

Imagining Transitional Justice in Turkey's Ongoing Kurdish Conflict

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Introduction

Turkey has never adopted an official, overarching transitional justice agenda to deal with past atrocities in its Kurdish areas. However, grassroots organisations in partnership with several international actors have used the transitional justice discourse to pressure the government in their pursuit of truth, justice and accountability. By the early 2000s, the state put limited efforts for prosecutions and reparations in place, while activist groups led unofficial transitional justice initiatives to deal with the past. These efforts, however, did not disrupt the nature of governing and they gradually faded away following the collapse of the peace process in 2015.

The current socio-political context of Turkey does not allow much room for activists to engage actively with a transitional justice framework. This is because the contested political authority of the Turkish state is particularly threatened by the Kurdish question, making disruption particularly costly to the state. For this reason, the chapter foregrounds the perspective of grassroots justice activists – rather than that of the rights-violating state – and highlights the disruptive potential of their actions; this potential has so far been under-theorised in literature.

There are several experiences of grassroots actors seeking to foster changes by mobilising transitional justice rhetoric. In this chapter, I draw on two of these examples to analyse how transitional justice's truth and accountability goals could be pursued and partly achieved. The first example is the Diyarbakır Commission, led by civil society actors, which managed to push the Parliament to open up an investigatory sub-commission. The second is the Dersim Apology of then Prime Minister Recep Tayyip Erdoğan, which led to controversies around the underpinning motivation, but disrupted the public silence over the issue. Both processes were significant in breaking the cycle of silence and denial and lifting the veil on gross human rights violations in Turkey's recent past. Although they failed to deliver legal accountability, they are crucial to show how transitional justice discourse can be mobilised, at least partly, through the pressure of civil society actors.

Drawing on the past experiences and current perspectives of grassroots actors, the chapter explores the possibilities of using a transitional justice framework in the absence of any state support for transitional justice. It demonstrates a need for a differentiated approach to analyse

the prospects, challenges, and opportunities that might arise when transitional justice is applied in conflicted societies. I highlight the need for scholarly analysis of such projects because the role played by these initiatives can strengthen our understanding of the practice of transitional justice.

This chapter is part of a broader, victim-centred research project focusing on transitional justice in Turkey's ongoing Kurdish conflict (Alıcı 2022). The theoretical arguments in this chapter are supported by 11 in-person and 13 online interviews with practitioners, lawyers, and activists based in Istanbul and Diyarbakır. The interviews focused on their understanding of transitional justice, how they think it could help deal with the Kurdish conflict, their interpretation of past transitional justice initiatives, and how they make sense of transitional justice while dealing with an ongoing conflict.

The following section provides brief contextual information on the Kurdish conflict and human rights violations. I then set out how grassroots actors make sense of transitional justice and transition in the given situation. In the empirical section, I analyse the two past transitional justice practices: the Truth and Justice Commission for the Diyarbakır Prison and the Apology for Dersim Massacre. I analyse the intentionalities and responses of different actors during different phases of those practices. These two examples highlight the value of a new and nuanced framework to understand the complexities of transitional justice interventions on the ground. I then conclude that transitional justice can be a meaningful paradigm for non-state actors in contested states who can use its intentionality to pursue accountability, recognition and disruption.

The broader context

Kurdish conflict

The Kurdish conflict is rooted in the history and the formation of the Turkish Republic in 1923. The armed conflict started in 1984 when the *Partiya Karkaren Kurdistan*, the Kurdistan Workers Party (PKK), launched its first major attack against the Turkish military forces. Modern Turkey was founded as a nation-state based on creating a homogenous Turkish nation and a particular cultural identity which the citizens should adopt (Jongerden 2018). Until recently, Turkish governments refused to recognise the Kurdish population as a distinct people with a distinct identity with collective rights. This resulted in widespread

assimilation policies towards the Kurds and systematic human rights violations in the Kurdish region (Gunes 2013). Among some groups this led to the idea that violence was the only means through which to achieve Kurdish liberation (Gunes 2013).

Within the context of the armed conflict, it is estimated that 35,567 people died between 1984-2013. 7,918 of these were public servants and the rest were civilians and guerrilla fighters (Türkiye Büyük Millet Meclisi 2013). The Kurdish-populated regions were ruled under a state of emergency between 1987 and 2002. The conflict reached its peak in the 1990s when there was an 'extended implementation of extreme violence against civilians' by the state armed forces and several paramilitary organisations (Işık 2020). Systemic human rights violations committed by the state during that period include thousands of extrajudicial killings and enforced disappearances (Göral et al. 2013), the evacuation of more than 4,000 villages and towns, the forced displacement of approximately 2,5 million people (Ayata and Yüksekler 2005), arbitrary detention, and torture.

Jongerden (2018, 723) argues that the conflict is the manifestation of the 'systematic denial and degradation of Kurds'. However, the Turkish state has tried to deal with the Kurdish conflict using a security discourse and heavy military interventions (Yıldız 2012).

Mainstream Turkish political parties considered the Kurdish issue as an existential threat to national security and refused to settle this complex ethno-political question politically (Bozarslan 2008; Gunes 2013). Until the early 2000s, the official stance on the Kurdish issue was based on the denial of any state involvement in human rights violations against Kurdish citizens (Çelik B,2020). This denial of state responsibility accompanied the government's reluctance to implement transitional justice measures aimed at accountability and recognition. This would have required acknowledging the role of the state in systemic human rights violations and an inevitable disruption of the critical pillars upon which contemporary Turkey is built.

The 1990s were also central to the political mobilisation and empowerment of the Kurdish people. Alongside PKK's armed campaign, many Kurds resisted political violence through peaceful means, such as mass rallies, school boycotts, and shutdowns of shops (Çelik 2015). Those who were most affected by the conflict became active political actors who, to date, have mobilised around demands for justice and accountability for conflict-related crimes. Kurdish political parties started to gain widespread support in Turkey. At the same time, the

Kurdish diaspora started to organise campaigns in Europe to expose state violence. In cooperation with their foreign colleagues, Kurdish lawyers filed lawsuits before the European Court of Human Rights (ECtHR), which became an essential tool for holding the Turkish state accountable to a wider audience (Uçarlar 2015). Kurdish lawyers used the ECtHR as a tool for legal mobilisation and social transformation (Kurban 2020). The hearings before the ECtHR provided the applicants with the opportunity to be heard publicly in a legal forum for the first time (Çalı 2010, 312). Hundreds of judgements issued by the ECtHR played a significant role in documenting state-sponsored human rights violations (Kurban 2014) and challenging the official policies of denial and silence (Çalı 2010; Budak 2015; Uçarlar, 2015; Jongerden 2018).

During the conflict, the warring parties attempted several peace talks. Most recently, a failed peace process took place between the PKK and the state between 2012-2015. After its collapse, the conflict took a turn towards its deadliest period. The clashes in Kurdish cities and towns killed approximately 1,200 residents and displaced around 350,000 people (International Crisis Group 2017). The consolidation of the authoritarian regime accompanied the escalation of violence in the Kurdish region. Most mayors of the Kurdish municipalities were replaced by government-appointed trustees, leading Kurdish political figures and human rights activists were imprisoned, and numerous civil society organisations (CSOs) were shut down by decrees (Alici et al. 2020). This period marked the beginning of a political atmosphere where many of those who used to work actively for peace and transitional justice were either imprisoned or had to leave the country. Those who remained continue their activities under state surveillance (Yabancı 2019).

Seeking justice during conflict

Turkey has long been characterised by social amnesia (Bakiner 2013) and the denial of state-sponsored human rights violations against Kurdish people. Recognition of these violations is assumed to challenge the very foundation of modern Turkey (Cengiz 2011). These dynamics of forgetting, however, started to change due to popular demands for truth and remembrance, especially in the period 2005-2015 (Budak 2015; Kaya 2015). Demands for transitional justice gained popularity among victims, survivors, lawyers, and activists who used the transitional justice discourse to pressure the government in the search for truth, justice, and

accountability. The demands gained visibility with the support of the European Union and the ECtHR (Budak 2015, 231). As part of the peace process in 2012-2015, the interest in and demands for transitional justice reached their highest level and sparked several discussions on different approaches to transitional justice. Dealing with the past was seen as a fundamental component of conflict transformation and peacebuilding; justice and accountability thereby became even more needed.

Exploring grassroots actors' understanding of transition and transitional justice provides insights into how and why they have been engaging with transitional justice at different times. Budak (2015) suggests that transitional justice provides a valuable framework to come to terms with the legacies of the past in Turkey and that it could play a vital role in resolving Turkey's Kurdish conflict. This view seems to be widely shared by grassroots actors who have engaged with justice-seeking efforts. Some of them consider the transitional justice framework to offer a basis to think about how to handle a substantial social problem and how it might bring about sustainable resolutions. It is also perceived not to be limited to post-conflict transitions but rather something that grassroots actors can also benefit from during conflict.

A nuanced and broad understanding of transition is key to grassroots transitional justice efforts in Turkey. Grassroots actors perceive transition as a long-term, non-linear process. Because a transition does not happen at a particular moment, transitional justice seems relevant and useful before, during and after a peace accord that could bring the Kurdish conflict to an end. Grassroots justice activists moreover imagine transitions as a dynamic terrain for a political struggle initiated from the bottom-up. According to this bottom-up understanding, a transition cannot be driven from above or started by the political elite. Moreover, transitional justice is part of a broader struggle for transition (personal interview, July 2019). This understanding foregrounds agency while also giving grassroots actors the responsibility for initiating transitional justice processes.

From a bottom-up and agency-oriented approach, civil society actors and human rights advocates are the ones most likely to initiate transitional justice in cases of ongoing conflict. This would mean that justice efforts are not the province of political elites but belong to a broader consortium of justice actors. For instance, an interviewee, who has been working

closely with the forcibly displaced Kurdish population, expressed the need for creating a network and trying to push the state:

We should form a network in this transitional process and involve all the segments of society. There should be two people from the state or the civil society with close ties to the state. It would indeed create a change. Otherwise, waiting for peace means choosing an easy way out (personal interview, July 2019).

Another interviewee, who has extensive experience working with the families of the disappeared, acknowledged the challenges of implementing various transitional justice mechanisms during the conflict. She found it crucial to identify what is feasible in the given conditions. According to her, although not every transitional justice mechanism is suitable for the current situation, some could be highly beneficial and relatively easier to implement. She believes in the need to acknowledge the challenges faced in the current situation and identify what aspects or measures of transitional justice could be worked towards:

Is there ground for a truth commission now? No. However, neither does it pose an obstacle to revealing the bigger picture or even laying the groundwork for establishing such a mechanism. What could be the disadvantages of thinking about it when the conflict is ongoing? Obviously, I know what my challenges are. But as a human rights advocate, if I assumed the responsibility of reminding the state of its responsibilities and adopted this approach as a lawyer, what could prevent me from learning how to benefit from transitional justice best? (personal interview, July 2019).

A recurrent theme in the interviews was reflection on what could be done given the limited space for civil society. One interviewee addressed the importance of accumulating small experiences and considered archival work and memorialisation efforts significant in the context of the impossibility of establishing mechanisms like truth commissions:

Every stone we put is meaningful, and every small step counts. Official mechanisms that could only be started with the state's involvement are not employable right now. However, it does make much sense to do something with the organised activist groups, local administrations, or local initiatives (personal interview, August 2019).

Another participant identified the main contributions of using transitional justice in the early stages as building civil society networks and collecting data (personal interview, August 2019). This is a common thread in most interviews. Everything that could be done now would count as 'infrastructure work' to enable civil society actors to actively and meaningfully get involved once an official process starts. Another interviewee states:

For instance, memorialisation is a crucial mechanism offered to me by the transitional justice framework, and there is no obstacle to do that right now. I do what I can do; I collect what I can collect under today's circumstances. I cannot make the government apologise, but I can inform people about what an official apology means. For example, I cannot create a new historical narrative, but I can discuss what it should look like (personal interview, July 2019).

When I asked the interviewees about what they are doing at present that could be examined under the transitional justice banner, the most mentioned practices were archival work, documentation, database forming, reporting, and research. Aboueldahab (2018) states that in ongoing conflicts such as in Syria, the documentation of violations serves as a function of transitional justice and becomes an act of resistance by keeping the justice demands alive. She argues that agency is at the centre of documentation by involving various actors in recording and revealing the truth about violations. In Turkey, as well, documentation plays a crucial role in recording human rights violations. During curfews in Kurdish areas in 2015-2016, the authorities prevented national and international human rights organisations from entering the curfew regions to document mass abuses against civilians (Human Rights Watch 2016). Several CSOs, who managed to document the abuses, were later shut down by a decree. An interviewee highlights the importance of continuing the documentation work:

In the future [when there is an official peace process], these violations will be more visible and become part of the resolution of the Kurdish conflict and access to justice. This is why we do archival work, documentation, data collection, and research. This will be our contribution to transitional justice (personal interview, July 2019).

Both the interviews and the analysis of previous initiatives show that truth-seeking has been a crucial crosscutting activity for different actors. The denial of past atrocities has been so prevalent in Turkish institutions (Ayata and Hakyemez 2013) that justice advocates see truth-

recovery as a critical aspect of any justice process. A state-sanctioned truth-seeking process, according to these activists, would imply an official willingness to acknowledge what happened in the past and end impunity. Moreover, it would signal that society was ready to acknowledge its responsibility for the silence and denial.

The prevailing denial and impunity stem from, and result in, a lack of sufficient data about the causes of abuse. Documentation and truth recovery, therefore, are essential for two reasons. The first is to collect data to be used in a judicial process holding the perpetrators accountable. The other is to achieve public recognition of the harm done to victims and survivors. Both purposes are present in civil society's efforts, as I will explore in the next section examining different initiatives.

The interest in truth-recovery was also apparent during the peace process, while it was the most widely suggested transitional justice measure in the public debate. CSOs, journalists, and commentators engaged with the idea of establishing such a commission. CSOs invited foreign experts to discuss truth commissions from a comparative perspective. Opposition parties addressed the need for a truth commission to resolve the conflict and even some members of the ruling party expressed support for the idea (Truth Justice Memory Centre 2015).

It was significant when the imprisoned PKK leader, Abdullah Ocalan, called for a truth and reconciliation commission (Agos 2015). During the 2015 *Newroz* celebrations¹ in Diyarbakır, Ocalan's *Newroz* message was read aloud, and it suggested establishing such a commission (Agos 2015). As the most influential figure in Kurdish politics to date, Ocalan has been imprisoned since 1990. He was the leading actor shaping the road map of the peace process on behalf of the Kurdish side. His message came one month after the Dolmabahçe Declaration by the parties to the peace process, the first time a mutually agreed road map was announced (Çiçek and Coşkun 2016). Although the government did not respond to the justice

¹ *Newroz* is a traditional Kurdish celebration of the spring. It has acquired a political significance and been associated with the resistance of the Kurdish people. Every 21 March, it is celebrated in large demonstrations where political representatives of the Kurdish political movement are also present.

proposal, it is unlikely that Ocalan's message was sent to Diyarbakır without government approval.

The peace process nevertheless collapsed shortly after, and the agreed road map has never been realised. However, it is remarkable how different non-state actors identified a truth commission as one of the immediate needs of a peace process. Most discussions of transitional justice focused on truth commissions, while other transitional justice measures did not gain as much attention.

Transitional justice practices

To get a deeper understanding of Turkey's transitional justice discussions and capture what is missing in the current picture, I will explore in detail two important developments in the last two decades. The driving force behind these developments was the constant activism and advocacy efforts by affected communities, lawyers, activists, and human rights advocates.

The Truth and Justice Commission for the Diyarbakır prison

One of the most remarkable transitional justice initiatives is The Truth and Justice Commission for the Diyarbakır Prison, as its actors mobilised around the transitional justice discourse and contributed to recognition and accountability. The Diyarbakır Military Prison (DMP) has a central place in the Kurdish collective memory and resistance because of its role in radicalising large numbers of Kurds who later joined the PKK (Zeydanlioglu 2009). It is infamously known for severe human rights violations, including systematic sexualised torture and ill-treatment committed against thousands of Kurdish political prisoners in the aftermath of the 1980 military coup (Yıldız 2016).

The Truth and Justice Commission for the Diyarbakır Prison was established in 2007 by a group of activists supported by academics, lawyers, and psychologists. The intentionality of the commission was in line with transitional justice goals as its main actors explicitly called for justice, recognition, and accountability in defining the commission's objectives. The commission's objectives and the responses it gathered revolved around truth, justice, and memory. The Commission members articulated their goals to initiate a judicial process for human rights violations committed between 1980-1983, start a process of revealing the truth and confronting the past, and transform the prison into a museum and that would function as

a memory site (CNN Türk 2010). The members of this initiative indicated that they effectively worked like a truth commission for three years (Diyarbakır Cezaevi Gerçekleri Araştırma ve Adalet Komisyonu 2009). Like several unofficial truth projects around the world (Bickford 2007), it mimicked official truth commissions in its goals and activities, but did not have a similar bureaucratic structure. It collected testimonies from more than 500 ex-prisoners through interviews in different cities of the Kurdish region and the West, held several symposiums across the country, gathered a 7,000 pages-long document, shared its findings with the public, and launched a campaign to turn the prison into a human rights museum with the support of 100,000 signatures (Meryem 2018).

The Commission's work attracted several responses from the government. One of them was public acknowledgement of the human rights violations committed in the prison while undermining the widely supported memorialisation demands. In 2010, while the Commission was still operating, Erdoğan, who was then prime minister, acknowledged the use of torture in the prison during a speech in Diyarbakır. He said that the government wanted to destroy the premises of the old prison and build a new one to erase the painful memory of the 1980 military coup (Karakaş 2016). Erdoğan's speech was unprecedented in terms of officially recognising the legacy of the prison. However, his approach to memory contradicted the grassroots actors' demands for a memorial site. This speech signified that Erdoğan reluctantly adopted some transitional justice notions that the commission pursued; he recognised the human rights violations committed in the DMP, but wanted to destroy rather than memorialise the prison.

Justice seeking was another pillar that sparked some responses. In 2010, using the Commission's data, 310 ex-prisoners filed a criminal complaint to the Diyarbakır Chief Public Prosecutor's Office. The Commission issued a press statement on behalf of the applicants, demanding that the human rights violations committed in the DMP should be treated as crimes against humanity and that the perpetrators should be punished accordingly. Their judicial demands moreover went hand in hand with demands for truth recovery and memorialisation. They called for a parliamentary investigation commission and renewed their call for a human rights museum, arguing that revealing the truth about the violations in the DMP is key to Turkey's dealing with the past. A criminal investigation started the following day and by 2012, the number of applicants had risen to 1,000 (Sabah 2012).

The truth pillar was also very much present in the Commission's work and the responses it generated. The Commission released its final report in 2012, revealing the names of the military officers who had allegedly used torture. It also documented torture's physical and psychological effects. In 2015, a parliamentary sub-commission was established under the Human Rights Inquiry Committee to investigate the human rights violations committed in the DMP. It was the first time that the prison was subject to an official public investigation. The sub-commission's mandate included a commitment to dealing with the past, reparations for torture survivors, and truth recovery. Remarkably, parliamentarians from different political parties explicitly committed to transitional justice goals. Activists nevertheless criticised the sub-commission for being ineffective. Moreover, as the peace process collapsed, nothing concrete followed from the sub-commission's report.

Bickford (2007, 995) argues that unofficial truth projects can have an essential contribution to the contexts where official truth commissions are not viable. The Truth and Justice Commission for the Diyarbakır Prison is a vivid example of how civil society actors became vocal about transitional justice objectives, initiated a process to deliver these objectives, and pushed the state actors to take several steps in that direction. These actions were not concrete policy changes. However, they ensured the recording of human rights violations by official bodies and enabled a public discussion about long-neglected issues. The Commission brought torture survivors together with experts and civil society practitioners and initiated a judicial process and a parliamentary inquiry.

Apology for the Dersim massacre

The Truth and Justice Commission for the Diyarbakır Prison is emblematic of public initiatives for dealing with the past. Another attempt of the same era was the Dersim Apology extended by Erdoğan, but in contrast this initiative was top down. It illustrates the reluctant and pragmatic adoption of transitional justice tools on behalf of the state.

A massive military operation took place in 1937 and 1938 in the Dersim region, populated mostly by Kurdish-Alevi citizens. It resulted in the death of approximately 14,000 civilians and the forced displacement of around 12,000 people (Dinç 2021). According to the official view, the operation was the state's legitimate self-defence against an uprising (Ayata and Hakyemez 2013). In 2009, Erdoğan nevertheless referred to the 'Dersim Massacre' in

Parliament, symbolising a paradigm shift in the official narrative (Ayata and Hakyemez 2013). Following Erdoğan's speech, a public discussion started about what happened in 1938 and 'the silence about Dersim cracked at the official level' (Ayata and Hakyemez 2013, 137). Several academic and cultural works on Dersim emerged. CSOs organised memorialisation activities, panels and festivals, gathering a wider audience and more media attention than previous years (Dinç 2021).

On 23 November 2011, Erdoğan extended an apology for the 1938 Dersim massacre. He referred to Dersim as the most tragic event in our history and made references to the literature, demonstrating his awareness about state apologies. He said he could, if needed, apologise on behalf of the state if this is what the literature suggests. It was the first time in Turkey's history that a head of state announced that he would apologise for a past atrocity (Ayata and Hakyemez, 2013; Bakiner 2013; Dinç 2021).

Erdoğan's apology sparked a mobilisation on the social level. There were public campaigns to remove Sabiha Gokcen from the second busiest airport in Istanbul. She was the first female war pilot of Turkey and participated in the carpet-bombing in Dersim (Bakiner 2013). Hundreds of petitions were sent to the Parliament to start an investigation process into the Dersim Massacre and in 2012 a sub-commission was established to investigate the Dersim massacre. It was established under the Petition Committee, which raised serious concerns about its effectiveness and capacity to conduct efficient investigations (Truth Justice Memory Centre 2013). It was not mandated to provide any compensation, but to make policy recommendations. However, as Bakiner (2013, 702) points out, this commission could be seen as 'the first truth-commission-like entity in Turkey's human rights history'. The sub-commission collected testimonies from victims, survivors, the families of the victims, and it started gathering documents from military archives and the prime minister's office (Evrensel 2012). Similarly to the sub-commission on the DMP, this sub-commission's work neither led to a broader attempt at, nor to concrete measures for, dealing with the past.

For a majority of victims to consider an apology complete and satisfactory, it has to be part of a larger package that includes an official commitment to policy changes and legal and other measures to eliminate impunity and guarantees for accountability (Lundy and Rolston 2016, 106). Erdoğan's apology, although followed by a sub-commission, was far from committing to these other elements. As such, it led neither to a fully-fledged truth commission or

parliamentary commission, nor did it have a transformative impact since it was not complemented by other measures such as reparations (Dinç 2021; Bakiner 2013). Dinç (2021) argues that despite this, Erdoğan's apology had a healing impact on the Dersim community. Ayata and Hakyemez (2013) suggest that Erdoğan wanted to be seen as shifting the state discourse from denial to reconciliation by publicly addressing official taboos. However, instead of taking full responsibility on behalf of the state, he pointed to a different perpetrator. In the rest of the speech, he addressed the opposition leader Kemal Kılıçdaroğlu as the real one who must apologise. Kılıçdaroğlu's party is known to be representing the founding ideology of the state, Kemalism, and it was in power during the Dersim Massacre. AKP, at least on the discursive level, built itself against Kemalism. A few months prior to the apology, Erdoğan claimed that his government had ended the denialist politics (Dinç 2021). Erdoğan's half-hearted, reluctant and conditional apology was a calculated political tool to further the state agenda (Dinç 2021) and show how his government was distinct from the official state narrative. The intention was to undermine the political power of his immediate political rival and to challenge Kemalist ideology.

On 28 December 2011, only a month after Erdoğan's apology, another massacre was added to the long list of atrocities. Turkish warplanes bombed 34 Kurdish civilians in the Roboski province of Şırnak. The continued state violence against Kurds made it difficult to believe that the state was ready to reckon with its past. The apology, instead, was seen as an instrumentalised move to convey the message that Erdoğan's government wanted to reconcile with the past and build a new truth regime by rewriting the official narrative (Ayata and Hakyemez 2013).

The official measures such as the Dersim Apology and the parliamentary sub-commissions were seen as pragmatic manoeuvres without long-term or a genuine commitment to a fundamental political change. The state failed to recognise the broader political setting, which enabled the conflict to happen and ignored the political responsibility behind human rights abuses. The perpetrators of most crimes committed during the 1990s have not been yet held accountable, and the root causes of the conflict have not been addressed.

The missing links

To counter the denial, break the silence and make the harms recognised by official bodies and then the whole society, human rights activists have long mobilised to create spaces of truth recovery. It has taken different shapes, from documenting human rights violations to establishing an unofficial truth commission. The quest for truth has always been accompanied by efforts for justice and accountability to overcome the long-lived impunity over conflict-related crimes on behalf of the state's armed forces. CSOs, practitioners, activists, human rights advocates, and grassroots organisations mobilised the transitional justice discourse and pushed for some form of transitional justice in their quest for accountability and recognition. These initiatives were not systematically analysed from a transitional justice point of view. Focusing on such initiatives demonstrates the relevance and usefulness of transitional justice in a broader range of cases, including ongoing conflicts. The analysis of the efforts by grassroots actors to pursue justice provides us with insights into the innovative ways that accountability and recognition could be achieved. This also highlights the value of positioning activists, victim-survivor groups, and CSOs at the forefront of transitional justice activities, including in designing and implementing the transitional justice architecture.

Turkey exemplifies the contexts where transitional justice interventions occur in the absence of a political transition and where the goal is not to consolidate a political transition. Along with the victims and survivors, civil society actors still hold a solid potential to catalyse a transformation and implement transitional justice at least in small steps. However, there is a need for a new conceptual and analytical framework to amplify that potential and understand the complexities of transitional justice interventions on the ground. The proposed framework in this volume could facilitate such understanding by examining the contestation and co-existence of various realities.

Grassroots actors are still vocal about the demands for justice and engage with truth-seeking efforts through various means. Interestingly, these attempts usually are not translated into the transitional justice terminology. Activists do not necessarily name or consider their practices under the transitional justice umbrella. The absence of a transition from conflict to peace makes it difficult for those actors to label their justice-seeking efforts under the transitional justice banner. It highlights a missing link in the transitional justice literature between the justice-seeking efforts in paradigmatic cases and the transitional justice framework.

Concerning the missing link, civil society actors are also impacted by the absence of enough guidance on how to use transitional justice in an ongoing conflict. Although they vocally adopt transitional justice goals and objectives in their agenda, they need more tools and capacity to effectively benefit from the transitional justice framework. Getting access to conflict and post-conflict areas, documenting ongoing abuses without being targeted to the conflicting parties or the state surveillance are essential issues that must be researched. One of the interviewees addresses the need to develop a new methodology for transitional justice to be used in ongoing conflicts:

The discussions in transitional justice literature are precious for me because they provide a basis to think. The only hardship is that I get stuck because the practicalities of transitional justice in ongoing conflicts have not been studied enough. I am a lawyer; this is not my specialisation. We get stuck because we are trying to find the methodology on our own (personal interview, July 2019).

At present, it is not only the Kurdish conflict but also the Turkish state's increasingly authoritarian rule that shapes human rights activism, whether framed as transitional justice or not. As a result of shrinking civic space and oppressive rule targeting human rights activists, there is limited potential for thinking innovatively about transitional justice. Although almost all interviewees agree that it continues to be meaningful to implement transitional justice initiatives also in the context of conflict, there are few concrete suggestions as to what could be done at present. The dynamic grassroots justice movement that existed until a few years ago finds it increasingly difficult to stay active. This means that some earlier discussions and efforts are slowly fading. At the same time, activists insist that when it becomes possible to adopt a more comprehensive transitional justice framework, this framework should be developed by victim and survivor groups, activists, and CSOs to ensure agency-oriented and context-specific approaches.

Concluding remarks

Grassroots organisations, victim and survivor groups, lawyers, and activists have pioneered efforts to deal with the past and implement transitional justice in Turkey. As stated in the Introduction to this volume, paradigmatic transitional justice cases tend to have diverse and sometimes ambiguous objectives that raise the questions of what is transitional about

transitional justice. The attempts in Turkey show how certain elements from the transitional justice 'toolbox' were used to seek accountability and recognition of harm, as well as being part of a broader struggle to disrupt ongoing violent policies. Bottom-up initiatives for accountability, recognition, and social change moved the government to reluctantly adopt a limited transitional justice discourse and take some concrete steps towards recognition. This was arguably for pragmatic reasons, primarily because it suited the political agenda of the time. Therefore, it is crucial to be mindful of the differences between past and present socio-political contexts. While it is true that the conflict was ongoing and there was not an overarching transitional justice agenda by the state, the overall political environment was more favourable towards attempts to bring past atrocities and crimes to the forefront of public debates. Breaking off from the past by condemning a previous regime and challenging the official denial and silence was a useful tool for the government to consolidate its power. In recent years, the changes in the government's priorities moved transitional justice further away from its agenda. Although currently transitional justice is absent, new efforts could be built upon rich knowledge and experience. Learning from those efforts in Turkey can shed light on other paradigmatic contexts where grassroots organisations pioneer transitional justice in the absence of institutional willingness to adopt it fully.

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