibility for the attack.

14 JUNE 2016

The Venice Commission, which is the Council of Europe expert body on constitutional matters, published a legal opinion that the curfews imposed as part of anti-terror operations in certain provinces and districts were not in line with European standards.

CAMPAIGN: #90LARLAYÜZLEŞMEKİÇİN (CONFRONTING THE 90S)

(8 MAY 2015 – 29 MAY 2015)

Prior to the elections on the 7th of June 2015, the Memory Center conducted a three-week Twitter campaign in order to get the issue of dealing with the violations of the 90s onto the elections agenda. As part of the #CONFRONTINGthe90s campaign, 27 MP candidates from 3 parties (the CHP, AKP and HDP) were asked 10 questions each via Twitter regarding their promises and commitments as well as what kind of work they planned to do towards reckoning with the past. All of 3 MPs from the AKP, 6 from the CHP and 9 from the HDP answered the questions they were asked.

1. TRIALS AND THE ESTABLISHMENT OF JUSTICE

QUESTION: Should enforced disappearances, village evacuations, and perpetrator-unknown killings be deemed crimes against humanity for #CONFRONTINGthe90s?

If these practices are systematic and widespread, as was in the 90s, they constitute crimes against humanity; and Turkey should acknowledge this. (Yılmaz Ensaroğlu)

QUESTION: Will you ensure the trial of those with political and administrative responsibility at the time, in order for #CONFRONTINGthe90s?

The lack of retribution to Evren, the main architect of the massacres of the 80s, has hurt the public conscience. We shall therefore do everything within our power to bring before court and ensure the punishment of all political and administrative authorities determined by Truth Commissions to be responsible for the massacres of the 90s, such as the Prime Minister of the time, ministers and other state officials, with the Governor of Batman in particular. (Ayşe Acar Başaran)

2. THE SEARCH FOR TRUTH AND TRUTH COMMISSIONS

QUESTION: Do you support the establishment of a #truth commission with regards to gross and systematic rights violations?

I believe this to be an absolute necessity for any step towards true democratization in Turkey. Our proposal on this issue is waiting before the Parliament. One of the fundamental parts of the resolution model to the Kurdish issue proposed by the CHP is the establishment of such a commission. (Sezgin Tanırıkulu)

QUESTION: How would women's particular experiences of conflict be conveyed to a potential #truth commission?

A separate commission comprised of women and showing solidarity with women through feminist methods must be established. All that women have gone through must be recorded via conversations, group meetings, one-on-one meetings, and with expert guidance. (Filiz Kerestecioğlu)

3. MEMORIALIZATION EFFORTS

QUESTION: What kinds of spaces of commemoration will you create so as to make past experiences part of collective, social memory?

We shall transform centers of execution and torture into museums of shame. We will erect monuments on sites of massacres so that these may never be forgotten. We shall name streets, avenues and parks after those who have fallen victim to "perpetrator-unknown" killings in order to keep their memories alive. (Mithat Sancar)

4. REMEDY & REPARATIONS PROGRAMS

QUESTION: What will you do for the state to apologize from the relatives of the disappeared and from the society at large?

There are many methods and means of reckoning with the past. An apology is merely one. What is important is acting according to the preferences of the parties of the process and of the society. (Yılmaz Ensaroğlu)

Instead of only a meager apology, for #CONFRONTINGthe90s we will provide concrete rights, such as monetary indemnity, monthly pensions and employment in the public sector. (İlhan Cihaner)

5. STRUCTURAL REFORMS

QUESTION: Will you revoke legal regulations requiring permission for putting state officials on trial?

In this second process of foundation, which we call re-construction, our understanding with regards to the structuring of the state has been to prevent public officials' anti-popular practices and avoid the implementation of protective measures against the people. Within this context, we shall establish the structures and conditions of a public practice in which the people themselves are the main actors.

Our aim is to build a system in which nobody – including any public official – has any privileges that are against national sovereignty and against the people. Thank you. (Mehmet Uçum)

QUESTION: What are your #reform proposals for the abolishment of the #VillageGuard system?

- 1) Leaving the provision of security services in areas of war and conflict to local governments;
- 2) Public support to impoverished villagers;
- 3) Local planning for economic replacements to the village guard system. (Ertuğrul Kürkçü)



#90larla YÜZLEŞMEKİÇİN 1-2005'te Ak Parti döneminde kabul edilen Ceza Kanunu'nun 77.maddesiyle bu suçlar insanlığa karşı suç kabul edildi.

Translate from Turkish

RETWEETS 4 LIKES 7

1:10 PM - 22 May 2015

Mehmet Uçum: For #CONFRONTINGthe90s: 1- These crimes were defined as crimes against humanity by the 77th article of the Penal Code accepted in 2005, under the AKP government.



PEACE PROCESS CHRONOLOGY

20 JUNE 2016

President of the Human Rights Foundation of Turkey Şebnem Korur Fincancı, journalist-writer Ahmet Nesin and Turkey Representative of Journalists without Borders (RSF) Erol Önderoğlu, who took part in the "Editors-in-Chief-on-Watch" campaign in solidarity with Özgür Gündem, were arrested and then released on the 30th of June.

15 JULY 2016

A group within the Turkish Armed Forces (TSK) attempted a military coup in order to assume control of the country. According to data from the Ministry of Interior Affairs a total of 246 people, including 62 police officers, 29 soldiers (24 of whom were putschists), and 179 civilians, lost their lives in the clashes taking place in Istanbul, Ankara and Muğla throughout the night until the attempt was quashed. 2 thousand 185 people, including 135 police officers, 21 soldiers and 2 thousand 29 civilians were wounded.

16 JULY 2016

The four political parties represented in Parliament made a joint declaration following the coup attempt saying, "Though we may espouse different political views, we all stand by the nation's will."

20 JULY 2016

Making a statement following the Cabinet meeting, President Erdoğan declared a 3-month state of emergency in Turkey.

31 AUGUST 2016

In a press conference held by the HDP, DTK, Democratic Regions Party (DBP), the People's Democratic Congress (HDK), and the Free Women's Congress (KJA) the start of an indefinite and non-alternating hunger strike was declared, to last until a meeting with Abdullah Öcalan, with whom no contact had been possible for the past 500 days, was secured.

POSTERS HUNG ON WORLD HUMAN RIGHTS DAY ASKED: WHERE ARE THE DISAPPEARED?

(10-17 DECEMBER 2015)

On the 10th of December 2015, World Human Rights Day, the Memory Center conducted a poster campaign in order to draw attention to Turkey's policies of enforced disappearance, reveal the truths of the disappeared and repeat their demands for justice. Within this scope, posters of İhsan Arslan, İsmail Bahçeci, Hasan Baykura, Faik Kevci, Ali Karagöz and Mahmut Kaya, all of whom had been disappeared by state officials in the month of December, were hung up on the streets of Istanbul in the week of December 10-17, bearing the question: "Where are they?"

İhsan Arslan NEREDE? İsmail Bahçeci NEREDE? Hasan Baykura NEREDE? Faik Kevci NEREDE? Ali Karagöz NEREDE? Mahmut Kaya NEREDE?



A worker born in Cizre, Şırnak in 1963 and disappeared in Cizre, Şırnak, on the 27th of December 1993, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS İhsan Arslan?



Born in Siverek in 1969 and disappeared in Istanbul on the 24th of December 1994, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS İsmail Bahçeci?



A shopkeeper born in Şırnak in 1949 and disappeared in Cizre, Şırnak in the December of 1993, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS Hasan Baykura?



A shopkeeper born in 1967 and disappeared in Viranşehir, Şanlıurfa on the 8th of December 1993, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS Faik Kevci?



Born in Cizre, Şırnak in 1950 and disappeared in Cizre, Şırnak, on the 27th of December 1993, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS Ali Karagöz?



Born in 1959 and disappeared in Kars on the 23rd of December 1980, the perpetrators of which remain unpunished, and his body yet to be found:
WHERE IS Mahmut Kaya?



1 SEPTEMBER 2016

Statutory Decree no. 674 made amendments to the Municipality Law, paving the way for appointed administrators to be brought in place of elected ones in municipalities, hence handing them over to the central administration. The number of municipalities with such appointed administrators reached 53 by the 25th of December 2016. 4 of these were previously governed by the AKP and 49 by the DBP.

12 SEPTEMBER 2016

Meeting his brother Abdullah Öcalan face-to-face in the İmralı Prison after two years of no contact, Mehmet Öcalan relayed Öcalan's message in a press conference as follows: "We have certain projects. We're not the ones who caused the previous process to fall apart. We'll solve this hitch in 6 months. This war is a blind hole. We need this blood, these tears to stop – you can tell this to the press."

28 SEPTEMBER 2016

Many radio and television channels including IMC TV were shut down with Statutory Decree no. 668, and with following decrees dozens of media organs including Özgür Gündem, Azadiya Welat and DİHA were closed as well. Many journalists were arrested in operations conducted.

4 NOVEMBER 2016

17 MPs were taken under police custody including HDP Co-Chairs Selahattin Demirtaş and Figen Yüksekdağ, within the scope of an investigation conducted by the Chief Public Prosecutor's Offices of Diyarbakır, Şırnak, Hakkari, Van and Bingöl, and 9 – including the co-chairs – were arrested. On the same day a car bomb attack took place on the Aydın Arslan Boulevard of Diyarbakır's Bağlar district.

17 DECEMBER 2016

A car bomb attack targeting a public bus containing unarmed soldiers in civilian attire on break took place in Kayseri. 55 people were wounded in this attack and 13 soldiers were killed. A total of 335 people lost their lives in attacks targeting 27 different locations throughout the year 2016.

#DÜNYADAYÜZLEŞME

(WORLD EXAMPLES ON DEALING WITH THE PAST)

A COMPILATION OF POSTS SHARED BY THE MEMORY CENTER IN 2015 AND 2016 REGARDING MECHANISMS FOR DEALING WITH THE PAST IN DIFFERENT COUNTRIES ACROSS THE WORLD

CHAD

30 May 2016

Former President of Chad **Hissene Habre**, who had assumed control of the country by way of a military coup in 1982, was convicted of “crimes against humanity”. Habre’s case is noteworthy as the first in Africa which has been prosecuted under universal jurisdiction and in which the courts of one country have tried the president of another.

REPUBLIC OF CYPRUS

16 August 2016

Former Minister of Foreign Affairs **Erato Kozakou Marcoullis** apologized for the crimes committed by Cypriot Greeks in 1974 on his social media account and called for the establishment of a Truth Commission for the truth to be revealed effectively.

SRI LANKA

18 May 2016

A commemorative ceremony was held on the anniversary of the end of the civil war between the Tamil Tigers fighting for Tamil independence and state security forces, spanning 26 years and costing the lives of at least 100 thousand people – around 40 thousand of whom were civilians – according to the official record, while 20 thousand were abducted by government forces according to Red Cross data. In the ceremony, President **Maithripala Sirisena** emphasized the responsibility for strengthening peace and preventing war as well as the need for cooperation. On the other hand, the **International Crisis Group** published a report containing criticisms of Sirisena, who had come to office in January 2015, on the seventh year of the peace process which had begun on the 18th of May 2009. Drawing attention to the gravity of the war crimes and the importance of taking responsibility, the report called for the establishment of courts for the examination of war crimes, the training of members of the judiciary, and the formation of a timeline with regards to enacting a law on accountability for war crimes.

NEPAL

February 2015

One of the most important milestones in Nepal’s peace process took place: the **Truth and Reconciliation Commission** and the **Commission of Investigation on Enforced Disappeared Persons** were established. It is expected for these to investigate the crimes committed during the clashes between Maoist guerrillas and the security forces of Nepal’s Monarchy.

12 April 2016

The **Common Platform for Conflict Victims**, established as representing those who lost their relatives in the clashes that cost the lives of 18 thousand civilians, presented a 21-point memorandum to the Parliament of Nepal, the National Human Rights Commission, Ministry of Peace and Reconciliation, Ministry of Law, Justice and Parliamentary Affairs, the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons. Expressing concerns with regards to the legal and structural reforms to be carried out by the Truth and Reconciliation Commission and Commission of Investigation on Enforced Disappeared Persons, the memorandum demanded certain reforms such as the enactment of laws criminalizing enforced disappearance and torture and the redefinition of human rights violations, and warned that transitional justice would not succeed if its suggestions were not heeded.

COLOMBIA

24 June 2016

In the process of peace negotiations starting in 2012 in Colombia, the Revolutionary Armed Forces of Colombia (FARC) and the Colombian government agreed on a ceasefire and on laying down arms. The agreement signed by Colombian President Juan Manuel Santos and FARC leader Timochenko in Havana was not a final one, and the ceasefire did not start immediately. The parties continued their negotiations.

26 September 2016

The peace deal ending the 52-year-long conflict between FARC and the Colombian government was signed in a ceremony held in Cartagena. Upon the 297-page deal signed with a pen made from a bullet, it said: “Bullets wrote our past. Education will write our future.”

2 October 2016

13 million Colombians voted on the peace deal in a referendum where 50.24% of the population said “no”. Nation-wide marches were held in support of the peace deal rejected by a margin of 63 thousand votes.

24 November 2016

A new peace deal agreed upon by the government and FARC on the 12th of November was signed in Bogota and submitted for the approval of the Congress.

1 December 2016

The two sides declared a bilateral ceasefire.

10 December 2016

President of Colombia Juan Manuel Santos received the Nobel Peace Prize.

SPAIN

October 2016

In Spain, a mass grave was found containing 200 people executed during the era of dictator General Francisco Franco.

ARGENTINA

3 May 2016

Omar Graffigna, commander of the air forces at the time, claimed to be responsible for disappearances in the dictatorship era from 1976 to 1983, was brought before a judge. Countless human rights violations were committed during the junta regime (1976-1983), which began with the military coup led by Chief of Staff General Jorge Rafael Videla on the 24th of March 1976. According to the International Center for Transitional Justice (ICTJ) report dated 2005, it is estimated that around 10 thousand to 30 thousand people were disappeared in this period.

27 May 2016

The Court of Buenos Aires sentenced 15 ex-military officers to prison for the crimes they committed against opponents during the junta years. The Court also defined the operation launched in concert by various South American dictatorships, known as the “Condor Plan”, as an “illicit association” for the very first time.

TUNISIA

17-18 November 2016

The **Truth Commission** founded in December 2013 started taking its first witness testimonies with regards to the gross human rights violations such as homicide, rape and torture committed since the gaining of independence in July 1955. In the hearings broadcasted live on Tunisian television, the victims recounted what they had gone through in the 45 minutes allotted to them. The Commission, which is said to have received 62 thousand applications since its founding, has the right to access state archives with regards to all human rights violations including those committed by state officials or on behalf of the state as per the Transitional Justice Law. The space in which this first hearing took place, as a historic step in terms of reckoning with the past, also carries symbolic significance. The first hearing took place in “Club Elyssa”, one of the confiscated residences previously belonging to Zeynel Abidin Bin Ali, the dictator toppled in 2011. The date chosen for the second hearing was the 17th of December, the day accepted as the start date of the people’s revolt in 2011. The last hearing was set to take place on the 14th of January, the day of Bin Ali’s admittance of defeat in the face of the popular resistance and his leaving the country.

GUATEMALA

6 January 2016

The forensic evidence work conducted in Guatemala in order to reckon with the bloody inventory of the civil war which cost the lives of 200 thousand people between 1960 and 1996 marks a true turning point. In 2012 it had been revealed that the biggest mass grave in Latin America lay in CREOMPAZ (Comando Regional de Entrenamiento de Operaciones de Mantenimiento de Paz), the military base of the time. Over the course of two years, forensic experts unearthed and recorded the remains of 558 people, 90 of which were children. 97 of these persons were identified through DNA tests using the “**National Genetic Database for Families and Victims of Enforced Disappearances**” for comparison. At the end of this process, on the 6th of January 2016, 18 retired military officers were arrested based on allegations that they had committed war crimes. 14 of these are on trial for committing the crimes of enforced disappearance, homicide and torture as crimes against humanity.

KOSOVO

6 February 2015

Documentation work conducted by the Humanitarian Law Center (HLC), a Belgrade-based human rights organization, verified the number of people killed in the war to be 13 thousand 517. The Center’s database was made accessible online at www.kosovomemorybook.org.

RWANDA

2015

20 years after the genocide resulting in the death of approximately 1 million people, Hutus and Tutsis participating in a process of reconciliation by working with a civil society organization called **AMI (Association Modeste et Innocent)**, undergo months of counseling as part of the program. The program ends with an apology by the perpetrator. “If the apology is accepted by the victim, the perpetrator, their family and housemates make a basketful of offerings to the victim. The reconciliation is sealed with songs and dances.”

Bogotá, Colombia, 26 September, 2016

26



SUPPRESSED TRUTHS AND INNOVATIVE FORMS OF EXPRESSION

Written by: Kerem Çiftçioğlu (Dissemination and Advocacy Program)

Modern catastrophes such as genocide, crimes against humanity, and war crimes entail the first-degree responsibility of state officials. What sets these people apart from regular criminals is the management responsibility they possess and the fact that their decisions have binding force across societal factions. On the other hand, we know that none of these crimes would have been possible without the consent – in one way or the other – of an important portion of the society.

Exactly for this reason, sharing suppressed truths with the society has been an important aspect of struggles with regards to a reckoning with the past, as a moral duty reminding the society of its responsibility in the horrendous events experienced. A call is hence made to those saying “I didn’t know”, for them to hear and comprehend what has happened and acknowledge their own responsibility. These efforts include recognition of victims, public disclosure of perpetrators implicated in crimes, and discussion of why the society consenting to them acted in this manner. Thanks to the new social agreement to be brought about by all of these discussions, the world we live in will not keep turning as if all of these catastrophes never happened.

On the other hand, according to the widespread discussion within the literature on reckoning with the past, being witness to catastrophes is actually an impossibility. For instance, the crime of torture may never be recounted in a manner that can adequately convey the experience of the torture victim, since the catastrophe transcends the limits of language and rational consciousness. Yet just as this impossibility doesn’t mean that witness testimonies and efforts to recount are empty and unnecessary, the only means to convey a catastrophe are also not written, analytical forms. Artistic mediations are able to surpass the descriptive power of words with regards to the human condition, both by triggering different senses and by opening space for imagination.

Efforts to convey catastrophes to wide swathes of society are known as **memorialization studies** in the literature on dealing with the past. With the aim of restoring victims’ battered dignity, this kind of work is traditionally produced in spaces of public remembrance such as monuments, commemorative ceremonies and museums. We are, on the other hand, witnessing a rapid transformation of these forms of narration/expression in parallel with the developments of our day and age in the field of communications and digital technology. This transformation is both diversifying the narrative forms used by traditional platforms and resulting in the emergence of new spaces of remembrance.

The innovative forms of expression enabled by these developments gradually attract more attention from

actors concerned with communicating heavy and serious matters to the society at large.

Today, the United Nations, Amnesty International and established media institutions such as the New York Times, Guardian and Washington Post are enhancing their written content more and more with visual narratives through collaborations with different visual disciplines. New forms of expression increasingly accompanied by video, photography and information design add to the expressive power of text rather than replacing it. It is, at this point in time, especially important to pay attention to the efforts of NGOs conducting data-centered work to convey the information they gather using new platforms, which stimulate different senses.

For instance, Amnesty International and Forensic Architecture collaborate, using visual modeling techniques to both produce visual evidence regarding rights violations and allow people to relate empirically to the contents of reports. The two organizations most recently created a **three-dimensional digital model** of the Saydnaya Prison, known as the most notorious one in Syria, where tens of thousands of people were subjected to torture and abuse and lost their lives. In this piece involving architectural and acoustic modeling techniques, researchers mostly relied on the accounts of five former detainees, survivors of Saydnaya, of their experiences in the prison. We see that along with descriptions of the physical traits of the prison and its cells, the most striking accounts are those on the methods and means used in torture and the sounds regarding which detainees – due to the darkness they were trapped in – have developed a keen sense of perception.

We have also observed the nature of people’s relationship with information undergo important changes and transformations in this process. Simple, one-sided knowledge transfer is no longer enough; the aim is for people to be included, to participate and interact with the information in question by solving problems, and to reproduce said knowledge through lived experience. Taking into consideration the difficulty of forming emotional relationships with heavy and serious matters in our day and age, in which time flies by ever more rapidly, the possibilities of learning through experience must without doubt be taken seriously by those in the truth-telling struggle. In this sense, methods such as dramatization and storytelling create spaces in which young people may approach heavy and serious issues “with curiosity” and “through problem-solving”. The **World Peace Game** developed for children of primary school age by U.S. educator John Hunter is one of the immensely successful examples in this field. A political simulation, the game puts every player in decision-making positions with regards to economic, social, ecological issues and the threat of war. The aim is to achieve prosperity for all countries as well as globally with the

least amount of military intervention possible.

Again, platforms such as **virtual reality** and **UX** open up new possibilities of comprehension in conveying situations where language falls short, by way of enabling spatial perception. If there are **mobile apps** facilitating access to vacation places, bars, cafes and public transport, why should apps not serve similar functions with regards to memory spaces and their political significances?

While all of these developments are taking place with regards to innovative forms of expression, we see memorialization work towards a reckoning with the past in Turkey still remain inadequate in terms of artistic form and style. Perhaps this is an issue of generations, since the actors of the human rights community carrying out this work are mostly people with the repertoires of action inherited from their own political tradition. This tradition is one that easily sacrifices stylistic aesthetics to political message in works on social issues. This seriously limits the openness of creative expressions, which is what draws the attention of different circles, creating opportunities for them to shift their positions. Another problem caused by this state of affairs is the lack of contact between the field of human rights and creative spheres such as design, architecture, technology, music and cinema. This is of course also the case when it comes to the Memory Center, and as such, we value efforts to increase these contacts and relations.

Based precisely on this finding, we carried out digital campaigns and visualization work in 2015-2016, taking into account the new forms of communication, with regards to which you may find detailed information in this report. These activities first and foremost aimed to render information already produced by the Center more accessible and understandable, but we are yet to build systematic relationships discussing the issue of innovative forms of expression from within the field of memorialization. This is an aim we have as the Dissemination and Advocacy Program as of the year 2017.

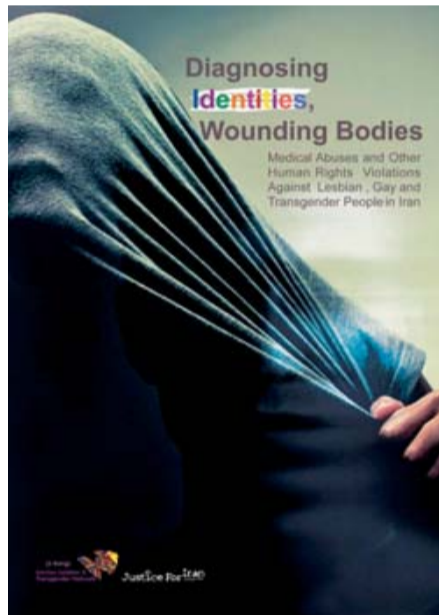
Consequently, neither should we get caught up in unnecessary optimism due to all of these innovations in forms of expression and confuse means with ends, nor should we think that the time is not appropriate for such work due to the current state of conflict. These tools and technologies are used effectively by actors perpetrating rights violations in countless examples we are all very well aware of. It is therefore crucial that actors resisting these violations and working to expose them also improve their toolkit/repertory of forms of expression. All across the world efforts to convey the truth of catastrophes started while those catastrophes were still ongoing. What will perhaps determine how much we assume the responsibility of Turkey’s reckoning with its past will be the preparations we make today, under these circumstances, in these times.



From the Escape Ends Here project, run by UNICEF Sweden

STRONGER RELATIONS THROUGH THE TRANSFER OF KNOWLEDGE AND EXPERIENCES

NETWORK FOR HISTORICAL DIALOGUE AND DEALING WITH THE PAST



The Memory Center conducts regular activities under the Regional Network for Historical Dialogue and Dealing with the Past (RNHDP), including NGOs from countries neighbouring Turkey, working in the field of historical dialogue and dealing with the past.

In conceptualizing its activities under the *Network for Historical Dialogue and Dealing with the Past* in 2012, the Center took as its model the work of the *Alliance for Historical Dialogue and Accountability* at Columbia University's Institute for the Study of Human Rights. Within this scope, one thematic workshop and one summer school are organized annually with the participation of civil society professionals and activists from the **Middle East, North Africa** and the **Caucasus**.

The aim is for RNHDP activities to serve 2 main purposes:

1. Creating spaces for the sharing of knowledge and experiences between NGOs working in the field of reconciliation, peace, conflict resolution, human rights and transitional justice in the Middle East and the Caucasus,
2. Improving the rapport of NGO professionals and activists working in the field with the prominent concepts, debates and practices regarding historical dialogue and dealing with the past.

The activities which have taken place up to present within the scope of RNHDP;

Historical Dialogue and Reconciliation Network Workshop, 24-26 October 2013

Thematic Workshop: Truth Telling and Encounters: Dynamics in Sites of Dialogue, 15-16 January 2015

2015 Summer School on Historical Dialogue and Dealing with the Past, 08-16 June 2015

2016 Summer School on Historical Dialogue and Dealing with the Past, 13-18 June 2016

A total of 53 civil society organizations have taken part in RNHDP activities up to present. Below, you may find brief information on **13 organizations which are active members of the network.**

ACT FOR THE DISAPPEARED // LEBANON

ACT is a human rights organization founded in 2010 in order to support family associations working on enforced disappearances in Lebanon. ACT's main missions are to have the demands for recognition and redress of relatives of disappeared persons met, and to clarify the fate of the forcibly disappeared. ACT also aims to increase awareness of the truth with regards to the disappeared amongst youth and by doing so break the ongoing cycle of violations in Lebanon.

AKEVOT INSTITUTE FOR ISRAELI-PALESTINIAN CONFLICT RESEARCH // ISRAEL

Akevot is a center for research, documentation and the promotion of human rights within the context of the

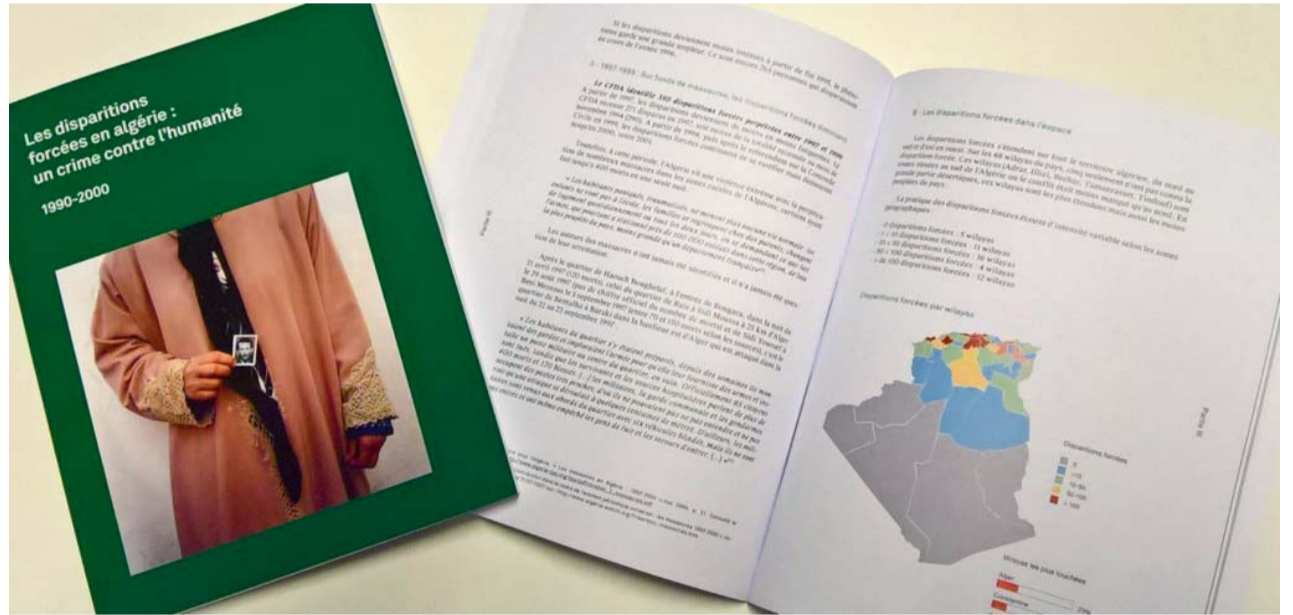
Israeli-Palestinian conflict. Based in Tel Aviv, it monitors the mechanisms, practices and policies leading to rights violations in conflict, and makes interventions into the societal memory which contributes to the reproduction of these violations. Akevot also identifies and digitalizes government and private archives, hence increasing the public accessibility of documents regarding conflict; and advocates for truth as a personal and collective right.

ASSOCIATION FOR HISTORICAL DIALOGUE AND RESEARCH (AHDR) // CYPRUS

AHDR envisions a society in which dialogue on issues of history, historiography, history teaching and history learning is possible, and accepted as a means for the advancement of critical thinking. Since its founding in 2003, AHDR has worked towards a multi-lingual and multi-faith society that celebrates plurality, and promotes mutual respect and understanding.

HELSINKI CITIZENS' ASSEMBLY (HCA) – VANADZOR // ARMENIA

HCA is a non-governmental organization, which brings together individuals embracing democracy, tolerance, pluralism and human rights as universal values. It supports civil initiatives, the protection of rights, and peace-building activities. Human rights, civil initiatives and peace-building may be counted among HCA's areas of activity.



IMAGINE // USA, ARMENIA, AZERBAIJAN, GEORGIA, TURKEY

Imagine is a non-governmental organization dedicated to transforming relations of different camps in conflict-torn, polarized societies towards a lasting and sustainable peace. Started in 2007 as an Armenian-Azerbaijani dialogue project, Imagine has grown over the years to include hundreds of individuals in its membership, all of whom are working to form bonds between societies torn apart by conflict. With its central office in Washington DC, Imagine has offices, representatives and team members in Yerevan, Baku, Istanbul and Tbilisi.

JUSTICE FOR IRAN (JFI) // ENGLAND

JFI is a London-based human rights organization and a member of the *International Federation for Human Rights (FIDH)*. The organization espouses a vision of a society in which the practice of impunity protecting officials of the Islamic Republic of Iran in violations they commit against their citizens is brought to an end, and these persons are held accountable for their actions. JFI defends the rights of ethnic and religious minorities, LGBTIs, women and political prisoners.

KVINNA TILL KVINNA FOUNDATION* // SWEDEN

The Foundation works to promote women's self-reliance, self-esteem, psychosocial / physical health and participation in social life in regions of war and armed conflict. The Foundation also fosters research on the effects of war and armed conflict on women, and brings to public

attention the facts it uncovers by doing so, with the purpose of achieving peaceful conflict resolution.
*Women to Women Foundation

PEACE DIALOGUE // ARMENIA

Peace Dialogue promotes the active involvement of civil society actors in processes of democratization and the peaceful resolution of conflicts. In line with this purpose, the organization unites experienced human rights and peace activists from the Caucasus, Russia and Europe (Eastern Partnership countries). Peace Dialogue operates on three main axes: respect towards human rights and democratic values, the peace movement and peace culture, and the development and strengthening of democratic institutions.

PRIO CYPRUS CENTER // CYPRUS

Established in 2005, PRIO is an independent, bi-communal research center. The two major focus areas of the Center are research and dialogue. It aims to contribute to public debate on key issues for an eventual and lasting settlement of the Cyprus problem, by procuring and disseminating information, offering new analyses and creating space for dialogue.

SOLIDE – SUPPORT FOR LEBANESE IN DETENTION AND EXILE // LEBANON

Established in 1990, SOLIDE works with Lebanese communities across the world in order to support those who have been subjected to enforced disappearance,

arbitrary detention and exile in Lebanon. The violations committed during the Lebanese civil war from 1975 to 1990 constitute crimes against humanity. We know that 17 thousand people are missing particularly as a result of the widespread and systematic practice of enforced disappearance put in motion in this period. SOLIDE demands the exhumation of all mass graves and the establishment of a DNA database for the disappeared in order to truly reckon with this crime.

UMAM DOCUMENTATION AND RESEARCH // LEBANON

UMAM is a non-governmental organization founded in Beirut, Lebanon, in 2004. UMAM believes that Lebanon must reckon with the bloody legacy of the 1975-1990 civil war in order to break the cycle of violence in which it is trapped at present. With this belief in mind, the organization makes vital contributions to the collection, protection and public presentation of various historical evidence and artifacts regarding Lebanon's past.

ZOCHROT // ISRAEL

Zochrot (“remembering” in Hebrew) is an NGO that has been working since 2002 to promote acknowledgement of and redress for injustices suffered on the day of and in the wake of the Nakba, considered a catastrophe by Palestinians (meaning “day of misfortune” in Turkish). The organization's vision is of a society in which displaced Palestinian refugees return to their countries and have their losses compensated in accordance with the principles of transitional justice.

EVENTS ORGANIZED

Press Statement: Prior to the first hearing of the appeal filed by Doğu Perinçek against Switzerland, the *Human Rights Association* (İHD) and Memory Center held a joint press declaration, 23 January 2015

Field Visit: A total of 69 meetings regarding 62 forcibly disappeared persons were conducted in field visits to Mardin and Diyarbakır, 3-10 February 2015 and 27 February-6 March 2015 Mardin-Diyarbakır

Campaign: A Twitter campaign to bring the issue of reckoning with the 90s onto the agenda of the June 7th general elections was organized with the slogan #CONFRONTINGthe90s (#90larlaYÜZLEŞMEKİÇİN). As part of the campaign, 27 MPs from the AKP, CHP and HDP were asked about their promises with regards to dealing with the past, 8-29 May 2015

Meeting: A meeting titled the “Impunity Problem and Dealing with the Past” was organized with the participation of judges from the *Democratic Judiciary Association*, and academics and lawyers in the field of penal and human rights law, 30 May 2015

Summer School: A summer school focusing on the concepts and practices regarding dealing with the past was organized for NGO workers from the Caucasus and Middle East under the umbrella of the Regional Network for Historical Dialogue and Dealing with the Past (RNHDP). This was RNHDP’s first summer school to be held, 9-15 June 2015, Istanbul

Field Visit: In the wake of the first wave of curfews imposed on Cizre after the recommencement of clashes, the bar association in the district, as well as NGOs and relatives of the deceased/missing were visited, 2-5 October 2015, Şırnak

Conference: The joint conference “Dealing with the Past in Spaces, Places, Actions and Institutions of Memory: A Comparative Reflection on European Experiences” held by the Johns Hopkins University *American Institute for German Studies* (AICGS) and the Memory Center was attended, and Murat Çelikkhan made a presentation, 18-21 October 2015, Berlin

Campaign: A campaign was organized prior to the judgment hearing dated November 5th in the trial of retired Lieutenant Cemal Temizöz, stationed in Şırnak’s Cizre district from 1993 to 96 in order to draw attention to the hearing, 20 October – 5 November 2015, Istanbul

Forum: A presentation was made in the “No Impunity Forum” organized within the scope of the “International Day to End Impunity” as a collaborated effort of the *Initiative against Thought Crime, IFEX, Bianet, Transparency International*, the Memory Center and *Istanbul Bilgi University*, 2 November 2015, Istanbul

Press Conference: A press conference was held on the 4th of November 2015 prior to the judgment hearing of the Cemal Temizöz Case, with the participation of human rights defenders and victims’ families, 4 November 2015, Ankara

Conference: A workshop titled “From Memory Studies to Turkey’s Human Rights Agenda” was jointly organized by *Collective Memory* (Ortak Hafıza), *Black Box* (Karakutu), *Collective Chronicles* (Hafıza Kaydı), the *Memory Collective* (Hafıza Kolektifi) and Memory Center as part of the “Turkey’s Human Rights Agenda” Conference held by the *Raoul Wallenberg Institute*, 11-13 December 2015, Ankara

Monitoring Report and Presentation: A monitoring report on the domestic implementation of decisions of the European Court of Human Rights (ECtHR) regarding enforced disappearances was presented to the *Committee of Ministers of the Council of Europe*, 15 January 2016, Strasbourg

Workshop: A regionally attended workshop titled “Truth Telling and Encounters: Dynamics in Sites of Dialogue” was organized with NGOs working on dealing with the past in the Caucasus and Middle East under the umbrella of the Regional Network on Historical Dialogue and Dealing with the Past (RNHDP), 15-16 January 2016, Istanbul

Meeting: A briefing session was held as part of the *United Nations Working Group on Enforced Disappearances* visit, 16 March 2016, Istanbul

Round Table Meeting: A meeting titled “Journalistic Practices and Human Rights in the 1990s” was held with the participation of journalists reporting on the human rights violations in Kurdish provinces in the 1990s, 12 May 2016, Istanbul

Round Table Meeting: A meeting titled “Journalistic Practices and Human Rights in the 1990s” was held with the participation of journalists reporting on the human rights violations in Kurdish provinces in the 1990s, 12 May 2016, Istanbul

Interview: Melis Gebeş from the Legal Studies Program was hosted by Burcu Karakaş on *Mediascope*. Gebeş provided information on the legal opinion (*amicus curiae*) presented to the Constitutional Court by the Memory Center on the case of Hasan Güllünay, who had been forcibly disappeared in 1992, 12 May 2016, Istanbul

Field Visit: 3 field visits were conducted to Cizre in order to meet with lawyers from Şırnak and surrounding provinces and assess the state of cases regarding the disappeared, as part of the European Union (EU) project titled “Empowering Young Human Rights Defenders to Fight against Impunity” jointly run by the Memory Center and *Şırnak Bar Association*, 17-18 May 2016, 13-14 July 2016, 17-19 October 2016, Şırnak

Press Statement: Upon the absence of any news of Hurşit Kültür, member of the Democratic Regions Party (DBP) Şırnak Provincial Board, since he was detained on the 27th of May 2016, the Memory Center made a statement to the press expressing its concerns regarding the situation, 1 June 2016

Summer School: The second summer school on the concepts and practices regarding dealing with the past was organized under the umbrella of the Regional Network for Historical Dialogue and Dealing with the Past (RNHDP) for NGO professionals from the Caucasus and Middle East, 13-18 June 2016

Panel: A panel titled “Dealing with the Past in Latin America: Experiences from Argentina and Colombia” was organized with the participation of Valeria Barbutto (Argentina) and Nelson Camila Sánchez (Colombia), educators from the summer school program, 16 June 2016

EVENTS ATTENDED

Round Table Meeting: The Round Table Meeting organized by the *Hrant Dink Foundation* for the “Hate Speech Laboratory/ Research Center” was attended, 9 February 2015, Istanbul

Workshop: The meeting titled “Dealing with the Past in Turkey: Obstacles faced in Trials, Demands and Suggestions for Solutions” organized by the *Turkish Economic and Social Studies Foundation* (TESEV) with the participation of representatives of public institutions, judges and human rights NGOs was attended, 18 February 2015, Ankara

Round Table Meeting: The expert meeting “Missing Persons in Europe” held by the *Council of Europe Commissioner for Human Rights* was attended, 23 February 2015, Strasbourg

Workshop: A workshop organized by the *Ministry of Justice Victim Rights Department* with the aim of receiving input from NGOs regarding the empowerment of victims in the criminal justice system was participated in, 25 February 2015

Round Table Meeting: The “Armenian Diaspora-Turkey Relations” meeting organized by TESEV was attended and a presentation was made on the Armenian Genocide and dealing with the past, 5 March 2015, Istanbul

Interview/Discussion: A presentation was made on dealing with the past in the discussion following the documentary “Watchers of the Sky” (“Cennetin Bekçileri”) screened as part of the *2015 Saturdox Documentary Meetings* in DEPO, 28 March 2015, Istanbul

Conference: A presentation was made in the “In Search of a New Constitution” Conference organized by the *Diyarbakır Bar Association*, 4-5 April 2015, Diyarbakır

Conference: The meeting titled “Nationalism: A Ruling Class Tradition”, part of the Genocide meeting series in the Marxism 2015 conference hosted by the *Revolutionary Socialist Workers’ Party* (DSİP) was attended and presented in, 12 April 2015, Istanbul.

Conference: A presentation titled the “Armenian Genocide and Dealing with the Past” was made in the “Psychology, Dealing with the Past, and Social Justice on the 100th Anniversary of the Armenian Genocide” Conference held by the *Association of Psychologists for Social Justice* (TODAP), 18 April 2015, Istanbul

Summer School: An account of the Memory Center and enforced disappearances was given in the Human Rights-themed summer school organized by the *Swedish Research Institute* and attended by 20 students from Turkey and Scandinavian countries, May 2015, Istanbul

Symposium: The symposium on ‘Mourning’ organized by the *Ege University Philosophy Department* was attended and a presentation on “Enforced Disappearances and Mourning in Turkey” was made, 8 May 2015, İzmir

Panel: The “Massacres in Social Memory” panel, organized by the *Democratic Society Congress*, was attended and a presentation was made, 9 May 2015, Van

Course: Asu Aksoy’s course on multi-culturalism at *Istanbul Bilgi University* was attended, and a presentation was made about the Memory Center and enforced disappearances, 15 May 2015, Istanbul

Meeting: A “Coalition against Impunity” group meeting was organized with the participation of representatives from the *Diyarbakır Bar Association*, *Batman Bar Association*, *Şırnak Bar Association*, *TESEV*, *Human Rights Joint Platform* (İHOP) and Memory Center, 23-24 July 2015

Exhibition: A screening of the video compiled from interviews conducted with women whose husbands had been forcibly disappeared during the preparation of the report “Holding Up the Photograph: Experiences of the Women whose Husbands were Forcibly Disappeared” and a presentation of the report contents took place as part of the event week of the “Political Art and Resistance in Turkey” exhibit, 24 July-1 August 2015, Berlin

Conference: A presentation titled “Büka Barané (Bride of the Rain): A Documentary about the 90s Truth Telling in Divided Societies” was made as part of the 3-day conference “Encountering the Past in Turkey” organized by the *London School of Economics*, 13 May 2015, London

Conference: A presentation titled “Waiting for Justice as an Impossible Dream: The Disappeared and their Relatives” was made in the “To (Keep) Waiting: On Temporality, Power and Subjectivity” (“Bekle(t)mek: Zamansallık, İktidar ve Öznellik Üzerine”) Conference organized by the *Istanbul Policy Center*, 11 June 2015, Istanbul

Conference: The session featuring experiences from Tunisia, Croatia, Syria and Morocco in the conference titled “Transitional Justice, Human Rights and Reconciliation” held by the *Youth Initiative for Human Rights* (Croatia) in Tunisia was attended and a presentation was made on Turkey’s process of democratization, 12-15 June 2015, Tunisia

Training: Enis Köstepen from the Memory Center took part in the “Global Action-Research Workshop”, a weeklong training program, the third of which was being held by the Colombian civil society organization *De Justicia*. The thematic focus of the program aiming to improve the action-oriented research skills of civil society professionals was transitional justice, 15-22 August 2015, Bogota

Panel: Participation in speaking capacity was ensured on the “Permanent Agenda of Civil Society: Identities and Forms of Discrimination” panel organized by *YADA Foundation* (Yaşama Dair Vakıf) as part of its “Civil Conversations”, 2 October 2015, Istanbul

Meeting: The meeting titled “The Effects of Strategic Trials on Torture under Police Custody” organized by the *Open Society Foundation* was attended, 18-19 November 2015, Istanbul

Course: A presentation was made on the Memory Center, the database and enforced disappearances in Ayşe Beyazova’s course “Innovative Practices in Civil Society” at *Istanbul Bilgi University*, 11 November 2015, Istanbul

Conference: The conference titled “The Resolution Process in Light of International Experiences and Opportunities for Overcoming the Crisis” organized by the *Peace Council* (Barış Meclisi) was attended and a presentation was made, 12 December 2015, Istanbul

Course: Visiting Ayşe Gül Altınay’s “Gendered Memories of War and Political Violence” graduate course at *Sabancı University*, Özlem Kaya spoke on the Memory Center and cases of enforced disappearance in Turkey, presenting our “Holding Up the Photograph” report, 14 December 2015, Istanbul

Workshop: A workshop was organized in collaboration with *Collective Memory* (Ortak Hafıza), *Black Box* (Karakutu), *Collective Chronicles* (Hafıza Kaydı), and the *Memory Collective* (Hafıza Kolektifi) as part of the 5th Advisory Board Meeting of *Sivil Düşün* (“Think Civil”) EU, 25 February 2016, Ankara

Round Table Meeting: The “Social Impact Measurement for Funders” meeting organized by the *Koç University Social Impact Forum* with the participation of organizations using consular grants was attended, 18 May 2016

Round Table Meeting: The round table meeting titled “Missing Persons and Victims of Enforced Disappearance in Europe” organized by the *Council of Europe Commissioner for Human Rights* was attended, and an opening speech was made in the session on “Eradicating Impunity and Ensuring Reparation for the Victims”, 22 June 2016

Summer School: A presentation titled “Memory Studies” was made in the “Summer School on Searching for the Truth, Dealing with the Past and Justice” hosted by the *Human Rights Association Diyarbakır Branch*, 30 August – 1 September 2016, Diyarbakır

Conference: The conference titled “In the Face of Totalitarian Temptation in Turkey, How to Resist Democratically?” organized by *European Grassroots Antiracist Movement* (EGAM) was attended and participated in, 20-21 September 2016, Paris

Course: A presentation on the Memory Center and enforced disappearances was made in the “Social Projects and NGO Management” graduate course at *Istanbul Bilgi University*, 26 September 2016, Istanbul

Presentation: A presentation on the experiences of women whose husbands have been forcibly disappeared was made in the panel titled “Forced into Unbeing: Enforced Disappearances and Mass Graves in Turkey and Iran” at the *London Metropolitan University*, 14 October 2016, London

Symposium: A presentation on enforced disappearances and witnessing was made in the “Witnessing and Reckoning” panel part of the “Critical Psychology Symposium” organized by TODAP, 14-16 October 2016, Mersin

Conference: The “Women’s Museum Conference: Centers of Social Memory and Places of Inclusion” organized jointly by the *Women’s Museum Istanbul* and the *Istanbul Bilgi University Faculty of Communication* was attended, 20-22 October 2016

Symposium: A presentation was made on the documentation of gross human rights violations, problems faced in this field and the Memory Center’s work during the release of the Tool Kit for documenting human rights violations held in Washington, 24-27 October 2016, Washington

Course: A presentation was made on dealing with the past, the Memory Center and enforced disappearances in the “human rights” course, an elective part of the *Sabancı University* Social Awareness Projects, 9 November 2016

(31.12.2015) BUSINESS DETAILED INCOME STATEMENT
HAKİKAT ADALET HAFIZA ARAŞTIRMALARI DERNEĞİ

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EXPLANATION	CURRENT PERIOD (2015)		
A - GROSS SALES			1.568.799,68
1 - Domestic Sales	0,00		
3 - Other Revenues	1.568.799,68		
C - NET SALES			1.568.799,68
D - COST OF SALES (-)			(1.082.389,62)
3 - Cost of Services Rendered (-)	(1.082.389,62)		
PROFIT OR LOSS FROM GROSS SALES			486.410,06
E - OPERATING EXPENSES (-)			(352.585,02)
3 - General Administration Expenses (-)	(352.585,02)		
OPERATING PROFIT OR LOSS			133.825,04
F - INCOME / PROFIT FROM OTHER OPERATIONS			66.960,59
7 - Profit from Foreign Current Exchange	66.960,59		
G - EXP. AND LOSSES FROM OTH. OP. (-)			(59,16)
4 - Loss on Foreign Current Exchange (-)	(59,16)		
INCOME / PROFIT FROM OTHER OPERATIONS			200.726,47
I - NON-OPERAT. REVENUES / PROFIT			22.840,81
2 - Other Extra Ordinary Revenues/Profit	22.840,81		
J - EXTRA ORDINARY EXPENSES LOSSES (-)			(0,68)
3 - Other Extra Ordinary Expenses/Losses (-)	(0,68)		
INCOME OR LOSS FOR THE PERIOD			223.566,60
NET PERIOD PROFIT OR LOSS			223.566,60

31.12.2015 / BALANCE SHEET
HAKİKAT ADALET HAFIZA ARAŞTIRMALARI DERNEĞİ

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ASSETS				LIABILITIES			
EXPLANATION	CURRENT PERIOD (2015)			EXPLANATION	CURRENT PERIOD (2015)		
I - CURRENT ASSETS				I - SHORT TERM LIABILITIES			
A - Liquid Assets (Net)			401.208,78	B - Trade Payables (Net)			8.818,31
1 - Cash	4.252,15			1 - Suppliers	9.518,31		
3 - Banks	396.956,61			C - Other Liabilities (Net)			3.740,00
E - Inventories (Net)			780,00	5 - Other Liabilities	3.740,00		
7 - Advances Given for Purchases	780,00			F - Taxes Payable and Other Fiscal Liabilities			31.378,20
H - Other Current Assets (Net)				1 - Taxes and Funds Payable	16.438,82		
5 - Work Advances				2 - Social Withholdings Payable	14.939,38		
TOTAL CURRENT ASSETS			401.988,78	TOTAL SHORT TERM LIABILITIES			44.626,51
II - LONG TERM ASSETS				B - LONG TERM LIABILITIES			
TOTAL LONG TERM ASSETS				TOTAL LONG TERM LIABILITIES			
TOTAL ASSETS			401.988,78	III - SHAREHOLDERS EQUITY			
III - REGULATORY ACCOUNTS				D - Retained Earnings			
TOTAL REGULATORY ACCOUNTS				1 -			
TOTAL			401.988,78	E - Accumulated Deficit (-)			
				1 -			
				F - Net Income (Loss) for the Period			
				1 -	357.352,25		357.352,25
				TOTAL SHAREHOLDERS EQUITY			357.352,25
				TOTAL LIABILITIES			401.988,78
				IV - REGULATORY ACCOUNTS			
				TOTAL REGULATORY ACCOUNTS			
				TOTAL			401.988,78

(01.01.2016 - 31.12.2016) BUSINESS DETAILED INCOME STATEMENT
HAKİKAT ADALET HAFIZA ARAŞTIRMALARI DERNEĞİ

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EXPLANATION	CURRENT PERIOD (2016)		
A - GROSS SALES			1.773.565,69
1 - Domestic Sales	0,00		
3 - Other Revenues	1.773.565,69		
C - NET SALES			1.773.565,69
D - COST OF SALES (-)			(1.351.695,70)
3 - Cost of Services Rendered (-)	(1.351.695,70)		
PROFIT OR LOSS FROM GROSS SALES			421.869,99
E - OPERATING EXPENSES (-)			(410.889,65)
3 - General Administration Expenses (-)	(410.889,65)		
OPERATING PROFIT OR LOSS			10.980,34
F - INCOME / PROFIT FROM OTHER OPERATIONS			83.897,50
3 - Interest Income	1.000,43		
7 - Profit from Foreign Current Exchange	82.897,07		
G - EXP. AND LOSSES FROM OTH. OP. (-)			(793,25)
4 - Loss on Foreign Current Exchange (-)	(793,25)		
INCOME / PROFIT FROM OTHER OPERATIONS			94.084,59
I - NON-OPERAT. REVENUES / PROFIT			29.268,08
2 - Other Extra Ordinary Revenues/Profit	29.268,08		
J - EXTRA ORDINARY EXPENSES LOSSES (-)			(7,61)
3 - Other Extra Ordinary Expenses/Losses (-)	(7,61)		
INCOME OR LOSS FOR THE PERIOD			123.345,06
NET PERIOD PROFIT OR LOSS			123.345,06

31.12.2016 / BALANCE SHEET
HAKİKAT ADALET HAFIZA ARAŞTIRMALARI DERNEĞİ

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ASSETS				LIABILITIES			
EXPLANATION	CURRENT PERIOD (2016)			EXPLANATION	CURRENT PERIOD (2016)		
I - CURRENT ASSETS				I - SHORT TERM LIABILITIES			
A - Liquid Assets (Net)			818.171,24	B - Trade Payables (Net)			888,00
1 - Cash	3.040,96			1 - Suppliers	888,00		
3 - Banks	812.121,28			C - Other Liabilities (Net)			125,20
E - Inventories (Net)				5 - Other Liabilities	125,20		
7 - Advances Given for Purchases				F - Taxes Payable and Other Fiscal Liabilities			36.965,34
G - Prepaid Expenses and Income Accruals			138,02	1 - Taxes and Funds Payable	16.732,43		
2 - Income Accruals	138,02			2 - Social Withholdings Payable	18.232,91		
H - Other Current Assets (Net)				TOTAL SHORT TERM LIABILITIES			37.878,54
5 - Work Advances	3.365,58		3.365,58	B - LONG TERM LIABILITIES			
TOTAL CURRENT ASSETS			818.875,85	TOTAL LONG TERM LIABILITIES			
II - LONG TERM ASSETS				III - SHAREHOLDERS EQUITY			
TOTAL LONG TERM ASSETS				F - Net Income (Loss) for the Period			
TOTAL ASSETS			818.875,85	1 -	480.697,31		480.697,31
III - REGULATORY ACCOUNTS				TOTAL SHAREHOLDERS EQUITY			480.697,31
TOTAL REGULATORY ACCOUNTS				TOTAL LIABILITIES			818.875,85
TOTAL			818.875,85	IV - REGULATORY ACCOUNTS			
				TOTAL REGULATORY ACCOUNTS			
				TOTAL			818.875,85

HAKİKAT ADALET HAFIZA MERKEZİ
TRUTH JUSTICE MEMORY CENTER

