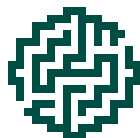


“HOLDING UP THE PHOTOGRAPH”
Experiences of the Women Whose Husbands
were Forcibly Disappeared



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“HOLDING UP THE PHOTOGRAPH” Experiences of the Women Whose Husbands were Forcibly Disappeared



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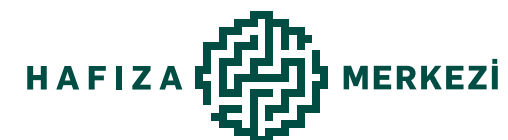


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HAKİKAT ADALET HAFIZA MERKEZİ



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FOREWORD

Truth Justice Memory Center [*Hakikat Adalet Hafıza Merkezi*] was established with the aim of contributing to the uncovering of grave human rights violations at times of conflict and under authoritarian regimes, the strengthening of collective memory about those violations, and supporting survivors in their pursuit of justice with the perspective of transitional justice. We believe that in order to confront and come to terms with the past, it is necessary to document the systematic and gross human rights violations in line with international standards, collect the repressed alternative narratives in the spheres where these violations took place and share them with different social segments and facilitate access to justice for groups who have been subject to these rights violations. Confronting and coming to terms with the past can only take place when human rights violations are uncovered, perpetrators are tried and restorative justice mechanisms are put in place and the damage caused by the violations is restituted and redressed.

With this approach, we decided to start out with a concrete and grave human rights violation and identified enforced disappearances as our field of study. Throughout the first two years of our work at the center, we met with and interviewed relatives of the forcibly disappeared individuals, lawyers, non-governmental organization (NGO) representatives, rights advocates, bar officials and employees. We tried to understand how the phenomenon of enforced disappearances came to be, which forms, mechanisms and patterns the state employed to execute this strategy. Another dimension of our work pertaining to enforced disappearances, which was at least as significant for us, was an effort to comprehend the experiences of the relatives of the disappeared. Furthermore, we also strived to understand what sort of structural obstacles the legal system in Turkey entails that hinder the exposition and trial of the perpetrators of these crimes and the constitution of restorative justice mechanisms.

We published two reports in 2013: The first report titled “Unspoken Truth: Enforced Disappearances” was based on the field research we conducted in Şırnak and the second one “Enforced Disappearance and the Conduct of the Judiciary” addressed the legal dimension of enforced disappearances. Both reports are available online on our webpage (www.hafiza-merkezi.org). We also compile the information on the people forcibly disappeared after the 12 September 1980 military coup in an online database. The database contains personal information about the disappeared, time and place of the disappearance, detailed information on how it occurred, legal documents

related with the incident, and the suspected perpetrators of the crime. The database is available at www.zorlakaybedilenler.org.

As we were undertaking all these efforts, especially when we focused on how families of the disappeared experience the disappearances, we realized once again the importance of approaching the issue with a gender perspective. Because, as those left behind the forcibly disappeared, women go through very different experiences than men; due to the patriarchal system, the impact of similar events is different on their lives. It is not enough to uncover what women experience as those who are left behind, it is also essential to problematize the power relations that bring about these experiences, as the process of reckoning with the past and restoration of justice should be established also taking into consideration the distinct experiences of the women left behind as well as their needs and demands; and it should also target the gender discriminatory power relations that cause this discrepancy.

This report is the culmination of an effort to address this gross human rights violation through a gender perspective by focusing on the experiences of the wives of the disappeared. We sought the answers

to the following questions in this report: How did the spouses of the forcibly disappeared individuals experience this process, how did their lives change, which social rights were they deprived of, with whom did they form relations of solidarity, what kind of a struggle did they undertake after the disappearance? As in all cases throughout the world, the struggle against enforced disappearance in Turkey is largely driven by women as well. We hope this report will contribute to the ongoing struggle of women.

INTRODUCTION

Human rights literature and concepts and the discussion space these opened up led to significant changes in all our lives in Turkey since the 1980s. Despite all the critiques of the concept, the notion of human rights defined a sphere and canon of rights we are all entitled to as citizens, and which cannot be violated or interfered with no matter what we do. The human rights framework introduced both to our lives and our discussions concepts such as human dignity, fundamental or inalienable rights, crimes against humanity, war crimes. Accordingly, no matter what the citizens have done, the state cannot torture them, cannot disappear them, and cannot violate their bodily integrity. However, the most important lesson learned from the struggle for human rights was surely not limited to such concepts. This approach also taught all rights activists and advocates a new language, culture and struggle in the pursuit of rights.

When we look at this literature and sphere of struggle today perhaps the first thing that strikes us is how fundamental and important the need to 'gender' this sphere is. The 'human' whose rights we are talking about leads his or her daily life as a woman or a man, a homosexual or a heterosexual. In addition to varying experiences based on gender, different affiliations such as ethnicity, religious belief, and class also define our experiences. That is to say people have different genders, sexual orientations, ethnic or religious affiliations; and furthermore this list of differences is not fixed either: new identities or sub-identities can constantly be added to this list. Each and every one of these differences corresponds to very different experiences, very different everyday lives, and perhaps most significantly very different rights violations. Precisely for this reason, the struggle for and the language of human rights becomes inclusive only to the extent that it captures these differences and renders visible different experiences and different rights violations through its own approach.

The forms in which individuals of different genders, sexual orientations and sexual identities experience periods of grave and systematic human rights violations are also very different. A homogeneous and monolithic 'human rights' narrative conceals these differences, and despite the diversity of the experiences, homogenizes the grave human rights violations. Therefore, 'gendering' the sphere of human rights does not merely imply making women's specific experiences visible, it also means presenting all that has happened in all its complexity, in a manner closer to the truth. Thus, when we speak about gendering this sphere, we are not only referring to adding women's experiences to human rights literature. What is important is to reshape the struggle against rights violations taking into account women's experiences. This implies recognizing that the being we call human does not go through a homogenous experience and lives through very different and complex experiences due to numerous different affiliations and identities, and that these lead to very different rights violations and struggles, and looking at the sphere of human rights with a fresh perspective.

Furthermore, the need to 'gender' this sphere is not exclusive to Turkey. Activists, authors, researchers, rights advocates throughout the world are struggling to reconstitute the sphere of human rights in a way to encompass women's experiences. For instance, Nancy Caro Hollander, a researcher who works on the state terror practices Argentinian women have been subject to, recounts how difficult it was for women to describe, write down and present the personal violations they experienced as the gross and systematic human rights violations of the 1980s in Latin America were being documented. According to Hollander, the reason for this is that at the time [she] did not have the language and "the tools to understand how the women had withstood and survived such horror. Nor could [she] assess the significance and impact of this experience..."¹ Undoubtedly

¹ Hollander, N. C. "The Gendering of Human Rights: Women and the Latin American Terrorist State". 1996:42.

there have been very significant efforts to transform this 'gender blind' state of the human rights sphere and reconstruct it with a gender perspective since the 1980s to the present. In international research and studies conducted over recent years the under-addressed aspects of grave and systematic human rights violations have been meticulously explored, particularly by feminist researchers: gender based analysis of the depredation caused by genocides and different manifestations of state violence and the uncovering of the different experiences of women oppressed by nationalism; making sexual violence in all its forms—harassment, rape, forced sex work, sex slavery, forced abortion and forced pregnancy— visible and more public; problematization of the structural effects of economic violence and poverty on women's everyday lives, and the assertion that women from different ethnic backgrounds being withheld from rights struggles due to language barriers is a form of cultural violence.

The same tendency is also becoming prevalent in the transitional justice approach that has held significant weight in the human rights struggle for the past three decades. Transitional justice approach entails the ensemble of mechanisms put in effect to redress the gross and systematic human rights violations experienced during times of war, ethnic conflict, military coups and authoritarian regimes. These mechanisms are employed to ensure that the state acknowledges, redresses and makes restitution for the violations that have taken place. However, the transitional justice approach is not merely focused on the state; it also aims for different segments of the society to come to terms with the political, cultural and human consequences of the grave and systematic rights violations that have taken place. Essential mechanisms used to this end are truth commissions giving precedence to victims' voices and demands; criminal prosecutions bringing the perpetrators to account; institutional reforms including the investigation and dismissal of state officials involved in these crimes, and memory sites formed through museums or places of commemoration. Reevaluating all these mechanisms in light of gender studies

and restructuring them so as to include women's experiences have held a pivotal place in discussions of transitional justice especially during the past decade. Numerous issues are being addressed through a gender perspective and with a view to uncover women's experiences in these efforts ranging from the struggle for women's equal representation in the election of Truth Commission members to the exposing and documenting of crimes committed against women, from honoring the different womanhood experiences at the commemoration sites to the discussions of the exclusion of women from the economic and legal spheres.² This struggle has yielded concrete results as well; for instance, the Commission for Reception, Truth and Reconciliation (CAVR) established in 2001 in East Timor has published the final report of the most wide-ranging gendered research and analysis conducted on sexual violence and other thematic areas.³ Another case is the decisions on the crime of rape issued by the International Criminal Tribunal for the Former Yugoslavia (ICTY) established in The Hague to prosecute the crimes committed in former Yugoslavia. In the *Kunarac* decision it issued in 2001, the Court recognizes rape as a crime against humanity and makes a solid contribution to the struggle for the investigation of crimes against women in the scope of crimes against humanity.⁴

Meanwhile in Turkey, despite very important efforts and an impressive body of work on the subject, we can easily see that adopting a gendered approach to the process of coming to terms with the grave human rights violations of the past is not the prevailing trend in human rights studies.⁵ Turkey is a country with an

² Valji, N. "A Window of Opportunity: Making Transitional Justice Work for Women". 2010. <http://www.unwomen.org/-/media/Headquarters/Attachments/Sections/Library/Publications/2012/10/06B-Making-Transitional-Justice-Work-for-Women.pdf>

³ Vesiah, N. "Truth Commissions and Gender: Principles, Policies and Procedures". 2006. http://ictj.org/sites/default/files/ICTJ-Global-Commissions-Gender-2006-English_0.pdf

⁴ Turano, L. C. "The Gender Dimension of Transitional Justice Mechanisms". 2011:1055.

⁵ There are very important studies in this field. Solution Process

extremely long and thick record of severe human rights violations, and it has been through several authoritarian periods albeit in different forms. Exploring all these fields in light of women's specific experiences may uncover stories of great importance. Firstly, such a perspective will reveal that there is never a monolithic experience of state violence, and that people with different affiliations experience this process in different forms. Secondly, it will show the need to develop multilayered and customized recommendations to redress the multilayered and multidimensional damages caused by the violations.

Furthermore, bringing to light women's experiences enables us to break our one-sided view towards women which is encountered even in human rights work at times. Women are not merely "the ones left behind", "the victims", or the ones facing "double-oppression". They have played completely different roles and created and accumulated a collection of much more complex experiences, which we hope will become visible through the stories of the wives of the disappeared described in this report. During periods when grave rights violations were most rampant, women not only survived but also worked even in profoundly unequal economic dynamics, and took care of their families. They have organized the entirety of everyday life, actively partook in politics, negotiated here, objected there, founded solidarity networks, kept silent and were enraged, went to the courts of law, and heard each other out. Looking at women's everyday experiences and making an effort to hear their voices also render visible numerous other activities, meanings and emotions presently indiscernible on the macro politics level. Moreover, the entirety of these everyday experiences displays important similarities with women in other parts of the world. For instance, a report prepared through interviews with the wives of the disappeared in Nepal, explains how the systematic exclusion from the sphere

Report of the Women's Initiative for Peace, 2013; Sirman, N. 2002; Çağlayan, H. 2007; Acar, F. ve Ertürk, Y. 2011; Üstündağ, N. 2013.

of law, and the convoluted and complicated language of law requiring expertise render women dependent on other men in this field.⁶ Similarly, the report published by the Colombian women's organization Sisma Mujer also asserts that the most important reason for women not to resort to legal mechanisms is the continued protection of the perpetrators through near total impunity.⁷ In this report as well you will read very similar experiences of the wives of the disappeared. Similarities of this kind indicate that womanhood is not an abstract category, that it denotes women who have come together around common experiences. Moreover, it demonstrates how women can thrive through international experiences of their fellow women, despite nationalist attitudes of 'we are only akin to us'.

The complexity and multidimensionality of experiences that the wives of the disappeared have gone through also enable us to view with a different perspective the responses people give when subjected to grave rights violations or severe state violence. It allows us to see the different reactions of different women; we witness how women can actually have different experiences from one another depending on their age, education, experience, ethnicity, and political affiliation. Therefore, in discussing how we can redress the destruction caused by gross human rights violations, it is necessary to institute a language that incorporates all these very different experiences. This report has been written precisely for this purpose, to contribute to the institution of this language. We wanted to hear the voices of the women who are the wives of the disappeared, we wanted to listen to and hear from them, in their own words about their own lives, about the disappearance, before and after the disappearance, and their strategies

⁶ International Center for Transitional Justice (ICTJ) Briefing Paper, "Beyond Relief: Addressing the Rights and Needs of Nepal's Wives of the Disappeared". 2013:9. <http://ictj.org/publication/beyond-relief-addressing-rights-and-needs-nepal-wives-disappeared>

⁷ Mujer, S. "Columbia: Women, Conflict-Related Sexual Violence and the Peace Process". 2013:5. http://reliefweb.int/sites/reliefweb.int/files/resources/ABColumbia_Conflict_related_sexual_violence_report.pdf

of survival. At the same time we wanted the report to constitute a step towards establishing a transitional justice perspective that includes the experiences of women. We wanted it to summon a collective effort and new studies pertaining to all the above. The women's experiences are so vast and there is so much to write about... We hope that this report based on the narratives of the wives of the disappeared will encourage such an effort.

Truth Justice Memory Center

Memory Program

The September 12th 1980 military coup d'état, when the army seized control of the country for the third time in the history of the Republic of Turkey, was a major historical watershed in all respects. The determining elements of this historical moment were that it initiated an era in which the state with all its institutions was shaped by militarism, society was oppressed with military tutelage, state violence was exerted in a way to crush all forms of opposition and all this coercion was safeguarded constitutionally,⁸ while perpetrators were protected with an armor of impunity. Also in this period, nationalist and monist policies that would reinforce state power were strengthened. The ethno-political issue we refer to as the "Kurdish issue" which has shaped the last thirty years of Turkey entered the historical stage in this post-junta climate. The army had abdicated power with the elections held one year before the Kurdish Workers' Party (Partiya Karkerên Kurdistan – PKK) emerged as an armed guerrilla force with the Eruh and Şemdinli raids in 1984. However, the war launched against PKK guerrilla forces in the subsequent years, led to the perpetuation of the bearing of military tutelage, particularly on Kurdish citizens. The state of emergency (OHAL), declared initially in 8 cities (Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Tunceli and Van) in 1984, was being executed in 14 cities by 1994 and this situation continued until 2002. Governorships in state of emergency regions were equipped with extensive authorities. In addition to the restructurings of army operations to

⁸ Provisional article 15 of the 1982 Constitution stipulated, "No allegation of criminal, financial or legal responsibility shall be made, nor shall an application be filed with a court for this purpose in respect of any decisions or measures whatsoever taken by: the Council of National Security formed under Act No. 2356 which will have exercised legislative and executive power on behalf of the Turkish Nation from 12 September 1980 to the date of the formation of the Bureau of the Turkish Grand National Assembly which is to convene following the first general elections; the governments formed during the term of office of the Council, or the Consultative Assembly which has exercised its functions under Act No. 2485 on the Constituent Assembly," <http://www.constitution.org/cons/turkey/part6.htm> For the Turkish reference please see: <http://www.tbmm.gov.tr/develop/owa/anayasa.maddeler?p3=215>

accommodate low intensity warfare, as of 1985, this war strategy was supported by the village guard system.⁹

All of the above were the institutional measures of the policy change deemed necessary by the state with the Kurdish movement strengthening its social base in the 1990s. By this time the target was not only the guerrilla forces, it was also those who supported the guerrilla forces politically, and more broadly speaking, those who refused to champion and execute state policies. Through this approach commonly denoted as 'territorial dominance and cutting off logistic support to the organization', extrajudicial and arbitrary executions, enforced disappearances and forced migration became a part of the Kurdish peoples' life especially in the 1990s.

Enforced disappearances, which have been committed as one of the gravest rights violations generated by the concept of 'struggle against terror' in Turkey, began to be executed much more systematically as part of an integrated policy around this historical moment. According to the tentative data we collected,¹⁰ the highest number of enforced disappearances took place during the period between 1993 and 1996. The number of forcibly disappeared

⁹ The temporary village guard system was put into effect with the amendment made with Law no. 3175 to Article 75 of the Village Law no. 442 on 26 March 1985. Voluntary village guards were also recruited in the framework of the same Village Law. Both temporary and voluntary village guards were armed by the state and assigned to actively combat PKK. Like the other institutional changes, the village guard system was also used to separate 'loyal citizens' and others. (Kurban D. 2009; Baltapaker, E., Akça, İ. 2013; Özar, Ş., Uçarlar, N., Aytar, O. 2013.)

¹⁰ Very important research and work on enforced disappearances have been done to date. Many human rights organizations, most notably Human Rights Association (İHD), Human Rights Foundation of Turkey (TİHV), Association for Solidarity and Support for Relatives of Disappeared Persons (YAKAY-DER), and researchers published lists of enforced disappeared persons. When we started this initiative as Truth Justice Memory Center we compared and compiled the previously published lists. Our aim is to confirm the list to the extent possible through the verification criteria we have established. The most updated information on the names we have confirmed is available at www.zortakaybedilenler.org

GENDER OF ENFORCED DISAPPEARANCES

individuals which was 22 in 1992 rose to 103 in 1993 and 518 in 1994. 232 people in 1995, 170 in 1996, and 94 in 1997 were forcibly disappeared. The cities where most enforced disappearances took place are cities that were under the rule of state of emergency of the time, with Diyarbakır, Şırnak and Mardin being topmost among these OHAL cities. While the strategy of enforced disappearances was employed against the entirety of the society of Turkey—particularly against unionists, students and politicians who were alleged members of armed leftist organizations—after the September 12th 1980 coup, it was used as an OHAL strategy beginning with the late 80s and early 90s. If we consider enforced disappearances by year and region, the concentration of cases in the OHAL region and the most intense years of war indicate that this crime is a systematically employed strategy in the 1990s.¹¹

In addition to all the above, like all means and methods used at times of conflict and war, enforced disappearance is a gendered form of violence. The primary gender indicator of this form of state violence is that in the case of Turkey 97% of the disappeared are men.¹² And it is women who are left behind looking for the forcibly disappeared individuals, directly affected by the militarist politics of the conflict environment where the enforced disappearances take place; they are the ones who while striving to survive under these conditions also struggle to find their lost ones, ensure that perpetrators are punished and what happened is not forgotten; who cannot salve the grief in their everyday life in the effort to keep collective memory alive.

¹¹ This section was prepared based on Truth Justice Memory Center's report titled *The Unspoken Truth: Enforced Disappearances*. See Göral, Ö.S., Işık, A., Kaya, Ö. *The Unspoken Truth: Enforced Disappearances*, Truth Justice Memory Center, 2013: 14-23.

¹² For the study the Truth Justice Memory Center Accountability and Redress Team conducted based on the 252 court cases and petitions it compiled at the end of the first year, please see <http://hafiza-merkezi.org/duyuru.aspx?NewsId=326&LngId=1>.

In this report our aspiration is to make a gender based analysis of the impact of enforced disappearances. In doing so, on the one hand we aim to present a more holistic picture including women's specific experiences with enforced disappearances. On the other hand, we want to emphasize the need to take into account gender related aspects of determining the means of coming to terms with the past that will be shaped by the demands and needs of those left behind.

On February 14th 2013, United Nations (UN) Working Group on Enforced or Involuntary Disappearances issued a General Comment on women affected by enforced disappearances.¹³ According to UN's statement, women are affected by enforced disappearances in primarily three ways: First as forcibly disappeared people, second as relatives of forcibly disappeared people, and third as those suffering harm as a result of the forcibly disappearance.

Not just in Turkey, but throughout the world, men constitute the majority of forcibly disappeared persons. However, there are also cases where women are disappeared sometimes for being women,¹⁴ and sometimes for belonging to a certain group or ethnicity. In cases when women are forcibly disappeared, the violence they face is often not limited to enforced disappearance, in most cases women are also subject to sexual violence in addition to enforced disappearance.¹⁵

Women are also directly affected by enforced disappearance as those who are left behind. Since uncertainty of the fate of the forcibly disappeared person leaves them in a constant state of waiting, they have a hard time adjusting to the new life conditions. The same uncertainty

¹³ The full text of the statement is available at the end of the report. For the online version see <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/112/57/PDF/G1311257.pdf?OpenElement>

¹⁴ When women are victims of enforced disappearances because they are women, they are also victims of gender-based violence. Gender-based violence is both a cause and a consequence of discrimination against women. (UN Working Group on Enforced or Involuntary Disappearances, General Comment on women affected by enforced disappearances, para.3)

¹⁵ Forcibly disappeared women are subject to physical and sexual violence such as harassment and rape. In some cases women get pregnant as a result of the sexual assault or pregnant women are forcibly disappeared. In these cases women are exposed to additional trauma due to issues such as whether or not the birth takes place, or when it does what happens to the child. (UN Working Group on Enforced or Involuntary Disappearances, General Comment on women affected by enforced disappearances, para. 8-9.) The Monument to the Victims of State Terrorism located in the Memory and Monument Park for State Terrorism Victims in Argentina includes names of forcibly disappeared or killed people. For women who were pregnant at the time they were disappeared, this is noted next to their names. See http://www.hakikatadalethafiza.org/Cust/UserFiles/Documents/Editor/Arjantin/ARG_Raporu_TR.pdf

deprives them of certain social rights and aids they can benefit from in the case of the death of their husbands, sons or fathers, which leads to their further marginalization economically and socially. Especially if the forcibly disappeared man is the breadwinner of the house, women are left with a massive economic burden. Due to the patriarchal system, women who suffer harm as relatives of the forcibly disappeared and because of the conditions ensuing from enforced disappearance face different hardships than the men in similar situations. Because of gender roles, women are expected to assume the financial and social responsibility of the remaining family members by themselves and maintain everyday life. Since the responsibility of the home and children is already on women, the fact that their spouse is disappeared increases this responsibility. This responsibility can even determine whether or not women are able to search for their forcibly disappeared relative. When they enter the labor market to deal with the economic burden they face, they have to work without security within a sexist structure. Women whose spouses have been forcibly disappeared are also in a position different from divorced or widowed women due to their social status and the responsibilities attributed to them by society. In the patriarchal system women's social status is defined through their relations with men within the institution of the family. While this is the biggest obstacle before women being recognized as equal individuals, it is evident that in most cases women struggle to redraw the boundaries of this status. However, the situation is different for women whose spouses have been forcibly disappeared. These women are neither 'married', nor 'widows', nor 'divorced'. This uncertainty in some cases hinders both the definition of these women socially and legally, and their struggle to define their own identity.

On the other hand, the strategy of enforced disappearance is employed by the state at times of war and conflict or under authoritarian rule. The impact of such conflict and war situations on women is very different than on men. Situations of war and conflict are determined through the interaction of all

systems of power including patriarchy and in most cases these conditions reproduce patriarchy.

Gender of Wars and Conflicts

According to Cynthia Cockburn, at times of war and conflict women's lives are affected by gendered elements of war in three different ways. The first one of these is mobilization into armed forces, the second is the brutalization of the women's body in war and the third is disruption of everyday life.¹⁶ Women can actively partake in armed forces. However, this does not necessarily mean that the fighting armies will automatically espouse gender equality. Furthermore, there are fundamental differences between women joining guerrilla forces and joining the army as executives of the state's militaristic policies. Whether or not the guerrilla struggle aims for women's liberation is another factor that influences women's status in these groups. Secondly, direct attack on the body is the most widespread form of violence in times of war. This violence targets women's and men's bodies in different ways. Women face state violence or direct male violence provoked by state violence. And finally, since in the framework of gendered division of labor women are expected to ensure social reproduction, their 'war' is mostly to sustain their own lives and the lives of those around them. In studies that underline the difference in experiences of wars, the different hardships men and women face at times of conflict are depicted as follows: while those killed and imprisoned in greater proportion are men, those who are forced to move from their home and left in abject poverty in greater proportion are women.¹⁷

War, which brutally destroys 'everyday life', the intricate and delicate systems of sustenance

¹⁶ Cockburn, C. "Gender, Armed Conflict and Political Violence". 1999.

¹⁷ Hayner, P. *Unspeakable Truths*. 2001:85.

and survival that, with difficulty and courage, people normally inhabit and manage,¹⁸ leaves the task of regulating social life to women, as it was before. According to Nira Yuval-Davis, one of the most devastating effects of war for women is the loss of the entire basis of their former lives.¹⁹ For instance, even though the very devastating experience of rape is one of the most severe cases of the gendered effects of war, there are other fundamental experiences for women. The task of the maintenance of everyday life which is considered to be women's 'duty' and rendered invisible by the patriarchal system becomes all the more onerous with the devastating effect of states of war and conflict. While the duty of reproducing social structure ascribed to women becomes harder with the destructive effect of periods of war and conflict, its meaning also changes. Whereas the continuance of community, social texture, and in its most concrete form, the institution of family depends on women's gratuitous labor and their transferring the control of their bodies over to men, at times of war, these roles may be deemed much more 'necessary'. At times of war women are in the position of both caregivers of patients, wounded and disabled who can no longer fight, and also those who raise the future warriors. For example during the Iraq War the state of Iran gave widowed and single women a certain amount of dowry to encourage them to marry the wounded and disabled soldiers, thus the state's obligation to look after its own 'heroes' could be waived.²⁰

Women's experiences during times of war and conflict are discussed much more extensively now, also as a result of the efforts of the women's struggle. While history has largely been read as men's wars with one another and the processes of militarization fueled by these wars, the approach to consider the issue from the women's perspective has emerged relatively

¹⁸ Cockburn, C. *From Where We Stand: War, Women's Activism and Feminist Analysis*. 2007:208.

¹⁹ Yuval-Davis, N. *Gender and Nation*. 1997:110.

²⁰ Afshar, H. "Women and Wars: Some Trajectories Towards a Feminist Peace". 2003:178-188.

recently. However, in the framework of this approach the gender system which defines women's experiences should be considered as a category of analysis.²¹ It is crucial to address war and conflict processes as gendered processes and consider women's experience through questioning the patriarchal system.

In many places throughout the world women are pursuing organized anti-war struggles. Cockburn, who examines the roles of women in peace processes in many countries such as Guatemala, Serbia, Cyprus,²² argues that in order to open up to discussion the direct effects of war on women's bodies and sexualities, women also have to put up a feminist struggle during peace building processes. In order for women's experiences to be visible and their needs to be met, first and foremost they have to participate equally in processes of peace building and coming to terms with the past. Women are also the ones who will lay bare the complex situations instigated by their experiences under authoritarian rule and at times of war and conflict. Therefore, the objective is not solely to make visible the violations women have been subject to. Experiences which empower women within the social system disrupted by periods of war and conflict become invisible when women do not have a say in the new social order constructed after these periods are over and confine women into gender discriminatory roles. Because the end to states of war and conflict does not abolish social inequalities, particularly gender inequality. Since women's participation in peace struggles often also aims to abrade gendered social structures, the objective is to advance beyond the pre-conflict state. The same approach also comes to the foreground in international conferences where women strive to create a shared accumulated discourse. For example, the fourth World Women's Conference held in Beijing in 1995 included a focus on sexual violence and women's situation at times of armed conflict. It was stated that all international and

²¹ Scott, J. W. "Gender: A Useful Category of Historical Analysis". 1986.

²² Cockburn, C. *The Space Between Us: Negotiating Gender and National Identities in Conflict*. 1998.

national institutions that work towards peace building have to promote gender equality. The UN Security Council Resolution 1325 adopted in 2000 is also considered to be a landmark resolution for women, security and peace. Resolution 1325 stresses the importance of women's participation in peace building and maintenance of peace, while also calling for the protection of women from gender based violence during armed conflicts. The resolution also presents a framework for embedding a gender perspective to all stages of peace processes.²³ Following Resolution 1325, the UN Security Council adopted Resolution 1820²⁴ in 2008. This resolution focuses on sexual violence during conflict and post-conflict periods. While the objective of taking measures to identify and overcome problems and shortcomings in implementation of 1325 is repeated in Resolution 1889²⁵ adopted in 2009, in the Resolution 2122²⁶ drafted in 2013, the emphasis on women's full participation in periods of peace building and transitional justice is increased, and the necessity of stronger measures for women's participation in conflict resolution activities is underscored.

The Possibility of Peace in Turkey and Women

Even though the current process following the thirty years of war in Turkey has disputable aspects and cannot yet be called a peace process, it is a process in which negotiations have started, or to put it more accurately, one where the information that negotiations are underway is being shared with the public. Women who have been struggling for peace for

²³ See <http://www.un.org/womenwatch/osagi/wps/>

²⁴ See [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1820\(2008\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1820(2008))

²⁵ See [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1889\(2009\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1889(2009))

²⁶ See <http://unscr.com/en/resolutions/doc/2122>

a long time are the ones who will ensure that this current process is carried out in a gender sensitive manner, open to women's participation and recognizing women's experiences. What has to be done today is to expose what has happened in the past and construct a collective memory in the meantime. Research on what transpired during the 90s when the most brutal conditions of war were experienced in Turkey is still very limited. Therefore, even popular products of the day such as television series can reproduce people's traumas; those who say "I forgot my feelings" in the 90s do not espouse any work that does not voice, show and depict the experiences of those who lived in the same period in different parts of the same geography with different identities.²⁷ Until those who were children at the time, those who were adults at the time, those who are women at all times constitute a memory that recognizes one another's experiences, it is hard to establish a permanent peace.

At the stage of the institution of this collective memory, the uncovering of what women experienced at times of war and conflict, and under authoritarian rules also bears great significance. Just as the history of the 1990s remains unwritten, the women's history within that period remains as dim. Today it is evident that starting with the recognition of what happened, it is crucial to expose the truth, punish the perpetrators, ensure redress and reparation, and develop policies to guarantee that gross violations will not be repeated. Considering the fact that in a society, where the hierarchy between women and men is constitutive, a state of war and conflict was experienced both fueled by and fueling this hierarchy, we have to look at the experience of the era with a gender perspective.

However, there are very few studies that employ a perspective to distinguish how this process was experienced by women and men. There is very limited comprehensive research on both the specific effects of the politics of war on

²⁷ Özdiç, D. "Doksanlar Dizisi ve Daha Bir Sürü Şey" [The Nineties Show and So Many Other Things]. *Bianet*, 18.01.2014, <http://bianet.org/biamag/yasam/152807-doksanlar-dizisi-ve-daha-bir-suru-sey>.

women (how women experience forced migration different from men; the effect of enforced disappearance and extrajudicial and arbitrary executions on the women left behind; how the prohibited status of the Kurdish language increases the patriarchal oppression of Kurdish women; how the state of war influences male violence, etc.) and the state policies that directly target women and the consequences thereof (war crimes committed against women, gender based analysis of torture methods used on women, experiences of women in prisons, etc.).²⁸

To date, we have heard the women's experiences foremost in the discourse that the women's struggle has amassed. Feminist Kurdish women's journals published in the 90s are important in terms of voicing Kurdish women's own words and experiences during perhaps the most brutal period of the war.²⁹ At the same time women of Turkey also accumulated a significant body of experience over the course of the struggle for peace. Women voicing how they were affected by this period of war enabled the links between war and gender discrimination to be questioned and the demands to be audible. Among examples of this struggle are organizations such as Don't Touch My Friend (1993), Mothers of Peace (1993), Women's Initiative for Peace (1996), Women's Meetings for Peace (2004), It is Time (2005) and the Women's Initiative for Peace which has been

²⁸ Some of the studies in this field analyzed the effects of modernizing policies in the history of Turkey on Turkish and Kurdish women (Berktaş, F. 1998; Ertürk, Y. 1993; Sirman, N. 2002; Yüksel, M. 2003; Gündüz-Hoşgör, A. and Smiths, J. 2003), while others analyzed the tribal system in Kurdish society at large and on the axis of Kurdish women (Yalçın-Heckmann, L. 2002). In addition to studies on the identity formation of Kurdish women (Çağlayan, H. 2007), there are also studies focusing on women's experience of forced migration (Demirler, D. 2008; Özar, Ş., Çağlayan, H., Tepe Doğan, A. 2011).

²⁹ In her analysis of these journals Necla Açıık argues that the journals *Roza* and *Juvin* bring to the fore the militarization induced by wars, as well as its effects on women. The war bred poverty along with migration and death of men render women more exposed to all forms of attacks and at the same time increase the responsibility of women. War also means the use of systematic violence against women. See Açıık, N. "Ulusal Mücadele, Kadın Mitosu ve Kadınların Harekete Geçirilmesi: Türkiye'deki Çağdaş Kürt Kadın Dergilerinin bir Analizi" [National Struggle, Myth of Women and the Mobilization of Women: An Analysis of Contemporary Kurdish Women's Journals in Turkey]. 2002:300.

carrying out an active struggle since 2009 as a separate group though under the same name as the initiative founded in 1996.³⁰ Women's active role in the struggle for peace is crucial for making their experience visible and taking their demands into account in every effort for coming to terms with the past.

Wives of the Forcibly Disappeared

In all cases across the world, the gender of the peace struggle materializes primarily in the gender of the struggle for the disappeared. All over the world the struggle for the disappeared is a struggle carried out by women. Schirmer, who conducts studies on the Mothers of the Plaza de Mayo in Argentina, Mutual Support Group in Guatemala and Group of Relatives of the Detained-Disappeared in Chile, accentuates that it is the women who mobilize all aspects of the struggle for the disappeared and tries to focus on the reasons for this. She asserts that in order to control a society's collective memory states use enforced disappearance and amnesty laws. In course of the struggle against enforced disappearances, "absence of bodies created a presence of protests". These women do not let themselves or their disappeared relatives be forgotten; they are the survivors, the "chronic mourners". "The very absence of bodies has created a presence of protests for ongoing life."³¹

There are many studies on the struggle against disappearances, particularly in the case of South America, investigating how the lives of these women have changed both with the loss and the commitment to fight for this cause.³² Along with examples from around the world,

³⁰ Women's Initiative for Peace Report on the Reconciliation Process, 2013. http://www.barisicinkadinlar.com/baris/haber_detay.asp?haberID=516

³¹ Schirmer, J. G. "Those Who Die for Life Cannot be Called Dead": Women and Human Rights Protest in Latin America". 1989:25.

³² See Femenia N. A. and Gill C. A. 1987; Schirmer J. G. 1989; Malin A. 1994; Burchianti M. E. 2004.

also in the case of Turkey, there have been and still are discussions around the Saturday People protests, which in fact problematize the motherhood experience and explore the political identity of the Kurdish women in the broader sense.³³

Though we do not see its examples in Turkey, in many countries around the world that have been through experiences of conflict, women organize also with their identity as the "wives who have been left behind". Through this struggle they draw attention to the specific situations women are faced with enduring from the death of their spouse in armed conflict or his enforced disappearance. Widows for Peace through Democracy, which brings together the women who carry out their struggle with this identity under an umbrella organization, is among the groups advocating for the revision of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to address the situations of women whose spouses have died or forcibly disappeared.³⁴

In this study we will address the experience of the wives³⁵ of the forcibly disappeared men within the entirety of the post-coup militarist atmosphere and the 90s' policies of war and conditions of conflict. Considering that this form of state violence was exerted most intensely especially in 90s in the OHAL region, while looking at the women's experiences we will also take cognizance of their Kurdish identity and the totality of state policies implemented against Kurdish citizens. With this report we hope to contribute to the uncovering of what women lived through as they were trying to survive under the specific conditions caused by enforced disappearances. In this study, we will not limit

³³ See Sancar, S. 2001; Aslan, Ö. 2007; Çağlayan, H. 2009; Şentürk, B. 2012.

³⁴ See http://www.wunrn.com/news/2011/06_11/06_20/062011_widows.htm

³⁵ In the section on *Research Topic and Methodology*, we have explained our reasons for choosing to look specifically at the experiences of the wives of the disappeared in this study that investigates how women are affected by enforced disappearances.

the struggle of those left behind merely to its aspect undertaken in public space and signifying a political subjectivity. At the same time we will try to understand how enforced disappearances affect women's everyday lives and how they cope with it. This experience of coping harbors empowering aspects as well as hardships. Aside from women's participation in the public field of politics within the context of the struggle against enforced disappearances, their survival during and after the processes of war should also be addressed as an empowering practice in and of itself. This in turn necessitates the preservation and improvement of mechanisms that empower women rather than merely focusing on redressing the harm suffered. We hope that the experiences we have tried to present bearing this in mind will contribute to the weaving of the process ahead of us and the formulation of demands.

RESEARCH TOPIC AND METHODOLOGY

As the Truth Justice Memory Center we began our memory building efforts with the aim of uncovering and documenting in line with certain standards how enforced disappearances take place in Turkey. Another objective of our efforts is to contribute to a more in-depth deliberation on human rights violations through different categories of analysis through the specific case of enforced disappearances. To this end we have decided to focus our efforts for the past year on the gendered structure of enforced disappearances and its effect on women.

We verified the list of forcibly disappeared people that this study derives from through various sources. In addition to the lists and reports published by several rights organizations and researchers that have undertaken very important works in this field to date, such as the Human Rights Association (İHD), Human Rights Foundation of Turkey (TİHV), Association for Solidarity and Support for Relatives of Disappeared Persons (YAKAY-DER), we conducted interviews as the Truth Justice Memory Center, collected legal documents, along with press surveys and press statements. Out of the 272 people³⁶ on this list, 7 are women, so the strategy of enforced disappearance in the case of Turkey has been implemented with men as its target. Surely, not being the main target of this type of state violence does not make women more shielded from this violence, it leaves them alone face to face with the devastating effects of the war as the ones left behind.

In this study we specifically wanted to interview the wives of the forcibly disappeared. Above all this would help us develop an analysis specific to the women's relationships with the forcibly disappeared. The change in the social status of women who lost their husbands is different from that of the women who lost their children, siblings or fathers. Due to the defining locus of the family institution in society, for women the loss of spouse means the loss of the person whom they were expected to consider as their

³⁶ For the most updated list of verified names, visit: www.zortakaybedilenler.org The number here is the number of enforced disappearances we have confirmed as of the end of January, 2014 at the time of the writing of this report.

primary base of support. Given the role of marriage in determining women's identity and social position, we wanted to better understand how the 'enforced disappearance' of their husband has a different effect on these women. Secondly, to this day the political subjectivity of Kurdish women has been discussed largely through 'motherhood'. Interviewing the mothers of the forcibly disappeared was going to create the necessity of addressing also this particular identity and this aspect of the political struggle reflected in public sphere. It is very important to discuss, for women in general and Kurdish women in particular, the interactions between their gender roles and their being as political subjects. However, we wanted to also look beyond the political visibility in public sphere and therefore chose to interview the spouses of the forcibly disappeared. Finally, by focusing on the wives of the forcibly disappeared we thought we could also see the specific living conditions of the women who at the time of disappearance were relatively young and mostly with children, whose responsibility they had to carry as well. Hence, as we considered the possibility of addressing the differences among women through factors such as marital status, age and being with/without children, fixing certain qualities would facilitate our understanding of the depth of women's experiences.

Along with the questions we asked to uncover the general construct and execution of enforced disappearance in Turkey, the questions we sought answers for in order to disclose the women's subjective experiences were mainly as follows: How did the women's lives change after the enforced disappearance? How did women establish relationships of solidarity in order to survive? What sort of survival strategies did they devise? How were women affected in general by the environment of conflict where enforced disappearance became tangible alongside the numerous other policies that were being put into effect? In terms of women's experiences, societal status and social rights, what is the difference between being a woman whose husband has been disappeared and being a widow? Does enforced disappearance have

a determining effect on women's political affiliations, self-perception and processes of identity building? What are the women's demands for the restitution of violations they have been subject to?

Our interviews with women were conducted in Şırnak, Diyarbakır and İstanbul. We organized two field visits, first to Şırnak through September 18-25, 2013, then to Diyarbakır through November 3-9, 2013. We held all our Diyarbakır interviews except for one at the city center, meanwhile in Şırnak we conducted our interviews in Cizre, Silopi, İdil, Uludere, Güçlükönak and the city center and villages. At the same time we continued to hold interviews in İstanbul where the Truth Justice Memory Center office is based. YAKAY-DER in Diyarbakır, and the Mesopotamia Solidarity with the Relatives of the Disappeared Association (MEYA-DER) in Şırnak helped us immensely in reaching out to the relatives of the disappeared this year as well, like they did during our field visits the first year. Moreover, lawyers and human rights advocates mobilized their personal networks for us. Let us also note the efforts of the interviewee relatives of the disappeared who strived to put us into contact with other relatives of disappeared.

Surely the fact that we reached the women whom we have interviewed through MEYA-DER, YAKAY-DER, lawyers and other relatives of the disappeared has yet another meaning altogether. These are the women who participate in the Kurdish movement at large and specifically in the struggle for the disappeared, even if through a variety of channels. Even those with limited associations are acquainted with these circles; after all it is through these relations that we got in touch with them. We had no intention to make a generalization based on the women we interviewed regarding the women whose husbands have been forcibly disappeared or Kurdish women in general. Our only purpose in underlining this communality between them is to indicate, while refraining from generalizations, that the experiences we are trying to draw attention to are undergone among the women who partake in these relationships.

There is a final point we should mention regarding the attributes of the women we have interviewed. Out of the 33 interviews only three were conducted in İstanbul. Out of these three women, the husband of only one was forcibly disappeared for being member of a socialist organization that was not a part of the Kurdish movement. We considered this singular example among all our interviews to be meaningful in terms of emphasizing the differing experiences of women. Additionally, among the women we had interviewed as the Truth Justice Memory Center during our work in the first year, the husbands of 18 were forcibly disappeared. In scope of our work this year we interviewed three of these women again and this time focused on their experiences as women. The others, though not included in detail in scope of this report, provided us guidance as to what we should focus on during the interviews we held exclusively with women.

In the interviews we aimed to collect information on the disappearances as well. Because as the Truth Justice Memory Center we carry out our work bearing in mind also the aim of collecting information in line with specific standards which may in turn support other means of coming to terms with the past and put into effect possible reparation mechanisms. The target of enforced disappearances and all forms of state violence is actually not only the ones directly affected by this violence but also the ones left behind. Therefore in all the interviews we conducted, we placed emphasis on finding out what the interviewees went through after the enforced disappearance and identified our interview methods accordingly. However, the procedural methods required to uncover the experience of women left behind through the gender perspective may vary. Therefore, there was an occasional discord between a method that allows women to construct their own experiences and identify the boundaries of information, and our questions geared towards obtaining standardized and empirical information. Though we tried not to interrupt the women while they were speaking, and let them compose unbroken narratives, at times

when we could solicit concrete information, there were instances when we had to interrupt them with questions.

Oral sources are among research methods employed in the process of writing social history; through this method "Ordinary people are offered not only a place in history, but a role in the production of historical knowledge with important political implications".³⁷ Starting precisely from this point, we wanted to pave the way for women to produce their own historical knowledge. Bearing in mind the aforementioned limits and without sidelining our objective of attaining empirical information on enforced disappearances, we tried to develop methods through which women could express themselves. Our aim is to incorporate women's voices in the historiography of 1990s; and thus render a more holistic historical narrative, and change the perception of the issue by unsettling it through women's knowledge. Knowledge produced in this manner is crucial also in regard to the objective of coming to terms with the past.

We always took special care to explain in detail both the research topic and the work of the Truth Justice Memory Center in order to build the trust relationship that would enable the women to share their experiences with us. We stressed that we did not only want to collect information on how the phenomenon of enforced disappearance takes place, but also to get to know the woman we are interviewing, to listen to her life and experiences in detail. This distinction in the interviews was quite striking for the women. Despite its utmost emotional charge it was easier for women to recount in detail the socialized and politicized story of the enforced disappearance, while it was always much more difficult to arrive at the information on women's own lives and experiences; these experiences were deemed 'superfluous' or 'worthless' even by the women themselves.³⁸ In some cases we

³⁷ Tosh, J. *The Pursuit of History*. 2009:319

³⁸ In her study on women's testimonies in the South African Truth and Reconciliation Commission, Ross also stresses that women recount the experiences of other people rather than their

did not compel the women to talk about the experiences that were very trying for them such as economic hardships or violence, and we contented with what they told us.

Only two of the interviews were conducted in Turkish, the rest were in Kurdish. We did not conduct the interviews in Kurdish through a translator; our female colleagues who were also part of the research team conducted the interviews in Kurdish. Given our understanding that the restraint on the Kurdish language directly determines the experiences of womanhood, the voices of the Kurdish women could only be audible in Kurdish. However, for the writing of this report in Turkish all the transcriptions of the interviews were translated to Turkish. Translations were mostly done by our colleagues who conducted the interviews. We wanted the language used by the women and what they wanted to say to be conveyed by the person who witnessed also their nonverbal expressions and gestures. This surely did not eliminate the position of 'mediation' inherent to all translations.³⁹ Moreover there was another situation specific to translations from Kurdish to Turkish. The shared history and geography of Kurdish and Turkish peoples finds its reflection in the language and words as well. There are many common words and expressions used in both languages. These may also have certain different meanings in the two languages. However in such situations we usually preserved the originally used word in the translation. Firstly because in most cases the fact that those words are also used in Turkish already indicates that it is difficult to convey that expression with another word in Turkish. Secondly, the women's choice of words to express themselves is very

own. (See. Ross, F.C. "Speech and Silence: Women's Testimony in the First Five Weeks of Public Hearings of the South African Truth and Reconciliation Commission". 2001.)

³⁹ For his work on the importance of incorporating different languages in the processes of uncovering the truth, the need to understand not only what is being told but also that which cannot be told, and to understand the accounts within their forms of narration see: Derince, Ş. "Hakikatlerle Yüzleşmede Kültürel Bağlamı İçinde Anlatı/Dil" [Narrative/Language in its Cultural Context in Coming to Terms with the Truth]. 2014. <http://www.toplumvekuram.org/?guncelyazilar=hakikatlerle-yuzlesmede-kulturel-baglami-icinde-anlatidil>

important. To the extent possible we tried to interview the women alone. As we mentioned above it is much more difficult to enable women to talk about their own experiences. The presence of other people whom they did or did not know would make this even more difficult. However, sometimes it was difficult to explain the necessity of this to the other family members at home, and at times the women themselves did not want it.

As the Truth Justice Memory Center we place great weight on the dissemination of the interviews we have conducted and the documents we have collected through as diverse channels as possible. On the other hand, we take care to ensure that the limits of this dissemination are drawn by the interviewees, and we ask them how, to what extent and with whom they wish to share their stories. In the interviews we conducted with women we further elaborated on this permission procedure, and asked them if they would prefer the option of remaining anonymous. Moreover, both at the beginning and at the end of the interviews we asked them if there are any topics they may or might have mentioned privately during the interview which they do not wish to be used or disseminated, and if there were any we noted them down. Meanwhile in the report, though some women had no objection to the dissemination of their narratives with their full names, seeing as there were also women who did not want this, we chose to present the interviews with aliases in order to abide by a common decision.

This work has emerged as the product of women's solidarity and collective labor. From the onset we discussed the methods we would follow in the interviews as a group. During the fieldwork, our days were filled with interviews and house visits while at night we were recounting the details of these interviews to each other; we were immersed in the lives of these women. We were in a cluster of common experiences based on being a woman. As the researchers we too were women with quite different experiences; whilst listening to the experiences of the women we have interviewed,

and lending an ear to the less heard truths, this work created an environment that conduced to a more comfortable revelation of also stories regarding our own lives. Talking about the common experiences we all share as women enabled us to better understand the women we were interviewing. Handan Çağlayan was with us at every stage of this work. Before the field visits, she listened to our ideas on how to construct the study and its method of implementation, and shared her suggestions. During the visits she always made us feel her moral support. In the final phase as well when we started drafting the report she heartened us with her suggestions and encouragement. Our field research team who enabled the realization of this work is comprised of Berivan Alagöz, Gamze Hızlı, Hatice Bozkurt, Özgür Sevgi Göral, Özlem Kaya, and Zeynep Ekmekci. Finally we are grateful to the women who have made this work possible, welcomed us into their homes with all their candor, and sincerely shared with us perhaps the most painful experience of their lives and what they have lived through ever since. We have learned a great deal from them. In this report which we prepared with the aim to contribute to making their experiences and demands heard, we have not been able to convey everything that they have told us. However much we might write about the women's experiences perhaps it will always be wanting, but they are always there to complete their own narratives and are actually telling a whole lot to those who are willing to hear.

In the next section of the report we will share the findings of the fieldwork we have carried out. The women's experiences which we have tried to present in separate sections are in fact closely interlinked. Throughout the interviews the women told us about their *Search* for their husbands after the enforced disappearance; their *Relationships of Solidarity* emerging amid a narrative of overwhelming solitude; the *Sexual Violence* recounted at times through their own experiences, sometimes through other women's, and mostly could not be told at all; their work at home, outside the home, in their locality or where they go as seasonal workers, *Strategies of Livelihood and Women's Labor*;

what *Being the Wife of the Disappeared* means for them with their changing social statuses and gender roles; the change in their legal status directly affected by the ambiguity of the state of being disappeared, how they have benefited or not from *Social Rights and Aids*; how women *Remember*, how and what they *Construct* and *Define* during the interviews, their experiences of *Collective Struggle* and the extent to which *Law as a Field of Struggle* includes and excludes the women.

FINDINGS OF THE FIELD

STUDY

In our interviews with women whose spouses were forcibly disappeared we sought answers to two fundamental questions. First, how were enforced disappearances experienced on the women's front? Second, how were women affected by this; what had they experienced and how were they able to deal with it? The purpose of talking about these, remembering and recounting what happened is to make the experiences more visible and audible; and beyond this to contribute to these experiences being understood.⁴⁰ At the same time, it is to devise proposals for the reparation of what took place bringing to the foreground women's demands.

As we listened to the women, tried to learn and understand their experience we saw how the language they use was constructed through their own experience. Their everyday practices, perceptions of time emerged as they recounted that entire experience. Actually, cases of enforced disappearance do not occur all that differently from one another; they happen upon house raids or street searches by security forces, soldiers, the gendarmerie or state officials in civilian clothes and sometimes people being summoned to state institutions to be never heard from again.⁴¹ Only in the narratives of the moment of disappearance we hear from women are we able to discern more distinctly the actual recklessness, destructiveness of state violence that brings people's everyday lives into shambles. In the detailed accounts of that day and moment, we can picture the magnitude of the interference on peoples' lives and homes. Furthermore, we hear that assault through the language and phrases of everyday life: "He was just up for the morning prayer and then", "it was mid-morning", "the lentils weren't blanched yet", "I was breastfeeding the kid", "we'd just collected the harvest".

⁴⁰ For a discussion on the issue of testimony and whether the social apathy at large can be explained away by the lack of information, see: Can, B. "Yeni Bir Tanıklık Rejimi Kurulurken" [Building a New Regime of Testimony]. 2014. <http://zanenstitu.org/yeni-bir-taniklik-rejimi-kurulurken-basak-can/>

⁴¹ Göral, Ö. S., Işık, A., Kaya, Ö. 2013:11.

"My husband went to the field, he had breakfast in the morning and went. He went... The mules came in the evening, I said our mules came, we had some goat. And I said he probably went to get them some leaves again. For our goats. They came, they said well, his mother came, said my girl, by God, the soldiers took him, she said..."⁴²

"Allah had just given me my little girl, this one. I got up, took her out [of bed], gave her milk. Our table was yet set on the floor, our meal. I mean we were going to have dinner, he didn't stay, he said it'll only take ten minutes. I'll just go and be right back. Dinner was on the floor. Honestly, I took my girl, this one, [from the bed], gave her milk. My mother-in-law was yet alive. I said to her, ma look, here's the sound of the tractor. The tractor was on that side of the village, I saw that he was taking the tractor. Your son, I swear, I said he's going with the tractor, I said. Our meal was still set on the floor. Our meal was on the floor, we waited for like half an hour. I swear I got up, cleared the table, we didn't eat. I mean it was as if I felt it, as if I knew. I cleared the table."⁴³

"One day just like that they raided our house. It was towards the evening. We had goats in our courtyard, I was milking them. I saw they raided our house, they surrounded the house. We asked what's happening, what's happening. The soldiers came raided our house. They dashed over our stuff our beds our haircloths. We were poor, our clothes, beds were old, they raided on them. They trampled all over them. They spoiled all of them. What is it man we said, what do you want with us? He should come to the police station, they said."⁴⁴

As Gülbahar is recounting the moment of the enforced disappearance, she talks about the soldiers trampling on the beds, and how she was milking the goats. Sevda's husband is taken into custody a few times before he is disappeared. As she is talking about the day he came back home after he was first taken into custody, Sevda says she was hanging the laundry at the time. Sevda

⁴² Interview with Kader, Şırnak-İdil, 20.09.2013.

⁴³ Interview with Hanım, Diyarbakır, 08.11.2013.

⁴⁴ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

starting her narrative with not having a laundry machine in the house, doing all that laundry by hand draws the borders of women's history, their experience.⁴⁵

What we strive to do throughout the report is to present the magnitude of state violence in all its detail with an attempt to distinguish these specificities, experiences of womanhood in women's narratives and by prioritizing their own expressions.

1. The Search

In our report titled *Unspoken Truth: Enforced Disappearances* we had noted that enforced disappearance differs from other forms of state violence most distinctly because it leaves those left behind in a constant state of search.⁴⁶ In the case of Turkey, the target of the direct state violence experienced in the form of killing and disappearing are mostly men. The spheres in which women have been subject to direct state violence have not yet come or been brought to light. This issue will mainly be addressed in the Sexual Violence section of the report.

“It’s not like we had anybody who would come with us”

The fact that enforced disappearance is gendered also makes the search of those who are left behind gendered. Women who are left behind are in the position of active subjects of the search period. The older women in the family search for the disappeared much more actively, especially right after the disappearance occurs, when the instinct and hope of saving the disappeared from being killed is prevalent. Here the issue is both women's struggle to protect the men of the family and men's efforts to protect themselves. This does not imply that women are 'protected', all these encounters, resistances are times when women take the risk of facing

⁴⁵ Interview with Sevda, Diyarbakır, 04.11.2013.

⁴⁶ Görül, Ö. S., Işık, A., Kaya, Ö. 2013:50-51.

the violence and threat of the state.

“Then we went, his mother and I we went after them. We followed them, and we did go all the way until the lower part of the village. We followed them until the lower village too. The soldiers pointed the butt of the gun to his mother and said ‘don’t come [after us], don’t come, he’ll show us the way.’”⁴⁷

“My in laws didn’t want to. I mean at the time things were very tense. And it wasn’t like we had anybody at the time who would come with us.”⁴⁸

“When I went to the municipality I went by myself. I took a man from here with me. The man didn’t come [inside]. When we came to the municipality garden, he said I won’t come and show myself. The man stayed there. I went to the municipality alone. I went to the municipality alone and told them. One time, me and Apt’s [another forcibly disappeared person] wife went together.”⁴⁹

“I was going with a fear inside but a smile on my face. I was saying if I go there I wonder if I can come out again. I mean in the end it’s the police, and it’s the police who took him. I mean after all that’s also the state. When I went there, I mean when I went to the police, no one would go with me to the police. I would go by myself, only once my mother-in-law also came with me. I mean they were scared you know, they were scared, nobody could come, so I would go alone. I mean I didn’t have my father anyway, and no one else either I mean, they were scared they didn’t come. I didn’t have a man [a man in our family]. One had fled from the state, he was in the metropolises. One was in the dungeon. There was only my father who was out, but I mean I wanted to spare him, if he also fell into their hands they wouldn’t let him go either. That is in the end they took him too.”⁵⁰

⁴⁷ Interview with Gülperi, Şırnak-Güçlükonak, 22.09.2013.

⁴⁸ Interview with Kader, Şırnak-İdil, 20.09.2013.

⁴⁹ Interview with Zehra, Şırnak-Center, 20.09.2013.

⁵⁰ Interview with Hasene, Diyarbakır, 05.11.2013.

“My baby was little I didn’t go”

The search experiences of particularly the women of different ages differ from one another depending on their financial situation and sometimes the sharing of responsibility among them. The potential sexual violence they might be subject to may also be shaped by the age difference among women. This role division shaped by responsibilities within the home and the sexist structure of state violence is also the means of solidarity, protecting and looking out for each other among women.

Most of the women we interviewed married at a very young age and the majority's husbands were forcibly disappeared shortly after their marriage. Particularly those with children recount that the reasons why they couldn't do certain things, even though they were actually actively searching for their spouses, was because they couldn't leave their children to anyone and some because they were pregnant at the time. Sevda leaves her shirt so that her little baby doesn't cry as he is waiting for her, so the baby can be consoled with the scent of the shirt.⁵¹ It is not just the hardship of the labor of care at that moment, the responsibility they feel for the children left behind also makes the young women think they can't amply search for their spouses.

“They said either his wife or mother should come to court. I didn’t go. My baby was little, I didn’t go. They said she shouldn’t go. She’s young, if she goes there, who knows, just to be safe, she shouldn’t go. She’ll agonize, she shouldn’t go. They didn’t let me go. He and my mother-in-law went. My mother-in-law went.”⁵²

“By God, if I weren’t pregnant, if my children weren’t left so devastated, I’d go all the way to Ankara. Let them have me killed there too. But honest to God I was desperate. If I had gone they would take my children from my

⁵¹ Interview with Sevda, Diyarbakır, 04.11.2013.

⁵² Interview with Nafiye, Şırnak-Cizre, 21.09.2013.

home and throw them in a ditch. I swear to God, they would come and set my home my family on fire.”⁵³

This sense of responsibility and remorse felt more for what couldn't be done rather than bearing witness to what has been done summarizes the hardships those left behind experience. This responsibility constitutes the basis of the challenge of continuing in his absence the life that was founded one way or the other with the forcibly disappeared spouse. Especially in the flutter of the initial days when there is the belief that the disappeared may be saved, there is an intrepid effort. As time passes, even if that exertion does not remain all intact, hope persists.

“Some said they’ll hold him for six months. They’ll hold him for six months... They’ll let him go in six days, then they made it six months. We went after days, months, years.”⁵⁴

“But I didn’t have the language”

The majority of the women we interviewed speak only their own language, which restricts their movement in public space. This is the determining factor of the active search period as well. The reason for first going to the village guards in the search phase is that village guards seem 'closer'; it is for certain that 'being able to understand' each other in the actual sense of the word, in Kurdish, plays its part among the elements establishing this immediacy. Police stations, prosecution offices and lawyers on the other hand are spheres where Kurdish women directly encounter the state and the state's language and where they have to express themselves in a relation of seeking legal remedy. While this experience strains women on the one hand, it also results in their telling over and over again how the enforced disappearance took place and the translation of enforced disappearance to political language is constructed via these

⁵³ Interview with Kader, Şırnak-İdil, 20.09.2013.

⁵⁴ Interview with Zelal, Şırnak-Cizre, 19.09.2013.

narratives of women. This issue will be explored in further depth in the *Constructs and Definitions* section of the report.

*“My girl, I had no Turkish, it was Kurdish. Whenever I spoke, they said be quiet. You only know Kurdish they were saying (...). I mean if I had the language I'd say off with it, either you kill me or... But I didn't have the language. That's what they were doing, I mean my brother-in-law was also with me.”*⁵⁵

The illegal status of Kurdish has a much more negative impact on women since it is a factor that increases their dependence on other men around them and leaves women more defenseless in face of men. This in turn has a role reinforcing patriarchy and deepening the discrimination between women and men.

“Sometimes it happened that I didn't even have money for the road”

One of the determinants of searching/not being able to search is the financial circumstances women are in or are faced with after the enforced disappearance. In the worst case, this is experienced to the extent that it even hinders going outside the house and women describe how they can't even find money for transportation to go somewhere to search for their husbands.

“We had our household, there was the [responsibility of the] house, I was left to be the head of the house, I mean I couldn't do it. (...) The children had a lot of expenses. I was also searching for their father. Sometimes it happened that I didn't even have money for the road. I'd go to the city, sometimes it happened I didn't even have money for the road. Sometimes I went up to people and said come on give me five hundred lira. (...) I was also going to Human Rights, to the lawyers, I went everywhere after my husband, I searched for him. They were coming from Europe, from Ankara, from İstanbul, they came from Europe, they came from here and there. They were

⁵⁵ Interview with Kader, Şırnak-İdil, 20.09.2013.

*calling and saying, come give a statement. Everyday [I went], for six years, I only didn't go on Sundays.”*⁵⁶

Furthermore, women also strive to meet the stipulations of the “economy of the disappeared”⁵⁷. They pay those who say they can find their spouses or sometimes people whom they think are the perpetrators to release their husbands. We did not hear this story as often from women as we heard it in the interviews we held with men. The reason for this is probably that usually it is the other men in the family who engage in these sorts of relations. Nevertheless, Zehra recounts how she, all by herself and mobilizing all her resources, went to Kamil Atak, who many years ago first served as the head village guard and then as the mayor in Cizre:

*“I worked as a tailor, I sewed clothes. I took my money bought a turkey. I took [the turkey] under my arm, went to Cizre, went to his house. I tied up my turkey to his balcony. He had three wives. I showed the turkey, I said this is God's gift, the prophet's gift. My husband's disappeared. I'm a foreign woman. I'm foreign. I have no one, no husband. He doesn't have a father, a brother to ask after him. I'm inquiring after him. I'm a woman, I'm at your mercy. (...) He said, go, come on this day I'll tell you something. I went again, I bought Coca Cola. I worked, I bought a case of Cola, went to his house. They said, he's not at home, he'd be at the municipality, go home, if he's alive, he's alive, if he's dead anyway he's dead.”*⁵⁸

Neither courage, nor fear, nor hopelessness is a predominant feeling by itself in the women's narratives. Women describe how they experience all of these simultaneously. They can describe both fear and courage at the same time. Like Gülbahar recounting when they continued to live in the village where her husband was disappeared she was scared to search for him, yet when she moved one month later, the first thing she did was

⁵⁶ Interview with Sevda, Diyarbakır, 04.11.2013.

⁵⁷ Göral, Ö. S., Işık, A., Kaya, Ö. 2013:52.

⁵⁸ Interview with Zehra, Şırnak-Center, 20.09.2013.

to go to court.⁵⁹ And as Sema who describes the despair that exists alongside hope in that entire search says, “What can one do when the state takes away a person from you.”⁶⁰ Or as Kader puts it, “It was the state, no one could stand up against the state.”⁶¹

2. Patterns of Solidarity: Challenges, Opportunities

The 90s are the years when the search, perhaps never to be finished, started, but when the necessity of devising strategies of survival preponderated. As we talked to spouses of the forcibly disappeared, the first thing that struck us was a loneliness, a sense of being left alone that was described with great emphasis. However, in effect as we try to understand this, both taking into account the overall climate in which enforced disappearances were fiercely executed and recognizing the patterns of solidarity wedged into the narratives of loneliness enables us to better comprehend that era.

“It was a fire ground”

In the Kurdish geography where enforced disappearances largely took place, this strategy is executed as a part of the integrated state policy of the period. The fear ridden atmosphere of the 90s, the situation affecting everyone—therefore probably the solidarity as well—is described by saying “it was political”. While the term “political” signifies the awareness of the political connotations of what was happening, it mostly shows the state's palpable presence

⁵⁹ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

⁶⁰ Interview with Sema, Diyarbakır, 05.11.2013.

⁶¹ Interview with Kader, Şırnak-İdil, 20.09.2013.

in everyday life. As in Pakize's words: “But those times were political.”⁶² Or as in Delal saying, “That time when there were many politicals, who could go with whom!”⁶³

*“At the time even one's mother could not protect one. You looked at the houses, even those you'd say haven't been touched by a bullet, had been touched by at least a thousand bullets. Those that were merely touched were touched with thousands of bullets.”*⁶⁴

*“At those times there was nothing [positive]. Everything was secret. The world was so that people were scared to say we exist. It was a fire ground my girl. The worth of human life was as much as an onion bulb. These people who are disappeared were all disappeared at that time my girl. Thousands of people were disappeared. Who could go to whom? Who could go and give a statement? Who could say it is like this?”*⁶⁵

*“By God disappeared people were many. We didn't know those in Şırnak. They both went to Iraq, and also to Mersin, to Adana. Everyone's village was destroyed, everybody had been separated from each other. Nobody could see each other, it was like that (...) Everyone had gone on their own, alone, everyone had gone on their own, alone. No one could come together at the same place. Everyone was left alone with their own suffering. To find a piece of, to find the identity of, to find the bones of [the disappeared] until they die...”*⁶⁶

In fact, under the circumstances of the time, in a geography where arbitrary and extrajudicial executions, enforced disappearances, village torchings are being experienced so predominantly, each moment there is actually a sense of waiting, a sense of “it could happen to us”. The environment of fear this creates also magnifies the women's sense of being alone.

⁶² Interview with Pakize, Diyarbakır, 07.11.2013.

⁶³ Interview with Delal, Diyarbakır, 06.11.2013.

⁶⁴ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

⁶⁵ Interview with Kader, Şırnak-İdil, 20.09.2013.

⁶⁶ Interview with Pervin, Şırnak-Uludere, 23.09.2013.

At the same time, women's task of sustaining everyday life is much harder in this atmosphere of fear and terror where state violence is felt in all spheres of everyday life. Women have tried to find a solution to this hardship before their husbands were forcibly disappeared as well. They recounted they warned their spouses, proposed to migrate and in some instances, even advised at least the men to leave.

*"[I was telling him] enough, watch out for yourself. Things are not good at all here. And your father is sick. He was the only older one. He had a brother, he was young. Watch out for yourself against the situations here. His mother told him. I told him."*⁶⁷

*"I was telling him why are you being like this. They are informing on you, I'm telling you to go away from here, I'm saying it, saying it, you're not going, you'll get caught, our children are many, who will raise our children, I was saying. He was saying you'll take care of them. But I'm a woman how can I take care of them I was saying. He was saying I'm leaning on you, I know you can take care of them, that is why I'm attending to the party."*⁶⁸

"I am a wretch, I am captive, I am sin. I have no one."

In order to understand who women get support from, whom they can form solidarity with in their struggle to stand on their own feet, it is necessary to look at the details of the entire narrative. We caught the patterns of solidarity often within a dominant narrative of loneliness. As we also mentioned above, the circumstances of the period that women themselves are also living in is one of the major factors delimiting the relations of solidarity. Economic hardships are the most fundamental problem area. The fact that women we interviewed considered the questions, which we asked in order to understand solidarity relations, primarily in the framework of economic solidarity verifies this. We could only learn about the psychological dimension of solidarity; the aspects of providing moral

support, listening, being able to talk, and convey problems when we posed a separate question pertaining to this specifically.

Economic solidarity and support relations are of course of vital significance. The most frequent instances of these have been presented by the owners of the houses the women live in: Like Gülbahar and her family living in the house of an Assyrian family without paying rent for three years. Kader also talks about a house given to her to live in. Zehra buys herself a house, in her own words with the help of "some people". Zeliha describes how she constantly had a hard time paying rent at the houses she moves to:

*"We were five people. We were all in one house. I mean as long as we paid the rent of course they did not say leave. But you know sometimes it happened for example we didn't have food for dinner. I mean it wasn't like we had [money] so we could pay the rent. And people let it slide for about a year or so, but the next year, they'd look and say, it's time you leave. They were right of course, they could've also never agreed in the first place. (...) There was someone down there. He was a very good person, had a house in the tenements. Gave it to us for four years. Whenever there was a holiday or something he would always send a fifty million or so as allowance, he'd say buy something for yourselves. I mean for the holidays."*⁶⁹

For women whose spouses are forcibly disappeared, having shared the same fate does not only mean having lost their husband. Burcu Şentürk reaches the following conclusion based on the interviews she conducts with families of soldiers and families of guerrillas: "It seems possible to assert that lives of the families of soldiers change suddenly with the death of their child in the framework of the Kurdish issue in the broadest sense, while the entire lives of militant's families are actually shaped in the framework of this issue. And the relatives, children, spouses 'joining the party' is regarded as, if not an inevitable, at least an expected outcome of a life

shaped within this framework."⁷⁰ The same holds for women we interviewed as well: while the enforced disappearance of their spouses creates a major impact on the course of their lives, it does not become a breaking point; since in their lives shaped around the Kurdish issue; as their spouses are disappeared, their children/siblings join the guerilla, their families are tortured, they are forced to migrate, subjected to violence.

Perhaps for this reason, we could not get sufficient responses to the question "did you form a special support, solidarity relationship with relatives of other disappeared people" in particular. Because in that geography, many women who have been affected in different ways from the same policies anyway form a relationship on some level with each other to the extent that it is possible in terms of their own responsibilities and struggles to survive. Still, it is necessary to note what Pakize says:

*"We were constantly going to Human Rights. Kalo and Pire⁷¹ were also with us, the son in law was with us, that other one, the disappeared, we were going to Human Rights all of us together. I mean we were saying let's go here, this is our circle."*⁷²

Solidarity networks among women present a multilayered and fluctuating structure. If women have continued to live with the family of the forcibly disappeared person in this way or the other, the support of the mother of the disappeared is very evident since the first day when the search is rigorous. As women get older, the ways in which they are affected by certain manifestations of sexism in society also change and this may create a situation where they can overcome their disadvantageous positions to a certain extent. Subsequently, the older woman in the house can assume the role of protecting, looking out for the other women.⁷³

⁷⁰ Şentürk, B. *İki Tarafta Evlat Acısı [On Both Sides The Pain of Losing their Children]*. 2012:96.

⁷¹ She is referring to her mother and father-in-law with these words used for older men and women.

⁷² Interview with Pakize, Diyarbakır, 07.11.2013.

⁷³ As the field research Yalçın-Heckmann conducted in

The women we met with were mostly in a relationship of solidarity with the mother of the forcibly disappeared husband –particularly in cases where they continued to live together. Such a relationship is very clearly apparent in the active search process we tried to address above. Later on solidarity among women continues in the forms of division of paid or unpaid labor, division of responsibilities.

*"My mother-in-law would go, cook wedding meals. She'd say, let this be my oath to God, as long as I can, I'll take care of these orphans. Let these orphans not lack for anything. Let the orphans not be at the mercy of strangers. Let no one say, they are orphans, they are wretched, they are left outside after their father. My poor thing, she went and worked. She worked. She cooked wedding meals. Her food was delicious. My mother-in-law took care of us. My three children, four children... After their father God gave another one, there they were four. Two sons, two daughters..."*⁷⁴

*"I mean my own mother-in-law at first, I mean my husband's mother, stayed with us for a few years. She took care of them [the children]. I mean she used to cook for them and stuff. My older daughter also got along well with her, I mean for example she used to knead dough for them and what not. She washed their clothes. And I used go to work, to jobs."*⁷⁵

Still, one should not conclude from all these that the family formed a direct and unequivocal network of solidarity. Women's own parents backing them up or the family of the forcibly disappeared man supporting the woman left behind may depend on

Hakkari indicates the status of women depends on their age, marital status and time of joining the family. The highest status is that of the old woman; as for the new brides just joining the family they are ranked at the bottom. There is still a difference between the eldest woman and the head of the household man: the supervision of women's labor and ensuring that certain household responsibilities are met is the duty of the eldest woman. (Yalçın-Heckmann, L. 2002.)

⁷⁴ Interview with Nafiye, Şırnak-Cizre, 21.09.2013.

⁷⁵ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

⁶⁷ Interview with Nafiye, Şırnak-Cizre, 21.09.2013.

⁶⁸ Interview with Sevdâ, Diyarbakır, 04.11.2013.

⁶⁹ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

the circumstances and this support and solidarity may assume different forms than what readily comes to mind. The boundaries women set for themselves actually also determine the preconditions of this support. Women may get this support sometimes by agreeing to marry their brothers-in-law, sometimes by devoting themselves to their children, and most often by “relinquishing their womanhood”.

Even though children increase the responsibility and burden on women’s shoulders, women told us that the children gave them the strength of “endurance”. As Besra says there was no one there to hold her hand, she adds: “I myself, held my children by the hand. I didn’t let my children be humiliated.”⁷⁶ There are women who persevere with the strength stemming from that responsibility or the relationship of support they form with their children which Pervin summarizes as “me and my children took care of ourselves.”⁷⁷

“I mean, how should I say this, it seems like one’s world has been drained. One doesn’t want to live. Because my brother was killed, later this one was disappeared, then my other brother, and after him my other sibling, and after that my uncle. (...) I could only stand tall for the sake of those children. I mean, I said their father has gone, I should be able to stand tall, I should take care of my children.”⁷⁸

There has been quite a lot written on the political meaning motherhood assumes on the axis of the struggle for the disappeared. However, in cases when women and children hold on to each other after women lose their husbands, it is possible to see that while women seem to devote themselves to their children they also pursue an active struggle through this devotion. Furthermore, children—especially daughters—also support women financially and emotionally.

⁷⁶ Interview with Besra, Şırnak-Cizre, 19.09.2013.

⁷⁷ Interview with Pervin, Şırnak-Uludere, 23.09.2013.

⁷⁸ Interview with Hasene, Diyarbakır, 05.11.2013.

3. Sexual Violence

In a period when state violence was experienced so intensely it is very difficult to assume that this violence did not target women in the form of sexual violence. However, men’s violence incited by war is the form of violence that is most difficult to expose. The same goes for uncovering cases where the male perpetrators of the violence are state officials and they reinforce their power over women’s bodies.

“If I run they’ll catch my wife”

The construct of the woman who has to be protected and the man as the protector is a configuration that fuels the militarism created by war. Men, who are the ‘fighting parties’ of times of war and conflict are threatened through their wives and the women around them. The violence incited by war reverts to women as a different threat in the hierarchy of the social structure. Gülbahar recounts saying the following to those around her at the time when she suspected her husband would be disappeared and she should do something:

“I heard he told them if I run away they’ll catch my wife, take my daughters, I can’t run because of my children here, otherwise I’d run. I can’t leave my children. The landlord told him to run. What are they going to do to your house, they can’t do anything to your house, run. By God, they’ll come take my wife, he said. They want my wife I know, they’ll come take her, he said.”⁷⁹

This risk of women and children being taken into custody, being captured is not just an idle threat. Pakize told us in Şehmiran they collected all the women and took them to the police station and all the village elders head by the village mukhtars went to the village and asked for the women to be released.⁸⁰ Learning that in addition to the customary incidents, where women and men are

⁷⁹ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

⁸⁰ Interview with Pakize, Diyarbakır, 07.11.2013.

separated and men are collected and taken away, such a practice also occurs shows that in some cases violence is exerted on women and men in similar ways. Women being collected and taken to the police station only says something else about the magnitude and form of the threat there. Women’s bodies is the battlefield for the parties at war.⁸¹ Therefore, what the mukhtars and village elder men, who mobilize to rescue the women from the police station, ‘protect’ is much more than women as individuals.

There are other factors that amplify women’s vulnerability in spheres where they face the direct threat of the state targeting their bodies. Language is once again the foremost among these. The invalidity of speaking Kurdish on the state level and not being able to fully understand what is being said in Turkish creates a multifold torture. Moments of encountering the state are literally moments of being ‘muted’ for women.

“I mean they didn’t beat me. As for bad words... I mean I didn’t understand their language, if they said bad things about me among themselves I wouldn’t know. Maybe they did and I didn’t understand.”⁸²

Women face threats throughout the time they search for their spouses. In addition to the threat of being disappeared themselves, there is a sexism that emerges through the swear words. One of the women we interviewed recounts her husband being told at some point when he was taken into custody “bring your mother, wife, kids to the police station”; her words when she tells us nothing bad happened when they went to the police station are as follows: “We went, got it over with, came back. The mukhtar and so forth also went gave our statement. He didn’t make us deal with them. They didn’t give us any trouble, I mean the women.”⁸³

⁸¹ See Yuval-Davis, N. 2010; Enloe, C. 2000.

⁸² Interview with Zeliha, Şırnak-İdil, 23.09.2013.

⁸³ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

And yet the trouble reveals itself in the violence directed also at women at all levels of an integrated state policy.

“At that time, in my pregnant state he kicked me so hard that I sprang four meters ahead. I sprang four meters. I fell in the middle of that heap of concrete, I fell to the floor. I said, my, I’ll see now what’ll happen to me, I’ll see now.”⁸⁴

“They would come, break down our door, open it wide just like that, you’re also my daughter, I mean you’re no different, I mean we’d soil ourselves from fear, from perturbation. It happened from fear. We were tormented so much.”⁸⁵

“They didn’t swear at us, say bad things, they didn’t do anything but they tortured us and bothered us of course. I mean for instance they’d come open up our bundles, come search our houses, take our husbands away. They would pester us I mean. They’d overpower one.”⁸⁶

“Apparently they were saying we brought your wife for ourselves”

Women always have a hard time talking about sexual violence.⁸⁷ There are stories women tell not through what they have personally been through, but over others’ experiences. What they recount through the intermediacy of others actually bears the projection of what they have experienced. As Şengül talks about the experience of a woman she knows was tortured in custody, she can’t find the words to describe the magnitude of the torture. And she describes how while the woman was being tortured, her husband who was also in custody was threatened through her.

⁸⁴ Interview with Sevda, Diyarbakır, 04.11.2013.

⁸⁵ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

⁸⁶ Interview with Şengül, Şırnak-Cizre, 21.09.2013.

⁸⁷ One of the most important initiatives exposing sexual violence perpetrated by the state is the 10 year long project of Gözaltında Cinsel Taciz ve Tecavüze Karşı Hukuki Yardım Bürosu (Legal Aid Office for Sexual Harassment and Rape in Custody). For the outcomes of the project and research findings, see Keskin, E., Yurtsever L. *Hepsi Gerçek: Devlet Kaynaklı Cinsel Şiddet* [All True: State-Perpetrated Sexual Violence]. 2006.

“Apparently when they said by your God, by your prophet, they said God and prophet are on leave. They kept telling him, look this is your wife, we brought your wife for ourselves.”⁸⁸

“His wife was both his fellow villager and the daughter of his aunt. They had also taken her at the time. When they took her, they had stripped her bare naked, stripped her. My honor won't allow this, I can't tolerate this, he said. She's both my aunt's daughter, my fellow villager, and our honor, our dignity. Whether she's my fellow villager or my wife, why did these soldiers strip her like this, he said. Why did the army do this, he said. Actually they had asked her [that woman] about her spouse and she hadn't said anything about him. That was why they stripped her like that. And that is why after that incident my brother-in-law said I can't stay [around here] anymore.”⁸⁹

“I mean the things they said. These kids, whose are these kid they said; I said they are my kids. They said you've spawned these children from terrorists. You've all spawned all of your children from terrorists. And from now on you'll spawn them from us. (...) They said, I mean they said bad things, but not everything can be told. I mean if we didn't migrate from there they would come to rape our children as well. I mean one should speak the truth. I mean if they found a woman alone in a house, they went and raped her.”⁹⁰

Hasene is one of the women who was taken into custody after her husband was disappeared. In her story, we see how women are demeaned in a different way because they are Kurdish:

“When they took me the second time, again I didn't have my identity card on me. I stayed for two nights that time as well. Again I didn't reveal who I was. Constant defamation, I mean that time they [insulted me] a great deal. You know, 'Kurdish women are like this, how can you go

⁸⁸ Interview with Şengül, Şırnak-Cizre, 21.09.2013.

⁸⁹ Interview with Seniha, Şırnak-İdil, 20.09.2013.

⁹⁰ Interview with Besime, Diyarbakır, 06.11.2013.

around without your id card, etc. etc.' [She tells the part in quotation marks in Turkish] As for the beating... I mean it wasn't torture but fists, with kicks, fists, the muzzles of their weapons...”⁹¹

And sometimes women did not tell the entire story. Yet, what couldn't be told is also part of what's been lived through. Besra goes to the prosecution office with her mother-in-law to search for her husband:

“We went to the prosecution office. They told us, you go, let your oldest daughter come here. My oldest daughter was twelve thirteen. I said should I come too, no, don't come they said. They put my daughter in the car and took her to the government office. Apparently there were many id cards there. You know, with the ids, do you recognize these ids, they said. She said well this is my father's, give it me. You go home, we'll release your father, we'll release him he'll come home, they said. God is my witness my daughter came home. Morning came, we went, they said, we let him go.”⁹²

We could not get detailed information on why the oldest daughter was asked to come to the prosecution office in that meeting. Therefore, even though we can't make a definitive comment, we would like to restate that women sometimes cannot talk about experiences of sexual violence. Such instances are sometimes concealed in the silences that chisel in throughout the interview. And the means of conveying this through writing is very limited.

Even though throughout this report we focus primarily on the experiences of Kurdish women from the region, it is also necessary to note the sexist police violence, the state violence merely perpetrated by different actors, underscored in one of the interviews we conducted in İstanbul. Zeynep recounts what she faced when she was taken into custody during the Saturday People demonstrations as follows:

⁹¹ Interview with Hasene, Diyarbakır, 05.11.2013.

⁹² Interview with Besra, Şırnak-Cizre, 19.09.2013.

“Of course it happens, would you think it wouldn't, as you're being taken into custody you get a beating, they twist your arms, you get beaten up in the vehicle. They tear out your hair, kick you in the face, eyes, punch you, you are also harassed, okay, during that thing, that hustle. They do this more in the vehicle. Touching your breast, squeezing your thigh, as you're being taken into custody, let's say when you enter the station, there is another roughing up.”⁹³

4. Struggle for Livelihood and Women's Labor

While many of the women used to be unpaid homemakers, agricultural laborers, after their husbands are disappeared they have to overtake the responsibility for the livelihood of the household, sometimes on their own and sometimes together with other family members. Paid labor gets them out of the house. However, the fact that this happens through the coercion of state violence; that standing up to the pressure of social norms happens through such duress definitely increases the burden on them. Meliha describes those early days when she didn't know what to do:

“I used to come, I couldn't even step outside the door back then. I would go, look... It's not like I'm a man and I can go and find work at the coffee house. I mean I was saying what am I going to do, how will I make it. Those who knew would come, console me, they'd say be patient. (...) And I was left with my children but I didn't know how I would feed them. Whatever job there was to do in this city, I did it. I kneaded people's dough, crushed their grain, I became people's cook. I did all kinds of work. I did all kinds of work. And I've been working to this day, I'm coming back from work now.”⁹⁴

⁹³ Interview with Zeynep, İstanbul, 12.09.2013.

⁹⁴ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

In the end, there is an active initiative taking that overcomes all this uncertainty and inscrutability. One should hear women's almost physical accounts of the hardships they face as they work. Most of these women who are often married at a very young age are left alone with children at a very young age. The direct impact of this on their lives is considerable.

“While my breasts were full of milk I'd go to work in the field with the child. I stayed in this village for seven days, I worked as a field hand there. I milked the milk in my breasts to the ground, I'd milk it to the ground. When I came home in the evening it hurt a lot. My child was young, I left him with my [older] daughter, gave her some food and whatnot, she'd look after the kids. She was their shepherd. I went and worked.”⁹⁵

“A woman only with her hands... I mean how much can she do!”

Of course women starting to work is not the only thing that changes here. After all, they all actually work anyway, yet they “work for themselves” in their villages. Before their husbands are disappeared, many are unpaid family workers and sometimes agricultural laborers, men are the ones who usually do the work outside the house.

“He was the head of the household obviously, he'd work a lot. He was after earning his bread. He was trying to raise, look after his children. But do you know after he left all the burden fell to my shoulders! Now I also had to go to plough the field for them, I had to take and bring back the sheep the mules. (...) Do you see me, look there are no teeth left in my mouth. If we hadn't suffered through such dejection, this affliction, would we become like this? A woman only with her hands... I mean how much can she do!”⁹⁶

“You know I milked my sheep, I had brought my sheep with me. I milked my sheep, I was selling their milk, yoghurt. I was buying grains, flour,

⁹⁵ Interview with Zehra, Şırnak-Center, 20.09.2013.

⁹⁶ Interview with Hasene, Şırnak-Cizre, 19.09.2013

etc., giving it to my kids. That's how it was. I was selling the cream, with my sheep, thus and thus we hung on. When my children got a little older we went to hoe crops together, to cotton, to hazelnuts. We worked in people's fields. We took whatever job we could find. Until we could deliver ourselves."⁹⁷

Nafiye's words depict beautifully the most invisible form of women's labor, women's work within the home even when they are not unpaid agricultural laborers:

*"We were in our home. Sometimes if there was a craft we did it. Sometimes, I had a machine, I used to make some things for myself. I sew. We were together with my children. My mother-in-law would go work. There was no laundry machine like today, no vacuum. There was nothing. We did it with our arm power. We were in our home. My mother-in-law would go work. If there was food I'd cook it. If there was laundry to wash, to iron, if there was anything I'd do it."*⁹⁸

Of course, most of the time the enforced disappearance of women's husbands is not an incident that happens suddenly; there is a process that leads up to this event. Many are previously subject to custody and torture, they have to run away and live in hiding. Sevda's spouse is taken into custody twice before he is forcibly disappeared and he comes home tortured. Since he is unable to work in that state, Sevda, "cleans the cow dung in the barn, feeds the cows, makes buttermilk, yoghurt and goes and sells it, bakes tandoori bread and provides for the house."⁹⁹ When we consider this alongside Kader's and Nafiye's words we quoted above, in the patriarchal system where women are regarded as the primary responsible party for house chores, Sevda also probably did all these works before as well. However, the state's violence that is so intensely felt aggravates the burden of labor on women within and outside the house much

⁹⁷ Interview with Kader, Şırnak-İdil, 20.09.2013

⁹⁸ Interview with Nafiye, Şırnak-Cizre, 21.09.2013

⁹⁹ Interview with Sevda, Diyarbakır, 04.11.2013

more and this situation causes this labor to be emphasized in a much stronger manner.

While in some cases women whose spouses are forcibly disappeared are entirely responsible for the livelihood of the home, in some instances they have to contribute to the sustenance of the house by working for pay within the division of labor in the extended family. Because they are Kurdish, they are women, they can't use Kurdish in the public sphere, can't get an education also due to the conditions of war in the geography they live in, because they lack any leverage for negotiation due to the same reasons, and have to settle for any job they find, these women end up in the most disadvantaged position of the labor market as well. Among the jobs women do to sustain their livelihood seasonal labor holds a unique place. Many women we interviewed took their children with them and went to Muğla, Mersin, Denizli, Aydın, Düzce, Yozgat, Muş, Van, Adana, Manisa and many other different cities to work.¹⁰⁰

"I went amongst the Turks, amongst the strangers."

Women who go to work as seasonal workers usually go with intermediaries they know through the social networks in their regions and often together with women in similar conditions. And at the place they go they generally work under very harsh conditions for very low wages.

"By my God, by my prophet, from Iraq to Van, to Muş to Düzce, say hazelnuts, say another job, I mean from Iraq to Düzce however many places there are I went through all of the them. I carried

¹⁰⁰ There are quite a number of studies on seasonal workers and the gender and ethnic identity of this labor force. Among these especially the work and research of academics and researchers in the Mevsimlik İşçi Göçü İletişim Ağı (Seasonal Workers Migration Communication Network) are most valuable. The network's report published in May 2012 is available at http://goc.bilgi.edu.tr/docs/FES-dunyadan_12.pdf. The report draws attention to the role of children in this labor force and also to how it is dominated by women who work for lower wages than men. The ethnic segregations provoked by war are also rather visible in this sphere. (See Kılıç, Ş. *Biz ve Onlar: Türkiye'de Etnik Ayrımcılık [Us and Them: Ethnic Discrimination in Turkey]*. 1992.)

*things on my back, you know, women's stuff and what not. Believe me these shoulders of mine, they'd be like, they'd be blazing red, my skin would peel off. I'd die until morning, my soles would get all swollen. I'd pierce my feet with a needle, drain the blood and water."*¹⁰¹

This journey is described as going "amongst the Turks", because they have to leave the region devastated by conditions of war. As Zehra says, "I went ahead taking my children with me. I went amongst the Turks, I went to the Manisa region. I went to the Salihli region. I went to İzmir. I went to work."¹⁰²

The boundaries of Turkishness and Kurdishness are not only physical; under conditions of war these boundaries also signify the two sides of the war. As conditions get harsher, since physical boundaries are blurred through these challenges, other boundaries are intensified. These women's perception of the Turkish identity may be established through them being the perpetrators of the state violence they are subject to.

*"We went to the fields, we hoed, etc. If our hoe touched one of their lettuces and it [the lettuce] broke off, they said, hope your hand breaks. I felt suffocated. Look I said, we used to do so much work, we worked so much, and we were as compassionate [also to those around us]. And now we have come to these people... I mean they both came and killed us and we have come to slave away for them."*¹⁰³

Children are also among those who have to work to sustain the livelihood of the home. Here, let us not proceed without saying children's experiences vary very distinctly depending on their gender. First of all, if there is an older son who can provide for the house when the husbands are disappeared, the burden on women is slightly alleviated. If the children are young, when they reach the school

¹⁰¹ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

¹⁰² Interview with Zehra, Şırnak-Merkez, 20.09.2013.

¹⁰³ Interview with Besime, Diyarbakır, 06.11.2013.

age, those whose education is discarded first due to economic hardships necessitating them to work are the daughters. There are reasons for this that are not unique to the Kurdish population, the fact that the fields of the labor market open to women are comprised of lower wage jobs also has an impact on this situation. Since boys have the opportunity to work in higher paying jobs outside the house, the society expects them to sustain the livelihood of the household so they are the ones whose education is prioritized as a prerequisite of this. Another point Yalçın-Heckmann draws attention to is that sometimes it is the women who do not want daughters to go to school.¹⁰⁴ The reason for this is that daughters support their mothers in the division of domestic labor. This support is not only for house chores, it is discernable in all types of solidarity relations.

Women usually go to work as seasonal workers together with their children. This is because they will have to stay where they go for a long time and they do not have any place to leave their younger children, and also because children of a certain age can also become a part of that labor force. In some cases children can go as seasonal workers by themselves, in these instances it is important who the children are sent with. Actually, this is also an instance of solidarity interviewees divulge in between the lines. Since seasonal work is a strategy of survival for the entire region's peoples, children are sent to work with familiar extended family members and neighbors.

*"Honestly, my family did not help me. I saw my daughters off to Turk's country. I'd tell them go to hazelnut, they'd go. I sent them to hazelnut when they got older, to other people's jobs. (...) We had neighbors, they liked us. They were our neighbors, I sent my daughters with them. There were acquaintances, I sent my daughters with them. I never sent my daughters with strangers."*¹⁰⁵

¹⁰⁴ Yalçın-Heckmann, L. 2002:250.

¹⁰⁵ Interview with Zehra, Şırnak-Center, 20.09.2013.

In this example the gendered aspect of seasonal work is underlined. Daughters are sent to work by themselves. Such a practice, which seems like something that would never be acceptable in the social system, happens through the pressure of the sexist division of labor in the labor market and economic violence that transpires through state violence. While boys work in construction, sell *simit*, polish shoes, girls may be sent away from home as seasonal workers. However, at the same time, conditions to make this situation acceptable are being established: it is hoped that the acquaintances, relatives, people who are not strangers will both ensure the girl's security and also keep an eye on her.

5. Being the 'Wife of the Disappeared'

The uncertainty brought forth by enforced disappearance reveals itself in women's perception of their identity and the social expectations imposed by this identity. Women's social status is determined based on factors such as age, marital status, if they have children or not. What decides and establishes the hierarchy of this structure is the patriarchal system. This system also affects the ways in which women are influenced by the enforced disappearance. The fact that their husbands are forcibly disappeared do not make the women "divorced" or "widowed", but they no longer have the "married" status either. Enforced disappearance creates an ambiguity in their social status as well. A research on the spouses of the disappeared in Nepal indicates that these women are regarded as 'half widows' in society.¹⁰⁶

The average age of marriage of the women we interviewed was 15. These women who have been married at a very young age have mostly not taken the decision for marriage

¹⁰⁶ International Center for Transitional Justice (ICTJ) Briefing, 2013:8.

themselves, but when we ask about this, they smile and say: "I mean for us, families come to ask for you and you get married."

"I mean he said, we are each other's gift. I mean I myself don't know but my father and his father was saying this. (...) Honestly when they came to our place I hid. I mean I hid when they were going to give me away. Well, we were also embarrassed. I was so embarrassed I said let's see what will happen. I mean it wasn't like it was up to us, the main thing was what our parents would say."¹⁰⁷

"I mean I say we've stayed together twenty three years. Because I had come when I was a child, and he had gone to military service. After he came back, we just had a child. And after that anyway every year, every year, I mean I got pregnant while I still had a crib, that's how it was."¹⁰⁸

Early marriage is a factor that has an impact when it is considered in the scope of our research as well, because a majority of these women who are married at an early age have lost their husbands in what can again be considered a young age and are left with a very big responsibility with their children. While the inherent uncertainty of enforced disappearance remains intact, women who are left behind may decide to get married again. These responsibilities and economic hardships have an effect on the decision to remarry.

"Economy okay, maybe he'll bring you bread, give it to you, but you, the children of that man, I mean even if he doesn't have children, his hassle, what he'll tell you... I mean rather than having to deal with his hassle, his words, and if he also has a child, are you going to look after his children or your own children..."¹⁰⁹

After saying this, Hasene adds she is more opposed to being married off to brothers-in-law in particular; she tells us how she tried to convince a female friend in her circle not to

¹⁰⁷ Interview with Gülperi, Şırnak-Güçlükönak, 22.09.2013.

¹⁰⁸ Interview with Kader, Şırnak-İdil, 20.09.2013.

¹⁰⁹ Interview with Hasene, Diyarbakır, 05.11.2013.

marry her brother-in-law. Then she describes how they were later convinced their friend should marry:

"I mean we did agree with her in a way. She had a daughter, just one daughter, maybe he'll be a father to my daughter she said. So we didn't object. I mean she said if he were a stranger, he wouldn't look after her, but after all this is her uncle, he'll take care of her, she said."¹¹⁰

Women whose husbands are forcibly disappeared being married off to their brothers-in-law is a relatively common practice. Three of the women we interviewed were married to their brothers-in-law. In one of these cases, the brother-in-law was also married to another woman. This practice is also a way in which the social protection networks devised through familial relations are activated. However, it should not be forgotten that women do not live exempt from domestic responsibilities, and children fall under the sphere of responsibility of women whether or not their fathers are disappeared. Under these circumstances, the limits of "solidarity" created through marrying the brother-in-law cannot exceed economic support and the in law accepting the financial and to a certain extent emotional responsibility of the children. Despite this limited support, the financial and emotional burden of being a 'widow' can persuade women to get married.

"After that for four years I was a widow woman. Sometimes I'd go out on the street and women would say, blessed is the milk she drinks. After this man she not one day... For example no one said she's on the wrong path. Thank God I am not a wrong person. I was saying I won't get married after him. (...) Later God willed, they gave me to my brother-in-law. He wasn't married. I married my brother-in-law at home. For my children. The decision... (she hesitates) his uncle wanted it so. He said she's young. Has four children. I was saying I'd never do such a thing for the life of me. God has brought a fate on me. [They said] 'Let her remain in our house. And let the strain of widow woman be lifted off her. It's a shame for her too.'

¹¹⁰ Interview with Hasene, Diyarbakır, 05.11.2013.

They decided among themselves. (...) On the one hand it is good. Not because of being husband and wife. On the one hand people didn't talk anymore. On the other hand when I thought about it I was sad. He was my husband's brother. (...) For example here a widow woman goes to a house, people will say why did she go to that house. If a man comes to the house, they'll say, she's a widow woman why did a man enter her house. It was upon people's talk, things people said, we said let them talk no more."¹¹¹

Some of these women—if we are to put it in their own words—"have grown up together" with their brothers-in-law in the extended family they entered through marriage at an early age. Nazan describes her husband's family telling her how they will only "look after" her if she marries her brother-in-law. Because she does not want this marriage, mostly because his brother-in-law is already married, she is deprived of the support of both her own and her spouse's family.

"Of course, of course, yeah I said, if you want to look after me let me live in my house, collect among yourselves every month, bring it to me, take care of me. Right, but no one did. (...) If I married him, you see, he wouldn't oppress me, they'd treat me very well, but his wife's home would be destroyed. (...) But I thought of my brother-in-law as my brother, when he was young I raised him. When I went there he was little, we all played together, all together we did, I don't know, we had very good memories. I washed his head, now how can I call him a husband, how was I to go to his arms."¹¹²

Different political actors can also intervene in this decision sometimes. In this respect, political allegiance and the responsibility it brings results in women taking certain decisions or certain decisions being taken for women. It is for certain that conditions of war expand this sphere of different actors having a say. As we also mentioned above, because solidarity networks are difficult to establish

¹¹¹ Interview with Nafiye, Şırnak-Cizre, 21.09.2013.

¹¹² Interview with Nazan, Diyarbakır, 04.11.2013.

due to financial constraints, there is need for solidarity networks formed with the closest ones, the family based 'obligatory' networks.

It can be discerned that being married to brothers-in-law is essentially not something women prefer. In two interviews, the response to the question how many children do you have was only the number of children from the forcibly disappeared husband. Of course there might have been many other factors at play here. We paid great heed to providing information on the scope of the study before starting the interview. Thus we emphasized we were interested in not just the story of the disappeared, but also the story of the woman we interviewed. Still, women were frequently inclined to limit their narrative to the story of the enforced disappearance. In many cases, women found their own experiences both insignificant and private, and furthermore did not regard them as things to be valued or inquired about. Even though we told them the opposite, because they thought we talked to them only with their identity as the 'disappeared's wife', they may have started and finished the stories of their lives with the disappeared and told us only the number of children from that husband. Or they may have never planned to say they married someone else and had children with them as well. Women's history, their life is limited to what they want to share with us. This does not imply that this boundary can never be crossed. If we consider that even the child who joins the guerilla forces is not included in the total number of children, we can see that the limits of what is shared are not only defined by the confines of the interviewee-interviewer relation, but also by concrete circumstances. Where the translation of what has happened in the 90s to the present is not a coming to terms with the past but a continuation of oppressions assuming different forms, concrete circumstances define the bounds of women's transmission of their life experiences.

The most interesting instance of women agreeing to remarry was Gülperi who married her brother-in-law fifteen years after her

husband was disappeared. Her marriage was not one of a solidarity relation we discussed above neither economically nor in terms of children, because a long time had elapsed. But still, Gülperi's words are the most open expression of being a 'widow woman' and the pressure this puts on women:

*"They told me it is up to you. But so that people don't call me a harlot, so they don't say we saw so and so at your house... I mean it's like a thin wall, he in his own house, me in my own house... That's how it is, my girls work, and we eat."*¹¹³

"One is left 'without a wall'"

In the interviews we conducted with wives of the forcibly disappeared we saw in its most unconcealed form how women experience the absence of the husband within the patriarchal system in which women are defined through their roles in the family. However, it is very difficult to analyze this experience isolated from the state violence that increases its impact in the war and conflict environment we have tried to describe until now.

Since the institution of marriage, the union of a man and a woman is considered to be the primary factor constituting the family, the absence of the spouse evokes the feeling that the foundations of what makes the family a family is shattered.

*"What's most difficult is one's home being ruined my girl. The departure of one's husband is even more painful than the troubles of one's son. It's also more painful than the departure of one's sibling. The pain of one's home is greater than everything. (...) One is left 'without a wall'. One becomes worthless among other people. I mean when one doesn't have a wall..."*¹¹⁴

Obviously being left without a husband is also perceived in direct relation to the sexist social division of labor. Women now have to be both

¹¹³ Interview with Gülperi, Şırnak-Güçlükönak, 22.09.2013.

¹¹⁴ Interview with Gülbahar, Şırnak-Güçlükönak, 23.09.2013.

'women' and 'men', and as we tried to depict above, to do 'men's work' as well.

*"I mean when one's husband leaves this world, I mean then one must make herself a man, must take his place. She must make herself a man and put herself in his place. Whatever the work he did was one [the woman] should be able to do it... If the woman dies the man can raise his children I said. No, he said, women can raise the children, men can't take care of children he said. I said, I mean if you look at the work, men can take care of children. I mean it's not like a woman is a man so she can go work and bring to the children, raise the children, but women providing happens at times of indigence."*¹¹⁵

*"My girl now if you don't have a husband you face hardships in every way. I mean you are the one who goes to the market, you go to the store, you go to pay the electricity bill, go to pay the water bill, go to get Tursil [laundry detergent], go to get soap, I mean it's hard, how shall we do it... It is hard when one is without a husband, it's hard."*¹¹⁶

*"If you knew how toilsome it is... It is very toilsome without the head of the household... Yes, I swear. If the man of one's house is not alive that house is in no state whatsoever."*¹¹⁷

This perception does not only pertain to social division of labor and the chores to be done, we also see women being defined through their husbands as in Gülperi's words:

*"I mean when one doesn't have the head of her household, no one will look after her. No one will greet her either, you also know what the world is like."*¹¹⁸

"First when my husband was alive I'd go, they'd know my place, everyone'd say hi, everyone would come before me, everyone would stand

¹¹⁵ Interview with Sevda, Diyarbakır, 04.11.2013.

¹¹⁶ Interview with Pakize, Diyarbakır, 07.11.2013.

¹¹⁷ Interview with Hasene, Şırnak-Cizre, 19.09.2013.

¹¹⁸ Interview with Gülperi, Şırnak-Güçlükönak, 22.09.2013.

*up. After my husband died, well, after my cow died, my milk finished, that's it. After one's spouse dies, one becomes a dirty dish, a bowl, a tin bowl. Nothing else, one's worth nothing to anyone, save for God. Let no one tell me that they did that, did this, that they valued me, everyone's lying. After one's husband dies one becomes a can, an empty tin can, Anyone passing by gives a kick, that's it."*¹¹⁹

The husband's absence does not create a noteworthy change in the exclusion of women from decision making mechanisms. We also tried to ask about the issue of decision in the context of children being married off; the response we got was that brothers-in-law intervened. Meliha describes how when the body of her husband was found she could not bring him to bury him where she wanted and adds, "If one had someone watching their back, a husband or a brother of his, would he leave him there like that? He'd say let's bring him here."¹²⁰

Women being left on their own and working, especially under social conditions where women working outside the house is not espoused or preferred, creates an additional pressure on them. The relatively small living spaces, which increase the control mechanisms imposed on women by the social system, have an impact on this that cannot be confined to cultural justifications. Especially when all forms of state violence is experienced in these spaces, and the penetration of violence in every sphere of society touches women's lives the most...

"One day I came from work... well 'that sister-in-law of yours for sale', they were saying. That... [offended me] the most. Turns out my sister-in-law and the neighbors had a fight, their daughter, I mean, well she said your sister-in-law for sale. That was what offended me the most. (...) Why did they say that, I mean not that I had much to do with my neighbors, but probably they thought I was a prostitute or something. I go to

¹¹⁹ Interview with Nazan, Diyarbakır, 04.11.2013.

¹²⁰ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

*work before the break of dawn, in the evening I come back to my children. That's why among themselves like this...*¹²¹

*"Yeah, I was comfortable in İstanbul. No one meddles with anyone, nor no one looks to their left or right, nor do they say anything. I mean İstanbul is an easy thing for a lady but Diyarbakır is a very hard thing for a lady. If I go to clean a house right now I wonder if our neighbors, honestly she said this lady is gone off, she's on the wrong path. One day I took them too, I took them to work too, they came, oh your job is so hard."*¹²²

"I didn't ask for help from any man"

Beyond the account of the burden of being a disappeared person's wife, if women did not get remarried somehow, they usually conveyed this as a success story. Since the man is the person that one is dependent upon particularly economically, being able to stand on one's own and take care of one's children, raising them is depicted through this.

*"Working is not shameful. We can go work with our honor and take care of our kids. And this is a good thing. I didn't ask for help from any man. No no no no! Neither from the ones here, nor from those in Cizre, nor from those anywhere else. Never."*¹²³

Standing strong also means, not "allowing anyone". Here it is evident that the incidents women "do not allow" are those that exert oppression and control over them.

"But I didn't yield to people's intentions so they could not come and say to me come marry us. No one could stand in my way. I was like a man. I could go to the military and talk like a man. No one could say [anything] to me. Some came to me told me. I said this and that. I said, the person who came and said marry me... Either 'marry

¹²¹ Interview with Hasene, Diyarbakır, 05.11.2013.

¹²² Interview with Nazan, Diyarbakır, 04.11.2013.

¹²³ Interview with Kader, Şırnak-İdil, 20.09.2013.

*me' or 'won't you marry that person', 'you can't do that'; no one could say that to me. I was a bit strong. I'm like a man."*¹²⁴

*"I haven't let a strange man even enter my house for twenty years. If somebody said something, I'd distance myself from them, hate them. No one could even come to our house out of fear. Nobody said a word to me about that subject. They couldn't say such a thing out of fear. Nowadays, [women] can go to weddings, feasts when their husbands are disappeared, they can go have fun. I never did such a thing in my life. I never went and danced at a wedding since twenty one years. I didn't go on an outing, wear thingy clothes. So that [they wouldn't say] let's say, here her husband's disappeared she's doing something wearing clothes. I married off my children too, I didn't dance at their weddings."*¹²⁵

*"Anyway such things never passed through my heart, nor did anyone have the courage to say this to me. Never. Because I've never forgotten my husband, how can someone come talk about me, say are you getting married, are you not getting married. Never! Since my husband was disappeared anyway I am no woman, I am a man now. I've never felt such things in my heart. Never!"*¹²⁶

Throughout all these narratives, it is possible to also see traces of how women give up their 'womanhood'. This is also a restriction they impose on themselves. Being like a man, not wearing the white scarf, limiting their own sexuality are means of concealing their existence as a woman. This sometimes also merges with the political identity of the disappeared person. The husband's existence within the Kurdish political struggle is another factor that determines the boundaries women set for themselves in the present. The enforced disappearance of the spouse within and due to a political struggle compels those left behind, the women to act in line with this identity.

¹²⁴ Interview with Zehra, Şırnak-Center, 20.09.2013.

¹²⁵ Interview with Besra, Şırnak-Cizre, 19.09.2013.

¹²⁶ Interview with Keziban, Diyarbakır, 07.11.2013.

This of course does not mean women construct their identities only through their husbands, their disappeared, guerrilla or killed husbands. This price that is paid prevails. In fact women pay this price over and over again with their own lives.

6. Social Rights, Social Aid

In its General Comment on the right to recognition as a person before the law in the context of enforced disappearances published on March 2, 2012, UN Working Group on Enforced or Involuntary Disappearances emphasizes that enforced disappearance not only places the disappeared person outside the protection of the law but also violates the rights of next-of-kin and others connected to the disappeared person. The family members are prevented from exercising their rights and obligations due to the absence of the disappeared person. This has many legal consequences, among others on the status of marriage, guardianship of children, right to social allowances and management of property of the disappeared person.¹²⁷ Women whose husbands have been forcibly disappeared are the ones most harmed by this state of being left outside the law.

In our interviews this situation was frequently voiced as well. In Turkey, the direct rights that a married woman can benefit from in the case of her husband's death are specified in the Civil Code¹²⁸ and the Social Insurance and Universal Health Insurance Law¹²⁹. Women have inheritance rights on the property acquired

¹²⁷ UN Working Group on Enforced or Involuntary Disappearances General Comment on the right to recognition as a person before the law in the context of enforced disappearances <http://www.ohchr.org/Documents/Issues/Disappearances/GCRecognition.pdf>

¹²⁸ See http://www.justice.gov.tr/basiclaws/turkish_civil.pdf

¹²⁹ See http://www.sgk.gov.tr/wps/wcm/connect/1513fcb9-6954-42f1-9711-1708b08ff3a0/SOCIAL_INSURANCE_AND_UNIVERSAL_HEALTH_INSURANCE_LAW.pdf?MOD=AJPERES

during marriage, health insurance rights through the husband if he was employed with social security and pension rights upon the husband's death if he was retired.

It may also be possible for women to benefit from the welfare fund used through the Social Assistance and Solidarity Foundations¹³⁰. Through occasional social aid and programs, these foundations provide cash or in-kind assistance for 'poor and destitute' citizens who do not have social insurance prescribed by law. In this impermanent social assistance system, at certain periods women whose husbands have passed away may be provided subsidies if they can prove their state of destitution such as not benefiting from a specific social security or not having another source of income. Here the board of funds determines whether or not the woman can benefit from the assistance. Women whose husbands have been forcibly disappeared may apply to these funds faced with the difficult conditions they are in.

Though no longer used today, another form of social assistance that was the most extensively implemented means of social policy in Turkey is the Green Card. Researches show that among the people at the same poverty level the possibility of Kurds obtaining a Green Card is 97% higher than others.¹³¹ Some of the Kurdish people who commonly benefit from the Green Card are the women whose husbands have been forcibly disappeared.

While the death of spouse is sought as a precondition to benefit from certain social security and assistance programs, in cases where state assistance will be demanded in a more general sense these women have to change the 'unknown' status of their husbands to a 'defined' one. In Turkey there are two methods employed to benefit from certain rights

¹³⁰ For detailed information on the operations of Social Assistance and Solidarity Foundations, see www.sosyalyardimlar.gov.tr

¹³¹ For a detailed analysis of state policies on Social Aids and Kurds, see Yörük, E. "Welfare Provision as Political Containment: The Politics of Social Assistance and the Kurdish Conflict in Turkey", 2012.

in the wake of enforced disappearances: either to obtain a decision for absence or issue a death certificate.¹³² The major difference between the decision for absence and registration of death is in the judicial process. While a court decision is required to obtain the decision for absence, for the notice of death it is sufficient to go to the highest local authority and make a declaration in the presence of two witnesses. Moreover, this also has several legal consequences; in the subsequent process if a case is to be filed regarding the enforced disappearance, having a previous declaration of the person's death causes a major problem. Recognition of the disappeared person's death makes it difficult to later open a case with the claim of enforced disappearance. In that case, another case has to be filed through the declaration of death.

In both instances, women as the lawful heirs can benefit from the rights they would have benefited in the case of their husbands' death. However, this situation is surely not limited to its mere legal dimension. For the ones left behind it is very difficult to say that the disappeared is 'dead' and to accept this. Even if they do not say dead, this is a situation women have described as "we handed in his death".

"We had nothing left, we handed in his death to get his wages"

As Meltem Ahıska also notes, psychologically the most tragic aspect of the strategy of enforced disappearance is that it assigns the task of "killing" to the relatives of the disappeared. Declaring a person to be

"disappeared" denies both the life of that person and the ending of that life. Relatives of the disappeared are left with two options: "You are forced either to accept and therefore kill your own relative, your own loved one yourself, or to suffer the psychological torture of remaining within ambiguity throughout your life."¹³³

However, the constant state of waiting and hoping stemming from the status of being disappeared inevitably imposes this decision; perhaps what Ahıska calls "psychological torture" will be suffered irrespective of the decision.

*"And afterwards, let me tell you, even now sometimes I say maybe he is alive. Because it's not like we saw his dead body. I mean I still do not believe it. Why don't I believe it because we could not find his body. We could not find his dead body. Now we go ask the state for example for coal for this for that, I mean for example they give widows two hundred fifty liras a month."*¹³⁴

Due to the difficulties of the court process and the risk of an adverse decision, the women and relatives may opt for obtaining a declaration of death instead of a decision for absence. During our interviews with the women we had to specifically ask if what they referred to as "handing in his death" took place through the declaration of absence or death. In Gülbahar's case it is explained most clearly that this process is made further complicated also legally. It also demonstrates the aforementioned state of mind alternating between having an expectation from the state and not asking for help from the state.

"They don't declare my husband dead either. I mean people go declare their husbands dead and can receive wages. Since my husband is not declared dead when I go ask they say your husband is alive. How is he alive, I ask, here you have it, for almost twenty five years he is missing, he is disappeared. Has anyone seen him? I mean have you seen anything of him, I say. The state

¹³³ Ahıska, M. "The Mothers of the Disappeared, Witnesses to Violence". 2006. <http://www.amargidergi.com/node/148>

¹³⁴ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

*itself knows very well that he is not alive. God is witness they help people so much, for seventeen years this son of mine has been going to school, the state has not provided for not even this much [points at the tip of her fingernail]. It has not put a million in my son's hand. They give aids to so many people for this and that. Not that we want their aids either but..."*¹³⁵

Husbands of most of the women we have interviewed did not have employment with social security prior to their disappearance. Property meanwhile was not specifically mentioned. There might be numerous reasons for this; like the lack of social security the disappeared husband may not have had property either, circumstances of forced migration might have had adverse effects on his property ownership, or women's proprietorship, guardianship might be obstructed through other social impositions. Due to all these reasons the wives of the disappeared had to get decisions of absence or death issued in order to benefit from the social aids. However this alone does not guarantee that they can benefit from all these aids either.

*"We got the decision of absence for this insurance, hoping maybe they will give a salary but they did not. We declared his absence mind you. We declared his disappeared death."*¹³⁶

*"If the military had not treated him so the state might have given my son a salary. My son is the only one, has neither a brother nor a father. He is studying, studying the Quran, he has not received a cent from the state. Isn't that so?"*¹³⁷

"By God, you know they give help to those widows but not to me. They say, it has not been discovered, I mean they haven't discovered it. They give neither a help nor a support. Not this not that they give nothing. The state gives me nothing. (...) We go for instance ask for an aid, we say for example give us some coal, give us some money to meet a need, I mean because I am a woman and I don't

¹³⁵ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

¹³⁶ Interview with Pakize, Diyarbakır, 07.11.2013.

¹³⁷ Interview with Gülperi, Şırnak-Güçlükonak, 22.09.2013.

*have the strength. We are like broken trees really we don't have the strength. We can't go work on some concrete [at a construction]. We can't coat molds. We can't go be a driver either. And we can't go be a shepherd either, we are women. Whatever you say we are women isn't that so, we are like a broken twig. I mean it is not our day anymore either, honestly when we were young we used to run around all day."*¹³⁸

Another situation triggering this lack of social security is that these women do not have official marriage contracts. Seven of the women we have interviewed did not have civil marriage with their husbands, this in turn constitutes a direct obstacle before the social securities that may be claimed later. Consequently, despite all its psychological burden and legal procedures that are further complicated in some instances, the decision for absence is a preferred alternative for women. Especially to overcome the befallen financial difficulties it is extremely important in terms of paving the way for contributions however meager.

*"You know why I handed in his death? I handed in his death, they said as long as your husband is alive we cannot give you any help. And I was poor. I was desolate. My children were hungry. My daughter had started a job. We cannot staff your daughter when your husband is alive [they said]. I asked around. I asked the mukhtar what should we do, I went to the civil registry, I said let me hand in my husband's death. Is he dead, we don't know. We do not know where he is etc. etc. They said you can hand in his death even if he is alive, if it will work for you when you hand in his death then no problem."*¹³⁹

7. Remembering

The memory of societies is always transmitted through women. As the active subjects of all types of social reproduction and the bearer of this task within the gender system, among

¹³⁸ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

¹³⁹ Interview with Zehra, Şırnak-Center, 20.09.2013.

women in general Kurdish women in particular are actually expected to reproduce the language and culture while also reproducing the political discourse and social history.¹⁴⁰ Meanwhile social history along with all its trauma and grief is also reproduced. In a paper she presented at a conference, Nazan Üstündağ talks about the women's task of retaining the collective memory of society. A constant state of mourning also plays a significant role in this.¹⁴¹ The unending grief is intrinsic to enforced disappearances. It becomes perpetual especially because the bodies of the disappeared are not found. Along with what we have been told by history, wherein the limits of that which can be mourned are determined, women are exerting a much greater effort to remind of that which has not been allowed lament, to not forget and not let be forgotten.¹⁴² Women are telling the story of enforced disappearance over and over again, and doing their part in the construction of the society's collective memory. It is very important to convey the details of disappearance. It should not be forgotten, it should be relayed in full. Like the way Sevda says, "Honestly I left out a part, I forgot...it's incomplete hold on let me tell it again".

"I sleep but I can't get it out of my mind"

Therefore, the enforced disappearance was always recounted with all its details during the interviews. Not only the details of the enforced disappearance but also the disappeared person himself. Remembering is the duty of women. When we asked how they remembered their disappeared husbands the usual response we received was, "How would I not remember, I never forget". When asked what sort of a person he was, they always answered saying "gallant". Details of remembering and details of the shattered everyday lives are also part of the women's narrative:

¹⁴⁰ See. Yuval-Davis, N. 2010; Çağlayan, H. 2007.

¹⁴¹ Üstündağ, N. "Dünyada Barış Süreci Deneyimleri ve Kadınların Rolü" [Peace Process Experiences across the World and the Women's Role]. Meeting of the Women's Initiative for Peace, Boğaziçi University, İstanbul, March 2013

¹⁴² See Butler, J. 2005; Das, V. 2007.

*"It's enough you've worked, he said. No, I said, look here you've been plowing the field, I haven't cooked, haven't fed the mule, my baby will soon wake up and cry, I must get my work done, I said. Yes I remember. For God's sake I say I wish I had not cooked then but just sat beside him. Just like that I wish we had only chatted, laughed together, done things and I had not worked. How come, these keep coming to my mind of course. We used to milk our sheep together. We used to go plow the field, plant our crops. By God I would prepare his bag, if he said he was thirsty I would fetch him water over at the field... I used to feel on top of the entire world my girl. How could I ever forget it [she cries] by God I don't."*¹⁴³

"Mother this is you, but who is the man next to you?"

Women are also expected to relay to their closest ones, to the children left behind the things that have happened. Sharing their experiences with their children is surely different than telling them to us in the framework of certain demands and politicization. The story of their father's disappearance cannot be shared with the children right away. In most cases children understand it from the talks of other family members among themselves.

*"Secretly, unseen by them I would go to the back of the house, cry, rock my cradle, and cry. Then I would run cold water over my eyes, they should not see my eyes I would say. They are children, they get curious, if they fall ill I can't afford to take them to the doctor either, would be a sin. I used to say, they don't have a father, if they lose their mother too... [she cries] It was so hard..."*¹⁴⁴

That uncertainty, combined also with the demand for a grave, has other meanings for these women as well. As she says "If people didn't know, didn't say, maybe they could have even thought we don't have a father, wonder

¹⁴³ Interview with Kader, Şırnak-İdil, 20.09.2013.

¹⁴⁴ Interview with Kader, Şırnak-İdil, 20.09.2013.

how our mother brought us into the world", Kader actually refers to this additional burden fallen on her because she is a woman.

*"The photograph of me and my husband was on the wall. She said, mother this is you but who is the man next to you? [she cries, silence] When she said it like that, I said that is your father. You did not see your father. He is your father. [silence] When they grew up I told them the situation is thus and so."*¹⁴⁵

*"They still sometimes tell me, I mean they say, you didn't properly tell us about our father's life. Because I can't talk about it. I still can't ... If I talk about it I cry. That's why I can't tell it, I don't want to cry either. And that's why I can't talk about it."*¹⁴⁶

The women, who feel on their shoulders the burden of bearing the collective memory, like in Hasene's case, cannot always fulfill this task, do not want to. The environment of violence caused by states of war and conflict, and its devastating effect on the lives of women increases this burden. Because that which is expected to be transmitted and told over and over again is this violence that directly affects the women's lives. The state violence interrupts, disrupts memory, that which has been experienced cannot always be conveyed in entirety.

"We have many feelings that have been left wanting"

However much difficulty they might have in talking about it, leaving it unsaid does not mean forgetting. The enforced disappearance of their husbands causes the women to not be able to forget, to constantly remember. This is best explained in Gülbahar's words:

"I mean it would not be like this pain of being disappeared. It has since been twenty five years. Perhaps I would have forgotten him. I

¹⁴⁵ Interview with Nafiye, Şırnak-Cizre, 21.09.2013.

¹⁴⁶ Interview with Hasene, Diyarbakır, 05.11.2013.

*mean perhaps I would say like every human being he also died. I would go to his grave. By God I came here for instance to this house. The neighbor had a dog. Whenever it barked I would immediately go outside. Maybe, I was saying, maybe he is alive, maybe they did not kill him, maybe he is somewhere in prison, maybe they let him go."*¹⁴⁷

The acceptance of death surely has a different meaning in that geography. A detailed comparison between extrajudicial and arbitrary executions and enforced disappearances may yield more exact clues on this subject; however, enforced disappearance is still different from extrajudicial and arbitrary executions where one does not "die like everyone else". The waiting does not end, and as the waiting does not end, it is harder to forget what has happened...

*"For instance every day we are on the lookout for bones. Wherever they unearth bones we say maybe ours will also come out. For example there are some people always keeping an eye on the prisons. You know they say he will be in jail for thirty years then it will be over, in the same way we are on the lookout for our bones. We say maybe somewhere some bones will be uncovered and ours will come out too."*¹⁴⁸

"It's something different I mean, at that moment you can hold the dead body, you can hug him. I mean to hug that lifeless body, to bid him farewell on his last journey, that must be a very different feeling. (...) I mean I think it must be an emotional closure to have a grave, I mean I don't know, that is a feeling, he is lying here. Going there and having a heart to heart or crying by his grave, I mean you feel a relief you cry for hours by the earth of his grave, we could not experience that. (...) I mean for example people sometimes argue about it, the issue of disappearance, they say for example once I'm dead it does not matter at all where I lie, that is, it is not important in what earth or where I lie.

¹⁴⁷ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

¹⁴⁸ Interview with Delal, Diyarbakır, 06.11.2013.

But it is important you know, I mean this having a grave is very important for the ones who have not died who are living, left alive. That is a feeling, we have many feelings that have been left wanting."¹⁴⁹

8. Constructs and Definitions

One of the wives of the disappeared whom we have interviewed was saying that her son was not yet born when her husband was disappeared, later when he was still very young he asked her about her father and she told him "your father disappeared", and he insistently said "does a human being ever disappear, how can a human being disappear" and she could not explain it to him. "He understood when he grew up" she then was saying, "when he grew up he understood how a human being disappears". In fact neither they nor the growing children stopped asking "how does a human being disappear". They refused to understand and accept this normalization of the state of emergency.¹⁵⁰

What the wives of the disappeared have voiced during our interviews does not actually reflect all their expressions. Sometimes they fell silent for long spells, the boundaries of words were too tight to express what they had lived through. Sometimes they sighed as they told about a love and longing that time could not diminish. Sometimes we saw in their gaze that they had gone back to the times when they had experienced all this. And they cried... Though they voiced their desperation and the pains they suffered humbly, they spoke up and held their heads high as they cried out how they put up a determined struggle and survived. Their eyes shined with joy as they went back to the beautiful moments of their past. At times they whispered in our ears with the apprehension of sharing a secret. And sometimes they whispered because they thought it would be "dangerous" if they were

¹⁴⁹ Interview with Zeynep, İstanbul, 12.09.2013.

¹⁵⁰ See Benjamin, W. 2001; Agamben, G. 2005.

overheard. What they said most was that they could not shut the doors of hope thinking perhaps he will come back, and sometimes they told us about their dreams. It is of course difficult to fit all this into the report. For that reason perhaps, recounting the women's experiences by translating them into 'our language' will always remain wanting.

"Let Me Tell You What Happened with Him..."

Spouses of the women we have interviewed were forcibly disappeared. The disappeared were men, the interviewees were women. The target of enforced disappearance in Turkey was predominantly the Kurds. Therefore they were also Kurdish. In numerous parts of the interviews, most of them emphasized that they were Muslim. In the interviews they spoke with this multiple identity. It was this identity that determined the language of their narrative, self-definition of the women and their constructions of the events and emphases. Multiple identities always entail a certain hierarchy, usually determined by the physical conditions of living. We explained to them in detail that we are conducting a study of constituting a memory of the enforced disappearances which led them to construct their narratives by bringing to the forefront their identity as the wives of the disappeared. However, the main identity they emphasized their firm commitment to was being Kurdish and the accents in their narratives pertained to this identity. Being wives of the disappeared was addressed as a consequence of this identity. Like in every social identity there are responsibilities ascribed on them and limits drawn through the aforementioned identities. Therefore, their languages, what they told and perhaps even more so what they could not tell bore similarities. Their identity building was accompanied by these experiences.

We wanted to begin the interviews with their lives. Nevertheless, saying "No no, let me first tell you what happened with him" all the interviewed women started the interview by explaining the incident of the disappearance. In reply to questions about themselves or their "private spheres" they gave brief and general

responses. We have mentioned the approaches we tried to develop in order to overcome this situation in the *Methodology* section. There may be various reasons for this situation as we have mentioned above. The fact that the enforced disappearance has previously been voiced at various platforms (the court, press-media, Saturday People protests, etc.) is one of the reasons. This subject which has been carried to the public space was voiced in the way it was articulated at the previous platforms, in some cases with almost identical sentences. The form of expressions changed as the questions shifted to the "private sphere", certain questions were left unanswered. Especially the boundaries delimiting women's identity imposed by the social system and to an extent also internalized by them, social apprehensions, perception of privacy, and value judgments may be considered to explain why these questions were left unanswered.

Leyla Neyzi and Haydar Darıcı underline the eagerness of Diyarbakır youth to introduce their own stories into the public space in their study. "On one hand this is about them being constantly pushed to a position of defense, constantly having to explain themselves to others. In a sense they are trying to prove their unrecognized existence through their stories. However, interestingly, they are proving their existence through a life that has been annihilated by state violence, rather than one they continue to live. In other words, they prove their existence through absence. Since they believe in the transformative power of their stories, this situation simultaneously demonstrates that they perceive the act of storytelling itself as a political practice."¹⁵¹ In the women's stories meanwhile the story they want and strive to put in circulation in public space is always the same: the story of loss, the story of pain. Yet the story of what they have experienced as women is limited.

In the interview with Hasene when we asked her to "tell us a little about what you were

¹⁵¹ Neyzi, L. Darıcı, H. *Özgürüm ama Mecburiyet Var: Diyarbakırlı ve Muğlalı Gençler Anlatıyor*. 2013:155

doing, what you were busy with at the time" she smiled and said, "you are not recording these on camera too, are you".¹⁵² As a matter of fact, when replying to questions about themselves, many women after a little while shifted the focus of their narrative back to the disappeared husband. There were women who thanked us and ended the interview after recounting the incident of the disappearance, thinking the interview was over. Expressions of "what could I have done as a woman", "em jinin, dara şikêstî ne" (we are women, we are like broken twigs) that we encountered frequently in the narratives were expressions indicating that women tended to view that which pertains to themselves as insignificant.

"It was the day our village was burned down"

In a research on enforced disappearances, the reply to the questions of where and when the event of disappearance took place is important especially in terms of formulating the demands and mobilizing the struggle to be carried out. We first asked the women when their husbands were disappeared. For women the fact that their husband was forcibly disappeared has a distinct and certainly very important place in their lives. However, every reply they gave was a reflection of their life in its entirety: "It was after my son took to the mountains" [*joined the guerrilla*]; "It was the year our village was burned down"; "It was before my brother-in-law fell a martyr in the mountains"; "That day the soldiers raided the village. They burned down our houses and rounded up all the men and took them away". Their narratives displayed that a state policy was executed in the area throughout the 90s and all institutions and groups related to the state were instruments of this policy. Furthermore, in the 90s there was also a holistic repertoire consisting of different forms of violations. Therefore the moment of enforced disappearance was expressed as one instant within the flow of state violence that existed before and prevailed after.¹⁵³ Throughout the years when the deaths could not

¹⁵² Interview with Hasene, Şırnak-Cizre, 19.09.2013

¹⁵³ Göral, Ö. S., Işık, A., Kaya, Ö. 2013:68-69.

be mourned, no one could even claim their dead, and “cutting a person’s head off was as easy as cutting an onion bulb”, the women had (been forced to) become a party to the environment of conflict. The state had entered the lives of the women, who till then had not encountered ‘the state’ not even its language, with a violent quake. Perhaps for this reason, when we asked about the date and aftermath of the enforced disappearance the women told us about a certain period and an environment of intense violence rather than a numeral date on the calendar which signifies nothing in their daily lives. Along with the date the perpetrator was also part of the same totality, it was the state.

“The government came and took them”

There are two ‘sides’ in all the statements of the women. On one side there is themselves, on the other side there is the state. The words state, government, soldier and prosecutor were all used interchangeably throughout the narratives:

“The government [military] came and took them.”¹⁵⁴

“The government [prosecutor] sent word to us. The government sent word to us. Come, they said.”¹⁵⁵

“I mean that is what the government is telling me. Whenever we go there they tell me your husband left because of this. For example I went to the bar association of the government...”¹⁵⁶

The interchangeable use of these concepts was not a coincidence, it stemmed from the images created by what they had experienced. The soldier raiding the village, the village guard burning the houses down, the police and gendarmerie taking people under custody and torturing them, the police station denying this, the prosecutor not taking any legal action and threatening them instead, were the expressions of a unity, of the

¹⁵⁴ Interview with Pakize, Diyarbakır, 07.11.2013

¹⁵⁵ Interview with Nafiye, Şırnak-Cizre, 21.09.2013

¹⁵⁶ Interview with Besra, Şırnak-Cizre, 19.09.2013

‘state-government’. And this state was in war against the side which it had declared ‘enemy/terrorist’.

During their first encounter with the state, these images of violence had been formed in the minds of the women living in their villages, having never encountered state institutions before. That is, the state meant soldiers, torture, prosecutor’s office, forced migration, tyranny, violence and sometimes even the Turkish language. Similarly, “custody” meant “torture”. This is why when she was talking about her husband being taken into custody Sevda said, “At the time, the duration of torture was six days, a week, it wasn’t much”¹⁵⁷, and used the word torture instead of custody.

“Were we not Muslim?”

Emphases on religion and being Muslim were yet another important point that was a part of the women’s everyday lives and also a determinant in their narratives. Statements often made reference to being Muslim: “Aren’t we Muslim, why did they do this to us”, “He was a very good person, he read the Quran, he prayed”, “He had nothing to do with anything, he was a haji”. Expressions of “There is the God above we cannot lie, his court is difficult, we cannot lie” indicated that every word uttered was passed through this filter.

9. Collective Struggle

These unjust treatments and sufferings experienced as a whole at the broader level and the loss of their husbands at the personal level enabled the women to step into the political and public sphere. A lot of the women went to institutions like the prosecutor’s office, the police station or the court for the very first time to inquire about their disappeared husbands. “Being confronted with unfamiliar government offices in a language they did not understand at all was another aspect of the women’s reality experienced

¹⁵⁷ Interview with Sevda, Diyarbakır, 04.11.2013

in the environment of conflict.”¹⁵⁸ Most of them were alone in these encounters. The process of search, accompanied by severe financial and emotional challenges they experienced in this climate of violence, instigated a new period of struggle for them and a change associated with it. Considering the dominant mechanisms of control over women and patriarchy in the society, “getting out of the house” was a very important development. However, the process of leaving the house was realized with the identity of ‘the wife of the disappeared’. In her analysis of the politicization of Kurdish women Handan Çağlayan draws attention to the activities carried out in public space with the identity of especially the mother, sister and wife, and says, “women’s roles in the private sphere changing meaning and acquiring a political content is significant for it indicates that women becoming political subjects can be assessed as a process crosscutting the borders between the private and public spheres.”¹⁵⁹

At the moments when women step into public space they develop certain points of resistance and strategies against both the various manifestations of state violence and the mechanisms of social control. For instance, Schirmer argues that women use the image of the ‘powerless female’ in order to mobilize within the political struggle in the public arena.¹⁶⁰ Malin says that women resort to the traditional woman’s image, and fulfill the conservative expectations in a peaceful manner with the photographs of their children clasped tightly in their hands, and appeal to the values of family and motherhood. In order to remind of their families they make the state confront the values of family and motherhood again, anyhow these are the very values that the state claims to be protecting.¹⁶¹ And through this very manner with which it is pursued, the struggle gains a greater acceptance at the social level.

¹⁵⁸ Women’s Initiative for Peace Report on the Reconciliation Process, 2013

¹⁵⁹ Çağlayan, H. 2009:169.

¹⁶⁰ Schirmer, J. G. 1989:4.

¹⁶¹ Malin, A. 1994:204-206.

Gradually women came together with other people for whom they say “our pain is one”. However, it was not only through their identity as the wives of the disappeared that they stepped into the public and political spheres and became politicized. They were also the people who were forced to migrate from their villages, arrested because their relatives were involved in politics, joined the guerilla forces, even whose language was banned. Sometimes one, sometimes all of these qualities were steering them to the addresses related to ‘the side they are on’. İHD that was by their side during the process of search, BDP (Peace and Democracy Party) and its predecessor parties that voiced their pains and the injustices they suffered, MEYA-DER where they came together with others who lost their relatives in the environment of conflict were at times the addresses they merely appealed to or stopped by, and sometimes the places where they actively worked.

There are many studies that analyze how women’s lives change both with the loss and the decision to commit to its struggle. Conducting interviews with the mothers of Plaza de Mayo in Argentina, Nora Cortinaz explains how women thus “get used to public life, new relationships, the loss of privacy, travelling a lot, using different forms of speech, preparing themselves to meet with people in power, speaking to the media, being recognized on the street.”¹⁶² In the interviews we saw that after the disappearance women go through a similar experience. Women often talked about how much they traveled after the disappearance, how many places they visited, and spoke in various ways with different actors. However, they did not recount these experiences under a different heading, rather they voiced it as if it were a commonplace instance while talking about what they went through after the disappearance. During the interview Asuman did not make any particular emphasis on her visit to the Parliament where she spoke with the Prime Minister as a wife of the disappeared¹⁶³, nor did Besime underscore her participation

¹⁶² Bellucci, M. “Childless Motherhood: Interview with Nora Cortinas, a Mother of the Plaza de Mayo, Argentina”. 1999:87.

¹⁶³ Interview with Asuman, İstanbul, 09.01.2014.

in a conference in Ankara, these were merely mentioned here or there in the account.¹⁶⁴ In Meliha's narrative when she said, "We had gone to Amara. To Apo's village (...) we had gone to Halfeti, to Apo's village"¹⁶⁵ we saw that their participation in public space was not limited to the enforced disappearances. Other political causes, protests, commemorations and mass movements were also mobilizing the women.

The politicization also reflected in the language and narrative of the wives of the disappeared cannot be addressed separately from these processes. Even before the disappearance, there is a language and politics through which the wives of the disappeared make sense of their selves, the society they live in and their networks of relationships. This language and politics mostly overlap with the language and politics of the Kurdish movement. The narratives indicate that this correspondence has begun not at the moment of disappearance but usually long before that. Nevertheless after the disappearance this already existing language and politics merge with the experiences of the search process and acquire a more tangible and political form.

Those who spoke with us were not merely teary, passive people. They regarded themselves both as people whose rights have been violated and subjected to a grave violence, but also as subjects who have something to say about the macro level politics. They shared their opinions on all current issues of politics from mother tongue to education.

"I think, I mean we say so much pain has been suffered, we have seen so much desolation, vileness, but we still want this problem to be resolved. (...) We are not only thinking about ourselves either. (...) Honestly we want our rights. We want the world to be a better place, a better place. We want to have schools too, we want our children to go to their own schools, speak their own language, speak Kurdish not Turkish. Our identity cards for example let them

¹⁶⁴ Interview with Besime, Diyarbakır, 06.11.2013.

¹⁶⁵ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

*be in Kurdish, look here none of us know how to speak Turkish. Our language is Kurdish. I want my Kurdish, I want my language. (...) Like they say a Turk is a Turk, and so a Kurd is a Kurd. They too are human beings, and we are human beings too."*¹⁶⁶

*"I mean it would be good if there was none of this bloodshed anymore. Then people can laugh together. The fear ends. We can talk together, visit each other's homes. We can get in the car together and take off. There would be no searches on that road for example. They would not check our identity cards for example. (...) We want our Serok¹⁶⁷ to be released as well. Let him finally be among us too. He too has suffered a lot, been through torments. (...) He too has been through a lot. He too devoted himself to us."*¹⁶⁸

*"Women mostly... I mean everything happens by the hands of the women. Therefore we must do our part, and for the solution we must do much more. But when you look at it from the state's side, for them it doesn't matter whether it is a child or a woman. But in our view it is the heaviest, you know they say the heaviest burden is the burden of women. But mainly we still say women should stand up. (...) The state has destroyed our hopes so much... Therefore you know Erdoğan was saying, the so-called democratic package!"*¹⁶⁹

"This here is our party"

The politicization of these women, who have heard the gunfire and bombs every day, witnessed deaths, had their dearest ones in an armed conflict blazing right by their side, while the state has declared them a 'side', cannot be explained away merely based on being associated or not with any institution or organization. However, a part of the women we have interviewed mentioned the affinity they

¹⁶⁶ Interview with Seniha, Şırnak-İdil, 20.09.2013.

¹⁶⁷ This expression which means Leader refers to Abdullah Öcalan.

¹⁶⁸ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

¹⁶⁹ Interview with Hasene, Diyarbakır, 05.11.2013.

feel for the Kurdish political movement even if they do not actively participate and said that they are associated with what they called "our party", the BDP and institutions affiliated with it.

*"God is my witness, so is my prophet I say. Let my soul and all my being be a sacrifice for this cause (...). Because our blood has been shed for this cause. Plus we are Kurdish, this here is our party after all."*¹⁷⁰

"We are following in his footsteps"

Women's identity as the wife of the disappeared also denoted a social status within their community. Women explained that due to their husbands' enforced disappearance they enjoyed a different respectability in their own community and underlined that the identity of 'the wife of the disappeared' accorded them certain 'rights' also in the political institutions they are in contact with. In the occasionally voiced reproach of "Our party does not help us either" there was again the emphasis of their identity as the wife of the disappeared and the demand for the right warranted by this identity.

*"Villagers hold me in esteem. Out of respect for that deceased."*¹⁷¹

*"The party came and said, we will make you a, that is, they said two of your men are lost, both are martyrs, so we will hire four women."*¹⁷²

"You know what they tell me? They say, so what, had your husband done anything, did he help anyone, so why would we find a job for your son (...) Ok let's say my husband didn't do anything. How about my brother-in-law? Didn't my in-law fall martyr in Becirman over by Kerboran? Didn't he and

¹⁷⁰ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

¹⁷¹ Interview with Gülperi, Şırnak-Güçlükönak, 22.09.2013.

¹⁷² Interview with Sevda, Diyarbakır, 04.11.2013.

*seven hevali¹⁷³ fall martyr together? (...) We have so many, oh so many, as many as the spring flowers, we have as many martyrs as the leaves on trees."*¹⁷⁴

*"Now you know my girl, I mean how should I say this, our party doesn't take care of us either mind you. I mean there are some who can take care of themselves, who can manage, but then some can't make manage, can't look after themselves. These two should not be considered together mind you."*¹⁷⁵

These narratives also contained emphases on the husband's disappearance "in the struggle for his oppressed people, for an honorable cause". Expressions of "not betraying the memory of her husband", "being a follower of that honorable cause", which could be considered to reflect how this was a responsibility dictated by this identity, were again in a sense a continuation of these accounts:

*"We are following in his footsteps. Whatever his path was we are still following that path."*¹⁷⁶

*"But we absolutely have no regrets for walking this line. We would give our lives for them. We would give our lives for those who have been laboring for this cause. What do we do anyways, we are sitting at home. And look at the state they are in my dears. God willing God will grant them their wishes."*¹⁷⁷

"We are going to hold up our photographs"

The most important space of struggle where the wives of the disappeared make their voices heard and come together with their demands for truth and justice is the Saturday

¹⁷³ This expression, which means friend, is used here and across the region to refer to PKK guerrillas.

¹⁷⁴ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

¹⁷⁵ Interview with Pakize, Diyarbakır, 07.11.2013.

¹⁷⁶ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

¹⁷⁷ Interview with Gülperi, Şırnak-Güçlükönak, 22.09.2013

People protests.¹⁷⁸ Though these protests were launched in İstanbul, the relatives of the disappeared started to organize Dayikên Şemiyê (Saturday Mothers) protests with the demand of “Find the disappeared, prosecute the perpetrators” in Diyarbakır on January 31, 2009 and then in Cizre. The Temizöz and Others court case¹⁷⁹ being filed in Diyarbakır had a big impact on the expansion of these protests to the cities in the region. Relatives of the disappeared who traveled to Diyarbakır from Cizre carried out their first protest in the courtrooms. Relatives of the disappeared attended these hearings en masse, became party to the court case and followed it. These protests constituted the beginning of the Dayikên Şemiyê protests that would later be held on a regular basis every week. The protest that started in Cizre in January 2011 gradually spread across to cities like Batman and Yüksekova as well.

“I went to that courthouse, they had brought this one [Cemal Temizöz] to the court. By God, I went for a few weeks. That was the year he was caught. One sergeant or was it a police I don't know, he came out of the court [courtroom]. We had left our photographs and whatnot in front of the courthouse. We were all lined up, all of us standing before our own photograph. He left the courtroom like that and came, first he came up to me. Who are these to you, he asked. One is my husband, I said, the other my uncle and these three are my uncle's sons.”¹⁸⁰

“So there, since then, I mean since these court cases I have been going every Saturday definitely and I hold up our photograph. We come on Saturdays, we come and stand in front of the high school. All the women of this region we gather

¹⁷⁸ Göral, Ö.S., Işık, A., Kaya, Ö. 2013:54-55.

¹⁷⁹ Following the admission of the Diyarbakır Chief Public Prosecutor's Office indictment dated 14.07.2009, a court case was opened regarding the 20 murders by unknown assailants committed in Cizre district of Şırnak through 1993-1995 when Cemal Temizöz was the Cizre Gendarmerie Regional Commander. On charges of establishing an interrogation team who took under custody and killed a great number of people upon his orders, Temizöz is facing 5 terms of aggravated life imprisonment and a 100 years prison sentence.

¹⁸⁰ Interview with Kumru, Diyarbakır, 07.11.2013

together, we stand across from the Government's office. They gather together from all around from Güçlükonak to İdil, Cizre, Silopi, and come here.”¹⁸¹

“We do sit-ins [protests]. I had been going for three years. It has been one year since I haven't been able to go. For the past one year and two months I was able to go only once. But I was going for two years before that, I was going. We were sitting together, talking with each other, talking about our hardships, so that's how we lived, we were saying (...) I mean we tell each other our troubles. Plus you know lawyers also come. They too hold up the photographs. For half an hour or so we do sit-in [protests]. We also talk to each other about our troubles too. I mean there are many who are like me. I mean thousands, thousands, I mean they are many. A girl comes there, she was engaged. Her engagement ring is still on her finger, it has been seventeen years. She was engaged, they disappeared her fiancée. They took him away and disappeared him. He is yet to be found, yet to be found.”¹⁸²

Dayikên Şemiyê protests, which started with the guidance of several rights advocates and the lawyers of the relatives of the forcibly disappeared and the extrajudicially and arbitrarily executed people in the region, continue with the active participation and resolve demonstrated every week by the relatives of the disappeared who espoused this protest. Women comprise the majority of the people who take to the streets with the photographs of the disappeared and campaign for justice. As seen in the cases around the world the struggle for the disappeared is carried out mostly by women.¹⁸³

“A different day ...”

For women the Dayikên Şemiyê protests are not only a space of common struggle. Coming

¹⁸¹ Interview with Hasene, Şırnak-Cizre, 19.09.2013

¹⁸² Interview with Sevda, Diyarbakır, 04.11.2013.

¹⁸³ Schirmer, J.G. 1989:3-5.

together with the people for whom they say 'Our pain is one' is a reminder of this shared pain and that they are not alone. Due to this psychological effect it creates Saturday is for them a different day:

“That day, how should I put it, that day is little different. (...) I mean we are marked with our pains. (...) You look at them, you look at their photographs, as much as I have suffered so have these people, I say, maybe they suffered even worse than us, and maybe they suffered as much as we did, I say. Maybe she suffered even more than us, I say.”¹⁸⁴

“We go there and hold up our photographs, in Cizre. Now I'm talking about it like this but sometimes when listening to the others' one can't take it I mean. It tears your heart out even more. When I listen to them a pain sears my heart, I say enough don't tell anymore. My chest hurts, I will fall, I say. Even when I think about it all the color drains from my face.”¹⁸⁵

“We go constantly, be it to the party or the association...”

However as we mentioned earlier, participation in Dayikên Şemiyê protests cannot be regarded as a starting point for the wives of the disappeared in terms of becoming politicized, struggling in the public sphere and voicing what happened. Before the Dayikên Şemiyê protests, which started at a much later date than the enforced disappearances, human rights organizations like İHD and political parties like BDP had become the organizing bodies through which this struggle took on a collective nature in the region.

The interesting point here is that across the cities in the region, participation in this protest was regarded sometimes like it was no different from going to the 'party' (BDP), joining a demonstration, or going to any human rights organization or an association. The

¹⁸⁴ Interview with Besime, Diyarbakır, 06.11.2013.

¹⁸⁵ Interview with Zeliha, Şırnak-İdil, 23.09.2013.

environment of intense conflict throughout the 90s in the region, the state-led violence and the stories of the disappeared constituted parts of one whole, just as the participation in these protests, associating with a human rights organization or partaking in any protests of the Kurdish movement were also regarded as parts of the same whole.

A majority of the relatives of the disappeared who came together at the Saturday People protests in İstanbul are the families who experienced the disappearance in the region and later migrated to İstanbul. These protests provided a space where those who experienced the same pain came together in a big metropolis where the language and culture was foreign to them; however, it is not possible to talk about such a differentiation per se in the cities of the region. Asuman whom we interviewed in İstanbul says, “It is like our home there, we know everyone there, when we go there I see that I am not alone and I am relieved. They are like my family”¹⁸⁶ and puts the Saturday People and the state of being the wife of the disappeared in a distinct place; meanwhile Gülperi whom we interviewed in the region explains that it is difficult to travel to and from the Saturday People protest because it is away from the center and immediately adds, “But if they [party members] were to come here now we would go greet them. I mean we go to the Newroz too. We go to Bas [Güçlükonak], I mean we dance there and ululate.”¹⁸⁷ Having lived through the consequences of the environment of violence in the region already brings about a shared sense of community in the region. All the spaces wherein this shared sense of collectivity brings them together may also bear similar meanings:

“Sure, sure, we go all the time. I mean be it the party or the association, or I mean if we've heard about it, if they telephone us we go all the time (...) We go, our girls go, my married

¹⁸⁶ Interview with Asuman, İstanbul, 09.01.2014.

¹⁸⁷ Interview with Gülperi, Şırnak-İdil, 22.09.2013.

daughters also go. I was going too but then I had a heart attack so I was in intensive care for a week. My knees hurt so I can't go as much mind you. And twice I had angiography. Now I can't stand being in crowds. But my daughter and her husband too are constantly at the party, at the demonstrations, or at the graveyard that is if someone has fallen martyr, they go all the time, all the time. They are constantly involved..."¹⁸⁸

In every field of collective struggle the institution that all women in the region mention first is İHD. It can be said that İHD was the sole address in the region for many years especially during the period of intense rights violations that heard the troubles of the relatives of the disappeared, followed their legal processes and provided support. And in terms of political parties they mention BDP and its predecessors. The collective struggle of the relatives of the disappeared in these fields has been continuing for many years. This situation may also constitute an aspect of the aforementioned coalescence.

"I feel bad if I don't go"

A great majority of the women we have interviewed are the women who are familiar with these protests they describe as "holding up the photograph". They regard the participation in these protests as a natural responsibility that comes with being the wife of the disappeared. When asked if they go to the protests or not they have either said "Of course, of course we go all the time", or if they have not been going then they immediately felt the need to make an explanation: Actually she was going; she should have gone but there was no time; she was going whenever she could; she could not go all the time because she was ill but if she were not ill she wanted to go all the time; her family and children were always going as well:

"For the past three years we have been going to Koşuyolu with these photographs and holding them [our photographs] up. I am ill too, I don't go

¹⁸⁸ Interview with Pakize, Diyarbakır, 07.11.2013.

*at all. I mean I was able to go only once for the last year and three months. I mean I can't do it I am ill. I have traveled all around in pursuit of him, I've searched, it's like I've decayed. I had two surgeries. I have all kinds of pain in my body, every pain, there is the stomach, intestine, gallbladder, kidney, passed a kidney stone, I mean I can't, how can I go to Mardin Kapı and come back."*¹⁸⁹

The definition of "holding up the photograph" is not only an expression of the protest carried out there, or the physical act of "raising the photograph"; the disappeared is virtually brought back into existence there. Women trying to send the photograph there, even if they themselves can't go, saying "it shouldn't stay home" also demonstrates the striking meaning ascribed to this effort to bring back into existence:

*"Yes honestly, our trouble all of ours is one and the same. If I don't go one day, if something comes up and I don't go I feel bad. I mean I say I wish I had gone. I say our photograph should not be left at home. I say let me send the photograph."*¹⁹⁰

10. Law as a Field of Struggle

Saturday People protests of the relatives of the disappeared continue with the demand of "find the disappeared, prosecute the perpetrators". Until justice and coming to terms with the past is assured it is not possible to put the reality of enforced disappearances in the past either. As long as they do not have a grave, find out what happened to their relatives, and the people responsible for their sufferings are not punished, the relatives of the disappeared will continue to remain in the mourning-hope dilemma and experience the impact of enforced disappearance in every moment of their lives. The study conducted by the Truth Justice Memory Center's Accountability and Redress Team on the legal data of 252 enforced disappearances clearly

¹⁸⁹ Interview with Sevda, Diyarbakır, 04.11.2013.

¹⁹⁰ Interview with Meliha, Şırnak-Cizre, 21.09.2013.

manifests that justice is not administered.¹⁹¹ Lawsuits filed in recent years such as the cases of Cemal Temizöz, Musa Çitil, and Mete Sayar —though important considering the aforementioned data— are far from being sufficient.¹⁹² Needless to say, how these cases

¹⁹¹ See. <http://hafiza-merkezi.org/duyuru.aspx?NewsId=326&LngId=1>

¹⁹² 1) Temizöz and Others Case: Following the admission of the Diyarbakır Chief Public Prosecutor's Office indictment dated 14.07.2009, a court case was opened regarding the 20 murders by unknown assailants committed in Cizre district of Şırnak through 1993-1995 when Cemal Temizöz was the Cizre Gendarmerie Regional Commander 2) Mete Sayar Case: Regarding the murder of 6 villagers who were taken under custody by soldiers on June 14, 1993 in Görümlü (Bespin) town of Silopi, a court case was opened against officers including the retired Brigadier Mete Sayar who was the Şırnak 23rd Gendarmerie Border Division Commander at the time. 3) Musa Çitil Case: Following the admission of the Mardin Public Prosecutor's Office indictment dated 16.07.2012, a court case was opened against Musa Çitil who was the District Gendarmerie Commander with the rank of lieutenant in Mardin/Derik through 1992-1994 and has been continuing to serve as the Ankara Gendarmerie Regional Command with the rank of Brigadier General since 2013. 4) Musa Anter Case: The indictment regarding the murder of Musa Anter prepared by Diyarbakır Deputy Chief Public Prosecutor's Office (authorized by TMK art. 10) against 4 people including Hamit Yıldırım was accepted on July 5, 2013 by the Diyarbakır 7th High Penal Court. 5) 12 September Military Coup Case: Court case was opened against the suspects Ali Tahsin Şahinkaya and Ahmet Kenan Evren upon the indictment of Ankara Public Prosecutor's Office (with special authority by CMK art. 250) dated 03.01.2012. 6) Mecit Baskın and Other Murders by Unknown Assailants around Ankara Case. 7) Kulüp Disappearances Case: The prosecution, which has been conducting the investigation since 2006 regarding the 11 villagers, who were disappeared after being taken into custody on October 9, 1993 at the Keper hamlet of Alacakaya village in Kulüp district of Diyarbakır, prepared its indictment on October 24, 2013. The indictment accepted by Diyarbakır 7th High Penal Court seeks 11 rounds of aggravated life imprisonment and 25 years prison sentence for the retired Major General Yavuz Ertürk who was the Bolu 2nd Commando Brigade Commander at the time. 8) Yüksekova Case: Court case was opened against retired Colonel Ali Osman Akın and Lieutenant Colonel Kemal Alkan at the Hakkari High Penal Court regarding the disappearance of Nezir Tekçi, a shepherd in Aşağı Ölçek (Yekmal) village of Hakkari's Yüksekova district, who was taken under custody on April 26, 1995 by soldiers of Gelibolu Infantry Brigade 9) Korkut Case: In October 1993, Mehmet Nasir Öğüt, Eşref Oran, Sevda Öğüt, Sevim Öğüt, Mehmet Şakir Öğüt, Mehmet Şirin Öğüt, Aycan Öğüt, Cihan Öğüt and Cinal Öğüt were killed by the soldiers who raided their village Altınova (Vartinis) in Korkut district of Muş. Gendarmerie Captain Bülten Karaoğlu who was the Hasköy District Gendarmerie Company Commander at the time of the event, Hasköy District Gendarmerie Company Commander Infantry Senior First Lieutenant Hanefi Akyıldız, Muş Police Department Special Operations Department Chief Şerafettin Uz and the Gökyaşı Gendarmerie Station Commander

will conclude, whether those responsible will be punished or not also remains yet to be seen. Certain individuals who were on active duty in the region during the 90s and were associated with enforced disappearances, extrajudicial and arbitrary executions were arrested in scope of cases like Ergenekon and Balyoz, upon which the relatives of the disappeared applied to be party to these cases. However, their applications were rejected. Indictments against the people in question did/could not pass beyond "the east of Euphrates". However, though limited, the fact that certain cases have been opened and a number of disappeared bodies were discovered in certain digs carried out in the region, created an expectation and hope among the relatives of the disappeared. On the other hand, the decisions to date, for example the releases of people like Kamil Atak, Abdülhakim Güven, continue to break the already feeble trust in law. While relatives of the disappeared who became party to the cases and participated in the hearings en masse said, "we will follow this case till the very end, we will not let them go even if in the grave", they also told

Turhan Nurdoğan with the rank of Gendarmerie Sergeant Major are standing trial as suspects. 10) Eşref Hatipoğlu Case: The indictment prepared by the Diyarbakır Chief Public Prosecutor's Office regarding the murder of Diyarbakır Gendarmerie Section Commander of the time Bahtiyar Aydın in 1993 and the murder of 16 people in the subsequent events was accepted by the Diyarbakır 8th High Penal Court (Authorized by TMK Article 10) on October 22, 2013 one day before the statute of limitations expired. Regarding the assassination the indictment named as suspects Retired Colonel Eşref Hatipoğlu who was Diyarbakır Gendarmerie Regiment Commander at the time and First Lieutenant Tünay Yanardağ. 11) Muş: The trial of 4 people was started on September 4, 2013 at the Muş High Penal Court that accepted the indictment seeking 9 rounds of life imprisonment for Captain B.K. who was Hasköy Gendarmerie Sentry Commander of the time, Infantry First Lieutenant H.A., Gökyaşı Gendarmerie Sentry Commander Sergeant Major T.N. and Special Operations Acting Department Chief Ş.U. based on the investigation carried out by the Muş Chief Public Prosecutor's Office regarding the 9 people who were burned to death in their homes that were set on fire upon the allegation that they "assisted and harbored an illegal organization" on May 17, 1993 in Altınova town of Korkut district in Muş. 12) Cem Ersever: Though the 20 years statute of limitations had expired the Ankara Chief Public Prosecutor's Office decided against closing the investigation file opened upon the discovery of Gendarmerie Major Ahmet Cem Ersever's body on November 4, 1993. The prosecution had done the same thing in the Eşref Bitlis file, and in line with the ECtHR decisions, evaluated the incident in scope of crimes against humanity and ruled not to implement the statute of limitations of 20 years.

us, “we don’t believe that the state will bring out the truths or punish the culprits, the state already knows about all that has happened, if it wanted to do it, it would have by now”. For instance a wife of the disappeared who said, “I don’t believe that this state will institute a real justice” later noted that she is following the court cases in question, she is a party to them and that she will never give up on her demand for justice even if it follows her to the grave. Though this may seem contradictory, women emphasize that they actually do not expect justice from the state but that they themselves are determined in the struggle for this cause.

“Actually that I don’t know”

As mentioned above, the women actively partook in the process of search. They continued this along with all the other responsibilities left on their shoulders. Not knowing Turkish, being illiterate and not informed about the legal procedures while creating challenges in course of the search process, did not constitute an obstacle for the women.

This challenging process of search remained inconclusive for the most part. According to the research based on the list verified by the Truth Justice Memory Center, bodies of 67% of the forcibly disappeared have still not been found, in 7% of the cases the bodies have been found but not delivered to their families.¹⁹³ Wives of the disappeared, who say “Now I know he will not return alive, but I want us to have a grave we can go visit on a holy-day”, are still continuing their search.

Though it yielded no results in the majority of cases the first legal initiatives were taken by the women. However, in reply to our questions such as “who is your lawyer, when did you first file the case, what was the name of your prosecutor, at what stage is the case now” women usually answered as follows:

“The hearing was I think in 96. I don’t exactly know though. And I am illiterate. (...) The newspaper is at home, they know. (...) We had a lawyer. My brother-in-law had hired a lawyer. We had a lawyer. Then what happened afterwards actually I don’t know. That I don’t know.”¹⁹⁴

“Honestly, I don’t know what my brother-in-law did. We hired a lawyer, gave our file to him. The lawyer could not do anything either. And the file is at the lawyer’s home.”¹⁹⁵

The women who are at the frontlines throughout the search, in being party to the cases, in the collective struggle for the pursuit of justice, halt when it comes to legal follow-up. Not knowing Turkish and being illiterate surely are important factors explaining this situation. Besides, understanding the legal language and procedures is very difficult even for literate men who know Turkish.

“I went to the petitioner. (...) I asked him where in Silopi I can write a petition. No one was giving any support. No one was giving any support. No one dared give support. I was going around on my own. Each time I was holding my daughter and my son by the hand and taking them along. (...) I was going and saying, where do they write the petitions. They were saying, mom go get it written there. I was going there, there I was saying my husband has disappeared and so on. He was writing my petition. I was taking it to the judge, to the prosecutor. I was saying my husband has disappeared, I am doing my husband’s case. I knew nothing. I was going back and forth, getting another one written. Nothing was happening. I was going back and forth, getting another one written. Again nothing was happening. I gave ten petitions like that.”¹⁹⁶

However, it is not possible to explain the situation merely by saying that these disadvantages, which did not constitute an obstacle in the conditions of the 90s, were

¹⁹⁴ Interview with Nafiye, Şırnak-Cizre, 21.09.2013

¹⁹⁵ Interview with Nezihe, Şırnak-Center, 20.09.2013

¹⁹⁶ Interview with Zehra, Şırnak-Merkez, 20.09.2013

impeding with regard to the issue of legal follow-up. Therefore, we cannot explain women’s systematic exclusion from legal processes merely with the climate of state violence in the 90s. Information constituting an important instrument of power and its accumulation in the hands of men to a great extent is also related to gender roles. Along with the persistently repeated words of “I will be a follower of this case even in the grave”, women not considering the field of law as their own and their internalization of gender roles may have played a part in the entrustment of legal data to the brother-in-law, the son or another literate family member who knew Turkish.

“I mean we have done our part, afterwards there I mean I don’t know about the court. But we go and hold up our photographs and whatnot. Everyone from all around comes there, I mean all those who have lost their relatives come, I mean they explain it too. I mean it’s not like I am the only one there, everyone from all around comes. I mean those whose relatives have been lost, taken away, all of them, all their relatives come to tell about this case.”¹⁹⁷

Another reason why they have remained/ been left outside the issue in the legal sense is that a large number of these women do not have official marriage contracts. In addition to depriving them of numerous social rights, this situation also causes the women not to be recognized as an addressee in the legal sphere.

“When I last gave the petition inside [the prosecutor’s office], he said you don’t have [civil] marriage. He told me, have your brother or sister-in-law come. He said, have them file suit. My children could not file suit either. I mean evidently I had registered my children in my name too. I don’t have civil marriage. Then I telephoned my sister-in-law. She came. We prepared the file in her name.”¹⁹⁸

¹⁹⁷ Interview with Hasene, Şırnak-Cizre, 19.09.2013

¹⁹⁸ Interview with Kumru, Diyarbakır, 07.11.2013

Not having a civil marriage contract is not an obstacle only in terms of legal follow-up: When Meliha says, “I was the wife with civil marriage, so I hold up his photograph”¹⁹⁹ she is actually expressing how important this issue becomes even during the search or the struggle for the disappeared.

“Dear God do not let our rights go forsaken”

Despite a struggle continued with determination, the obstacles emerging in the search for justice, legal practices and the ensuing results diminish the hope of ever seeing the administration of justice. The religion factor prevalent in the language of all interviews conducted with women becomes most prominent on the subject of justice. As the belief in the administration of justice in this world and that they will live long enough to see it diminishes, the call for divine retribution intensifies.²⁰⁰

“They abduct us, they kill us, they disappear us, and so much more they do. They do everything. Such things they do... Their cruelties against us are many. They oppress us, they kill us, pray God does not leave our rights in their hands. As long as we are alive, as long as we are on this earth, dear God our orphans, friends, peoples, all these disappeared murdered people of ours, imprisoned people, our afflicted people, our people who have been suffering a world full of pain... dear God do not let our rights go forsaken. Don’t leave any of our rights in their hands!. What right did they have, c’mon tell me, what right did they have to do this to us?”²⁰¹

“May God not let our rights go forsaken. May my almighty God avenge the injustice done to the people carrying those photographs, all those people, theirs is like my own child too. Their fate is like my husband’s too.”²⁰²

¹⁹⁹ Interview with Meliha, Şırnak-Cizre, 21.09.2013

²⁰⁰ Göral, Ö.S., Işık, A., Kaya, Ö. 2013:59.

²⁰¹ Interview with Sevda, Diyarbakır, 04.11.2013.

²⁰² Interview with Meliha, Şırnak-Cizre, 21.09.2013.

“They said there will be peace, I was so happy”

They are the women who carry the violence of the war in their lives with all its heft. “Men regard the peace process as a redistribution of sovereignty. However, for women the foremost issues of importance are the reparation, restitution and compensation of the damages war has incurred on the social structure.”²⁰³ For the women we have interviewed the priority was truth. The most emphasized point was the finding of the bones, prosecution of the perpetrators. Another point of emphasis throughout all interviews, voiced at least as much as this demand was the wish and hope for peace. They frequently underscored that just like the longing they feel for their lost ones, they also long for peace and that they want the present process to continue.

“I want there to be peace, I want there to be a resolution. I have been through so much, so much has happened to me, my husband is gone, my brothers are gone, I’ve cried a lot, I want no more mothers to cry anymore. I don’t want other sisters to cry. I want no woman’s house to be wrecked like this. I want no one’s brother to die. I want no one’s husband to die. (...) This year they said there will be peace. I was so, so very much happy... We forgot our lost ones. I mean I said let no one cry no more. It is enough already, no more crying for our daughters, sisters, mothers.”²⁰⁴

“If everything is uncovered then peace surely is beautiful”

Enforced disappearance is a very pernicious form of state violence that continues to affect the ones left behind. Because especially in instances where the body has not been found there is a never ending hope-mourning dilemma and pain. Until the ones left behind find the bodies of their lost ones, learn what happened to them, and the perpetrators are prosecuted, it will not be possible to let go of the things they have been through and this will remain an open wound. As

²⁰³ Women’s Initiative for Peace Report on the Reconciliation Process, 2013.

²⁰⁴ Interview with Gülbahar, Şırnak-İdil, 23.09.2013.

one of the wives of the disappeared said, law, justice, confronting and coming to terms with the past is not only a demand but also the most important precondition for a common future:

“The peace process, I mean you know we are always on the side of peace. We have always been supporters of peace. I swear I don’t want bloodshed any more. But if the perpetrators of these people are not uncovered, if the ones who gave them the orders... Why have they killed so many people so much, why did they burn everything down so much, why did they disappear so many people. I mean they even disappeared their bones mind you. If all this is not exposed, and if these people are not punished, I mean if these are not punished just like them –because they should be punished with heavy penalties- I mean if these are not brought to light I don’t want peace. I am against such a peace. I mean these people did not die for nothing. If everything is uncovered peace is beautiful of course. (...) But I myself don’t want peace before these situations have been brought to light. If these are not brought to light, and I mean I say this for all who have died, whether from our side or their side... I mean both of those sides have to give their blessing to each other (...) And that is no easy thing.”²⁰⁵

²⁰⁵ Interview with Besime, Diyarbakır, 06.11.2013.

CONCLUSION AND RECOMMENDATIONS

Our objective in the interviews conducted with the wives of the disappeared was to present the dimensions of state violence more holistically through the experiences of the women and analyze state violence with a gender perspective. We know that enforced disappearances have been employed as a state strategy in the case of Turkey predominantly in the 90s and against the Kurdish citizens. In the framework of these historical conditions we tried to understand the women's experiences through the things they have been subject to as the wives of the forcibly disappeared.

Contributing to the generation of a collective memory is one of our goals as the Truth Justice Memory Center in our efforts to uncover the grave human rights violations of the past through the first hand witnesses of the period. Another goal is to strengthen the rights demands that will support the ongoing struggle to ensure that these experiences are not repeated and institute a lasting and democratic peace building process.

For the past thirty years transitional justice and the mechanisms proposed by this approach have been implemented during the peace and democratization processes in various countries of the world following periods of military coups, authoritarian regimes, civil war or ethnic conflicts during which such systematic violations were experienced. Among these the mechanisms employed most prevalently are truth commissions, criminal prosecutions, reparation programs also including restorative mechanisms, and institutional reforms. For the last fifteen years efforts to incorporate a gender perspective in the transitional justice mechanisms have emerged as a reaction to the neglect of women's experiences during and after periods of war and conflict. Significant progress has been made in this ongoing struggle in various spheres ranging from women's equal representation in the truth commissions to women's realities and the necessity of devising special methods to uncover these realities. In terms of prosecutions the most discussed headings are, the creation of conditions where women can recount their experiences, taking

measures against physical and psychological damage, having women judges preside over the cases of crimes against women, and fighting against impunity in these crimes. Along with positive discrimination measures for women in reparation programs, important policy recommendations are voiced in the field of institutional reforms as well. Legal reforms that will prevent the repetition of the post-war and conflict experiences and enable the women to overcome their disadvantaged positions in society are quite important.

Incorporation of a gender perspective in these mechanisms entails not only the visibility of women's experiences but also problematizing the relations of power that enable these violations in the first place. In this sense, the justice aimed to be instituted by engaging all mechanisms is a transformative justice that also targets the correction of unequal gendered power relations in society.²⁰⁶

The general comment on the women affected by enforced disappearance adopted by the UN Commission on Human Rights Working Group on Enforced or Involuntary Disappearances also embraces this approach. The comment emphasizes the necessity of securing women's participation and full representation in all aspects related to enforced disappearances including any truth-seeking process. Underlining the importance of reparation and rehabilitation programs for women, the report asserts that reparation programs designed through a gender perspective should also target the pre-existing gender discriminations in the society prior to the war and conflict situations.

Based on this approach we also wish to present our recommendations in two parts. We will try to support the demands of the women whose husbands have been forcibly disappeared that pertain to the problem areas ensuing from this particular position with recommendations which we believe will have an abrading effect on the gender discriminatory power relations.

²⁰⁶ Valji, N. 2010:3.

The women we have interviewed listed their demands pertaining to the enforced disappearances as follows:

State officials to disclose the fate of the forcibly disappeared to their families;

Recovery of the bodies of the forcibly disappeared and their release to the relatives;

State to recognize its responsibility and culpability specifically for enforced disappearances;

Prosecution of state officials who have been directly involved in the enforced disappearances and administration of the necessary punishments;

Implementation of reparation and redressal processes for the ones left behind. However, the realization of these processes along with the state's acknowledgement of its responsibility;

Elimination of the legal obstacles hindering the access of the wives of the disappeared to social securities they should benefit from through their husbands.

As the Truth Justice Memory Center we want to present the analysis of the interviews we have conducted, and our recommendations we have devised based on the published reports and discussions on this subject, and the UN comment, under separate headings in the framework of transitional justice mechanisms.

Demands for Uncovering the Truth

Women's knowledge should also be sought in processes to be employed in uncovering the fate of the forcibly disappeared. The necessary methods and means to get through to this experience should be created taking into consideration the social status of women;

All processes aiming to uncover the truth, including the Truth Commissions that will specifically investigate the enforced

disappearances, should be shaped with a gender perspective. Women should have the right to equal representation in the election of members to these commissions. Separate structures may be established to investigate the experiences of women left behind in research on enforced disappearances. Thereby, the specific effects of enforced disappearances on women can be shared in the outcome reports of such studies;

In all kinds of efforts towards uncovering the truth, mechanisms should be established enabling the women to describe their experiences of womanhood, and share their post-disappearance experiences which are different from that of men such as sexual violence, harassment, and rape and their processes of exclusion and isolation within the society. Women are able to recount what their husbands, fathers and children have gone through more easily. However, a pursuit of truth limited to the women's narrative regarding their husbands' enforced disappearance would disregard the women's specific experiences and furthermore result in a deficient understanding of the effects of the enforced disappearance strategy on the society.

Demands for Justice

Legal measures should be adopted to ensure that none of the crimes of violence committed against women go unpunished. The biggest obstacle hindering women from voicing the violence they have been subject to and taking it to the court is the laws and practices that mostly result in impunity for the crimes against women. Along with enforced disappearances, also the crimes committed against women in course of the search for the disappeared should be held outside the scope of amnesties and statute of limitations, in sexual crimes women's statement should be given precedence;

Measures should be taken to overcome the disadvantaged position of women in accessing justice for the prosecution of

perpetrators. Through witness protection programs women should be provided with physical protection and psychological support;

Women's access to courts may at times be limited also due to gender roles. Measures should be taken to eliminate the obstacles before the women's access to courts during the process of prosecution (and all kinds of truth-seeking processes) such as the facilitation of transportation to the places in question, and provision of childcare services.

Demands for Social Rights and Redressal

Reparation policies should be developed in line with a gender perspective. By integrating the women's specific situations and specific experiences in these policies, programs should be developed that will create empowering outcomes for women;

Upon their husbands' enforced disappearances women have to assume the entire family's financial and emotional responsibility on their own. To redress the hardships they encounter in this process, rights should be accorded exclusively for the wives of the disappeared such as housing benefits, right to free public transportation, education grants for children;

In the absence of civil marriage, women's testimony should take precedence, enabling them to benefit from inheritance, distribution of property and other rights;

The women who have issued 'notice of death' for their husbands in order to benefit from certain aids and subsidies should be accorded the right to withdraw this notice and providing that the rights they have secured in return are preserved, since this has both placed the women under a psychological burden such as having to declare their forcibly disappeared husbands 'dead' with their own statement, and also created a situation that impedes them in legal processes;

Decision for absence may be an option in terms of women's access to social rights they can benefit through their husbands until accurate information is reached regarding the fate of the forcibly disappeared. The legal obstacles for obtaining this decision should be eliminated and the process should be simplified.

Demands for Institutional Reforms

Education and schooling in Kurdish should be legalized, practice of bilingualism in all public services should be safeguarded by the law. The banned status of the Kurdish language is debilitating the women in their pursuit of truth and justice and increasing their dependence on men;

Women should be included in social security systems as equal citizens, and not through their husbands. While it is imperative to take measures for the elimination of the disadvantaged positions of the wives of the forcibly disappeared within the current social security system; a social security system that women can benefit from only through their husbands also reinforces their disadvantaged position under different conditions.

Demands for the Strengthening of Collective Memory

Public spaces that have served as the spaces of struggle against enforced disappearances for years through the Saturday People protests should be recognized as memory sites and should be organized in line with the wishes of the women who have actively partaken in this struggle;

Methods should be devised to ensure that the women's experiences accumulated throughout the process of their struggle against enforced disappearances are heard at the state level. In every form of negotiation process the representation of these experiences should be safeguarded along with women's equal participation;

Methods should be developed to ensure that the reality of enforced disappearances is recognized and visible in the society at large and it should be guaranteed that this knowledge is generated in a way that encompasses the experiences of the women left behind.

GENERAL COMMENT ON WOMEN AFFECTED BY ENFORCED DISAPPEARANCES ADOPTED BY THE UN HUMAN RIGHTS COUNCIL WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

Human Rights Council Working Group On Enforced Or Involuntary Disappearances

**General Comment On Women Affected By
Enforced Disappearances Adopted By The
Working Group On Enforced Or Involuntary
Disappearances At Its Ninety-Eighth Session
(31 October – 9 November 2012)**

Preamble

Equality and non-discrimination are the foundations of the international human rights system. The effective prevention and eradication of enforced disappearances requires States to adopt laws, policies and practices that are grounded on those principles. Particularly, gender equality and the empowerment of women are essential tools to address the situation that women victims of enforced disappearances face. A gender perspective is crucial in explaining, understanding and dealing with unique disadvantages and obstacles that women face in the exercise of their human rights and to outline solutions to try and address these issues.

The application of the principle of gender equality requires a full understanding of the different roles and expectations of the genders to effectively overcome issues that hinder the attainment of gender equality and full enjoyment of women's rights. The Working Group on Enforced and Involuntary Disappearances recognizes that women and girls are victims of enforced disappearance as disappeared persons, as relatives of someone who has disappeared or as any other person suffering harm as a result of an enforced disappearance. The experience of the Working Group demonstrates that the effects of enforced disappearances are lived and faced in different ways by women and girls due to gender roles, which are deeply embedded in history, tradition, religion and culture.

A gender perspective should be incorporated in all measures, including legislative, administrative, judicial and others, taken by

States, when dealing with enforced disappearance. Gender equality in the area of enforced disappearances primarily requires that all individuals – regardless of their sex or gender – enjoy without discrimination the rights enshrined in the Declaration for the Protection of All Persons against Enforced Disappearances (hereinafter: the “Declaration”).

The Working Group recognizes that women play a fundamental role in securing and advancing the rights of disappeared persons. In particular, from its experience the Working Group recognizes that women are often at the forefront of the struggle against enforced disappearances. They often form organizations and associations to establish the circumstances of enforced disappearances and the fate of disappeared persons, and to assist victims themselves.

The Working Group recalls that the Human Rights Council in its resolution 7/12 requested the Working Group to apply a gender perspective in its work, including in collecting information and in formulating recommendations.

The Working Group adopts this general comment to explain and facilitate the full implementation of the provisions of the Declaration from a gender equality perspective.

General comment

1. The Declaration delineates States' obligations regarding the prevention and eradication of enforced disappearances. The Working Group relies on this instrument when assisting States to overcome obstacles in implementation of the Declaration's provisions. Although the Declaration does not explicitly contain a principle of non-discrimination and/or a principle of gender equality, numerous other international instruments and documents require States to comply with these principles. The Declaration is an integral part of the international human rights corpus juris that relies on the fundamental principle of equality and non-discrimination, with its

article 21 clearly establishing that “the provisions of the present Declaration are without prejudice to the provisions enunciated in the Universal Declaration of Human Rights or in any other international instrument, and shall not be construed as restricting or derogating from any of those provisions.”

2. The Working Group recalls the obligation of States, as defined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to take action to eliminate “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

Gender-based violence and enforced disappearances of women

3. When women are victims of enforced disappearances because they are women, they are also victims of gender-based violence. Gender-based violence is both a cause and a consequence of discrimination against women. No gender-based violence, including enforced disappearances against women, can be justified and States should take effective measures to prevent such violations. States have an obligation to respect, protect, promote and fulfil all human rights, including the right of women to be free from discrimination and violence. Failure to do so results in and exacerbates violence against women.

Women victims of enforced disappearances

4. Women are victims of enforced disappearances. Although statistics show that mainly men are forcibly disappeared, the Working Group has also in its files a number of cases of women who disappeared. Additionally, women as relatives of those men who disappeared are also considered victims of enforced disappearances.

5. States must acknowledge disappeared women, and recognize the particular types of harm they suffer based on their gender, including instances of sexual violence and forced impregnation, and the resulting psychological damage and social stigma as well as the disruption of family structures.

6. In certain countries, women from minority groups and women affected by poverty and social inequalities are particularly vulnerable and exposed to enforced disappearances. The specific needs of these women enhance State obligations to protect them with proper understanding and underscoring their needs.

7. The Working Group is conscious that women are in a situation of particular vulnerability during times of conflict. During those times, many women are targeted and are forcibly disappeared or suffer other forms of gender-based violence.

8. Women forcibly disappeared are disproportionately subject to sexual violence and exposed to suffering and humiliation. Due to the biological attributes of women, specifically their ability to reproduce, women victims of enforced disappearance are often used as a tool or an instrument to achieve specific objectives. Women’s bodies are used as part of a strategy of social control. According to the experience of the Working Group, in particular the testimonies of many witnesses and survivors, women who are forcibly disappeared are subject to gender-based violence such as physical and sexual violence, including rape, which may meet the definition of torture, or threats of such harms.

9. Women who are forcibly disappeared are also victimized in situations when sexual abuse of women results in unwanted pregnancies or when already pregnant women forcibly disappear. These situations expose women to additional trauma because of their concerns for their health and fears of delivery of a child under such inhuman circumstances and which, in many cases, could result in the loss of

a child at the hands of State officials. The Working Group notes that States have the obligation to establish special protection measures for pregnant women who are detained.

10. States must also guarantee that a child born during the enforced disappearance of his or her mother shall be fully protected. Immediate registration of birth guaranteeing the child’s true identity shall be secured and information shall be provided to relatives and/or legitimately concerned persons through relevant State institutions.

11. Frequently, the mothers of persons who are disappeared are socially stigmatized by being blamed for not taking proper care of their disappeared children. This can lead to both community and family rejection and cause grave psychological and emotional trauma to the mothers.

12. Family members’ victimization becomes even greater when men, who mainly suffer the fate of enforced disappearances, were the head of household. Here, enforced disappearance of men results in entire families becoming victims of enforced disappearances. As the family structure is disrupted, women are negatively affected economically, socially and psychologically. The emotional upheaval is thus exacerbated by material deprivation, made more acute by the costs incurred should they decide to undertake a search for their love ones. Furthermore, they do not know when—if ever—their loved one is going to return, which makes it difficult for them to adapt to the new situation. In some cases, national legislation may make it impossible to draw a pension or receive other means of support in the absence of a death certificate. Therefore, economic and social marginalization is frequently the result of an enforced disappearance. In such circumstances, several economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and in other instruments, such as the rights to health, education, social security, property and family life are violated.

The duties of States

13. Articles 2 and 3 of the Declaration require that no State shall practise, permit or tolerate enforced disappearances, and that they shall contribute by all means to the prevention and eradication of enforced disappearances.

14. In order to prevent and respond to all forms of gender-based violence, including that related to enforced disappearances, States should develop national programmes and procedures, based on a holistic and multidisciplinary approach. These should include adoption of relevant legislation, provision of financial resources and establishment of national machineries addressing discrimination and promoting women’s equality and empowerment.

15. Particularly, these steps must include the removal of obstacles to the equal enjoyment of rights by men and women victims of enforced disappearances. States must not only adopt protective measures, but should also take affirmative action in all spheres in order to strengthen women’s effective and equal participation in the prevention and eradication of enforced disappearances. These measures should primarily be aimed at removing institutional barriers that prevent women victims of enforced disappearances from enjoying their human rights fully and equally and on the same basis as men. Furthermore, the steps must also include equal participation of men and women in all decision-making processes, and educating citizens - particularly public servants - on gender equality. Those measures should also ensure equality in reporting of enforced disappearance and guarantee that reports shall not be treated differently in light of the sex of the reporting person.

16. States must pay particular attention to the obstacles that hinder women victims of enforced disappearances from enjoying their guaranteed rights in the same way as men. Women’s access to rights is aggravated by lack

of legal literacy and the lack of services designed to ensure their rights are protected, particularly in situations where police, judicial and other institutions dealing with enforced disappearances are mainly staffed by men. Furthermore, in cases where women become household heads, family obligations constitute a further limitation on their access to rights, due to the increase in family burden and concomitant reduction in time to deal with all the issues.

17. Some States have responded to women's groups' and individuals' questions about their relatives by declaring all of those disappeared were presumed dead. While these measures may have some positive legal effects for married women, whose identity and assets are tied to their disappeared husbands, they also have other negative consequences for women's groups and individuals attempting to find the truth. These measures undermine the efforts of family members, disproportionately women, who are attempting to determine the whereabouts of their disappeared relatives. These laws present another obstacle for women's groups as the State can therefore claim to have resolved their issues. However, such processes and laws that involve presumptions of death, without any investigation, attempt to placate family members without actually addressing their concerns. Any measure that impedes women's searches for disappeared persons, without offering another viable course of action, is a violation of the obligations set forth in article 3 of the Declaration.

18. Until the fate and whereabouts of the disappeared person are ascertained, States should put in place a mechanism, as temporary measure, of presumption of death or preferably a certificate of absence for reasons of enforced disappearance. States should also provide specific assistance in such situations and ensure that those procedures do not cause additional trauma to women.

19. Article 4 of the Declaration states that, "all acts of enforced disappearance shall be offences under criminal law punishable by

appropriate penalties which shall take into account their extreme seriousness". The suffering of women affected by enforced disappearance may be increased as noted earlier by sexual violence, unwanted pregnancy, the potentially destructive impact of enforced disappearance on families, psychological trauma, economic difficulties, and legal obstacles which affect women in particular. In addition, women whose relatives are subjected to enforced disappearance may be left in a vulnerable position. Each of these factors may exacerbate the seriousness of the crime of enforced disappearance in the specific context of women, and must be taken into account when penalizing the perpetrators of this heinous practice.

Detention of women and enforced disappearances

20. Strict compliance with international standards in relation to detained women is essential to the prevention of enforced disappearances. Holding women in detention in unofficial or secret places of detention is strictly prohibited. In those circumstances, women could be exposed to sexual and other abuses. States should take into account the specific needs and realities of women in detention in developing relevant legislation, procedures, policies and action plans.

21. States are obliged to ensure that women deprived of their liberty are accommodated in places separate from those of men. States are also required that women deprived of their liberty are under the immediate supervision of women.

Right to the truth

22. A gender perspective in relation to the right to truth should uncover how enforced and involuntary disappearances have affected women on both the individual and collective levels. In its obligation to give full access to information available, a State is also required to employ all measures necessary to ensure that women

have knowledge, including with respect to procedures on how to request information.

23. A gender approach should be included in the debates that precede the establishment of any truth-seeking process, including truth commissions, as well as in their functioning and evaluation. In any truth-seeking process of enforced disappearances, States must guarantee the allocation of a budget dedicated specifically to the gender analysis; proper expertise and training is needed for the implementation of the gender perspective; and that documents disclosing the results of the truth-seeking process give visibility to the particularly effects of enforced disappearances on women.

24. In creating a truth commission to investigate enforced disappearances, States need to consider gender balance in the appointment of commissioners. The appointment of women as commissioners and staffers also facilitates the investigation of cases of sexual violence in the context of enforced disappearances.

25. Truth-seeking processes need to secure women's participation. The experience of the Working Group demonstrates that women generally do not talk about themselves, preferring to elevate the stories of their husbands and children. Thus, questionnaires, protocols and guides for interviews must take account of this. Interviews, public hearings, public and media materials, and databases used in the truth-seeking process must include a gender perspective, facilitate women's participation and make their suffering and issues visible. Finally a gender perspective should guide the analysis of causes and consequences of enforced disappearances under investigation.

Right to an effective remedy

26. Ensuring the right to speedy and effective legal remedy requires accessibility to the means to achieve such remedies. Taking account of the numerous obstacles women face in this context,

additional measures should be taken by States to ensure that women, who are the victims of enforced disappearance, have access to the means to achieve their rights.

27. In accordance with article 13 of the Declaration, States are obliged to initiate an ex officio investigation into enforced disappearances and conduct that investigation in a serious manner. States also should ensure that complaints are treated equally regardless of the sex of the complainant and that, in relevant situations, specific procedures designed for women are available and that the right to information for the victim's family members is promoted.

28. The Working Group acknowledges that disappearance can be accompanied by sexual and gender-based violence and that these require specific attention during the investigation. In such cases, specific visibility and attention should be given to suffering of women. As in any case of violence against women, States should investigate cases of enforced disappearances of women acting with due diligence.

29. States should devise a comprehensive, coordinated and properly resourced State policy to ensure that women victims of enforced disappearance have full access to judicial protection. This will assist in ensuring that acts of enforced disappearance are properly prevented, investigated, punished and redressed. To achieve this, States must acknowledge the obstacles women face in obtaining effective judicial remedies and take all appropriate steps to eliminate these obstacles. These measures should address inequality of access to States' institutions by women, including linguistic, economic and cultural barriers.

30. States are urged to circulate information nationwide about the judicial resources available to women victims of enforced disappearance and their families, taking into account the diversity of the community in terms of education, economics, race, ethnicity

and language etc. States are further encouraged to ensure that women are able to obtain promptly complete and accurate information, and are treated respectfully when seeking information on enforced disappearances.

31. Some examples of measures that could remove access barriers experienced by women include providing childcare facilities at courts and prosecutors' offices; safe transportation; psychosocial support for women testifying before, during, and after the hearing. States may provide support to women's and other organizations so they can work closely with the courts, particularly to ensure the access of women to them. States should consider introducing facilities in courts to ensure confidentiality (through in camera hearings or protective screens where needed), and to prevent stigmatization of witnesses.

Witness and victim protection

32. States must ensure additional protective measures for protection of witnesses and victims, taking in account that victims can be the disappeared persons and individuals who have suffered harm as the direct result of an enforced disappearance. This is crucial in any efficient investigation and prosecution of perpetrators of human rights violations. In cases in which witnesses are women, successful protection should provide a full range of physical protection measures and psychosocial support to witnesses and victims. Types of measures adopted depend on the gravity of the psychological and physical trauma suffered and the stigma attached to the multiple forms of violations that may have occurred, including gender-based violence. A safe environment in which a woman witness feels encouraged to tell her story requires integration of a gender perspective into witness protection programmes. This is necessary to prevent women victims' secondary victimization.

Women's participation

33. Women's participation in the area of enforced disappearance requires their full representation, in all aspects related

to enforced disappearance, including participation in the decision-making processes, implementation and evaluation.

34. Furthermore, States must ensure active participation of women in all official proceedings regarding cases where women are victims of enforced disappearance. The fact that women have less access to education, and suffer political and economic discrimination may lead to lack of access to legal mechanisms and public institutions. This demonstrates the need to create public spaces for women, educate women about their political options and rights, and provide training and awareness-raising among public officials and citizens in general about the issues and needs of women victims of enforced disappearances. States should develop or strengthen programmes to train all public officials on women's rights, equality and non-discrimination, and how to respond to their claims appropriately.

35. Limited access and exposure to public institutions affect the way women's groups find out about their relatives. Many women in search of information initially meet at hospitals, police stations or morgues, where they search for their relatives. When they decide to organize and challenge the State in regard to their relatives' disappearances, the traditional avenues of political action are often not available to them. As a result, many women's groups use public protest. This demonstrates that there is a need to help women to become accustomed to using public institutions. Thus, States should use legislative, administrative, judicial, and other measures to facilitate the activities of individuals and grass-roots groups, which often provide the only voice for marginalized and previously apolitical women, in joining the mainstream political process, and in bringing their unique perspectives into the traditional realm of political life.

36. The State must take measures to prevent and combat reprisals, intimidation and threats, as well as the social stigmatization

of women for their activism in response to enforced disappearances. The Working Group has observed that many women who are defenders and activists in the field of human rights, as well as relatives of disappeared persons, are frequently subjected to violence and are also victims of enforced disappearance.

Right to reparation

37. Although article 19 of the Declaration envisages a right to compensation to victims of enforced disappearances and their dependents, as well as right to rehabilitation, the Working Group believes that this right should be viewed in the broader context of reparations.

38. Reparations programmes should use a wide and comprehensive definition of "victim" and should not distinguish between direct and indirect victims. A comprehensive definition should recognize that family members of the disappeared are also victims because they endure unique forms of suffering as a direct result of the disappearance. To include women and family members of the disappeared as victims acknowledges their suffering by allowing them to be fully recognized, compensated and rehabilitated as victims. This will assist in breaking down stereotypes and eliminating gender hierarchies.

39. Reparation is particularly important for women victims, due to the fact they are often victims of enforced disappearance and gender-based violence. Reparation requires recognition of women's rights as equal citizens, acknowledgement of the harm suffered, as well as a concrete contribution towards the victim's recovery. The Working Group acknowledges that reparation programmes designed through a gender perspective more effectively contribute to the rehabilitation of women. Reparation programmes not only have the potential to return the individual victims to the status quo ante, but also to transform the community by breaking down pre-existing gender hierarchies.

40. The right to non-repetition requires that States remedy not only existing instances of enforced disappearances, but adopt measures to eradicate the circumstances that permitted the disappearances to occur, and which may permit similar events to occur again in the future. This is vital not only to protect the safety of victims in the future, but also to prevent more people and women in particular from becoming victims at all. Particularly in societies where violence against women in general, and enforced disappearances in particular, are embedded in deep inequality roots, States need to take measures to overcome those disparities as a preventive measure.

41. Symbolic reparations are crucial components in a comprehensive reparations programme. They can take the form of commemoration days, museums and parks, reburials and rituals, individual and collective apologies, plaques, tombstones, and monuments as well as other appropriate undertakings. Symbolic reparations aid in the psychological and emotional rehabilitation of victims and are crucial for its collective dimensions and impact on the society as a whole.

42. Symbolic reparations have gendered impacts on how women are viewed and remembered. Particularly, symbolic reparations should break down and not reinforce stereotypes. For instance, monuments should show women not just as caregivers or victims, but highlight the role of women in leading the fight against enforced disappearances.

43. States should address linguistic and literacy barriers that hinder women's ability to access reparations. States should also address any obstacles to reparations faced by women and caused by a lack of knowledge, transportation, documentation or financial ability.

44. Women as family members, particularly where they become household heads due to an enforced disappearance, are in specific material, financial, psychological and legal needs. The relevant governmental institutions must provide them adequate counselling, rehabilitation and support services, assistance and information.

Training and awareness-raising

45. Pursuant to their obligations under article 6 of the Declaration, States must train law enforcement officials on issues related to disappearances. This training should include education about the consequences of enforced disappearances on women, among others, regarding sexual violence and steps that should be taken to prevent and respond to it. Additionally, officers should be trained to acknowledge social stigma associated with women interacting with the State, where such stigma exists. Further, public officials should be trained on techniques for interacting with women relatives of disappeared persons in order to overcome any barriers that women have in dealing with the State. Those trainings should include programmes aimed at changing stereotypical attitudes in regard to the roles and status of men and women.

46. Government officials need to be aware of the rights to which women are entitled, gender-based violence and the differential impact of enforced disappearances on women. Gender-sensitive training of judicial and law-enforcement officers, including, but not limited to, prosecutors, police officers, judges, court-appointed attorneys, administrative personnel and forensic professionals as well as other public officials involved in the prevention, investigation and prosecution of cases of enforced disappearances is essential to effectively implement the Declaration from a gender perspective.

47. Publication and dissemination of this general comment constitute comprehensive elements of policies aiming to improve the

situation of women victims of enforced disappearances. The Working Group encourages all relevant actors to publish and disseminate this general comment.

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