

LUST TO GO, OBLIGED TO STAY:

**The Problem of Internal Displacement in Turkey and the Measures for the Return in
the Eyes of the IDPs Living in Istanbul and Bursa**

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ABSTRACT

The present study is an analysis of the perspectives of a sample group of internally displaced peoples (IDPs) of Turkey living in Istanbul and Bursa on the state efforts to overcome the obstacles in order to return to villages in the context of the EU comments. It focuses on understanding Istanbul's and Bursa's IDPs' views on their own repatriation. Consequently and hence, this study investigates the impacts of the long-term nature of the forced displacement of 1990s in Turkey on the IDPs and their thoughts about the return. The main concern of this study is to illustrate that the IDP informants believe, that is in spite of the gravity of the problem, the efforts to resolve the problems to return to villages, in the context of the EU membership, are far away from solving the issue. Thus, voluntary return is not prospective under today's circumstances. In respect to the in-depth interviews, this study demonstrates that the informants of this research find the government measures insufficient to compensate the great social, economic, legal, and psychological damages caused by the internal displacement. In doing so, the study elaborates the expectations of the IDP informants who perceive the recent attempts of the state to overcome the problems that obstacles return to the villages (especially the Return and Rehabilitation Project and law No. 5233 on Compensation of Losses Resulting from Terrorist Acts and the Measures Taken Against Terrorism) as a step intending to appease the EU and the ECtHR.

Türkiye’de Zorunlu Göç Sorunsalı: İstanbul ve Bursa’da Yaşayan Zorunlu Göç Mağdurlarının Gözleriyle Geri Dönüş için Alınan Tedbirler

ÖZET

Elinizdeki çalışma, İstanbul’da ve Bursa’da yaşayan bir grup zorunlu göç mağdurunun, Avrupa Birliği’ne uyum sürecinde ve Avrupa Birliği’nin yorumları bağlamında, devletin köye dönüşteki sorunların üzerinden gelebilmek için gösterdiği çabayla ilgili görüşlerinin bir analizidir. İstanbul’da ve Bursa’da yaşayan bir grup örneklemin kendi geri dönüşleriyle ilgili düşünceleri ele alınmıştır. Bu nedenle ve böylelikle 1990’larda Türkiye’de yaşanan yerinden edilmenin uzun süren doğasının mağdurlar ve onların “geri dönüş” hakkındaki görüşleri üzerindeki etkileri incelenmiştir. Çalışmanın temel amacı, bu araştırmada bilgi veren zorunlu göç mağdurlarının, Türkiye’nin Avrupa Birliği’ne üyeliği bağlamında köye dönüş için yapılan çalışmaların problemi çözmekten uzak olduğuna inandıklarına dikkati çekmektir ve bu nedenle onlar için bugünün koşullarında geri dönüşün mümkün olmadığını savunmaktadır. Bu araştırmanın sonuçlarına bağlı olarak, bilgi kaynaklarının hükümetin zorunlu göçten kaynaklanan büyük sosyal, ekonomik, yasal ve psikolojik zararı karşılamakta yetersiz olduğunu düşündükleri gösterilmiştir. Bu amaçla, devletin son zamanlardaki köye geri dönüşün önündeki engelleri ortadan kaldırmak konusundaki girişimlerini (Köye Dönüş ve Rehabilitasyon Projesi KDRP ve 5233 Sayılı Terör ve terörle ilgili zararların karşılanmasına yönelik kanun) Avrupa Birliği’ni tatmin etmek için atılan adımlar olarak değerlendiren zorunlu göç mağduru bilgi kaynaklarının beklentileri incelenmiştir.

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and vision I would not have that much enthusiasm to study one of the most problematic issues in contemporary Turkey.

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After all, composed of the pieces from IDPs, this study is a piece of mine.

June 2006, Istanbul

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“The soldiers emptied our village on a cold day in November 1993. They not only burned the place but fired on it with artillery. There were one hundred and ten families and now there are just fifteen people there. Now it still is not safe. I have been deprived of my home and my productive life for ten years. We received no assistance from the state to return. Now we want to be compensated. We villagers are open to negotiation. We are not taking these actions out of enmity. We worked out a project for the re-establishment of the village, including reconstruction of the houses, a health centre, a school. For all this we need infrastructure – a sewage system for example. People will laugh at this – a village in the southeast hoping for a sewage system – but the state should provide these basics.”

Villager from Kırkpınar, near Dicle, Diyarbakır province, interviewed in Diyarbakır, November 25, 2004

INTRODUCTION

This study aims to explore internal displacement in Turkey in the context of Turkey's negotiations with the European Union and from the perspective of internally displaced peoples of Turkey (IDPs) living in Istanbul. In other words, this paper is an attempt to understand the Istanbul's IDPs views on their own repatriation. Consequently, it tries to reveal the impact on these IDPs of both the long-term nature of their displacement situation and the reluctant attitude of the government to consider their resettlement and integration.

The qualitative research method is used in this paper. However, before giving further information about the research methodology, it is important to offer a brief explanation of the issues that not only comprise a starting point for the researcher but also figure as the basic issues refining the research question.

Rationale of the Research: The European Union as Impetus

Internally displaced people in Turkey were badly neglected by the Turkish government until the Turkish government was forced to confront and make attempts to resolve the issue by the European Union. According to research conducted by the Brookings Institute, the government had not demonstrated any willingness to assist IDPs, and although two assistance programmes (a "Central Villages" project in 1994 and a "Return to Villages" project in 1995) were announced, neither was ever implemented. A report prepared by the US Department of State for Congress described Turkish government IDP programmes as "very inadequate" in the May 1995: "Few displaced villagers have been compensated, and there seems to be an ad hoc quality to most compensation." Furthermore, there was no provision in the Turkish government's 1995

budget for assistance to the displaced. Substantial numbers who crowded into shantytowns outside major cities reportedly have no access to proper sanitation, health care or educational facilities for the young, and no stable employment prospects.¹ The first time that the EU referred to the problem of IDPs in Turkey was in May 2003 when the E.U.'s Accession partnership with Turkey required that "the return of internally displaced persons to their original settlements be supported and speeded up".²

The issue of internal displacement in Turkey was once again placed on Turkey's political agenda the same year on 6 November, by the European Commission's comprehensive regular report on Turkey's progress and recommendations package regarding Turkey's possible accession to the European Union. This release included an assessment of the situation of human rights, democracy, and rule of law and protection of minorities. Recommending the opening of negotiations with Turkey, the Commission included a condition based on Turkey's success in fulfilling a number of requirements, including addressing in a comprehensive and systematic manner the situation of IDPs. While commenting on certain positive developments regarding IDPs - including the government's dialogue with international organizations and with the Commission itself - as well as the adoption of the law on Compensation of Losses Resulting from the Terrorist Acts in July 2004- the Commission made it clear that the situation of IDPS remained critical. According to the report, IDP return in the Southeast was proceeding at a very slow pace, and was being limited and hampered by the village guard system, landmines, lack of material

¹ Brookings Institution- Refugee Policy Group Project on Internal Displacement, Case Sheet on Turkey, March 1996.

²Please find the 2003 Turkey's Accession Partnership document from the archive of the the European Commission: http://ec.europa.eu/comm/enlargement/turkey/pdf/revised_ap_en.pdf

support and the absence of basic infrastructure. The commission observed: "Serious efforts are needed to address the problems of internally displaced persons and the socio economic developments of the displaced people." The report also recommended that future measures should specifically address the recommendations of the UN Secretary General's Representative on Internally Displaced Persons.

Faced with such claims and serious pressure from the international community, Turkish state policy was to supply statistics suggesting that returns are proceeding at a regular pace and claim that a third of IDPs had returned to their homes - statistics which conflicted with data of non-governmental organisations. Human Rights Watch does not consider government statistics as entirely reliable and say that permanent returns are running at a much lower rate than indicated.

Nevertheless, the visit of the UN Secretary General's Representative on Internally Displaced Persons, Francis M. Deng, in the year 2002 marked the beginning of a new era in Turkey's IDP problem. Gradually, the victims of internal displacement were becoming visible. The Turkish government took a constructive approach and appointed the South-eastern Anatolia Project administration as the agency to reshape the failed Return to Village and Rehabilitation Project and disarm the village guard corps. The government, which had long resisted international involvement in its IDP problem, began to share responsibility with international organizations and the United Nations Development Programme (UNDP). The Turkish Parliament adopted a Compensation Law in July 2004 to provide some restitution for losses incurred as a result of state land policy implemented in South-eastern Anatolia during the 1990s.

Alongside these improvements, however, regular EU reports and reports of municipal administrations and international non-governmental organizations such as Amnesty International

and Human Rights Watch had been showing that repatriation was impossible at the time because of some practical obstacles: Because IDPs' homes and villages have been destroyed. Those who insisted on returning lived in primitive shelters located in settlements without electricity, telephone, education or health facilities. These people did not get any assistance for reconstruction; state support in re-establishing their lives used to be minimal or non-existent, and the paramilitary village guards who were armed and paid by the government to wage war on the PKK had not been disarmed and those IDPs who tried to return to their place of origin claimed to have been the subject of attacks by these guards. Thus, NGOs have underlined that the conditions in Turkey were not suitable for the return of internally displaced persons "in safety and with dignity".

The NGOs continued to urge to government towards further collaboration with UN agencies in developing and executing an effective and efficient return programme. The International Community still insists on a broad initiative, which would be a joint work, to operationalize the plans quickly and to avoid a repeat of earlier failures. However, as NGOs mention in their reports, government's new approach is apparently motivated by its determination to fulfil the Accession Partnership requirement regarding internal displacement.

However, whether or not the only reason for the government's initiatives on this issue is to continue dialogue with the EU, the process of return or new public policies which are going to bring a solution for irregularity in the country should be democratic and just. In this respect, the views and expectations of Turkey's IDPs would surely constitute the only credible assurance for justice in potential return projects. If the basic reasoning behind action on the problem of internal displacement in Turkey is to end the inhumane conditions of IDPs, the tools to be used in this process should necessarily be humanitarian, democratic and just, i.e. the projects should be

oriented to the views and expectations of the IDPs. Otherwise, they will remain artificial and imaginary.

Unfortunately, IDPs' experiences in urban areas and shantytowns have not attracted researchers' interest until recently. Extensive research dating back to 1998 by the Association for Solidarity with Migrants (Göç-Der)³ initiated studies on this subject. This association's study was a significant analysis of the problem in that era. At that time, the problem had not yet attracted the E.U.'s attention and hence there had been no legal steps taken in order to rehabilitate IDPs. Following this, Deniz Yüksek and Bilgin Ayata's study, published in June 2005; "A Belated Awakening: National and International Responses to the Internal Displacement of Kurds in Turkey", was the first study to be done following the EU impetus in leading the government take action on the issue. Yüksek and Ayata's study located the IDP problem in Turkey in the international context and also discussed the impact of Turkey's EU candidacy on the IDP issues. A second study was also published in 2005, in August. This was the work of Ayşe Betül Çelik, and was entitled: "Transnationalisation of Human Rights Norms and Its Impact on Internally Displaced Kurds". It researched internal displacement as a human rights issue and analysed the transnationalisation of human rights issues. In other words, it attempted to analyse how pressures from regional organizations affected the rights of ethnic minorities, particularly internally displaced ethnic groups. Following these two works, TESEV's (Turkish Economic and Social Studies Foundation) Working and Monitoring Group on the Post-Displacement Restitution of Citizenship Rights and Social Rehabilitation prepared a report entitled: "The Problem of Internal

³The Association for Solidarity with Migrants (Göç-Der) is a domestic NGO in Turkey that undertook a number of activities to raise awareness of the situation of IDPs. Despite persistent obstructions by the state the NGOs such as the Human Rights Association (İHD), the Human Rights Foundation (TIHV), Association for Solidarity with the Oppressed (Mazlum-Der) compiled surveys and data, published reports, held conferences and brought petitions to parliament and government agencies, and thus led to the establishment in 1997 of the parliamentary investigative committee of 13 MPs from different parties.

Displacement in Turkey: Assessment and Policy Proposals”, dated 22 December 2005. In its state level analysis, this TESEV report discussed the letter of law No. 5233, recently enacted at the time, and the failures in its implementation, and also made some recommendations for their rectification.

These three works are all important milestones on the way towards discussion and debate of aspects of the IDP issue which had long been unspoken of in Turkish society: forced internal displacement and village evacuations. They wrote about the problem, made people begin to think about it and criticised state policies and/or their implementation, and also formed a solid base for the construction of this study.

However, in variance with these, this study is not confined with state and system level analysis, but aims to fill the gap that exists on the level of individual analysis. Taking as its departure point the fact that the only way to achieve efficient repatriation is to develop a return strategy which reflects the needs and expectations of IDPs. This work invests in an understanding IDP experience and their views on their own destiny. In other words, it invests in revealing the picture as seen by what may be described as the “invisible people of Turkey” – IDPs. Consequently, the main chapter of this study, Chapter 3, is composed of records of personal stories.

This search for personal stories exposes important forces affecting IDPs’ invisibility experience, and aims to demonstrate that EU-led state initiatives to enable voluntary return of IDPs are oblivious of those hidden lives, those buried in metropolitan areas as surely as if they were in tombs. In this respect, the testimonies and commentaries in this chapter reveal that unless the real causes of these peoples’ anxieties, fears and hopelessness are uncovered, and a determined effort made to face the challenges that arise in solving the problems behind these causes, the state’s efforts through initiatives such as village rehabilitation programmes and

compensation laws are, and will remain, far from adequate in reflecting the real problem, and hence inefficient and ineffective in offering any lasting solutions.

State of the Art

Migration is conventionally perceived in a negative light with respect to its relationship with development, particularly in terms of livelihoods, relational goods and social capital. This negative perception is exhibited in terms frequently adopted to analyse population movements, including displacement and refugee migration, and in the dichotomized categorization of the phenomenon into forced and planned versus free and unorganized migration. (Adler, Gielen, 2003: 52)

The title "internal displacement" may cause confusion. It might be misunderstood and taken as referring to the rural-urban migration which is a common survival strategy in developing countries: A single man or entire families migrating to cities in search of work, education, or lifestyles not available in their place of origin. Internal displacement, which is the equivalent of forced migration, is entirely different from all other migration movements. Therefore, there is a rigid distinction in displacement, based on the principle of "voluntarism" (Cohen, 2004: 463).⁴

Internal displacement became noticeable with the end of the Cold War when it is estimated that 20- 25 million people were forced out of their place of origin by systematic violations of human rights. Following the end of the Cold War and with the outbreak of ethnic conflict in former Yugoslavia and the Soviet Union in the early 1990s, internal displacement became a problem in eleven European countries. At the end of 2003, the number of internally displaced people in Europe was more than 3 million. Some of these countries are Serbia and

⁴ see also Mooney, "Protection Regime."

Montenegro (Kosovo), Macedonia, and the Russian Federation (Chechnya). Over the past three years, the number of internally displaced people in Europe has decreased by more than half a million as large numbers of IDPs have been able to return in several countries, including Bosnia and Herzegovina, Croatia, Macedonia and the Russian Federation. (Cohen, 1998: chapter 1)

Internally displaced people are the most invisible segment of the world population. They are accepted as the largest "at-risk" group. There are international organizations that collect systematic data about their numbers worldwide, the reasons for their flight, and their living conditions (access to basic services, their need for protection, the capacity and willingness of their governments to address their problems and the responses of the international community.) All IDPs throughout the world have two facts in common: Their movement is coerced or involuntary and those affected remain within their national border.

In fact, the definition of what constitutes an IDP appears as a significant problem on its own. Today, the most widely used definition of an IDP is that which was presented in a 1992 report by the secretary-general of the United Nations, according to which IDPs are: "Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own state". According to the African Union Convention's Cartagena Declaration on Refugees IDPs become refugees on crossing a national border.⁵

The 1992 report overlooked two important factors: time and the numbers involved. If the definition of internal displacement is only limited to those who leave their homes " suddenly and

⁵ Cartagena Declaration on Refugees is accessible from: www1.umn.edu/humanrts/instreet/cartagena1984.html or for the UNHCR sources see: <http://www.unhcr.org/cgi-bin/texis/vtx/home>

unexpectedly" or "in large numbers", then IDPs in Colombia, for example, where the displaced are often flee in small numbers, or IDPs in Iraq, where the government organised a systematic uprooting over time during the last quarter of the 20th century, would be excluded from the definition of IDP. The UN is still working towards the creation of the most appropriate definition which would eliminate restrictions on time and numbers.

However, different organizations create their own definitions of the subject matter: For instance, the International Association for the Study of Forced Migration (IASFM) defines forced migration as "a general term that refers to the movements of refugees and internally displaced people (people displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development."⁶

It is also very difficult to neatly categorise the causes of displacement. Usually the reasons that explain the displacement are multiple, overlapping and interrelated. Deeply rooted issues that stem from collective identity form the base: ethnic and religious loyalties, regional and linguistic differences, and identity crises which create separatism, are some of these issues which trigger the disposition by governments and other controlling authorities and force many lives into destitution and indignity.

For some primary reasons, researching internal displacement is also very difficult. First of all, the sources of data are not always reliable. Governments may understate the magnitude of the displacement in order to eliminate any future challenges to its authority, while NGOs may overstate the numbers to raise more humanitarian assistance for the affected population. Second, it is almost impossible to access IDPs as governments or state authorities act to prevent this.

⁶ For the full text of the organization's definition please visit their we-site from : <http://web.uni-bamberg.de/~ba6ef3/iasfm.htm>

Angola, Afghanistan, Chechnya, Liberia and Sierra Leone are just few examples where governments do not permit external observers. The third obstacle in front of collecting reliable data is the IDPs reluctance to be identified because of their legitimate fear of violence and persecution. Even if they are not afraid of being identified, their fear about their security may force them to change their place of residence as frequently as possible. Therefore, estimates for the IDP populations are usually broad. Indeed, the case in point in Turkey is proof of how dramatic is the inadequacy and unreliability of methodology on IDPs. According to official figures, 353,000 people were displaced during the conflict in Turkey, while international observers and Turkish NGOs estimate that the total number may be as high as 1 to 4.5 million.

The Parliamentary Report of 1997 points out that, according to the State of Emergency Regional Governorship, 905 villages and 2,523 hamlets were evacuated under emergency rule. In this report, the number of forced migrants is given as 378,335.⁷ However, a document presented to the parliament by the Minister of Internal Affairs on August 8, 2005 gives the figures of evacuated villages and hamlets as 939 and 2,019, respectively, and their total population as 355,803 persons.⁸ These numbers are apparently calculated on the basis of petitions made to the “Return to Villages and Rehabilitation Project” of 1998 RVRP.⁹

⁷ This was the report of the Parliamentary Investigation Committee set up in 1997 for finding solutions to the problems of citizens who migrated because of village evacuations. See *T.B.M.M. Tutanak Dergisi*, “Doğu ve Güneydoğu Anadolu’da Boşaltılan Yerleşim Birimleri Nedeniyle Göç Eden Yurttaşlarımızın Sorunlarının Araştırılarak Alınması Gereken Tedbirlerin Tespit Edilmesi Amacıyla Kurulan Meclis Araştırma Komisyonu Raporu,” 53 (Dönem 20) (June 2, 1998). But as of 2005, the Ministry of the Interior has lowered the number of evicted people to about 353,000 from 930 villages and 2,018 hamlets, arguing that the previous figure erroneously included some economic migrants (İçişleri Bakanlığı, *Köye Dönüş ve Rehabilitasyon Projesi Bilgi Notu* (May 2004), http://www.icisleri.gov.tr/apk/Daireler/AnaSayfa/kKOye_Donus2004.htm

⁸ The parliamentary report stated that the numbers it provided did not include partially evacuated villages and it conceded that the official figures might have understated the actual extent of the evicted population (*T.B.M.M. Tutanak Dergisi*, “Doğu ve Güneydoğu Anadolu’da Boşaltılan Yerleşim Birimleri”).

⁹ A “Return to Villages Project” under the authority of the Ministry of Agriculture existed since 1994, but its scope was limited to several provinces and the allocation of the funds seemed to have been rather arbitrary. The current RVRP was initiated by a prime ministry circular dated January 27, 1998 (İçişleri Bakanlığı, “Bilgi Notu”).

In fact, the available information is not sufficient to determine the number of IDPs. According to the 1990 general population census, 540,821 persons migrated from the RVRP provinces to other provinces in the period between 1985 and 1990. According to the 2000 general population census, 628,470 persons migrated in the period between 1995 and 2000. Information on migration between 1990 and 1995 is not available because the interval between census takings has been increased to 10 years. According to the 2000 census, the ratio of persons born in RVRP provinces but residing in other provinces at the time of the census was 30 percent (i.e. 2,819,749) of the total population born in the RVRP provinces (i.e. 9,323,430). Based on the numbers of the 1985 and 2000 censuses, we can see that the urban population in the RVRP provinces has increased by a total of 1.5 million as a result of births in the cities, migration from other provinces, and migration motivated by other causes. Return became possible on a limited scale following the PKK's declaration of a ceasefire in 1999 and the lifting of the state of emergency in 2002.

According to the Norwegian Refugee Council's report on Internal Displacement in Turkey¹⁰, Turkish government claims that over 92,000 people have returned have not been independently verified. Most IDPs are unable to return because of obstruction by village guards, landmines, and poor socio-economic conditions in former conflict areas. There is still little knowledge about what happened to these IDPs. Government policies have lacked transparency and adequate consultation with the displaced population and relevant organizations; and compensation to returnees has been limited. Many IDPs live in extremely difficult conditions in slums on the periphery of cities and towns and reportedly have no access to proper sanitation, health care, or educational facilities for the young and no stable employment prospects. However,

¹⁰ For Further information please visit: <http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Turkey>

little is still known about their concrete situation and needs as humanitarian organizations have been prevented from assisting them.

Research Methodology

As this paper is an attempt to understand people who are sharing the same experience the research questions focus on how the people who are affected by the same phenomena think about their future and why they so think in their own social setting. The research questions invest in exploring the anthropological side of a phenomenon in which political science, sociology and anthropology are intertwined.

This approach is primarily inductive and, therefore, the method chosen for this kind of research needs to be compatible with the dynamism of human nature. The chosen research method should be reflexive so that it can change within itself in response to human dynamics. The method should also enable the researcher to explore social concepts within the atmosphere that emerges. The focus of the research is being conducted on a process that has been studied to a limited extent only and on an un-anticipated phenomenon. There is no binding law or a powerful international agency dedicated to IDPs' plight since the international state system regards internal displacement as an internal problem of the respective states. The most notable achievement of the mandate was the development of a normative framework for the protection of IDPs: the "Guiding Principles on Internal Displacement", which was formed with the efforts of Francis Deng, special Representative of U.N. secretary general on Internal Displacement (RSG). The Guiding Principles are a set of non-binding norms based on refugee, human rights and humanitarian law. They aim to provide protection guidelines to be followed by political authorities as well as NGOs and humanitarian organizations working with IDPs.

For this reason, attitudes and actions previously not studied cannot adequately be understood by means of a structured set of questions or within a highly controlled experiment. The qualitative study with in-depth interviews is the method which, by turning the researcher into a participant, provides the researcher with the opportunity to see how a certain phenomenon is perceived through the eyes of the participants.

In these kinds of studies, the researcher must orient her/himself to the social context, to the interconnections between social phenomena rather than to their discrete features. Studies such as these need to focus on human subjectivity, on the meanings that participants in the research attach to events and people to their lives. The researcher, in this case, should consider her/himself as necessarily part of the social process being studied and take necessary care with the objective and subjective, keeping track of his or her own actions in, and reactions to, that social process.

Qualitative researches provide the opportunity for intensive study of people, and thus the other phenomena of interest. Thus, the research tends to limit the focus of the question to just one or a few sites or programmes. Still, the sample must be appropriate and adequate for the study, in this kind of research; plans may be made to sample different settings, people, events, and artefacts. So the informants of this research are composed of people who come from different settings, thus they all have different stories. Yet, although they are not coming from the same setting, their stories very much resemble with each other. Their stories are like pieces of a puzzle; even the little differences in the words that they chose, or different tonings in their voices makes up a bigger picture, and helps to see the problem

from different angles while seeing it from different eyes.

For Daniel F. Chambliss and Russell K. Schutt, studying more than one case or setting almost always strengthens the causal conclusions and enables the researcher to generalise the findings. Therefore, to strengthen the outcome of the research, I conducted field work and undertook in-depth interviews in Istanbul and Bursa. The interviews in Istanbul were conducted in two different neighbourhoods: Bağcılar and Yenibosna – these being suggested by Çetin Eren, a Ph.D. student in the sociology department of Johns Hopkins University, who has previously conducted research analysing labour movements in these areas. These places are two of the few locations in Istanbul in which there live high concentrations of IDPs. I also made contact with DEHAP¹¹'s district presidency and they also took me to IDP families with whom they were in touch. I conducted in-depth interviews with IDPs living in the Nilüfer district of Bursa. These had all come from the same village and, in fact, are familial relatives.

Göç- Der (the Association for Social Support and Culture for Migrants) estimate that approximately 300,000 IDPs live in these places. This study is based on my fieldwork consisting of a total of 50 in-depth interviews (conducted during the winter of 2004 and the summer of 2005), which is, I believe, a sufficient number to learn how those people think and feel, how they see their world, and what their views are on “the return” and state initiatives to facilitate this. This dissertation is based on our fieldwork consisting of a total of the number 50 in-depth interviews conducted during spring 2004-Spring 2005. Each interview took approxiametly 2 -3 hours. Sometimes, the researcher visited the informants more than one time in order to clarify some issues that were not clear when they were listened for the first time.

¹¹ DEHAP, the pro-Kurdish People's Democracy Party has been the political party that is founded with the claim of voicing the Kurdish population of the Country. In the year 2005 DEHAP dissolved itself during the establishment process of DTP- Democratic People's Party. For more information about the issue please visit the web-site of the party: <http://www.dth-web.com/>

These interviews were not based on structural questions; rather the researcher aimed to make the informants tell about their stories and tried to direct these one-sided transfers of the informants' past experiences and thoughts of future with questions asked in accordance to the tendency of the monologues. By doing so, the researcher's aim is not to obstruct the informants in their transfer, and create an extensively free speech that would expose their displacement experience totally from their ways of understanding.

The IDPs are not registered with state administration units. The only sources of information are the local *muhtarlıks*, the official administrators of the smallest districts, i.e. neighbourhoods, in Turkey, and Göç-der, which has a considerable database on IDPs living in the urban areas of the eastern provinces but does not have a widely developed network in Istanbul.

The IDPs are hard to reach and hard to identify. They are interconnected populations (at least members of the population know each other). In this regard, the method of sampling used was "Snowball sampling", meaning attempting to make contacts through social relations with the population as people do in their daily lives (Som, 1973; Orhunbilge, 1997). For this purpose, I was introduced to the people by friends who are trusted figures for IDPs with whom I conducted this study. After identifying a member of the population and speaking to him or her, he or she introduced me to other IDPs whom he/ she knew or, in some cases, simply identified me to other members of the population.

A fieldwork to make in-depth interviews necessitates spending time with the people in their own settings, watching them and doing what they do. Fortunately, I have friends who have strong ties with the the IDP population living in Istanbul and Bursa. Therefore, in the research plan I positioned myself midway between full participation and observation. In other words, the role that I adopted involved some active participation in order to build a relationship based on

trust and develop rapport with IDPs so as to gain a direct sense of the group members' experiences. In this way, my aim was to have an ethical advantage: the group of participants knew my real role in being there with them. By being a participant and sharing their everyday life, I tried to lessen the chance of the group members refraining from revealing some information or attitudes.

The only method of telling the true stories of real people, and getting them to expose their feelings and emotions is qualitative research; in-depth interviews and field work. Believing in the efficiency of the qualitative method, I spent three months with the IDP population living in the Yenibosna area in order to expose in this study the deeper truths of the IDPs' condition. However, it is important to mention here that this study does not concern itself with being representative.

Scope of the Study

This dissertation consists of three main chapters. The first chapter presents a review of concepts and definitions needed to form a conceptual framework. It tries to define how internal displacement differentiates from the concept of refugees, and other forms of migration. In order to create a cohesive understanding of internal displacement, the concept of migration is elaborated on. Moreover, the chapter tries to figure out a sociological conceptualization to form a theoretical base for the study. However, due to

the fact that not many studies have been done on the problems of IDPs, and that those which have been done did not concern themselves with the formation of a theoretical base for explanation of the problems, it has been rather difficult to find a relevant literature on the issue.

Assuming that neglect of the relevance of the Kurdish issue in Turkey in the problem of internal displacement would obstruct any further attempt towards a solution of the internal displacement problem, and in order to reach the roots of the problem, the background of the Kurdish issue is briefly reviewed in the second chapter. The reason for such a review is the continuity between minority politics during the emergence of the modern Turkish republic and the Kurdish issue of today, which is directly linked to the problem of armed conflict in the east, which, in turn, over a period of almost two decades, led to the awful reality of internal displacement. In this chapter, the PKK, security forces, village guards, the food embargo and the state of emergency will be considered as causes of internal displacement. The chapter also refers to the recent state measures for solution of the problem (the Return and Rehabilitation Programme, and the

Compensation law - Law No. 5233). However, not all the shortcomings in the letter of law and the deficiencies in its implementation are detailed in the chapter. It only focuses on those parts which are problematic when these initiatives are analysed from the perspectives of the IDP informants. That is to say, the chapter does not explore the structural shortcomings of the return and rehabilitation process or the recently enacted Compensation Law, but rather attempts to explain the dimensions that are visible to the IDPs. So the second chapter describes that the internal displacement in 1990s was not the first forced displacement in the history of Turkey. On the contrary, the displacement has a significant past in Turkey since 1930s, and the second chapter tries to shed some light on the history and the reasons/causes of displacement.

The third chapter comprises a record of the results of the fifty in-depth interviews conducted for the study, and is therefore the main chapter. An elaboration of the thoughts, feelings and prospects of the IDP informants on the return and the recent projects of the state are made in this last chapter. In doing so, I intend to represent the views of the IDPs with regard to their own problems and their thought about “the return”. This chapter was written from an “emic” perspective (“insider perspective”), the reason for this being the intention in this study, namely, trying to come to an understanding of the experience of the IDPs the way they themselves

understand it, trying to see the world as they do. The goal is to penetrate as deeply as possible into the culture and gain the greatest insight. In writing about how they see their lives and their futures, I have tried to allow readers to begin to appreciate how IDPs live their lives and make sense of the state initiatives undertaken in their name. Participant observation has been the key to this study, without which the “emic” perspective could not have been achieved.¹² The demographic specifications of the informants are not given in this dissertation mainly because of two reasons: firstly, the IDP informants are very afraid that their identities would be declared explicitly (it has been very difficult to gain their trust and make them speak out their experiences, thoughts and feelings for the author)¹³, they are in need of hiding their personal information; secondly, the author’s aim is to make the informants speak out as a common voice without concerning gender, ethnic or religious or age differences between the IDPs. Lastly, in the conclusion I end the dissertation with a brief summary of the work and make a final analysis about the period that awaits Turkey and its IDPs.

¹² For a detailed explanation about the “emic” vs “etic” perspectives, see :[Conceptual and practical issues in qualitative research: Reflections on a life-history study](#). By: Wicks, Alison; Whiteford, Gail. Scandinavian Journal of Occupational Therapy, Jun2006, Vol. 13 Issue 2, p94-100, 7p- (EBSCOHOST), or [Working with refugee families in Greece: systemic considerations](#). By: Voulgaridou, Maria G.; Papadopoulos, Renos K.; Tomaras, Vlassis. Journal of Family Therapy, May2006, Vol. 28 Issue 2, p200-220, 21p;(EBSCOHOST)

¹³ Sources of the IDP informants’ fear about revealing their identities is explained in chapter 3 in details.

CHAPTER I

CONCEPTUAL DEFINITIONS AND PROBLEMS

This chapter intends to clarify the language that will be employed throughout this paper or, in other words, explains how this dissertation “conceptualises” the internal displacement of the 1990s in Turkey. Here, conceptualise means construct rather than define or describe, and, therefore, within this metaphorical language we use to talk about internal displacement are carried certain implications for the way we think about. We need concepts as tools to represent the outer world, help us to think about the world and interpret and understand relations in this world. Aside from this, concepts are systematically related and form a conceptual map which, in turn forms links by emphasising the differences and similarities between concepts¹⁴.

“What is internal displacement?”, “Are the major players in forced migration, the migrants, willing to become involved in the government’s migration management measures?”, “How do displaced people living in the shantytowns of Istanbul and Bursa find the government’s new European Union-sourced initiatives?”, “How do they live?”, “What do they expect from life and the government?” In this context, the best way to create a conceptual map in order to approach these questions might be by clarifying the conceptual and practical difficulties involved in distinguishing between forced and unforced migration.

Having formed an understanding of the conceptualization of forced migration, this should assist us in our examination of the “culture” of the internally displaced. Here, the term “culture” represents a broad framework, meaning the way the migrants live in the new places they are

¹⁴ Hall , 1997

located, how they integrate themselves into this new environment, and how they see their situation and identify themselves. In other words, as displaced people state their opinions on the return and the government's return projects, the reasoning they use in answering questions will lead them to their adaptation process and development of social support networks and community, *(their ethnicity and ethnic identity)* in the socio-political context of the second world in which they are presently located. The results will most probably illustrate the diversity of participants' experiences and the shared experiences resulting from their compulsory migration. Their stress related to the political context in Turkey in 1990s includes a history of alienation and persecution. Hence, the merging of this history of migration with the complex nature of their adaptation process and development of social networks leads them to make a decision to remain in urban areas.

This chapter aims to weave together the literature of the settlement process, acculturation, adaptation, with that of the internally displaced people, in order to arrive at a comprehensive framework on the internally displaced people's experiences in urban areas and their views on return. .

1. Migration in Turkey

The history of migration studies is relatively recent, no earlier than the 1950s in fact, and the phenomenon was not heavily studied in Turkey until the 1960s. The reason for this is the non-existence of migration in the pre 1950 period. Interest in the accurate measurement of migration and attempts to model the process involved grew with the development of better statistical sources, particularly population censuses during the later nineteenth century (Holmes, 1988).

In Turkey, migration became visible in the 1950s as a result of rapid population growth and mechanization in agriculture, with an increasingly wide gap between regions being brought

about by state developmental plans of the 1950s. However, despite the existence of such rich opportunities for study, with growing differences emerging between the regions of the country, there was a reduction in the number of internal migration studies after the 1960s. This situation remained unchanged in the following decades even though the dimensions of migration in Turkey were constantly growing and changing.

Whether the migration process is to be analysed over a very long period such as 50 years, or a relatively short period of time like a decade, as in the case in Turkey's internal displacement in the 1990s, a comprehensive and multi-dimensional conceptual framework, or frameworks that complement each other is essential. The second important issue is the special attention that needs to be paid to the credibility and validity of the definitions of and data on migration. Therefore, this chapter will confront these complexities (Yener, 1977),

In the Turkish Republic, sources of demographic events such as births and deaths are finite, which have been recorded by the State Institute of Statistics since 1927. However, demographic data recording in Anatolia is an old state policy application, having its origins in Ottoman times. The first population census we know about was conducted in 1326-1360. This was followed by a second in 1360-1389, which was followed by another one in 1566-1574 and a final one in 1608¹⁵.

Such events have predictable short-term consequences. In contrast, migration cannot be predicted so easily. Because of the range of spatial and temporal scales in which it occurs, it is very difficult to measure and understand. Migration can include anything from a short-distance move within a small community to international migration to the other side of the world; from a change in location for few days before the migrant's long journey to somewhere else, to one that

¹⁵ For more information about the history of censuses, please see the web-site of State Institute of Statistics: http://www.die.gov.tr/nufus_sayimi.htm

lasts a lifetime. Migration events are rarely recorded mainly because they are often ill-defined or transitory events. There are a few Scandinavian countries which keep central migration registers going back to the 19th century, but other than these it is mainly surrogate (census or survey data) information that is used, all of which pose problems of interpretation. Furthermore, migration, as a human behaviour, comes about for a variety of different reasons and leads to many complex circumstances which, for the most part, are difficult to predict.

2. What is Migration?

Migration is a permanent change of residence by an individual, a household or a group. It may be within a country or to another country. As mentioned above, it is impossible to define migration succinctly, so it is useful to identify some key components of general definitions (Castles and Miller, 2003; 32).

2. A Migration and Space

In order to distinguish it from other kinds of changes of residence, migration is defined as movements across the boundary of an areal unit. The size of areal units differs considerably and this causes problems in their determination. Consequently, some long-distance moves are not counted as migration as they do not cross a border, whereas some short-distance moves are accepted as migration because they involve crossing a border/areal unit.

The definitions of areal units are critical, as population redistribution between these units often have policy repercussions. For instance, in many countries funding that migrants receive from the authorities is based on the population and capacities of the local district into which the migrants flow. Migration within a country is known as internal migration and migration to another country as international/external migration. Migrants moving into a particular areal unit are called in-migrants and those moving out out-migrants. Therefore, the definition of migration

is a spatial one and is not directly related to distance. A migrant from Turkey to Syria may move only a few kilometres across the border, while an internal migration in Turkey may involve hundreds or even thousands of kilometres (Boyle, Halfacree, and Robinson, 1998; 34-35) ¹⁶ .

2. B Migration and Time

The complexity of migration leads to different connotations, each of which must be mentioned: Migration is different from nomadism, which is journeying back and forth from a place of work. Nomadism is a phenomenon which is ever-changing, even over long periods in both rural and urban areas. Although, the term “migration” is also used to explain seasonal moves, the nomadic manner of short term seasonal moves is not included in the definition of migration, as it does not involve permanent change of residence. Migration is generally used to describe the permanence of a move. Regular moves for particular periods are called *circulations*. These moves are not expected to be permanent and they involve similar patterns of moves, origins and destinations (Zelinsky; 1971).

Another connotation of the concept of migration which should be clarified is its voluntarism principle: Migration refers to voluntary, not forced, and moves of people, although in the opinion of this author, the latter should also be included in the definition of migration. In other words, a valid definition of migration should be sufficiently comprehensive to encompass migration resulting from the drastic increase in political instability in many developing countries (Simon, 1992; Chapter 3).

¹⁶ —for a somewhat detailed explanation on differences between migration and other moves, see H. Ter Heidi: “*Migration, Human*”, in *The New Ecylopaedia Britannica* (Chicago, Helen Hemingway Benten, 1974), p.185

2. C The Return Migration

People who leave their place of residence for a certain time only to return are analysed as return migrants. The return occurs generally as a response to unforeseen circumstances, or it may take place as a result of carefully planned long-term intention. Literature on return migrants focuses on the return of those who have migrated from under-developed countries to developing or developed countries for the purpose of accumulating wealth to invest in property or business on their return home.

However, many migrants intending to return to their places of origin do not, although the intention to do so remains. This is called the *myth of return*. Return Migration is a prospect long completed, for many ultimately a myth than was not enacted, but for others a transition prepared for by earlier return visits (Gmelch 1980; King 1986; Western 1992; Byron and Condon 1996; Thomas-Hope 1999). McGinnes suggested another concept for the issue of return migration issue, which he calls *cumulative inertia*. The concept of *cumulative inertia* argues that the longer an individual remains in a particular location, the less likely that person is to migrate back to the country of origin because of the social ties develop over time (Goldstein; 1954, Clark and Huff; 1977, Clark and Huff; 1978).

2. D Migration and Culture

In contrast to mobility, migration leads to social and cultural change in the life of the individual. For many scholars, “migration” involves a complete change and readjustment in the individual’s community affiliations. In order to understand the changing behaviour of the individuals as a result of migration, the behavioural perspective appears the most useful way of approaching the issue.

Bottomley (1992) argues that the issue of cultural change is especially potent in ethnic minority migrations. On the other hand, Fielding (1992) and Chambers (1994) argue that whether “exciting and challenging” or “rootless and sad”, migration is an important cultural event.

Migration defines an experience of constant change, a population movement where the point of arrival is uncertain and, in addition to the crossing of boundaries of a territorial area cultural boundaries are also broken down, the latter bringing great transformation in the identities, attitudes and cultures of the societies of both the migrants and residents (Boyle, Halfacree and Robinson, 1998; 37).

2. E Migration and Motivation

When compared as two forms, internal and international migration/external migration, internal migration appears as the more difficult issue to study, simply because of the difficulties in measuring it, which arise out of two points: The characteristics of the data used for measuring it and the definition of internal migration (Özcan, 1997; 78).

In addition to time, space and culture the other important element of migration is the principle of voluntarism. Individuals who chose to leave of their own free will are often called voluntary migrants, whereas forced migrants, such as refugees or internally displaced people, (IDPs) are people who have little or no choice but to leave their country origins because of persecution, war or famine. Yet, it is still very difficult to make a distinction between voluntary migrants and forced migrants because there are few people who move as a result of their own deliberation, and free will is an element of forced migration. As “forced migration” is the subject matter of this dissertation, it is necessary to further explain the term.

2. F How Forced Migration is Different from Migration

How do forced migrants differ from migrants? or why do we need to make a distinction between migration and forced migration? Can the answer to these questions be the distinctive experience and thus special needs of forced migrants? Most scholars feel that forced migrants should be accepted as a special group, because otherwise they would constitute a needy and passive mass (Stein, 1981). However this kind of an approach is in essence problematic because every individual has her/his own experience and an understanding gained from that experience. It is for this reason that the voices of forced migrants are very different from each other.

3. Adaptation and Acculturation

When a refugee, in this case an internally displaced person, arrives in the host country he/she begins a process of adaptation to the land, its culture, people and language. Here, adaptation refers to the changes that take place in individuals or groups in response to environmental demands, and may take place immediately or over a long period of time (Berry, Kim, U., Minde, Mok, 1987; 491-511).

Another process the migrant find her/himself involved in immediately after migration is the process of acculturation. In a general sense, acculturation means the changes that groups and individuals undergo when they come into contact with another culture (Williams &Berry, 1991). Acculturation involves a number of economic, technical, social, cultural and political changes at group level. At individual level, it concerns transformations in the behaviour, values, attitudes and identity of the individual within the group, changes which vary from those of other group members in the same community (Birman, 1994; 261-284, Williams &Berry, 1991).

4. Theories of Migration

As mentioned above, migration is one of the causes and consequences of social change. Migration flows are one of the major factors determining the demographics and socioeconomic structure of a region. Hence, migration has immense consequences both for the migrants and the societies into which they flow, in such areas as economic growth, social well-being, political representation or the lack thereof.

Migration literature makes a distinction between **interregional migration and migration within cities/residential mobility**. The other categorization is between **macro** and **micro-level approaches**:

- a. **The macro-level approach** is used for explaining aggregate migration behaviour by measuring the characteristics of socioeconomic and physical environments, such as income, unemployment and climate. The macro approach to migration is also supported by *neo-classical economists*' emphasis on interregional wage differentials and investment in human capital.
- b. **The micro-level approach** tries to explain the psychological decision making process of migration, and attempts to shed some light on how individuals chose the migration alternative. The researchers – in this case psychologists – try to develop a framework for the individual's choice of behaviour based on their perceptions and evaluations of the potential destinations. Each approach offers an insight of its own and these two levels of analysis are complementary rather than mutually exclusive.

The theoretical methods that are developed to investigate migration behaviour are carried out mainly within the context of empirically-based, hypothesis-testing approaches. The perspectives deployed in order to create an understanding of the process of migration are neoclassical economics, and behavioural, institutional, and political economy approaches.

4. A Neoclassical Economics

This approach was developed in the latter half of the nineteenth century. As a model, it represents a shift from emphasis on the production side of the economics to concentration on consumer preferences.

Neoclassical economics is based on the assumption that individual preferences help to shape both the nature of the economy and the characteristics of the wider society of that economy. Individual freedom, consumer sovereignty, and a reverence for market mechanisms are the major components of neoclassical economics which constitute the fundamentals of Western Europe and North America. The neoclassical analysis views the market economy as a harmonious, self-regulating system.

Regarding migration, neoclassical economics explains labour moves as a response to wage differentials. According to this theory the volume of movement increases on a parallel with increases in wage differentials¹⁷ (Cadwallader, 1992; 7).

Major assumptions of neoclassical economics

- 1) Migrants tend to be younger and more highly skilled than the stable segments of the population. Thus the high-wage regions that gain in population as a result of interregional migration will experience change in population composition.
- 2) Migration will continue until wages in the destination region are no longer higher than the sum of wages in the origin region and the psychological costs of moving.
- 3) The less skilled the occupational groups are the more constrained they are by economic necessity.

¹⁷

- 4) All segments of the population have equal knowledge of job opportunities and wages.

This perspective does not reduce migration completely to an attempt to maximize income. Migrants are also influenced by the notion of place utility rather than aiming solely at income maximization. The decision made in locating a place to settle adheres strictly to the social services the selected location offers, such as quality of schools and health care services.

In fact, this aspect of neoclassical economics includes expectations of the migrants characterized by the *behavioural approach* to migration.

4. B The Behavioural Approach

The behavioural approach attempts to replace the concept of “economic man” aiming to maximize profit with a more realistic counterpart who combines the principles of behaviour and bounded rationality. The fundamental assumption of the behavioural approach is that decisions are often made with incomplete information and uncertainty. The behavioural approach accepts the “economic man” as a tool to describe the human beings in a normative context and attempts to complete this with explaining human behaviour based on individual perceptions.

The behavioural approach to migration aims to understand the individual decision making process within a socio-psychological context in order to obtain a more comprehensive understanding of migration by concentrating on individual flows and patterns. The behavioural approach in migration serves for concept development, as in the development of the “*imaginary map*” concept of migration. This term implies that people who make a decision to migrate possess spatial images about the area to which they are thinking of migrating. This approach also argues for a cognitive map that refers to the process, by which information about the spatial environment is organized, stored, recalled, and manipulated (Downs, 1981; 95-122).

Similarly to the neoclassical economics model, the behavioural approach is oriented towards consumer preferences and the demand aspect of the economy. This statement implicitly argues that a supply and demand relationship exists in which the motives and behaviours of the migrants are determined by the motives of the institutions which supply housing, and highly influenced by the interaction of various other institutions. This latter approach, which restricts consumer sovereignty by both the first two perspectives, is the *institutional approach*.

4. C The Institutional Approach/ Managerial Perspective

The institutional perspective points out the role of institutions in migration and residential mobility. Scholars like McKay, Whitelaw and Pahl refer to the other individual actors who are responsible for making decisions in the larger institution which exercise the spatial and social constraints which determine access to resources such as housing, education and transportation. The institutions referred to here may be governments and governmental institutions as well as real estate agents. These scholars, therefore, believe in the importance of understanding the activities and values of the leaders/managers of social systems.

This line of reasoning belongs to Weberian sociology; the motivations of individual actors or institutions in various kinds of social systems. According to this understanding, power emerges from the interrelationship between actors and becomes visible when any actor is able to exercise her/his will over the others. The power over others is both economic and political in origin. Here, the Weberian notion of an ever-increasing bureaucracy leads to confirmation of the increasing role of managers (Wilson, 1987; 21-41).

However, the institutional/managerial approach is generally criticised as being a framework for study rather than a coherent theory. From this point of view, the perspective is only an analysis of where the managers are in the central focus as an empirical object. Scholars investigating migration behaviour and developing theories for migration have suggested a

synthesis of macro and micro-level approaches which offers a unified but flexible theoretical framework. Hence, while none of the above mentioned theories or approaches offers a full explanation on migration behaviour, this framework allows researchers to locate diverse research questions and data in a certain systematic which facilitates the identification of future research.

5. Motivation Revisited

As the subject of this dissertation is “*forced internal migration in Turkey in the 1990s in the context of Turkey’s negotiations with the EU*” it is necessary to pay special attention to the legal, political and social connotations of the concept of forced migration. The definition offered by the Representative of the UN Secretary General on **Internally Displaced Persons**, Francis Deng, describes IDPs (1998) as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to, avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border”. However, this definition does not have legal force, and is to counter the need for defining groups who come under similar criteria. However, these criteria are extremely difficult to establish and so the debates continue concerning who an IDP is and whether it is a permanent or a temporary condition and at what point this condition ends.

The term forced migration brings in mind images of political refugees or asylum seekers fleeing from politically repressive regimes. Even though these individuals constitute the majority of forced migrants, the rest consists of those who are under-reported and cannot achieve the status of refugee or asylum seeker. Most of the time, these people are ignored or less publicised, but are nevertheless as important as refugees and asylum seekers. Thus we may say that forced migrants who are not recognized as refugees constitute internally displaced people (Boyle, Halfacree, and Robinson, 1998; 200).

Therefore, the two characteristics that distinguish internally displaced people are that their displacements are forced/ involuntary, and they remain within their national borders.

According to Roberta Cohen and Francis Deng, the most widely used working definition of the secretary-general of the United Nations identifies internally displaced people as “persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country”.¹⁸ This definition stating the major causes of displacement is derived from the broad refugee definitions used in Africa and Latin America. The Organization of African Unity Convention and the Cartagena Declaration define refugees as only those persons who cross a national border in flight from armed conflict, internal strife, and systematic violations of human rights (Cohen and Deng , 1998; 16)¹⁹ (This refugee definition is a narrower definition of the refugee convention).²⁰

This definition includes natural disasters as, in some cases; governments discriminate against and ignore some groups affected by the natural disaster on political, ethnical or racial grounds, and/or by violating their human rights. Such was the case in Ethiopian famine in the mid

¹⁸ Commission on Human Rights, *Analytical Report of the Secretary General on Internally Displaced Persons*. E/CN.4/1992/23 (United Nations, February 14, 1992), para.17.

¹⁹ Under the OAU (Organization of African Unity) Convention Governing Specific Aspects of Refugee Problems in Africa (1969), the term “refugee” encompasses the definition in the 1951 Refugee Convention and “ every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.” The Cartagena Declaration on Refugees (1984), which is pertinent to Latin America, defines refugees as persons forced to displace “ because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or circumstances which have seriously disturbed public order.”

²⁰ The Convention Relating to the Status of Refugees defines a refugee as a person who , “owing to a well-founded fear of being persecuted in his country of origin for reasons of race, religion, nationality, membership, of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”

1980s and in Sudan (Cohen and Deng, 1998; 20).²¹ These cases reveal the fact that people subject to natural disaster may need special protection when they do not receive the necessary aid from government authorities and become subject to inhumane treatment at their hands.

Man-made disasters are included in the definition for the same reasons. People displaced by man-made disasters, such as nuclear or chemical accidents or development projects such as construction of dams, are under the responsibility of governments and would normally be expected to receive assistance from their government. However, when people are forcibly displaced without adequate measures being taken (settlement, compensation, or respect for human rights), they would need special attention from the international community and thus, they would come under the definition of internally displaced people.

Expansion of the definition has been on the agenda for a long time. Some international organizations have been suggesting that migrants who move because of extreme poverty should also be included within the group. However, the counter argument claims that when the subject matter is movements caused by economic injustices and marginalisation, which are intertwined with systematic violations of human rights, it is too difficult to detect the element of coercion, and therefore national and international agencies should be responsible for the needs of those migrants.

Another question in debates centres on the definition of the time of migration and the number of migrants. Today, the most widely used definition of internal displacement refers to people who have involuntarily left their place of origin “suddenly and unexpectedly” and only “in large numbers”. This limitation to the definition would exclude displaced people who have to flee in small numbers because of security reasons, such as was the case in Colombia, and those

²¹ See also, Francis M. Deng and Larry Minear, *The Challenges of Famine Relief: Emergency Operations in Sudan*. Brookings Institution; Washington D.C, 1992.

who are forced to flee as a result of a long-term state policy to uproot them from the lands where they live, this latter being similar to the situation of the Kurds, who were faced with organized displacement by the government in the late 1970s, 1980s and early 1990s.

It is for the same reason that the definition is currently under revision. As also stated by Cohen and Deng, the United Nations is working to refine this definition to eliminate all existing objections about time and numbers and form an operationally manageable one. This new definition would include any persons who have been expelled from or obliged to leave homes. The definition would underline cases occurring as a result of natural and man-made disasters in which people meet with persecution.

Hence, the modified version would identify IDPs as persons “who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of, or in order to avoid the effects of, armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border” (Deng and Minear, 1992; 17)

Even though there is conflict surrounding this definition at international and regional levels, this modified version remains as the broadest definition for today²². The UNHCR’s definition²³ limits the condition of IDPs to a “refugee-like” situation. This is similar to the

²² Ibid 20, Pg. 319: “The International Organization for Migration also uses a broad definition. The IOM’S definition is based on the U.N.’s and excludes reference to suddenness and/or numbers of migrants, but includes demobilized soldiers and returning refugees. See also, International Organization for Migration, “Internally Displaced Persons: IOM Policy and Programmes,” Geneva, April 1997.”

²³ Ibid 20, Pg. 320 :”UNHCR considers the internally displaced to be “ persons who have had to leave their homes for refugee-like reasons and are in a refugee-like situation, but who remain within the border of their own country. They have fled persecution, a situation of general violence or massive violations of human rights and do not enjoy the full protection of their own government.” See Division of International Protection, *International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for UNHCR Staff* (UNHCR, 1996), Pg, 2.”

definition of the Permanent Consultation on Internal Displacement in the Americas (CPDI)²⁴, which describes IDPs as “people who would be refugees if they were to cross a border.”

Thus, it is clear from the range of arguments concerning a definition of “internal displacement” that the term is adaptable to a broad variety of situations. However, the primary responsibility for IDPs belong to government authorities, and thus, in principle the international community need not become involved in situations unless requested by the government involved. However, the need for direct international protection and assistance emerges when IDPs face persecution, discrimination and neglect by state authorities. The representative of the secretary-general on internally displaced persons has a specific responsibility in cases where the needs of IDPs are not met by their own government and when they live under inhumane conditions or are subject to abuse.

The following chapter is going to focus on the causes of the internal displacement of 1990s in Turkey. Throughout the illustration of the causality relationship, it will refer to the history of internal displacement in Turkey. In this sense, it will try to investigate how the minority problematic have affected the internal displacements in the country in its history. In parallel to this, the chapter also aims to reveal the impact of foreign powers such as the European Union of today, in the problem of internal displacement and the impact of the European Union on the legal procedure newly developed for the return of the internally displaced.

²⁴ Ibid 20, Pg. 320: “ According to CPDIA’S definition, widely used in Latin America by both operational agencies and NGOs, the internally displaced are “those who have been obliged to migrate within national territory, abandoning their places of residence or habitual economic activities because of their lives, physical safety or freedom have been harmed or are under threat due to the presence of any of the following situations of human origin: internal armed conflict, internal disturbances or tensions, widespread violence, massive violations of human rights or other circumstances deriving from these situations that may disturb or drastically disturb public order”

CHAPTER II

HISTORICAL BACKGROUND OF THE INTERNAL DISPLACEMENT IN TURKEY IN 1990s AND STATE MEASURES TO SUFFICE THE PROBLEMS

The migration process is comprehensive and it is easier to explain this complex process when it is explored in social and historical contexts. Therefore, this chapter will explore Turkey's IDP question in the context of Turkey's domestic and foreign policies. The nature and origin of the internal conflict will be discussed, as will the policy response of the Turkish state. The chapter will also include a treatment of the internal displacement problem in Turkey in the context of Turkey's relationship with the EU

The approach adopted here underlines the extent to which the IDP question in Turkey is no longer just an internal policy issue but also a foreign policy issue for Turkey, in so far as the IDP problem in the internal domain seems to constitute an obstacle to Turkey's membership of the EU. In the name of strengthening Turkey's democratization process, the EU is pushing the Turkish government to take "some measures" regarding the issue. Hence, the IDP problem affects foreign policy and vice versa.

In explaining the historical background to the problem, this chapter aims to reveal that the IDP problem presents serious social, political and economical challenges for contemporary Turkey, and that although Turkey now appears to be taking tentative steps in order to come to terms with its Kurdish population, the Turkish state is still not well equipped to face the challenges of internal displacement. In other words, the problem of today will be carried on to tomorrow as long as the state approaches the issue as an undesirable consequence of armed

conflict between the PKK and the state forces in the 1990s. As Yüksekler and Ayata argue, this is primarily because the Turkish state has disengaged the phenomenon of internal displacement from the Kurdish issue²⁵ as a political problem and instead linked it to a “technical” agenda of development²⁶. In seeking to find solutions by isolating the forced internal migration from its causes, not only the government, but also the EU and the UN have lost credibility, and damaged their reputation for creating justice and reconciliation.

As a conclusion, this chapter suggests that Turkey’s EU allies would do better to recognize the extent and complexity of the problems relating to internal displacement in Turkey. For the sake of all involved they should first work on the problems of the mainly Kurdish populated East and South-east of the country.

From this perspective, while projecting the story of the conflict-induced internal displacement of the 1990s, this chapter also tries to present a general background to the causes of the forced migration, which also constitute a great majority of the problems of the mainly Kurdish populated East and Southeast of Turkey.

The View from the Displaced People’s Perspective, the Causes of Displacement

Although from the Turkish State’s point of view; the source of the regional difficulties that caused the forced internal displacement of millions of people who ended up in miserable living conditions not only in Eastern but also in Western Turkey, has always been the security problem resulting from PKK (Kurdish Workers’ Party - known as PKK from its Kurdish initials: Partiya

²⁵Public discourse in Turkey has been using *Kürt Sorunu* as the common term to describe issues relevant to Kurdish identity or the Kurdish conflict. Scholars have often translated this term as the “Kurdish question.” Since this term is highly problematic because it points to the Kurds as the problem rather than the politics of the Turkish state, we use “Kurdish issue” as a relatively less charged term in this essay.

²⁶ Deniz Yüksekler and Bilgin Ayata “A Belated Awakening: National and International Responses to The Internal Displacement of Kurds in Turkey” (2005): pp. 2.

Karkeren Kurdistan)²⁷ terror since the 1980s, rather than the state of emergency, the views of the IDPs in this research on the causes of their displacement are rather different.

This statist reasoning proved to be true when, by 2002, what appeared to be a permanent decline in PKK terror activities led to the lifting of the state of emergency. However, although the aim of the organization was different at the beginning, the PKK, as an organization, was founded not in the last decade but in 1978, and has roots in the 1960s. This alone proves that the events and the problems which brought tragedy into the lives of millions have more complicated and deep-seated historical roots. In other words, by limiting the conflict that ended up with the forced internal displacement to the last decade of the 20th century, state discourse points to the changed dialect of the Kurdish nationalist movement as the major actor shaping the state-PKK confrontation in the last decade. The “Violence” which became the new dialect of the PKK in the 1980s has been used to express the political ambitions of the organization.

In the minds of almost all IDPs in this research, the causes of the forced internal displacement and the current problems of IDPs should be sought in the development of the “Kurdish Issue”²⁸ in Turkey since the beginning of modern statehood. This kind of a comprehensive causality approach, they say, could be helpful in shedding light on the historical

²⁷ The PKK was founded in 1978 by Abdullah Öcalan, an Ankara University student, as one of the divisions coalescing with the right left divide in the problematic atmosphere of the late 1970s. At the time, political violence was a real problem in Turkey. A number of extremist youth groups on the left and the Grey Wolves and fundamentalists on the right were fighting for control of the streets and campuses. In this difficult environment, the PKK was founded as the Neo-Marxist Kurdish Workers’ Party. The aim of the party was the establishment of a socialist Kurdish state in the Southeast of the country. (See Dodd, 1983:20)

²⁸ “The Kurdish Issue” has not got a one monolithic definition. That is to say, there is more than one way to analyze and understand the fluid base of the Kurdish issue in Turkey, which is central to regional, national and international politics and yet cannot be confined within ethnicity, nation and identity definitions. Therefore it is almost impossible to have a clear cut approach to the issue. In this study, the Kurdish issue is briefly discussed in order to present a broader understanding of the history of the IDP problem in Turkey in the 1990s. For this reason, the issue is specifically contextualized within the framework of the Turkish state and the impact of the European Union on the Kurdish issue in Turkey in the specific context of conflict induced internal migration in Turkey. For further information on the trans-state character of the Kurdish Issue please see Kirişçi, K. and Winrow, Gareth 1997: Chapter 6.

background to the reasons of conflict in the region. Casting light on the conflict's history would also help to present possible future solutions for the internal displacement problem, while at the same time helping towards an understanding of the thoughts and tendencies of the IDPs on "Return and Rehabilitation". Here, it is important to mention that, for most of the IDPs in this research, in order to enhance the peace which would hopefully prepare the necessary environment for the return of millions to their villages, accepting the existence of ethnic diversity and solving the ongoing "ethnic conflict" is the only right approach.

The ethnicisation of Turkish and Kurdish identity is often explained in terms of the construction of the modern nation state and the processes of modernisation that began after World War II. Over time, this ethnicisation became so problematic that it exceeded its own borders and attracted attention from overseas. Especially in the 1990s, there was growing recognition that the state's response to the PKK's campaign of violence was significantly undermining democratic processes and institutions. The methods employed by the Turkish state in solving the issue ultimately affected Turkey's European and International policies vis-a-vis minority and human rights issues. Moreover, in recent decades with Turkey's increasing efforts to become an EU member, the domestic Kurdish issue became more internationalized and became a central issue in the domestic, regional and international politics of the country.

Extensive in-depth interviews with the involuntary actors in the violent conflict in Eastern Turkey, the IDPs, reveal that these individuals' thoughts are on a parallel with the views of some international human rights organisations and institutions, in that both feel that in the 1990s Turkish governments made little progress towards meeting the Kurdish citizens' expectations for political, social and institutional reforms. In fact, the IDPs in this research think the authoritarian methods that the Turkish state used to suppress the democratic expectations of Kurdish citizens played a major role in the creation of PKK violence and Kurdish separatism. Furthermore, most

mention the nature of Turkish public opinion towards the political, social and institutional demands of Kurdish citizens as another important factor in the challenge of the Kurdish issue that had led to the violence of the 1990s, which led to the forced internal migration of millions.

Nevertheless, the IDPs in this research also realise that the separatist political violence of the PKK has sharpened Turkish political opinion and unfortunately contributed to the Turkish state's inability or unwillingness to seek democratic means in order to solve the problem. Yet, in spite of Turkey's commitment to democracy since the late 1940s, with free elections and a competitive party system, Turkey has failed to find political solutions to the conflict, not least by placing a 10% support quota for representation in parliament and thus preventing Kurdish parties from being represented in the TBMM, the national parliament. The reason why the Turkish state insists on maintaining this quota rule is to obstruct the entrance of the Kurdish parties to parliament since the Kurdish parties have or may have covert affiliations with the PKK. Hence, in leaving the Kurdish parties out of parliament, the main aim of the state is to maintain a barrier to the likely demands for regional autonomy in the predominantly Kurdish populated regions in the East and the Southeast, and to obstruct the establishment of federal states in those regions. Any demands or approaches which use federation as their reference point have always been seen as a threat to the unitary state structure of Turkey.

Over time, the country has moved some way forward and there have been significant improvements, especially on social and democratic platforms, in order to meet the E.U.'s Copenhagen Criteria. Meanwhile, the EU continues to act as the major monitoring and controlling mechanism of democratic consolidation in Turkey. Recently, in its October 2004 "Progress Report" on Turkish accession, the European Commission emphasised the need for further "strengthening and full implementation of provisions related to the respect of fundamental freedoms and protection of human rights, including women's rights, trade-union rights, minority

rights and problems faced by non-Muslim religious communities” (European Commission, 2004 *Regular Report on Turkey’s Progress towards Accession* -October 6, 2004).

As a result of Turkey’s recent attempts to attune its politics to EU criteria, “the Kurdish situation” has begun to be expressed in Turkish politics, using ethnic terminology (“Kurdish”). In this respect, the change in state political discourse and thus the partial change in the state’s way of approaching the conflict-induced forced internal displacement problem in Turkey may be said to be linked to Turkey’s ambition to be a permanent member of the EU. As Barkey and Fuller clearly state “ Turkish aspirations to gain full membership of the European Union raises questions about the kinds of societies and ethnic make ups which are compatible with European norms” (Barkey, Fuller, 1998:4).

Conflict with the PKK seemed to have abated somewhat when Turkey abolished the death penalty, thus saving the life of Abdullah Öcalan, the leader of the PKK. The state has also revised the penal code (previously unchanged since 1926) and reinforced the rights of women. It has introduced a new law allowing broadcasting in any language, including Kurdish, and it has brought to an end the random searches that used to be common, particularly in the east. Now no one’s property may be searched without a court order.

The government has also introduced an official policy of zero tolerance to torture. The punishment for torture has been increased, and sentences may no longer be deferred or converted to fines, as often happened in the past. However, many of these legal changes still remain unpractised. A villager in the east whose person or property is searched by the *jandarma* still does not dare demand his/her material losses from a state authority or via a court order. The police forces, it is said, are being retrained, but the Turkish Human Rights Foundation (TIHV) says that of 918 people treated at its centres in 2004, 337 claimed they had been tortured. The comparable figures for 2003 were 925 and 340. The TIHV says that even in 2004, “torture was applied

systematically by police, *jandarma* and special units in interrogation centres.” It claims that 21 people died in “extra-judicial killings” during the year.

Most importantly, besides recognizing the social, economic and terrorist elements in the 1990s internal displacement in Turkey, it is essential to recognize that the problem is an ethnic one requiring ethnic solutions. In other words, the solution to this problem lies in the clouded question of ethnics and ethnicity in Turkey. More clearly, in order to arrive at a clear understanding of the internal displacement problem in Turkey and to design durable solutions, an analysis is required of its direct relevance to the Kurdish issue. Here, in this dissertation, time and space constraints prevent a comprehensive analysis of the issue. However, the issue is examined in the following section. Its function is only to explore the causal relation between the Kurdish issue and the IDP problem in Turkey, and therefore it is limited and excludes some of the more essential dimensions of the issue such as its impact on Turkey’s Middle Eastern politics and hence, Turkey’s relations with the U.S.

The following approach/analysis to the relationship between the Kurdish issue and the IDP problem in Turkey is mainly based on books on the issue published in Turkey and abroad, a wealth of journalistic accounts in Turkish press and interviews with Kurds and IDPs concerned with the Kurdish issue and the IDP problem in Turkey.

1. The Kurdish Issue and the History of Conflict-Induced Forced Internal Displacement in Turkey²⁹

In order to arrive at a clear understanding of the origins of the issue at hand, we need to discuss the following carefully: The origins of the Kurdish issue, the Kurdistan’s Workers’ Party (PKK),

²⁹ Information displayed on the following pages consist of excerpts of external reports. All excerpts are sourced. Links to online versions of the original documents are provided where available.

which has galvanized the Kurdish movement in Turkey since 1970s, the resurrection of Kurdish national opinion, Turkish public opinion and Turkish government policies on the Kurdish issue.

Today, the Kurds are Turkey's largest ethnic minority, estimated to make up about one-fifth of Turkey's 70-million population. Although the population of Turkey's south and southeast is not exclusively Kurdish, the dominant culture is Kurdish (Barkey, Henri J. And Fuller Graham, E. 1998, chapter1)

In the 19th century, most Kurds were tribal pastoralists, and a significant minority were peasants. Religious feeling tended to be very strong among Kurdish tribes, with devotion to particular local religious leaders belonging to the brotherhoods of "folk-Islam". These leaders quite often became tribal chiefs in their own right, with secular as well as religious authority. At the end of the 19th century, thinkers among the different ethnic groups within the Ottoman Empire began, for the first time, to think of themselves in ethnic terms. Both Arabs and Turks evolved ideas of ethnic nationhood, while such ideas were slower to develop within Kurdish society, which remained fragmented and tribal.

During and after World War I, the Entente powers concluded a number of agreements concerning the partition of the Ottoman Empire once it was defeated. The particular character of the agreements that were to be made with the Ottoman Empire was the promise of a modern type of self-determination to every ethnic group in the Empire. Peace was brokered between the Entente powers and the Ottoman Empire by the Séves treaty, signed in August 1920. The treaty not only left the Ottoman Empire as a minor, rump state with a capital in Istanbul, but allotted the territory of the Empire to the Greeks, French, British and Italians. An independent Armenian state was created in eastern Anatolia, and "Kurdistan", to the north of the province of Mosul, was left with the Ottoman Empire. The region was to receive autonomy and had the right to appeal for independence to the League of Nations within a year.

Thus, the treaty constituted an important milestone for the ethnic conflict which would later be called the Kurdish issue in Turkey during the republican years.³⁰ After all, the treaty signed by the Ottoman Sultan was invalid because the militant nationalist and not the Sultan was in charge in the country. The nationalist movement then ignored the international convention, and while foreign powers were trying to create a split in the roots of society, the independence movement was trying to carve out the new state and nationhood of Turkey which exists today.

However, many Kurdish tribes supported Mustafa Kemal (Atatürk) in the war of independence in the belief that they were repelling the infidel non-Muslim enemies to re-establish the Muslim Fatherland with its Sultan/Caliph. Atatürk, however, had other ideas and established an ethnic definition of the new Republic as "Turkish, secular and modern" and set about suppressing all manifestations that contradicted this. The new republic was to be governed by a one-party system for the next 20 years. The governing party, the Republican People's Party (CHP), founded by Atatürk and his friends, stood for secular and nationalist policies, and clearly opposed radical, centralist, authoritarian tendencies, advocating instead decentralization, and separation of powers.³¹

As a result, the politics of the new republic created a threat to the way the Kurdish had lived in these lands for centuries. Kurdish tribal life, Kurdish language and culture, and the religious brotherhoods which were so strong in the Kurdish region were all to be affected negatively by the new modernization movement in Republican Turkey. For the Kurdish population, the new government was denying their identity and forcing them to internalize a new one. The end result was resistance by the Kurds to what they saw as the transgression of their unique identity by the new state in denying the premises of the Sévres and enforcing this denial.

³⁰ For the text of the peace treaty with Turkey signed in Sévres on 10 August 1920 see Treaty Series No.II, Cmd 964 London: HMSO 1920

³¹ Zürchler, 168

After Sévres, came the Lausanne Treaty, another important milestone in the latterly-named Kurdish issue in Turkey. This was signed after Atatürk's army had thrown out the occupying forces left over from World War I. To this day, the Turkish state officially recognises only the three minorities referred to in the 1923 Treaty of Lausanne. The treaty specifically protects the rights of Armenian, Greek and Jewish communities in the country. In the early years of the republic there were Kurds in parliament. These were the tribe leaders, but after Kurdish uprisings in 1925 and 1937 these tribes were brutally suppressed, and the republic went into denial about its cultural diversity. The word “minority” came to refer only to the Lausanne trio, who were non-Muslims and indeed were increasingly perceived as *non-Turks*.³²

The most troublesome minority in recent years has been the largest of all Turkey’s minorities, i.e. the Kurds. In today’s Turkey Armenians, Greeks and Jews number tens of thousands; the Kurds up to 15 million. In the 15-year guerrilla war in the east between the Turkish army and security forces and Öcalan’s PKK, some 35,000 civilians and troops were killed. Many more villagers were displaced, terrorised out of their homes, often by “the other Kurds”, and forced to move to cities far away.

The more extreme Kurds say they want their own homeland —“Kurdistan”, a word that provokes extreme reaction in almost all the rest of Turkey — to embrace their people living in Iran and Iraq as well as in Turkey. The more moderate Turkish Kurds want to be allowed to speak their own language, to be taught it in school, and to hear it broadcast, all of which they are slowly and grudgingly being granted. Yet, the situation of the displaced turned out to be an important problem in Turkey’s EU bid, and for the rest living in the big western cities as well.

³² Salahi Ramsdan Sonyel (1974) *Turkish Diplomacy 1918-1923: Mustafa Kemal and the Turkish National Movement* (London and Beverly Hills: Sage Publications)

Istanbul is just one of those cities that have encountered the problems coming with the flow of poor migrants in the 1990s and into the present century.

From 1925 to 1938 the Turkish Government suppressed Kurdish rebellions. Kurdish leaders tended to appeal to nationalist ideas, their rank and they, more than likely, simply wanted their old way of life back. Atatürk's measures involved mass killings, village destruction, and the forced deportation of hundreds of thousands of Kurds. By the 1950s, it seemed as if the Kurds had finally been hammered into Turks. The end of one party politics in the 1940s led the new opposition to woo the old tribal chiefs and the new landlord class in the Kurdish region to deliver the peasant vote. This became a key feature of Turkish electoral politics. The landlord class benefited in material ways and obeyed the State ideology. It was young middle class intellectuals in the 1950s that reawakened nationalist ideas within Kurdish society, challenging the State's view that Kurds were mountain Turks. (Kurdish is a member of the Iranian branch of the Indo-European family of languages. Kurds have no ethnic connection with Turks, whose language is a member of the Altaic family).

During the 1970s, many Kurds were attracted to the leftist revolutionary socialist groups which soon found themselves in armed conflict against right wing groups that frequently enjoyed the tacit support of the State. Counter insurgency operations routinely involved human rights violations against villagers in affected areas. With these disorders proliferating, the army intervened in September 1980. It is estimated that during the three years of military government probably over 100,000 Kurds were detained by the security forces. Many were tortured.

Many Kurds became disillusioned with Turkish leftist movements in the 1970s, and started to form specifically Kurdish nationalist groups to challenge state denial and repression. The most successful of these was the Kurdistan Workers' Party (PKK), which was given

substantial help and facilities by Syria. The PKK matched Turkish Government ruthlessness, killing pro-government villagers and their families and also Turkish civil servants in rural areas, most notably teachers, who were suspected of being government informants. Thus both sides routinely violated the rules of war and other legal instruments for the protection of basic rights.

On 12 September 1980, the Turkish Army led by General Kenan Evren, Chief of the General Staff, seized power in a bloodless coup. Martial law was declared throughout the country and the new government succeeded in reducing the level of political violence and restoring law and order, but at the expense of compromising or suspending many democratic freedoms. A new Constitution was adopted in 1982.³³

Four years after the 12 September 1980 coup, which crushed the activities of urban insurgents and fundamentalists, Turkey faced a different threat from a similar source - rural insurgency, initially concentrated in the south east region along the borders with Iran, Iraq and Syria. Almost all the rural insurgent groups had their origins in the student groups based in the cities, one particular case in point being Abdullah Öcalan's PKK (Kurdistan Workers' Party). The separatist activities soon spread to the cities.

Following the coup, there was a sharp decline in the number of insurgent acts and resulting deaths. Official statistics show a 70% decline in ordinary crimes, while the number of political murders decreased by 82%. This downward trend continued in the three years following the coup, suggesting that the insurgent threat had been crushed. After 1983 there was strong belief that the insurgent organisations would never again appear on the scene in Turkey. However, by 1984, this opinion proved baseless when insurgency (in the form of the PKK)

³³ For more information about 1980 military interventions in Turkey please see Cüneyt Arcayürek, *Demokrasi dur : 12 Eylül 1980 (Nisan 1980-Eylül 1980)* Yenişehir, Ankara : Bilgi Yayınevi, 1986.

reappeared suddenly. Instead of a resumption of armed activities in Turkey's main cities, the emphasis was on attacks concentrated in the Southeast.

During the 1980s, the PKK steadily broadened its sphere of influence.³⁴ The Kurdish insurgency with the PKK erupted in 1984 in the Southeast of Turkey. In July 1987, ten provinces in the southeast were placed under emergency rule due to an increased level of fighting; Van, Bitlis, Tunceli, Diyarbakir, Siirt, Bingol, Batman, Hakkari, Sirnak and Mardin. The state of emergency was lifted in Mardin in November 1996, in Batman, Bingol and Bitlis in October 1997, in Siirt in November 1999, and in Van in July 2000. It continues in Diyarbakir, Hakkâri, Sirnak, and Tunceli provinces. The conflict has led to the migration of Kurds from exposed villages to district and provincial centres, or out of the Southeast altogether. Forced evacuations by the Turkish security forces are reported to have led to the destruction of 3,500 villages in the region and the displacement of between 330,000 (according to state records) and 3 million people (according to records of NGOs).

2. The Sources of Insecurity in the Eastern and South-eastern Turkey

For the IDP informants of this research, the main sources of insecurity that have led to internal displacement in Turkey are the state of emergency, the evacuation by the Turkish, and the PKK. All these factors have equal impact on the problem, and although in this section their effects on the displacement are analysed separately, these factors are intertwined with each other and have always been strongly in causal relation in between.

³⁴ According to UK Home Office reports this is because most Kurds were initially hostile to the PKK and hated its methods, but when government forces made them choose sides, large numbers began supporting the PKK, despite misgivings, just because they saw government atrocities on a far more widespread scale, and saw the PKK as defending the Kurdish corner.

Here, it is important to mention that Kurds do not represent a cohesive ethnic minority and range from persons tranquilly integrated into larger society through political activists to committed terrorists. A significant number of historically ethnic Kurds have been completely assimilated into Turkish society and no longer even speak Kurdish. (UK Home Office April 2001, paras. 6.1-6.10)

2. A The State of Emergency

At first, martial law was introduced into certain provinces in East and Southeast Anatolia on Jul. 12, 1980 because of escalating terrorist action, but was upgraded to a state of emergency called Emergency Rule (OHAL)³⁵ in 1987 when separatist terrorists began mounting bloody attacks in eight provinces. OHAL has been extended 42 times since first being declared by the late President Turgut Özal.

On 19 July 1987, the state of emergency replaced martial law in the provinces of Bingöl, Diyarbakir, Elazig, Hakkari, Mardin, Siirt, Tunceli and Van. The provinces of Adiyaman, Bitlis and Mus were included as neighbouring provinces. When Batman and Sirnak became separate provinces they were included in the region under the state of emergency (OHAL) on 6 May 1990. The state of emergency was exceptional rule planned for the administration of irregularities in the region. The main aim was to secure more control in order to be able to counter PKK activity in Eastern cities. As a result of this new system introduced to the cities where PKK was very active, security forces were granted exceptional powers.

Claiming that the source of difficulties in the region was a security problem resulting from PKK terror since the 1980s, rather than any state policies being applied there, the state of emergency was lifted by parliamentary order in the two remaining provinces of Diyarbakır and Şırnak in 2002.³⁶

³⁵ In accordance with article 120 of the Constitution, the Council of Ministers, meeting under the chairmanship of the President of the Republic and after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country in the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order or of fundamental rights and freedoms, or serious deterioration of public order. The state of emergency is declared for a period not exceeding six months. This decision shall be submitted immediately to the Turkish Grand National Assembly, which may extend the period for a maximum of four months each time." (UNCHR 28 December 1998, para. 14)

³⁶HRW, 14 January 2003

The state of emergency brought with it a heavy military presence, martial law and severe restrictions on civil and political rights enforced by a special Governor. Both PKK and government-employed village guards and military forces committed serious human rights violations including torture, arbitrary arrests, kidnappings and the destruction of villages and crops. During the height of the conflict between 1985 and 1999, over 35,000 people lost their lives and there was large-scale forced displacement in the Southeast. Although there is no comprehensive information on the number of displaced, the government maintains that 353,000 people were displaced, while outside observers and Turkish NGOs report between 1 and 4.5 million IDPs.³⁷ In addition, there were a large number of political murders that still remain unsolved.

Even though Article 2 of Decree 285 allowed the Governor of the Region under a State of Emergency (OHAL) to evacuate, resettle and exile whole settlements, most of the 3,500 settlements were evacuated under pressure to become village guards, and/or burning down or destruction of houses by the security forces. The Parliamentarian Research Commission stated in its 1998 report that 905 villages and 2,523 hamlets had been completely or partly evacuated. The number of displaced people was put at 'only' 378,335. In its 2001 report, the US State Department put this figure at around one million. Human rights organizations estimated the number of displaced people at around 4 million, from some 4,000 settlements.

Decree No. 430, 'Regarding Additional Measures in the State of Emergency Governor's Office and during the State of Emergency Period' was introduced on 15 December 1990. Article 1 allowed the OHAL Governor to exile people from the region. The 'exiled' persons were given no leave to appeal against such a decision (Article 8). Article 3 of Decree No. 430 allowed for prolonged periods of detention of 10 days. Detentions of up to 40 days were reported in 2001 and

³⁷ Turkish Mission to the UN Geneva 18 March 2004; COE/PA March 2004; US DOS 25 February 2004

2002. Also, acting in accordance with the powers granted to him in Decree No. 430, the OHAL governor also banned some 30 newspapers and journals from entering and being distributed in the region.

On 4 April 1985, Law No. 3175 amended Village Law No. 442, and introduced the system of 'temporary village guards'. The system was introduced with 40 village guards in the Eruh district in Siirt and became systematic with the introduction of the State of Emergency. Throughout the 1990s, village guards became infamous for kidnapping, killing, torture and rape. Even though the number of human rights violations in the State of Emergency region decreased after the armed clashes abated, the HRFT received information on 11 killings committed by the village guards in 2002.³⁸ The following section details the relationship between the Kurdish issue and the evacuation of villages by explaining their roles and showing how they are intertwined with the subject matter of internal displacement in Turkey.

2. B Forced Village Evacuations in south-eastern Turkey, mostly by the Turkish Army (1984-1999)

Between 1984 and 1999, Turkish governments' stated purposes for the evacuation of the villages were the protection of civilians and the prevention of PKK guerrillas obtaining logistical support from the inhabitants. However, villagers and other observers alleged that security forces evacuated them for refusing to participate in the paramilitary village guard programme³⁹. The evacuation of villages refusing to join the village guard system was carried with no civilian supervision and in very brutal fashion by the army. It was frequently accompanied by the

³⁸ HRFT, November 2002

³⁹ U.S. DOS 26 February 2000, sect. 1

destruction of property and further violation of human rights such as sexual assault and humiliation, beatings and extrajudicial executions.

Until recently, Turkish authorities have denied responsibility for these operations, claiming that the PKK was responsible for the destruction of villages and that individuals had left voluntarily, or under pressure from the PKK. However the complicity of Turkish authorities was confirmed in rulings of the European Court of Human Rights, in which Turkish security forces were found guilty of burning houses in villages in Southeast Turkey, causing the villagers to flee.⁴⁰

Undoubtedly, the PKK also has some responsibility for the burning of villages, in particular those run by village guards or refusing to support the PKK. However, in an analysis of the degree of responsibility of both parties, it becomes clear which should be held more responsible. Not only in the EU reporter's opinion but also in the reports of other international and local organizations such as U.N. agencies, Human Rights Watch, and Caritas, Göç-Der, İnsan Hakları Derneği, Turkish authorities are more immediately responsible for the uncontrolled escalation of violence in the region. These organizations show that more blame must be apportioned to Turkish state authorities in village evacuations, mainly because of the provocative nature of the state forces' suppression of the rights of the Kurdish minority, which lies at the origin of the conflict, and because these state forces had at their disposal the whole machinery of the state, which they used abusively against the Kurdish population in the region.

The first legal step towards clarification of this important question was taken by the Turkish Parliament. At the request of MP Algan Hacaloglu of the Republican People's Party (CHP), a former state minister for human rights, the Turkish Parliament set up a Committee on

⁴⁰ see on 16 September 1996 in the case of Akdivar and others vs Turkey, and on 28 November 1997 in the case of Menten and others vs Turkey

Migration in 1997 to investigate the causes of displacement and provide aid to the displaced. On 28 July 1997, the Chairman of this Committee, Seyit Hasim Hasimi, held a press conference in Diyarbakir. He announced that forced evacuation of villages and hamlets by Turkish armed forces in the region had resulted in large numbers of displaced people and potential refugees. He confirmed that 364,742 inhabitants of 3,185 villages and hamlets had been forced out since 1990 in the framework of the fight against terrorism. These figures were publicly confirmed later by Mr Bülent Ecevit, Deputy Prime Minister, who said that the villages had been emptied 'for security reasons'. The US State Department cited 560,000 as 'a credible estimate' of the number of people deprived of their homes as a result of the evacuations⁴¹.

Before this announcement by state authorities, independent observers had already confirmed that most displacement in the 1990s has been caused by Turkish army and security forces, including the village guards. In its 1994 report entitled "Turkey: Forced Displacement of Ethnic Kurds from Southeast Turkey", Human Rights Watch concludes, *'According to our research, the vast majority of those displaced in south-eastern Turkey is largely the result of actions by Turkish security forces. Forced displacement usually comes as collective punishment for refusal to join the village guard system or for supporting the PKK, usually for aiding and abetting, or for suspicion of committing such acts'*. The U.S. Department of State reached the same conclusion, characterising forced displacement as a *'systematic process of evacuating and often burning villages throughout the Southeast. The scale of evacuations and their continuance suggest that they are part of the Government of Turkey's strategy designed to deprive the PKK of any logistical base in the Southeast.'*⁴²

⁴¹ COE 3 June 1998, paras. 8-17

⁴² USCR 1999, pp. 13-16

According to international human rights organizations such as Human Rights Watch, the UN, and the UK home office, the majority of villages and hamlets in the Southeast of Turkey were forcibly emptied between 1993 and 1995. After that, large-scale evacuations ceased and from 1997 onwards the rate of evacuation declined, but smaller operations by the Turkish armed forces continued in 1996 and 1997. The most probable reason for the lower rate of evacuations was that by that time there were very few 'frontline' villages left outside the village guard system and the process of depopulation was virtually complete. According to a UK Home Office 2001 report, there were no village clearances during that year.

However, by 1999 most human rights organisations reckoned that in excess of 3,500 villages had been evacuated and between 2.5 and 3 million people rendered homeless. These people did not only move to other state of emergency provinces such as Kahramanmaraş, Sivas and Erzurum, but also to Mersin and major western cities such as Izmir, Ankara. Significant numbers also moved to Istanbul.⁴³

By this time huge numbers of villages had been evacuated, evacuations declined further during 1998, and the fighting moved to the mountains. The arrest of PKK leader Abdullah Öcalan in June 1999 marked a new start, with a unilateral cessation of activities by Kurdish armed groups. This cease fire resulted in the lifting of the state of emergency in the last two provinces, Diyarbakır and Şırnak, in November 2002. Nevertheless, these improvements did not bring about the peace process expected by the PKK. Although the Turkish Parliament passed reform laws to increase civil rights among its Kurdish citizens, these EU-led initiatives were not enough for the PKK. It was aiming to take a step forward and start the peace process. The Turkish State refused to accept the PKK as an authority representing the people of the region, a policy which led to the

⁴³ UK Home Office April 2001, para. 6.8

end of the PKK ceasefire. Since the spring of 2005 Turkey has been experiencing on-going violence yet again, not only in the mountains, but also on the streets of Istanbul, with bomb attacks having occurred in various districts of the city.

2. C The “PKK” (1984-2000 and back in 2005)

IDP respondents speak of the “PKK” as the other major actor playing a part in the displacement. Although smaller armed opposition groups have operated in Turkey, the PKK has been the most significant and most violent.⁴⁴ The PKK is responsible for the most deliberate and arbitrary killings in Turkey in the last two decades. Among its civilian targets have been local political figures such as mayors, and Turkish language teachers.

Founded by Abdullah Öcalan in Diyarbakir in 1978, the PKK drew its membership and logistical support from the local Kurdish peasantry. In its early years, the PKK mainly fought rival leftist and Kurdish organizations, but in August 1984 it attacked a *jandarma* post in Eruh in Siirt, part of the mainly Kurdish southeast that had been a closed military zone since the 1920s. As the PKK stepped up its activities, the *jandarma* (soldiers carrying out police duties under the authority of the Interior Ministry) responded with widespread village raids and mass detentions. From then onwards the actions of the security forces provoked the Kurdish side and the vice versa.

While, armed opposition groups have an obligation to respect basic humanitarian principles, the PKK put civilians at risk and murdered others who had no part in the conflict. Since the conflict began, the villagers in the south-east of Turkey were treated as soft targets by the state security forces and the PKK. In the 1980s, the PKK massacred families. Many women and

⁴⁴ Armed opposition groups responsible for human rights abuses include the PKK, the DHKP-C, the Turkish Revolutionary Communist Party (TIKB), the Turkish Liberation Army of Peasants and Workers (TIKKO) and the Islamic Raiders of the Great East-Front (IBDA-C).

children were caught in the cross-fire and killed in the course of armed clashes, when the PKK attacked village guards in their villages. Relatives of village guards were also sometimes deliberately and arbitrarily killed.

It is ironic that during the years in which the PKK pursued its military objectives, most victims of its deliberate and arbitrary killings were Kurdish villagers. Reports from various sources show that armed PKK members killed at least 400 prisoners and civilians between 1993 and 1995. Most were killed because they had joined the government-armed village guard forces. Male village guards were frequently killed having been taken prisoner during PKK raids. Therefore, the PKK is undoubtedly directly responsible for a significant amount of the internal displacement that has occurred in Turkey.

However, the number of civilians killed by the PKK arbitrarily declined after 1994, the reason being a declaration by a PKK representative at a meeting with Amnesty International in London in August 1994 that the organization had committed itself to abide by common Article 3 of the 1949 Geneva Conventions. This article stipulates that people taking no active part in hostilities, including members of the armed forces who have laid down their arms or who are out of action because of sickness, wounds, detention, or any other cause, must be treated humanely in all circumstances and should not be ill-treated or killed. Article 3 of the law applies to all parties in an internal armed conflict, including armed opposition groups. As a result, the number of deliberate and arbitrary killings by the PKK fell after this unexpected move from the PKK in 1994. Nevertheless, even after this declaration, Amnesty International continued to receive reports of such killings: There were 50 in 1995 and at least 16 in the first half of 1996, and the PKK has also claimed responsibility for acts of indiscriminate violence in which civilians, including children, were killed. Besides arbitrary killings, some individuals abducted and killed

by the PKK were suspected of being collaborators or informers. Planting bombs in public places and posing an indiscriminate threat to civilians has also been a method of the PKK.

In March 1995 and again in April 1996, PKK leader Abdullah Öcalan publicly threatened that the organization would intensify bomb attacks on certain civilian targets in Turkey and abroad. While claiming to respect Article 3 of the Geneva Conventions, the PKK continued to execute captured village guards, and the organization's declared intention to attack civilian targets suggested that, contrary to the assurances given to Amnesty International, the PKK would be prepared to resume indiscriminate killings of civilians.

During this violent period, teachers were treated as military targets, since state education provided by these teachers was only in Turkish and education in Kurdish was forbidden. Ninety teachers were killed by the PKK during these years. In late 1994 armed PKK members abducted and killed 19 teachers, most of who were working in small villages in southeast Turkey.

When the PKK changed its target from other Kurdish organizations to state security points in the region, the state security forces response was immediate. Wide-ranging detentions began in the region. Turkish security forces failed to distinguish the armed militants they were pursuing from the civilian population they were supposed to be protecting, but whom they knew included people who were supplying and hiding militants. Most detainees who disappeared were Kurdish villagers with no history of political activity, detained during the course of security raids on suspicion of giving food or shelter to PKK members.

Many families of those who have disappeared think that their relatives died under torture, or that they were arbitrarily killed in reprisal for the deaths of soldiers in clashes with the PKK. Some IDP informants in this research mentioned that prior to the evacuation of their villages they had lost family members in detention. Some IDP informants are disabled as a result of heavy injuries incurred while in detention, during which they were subjected to severe torture such as

beating, electric shock and sexual assault, as well as food and water deprivation. These detentions sometimes lasted for days and sometimes months. According to the reports of Human Rights Watch, most of the nearly five hundred detainees who died in Turkey between 1980 and 2000 were villagers under interrogation in police and *jandarma* stations in the Southeast. The informants almost invariably stated that, as a result of detention in their villages many families left and migrated for other places in the west before the evacuation of their villages, in order to provide more lawful and humanitarian living conditions for their children.

For the informants, the state prepared the psychological and physical ground so well that it was not very difficult for the PKK to come and persuade the youth. Thus, the security forces' repressive methods, the unjust detentions and killings, provoked ever larger numbers of disaffected youth to join the PKK. As a result, within a few years the organization had grown to a substantial force, recruiting more than 30,000 between 1984 and 1999.

Besides the mistreatment of the security forces which indirectly led to the displacement of masses, the IDP informants also mention the direct role of the security forces in the village evacuations. However, during this period state authorities refused to admit that security forces had evacuated more than a few villages, and as no population censuses was undertaken in this period our knowledge of the extent of population displacement and how it happened is very limited and it is descriptive at best. The IDP informants of this research frequently mentioned the ultimatums by the *jandarma* to leave their villages within a short period of time (a few hours to several days). The reason of the ultimatum was either the villagers' refusal to become village guards⁴⁵ – armed and paid by the state – and/or the accusation that they aided and abetted PKK

⁴⁵ The state started to arm civilians after 1985 in order to use them in its fight against the PKK. Currently, there are more than 58,000 village guards on the state payroll in the southeast (Abdülkadir Aksu, "İçişleri Bakanı Abdülkadir Aksu'nun Milletvekili Mesut Değer'in yazılı soru önergesine verdiği yazılı cevap," *T.B.M.M. Tutanak Dergisi* 97 (Dönem 22/1) (June 24, 2003), <http://www2.T.B.M.M.gov.tr/d22/7/7-0630c.pdf>.

militants.⁴⁶ Houses, sheep pens, stored grains, fields and trees were often burnt and vanished during or soon after the eviction of the residents, either by the *jandarma* or by accompanying village guards, to make return to the villages impossible.⁴⁷ Many IDPs who have applied to local authorities (local *jandarma* commands, and provincial or township governors) after their displacement to return to their homes or to be compensated for losses, were either left unanswered or outright rejected.⁴⁸

2. D Village Guards⁴⁹

As the situation got ever more complicated, the government came up with a new solution to ease this chaotic problem. The new method was also used by other states faced with similar problems in other parts of the world. The government required the local population to show their loyalty by bearing arms against the insurgents. The system was called “the Village Guard System”. With the introduction of the village guards after 1987, rural communities were expected to provide sufficient numbers of men to form ‘provisional village guards,’ armed, paid, and supervised by

⁴⁶ Nevertheless, some villages whose residents had already become village guards were also evacuated since authorities could not provide for their security against PKK attacks.

⁴⁷ Interviews with forced migrants in Diyarbakır from its villages, and interviews in Istanbul with IDPs from Van, Batman, Tunceli and Diyarbakır in summer and fall 2004.

⁴⁸ Cases brought before the European Court of Human Rights usually cited rejection of their petitions as proof of exhaustion of domestic juridical procedures (e.g. ECtHR, *Case of Ağgül and Others v. Turkey*, (2001), <http://www.echr.coe.int/Eng/Judgments.htm>). The fact that only about 1,500 displaced families have taken their grievances to the ECtHR is an indication that very few people in fact could apply to authorities (Interview with an Istanbul attorney representing IDPs at the ECtHR on February 26, 2004).

⁴⁹ **Temporary village guards** (*geçici köy korucusu*) were civilians recruited from among the village population to “guard” their villages against the PKK; in exchange for their services, they received arms and a salary from the government and take part in military operations together with the security personnel. The position of temporary village guard was created on 26 March 1985 through a clause added by Law no. 3175 to the 1924 Village Law (Law no. 442). They are hired pursuant to the decision of the cabinet of ministers, upon the request of the Minister of Interior Affairs. Currently, this practice is in effect in 22 provinces. According to Abdülkadir Aksu, the Minister for Interior Affairs, there are currently 57,757 temporary village guards in the region. The hiring of these guards has come to a halt in accordance with a governmental decree in 1998. In addition, there are also **voluntary village guards** (*gönüllü köy korucusu*), namely civilians who volunteer to become village guards with the stated purpose to protect themselves and their families against the PKK. While they are provided arms by the government, they do not receive a salary and are not authorized to take part in military operations. The legal basis of this position is also Law no. 442. Voluntary village guards are hired by sub-provincial governors. According to the information provided by Aksu, there were 12.279 voluntary village guards in the region as of 30 November 2003.

the local *jandarma* station. The villagers could refuse to join the village guard system, but from then on would be viewed as PKK sympathizers. IDPs speak of the “village guard” system as one of the main sources of insecurity in the region. For them, this system led to a deep and traumatic division between villagers who accepted being “village guards” and ones who refused. Those refusing were caught between the state and PKK forces. From any perspective, the “village guard” system is in a key position regarding internal displacement in Turkey, and thus needs careful examination:

The “village guard” system was introduced by the Turkish State as an alternative method of support for the Turkish army. The aim was to control PKK activities in the region by using local people. In this way, the state was to become a much more effective and efficient force against the PKK. The 'village guards' were armed and paid by the authorities to defend their villages against PKK and to obstruct logistical support for the PKK from villages in the area.

In other words, this was a civil defence force in the region, organised, armed and paid by the Turkish state. The village guard corps was well armed, but they had no formal chain of command and usually wore no uniforms or means of identification. Where tribal bonds were strong, clan leaders used village guards as a private army to reinforce their local supremacy.

According to a U.S. DOS report, the number of individuals who served as village guards in the region was more than 65,000. Participation in this “paramilitary militia” was mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join. Many IDPs in this research indicated that they faced a great challenge after the introduction of the “Village Guard” system and lived in a much more fearful atmosphere than prior to its introduction. Without exception, all IDP informants in this research stated that

they were pressured by the authorities to join the "village guards" in order to serve as paramilitary militias in the fight against the PKK.

For those IDPs who refused to join the paramilitary system, trying to isolate themselves from being a part of this new state "tactic" was a great challenge. The informants, regardless of their side in this war, believe that attacking PKK on the side of the Turkish state would be "a shame they would carry with them until their death" and, therefore, most of them indicated that being a village guard and shooting a PKK member would mean denial of their identities. On the other hand, as mentioned before, the decision not to join the village guard system was a luxury few could afford, because it was taken to indicate active or passive support for the guerrillas. Thus, the price for those who refused to join was village evacuation and, on more rare occasions, complete or partial destruction of the village on security grounds. As a result, the villagers, caught in a vice between the two sides faced danger from either the PKK or the state depending to their decision about whether or not to join the village guard force. Ultimately, those who did not join the village guards were all left alone bearing the heavy burden of homelessness in their own country.

Besides the PKK, *jandarma*, special operations team or other military forces, IDP informants in this research accuse the paramilitary village guard force of being the true source of terror in the region. The village guards had reputation for indiscipline that may be described as criminal. They were accused of drug trafficking, rape, corruption, theft, and other human rights abuses by informants. These accusations were also levelled against them in many international and local NGO reports, and bulletins such as Human Rights Watch and U.S. DOS reports. Thus, more than 65,000 civilians, operating as village guards have been accused repeatedly of drug trafficking, rape, corruption, theft, and many other human rights abuses. Even after the

displacement of the masses from the region, not many steps were taken to disband the village militia which remained an obstacle to the return of the displaced for a long time after the end of the guerrilla war. In other words, the village guard militia had become a long-term feature of the region.

By early 1992 people were being gunned down in the first of hundreds of street killings by small groups of assassins in the cities in the Southeast. In most cases, the killers were never identified but there is evidence that the security forces were in some ways involved the killings by arming and paying the assassins. Most of the victims were perceived by the security forces as potential enemies of the state. They were people who worked for left-wing or Kurdish nationalist publications, and people who had previously been detained or imprisoned on suspicion of membership of the PKK or other illegal Kurdish groups. In mid-1999 Kurdish leaders began to be targeted.

By 2000, there were probably in the order of 80,000 village guards under arms⁵⁰. The village guard system was also a major problem for the State. They were accused of serving the landlords of the region rather than the state, and they were charged with helping the PKK in November 2001⁵¹. If they were disbanded it was feared that this could spark off massive criminal activity backed with firearms. Therefore, the government took no steps to disband them. On the contrary, the state planned recruitment of 'penitent' PKK guerrillas into the village guard system and, there were cases in 2000 of displaced villagers being refused permission to return to their villages unless they enrolled in the village guard.⁵²

⁵⁰ Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 45-46

⁵¹ "Diyarbakır State Security Court (DGM) has finished work on an indictment against 31 suspects of whom 30 are village guards all accused of aiding and abetting the Kurdistan Workers Party (PKK) separatist terrorist organization..." For the full article please see; Turkish Daily News 8 November 2001

⁵² Ibid, 46

Although it was voluntary in principle, for many informants, their refusal to join this new paramilitary emergence was the main reason behind their forced displacement. Villages that joined the system were angry when neighbouring settlements refused, because the refusal of the surrounding villages was making them the target of PKK attacks, and as expected, it was not long before the PKK declared Kurds who joined the village guard system to be traitors, and on capturing them, rather than subjecting them to harassment and threats, often executed them. The PKK also carried out massacres of village guards' non-combatant families, including women and children in methodically destroyed recalcitrant settlements.

When the PKK melted away into the mountains after such attacks, the state military's counter-operations routinely started by rounding up the inhabitants of any nearby non-village guard communities and torturing them in order to extract information about PKK movements. According to IDP informants in this research and reports of NGOs such as Amnesty International and Human Rights Watch, the government forces sometimes committed massacres in reprisal for PKK attacks and abuses.

In this state of insecurity, the state authorities were trying to justify their security forces' actions in the non-village guard sites as 'methods beyond the accepted norms' that were often used to convince villagers that they should not assist the PKK. On the other hand, victims who petitioned the parliamentary commission described methods such as forcing villagers to walk on mine fields or torturing family members and neighbours (U.S. DOS February 2001, sect. 1g). Moreover, these "abnormal" methods applied by the state in order to prevent PKK – villager contact had reached the point of evacuation of villages, which ultimately in humanized an important geography in the region and led to the internal exile of millions of the Southeast's people.

3. Internal Exile: The Forced Internal Displacement under the Command of the State of Emergency Governor (1987-2001)

After 1990, the state of emergency governor was given the authority to remove citizens from the region for reasons of general security and public order. The period of this removal was restricted to the duration of the state of emergency⁵³. However, in the case of Southeast Turkey this period lasted for 15 years, during which period, essentially, governments were given the authority to remove from the region citizens whose activities 'give an impression that they are prone to disturb general security and public order.'

Teachers, party officials and trade unionists were affected by this provision in the past, and dozens of unionists were kept out of the Southeast during the period. In July 2001 security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took the documents of a Republican People's Party (CHP) official and some accompanying journalists. This state implementation was not called to be an internal exile by the authorities; however it possessed every feature that an official exile shall have.⁵⁴

The security forces and village guards came with helicopters, armoured vehicles, troops, and village guards surrounded village after village. They shelled, bombed or strafed stored products, agricultural equipment, crops, orchards, forests, and livestock either as punishment for presumed PKK sympathies or as a method of intimidation aimed at forcing villagers from their homes. In the latter process, the security forces fired indiscriminately as a quick and easy way of

⁵³ State of Emergency Law, Article 11/c: [As amended by Decree 3076 dated 14 November 1984] Suspension of the activities or associations for periods not exceeding three months, after considering each individual case] Human Rights Foundation of Turkey February 2001, sect. 1

⁵⁴ U.S.DOS February 2001, sect. 2d

evacuating villages in preparation for their later destruction. In some such attacks, civilians were wounded or killed; in others, they fled their partially destroyed homes. Later, troops would come and complete the destruction.

Jandarma, special operation teams, and village guards burned houses, often giving the inhabitants no opportunity to retrieve their possessions. A 30 October 2002 HRW report stated that during the course of such operations, security forces frequently abused and humiliated villagers, stole their property and cash, and ill-treated or tortured them before herding them onto the roads, away from their former homes⁵⁵. The state forces were not obliged to present any specific reason for the evacuation of a village.

In this sense, what happened in Beytüssebap is a typical evacuation story. Following the death of one and injury of two soldiers in a mine explosion near Ilicak (Germav) village in Beytüssebap district in Sirnak on 9 July 2001, Germav village and the surrounding villages of Bêzal (Ortali), Tivor (Dagalti) and Çemêpîrê (Asat) were subjected to intense pressure. These four villages were raided and 32 people were detained. They were held in custody for 10 days following which 10 were arrested on charges of “aiding and abetting PKK members”. The mine explosion had happened some 30 to 40 kilometres away from the village in an area that had mainly been used by soldiers. These villages were then evacuated with no assistance. A number of male villagers were arrested and allegedly tortured. Although some national NGOs went to the region and investigated the situation, the national media totally ignored the events in Betussebap, as they had other evacuations which had been taking place in the region since the 1980s⁵⁶.

⁵⁵ HRW, 30 October 2002

⁵⁶ HRFT August 2001

Similarly to Betüssebap, the IDP informants in this research are invariably villagers who did not become “Village Guards” and who were forced to leave their villages unlawfully as a result of this systematic violence between the two sides. Some of them indicated that they left upon the warnings of village guards or military personal who indicated that they would be moved by force unless they went voluntarily. The great majority stated that evacuation was approaching them from village to village but, having faith in legal justice, they were late in understanding that one day the soldiers would come and burn their villages too. The majority of informants who evacuated villages did not have any place to go. The evacuation was so immediate that they had no or little possessions with them, and had no form of shelter. They received no assistance. After they, and many others who shared the same destiny, were forcibly moved onto the roads, there was another yet another state method waiting for those from villages which were viewed somewhat suspiciously in terms of providing logistical support for the PKK: The food embargo.

During the period of the state of emergency food embargos and bans on going to pasturelands proved a serious economic obstacle, and made the lives of the villagers more difficult than ever. The food embargo was first introduced in Tunceli but soon extended to districts in Bingöl and Diyarbakir. In Şırnak the embargo was first put in place in 1992 to cover villages in the districts of Cizre, Idil, Beytüssebap, Güçlükonak and Uludere. According to the 2002 report of the Human Rights Foundation of Turkey, the practice was less intense in the second half of the 1990s, affecting mainly regions in Tunceli, Sirnak, Bingöl, Diyarbakır, Siirt, Batman, Bitlis, Hakkari, Mardin and Agri. Tunceli Governor, Atıl Uzelgün even closed the mills producing flour. While official state reports did not confirm the existence of a food embargo, on 2 October 2000, the governor’s office declared that the officially nonexistent food embargo had

come to an end.⁵⁷ During the period of OHAL, food embargos and bans on going to pasturelands became a serious economic problem, although the practice was less intense in the second half of the 1990s. During this period of time, it became increasingly difficult for the villagers to obtain food. The reason for the food embargo was to control KADEK's (Congress for Freedom and Democracy in Kurdistan, the new title adopted by the PKK in 2001) food resources. The food embargo, put in place during the armed conflict, continued after the state of emergency was lifted.

The state objective was again to deny logistical support to the PKK. Towards this end, jandarma forces rationed food and other essentials in some rural areas in the emergency region, while security forces returned to evacuated villages and burned down houses and, to deny the PKK resources, shot livestock, burned forests and orchards against the will of any remaining villages. Provincial authorities denied villagers access to some high pasture for grazing, citing security concerns, but allowed other villages access to their high pastures⁵⁸. During this period, many villages remained under siege with villagers close to starvation because of the food embargo. However, the food embargo was not successful in keeping the PKK away from villages when they needed food or shelter. The only difference was that villagers were starving and had less food to share with them. Therefore, this particular state method only caused villagers and PKK alike to starve. Thus, gradually, lack of food became another significant reason for villagers, trapped between the state security forces - the village guards - on one side and the PKK on the other, to leave their homes for another place.

⁵⁷ HRFT, November 2002

⁵⁸ For more information about the food embargo please see Graham Brown April 1998, sect. 3.1

“We were starving and we started to fight among ourselves over a little piece of bread. What is more, the PKK was coming to ask for this limited food in the evenings and nights during the winter, and in all these times we knew that, one way or another, our houses were going to be evacuated. What could we do? We decided to leave and moved to our relatives’ houses in the town first to earn our living.”

The evacuation of villages, forced migration and the food embargo slowed down after 1999, the year of Abdullah Öcalan’s capture, and the beginning of a new era for the region and for Turkey.

A Turning Point in the Conflict: The Arrest of Abdullah Öcalan

The situation in the Southeast was reported to be calmer in 1998 than in previous years. In September 1998, reporters from the Council of Europe Parliamentary Assembly said the region had started a process of 'normalization' in comparison to their last visit there. In the same year, the Turkish government took steps for legal recognition of the situation in the East and Southeast. According to the 1998 report of the Turkish Parliament’s Investigation Commission,⁵⁹ the evacuation of villages and the forced migration of people violated the following constitutional rights of individuals: The right to protect and develop one’s life (Article 17), the sanctity of private and family life (Article 20), the sanctity of domicile (Article 21), the right to property (Article 35), the principle of the protection of fundamental rights and freedoms (Article 40), the right to education (Article 42) and regulations concerning government’s expropriation of private property (Article 46). The Parliamentary Report also emphasised that these policies violated the relevant provisions of the Universal Declaration of Human Rights and the European Convention on Human Rights (ECHR). In fact, in its decisions regarding internal displacement in Turkey, the

⁵⁹ The original title of the report is “Report of the Parliamentary Investigation Commission Established with the Aim of Investigating the Problems of our Citizens who migrated due to the Evacuation of Settlements in East and Southeast Anatolia and to Assess Measures which Need to be Taken.” In the following, this report will be referred to as the “Parliamentary Report.”

European Court of Human Rights (ECtHR) ruled that the following articles of the ECHR had been violated: Respect for private and family life (Article 8), the right not to be subjected to torture or to inhuman or degrading treatment or punishment (Article 3), access to an effective remedy before a national authority in case of a violation of rights and freedoms (Article 13), the right to life as protected by law (Article 2), and entitlement to the peaceful enjoyment of possessions (Article 1 of Protocol no. 1).

In the meantime, in October 1998 the PKK's leader, Abdullah Öcalan, was expelled from Syria, following which he unsuccessfully attempted to claim asylum in several European countries before being apprehended in Kenya and flown to Turkey. In 1999, he was brought to trial by a Turkish court. In June of the same year he was found guilty of treason and sentenced to death. After his sentencing, he instructed PKK fighters to withdraw from Turkey, and a Turkish general confirmed that this was actually happening.⁶⁰

In early August 1999, the PKK indicated its willingness to comply with Öcalan's request for a ceasefire in Southeast Turkey. On 12 January 2000, the Turkish Government agreed to respect an injunction from the European Court of Human Rights calling for the suspension of Öcalan's execution, pending his appeal. In a written statement from prison, Öcalan said that the Government's decision was a step towards democracy. He pledged that the PKK would not exploit the move, and said that he now believed that the PKK's war for a Kurdish state was a 'historic mistake'.⁶¹ (With the subsequent announcement of a unilateral cessation of armed activities by Kurdish armed groups, the level of violence in Southeast Turkey significantly decreased. In February 2000, Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences if they

⁶⁰ UK Home Office April 2001, paras. 4.23-4.28

⁶¹ UK Home Office April 2001, paras. 6.8-6.9

provided useful information that would help lead to the dissolution of an organization. Although for the informants the prerequisite of the amnesty law was limiting and prevented a majority from benefiting from the law, a considerable number of PKK members applied for the amnesty. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500.

However, the informants of the research believe that things would be much better if the amnesty law of 2000 were comprehensive. They believe the aim of the amnesty was to reduce manpower in the organization and thus weaken it rather than regaining, and re-socializing the youth on the mountains, who are sometimes the informants' children or relatives. They believe the state would do much better if the law allowed the masses to begin a new future, totally forgetting and forgiving the past.

Nonetheless, while the impact of the ceasefire and the amnesty led to divisions within the organization and PKK attacks against civilians and law enforcement personnel in the Southeast virtually ended, the military did engage with the PKK, killing several alleged terrorists. These improvements have led to considerable improvement in the overall security situation of the region. According to the reporters from the Council of Europe Parliamentary Assembly, since the PKK ceasefire in August 1999, there has, as of October 2000, been a 90% reduction in violence in the Southeast until it re-started in the spring of 2005. As fighting between Kurdish separatists and government troops died down, the 15-year-long state of emergency was lifted in the last two provinces (Diyarbakir and Sirnak)⁶².

The lifting of the state of emergency was also one of the European Union's conditions for opening membership negotiations with Turkey. Following on the heels of this revolutionary move, Turkey's National Security Council called on the EU to set out a timetable to start

⁶² UK Home Office April 2003

membership talks before the end of the year. The EU has demanded that Ankara grant its 12 million strong Kurdish minority more rights and abolish the death penalty. In a bid to meet conditions for EU membership, the Turkish parliament has in the past five years adopted extensive legislative reforms, in areas such as religious freedom, combating torture, freedom of expression and association, and permitting media outlets to broadcast in Kurdish and other minority languages.

In this vibrant climate, the 2002 elections took place in an era of constitutional and legal reform, during which human rights and fundamental freedoms have been substantially strengthened. As hostilities in the Southeast abated the political atmosphere changed, and in this political atmosphere 78.9% of citizens from the Southeast voted, 6.2% of whom voted for the Democratic People's Party (DEHAP). After the 1999 elections, the government adopted a major constitutional reform package in October 2001, a new civil code in November 2001, and three additional legal reform packages in February, March, and August 2002.⁶³ The adoption of these reforms was to a large extent in the context of the government's efforts to meet the Copenhagen Criteria for future EU membership.

The elections were held under election laws which establish a framework for democratic elections in line with international standards. Significant constitutional and legal reforms instituted over the past two years have further improved the overall legal framework under which elections are carried out. At the same time, the broader legal framework and its implementation establish strict limits on the scope of political debate in Turkey. Non-violent expression of political views beyond these limits is still restricted by a variety of laws and is rigorously enforced. Several parties faced closure action during the elections, notably the Justice and

⁶³ For further information about the elections please see:
<http://www.tuik.gov.tr/Gosterge.do;jsessionid=DF08C7BB0757694B3F40D753D6152947?metod=IlgiliGosterge&id=3354>

Development Party (AK), the winner of the election. Many candidates were also banned from running, including AK's leader and leaders of several other parties, generally as a result of past convictions for non-violent political speech. These restrictions on free speech and the practice of dissolving political parties and banning candidates stand in stark contrast to the otherwise pluralist election system in Turkey, as well as its international commitments.

Parties must win at least 10% of the vote to enter the national parliament (TBMM), an exceptionally high threshold by European standards. Only two of the 18 parties running passed the threshold. As a result, 45% of the electorate cast votes for parties that would not be represented in parliament and a party that drew less than 35% of the total vote controls almost two thirds of seats. To avoid such distortions, the authorities should consider reviewing the level of the threshold. Other aspects of the law that might be reviewed are the absence of any judicial appeals against decisions of the Supreme Board of Elections, and the absence of procedures for voting abroad.

Several other factors also set the political framework for the elections. Since the previous elections, Turkey had undergone a serious economic downturn, which continues to affect many sectors of the population. This was a major issue in the campaign and was reflected in the apparent disaffection of the voters for all parliamentary parties. The capture in early 1999 of Abdullah Öcalan, and the subsequent end of active hostilities by the PKK led to a less highly-charged political atmosphere, particularly in the Southeast. In addition, the question of Islamist influence in politics remained an election issue.

Many laws include restrictions on freedom of expression. For example, Article 159 of the Penal Code provides possible prison sentences for 'insult to the State and to State institutions and threats to the indivisible unity of the Turkish Republic'. Article 312 of the Penal Code, mentioned

above, and was used to bar candidates for incitement of religious hatred. Articles 7 and 8 of the Anti-Terrorism Law include penalties for separatist propaganda or ‘propaganda in connection with’ a terrorist organization that could encourage the use of terrorist methods. Article 169 of the Penal Code, which deals with support for illegal organisations, has also been used in recent months to prosecute individuals for non-violent speech. Recent amendments to some of these laws as a result of the reform process may result in improvements in conditions for freedom of expression. Nevertheless, continuing restrictions and prosecutions had an effect on the election campaign, limiting the parameters of allowed legal debate. Thus, non-violent expression of political views is still restricted by a variety of laws.

Under Article 58 of the Law on Basic Provisions on Elections and Voter Registers, it is strictly forbidden to use any language other than Turkish in electioneering. As part of its reform process, a number of previous prohibitions on the use of other languages have been eliminated, and in August 2002 laws were changed to allow broadcasting and education in languages other than Turkish. The Democratic People's Party (DEHAP) asserted that the remaining restrictions interfered with its ability to communicate with many of the ethnic Kurdish voters who make up its primary base of support. A DEHAP candidate told the Election Assessment Mission that he had four cases against him for speaking Kurdish at election meetings or rallies. Three DEHAP supporters were reported to have been detained in Şırnak for having played Kurdish music on a DEHAP bus; they have been charged with supporting an illegal organization. Abdülmelik Firat, Chairman of the Rights and Freedom Party, was detained briefly for greeting a crowd in Kurdish during the election campaign. The lifting of restrictions on the use of languages other than Turkish in the field of broadcasting and education should be extended to political campaigning.

On 9 November, 2002, the Supreme Board of Elections announced the final election results. Only two parties passed the 10% threshold. The Justice and Development Party (AK) won 34.3% of the vote and was awarded 363 of the 550 seats in the TBMM. The Republican People's Party won 19.4% of the vote and was awarded 178 seats. Neither of these parties had been represented in the outgoing Parliament. Nine independent candidates were also elected.⁶⁴

In 2002, many positive human rights developments took place in Turkey. In preparation for EU Accession four legislative reform packages were ratified (in February, March, August and December 2002). These legislative reforms included the removal of several restrictions on minority language education and broadcasting. The death penalty in peacetime was abolished and replaced by life imprisonment without the possibility of parole. Capital punishment would, however, remain on the statute books for wartime. Despite the reform packages, Turkey must fulfil a number of other conditions to adhere to European human rights, and economic and political standards. Among the human rights issues which have remained unaddressed is support for the return of thousands of internally displaced people.

The changes were mainly intended to meet European Union (EU) human rights accession standards in advance of the EU Copenhagen Summit in December 2002, during which final membership was decided for ten countries, the candidacy status of two others reinforced and decisions made on the candidate status of Turkey. Despite the reform packages, many of the steps detailed in the EU document *Accession Partnership - 2000*, deemed necessary for Turkey to take in the economic and political spheres in order to qualify for membership negotiations, remained outstanding. Restrictions on freedom of expression persisted, exacerbated by the courts' failure to

⁶⁴ For further info about the elections, please see OSCE, 4 December 2003 report or visit the web site of Turkish Statistical Institute :
<http://www.tuik.gov.tr/Gosterge.do;jsessionid=DF08C7BB0757694B3F40D753D6152947?metod=IlgiliGosterge&id=3354>

adhere to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and, in spite of the progress in the name of further democratization, former Kurdish parliamentarians remained imprisoned. Thorough reform of the Law on Associations was long overdue. The problems in the prison system needed urgent resolution. Human rights defenders continued to be persecuted, and there was insufficient support for the return of hundreds of thousands internally displaced people (IDPs).

The fourth harmonization package in December included a major improvement in the field of freedom of expression: editors-in-chief and news journalists no longer needed to reveal their sources to authorities. TV and radio broadcasts were allowed in languages other than Turkish provided they did not contravene the principles of national sovereignty laid out in the Constitution. This change allowed broadcasts in Kurdish. The Turkish Radio and Television Supreme Council would act as broadcasting regulator. The way was opened for Kurdish dialects to be taught in special courses at private schools, under regulation by the Ministry of Education. The penalties for written, vocal or pictorial criticism of state institutions, including the armed forces were ended. The restrictions on public demonstrations and association were eased, allowing for 48-hour notification to the authorities. The restrictions on both foreign and local non-governmental organisations working in Turkey were also eased. Tougher penalties were ratified for those involved in human and organ trafficking, and those who help them, especially if the lives of immigrants are endangered. Greater freedoms were given to non-Muslim minorities. The laws and regulations defining police duties were amended.

However, serious concerns remained. As of the end of 2002, Turkish legislation still included hundreds of provisions inhibiting freedom of expression. Serious moves to abolish any of these provisions were met with accusations of willingness to compromise with ‘separatism,’ ‘religious extremism,’ ‘betrayal of the state’ and even ‘treason.’ Despite a large number of

independent media outlets and active debate in the media, certain topics remained forbidden: Criticism of the power of the military and the plight of the Kurdish minority as well as dissenting views about the role of Islam frequently resulted in judicial proceedings and prison sentences. This was frequently done under the pretext of incitement to racial, ethnic or religious enmity, punishable under article 312 of the Criminal Code. Criticism of authorities or, for example, the introduction of the F-type prison system, was often interpreted as insulting the state and its officials under article 159 of the Penal Code. Both articles were amended under EU pressure but were still used to restrict freedom of expression.

The prison term under article 159 was reduced from the maximum of six years to three years (the minimum length remained one year) and fines were abolished. Later a clause was added to the article specifying that speech intended to criticize, but not insult, state institutions shall no longer constitute a reason for punishment.⁶⁵

The European Commission welcomed these reform packages as an important signal of the determination of the majority of Turkey's political leaders to bring Turkey further into line with the values and standards of the European Union. The EC's statement said that these reforms were significant steps towards better protection of human rights and the rights of minorities in Turkey. Stressing that the overall reform package needed to be carefully analysed in order to fully assess its impact, the EC said that this would be done in the regular report to be presented in the autumn. It added that much would depend on the package's practical implementation, which would be closely monitored in the months to come.

The Commission's October 2002 'Regular Report on Turkey's Progress towards Accession' welcomed the fundamental reforms which Turkey had introduced since the decision

⁶⁵ For further information on the amendments in the Penal Code, please visit the web site of the office of the Prime Minister, directorate general of Press and Information: <http://www.byegm.gov.tr/on-sayfa/uyum/uyum-turkce.htm>

in 1999 on candidate status for European Union membership. (The political criteria for membership are that countries must have achieved ‘stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.’) The report particularly noted the major constitutional reform of October 2001, which strengthened guarantees in the field of human rights and fundamental freedoms, and restricted the grounds for capital punishment. The report concluded that, overall, Turkey had made noticeable progress towards meeting the political criteria for EU membership since 1998, and in particular in the course of the year ending October 2002. The August 2002 reforms were particularly far-reaching. Taken together, the reforms provide much of the groundwork for strengthening democracy and the protection of human rights in Turkey. They open the way for further changes which should enable Turks progressively to enjoy rights and freedoms commensurate with those prevailing in the EU. However, the European Commission concluded that Turkey still did not fully meet the political criteria for EU membership for the following reasons:

- (i) The reforms contain a number of significant limitations on the full enjoyment of fundamental rights and freedoms. Important restrictions remain, notably to freedom of expression, including in particular the written press and broadcasting, freedom of peaceful assembly, freedom of association, freedom of religion and the right to legal redress.
- (ii) Many of the reforms require the adoption of regulations or other administrative measures, which should be in line with European standards. Some of these measures have already been introduced and others are being drawn up. To be effective, the reforms will need to be implemented in practice by executive and judicial bodies at different levels throughout the country. The Commission considers that the decision of the High Electoral Board to prevent Mr Erdoğan, the leader of a major political party, from participating in the November 3 general election did not reflect the spirit of the reforms.

(iii) A number of important issues arising under the political criteria have yet to be adequately addressed. These include the fight against torture and ill-treatment, civilian control of the military, the situation of persons imprisoned for expressing non-violent opinions, and compliance with the decisions of the European Court of Human Rights.

In the light of the noticeable progress made in recent years and of the remaining areas requiring further attention, the Commission encouraged Turkey to pursue the reform process to strengthen democracy and the protection of human rights, in law and in practice, which would enable Turkey to overcome the remaining obstacles to full compliance with the political criteria.⁶⁶ It emerged in late October 2002 that Europe's leaders might make a firm pledge on membership talks with Turkey at the Copenhagen summit in December of the same year. Many EU states had come under pressure from the US to make concessions to Turkey, which the US sees as a reliable NATO ally and a friend in the campaign against terrorism. Plans to give new encouragement to Turkey were urged by Greece and the UK; the British Foreign Secretary said that the UK was 'extremely positive about helping Turkey's accession to the EU'. The European Union summit in Copenhagen on 12-13 December 2002 decided that Turkey would have to wait until December 2004 before a review that could lead to negotiations for Turkey to join the EU. The review would decide whether Turkey met human rights criteria⁶⁷.

Commissioner responsible for EU enlargement, Günter Verheugen, said 'I welcome the courageous decision of the Turkish Parliament. This decision would not have been possible without a clear European perspective that the EU has developed for Turkey since the European Council of Helsinki in 1999. The Turkish decision also shows that the EU is right in being firm as

⁶⁶ For the European Commission's 2002 Progress Report on Turkey, please see the web-site of Delegation of the European Commission to Turkey : <http://www.deltur.cec.eu.int/english/RRTurkey2002.pdf>

⁶⁷ See "Recommendation of the European Commission on Turkey's Progress Towards Accession: Brussels, 06.10.004" : http://www.dtm.gov.tr/ab/SonGelismeler/ilerleme%20raporu/tr_recommendation_en.pdf

regards human rights and the protection of minorities... Not to give in on these issues makes our partners better understand why we so strongly defend our values, and that they are precious to us. One Turkish human rights activist described the reforms as ‘the most positive changes made in the history of the Turkish Republic’. Another, Osman Baydemir, who leads the Diyarbakır branch of Turkey's Human Rights Association, said, in referring to the Kurdish role in Turkey, ‘For the first time the differences were accepted - a denial has stopped - they actually acknowledged that cultural differences exist.’⁶⁸

Human Rights Watch commented ‘During the past year we have seen more substantial human rights improvements than any year since the 1980 coup. Instead of the previous tiny grudging steps, we have seen two major strides and the promise of further improvements.’ HRW added, however, that there were two areas in particular where Turkey must still act in order to demonstrate that it has broken with its history of human rights abuses: torture and freedom of expression.⁶⁹

5. The End of the Unilateral Ceasefire Declared in 1999-September 2003

In the year 2002, the PKK, which had changed its name to Kadek (Congress for Freedom and Democracy in Kurdistan) the previous year, announced that it was ending the unilateral ceasefire which had been declared after the capture of its leader, Abdullah Öcalan, in 1999 in order to create political channels to resolve the conflict with Ankara.

The reason was that the PKK accused the government of failing to grant Kurds greater political and cultural rights. However, the organisation said that it did not expect a return to all-out conflict. Kadek had previously threatened to end the ceasefire at the start of September if Turkey did not respond to its calls for a truce. The announcement came as thousands of Kurds

⁶⁸Human Rights Watch press releases, internet source : http://hrw.org/backgrounder/eca/turkey/turkey_violations.htm

⁶⁹ Human Rights Watch press releases, internet source : <http://www.hrw.org/press/2002/10/turkey-1008.htm>

staged a demonstration in Diyarbakir - the biggest city in the Southeast - to press for more rights and to urge a general amnesty for Kurdish prisoners. The government introduced a partial amnesty aimed mainly at the PKK but it did not include the group's leaders.

'I foresee some sort of low-intensity warfare', Mizgin Sen, a spokeswoman for the group said. She accused the Turkish Government of failing to fully address demands for Kurdish cultural rights, constitutional changes and freedom of expression, despite the passing by parliament of a number of laws removing restrictions on Kurds. *'Taking decisions is one thing, implementing is another... There are still serious problems concerning the Kurdish issue,'* she told the BBC. The spokeswoman said Ankara had recently stepped up operations against the group's guerrillas. She also insisted there had been no 'military activities' by the PKK, although rebels had been blamed by unnamed officials for some recent violence in the Southeast. However, Turkish authorities, which along with the US and many European countries regards the PKK as a terrorist organisation, has repeatedly rejected calls to negotiate a solution to the Kurdish conflict⁷⁰.

In response, the Turkish government adopted an amnesty law offering reduced prison sentences to PKK/KADEK/KHK members and other "terrorist" organisations "who agree to disarm and provide information to the authorities". The 'Reintegration Law' adopted by parliament in July 2003, offered full amnesty to those guilty of providing non-lethal support to terrorist organizations.⁷¹ At year's end, most of those who had applied for benefits under the law were already serving prison sentences; the Government reported that, as of 19 December, 2,486

⁷⁰ BBC 2 September 2003

⁷¹ For the full sentence of the Reintegration law, please visit the Ministry of Justice web site: <http://www.mevzuat.adalet.gov.tr/html/1291.html>

prisoners had applied for benefits under the law and 586 active militants had turned themselves in⁷².

The “Reintegration Law” of 2003 was followed by several reform packages that included a number of important provisions addressing torture, the right of minority communities to acquire property, and the right to automatic retrial for those whom the European Court of Human Rights ruled that had suffered from the forced displacement. This opened the way for a retrial of four imprisoned Democracy Party (DEP) deputies – Leyla Zana, Hatip Dicle, Orhan Doğan and Selim Sadak – who, according to an ECHR ruling, had been found not to have received a fair trial in 1994. Also addressed were the abolition of article 8 of the Anti-Terror Law (crime of spreading separatist propaganda), lifting restrictions on Kurdish broadcasting on private television and radio stations, lifting of prohibition on non-Turkish (Kurdish) names, and upholding the right of all detainees to have immediate access to legal counsel. These reforms also envisaged, among others, some changes in the organization and status of the National Security Council (MGK).

According to these new stipulations, sentences for crimes of torture and ill-treatment could no longer be converted to fines, suspensions on probation or postponement. The requirement to secure permission from the relevant senior official in order to proceed with investigation and prosecution of an official accused of acts of torture or ill-treatment was lifted. Medical examinations of prisoners on being transferred to and from prison were made obligatory. Detainees other than those detained for offences under the remit of the State Security Courts were given the right to meet with a lawyer immediately after being detained. The abolishment of article 8 in the Anti-terror Law and amendments to the Press Law upheld the right of journalists not to disclose their sources. Foundations connected with the religious minority communities of Turkey were granted permission to acquire property. The process of initiating the closure of a

⁷² US DOS 25 February 2004, Sect.2d

political party was changed to become more formalized and extended. However, the People's Democracy Party (HADEP) was closed down by a Constitutional Court ruling on 13 March.⁷³

In the process of attuning to the key international human rights instruments, on 23 September 2003, Turkey ratified the United Nations International Covenant on Civil and Political Rights and the UN International Covenant on Economic Social and Cultural Rights. Both conventions came into force in December 2003.⁷⁴ Turkey made a substantial contribution to the international movement for abolition of the death penalty by removing capital punishment for all peacetime offences, and in November 2003 made permanent this commitment by ratifying the sixth optional protocol to the European Human Rights Convention. In January 2004, Turkey completed abolition of the death penalty by ratifying article 13, which covers wartime executions.⁷⁵

Besides these democratization steps and legal attuning, in 2004, the Turkish and Iraqi governments reached agreement on the return of Kurdish refugees who had fled due to village evacuations and inappropriate living conditions in Southeast Turkey during armed conflict in the region. The people concerned were an estimated to number 13,000 Turkish citizens (ethnic Kurds) who had been living in exile in Iraq since the 1990s. The return process agreed between the governments was return on a voluntary basis, as voluntarism is a legal imperative of the return of IDPs. The agreement provides that UNHCR will have full and unhindered access to the refugees in Iraq as well as in Turkey. At the same time, Turkish authorities were to ensure that

⁷³ For more information on political developments since 2001 see also Section B of the report by the COE Parliamentary Monitoring Committee, "Turkey: Explanatory memorandum", by the co-rapporteurs, Mrs. Mady Delvaux-Stehres and Mr. Luc Van den Brande (Co-rapporteurs) March 2004
<http://assembly.coe.int/communication/TemporaryDocs/Asmon/Turkey/TurkeymemorandumE.pdf>

⁷⁴ Permanent Mission of Turkey to the UN. Letter dated 19 August 2003 from the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Acting High Commissioner for Human Rights. Geneva: November 7, 2003,
<http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/8254f9aad4a4cfd2c1256e1300502e67/Opendocument> or OHCHR November 2003

⁷⁵ HRW 26 January 2004, <http://hrw.org/english/docs/2003/12/31/turkey7023.htm>

refugees who return voluntarily to Turkey are free to return to their former places of residence or any other place of their choice in the country⁷⁶

Formal negotiations on Turkey's EU membership depend significantly on the country's ability to meet EU requirements on human rights, democracy and the rule of law. Thus, from the beginning, Turkey undertook a democratization process and ratification of several reforms in order to alter its deep-seated state policies and overcome rigid attitudes on the matter of the Southeast. However, when the December 2004 deadline arrived for the decision on whether Turkey had fulfilled the "Copenhagen criteria" on human rights, democracy and the rule of law, the EU concluded that legislative progress toward EU criteria had been undermined by an unwillingness to actually put laws into practice. Extensive reforms related to human rights were passed by Parliament in January and July 2003, yet many of these, and some adopted in 2002, had not been implemented by the end of 2003. On a parallel with the report of the EU authorities, the HRW noted uneven progress in freedom of expression and assembly in the first two months of the year, which yielded a mixed record in freedom of expression and assembly.

Despite strong opposition from university authorities, the Supreme Court in January affirmed that students had a right to petition for optional courses in Kurdish. But in the same month, another chamber of the high court confirmed a one-year prison sentence imposed on radio broadcaster Sabri Öziç for expressing the view that the parliament had committed a 'terrorist' act by authorizing deployment of troops in Iraq. Öziç was convicted and sentenced to one year in prison under article 159 of the Turkish criminal code, which punishes insults against state

⁷⁶ UNHCR 23 January 2004, <http://www.unhcr.org/cgi/bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=4010ff129&page=news>

institutions. Öziç was exercising his right to free speech. His conviction confounds common sense and violates Turkey's obligations under the European Convention on Human Rights.

In January, courts in Turkey also continued the trial against the Turkish Human Rights Foundation, accused of breaching the Law on Foundations by passing information to the European Parliament and the United Nations. The courts handed down a 10-month prison sentence—later converted to a fine—to Şefika Gürbüz, director of an organization addressing the plight of internally displaced persons (Göç-Der), for publishing a report on the issue.⁷⁷⁻⁷⁸ The state security court in Ankara again refused to release four Kurdish members of parliament who are serving their tenth year in prison for non-violent political activities. They are now being retried after the European Court of Human Rights found that their initial trial was unfair. The European Parliament has repeatedly called for their release.⁷⁹

In other areas, legislative progress toward EU criteria has been undermined by grudging and uneven implementation. Amendments to the Turkish criminal procedure code to guarantee detainees access to legal counsel have reduced previously commonplace allegations of severe torture. But a persistent trickle of alarming reports indicates that police continue to subject suspects to beatings and mock executions before bringing them to the police station. Access to legal counsel has improved considerably, but bar associations report that police are experimenting with ways to circumvent the new protections by means that include failing to inform detainees of their right to see a lawyer free of charge, or telling lawyers that their clients do not want to speak to them. Instead of ensuring implementation of reforms at home, Turkish

⁷⁷ Further information about the trial of Şefika Gürbüz can be found at Human Rights Watch Report:

www.hrw.org/reports/2005/turkey0305/5.htm or at <http://www.radikal.com.tr/haber.php?haberno=103179>

⁷⁸ The Göç-der report based on the analysis of the situation of the IDPs in major cities between 1999-2001 is available on http://www.gocder.net/rprlr/goc_raporu.doc

⁷⁹ For Further information about the imprisonment and release of the four Kurdish MPs please see: Amnesty International's document on the issue : <http://www.amnesty.org/ailib/intcam/turkey/turk1.htm>

Prime Minister, Recep Tayyip Erdoğan, and Foreign Minister, Abdullah Gül, spend much time abroad promoting Turkey's EU candidacy and renewing diplomatic contacts with allies who might support their EU bid.

In this rather critical situation, Human Rights Watch indicated that the key to successful reform is more and closer supervision by the national government and independent bodies. The Interior Ministry should open a major internal investigation into each and every allegation of ill-treatment and make the results of these investigations public. The Turkish government should also closely monitor its security forces, through a concerted program of visits to places of detention by official agencies and high-ranking police officers, as well as by bar associations and nongovernmental organizations. The HRW also underlined that the prosecution and the judiciary should cease their pursuit of cases based on legal provisions that are in flagrant violation of regional and international human rights standards, including the European Convention on Human Rights and the International Covenant on Civil and Political Rights, which are applicable law within Turkey.⁸⁰

6. The Question of Return and Rehabilitation Emerges in Turkey's E.U. Bid

The depopulation of the East and the South-east for security reasons and economic factors has been another focus point of the EU. The reporters were told that the ban on pasturing herds on the high plateaux, considered to be PKK strongholds, along with the first Gulf War, which totally interrupted trade with Iraq, and the under-development of a region where insecurity means that no one wants to invest, are just as significant as the destruction of villages and the enforced displacements imposed by the security forces. Most NGOs consider that improving economic and

⁸⁰ See annual HRW Country Reports on Turkey, as well as HRW, *Forced Displacement of Ethnic Kurds from Southeastern Turkey* (Washington D.C.: Human Rights Watch, 1994) and HRW, *Displaced and Disregarded*.

social conditions is a sine qua non for the return of the population, whether it left under compulsion or voluntarily.⁸¹ In other words, as Council of Europe has stated in reports many times, this conflict paralysed the infrastructure of the rural economy and also destroyed the culture of a constitutional state.

6. A Return to Villages and Rehabilitation Program

During this time, the first step taken by the government to facilitate IDPs' return to their original places of residence was the RVRP (Return to Villages and Rehabilitation Programme). At the time, many villagers had the feeling that conditions in the Southeast had improved sufficiently to consider returning to their homes. The PKK had announced a unilateral ceasefire within Turkey in 1999 and while clashes and security operations continued, they were occurring at a much lower level than in earlier years. The Return to Village and Rehabilitation Project (RVRP) was enacted in the same year, and suggested that the government was of a similar mind. This project—which first included the twelve provinces of Batman, Bingöl, Bitlis, Diyarbakır, Elazığ, Hakkâri, Mardin, Muş, Siirt, Şırnak, Tunceli and Van, was later extended to include Adıyaman and Ağrı as well. The responsibilities of the RVRP included: Resettlement of those who wished to return to their own villages or to other available areas, the building of necessary social and economic infrastructure, facilitating sustainable living conditions during re-settlement, the rebuilding and revival of disrupted rural life, the development of a more balanced settlement plan in rural areas, a more rational distribution of government investments and services, and supporting the development of “central villages” (*merkez köy*). In 2000, administration of the RVRP passed from the General Directorate of Rural Services, which had operated the project

⁸¹ COE PA Monitoring Committee March 2004, pp.44-45

between 1994-1999, to the Ministry of Internal Affairs and the relevant governorships, intending to enlarge the project's scope and to make its implementation more practical.

Although these developments gave cause for optimism, hundreds of thousands of displaced villagers, deprived of home and income, continued to be displaced, living in considerable hardship in cities throughout the rest of Turkey. Those who did manage to return with their own savings were encountering various difficulties with state authorities. According to the findings of TESEV's Working and Monitoring Group's fieldwork in three provinces in the region, the RVRP was in some respects problematic; there were still some critical obstacles preventing return; serious problems were being encountered in some villages where there has been return, and, therefore, that returns might not be sustainable.

The most significant point of criticism concerns practices pertaining to the RVRP, namely the inconsistency in the implementation of the RVRP in different provinces, and the use of resources for purposes other than those related to the needs of families wishing to return.

Another vital problem was IDPs being settled in rural areas within the same region but other than those they had left. They were settled through central village or housing projects. Given the social and cultural structure in the region, animosities between groups which emerged in the course of the armed conflict and the disintegration of social relationships, many families will clearly do not want to live in centralized settlements.⁸² Moreover, individuals had the right to return to their original homes. But in these cases, return to habitual places of residence or settlement elsewhere is voluntary and assistance is not made contingent on certain conditions. Aside from the problems arising from the application of the RVRP, there were other critical obstacles to return:

⁸² Policies of building "central villages" (*merkez köy*), "centers of attraction" (*cazibe merkezi*) and "village townships" (*köy-kent*) for purposes of centralizing rural settlements and/or public services in rural areas have existed in Turkey for some time. However, before implementing similar policies in the East and Southeast one needs to consider the cultural and social conditions as well as the security situation in the region.

Inadequacy of village infrastructure, revealed in the lack of electricity, water, sewage systems and healthcare services, lack of government assistance, the collapse of animal husbandry and agriculture due to armed conflict; and the dire economic conditions of those who wish to return.

Another obstacle for those who now live in large cities in western Turkey and who wish to return has been that they cannot meet the financial cost of return. Even if the RVRP gives aid in the form of a limited amount of construction materials or a few animals, these IDPs cannot afford the expenses related to moving, and re-establishing their living. The RVRP has remained incapable of addressing these shortcomings.⁸³

Meanwhile, the EU continues to mention the situation of IDPs in Turkey and persists in urging the government towards the formation of suitable conditions in order to enhance their voluntary return. The EU has also called for the Turkish authorities to implement an effective policy for the rehabilitation of villages in the East and Southeast. The lifting of the state of emergency in the last two provinces in 2002 was yet another factor in making a new beginning by rehabilitating villages and preparing suitable conditions for a voluntary return. The ending of the state of emergency and passage to normal life in the region certainly brought many gains. Under state of emergency regulations, governors could clear whole villages, ban undesirable persons from the region, censor the media, authorize house searches without court permission, and to issue decrees without requiring any scrutiny by the Turkish courts. Because state and security authorities in state of emergency regions could not have legal action taken against them, state despotism has established deep roots for itself. Even with disbandment of the special authorities,

⁸³ Internet Source: The report of TESEV Working and Monitoring Group on the Post-Displacement Restitution of Citizenship Rights and Social Rehabilitation, titled as “ *The Problem of Internal Displacement in Turkey: Assessment and Policy Proposals*”, dated 22 nd of December 2005
http://www.tesev.org.tr/eng/events/TESEV_IDP%20ReportEditedTranslation-Final22Dec05.doc

an immense tragedy has been left behind. Villages have been devastated, land laid waste and animals slaughtered, meaning no opportunities existed in the region.

The official lifting of the state of emergency did not in practice effect a quick return to normal life under a constitutional state. After the RVRP, the government made modest attempts to help the IDPs who were forcibly removed from their villages to return home. The rate of incidents in the East is much reduced even though the PKK, renamed Kongra-Gel, ended the ceasefire called after Mr Öcalan was arrested in Kenya in 1999. In 2002 the organisation claimed that the government had reneged on a promised amnesty to its members, and their decision to cancel the ceasefire has served to make the path to return rockier.

6. B Law on Compensation of Losses Arising from Acts of Terror and the Measures Taken to Fight against Terror

As the situation was rendered more difficult by the cancellation by the PKK of the ceasefire, the beginning of sudden attacks on *jandarma* stations, random bombings and so on, in his 2002 report in which he called on the government to remove the obstacles to return to villages, Francis Deng⁸⁴ emphasised the importance of compensating IDPs for their losses.⁸⁵ Enacted in response to this call, which was reiterated in the European Commission's Progress Reports, Law no. 5233 came into effect on July 27, 2004, and regulations for implementing the law were published in the Official Gazette on October 20, 2004, immediately following the E.U.'s Progress Report dated October 6, 2004.⁸⁶

⁸⁴ Francis Deng is a former Sudanese minister of state for foreign affairs and ambassador to Canada, the United States and Scandinavia. Since 1992 he has been the Representative of the UN Secretary-General on Internally Displaced Persons.

⁸⁵ For the detailed annual reports to the United Nations on Internally Displaced Persons, please see: <http://www.brook.edu/fp/projects/idp/unreports.htm>

⁸⁶ See Turkish Parliament's web site for the full version of the Law No. 5233 "The Law on Compensation for Damage Arising from Terror and Combating Terror": <http://www2.tbmm.gov.tr/d22/1/1-0793.pdf>

The European Union's October Progress Report included a section entitled "Economic and Social Rights", which addressed the situation in East and Southeast Anatolia and noted improvements concerning security and fundamental rights. However, the report also described as "still critical" the situation of internally displaced persons. The report mentioned that the steps the government had taken in order to solve the problem were limited to the "Return to Villages and Rehabilitation Project" which intends to secure the economic infrastructure for return, and the "Law on Compensation of Losses Arising from Acts of Terror and the Measures Taken in the Fight against Terror" (Law no. 5233). On a parallel with the EU progress report, the TESEV report on efforts to overcome obstacles to return, in the context of the EU, comments that the measures do not suffice, and that the village guard system, landmines, economic underdevelopment in the region, the danger of renewed armed conflict, and other factors present obstacles to return.⁸⁷ Even though the insufficient parts of the newly enacted law were more frequently highlighted and criticised, Law no. 5233 is a positive first step on the way to restitution of the rights violated in the context of forced migration. In fact, implementation of the law carries great importance for Turkey's membership to the EU, and thus it would be dangerous to merely underscore inadequacies and problems embedded in the letter of the law.

The extensive study made by the TESEV Working and Monitoring group in order to analyse law no. 5233 draws attention to several important deficiencies both in the letter of the law and its implementation which may be problematic in the near future. First of all, the aim stated in the law is to secure compensation for losses "arising from acts of terror or from measures taken to

⁸⁷ The TESEV report prepared by the Working and Monitoring Group on the Post-Displacement Restitution of Citizenship Rights and Social Rehabilitation, established under the auspices of TESEV's Democratization Program. For the study, the working and monitoring group has reviewed the relevant international and Turkish literatures, conducted fieldwork in Diyarbakır, Batman, Istanbul and Hakkâri, and prepared this report.

fight against terror.”⁸⁸ This definition seems to be extremely inclusive and encompass victims who were forced to migrate, either by the PKK for having become village guards, or by the security forces for refusing to become village guards. However, the Guiding Principle’s on Internal Displacement (GPID) definition of displacement includes not only victims who were “forced” to migrate, but also victims who were “obliged” to migrate due to the negative consequences of armed conflict. Because of this causal linkage and the differentiation between ‘forced’ and ‘obliged’ individuals, the law excludes those who migrated because of negative outcomes of armed conflict in the region. In addition, the law is not retroactive, and so does not effect the period before 1987 (the year the government announced emergency rule and recognized the right of individual petition to the EctHR). This means the law does not offer compensation for losses sustained between 1984, the year when the armed clashes started, and 1987. Moreover, the law is not clear about whether IDPs who have left the country following their displacement will be able to benefit from this law or not.

The law compensates for pecuniary damage inflicted not only on property, but also on the life and body of the person. Yet, according to this research, and TESEV’s findings, this important point is not clearly understood by IDPs, most of whom do not know about the law at all. Those who are aware of the law believe that it covers only village evacuations and does not compensate for death and injury.

Another significant issue is the expression used in the law. The law is to compensate for casualties “arising from acts of terror”. There are IDPs among the informants who state that they hesitate to apply as they are afraid of being considered a terrorist by the state. They believe the state is still suspicious of them and will never treat them as equal citizens. After so many hard years in their villages and in the cities to which they migrated, the IDP informants simply do not

⁸⁸ Law no. 5233, article I.

rely on the state to provide ultimate justice. They claim that their experiences are evidence of the impossibility of just state action on this issue, and do not want to invest their hopes in what they see as the least possible of dreams. Given that they are not well informed on law no. 5233, it would appear that they are correct in thinking that the state is not that enthusiastic about uncovering every aspect of the events in order to ease the way towards progress on this issue. Based on their experience, they are of the opinion that officials would prefer not resolve the illegalities of the period, or in other words would not wish the truth to come out. Therefore, it would be naive to imagine that the state would compensate them for all their losses. In this causal linkage, it is important to recognize that the relationship between the state and IDPs still feeds on distrust more than anything else.

Indeed, it must be said that the state did not do much to publicise the law or set up a method by which people could benefit from it. What all this means to the IDP informants in this research is that although the law has been enacted, the state does not accept explicit responsibility and does not apportion blame to the administration in charge of governance at the time. Yet, the law is based on the “doctrine of social risk based on the objective responsibility of the state.” In order for justice to be achieved, the state confronting their responsibility is hugely important for the IDPs.

According to the findings of the TESEV report this mistrust leads victims to apply to NGOs rather than directly to state authorities, information which tallies completely with the results of the fieldwork of this thesis. This explains why the village guards and their families petition governorships, while the victims seek justice through the help of NGOs. They do not directly petition the state because they still feel fear going on record against the state and thus being part of state records. As a result of this great fear they are not availing of this important opportunity. Keeping themselves hidden from and unidentified by the state, they are losing the

chance to identify the perpetrators of human rights violations during forced migration, and by doing so are contributing to the imprint on society's collective memory that extralegal practices took place under emergency rule.

Law no. 5233 does not compensate for pain and suffering, while the ECtHR does. Compensation for pain and suffering is more valuable to villagers who did not own their own land and/or home and/or boats, but who were uprooted from the lands they cultivated and used. In a similar manner, non-pecuniary damages could, to an extent, remedy grievances in cases where land possession rights cannot be proven. Moreover, the law provides an extremely low amount of pecuniary damages for death and bodily harm 14 billion TL=14 million YTL provided for loss of life is very inadequate in the eyes of IDP informants. They also question how the state authorities calculated this meagre fixed amount when the issue is loss of life. Indeed, it is ironic that the amount of damages provided under Law no. 5233 is less than that granted to IDPs who apply to the ECtHR.

There are significant problems with implementation of the law as well. The law is too restrictive and standardised about the amounts to be paid to households damaged in the period, even though the Ministry of Foreign Affairs instructs the commissions to be flexible in awarding damages. Yet, leaving this decision to the discretion of the commissions is the source of yet another problem. In this case, evaluations of harm and causalities in a household can vary from one commission to another, thus making it more difficult to reach morally appropriate compensation amounts. The little discretionary power that commissions possess causes serious problems in the implementation, and open the way to those who want to abuse the law or cause others to be prejudicial concerning IDPs, whom they perceive as opportunist PKK collaborators.

Moreover, according to attorneys monitoring the law's implementation in Diyarbakır, commissions deny compensation to persons with a previous conviction for terrorism without

evaluating whether the losses of these individuals resulted from their own acts. In this respect, as TESEV's report emphasizes, it is all the more important to emphasise in an explanatory note that individuals convicted of terrorism should be compensated for losses that did not rise from acts for which they were prosecuted.

The structure of the commissions responsible for implementation of the law constitutes another problematic issue. The commission members are primarily public officials, and hence, IDPs have doubts about their impartiality and independence. Commission members serve in this position in addition to their main duties and without receiving any financial compensation. This situation may result in the contingency of the goodwill and personal sense of responsibility of their members. The acting attorneys are not civil servants and do not have the regular income of the others. However, compensation is a crucial issue for the voluntary return of millions and thus, leaving its implementation to the self-sacrifice and personal sense of responsibility of commission members is preventing the law from achieving its targets.

In conclusion, with so many problems in both its letter and its implementation, the law is far from promising a lasting solution to the problem. In today's Turkey, 14 billion TL (14 million YTL) for the loss of one of a household bread winner is not adequate even for construction of a home in a village. Determining a fixed amount for their material and non-material losses (pain and suffering) and at the same time leaving flexibility, in some cases, to the discretion of a commission creates a duality. Unsurprisingly, a law with this many deficiencies make the IDP informants question the will and purpose of the state, and ultimately lose what little trust they have. Therefore, many have chosen not to apply for compensation and await a better project. As a result of the duality and unsystematic and random implementations of the state on the IDP issue, the IDPs lose their belief in the goodwill of the state and constantly seek out the "real reason" behind this new state vision emerged under the guidance of the E.U.

In this section, I have portrayed the causes of contemporary internal displacement problem in relation to the evaluation of the Kurdish issue. Thus, this section aimed at pointing to the fact that forced displacement in Turkey was a political decision, which has roots in the early republican period. In accordance to the IDP informants' views on the causes of their displacement, the village guard system, the food embargo and the other methods of security forces to combat PKK activities in the region are shown as the main factors that made the life unbearable in the region and thus, led to the displacement of masses. The section also aimed at representing the recent state initiatives about the return of the internally displaced. I have tried to cover the failures of these state policies, which are pointed out by the IDP informants of this research. As it will be elaborated with the IDP informants' views more in the upcoming section, recent E.U. led state initiatives are exposed to be insufficient to bring a durable solution for the problem.

The IDPs' wishes, expectations and thoughts about the recent government attempts and state policies are better explained in the next chapter, which composes the main section of this thesis. Based on fieldwork with IDP informants living in Istanbul and Bursa, it aims to show what return means for those whose victimisation continues after their miserable displacement experience, confined as they are, to living in two of the big cities of Turkey.

CHAPTER III

LUST TO RETURN BUT OBLIGED TO STAY

The underlying rationale which induced hundreds of thousands of people to move to Western Turkey during the 1990s has been largely reduced to developmental factors. This chapter challenges the value of such approaches by identifying a largely forgotten community whose extensive settlement in western cities has never been studied as a part of internal forced migration. The case of internally displaced persons (IDPs) reveals a large number of reasons about why these people fled to western cities as their last place of displacement, and why they are not willing/not able to return. This chapter further explains some of the sociological consequences of migration for IDP communities which arose as a result both of non-recognition by their host societies/ communities and the 'diaspora consciousness' of the individuals concerned. In particular, the chapter looks at how this non-recognition by the host societies/communities affects the capacity of IDPs to politically organize and adopt measures of self-representation.

At first glance, bringing Ralph Ellison's treatment of the "Black American" post-war experience in America to bear on the issue of latter-day internal displacement in Turkey provides us with important insights and gives voice to those hidden from the gaze of the state, society, and international community: "I am a man of substance, of flesh and bone, fiber and liquids- and I might be said to possess a mind. I am invisible; understand, simply because people refuse to see me"⁸⁹.

The term "invisible" is applicable in the case of IDPs in Turkey. On the eve of EU membership the "invisible" haunt Turkey's western cities and the skepticism of ethnic tensions

⁸⁹ Ellison, R.: "Invisible Man". *The Nation*, pp. 3, May 10, 1952.

has long been reflected on the streets of cities such as Istanbul and Bursa, places segregated along some social and ethnic lines. In this respect, this chapter reveals the phenomenon of the diasporic voyager in Turkey's large cities, and bears witness to the ethnic boundaries of the powerful dislocations which provide the descriptive and figurative foundations for the analysis of this dissertation.

Diverse experiences of Turkey's IDPs signal emergent forms of non-affiliation, and the spiritual, social and political solidarity which develops in architecturally separated neighborhoods. The following personal accounts are fragments of the complete story of Turkey's invisible IDPs. They reflect personal anxieties, hopelessness, and the sense of vulnerability experienced as a particular kind of "stranger"; the stranger who lives within the territory of his/her own citizenship⁹⁰. This chapter further explores how failures on the part of the host society, the state and international organizations have contributed to the IDPs' inability to demonstrate a collective political, social and cultural identity and have thus led to the present trauma of invisibility.⁹¹

This search for personal stories exposes important forces/factors affecting the experience of IDPs' invisibility, and aims to demonstrate that EU-led state initiatives to enable voluntary return of the IDPs are oblivious to those hidden lives, those buried in metropolitan areas as surely

⁹⁰ Clifford, James: "On Ethnographic Surrealism", *Comparative Studies in Society and History*, v 23, n 4, pp.: 539-564, 1984.

⁹¹ The present work is the first study that is solely devoted to voice the IDPs' views, thoughts and feelings about their lives and their comments on the return initiatives of the state. The very few studies on the IDPs in Turkey concentrate on the analysis of the problem on the state level. Therefore, they rather make a state level of analysis like the Göç-Der's Study of the causes of displacement and the problems the displaced have been encountered and the ones which discuss the failures in the implementation of the recently enacted law No. 5233 or in the letter of law: "The internal Displacement Problem in Turkey: Assessments and Suggestions for Solution", TESEV report, October 2005, accessible from : http://www.tesev.org.tr/etkinlik/zorunlu_goc_rapor.pdf (authors: D.Yukseker, T.Aker,B.Çelik, D.Kurban, T. Ünalán),or, on the other extend, they make international analysis about the state policies on the issue in the international(systematic) level By: Çelik, Ayşe Betül, " Transnationalization of Human Rights Norms and Its Impact on Internally Displaced Kurds," *Human Rights Quarterly*, Aug2005, Vol. 27 Issue 3, p969-997, 29p, Bilgin Ayata and Deniz Yüksek, "A Belated Awakening: National and International Responses to the Internal Displacement of Kurds in Turkey", [New Perspectives on Turkey](#), no. 32, 2005, pp. 5-42. Therefore, this study composes the only work that analyzes the question of return mainly in the individual level, and supports this main body with the state and international (systematic) level of analysis to form a comprehensive view to the issue.

as if they were in graves. In this respect, the testimonies and commentaries in this chapter reveal that unless the real causes of these peoples' anxieties, fear and hopelessness are uncovered, and a determined effort made to face the challenges that arise in solving the problems behind these causes, the state's efforts through initiatives such as village rehabilitation programs and compensation laws are and will remain far from adequate in reflecting the real problem, and hence inefficient and ineffective in offering any lasting solutions.

There must be countless people in Turkey who have known for years that something is particularly unfair about forced migration and village evacuations, people who have only recently, with the help of pressure from the EU, found it possible to voice the pain experienced by IDPs. This study is an attempt to make some of these voices heard.

IDPs are not willingly silent: “The silence burns within us like a buried ember”

Most displaced migrants are hesitant and fearful of relating their experiences. They are unwilling to recall the bad memories they share. In contrast to Kirişçi's identification of patterns of IDP migration, the informants in this research who have moved to western cities such as Istanbul and Bursa - although selected by the snowball sampling method - are not members of the middle class in provincial cities⁹². However, for most of them, these western cities are their second or third place of settlement after the initial move from rural areas. They are centered on the commonality of being persons who have fled for political reasons, i.e. in most cases the informants themselves, or one or more family member, is involved in or greatly suspected of political involvement in the conflict in the East. These IDPs may be the ones who are victims of human rights violations and suffer because of the state's failure to address these.

⁹² K.Kirişçi: *Turkey, Regional Profile Europe*, in Hampton, Janie (eds.), *Internally Displaced People – A Global Survey*, London, Earthscan Publications, 1998, pp.198-199.

These violations include torture, 'disappearances', extrajudicial executions, unfair trials, destruction of property and forced evacuation from villages in the southeast of the country. Some of these families have lost their belief in justice, and are bored with endless trials, queues at public buildings, and receiving mail indicating that their petitions have been received and are under consideration by the authorities, all of which bring nothing but endless surveillance by the security forces and irregular, unannounced house searches. Dreaming of living away from the suspicious gaze of the security forces, a majority of these IDP families have chosen a metropolis as a last resort in the hope of achieving a freer, humane life and since doing so have also given up on declaring their situation or making any demands on the legal authorities.

On the other hand, there are families whose sons, daughters or husbands fight as guerrillas in the mountains, and who have never thought of applying to any national or international authorities. Although those who have family members in the mountains do not always share the ideology of their guerrilla sons or daughters, they number among those who are most affected by the conflict as they are not only landless, homeless and hopeless for today or tomorrow, but are barely able to keep dreams for their future alive. They have no expectations whatsoever as long as they have “disappeared” children. Although most family members have never been actively involved in the tensions, these informants’ lives are heavily burdened by their relatives or the crimes they are suspected of having committed. This is also true for all other IDP informants in the research. None has ever adjusted to living under the shadow of social and legal accusations⁹³.

The IDP informants in this research who have lost their property, villages and livelihoods live with memories of the past, dreaming of the peaceful old days. However, their fear and

⁹³ As mentioned clearly in Chapter 2, the IDPs in this research belong to communities which, in refusing to join the village protection system, were viewed as PKK sympathizers by the security forces and also attracted the anger of neighboring settlements who chose to join this system. While the PKK punished Kurdish villagers who joined the system, the state security forces rounded up the communities not taking part pressured them to reveal information about PKK activities.

constant feeling of insecurity do not allow them to believe in anyone or any state authority. For them, making demands on any authority or planning to return is a job for the fearless among them, those who still have something to lose.⁹⁴

Trying to survive quietly away from the attention of others is the only possible way for them. The situation of the IDP informants in this research may also be helpful in explaining why IDP applications for compensation under the recently adopted law and their applications to human rights organizations still remain fewer than expected given the estimated IDP population in Turkey.

Having been displaced so many times, ill-treated by the “security authorities”, and escaping from them in the hope of leading a peaceful life, many I met during this research did not at first want to participate in interviews, and some did not speak at all. Yet I also witnessed in others a slowly burgeoning welcome, a gradual relaxation and a willingness to think about their feelings, life and the future, all things which had until then been shepherded out of sight.

Most of the IDPs are Kurdish born; the rest identify themselves as of Turkish origin. However, regardless of their ethnic origin, it is Kurdish-speaking migrant citizens who number most in the western cities. Not particularly separatist, racist or militant, born into a history of rebellions and forced migrations, they are privy to neither power nor status and have no intellectual voice. Having left their citizenship rights far behind, they wait silently for more peaceful days.

IDPs are notoriously taciturn, sullen, and almost silent in fact. Who has ever understood them? Does there a language to voice the feelings of IDPs in this nation? With Kurdish as a mother tongue and being Kurdish in culture, they have Kurdish feelings which, regardless of their

⁹⁴ For a better understanding about how “the return” turns out to be a myth for the migrants, please see Gmelch, G, 1980. Return Migration. *Annual Review of Antropology* 9:13-59.

Turkish or Kurdish ethnic background, do not rest easily alongside the idiom of “Happy is he who can call himself a Turk”⁹⁵.

1. The Way They live in the Cities: People living in the Past in a World of Difference

“The every day life spaces of the city: its neighborhoods, parks, streets and buildings are media through which *citizenship* takes place, and frequently that which is at stake in a struggle”

Walking down the street which would take me to the house of one of my informants, I realized that in order to understand the uncertain nature of the world of IDPs, what they think about returning to their villages and their feelings about the village rehabilitation projects, it was necessary to understand not only the context of their patriation but the way they live in their new habitats. IDPs in Istanbul and Bursa generally live in satellite towns or peripheries, usually unconnected to one another, and, in rare cases, in small communities in the same neighborhood. Thus, a simple observation of the concrete and objective conditions of IDPs’ new settlements reveals the architecture of their new lives. Settled on city margins their new lives are silent, dark and uncertain, their houses hidden in the dark; they live either in basements or in shanties squeezed between apartments. Indeed, the physical appearance of their settlements is adequate in explaining their loneliness and their willingness to recognize the necessity of remaining unseen, and consequently offers some insight to their fears.

“We moved to Istanbul from Mersin in 1998. When we first came we stayed in a park like homeless people. As we were a family the municipality officials did not disturb us at first, but then

⁹⁵ Not all IDP informants in this research identified themselves as Kurdish citizens. Although few in number some identify themselves as “Kurdish speakers of Turkish origin”. Regardless of their ethnic origin this research is built on their common experiences, feelings, thoughts, and plans for a future return. It is also worth mentioning here that IDPs in this research who identified themselves as “Kurdish speakers of Turkish origin” see themselves as people of the same geography as the Kurds. Thus they regard themselves as sharing history, culture, language and problems with the Kurds, who are in majority in the region of origin. They feel no different to the Kurdish IDP community. The only visible difference between these two IDP groups is that the Turkish IDPs indicate that relatives in western cities who had previously been forced to migrate to Istanbul and Bursa at the time of the forced internal displacement of the late 1930s assisted them financially and in finding a place to resettle. However, those IDPs identifying themselves as Kurdish state that they had no networks in these cities.

the police started to come by and start to ask questions. In the meantime my husband found a job as a long- distance truck driver and we moved to a basement flat. The police came many times and asked for him. When he came back they detained him. Then he was found guilty of political involvement because there was no body to vouch for him. Since then, we have moved into this damp basement. I have three children. My older son was nine when we came here, but now he earns our living by sewing leather pieces in a workshop. We still have days without bread to eat. If my husband is living in a prison, then this house is our prison. We are living in darkness in this place. You see there are no windows here and the damp has made us ill. There is no such thing as freedom for us. We are like people in a tomb. We are no freer than him”

“They live in total darkness, without seeing anyone; their world is closed, even to each other”

Although the informants in Istanbul live in proximate neighborhoods or sometimes in the same neighborhood or street as other IDPs, they do not mix with each other. They know about a few families and where these families have come from and their experience of migration, because of the lack of trust most of them socialize with neither the local society nor the IDPs living in the same neighborhood. In some cases, their children play together in the streets and, if they go to school, they share the same desk, but their families mostly do not enter into any relationship. The informants indicate that there are many other IDPs living in their neighborhood, but they do not know exactly where the others live. If they are in touch with one or two families, they feel lucky to be sharing life, but they are still hesitant about going to go each other’s houses very frequently, to avoid becoming mixed up in each other’s troubles.

“I don’t trust anyone here; I don’t trust people, including others in a similar situation to us. I don’t trust someone who doesn’t trust me and that is what I advise my wife and children to do. Actually, it’s not a matter of trust. I’ve been here for five years now and I don’t know what’s going to happen to my family. I don’t know whether I am going to cause more trouble for them or someone I see is going to cause a problem for us. We Kurdish migrants all suffer from the same loneliness that comes from being outsiders. This is what I understand”.

One of the informants who indicated that they have relations with other IDP families in the neighborhood was a party delegate in her neighborhood. She has been working to create a network among the IDPs for six years and so felt confident in speaking on behalf of others;

giving information about the others' condition, thoughts and feelings in detail. However, she did not give the addresses of other IDPs as she was aware that they might not wish to speak and for security reasons would not wish their address to be known. *"There are thousands of people around here that you do not see, and their all their lives are painful. Revealing them or their whereabouts would be disrespectful to their pain"*, she added. IDPs often feel that their position is not similar to that of other IDPs and feel that they are at a distinct disadvantage compared to all the others living in poor conditions in the same city.

The informants indicate that their resettlement experience is characterized by constant stress and feelings of insecurity. In most cases, the causes of this stress are lack of Turkish, difficulty in finding employment, feelings of abandonment and the ongoing conflict in eastern Turkey.

"You need to be safe in order to feel safe... We feel great pressure from war trauma with my sons in the mountains and when we hear about war casualties every day on TELEVISION and radio... and we are forced to live everyday life at the same time"

As a result of the fear they carry with them to the cities from their place of origin, most of the IDP informants are not registered, or registered in one location but actually living elsewhere. In other words, as stated in Göç-Der (The Migrants' Social and Solidarity Association)'s 2002 report, they seek invisibility. Those who are registered are very few in number and indicate that they had remained unregistered for years because for most of them these cities are not their first experience of settlement after their displacement and their experiences in the former places of settlement show that registering with the local registration official (*muhtar*) always brings the police with it. When the police come, they sometimes tell them to come to the police station each month to sign a statement declaring that they are still at the same residence. There are informants also who do not register their families since they are afraid that the police will find their address and this will mean a return to the old days. *"Why should I move to another city only to register*

and have them find and torture me again? It would be meaningless” says, one of the IDP informants, who is the father of six children and who have encountered severe conditions more or less similar to the others.

With no record IDPs cannot vote, cannot access health services - they cannot obtain the ‘green card’ given by the state to the unemployed to access free medical care - and their children cannot gain access to school education. Yet, these parents feel they cannot take the risk of registering. “The loss of education for one's children is a very high price indeed to pay, and it is not logical to think that displaced people would take this course of action unless they had real grounds for fear”⁹⁶. Thus, these people choose to be free by being invisible, even if this means existing in a kind of exile.

The lack of Turkish is another important issue for the IDPs, who see language proficiency as another obstacle to education, social networks with the host community and coping with daily tasks. Extreme difficulty in finding work completes this picture.

“Without Turkish you cannot find a job and without a job you cannot learn Turkish”

Therefore, the displaced families, lacking possibilities and kinship relations necessary for them to settle into their new living environments, explain how over time they have become dependent on those other Kurdish citizens who migrated to such places voluntarily long before the emergence of armed conflicts in the region of origin and who had integrated into the urban social life. They depend on these people for lodging and/or employment. However, because those who have integrated may be fearful of being in contact with the non-voluntary migrant newcomers it is not always easy for the displaced people to find an intermediary willing to help them. Most of the displaced spoke of the extreme difficulty in finding work and, in several cases,

⁹⁶ Atreya, N.; McDowall, D.; Ozbolat, P. February 2001, pp. 16-17

reported discrimination in that employers/landlords prefer to employ and/or rent property to Turks rather than Kurds.

“There were women sitting on the street sewing some beads on the sweaters in the same way... From time to time, I could hear them speaking in Kurdish. One day I went by and asked if they had any work for me. One of them said no, but after a time one of those women knocked on the door. She offered to share her work with me. In return she was going to give me some money from the profits. I agreed and now sometimes she gives some money and sometimes she doesn't. I was the woman of my house and the mother of my children in the village; I had never begged anyone for anything until we came here. I would return and live with pride in my village. But my husband says that nothing and no one remain in the village. What will my children do in an empty place? Seeing either the soldiers or the guerillas, they may some day decide to go to the mountains, what will I do then?”

Although they can afford it, these people cannot rent whichever floor they wish as others do. The IDPs indicate that house owners either deny that their houses are for rent or say directly say that they have no place for the IDPs. This is because IDP families are too large or dirty or do not have a regular base or income. If the owners agree to rent, in most cases they demand that someone act as guarantor for the family, accepting responsibility that payments are made on time. Moreover, since no contract exists between the family and the owner the family leaves immediately on request from the landlord as they cannot have the issue submitted to the legal authorities.

“We came here in the summer of 2001. The weather was hot and we stayed in a park in Bağcılar, me, my wife and 3 children, then my elder son and his family joined us. The security guards allowed us to stay as we were a family. We couldn't find a better place to move until the weather got really bad. This is our sixth house, last month we painted the walls but we must move again because the owner says he needs the house”

“Separate identity creates integration problems for the displaced”

The IDPS are furious at being stereotyped as terrorists and wonder why people make such little effort to understand their situation. They see that the native inhabitants of western cities have certain prejudices against them and have constructed a collective identity for the newcomers. IDP observations show that this new collective identity is based on race rather than culture. As stated

in Göç-der's report the IDPs are perceived and treated, at specific times and in specific places, as 'potential criminals' by public and local administrators, security forces and the police⁹⁷.

The IDPs even refer to the social exclusion of those other Kurdish citizens who earlier voluntarily migrated for economic reasons long before the armed conflicts in the region and have integrated into urban social life. Their fear of contact with the newcomers is most probably based on not wanting to be in any way associated with the armed conflict that has led to ethnic tension among urban masses and given rise to national prejudices.

Whether or not they are of the same ethnic origin - either Kurdish or Turkish - the IDPs observe that the native inhabitants of the settlements participate in different kinds of activities aimed at preventing the newcomers from living a sedentary life. They say that their neighbors teach their children not to play with the children of IDP families; some IDP women say that the women sitting chatting in front of the apartments on summer evenings get up and walk away when they go and sit nearby.

One IDP woman stated that when they first moved to their current apartment, she twice saw that when her children accidentally touched other children while passing along the hall or through a doorway, the mothers of the other children shouted at their own to go and clean themselves up immediately. Some IDPs relate how the other inhabitants complain about the bad smell in the building or the noise coming from the IDP's flat. They add that they often hear these complaints being made in Kurdish, and wonder what it is that is being shouted at them in Turkish. A great majority of IDPs complain that their landlords insist on their vacating a flat because they are not keeping up with rent payments or because the families are very large and cause damage to the flat and disturb the neighbors. The IDP informants often indicate that native urban

⁹⁷ Göç-Der 2002, p.26-III.

inhabitants' attitudes are an offense to their identities and bring something alien and unfamiliar into the very heart of their lives.

"I think bitterly that they see themselves and their thoughts as privileged. But these bad thoughts cost nothing and were not produced by the labor of their own experience. I cannot enter their souls or their consciences to find out where conviction stops and conscience begins. The innate empathy we share as human beings seems to have been buried so deeply within them that they have forgotten it. They believe what they would like to believe. Maybe their desire to possess only the best ideas prevents them from knowing which ideas are really theirs."

The IDPs are very much bothered by the behavior of big city urban society and the behavior of a state that can force its citizens to migrate. These behave as if the wheel of their world has already been invented; but if a wheel is on the wrong path and cannot change direction itself then it is a worthy struggle to reinvent it. Most IDP informants do not feel strong enough to become involved in this struggle for now, but they *do* believe that if the problems cannot be solved and the wheel does not change direction of its own accord, then this struggle should be undertaken by people at a more appropriate time - maybe even by themselves when they feel ready. Aside from questioning the deeply- rooted causes of the armed conflict and the state politics that have led to their disastrous situation, they also attempt to question how society 'in its wisdom' has created prejudices and a determined lack of understanding or empathy that allow people to exclude and ignore the IDPs in their midst. They question the social boundaries created by the wisdom of society in the cities in which they live, a wisdom that has created non-physical frontiers which need to be more fluid and open and remain for the most part uncharted.

One sphere in which the IDPs encounter undesirable isolation is state education. They often refer to misbehavior by their children's classmates and/or schoolmates, and occasionally, to mistreatment by the teachers. However, the IDP children's education problem is not limited to social exclusion in school, because, in fact, many of the children do not have access to public education due to their families' material or legal conditions.

Most of the IDP informants see public education as a primary tool in their children's adaptation to their new social environment. Besides concerns about adaptation, some parents emphasized that they want their children to attend a public school, because they wish them to be modern rather than ignorant; to be reasonable rather than dogmatic. Being free clearly means not living under ecclesiastical authority.

However, in their efforts to send their children to a public school they refer to three obstacles each of which is harder to overcome: First, they must have adequate financial means; second, they are required to declare their address to the local registration official (*muhtar*) in order to register their children in a school. However, most IDP families do not have a regular source of income, and, as stated above, have not registered themselves locally for security reasons. Finally, most IDP children of primary school age do not have sufficient Turkish to follow the courses. Therefore, most (out of 50 households of this research more than 40 households' children) are not sent to school.

The Kurdish IDP families who send their children to school are, for the most part, registered with a *muhtar* outside the neighborhood in which they actually live. In these rare cases, the research informants refer to the help obtained from other Kurdish citizens who, in return for payment, allow their address to be used in registering the family. The informants who manage to send their children to school often speak of the discrimination practiced against their children both by other students and sometimes even teachers. The IDP parents say on entering the schools and the surrounding areas their children quickly become targets of harassment and playground pranks.

"I remember other children were tripping my son up on the way to the house, they were hitting him with balled up paper, pouring milk over his head" says another IDP mother.

According to IDP parents, local children do not want to share a desk with an IDP child; they do not want to cooperate in class activities with the migrant children and do not want to play with them in the breaks. Some state that teachers forget their children do not speak Turkish when they start school, and are beaten by the teachers whenever and wherever they are heard speaking in Kurdish. This situation causes deep trauma in these young citizens. The informants state that living in this highly discriminatory atmosphere⁹⁸ their children automatically learn to speak Turkish outside the house and Kurdish at home, but they stress that rather than this being a sign of successful adaptation, it is a requirement for defense against society.

“It is hard bringing up the children in this part of Turkey without becoming defensive, perhaps a little paranoid, feeling forced to create a world of “us” and “them”

These parents are thoughtful about the negative consequences of the social discrimination at school, which fill their children with a sense of inferiority. Most IDP informant families have more than four children. The parents wish to raise their children in a traditional way according to rural culture. This is why the children are let out onto the street to play almost as soon as they can walk under the care of the older daughters of the families. The parents view the street as giving the children the most important schooling and they believe that the socialization process can only be completed in this way. They can also of course learn Turkish there. In leaving their children to the school of life on the street, they expect their children to behave like adults. However, street life in this case does not always resemble that which the parents experienced in their villages. The streets do not welcome or internalize them. On the contrary, children who do not attend school encounter a more discriminatory attitude from the native settlers and their children in the streets than do the lucky IDP children who go to school. Other children do not include

⁹⁸ The IDP informants in this research who state that they are of Turkish origin indicate that regardless of their actual ethnic origin (Kurdish, Turkish or Assyrian), all the latter arrivals from the east and southeast are seen as “Kurds” by the majority society in their new settlements.

them in their games, and use them as scapegoats; as if they and their parents are responsible for losses suffered by the Turkish nation.⁹⁹

The IDP informants believe that it is impossible to keep so many children inside in their small houses. However, these people, who are still trusting of society's goodwill - at least where children are concerned - at the same time suffer greatly as a result of the social exclusion their children are subjected to on the streets. This exclusion and the feeling of otherness they experience in this fearsome environment can sometimes lead these young IDP children to fall into the hands of criminal groups. When this happens the parents are too ashamed to speak out about the fact that their children are exposed to physical abuse and narcotic abuse. Some of our informants hesitantly explain that they are aware that their sons are involved to petty theft from time to time.¹⁰⁰

"I found textile ateliers for two of my girls who did not go to school. We could not afford to send them. When we first came here we had nothing, we lived in extreme hardship. I could not find any job for myself or for my wife. Both of us had tuberculosis when we migrated and since then we have never been healthy enough to work. The girls were children when they first started working. But it was only after they started to work that we could pay the rent of the house. The boys came with us to this city but were too young to work, and they have grown up in the streets during the last 7 years. They met some other children and men on the streets. Now, they only come to the house sometimes. We do not know where they go, where they live. The city took them from us. I cannot blame them for this; I couldn't give them anything better"

One main reason IDP families are unhappy in big western cities is that back in their villages they at least had control over their own families. Similar to DuBois's Black America, these IDPs living in big western cities of Turkey sometimes manifest themselves through higher rates of crime, poverty, and substance abuse among IDPs as compared to the other citizens living in the same city. With these sad disparities between them and the other inhabitants of the cities in which they are living, they live in their world within another world that is immensely different than their own.

⁹⁹ See Ayhan Kaya, "Cultural Reification in Circassian Diaspora: Stereotypes, Prejudices and Ethnic Relations," *Journal of Ethnic and Migration Studies*, Vol. 31 (1) (January 2005), for a similar analysis of the prejudices, stereotypes, and exclusion problems that the migrants encounter in diaspora.

¹⁰⁰ See Ayhan Kaya, *Sicher in Kreuzberg: Berlin'deki Küçük İstanbul, Diasporada kimliğin oluşumu* (İstanbul: Buke Yayınları, 2000), for a similar analysis of the "streets", the roles of the streets on the formation of diasporic identity for the youngsters.

They feel that deep-rooted damage has been done to the family structure by their being removed from their own society. They are unable to continue practicing the rituals, traditions and cultural laws they had practiced for hundreds of years. Disputes in their villages were settled not in courts of law but between the families involved. Some informants illustrate the social laws regulating social and family relations by explaining that in their place of origin, when a wife commits adultery the husband may kill the lover and his wife and this is not considered a crime. Besides adultery, stealing is also not tolerated in their homelands. If a person is caught stealing, no matter what his age, he is severely physically punished and released only after he pleads for his life and promises never to steal again. They add that as everyone fears the punishment there were very few incidents of stealing. In this sense, the IDP parents face many problems today in disciplining their children. Most of them explain that they used to discipline their children with a good beating. If children fight among themselves, talk back to parents or steal, they receive a beating, after a few of which they learn to be better behaved.

Another indicator IDP parents use as an example of the alteration their family structures have undergone since displacement is the change in the roles of family members. They say that traditionally the role men was to work outside of the home and look after the family, while the wife and children stayed at home. Since displacement, it is not uncommon to see children and in rare cases wives working outside while the husbands sit at home. Sometimes both parents stay at home and children work as street sellers or, if only they are lucky, find a job in a textile workshop in their neighborhood or a neighborhood close by. Thus, the traditional way of raising children is no longer applicable and it is for this reason that these parents, who can not keep their children under control, ultimately choose to neglect the serious problems they observe in the moral development of their children. They see survival as the primary issue of concern and so place less importance on other issues.

In one way or another, IDP parents feel terrible that their children meet older people on the streets and pick up bad habits. Some parents think they see a gradual decrease in moral values in their children, who slowly lose respect for their elders and do not fear their parents. They suffer especially at the hands of their sons, some of whom beat them.

“We do not understand the language of these streets, therefore we run into problems when raising our children here”.

They have stories about their children becoming addicted to various substances. Their city lives are full of loss:

“I have eight children; I treated my son as I treated the others, but he became addicted to different things. One day I saw him sniffing glue. When he comes here he wants money. He doesn't listen or speak to us. He only asks for money. He knows we do not have money, but he beats me and my other children to get some. He loses his mind totally. He goes and waits in front of the shop where my daughter works and threatens her to get some money. He also does harm to himself. What's wrong? What did I do wrong? I am his mother and he is terrible to us. He hates me and I cannot do anything to help him. I want to forget him”

Thus, the second major impact of migration is on the family structure itself, and with IDP parents witnessing the irreversible breakdown of the family structure, at least in its pre-migration patriarchic authority incarnation, they have become very strict indeed about keeping their daughters indoors. They wish more than anything to save them from the dangers of the outside world, until it is a better place, or at least until they get married. The structural changes in the family that have been both cause and effect of their vision of the future represent a genuine threat to the type of family system that they seek to preserve. The IDP informants who have lost children to the streets of the cities emphasize that their daughters do not want to go out, and that these children are desperately desirous of returning their villages:

“They do not want to live in this mess. Although we do not explain anything to them, they understand what waits for us outside. They want to return to the village, even though they have few memories of what it looked like. They do not want to hear me saying ‘we do not have a village anymore’. We can not offer anything more than this small, damp, cold house to our children, and we do not have anywhere else to go.”

The IDPs are afraid that the difficulties their children face today will end in self-denial; a denial of their ethnic origin and identity that would cause deep divisions in their lives and characters. They would accuse the state, the people and the system for the wrongs they have suffered, accusations which, according to the parents, would bring peace neither to themselves nor others.

“I do not want my son to feel denial within him like an injury, a scar, and be assimilated by the effect of others’ perceptions. I want to take all of my children back to our village, but my desire to give them a peaceful life may take them back into the firing line. My ignorance may be dangerous for all of us. I do not know how long we can face it here or wait for peace”

Most IDP informants assert that passing on to their children the notion of “feeling pride in being Kurd¹⁰¹” is their most important duty. It may be argued that they think that a positive Kurdish citizenship of the Turkish Republic should be legitimate and purged of its racist-ethnic connotations.

“Can a Kurd be a Turkish Citizen?”

The IDPs feel subject to social and legal constraints and feel contradictions in their daily lives between being a Kurd and a Turkish citizen. The majority frequently refer to three symbols: **land, blood and flag**. *“This country I speak of is the land of our people; the land that our people fought and died for; the land of the Kurds”*. They emphasize that they are capable of the *“greatest act a man can perform; to die for others”*. However, what they understand by flag differs from one to another. For some, the flag of the Turkish Republic is not only a patriotic symbol, but also a symbol of transcendence; many millions of Kurds express a willingness to die beneath it. The flag flies as a celebration of their dignity, and those who attack this chief symbol

¹⁰¹ As mentioned before, most informants in this research, and in fact IDPs in Turkey as a whole, are Kurdish or have Kurdish origins.

of transcendence, human dignity and acceptance are the ones attempting to create otherness in society.

On the other hand, some IDPs do not share these feelings. These ones have great many losses (they have lost their children, their husbands or fathers) during the last decade and have still close relatives, sons and daughters on the mountains. One of their statement rightfully summarizes the others feelings and partial statements. The elder son of the family says:

“Our land has had the Turkish flag flying over it. But this will pass. We have our flag now; it will be placed where it can be flown high to catch the wind which will keep it fully spread. We intend to obtain liberation, stop the spilling onto the earth of our people’s blood. Our people seek peace”.

They think that the native inhabitants i.e. all other people living in western Turkey, generally see them as products of difference – as, of course, they are – in a negative way. The IDPs believe that through involuntary settlement, they and Turkish citizens, the vast majority of whom have only second-hand experience of the ongoing conflict in the IDPs native region, are being forced to engage in a relatively rare experiment:

“We don’t want to enter into the fabric of this city; we come from somewhere else, where emotions and flavors are totally different, and they don’t want us in the fabric of this city. But we are physically embedded in these walls. It is not easy for us to endure in this atmosphere of skepticism. We live here in an irreducible otherness and we can’t give up on our nettlesome and painful past and future. Of course, I can see that these people understand only what they watch and see on television and in the newspapers. They also have pain and as long as the armed conflict lasts in the east and southeast, and we don’t get to the root of the causes that led to it, no one’s pain will ease. Actually they can let us live in peace here, but they are not totally conscious of what is going on in Turkey. They only see the world from their own window; they do not intend to understand others. I don’t think the people outside watch MED TV or read Yeni Gündem.”

“The state and its believers consider ethnicity as unworthy of Turkey, and they are cynical about authority”

Some IDP informants mention that as a result of this cynicism they see in the state and authority, the mutual lack of a trust between the state and the IDPs, is naturally reflected by people in the street. The cynicism they see in people's faces is reflected back as skepticism on their part, an acceptance of things as they are, and not as they should or might be in an ideal world.

Most IDP informants think that their condition must be considered beyond impersonal entities such as class or gender because local inhabitants of western cities associate displaced people with the armed conflict going on in eastern and south-eastern Turkey, and their losses there. Even those who came to western cities long before the IDP migration forget that both they and the IDPs are citizens of the same country, and forget that IDPs have the same rights as those living in western Turkey in theory but, for a long time now, have been unable to access even the basic rights of a secure life and equality before the law.

This loss of memory in western society, or more specifically in the society of local inhabitants of the western cities who share the same public spaces as the IDP informants of this research, is given by most of the IDPs as one of the main reasons for the ongoing "war" (as the IDPs call it) in eastern Turkey, and sometimes is interpreted by IDP informants as one of the factors which makes society in eastern and south-eastern Turkey vulnerable to agitators. This vulnerability is expressed in demonstrations and clashes between civilians and the security forces on the streets in the east and southeast and, more recently, on the streets of the western cities as well.

One sentence much repeated by the IDPs is as follows:

"We want nothing less than freedom and equal citizenship rights for all our people who are suffering oppression under a decaying system ruled by a chosen few."

The brutality of the life they are forced to live does not allow for the translation into a common language of sympathy and understanding of their feelings or their world. It is a life full

of the metaphysics of difference and otherness for IDP subjects. In this life, those with whom IDPs share a habitat are deaf and blind to the IDPs, a situation constructed upon a fundamental difference created by wrong state policies, and it is the very sharing of so many assumptions by the local settlement society that renders IDPs invisible. These are assumptions about the most fundamental human transactions and beliefs, and even reach the stratum of political opinion or overt ideology. They are assumptions about how much physical or psychological “space” should be given to IDPs; about how much “control” is desirable; about what is private and what is public; about what IDPs are allowed and what they have to revere, all of which make IDPs feel the need to hide in order to be themselves, and to remain outside this reality in order to protect themselves from cultural schizophrenia.

On the other hand, they know that they need a true, careful translation to be able to correct society’s false assumptions, a translation that is unforced and made at a time when both sides are ready, because a true translation can only emerge with mutual understanding and sympathy, and this is something society lacks at the moment. The political and social atmosphere is still not ready to absorb this translation while the armed conflict continues in the mountains of the east, Abdullah Öcalan remains imprisoned and both sides are losing children to the conflict.

“The IDP population is not peacefully assimilated in Western Turkey”

The research demonstrates it is the IDPs’ inability or insufficiency to articulate a collective political, social and cultural identity that has led to the trauma of invisibility. However, the fog of invisibility to be lifted and communication with other IDPs strengthened, the consequent sharing of despair at society’s refusal to recognize them would soon lead to finding the missing parts of the *diaspora* identity. Improved communication would be useful in enlarging the sphere of the

ethnic (Kurdish national) and creating a communal space, even a 'deterritorialised nation-state'.¹⁰² However, the political significance of the IDP *diaspora* in Turkey's western cities has long been disregarded and, from one perspective, what the state neglects to see is that the ethnic '*diaspora*' may at some point constitute an extension of a potentially reactionary form of the ethnic community of eastern and south-eastern Turkey. From the state's perspective, the question of 'controlling' the ongoing "irregularities" in eastern cities, villages and mountains appears more important than the existing and emerging potentiality of the *IDP diaspora* in big western cities to identify with and mobilize around issues such as questioning the unfair causes of their terrible living conditions (social and political), willingness to return to their villages or the perpetuation of cultural knowledge and national culture (traditions, religious belief and language).

The personal anxieties and hopelessness of the IDP informants in this research have not yet become connected to the underground Kurdish network whose existence became clearly visible in the summer of 2005 on the streets of Gemlik in Bursa and Gaziosmanpaşa in Istanbul. However, their feelings of otherness and loneliness in dark corners of the cities and their instinct to react to their unfair conditions are implicitly preparing them for absorption into a diaspora movement which would promise them a domain to express themselves and help re-actualize their identities.

The emerging diasporic identity of these individuals may derive, on the one hand, from their desire to anchor their identity in social origins provoked by a sense of loss in the metropolitan areas which have swallowed them up, but it may also derive from their continuing personal suffering brought about by actual participation in their daily struggle to exist in cities. As the IDP diaspora in Turkey's western cities has been created by displacement through state

¹⁰² (Basch, Schiller and Szanton-Blanc;1994).

repression and war (armed conflict), they show a strong tendency to become very violent with grievances against the state.

Having been placed on the offensive, the Kurds are becoming defensive. There seems to be little manifestation of their reaction for now, but this may reveal itself in more ways than one in the future. For now, at least, a less covert reaction of IDPs to their social and political placement is non-principled opposition to state policies such as the armed conflict in the mountains that brought about evacuation of villages, and which led to their dramatic conditions and extreme poverty in urban centres, and indeed to all the integration problems specific to these individuals and this community.

“Since the beginning of 1980s, the Turkish state has pursued a campaign against separatism inside Turkey’s borders, but has been unsuccessful in this campaign. They detained thousands of us, forced us to move by bombing and burning our houses, villages, towns, lands and trees and thus not only displaced us but also apparently displaced the separatism and brought it to within this city’s limits.”

The continued use of ethnic classification by the cities inhabitants in identifying the more recently arrived Kurdish migrants, most of whom are IDPs, seems to be causing some IDPs to find ethnic self-ascriptions acceptable as a way of referring to a shared experience of oppression. This helps the IDPs to create an “imagined community” held together by the active construction of imagined bonds and thus communal identities¹⁰³. One example of this active creation is the way the IDP informants approach their differences and how they collect around their commonalities: not all IDPs identify themselves as Kurds and, although they are fewer in number, there are IDPs who identify themselves as “Kurdish-speaking Turkish citizens”. Even though no informants in this research are Assyrian, there are Assyrian IDPs who are fortunate in obtaining assistance from the Assyrian community through their church. However, as a result of living in

¹⁰³ See Benedict Anderson’s *Imagined Communities* for further details on this conception.

the same geography, sharing the same language, having a similar social, political and cultural background and, most importantly, being victims of the same conflict-induced internal migration, non-Kurdish IDPs do not have a problem with being called Kurds by society in general. For them, the “Kurdishness” ethnic connotation has been gradually losing its meaning over time. Indeed, they have been living a Kurdish culture as Turks for such a long time that they do not differentiate themselves from those who identify themselves as Kurds: both are equally affected by the social exclusion of society. Rather, they define themselves as Turkey’s eastern people, the ones who have always been oppressed.

In this respect, the on-going “new identity” formation of the diasporic voyager may also take on a form that can be explained by Stuart Hall’s conception of “new ethnicities”. In opposition to the dominant constructions of ethnicity, nationality and race that appeal to “essentialist” and biological determinations, Hall argues that categories such as ethnicity, race or nationality are social constructions that serve to position any subject vis-a-vis multiple cultures and shared experiences (Hall, 1996; 446-47). The “new identity”, here in the case of IDPs in Turkey, is contextually specific – appropriated by individuals out of their own experience – as well as open-ended, overlapping and shifting. Thus, this new identity, or the IDPs who construct this identity, cannot exclude, marginalize or dispossess specific individuals and groups. However, this new identity’s contextuality and open-endedness also renders it questionable as a basis for “identity politics” in Turkey.

In this sense, simply affirming essential differences which were once negatively and stereotypically distorted by the dominant racial, cultural group(s) no longer has meaning. Thus, however far removed this approach or construction is from positively affirming anything remotely like a definitive identity, the oppressed Kurdish IDP identity can also be defended as a temporary locus of overlapping solidarities for individual members of these oppressed and

marginalized groups. Once deconstructed, this ethnicity locus dissolves into a plurality of cultural or experiential identities, unlike the kind of identity (if it can be called such) in the terms “Kurdish” or Kurdish-speaking “Turkish”.

This is not to deny the fact that the conception of Kurdish national culture for IDPs would persist for a time and would lead to the visibility of minority “identity politics”, but it may also renovate itself according to new social, political and economic dynamics that it comes across.

I will return to the question of ethnicity and cultural diversity at the conclusion of my thesis. Since the aim of the chapter and the whole thesis is to analyze how IDPs look at their return to villages, I will at the moment limit the discussion to the question of return.

2. More on “the Return”: An Unclear, Imagined Future

“For IDPs, their land (Kurdistan¹⁰⁴) is almost a religion”

Describing what IDP informants think about “return” and all that it entails is not at all the same as understanding the consciousness of these people, much less the material and social conditions that bring this particular consciousness to light.

It is hard to speak of any adjustment to these new neighbors who live in cramped quarters over widespread areas in western cities, speak little or no Turkish, and seemed unwilling to give up their traditions and settle into the big city life. None of the IDP informants in this research indicate that they in any sense feel they belong to the city in which they live. Indeed they feel that society grows less and less merciful and more hostile towards them each day, as it hears of the conflicts going on in the east, of the growth in petty theft incidents on the streets, and hears

¹⁰⁴ All IDP informants in this research call their place of origin “Kurdistan”. When asked, they usually define “Kurdistan” as the eastern and southeastern lands of Turkey, where they come from. A few of the IDP informants defined “Kurdistan” as the land of the roses, roses being the Kurds.

Kurdish being spoken. The IDPs do not allow themselves to have hopes for the future simply in order to protect themselves from another disappointment. At the outset, their adjustment was made considerably more difficult because of their lack of skills, experience, education and financial resources. One IDP informant who is very emphatic about leaving this life says that:

“I wish the only thing I might do was to get on a bus and go and on my way out wave goodbye to this city... moving far away from here. But it’s not that simple.”

Another IDP informant indicated that when the unilateral ceasefire was declared in 1999, he had tried to take his family back to the village but security forces, who were waiting at the entrance to the county town, stopped the bus and asked everyone where they had come from, where they were going and why. After listening to his story, the security forces told the family that they were not welcome there and put them on the next bus that left. Everything was different to how he remembered. He says: *“I felt I wasn’t in my homeland but in a different place in a different country. I did not feel at home. I felt like a stranger in my own town”*,

For him, there exists no difference anymore between being in the big city or in his own town.

“I don’t think I belong there any more and I don’t belong here. I am sort of intruding. I do not feel at home anymore, anywhere”

“During her trip to our town, she said she didn’t see any strategic important mountain pass or hilltop that did not have a security force presence”: these are the words of an IDP mother who sent her daughter to her grandparents for the summer in 2005. Because of the eruption of the events in the region, the grandmother soon sent the child back to Istanbul, and under these circumstances, the informant believes that it is too early to think about returning.

In fact, IDP informants feel that the growing tension in cities and in the mountains of eastern and south-eastern Turkey has become so problematic that in this uncertain atmosphere

they do not feel strong enough for confrontation; not ready to fight for their rights in cities full of undercurrents of hostility towards them nor take the risk of returning to what would be yet another unknown for them.

As has been implied throughout this chapter, separatism in the public sphere merged with a distrust of the state and society has helped to create a particular kind of 'imagined community'. This creation of an "imagined community" is held together through representations such as the imprisoned PKK leader Abdullah Öcalan, other imagined bonds and the active construction of imagined communal identities that are greatly influenced by media broadcasts in Kurdish (primarily ROJ TV and MED TV), all of which perform major roles in shaping IDP thoughts about "the return".

"When the television is on, these walls become a home; otherwise it is no different from a prison"

For the IDP informants – and according to them for uprooted Kurdish society everywhere – television and radio broadcasts in Kurdish have long been used by Kurdish leaders to communicate for political purposes with Kurdish people.¹⁰⁵ Indeed, much of the rhetoric and organization of the programs is designed not only to protect Kurdish culture and traditions or bring eastern towns and cities into view, but to provide a discourse that appeal directly to the IDPs, with its projection into their homes of the tragic events of the past and today. This method of communication keeps memories fresh, and helps to create a common story of distortion made up of individual experiences. In gathering around similar feelings of pain and suffering, the IDPs, already having good reason to feel oppressed living as they do lives of poverty engaged in a constant struggle for survival, become open to the injection of ideas and ideologies via the

¹⁰⁵ Here, it is important to mention that, after so many years of their migration (approximately 7-9 years) there are still 10 or more IDP families out of the 50 households of this research, without a TV and/or satellite decoder. There are IDP informants who indicate that every time they saved money to buy a TV, there appears something more urgent than the TV.

medium of television. According to many IDP informants, panels and discussions on these channels comprehend so well any aspects of the issues related to them so well that they do a unique job in raising public awareness. Many view these channels as doing heroic work in the name of protecting the right of their children and the unborn.¹⁰⁶

On these television programs they see the mountains, rivers and pastures of their homeland; they see the guerrillas in the mountains and imagine being there with them. The IDPs who identify themselves as Kurdish see these broadcasts as their only window on the world. They learn what is going on outside their house through ROJ TV or MED TV, and in some cases their older children who have learned Turkish on the streets or through primary education translate some of the news on the Turkish channels for them. All the men and some of the women who identify themselves as Kurdish-speaking Turks in this research have primary school education so they speak Turkish and understand broadcasts in Turkish. However, they indicate that most of the times they choose to watch the Kurdish channels. They see these broadcasts their only link with their origins, so the television has a very special place their lives. In some houses the television is permanently tuned to Kurdish channels. For one IDP informant these symbolize the cultural richness of Kurdistan¹⁰⁷ as they broadcast in all the languages and dialects used in that region including Assyrian, different Kurdish dialects and Arabic, with one program in Turkish.

“We find ourselves in these channels. If we didn’t have them, and if there were no broadcasts in Kurdish, I don’t know how time would pass” one says, and another; “we didn’t eat but after four years we bought this television and the satellite decoder, and this became our life”.

¹⁰⁶ See M. Gillespie. *Television Ethnicity and Cultural Change*. London; New York: Routledge, 1995.

¹⁰⁷ The IDP informants in this research, especially those identifying themselves as Kurdish, call their place of origin Kurdistan. Those identifying themselves as being of Turkish origin, on the other hand, use “the East” and “Kurdistan” to describe their homeland interchangeably. Upon questioning one of the IDP informants defined Kurdistan as “the land of the roses”.

Thus, we can see that these broadcasts play a significant role both in the IDPs daily life and in influencing their ideas and thoughts about the return and state politics on this issue. Nevertheless, despite watching these broadcasts all day, not all IDP informants know about the new return and rehabilitation process the government recently initiated with the “compensation law” and, interestingly, of those who have heard on television about these latest developments none has adequate detailed knowledge of the law. In other words, they do not know how it is implemented or to which authority they should apply if they wish to benefit¹⁰⁸.

In fact, these IDPs display no interest in any details that have not been broadcast in public on the Kurdish channels, whereas they automatically show interest in aspects of laws or state policies on the problem of internal displacement that are brought to light by the channels they watch, whose news and programs they trust implicitly. Consequently, from their own experiences and with the limited information on these channels as their fundamental reference point, some IDP informants believe that ethnic issues have for a very long time been used politically as weapons and tools of organization despite the suffering and pain caused to thousands maybe millions of people. The issue is still being used for some underlying political reasons: the government is attempting to assimilate the Kurdish population through dispersal rather than by maintaining its cohesion. In this context, most IDP informants interpret discussions on the voluntary return of IDPs as far from an improvement, and are not designed to achieve a mass following or serve as a durable solution.

This belief that they hold in response to their real material and political life conditions that have lead to their deep-rooted fears, while reactionary, cannot really be called excessive or exaggerated since they can hardly in a position to rely on or believe in the goodwill of a state that has yet to admit its responsibility for their forced displacement. According to IDP informants, as

¹⁰⁸ For the details of the compensation law, see Chapter 2

long as the state does not face the reality of the east and accept its failures in the conflict that gave rise to the trauma of involuntary internal displacement, they will continue to see it as untrustworthy and incapable of offering any effective or durable solutions. For them, even the idea of offering compensation for material losses clearly and painfully illustrates the state's lack of vision.

"It is a lot worse here than it was in my village before the conflict, because I have no future here. But If I return to the village it might be worse than here, I do not know if I have a future there, but I know the conditions here. The village is not the same village; people are not the same people. They are all lost"

Some of the IDP informants who have heard about the recent improvements even see a return and rehabilitation project based on compensation for material losses – and this only in the cases of IDPs who voluntarily return and can legally prove losses – as an insult to their pain and as a continuing part of the state's violation of their basic human rights which dates back to the early 1980s and the emergence of conflict in the east.

"Ten years ago I learned that my son was dead, I don't know where he is buried. I don't remember when I last heard from my other son. The war is going on there, on my land. Compensation would mean nothing unless my son would return peacefully to me. If not, we would only go back to die with him"

When speaking of their concerns about returning IDP informants call for rational and real state policies that should mean the state taking social, political and economic responsibility in facing its failures until now. They say that the state should look towards developing a new perspective and method in order to create a secure future, free of fear for every citizen. If, however, state discourse continues to refer to burned and evacuated villages as emptied villages and ignore its responsibility, the conflict will continue and thus the IDP return will remain a dream.

“I now believe myself that we are meant to live out a life of some kind of meaning, that the world possesses some kind of sense and order: yet this had happened to us. My life is bound up with the dead and the dying, and I am identified only with a taboo and a hated identity. All that remain are the meaning there should be in life and my honor, and these are worth everything.”

The IDP informants all believe in one thing: a country that is free of fear and treats all its citizens equally. This would mean that projects such as the “return and rehabilitation of villages” would lose meaning and everyone would peacefully co-exist as they wish in cities or villages. However, their cult of subjective experiences and sense of self-protection mean that they do not believe any major change is possible in the moral failure of contemporary state discourse, nor that their dreams of a peaceful world for everyone will come true.

“The fear does not end after fleeing one’s village or town. I have fled many times, and understood that no place is secure for me, so there is no reason to move on, fleeing this time back to my village. I am 44 years old and tired of this endless flight”

The IDP informants live in a world in which there are no decisions to make, no hard choices, but in which there is great ambiguity. These people are in need of an authority to whose “word” they can listen. Almost none have relations with any political party, nor links with the regional cultural associations of their place of origin which are widespread in each major city and aim to strengthen and maintain migrants’ ties with their origins and help to preserve their culture, traditions and personal ties. If they have a television, it is their most important moral agency; they have only to listen to its “word”. This allows for television to create a great mass following and, quite often, play on their weakness and insecurity. Moreover, the channels they follow play an important role in representing their hope for a freer life and their suffering. These channels show Abdullah Öcalan, the former leader of PKK who, since 1999, has been a prisoner of the state on İmralı island, as the only leader of the Kurdish people’s rights movements. On these TV channels, Öcalan is portrayed as being in the eye of a gathering storm that will emerge out of the sufferings of the Kurds and the people of the east. In the words of the IDPs, this is a storm which

is full of hopes of “liberty and humane living conditions for us”. The IDP informants claim that these channels understand their “anger and frustration” so well that they create a parallel between Öcalan’s imprisonment in İmrâli and their life in exile in Turkey’s western cities.

By bringing the conflict to the screen in all its immediacy and bitterness, programs on these channels serve to keep the IDP informants’ feeling of insecurity, anger, pain and fear alive. These TV channels frequently portray the state as the “opponent” in the conflict, one which does not provide solutions for the ongoing problems of the east. Indeed, the IDP informants’ interpretation is that the state, in rejecting any efforts by the guerrillas to end the conflict forever, and by not creating a democratic atmosphere required for a peace process, is itself the most important obstacle to peace. Some insist that the conflict has been artificially created by the state in order to freely conduct kinds of commercial activity that need the curtain of unnatural war conditions to be drawn over them. Watching these programs all day, the IDPs are almost paranoid about being followed by the security forces on the streets of the cities in which they live. They are very hesitant and timid. Day after day watching the same camera recordings that show PKK camps, bombings, shootings, mine explosions etc, has led some IDP informants to the belief that the situation in the east is worse now than it was at the time of their displacement. Others believe that the conflict will deepen unless the state changes its attitude and takes more effective measures.

Thus, we can see that the discourse of these channels coupled with social exclusion mean that these people breathe in an atmosphere filled with fear, loneliness, trauma and insecurity, as a result of which many feel that the time is not yet ripe to raise their concerns and complaints. Only one IDP informant in the research indicated that he had asked for help from the state or any other organization: he had presented a petition to the governor of his second place of displacement asking for humanitarian assistance. None other had at any point ever raised their concerns and

complaints about the method of their displacement and/or their terrible resettlement experiences with any state authority, NGO or other civil society organization.

“In the eyes of the state I am the father of a guerrilla, not simply a person or a citizen. There would be some displaced people after me if I go to the demonstrations or apply to the authorities to return, but the state would want me to ignore my son and curse him. Yet, I have to think, what would happen next for my other children. The people who would seem to be with me would soon leave. With the eyes of the security forces on us, I would push my family into the middle of an unpredictable war. Why did we move to this dreadful place then?”

As a consequence of their fear of attracting the security forces to their door in a city they perceive as a last resort in their displacement, these IDPs are afraid to enter avenues of protest or opposition to state activity. Apart from the fact that permission for meetings is generally severely restricted for individuals and the media, there are several reasons behind this general attitude: they believe the state would find its critics and subject them to intimidation or accuse them of belonging to the PKK. After all, as mentioned above, some of these people have legitimate fears about being found by the security forces because they or someone they know has been accused of many crimes they did not commit, mistreated by the security forces or representatives of the state intelligence service and forced to flee from other cities. Therefore they do not feel able to openly voice their concerns. Their bitter experiences have taught them not to trust the state. The second reason is that they challenge the belief that their problems may be solved overnight using monetary means for compensation or street demonstrations.

The IDP informants are aware of the fact that neither the economic nor the social life in their villages would be the same as in the past since the systematic destruction of the infrastructure, economic resources, livestock, crops, houses, and machinery has made large areas of the region uninhabitable. The fruitful trees and fertile land are no more, and even though they have enough money to rebuild houses and reforest the land, it would take years to rebuild the

economic structure. However, in spite of these devastating physical conditions, most IDP informants state that they would return immediately were peace to be secured.

Similar to the Du Bois's "Double Consciousness" theory about the black people in America, there are two worlds for the IDPs and between these two worlds there is a challenge to be within and without the veil, the non-IDPs inhabit one side and there is the true self-consciousness of IDP's on the other. They are living in a world where they encounter problems that include discrimination and a disparate social structure. For them it is impossible to merge the worlds. Most of them are very unwilling to open up this veil, they believe that these two worlds is going to keep being until the state would decide to vanish the veil, to except the real reasons of the problem and take sincere actions to rehabilitate this problem ¹⁰⁹.

In this regard, living in two worlds separated with veal they have a "double conscious" state of mind. That is to say, they are not in a world or the other totally they are feel they are "obliged to stay", and obliged to integrate to the world that is outside the veal, however they prone to remain in their side of the veal as they feel more secure there. Thus, they struggle in this double consciousness between one world and the other.¹¹⁰

"When I put my head on the pillow, I am no longer here. I am in the fields in my village touching the crops. I see the mountain flowers when I close my eyes. I am bodily here but my soul is there. I miss my land so much that if I didn't have children, I wouldn't hesitate for a second to go back to the village"

As mentioned before, there are IDP families who have male children living on the streets in these major cities. Some of these stay out for just a few days a week and others never come

¹⁰⁹ Du Bois, *The Souls of Black Folk*, 1996, pp.38

¹¹⁰ DuBois's "double consciousness" theory is given place in Chapter 1 of this dissertation, which composes the conceptual frame this dissertation. The theory asserts that African-Americans are no longer relegated to looking at themselves through the eyes of others, but rather through their own gaze. It refers to their feeling of "in betweenness" between the world of the black people and the world of the dominant white culture of America. See DuBois, ' *Black Reconstruction in America, 1860-1880* ' (1999) and *"The Souls of Black Folk"* (1996) for a somewhat detailed understanding.

home at all. These uprooted families are much more cautious about the dream of returning since they believe that if they did they would have to leave a part of them behind: children whom they might never see again. For these IDP families, broken into scattered pieces, there is little difference between continuing the struggle to survive in the cities and returning to the village, even if peace were to be secured.

Circumstances mentioned as necessary for a return include a change of government, the introduction of democracy and human rights, and amnesty both for PKK members regardless of their degree of involvement to the conflict in the East, and for Abdullah Öcalan. Some kind of autonomy and/or independence for Kurdistan is even mentioned. However the political future of Kurdistan is perceived as very unclear. IDP men are more pessimistic than the women about the likelihood of political change. Therefore, although they want to return, they also want to create a life for them in their new settlement.

“I am here but my limbs are on different mountains and in unknown places in this city. Do you think I am still here while I sit here and think only of the past? I do not take news about the return seriously. “Return” does not have a meaning for me anymore because I have children that are not going to be given a chance to live peacefully either in the village or anywhere else. I just want to live and die honorably”.

An analysis of the qualitative data in this research reveals that the injuries and traumas of the ongoing armed conflict still greatly affect the psychological well-being of these individuals even after many years of displacement. They display little interest in current life circumstances or events. Instead it is the past and deliberation on the salvation of the people of the east which preoccupy them. As a consequence, most do not have specific future plans and most of them clearly indicate that they only imagine a free society in which people live peacefully: indeed, this is the greatest wish of many of the IDP informants.

“My two children were born in a camp near Diyarbakır. They have no personal experience of evacuation; they did not see their homes burning. They were born on the other side. My wife faints

from time to time since the bad days and I have nightmares. But if the state gave the president his freedom and if a peace process began, I would feel reborn and have an impulse to run to my village with my children”

“Can the birds of one land fly beyond where their sky ends?”

Most IDP informants do not limit the dimensions of the IDP problem and questions about the return to the rehabilitation of village infrastructure. Indeed, older men especially often explain the recent political endeavours of the state as mere window dressing, designed to camouflage a deep-rooted, obvious and catastrophic problem for the state.

These men believe that a sustainable peace may only be achieved through radical reforms. They have serious concerns about the provision of a durable solution and relate the forced internal displacement problem to wider issues of rights in relation to the state’s national and regional policies; its attitude towards recognition of Kurdish people’s rights (freedom of thought, freedom of speech and even freedom of debate), and more specifically to the Kurdish issue of Turkey. Some believe that the state is in possession of all the means to stop the “war” and end the fear and pain, whereas others despair of a government not interested in providing solutions for the underlying structural causes of their displacement. So, the older voices say that while the state, through its initiatives, aims to show the outside world that the IDPs are sitting in unlocked cages by choice, it has in reality caged them in the ‘sky beyond their land’.

They repeatedly speak of the distrust of the state engendered in them by their forced displacement. They believe that they are all perceived as perpetually in opposition, and even as a threat, to the state since some of their people attempt to control of their fate by actively rebelling against state rule. However, it is important to keep in mind that one man’s rebel is another’s freedom fighter.

“In Turkey, my future has never belonged to me. That is the way it has always been. That is what the state took from us. Turkey has never promised us anything. It didn’t matter how much we

wanted peace and to go back or how much we resisted and worked to keep peace, worked and planned to make our dreams come true. This has happened to millions of Kurdish citizens before me. But if Turkey wished to devote itself to solving the problems of the east, it possesses every means to realize this. Then, the dreams I dream, the hopes I have for myself and others could be realized... the future would be ours too, and I would be the first one to move to the village.”

Circumstances mentioned by some of the IDP informants as necessary for a return include a change of government, amnesty for PKK members regardless of their degree of involvement in the conflict in the east, and amnesty to Abdullah Öcalan. Some even mention some kind of autonomy and/or independence for Kurdistan in the event that the state cannot ensure peaceful survival within Turkey’s borders.

They try to encapsulate their ideas in slogans such as *“Amnesty for Öcalan!”* are written on city walls, slogans which are constantly erased and re-written. Although the older IDP informants claim that the youth are responsible for these, most of them clearly express their demand for full and unconditional amnesty for Öcalan, all guerrillas in the mountains and for those once in the mountains once but on the streets today, and the extension of full constitutional rights to all these resident aliens. Furthermore, they demand the government guarantees to design rehabilitation programs for these people who have long been living in isolation from society.

“When we first came here I was an alien. I felt like I was an illegal alien. When I saw a policeman, I’d think the police could come and arrest me right now. Once when I laughed to myself in the street, I thought that the policemen looked right at me. During the latter years, we have more or less got used to living here, but the feelings of the earlier days were horrible; feeling not like a second-class citizen but worse than a criminal, at least they have access to equal justice, as low as you can go. I did not want to live like this; I wanted to live as a respected citizen. There were times we packed up everything, saying “I am going to leave. I’m going back home...”

For many IDP informants Abdullah Öcalan is the public representative of the Kurds and their problems, including internal displacement. They see him as representing all eastern people, and as the one who has taken up a front line position in political activities of the awakening of the eastern people. In all his deeds and actions, small or large, and in his work in the mountains and

in the towns, he is seen as the creator of the organized struggle for the rights of the people of the east, acting in defence of and fighting for an historical task destined to be carried out by some of their people. This historical task is defined as the struggle of the eastern people; a struggle for the rights and interests which constitute their needs. Öcalan is also seen as a political strategist trying to combine material and spiritual forces in order to create and sustain peace in the country by improving the whole fabric of eastern people's lives. They speak of Öcalan using titles of the highest respect and honor such as 'leader', 'president', 'chief', 'dear' all of which are usually accompanied by the word "my", displaying how much they sympathise with and relate to him.

Most of them are of the opinion that amnesty for Öcalan would signal the beginning of a peace process between the PKK and the Turkish state. The next necessary action on the part of the state would be unconditional amnesty for the mountain guerrillas. Moreover, a considerable number of the IDP informants believe that the PKK would only give up fighting in a situation of collaboration between Öcalan and the state, or if the state agrees to open negotiations with PKK representatives for the construction of a democratic government in the eastern Turkey. If not, the fight will go on, families will not be reunited and the dream of returning will remain just that¹¹¹.

From a much more general perspective, the IDP informants mention that the state is insufficiently imbued with a political state-like consciousness or responsibility towards its eastern citizens. The IDP informants look forward to the day the Turkish state adopting a totally democratic approach, which will of necessity be constructed upon a tragic appreciation of the corruption imposed on the eastern people within the issue's historical development. Thus, this hoped for change in the state's attitude to the IDP problem must reflect a genuine wish to consider the issue in its broader context, and an eagerness to solve the Kurdish issue on a

¹¹¹ For an explanation of "the myth of return", please see; Gmelch, G, 1980. Return migration. *Annual Review of Anthropology* 9:13-59

democratic platform. This calls for an extra effort, a supreme social and political endeavour to enable these people to emancipate themselves from the terrible distortions imposed on them by the conflict in the east and that conflicts tragic results.

“Growing up in Turkey has been an assault upon my sense of worth”

The IDP informants furthermore seek change that would be a movement to modify the Eastern people’s cult belief that they will always remain the weaker and oppressed people of the Turkish state. In this sense, this movement requires a drastic change in long-established and entrenched social, economic and cultural structures, and therefore needs cooperative and collectivistic action by all citizens of the republic: in other words, a shift in general public opinion needs to be realized. The elementary decency which makes public life pleasant and creates mutual affection is lacking in Turkish society, in which there are many people who, without questioning the origins of the conflict, pray for the day when they see those accused of PKK membership imprisoned. In this respect, the IDP informants feel that the deficiency in personal courtesy displayed by the country’s inhabitants towards each other should change; everyone must learn how to respect their fellow citizens and treat them with politeness, and sympathy. The seeds of such an ideal must be widely broadcast for any realization of sustainable peace in the country, and only then can the country become a nation.

The IDP informants believe that this change must primarily be based on the state’s power/willingness, which would create voluntary affiliation within society. This in turn would modify the social roots of political power. Therefore, this movement in its essence is a revolutionary movement, not merely political and economic, but a revolution that extends to the foundations of the personal beliefs of members of Turkish society. In other words, they believe that this cannot

be achieved by politics or state initiatives alone: rights granted by law are not the end of the problem unless they are accompanied by a social and spiritual revolution as well. The most important instrument through which this kind of social and spiritual change could be brought about is a national education that aims to “critically” glorify the state, respecting its diversity, and which provides for a quality of life and help necessary to overcome the terrible memories of the past.

As a first step towards this major change, IDP informants dream of a collective of people made up of politicians and those who can understand and explain IDP problems which, working together, would correct the state’s failure and develop an alternative vision based on humanitarian values that gives people a sense of orientation in dealing with the personal insecurity, fears and disruptions brought by social pressure.

Last but not least, the IDP informants, for the moment, still harbour deep insecurities about the difficulties facing them and see only an unclear future. They believe things can change but they do not want to invest in the hope that things will change. Pessimism about the likelihood of a political change is more widespread among IDP men than women. The women, therefore, although they hope to return one day, also want to create a life for the family in their new settlement area. However, all IDP informant in this research are agreed on two issues: first, neither state attitudes nor those of its people can be changed overnight by the promulgation of a law, and second, should the state apply the right approach in taking responsibility for a complete revolutionary change in society and how it orders it, IDP informants are more than ready and willing to carry their share of the duties and burdens of peace, and return to their villages in peace.

CONCLUSION

“Kurdistan has always been used by “overlord” states, whose centers lie far outside the land of the Kurds” (Malcolm Yapp)¹¹²

This work has been an attempt to understand, within the context of Turkey’s European Union membership, and through the eyes of a group of internally displaced people (IDPs), one of contemporary Turkey’s gravest problems: The return of its IDPs to their home villages. Since internal displacement in the 1990s, regional cities in the Southeast have, on average, doubled or tripled in size without a commensurate increase in services such as schools or hospitals. Diyarbakir, the main city of the region, grew from 400,000 in 1990 to about 1.5 million in 1997. Many people from the area also left for western parts of the country, and today many parts of Turkey outside the troubled Southeast are experiencing the undesirable consequences of the two-decade long conflict in the Southeast. Istanbul shelters the largest population of Kurdish Turks in Turkey (estimates vary from 1 to 3 millions).¹¹³

The majority of the displaced rural population of Kurdish origin live in urban centres in dire conditions and extreme poverty, creating specific integration problems for local communities. Their overcrowded housing is usually not inadequately heated, has no sanitation and inadequate infrastructure. Malnutrition, insufficient and polluted drinking water, improper disposal of sewage and rubbish are common problems. In other words, the forced displacement of millions from the Southeast as a direct result of the conflict there is rapidly becoming a huge problem and a visible reality in western Turkey too. Street demonstrations in Mersin, Istanbul and Bursa in the summer of 2005 may be interpreted as the main indicators of this shift. As Gunter claims, in

¹¹² Malcolm Yapp, “The mice will play”: Kurds, Turks and the Gulf War’ in Hanns Maul and Otto Pick, eds, *The Gulf War* (London: Printer, 1989), p. 101

¹¹³ Internet source: IDP Project, pg 70: <http://www.idpproject.org>

Turkey people's opinions are mainly informed by what is presented to them in the mass media, and thus the majority does what it is told and unquestioningly reads what is provided.¹¹⁴

People link the street demonstrations in Mersin or in İstanbul to the Kurdish issue, but tend to be blind to two facts: That internal displacement and the Kurdish issue are inseparable issues, and that those who marched on the streets were those who had been internally displaced, those who had been forcibly removed from their homes have been suffering since. They think about the increase in petty crime on the streets, but they do not see the source of this desperation, and because they do not want to see the source they do not try to force the government to take action to solve this grave problem.

Political or armed repression has long been the response to security problems in Turkey, but in 1991 certain elements in the security forces went even further. They stepped outside the law and began to wage a full-scale dirty war. An unprecedented wave of political murders not only swept through the Southeast but continued onto the streets of Ankara and Istanbul. Meanwhile, the state refused to sit down at the negotiating table with the PKK, who had undertaken initiatives to start a peace process, because it refused to accept the PKK as the representative of the people of the region.

In the middle of 2005, the PKK resumed armed attacks as a reaction to what it saw as the state's lack of interest in taking any positive steps to meet the organization's expectations, among which were recognizing PKK as the representative of the Kurdish people in the country and declaring amnesty for Abdullah Öcalan. The state's mismanagement of the conflict and the PKK's efforts may be better understood when Turkey's political and intellectual climate is considered from the perspective of a deep-seated state policy of repression, a repression deemed

¹¹⁴ Michael Gunter, *The Kurds and the future of Turkey* (New York: St. Martin's Press, 1992): pp.21

necessary as a tool in the formation of the new understanding of nationhood in the early years of the Turkish Republic. However, this dissertation attempts to illustrate how the conflict in the Southeast has provoked ethnic-based polarization in Turkish society.

The Turkish state sees the issue as a threat to its integrity, as set out by the 1920 Treaty of Sevres, which prescribed the creation of a fragile, inconsequential state out of the ruins of the Ottoman Empire. That is why the Turkish state and the rest of society feel the need to separate the Kurdish issue from internal displacement and try to find a solution without truly confronting the Kurdish issue. However, for Kurdish IDPs, the Kurdish issue is a matter of existence and, in their eyes, if there is to be no confrontation with the main issue on the part of the state; the rest is simply useless details, dealing with which is not compatible with a will to bring about a durable solution to the problem.¹¹⁵

It is also important to note that it is only in the last ten years or so that ethnicity has begun to be widely used in a more generic sense to refer to cultural groups in general, including the Caucasians and Laz peoples, whose histories are vastly different from that of the Kurdish communities living in different parts of Turkey. Previously, the concept of ethnicity had been used by social scientist to describe the oppressed disaffected Kurdish community as a sub-culture or sub-nationality in Turkey.

EU membership criteria and Turkey's efforts to meet these criteria have played, and continue to play, an important role in this revolutionary change, which opened the way for debate in Turkey to begin on critical and chronic issues such as internal displacement and the question of voluntary return. The EU paved the way for a more critical assessment of Turkey's IDPs. While those living in cities in Turkey had been discussing the burden of migration in terms of the economy and crime, public administrators and politicians debated the implementation of a visa

¹¹⁵ For the full text of the peace treaty signed with Turkey, see Treaty series no II , Cmd 964 (London HMSO, 1920)

system for the big cities to act as a barrier to these migrants and in order to control the outcomes of internal displacement. With the Copenhagen criteria on democracy and human rights, the EU forced the Turkish state into a re-evaluation of the condition of IDPs, but has failed, so far, in forcing the Turkish majority to re-evaluate their views on ethnicity relations and the structure of the Turkish nation in relation to its constituent groups. Until now many liberal leaders have sought to create equality by making ethnic differences disappear, but the fact remains that ethnic divisions are so deep-seated that ethnicity issues such as Kurdish one cannot be solved by making ethnicity disappear, but by addressing ethnic differences directly. Moreover, as IDPs become increasingly impatient with the slow pace of change, they become increasingly radical in their critique of state attitude and policies. Some gatherings of Kurdish IDPs advocate an ethnic nationalism that seeks separation from Turkey, but whether survival becomes transformed into political struggle depends on the existence and strength of an organized popular movement.

As examined in chapter 2, state efforts are very inadequate both in compensating those directly involved for the damage caused by displacement and also in meeting the expectations of IDPs living in urban areas. As extensively analysed in the TESEV report, several shortcomings and problems exist in the letter and implementation of Law no. 5233 on the issue of reconciliation. The state's efforts in facilitating return and clearing the obstacles to successful return are inadequate. Neither has the state taken any action towards a resolution of the problems facing those IDPs who prefer to stay in cities.¹¹⁶

The Guiding Principles on Internal Displacement point out those solutions to the problem of internal displacement require officials to make efforts towards facilitating IDPs' (i) return to places of habitual residence, or (ii) settlement in another region of the country, and in either case

¹¹⁶ The recent report of TESEV Working and Monitoring Group on the Post-Displacement Restitution of Citizenship Rights and Social Rehabilitation, titled as "The Problem of Internal Displacement in Turkey: Assessment and Policy Proposals" : http://www.tesev.org.tr/eng/events/TESEV_IDP%20ReportEditedTranslation-Final22Dec05.doc

(iii) reintegration into society. This principle was also emphasised by the ECtHR in its decision in the case of *Doğan and Others v. Turkey*.¹¹⁷ Furthermore, the GPID points out that the following conditions need to be met: IDPs should be able to make a conscious and voluntary decision on return or resettlement, and return should be “in safety and dignity”; in this process, IDPs should not be subject to discriminated; they should receive assistance in the recovery of their property, or, if that is not possible, compensation; and international organisations should be allowed to participate in this process.¹¹⁸

This work also emphasised that, today, in addition to the shortcomings of the recent EU-led state efforts to facilitate the return, other factors which constitute major obstacles to return are the PKK’s declaration of the end of its unilateral ceasefire, and the violence Turkey has begun to experience once again, this time not only in the mountains, but also on the streets in big western cities, in which bomb attacks have been occurring since the spring of 2005.

The study strongly emphasises that new EU politics in Turkey, human rights activism and NGO movements, public awareness campaigns and the literature of a tumultuous multiculturalism movement around the world, have all made a significant contribution to the creation of a more democratic atmosphere in Turkey. Although the concept of participation is open to interpretation, there is an emerging consensus among development actors that public information and awareness campaigns are inadequate on the grounds that they only engage people in ways that are instrumental: “such an approach to participation fails adequately to address issues of power and control of information”, and thus these important changes in society

¹¹⁷ For further information about the case please see the web site of the International Commission of Jurists web site: http://www.icj.org/news.php3?id_article=3536&lang=en

¹¹⁸ Roberta Cohen, “The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting,” *Global Governance* 10 (2004): 463.

are still remote from directly influencing the decision making process of the parliament¹¹⁹. That is to say, the enacted laws and their implementation do not have a social support base. These actions have not been carried out in consultation with any of the civil society organisations which are the only representatives of many IDP victims and the only channel through which they seek redress and justice. In fear of retaliation, many victims do not make their petitions directly to the state, but instead reveal their stories in detail only to NGOs and attorneys.

Assuming that actualizing their rights requires an understanding of both their conceptual and empirical basis, and also of the restraints on their articulation that exist within and across spatial boundaries and in different contexts, the intention in this study was to establish an understanding of one IDP group's views on state policies and their effect on them. Certainly they say, inside our heads and souls things are more universal, the reality is one and indivisible. There are forms of sensibility incommensurate with each other, different topologies of experiences one cannot guess from one's own limited experience. The IDPs clearly need a correct translation of their world, a translation which must be careful and, in the course of which, the psyche must not be forced.

This translation proceeds through understanding and sympathy: It should happen sentence by sentence, phrase by phrase. Thus, this study has tried to give voice to those who have been silenced. It has attempted to uncover their world and reflect their thoughts on their displacement experience, their problems in the cities, their feelings about recent state efforts, their village and, ultimately, about return. It has also been an attempt to reveal the situation and expectations of the neglected, invisible subjects of this traumatic experience, those who have been the subject of debate by the EU, by NGOs, and others whose names are written loudly in capital letters. The rehabilitation of these people's villages is in the media: Laws have been enacted for them, but,

¹¹⁹ Cleaver, 2001:38

unfortunately, only those who apply for the compensation are known, and they are just the tip of the iceberg. The remainder are on the streets, hidden behind walls in cities, feeling lonely and abandoned. Thus, it may also be said that this study has attempted to undertake that which, in fact, the state authorities should have done in the first place and long before any legal procedures got underway, which is simply asking these people about their futures.

In examining the historical background to the problem and trying to understand the IDPs' thoughts about their experiences and future expectations, the central argument of this work is that the IDP problem presents serious social, political and economic challenges for contemporary Turkey, and although Turkey only now appears to be taking tentative steps towards coming to terms with its Kurdish population, the Turkish state is still not sufficiently well-equipped to face the challenges of internal displacement. As Yüksekler and Ayata argue, this is primarily because the Turkish state still prefers to disentangle the phenomenon of internal displacement from the Kurdish issue as a political problem, and instead links it to a "technical" agenda of development¹²⁰.

In this process, issues of accountability, justice and reconciliation are tacitly circumvented not only by the government, but by the EU and UN as well. For the sake of all involved, the EU would do better to recognize the extent and the complexity of the problems related to the Kurdish issue and the IDP problem in Turkey. Whether Turkish society is aware of it or not, the IDP problem and all its attendant aspects is a critical issue for Turkey. Therefore, as the IDP informants in this research strongly emphasise, in order to bring about a durable solution, the state must confront the mistakes it made in the past in the name of providing security in the Southeast. This confrontation alone is necessary for the passage to fully participatory democracy

¹²⁰ Deniz Yüksekler and Bilgin Ayata "A Belated Awakening: National and International Responses to the Internal Displacement of Kurds in Turkey" (2005): pp. 2.

in the country, during which process, the supervision of the EU bodies, and checking and monitoring mechanisms are highly important. For this reason, Turkey's friends in the EU should take Turkey's current problems more seriously, and should do more to help the country to solve the problem.

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APPENDIX I

KANUN NO: 5233

**TERÖR VE TERÖRLE MÜCADELEDEN DOĞAN ZARARLARIN KARŞILANMASI
HAKKINDA KANUN**

Kabul Tarihi: 17 Temmuz 2004

Resmi Gazete ile Neşir ve İlânı: 27 Temmuz 2004 - Sayı: 25535

Amaç

MADDE 1.- Bu Kanunun amacı, terör eylemleri veya terörle mücadele kapsamında yürütülen faaliyetler nedeniyle maddi zarara uğrayan kişilerin, bu zararlarının karşılanmasına ilişkin esas ve usulleri belirlemektir.

Kapsam

MADDE 2.- Bu Kanun, 3713 sayılı Terörle Mücadele [Kanununun](#) 1 inci, 3 üncü ve 4 üncü maddeleri kapsamına giren eylemler veya terörle mücadele kapsamında yürütülen faaliyetler nedeniyle zarar gören gerçek kişiler ile özel hukuk tüzel kişilerinin maddi zararlarının sulhen karşılanması hakkındaki esas ve usullere ilişkin hükümleri kapsar.

Aşağıda belirtilen zararlar bu Kanunun kapsamı dışındadır:

- a) Devletçe arazi veya konut tahsisi suretiyle yahut başka bir şekilde karşılanan zararlar.
- b) Bir mahkeme kararı gereğince veya 4353 sayılı Maliye Vekaleti Baş Hukuk Müşavirliğinin ve Muhakemat Umum Müdürlüğünün Vazifelerine, Devlet Davalarının Takibi Usullerine ve Merkez ve Vilayetler Kadrolarında Bazı Değişiklikler Yapılmasına Dair [Kanunun](#) 30 uncu ve 31 inci maddeleri gereğince karşılanan zararlar.
- c) Avrupa İnsan Hakları Mahkemesince, İnsan Haklarını ve Ana Hürriyetleri Korumaya Dair Sözleşmenin veya eki protokollerin ihlal edildiği gerekçesiyle Sözleşmenin 41 inci maddesine göre hükmedilen veya Sözleşme hükümleri uyarınca dostane çözüm yoluyla uzlaşılan tazminatın ödenmesi sonucunda karşılanan zararlar.
- d) Terör dışındaki ekonomik ve sosyal sebeplerle uğranılan zararlar ile güvenlik kaygıları dışında kendi istekleriyle buldukları yerleri terk edenlerin bu sebeple uğradıkları zararlar.
- e) Kişilerin kendi kasıtları sonucunda oluşan zararlar.
- f) 3713 sayılı [Kanunun](#) 1 inci, 3 üncü ve 4 üncü maddeleri kapsamındaki suçlar ile terör olaylarında yardım ve yataklık suçlarından mahkum olanların bu fiillerinden dolayı uğradığı zararlar.
İkinci fıkranın (f) bendinde yazılı suçlardan dolayı ceza kovuşturması açılmış bulunanlar hakkında kovuşturma sonuçlanıncaya kadar bu Kanuna göre işlem yapılmaz.

Tanımlar

MADDE 3.- Bu Kanunda geçen;

a) Komisyon: Zarar tespit komisyonunu,

b) Bakanlık: İçişleri Bakanlığını,

c) Bakan: İçişleri Bakanını,

İfade eder.

Zarar tespit komisyonları

MADDE 4.- Zarar tespit komisyonları illerde; bu Kanun kapsamında yapılacak başvurular üzerine on gün içinde kurulur.

Komisyon, bir başkan ve altı üyeden oluşur. Valinin görevlendireceği vali yardımcısı komisyonun başkanı; maliye, bayındırlık ve iskan, tarım ve köyler, sağlık, sanayi ve ticaret konularında uzman ve o ilde görev yapan kamu görevlilerinden vali tarafından belirlenecek birer kişi ile baro yönetim kurulunca baroya kayıtlı olanlar arasından görevlendirilecek bir avukat komisyonun üyesidir. Komisyonun başkan ve üyeleri her yıl ocak ayının ilk haftasında yeniden belirlenir. Eski üyeler yeniden görevlendirilebilirler. İş yoğunluğuna göre aynı ilde birden fazla komisyon kurulabilir.

(Ek fıkra: 5442 - 28.12.2005 / m.1) Komisyonun başkan ve üyelerine ayda altıdan fazla olmamak üzere her toplantı için (500) gösterge rakamının memur aylık katsayısı ile çarpımı sonucu bulunacak tutar üzerinden toplantı ücreti ödenir. Bu ödemeler, damga vergisi hariç herhangi bir vergi ve kesintiye tabi tutulmaz.

Komisyon salt çoğunlukla toplanır ve kararlar üye tam sayısının salt çoğunluğuyla alınır. Komisyonun çalışma esas ve usulleri yönetmelikle belirlenir.

Komisyonun görevleri

MADDE 5.- Komisyonun görevleri şunlardır:

a) Zarar görenin veya mirasçılarının başvurusu halinde bu Kanun kapsamına giren bir zararın bulunup bulunmadığını tespit etmek.

b) Kamu kurum ve kuruluşları veya kamu kurumu niteliğindeki meslek kuruluşlarınca uygulanmış projelerin, zararın giderilmesine katkıları; zarar görenin değerlendirebileceği enkaz ve diğer yararlar; sigorta şirketlerince veya ilgili mevzuata göre kamu kurum ve kuruluşları ile sosyal güvenlik kuruluşlarınca ödenen tazminatlar, tedavi ve cenaze giderleri ile Sosyal Yardımlaşma ve Dayanışmayı Teşvik Fonundan yapılan yardımların zarar miktarından mahsup edilmesi suretiyle belirlenen ve 9 uncu veya 10 uncu maddelere göre yapılan nakdi veya aynı ödeme miktarını içeren sulhname tasarılarını hazırlamak.

c) Sulhname tasarısının kabul edilmemesi veya 12 nci maddenin ikinci fıkrasına göre kabul edilmemiş sayılması hallerinde bir uyuşmazlık tutanağı düzenleyerek (**Değişik ibare: 5442 - 28.12.2005 / m.2**) "bir" örneğini ilgiliye tebliğ etmek (...) (*).

d) Başvuranın, bu Kanun kapsamına giren bir zararının bulunmadığının tespit edilmesi halinde, buna ilişkin karar tutanağı düzenleyerek (**Değişik ibare: 5442 - 28.12.2005 / m.2**) "bir" örneğini ilgiliye tebliğ etmek (...) (*).

(*) Madde 5 in (c) ve (d) bentlerinde geçen "ve Bakanlığa göndermek" ibareleri, 3.1.2006 tarih ve 26042 sayılı R.G.'de yayımlanan, 28.12.2005 tarih ve 5442 sayılı [Kanunun](#) 2. Maddesi hükmü gereğince madde metninden çıkarılmıştır.

Başvurunun süresi, şekli, incelenmesi ve sonuçlandırılması

MADDE 6.- (Değişik: 5442 - 28.12.2005 / m.3) Zarar gören veya mirasçılarının veya yetkili temsilcilerinin zarar konusu olayın öğrenilmesinden itibaren altmış gün içinde, her halde olayın meydana gelmesinden itibaren bir yıl içinde zararın gerçekleştiği veya zarar konusu olayın meydana geldiği il valiliğine başvurmaları halinde gerekli işlemlere başlanır. Bu sürelerden sonra yapılacak başvurular kabul edilmez. Bu Kanun kapsamındaki yaralanma ve sakatlanmalarda, yaralının hastaneye kabulünden hastaneden çıkışına kadar geçen süre, başvuru süresinin hesaplanmasında dikkate alınmaz.

İlgili valilik dışında diğer valilikler, kaymakamlıklar, Türkiye Cumhuriyeti dış temsilcilikleri, diğer bakanlıklar ile kamu kurum ve kuruluşlarına yapılan başvurular ilgili valiliğe gönderilir. Komisyon, zarar görenlerce yapılacak her başvuru ile ilgili çalışmalarını, başvuru tarihinden itibaren altı ay içinde tamamlamak zorundadır. Zorunlu hallerde, bu süre vali tarafından üç ay daha uzatılabilir.

Komisyon, ilgili kamu kurum ve kuruluşlarından başvuru konusu ile ilgili her türlü bilgi ve yardımı isteyebileceği gibi, kamu kurum ve kuruluşlarında çalışanları bilirkişi olarak da görevlendirebilir.

Komisyon, gerekli gördüğü uzmanları çalıştırabilir veya bunlardan görüş alabilir.

Komisyonun başkan ve üyeleri; kendilerinin, eşlerinin ve üçüncü dereceye kadar (bu derece dahil) kan ve kayın hısımları ile vekili, vasisi ya da kayyımı oldukları kişilerin zararları ile ilgili komisyon toplantılarına katılamazlar.

Komisyonun sekreterlik hizmetleri il özel idarelerince yürütülür.

Komisyon tarafından bilirkişi olarak görevlendirilen kamu görevlilerine her başvuru dosyası için (500), diğer kişilere her başvuru dosyası için (1000) gösterge rakamının memur aylık katsayısıyla

çarpımı sonucu bulunacak miktarı geçmemek üzere komisyon kararı ile ödeme yapılır. Bu ödemeler, damga vergisi hariç herhangi bir vergi ve kesintiye tabi tutulmaz.

Zararların tespiti amacıyla memuriyet mahalli dışında keşfe katılan komisyon üyeleri ile bilirkişilere 6245 sayılı Harcırah [Kanununa](#) göre harcırah ödenir. Komisyonun avukat üyesine ödenecek harcırahın tespitinde, 1 inci dereceden maaş alan Devlet memuruna ödenen harcırah miktarı esas alınır. Bu ödemeler, damga vergisi hariç herhangi bir vergi ve kesintiye tabi tutulmaz.

Komisyon üyeleri bilirkişi olarak görevlendirilemez.

Komisyonun giderleri Bakanlık ve/veya il özel idaresi bütçesinden karşılanır. Dava açma süresi içinde yapılan başvuru, nihai işlem sonucunun ilgiliye tebliğine kadar genel hükümlere göre dava açma sürelerini durdurur.

Karşılanacak zararlar

MADDE 7.- Bu Kanun hükümlerine göre sulh yoluyla karşılanabilecek zararlar şunlardır:

- a) Hayvanlara, ağaçlara, ürünlere ve diğer taşınır ve taşınmazlara verilen her türlü zararlar.
- b) Yaralanma, sakatlanma ve ölüm hallerinde uğranılan zararlar ile tedavi ve cenaze giderleri.
- c) Terörle mücadele kapsamında yürütülen faaliyetler nedeniyle kişilerin mal varlıklarına ulaşamamalarından kaynaklanan maddi zararlar.

Zararın tespiti

MADDE 8.- 7 nci maddede belirtilen zararlar, zarar görenin beyanı, adli, idari ve askeri mercilerdeki bilgi ve belgeler göz önünde tutularak olayın oluş şekli ve zarar görenin aldığı tedbirlere göre, zarar görenin varsa kusur veya ihmalinin de göz önünde bulundurulması suretiyle, hakkaniyete ve günün ekonomik koşullarına uygun biçimde komisyon tarafından doğrudan doğruya veya bilirkişi aracılığı ile belirlenir.

Taşınmaza ilişkin zarar tespitinde 2942 sayılı Kamulaştırma [Kanununun](#) 11 inci maddesinde belirtilen kıymet takdiri esasları kıyasen uygulanır.

Yaralanma, sakatlanma ve ölüm hallerinde yapılacak ödemeler

MADDE 9.- Yaralanma, sakatlanma ve ölüm hallerinde (7000) gösterge rakamının memur aylık katsayısı ile çarpımı sonucunda bulunan miktarın;

- a) Yaralananlara altı katı tutarını geçmemek üzere yaralanma derecesine göre,
- b) Çalışma gücü kaybı, yetkili sağlık kuruluşları tarafından üçüncü derece olarak tespit edilenlere dört katından yirmidört katı tutarına kadar,

c) Çalışma gücü kaybı, yetkili sağlık kuruluşları tarafından ikinci derece olarak tespit edilenlere yirmibeş katından kırksekiz katı tutarına kadar,

d) Çalışma gücü kaybı, yetkili sağlık kuruluşları tarafından birinci derece olarak tespit edilenlere kırkdokuz katından yetmişiki katı tutarına kadar,

e) Ölenlerin mirasçılarına elli katı tutarında,

Nakdi ödeme yapılır.

Nakdi ödemenin tespitine esas tutulacak miktar, ödeme yapılmasına ilişkin valinin veya Bakanın onayı tarihinde geçerli gösterge ve katsayı rakamları esas alınarak belirlenir.

Birinci fıkranın (e) bendine göre belirlenen nakdi ödemenin mirasçılara intikalinde 4721 sayılı Türk Medeni [Kanununun](#) mirasa ilişkin hükümleri uygulanır.

Bakanlar Kurulu, nakdi ödemeye esas tutulan gösterge rakamını yüzde otuza kadar artırmaya veya kanuni sınıra kadar indirmeye yetkilidir.

Bu Kanun kapsamındaki zararlardan dolayı, zarar gören kişilere gerçek veya özel hukuk tüzel kişileri tarafından yapılan ödemeler sebebiyle Devlete rücu edilemez.

Nakdi ödemenin şekli, tutarı, yaralanma ve sakatlık derecelerinin tespitine ilişkin esas ve usuller yönetmelikle belirlenir.

Zararların karşılanma şekli

MADDE 10.- 7 nci maddenin (a) ve (c) bentlerinde yazılı zararlar, aynı veya nakdi olarak karşılanır. Ancak, bu zararların karşılanmasında imkanlar ölçüsünde aynı ifaya öncelik verilir. Aynı ifa, bireysel veya genel nitelikli projeler çerçevesinde yapılabilir.

Aynı ifa tarzı ile ilgili esas ve usuller yönetmelikle belirlenir.

Mahsup edilecek miktarlar

MADDE 11.- 5 inci maddenin (b) bendine göre belirlenen miktarlar, mahsup tarihindeki değerleri üzerinden 8 inci ve 9 uncu maddelere göre hesaplanacak toplam gayrisafi ifa bedelinden düşülür.

Mahsup edilecek değerlerin hesaplanması ile ilgili esas ve usuller yönetmelikle belirlenir.

Zararın karşılanmasına ilişkin sulhname

MADDE 12.- Komisyon, doğrudan doğruya veya bilirkişi aracılığı ile yaptığı tespitten sonra 8 inci maddeye göre belirlenen zararı, 9 uncu maddeye göre hesaplanan yaralanma, sakatlanma ve ölüm hallerindeki nakdi ödeme tutarını, 10 uncu maddeye göre ifa tarzını ve 11 inci maddeye

göre mahsup edilecek miktarları dikkate alarak, uğranılan zararı sulh yoluyla karşılayacak safi miktarı belirler.

Komisyonca, bu esaslara göre hazırlanan sulhname tasarısının örneği davet yazısı ile birlikte hak sahibine tebliğ edilir.

Davet yazısında hak sahibinin sulhname tasarısını imzalamak üzere (**Değişik ibare: 5442 - 28.12.2005 / m.4**) "otuz gün" içinde gelmesi veya yetkili bir temsilcisini göndermesi gerektiği, aksi takdirde sulhname tasarısını kabul etmemiş sayılacağı ve yargı yoluna başvurarak zararının tazmin edilmesini talep etme hakkının saklı olduğu belirtilir.

Davet üzerine gelen hak sahibi veya yetkili temsilcisi sulhname tasarısını kabul ettiği takdirde, bu tasarı kendisi veya yetkili temsilcisi ve komisyon başkanı tarafından imzalanır. Sulhname tasarısının kabul edilmemesi veya ikinci fıkraya göre kabul edilmemiş sayılması hallerinde bir uyuşmazlık tutanağı düzenlenerek (**Değişik ibare: 5442 - 28.12.2005 / m.4**) "bir örneği ilgiliye gönderilir."

Sulh yoluyla çözülemeyen uyuşmazlıklarda ilgililerin yargı yoluna başvurma hakları saklıdır.

Zararın karşılanması

MADDE 13.- Sulhnamede belirlenen zararlar, sulhnamenin imzalanmasından sonra valinin onayı üzerine ifa tarzına göre Bakanlık bütçesine bu amaçla konulan ödenekten (**Ek ibare: 5442 - 28.12.2005 / m.5**) "üç ay içerisinde" karşılanır.

Bakanlık, (**Değişik ibare: 5442 - 28.12.2005 / m.5**) "ellibin Yeni Türk Lirasının" üzerindeki aynı ifa veya nakdi ödemelerin Bakan onayı ile yapılmasını kararlaştırabilir. Bu miktar, her yıl 213 sayılı Vergi Usul [Kanununun](#) mükerrer 298 inci maddesi hükümleri uyarınca tespit ve ilan edilen yeniden değerlendirme oranında artırılır.

Devletin ödeme nedeniyle genel hükümlere göre sorumlular hakkında rücu hakkı saklıdır.

Denetim ve sorumluluk

MADDE 14.- (**Değişik 1. fıkra: 5442 - 28.12.2005 / m.6**) Komisyonlar, Bakanlık ve valilik tarafından denetlenir.

Bu Kanuna göre zarar tespit işlemlerinde görevlendirilen kişilere karşı bu görevleri nedeniyle veya görevleri sırasında işlenen suçlar hakkında Devlet memurlarına karşı işlenen suçlara; bu kişilerin bu görevleri sırasında işledikleri suçlar hakkında ise Devlet memurlarının işledikleri suçlara ilişkin hükümler uygulanır.

İstisna ve muafıklar

MADDE 15.- Bu Kanunun uygulanması ile ilgili olarak yapılacak başvurular, bildirimler, düzenlenecek belgeler, resmi mercilerce ve noterlerce yapılacak işlemler ile bu Kanunda

belirtilen amaçlar doğrultusunda kullanılmak üzere yapılacak bağış ve yardımlar, her türlü vergi, resim ve harçtan muaftır.

Bu Kanunda belirtilen amaçlar doğrultusunda kullanılmak üzere yapılacak bağış ve yardımların gelir ve kurumlar vergileri matrahından indirilebilecek miktarları ilgili mevzuata göre belirlenir.

Tebliğat

MADDE 16.- Bu Kanun gereğince yapılacak tebliğatlar hakkında 7201 sayılı Tebliğat [Kanunu](#) hükümleri uygulanır. Ancak, tebliğatın memur vasıtası ile yapılması esastır.

Yönetmelik

MADDE 17.- Komisyonun çalışma esas ve usulleri, komisyona başvurularda takip edilecek usuller, cana, vücut bütünlüğüne ve mala yönelik zararların tespiti, uğranılan zararları sulh yoluyla karşılayacak safi miktarların belirlenmesi, nakdi ödemenin şekli, tutarı ve çalışma gücü kaybı oranlarının tespitine ilişkin esas ve usuller ile diğer hususlar, bu Kanunun yayımı tarihinden itibaren iki ay içinde Bakanlıkça hazırlanacak ve Bakanlar Kurulunca yürürlüğe konulacak bir yönetmelikle düzenlenir.

GEÇİCİ MADDE 1.- Bu Kanunun yürürlüğe girdiği tarihten itibaren bir yıl içinde ilgili valilik ve kaymakamlıklara başvuruları halinde, 19.7.1987 tarihi ile bu Kanunun yürürlüğe girdiği tarih arasında işlenen 3713 sayılı Terörle Mücadele [Kanununun](#) 1 inci, 3 üncü ve 4 üncü maddeleri kapsamına giren eylemler veya anılan tarihler arasında terörle mücadele kapsamında yürütülen faaliyetler nedeniyle zarar gören gerçek kişiler ile özel hukuk tüzel kişilerinin maddi zararları hakkında da bu Kanun hükümleri uygulanır.

Bu maddeye göre yapılan başvurular, başvuru tarihinden itibaren iki yıl içinde sonuçlandırılır.

GEÇİCİ MADDE 2.- 19.7.1987 tarihinden bu Kanunun yürürlüğe girdiği tarihe kadar, görevleri başında iken terörden veya terörle mücadele sırasında zarar gören kamu görevlilerinden veya mirasçılarından, ilgili mevzuat uyarınca tazminat almış olup, ancak aldıkları tazminatın hesaplanma kriteri bu Kanundan farklı olanlardan, bu Kanunun yayımı tarihinden itibaren bir yıl içinde ilgili valilik veya kaymakamlıklara başvuranlara, yapılacak hesaplamada aldıkları tazminat ile bu Kanuna göre almaları gereken tazminat arasında fark bulunması halinde, eksik olan tutar yasal faiziyle birlikte ödenir. Ödenen tazminat tutarı fazla ise iade talep edilmez.

Bu maddeye göre yapılan başvurular, başvuru tarihinden itibaren en geç bir yıl içinde sonuçlandırılır.

GEÇİCİ MADDE 1.- (5442 - 28.12.2005) Bu Kanunun yayımı tarihinden itibaren bir yıl içinde ilgili valilik ve kaymakamlıklara başvuruları halinde, 19/7/1987 tarihi ile bu Kanunun yürürlüğe girdiği tarih arasında işlenen 3713 sayılı Terörle Mücadele [Kanununun](#) 1 inci, 3 üncü ve 4 üncü maddeleri kapsamına giren eylemler veya anılan tarihler arasında terörle mücadele kapsamında yürütülen faaliyetler nedeniyle zarar gören gerçek kişiler ile özel hukuk tüzel kişilerinin maddi zararları hakkında da bu Kanun hükümleri uygulanır.

GEÇİCİ MADDE 2.- (5442 - 28.12.2005) 19/7/1987 tarihinden bu Kanunun yürürlüğe girdiği tarihe kadar, görevleri başında iken terörden veya terörle mücadele sırasında zarar gören kamu görevlilerinden veya mirasçılarından, ilgili mevzuat uyarınca tazminat almış olup, ancak aldıkları tazminatın hesaplanma kriteri bu Kanundan farklı olanlardan, bu Kanunun yayımı tarihinden itibaren bir yıl içinde ilgili valilik veya kaymakamlıklara başvurulara, yapılacak hesaplamada aldıkları tazminat ile bu Kanuna göre almaları gereken tazminat arasında fark bulunması halinde, eksik olan tutar yasal faiziyle birlikte ödenir. Ödenen tazminat tutarı fazla ise iade talep edilmez.

Yürürlük

MADDE 18.- Bu Kanun yayımı tarihinde yürürlüğe girer.

Yürütme

MADDE 19.- Bu Kanun hükümlerini Bakanlar Kurulu yürütür.

KANUN NO: 4959

TOPLUMA KAZANDIRMA KANUNU

Kabul Tarihi: 29 Temmuz 2003

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Amaç

MADDE 1.- Bu Kanunun amacı, siyasi ve ideolojik amaçla suç işlemek için kurulmuş terör örgütleri mensuplarının topluma yeniden kazandırılması, toplumsal huzur ve dayanışmanın güçlendirilerek devam ettirilmesidir.

Kapsam ve tanım

MADDE 2.- Bu Kanun;

a) Terör örgütü mensubu olup silahlı mukavemet göstermeksizin keniliklerinden veya vasıtalı teslim olanlar yahut kendiliklerinden örgütten çekildiği anlaşılanlar ile yakalanmak suretiyle ele geçirilenlerden, terör örgütü tarafından işlenen suçlara;

1) İştirak etmeyenler,

2) İştirak edenler,

b) Terör örgütü mensuplarına, hal ve sıfatlarını bilerek barınacak yer gösteren veya erzak veya silah ya da cephane tedarik eden yahut başka yollardan yardım edenler,

Hakkında uygulanır.

Bu Kanunda geçen terör örgütü terimi; siyasi ve ideolojik amaçla suç işlemek üzere kurulmuş 1.3.1926 tarihli ve 765 sayılı Türk Ceza [Kanunu](#) ile ceza hükümlerini içeren özel kanunlarda geçen teşekkül, cemiyet, silahlı cemiyet, çete, silâhlı çete veya gizli ittifakı kapsar.

Kanundan yararlanamayacaklar

MADDE 3.- Bu Kanun hükümleri;

a) Her ne ad altında olursa olsun en üst seviyedeki yönetim biriminde yer almış olup, tamamı üzerinde etkili olacak şekilde terör örgütünü sevk ve idare edenler,

b) Bu Kanun kapsamında kalmakla birlikte, hükmü kesinleşmeden önce hakim huzurunda daha önceki beyanlarını reddeden veya bu Kanun hükümlerinden yararlanmak istemediğini beyan eden failler,

c) Haklarında bu Kanun ile 5.6.1985 tarihli ve 3216 sayılı, 25.3.1988 tarihli ve [3419](#) sayılı, 21.3.1990 tarihli ve 3618 sayılı, 26.11.1992 tarihli ve 3853 sayılı, 28.2.1995 tarihli ve 4085 sayılı, 26.8.1999 tarihli ve 4450 sayılı, 24.2.2000 tarihli ve 4537 sayılı Kanun hükümleri uygulanmış bulunanlardan anılan kanunların kapsamına giren suçları yeniden işleyenler,

Hakkında uygulanmaz.

Ceza indirimleri, kötünietli açıklama ve tekerrür

MADDE 4.- Terör örgütü mensubu olup da;

a) Terör örgütü tarafından işlenen suçlara iştirak etmemiş ve bu Kanunun yürürlüğe girdiği tarihten sonra silahlı mukavemet göstermeksizin kendiliklerinden veya vasıtalı olarak teslim olmuş veya kendiliklerinden örgütten çekildiği anlaşılmış olanlardan, bu Kanundan yararlanmak istediğini beyan edenler hakkında ceza verilmez.

b) Bu Kanunun yürürlüğe girmesinden önce terör örgütü tarafından işlenen suçlara iştirak etmiş, ancak bu Kanunun yürürlüğe girdiği tarihten sonra silahlı mukavemet göstermeksizin kendiliklerinden veya vasıtalı olarak teslim olmuş veya kendiliklerinden örgütten çekildiği anlaşılmış olanlar hakkında, bu Kanundan yararlanmak istediğini beyan etmeleri ve terör örgütü içindeki konum ve faaliyetleriyle uyumlu şekilde terör örgütünün yapısı, faaliyetleri, işlenen suçlar ve diğer failer hakkında doğru bilgi verdiğinin tespit edilmesi halinde, işlemiş oldukları suçun vasıf ve mahiyetine göre, idam cezasından dönüştürülmüş müebbet ağır hapis cezası yerine oniki yıl, müebbet ağır hapis cezası yerine dokuz yıl ağır hapis cezası verilir ve diğer cezalar beşte bire indirilerek hükmolunur.

c) Bu Kanunun yürürlüğe girmesinden önce terör örgütü tarafından işlenen suçlara iştirak etmiş veya etmemiş olmakla beraber, bu Kanunun yürürlüğe girdiği tarihten sonra yakalanmış olanlardan, bu Kanundan yararlanmak istediğini beyan etmeleri ve terör örgütü içindeki konum ve faaliyetiyle uyumlu şekilde bilgi vermek suretiyle; terör örgütünün dağılmasına veya meydana çıkarılmasına yardım etmeleri ya da verecekleri bilgi ve belgelerle yahut bizzat gösterecekleri çaba ile terör örgütünün amaçladığı suçun işlenmesine engel olmaları halinde, bu bilgileri;

1) Hüküm kesinleşmeden önce verenler hakkında işlemiş oldukları suçun vasıf ve mahiyetine göre, idam cezasından dönüştürülmüş müebbet ağır hapis cezası yerine onaltı yıl, müebbet ağır hapis cezası yerine ondört yıl ağır hapis cezası verilir ve diğer cezalar üçte bire indirilerek hükmolunur.

2) Hüküm kesinleştikten sonra verenler hakkında işlemiş oldukları suçun vasıf ve mahiyetine göre, idam cezasından dönüştürülmüş müebbet ağır hapis cezası yerine yirmiiki yıl, müebbet ağır hapis cezası yerine ondokuz yıl ağır hapis cezası verilir ve diğer cezalar yarısına indirilerek hükmolunur.

Bu Kanun hükümlerinden yararlanmak amacıyla yapılan açıklamaların, kötü niyetle yapıldığı veya delillerin uydurulduğunun anlaşılması halinde, fiil başka bir suç oluştursa bile fail ayrıca beş

yıldan az olmamak üzere ağır hapis cezasıyla cezalandırılır ve bu Kanun hükümlerinden yararlandırılmaz.

Bu Kanundan yararlandıktan sonra Türk Ceza [Kanununun](#) 81 inci maddesinde öngörülen süreler içinde bu Kanun kapsamına giren suçları yenidenişleyenler hakkında verilecek cezalar yarı oranında artırılarak hükmolunur.

Bu madde hükümleri, terör örgütü mensubu olmayıp da; terör örgütü mensuplarına silah ve cephane tedarik edenler hakkında da uygulanır. Ancak, maddenin birinci fıkrası kapsamına giren terör örgütleri mensuplarına sadece barınacak yer gösteren veya erzak tedarik eden yahut başka yollardan yardım edenlere ceza verilmez.

Koruma tedbirleri

MADDE 5.- Haklarında Türk Ceza [Kanununun](#) 170 inci maddesi ile 171 inci maddesinin son fıkrası ve terör örgütü içindeki konum ve faaliyetleriyle uyumlu bilgi verdikleri tespit edilerek bu Kanun hükümleri uygulananlar için, mahkeme kararının kesinleşmesi beklenmeksizin ilgilinin isteği halinde gerekli görülen koruma tedbirleri ile kişinin topluma kazandırılması için her türlü tedbir İçişleri Bakanlığı tarafından alınır.

Alınacak tedbirlerin uygulanmasında İçişleri Bakanlığı ile ilgili diğer kurum ve kuruluşlar gerekli her türlü gizlilik kurallarına uymak zorundadırlar. Bu fıkra hükümlerine aykırı hareket edenler hakkında iki yıldan üç yıla kadar hapis cezasına hükmolunur.

Koruma tedbiri uygulanacak kişiler ile tedbirin çeşidi, şekli ve bunlarla ilgili harcamalar İçişleri Bakanlığınca çıkarılacak bir yönetmelikle belirlenir. Koruma tedbirleri yönünden ilgili kurum ve kuruluşlar İçişleri Bakanlığının taleplerini gecikmeksizin yerine getirirler.

Koruma tedbirlerinin uygulanması ile ilgili harcamalar İçişleri Bakanlığı bütçesinin ilgili tertibine konulan ödenekten karşılanır. Bu ödenekten yapılacak harcamalar, İçişleri Bakanlık makamının onayına dayanılarak 26.5.1927 tarihli ve 1050 sayılı Muhasebei Umumiye [Kanununun](#) değişik 77 nci maddesinde belirtilen esaslar doğrultusunda tahakkuk ettirilerek ödenir. Bu harcamalar hakkında 4.1.2002 tarihli ve 4734 sayılı Kamu İhale [Kanunu](#) hükümleri uygulanmaz.

Bu madde uyarınca kimlikleri değiştirilenlerin yeni kimlikleri adli sicil kayıtlarına işlenir ve sicilleri sadece Adalet Bakanlığı Adli Sicil ve İstatistik Genel Müdürlüğündeki merkezi adli sicilde bulundurulur.

5.6.1985 tarihli ve 3216 sayılı Kanun ile 25.3.1988 tarihli ve 3419 sayılı [Kanun](#) hükümlerinden yararlananlar hakkında koruma tedbirlerinin uygulanmasına devam edilir.

Verilen bilgilerin araştırılması

MADDE 6.- Bu Kanuna göre yetkili mercilere ve mahkemelere bilgi verildiği takdirde yetkili merciler ve mahkemeler bunu derhal ve gizlilik kaydı ile İçişleri Bakanlığına bildirirler.

Bu Kanunun uygulaması bakımından mahkeme, verilen bilgi ve açıklamanın doğruluğunu ayrıca İçişleri Bakanlığı vasıtasıyla araştırır. Mahkeme verilen bilgi ve açıklamaların araştırılması bakımından sanığın tüm aşamalarda ifade ve açıklamalarının yer aldığı bir dosyayı İçişleri Bakanlığına gönderir. İçişleri Bakanlığı mahkemenin yazısı üzerine, konuyu en kısa zamanda inceleyerek mahkemeye gerekçeli bir rapor verir.

Verilen bilginin doğruluğunun araştırılması bakımından zorunlu görülen hallerde hükümlü veya tutuklular, araştırmayı yürütmekle görevli makamın isteği ve savcının talebiyle, hükümlü veya tutuklunun rızası alınmak koşuluyla hükümlü veya tutuklunun bulunduğu yerdeki mahkemenin kararıyla ceza infaz kurumu veya tutukevinden alınabilirler. Zabıta muhafazasında kalınacak süre, işin niteliğine göre mahkemece tespit olunur. Hakim, her defasında karar vermeden önce hükümlü veya tutukluyu dinler. Ancak bu süre her defasında dört günü, hiçbir surette onbeş günü geçemez. Bu süre hükümlülük ve tutuklulukta geçmiş sayılır. Hükümlü veya tutuklunun sağlık durumu, ceza infaz kurumu veya tutukevinden ayrılış ve dönüşlerinde doktor raporuyla tespit edilir. Zabıta muhafazasında kalınan sürede yapılan işlemlere ilişkin belgelerin bir örneği, ilgilinin dosyasında muhafaza edilmek üzere İçişleri Bakanlığına gönderilir.

Bu Kanunun uygulandığı hallerde, mahkemece gerekli görülürse infazın tehirine karar verilebilir.

Bu Kanun hükümlerinden yararlananlar hakkındaki hükmün bir örneği, kesinleşmesini takiben mahkemece İçişleri Bakanlığına gönderilir.

30.7.1999 tarihli ve 4422 sayılı Çıkar Amaçlı Suç Örgütleriyle Mücadele [Kanununun](#) 7 nci maddesi kapsamına giren ve koruma tedbiri uygulanacak kişilerle ilgili işlemler esnasında, bu Kanunla düzenlenen koruma tedbirleri kapsamında bulunup bulunmadıkları ilgili tanık koruma birimlerince araştırılır.

Yürürlükten kaldırılan hükümler

MADDE 7.- 25.3.1988 tarihli ve 3419 sayılı Bazı Suç Failleri Hakkında Uygulanacak Hükümlere Dair [Kanun](#), ek ve değişiklikleri ile birlikte yürürlükten kaldırılmıştır. Diğer kanunlarda yürürlükten kaldırılan 25.3.1988 tarihli ve 3419 sayılı [Kanuna](#) yapılan atıflar bu Kanuna yapılmış sayılır.

GEÇİCİ MADDE 1.- Terör örgütü mensubu olup da bu Kanunun yürürlüğe girdiği tarihten önce kendiliklerinden örgütten çekildiği anlaşılanlardan veya teslim olanlardan yahut yakalananlardan bu Kanunun yürürlüğe girdiği tarihten itibaren altı ay içinde yetkili makam veya mahkemeye başvurup da bu Kanun hükümlerinden yararlanmak istediğini beyan edenlerden, durumlarına göre şartları yerine getirmiş olanlar veya getirenler hakkında da bu Kanun hükümleri uygulanır.

Yürürlük

MADDE 8.- Bu Kanun, yayımı tarihinde yürürlüğe girer ve 4 üncü maddenin birinci ve son fıkrası yayımı tarihinden itibaren altı ay sonra yürürlükten kalkar.

Yürütme

MADDE 9.- Bu Kanun hükümlerini Bakanlar Kurulu yürütür.