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The Apology Dilemma for Uludere

On December 28, 2011, less than hours after the bombing of 34 people in Şırnak Uludere, it was ascertained that the fallen were innocent people. An apology should have been issued without wasting any time. While every passing day, every hour was increasing the pain in the hearts, the social rupture and the emotional alienation among us, wonder why those who assumed a rigid stance chose this course. The awaited apology did not come for weeks. On February 12, 2011, when we set out from Batman with a few friends from the Buluşan Kadınlar (Women Coming Together for Uludere) Initiative in order to express our own apology, assert our sisterhood, solidarity, empathy and manifest our stance in the ranks of humanity, the desolation of the snow-clad valleys was the harbinger of the arduous conditions we would encounter. What we witnessed was actually the story of people being forgotten at ground zero, people who have no choice but to cross-border trade in order to survive.

How could people with the sense of allegiance to Islam, which teaches that killing one person is like killing all humanity, have acted so insensitively. The role of our prophet in this world is to invalidate humanity's every sort of claim to superiority, eradicate unequal relations among people built on power and oppression, and institute true justice that does not waver on grounds like gender, race, status or wealth. When reason and will were offered to the earth, heavens and mountains, none accepted it. It was the human who undertook this heavy responsibility. It was unthinkable for the human endowed with a reasoning heart to ignore this dire massacre.

What the Uludere Sub-Commission Report of the Parliamentary (TBMM) Human Rights Commission declared 15 months later was very far from the facts and as such confirmed people's suspicions that "the report will be stretched over time, the affair will be blacked out". The fact that there was no mention whatsoever of the perpetrators in the report was troubling and disconcerting.

This is why the statement of opposition drafted by commission member Ertuğrul Kürkçü is extremely important.¹ According to the statement, the commission established to understand and explain the massacre that took place at midnight on December 28-29, 2011 and to reveal those responsible, had overextended the preparation of the report over time, tried to eclipse the things that had happened and did not manage to answer any of the questions. Moreover, adopting a tone that victimized the victim over again, the report blamed the people of Uludere as though they themselves caused the massacre. A report that detected no crime in an act that necessitates 34 counts of life in prison on account of 34 people who lost their lives due to the bombs fired from TSK (Turkish Armed Forces) planes. A report that by accentuating smuggling almost declares the villagers of Uludere, a people that for a century has been carrying goods back and forth between the two sides of the border which divides their historical homeland in the middle, guilty of causing their own murders.

In its conclusion section, by pushing aside the massacre that cannot have any humane or logical explanation, the report offers security recommendations on the struggle against smuggling. Here, as is always the case when it's a matter of the state and authority's vital

interests, the perceptions are closed to that which is humane, and everything that people have been subjected to is viewed through the window of the current system's subsistence.

As Kürkçü says, majority of the commission adopted an approach that would keep the military general staff and the government out of the investigation and finally managed to author a massacre report that did not have an agent! The majority's answer to the question of who killed the 34 Uludere villagers is: "Planes!"

Families of the 27 people who lost their lives were village guards, also one of the victims himself was a village guard. Despite the fact that all this was known, the blackout was imposed by withholding information on the identity and status of the victims for a long time. They were cast in negative light through statements that implied they were PKK. This general perception has yet to be dispersed today. As the CHP Ankara MP and Parliamentary Human Rights Commission member Levent Gök wrote in his statement of opposition, the state with all its institutions suffered from an eclipse of reason upon realizing that it was children who were killed in the event.² Instead of immediately accepting the dire mistake and openly expressing pain and sorrow in the very first hours, the members of government assumed a pointless position of defense.

Bêjuh (Gülyazı) and Roboski (Ortasu) villages of Qılaban (Uludere) were founded in early 1990s as the people exiled from their villages that were emptied by the security forces took shelter with their friends and relatives. The villages and vicinity are laid with mines and to date five people from the village who crossed the Iraq border for smuggling have lost their lives and over 20 people have become permanently disabled. According to the villagers it was not possible to take a wrong step while all the movements were being watched by the brigade command positioned above the village located on ground zero of the Iraq border. Three of the dead were 13 years old, a total of 17 children were not even 18 years old yet. After it was understood that it was civilians and children who lost their lives in the incident that took place within 100 meters and a kilometer of the border, the questions of "Why didn't military or civilian emergency response vehicles go there and instead the families carried their dead on their mules or tractors?" were asked many times, but those who called out could only hear their own echo.

Attempts at creating "PKK members who came from the north and entered the frames" from even the people searching for the corpses of their children, escalated the pain of the families who were already hit where it hurts most. In a speech where he mentioned the atrocity of the manner in which the corpses were transported, deputy prime minister Bülent Arınç also said:

This was also shameful of us; corpses of those mutilated people were mounted on mules and carried back to the village by their own mothers, fathers. Wish our state could have been there. Wish using all resources we could retrieve those corpses and then take them to the hospital. It terribly saddened us to see people's corpses with their feet sticking out over the mule's back. It saddened our Prime Minister too.³

However, there was neither a responsible party nor an explanation of the dire situation in any of these laments.

According to the report of the civil service investigator, after the last bomb was fired at 22:24, the experts viewing the drone (unmanned aerial vehicle-UAV) images at 22:44 had assessed that the people subjected to the air raid were civilian citizens. How to explain the fact that this truth was hidden for days, or that perceptions like “suspicion and possibility of terrorist” were still trying to be propagated even months later, or the assertion of these unreal allegations to refrain from a truthful and valid apology, from two words that could in the least abate the hearts’ revolt. The massacre that aroused suspicions such as the possibility of the perpetrators’ actual intent to weaken the government, was successful to this end with regards its consequences and incapacitated the political authorities.

Roundabout Ways of Apologizing

The reflex of protecting the state’s official institutions under all circumstances was activated even in Bülent Arınç, who was ranked among the merciful wing of the government. After having said “Here there is a dispute on whether they are terrorists or smugglers” in his statement dated December 30, 2011, he was impeding a statement of apology on January 2, 2012 by saying, “a very sad incident, the dead are our civilian compatriots, however the findings obtained while following the group had seemed like findings requiring an operation”. It was full of contradictions when he said, “At this point there is no situation requiring an official apology, the reparation will be paid as decreed by laws”. Those who claimed that apology was not required in the face of the most blatantly manifested innocence, when they said “They died by mistake”, later wanted the position of reparation payment, which they sought to cloak with the quality of a declaration of apology, to be accepted as “a sort of” apology.

Minister of Internal Affairs at the time İdris Naim Şahin made the shattered hearts bleed and then bleed some more. Şahin caused indignation for everyone with a conscience by saying, “The region is controlled by the terrorist organization. Part of the money movement is smuggling. The underage youth who died are merely the figurants of this affair, PKK gives the smuggled goods to those people and makes them go round and round like carthorses on that route with their mules, it is not an incident of the essence that requires an apology”.⁴

AK Party vice president Hüseyin Çelik had tried to avert the reactions by saying, “We do not find Mr. Minister’s approach and manner humane, the fact that we pay reparation shows that those people were not terrorists or PKK figurants”.

However, every statement further burned the hearts of the people agonized with grief of losing their children. Our prophet says, “Either speak what is good or keep silent”. Wish cruel and cold statements like “if there is a mistake” had not been voiced by the government when, let’s not say deliberate but, the dire mistake came out.

When we were conveying our condolences in Roboski we could not look the mothers, fathers, siblings in the eye out of our shame. Because this time they were tormented with statements of “The organization is making them talk this way, they are refusing to take the reparation because they’re deceived by the opponents’ provocations, actually there were terrorists among them”, they were replying to the allegations by saying “Am I incapable of expressing what is inside, I know what I have been through but can’t I explain it”. A woman who did not speak Turkish was saying, “What’s more, you can’t just bomb the terrorist with such recklessness either, you can only arrest him militarily in order to interrogate him”.

In the statement he made on ATV on June 6, 2012, the prime minister was still strengthening the contrived misperception saying, “At the onset of this smuggling is the

terrorist organization fostering it. The children of that village have unfortunately been used in this affair. We did use the expression of apology regarding Dersim, but do you think that if the same word had been used now these affairs would be at peace". There is nothing to be done at this point but to look for certain personal debilities that make it so difficult to use the word apology. Since the reparation, which is a requirement of apology, is also going to be paid we must ask, what then seems to be the problem. Is it the egocentrism that secretly or openly besieges, captures the person and grants him/her no quarter?

The security forces that somehow could not shake off their reservation regarding the essence and perpetrators of the event were able to arrest in a flash, for instance, Faruk Encü, who had lost 29 people from his family, for throwing stones at the government officials. In other words, the speed of unraveling the events of a crime depended on the position of the perpetrator.

Grave massacres have taken place in this country. During the founding years of the Republic people were bombed in Rize for not wearing hats. On contrived pretexts of attempting insurrection, the people of Dersim were subjected to a major act of annihilation. At a time when we want to leave these behind, how will it be possible to forgive the things that happened in Uludere. It is necessary to have a heartfelt confrontation on all the slaughters and losses, foremost the Uludere incident. Confrontation is not a process of antagonization, condemnation or instigation of a new bilateral fight. It is the courage to perceive and understand the past in a healthy manner with the volition to remedy, repair and compensate. There are many examples of these efforts across the world and the ability to benefit from other experiences may open brand new horizons before us. The Truth and Reconciliation Commissions in South Africa for instance played an important role enabling people to express their pains and the change of mentalities. In the Uludere case however, like in many incidents in Turkey, everything is trying to be covered up with the shroud of forgetting. Begrudging even a dry expression of apology and the vanity of the powerful before the weak is nothing but the eclipse of the mind, heart and consciences in the blur of subordination hierarchy set amongst people, and the manifestation of the claim to superiority embedded in the subconscious. The point Kürkçü makes in his statement of opposition is very important:

It is clear that no reasoning was carried out on what the convoy might be if not a branch of the PKK; despite the existent suspicions among experts of various levels regarding the identity of the travelers in the field since the outset, the principle of interpreting these suspicions in favor of the accused or suspect was completely ignored; the convoy was held under suppressive fire without conducting any concrete assessment as to the sort of threat it might constitute and with total disregard of procedure; no attempt was made to warn and force the convoy to surrender before covering them with fire. Even if not earlier, then during and after the first attack, when all sorts of indications were revealed by the drone images pointing at the fact that the target was civilians, why then did the operation continue until every last person was destroyed, this question must definitely be answered.

Here Kürkçü talks about "adventurous soldiers" who would claim the victory of destroying a long wanted terrorist with the code name Bahoz, if by chance he had blended in among these civilians. In that case what we have here is the recklessness and sentiments of NATO

commanders who bomb the weddings, women in the fields and children on the streets in Afghanistan, and after killing hundreds of civilians most often do not even feel the need to say sorry. The fabricated guilty image of “worthless victims” is so strong that in this “great war against terror” they all turn into anonymous details.

It is the prejudice and discrimination internalized also by the general public that feeds this recklessness. As Melek Göregenli has analyzed, even when it causes incidents like lynching or murder, or ends in violence that bereaves one of the most natural human rights, the right to life, discrimination is legitimized mostly by creating beliefs regarding the victim having deserved this situation owing to his/her own behaviors or choices.⁵ A social conviction is created about the victim by depreciating him/her in different ways.

Having reached the region a couple of days after the incident, Southeastern Islamic organizations made a statement at the end of their joint work, that also manifests the worthlessness of the victims:

It is known that no “Stop!” warning or “Surrender!” call has been made to this group before launching the attack. If a warning or similar attempt had been made by the military units, this massacre would have been prevented. Furthermore, it is understood from the official statements that the data received from the UAVs were deemed enough to mobilize the warplanes. We know that however advanced war technology might be, it is insufficient in diagnosing human phenomenon and nuances. Extra information and findings are necessary to this end. None the less, even if it has been absolutely ascertained that the spotted are organization members, the thing that must be done is not to exterminate but capture them alive. To this end, people must be called to “Surrender!” It is seen that extrajudicial executions that were prevalent in the past are lately being carried out through the means of warplanes in violation of the laws. It is most evident that there is a clear unlawfulness here.

In light of the above mentioned data, our delegation believes that there are strong evidences indicating that this was an “intentional” massacre. Despite our conviction, the statements regarding the massacre made by the president, the prime minister and the government and ruling party spokespeople continue to increase our concerns that this event will not be properly investigated and the necessary efforts to resolve it will not be employed.⁶

The report published by İHD and Mazlum-Der as a result of their joint work in the region also asserts that extrajudicial execution was carried out without even warning them to stop and that given the number of people killed this was a massacre.⁷

Parliamentary (TBMM) report on Uludere has fallen short of meeting any need whatsoever. It is crippled with expressions still trying to create auras of suspicion around the victims. It feeds the notion that there is no need for apology, it is stating sadness. This sort of apology innuendos cannot be recognized as an apology anywhere in the world. Then why did not we accept Israel’s expressions of “regret” as an apology for the attack on Mavi Marmara

ship that set out with aid materials seeking to break the Gaza blockade. Minister of Foreign Affairs Ahmet Davutoğlu says, “because there was the self-confidence brought on by righteousness, we struggled until we received a full apology”. The same things hold true for Uludere as well. While based on state honor there is an insistent demand for the word “apologize” instead of “regret” from another state, how to expect the healing of hearts and acceptance of apologies in the form of “we’re sad, this was not good, there, we paid their reparations but they are not that innocent either” when it comes to its own people. Each statement on these lines has actually added insult to injury. It has given the addressee of apology the right to constant apology again and again. All words circling around the declaration of apology instead of making an apology have shattered and multiplied in a mirror and the situation has turned into a perpetual obligation of apology.

In her article in *Azad Alik*, political scientist Ayda Erbal, who works on apologies at New York University, talks about the components that especially political apologies should entail, namely, the clear expression of the wrongdoing that is the subject of apology, the use of sentences conveying shame, sincerity and humility, the expression of intent not to repeat the wrongdoing, and the reparation of the physical and emotional damage caused by the wrongdoing.⁸

Moreover, in apologizing, the addressee of the apology is not obligated to accept the apology. This holds true for the public sphere as it does in the private sphere. For the apology to have a bearing, a value, it must be binding and convey a declaration of intent that it will not be repeated. The important thing is how the sincerity in the feelings of regret, sharing the pain and empathy echoes in the heart of the other. This is the grounds with which an apology heals both parties. The addressee or addressees of the apology may not be ready to accept the apology, they may not demand it, they may also never forgive, but in the case that they do not accept the apology they should not be antagonized. Feeling this guarantee is also a human right. A public apology geared towards the further exposition of the victim turning him/her into an object of hate, entails violence which may seem as an aggressive political investment. At this point there are examples of people who do not accept the apology in any form. Very few of the victims have survived in the French village of Oradour Sur Glane that was razed to the ground by the Nazis in a single day. These people have not accepted the apology of countless non-governmental organizations and political institutions. In 1890 a major massacre took place in the region of Wounded Knee in South Dakota. The American Seventh Cavalry Regiment annihilated the Oglala Sioux tribe. Though the U.S.A. wanted to issue an official apology in the 1990s, the survivors never accepted it. Meanwhile in Uludere we saw magnanimous hearts ready to accept a genuine apology, to bear their cross and forgive.

Surely the identity, affiliation of the victim holds no importance in taking action towards justice. However, as a societal reality there was also the context of Islamic fraternity and most of the bombed youth were people who performed the daily prayers and read the Quran. As Yüksel Ülek’s mother Emine Ülek says, “Our children did not even have proper jackets or shoes, every time they came around they would be wet and muddy like they fell in the water, we put their severed parts in sacks”, each word manifests new articles of apology pointing at the severe class rifts devoid of fair sharing. Anyhow the crime started thirty years ago, with the displacement of these beautiful people.

The wounded survivor Hasan Ülek had explained to our group why they did not run away when they heard the first bomb: “We could not have thought that it was aimed at us, we were scared but still why would the state do this to us, it is our state after all, we hadn’t done anything”. After all, the 13 wounded had frozen to death while waiting. The families never

accepted the explanations of ‘it was a mistake, an operational error, we thought they were terrorists’ made by the authorities who know the conditions of the area where not even a bird can fly without them knowing about it.

Another veil was lifted off our eyes as we listened to the young girls, who had lost their brothers there, talk about their relations filled with kindness and equality. Revealed was the beautiful face of the East that is attempted to be defined with custom killings and male violence. We witnessed how solemnly the fathers listen, how self-confidently the women speak. At any rate, the crime is the forced separation of the people, of neighbors, half of whose relatives are in Iraq and who marry into each other’s families. What can be more natural than a group of people, all from the same Göyen tribe, cut off from one another with an arbitrary border, to trade with each other. There is a legal (!) border drawn by imperialists but in fact there is no border between them, there cannot be. Actually this is a real example of civil disobedience.

Islamic Approach

Our prophet was expelled from his homeland Mecca under severe oppression and tortures and was forced to migrate with his friends; upon reaching Medina the first thing he did was to create a community of peace with the people who used to live in enmity in and around the city. He did this with the Medina Document that he wrote and opened for signatures as a contract. According to article 13, devoted believers would resist aggressors and even if it is their own child, they would all raise their hands against the aggressor. Throughout the document piety is defined as the foundation of the sense of justice.⁹ Accordingly, it is not halal for a believer who believes in Allah and the day of justice to safeguard and give asylum to a murderer. Medina, the city of welfare where non-Muslims also lived in security, was built on justice.

In Uludere and everywhere across the world, human life is sacred, it is protected, lifeblood is haram, it has immunity. To kill a human being intentionally leads to eternal hell. For Allah, the value of one person’s life equals that of the entire humanity. Sura Al-Ma’idah verse 32 clearly states: “We decree upon the Children of Israel that whoever kills a soul - unless it be for murder or spreading mischief in the land – it is as if he had slain humanity entirely”. And whoever saves one (a human being) it is as if he had saved humanity entirely. In *The Letters*, Said Nursi explains this verse in his 15th letter saying:

The verse implies that no innocent person can be deprived of his or her right to life or sacrificed for the community’s sake. Any right is a right in God’s sight, and thus cannot be abolished for one considered just as great or fundamental.¹⁰

He says, the small is not destroyed for the big, the life or right of an individual is not sacrificed for the welfare of a society. This actually is a comprehensive explanation that also includes compulsory military service. However Nursi says, “If it is done in the name of patriotic zeal (sacrifice), with one’s own will, then that is a different matter”.

In the case of Uludere, the committed sin was attempted to be palliated by constantly referring to intelligence about terrorists having been among the group. However in his 22nd letter Nursi again says:

O unjust one who nourishes rancor and enmity for a believer, imagine yourself on a ship or in a house with one criminal

and nine innocent persons. If someone tried to destroy the ship or the house (because of that one criminal), you would understand the magnitude of such an injustice and protest. Even if there were one innocent person and nine criminals on that ship, it would still be unjust to sink it.¹¹

The commission report was not well received by the devout believers either. Özgür-Der Diyarbakır branch made the following statement:

Let alone shedding light on the massacre, the so-called report that was supposed to point at the responsible ranks and persons and promise the justice awaited by suffering families, has been prepared with such impotence and bias that it cannot even establish “violation of the right to life”. Acting with a defensive psychology, it has resorted to concealing and even exonerating the perpetrators even though they had negligence and even wrongful intent in the incident. So much so that at times the massacred people have been blamed by the highest authorities, and certain investigations have been opened against their kin. The distanced stance of the government has also been reflected in the so-called report, and the incident has been attempted to be covered up and closed. We renounce this report which is devoid of conscience, human dignity and rights, justice and “apology”. The commission members who have prepared this report should be ashamed of this report that they have prepared.¹²

There is retaliation in Islam but there is also forgiveness, and it is encouraged. However, it is also cruel to exert pressure to this end, as it would mean favoring the guilty. Our tradition of *tasavvuf* (Islamic mysticism) is filled with stories narrating the virtues of those who devote their lives to be forgiven and those who forgive with magnanimity. This is completely about the mutual contact of hearts. The essential thing here is the “rightful due” of a human being, the victim cannot be reprimanded or called to account while s/he uses in the form of his/her right to retaliate, blood money or forgive. However, during the peace process that we are in, we need all parties to act mercifully. When he conquered Mecca, our prophet forgave the people who had banished him from Mecca, persecuted and even caused him to go into exile where they had sent people after him attempting to kill him.

As we came back through the snow-clad roads, surely a part of us was left behind but there was also the bittersweet peace of having offered our condolences, embracing each other and making amends. Because we believed that none of us were innocent, that on various levels we all played a part in the creation of the mental comfort surrounding this reckless attack. If the chance is missed to have regret, empathy, forgiveness, understanding, embarrassment, in short to make amends about Uludere, then I’m afraid it will be preordained to crash against a rock like the unforgiving hearts of the Oglala Sioux.

1 <http://www.bianet.org/bianet/siyaset/145054-uludere-raporu-hakikati-yok-ediyor>, last accessed: 13 March 2013.

2 <http://t24.com.tr/haber/Uludere-raporuna-muhalefet-serhinin-tam-metni/225689>, last accessed: 13 March 2013.

3 32. Gün programı, Kanal D, (TV program 32nd Day on Channel D) 27 December 2012.

4 NTV, 22 May 2012.

5 Melek Göregenli (2012) “Temel Kavramlar: Önyargı, Kalıpyargı, Ayrımcılık” (Fundamental Concepts: Prejudice, Stereotyping, Discrimination), in *Ayrımcılık: Çokboyutlu Yaklaşımlar* (Discrimination: Multidimensional Approaches), (eds.) Kenan Çayır, Müge Ayan Ceyhan, Istanbul Bilgi University Publications, Istanbul.

6 <http://www.on5yirmi5.com/genc/haber.73386/islamcilerden-uludere-raporu.html>, last accessed: 3 January 2012.

7 <http://www.sendika.org/2011/12/uludere-katliami-onizlenim-raporu-ihd-mazlum-der/>

8 <http://azadlik.wordpress.com/2013/02/01/ozur-dilemek-bildiginiz-gibi-degil/#more-1697>

9 Muhammed Hamidullah, *İslam Peygamberi (The Prophet of Islam)*, trans. Salih Tuğ, Istanbul: İrfan Publications, 1991.

10 Nursi, Said Bediüzzaman, *The Letters*, trans. Hüseyin Akarsu; New Jersey, 2007; *The Light* (p. 92) http://www.dur.ac.uk/resources/sgia/imeis/letters_ingilizce_7.2.07.pdf

11 *ibid.*, p.282.

12 <http://www.haksozhaber.net/ozgur-der-roboski-katliamini-ortbas-cabasi-beyhudedir-36393h.htm>, last accessed: 23 March 2013.