



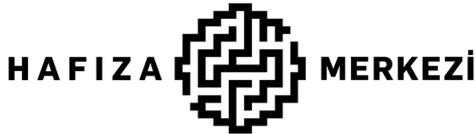
**OFFICIAL
TRUTH-
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WITHOUT
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COMMISSIONS
OF INQUIRY
IN TURKEY**

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HAKİKAT ADALET HAFIZA MERKEZİ



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Introduction

Studying Parliamentary Commissions of Inquiry in Turkey: Goals, Context and Methods

Goals

This report documents and analyzes four parliamentary commissions of inquiry, formed between 1997 and 2013, to investigate issues related to political violence and human rights violations in order to create guidelines for future commissions. Turkey has had neither a formal transitional justice process in general nor a concomitant truth commission. Nonetheless, the parliament and other state institutions have created various truth-finding bodies since the late 1980s to inquire into the conduct of state forces during the internal armed conflict in the Kurdish region, the human rights violations during that conflict and beyond, and the threats to democracy. This project examines the accomplishments and limitations of parliamentary commissions of inquiry in discovering facts, publicizing their message, and providing redress for victims. The overarching goal is to lay the groundwork for what a future truth-finding body, established either as a commission of the parliament or independently of it, can and should do to build upon the accomplishments of these past initiatives and surpass their limitations.

As stated earlier, the proposed research acknowledges the absence of a genuine political transition to peace and democracy in Turkey and a lack of studies on past investigatory bodies to provide the opportunity for reflection and guidance for future efforts. Thus, the project's overall goal is to explore the best practices for establishing either a future parliamentary commission of inquiry or a truth commission within the context of a democratic opening or a peace process. A review of the existing literature on commissions in other countries and an analysis of past commissions in Turkey were conducted to help guide this project in achieving practical results.

Context: parliamentary commissions of inquiry in Turkey

The Grand National Assembly of Turkey [*Türkiye Büyük Millet Meclisi*], the country's legislative body, had a total of 137 ad hoc parliamentary commissions of inquiry between 1950 and 2021, 89 of which submitted a final report to the plenary of the parliament, which means that more than one-third of the commissions were ignored by the plenary. Figure Introduction.1 shows a breakdown of ad hoc parliamentary

commissions on inquiry per legislative term; the white lines on the bars delineate separate years in each legislative term.

Parliamentary commissions of inquiry are established under the jurisdiction of the Parliament Rules of Procedure [*Meclis İ tüz ğ *]. Article 98 of the Constitution¹ stipulates that the parliament exercises its power to obtain information and to supervise [*bilgi edinme ve denetleme yetkisi*] through parliamentary inquiry, general debate, parliamentary investigation, and written questions [*Meclis arařtırması, genel g r řme, Meclis soruřturması ve yazılı soru*]. A parliamentary inquiry is defined as “an examination conducted to obtain information on a specific subject” [*Meclis arařtırması, belli bir konuda bilgi edinmek i in yapılan incelemeden ibarettir*]. The Constitution delegates determination of the specifics of establishing a commission of inquiry to the Parliament Rules of Procedure.

The first step in the creation of a commission is a parliamentary inquiry motion [*Meclis arařtırma  nergisi*]. If the plenary of the parliament accepts the motion, the commission moves forward. Articles 104 and 105 of the Parliament Rules of Procedure set the standards for what a parliamentary commission of inquiry is authorized to do. It has the authority to demand information, conduct investigations at and summon relevant persons from the following institutions: “ministries, general and mixed-budget departments, local administrations, neighborhood heads, universities, the Turkish Radio-Television Corporation, state economic enterprises, banks and institutions established by special law or on the basis of the authority given by special law, public professional organizations and public-benefit associations”² [*bakanlıklarla genel ve katma b t çeli dairelerden, mahalli idarelerden, muhtarlıklardan,  niversitelerden, T rkiye Radyo-Televizyon Kurumundan, kamu iktisadi teřebb slerinden,  zel kanun ile veya  zel kanunun verdiđi yetkiye dayanılarak kurulmuř banka ve kuruluřlardan, kamu kurumu niteliđindeki meslek kuruluřlarından ve kamu yararına  alıřan derneklerden*]. The list does not include members of parliament, and nor is it clear whether it includes members of state security institutions, a case in point being that active-duty police and military officers work under the ministry of the interior and the ministry of defense, respectively, but the term “relevant persons” [*ilgiliiler*] is a vague term and fails to clarify who in fact can be summoned by a parliamentary commission. The Rules of Procedure also empower

¹ The full text of the constitution is available at: https://global.tbmm.gov.tr/docs/constitution_en.pdf [English]; https://www5.tbmm.gov.tr/anayasa/anayasa_2018.pdf [Turkish].

² T rkiye B y k Millet Meclisi İ tüz ğ , Madde 105. The Parliamentary Rules of Procedure are available at: <https://www.mevzuat.gov.tr/MevzuatMetin/17.5.584.pdf> [Turkish].

commissions to “seek information from experts it deems appropriate” [*uygun bulacağı uzmanların bilgilerine başvurabilir*], but this power does not set any limits concerning public-sector affiliation. In other words, the specific ways in which such information should be sought are lacking. Also missing is any indication of what happens when the selected relevant persons or experts refuse to cooperate.

In Turkey, parliamentary commissions of inquiry do not enjoy judicial powers, like the power to subpoena [*yeminli ifade alma yetkisi*], primarily because the Constitutional Court’s interpretation of parliamentary activity as completely distinct from judicial authority denies parliamentary commissions court-like attributes. Even though these commissions can ask virtually any person of interest for an interview, commissions do not have the authority to grant immunity from legal accountability. This, when combined with the legal norm against self-incrimination [*kendi aleyhinde ifade vermek*], limits these commissions’ ability to acquire information from presumed perpetrators or members of public institutions that are withholding sensitive information.³

The relationship between commissions of inquiry and the judiciary has been a source of controversy, especially when prosecutions and commissions are operating at the same time. The allocation of roles is ambiguous in this area. Commissions do not have organic connections to prosecutors’ offices. Nonetheless, a prosecutor may choose to investigate a new case or reconsider a previous investigation on the basis of novel information discovered by a commission. It is safe to argue, nonetheless, that parliamentary commissions of inquiry are designed to have as little *de jure* and *de facto* power as possible.

Case selection for this report

As elsewhere, parliamentary commissions of inquiry have addressed numerous issues of public interest but only rarely have addressed issues of relevance to transitional justice: two commissions addressed military coups and three addressed unresolved political murders. To this day, no ad hoc parliamentary commission of inquiry has contained the term “human rights” in its title.

In addition to ad hoc commissions, sub-commissions of the Parliament’s permanent commissions carry out investigative work. Turkey’s Parliament has 16 permanent commissions – including a human rights commission, which was established in 1990.

³ The information in this section comes from my interview with Ulaş Karan on January 31, 2022 (Zoom).

The human rights commission released 21 reports between its founding and 2021.

For the purposes of this report, three ad hoc parliamentary commissions of inquiry and one sub-commission of a permanent commission whose work is directly relevant to political violence and human rights violations serve as the sample cases. Setting the conditions governing the scope of this report is important for three reasons: (1) to filter out parliamentary commissions of inquiry that have been established in Turkey and elsewhere for issues unrelated to human rights violations; (2) to exclude commissions that address only one incident or a small number of incidents involving human rights violations; and (3) to filter out commissions inquiring into human rights violations in other countries. The empirical analysis conducted within this scope is therefore limited to those parliamentary commissions of inquiry that conduct investigations of massive, systematic human rights violations in Turkey, while the accompanying literature review looks at similar investigations in Uruguay, Peru, and Germany strictly for purposes of comparison. Another important issue to note here is that the transitional justice scholarship around the world has included some parliamentary commissions of inquiry as truth commissions while excluding others. All parliamentary commissions fitting the definition above are included in this report, regardless of whether they are referred to as truth commissions in the literature.

This report focuses on four commissions (three parliamentary commissions of inquiry and one sub-commission) in the empirical analysis:

- The Parliamentary Commission of Inquiry Established to Clarify the Connection of Illegal Organizations with the State and Accident in Susurluk and the Relationships behind It [*Yasadışı Örgütlerin Devletle Olan Bağlantıları ile Susurluk'ta Meydana Gelen Kaza Olayının ve Arkasındaki İlişkilerin Aydınliğa Kavuşturulması Amacıyla Kurulan Meclis Araştırması Komisyonu*] (1997)
- Parliamentary Commission of Inquiry to Investigate Comprehensively All Coups and Memoranda that Interfere with Democracy and All Other Initiatives and Processes That Make Democracy Dysfunctional in Our Country, and to Determine the Measures to be Taken [*Ülkemizde Demokrasiye Müdahale Eden Tüm Darbe ve Muhtıralar ile Demokrasiyi İşlevsiz Kılan Diğer Bütün Girişim ve Süreçlerin Tüm Boyutları ile Araştırılarak Alınması Gereken Önlemlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırması Komisyonu*] (2012)
- The Parliamentary Sub-Commission on the Investigation of Violations of the Right to Life in the Context of Terrorism and Violence [*Terör ve Şiddet*

Olayları Kapsamında Yaşam Hakkı İhlallerinin İncelenmesine Yönelik Alt Komisyon] (2013)

- The Parliamentary Investigation Commission to Research the Ways to Social Peace and to Evaluate the Peace Process [*Toplumsal Barış Yollarının Araştırılması ve Çözüm Sürecinin Değerlendirilmesi Amacıyla Kurulan Meclis Araştırması Komisyonu*] (2013)

These four investigations did not take place in a vacuum; pressure on the part of political parties, civil society organizations, victims' groups, and occasionally international actors pushed the parliament to launch and sponsor these investigatory bodies. In addition, journalists and civil society groups have a long history of carrying out their own investigations into human rights violations and state-sponsored criminal activities. This report examines the official commissions in conjunction with civil society efforts to discover and publicize facts.

Data and methods

The overall goal of this report is to develop a deeper understanding of the creation, operation and reception of the three parliamentary commissions of inquiry and the one sub-commission. The primary source of information is the content of commission. Quantitative and qualitative content analyses were used to describe and shed light on the membership, findings, recommendations, narrative frames, and inclusions and exclusions of each commission. Newspaper archives covering the commissions were reviewed to complement the content analysis. Each commission was also analyzed with respect to the party affiliation of its members. Examining the differences in the framing and wording of political issues by different commissioners served to provide insights into the politics of these commissions, as well as the likelihood of consensus and disagreement.

In addition, five individuals with expertise and/or experience in this field were interviewed for this project. The interviews took place remotely between January 25 and February 2, 2022. The following individuals were interviewed:

- Özgür Sevgi Göral, member of Hafıza Merkezi (interviewee for the Peace Process Commission)
- Murat Çelikkan, member of Hafıza Merkezi (interviewee for the Peace Process Commission)
- Öztürk Türkdoğan, chair of the Human Rights Association [*İnsan Hakları Derneği*] (interviewee for the Right to Life Sub-Commission & Peace Process)

Commission)

- Nadire Mater, project consultant for *Bianet*, an independent news agency (interviewee for the Right to Life Sub-Commission)
- Ulaş Karan, associate professor of law at Bilgi University

Empirical and normative literature on the promises and impact of parliamentary commissions of inquiry and truth commissions around the world served to guide the analysis. Turkey's parliamentary commissions are analyzed in light of the following questions:

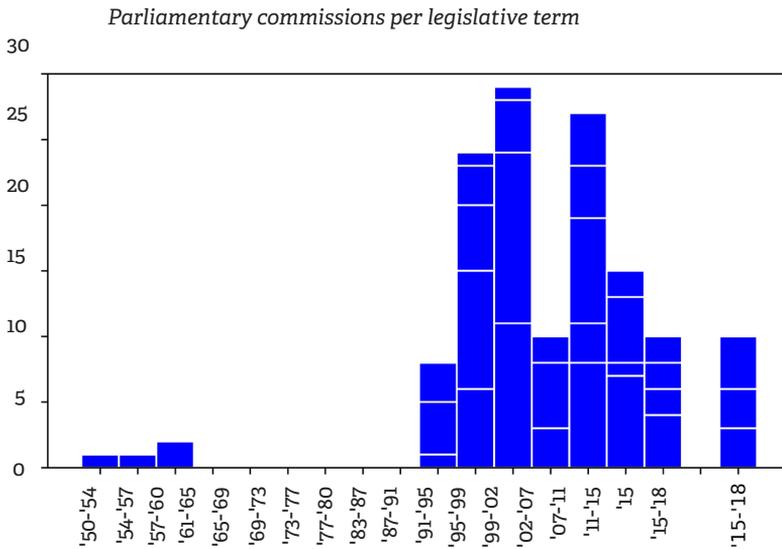
- Were the commission members selected through an impartial and/or politically inclusive mechanism?
- Has the commission satisfied the need for discovering all the facts relevant to past violence and violations?
- In what ways has the commission contextualized the political atmosphere leading up to past violence and violations?
- What were the areas of contention and disagreement in these commissions?
- Has the commission made any recommendations to prevent the repetition of violence and violations?
- Have the findings and recommendations of the commission been made available to the public?
- Have politicians followed up with the recommendations of the commission?
- Have human rights organizations and other civil society groups reported satisfaction with the findings and recommendations of the commission?

Overview of the report

Chapter 1 defines parliamentary commissions of inquiry, situates them in the broader field of official truth-finding, and discusses the advantages and disadvantages of reckoning with human rights violations through these commissions, using examples from three countries (namely, Uruguay, Peru, and Germany) as case studies. Chapters 2, 3, 4, and 5 are devoted to the analyses of the Susurluk Commission, the Coup Commission, the Sub-Commission on the Violations of the Right to Life, and the Peace Process Commission, respectively. Each of these chapters begins with an overview of the legal, political and societal context, followed by basic information about the commission's members, goals, procedures, and final report. The content of each final report is analyzed in detail, followed by an examination of the commission's reception by the media, politicians, and civil society organizations. Chapter 6 compares and

contrasts the commissions with respect to their narrative frames, contributions to transitional justice, public reception, and civil society participation. Chapter 7 concludes the report by offering practical recommendations for lawmakers and civil society organizations interested in establishing and participating in parliamentary commissions of inquiry and similar truth-finding bodies in the future.

Figure Introduction.1: Ad hoc parliamentary commissions of inquiry



CHAPTER ONE

WHAT IS A PARLIAMENTARY COMMISSION OF INQUIRY AND WHY DOES IT MATTER?

What is a Parliamentary Commission of Inquiry and Why Does It Matter?

Truth-finding in the context of transitional justice

One of the core tenets of modern transitional justice practices is truth-finding, which can be defined as the discovery and publicization of facts about past human rights violations. In many societies working through the past after undergoing a period of authoritarianism and/or civil conflict, these violations remain in the dark. Therefore, *truth* has emerged as one of the objectives of transitional justice, alongside *justice*, *reconciliation*, *reparation*, and *non-repetition* (Leebaw, 2008).

What are the facts about past human rights violations, and why do they matter? Ideally, these facts should include information about the victim(s) of a violation, its perpetrator(s), and the specific details of the incidents before, during, and after the violation. When perpetrators conceal the nature of their crimes, uncovering and publicizing those crimes is the primary way society learns about the extent of past violations. Victim-survivors and victims' families expect a truthful acknowledgment of victimhood both for its own sake and for the sake of providing the factual basis for a reparations program (Minow, 1998; Teitel, 2000; de Greiff, 2006). Moreover, identifying perpetrators is the first step to holding them accountable through courts or vetting programs (Magarrell, 2003) – though it must be acknowledged that most truth-finding initiatives shy away from identifying perpetrators by individual name.

Truth-finding is not only about uncovering incontrovertible facts. It is as much about the process as it is about the outcome (Hayner, 2000). Providing victim-survivors and victims' relatives with a space to narrate their stories can facilitate the recognition of victimhood and contribute to individual closure and healing (Soyinka, 2000). Some scholars even suggest that platforms in which victims (and perhaps perpetrators) are allowed to give testimony may contribute to collective healing and strengthening democracy (Payne, 2007).

Truth-finding has become, in great part, such an indispensable element of working through the past because massive and systematic human rights violations often involve concealment and disinformation. Forced disappearance, torture under secret detention, and the hiding of bodies in mass graves after massacres are examples of violations that involve concealment. In addition, individual and institutional perpetrators (which typically consist of state actors and their collaborators, as well

as non-state armed actors in many cases) almost always deny their role in any wrongdoing and can go as far as even hiding or destroying official records. If denial is one strategy, disinformation is another: perpetrators find ways to misrepresent facts and shift blame in an effort to mislead the public about the violations. Official censorship, lack of judicial independence, and self-censorship by the media further aggravate the situation.

In many countries, victims' groups, non-governmental organizations (NGOs), like human rights associations, and other citizens concerned with human rights face hostility, not only during but also after a period of atrocities. The judiciary and the media are unlikely to prioritize human rights concerns, even within the context of democratization and/or peace initiatives, much less in the absence of tangible political change. The executive and legislative branches may either heed or ignore the calls for truth and justice depending on the makeup of these branches and the political clout of former perpetrators. The 'transition' in transitional justice is usually a mixture of continuity and change, rather than a clean break with a past marked by human rights violations. Thus, the discovery and publicization of violations require political will, societal pressure, and in many cases, compromises (for an excellent summary of the debates around transitional justice as a field, see Arthur, 2009).

Types of truth-finding initiatives

Governments and NGOs use a variety of mechanisms to discover and publicize facts about past human rights violations. For the purposes of this project, four such mechanisms will be discussed in brief: presidential or parliamentary commissions of inquiry, truth commissions, non-governmental truth efforts, and permanent memory institutions (for conceptual debates, see Bickford, 2007; Hayner, 2010; Wiebelhaus-Brahm, 2010; Bakiner, 2015). Needless to say, courts and the media can (and sometimes do) play a crucial role in supporting these efforts, but they are omitted from this analysis for two reasons: first, these established institutional mechanisms have functions beyond truth-finding in the context of human rights violations; and second, it is often the failure of courts and the media that prompts the need for specialized truth-finding initiatives in the first place.

Presidential or parliamentary commissions of inquiry: These panels, an established component of the political system, are mandated by the executive or legislative branch to provide in-depth information about issues of public concern. They typically include active politicians – especially in the case of parliamentary commissions, they include members of parliament – but external experts can participate, as well.

Truth commissions: Also known as truth and reconciliation commissions, they are ad hoc bodies established by the executive or legislative branch (and in a few cases, international organizations like the United Nations) to investigate a period of past human rights violations. Even though they closely resemble the above-mentioned commissions of inquiry, the members of truth commissions are typically not active politicians or bureaucrats, which is meant to ensure a degree of political independence. The popularity of the South African Truth and Reconciliation Commission (1995-1998) turned truth commissions into a worldwide phenomenon in the late 1990s and 2000s.

Non-governmental truth efforts: Victims' groups and human rights organizations carry out investigations and collect data to complement the efforts or rectify the lack of efforts of state institutions and in most cases, fill the gap created by those institutions' lack of attention to human rights. Even though non-governmental efforts do not carry the promise of official endorsement, their findings can form the basis of official inquiries, pressure politicians into taking action, and inform the public much more effectively than official channels.

Permanent memory institutions: The preservation of historical memory and its transmission to younger generations are among the chief long-term goals of truth-finding initiatives. Towards that end, some countries have created permanent organizations to preserve human rights archives and to exhibit findings in museums. These institutions may encourage the discovery of facts, for example, when they include oral history projects, but not all of them carry out fact-finding tasks, as some focus strictly on preservation and publicity instead.

As these brief descriptions make clear, parliamentary commissions of inquiry are but one type of initiative to uncover and publicize facts about past wrongs among others. Nevertheless, it is worth looking more closely at the specific features of parliamentary commissions, which is done in the next section.

Defining parliamentary commissions of inquiry

A parliamentary commission of inquiry is an ad hoc panel created and staffed by members of a legislative body to investigate an incident or a series of incidents of public interest. Membership in this kind of commission can be limited to legislators or a mixed panel of legislators and outside experts. In addition, some commissions invite outside witnesses to give testimony. There is no constraint on the types of issues that can be investigated by a parliamentary commission of inquiry. Just to give two

examples from the recent past, in 2017 Brazil established a commission of inquiry into agrarian reform while Mozambique established one on the public debt.⁴ As of this writing, the United States House Select Committee has been investigating the Capitol riot that took place on January 6th, 2021, in addition to a Senate investigation that concluded in June 2021. Thus, the potential issue areas are boundless; for the purposes of this project, however, the issues in question are limited to mass human rights violations and the breakdown of democratic rule.

Parliamentary commissions of inquiry share many characteristics with other truth-finding initiatives, like presidential commissions of inquiry, truth commissions and civil society efforts. If a country's political regime is designed as a parliamentary system, then parliamentary commissions of inquiry are of course common, but presidential and semi-presidential systems may also use a mixture of presidential and parliamentary commissions, depending on the allocation of authorities and responsibilities prescribed to the executive and legislative branches. It is worth acknowledging that truth commissions are modified versions of presidential or parliamentary commissions of inquiry in many countries – modified in the sense that outside public figures, rather than active politicians or bureaucrats, were selected as commissioners. To this day, transitional justice scholars debate whether purely parliamentary commissions should be counted among truth commissions. For example, Uruguay's 1985 parliamentary commission of inquiry is included in Priscilla Hayner's classic text on truth commissions (Hayner, 2010), while Freeman (2006) excludes it. Likewise, Germany's 1992 and 1995 commissions of inquiry have been included in some truth commission lists (Brahm, 2009; Kochanski, 2020), but not in others.

In other words, many of the similarities between other truth-finding initiatives and parliamentary commissions of inquiry result from similar origins. Furthermore, goals, procedures, and outcomes tend to converge, too: all of these initiatives' primary goal is to uncover facts that may remain concealed as a result of official censorship, judicial inaction, media inattention, and atmospheres of fear and apathy. Beyond the limited power to subpoena witnesses and alleged perpetrators to testify, which is not even granted in many countries, parliamentary commissions do not perform court-like functions – a characteristic shared with truth commissions, which, a few exceptions notwithstanding, are even weaker in terms of formal powers. And finally, parliamentary commissions' findings and recommendations may carry the aura of official endorsement, but the acknowledgement of the findings and implementation

⁴ Amnesty International. 2018. "Amnesty International Report 2018/18: The State of the World's Human Rights."

of recommendations depend on a host of political factors beyond the commissioners' immediate control.

Such similarities aside, the procedures governing the work of parliamentary commissions of inquiry differ significantly from other truth-finding initiatives. First and foremost, partisan politics constitutes an inherent component of these commissions. Participants of other truth-finding initiatives also bring their political interests and values into their work, but parliamentary commissions of inquiry do so openly, as most or all of their members are active legislators. Thus, independence from political institutions, an aspiration for truth commissions in general, is not possible or desirable for parliamentary commissions of inquiry. In relation to this, the politicians who make up these commissions typically have weaker ties to civil society organizations and social movements than those of members of either truth commissions or civil society truth-finding efforts. Thus, designing parliamentary commissions of inquiry as anything more than an intra-institutional investigative panel is extremely difficult.

Potential advantages and disadvantages of addressing past wrongs with a parliamentary commission

Do parliamentary commissions of inquiry present opportunities or shortcomings in comparison to truth commissions? Truth commissions have clearly dominated public debates in most societies that have been coming to terms with the past since the 1990s; so, one wonders if parliamentary commissions are even desirable or necessary when truth commissions are available as an alternative. One obvious shortcoming of parliamentary commissions is that their direct dependence on the political process means that they are vulnerable to changing political fortunes: a different political makeup of the legislature after an election or even a change of hearts during the legislative term may determine the fate of these commissions. In addition, they may inspire little trust in the public precisely because they may represent the divisiveness and inefficiency of the political system. Méndez and Mariezcurrena attribute the societal preference for independent truth commissions over legislative or administrative bodies to the inadequacy and lack of popularity of existing institutions in much of the Third World (Méndez & Mariezcurrena, 2003, pp. 255-256). In addition, truth commissions in countries like Argentina, where the final report became a bestseller in 1984, and South Africa, where the commission's televised hearings put the apartheid regime's human rights violations under the spotlight, have managed to touch the public so effectively that they may have served as an inspiration for other countries in a way that parliamentary commissions have not.

Even though they are not as popular among human rights activists and scholars as truth commissions are, parliamentary commissions should not be ignored altogether. Their greatest stated advantage is the promise that the investigation and publication of facts will be officially endorsed by an established political entity. Perhaps it is surprising in retrospect that non-partisan truth commissions became a transitional justice mechanism celebrated by civil society organizations, considering the fact that the relatives of the disappeared in Argentina, the first country to have established a truth commission that published a final report, kept demanding a parliamentary commission of inquiry (Oettler, 2006, p. 16) because they wanted the commissioners to “compel the production of information from perpetrators and from military institutions” (Hayner, 2010, p. 45). Furthermore, the partisan nature of parliamentary commissions can be interpreted as a strength, not a weakness: public inquiry, debate, and disagreement are the very essence of democratic politics, and elected members of the legislature are in the best position to conduct these activities.

Before concluding this section on the potential advantages and disadvantages of addressing past wrongs through parliamentary commissions of inquiry, some examples from the recent past deserve mention. Although numerous countries have examined past human rights violations through parliamentary commissions, only a few of them have generated sufficient media and scholarly attention. To give some examples: in 1991, newly independent Lithuania’s parliament established a commission to identify and purge KGB agents (Schlunck, 1998); Slovenia’s Parliamentary Commission on Post-War Mass Murders, Show Trials and Other Similar Injustices in 1993 sought to shed light on past atrocities in that country (Steinbacher, Steinbacher, & Steinbacher, 2012, p. 423); the Dutch Parliamentary Commission of Inquiry on Srebrenica, established in 2002, debated the responsibility of the Netherlands for the mass murder of Bosnians in Srebrenica in 1995 (van den Berg, 2009; Rijdsdijk, 2018); and in 2001, Belgium’s parliament debated their country’s role in the 1961 assassination of the Congolese President, Patrice Lumumba (Marchand, Uwashema, & Deprez, 2020).

This next section provides an overview of commissions in three countries, namely those established in Uruguay (1986), Peru (1987) and Germany (1992, 1995), as their operation and findings have been analyzed and debated in the transitional justice field more so than their counterparts elsewhere, and thus, their achievements and failures can serve as a baseline for this report.

Notable examples of parliamentary commissions of inquiry

Uruguay

Similar to other countries in the Southern Cone during the Cold War, Uruguay's democratic development came to an abrupt end when a right-wing military coup, determined to crush leftist movements, took place on June 27, 1973. The 11-year dictatorship that followed left in its wake thousands of victims of political imprisonment, torture and forced exile, and a smaller number of enforced disappearances. However, democratic governments were extremely reluctant to push for criminal accountability in the early years of the transition. Responding to increasing public pressure to investigate past violations, the parliament established the Investigative Commission on the Situation of the Disappeared People and Its Causes [*Comisión Investigadora sobre la Situación de Personas Desaparecidas y Hechos que la Motivaron*] in 1985. A parallel parliamentary investigation looked into the 1976 assassination of two lawmakers (Hayner, 2010, pp.241-242).

The mandate confined the commission's work to investigating disappearances only, which was a severe limitation in a country where there was a high prevalence of torture and political imprisonment. Ultimately, the seven-month investigation found information about 164 cases of disappearance and forwarded it to the Supreme Court (Hayner, 1994, p. 616). However, the parliamentary commission's extremely limited work generated such dissatisfaction in the human rights community that Servicio Paz y Justicia – Uruguay (SERPAJ), an NGO, carried out its own alternative truth-finding project called "Uruguay Never Again" [*Uruguay Nunca Más*] (Burt, Fried Amilivia, & Lessa, 2013; Barahona de Brito, 1993). Ongoing civil society mobilization for truth and accountability led the Uruguayan government to establish an independent truth commission in 2000.

Peru

The internal armed conflict between the Maoist Shining Path insurgency and the Peruvian state began as the country was transitioning to civilian, democratic rule in 1980. The violence, which continued until the capture of Shining Path's leaders in 1992, devastated the mostly indigenous countryside and spread to urban centers, universities, and prisons. One of the most shocking acts of state violence took place in the context of prison riots in and around Lima on June 18-19, 1986. Domestic and international calls to investigate the prison massacres forced President Alan García's government to accept a parliamentary commission of inquiry, namely the Commission

of Inquiry into Incidents in Prisons [*Los Sucesos De Los Penales*] in 1987.⁵

Members of García's American Popular Revolutionary Alliance (APRA) party were in the majority in the commission, but the chairperson was Rolando Ames, a senator from the leftist opposition – a choice attributed to international pressure (Feinstein, 2014). Very little is known about the goals or mandate of the commission, which “reviewed testimony and conducted interviews with ex-ministers, members of the Joint Command of the Armed Forces, military and police officers, members of the Judiciary and Public Ministry, the Supreme Council of Military Justice, as well as surviving prisoners who witnessed the riots and subsequent military operations” in a timeframe of four months (Feinstein, 2014, p. 26).

Perhaps the most unusual aspect of the commission was its final outcome. Two final reports, one reflecting the viewpoints of the APRA majority and another written by Ames and signed on to by opposition members of parliament, were produced in 1988. The latter criticizes the role of the government during the massacres. As a result, the “Congress approved the majority report that, not surprisingly, denied any responsibility on the part of the president and his cabinet” (Aguirre, 2013, pp. 210-211). The drastic differences in the conclusions were reinforced in dissemination efforts, too: García and his parliamentary majority chose not to publish either report, while Ames took to public advocacy to defend the conclusions of his report (Feinstein, 2014, p. 31). Years later, the Truth and Reconciliation Commission (2001-2003), of which Ames was a member, confirmed the basic findings of the opposition report and concluded that Alan García held “serious political responsibility” for the prison massacres (Aguirre, 2013, p. 211).

Germany

The fall of the Berlin Wall in 1989 resulted in the reunification of Germany. During that process, calls to come to terms with the record of violations of civil and political rights under East Germany's Socialist Unity Party [*Sozialistische Einheitspartei Deutschlands, SED*] became increasingly more vocal. In addition to prosecutions, reparations to victims and a vetting program to dismiss individuals with ties to the East German State Security Service, better known as Stasi (Yoder, 1999), the lower chamber of the parliament established the Investigatory Commission on the Working-Through of the History and Consequences of the SED Dictatorship in Germany [*Die*

⁵ Basic information about the Peruvian commission is available at: <https://www.usip.org/publications/1986/08/commission-inquiry-peru-86>

Enquete-Kommission des 12. Deutschen Bundestages "Aufarbeitung von Geschichte und Folgen der SED-Diktatur in Deutschland"] in 1992.⁶ The commission was composed of 16 lawmakers and 11 experts from outside the parliament. The members were nominated by the Christian Democrats, the Social Democrats, the Free Democrats, the Greens, and the Party of Democratic Socialism (SED's successor party in reunified Germany) roughly in proportion to their representation in the parliament (Beattie, 2009, p. 232). Many of the members were East German dissidents (Stan, 2009). The commission's stated goals were democratic strengthening, reconciliation, national unity and the non-recurrence of past violations (Beattie, 2009, p. 233). The commission did not initially have a circumscribed mandate, so the members enjoyed discretion to set the contours of their work. The commission operated less as a fact-finding mission than as a forum in which the East German past was narrated (Beattie, 2009, p. 239). This was partly because many of the facts about human rights violations in East Germany were already known, and in part because the Christian Democratic members were interested in proving the illegitimacy of the SED regime and its socialist ideology (Beattie, 2009, p. 236). In the end, there was very limited coverage of individual cases of violations, as the commission's mission was largely committed to producing a general narrative.

The commission completed its work in 1994, producing an 18-volume final report. A year later, it was complemented by a new parliamentary commission, called the Study Commission for the Overcoming of the Consequences of the SED Dictatorship in the Process of German Unity [*Enquete-Kommission „Überwindung der Folgen der SED-Diktatur im Prozess der Deutschen Einheit"*].⁷ The second commission, which operated until 1998, consisted of 12 members of parliament and 12 experts. Scholars typically consider the overall impact of the two commissions as somewhat limited. Despite the inclusion of East Germans as commissioners, many ordinary people from the East portrayed the commissions as a project of the West German political and intellectual elite that failed to understand citizen experiences under the SED regime (Yoder, 1999, p. 73). Moreover, the commissions were not designed to recommend policy; therefore, their direct political impact was curtailed. Perhaps the main concrete outcome of the process was the creation of the Foundation to Work Through the SED-Dictatorship [*Stiftung zur Aufarbeitung der SED-Diktatur*], pursuant to the second commission's recommendation, in 1998 (Stan, 2009, p. 5).

⁶ Basic information about the 1992 German commission is available at: <https://www.usip.org/publications/1992/05/truth-commission-germany-92>

⁷ Basic information about the 1995 German commission is available at: <https://www.usip.org/publications/1995/07/truth-commission-germany-95>

Conclusion

Parliamentary commissions of inquiry are essential to discovering, narrating and publicizing facts about socially and politically important events and processes. By design, they are meant to serve as spaces of political contention and disagreement. This is both a risk and an opportunity. It is of course possible that members of parliament, especially those with an apathetic or hostile attitude towards the victims of human rights violations, may choose not to investigate and publicize past violations adequately. Nonetheless, parliamentary commissions also create a space for discussion, and thereby invite members of parliament and their constituencies to take those violations seriously. They are less likely than truth commissions and civil society efforts to operate independently of changing political circumstances but typically have more influence in terms of getting public institutions to share information and individuals to testify. Especially in countries with established and respected parliamentary procedures, their contribution to the public debate can be immense.

As the examples from around the world show, there is considerable variation in how parliamentary commissions work. Some manage to produce a coherent report despite political fragmentation (e.g., Germany), while others simply reinforce political polarization by publishing multiple reports containing divergent conclusions (e.g., Peru). The relationship between parliamentary commissions of inquiry and other truth-finding initiatives is complex: sometimes a later truth commission confirms the findings of a parliamentary one (e.g., Peru), while at other times, civil society organizations mobilize to rectify the omissions of a parliamentary commission (e.g., Uruguay), or a truth commission is perceived as an undesirable substitute for a parliamentary one (e.g., Argentina).

Substantial differences between types of truth-finding initiatives notwithstanding, there appear to be best practices common to all of them. First and foremost, any kind of fact-finding commission should enjoy sufficient time and resources to carry out its investigation – a consideration that will become relevant in this report’s analysis of Turkey’s parliamentary commissions. Second, a commission should be representative of the political parties and ideologies in the country. Third, its mandate and goals should be clarified early in the process in order to avoid confusion about whether the commission is expected to conduct forensic investigation, interpret the past, or do both. Fourth, its work should lead to formal recommendations for future truth, justice and redress measures. Finally, concerned human rights organizations, civic groups, and media organizations should monitor the commission’s work closely to hold the

parliament in general and the commission members in particular accountable before, during, and after the process.

CHAPTER TWO

THE SUSURLUK COMMISSION

The Susurluk Commission

Introduction

The early 1990s were marked by grave human rights violations in the context of the violent conflict between Turkey's state security forces and the Kurdistan Workers' Party [*Partiya Karkerên Kurdistanê*, PKK], assassinations of journalists and intellectuals by unknown perpetrators, and other crimes committed by mafioso organizations. The absence of proper investigation and prosecution by courts meant that the victims', their relatives', and the broader public's demands for truth and justice were consistently denied. Furthermore, the extent of criminality began to worry the political class, too, as the suspicion that criminal gangs had taken over the state apparatus intensified. This prompted the parliament to assemble commissions of investigation, most notably the 1993 Commission to Investigate Unresolved Political Murders [*Faili Meçhul Siyasi Cinayetleri Araştırma Komisyonu*] and the 1997 Commission to Clarify the Murder of Uğur Mumcu⁸ [*Uğur Mumcu Cinayetinin Açıklığa Kavuşturulması Amacıyla Kurulan Meclis Araştırması Komisyonu*] (Eroğlu, 2007, pp. 121-126). Yet, none of them generated as much public expectation as the Parliamentary Investigation Commission on the Susurluk Incident.

Context

The incident that triggered the Susurluk Commission and served as its namesake was a traffic accident that occurred in the northwestern town of Susurluk on November 3, 1996. The accident revealed that Sedat Bucak, a member of parliament in charge of organizing the paramilitary village guards in the Kurdish region, Hüseyin Kocadağ, former Istanbul Deputy Chief of Police, and Abdullah Çatlı, an ultranationalist criminal who was evading an Interpol arrest warrant at the time, were traveling together. This confirmed the suspicion that enforced disappearances and other grave human rights violations in the Kurdish region, unresolved assassinations of dissidents, drug trafficking, illegal gambling, and a host of other crimes were being committed through the connivance and even encouragement of some politicians and state bureaucracies. A considerable number of the implicated politicians belonged to the right-wing True Path Party [*Doğru Yol Partisi*, DYP], which was in a coalition government with the Islamist Welfare Party [*Refah Partisi*, RP] at the time. More importantly, the accusations meant that members of the military, police, and

⁸ Mumcu was a journalist known for his investigations into the involvement of state agents in financial and violent crimes. He was murdered in a car bomb explosion on January 24, 1993. His murder has remained unresolved to this day.

intelligence institutions had been involved in human rights violations and organized crime for decades and across multiple governments.

The accident generated enormous political backlash, as the opposition demanded that the government resign immediately. Mehmet Ağar, a leading figure among the implicated politicians, resigned his post as Minister of the Interior on November 8, 1996. Even though his official justification to resign was unrelated to the issue at hand, it was widely understood that he was facing political pressure to leave his post after the accident. On December 22, 1996, President Süleyman Demirel hosted a meeting to discuss the Susurluk incident and its aftermath with the leaders of all political parties represented in the parliament. In February 1997, a mass civil society campaign to rid politics of corruption began. In other words, there is no doubt that the Susurluk incident shook the foundations of the political class in Turkey.

Many of the issues raised after the accident had already been brought before the public's attention in the late 1980s and early 1990s. Human rights organizations and victims' groups had been denouncing enforced disappearances in the Kurdish region and targeted assassinations of Kurdish businesspeople since at least 1993. Witness accounts and confessions by retired members of the security forces suggested that a combination of military, police, intelligence personnel, and ultranationalist criminals, coordinated by Ağar, were behind the assassinations and extortion of Kurdish businesspeople, among other crimes. In addition, a special unit of the Gendarmerie, called the Gendarme Intelligence and Counter-Terrorism Command [*Jandarma İstihbarat ve Terörle Mücadele Grup Komutanlığı, JİTEM*], was said to be behind enforced disappearances – a claim consistently denied by the Gendarmerie to this day. However, neither the state agencies in question nor courts had investigated the allegations seriously until the Susurluk accident. Thus, revelations by human rights activists, dissident journalists, and disgruntled former members of state security forces had failed to transform the public debate until late 1996.⁹

⁹ The Susurluk Commission itself mentions two precursors to its work: the 1987 commission investigating fictitious export reports [*Hayali İhracat Araştırma Komisyonu*], and the 1995 commission on unresolved political murders [*Ülkemizin Çeşitli Yörelerinde İşlenmiş Faili Meçhul Cinayetler Meclis Araştırma Komisyonu*] (“Konuyla İlgili Önceki Meclis Araştırma Komisyonu Raporları”).

The creation and operation of the Commission

It was in this context that opposition members of the parliament demanded a parliamentary commission of inquiry, which was established only nine days after the accident. Three opposition parties, namely the Motherland Party [*Anavatan Partisi*, ANAP], the Democratic Left Party [*Demokratik Sol Parti*, DSP], and the Republican People's Party [*Cumhuriyet Halk Partisi*, CHP] filed a total of five motions to demand a commission of inquiry. The differences in each motion's framing reveal the diversity of expectations from the Commission. ANAP's reasoning, as described by member of parliament Halit Dumankaya before the Commission, focused on the need to investigate the Söylemez gang, which was considered an organized crime family hostile to Sedat Bucak, the paramilitary boss who was injured in the Susurluk accident. Dumankaya's explanation made no effort to connect the gang's activities to the broader political context. CHP, on the other hand, contextualized the nature of the desired investigation by providing a long list of politically motivated crimes committed by ultranationalists going back to the 1970s.¹⁰ Only DSP's spokesperson, M. Cevdet Selvi, mentioned the violent conflict in the Kurdish region as having something to do with the alleged crimes, when he recommended investigating and prosecuting those who had committed crimes while claiming to fight PKK ("Komisyonun Kuruluşu").

The commissioners, who were appointed by each party bloc in the parliament, were Mehmet Elkatmış (RP, chairperson), Mahmut Yılbaş (DYP, vice-chairperson), Mehmet Bedri İncetahtacı (RP, spokesperson), Yaşar Topçu (ANAP), Sema Pişkinsüt (DSP), Metin Öney (ANAP), Fikri Sağlar (CHP), Hayrettin Dilekcan (RP), and Nihan İlgün (DYP). Thus, the commission had five members from the RP-DYP coalition government, and four members from the opposition, broadly reflecting the balance of power in the parliament. The commission also appointed inspectors from the Ministry of the Interior, the Office of the Prime Minister, and the Treasury as experts. Interestingly, the Ministry of Justice refused to send inspectors ("Komisyonda Uzman Görevlendirilmesi").

The Susurluk Commission framed its mandate with references to claims and allegations voiced by opposition politicians and interviewees. These are compiled in a chapter of the final report ("İddialar"). In addition to what is included in the investigation, the commission is clear about what is not: the People's Democracy

¹⁰ Çatlı was accused of orchestrating the murder of seven left-leaning university students in a suburb of Ankara in 1978, in addition to the assassinations of leftist intellectuals throughout the second half of the 1970s.

Party [*Halkın Demokrasi Partisi*, HADEP], which represented the Kurdish political movement at the time, sent a total of 267 petitions to the parliament to include unresolved political murders, and private citizens sent an additional 145 petitions toward that end. The commission found it unnecessary to investigate specific cases and instead, decided to include the subject matter in generic terms in its conclusion chapter (“Çeşitli Yollarla Komisyona Gönderilen Toplu Dilekçeler”).

The commission straddled multiple issues: organized crime, all kinds of high-profile assassinations, enforced disappearances and other unprosecuted crimes, and claims of a special unit under the Gendarmerie that was responsible for grave human rights violations. The unifying thread was the allegation of the existence of a group with long-standing ties to state institutions that was claimed to fight internal and external threats using irregular warfare tactics, like assassinations and enforced disappearances, and to use the counterinsurgency cover for extortion, drug trafficking, and illegal gambling, among other crimes. The members of the group, alternatively called the deep state [*derin devlet*], the Ergenekon organization [*Ergenekon örgütü*], and the Susurluk gang [*Susurluk çetesi*], consisted of a combination of elected politicians, active and retired members of the state security institutions, and ultranationalist criminals (for a genealogy of the different terms used, see Balci, 2010).

The commission's primary data collection methodology was interviews. The commissioners interviewed a total of 54 individuals, most of whom were active or retired members of police and military institutions, or individuals with connections to organized crime, and 13 of the interviewees were either under arrest or serving sentences at the time. A few active politicians, mostly leaders of opposition parties at the time, also agreed to be interviewed. Even though many of the interviewees were prominent members of state security institutions, the absence of some potential informants limited the commission's ability to collect more and better information. A source of controversy was the non-participation of the General Commander of the Gendarmerie and former Undersecretary of the National Intelligence Agency, Teoman Koman, who refused to cooperate, claiming that he was legally obligated not to testify before the commission, and that his tenure at the National Intelligence Agency had ended before the alleged crimes being investigated by the commission had taken place (“Bilgisine Başvurulanlar,” also see Gökçe, 2009). Likewise, the leading members of DYP, including party leader Tansu Çiller, did not testify before the commission.¹¹ A notable exception from this trend of non-participation was Mehmet Açar, who testified

¹¹ Çiller was not even asked to testify, which led to bitter debates inside the commission between Elkatmış and the left-leaning members of parliament (Eroğlu, 2007, pp.128-129).

before the commission to deny the accusations against him. Another limitation of the interview methodology had to do with the tradition of secrecy within state institutions. For example, Mehmet Eymür, who was the chief of counter-terrorism in the National Intelligence Agency, later claimed in his blog that he was only authorized to serve as a “conditional witness” by his institution.¹²

Final report

The final report overviews the legal mandate and substantive issues investigated by the commission, as described above. It also included a section called “Concepts”, in which it defines three key concepts: gang [çete], mafia [*mafya*] and illegal organization [*yasadışı örgüt*]. The fact that these concepts all connote organized crime committed for private gain is a telling sign of the commission’s decision not to situate the alleged crimes in a political context.

The bulk of the final report consists of 16 investigations (“İnceleme Bölümü”) and the interview summaries (“Bilgisine Başvurular”). The first investigation concerns the Susurluk accident itself; to be precise, it is mostly devoted to uncovering the mystery of Abdullah Çatlı’s crimes since the 1970s and the protection he received from agents of the state, which made it possible for him to walk free in Turkey, cross national borders, and even escape a Swiss prison. The other 15 investigations address high-profile assassinations, kidnappings, gang activities, and other criminal acts. The goal of the investigations is to string together the facts concerning one incident, a series of incidents, or persons of interest. Part of the evidence comes from interviews (see below), but the commission also uses court documents, information from earlier commissions of inquiry, and press reports to conduct the investigations.

The full texts of the interviews are not available in the commission’s final report; however, a summary of each interview is included. The interview summaries indicate that each interviewee was asked specific questions based on their background and/or area of expertise. There appears to be no methodological structure to ensure consistency across interviews. Most interviewees describe what they claim to know about specific crimes and relevant people. Yet, others (especially active politicians like Hasan Celal Güzel and Doğu Perinçek) speculate about the broader political and geopolitical significance of the alleged crimes, rather than provide information. In the

¹² <https://www.atin.org/detail.asp?cmd=articledetail&articleid=245>. This blog post is one of many written by Mehmet Eymür, who led the counter-terrorism division of the National Intelligence Agency in 1995-1996. As a participant in the inter-agency turf battles of the 1990s, he published some of the interviews of the Susurluk Commission, alongside his own commentary, in this personal blog.

end, the interviews read like a mixture of factual claims and speculative hypotheses about a long list of alleged criminal acts.

The final report contains assessments for each of the 16 cases investigated (“Değerlendirmeler”), in addition to a general assessment chapter (“Genel Değerlendirme”). These assessments tend to repeat the content of the investigations and the interview summaries. The typical assessment consists of a summary of the facts concerning alleged crimes, which in essence is a compilation of the commission’s interviews and information from external sources like court documents, followed by a call for future investigation and prosecution. Clear conclusions are not to be found in these assessments. Rather, the report summarizes numerous hypotheses concerning unclarified political crimes but does not weigh those hypotheses in terms of credibility, nor does it reach any conclusions about the issue at hand.

The general assessment chapter does contain statements that are any more straightforward. For example, it argues that while the existence of JİTEM is still being debated, actions attributed to it have “incontrovertibly” taken place [“JİTEM’in varlığı tartışılırken eylemlerinin tartışmasız gerçek olduğu ortaya çıkmıştır.”] (“Genel Değerlendirme”, also see Atılğan & Işık, 2011). Likewise, it lists inter-agency rivalry, the failure of official inspectors to address criminality, the side effects of the paramilitary village guard system in the Kurdish region, and the overall erosion of the rule of law as the underlying causes of the crimes investigated. The chapter ends with a critical critique of the Military Chief of Staff and National Intelligence Agency for refusing to provide the commission with information.

The final report ends with recommendations (“Öneriler”), where strengthening the rule of law and democracy, police reform, transparency in the public sector, empowering public inspectors, lifting the state of emergency in the Kurdish region, rethinking counter-terrorism methods, and new legislation on organized crime stand out as the key suggestions delivered by the commission to the parliament on April 3, 1997. A few recommendations are quite specific (like preventing police officers from abusing narcotic drugs), but the recommendation chapter mostly reads as a call for broad legal-institutional reform in Turkey.

Post-commission process

On February 28, 1997, the military-dominated National Security Council issued a resolution to push back against what it perceived as the Islamist threat. A few months later, the RP-DYP coalition was dissolved under immense pressure from the Military

Chief of Staff, and soon after, the Constitutional Court banned RP. The abrupt shift of the terms of political debate towards the secularism-Islamism axis and away from the issues raised after the Susurluk accident limited the effectiveness of the Susurluk Commission severely. The final report was not even discussed by the plenary of the parliament. It took at least another decade before politicians, the media, and the general public began to discuss the connections between state institutions and organized crime.

Nonetheless, a few institutions followed up on the work of the Susurluk Commission. On January 11, 1998, the Inspection Board operating under the Prime Ministry [*Başbakanlık Teftiş Kurulu*] released its own report on the shady relationships that came to light after the Susurluk accident. Even though this report also failed to generate much impact in its early years, courts began to investigate related crimes around the same time (Selçuk, 2011). In 2001, a state security court [*Devlet Güvenlik Mahkemesi*] sentenced 13 defendants, most notably former military officer and National Intelligence Agency member, Korkut Eken, to prison for organizing a criminal gang. However, the Court of Cassation overturned all verdicts on technical grounds. In a separate trial, Mehmet Ağar was sentenced for leading a criminal organization in 2011. There is no indication, however, that the prosecution in either trial used the parliamentary commission of inquiry in its indictment.

In addition to the trials directly related to the Susurluk accident, some of the alleged perpetrators mentioned by the commission faced justice in other trials. During the Justice and Development Party [*Adalet ve Kalkınma Partisi, AKP*] government's early years, prosecutors were sometimes encouraged by the government to investigate allegations of coup attempts, human rights violations, and organized crime. Especially the crimes attributed to JİTEM were investigated for almost a decade, during which more information about grave violations in the Kurdish region became publicly available. However, the prosecution of crimes attributed to JİTEM came to an abrupt end in the context of the fallout between the AKP government and their erstwhile allies, the Gülen community, who were later accused of targeting the military unfairly. As of this writing, the involvement of state actors in organized crime and human rights violations remains a well-known yet largely unaddressed issue.¹³

¹³ Basic information about the trials related to human rights violations, including those implicating JİTEM, can be found in Turkish and English at Faili Belli: İnsan Hakları Davaları İzleme Sitesi [*Perpetrator Not-Unknown: Site for Monitoring Trials on Human Rights*], available at: <https://www.failibelli.org/>

Two of the commission members played key roles after the commission as public spokespersons about the issues raised by the commission, and one of them as a witness in a related trial. Mehmet Elkatmış gave his testimony before the Coup Commission in 2012. He served as chairperson of the parliament's permanent human rights commission in 2005, and as human rights ombudsman in 2012. Fikri Sağlar, who was reportedly unhappy with the commission's work (Baran, 2000, 138), wrote books and screenplays about state crimes and testified in the February 2018 Ankara JİTEM trial about enforced disappearances.¹⁴ In other words, Elkatmış and Sağlar continued to raise awareness around the issues raised by the Susurluk Commission in their personal capacity and in their own way.

Human rights organizations and legal professionals involved with the prosecution of unresolved murders have brought up both the parliamentary commission of inquiry and the prime ministry report time and again (to track the parallels between the content of these reports and European Court of Human Rights rulings on state violence, see Kurban, 2020; pp. 263-266).

Analysis of the Susurluk Commission

A close reading of the final report shows that the members of the Susurluk Commission saw their task as providing as much evidence about emblematic cases of organized crime as possible. Yet, they shied away from assessing the credibility of their interviewees' factual claims for the most part. As a result, the final report contains a lot of information coming from multiple sources but hardly any conclusive statements. In addition, even though their investigation targeted powerful politicians, the Commission's framing of the issue at hand was apolitical. As described earlier, it chose not to include unresolved political murders in its case-by-case investigation.

A quantitative analysis of the text reveals discursive patterns that corroborate this conclusion. The word cloud in Figure 2.1 represents the most common words in the final report, where the size of the word or word dyad stands for the number of times it is used in the text. As the word cloud suggests, the commission interprets the main problem afflicting the country as organized crime. The names of crime bosses and affiliated politicians, and terms like "crime" [*suç*], "weapon" [*silah*], "police" [*polis*], and "intelligence" [*istihbarat*] are dominant in the narrative. This choice comes with its own exclusions, too: despite the fact that many of the mentioned crimes have their

¹⁴ Gamze Hızlı, "Ankara Davası İzleme Raporu", *Faili Belli*, 02.02.2018; available at: <https://www.failibelli.org/ankara-jitem-davasi-izleme-raporu-2-subat-2018/>

roots in the conflict in the Kurdish region, for example, neither the Kurdish issue nor the surrounding human rights violations are central to the narrative. The term “human rights” [*insan hakları*] appears a total of 6 times in the final report – by way of comparison, “organized crime” [*organize suç*] appears 35 times. There are 20 references to “Kurds” or “Kurdish”; by contrast, “casino” and “gambling” are mentioned 58 times. This is particularly interesting, considering the fact that the terms “special warfare” [*özel harp*] and “irregular warfare” [*gayri nizami harp*] appear very prominently in the text. All in all, the commission sees its work as having to do with organized crime, rather than human rights or the Kurdish issue (see Figure 2.2).

The word “kidnapping” [*kaçırmak*] is mentioned over 100 times, but a close reading reveals that the vast majority of those mentions have to do with the kidnapping of Mehmet Ali Yaprak, a businessperson involved in the drugs trade. Enforced disappearances are mentioned, too: the word “to get lost” [*kaybolmak*] is used in the context of disappearances a total of 61 times. Of those, 38 have to do with the disappearance of Tarık Ümit, an intelligence officer who was accused of enforced disappearances himself before he disappeared under mysterious circumstances. In other words, even kidnappings and enforced disappearances, whose victims are almost always dissidents, are framed in terms of organized crime and inter-agency rivalries.

This omission is partly a consequence of the choice of data collection strategies. A crucial omission is any information coming from the victims of human rights violations or human rights organizations. By 1997, the commission could have found thousands of victims and victims’ relatives who were affected by bodily integrity rights violations, yet it did not seek to interview them. Thus, a human rights framing is almost entirely absent from the final report.¹⁵ The commission interviewed members of state security forces and individuals affiliated with them in some way. The information collected from the interviews reflects this choice: even when the testimonies provide useful insights into the country’s dark past, the allegations are framed as rogue agents and politicians colluding with criminals for private gain. Needless to say, interviewees tend to defend their personal and institutional reputation while blaming rivals for the alleged crimes. Thus, conflicts between the leadership of various factions within state institutions shape how the past is narrated.

¹⁵ In fact, Fikri Sağlar wrote a dissenting opinion in which he criticized the commission for not addressing the problems faced by the people in the country’s southeast, which is the predominantly Kurdish part of Turkey (Eroğlu, 2007, p.129).

Fifteen years later, the commission's chairperson, Elkatmış, offered a general reflection on the procedures and outcomes of parliamentary commissions of inquiry, citing the Susurluk Commission as a case study. He argued that allowing commissions to operate for no longer than four months, depriving them of subpoena power (especially when military personnel are involved), and failing to discuss the findings of these commissions in the plenary of the parliament limited their efficacy. He also pointed at the archives of the military and intelligence institutions as repositories of unused data.¹⁶

All in all, the Susurluk Commission was a valuable, yet severely limited effort to come to terms with the 1990s in Turkey. A volatile political atmosphere in which the military and intelligence agencies could push their agenda at the expense of civilian political actors contributed to the commission's extremely limited outreach. The commission itself missed a chance by excluding from its narrative the crucial political context in which organized crime thrived. What is more, the choice of interviewing agents of the state and their affiliates, but not victims of human rights violations, resulted in an investigation that reads more like a crime thriller with loose ends than an effort to meet the demand for truth, justice, and redress in the wake of grave human rights violations.

¹⁶ "Komisyon kurum arşivi incelemeli," *Anadolu Ajansı*, 16.06.2012. <https://www.aa.com.tr/tr/politika/komisyon-kurum-arsivi-incelemeli-/361480>

CHAPTER THREE

THE COUP COMMISSION

The Coup Commission

Introduction

Turkey's democratic development was cut short by two military coups d'état (1960 and 1980), after which the Military Chief of Staff [*Genelkurmay Başkanı*] assumed full decision-making power for brief periods of time, and two military interventions (1971 and 1997), where the military high command forced civilian governments to resign. In addition, it has been suggested that the creation of the National Security Council [*Milli Güvenlik Kurulu*] after the 1960 coup allowed the military to exert continuous influence on civilian politics, and that the judiciary and other civilian institutions often oriented their decisions to accommodate the sensitivities of the military, which typically justified its interventionism by claiming to fight domestic and international threats to the republic, namely communism in the 1960s and 1970s, and Islamism and Kurdish separatism from the 1980s onwards. Even as Turkey celebrated over fifty years of multi-party elections and became a candidate for European Union accession in the 2000s, rumors of military interventionism never ceased. The Parliamentary Commission of Inquiry to Investigate Comprehensively All Coups and Memoranda that Interfere with Democracy and All Other Initiatives and Processes That Make Democracy Dysfunctional in Our Country, and to Determine the Measures to be Taken was the first official attempt to synthesize the scholarly and journalistic analyses of the underlying causes of military coups and interventions in Turkey.

Context

The Coup Commission was assembled in the heyday of AKP governments. The party leadership portrayed their first eight years in office (2002-2010) in terms of a struggle against judicial and military tutelage. The references to tutelage were justified by the presence of a number of high-profile judicial cases between 2005 and 2010 that threatened AKP's right to rule and very existence, and a pronouncement by the Military Chief of Staff in 2007 that was interpreted as a thinly veiled threat against the civilian government. Once AKP managed to maintain its grip on political power through those crises, pro-government prosecutors initiated a counter-wave of prosecution against active-duty and retired military personnel and civilians suspected of organizing a military coup – the two sets of prosecutions are known as the Sledgehammer [*Balyoz*] and Ergenekon (named after a legendary valley in Turkish

mythology) trials.¹⁷ In addition, pro-government prosecutors and judges began to occupy top positions in the judiciary following a revision of the constitution in 2010 and the ensuing elections for judicial administration. In other words, the talk of a coup was prominent, but the civilian government had consolidated power in a way that no other had managed in the recent past.

Other political parties, especially CHP, viewed the government's constant invocation of a coup threat with suspicion. Accordingly, AKP and its allies in the Gülen community wanted to control the judiciary and pack the military high command with sympathizers, and toward that end they prosecuted, jailed, and intimidated members of the military and the judiciary using made-up coup plot allegations. CHP leaders often found themselves on the defensive, as AKP spokespersons and a considerable number of the country's self-designated liberal intellectuals argued that the ideology of Kemalism held together the military, the judiciary, and CHP as the old guard of tutelage over the forces of civilian democracy (for a critical viewpoint on the liberal intellectual discourse, see Ersoy & Üstüner, 2016). Of course, the history of military coups in Turkey was much more complicated: as their critics repeatedly brought up in public debates throughout the 2000s, CHP was the beneficiary of the 1960 coup in the short run, but the party's move to the left in the 1960s and 1970s often put them at odds with the military; in fact, CHP, along with all the other political parties, had been closed down after the 1980 coup. Yet, the redefinition of political cleavages along the secularism-Islamism axis in the context of the 1997 military intervention had brought CHP close to the military in the mid-1990s and 2000s.

When the 2012 commission was under consideration, all political parties were interested in publicly condemning military interventions into civilian politics. Prominent politicians were careful not to sound like they were praising coups and coup threats, past and present. AKP leaders' accusations that the opposition harbored pro-coup sympathies were typically framed in terms of a hidden agenda, rather than explicit support for a coup. In response, the opposition accused the government of deepening authoritarianism while pretending to counter coup attempts.

The creation and operation of the Commission

All four parties that made up the parliament at the time, namely the AKP, the CHP,

¹⁷ The name and content of the alleged deep state in Turkey has been a source of much contention. Interestingly, one of the very first mentions of the word "Ergenekon" as a secret organization was in the Susurluk Commission report. Later in 2000, Fikri Sağlar, an influential member of the Susurluk Commission, brought up the same word at a press conference. See Balci, 2010, p. 29.

the Nationalist Action Party [*Milliyetçi Hareket Partisi*, MHP], and the Peace and Democracy Party [*Barış ve Demokrasi Partisi*, BDP], submitted motions to the plenary of the parliament to investigate coups and other anti-democratic interventions into politics, with 125 AKP members of parliament, 24 BDP members of parliament, 2 MHP members of parliament, and 3 CHP members of parliament signing on to each party's separate motion. Arguably, no political party wanted to appear less than fully committed to civilian democracy.

The commission, which began its operation on May 2, 2012, had the following members: Nimet Baş (AKP, chairperson), Mehmet Naci Bostancı (AKP), İdris Şahin (AKP), Cengiz Yavilioğlu (AKP), Feyzullah Kırıyıklık (AKP), Mustafa Şentop (AKP), Şirin Ünal (AKP), Yaşar Karayel (AKP), İdris Bal (AKP), Selçuk Özdağ (AKP), Ahmet Toptaş (CHP), Süleyman Çelebi (CHP), Mehmet Şeker (CHP), Rıza Öztürk (CHP), Özcan Yeniçeri (MHP), Atila Kaya (MHP), and Sırrı Süreyya Önder (BDP). The composition shows the clear dominance of the ruling AKP at the time, as 10 of the 17 members were from that party. Nimet Baş, the commission's chair and a founding member of the AKP, was best known for serving as Family and Women Minister in the first AKP government, and Education Minister in the second one. The commission was divided into four sub-commissions to investigate the May 27, 1960 coup, the March 12, 1971 military intervention, the September 12, 1980 coup, and the combination of the February 28, 1997 intervention, and April 27, 2007 memorandum. The commission used three data collection methods: interviews, research in state archives, and secondary literature.

Arguably, the commission's documentation of interviews is the most comprehensive compilation of first-person narratives of Turkey's political history. A total of 160 individuals were interviewed – interestingly, the interviewees were chosen to illuminate all the coups and interventions listed above, except the 1971 intervention. The list features many of the mainstream politicians who were active from the 1960s onwards, as well as prominent journalists and academics. Then Prime Minister Recep Tayyip Erdoğan participated with a written response to the commission's questions. Two of the main protagonists of politics in the 1990s, namely Tansu Çiller and Mehmet Ağar, also testified, not as presumed perpetrators of past human rights violations but rather as victims of the 1997 military intervention.¹⁸ Önder, the commissioner from BDP, reportedly asked Çiller about the human rights violations during her tenure as

¹⁸ Ağar, who had been convicted in September 2011 for leading a criminal organization, was interviewed in prison in early November 2012.

prime minister but did not receive a satisfactory answer.¹⁹ One of the star interviewees was Süleyman Demirel, who was prime minister in 1971 and 1980, and president in 1997.

The commission also asked state institutions to turn in dozens of documents – the responses and non-responses from those institutions are listed in the appendix of the commission’s final report (“EK-B: Kurum ve Kuruluşlardan Talep Edilen Bilgi ve Belgeler”). The final report makes references not only to the submitted documents but also to the fact that some institutions simply did not share information with them. Nonetheless, commission chair, Baş, later praised state institutions for going above and beyond their obligations to share documents (Baş, Sancar, & Özgürel, 2012, 25).

Finally, the commission’s review of the secondary literature consists of an extensive bibliography on democratization and authoritarianism in Turkey, the Middle East, and the world. The use of academic literature in a parliamentary commission report is definitely unusual; in addition, the range of topics covered in the 37-page bibliography is impressive, as it contains academic articles, books, graduate theses and investigative journalism on the history of coups, judicial politics, political parties, economic history, the history of labor unions, late Ottoman political developments, the Cyprus crisis in the 1960s and 1970s, terrorism, and more. Arguably, the Coup Commission is the most intellectually sophisticated parliamentary commission of inquiry in Turkey’s history.

Final report

The final report consists of five sections: the general assessment (“Genel Değerlendirme”), which aims to introduce the readers to civilian-military relations in modern Turkey, and one section on each of the four military interventions (the 1960 and 1980 coups, and the 1971 and 1997/2007 interventions) selected for analysis. The sections on military interventions are roughly divided into chapters that address the causes, justifications, and consequences of each intervention. The 1980 coup and 1997/2007 interventions receive much more space (roughly over 400 pages each) than the 1960 coup and 1971 intervention (roughly 200 pages each) in the final report.

Even the chapter headings of the general assessment section give a sense of how comprehensive the final report is: the State Tradition and Democracy in Turkey

¹⁹ “Tansu Çiller, Darbeleri Araştırma Komisyonu’nda ağladı!” *T24*, 7.11.2012; available at: <https://t24.com.tr/haber/cillerin-duygulu-anlari,216857>. Her role in the 1997 memorandum regularly preoccupied the public during and after the commission, as CHP members of parliament accused their AKP counterparts of not questioning Çiller properly, and of concealing her role in the paramilitarization of the state in the 1990s.

("Türkiye'de Devlet Geleneği ve Demokrasi"), which has the subheadings of the Role of Militarism, the Cold War and the International System in the Coups ("Militarizm, Soğuk Savaş ve Uluslararası Sistemin Darbelerdeki Rolü") and Democracy, Coups, and Turkish Modernization ("Demokrasi, Darbeler ve Türk Modernleşmesi"); the National Security Council ("Millî Güvenlik Kurulu"), with the subheadings of the National Security Policy ("Ulusal Güvenlik Siyaseti") and the Domestic Threat Perception ("İç Tehdit Algısı"); State Organization and the Military Chief of Staff ("Devlet Teşkilatı ve Genelkurmay Başkanlığı"); Domestic Security ("İç Güvenlik"); the Special Warfare Bureau, Counter guerrilla and Unconventional War ("Özel Harp Dairesi, Kontrgerilla ve Gayri Nizami Harp"); Military Training ("Askerin Eğitimi"); the Unity of the Judiciary and Military Courts ("Yargı Birliği ve Askeri Yargı"); the Economy and Coups ("Ekonomi ve Darbeler"); the Supervision of Military Affairs ("Askeri İşlerin Denetimi"); National Intelligence and Coups ("Ulusal İstihbarat ve Darbeler"); and the Media, Intellectuals, Civil Society and Coups ("Medya, Aydınlar, Sivil Toplum ve Darbeler").

The commission's final report reads like a social science text. In fact, the forensic tone found in the 1997 Susurluk Commission is entirely absent in this commission's report. The more than 1,400 pages contain quotes from the interviews, passages from documents published by parties and state institutions, descriptions of violent episodes during the onset of coups, and long analyses of numerous factors that are claimed to play a causal role in military interventions. The text employs at once a legal, institutional, cultural, economic, and political lens through which to narrate the political history of Turkey.

The long section on the 1980 coup ends with two chapters that address questions of truth and justice in the wake of the coup; these are absent in the analysis of other interventions. Chapter 13 of the section ("12 Eylül Darbesinin Yargılanmasına İlişkin İddianame") contains the 2012 indictment against the architects of the coup, which itself is as much about the coup decision itself as the human rights violations during the military regime, especially the torture of political prisoners. The chapter also reports from the defense arguments of Kenan Evren and Ali Tahsin Şahinkaya, the generals who led the coup and the following military government. As such, the chapter documents the rare prosecution of a past coup.

Chapter 16, titled Coup-related Commissions and Their Consequences Around the World ("Dünyada Darbelerle İlgili Kurulan Komisyonlar ve Sonuçları"), provides information about truth commissions that aim to reckon with past coups in Argentina, Ghana, Haiti, Chile, Uganda and Uruguay. Considering the fact that the commission itself claims to play a similar role, perhaps the commissioners wanted

to refer the readers to similar experiences elsewhere to give a sense of how truth commissions around the world carry out their investigation. The end of the chapter does not contain anything about lessons learned from the global experiences or suggestions to establish similar commissions in Turkey, so the chapter remains an important yet inconclusive part of the final report.

One of the surprising aspects of the final report is that it does not define its main concepts – namely, coup [*darbe*], coup attempt [*darbe girişimi*], and memorandum [*muhtıra*]. Also surprising is that the narrative of the final report mentions more recent coup allegations, namely Balyoz and Sarıkız, only once. Considering the context in which the commission was assembled, when the public had constant exposure to arrests associated with these allegations, it can be conjectured that the commission did not want to get mired in present-day controversies about prosecutions.

One of the interesting twists of the final report is the study of the 1997 intervention and the 2007 memorandum as one subject. As described earlier, resolutions by the military-dominated National Security Council in 1997 forced the coalition government formed by the Islamist Welfare Party (RP) and right-wing True Path Party (DYP) to resign, which was followed by a crackdown on Islamist political actors between 1997 and 2001. The so-called e-memorandum [*e-muhtıra*] of 2007 took place in a different political context, when the AKP government had been ruling for over four years. There are indeed similarities in the 1997 and 2007 memoranda: both took place against governments led by parties that self-identified as conservative or Islamist (RP and AKP), when those parties were facing resistance from the judiciary, including threats of a Constitutional Court ban. Nonetheless, the differences are obvious too: the 2007 document was uploaded on the Military Chief of Staff's website (hence the term "e-memorandum") carrying Chief of Staff Yaşar Büyükanıt's signature; it did not reflect the agreed-upon decision of the National Security Council, as was the case in 1997 – not to mention the fact that AKP was in government for over four years in April 2007 and indeed found it rather easy to silence Büyükanıt afterwards. Press archives reveal that CHP's request to establish a sub-commission to study the 2007 incident separately was rejected by the AKP-led majority of the commission.²⁰ Thus, the commission's decision to study them together appears to have been politically inspired.

²⁰ "AKP, 27 Nisan bildirisi için alt komisyon kurulmasına karşı çıktı," *T24*, 10.05. 2012; available at: <https://t24.com.tr/haber/akp-27-nisan-bildirisi-icin-alt-komisyon-kurulmasına-karsi-cikti,203593>

Both CHP and MHP stated that they did not agree with the entire content of the final report and submitted separate reports.²¹ Four CHP members of parliament and two MHP members of parliament wrote separate opinions to address the aspects of the report they disagreed with. The 18-page-long CHP opinion provides an extensive list of the issues that could have been discussed in the commission but were not. In essence, it blames the commission for not discussing the link between right-wing counterinsurgency groups and state-sponsored violence since the 1970s,²² for concealing the right-wing character of the 1980 coup, for treating Islamist violence in a rather forgiving light, and for not investigating the follow-up of the 2007 memorandum, especially the meeting between Prime Minister Erdoğan and Military Chief of Staff Büyükanıt, after which the latter did not face any repercussions (pp. 1328-1345).

Contrasting the specificity of the CHP separate opinion, the MHP members of parliament register three objections to the final report in their short separate opinion: first, they claim that the concept of “deep state” is relative and therefore impossible to discover through parliamentary investigation; second, they do not agree with the framing of what they consider separatist terrorism as the “Kurdish issue”; and third, they do not want the commission to be mistaken for a truth commission, which they believe is something separatists demand in Turkey (pp. 1346-1349).

The final report’s recommendations, agreed upon unanimously, include setting clear limits on the power and authority of the military, civilian control over the military, democratic deepening, full accountability for those responsible for past coups, and the recognition of the victimhood of those who were targeted during coup periods. In addition, the report calls for the creation of additional commissions of inquiry to investigate unresolved human rights violations going back to the 1970s.

Post-commission process

The commission submitted its final report to the president of the parliament on November 28, 2012. The commission’s chair, Nimet Baş, was active in explaining her and her colleagues’ work during and immediately after the commission process.

²¹ “Darbe raporu tamam,” *HaberTürk*, 28.11.2012; available at: <https://www.haberturk.com/gundem/haber/798461-darbe-raporu-tamam>

²² One of the CHP members of the commission, Süleyman Çelebi, asked the 1980 coup sub-commission to interview ultranationalist criminals of the 1970s, like Mehmet Ali Ağca and Haluk Kırcı – to no avail. “TBMM Darbe ve Muhtıraları Araştırma Komisyonu Sözcüsü Şahin’in Açıklamaları...”, *TBMM Archive*, 23.05.2012; available at: https://meclishaber.tbmm.gov.tr/develop/owa/haber_portal.aciklama?p1=121861

She stated her stance on the controversies surrounding the commission in a press interview two weeks before the submission of the final report. In that interview, she also said that the commission's work generated over 4,000 pages of archives, of which 187 would have to remain confidential.²³

A month after the delivery of the Coup Commission's final report, pro-AKP think-tank, Foundation for Political, Economic, and Social Research [*Siyaset, Ekonomi ve Toplum Araştırmaları Vakfı*, SETA], invited the commission's chair Nimet Baş, journalist Avni Özgürel, and academic Mithat Sancar to a panel discussion. The resulting report is a rare example of public engagement by a member of a parliamentary commission of inquiry (Baş, Sancar, and Özgürel 2012). Baş provides a detailed description and analysis of the commission, including an assessment of its limitations in terms of mandate and authority. Sancar's analysis in that panel deserves special mention because he compares and contrasts parliamentary commissions of inquiry with truth commissions to discuss the advantages and disadvantages of each model. All in all, his assessment of the Coup Commission is quite positive.

The relationship between the commission and the prosecutions of the 1980 coup and 1997 intervention has remained tenuous. The commission did not send a copy of the final report to prosecutors, but according to Baş, shared relevant information whenever prosecutors asked for them.²⁴ There is only one piece of evidence suggesting that the commission's findings may have been used in a criminal trial: the court investigating the JİTEM case in Ankara asked the Coup Commission for the relevant testimonies on February 10, 2017.²⁵

There were four sets of coup-related prosecutions while the Coup Commission was underway: the Ergenekon trial, which started in 2008 and claimed to investigate a criminal network inside state institutions, the Balyoz trial, which started in 2010 to investigate a 2003 coup plot, the September 12, 1980 coup trial, which started in 2011, and the February 28, 1997 military intervention trial, whose trial phase started in 2013, even though the first arrests were made while the Coup Commission was still active. The prosecutors and judges of all these trials were accused of supporting Fethullah

²³ Serpil Çevikcan, "Genelkurmay ve MİT bize bazı belgeleri göndermedi," *Milliyet*, 15.11.2012; available at: <https://www.milliyet.com.tr/yazarlar/serpil-cevikcan/genelkurmay-ve-mit-bize-bazi-belgeleri-gondermedi-1627158>

²⁴ "Suikastları aydınlatmak boynumuzun borcu," *Milliyet*, 1.12.2012; available at: <https://www.milliyet.com.tr/siyaset/suikastlari-aydinlatmak-boynumuzun-borcu-1635379>

²⁵ Kezban Horasan Yıldız ve Melike Polat, "Ankara JİTEM Davası İzleme Raporu," *Hafıza Merkezi*, 05.05.2017; available at: <https://hakikatadaletahafiza.org/ankara-jitem-davasi-izleme-raporu-5-mayis-2017/>

Gülen, which served to delegitimize the prosecution process after December 2013. The trial of the 1980 coup had to be dropped in any case, as the convicted former generals died during the appeals process. In addition, serious procedural defects, including the fabrication of evidence in the Balyoz trial, reduced the credibility of the Ergenekon and Balyoz trials further. Of the four sets of prosecutions, only the February 28, 1997 trials resulted in guilty verdicts in 2018, which were upheld in appeals in 2021.

At the time of the Coup Commission, government circles voiced fears of a Kemalist military intervention. Perhaps ironically, when an actual coup attempt occurred on July 15, 2016, fingers were pointed at Gülen and his followers, who had received rather friendly treatment back in 2012. The majority of the mentions of Gülen in the Coup Commission's final report come from National Security Council allegations dating back to 1997-1998, when the military associated the group's activities with an Islamist takeover of state institutions. In addition, the commission interviewed some of the leading Gülenists in the media sector. There is no indication in the final report that Gülen and his followers had anything to do with coup plots. Thus, the coup attempt in 2016 did not fit the central narrative of the 2012 commission's final report. In fact, there was a follow-up parliamentary commission of inquiry to investigate the 2016 attempt, which itself was shelved by the AKP leadership – arguably out of fear that accusations against Gülen and his supporters kept bringing up AKP's decade-long alliance with a group currently accused of coup-mongering and treason. All in all, the developments in 2016 made the work of the 2012 commission, once celebrated as the most comprehensive official account of military coups and interventions in Turkey, inconvenient for the AKP leadership. Thus, both the 2012 report and the follow-up outreach activities around it were ignored by AKP and the media.

Analysis of the Coup Commission

The Commission's final report reads like a long political history of Turkey. It contains long and detailed descriptions of the political landscape in the lead-up to military coups and interventions. The bibliography is extensive, not only in terms of subjects but also in terms of the variety of intellectual backgrounds and political orientations of the authors: journalists and social scientists, economists and political scientists, socialists and conservatives, to name several.

Unlike the Susurluk Commission, where the word cloud reveals a clear picture of priorities in the narrative, the Coup Commission's word cloud (see Figure 3.1) cannot be said to represent a dominant mode of explanation. Obviously, terms like “coup” [*darbe*], “army” [*ordu*] and “government” [*hükümet*] appear with frequency in a

document on military coups, but all in all, multiple clusters of concepts that include legal terms, economic terms, the abbreviation of institutions like the National Security Council [*mgk*], the word “university” [*üniversite*], among others, are found in the Coup Commission’s final report. In addition, the commission makes many references to terms relevant to human rights and the Kurdish issue (see Figure 3.2). It also mentions counterinsurgency, the Gladio, irregular warfare, etc. with some regularity. In other words, the quantitative description is consistent with the close reading: the Coup Commission approaches its subject matter from multiple angles and using multiple modes of analysis.

The role of foreign governments, especially the American government, has preoccupied the commission as well as the general public. For example, a member of the audience asked about the role of the United States and NATO in the lead-up to military coups during the SETA panel described above. The commission does mention the Central Intelligence Agency (CIA) 43 times, and Gladio (used in this context as special units that carry out covert irregular warfare operations on NATO’s southern European members) 30 times. The emergence of a Turkish irregular warfare unit in collaboration with the CIA is presented as a very likely possibility and a potential factor in the onset of coups. Nonetheless, the final report does not confirm this possibility. In fact, one of the objections raised by the CHP members concerns this vague reference to the Gladio (pp. 1334-1341).

The Coup Commission stands out for its willingness to discuss major human rights violations that marked Turkey’s problematic past. It mentions the violence against Istanbul’s non-Muslims on September 6-7, 1955, the bloody May Day of 1977, when assailants opened fire on the workers’ parade, the violence against Alevis and presumed leftists in Maraş and Çorum in the lead-up to the 1980 coup, the mistreatment and torture faced by prisoners in the Diyarbakır prison during the military regime, the Sivas massacre of 1993, the unresolved murders of the 1990s and the forced village evacuations in the Kurdish region. As this report’s general assessment chapter will make clear, the Coup Commission is the only one of its kind that discusses most of these violent episodes.

However, the Commission’s framing of these episodes reveals reluctance to use the terms with a critical connotation. For example, the violence in 1955 is called an “incident” [*olay*], rather than a massacre [*katliam*] or pogrom. The violence in Maraş in 1978 is called incident 49 times, and massacre three times. Out of the 22 mentions of what happened in Çorum, 21 use the term incident, and only one refers to a massacre, and out of the 26 mentions of what happened in Sivas, 25 use the term incident. This

usage reproduces the state's and mainstream media's tendency to obfuscate the nature and magnitude of political violence.

All in all, the Coup Commission has provided a political history of Turkey – political not only because of its subject matter but also because the commissioners have undertaken the political task of selecting their words, narrative frames, topics, and silences while writing history. It is a text worthy of consideration to learn from and to analyze critically. However, the fast-changing political climate of the 2010s, when Erdoğan and the rest of the AKP leadership kept switching alliances and discourses dramatically, resulted in an extremely truncated public impact for the Coup Commission.

Figure 3.1: Word cloud of the Final Report

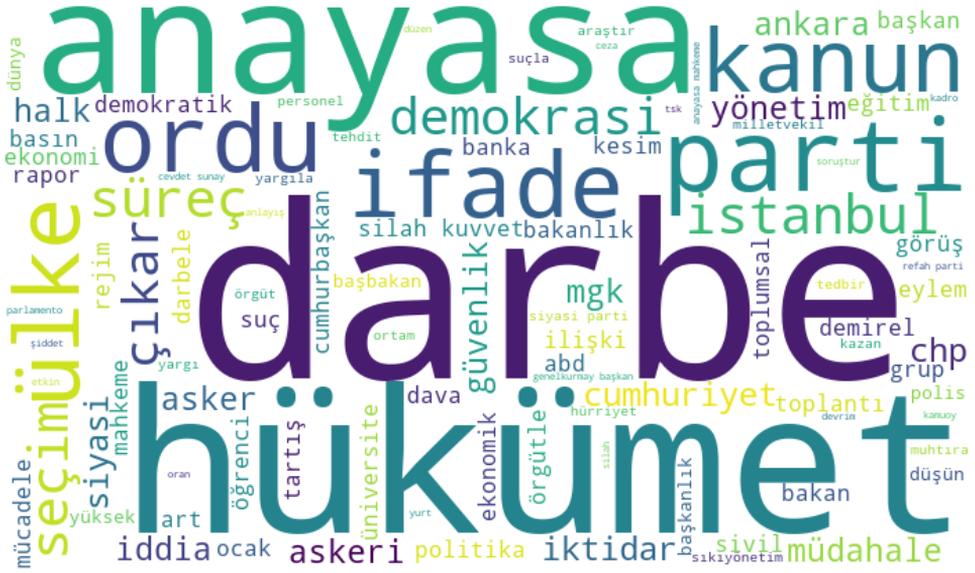
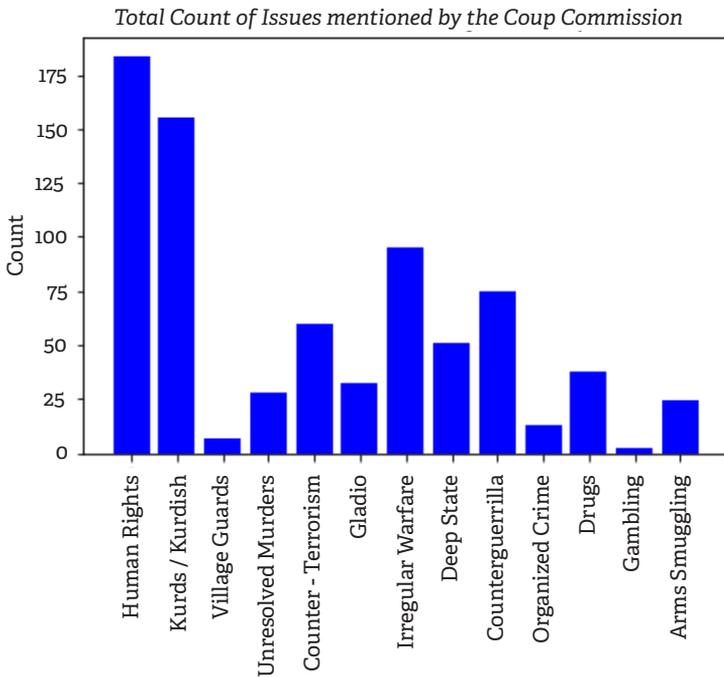


Figure 3.2: Issues mentioned by the Final Report



CHAPTER FOUR

THE SUB- COMMISSION ON THE VIOLATIONS OF THE RIGHT TO LIFE COMMISSION

The Sub-Commission on the Violations of the Right to Life

Introduction

The violent conflict between the Turkish state and PKK, which had begun in 1984, was ongoing as of 2011. Even though state bureaucracies released official statistics about the casualties of conflict time and again, the uncertainty about the number of the battlefield dead on both sides, not to mention the number of victims of bodily-integrity rights violations, persisted. The parliamentary investigations in 1993 and 1997 did not provide exact numbers, and in any case, lethal and non-lethal forms of violence and violations continued into the 2000s. Thus, an official accounting of the causes and consequences of the internal armed conflict was yet to come.

Context

Just like the Coup Commission and the Peace Process Commission, the Parliamentary Sub-Commission on the Violations of the Right to Life was established soon after AKP's election victory in June 2011, where the party captured 49.83% of the vote and nearly two-thirds of the parliament seats. By then, the AKP's commitment to democratic deepening and the rule of law was being increasingly questioned, but the hope that the party leadership would commit to an investigation of past human rights violations in the Kurdish region and to the peaceful resolution of the conflict had not entirely vanished. The election also saw a strengthened CHP, which increased its vote share by 5%, and a weakened MHP, which nonetheless had 53 members of parliament elected. The Kurdish political movement's decision to compete through independent candidates to sidestep the 10% national threshold yielded modestly positive results, as the party managed to send 35 members of parliament to the 550-strong parliament.

By the time the parliamentary sub-commission began its operation, the AKP leadership, the Gülen community, the pro-AKP media, and a number of affiliated liberal intellectuals had managed to develop and publicize a narrative about the history of the republic that went against much of the former official history. In simple terms, this alternative narrative objected to the notion that the military and judiciary served as selfless and politically neutral defenders of the republic and its values, namely civic nationalism and secularism. Instead, it was claimed, Turkey had suffered under a system of bureaucratic tutelage [*vesayet*], through which the alliance of the military high command and high courts highjacked the authority of elected civilian

governments by periodically overthrowing them in coups and coup-like interventions and used the threat of a coup to take over decision-making power at other times, as the previous chapter discussed in detail. What is more, the alternative narrative argued that this alliance was held together by a shared ideology, namely Kemalism (named after the founder of the republic Mustafa Kemal Atatürk), whose emphasis on militant secularism and ethnic Turkish nationalism were responsible for the formal exclusion of conservative Muslims from government and for the alienation of Kurds from the political system, which resulted in violent conflict and human rights violations in the predominantly Kurdish east and southeast of the country. Thus, AKP portrayed itself as an agent of democratization, civilianization, and conflict resolution thanks to its struggle against Kemalism.

Indeed, the sub-commission came on the heels of the biggest wave of prosecution against the military and its allies in recent history, as described in Chapter 3. Starting in 2007, hundreds of active-duty and retired military personnel and their civilian allies faced charges of plotting coups against the civilian government. Even though human rights violations were not central to these prosecutions, the pro-government media began to circulate stories about the role of some of the accused in violations in the Kurdish region, and soon after, some of the alleged perpetrators, especially those accused of operating the special unit under the Gendarmerie called JİTEM, were arrested and tried. Thus, some official and unofficial mechanisms for truth and justice to address the Kurdish issue existed in the years 2011-2012, but the AKP government's instrumental approach to criticizing state institutions, combined with the flaws and ultimate failure of these mechanisms, has upset and disappointed the human rights community in later years.

The creation and operation of the Commission

Unlike the other commissions studied in this report, which were ad hoc parliamentary investigatory commissions, this panel, founded on October 13, 2011, served as a sub-commission of the parliament's Human Rights Commission, established as a permanent body in 1990. Even though the AKP members were a majority, other parties in the parliament participated, as well. Its members were Naci Bostancı (AKP, chairperson), Yalçın Akdoğan (AKP), Oya Eronat (AKP), Mehmet Metiner (AKP), Hüseyin Aygün (CHP), Yusuf Halaçoğlu (MHP), and Ertuğrul Kürkçü (BDP).

The list of commissioners reflects the potential for considerable internal conflict: Bostancı was known as a Turkish nationalist academic prior to joining AKP. Eronat, who had lost her son in a PKK attack in 2008, was only in the parliament as a

replacement for Hatip Dicle, an elected independent MP affiliated with the BDP, after the latter was disallowed from performing MP functions by the Supreme Board of Elections. Halaçoğlu, an ultranationalist historian, was best known for his vehement denial of the Armenian genocide and for his speculations about the origins of Alevi Kurds, Armenians, and Turks. Metiner had spent many years in the Kurdish political movement before disavowing it and joining AKP. In other words, a harmonious commission looked very unlikely from the start. Nonetheless, despite its unpromising origins, the commission gathered information from multiple sectors of society.

The commission appears to have set limits on the nature of its investigation. Its list of terrorist organizations includes PKK, other groups with Marxist-Leninist origins, like the Liberation Army of the Workers and Peasants of Turkey [*Türkiye İşçi ve Köylü Kurtuluş Ordusu, TİKKO*] and the Revolutionary People's Liberation Party-Front [*Devrimci Halk Kurtuluş Partisi-Cephesi, DHKP-C*], and Islamist groups, like El Kaide and Hizbullah (not to be confused with the Lebanon-based Hezbollah). Even though these other organizations are mentioned as well, the final report is almost entirely about PKK.

The final report defines aggression, terror, terrorism, violence, and anarchy, devoting a section of the first chapter to elaborations by psychologists and social scientists on these terms (“Saldırganlık, Şiddet, Terör, Anarşi ve Terörizm Kavramları”). Despite the attention to definitions, however, the commission does not distinguish between acts of terrorism and acts of violence that do not aim to stoke fear and terror among civilians; all violence committed by non-state actors is lumped together as terrorism. Likewise, there is no indication throughout the text that state agents and paramilitary organizations may commit acts of terrorism. In other words, terrorism is equated with all acts of politically motivated violence committed by non-state actors.

The commission put together casualty numbers from the police and the military, as well as two human rights organizations, namely the Human Rights Association [*İnsan Hakları Derneği*] and the Human Rights Foundation of Turkey [*Türkiye İnsan Hakları Vakfı*]. It did not conduct a separate investigation to verify the numbers. In addition to compiling numbers, the commission collected information by interviewing a total of 54 individuals, including journalists, human rights activists, victim-survivors, relatives of the disappeared, and politicians.²⁶ The commission also traveled to eight cities, four in the southeast and four in the west, in a total of eight days (“Alt Komisyonun Yerinde

²⁶ “Meclis İnceleme Komisyonu Raporu- 2013: Kayıplar Aydınlatılmalı,” *Bianet*, 30.08.2013; available at: <https://bianet.org/kurdi/insan-haklari/200332-meclis-inceleme-komisyonu-raporu-2013-kayıplar-aydinlatilmali>

Yaptığı İncelemeler”). The final report does not justify the selection process for the interviews or the field sites. It simply describes the “terror profile” of each city and lists the individuals interviewed there. It could be argued that the commissioners wanted to cast a wide net by interviewing individuals from different sides of the violent conflict and from different parts of the country.

Final report

The final report consists of eight chapters: The Conceptual and Legal Framework for Studying Human Rights and Terrorism (“İnsan Hakları ve Terör Konusunda Kavramsal ve Hukuksal Çerçeve”), The Structure and Profile of Terrorist Organizations (“Terör Örgütlerinin Yapısı ve Profilleri”), The Thirty-Year History of Terror and Data on the Violations of Right to Life It Has Caused (“Terörün 30 Yıllık Geçmişi ve Neden Olduğu Yaşam Hakkı İhlalleri Verileri”), Local Investigations by the Sub-Commission (“Alt Komisyonun Yerinde Yaptığı İncelemeler”), Findings and Assessments about the Terrorism Problem (“Terör Sorununa İlişkin Tespit ve Değerlendirmeler”), The True Colors of the Terror Organization PKK (“Terör Örgütü ‘PKK’nın Gerçek Yüzü”)), The Traumas Caused by Terror on Society, the Family, and the Individual (“Terörün Yarattığı Toplumsal, Aile ve Kişi Üzerindeki Travmalar”), and Suggestions for Solutions (“Çözüm ve Öneriler”).

The commission’s final report on the violations of the right to life provides a comprehensive description of the death toll up to 2011. It finds that a total of 7,918 members of state security forces, 22,101 insurgents, and 5,557 civilians have lost their lives due to terrorism (“Terör Nedeniyle Yaşanan Toplam Can Kaybı”). The added and rounded figure of 35,000 is widely used in the Turkish media to refer to the death toll of terrorism. In addition, the report finds that 386,360 people were forcibly removed from their homes.

Even though the final report uses the generic term “terrorism” to refer to its subject matter, it is clear that its investigation is almost entirely devoted to PKK. The other violent non-state actors are mentioned only in passing: there are a total of four mentions of TİKKO, four mentions of DHKP-C, four mentions of El Kaide, and 14 mentions of Hizbullah. Chapters V, VI, and VIII clearly address violence and terrorism in the context of the Kurdish issue; in fact, Chapter VI is called “The True Colors of the Terror Organization PKK” (“True Face” in literal translation) [“Terör Örgütü ‘PKK’nın Gerçek Yüzü”]. The report also includes information about PKK’s recruitment practices: the vast majority appear to be unemployed youth, and the report lists the possibility that over 40% are minors (“Çocuk Teröristler”) – this figure, later used

extensively in the media, is based on a single investigation by Nihat Ali Özcan (“PKK Terör Örgütü Üyeleri Araştırması, Şubat 2012”) and is not verified by the commission’s own work or any other investigation.

Most of the report is devoted to condemning PKK for starting an insurgency, committing human rights violations, recruiting innocent people unaware of the organization’s true nature, financing its activities through illicit means, and not disarming. There are passages, often written in reported speech, in which the interviewees also condemn the state security forces for human rights violations – forced village evacuations and extrajudicial killings in particular. Thus, the final report documents some of the violations by state actors but is careful not to narrate in a way that suggests legal, political, or moral responsibility. For example, the passages that introduce the victims make a clear distinction in terms of who is claimed to victimize them: if state forces are the presumed perpetrator, the commission always adds the word “alleged”, but if the likely perpetrator is PKK, no such language is used. These descriptions of two interviewees from the province of Tunceli are back to back (p. 100):

6-Güler KARATAŞ (spouse of Bülent KARATAŞ, allegedly murdered by soldiers while gathering wood on September 27, 2007)

7-Ahmet ÖZDEMİR (son of Fikri ÖZDEMİR, murdered by PKK terrorists in a hamlet of Atpazarı, Province of Tunceli, on September 12, 1996)²⁷

In a similar manner, interviewees who had to migrate as a result of forced village evacuations are presented as having moved “due to terror”, with no mention of which specific circumstances or actors forced them to move (for example, see the presentation of interviewees from Siirt on p. 105). The commission thus chooses to report on incidents mentioned by the interviewees as state violence but shies away from acknowledging the responsibility of the state by subsuming the incidents under the nebulous term “terror”.

The final report’s suggestions for ending the violations of the right to life combine liberal-democratic governance and counterinsurgency. The pluralistic nature of the suggestions owes to the final report’s use of the reported voice: as the commissioners

²⁷ The Turkish original reads:

6-Güler KARATAŞ (27 Eylül 2007 tarihinde odun toplarken askerler tarafından öldürüldüğü iddia edilen Bülent KARATAŞ’ın eşi)

7-Ahmet ÖZDEMİR (12 Eylül 1996 tarihinde Tunceli İli Atpazarı Beldesinin mezrasında PKK’lı teröristlerce öldürülen Fikri ÖZDEMİR’in oğlu)

refrain from assuming the active voice while summarizing the interviewees' opinions and experiences, a large number of suggestions appears in the last chapter. Depending on who is asked, therefore, both violent and non-violent conflict resolution techniques are recommended. Accordingly, the state is asked to manage the expectations and traumas of the civilians properly, expand the rights and liberties of the whole population, maintain a channel for the non-violent resolution of the conflict (it is important to note that the report was completed during the first year of the negotiations between the state and PKK), and procure truth and justice through courts and a truth commission, while at the same time distinguish between civilian Kurds and terrorists and fight the latter through counterinsurgency measures.

Post-commission process

There appears to be no indication that the members of the Sub-Commission sought to publicize their findings and recommendations in the post-commission process. In the end, the sub-commission's final report appears to have satisfied multiple audiences with its framing and content, at least minimally. Unlike the Susurluk Commission, the Sub-Commission chose to interview victims not only of PKK but also of state security forces. Likewise, the Sub-Commission used data collected by human rights organizations.

The mainstream media has focused more on the chapter on the PKK's recruitment techniques. In fact, a search of the digital media archives reveals that the most cited piece of information from the final report is the allegation that 40% of the PKK recruits are minors. Other than that, the media has by and large ignored the final report's claims and recommendations.

Analysis of the Sub-Commission on the Violations of the Right to Life

The framing of the Sub-Commission appears to coat relatively liberal suggestions about addressing political violence with a state-centric narrative. The final report admits to state violence against civilians and calls for legal, institutional, economic, and educational remedies to address the underlying causes of what it calls terrorism.²⁸ Yet, this somewhat more open-minded approach is consistently framed in terms of defending the population against predatory terrorists.

²⁸ "İmha Değil, Hayatta Tutma Yaklaşımı", *Bianet*, 29.01. 2013; available at: <https://m.bianet.org/bianet/print/143956-imha-degil-hayatta-tutma-yaklasimi>

The Sub-Commission's final report reproduces the state's narrative about political violence while admitting that the state committed human rights violations, too. Terrorism is practically defined as all acts of violence committed by non-state actors; thus, state violence is *a priori* excluded from the definition. The combination of underdevelopment and "problematic" acts by state institutions is at the root of terrorism: "It has been said in various meetings of the Commission that some practices of public officials, security forces, and military units in the region have disturbed the public, led to negative developments, and created a social background in which terrorist organizations could gain more militants" ["Bölgedeki kamu görevlilerinin, güvenlik kuvvetlerinin ve askeri birliklerin bazı uygulamalarının da toplumu rahatsız ettiği, olumsuz gelişmelere yol açtığı ve terör örgütlerinin daha fazla militan kazanabilecekleri bir toplumsal zemin oluşturduğu görüşleri Komisyonun çeşitli toplantılarında dile getirilmiştir"] ("Terör Sorununa İlişkin Tespit ve Değerlendirmeler"). According to the final report, terrorist organizations skillfully manipulate these problems to recruit militants and finance their activities.

The central contradiction in the final report is the reproduction of this official narrative at the end of a relatively pluralistic interview process. As stated earlier, some of the interviewees were human rights activists and victims of state violence. Öztürk Türkdoğan, co-chair of the Human Rights Association and one of the interviewees in the Sub-Commission as well as the Peace Process Commission, notes that the Association's relationship with the parliament's permanent Human Rights Investigation Commission [*Meclis İnsan Hakları İnceleme Komisyonu*] dates back to that commission's early years in the 1990s. Thus, when the Sub-Commission was established, the members of parliament wanted to learn more from him. He was formally invited by members of BDP.²⁹ Likewise, Nadire Mater, who had interviewed soldiers who fought in the Kurdish region in the 1990s to write a book critical of the state's counterterrorism approach, says she was invited by Ertuğrul Kürkçü, a BDP member of parliament. Both Türkdoğan and Mater remember their participation in the Sub-Commission process as challenging. Mater recalls getting verbally attacked by Oya Eronat and Yusuf Halaçoğlu while attempting to present her views.³⁰ Türkdoğan notes that his opinions were consistently represented as "the other view" in a sub-commission dominated by nationalist members of parliament and experts.³¹

Snippets from victims' and human rights activists' version of events provide a much

²⁹ Interview with Öztürk Türkdoğan, January 25, 2022 (Zoom).

³⁰ Interview with Nadire Mater, February 2, 2022 (Zoom).

³¹ Interview with Öztürk Türkdoğan, January 25, 2022 (Zoom).

more complex picture than what the central narrative allows for. For example, multiple interviewees mention the difficulties, including physical violence, faced by people who speak Kurdish in public. Yet, the recommendations of the final report call for the expansion of liberties in generic terms, with no mention of linguistic or cultural rights. Another fascinating example comes from the Definitions chapter, where Nadire Mater basically argues that the term *terrorism* lacks a universally agreed-upon definition, which is why she chooses not to use that term in her framing of the issue (“Dinlenen Kişilerin Terör, Terörizm ve Terörist Tanımına İlişkin Görüş ve Değerlendirmeleri”). The final report includes her views even though its authors clearly ignore her conclusion.

Nowhere does this contradiction become more apparent than in the final report’s treatment of state violence. Numerous interviews mention the forced removal of Kurdish civilians through village burning [*köy yakma*] and village evacuation [*köy boşaltma*]. Likewise, crimes attributed to JİTEM are mentioned over 30 times in the interviews. Yet, the final report is silent on the individual and institutional perpetrators of state violence against civilians. Based on reporting by human rights associations, it reports that 2,872 people were killed by unknown perpetrators, and 1,945 through extra-judicial killings (“Faili Meçhuller ve Kayıplara İlişkin Veriler”, also see Göral, 2021, 803), with no mention of those responsible. Unlike the 1997 Susurluk Commission, which stated that crimes attributed to JİTEM occurred “incontrovertibly”, the Sub-Commission on the Violations of the Right to Life simply uses reported speech in reference to JİTEM to avoid making a conclusion of its own. Even though the village guard system figures prominently in the narrative, the guards’ potential responsibility for human rights violations is not discussed. The term *paramilitary* is not found in the final report. Likewise, individuals like Abdullah Çatlı, Mehmet Ağar, Korkut Eken, etc., who had figured prominently in the Susurluk Commission’s final report (albeit more for organized crime than for human rights violations), are entirely absent in the Sub-Commission’s final report.

The word cloud for the final report (Figure 4.1) shows the weight of the terrorism narrative, as the words “terror” [*terör*], “terrorist organization” [*terör örgüt*]³², “martyr” [*şehit*] and “pkk” dominate the word counts. Concepts with the connotation of criminal law, like “deposition” [*ifade*] and “court record” [*tutanak*], are prominent, as well. Nonetheless, concepts related to human rights, like “unresolved murder” [*fail meçhul*], “violation” [*ihlal*], “perpetrator” [*fail*] and “victim” [*mağdur*] are also found, albeit to a lesser extent. The attention to human rights concerns is corroborated in

³² The word cloud uses words in their stem form; that is why Turkish suffixes are absent.

the count of issues mentioned by the Sub-Commission, as well (Figure 4.2). What is interesting is that a final report that pays so much attention to terrorism and counterinsurgency says almost nothing about irregular warfare and state-crime connections. Even though the Susurluk Commission and the Sub-Commission address roughly the same area and period in which major human rights violations took place, namely the Kurdish region in the 1990s, the issues they emphasize are almost a mirror image of one another.

All in all, the Sub-Commission has made a limited contribution to official reporting on human rights violations in Turkey. Its inclusion of data from human rights organizations, and its choice to interview the relatives of PKK militants killed in battle, the relatives of the disappeared civilians, and human rights activists remains unparalleled in the history of official commissions. However, the commission's work also suffers from serious problems. First and foremost, the commission has relied on other investigations entirely, making no attempt to collect its own data on casualties or the PKK recruitment patterns or to double-check the validity of the findings cited. In relation to that, the commission's strategy of using reported speech to give voice to critical perspectives on state violence while ignoring those perspectives in the determination of its concepts, methods, and findings has resulted in a confusing report that neither denies nor fully acknowledges the role of the Turkish state in human rights violations.

CHAPTER FIVE

THE PEACE PRESS COMMISSION

The Peace Process Commission

Introduction

The internal armed conflict between the Turkish state and PKK has been ongoing since 1984, leaving behind a horrifying human rights record, as the Sub-Commission on the Violations of the Right to Life and other sources have documented. During this time, dialogue has been initiated between the two sides multiple times, most notably in 1993 and then in the mid-2000s, but the first publicly announced peace talks had to wait until late 2012, when then Prime Minister Erdoğan told the public that the National Intelligence Agency had been in conversations with Abdullah Öcalan, the jailed leader of PKK. The possibility of ending the conflict through non-violent means was, and remains, a taboo subject in Turkey, so the brief period between December 2012 and July 2015 stands out as a rare opportunity when the parliament and other state institutions were willing to learn about and discuss non-violent conflict resolution methods.

Context

After Erdoğan announced that conversations with Öcalan had started, violence in the Kurdish region stopped almost immediately. The military never declared an official ceasefire, but its operations in the region came to a halt. PKK declared a unilateral ceasefire in March 2013. Thus, the period between December 2012 and July 2015 was considerably peaceful as far as the state and PKK were concerned. Initially, this was seen as a major public relations victory for the AKP government, whose spokespersons time and again offered a rather selective historical narrative emphasizing the contrast between the violence of the past and the peacefulness of their rule.

Even though non-violence was popular with most of the public – in particular the Kurds who had suffered disproportionately since 1984 – there was considerable mistrust towards the peace process coming from various angles. As public opinion surveys before and during the peace negotiations showed, most non-Kurdish citizens, including the government's support base, did not support the idea of making political concessions to PKK.³³ Ultranationalists in particular described the process as nothing less than treason. For their part, the Kurdish political movement suspected

³³ See, for example: KONDA Araştırma ve Danışmanlık. 2011. *Kürt Meselesi'nde Algı ve Beklentiler*. İstanbul: İletişim.

that Erdoğan and the rest of the AKP leadership did not take the necessary steps, like charting a road map and appointing mediators, to ensure the continuation of negotiations. What aggravated the atmosphere of mistrust was the quick erosion of democracy and the rule of law before and during the negotiations. Military jets had killed 34 Kurdish civilians in the border town of Roboski in December 2011, and no branch of government investigated the details of the crime. The Gülen community, with the backing of the AKP leadership, had begun to dominate the high courts and judicial administration. Both CHP and BDP warned against procedural irregularities in politically charged prosecutions throughout 2011 and 2012 – to no avail. By 2013, Erdoğan made it no secret that he wanted to control his party completely and redesign the country's political system to turn himself into a president with extraordinary powers.

Parliamentary and extra-parliamentary commissions comprised a crucial part of the AKP government's ambitious public relations campaign to win over the potentially skeptical public opinion. It was in this context that the Parliamentary Investigation Commission to Research the Ways to Social Peace and to Evaluate the Peace Process [Toplumsal Barış Yollarının Araştırılması Ve Çözüm Sürecinin Değerlendirilmesi Amacıyla Kurulan Meclis Araştırması Komisyonu] was created in April 2013.

The creation and operation of the Commission

AKP, CHP, and BDP each submitted a motion for the creation of a commission. The resulting panel had 11 members: Naci Bostancı (AKP, chairperson), Abdülkerim Gök (AKP), İdris Şahin (AKP), Fatoş Gürkan (AKP), Mehmet Metiner (AKP), Ziver Özdemir (AKP), Halil Ürün (AKP), Yalçın Akdoğan (AKP), Fatih Çiftci (AKP), Mehmet Hamzaoğulları (AKP), and Hüsamet Zenderlioğlu (BDP) – 10 from AKP and one from BDP. CHP and MHP did not send any members of parliament to the commission. CHP spokespersons, despite having submitted a motion before, argued that a parliamentary commission should have been established before, and not during, talks with PKK, and that the party did not want to take part in the AKP government's public relations exercise. MHP was categorically opposed to negotiations and the commission.

This parliamentary effort had to compete with another commission for the public's attention: upon the government's urging, intellectuals and celebrities put together a non-governmental commission, known as the "Wise People's Committee" [Akil İnsanlar Heyeti], that sought to popularize the peace process. That commission also met in the spring and summer of 2013. In hindsight, it appears that the non-parliamentary

committee of celebrities was forced to serve primarily as a publicity stunt. Öztürk Türkdoğan, who took part in the Wise People's Committee and was also interviewed by the Peace Process Commission, argues that the Committee's regional reports [bölge raporları] were informative and useful documents, but that to date, they have not been shared with the public.³⁴ In fact, to this day, there is no indication that members of the government ever read or took into consideration the Committee's final report.

The Peace Process Commission's mandate was a matter of controversy because Öcalan and members of the Kurdish political movement wanted the commission to set a framework for peace negotiations. However, ultimately the commission did not attempt to do that, as the executive branch was in full control of the negotiations. Instead, the commission saw its job as studying potential conflict resolution measures in order to make recommendations (Sunca, 2016, 26).

The commission began its work on May 8, 2013. It operated for a total of four months – the originally allotted three months plus a one-month extension. It continued its work during the summer recess, as well. It conducted 43 interviews in the parliament. The idea of striking balance in the interview methodology is noticeable: the commission invited a former PKK member, Ali Oruç, as well as Murat Caner, a military veteran wounded in combat with PKK. In addition, the commission traveled to eight cities around the country in its short time span and interviewed 129 people. It is not clear what criteria the commissioners used in choosing their field sites or interviewees. The commission submitted its final report to the presidency of the parliament in November 2013. The report was made available to the public through a press conference on December 2, 2013.

The level of civil society participation is arguably unprecedented in the history of parliamentary commissions. Özgür Sevgi Göral, who participated on behalf of Hafıza Merkezi,³⁵ reports that BDP invited organizations with longstanding ties to the Kurdish political movement, like the Association for Migrant Rights and Social Harmony [Göçmen Hakları ve Sosyal Uyum Derneği, Göç-Der], the relatives of the imprisoned [tutuklu yakınları], and Mothers for Peace [Barış Anneleri]. In addition, the “BDP group invited not only the hinterland of their movement, but also councils that were not organizationally tied to the Kurdish freedom movement.” [“BDP grubu sadece kendi hareketinin hinterland'ını değil örgütsel olarak Kürt özgürlük hareketine

³⁴ Interview with Öztürk Türkdoğan, January 25, 2022 (Zoom).

³⁵ “Hafıza Merkezi Çözüm Komisyonu'na Sunuş Yaptı,” *Hafıza Merkezi*, 11.07.2013; available at: <https://hakikatadalethafiza.org/hafiza-merkezi-cozum-komisyonusuna-sunus-yapti/>

bağlı olmayan kurulları da oraya taşıdı.”]³⁶

In addition to interviews, the commission used secondary literature to make sense of the violent conflict and the potential for peace. Its final report contains a bibliography of academic works on conflict resolution in Turkey and beyond. While not as extensive as the Coup Commission's, the Peace Process Commission's effort to tap into academic literature stands out among other official reports.

Final report

The final report consists of 12 chapters: The Commission's Creation and Work ("Komisyonun Kuruluşu ve Çalışmaları"), Approaches to the Issue and its Resolution Up to Now ("Günümüze Kadar Soruna ve Çözüme İlişkin Yaklaşımlar"), Works and Reports Written on the Subject ("Yapılan Çalışmalar ve Yazılan Raporlar"), International Examples on Terror, Violence and Conflict Resolution ("Terör - Şiddet - Çatışma Çözümü ve Uluslararası Örnekler"), The Issue and its Resolution from the Perspective of International Law and International Relations ("Soruna ve Çözüme Uluslararası Hukuk ve Uluslararası İlişkiler Açısından Bakış"), Personal and Social-Psychological Factors that Play into the Issue and its Resolution ("Soruna ve Çözüme Etki Eden Kişisel ve Toplumsal Psikolojik Unsurlar"), The Issue and its Resolution from a Sociological and Cultural Perspective ("Soruna ve Çözüme Sosyolojik ve Kültürel Bakış"), The Issue and its Resolution from a Historical Perspective ("Soruna ve Çözüme Tarihi Perspektiften Bakış"), The Work of the Wise People's Committee ("Akil İnsanlar Heyeti Çalışmaları"), The Report of the Sub-Commission Established to Investigate Penitentiary Institutions ("Ceza İnfaz Kurumlarında İnceleme Yapmak Amacıyla Kurulan Alt Komisyon Raporu"), Important Areas in the Resolution Process ("Çözüm Sürecinde Önemli Alanlar"), The Change and Transformation in the Period 2002-2013 ("2002-2013 Döneminde Yaşanan Değişim ve Dönüşüm"), and The General Assessment and Conclusion ("Genel Değerlendirme ve Sonuç").

Even though the Peace Process Commission operated immediately after the Sub-Commission on the Violations of the Right to Life, with three AKP members (including the chair) serving on both commissions, its tone is decidedly more liberal. The report's main narrative is that the violent conflict has resulted from complex and overlapping social, political, economic, and cultural problems. The commission chair's introduction refers to a new way of reasoning [akıl etme] and problem solving [sorun çözme] through the peace process. The notion that the underlying causes of the violent

³⁶ Interview with Özgür Sevgi Göral, January 26, 2022 (Zoom).

conflict cut deeper than the immediate causes and effects of violence can be found throughout the final report.

Likewise, the final report's criticism is directed less at PKK than at the "opponents of the peace process" [sürece karşı olanlar] ("Komisyon Başkanının Sunuşu", 1). While the Sub-Commission kept referring to PKK as an opportunistic violent organization preying on the grievances and naïveté of Kurdish civilians, the Peace Process Commission refers to the insurgency essentially as a side effect of the failure to address the Kurdish issue properly. This convoluted passage in the second chapter illustrates the point:

However, as a known fact in the cause-effect relationship and even more as a result of the recent developments, the issue and the terror issue, the terror issue and the PKK issue, the actual issue and the PKK issue are mixed together. Wholesale and simplistic approaches to the issue have led to the divergence of perceptions, too. While PKK was seen as the cause of what happened, it was presumed that with the termination of PKK, the problem would be solved, too.

[Fakat bilinen bir gerçek olarak neden - sonuç ilişkisi içerisinde ve daha da çok yaşanan sıcak gelişmeler neticesinde mesele ile terör meselesi, terör meselesi ile PKK meselesi, esas mesele ile PKK meselesi birbirine karışmış durumdadır. Meseleye bakıştaki toptancı ve kolaycı yaklaşımlar, algıların da farklılaşmasına yol açmıştır. PKK, yaşananların nedeni olarak görülürken, PKK'nın bitirilmesiyle sorunun da çözüleceği sanılmıştır.] (p. 41)

The rest of that chapter takes a broad view of Turkey's political spectrum to document different political parties', civil society organizations' and political personalities' opinions on the issue. It lists a total of 71 reports between 1925 and 2010 whose subject matter was the Kurdish issue and/or the violent conflict, which collectively contribute a total of 25 recommendation headings, ranging from the recognition of the Kurdish language in public to decentralization and constitutional reform. The chapter also assesses Turkey's progress on the reform suggestions (pp. 59-64).

The commission also consulted the relevant worldwide literature on the distinction between negative and positive peace and on the idea of transformative peace as going above and beyond the absence of violence in the present to achieve lasting peace. The report makes multiple references to a "lasting" [kalıcı] peace/solution, rather than to the mere cessation of hostilities for a short time. The report references conflict

resolution efforts in Colombia, Indonesia, Spain, Northern Ireland, and South Africa (Dilek, 2019, 13) in the second section of the third chapter. The historical background, the violent period, and non-violent conflict resolution are described in each case with references to the academic literature on the subject. The end of the chapter contains long passages by three academics deemed experts on the worldwide experiences of conflict resolution. Three conclusions stand out: democracy constitutes a key component of conflict resolution; peace processes take a long time; and international actors matter (pp. 119-121).

The final report combines its attentiveness to the global know-how with lengthy analyses of the social-psychological, sociological, cultural, and historical background of the violent conflict in Turkey (chapters 5, 6, and 7). Especially chapters 5 and 7 contain long, quoted passages from interviews with academics, as well as with a number of AKP and BDP members of parliament. At the risk of simplifying the variety of perspectives voiced in these chapters, the central narrative that emerges can be summarized as follows: the PKK insurgency and the accompanying violence are manifestations of deeper problems in the long history of coexistence between Turks and Kurds, which began to show signs of strain in the nineteenth century and became increasingly more untenable during the Republican period (1923 onwards). Multiple historical explanations appear in these chapters, but two stand out, namely, the failure to recognize Kurdish identity in the context of forging a culturally homogenous Turkish nation and the disappearance of the Islamic community as the framework of coexistence, for being mentioned time and again. Some interviewees also discuss the suppression of the democratic leftist Kurdish movement in the 1970s and 1980s as the underlying reason for the emergence of PKK as a violent alternative.

The fourth chapter aims to introduce frameworks of justice that may serve as alternatives to the retributive justice model that Turkey has used against suspected terrorists. After claiming that Turkey's criminal justice system has operated within the broader national and international human rights law framework (p. 141), the chapter introduces international humanitarian law, restorative justice, and disarmament, demobilization, and reintegration (DDR) as alternative frameworks that deserve thoughtful discussion. The section on restorative justice also hints at the possibility of establishing truth commissions – an issue revisited in the twentieth section of the tenth chapter (pp. 429-436). The final report notes that coming to terms with the past is necessary for societal reconciliation and the non-repetition of past violence, while also noting that approaches associated with restorative justice, transitional justice, and international humanitarian law should not be treated as magic solutions (p. 436).

The final report definitely makes an effort to portray the AKP period from 2002 onwards as an era of progress. One of the longest chapters, called “The Change and Transformation during the 2002-2013 Period”, lists all the policy changes under the AKP governments that allegedly made it possible to resolve the violent conflict.

The final report’s “General Assessments and Conclusion” chapter, which contains general recommendations for peace, is eight pages long – out of 482. The 42 paragraphs that make up the chapter reflect the report’s overall view on conflict resolution: lasting peace requires a multi-layered conflict resolution process with comprehensive and long-term interventions. It warns against treating conflict and peace as binaries; instead, it calls for imagining those who strive for peace as operating on a scale ranging from conflict to peace (Ensaroğlu et al., 2014, 31). Contrary to the report’s mention of specific interventions elsewhere, like truth commissions and international mediators, the last chapter does not contain specifics. Instead, it contains some boilerplate suggestions about the importance of democracy, human rights, and the cultivation of a non-violent mindset among the broader population. Finally, the chapter also cautions against incorporating problems with medium- and long-term solutions into the deliberations of a peace process.

Post-commission process

During the delivery phase, BDP claimed that the final report was submitted to the plenary of the parliament without notifying their member in the commission. In fact, the party spokespersons argued that the exclusionary procedure of the commission deepened mistrust at a time when the commission was expected to contribute to trust building across the country.³⁷ The party shared an alternative report with the public instead of endorsing the commission’s one. Thus, the final report of the Peace Process Commission, whose membership did not include CHP and MHP to begin with, was endorsed by AKP only.

Zenderlioğlu, BDP’s participant in the commission, argued that the official report did not go beyond official theses on the Kurdish issue by ignoring the demand for a new constitution, a new law on elections, the abolition of counter-terrorism laws, the recognition of Kurdish identity and culture, education in Kurdish, territorial autonomy, a truth commission, and the implementation of a law on reparations.³⁸

³⁷ “BDP alternatif raporunu Meclis’e sundu,” *Evrensel*, 29.11.2013; available at <https://www.evrensel.net/haber/73023/bdp-alternatif-raporunu-meclise-sundu>

³⁸ “BDP’den alternatif ‘Çözüm Komisyonu raporu,’” *T24*, 28.11.2013.

BDP's report itself reads like a series of policy positions on the peace negotiations in particular, and the resolution of the Kurdish issue in general. Arguably, the experience of exclusion from the parliamentary commission of inquiry freed the hands of BDP members of parliament, who went on to write down their most preferred outcomes rather than draft a negotiated document. The 443-page alternative report has a long chapter on the history of the Kurdish issue, followed by chapters on past official and unofficial reports on the issue, conflict resolution experiences around the world, current legal and judicial problems, recommendations for legal and institutional reform, truth commissions, social memory and memorialization, war and the economy, gender, and the recommendations for a democratic constitution. The introduction chapter criticizes the parliamentary commission of inquiry for ignoring BDP's views and sensitivities, and for reproducing the official discourse. To be more specific, the 22-item list of criticism towards the parliamentary commission faults that body for failing to label the "Kurdish issue" as such, not appreciating the agency of PKK and Öcalan during the peace process, framing rights as individual rather than collective, making overly general recommendations, and replicating the official discourse on terrorism and counter-terrorism measures. Instead, the BDP report asks for improvements in the living conditions of Öcalan, the lifting of legal repression on Kurdish political activists, the formation of a truth commission, the introduction of a new ministry tasked with peace and democracy, the recognition of cultural rights, decentralization, a halt on the construction of new police and military stations in the Kurdish region, and moving away from the environmentally and culturally harmful hydroelectric power plants to alternative energy sources.³⁹ In conclusion, reaction to the parliamentary commission resulted in an alternative report that reflects the Kurdish political movement's position on the Kurdish issue, the violent conflict, and recommendations for its resolution.

Naci Bostancı, the parliamentary commission's chair whose rank in the AKP had risen, attended a conference immediately after the delivery of the final report to popularize the commission's message.⁴⁰ Since then, however, he has not expressed his views about the commission. There is no indication that other members of the commission worked to amplify its message after delivery. Nonetheless, the peace process appears to have pushed other political parties to express their views on the Kurdish issue. As described above, BDP published its own report, while CHP released a 22-item framework for

³⁹ Barış ve Demokrasi Partisi, "Toplumsal Barış Yollarının Araştırılması Ve Çözüm Sürecinin Değerlendirilmesi Komisyonu Raporu", Kasım 2013, Ankara. Available at: https://bianet.org/system/uploads/1/files/attachments/000/001/008/original/BDP_%C3%87%C3%B6z%C3%BCm_Komisyonu_Raporu.doc [Turkish]

⁴⁰ "Çözüm Süreci Konferansı," *Akdeniz Bülteni*, 26.11.2013; available at <http://www.akdenizbulten.com/cozum-sureci-konferansi/7769/>

peace in April 2015.⁴¹

The completion of the process in July 2015 ended any possibility that the commission's final report, or any other product of the peace process, could be openly discussed in public. To this day, the commission's final report has not received any mention from Erdoğan, former and current AKP politicians, or the mainstream media. A simple Google search that filters the queries with respect to time shows that since the publication of the final report on December 2, 2013, mention of the commission in the media has all but disappeared.

Analysis of the Peace Process Commission

The Peace Process Commission has a decidedly more liberal tone than that of the Sub-Commission on the Violations of the Right to Life, which had served to reproduce state-centric narratives about terrorism. In fact, Chapter 2 of the Peace Process Commission's final report, which summarizes existing approaches to the violent conflict, starts by noting that naming the issue as the "Kurdish problem", "terrorism problem" or "PKK problem", among other things, does not address its comprehensive nature.

Earlier commissions, especially the Sub-Commission on the Violations of the Right to Life, had strategically used reported speech to describe inconvenient issues, especially state violence against civilians. The Peace Process Commission has a hybrid format: long passages in which interviews are quoted are followed by sections in which the commissioners take over the narrative. The final chapter, which summarizes recommendations for the future, does not contain any quotes from the interviewees – a very different writing style in comparison to the Sub-Commission's.

The terrorism framing, which is so central to the Sub-Commission's narrative, is altogether absent in the Peace Process Commission's final report, as mentions of "terror" or "counterinsurgency" are comparatively rare. Instead, the Commission emphasizes "Kurdish" [kürt], "identity" [kimlik], the "resolution process" [çözüm süreci], "peace" [barış], and "democratic" [demokratik], in addition to more generic words (Figure 5.1). The Commission mentions human rights quite regularly, as well (Figure 5.2). The "village guards" [köy korucu] appear multiple times, in part because the final report simply describes their function at times and contains critical accounts of the problems caused by the village guard system in terms of human rights violations and

⁴¹ The text of CHP's report is available at: https://content.chp.org.tr/file/chp_kurt_meselesi_kitapcik.pdf

the prolongation of the conflict. Similar to the Sub-Commission, however, the Peace Process Commission does not mention “irregular warfare” or similar terms in its final report.

The inclusion of victims, civil society, and academia has received praise (Çelik et al., 2015, 12). A lingering problem, which the Peace Process Commission shares with its predecessors, is the absence of any explanation as to why they chose to interview some people and not others. In other words, the selection process appears rather random. What aggravates the problem is that views of some of the interviewees are represented in lengthy quotes in the final report, while others receive little or no space. In fact, ten of the 43 interviews are not mentioned in the final report at all, while a few interviewees are directly quoted in passages that amount to over five or more pages. The final report does not clarify whether the non-quoted interviews nonetheless provide relevant information in other ways, or what makes the oft-quoted interviews so important in their selection. Likewise, the report does not explain why some conflict and peace scholars were interviewed but not others.

The commission, much like its predecessors, hesitates to make bold recommendations on the basis of what it has learned from the relevant literature and its own interviews. For example, the final report mentions the role of international mediators multiple times in the summaries of peace processes in El Salvador, Indonesia, Sri Lanka, and elsewhere (see, for example, pp. 118-121). The final report reads: “Furthermore, a noteworthy characteristic of the conflict and peace processes under study is the influence of international factors on conflict and resolution processes” [“Ayrıca incelenen çatışma ve barış süreçlerinde dikkat çeken önemli bir husus da uluslararası unsurların çatışma ve çözüm süreçlerindeki etkisidir.”] (p. 121). Likewise, one of the interviewees, Prof. Alpaslan Özerdem, emphasizes the importance of mediation in conflict resolution (p. 138). Yet, the recommendations chapter contains nothing about international mediation. In a similar light, the final report discusses the importance of a truth commission more than a few times, but the recommendations chapter does not mention it.

In conclusion, the Peace Process Commission has covered ground thanks to its broad list of interviews, attention to international experiences, and the relatively liberal orientation to conflict resolution. However, the valuable work of learning from and compiling domestic and international experiences has fallen victim to a timid approach that shies away from making clear and bold recommendations. Even more than the content of the final report, however, what has sealed the fate of the Commission in terms of public visibility and influence was the end of the peace

CHAPTER SIX

COMPARATIVE ANALYSIS OF THE PARLIAMENTARY COMMISSIONS OF INQUIRY

Comparative Analysis of the Parliamentary Commissions of Inquiry

This chapter compares and contrasts the three parliamentary commissions of inquiry and the sub-commission in four areas: the framing of their narratives; their capacity to address and promote contemporary transitional justice concerns; their public reception; and civil society participation. All commissions provided some useful information with regards to past violence and violations in Turkey, and some of them (especially the Coup Commission and the Peace Process Commission) incorporated transitional justice concepts into their final report. However, each commission excluded relevant contextual information, concepts, and facts about human rights violations from its final report and ultimately generated very little impact on political or societal debates.

Narrative frames

The four commissions selected for this report were tasked with investigating some of the most pressing issues facing Turkey at the turn of the twentieth century and the beginning of the twenty-first: the involvement of state institutions in illegal activities, the ever-present threat of military interventions, human rights violations in an atmosphere of near-total impunity, and an internal armed conflict that has continued despite decades of inconclusive counterinsurgency warfare and occasional negotiations. Although each investigation had its specific focus, the issues they were expected to address overlap significantly. That is because, arguably, political violence and human rights violations targeting dissidents and ethnic, linguistic, and cultural minorities have been taking place as a result of unaccountable political institutions that ignore democratic and human rights norms, paramilitary groups that collaborate with those institutions in return for impunity for their crimes, and non-state armed actors that face no incentive to lay down their arms, which only serves to generate a vicious cycle of further violence, violations, and impunity.

All four commissions enjoyed considerable discretion to choose their framing of the issues at hand. Going back to the description of procedures for creating a commission of inquiry, it can be said that such commissions are not restricted by a tightly written mandate. This report's analysis shows that what they exclude from their final reports constitutes their narrative framing as much as what they explicitly state. Thus, in what follows, a brief summary of the central narratives guiding each commission's final report is presented, paying attention to the exclusions as much as the inclusions.

The Susurluk Commission's decision was to interpret the 1990s as a period in which organized crime, which had already infiltrated state institutions since the 1970s, nearly took over the entire state apparatus. Through interviews with intelligence chiefs and members of criminal networks, it put the spotlight on mafioso relationships that used the cover of serving the state while engaging in arms smuggling, drug trafficking, illegal gambling, and countless homicides. What it chose not to emphasize is the fact that many of these crimes were serious human rights violations committed during the internal armed conflict with PKK, as criminal networks were enabled to murder and intimidate dissidents, intellectuals, businesspeople, and laypersons, while financing their so-called irregular warfare with lucrative illegal activities. The commission's decision not to interview victims of violations was determinant in the absence of a human rights framing in the final report.

The Coup Commission, which produced two giant volumes thanks to its thorough review of relevant academic literature and the work of its sub-commissions, chose a much more pluralistic framing of its subject matter: accordingly, military coups and interventions take place due to interlocking legal, institutional, geostrategic, economic and cultural factors. The unifying thread is the presence of a mindset, reflected in the institutional setup of military and civilian institutions, that justifies non-elected institutions' tutelary control over elected ones. Even though the narrative is quite comprehensive, its failure to investigate the ensuing Büyükanıt-Erdoğan meeting, which Erdoğan describes as nothing more than a routine conversation between the prime minister and the military chief in his written response to the Commission (p. 1146), has fueled enormous controversy in the wake of the commission.

A subtler exclusion in the Coup Commission's narrative has to do with the role of religious conservative politicians and masses in supporting and legitimizing undemocratic forms of government. The final report states that some secularist and leftist political and social movements celebrated the 1960 coup and appeared to support the 1971 intervention until they realized that the dominant faction in the military wanted to crush the left. There is no mention of right-wing, conservative or Islamist actors supporting any military intervention, although by now such support is a well-known fact, especially during and after the 1980 coup – in fact, some of the people interviewed by the commission are famous right-leaning journalists who had vocally supported the military government. Likewise, the fact that the military sought Islamist support by catering to a socially conservative agenda, including the introduction of compulsory religious education in primary education, is not found in the report. In a way, the Coup Commission goes farther than other official investigations when it comes to narrating the history of authoritarianism in Turkey,

but it draws the line when the democratic credentials of conservatives and Islamists, of which AKP sees itself as the flag-bearer, are scrutinized.

Arguably no commission was more self-restrained than the Sub-Commission on the Violations of the Right to Life in terms of developing a critical perspective on past and present wrongs. The Sub-Commission sought to maintain some notion of balance between human rights activists and ultranationalist intellectuals, and victims of state violence and victims of PKK during the interview phase, but the content of the final report does not reflect the pluralistic nature of the interviews. The central narrative is that the evil of terrorism, defined as all forms of violence committed by non-state armed actors (and only by them), has been responsible for human rights violations directly, i.e., as a result of terrorist acts, and indirectly, i.e., by forcing the state to commit violations. The Sub-Commission decided to conceal the violations for which state agents were responsible, either by using the qualifier “alleged” in order to distinguish them from violations committed by the said terrorists, for which no such qualifier was used, or by naming the people affected by those violations as victims of terror, regardless of the perpetrator. In the end, the report acknowledges the existence of human rights violations committed by the state and non-stated armed actors in a narrative that simply reproduces the official narrative about terrorism.

The Peace Process Commission, established only a few months after the Sub-Commission, with which it shared three members, chose an altogether different framing. Accordingly, the ongoing conflict with PKK was the outcome of a complex historical trajectory of violence that could only be interrupted through a deliberate, empathetic, and multi-pronged approach to conflict resolution. The Sub-Commission’s description of PKK as a group of manipulative opportunists was largely absent in the final report of the Peace Process Commission; instead, the later commission urged everyone to build bridges. I believe the glaring exclusions of the Peace Process Commission are not in its description and analysis of the issues at hand, but rather in its conclusions: 475 pages of detailed analysis ends with an eight-page recommendations chapter that suggests democratization and non-violent conflict resolution in very generic terms.

What explains the inclusions and exclusions of these commissions? I believe two factors, cohort and context, shape the politics of parliamentary commissions and eventually, the outcomes. By *cohort*, I refer to the fact that each commission is staffed by members of parliament from different parties and with different personal backgrounds. By *context*, I refer to the fact that commissions operate in fast-changing political landscapes, where they cater not only to abstract notions of truth and justice

but also to short-term political interests and needs.

The Susurluk Commission was a product of the 1990s in many respects: it was established in the context of unstable coalition governments, where no party could claim political and ideological hegemony, and at a time when talking about human rights violations committed by state actors was taboo. Thus, the commission that brought together members from five parties (with a five-to-four majority of the ruling DYP-RP members of parliament) chose to interpret its job as narrowly forensic, and as apolitical as possible. The academic-intellectual tone found in the later commissions is thus altogether absent.

The other three commissions, established soon after the 2011 general election, all reflect the dominance of AKP in Turkish politics and Erdoğan's increasing power at the expense of other AKP leaders. Observers of the era tend to agree that Erdoğan and other AKP politicians shaped the terms of political debates with considerable success right after the 2011 election. The Coup Commission, established with motions from AKP, CHP, MHP, and BDP, had members from all four parties, but AKP enjoyed majority power. The subject matter was one that AKP leaders wanted to see publicly discussed, as they saw themselves as victims of coup plots and military-judicial tutelage, but other parties could self-identify as victims and interested parties, too – after all, CHP and MHP had been banned after the 1980 coup, and the Kurdish political movement had been persecuted heavily after the 1971 and 1980 coups. The comprehensiveness of the final report no doubt owes to the pluralistic nature of the cohort, but as discussed above, the AKP-dominated commission drew the line when it came to developing a critical account of conservative participation in authoritarian projects, past and present.

The difference that cohort and context make is clear when the final reports of the 2012 Sub-Commission on the Violations of the Right to Life and the 2013 Peace Process Commission are compared. The Sub-Commission has members from all four parties, while the later commission has ten AKP members and one BDP member. Three of the AKP members, including the chair in both, are the same people. Yet, cohort may have shaped the Sub-Commission's uncritical embrace of the official anti-terrorism discourse in part because one of the members, Eronat, was a PKK victim's mother, another member, Metiner, had recently quit the Kurdish political movement to join AKP, and yet another member, Halaçoğlu, was an ultranationalist. Context also matters: the Sub-Commission operated in 2012, when the clashes between the state and PKK reached a level of intensity and destruction not seen since the 1990s. Even though the preparations for negotiations may have started behind the scenes, at

the time the AKP leaders were comfortable with the framing of the Kurdish issue as primarily a counterinsurgency problem. Of course, the party line also blamed Kemalist tutelage for the emergence of the insurgency, but the emphasis was less on the historical complexity of the issue than on the immediate need to justify the violence. This could not have been more different from early 2013, when the peace negotiations were announced, and of course, when the Peace Process Commission began its work. At that time, the AKP government's immediate concerns were Turkish nationalists and disgruntled members of the military who could try to derail the negotiations. Thus, the latter Commission's framing puts the emphasis on the decades-long misunderstanding of the Kurdish issue by those "who oppose the peace process".

Parliamentary commissions of inquiry and transitional justice

Did the parliamentary commissions see themselves as participants or promoters of transitional justice? The Peace Process Commission is the only one that uses the term "transitional justice" [*geçiş dönemi adaleti*] explicitly – six times in total. Relevant terms appear in commission reports, as well: "reckoning" ("to meet face to face" in literal translation) [*yüzleşme*] appears twice in the Susurluk Commission, 42 times in the Coup Commission, twice in the Sub-Commission, and 25 times in the Peace Process Commission. The term "restorative justice" [*onarıcı adalet*] appears only in the Peace Process Commission's final report. In other words, the Peace Process Commission stands out for its engagement with transitional justice and reckoning with past wrongs, and to a lesser extent the Coup Commission does the same. The Susurluk Commission and the Sub-Commission do not frame their work in such terms. This is perhaps understandable for the 1997 Susurluk Commission, which operated at a time when these concepts were not as popular globally and nationally as they were in the 2010s, but the Sub-Commission's indifference is clearly a political decision.

Among specific transitional justice mechanisms, prosecution for those responsible for criminal acts is mentioned in all four commission final reports. Thus, retributive justice is still the dominant framework for dealing with past violence and violations. Aside from prosecution, further fact-finding is generally recommended by the four commissions. The Susurluk Commission urges the state to discover the facts about unresolved murders (p. 783) without specifying the institutional mechanism to do so. The Coup Commission, the Sub-Commission, and the Peace Process Commission mention truth commissions, albeit in different parts of the final report. The Coup Commission describes the work of the truth commissions in Argentina, Ghana, Haiti, and Uganda (pp. 905-910); in addition, it recommends a commission to investigate facts [*Gerçekleri Araştırma Komisyonu*] (p. 194). The Recommendations chapter of the Sub-

Commission demands transparency from state institutions when it comes to human rights violations but does not specify institutional mechanisms to achieve such transparency (p. 319). Three interviewees of the Sub-Commission state the importance of truth commissions – an insight ignored elsewhere in that commission’s final report. The Peace Process Commission does not recommend a truth commission explicitly but has an entire section devoted to truth commissions that uses rather positive language about their usefulness.

Reparations for the victims of past wrongs are mentioned by the Coup Commission, the Sub-Commission, and the Peace Process Commission. The Coup Commission’s discussion of reparations centers on two objectives: first, to describe the reparations paid to some victims of the 1955 pogrom in Istanbul, and second, to familiarize the reader with the experiences in Argentina, Chile, and Uruguay after military regimes. The Coup Commission’s final report does not recommend a new reparations program, though. The Sub-Commission provides a detailed analysis of the reparations policies of the Turkish state targeting the victims of political violence and terrorism, noting that past reparations programs were at times insufficient in repairing the loss suffered by the victims (p. 167). It recommends state support to restore the material and emotional well-being of the victims of terrorism (pp. 320-321). Finally, the Peace Process Commission also describes past reparations policies, especially to praise the accomplishments of AKP governments in that area. Like its predecessors, it does not recommend a future reparations policy.

The only commission that calls for an official apology mechanism is the Coup Commission (p. 195). The Peace Process Commission also addresses the themes of apology and forgiveness in its analysis of worldwide examples (especially the immunity from prosecution granted to selected perpetrators in the South African Truth and Reconciliation Commission) but does not include those practices in its recommendations. The Susurluk Commission and the Sub-Commission do not refer to apologies or forgiveness in their final reports.

Finally, the Coup Commission recommends the transformation of social memory [*toplumsal hafıza*]. The specific recommendation is the removal of the names of persons responsible for past coups from public spaces (p. 198). The other commissions do not address the reconstruction of social memory as such. Nonetheless, the Coup Commission, the Sub-Commission, and the Peace Process Commission all recommend social changes, starting with education, to eliminate the mindset that legitimizes violent and undemocratic means.

Another way to conceptualize the parliamentary commissions of inquiry is to question the extent to which they bring up major human rights violations in history. Figure 6.1 visualizes commissions' mention of ten major episodes in Turkey's republican history that involve large-scale violence: the Dersim massacre of 1937-8, the 1955 pogroms against non-Muslims in Istanbul, the massacre on May Day of 1977, the massacres of Alevis in Maraş in 1978 and Çorum in 1980, the torture and disappearances in the Diyarbakır prison in and around 1982, the Sivas massacre of 1993, unresolved murders throughout the 1990s, among them, the specific targeting of Kurdish businessmen, and finally, the incidents of village burning and evacuation in the Kurdish region throughout the 1990s.

Figure 6.1 shows that unresolved murders appear consistently in all commission final reports, as do village burnings, but to a lesser extent. The Coup Commission mentions all the episodes except the Dersim massacre. The other commissions only mention some episodes relevant to their area of study. In other words, the Coup Commission comes closest to offering a comprehensive account of past human rights violations in Turkey. However, this quantitative description should not detract from the fact that even the Coup Commission's wording, which presents these major violent episodes as "incidents" rather than pogroms or massacres, is deeply problematic.

The parliamentary commissions' public reception

Very little is known about the four commissions' overall success in reaching out to the broader public, as no public opinion survey or comprehensive academic or journalistic research has been conducted on the subject. There has been some media coverage, especially during the key phases of each commission. However, the extent of coverage typically does not go beyond a few days or weeks after the delivery of the final report. A Google search with the full names of each commission yields about 2,690 results for the Susurluk Commission (105 among posts since 2012), 243 results for the Coup Commission, 363 results for the Sub-Commission on the Violations of the Right to Life, and 543 results for the Peace Process Commission, including repetitions. Needless to say, a Google search may not constitute a representation of the whole universe of results, and many sources may use these commissions' short names, but still, the low number of query results shows the limitations of the commissions' ability to reach out to the broader public. In other words, none of the final reports has survived the fast pace of the media cycle or the changing political landscape.

The commissions during AKP governments have suffered another setback: the party's dramatic shifts with regards to human rights, the Kurdish issue, and Fethullah Gülen

have meant that the commissioners themselves have not defended their own work under changing political circumstances. To give an example: the Coup Commission is nowhere to be found on its chairperson Nimet Baş's profile on her parliament bio, AKP minister bio, or Wikipedia page. Her activist defense of the Commission's work in its immediate aftermath appears to have come to an abrupt end. The same absence of committee work in official and unofficial bios applies to Naci Bostancı, chairperson of the Sub-Commission on the Violations of the Right to Life and the Peace Process Commission. This is in contrast to two of the influential members of the Susurluk Commission, Mehmet Elkatmış and Fikri Sağlar, whose public bios contain information about their role in that commission.

To conclude, the four commissions of inquiry have by and large remained limited in their outreach. The public had very little exposure to their content, as the media devoted almost no focused attention to them. All the commissions had to face fast-changing political circumstances, as the February 28, 1997 memorandum closed down the critical space that the Susurluk Commission could have opened, and the AKP-era commissions were entirely dependent on the government's abrupt shifts of policy between 2012 and 2015. What is more, even the leading commissioners did not always own up to their work. Thus, these commissions remained issues of interest to only activists, academics, and concerned citizens for the most part.

Civil society participation in commissions

My interviews with leading civil society members who were invited to the Sub-Commission on the Right to Life and the Peace Process Commission suggest that civil society participation remains a challenge, both because of the limited role they are asked to play, and because these commissions take place in a harsh political climate. As described earlier, asking civil society for an opinion is still rare for members of the parliament. In addition, my interviews reveal a rather rough process of political negotiation in commissions, which makes outsiders' participation even more difficult. Murat Çelikkan, who was interviewed by the Peace Process Commission, says that members of parliament of the two parties (AKP and BDP) were fighting over every sentence.⁴² Özgür Sevgi Göröl notes that politics in Turkey is harsh [*sert*], and that civil society actors enter into highly politicized territory – claims that aim not to discourage them, but to warn them about the stakes of taking part in these commissions.⁴³

⁴² Interview with Murat Çelikkan, January 27, 2022 (Zoom).

⁴³ Interview with Özgür Sevgi Göröl, January 26, 2022 (Zoom).

Moreover, efforts to guide politicians tend to fall on deaf ears. To give an example: Öztürk Türkdoğan says the Human Rights Association prepared a draft bill to establish a truth commission with nine sub-commissions, which were intended to investigate past wrongs, including the Armenian genocide, the Dersim massacre, massacres targeting Kurds, military coups, etc. The bill was drafted in the context of Erdogan's use of the word "apology" in 2011 in reference to the Dersim massacre. However, the bill was completely ignored by the AKP leadership and all opposition parties, except BDP, at the time.⁴⁴

Despite negative experiences with political institutions in general and commissions of inquiry in particular, the interviewees also express reasons for optimism. Nadire Mater reports that ministry officials informing the public about violence against women use journalistic reports published by her team in *Bianet*, an independent news agency.⁴⁵ In other words, the kind of labor associated with dissident civil society can find its way to official documentation, even in difficult circumstances. Furthermore, the harsh climate of partisan politics may paradoxically empower civil society: discussing the possibility of a future peace process, Öztürk Türkdoğan argues that acknowledging the agency of civil society actors can help to overcome the deadlock and hyper-politicization of the Kurdish issue, which often provokes competition between parties.⁴⁶

In a similar vein, Özgür Sevgi Göral invokes peace researcher Paul Lederach's "middle range" [*orta kademe*] (Lederach, 1997) to diagnose the failed peace process and suggest avenues for peace activism: "There was no buffer. Lederach explains that the middle range is very important. The two sides, as well as actors who would not automatically object [to a peace process] and civil society, can play the role of a buffer consisting of the middle range, roles like mediators and facilitators. This role was left open [in the failed peace process]. And in such a harsh [political] climate, a middle range that is not strictly political and can play the role of technicians [are needed]." ["Arada tampon yoktu. Lederach orta kademenin çok önemli olduğunu anlatıyor. Hem taraflar hem de CHP gibi kafadan itiraz etmeyecek aktörler hem de sivil toplum orta kademelerden oluşan bir tampon rolü olabilir. Arabulucular, kolaylaştırıcılar gibi roller. Bu rol çok açıkta kaldı. Bir de bu kadar sert bir iklimde. Dar anlamıyla politik olmayan, tekniker rolü oynayabilecek ara kademeler."]⁴⁷

⁴⁴ Interview with Öztürk Türkdoğan, January 25, 2022 (Zoom).

⁴⁵ Interview with Nadire Mater, February 2, 2022 (Zoom).

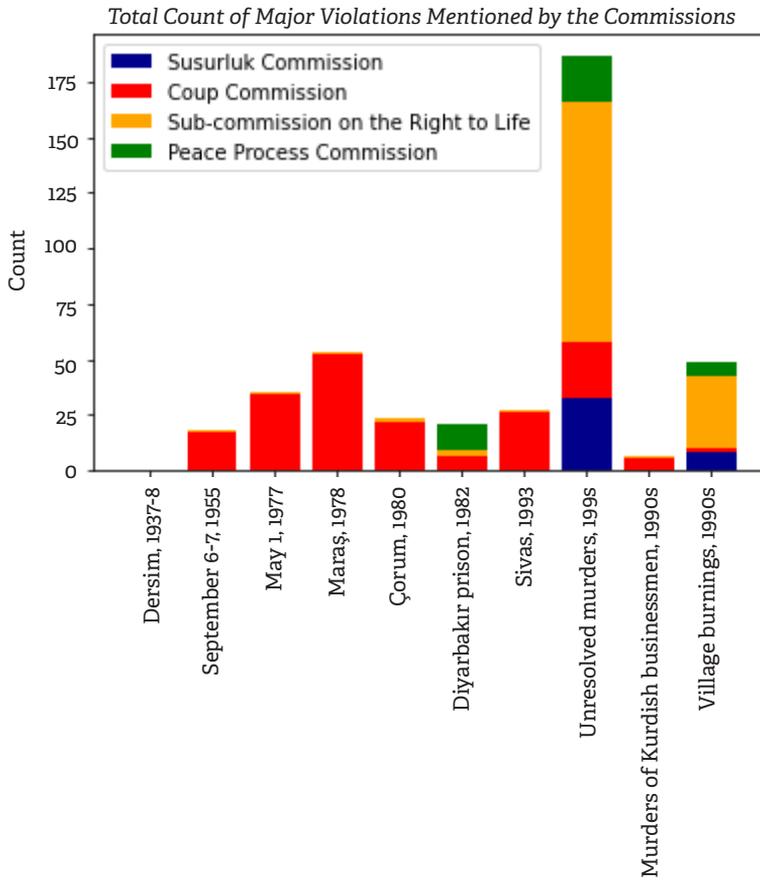
⁴⁶ Interview with Öztürk Türkdoğan, January 25, 2022 (Zoom).

⁴⁷ Interview with Özgür Sevgi Göral, January 26, 2022 (Zoom).

Future civil society participation in commissions of inquiry and peace processes may require self-reflection and acknowledgment of political realities on the part of civil society actors, as well. In the words of Murat Çelikkan: "Peace processes and truth commissions are not established with pure ethical principles anywhere in the world; they are established within the framework of political possibilities. I think these types of opportunities should be taken well. This is not a process that the civil [society] movement is accustomed to, actually sitting at the table with your murderer in the context of struggle and negotiation. This struggle should be internalized a little bit. Otherwise, expecting peace to solve every problem with a maximalist approach makes it impossible." ["Dünyanın hiçbir yerinde salt etik ilkelerle barış süreçleri ve hakikat komisyonları kurulmuyor; politik imkanlar çerçevesinde kurulurlar. Bu tip fırsatları iyi değerlendirmek gerektiğini düşünüyorum. Bu da sivil hareketin Türkiye'de alışık olduğu bir süreç değil, mücadele ve müzakere çerçevesinde aslında katilinle aynı masaya oturmak. Bu mücadelenin biraz özümsemiş olması gerek. Aksi taktirde maksimalist bir yaklaşımla her sorunu barışın çözmesini beklemek onu imkânsız hale getirmek çünkü."] ⁴⁸

⁴⁸ Interview with Murat Çelikkan, January 27, 2022 (Zoom).

Figure 6.1: Mentions of Political Violence and Violations by the Commissions



CHAPTER SEVEN

RECOMMENDATIONS FOR FUTURE PARLIAMENTARY COMMISSIONS OF INQUIRY

Recommendations for Future Parliamentary Commissions of Inquiry

This chapter aims to open a space for constructive debate in light of the achievements and shortcomings of parliamentary commissions of inquiry in the past. The current state of affairs is less than ideal for legislative oversight, but this could as well change. Turkey's current system of government is a strong form of presidentialism, with no genuine parliamentary oversight of the executive. This regime was instituted *de jure* through the 2017 referendum and 2018 presidential election, but it has been being constructed *de facto* at least since 2014. Yet, as of this writing (March 2022), major opposition parties have all vowed to bring back the parliamentary system of government, which was the *de jure* regime of the late Ottoman period (1908-1920) and the Turkish Republic – undemocratic interruptions notwithstanding, of course. If the parliament is empowered again on paper and in deed, future panels may investigate and discuss past and present political violence and human rights violations. Therefore, I hope this report contributes to future efforts by setting a framework for best practices.

1. Clear formal powers

In late October 2012, former CHP chair, Deniz Baykal, stormed out of the Coup Commission, arguing that the commission had been forfeiting its authority by interviewing persons with no public-sector affiliation, in addition to questioning parliamentary colleagues.¹ Using similar reasoning to put commissions' authority to question them, a number of active members of the military refused to attend commission hearings, especially during the Susurluk Commission, claiming that as public functionaries, they were answerable to their superiors only. Needless to say, these procedural objections may have hidden an unwillingness to take part in the commission process, but they nonetheless point to a real problem: the formal powers of parliamentary commissions are a source of controversy in Turkey.

Thus, new legislative majorities should specify the formal powers of a parliamentary commission of inquiry. It is up to future democratic majorities to decide how such powers will be allocated, of course, but in light of these experiences, at least three questions should be considered: first, are parliamentary commissions allowed to interview active and retired public functionaries, other members of the parliament,

¹ "Baykal Darbe Komisyonu'nu terk etti," *NTV*, 30.10. 2012.

and persons with no public-sector affiliation? Second, should commissions be endowed with subpoena power to force individuals and institutions to cooperate? And third, if commissions indeed enjoy subpoena power, what kinds of sanctions should back that power? Subpoena power may interfere with established notions of the separation of powers doctrine; therefore, legal experts should be consulted as well.

In addition, commissions' final reports should be distributed and discussed inside and outside the parliament. Future legislators should incorporate the formal deliberation of commissions into the Parliament Rules of Procedure. In relation to that, the digitalization and broad distribution of the final reports should be prioritized to ensure transparency and public access.

2. Transparent methodology

Every parliamentary commission analyzed in this report has left behind questions about its methodology: why did the Susurluk Commission not interview victims of human rights violations? How did the Coup Commission pick its impressive yet eclectic list of interviewees? Why did the Sub-Commission on the Violations of the Right to Life visit eight cities, and on what grounds did they select these cities' so-called "terror profiles"? And what was the Peace Process Commission's process for its selection of expert interviews? The opaqueness of the selection process does not only make the final report read like a list of random events and opinions, it also carries the suspicion that the commissioners may have excluded some potential interviewees intentionally due to bias.

Therefore, an important task for future truth-finding efforts is to justify the selection of interviewees and field sites. As all qualitative researchers know, interview-based research does not (and should not) always rely on the random selection of a representative sample of the population; rather, the non-random selection of an initial list followed by the snowballing of interview subjects is common. In other words, the suggestion here is not to subject parliamentary commissions to an impossible methodological standard. Nonetheless, it is advisable that they explain why they interview some individuals (and not others). In addition, it is important to justify the selection process on the basis of the information sought. Past practices appear to suggest that parliamentary commissions may focus on one group of informants at the expense of others (e.g., the overreliance on intelligence officials and politicians at the expense of the human rights community in the Susurluk Commission), try to strike a semblance of equilibrium by interviewing a few people from supposedly opposite sides (e.g., the decision by the Peace Process Commission to interview a few relatives

of a few former PKK members and a few relatives of PKK victims), or simply interview as many famous people as they can find (e.g., the Coup Commission). Such practices create problems in terms of representativeness and intellectual depth. A transparent and streamlined interview methodology, therefore, would help future commissions conduct a more focused, unbiased, and productive investigation.

3. Setting goals

All truth initiatives, parliamentary commissions of inquiry included, aim to achieve multiple goals at once: discover, validate and publicize factual information, explain the causes and consequences associated with that information, educate the public about potential ways to address the issue at hand, give voice to the life experiences and opinions of interviewed people, and make recommendations, to name a few. These goals are not necessarily mutually reinforcing; in fact, failure to specify a commission's goals and the ways to achieve them may generate conflicts between these goals. For example, fact-finding can be at odds with giving voice when an interviewee does not tell the truth. Likewise, the recommendations of a commission may have little to do with its fact-finding or voice-giving mission, or at times may even contradict the rest of the content of a commission's final report.

Sadly, the four commissions studied in this report offer many examples of such failure to work towards specific goals. The Susurluk Commission was first and foremost a fact-finding effort, as its forensic tone reveals, but the final report contains opinions and speculations from many interviewees which are neither confirmed nor disconfirmed by the commissioners – it is almost as if they left the determination of facts to courts, while they reported a random array of narratives that could potentially have some connection with those facts. The Coup Commission's chapter on worldwide efforts to come to terms with the legacy of military coups leaves the reader wondering if the commissioners recommend similar measures in Turkey, or if they simply describe what happened elsewhere – a problem that plagues the Peace Process Commission, too. The Sub-Commission claims to give voice to human rights defenders and victims of state violence, but the commissioners ignore those voices when they assume the active voice in the report. All in all, the final reports leave the reader confused: What is fact and what is opinion? How do commissioners draw the line between their own views and reported speech? Do commissions endorse the ideas, examples, and models they describe?

Needless to say, what complicates these epistemological and methodological problems is the politics of parliamentary commissions of inquiry, that is, some, most, or all

of the politicians who make up a parliamentary commission may be interested in concealing inconvenient facts or silencing contrarian opinions. They may not want to commit to reasonable yet politically costly recommendations, if, for no other reason, than fear of retribution from their colleagues in the legislative or executive branch. What is more, the Constitution in its current form provides ambiguous guidance: parliamentary commissions of inquiry are nothing more than tools to gather information.

Therefore, fundamental contradictions among the goals of a truth initiative cannot be resolved easily, but a thoughtful approach to a specific commission's goals can help to alleviate the problems. Future commissions can devote themselves to one, some, or all of the goals above, or come up with new ones, but they should be explicit about what those goals are. What is more, they should set standards about how those goals are to be met. For example, the commissioners should decide whether they will use interviews as a means of ascertaining facts, or to convey opinions and experiences only. Likewise, if the narratives of different interviewees generate contradictory statements of fact, the commissioners should decide whether they will cross-check the validity of each narrative or let the clashing narratives stand side by side. If the commission is tasked with recommendations, the final report should make it clear how and why the commission's work has resulted in those recommendations. And finally, future commissions can benefit from the legacy of past truth initiatives from around the world when it comes to setting goals, as many truth commission and other truth initiatives have combined forensic analysis, causal explanation, participant narratives, and recommendations – with varying levels of success.

4. Rethinking voice

In relation to the problems associated with setting and implementing goals, future commissions should think about questions of power and voice. As discussed above, this is partly a problem of deciding when the commissioners report others' voices and when they use their own voice. The more fundamental issue at hand, however, is to understand that the political, economic, cultural, gender, ethnolinguistic, and religious hierarchies at the source of many of the problems debated by these commissions of inquiry should not be reproduced by the commissions themselves. If a commission's ultimate goal is to discover facts and seek solutions about problems affecting some of the most vulnerable elements of the population, then giving adequate voice to the vulnerable should guide that commission's work.

Some parliamentary commissions of inquiry have broken new ground in terms of giving a platform to victims of past human rights violations. The Coup Commission, the Sub-Commission on the Violations of the Right to Life and the Peace Process Commission have all, in their distinctive ways, interviewed victims of violations of bodily integrity and of civil-political rights committed by state agencies, paramilitary groups, and non-state armed actors. In addition, the Peace Process Commission sought experts on non-violent conflict resolution in an effort to complement peace negotiations. Thus, what former commissions have done in terms of giving voice to multiple perspectives on topics of public interest is definitely important: in a society that has treated public discussions of human rights violations, military coups, and non-violent conflict resolution as taboo, past commissions have carried the public debate forward by publishing interviews with people who have had non-conforming experiences and viewpoints.

However, the experience of past commissions also reveals major failures that should not be repeated in the future. The ratio of women in the list of interviewees is truly shocking: four out of 49 in the Susurluk Commission, nine out of 160 in the Coup Commission, 15 out of 54 in the Sub-Commission, and nine out of 43 in the Peace Process Commission. In other words, all commissions have reproduced the exclusion of women from public spaces. In addition to outright exclusions, commissions have also failed to center their narratives around the experiences and views of the affected. The Susurluk Commission clearly does not see its job as providing voice and representation to victims of human rights violations. The AKP-era commissions, on the other hand, all put a lot of emphasis on human rights (the term itself appears no fewer than 125 times in each final report); yet, despite the stated attentiveness to human rights, victims are either excluded from the narrative or are quoted in the final report but ignored in the report's definitions, analyses, and conclusions. The Sub-Commission's choice not to incorporate interviews mentioning state violence into its conceptualization of terrorism is particularly instructive in this regard.

In the future, commissions should develop strategies for collecting and analyzing information that are guided by principles of equality, diversity, and justice. Needless to say, it is up to legislative majorities and the commissioners themselves to decide how they seek to achieve these goals, but as the example of extreme gender inequality among past commissions' interviewees suggests, future commissions should develop deliberate strategies in some way. In addition, commissions that claim to take human rights seriously should give more voice to the victims of those violations and should incorporate those victims' experiences and viewpoints into the central narrative of final reports.

5. Encouraging civil society participation

The Sub-Commission and the Peace Process Commission actively sought some degree of participation from civil society actors, especially those with a commitment to human rights. Yet, as my interviews suggest, civil society participation was limited to a few interviews, thoughtful opinions voiced in those interviews found little or no room in the final reports, and ultimately, civil society actors felt alienated from the commissions. Before discussing the potential for participation in parliamentary commissions further, it is worth acknowledging that parliamentary panels are always going to be more difficult spaces for civil society representatives than, say, truth commissions, because the limitations of parliamentary procedure, the partisan nature of deliberations, and the public's relative lack of attention are always going to set barriers to outsider participants – civil society groups included. Thus, from a civil society perspective, it is perhaps more reasonable to demand a truth commission that operates independently of political institutions to reckon with past wrongs.

Nonetheless, parliamentary commissions can still be an area of struggle and influence for civil society actors. Even though there is no automatic mechanism to grant outsiders access and voice, future lawmakers should be incentivized to invite a diverse array of relevant actors as experts and interviewees. As my interviews with civil society leaders reveal, lawmakers tend to get into partisan disagreements over issues that many of them may not necessarily be well-versed in. Inviting civil society input would not only fill in knowledge gaps, but also serve to transform the terms of political debates at times.

Finally, for civil society actors themselves, parliamentary commissions of inquiry are not the ideal places to promote civil society agendas, but they can provide an invaluable opportunity to hold politicians accountable. This report on parliamentary commissions of inquiry shows that politicians often acknowledge politically difficult facts about human rights violations and authoritarianism, albeit in coded language and between the lines, but still, in ways that challenge official narratives. Engaging with these commissions and their final products, disseminating their findings while maintaining a critical distance, and of course, participating in them to shape the narrative in the first place, can create a layer of accountability and transparency in the future.

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This report documents and analyzes four parliamentary commissions of inquiry in Turkey, formed between 1997 and 2013. Turkey has had neither a formal transitional justice process in general nor a concomitant truth commission. Nonetheless, the parliament and other state institutions have created various truth-finding bodies since the late 1980s to inquire into the conduct of state forces during the internal armed conflict in the Kurdish region, the human rights violations during that conflict and beyond, and the threats to democracy. The report examines the accomplishments and limitations of parliamentary commissions of inquiry in discovering facts, publicizing their message, and providing redress for victims. The overarching goal is to lay the groundwork for what a future truth-finding body can and should do to build upon the accomplishments of these past initiatives and surpass their limitations.