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.

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PROJECT SUPPORTERS:
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, Bûka 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 Mücadele 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 #Poch-TVîZLEŞMEKûnîn (Confronting the 96s), 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 JITEM (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 Çelikkan 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 Çelikkan, 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.
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, creating what may be called 'conservative white rage'. The human rights organizations that drew attention to the unfairness of State of Emergency as a new form of violation, as well as 97 District Chairs. As 65 Mayors from the DBP were imprisoned, and 4 MPs lost their seats in parliament, 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.
THE MEMORY CENTER IN NUMBERS

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

472
Forcibly disappeared persons with comprehensive data

body found
208 persons

fate still unknown
264 persons

investigation data present
344 persons

no knowledge of investigation
128 persons

decision of non-prosecution due to statute of limitations
24 persons

decision of non-prosecution for other reasons
18 persons

delayed, investigation in process
218 persons

court case opened
84 persons

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

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.

PROGRAM AREAS

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 hakikatdalamemorial.org/baris-sureci-1963. IMC 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 (DTP) and Independent Member of Parliament from Mardin, and Ayla Akar Aras, Barzani MP from the BDP, met with PKK Leader Abdullah Öcalan in İmralı.

9 JANUARY 2013
One of the important figures of the PKK, Sakine Canço, 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.

6
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: 1
- Turkey: 1

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

**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.

**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**

<table>
<thead>
<tr>
<th>Year</th>
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<td>2012</td>
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<td>2013</td>
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<td>47</td>
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<td>2016</td>
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- **April 2012**: An announcement of the Bûka Barane documentary produced by the Memory Center was made.
- **July 2013**: The reports titled Deepaken Truth: Enforced Disappearances and Enforced Disappearances and the Conduct of the Judiciary were published.
- **October 2014**: Dagen Güreş, who has political responsibility as former Chief of Staff in 122 cases included in the “Database on Enforced Disappearances”, died.
- **October 2016**: The campaing titled “If not Cemal Temizöz, who killed these 21 people?” began.
- **January 2017**: News on hearings were regularly shared with the press as part of the court case monitoring project.
- **June 2017**: A summer school was organized under the Regional Network for Historical Dialogue and Dealing with the Past.

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.

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- Humanitarian aid: 1

### 22 MARCH 2013
A ruling of non-prosecution was given regarding five officials from the National Intelligence Organization (MIT) including Undersecretary Hakan Fidan. On the 7th of February 2012, Hakan Fidan, Emre Tamer and Ali Güney, 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 Revolution 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.
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.

THE DEFINITION OF THE CRIME OF 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 Mandisî Naşiphe district on the 3rd of March 2015 with Hayat Altunkaynak, mother of Davut Altunkaynak, who was forcibly disappeared in 1995 in Dargeçit, Mardin.

PEACE PROCESS CHRONOLOGY

The PKK began its process of withdrawing from Turkey's territory as it had previously announced it would. The Gezi protests started. On the 8th of June, PKK Leader Öcalan invited the Gezi movement adding, however, that "nobody should allow themselves to be manipulated by nationalistic, nationalist circles." Star Ceyran Onur, Member of Parliament from the BDP and one of the emblematic figures of Gezi, was removed from the delegation to Imralı. Many protests against the military fortresses under construction took place across the Kurdish region. Muhiddin Yıldırım was killed by soldiers during one such protest in Lice. The Wise People’s Committees presented the reports they had prepared regarding the process to Prime Minister Erdoğan. Murat Belge, Kinyar Bumin and Başkin 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. 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.
How to reach accurate data and carry out documentation work?

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 memorialising 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 summarising 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 show information regarding the database through e-mail or social media.
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 - THİHV) 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, provides information on the places, dates and conditions of curfews.
- The Map section provides the geographic locations of curfews and deaths.

According to THİHV data curfews took place between 16 August 2015 and 1 June 2017:

- In 10 provinces
- At 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.
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.

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.

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CONTINUING MEMORY WORK IN TIMES OF CONFLICT

Written by: Özgür Sevgi Göral (Memory Studies Program Director)
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, if 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 DEFINITION OF IMPUNITY

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

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 accessing 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 is 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 online for the benefit of lawyers. 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 YKAY-Der, Meya-Der, HHD 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 as 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.

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 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. Immediately after trenches dug to prevent the entry of police forces into 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. The bodies of 4 YPG fighters killed in clashes in the Kobani 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. The bodies of 4 YPG fighters killed in clashes in the Kobani 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. 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The report titled “Impunity Legislation in Turkey,” published by the Memory Center in 2015, analyses 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. Öznr Sevdiren, the report provides a key framework regarding the relationship between the notion of impunity and international crimes before legitimizing 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 II 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. Simultaneously, 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 toposgraphy 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.

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
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, where 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 law are protected by any need 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 (Cezai Hukuku Derneği) and the Constitutional Law Research Association (Anayasa Hukuku Araştırmalar 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 judicial 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 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.
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.

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 Aparma, who was killed during torture in custody and buried without notifying his relatives. 31 JULY 1992 – Amnesty International opened an open call (no. 251/92) to Suleyman Demirel, the Prime Minister of the time, Ismet Sezgin, Minister of Interior of Affairs of the time, and Necdet Memit, 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 his husband’s fate. Upon instructions to this end from the Committee, the Government asked the Istanbul Police Department to look into the matter. 14 OCTOBER 1992 – Ismet Sezgin, Minister of Interior Affairs at the time, responded to the parliamentary question posed on the 11th of September by Diyarbakır MP Sedat Türe 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 seditionist organizations. 19 JULY 1994 – Upon receiving no response from the Istanbul Police Department, the Government renewed its demand for an inquiry. 23 AUGUST 1994 – Approximately two years after the Government’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 Huseyin Kosadağ, 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 the Ergenekon investigation, an incident which revealed the existence 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 the Ergenekon investigation, an incident which revealed the existence 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 the Ergenekon investigation, an incident which revealed the existence of Police Hüseyin Kocadağ, who later lost his life in the Susurluk accident, an incident which revealed the existence of Police Hüseyin Kocadağ, who later lost his life in the Susurluk accident, an incident which revealed the existence of Police Hüseyin Kocadağ, who later lost his life in the Susurluk accident, an incident which revealed the existence of Police Hüseyin Kocadağ, who later lost his life in the Susurluk accident. 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 Hasan Gülünay who were “abandoned” on the ground and that wounded soldiers were left to die and were then rescued by civilians in the region. Pursuant to the objection filed, an application was made to the AYM to be reviewed by the AYM was admitted. 31 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 a 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 Court. 8 APRIL 2013 – Birsen Gülünay made an individual application to the Constitutional Court (AYM). 3 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 be 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 (ECHR) 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.
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 prosecution 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 Çihat 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 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 Aşşo; 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.

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PEACE PROCESS CHRONOLOGY

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Who is Cemal Temizöz?

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 confessions 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. 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. Accord...
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, Zitve Publishing House Massacre, Musa Author 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 Ertaşık (Kulp), Nezir Tekeli, Kızıltepe JİTEM, Dargeçit JİTEM, Mete Sayar, Naim Kurt and Ankara JİTEM cases – and cases with unknown perpetrators – the Vartsinis (Ahınovva) 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 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 Ingram 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/bayrın-ormekler 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.
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.

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."
### THE LICE CASE
**Ankara 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 Gendarme Regional Commander Brigadier General Bahattin Aydin, and damage to 242 workplaces and 403 residential structures.

### 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 brought aboard a military helicopter on the 16th of October. The relatives of the disappeared appealed to various authorities.

### THE ANKARA JİTEM CASE
**Ankara 1st High Criminal Court**

**SEPTEMBER 1993 – JULY 1996**

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

### THE DARGEÇİT JİTEM CASE
**Adıyaman 1st High Criminal Court**

**OCTOBER 1993 – MARCH 1997**

The Hindula Village was raided in a night-time operation by soldiers and empleado. Mahmut Abak and Mehmet Emin Abak were forcibly disappeared on the 14th of June. The Hindula Village was raided by soldiers and empleado. Mahmut Abak and Mehmet Emin Abak were forcibly disappeared on the 14th of June. The Hindula Village was raided by soldiers and empleado. Mahmut Abak and Mehmet Emin Abak were forcibly disappeared on the 14th of June.

### THE KIZILTEPE JİTEM CASE
**Ankara 5th High Criminal Court**

**OCTOBER 1993**

Serhat Doğan (14), Abdurrahman Ökçay (20), Mehmet Emin Adam (19), Abdurrahman Coşkun (21), Nuhim Akyön (16), İhsan Kaya (24), Süleyman Seyhan (57) and 19 people including Abdülmecit Baskın and many Kurdish businesspeople were killed.

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

**JUNE 1999 – MAY 2001**

The first bill of indictment regarding JİTEM, numbered 1999/370 and with 6 defendants, was prepared. The families applied to the ECHR. In January 2004 the Court condemned Turkey in the Ayder and Others Case. The indictment was accepted by the Diyarbakır 9th High Criminal Court. After the first hearing in Diyarbakır the Supreme Court decided to transfer the case to the Esenler 1st High Criminal Court.
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 Imiun.

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

The 2nd High Criminal Court rejected the objection to the freeze order. The 3rd Chamber of the Supreme Court rejected the objection to the freeze order. The 3rd Criminal Chamber of the Supreme Court decided for the case to be heard in Ankara for security purposes.

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 Public Prosecutor’s Office to the 8th High Criminal Court as part of the preliminary inquiry, the Brigade stated that their records had been submerged under water during the earthquake.

The Boğlu Provincial Directorate of Disaster and Emergency Management stated that there was no record of damage to the Brigade archive building during the earthquake. Yavuz Erişir 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 court, asking for 10 aggravated life sentences for Yeşir Erüm, was opened.

The 3rd Criminal Chamber of the Supreme Court decided for the case to be heard in Ankara for security purposes.

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.


In March 2011, the 3rd Chamber of the Supreme Court decided to transfer the case by the 5th Criminal Chamber of the Supreme Court to the Adıyaman High Criminal Court for security purposes before even a single hearing had taken place.

The bones were found in Dilan and identified as belonging to Davut Alanakaynak (13) and Naim Akın (16) who were handed to their families and interred in Batman.

The charges brought against Hasan Arda Uğur were transferred to the Kırklareli Chief Public Prosecutor’s Office. The fact that bones belonged to three separate persons were found in the well in the Tilzerin Village, where Mahmut Albak Abu had been found in 1995. Ousted 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 Bilik and Zeki Albakıh.

The Kızıltepe Indictment was completed. JITEM was held responsible for the perpetrator-unacknowledged killings and village burnings taking place during the earthquake.

The 3rd Chamber of the Supreme Court decided to transfer the case from Mardin to Ankara before a single hearing had taken place.


The bill of indictment prepared on 25th of June 2013 with regards to the killing of journalist-writer Musa Avsar 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 Avsar Case sent this case to the court where the Main JITEM Case was being heard, requesting the two files to be joined.

The Diyarbakır 1st High Criminal Court decided to join the two cases. The Ankara 6th High Criminal Court rejected the jointing of the cases.

The joinder of the two cases was upheld and finalized by decision of the 3rd Criminal Chamber of the Supreme Court.
The Memory Center commenced its court case monitoring activities at the end of 2015 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 Gezely and Derviş İzınan 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 is predominantly 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 the core of what we do. 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 Ertrık (Kulp) cases you have chosen to monitor have in common? Of course, there is no shortage of cases regarding the gross human rights violations of the 1990s, these are the ones that are as of yet still unaccomplished. Monitoring work can only be carried out with regards to ongoing court cases. It is important to ensure that people are informed of the official proceedings 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 and those who have committed these crimes 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 and many of them have been brought to trial in Turkey. Our task is therefore to open 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 where, when, and by whom a crime has been committed, to courts in other cities. We see these persons protected by a shield of impunity confronted in hearings. And we are trying to encompass the 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 render visible the dimensions which are 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. For instance, problem areas that have been identified or realized 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. As a result, the courtroom is the only place and context 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 upon the entrance into the courtroom to be instantly shared with the public by trial monitoring teams.

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 to bring 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 courtroom accoufage as platforms for victims’ voices to be heard doubles, especially when one considers how they have endured to bring these truths to the attention of international 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, fulfills 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 these courtrooms through videos or news articles produced based on them. These are mostly technical or legal texts. But most of the attitudes, stances and positions embodying impunity confronting 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 row, 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 the hearings more difficult, and creates 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 staying on the sidelines and furthering the watchful eye of all of these police officers. We have found that this results in a violation of the right of observers to a certain extent. Trial monitoring teams hand – or to hand – an assignment letter to judges concerning 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.
ILLUSTRATING IMPURITY

Illustrator Su Vardal, who depicted the hearings of the Ankara JITEM and Dargeçit JITEM 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…
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 Enşaroğlu)

QUESTION: Will you ensure the trial of those with political and administrative responsibility at the time, in order 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.

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 in the Kurdish issue proposed by the CHP is the establishment of such a commission. (Serap-i Tanırkas) 

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. (Fülla 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 will name streets, avenues and parks after those who have fallen victim to persecution-underground” killings in order to keep their memories alive. (Mithat Sancar)

4. REMEDY & REPATRIATIONS 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 Enşaroğlu)

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 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. (İzbaşi Gülşen Kürkçü)

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.
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 Kevcı, 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?”

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 Şırnak 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 Kevcı?

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?

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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. On 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.
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 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.

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 and unnecessary, the only means to convey a catastrophe are also not written, analytical forms. Artistic mediations, 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 memorization 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 reperitories 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/repertoire 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.
In conceptualizing its activities under the 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 activities which have taken place up to present within the scope of RNHDP:
- Historical Dialogue and Reconciliation Network Workshop, 24-26 October 2013
- 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.

**AKEVOIT 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.

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.

SOLIDÈ – Support for Lebanese in Detention and Exile // Lebanon
Established in 1998, SOLIDÈ 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. SOLIDÈ 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.
Meeting: A briefing session was held as part of the United Nations Working Group on Enforced Disappearances (UNWG) at the Istanbul Bilgi University (IBU) and the Memory Center. 13 February 2015, Ankara

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.

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Interview: Mili Gebeş from the Legal Studies Program was hosted by Burcu Karakız on Mediascope. Gebeş provided information on the legal aspects of the case on the Constitutional Court by the Memory Center on the case of Haşan Gullay, 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 the Democratic Society Congress (Diyarbakır Bar Association) and attended by 20 members from Turkey and Scandinavian countries, May 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 Clan Tradition", part of the Genocide meeting series in the Museum on the human rights violations hosted by the Revolutionary Social Workers’ Party (DSP) was attended and presented in, 12 March 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 members from Turkey and Scandinavian countries, May 2015, Istanbul.

Symposium: The symposium on ‘Mourning’ organized by the Eye EU project was attended and a presentation on "Enforced Disappearances and Mourning in Turkey" was made by May 2015, İzmir.


Press Statement: Upon the absence of any news of Hurşit Kübler, member of the Democratic Regions Party (DSP) Şırnak Provincial Board, since his death was declared on the 27th of May 2016, the Memory Center made a statement to the press expressing its concern regarding the situation.

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 Human Rights Dialogue and Dealing with the Past (RNHDP) for NGO professionals from the Caucasian and Middle East.

Panel: A panel titled "Dealing with the Past in Latin America: Experiences from Argentina and Colombia" was organized with the participation of Valeria Barbas (Argentina) and Nelson Correa (Colombia), educates and access to the summer school program, 16 June 2016.

Conference: A presentation titled "Bika Beranul (Bride of the Rain): A Documentary about the Armenian Genocide" was attended and participated in, 20-21 September 2016, Ankara.

Conference: The session featuring experiences from Tunisia, Croatia, Syria and Morocco in the conference titled "Transitional Justice, Human Rights and Reconciliation" was held by the General of Council for European Commissioner for Human Rights was attended, 23 February 2015, Sırnak.

Workshop: A workshop organized by the Memory Center and enforced disappearances and witnessing was made in the Istanbul Police 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" was held by the General of Council for European Commissioner for Human Rights was attended, 23 February 2015, Sırnak.


Conference: The conference in "The Face of Totalitarian Temptation in Turkey, How to Sustain the European Convergence: Antisemitism Movement (ECGM) was attended and participated in, 20-21 September 2016, Paris.

Conference: A presentation was made on dealing with the past in the Recommendations of the Resolution Process in Light of International Experiences and Opportunities for Overcoming the Civil War (Barış Meclisi) was attended and a presentation was made, 12 December 2015, İstanbul.

Conference: A presentation was made on the "The Effects of Strategic Trials on Torture under Police Control" conference organized by the Open Society Foundations was attended, 18-19 November 2015, İstanbul.

Course: A presentation was made on the "Memories of War and Political Violence in the Manufacturing of the ‘Armenian Genocide’" course in the Van Barış Meclisi and enforced disappearances in Ayse Beyazova’s course "Innovative Practices in Civil Society" at Istanbul Bilgi University.

Conference: The conference titled "The Resolution Process in Light of International Experiences and Opportunities for Overcoming the Civil War (Barış Meclisi)" which took place at the Barış Meclisi and enforced disappearances in Ayse Beyazova’s course "Innovative Practices in Civil Society" at Istanbul Bilgi University.

Workshop: A workshop was organized in collaboration with Collective Memory (Orkak Hafıza, İdrası: DHA), the European Chronicus (Hafıza Kapısı), and the Memory and Media (Hafıza Keleketi) as part of the 5th "Empowering Young Human Rights Defenders to Fight against Impunity" jointly run by the Memory Center and Şırnak Bar Association, 17, 18, 19 May 2016.

Panel: The Memory Center and enforced disappearances was presented in the Human Rights-themed summer school organized by the Swedish Research Institute and attended by 20 members from Turkey and Scandinavian countries, May 2015, Istanbul.

Round Table Meeting: The round table meeting titled “Missing Persons and Victims of Enforced Disappearance in Europe” organized by the Council of European Commissioner for Human Rights was attended, 27 April 2016, Amman.

Meeting: A presentation was made in the "The Hate Speech Laboratory/ Amicus Curiae" Conference, 12 December 2015, Istanbul.

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### (31.12.2015) BUSINESS DETAILED INCOME STATEMENT

#### HAKIKAT ADALET HATZFA ARAMAotional ARAMAOTARY DERNEĞI

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#### 21.12.2015 / BALANCE SHEET

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#### (01.01.2016 - 31.12.2016) BUSINESS DETAILED INCOME STATEMENT

#### HAKIKAT ADALET HATZFA ARAMAotional ARAMAOTARY DERNEĞI

<table>
<thead>
<tr>
<th>EXPLANATION</th>
<th>CURRENT PERIOD (2015)</th>
<th>PERIODIC</th>
<th>PERIODIC</th>
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</thead>
<tbody>
<tr>
<td>A - GROSS SALES</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1 Domestic Sales</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Other Revenues</td>
<td>1,773,665.69</td>
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<tr>
<td>C - NET SALES</td>
<td></td>
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<tr>
<td>D - COST OF SALES</td>
<td></td>
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<tr>
<td>1 Cost of Services Rendered</td>
<td>1,351,635.70</td>
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<tr>
<td>PROFIT OR LOSS FROM GROSS SALES</td>
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<tr>
<td>E - OPERATING EXPENSES</td>
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<tr>
<td>3 General Administration Expenses</td>
<td>(410,880.65)</td>
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<tr>
<td>OPERATING PROFIT OR LOSS</td>
<td></td>
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<tr>
<td>F - INCOME / PROFIT FROM OTHER OPERATIONS</td>
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<tr>
<td>J - OTHER EXTRA ORDINARY EXPENSES</td>
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<tr>
<td>2 Other Extra Ordinary Revenues / Profit</td>
<td>29,308.08</td>
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<tr>
<td>INCOME OR LOSS FOR THE PERIOD</td>
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<tr>
<td>NET PERIOD PROFIT OR LOSS</td>
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#### 21.12.2015 / BALANCE SHEET

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### 31