
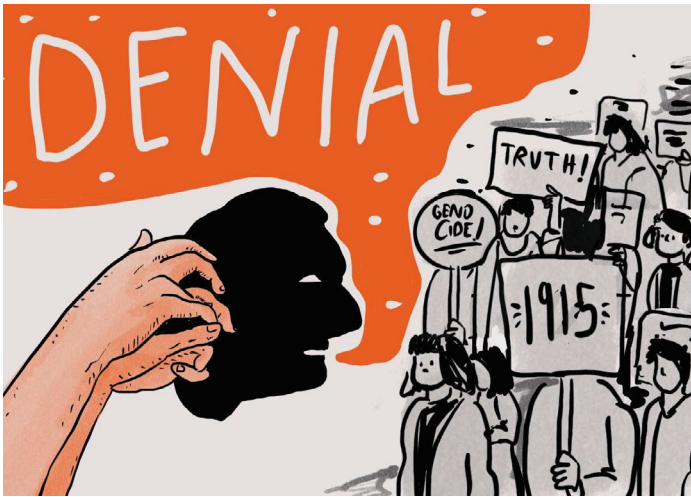

CHAPTER 9

Confronting the Shadows: Transitional Justice and the Armenian Genocide in Turkey

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INTRODUCTION

This chapter explores the ways in which the Armenian Genocide can be approached through a transitional justice lens, specifically focusing on the truth recovery mechanisms. The Armenian Genocide, perpetrated by the Ottoman Empire during World War I, saw the systematic extermination and execution of over a million Armenians through deportation, forced marches, state-enforced famine and starvation, and massacres (Akçam, 2012; Kevorkian, 2011; Kurt, 2021). This consistent process also included dispossession, destruction of material culture, and forced assimilation (Üngör, 2012). The Republic of Turkey has followed a strict denialist approach to the Armenian Genocide, which has involved vigorous efforts to challenge and disregard historical evidence that has been established by scholars. The unwillingness to acknowledge the genocide entails state-sponsored campaigns aimed at minimising or rationalising the atrocities committed, citing geopolitical considerations and national identity narratives. Despite increasing international pressure and calls for acknowledgement, Turkey's denial of the genocide has remained a significant obstacle to reconciliation, reflecting the complex historical and political dynamics surrounding the issue.

A century and a year since the Republic of Turkey was founded, contemporary acts of violence against Armenians show that racial hatred, genocide denialism, and anti-Armenian sentiments remain integral to the fabric of Turkish institutions and society. The assassination of the Armenian journalist Hrant Dink, an outspoken and fierce critic of denialist politics, on 19 January 2007 was something of a turning point in revealing this continuity. His assassination, in which the state is widely considered to have been involved and implicated (Tataryan, 2011), was perceived by many Armenians and scholars to be a continuation of the deportation of Armenian intellectuals on 24 April 1915, marked by the “1,5 million + 1” banners in Hrant Dink's funeral (Akçam, 2020; Ankara Düşünceye Özgürlük Girişimi'nden Hrant Dink'i anma paneli, 2023). Akçam argues that Hrant Dink was killed in public specifically because he was Armenian (Akçam, 2020), as the state sought to prevent Armenians from speaking freely and to remind them that the genocide was committed to mute their voices in the first place. Turkey's support for and celebration of Azerbaijan's ethnic cleansing of Armenians in Karabakh sent a similar message of continuity, specifically in terms of Turkey's ongoing genocidal aspirations (Ankara Düşünceye Özgürlük

Girişimi'nden Hrant Dink'i anma paneli, [2023](#)). The Karabakh conflict is seen by some as rooted in the unaddressed legacy of the genocide:

With hindsight, the unresolved historic legacy of the 1915 genocide can be seen to have influenced the emergence of the Karabakh conflict back in the late 1980s, and it continues to pose an important obstacle both to the resolution of the conflict and to the normalisation of relations between Turkey and Armenia (Cheterian, [2018](#)).

HOW CAN TRANSITIONAL JUSTICE BE HELPFUL: TWO MAIN CHALLENGES

From a transitional justice perspective, it is challenging to find the right mechanisms to address an atrocity that took place more than a century ago when survivors and indeed perpetrators are no longer alive (Malcontent, [2016](#)). Cooper and Akçam ([2005](#), p. 88) describe this challenge as follows:

When the crimes lie far in the past (as in Turkey), acknowledging them serves a broader societal and political purpose: it signals a society's maturity and its ability to accept sometimes painful criticism, which is indispensable to democracy. In Turkey's case, an honest reckoning with the past is necessary not only to overcome tensions with Armenians. Turkey's own ability to nurture a democracy in which conflicts are resolved peacefully requires it to overcome the authoritarian desire to make history serve an official narrative.

This challenge can be understood to have two components. The first is about how to draw on existing and established transitional justice practices, from a critical viewpoint, to make them meaningfully applicable in the context of the Armenian Genocide. But what mechanisms are suitable when more than a century has passed? Is it through a historical commission, a truth commission, or trials (relatively easy and straightforward to dispense with as the perpetrators are long gone)? Or would a comprehensive reparations programme be the most effective way to address the grievances, so that the descendants of the survivors not only feel that some justice has been done, but also recognise that their present lives are least affected by the ongoing denial of the genocide?

The second part of the challenge derives from the meaningfulness question. What should we aim to achieve exactly? If the actual perpetrators, those who enabled the genocide and those who participated in individual and collective acts of violence, are not alive to be brought to justice, and if the victims and survivors of these acts are not alive to be offered tools and support for reparation, then we need to talk differently about a potential reconciliation of perpetrators and victims and survivors. If we cannot hold the individuals accountable, where should demands for truth and recognition be directed? Our focus immediately turns to the institutions, mechanisms, social structures, and ideologies that enabled the genocide and that have sustained its denial to date. The challenge becomes even more layered at this point. We often refer to the Turkish state as the subject of our demands for ending the denial, recognising the genocide, and repairing the harm. Who and what constitutes the Turkish state? The same question applies to society in general. Who do we want and need to engage in conversations around the genocide? What do we expect from specific individuals and families who, for example, reside in the land that used to be Armenian? What change do we want to create in an ordinary citizen of Turkey whose thoughts and ideas have been shaped by state-sponsored colonialist and nationalist sentiments and denial?

Unpacking these questions is necessary to be able to select specific mechanisms and approaches from the transitional justice repertoire. Oranlı explains that there is an interplay among “individuals who perpetrate genocide denialism, the ideology (that of Turkism) behind denialism (and genocide), and the institutions (both educational and legal) supporting genocide denialism” (Oranlı, 2021, p. 120). Targeting each of these pillars, for example, could help to specify the goals of transitional justice mechanisms. This chapter offers a starting point for those who are willing to undertake such a huge and important task. It does not, however, aim to provide an in-depth analysis of each issue that could be dealt with. Rather it aims to present a broad overview of the framework with which the genocide could be addressed, specifically from the truth pillar of transition justice.

This chapter begins with a brief overview of genocide denialism and discusses its ongoing impact. It then turns to a detailed picture of truth recovery mechanisms that have been used around the world to discuss their relevance for the Armenian Genocide. By drawing connections with established transitional justice practices at the global level, the chapter

provides an insightful examination of possible approaches to dealing with the past in the context of the Armenian Genocide.

CONTINUITY OF GENOCIDE DENIALISM

The Armenian Genocide and its denial have been an integral part of the nation-building of the Turkish Republic, an essential feature of the Turkish state, and an ordinary part of daily life (Gocek, 2014; Oranlı, 2021; Suciyan, 2016). In another chapter of this book, Orhon explains that nation-state building has enabled denial through a selective, exclusionary, and pragmatic memory regime, and therefore, how denial in everyday life and social interactions has become part of Turkey's ethos (see Orhon's chapter in this book). Denial of collective violence against Armenians persists within the society and state (Tataryan, 2011). A significant characteristic of the post-genocide society is widespread knowledge about the catastrophe and the absolute denial of that knowledge. This "post-genocide habitus of denial", extends into a denial of the Armenian's existence and history (Suciyan, 2016).

There are ongoing examples of the Turkish government's denial policy as well as its punitive approach towards recognition and memorialisation attempts for the Armenian Genocide. Those who are not Armenians but who consistently refer to 1915 publicly as the Armenian Genocide are repeatedly criminalised in the Turkish legal system. One of the most recent examples is the case against human rights defenders Eren Keskin and Gulistan Yarkin, who were accused of "insulting the state" under Article 301 of the Turkish penal code because they participated in a commemoration on the anniversary of the Armenian Genocide held by the Human Rights Association's (*İnsan Hakları Derneği*, İHD) Commission against Racism and Discrimination in 2021. The trial is taking place at the time of writing this chapter. Article 301 also started the process that ended up in Hrant Dink's assassination,¹ and is generally a way for the state to punish those who dare to publicly acknowledge the genocide and call for dealing with the past (Keskin, 2010).

¹ Hrant Dink was assassinated following a nationalist campaign that included charges against him for "insulting Turkishness" based on Article 301. He was being prosecuted because he explicitly referred to the events of 1915 as the Armenian genocide. Article 301 is considered by many as a violation of the right to free expression. To read more about the case, see: Hrant Dink Turkey <https://pen.org/advocacy-case/hrant-dink/>

These investigations are often opened following the 24 April commemoration of the genocide and they take several years until there is a court case. In most cases, they do not result in any charges. Nevertheless, they serve as continuous stress against human defenders who are determined to commemorate and ask for recognition of the Armenian Genocide. It would be right, therefore, to argue that the state attempts to suppress any effort or initiative that seeks to remind the world of the truth about the genocide, as well as those who seek to force the government to recognise it.

TRUTH RECOVERY APPROACHES TO THE ARMENIAN GENOCIDE

Transitional justice started mostly as legal measures that successor regimes have used to deal with past abuses. Over time, the concept has broadened to include diverse approaches, instruments, and agents (Lawther & Moffett, 2017). Currently, criminal prosecutions, truth-telling, reparations, institutional reform, and memorialisation are accepted as the main components of transitional justice (de Greiff, 2012). The UN defines four pillars of transitional justice as truth, justice, reparations, and guarantees of non-recurrence (UN, 2010). These pillars are interlinked, and some mechanisms could be considered under different pillars. Truth recovery, in particular, can be pursued through a variety of mechanisms including a historical clarification commission, a truth commission, a public inquiry, or a combination.

De Greiff (2012) points out that truth commissions seldom reveal previously unknown facts, but they still make fundamental contributions in recognising victims and their experiences. In the context of the Armenian Genocide, numerous valuable works establish the historical context, the details about the deportation, the confiscated Armenian property, and how denial has shaped contemporary society (Akçam, 2012; Gürpınar, 2016; Kurt, 2024). Therefore, there is a need not only to know and uncover what happened and how, but to translate and transmit the established facts into public knowledge that is recognised and respected by society so that it can have a transformative impact on the wider population.

TRUTH COMMISSIONS

Truth commissions provide alternative sources of justice to address a violent past in contexts where criminal prosecution is not a possibility (Bevernage, 2010). They can offer victims and survivors the opportunity to share their truths and set the stage for reparation, help reshape the narrative around political violence and atrocities, and establish new political, legal, and cultural structures by recommending changes for institutional improvement (de Greiff, 2006; Ross, 2003).

Multiple civil society actors have called for the establishment of a truth commission to investigate the various episodes and atrocities in the history of the Turkish Republic. A workshop organised by İHD in 2013 concluded that the Armenian Genocide should be the first matter that any potential truth commission in Turkey would need to address (İHD, 2013). There were also debates, although limited to a small number of politically engaged activists, around how such a commission could address the treatment of Armenians in Turkey. These debates touched upon important practical and political questions, such as who would represent Armenians in a future truth commission: the Republic of Armenia, the Turkish-Armenian community, or the Armenian diaspora.

These are indeed vital questions to ask in the design of a truth commission, especially when the atrocity took place such a long time ago. There are several recent examples of truth commissions that address atrocities that took place generations ago and may no longer have living survivors or perpetrators, particularly among countries with colonial histories. These have established commissions to address their colonial pasts and the ongoing impact of that past on newer generations. For example, the Yoorrook Justice Commission in Victoria, Australia was established in May 2021 as a truth-telling mechanism for the impacts of colonisation on First Peoples, as well as the historical and ongoing injustices they have experienced. Having been established more than two centuries after the colonisation started, the commission is tasked with establishing an official record of the colonial past's impact, developing a shared understanding of the impact of colonialism within society, and making recommendations for policy, practice, and legislation. In 2021, the First Peoples' Assembly of Victoria submitted a report to the commission and established the following:

Future generations now carried the trauma of the brutality their ancestors suffered – forced removal, massacre, slavery, suppression of culture and language, removal of land. Many languages were lost – they now lay dormant waiting to be awoken again.

We believe that the establishment of the Yoorrook Justice Commission is an historic opportunity for both Aboriginal and non-Aboriginal people in Victoria finally to begin to listen to each other and create a new heritage together. Our peoples will no longer have to carry the pain of these stories alone – this history and these truths become everyone's history and truths (First Peoples' Assembly of Victoria, 2021, p. 4).

This quote demonstrates that setting up a truth commission has to do with the need to address and share the deeply rooted pain that has been carried over generations. This is relevant to Turkey as well, especially because denial prevents the painful history from being seen, acknowledged, and made part of an official history.

Another example is the Truth and Reconciliation Commission of Canada (TRC) which was set up in 2008 to address the legacy of Indian Residential Schools, following survivors' and civil society organisations' grassroots efforts (Kazan, 2023). Indian Residential Schools were boarding schools that operated from the 1880s to the 1990s and meant the removal of indigenous children from their families. The TRC was mandated to "reveal to Canadians the complex truth about the history and the ongoing legacy of the church-run residential schools" and "guide and inspire a process of truth and healing, leading toward reconciliation" (Truth and Reconciliation Commission of Canada, 2015, p. 23). Other transitional justice mechanisms, including court proceedings, preceded this truth commission. However, based on the survivors' demands for reparations and a truth and reconciliation commission, the TRC was established with a bottom-up approach and completed its work in 2015.

The TRC offers a good example of how centring survivors' stories and testimonies can spark long-term reconciliation processes, especially concerning atrocities with a genocidal purpose. It collected testimonies from more than 6,750 survivors and organised seven national truth and reconciliation events and 17 community or regional hearings. These events received extensive media coverage and were livestreamed. Based on survivor accounts, historical research, and an examination of the inter-generational impacts of residential schools, the TRC concluded that the residential school system amounted to cultural genocide (Nagy, 2020). Its six-volume final report, "Honouring the Truth, Reconciling for the

Future”, made 94 calls to action aiming to address the legacy of residential schools and further the reconciliation process, including systemic changes (TRC, 2015). However, the implementation of the calls has taken place slowly and only symbolic recommendations have thus far been put into effect (Kazan, 2023). Although the TRC was not perfect, “it could and did serve as a catalyst for the ongoing unsettling of colonial beliefs and attitudes and the re-storying of settler narratives in response to what was witnessed” (Nagy, 2020 p. 237).

As the above examples show, truth commissions are often mandated to provide recommendations. However, the implementation of those recommendations is where the problem starts. Bakiner emphasises that “The processes that generate the largest effects are direct political impact and delayed political impact through civil society mobilization” (Bakiner, 2014, p. 9), as truth commissions’ non-binding recommendations are only implemented when there is constant civil society mobilisation to hold policymakers accountable. This is an important issue to keep in mind for Turkey, and any future truth commission on the Armenian Genocide will rely on civil society mobilisation to generate impact. Civil society actors that can play an important role in such a process include organisations and activist groups that have advocated for truth and justice mechanisms for Turkey’s violent past and have been vocal in calling for recognition of the genocide, such as İHD, Nor Zartonk, Hrant Dink Foundation, Truth Justice and Memory Centre, and DEMOS. Considering the past and continuous work of organisations and activist groups to recognise and commemorate the genocide, it is important to emphasise that civic space should expand towards a more diverse set of actors for their impact to be relevant for a wider portion of society.

HISTORICAL CLARIFICATION COMMISSIONS

As another truth recovery mechanism, historical commissions aim at producing shared narratives and creating a space for historical dialogue. A joint Turkish-Armenian historical commission to investigate the Armenian Genocide has been discussed in both Turkey and Armenia, and while it has not yet been realised, the idea created a considerable public debate about its usefulness.

Numerous historical commissions have been established, particularly since the end of the Cold War, and have played an important role in raising public awareness about the potential harm caused by conflicting

historical memories (Barkan et al., 2020). Advocates of historical commissions aspire to promote mutual knowledge and awareness of the perspectives and experiences of the other side “through revisiting heated public historical discourses” (Barkan et al., 2020, p. 14). Historical commissions have been created in contexts where “shameful historical episodes cast a long shadow over contemporary society and where debates over the past have become the subject of political wrangling” (Karn, 2018, p. 2).

The purpose of historical commissions is to inquire into events that happened a long time ago and that targeted particular groups (Hayner, 2001). Concerning the Armenian Genocide, historical commissions can play a particularly important role because they can assign political accountability for a specific group in a context in which the passage of time makes it difficult or impossible to prosecute perpetrators criminally (Karn, 2015). They can do so by addressing “issues of political and moral accountability for the past wrongs within the parameters of political responsibility towards the past” and challenging and changing perceptions and myths about the past (Pallí-Asperó, 2022, p. 230).

Historical commissions are different from truth commissions both in their functions and conceptualisations. What is significant for this chapter is that in terms of mandate, truth commissions tend to investigate recent events while historical commissions operate primarily to inquire into atrocities committed in a distant past and respond to deeply rooted historical tensions and recognition claims (Barkan, 2009; Pettai, 2015; Pallí-Asperó, 2023). Another important difference is the method they employ. While truth commissions use testimonies of victims, survivors, and witnesses, historical commissions primarily rely on archival resources. While some historical commissions have had access to testimonies, in the majority of cases, victims and survivors are no longer alive. Both of these differences make historical commissions a meaningful mechanism to use to address the legacy of the Armenian Genocide.

As with other transitional justice measures, historical commissions face certain challenges. As state-sponsored mechanisms, the boundaries of their work are usually drawn by governments in power, meaning that they do not operate with complete freedom and autonomy despite the rigour of their historical methods (Pallí-Asperó, 2022). This also entails the risk of governments instrumentalising historical commissions to manipulate history to support their official narrative, which is a serious risk for such a commission in Turkey. A historical commission’s work, depending on the historians who take part in it, could be a way of advancing the denialist

agenda. The selection of commissioners is, therefore, of utmost importance. For an Armenian Genocide commission's findings to be accepted, acknowledged, and respected by many, the commissioners should be selected among those who have already produced respectable historical work on the issue to international standards. While there are many examples of such individuals, including those cited in this chapter, they may face challenges in receiving state approval as their work has consistently provided a historical, political, and cultural account of the genocide and its denial. Bottom-up, grassroots efforts again emerge as an important element in terms of creating national and international pressure for such a commission to operate autonomously and credibly.

To enhance the impact of historical commissions and expand their impact beyond the scholarly world, their recommendations should be considered seriously and brought together with other measures to address the past. Recommendations may include a variety of tools such as changing national history curricula, building monuments to commemorate and honour the victims, and material compensation. Nevertheless, it is not difficult to imagine the resistance to such recommendations were this to take place in Turkey, particularly regarding compensation. In that case, instead of treating it as a taboo, a platform should be provided to engage in dialogue about what meaningful compensation should look like.

PARLIAMENTARY COMMISSIONS

Parliamentary commissions have emerged as another mechanism of truth recovery specifically regarding colonial pasts. A parliamentary commission of inquiry refers to a temporary committee formed by legislators to examine and explore a specific event or a sequence of events that hold significance for the public (Bakiner, 2022). In Belgium, a parliamentary commission was launched as “an enquiry into Belgium’s overseas colonial legacy and reflecting on appropriate reparations” (Destrooper, 2023). Dealing with Belgium’s colonial past in Congo (1908–1960), Rwanda, and Burundi (1919–1962), the commission focused on truth and reconciliation. It consisted of 17 members, proportionally reflecting the political parties in the parliament. Despite its shortcomings, the commission “could generate momentum as well as a dynamic of rhetorical entrapment or socialization that could provide breeding grounds for further struggles for justice and thick accountability that may then

have more potential to disrupt the status quo, lead to more transformative justice efforts, and challenge epistemic injustice” (Destrooper, 2023, p. 169).

Parliamentary commissions differ significantly from other truth-telling mechanisms in terms of partisan politics being an inherent part. As most of their members are members of parliaments, independence from political processes is not an achievable goal (Bakiner, 2022). This makes those commissions more vulnerable to political changes. Turkey is familiar with the vulnerability of parliamentary commissions. While a parliamentary sub-commission was established under the Human Rights Committee in 2015 to inquire into the Diyarbakir Military Prison,² the early elections in 2018 suspended its work. Although it had conducted a comprehensive investigation, including hearing torture survivors’ testimonies, its report has never been released (Alici, 2022). The lack of transparency in such commission’s findings makes their independence and usefulness questionable.

Parliamentary commissions also carry the risk of not being independent of the government’s politics, especially in authoritarian countries like Turkey. They can be perceived as politicised and therefore lack the trust of the public (Bakiner, 2022). Cooper and Akçam (2005) addressed this risk with a specific focus on the Armenian Genocide:

The historical debate should, so far as possible, be taken out of the exclusive hands of parliaments and political circles. The Turkish government should heed its own argument that history is not for politicians by ceasing its production of propaganda and support for historians who advocate its viewpoint (p. 91).

However, parliament also has the potential to provide much-needed legitimacy for such a commission and facilitate a public discussion around difficult issues, in this case, the Armenian Genocide. In particular, those individuals who reproduce genocide denialism following the state’s official narrative could see some credibility in such a commission’s work, especially if it is constituted by a wide participation of political parties. Different parties’ consensus on facts and narratives has the potential to send a strong political message of acknowledging the crimes. If a

² Diyarbakir Military Prison was infamous for severe human rights violations, including sexualised torture against Kurdish political prisoners after the 1980 coup.

politically sensitive and divisive issue such as the Armenian Genocide becomes part of an official parliamentary investigation, this can also have a normalising and decriminalising impact on a social level.

CONCLUSION

This chapter highlighted the complexities of addressing the Armenian Genocide through a transitional justice lens, particularly focusing on truth recovery mechanisms. Despite occurring more than a century ago, the Armenian Genocide remains a contentious issue due to Turkey's denialist approach, which has hindered reconciliation efforts and enabled the continuation of unaddressed trauma. The chapter has outlined three mechanisms that fall under the truth pillar of transitional justice to address the legacy and ongoing impact of the Armenian Genocide—truth commissions, historical commissions, and parliamentary commissions—while emphasising the importance of challenging and dismantling the racist social and political structures that enable genocide denialism.

Overall, the chapter highlights the importance of addressing historical injustices such as the Armenian Genocide through transitional justice mechanisms, despite the challenges involved, as through these Turkey can move towards reconciliation. However, since genocide denialism is still very strong in Turkey, and the authoritarian regime barely accepts the visibility of efforts to deal with the past, a comprehensive process to address the Armenian Genocide seems unlikely at present. Persistent civil society mobilisation, grassroots activism, and international pressure can make a move towards that direction possible. These efforts are also needed, as the chapter shows, to ensure the effectiveness and legitimacy of transitional justice mechanisms. Transitional justice efforts should engage a wide range of actors, including civil society, scholars, and political parties, to ensure broad ownership. Moreover, attempts for truth recovery cannot be conducted in isolation from the outer context of continued violence against Armenians, the most recent example being the ethnic cleansing of Armenians in Karabakh. A good starting point, therefore, would be to pay more attention to the Karabakh conflict and stand firmly against Turkey's support for Azerbaijan.

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