TURKISH STATE CRIMINALITY AGAINST KURDS AND VICTIMIZATION THROUGH IMPUNITY

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Abstract: This article explores the long-lasting effects of impunity on victims’ everyday lives. Drawing on Rojas Baeza’s medico-psychiatric definition of impunity, the article discusses how impunity creates different traumatic consequences in a victim’s life and prolongs the suffering of victims and their families. The article argues that the absence of justice, the denial of truth, and non-accountability of perpetrators of state crimes, not only constitute significant components of the mechanics of impunity but also create eventual and painful effects in victims’ daily lives. The article uses primary data from my field research conducted in Turkey, and exemplifies some of the traumatic consequences of state crimes committed by the Turkish state against Kurds and their eventual effects on the victims’ lives. The article examines these long-term effects of impunity on victims to develop the concept of victimization in the context of state crimes and impunity.

Keywords: Impunity; state crime; victim; victimization, trauma; Kurds; Turkey

Introduction

There has been growing interest among scholars examining victimization by various actions and omissions of states, including victims of corporate crime, street crime, natural disasters, or state crime (see Rothe et al. 2014). David Kauzlarich, Rick Matthews, and William Miller (2001) provided a series of propositions about the harm resulting from state criminality to develop the definition of victimology of state crime. They argued that the victims of state crime may be harmed in different ways, but that the harm incurred by most victims of state crime does not decrease, it rather takes another form. They also stated that some victims are continually victimized by the same organization—such as women, minorities, the poor, workers—and are targeted for repeat victimization (Kauzlarich et al. 2001). This article argues that the victims of impunity sustain repeat victimization due to the long-term harm of impunity on victim’s lives, which results from their inability to access truth and justice. The article examines victims’ feelings and reactions to the persistence of impunity to illustrate how impunity insults the dignity and humanity of victims and prolongs their suffering.
The total or partial absence of legal justice, the denial of truth, and the protection of the perpetrators of crimes through law or other means, are significant components of the mechanics of impunity (Baeza 2000). Denying victims and survivors access to truth and justice maintains an atmosphere of repression and destroys the norms and human values upon which humankind and society are built. At the individual level, impunity has a complex psychological impact on victims and survivors which manifests itself in varied and unique ways (Baeza 2009). The effects alter both the victims’ perceptions of themselves and their relations with the exterior world as a result of the construction of false narratives by the State and the denial of lived experience. Indeed, it has been suggested by Paz Rojaz Baeza that the eventual effects of lasting impunity are “equal or worse” than the torture inflicted upon victims (Baeza 2009). Baeza (1996) provided the definition of impunity from a medico-psychiatric perspective and based her definition on these eventual effects of impunity on the survivors and victims of state crimes.¹ She argues that impunity is a form of violence that creates traumatic consequences of pain, loss, bereavement and helplessness in victims and attacks major human values, destroying beliefs and principles and altering the norms and rules that humankind has gradually built up over time.

This article aims to explore the effects of impunity on the everyday life of victims in Turkey in the context of Baeza’s definition. The deep-rooted culture of impunity provided perpetrators protection from punishment in relation to crimes committed against Kurds during the 1990s. The article intends to contribute to the study of victimization by analysing the eventual effects of impunity on the daily lives of Kurdish victims of Turkish state crimes and argues that the study of victimization should include victims of impunity due to trauma, pain, the sense of injustice and loss experienced by the victims as a result of a culture of impunity (as opposed to the state crime itself).

Psychological Impacts

Impunity represents an important obstacle for the recovery of victims of state crimes and fuels victims’ trauma (Rauchfuss and Schmolze 2008). Victims are often at a heightened mental vulnerability as impunity means there is a persisting threat and continuing uncertainty for them. Studies from different countries confirm that victims often develop stress reactions and related disorders as a result of ongoing impunity (Rauchfuss and Schmolze 2008). For instance, following the violence of Pinochet’s dictatorship in Chile, a new period of transition to democracy began in 1990. Despite this, impunity still existed and the State remained unwilling to name perpetrators, thus denying the possibility of judicial intervention. Physicians including Baeza (2000) examined the consequences of impunity on the
victims and reported that through the narratives of the victims and families they observed a sense of terror, fear and anxiety in victims during this transition period. They also observed a time of confusion, disgust and shame due to the conduct of the state, the society, and the politicians, and noted that the victims and their families felt abandonment, helplessness and moral incongruity during the truth and reconciliation period. In another study, which covered four cities in former Yugoslavian countries, it was concluded that impunity caused strong emotional feelings in those on the receiving end of state crimes, including anger, rage, distress, loss of meaning in life, demoralization, desire for revenge, sense of injustice, helplessness, pessimism, fear, and loss of control over life (Başoğlu et al. 2005).

During my interviews in 2019, I observed emotional distress and pain in a number of victims, and difficulties in talking about torture and disappearance. While it is not the objective of this research to identify the specific mental health issues of victims, it became clear that a study of the effects of impunity cannot ignore its micro-effects on the daily lives of its victims. Some victims expressed similar feelings to those found by the scholars just mentioned, including helplessness, pessimism, distrust and exclusion resulting from the ongoing impunity for crimes committed against themselves or their loved ones. For example, in the Lice case one of the victims’ relatives expressed his distrust and disappointment when the court refused the victims’ demand that the perpetrator be detained. The Lice case is related to the killing of 15 civilians along with one soldier and the Gendarmerie Regional Commander Brigadier General Bahtiyar Aydın during a military operation in the Lice district of Diyarbakır on 22 October 1993. In 2013, a criminal case was opened in relation to these crimes against Eşref Hatipoğlu for forming a criminal organization, inciting rebellion and homicide. Eşref Hatipoğlu was the former Diyarbakır Gendarmerie Regiment Commander at the time of the incident. He was tried by the İzmir 1st High Criminal Court but was acquitted of all charges due to a lack of evidence in December 2018 (Faili Belli 2022a). The courts frequently used the reasoning of “lack of evidence” to acquit perpetrators and prevent their accountability.

Idris Kıraç, whose sister was killed during the military operation in the Lice district of Diyarbakır in 1993 said:

We asked the Court in İzmir to detain Eşref Hatipoğlu many times but the Court rejected it. He was free all the time despite killing many people. He was detained when he injured someone during a road rage incident in İzmir. I told the judge this person killed 35 civilians, he burnt many houses and workplaces but he wasn’t even detained for one day. He shot someone in his foot during a road rage incident and he was detained. Is this because we are Kurds. He would be imprisoned if we were not Kurds (Idris Kıraç, 19 July 2019, Diyarbakır).
Güldar Erdan, whose father was killed during the same military operation in Lice, also expressed her helplessness and pessimism when Eşref Hatipoğlu was acquitted by the court. She said:

*We wanted to trust the law but at the moment I am hopeless. If something happens to me where can I go? I can’t go anywhere, I can’t complain anywhere. It is a different feeling. The perpetrator is continuing his normal life for 26 years and our life is upside down* (Güldar Erdan, 19 July 2019, Diyarbakır).

A report published by Knut Rauchfuss and Bianca Schmolza (2008) based on a study conducted of victims of state crimes from Chile, Argentina, former Yugoslavia and Turkey suggested that mental health problems resulting from traumatic experiences can persist or be reactivated by certain events. Some victims in Turkey expressed the same issue. For example, Güldar Erdan explained how the continuing human rights violations against the Kurds triggered her traumatic memories. She said:

*The Roboski massacre affected me so much. It tore my heart out when I saw the bodies of victims being carried on the truck. The killing of Taybet’s mother (Taybet İnan) in Silopi also affected me as it reminded me of my father. My father’s body was left on the street for three days similar to Taybet’s mother. Cemile’s body was kept in the freezer by her mother in Cizre because her family was not allowed to bury her during the curfew. These incidents reopened my old wounds* (Güldar Erdan, 19 July 2019, Diyarbakır).

Metin Bekiroğlu, who is another victim of the Lice incident, said whenever he hears the sound of military vehicles, he runs away fearing that he would be stopped and insulted by members of the military (Metin Bekiroğlu, 19 July 2019, Diyarbakır).

Another interviewee, Iffet Mutaş, talked about her ongoing suffering due to the killing and disappearance of her brothers. She said one of her brothers, Mehmet Tekdağ, was killed on 12 February 1993 and another brother, Ali Tekdağ, disappeared after his 20th detention in 1994. She said “[w]e cry everyday, my pillow is soaked from crying.” (Iffet Mutaş, 20 July 2019, Diyarbakır)

These statements of victims were significant to illustrate how they interpret and experience the failure of state authorities to investigate state crimes in their daily life. They referred to various structural and operational factors preventing the accountability of perpetrators and explained how their healing process has been complicated and prolonged by these factors.
Loss of Trust in the Justice System

The purpose of justice following human rights violations is to condemn the perpetrators for their crimes, but also to verify the crimes as forming part of a common history (Sveaass and Lavik 2000). Justice provides us with the boundaries of fairness and attainment of equilibrium when this fairness has been breached (Opotow 2001). Where the experiences of individuals are not taken seriously by the institutions upon which they depend, the psychological reaction is one of worthlessness and helplessness. Sveaass and Lavik (2000) suggest that a lack of justice can lead either to “apathy and loss of belief in self-agency or to aggression and the wish to avenge.”

In many countries following conflict, notions of reconciliation failed to bring justice to victims and often served to institutionalize and legitimize impunity. Failing to ensure individual accountability of perpetrators, and the sense of injustice experienced by victims, prevented their recovery from trauma. Examples of this are the blanket amnesties granted to perpetrators in Chile, Argentina, Brazil, Guatemala and a number of African countries (Hamber and Wilson 2002). In the case of Chile, Baeza stated that “impunity was called reconciliation” (Baeza 2009). Here, the offering of partial justice only instigated renewed aggression, confusion and fear among survivors and victims (Baeza 2009). For instance, an identification scheme was established that provided survivors’ families with the victim’s name, the form of repressive action they experienced, and a statement confirming it was an action carried out by the State. However, the lack of individuality within the report or mention of any detail of what the survivor had suffered meant that many families were left feeling confused and disappointed, as well as becoming more disillusioned with the justice system. The report’s facing page was designed to list the names of perpetrators. However, it was left entirely blank, meaning those who perpetrated the crimes were still not being held accountable and were able to continue to deny or justify their crimes. This removed the possibility of juridical intervention. As Rojas comments, it is enlightening for victims to find those responsible, tell and live the truth and demand justice, the possibility of which is excluded in this instance (Baeza 2009). Furthermore, when loved ones were not included in the report, a renewed sense of emotion was felt by survivors towards the new government. Rojas noted that the narratives of victims were filled with both a sense of fear and anxiety, as well as confusion and disgust at the conduct of the state and the institutions (Baeza 2009). Thus, partial reconciliation may only serve to further traumatize victims and survivors. Where justice is denied, Sveaass and Lavik (2000) point to reported cases in post-dictatorships, where people began to take the law into their own hands.

There has not been a reconciliation process in Turkey, however. A number of cases have been opened against some military officials for their responsibility in
relation to crimes committed in the Kurdish region in the 1990s. The majority of the
victims and their relatives paid close attention to the cases and attended hearings.
They explained in their interviews with me that during the hearings the judges
appeared to favour perpetrators, refused the victims’ requests for additional inves-
tigations, failed to conduct fair trials, and eventually acquitted perpetrators or
dropped the cases due to the statute of limitation. I interviewed fourteen of these
victims and their relatives who had attended the hearings and expressed their disap-
pointment with the outcome in these cases. Most of them referred to the practices
of judges which prevented the judicial accountability of perpetrators. For example,
some courts in these cases failed to bring the perpetrators to attend the hearing and
set up a date outside the scheduled hearing to obtain their testimony. This practice
prevented victims (through their lawyers) from cross-examining perpetrators,
which is a key component of trial. During my field research, victims expressed their
perception of the injustice of these practices and how they were made to feel help-
less, worthless and weighed down by feelings of insecurity, anger and pain.

Yahya Yiğiter, who was tortured during the Lice incidents, said that he lost his
trust in the justice system in Turkey after the acquittal of Eşref Hatipoğlu, who was
the Diyarbakır Gendarmerie Regimental Commander at the time of the incident
and the only suspect in the case. He said:

If Eşref Hatipoğlu was sentenced I would have trusted justice. But he said in Court
that he would have repeated his crimes again if it was today and despite this, the
Court acquitted him. This means that they can get away with anything including
killing innocent civilians. This affected us very much. I felt down (Yahya Yiğiter, 19
July 2019, Diyarbakır).

Güldar Erdan explained how she was deeply disappointed with the court’s
approach which favoured the perpetrators. The court in this case failed to bring
Eşref Hatipoğlu to a scheduled hearing and obtained his testimony on another day
when the victims and their lawyers were not present. She said:

I went to Izmir to observe the hearings for three years. I felt like we wasted our
time there. I witnessed the Court’s approach to our lawyers. Our lawyers spoke for
hours, they submitted evidence, a sketch of the incident, they asked the Court to
conduct an investigation at the place of incident and obtained the witness
statements, but the Court did not listen to them. On the other hand, the lawyer
representing Eşref Hatipoğlu spoke for a very short time and despite this the
Court accepted all of his requests. We asked the Court to bring Eşref Hatipoğlu to
attend the hearings but the Court brought him when we were not there. He came
to the Court only once and he apologised to the family of Yüksel Bayar (the only
soldier who was killed during the Lice incident). We are the victims as well but he only apologised to Yüksel Bayar’s family. He disregarded us (Güldar Erdan, 19 July 2019, Diyarbakır).

She also expressed her feeling of helplessness during the trial and said:

Es¸ref Hatipoğlu was 80 years-old, he came to the Court with 20 guards. We saw this. I lost my belief in justice. There are many victims and all of them were the witnesses of the incident. They all provided same details about the incident but they could not make anyone hear their complaints. You could not tell anyone about your grievances. We felt helpless (Güldar Erdan, 19 July 2019, Diyarbakır).

Moreover, Idris Kıraç explained that he felt worthless during the court hearings because the court refused to bring Eşref Hatipoğlu to the court and detain him, despite his being responsible for killing 35 civilians. He said:

For them Eşref Hatipoğlu did not commit a crime despite killing many people. They did not even bring him to the Court. They brought him to the Court alone when we were not there. Of course, we felt worthless. I told the Court “You don’t punish this person because we are Kurds” (Idris Kıraç, 9 July 2019, Diyarbakır).

The same practice occurred at the Ankara JITEM case trial. Nineteen people, including former police chiefs and members of the Special Operations Unit, were tried by the Ankara 1st High Criminal Court for killing 19 persons extra-judicially and arbitrarily in Ankara and its vicinity between 1993 and 1996 (Faili Belli 2022b). Mehmet Ağar was the General Director of Security between 1993 and 1995 and he was linked to the perpetrators of hundreds of cases of extra-judicial killings, torture and disappearances of Kurds in custody during the 1990s (Yoruk 2020). He was one of the defendants in this case and charged with homicide for forming an armed organization to commit crime (Hurriyet Daily News 2013). All of the defendants were acquitted by the Ankara 1st High Criminal Court in December 2019. Abdulmecit Baskın, who was the head of the Ankara-Altındağ Registry Office, was killed extrajudicially by this Special Operations Unit in Ankara in 1994. During my field research I interviewed his son, Eren Baskın, who explained the court’s reluctance to conduct an effective and impartial trial despite the gravity of the charges. He said:

Imagine someone is charged with an aggravated life sentence but he is not detained and he is free. This person can only be Mehmet Ağar. He was not even brought to the hearings let alone being detained. We have the right to question
him. I was going to ask him questions regarding the killing of my father but the Court took this right from me. He was brought to the Court on another day outside scheduled hearing and his testimony was taken without informing us. It was only Mehmet Ağar, his lawyer, the prosecutor and the judge. They asked him what he wants to say about the killing of 19 people. He said he did not have any information about the killings. The judge and prosecutor thanked him and he left. That was all. They did not ask him any other questions. The hearing lasted just three minutes (Eren Baskın, 24 August 2019, Istanbul).

In the Kulp case, H.T.’s father was forcibly disappeared together with ten other villagers in the Kulp district of Diyarbakır in October 1993 after a military operation led by the Bolu Commando Brigade. In November 2005, a mass grave was found in Kulp with the remains of H.T.’s father and ten villagers. A criminal case was opened against Yavuz Ertürk who was the Bolu 2nd Commando Brigadier General at the time of the incident. He was tried by the Ankara 7th High Criminal Court for committing various criminal offences including murdering 11 people, inciting the public to rebellion, killing, and forming an organization with the aim of engaging in criminal activity. In 2018, the court acquitted him of the charges of murder, inciting the public to rebellion, and mutual killing, and dropped the other charges due to the statute of limitation (Faili Belli 2022c). In his interview, H.T. said:

Yavuz Ertürk’s acquittal had a significant impact on us. We lost our trust in the judiciary and we realized that we cannot access justice through Turkish courts. Yavuz Ertürk’s acquittal made us feel more insecure and unprotected in case similar incidents occur. The decision of the Court to drop the case because of the statute of limitation felt like another massacre for us (H.T., 17 July 2019, Diyarbakır).

His statement not only showed his loss of trust in the judiciary but was also a striking example of pain experienced by victims as a result of injustice, as explained by Baeza.

I have also observed that losing confidence in justice left some victims wishing to avenge the death of their loved one, which is consistent with Sveaass and Lavik’s findings. During my field research, I was informed that some of the relatives of victims took up arms and joined the PKK after witnessing injustice. H.T. said that his brother became discontented during the court proceedings against Yavuz Ertürk and joined the PKK in protest. He said:

My brother used to say that the state killed my innocent father. He was seeking revenge and he joined the PKK with this feeling. I certainly believe that if the
perpetrators had been found guilty and punished he would not have joined the PKK. He joined the PKK because of injustice. He wouldn’t have joined the PKK if there was justice and rule of law in this country. The lack of justice affected all of us. The release of Yavuz Ertürk emotionally killed us the second time. His punishment was our biggest expectation, but he was not punished and we were all very disappointed (H.T., 17 July 2019, Diyarbakır)

Adnan Orhan from the Saturday Mothers movement provided similar observations. He said:

Let me tell you this; no one would leave their comfortable bed and go and sleep on top of a mountain [which is where the PKK operate from]. What I am trying to say is that if people face wrongdoings, persecution, injustice, in other words if their house is burnt/destroyed and they are forced to leave their house, their relatives are killed and if the state is silent for all of these crimes they would try to seek alternative ways. We have witnessed these examples many times. For example, one of the family members said that one of her sons disappeared after having been taken into custody and the other son joined the PKK because of injustice. There are many families like this (Adnan Orhan, 20 July 2019, Diyarbakır).

**Exclusion and Detachment**

British sociologist Peter Marris writes that society provides people with an ordering of meaning, predictability and reduces uncertainty by the experience of attachment (Marris 1982: 88). Normally, cooperation and support are positive and protective elements of social relations. However, in an atmosphere of impunity, this cooperation and support serves to protect perpetrators (Opotow 2001). In this way, the norms, values and morals of normal society become uncertain or contradictory and the sense of trust, belonging and predictability is destroyed (Sveaass and Lavik 2000). In a society where values and norms are disregarded, victims continue to be placed in an unsafe and unpredictable environment. Human relations are altered because of a mistrust of others and Marris observed that this often results in a culture of secrecy, where people are unable to confide in another and question whether what they have experienced or continue to experience really happened (Marris 1982: 83).

Impunity also results in a wider lack of collective identity. Without a common collective history that allows victims to live their truth, individuals cannot identify themselves or feel represented within society (Baeza 2009).

Social exclusion and discrimination of Kurds resulting from the lack of redress of the forced displacement was frequently reported during the 2000s. One of the
reports by David McDowall written for Asylum Aid highlighted that displaced Kurds faced economic and social discrimination, as they were easily identified by their speech and demeanour. The report stated that displaced families were turned down by Turkish landlords or employers, faced either extreme difficulties in finding work, or faced discrimination at work. Employers and landlords preferred to employ or rent to Turks rather than Kurds (McDowall 2002).

During my field research a number of victims said that the ongoing conditions of impunity made them feel discriminated against due to their collective identity. For example, Idris Kıraç expressed the opinion that the court’s favourable treatment of Eşref Hatipoğlu was because the victims were Kurds (Idris Kıraç, 19 July 2019, Diyarbakır).

Hasan Karakoç, a member of Saturday Mothers, also claimed that the state does not find perpetrators deliberately because the victims are mostly Kurds. His brother, Rıdvan Karakoç, was killed in 1995 following his arrest by police. He complained about the lack of an effective investigation into the incident and said:

My brother served this state and he completed his military service. All of us are the citizens of this country and we all pay our tax but we are not treated as equal citizens of this country. My ancestors lived here for 1000 years but we are now terrorists and we are refugees in our own country. The investigation file for the killing of my brother has been waiting in the Beykoz courthouse. It has been 24 years but there is not the slightest progress in the case. Every time we visit the courthouse there is another prosecutor and they keep saying they have to read the file. They find perpetrators in other crimes but not crimes committed against our relatives because we are Kurds (Hasan Karakoç, 24 August 2019, Istanbul).

Another member of Saturday Mothers, Eren Baskın, who was 30 years old at the time of the interview, was 4 years old when his father was killed. He said since his father’s murder he has been facing difficulties and injustice due to his identity and opinions (Eren Baskın, 24 August 2019, Istanbul).

These statements demonstrate that the feeling of exclusion and detachment experienced by victims and their relatives which leads to their reluctance to use the criminal justice system or other official routes to seek justice, which perpetuates impunity and prolongs their suffering.

**Ongoing Mourning**

Baeza explains that the absence of truth is a crucial pillar of impunity. By refusing to acknowledge what survivors have suffered and concealing information regarding the fate of their loved ones, knowledge and fact become uncertain. The
perception of fact is how we construct and analyze the world and the events within our lives. In an atmosphere of impunity, the denial of truth means that this proof of reality no longer exists. As such, what is perceived to be fact or knowledge becomes ambiguous and contradictory or fluctuating, resulting in psychopathological mechanisms of uncertainty and anxiety and creating an open or ongoing wound (Baeza 2000).

In the case of enforced disappearance, impunity means that the family members of the disappeared are unable to fully mourn for their loved ones due to uncertainty and lack of truth, as explained by Baeza (2000). Uncertainty around their loss increases their stress and anguish over the possible death of their loved ones. In giving the family hope that the disappeared person is alive and will return one day (Dewhirst and Kapur 2015), the loss is even more difficult for them to accept (Rauchfuss and Schmolze 2008). Not being able to mourn without the body of the victim is a common difficulty in many countries (Hamber and Wilson 2002). For instance, Knut Rauchfuss and Bianca Schmolza (2008) stated that some family members left messages on a table for the missing relative every time they left the house—in some cases, this went on for up to ten years after the disappearance. In Argentina ‘mummification’ became widespread, where the bedrooms of victims of enforced disappearance were kept as they had been at the time of their disappearance. In Northern Ireland some families interviewed in 1998 similarly reported that they had not cleaned victims’ rooms despite the fact that victims were disappeared in the early 1980s (Hamber and Wilson 2002).

Families in Turkey provided similar accounts during my field research. Mikail Kırbayır’s brother, Cemil Kırbayır, disappeared after he was taken into custody on 8 October 1980 following the military coup in 1980. His mother, Berfo Kırbayır, searched for her son for 33 years until she died aged 105 on 21 February 2013. In his interview, Mikail Kırbayır said:

My mother left our door open when leaving home for 33 years believing that her son would be back one day. She did not want him to be locked outside. She did not paint her house in case her son returned and found the house unrecognizable (Mikail Kırbayır, 24 August 2019, Istanbul).

Statements like this demonstrate that the trauma of families is ongoing and that their mourning remains incomplete. Inability to grieve adequately prevents those most affected from moving on with their lives. Most of the families I interviewed in Turkey said their mourning continues, because they do not know the whereabouts of their loved ones, and so do not have their graves to visit to perform their grieving rituals. For example, Ikbal Eren Yarıcı, whose brother, Hayrettin Eren, disappeared after having been taken into custody in 1980, said:
Of course, we have continued mourning. I search for my brother everywhere. We never lose our hope. We have a dilemma, one side of you accepts the reality but the other side of you does not. Sometimes, I see someone on the street looking like him and I follow him. Sometimes, our door knocks and I feel like it may be him. I mean you have all these feelings at the same time. You don’t know where he is and you don’t even have a grave to visit. During one of our press conferences my mother said that she was searching for a grave where she can put a flower and where she can go and pray. I mean you don’t even have a grave to visit, to bring flowers and pray. You don’t have any reality in your life. In such a situation what do you do? You continue your life with your struggles (Ikbal Eren Yarıcı, 24 August 2019, Istanbul).

Hayriye Doğan, whose two sons disappeared in the 1990s, said: “I still cry over my sons’ disappearance. I want their bones, I want to have their graves and pray on their graves.” (Hayriye Doğan, Diyarbakır, 20 July 2019)

The ongoing search and the continued cycles of hope and despair result in various feelings for families including emotional pain, anxiety, stress, frustration, distrust, anger and rage (Rauchfuss and Schmolze 2008) and prevents the possibility of closure. During my field research some families explained the impact of non-closure on their daily life. Ikbal Eren Yarıcı said:

It is difficult to explain the concept of disappearance. You look at the face of every person on the street. You liken their hands, their walking or other things to your loved one and you follow them. You stop eating when you remember his favourite food. Your happiness is always incomplete and you can’t enjoy your special days. On the other hand, you feel like you are always with perpetrators when you are out. You feel like the perpetrator might be on the same bus or on the same ferry with you. This feeling is very disturbing (Ikbal Eren Yarıcı, 24 August 2019, Istanbul).

Her statement also showed how the freedom of perpetrators led to anger, fear and ongoing distress in her daily life and prevented closure. Similar feelings were expressed by victims in Chile and Argentina after amnesty laws were passed during the reconciliation process that provided freedom for perpetrators. For instance, one of the victims’ mothers in Argentina said: “[w]hen I take the subway I always think that the person who is sitting next to me may be my son’s assassin.” (Kordon 1991)

In her interview with a newspaper in Turkey, Iffet Mutaş explained her continued pain over the circumstances of her brother Ali Tekdağ’s death and disappearance. She explained that her brother was tortured for days before he was killed and disappeared in Diyarbakır. She said:
Ali was arrested in 1994 and he was alive for 100 days. They tortured him for days. They took him to a field somewhere between Silvan and Diyarbakır and he was subjected to torture. They burnt a very long cable on him. They could not make him talk. They shot and buried him there. We could not find where he was buried ... Since then whenever I travel to Silvan, I open the window and call for Ali. I say “Ali, I know you are here but I don’t know where you are. I know you can see me but I can’t see you.” I ask shepherds if they had seen Ali’s grave. When I see disturbed soil I can’t help thinking that it is Ali’s grave ... I want to pray on his grave. If I touch his grave I would feel as if I stroke his head. This is my will to you. If you find his grave take me there. Even if there is a small bone left from him, I still want to put it on my chest and die in peace. I will never forget it. I want my graves ... (Evrensel 2019)

Moreover, H.T. explained his and other families’ psychological exhaustion when he talked about the impact of the disappearance of his father together with the other ten villagers in the Kulp district of Diyarbakır in October 1993. He said:

Of course it has not been easy to get on with our life after the incident. The most difficult thing is that people do not even have the bones, the bodies of their relatives and they don’t have graves. We do not have a grave to go to and pray. We feel pain mostly during the Eid. People go and pray at the graves for their dead relatives during Eid but we don’t have any (H.T., 17 July 2019, Diyarbakır).

Victims’ families in cases of extrajudicial killings also suffer from prolonged grief in Turkey. For example, the unlawful killing of victims, the lack of accountability for perpetrators and the lack of official apology resulted in ongoing mourning for Roboski families. Thirty-four villagers were killed by Turkish F-16 fighter jets in the Roboski village of Şırnak when the victims were trying to cross the border from Iraq to Turkey on 28th December 2011. Ten of the victims were children. There have been powerful demands for justice which include an apology from the Turkish government and the prosecution of those responsible for the mass murder of their loved ones (Green and Karakas 2014). The Government did not accept any responsibility and claimed that the incident was an operational accident (Bianet 2012). The Government has rejected the demands of victims’ families and only offered the families limited compensation without offering any apology, accepting its responsibility or punishing those who are responsible for the incident. However, the families did not accept compensation as they want justice first (Green, Demirci and Wise 2020). Veli Encü, who lost his brother and ten other relatives in the Turkish airstrikes, reported that since the incident, women still wear black, and no wedding ceremonies are held in the village (Veli Encü, 20 February 2014,
Roboski). His brother, Ferhat Encü, provided a similar statement in his interview with a newspaper and said:

People used to love life and had the joy of living before the Roboski massacre. There were wedding celebrations every week. Now, no one holds weddings anymore. Women are wearing black. Life goes on under a constant state of mourning (Duvar English 2019).

The feelings expressed by the relatives of victims I interviewed during my field research have shown that the ongoing uncertainty regarding the fate of their loved ones resulting from the culture of impunity creates further anguish as a result of their loss and also leads to profound and ongoing suffering.

**Impunity and Civil Society Resistance**

The lack of redress and justice is one of the key factors which creates obstacles for the recovery of victims and their families. As exemplified above, the grief, anger, hurt, disappointment and helplessness resulting from the sense of injustice becomes a part of the victims’ daily lives and prevents them from coming to terms with the past. On the other hand, victims find ways to cope with their new reality and try to overcome these feelings. For example, in the case of enforced disappearances, families of missing persons continue to search for truth and justice and to fight state violence to prevent further disappearances, and to campaign to change laws or government policy on impunity (Boss 2017). Green and Ward examined dialectical processes between repression and resistance in six countries and argued that state violence played a significant role in motivating the formation of civil society (Green and Ward 2019: 35). Their study illustrated that survivors of state violence or their relatives in those countries organized non-violent resistance against state repression to challenge and censure state violence (Green and Ward 2019: 50).

In some countries individual or collective action to demand justice and end impunity has become a common path among survivors or their families. For example, the Mothers’ Front was established by women in the south of Sri Lanka in 1989 to demand justice in the form of an accounting of disappeared men and an accounting for their disappearance. In Guatemala, the Mutual Support Group for the Appearance of our Relatives Alive was established in 1984 by families of victims of disappearances and political killings. They also demanded truth and justice and helped the suffering of families and relatives of those who had been killed or had disappeared (Amnesty International 1993).

In Argentina, Plaza De Mayo (the Madres), a well-known movement, was formed by mothers and grandmothers of children who had disappeared. They
gathered in a silent vigil in Buenos Aires every Thursday carrying placards with photographs and the names of their children. They were demanding to be reunited with their lost loved ones or to acquire information regarding their fate (McGregor 2017). They organized a collective movement and played an important role in the fight against impunity in Argentina. Their collective struggle and solidarity in mourning brought together socially diverse families based on their shared identity as victims. Michael Humphrey and Estela Valverde described their movement as “political mourning” and noted that they turned their private grief public during their struggle for truth and justice (Humphrey and Valverde 2007). The families remembered and mourned for their loss through public marches, holding pictures of their children, media interviews, and memorials, and they frequently acted in solidarity with each other (Humphrey and Valverde 2007). The method of turning their grief into public demands for truth and justice was directed toward the recovery of real rights and justice (Humphrey and Valverde 2007). It helped them to overcome their isolation and fear and allowed them to regain activity despite their ongoing suffering (Rauchfuss and Schmolze 2008).

The Madres have influenced other human rights movements fighting against disappearances in many countries, including Turkey. Mothers in Turkey formed a similar movement in 1995 and called themselves the Saturday Mothers. They have gathered every week (except a 10-year break from 1999 to 2009 due to increased violence from police) outside Galatasaray High School (Galatasaray Square) in Istanbul for a 30-minute silent protest against the enforced disappearance of their children, fathers or husbands (Dewhirst and Kapur 2015). The gatherings of mothers have also started in the Kurdish towns of Diyarbakır (in 2009) and Şırnak (in 2011) where the number of enforced disappearances was much higher than in other towns. Their main demands are the return of the bodies of victims who disappeared mostly during the 1980s and 1990s and the trial and punishment of perpetrators (DW 2016). Their other demands emphasize truth and justice and a coming-to-terms with the past. For example, they seek the protection of memory spaces such as removing the ban on gathering at Galatasaray square. They also demand the opening of mass graves and the identification of those buried there, and the creation of a DNA bank to be used for the identification of victims. They also seek to end the structural and juridical mechanisms of impunity by seeking the prevention of enforced disappearance, the abolition of the statute of limitations for crimes against humanity, the ratification of the UN’s International Convention for the Protection of All Persons from Enforced Disappearance, and the adoption of the UN Minnesota Protocol on the Investigation of Potentially Unlawful Death (Hafıza Merkezi 2020).

Saturday Mothers represents one of the most dynamic and longest-running movements working towards bringing the issue of disappearance into the public agenda (Memorialize Turkey 2020). Ikbal Eren, one of the members of Saturday
Mothers, argued that theirs is a struggle for rights and justice, which plays a significant role in fighting impunity (İkbal Eren Yarıcı, 24 August 2019, Istanbul). Similar to the Madres, the movement of the Saturday Mothers turns grief into a public demand for justice and truth through public protest, holding the photographs of victims, speeches concerning their lost children and memorialization efforts (Ivegen 2004). Sebla Arcan, one of the members of the campaign, explained some of their public activities. She said:

We visit the scene of the crime in order to keep the public memory alive. For example, the Gayrettepe anti-terror branch of Istanbul Security Directorate is the place where many people were tortured and disappeared. We hang big posters outside the building and list the names of people who have disappeared on the posters. We also protest at the locations of the perpetrators. For example, one of the Generals responsible for forced disappearances is currently the Commander of the Ankara Regional Gendarmerie. His name is Musa Çitil. He has a case against him and he is being charged for killing 13 people knowingly and willingly. Despite this, he is continuing his duty. We went to the place where Musa Çitil works and protested. Mehmet Ağar is also directly responsible for many incidents of forced disappearances and extrajudicial killings. We went to Aydın when he was in prison. In fact, we carried out a number of activities in order to keep alive in public memory the crimes committed against humanity. These are the ones I can remember right now. For example, we organized a march in Ankara. We had meetings in the Parliament. The Prime Minister felt too much pressure and had to meet us in 2011 (Sebla Arcan, 5 April 2014, Istanbul).

Maside Ocak, another member of the Saturday Mothers, explained how their collective struggle had had a positive impact on their members and how their solidarity in mourning empowered them. She said:

Our gatherings had a significant impact on families. As a simple example, we have family members who were illiterate but learnt how to read after joining our movement. They are able to write and read about their disappeared relative. Each of us undertook big tasks to find our loved ones and to access justice and therefore we shaped our life according to this. We put this struggle into the centre of our life (Maside Ocak, 24 August 2019, Istanbul).

Eren Baskın also said he joined the movement when he was four years old and has learnt many beautiful things, he formed many close friendships through the movement and his view of life has been shaped by people who struggle within the movement (Eren Baskın, 24 August 2019, Istanbul).
Two other activists from Saturday Mothers, Zübeyde Tepe and Adnan Orhan, detailed how their gatherings helped the mothers to share their sorrow and support each other as all of them had experienced a similar loss. Zübeyde Tepe’s son was journalist for the pro-Kurdish *Ozgur Gündem* newspaper in Bitlis reporting extensively on human rights violations including village burnings by security forces in the Kurdish region. He was kidnapped in Bitlis city centre by three armed men on 28 July 1993. He was killed and his body was found 13 days later by fishermen on the shores of Lake Hazar in Elazığ province, which is hundreds of kilometres away from where he was abducted (Stockholm Center for Freedom 2020). Adnan Orhan’s father, uncle and cousin were detained and disappeared in the Kulp district of Diyarbakır on 24 May 1994. Their remains have not been found. Zübeyde Tepe said:

This is not only the pain of my son. I feel the pain of everyone. There was Vedat Aydin7 before my son, Hafiz Akdemir,8 Hasan Ocak,9 Rıdvan Karakoç.10 We are all the same. Their pain is my pain too. We share our pain, we see each other, we hug each other, we console and support each other. (Zübeyde Tepe, 24 August 2019, Istanbul).

Adnan Orhan also said that their ongoing and collective struggle helped to ease the pain of mothers. He said:

Families of the disappeared want to continue their struggle until justice is done. After police banned our gathering in Koşuyolu Park, we asked the families if they wanted to take a break. They said “absolutely not. When we come here we feel good, because we cannot visit a grave for our children and we could not find their bones.” One of the mothers said “it is like therapy for us to come here and to hold their photos. I feel bad when I don’t come here.” She couldn’t come once and she said she felt ill because of that. Imagine, they live with their traumas for years and they still cry when they talk about their grief but the struggle for justice makes them feel good despite their pain (Adnan Orhan, 20 July 2019, Diyarbakır).

On the other hand, as Green and Ward (2019) argue, the struggle to expose state violence frequently generated more repression and violence. In this context, the fight against impunity also meant a new circle of violence for families of victims in some countries including Turkey. For example, in Guatemala, some female relatives of the disappeared became targets for “selective rapes” by the military. Members of “the Madres” were also subjected to a wide range of violence, intimidation and harassment. Their demonstrations were attacked by police using weapons, dogs, and tear gas and three of their founding members disappeared in
December 1977, immediately after the Madres published a newspaper advertisement listing the names of their disappeared children (Dewhirst and Kapur 2015).

Turkey’s Saturday Mothers have experienced similar treatment by police since 1995. As in the case of violence against other victims, human rights defenders, lawyers and journalists, they have faced harassment, intimidation and violence. Their demonstrations were violently suppressed between 1995 and 1999 and they were detained and tortured every week while the number of people joining the movement grew. In 1999, they decided to discontinue their public gatherings and protests as a result of these violent attacks (Baydar and İvegen 2006). After a 10-year break, they started to gather at Galatasaray square again in 2009. They continued to do this until the 700th gathering on 25th August 2018. This gathering had been banned and was attacked by police with tear gas (Memorialize Turkey 2020). Since then, the mothers and other relatives have faced further pressure and are prohibited from gathering at Galatasaray Square (Hafıza Merkezi 2020). Gatherings in Diyarbakır and Şırnak were also banned and currently all gatherings take place within or outside the Human Rights Associations’ building (Memorialize Turkey 2020).

**The Economic Impacts of Impunity**

A less-discussed impact of impunity is the economic consequences that arise from suffering human rights violations, torture, having lost a family member or returning from prison or exile. Victims and survivors may have lost their jobs, failed to complete their education, or had their living conditions destroyed. Furthermore, the removal of social structures may further damage their economic circumstances (Rauchfuss and Schmolze 2008). For Turkish Kurds this is particularly important. There has been a considerable amount of research analyzing how the living spaces of Kurds were destroyed and how they were forced into poverty after village destruction and forced displacement during the 1990s. An interview by Marco Nilsson with one of the victims of forced displacement in Diyarbakır in 2017 summarized their situation. She said:

> When it is a forced migration, we lose everything. Our homes, our fields, our lives, our identity. It is difficult to start all over. Many families have had to move to Istanbul and there they lost themselves completely. Girls are forced into prostitution and boys are forced to sell drugs. It means death to us, shame (Nilsson 2018).

Women often face economic difficulties within the constraints of traditional gender roles (Dewhirst and Kapur 2015). In the case of enforced disappearance, female relatives of the disappeared suffer more from economic difficulties, as
male family members who have disappeared tended to earn more, be more literate and be the main source of income for their households (Dewhirst and Kapur 2015). For example, in Sri Lanka Sandya Knaligoda’s prominent human rights activist husband and journalist/cartoonist Prageeth Eknaligoda, was forcibly disappeared in Sri Lanka in January 2010. Sandya reported:

Prageeth was the main breadwinner in our family. After he disappeared our entire family maintenance structure broke down. It is the same for many of us from the families of the disappeared. We need to have some system for ensuring compensation and reparation for our loss (Maracani 2019).

Moreover, a study conducted on the psychiatric and cognitive effects of war on victims in former Yugoslavia concluded that among others, economic conditions and hardship in daily living was one of the most common issues expressed by victims (Başoğlu et al. 2005). Other studies demonstrated that for many victims the economic situation, especially for women who had been raped, enslaved or trafficked, was worse than it was before the war in former Yugoslavia (Benito 2009: 1). In Turkey, female victims of state crimes have similar experiences. Kurdish women, especially in rural areas, do not work if their husbands are alive. However, when women lost their husbands during the conflict, they faced harsher conditions as they had to bring up children alone while being forced to live in extreme poverty. A Kurdish, displaced woman, who lost her husband and moved to Istanbul as a result of conflict, described how she tried to survive poverty in Istanbul with her children. In her interview with Ceyda Kuloğlu-Karsli on 14 May 2010, she said:

When I came to İstanbul and moved to this neighbourhood, there were no other Kurdish families. I rented a basement in a building. Our relatives did not help because they were afraid of us as they had also had problems with the state security forces. One of my children was disabled because of the fire in the village. I was leaving my children in the basement and went out to search jobs. I was working in a chocolate factory, but I could not eat lunch because my children were hungry at home. I was crying a lot. One day a young man saw me and asked why I was crying. I told him I had nothing at home. No pillow, no cooker, nothing. He told me he was also Kurdish and patriotic for Kurdish nation. He helped me; he gave me the leftovers every day to take for my children. One day I got sick and he took me to the hospital. The roof was streaming and there were rats in the house. He told me to go to the pro-Kurdish political party but I was afraid for my children and did not go. When I was sick at home, a gang leader from Diyarbakır saw my daughter and asked her house. He came to our house and saw its condition. He
rented us a normal apartment, a small television, he brought us some food. He gave us money, bought my medicine. He also told me to go to the pro-Kurdish political party and I started to go. They also helped me. He gave my rent, etc. Before that, I was collecting bread from streets. I was looking after poor people in the village. I was giving each of them a sheep. Now I am the one who is desperate in the city (Kuloğlu-Karsli 2013).

These issues are not only the consequences of state violence, but they are also the consequences of states’ failure to provide reparation to victims so that they can re-establish their living conditions. For this reason, the right to reparation including restitution, compensation and rehabilitation is considered an obligation for states to combat impunity and is guaranteed by the majority of human rights instruments.¹¹ For example, the UN’s Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) provides that compensation resulting from gross violations of international human rights law and serious violations of international humanitarian law should be given for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case. Compensable damage should include physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential, and moral damage.¹²

In Turkey, there has not been an adequate and effective reparation programme for crimes committed against Kurds during the 1990s. The Law on the Compensation for Damage Arising from Terror (Law No. 5233) that came into force on 27 July 2004 was designed to offer compensation to displaced villagers in south-east Turkey for the material losses arising from deaths, physical injury damage to property and stock, and loss of income arising from the inability of the owner to access their property (KHRP and BHRC 2006: 31–32). However, the law has far from provided adequate reparation to victims and combatting impunity. For instance, the law failed to provide compensation for mental harm, excluded those who had joined the PKK as well as those who had been convicted under Turkey’s anti-terrorism laws, and has failed to provide any mechanism for documenting the conditions in which displacement has occurred or for identifying and prosecuting the perpetrators of state crimes (Kurban 2012).

Many studies conducted by international and national organizations examining the issue of forced displacement in Turkey have confirmed that most of the victims of forced displacement lived in poverty in the metropolitan cities. Over 60% of the Kurdish population in the south-east region lives below the poverty line compared to approximately 30% in other regions (Council of Europe 1998).
In its 2003 report, the European Commission described the situation of internally displaced persons as critical. The Commission said that “[a] large number of those displaced live in extremely poor conditions on the periphery of cities and larger villages. Social and economic problems remain acute and unemployment rates are very high.” (European Commission 2003) Furthermore, in his speech at the Commission on Security and Cooperation in Europe on 10 June 2003, Jonathan Sugden, researcher from Human Rights Watch, said that he talked to many displaced villagers in Turkey’s major cities and all of them described miserable lives and expressed a bitter sense of injustice inflicted on them. He said:

If you go to Turkey, you won’t see big refugee camps, because the displaced have made themselves invisible by crowding in with relatives and neighbors and finding work where they can. But they are farmers, not urban entrepreneurs. They are living in great poverty, in conditions prone to disease and social exclusion, and the overwhelming majority are longing to go home. For some, this is impossible, because the local governor has forbidden their village to be reoccupied. Others are turned back by the gendarmerie. And even if both the local governor and gendarmes allow return, the displaced often face obstruction by village guards, who have occupied the land in their absence (Human Rights Watch 2003).

During my field research, I interviewed workers in human rights organizations who work with displaced populations and victims themselves, who made similar observations. Şerif Camcı, the chair of Sarmaşık Association (SARMAŞIK Combating Against Poverty and Sustainable Development Association) described the extreme poverty conditions suffered by displaced Kurds in Diyarbakir. He said:

That poverty policy disturbs and hurts us. How has Diyarbakır been put in this situation? The current atmosphere in the city makes people beg. Reaching to the level of begging, which is one step after poverty, makes people become inhuman. It makes them lose the hope of being honoured and standing on their own feet. These people were not even thinking this would happen to them. But now their bits and pieces run out because poverty has become deeper. Their savings from their village life have almost run out and there are many divided families. This is the conclusion of our fieldwork: 4500–5000 families in Diyarbakır sleep hungry at night. There is nowhere in the world like this; 4500 families only in Diyarbakır especially in the 21st century, in an economy which is described as the second biggest economy by the AKP (Justice and Development Party) (Şerif Camcı, 20 June 2012, Diyarbakır).
During my field research, the majority of victims and their relatives confirmed that they had not benefited from any compensation for their loss. Yahya Yiğiter said he was arrested and tortured severely during the Lice incidents and had to leave his home and belongings behind and move to Diyarbakır. During his interview, he said adequate compensation for his pain and material loss would have eased his difficulties (Yahya Yiğiter, 19 July 2019, Diyarbakır). Furthermore, H.T. explained how his family went through hardship after the killing of his father by the security forces in Kulp in 1993 and said that an adequate and timely compensation to the victims would have helped them to rebuild their lives. He said:

> After losing my father, we went through many difficulties. We had to relocate to Mus and Mersin. I had to walk 3 km to the school when we were living in Diyarbakır. I had to work until lunchtime and I had to go to school in the afternoon. I sometimes mixed my school uniform with my work uniform. This is all because of the loss of my father. We had many animals in the village. My father sold them. He knew that something would happen to him. He said we would move from the village. He had all the money in his pocket. It was all we had. They took the money from him when they killed him. We suffered both financially and psychologically. We were under serious hardship. We are ten siblings but it is only me who could go to the school and received education in my family (H.T., 17 July 2019, Diyarbakır).

Tuncay Erek, another family member in the case of Musa Çitil, explained similar hardship he faced after the killing of his father. Tuncay Erek’s father was killed in 1994 in Derik, Mardin province. The Derik Gendarmerie Commander, Brigadier General Musa Çitil, was tried by the Corum 2nd High Criminal Court on the grounds of illegal and arbitrary execution and enforced disappearance of 13 individuals including Tuncay Erek’s father between 1992 and 1994. He was acquitted on 21 May 2014 and he was promoted to Major General at the yearly meeting of the Supreme Military Council on 8 June 2015 (Faili Belli 2022d). Tuncey Erek said that his family had not received any compensation and had suffered serious economic difficulties after the killing of his father. He also said he could not go to school and complete his education due to their economic difficulties after the loss of his father. Hence his professional opportunities were limited (Tuncay Erek, 7 January 2014, Diyarbakır).

This section has explored the economic effects of impunity in the daily life of victims and their families. Reparation should include full and unconditional compensation together with other measures (legal, psychological and political) critical for the victims of state crimes to alleviate their poor conditions and rebuild their lives. As above examples show, failure to do this deprives victims of their dignity, causes further pain, and prolongs their suffering.
Conclusion

This article has analyzed how ongoing conditions of impunity in relation to crimes committed against Kurds during the 1990s continue to affect the everyday lives of victims and their families. The article referred to similar experiences in other countries to provide context and a better understanding of the issue.

The article examined the range of psychological reactions associated with the sense of injustice felt by victims. Victims and their families have experienced various feelings including pain, disappointment, helplessness and worthlessness as a result of being denied access to the truth and justice. In some cases, the courts’ biased approach against victims and acquittal of perpetrators, despite strong evidence, made victims feel humiliated, insecure, vulnerable and discriminated against. Additionally, the recurring violent atmosphere in the Kurdish region has reactivated the painful memories of some victims, which has prolonged their pain and suffering. Loss of confidence in the justice system was another common feeling expressed by victims as they were continuously failed by courts. The majority of victims I interviewed, who were involved in the trials against perpetrators of crimes committed against their loved ones, attended hearings and claimed that the courts did not conduct effective and fair trials and prejudiced their rights. The courts persistently rejected the demands of victims’ representatives, including the request to conduct additional investigations and hear more witnesses, summon the perpetrators to the hearing in order to be cross-examined by all parties and detain the perpetrators due to the gravity of crimes with which they were involved. When perpetrators were eventually acquitted this led to victims losing faith in the possibility of achieving justice through the Turkish criminal justice system. This feeling was also accompanied by hopelessness, worthlessness, anger and frustration. This process also induced a sense of vengeance in some family members and led them to join the PKK as an alternative way to seek justice. The social exclusion of Kurds in cases of forced displacement, feelings of detachment, and being discriminated against based on their Kurdish identity were other effects of impunity experienced by victims in their daily life.

The ongoing mourning of victims and their families resulting from their being prevented access to truth and justice was another barrier to overcoming their pain and trauma. In cases of enforced disappearance, it was especially difficult for family members to properly mourn their loved ones. Without bodies and graves the rituals of mourning were denied these families. There was also evidence that some could not survive their grief. Some family members still expect the return of the disappeared as they wonder and wait for years and their feelings alternate between hope and despair. Grief also appears to manifest itself more during certain religious or cultural rituals as the absence of their loved ones is felt more.
The article also explored how impunity strengthened resistance for some relatives of the murdered, tortured and disappeared. This resistance involved the public channelling of grief into collective and political action to demand justice and truth. The formation of the “Saturday Mothers” movement mobilized the relatives of the disappeared and victims of extrajudicial killings to raise awareness among the Turkish public on the issues of forced disappearance and to place pressure on public authorities to end impunity for state perpetrators. The movement also empowered their members and created solidarity among them. On the other hand, the ongoing and collective search for the truth frequently rebounded as families and supporters became subject to state reprisals and a new cycle of violence. This article also revealed the very real fear and permanent vulnerability that members of the Kurdish community experience in direct consequence of perpetrators roaming freely among them.

Finally, the article examined the economic implications of impunity on the everyday life of victims. The majority of victims of forced displacement still suffer from economic hardship due to the lack of an adequate reparation programme to improve their living conditions. Furthermore, when the victims of enforced disappearance or extrajudicial killings were the main breadwinner of their family, the whole family faced further pressure as children were often forced to leave school in order to support the family, diminishing their professional opportunities and placing them in a disadvantaged position in society.

Turkey’s failure to tackle impunity, including failure to facilitate justice and truth for victims and provide effective reparation, prolongs the pain and suffering of victims and insults their dignity. It also constitutes a barrier to recovery, prolongs trauma and prevents closure. The concept of victimization should therefore be applied to the victims of impunity is a separate form of violence, as Baeza suggests, due to its traumatic and long-lasting effects on victims’ lives which persist for decades following the original crime.

Notes

1. Baeza describes impunity as “a human decision, an action, behaviour, an act of denial of concrete reality: it is an act of violence. It is an instance of human aggression which, in addition to not being fully revealed, is also to be left unpunished.”
2. Belgrade (Serbia and Montenegro), Rijeka (Croatia), Sarajevo (Bosnia-Herzegovina), and Banja Luka (Republic of Srpska, Bosnia-Herzegovina).
3. Roboski incident refers to the killing of 34 Kurds by Turkish F-16 fighter jets as they crossed the border from Iraq to Turkey on 28th December 2011. Nineteen of those killed were children. See State Crime Testimony Project on the Roboski Massacre: http://www.statecrime.org/testimony-project/roboski (accessed 5 December 2020).
4. 57-year-old mother of 11, Taybet Inan was shot dead by security forces during the round-the-clock curfew declared in December 2015 and her body was left lying on a street in Silopi for seven days before being retrieved.

5. Silopi is a town in Şırnak province in southeast Turkey.

6. 10-year-old Cemile Cagirga was shot dead by security forces while playing with her friends in front of her house in Cizre in September 2015. After being denied a proper burial due to curfew her family put her body in a deep freezer to prevent it from rotting (see Zengin 2015).

7. Vedat Aydın was the head of the pro-Kurdish People’s Labour Party (HEP), in Diyarbakır. He was arrested on 5 July 1991 and was killed in custody. On 7 July 1991, his body was found with multiple gunshot wounds and signs of torture in Maden, Elazığ (see Washington Kurdish Institute, 2020).

8. Hafiz Akdemir was a correspondent in the Diyarbakır office of the Özgür Gündem. On 8 June 1992, he was shot with a single bullet to the head while he was on his way home from work (see Committee to Protect Journalists 2021).

9. Hasan Ocak was arrested in Istanbul on 21 March 1995. He was tortured and killed under custody. His body was found at a cemetery for the nameless on 15 May 1995 (see Amnesty International 1995a).

10. Rıdvan Karakoç was arrested by police in Istanbul on 15 February 1995 and was found dead on 2 March 1995 (see Amnesty International 1995b).

11. For example, Articles 35 and 36 of International Law Commissions on State Responsibility.

12. UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

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