THE HUMAN RIGHTS PERSPECTIVES OF TWO HUMAN

RIGHTS ORGANIZATIONS IN TURKEY: MAZLUMDER AND İHD

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Thesis Abstract

Suavi Selim Akan, "The Human Rights Perspectives of Two
Human Rights Organizations: Mazlumder and İHD"

An important part of the increasing debates about the civil society in Turkey has been the human rights issue. The repressive attitudes of Turkish state dominated human rights movements in the pre-1980 period. In the post-1980 era with the impact of large number of prisoners of 1980 military coup and torture and violence against these prisoners, the issues related to human rights challenged Turkish state and its actions more often. Moreover, the failures of Turkey on human rights, and the reports published by several international and national organizations and media have increased the pressure on the national government.

After 1980, the Ataturkist, modern, and totalizing identity of the state was also challenged and the expressions of various social and cultural identities by different groups were experienced. These challenges can be classified under two titles: Kurdish nationalism and political Islam.

Severe human rights violations were committed by the state on these two opposition movements and as a result of these violations, several civil society organizations were established to protect the rigths of these people. Consequently İHD (Human Rights Association) and Mazlum-Der were established (Association for Human Rights and Solidarity for the Oppressed People), which are mainly descendants of debates related to violations against Kurdish population and political Islam.

In the light of these discussions, this study aims to compare the human rights perspectives of these two civil society organizations over cultural relativism and universalism. It also aims to discover the reasons of what motivates these associations when they are shaping their human rights perspectives. While doing this, this study will mainly concentrate on the issues of homosexuality, headscarf and the Kurdish question.

Tez Özeti

Suavi Selim Akan, "The Human Rights Perspectives of Two
Human Rights Organizations: Mazlumder and İHD"

Türkiye'de sivil toplum tartışmalarının önemli bir parçasını, insan hakları konusu oluşturuyor. Türkiye'de insan haklarının gelişimine baktığımız zaman, devletin baskıcı tutumu, 1980 öncesi dönemde insan hakları hareketlerini kontrol altında tutmuştur. 1980 sonrası dönemde ise, askeri darbe ile hapse atılan çok sayıda kişinin olmasının ve bu mahkûmlara yönelik yapılan işkence ve şiddet olaylarının etkisiyle insan hakları konusu devleti daha zor durumlara sokmuş ve üstündeki baskıyı artırmıştır. Ayrıca, Türkiye'nin insan hakları konusundaki kötü sicili, birçok ulusal ve uluslararası örgutler ve medya tarafından yayımlanan raporlar hükümetin üstünde önemli bir baskı unsuru oluşturmuştur.

1980 sonrasında, devletin Atatürkçü, çağdaş ve toplayıcı kimliğine karşı gelinmiş ve farklı gruplar tarafından çeşitli sosyal ve kültürel kimliklerin ifadeleri yer bulmuştur. Bu karşı gelmeler iki başlık altında toplanabilir: Kürt milliyetçiliği ve siyasi İslam.

Bu iki muhalif hareket üzerine devlet tarafından ağır insan hakları ihlalleri işlenmiştir ve bu ihlaller sonucunda mağdur insanların haklarını korumak için çeşitli sivil toplum örgütleri kurulmuştur. Sonuç olarak, İnsan Hakları Derneği ve Mazlum-Der, ki bu iki örgütün insan hakları mücadelesinin gelişmesinde sırasıyla Kürt nüfusu ve siyasal İslam ile ilgili alanlardaki insan hakları ihlalleri önemli bir yere sahiptir, kurulmuştur.

Bu tartışmalar ışığında, bu çalışma bu iki kuruluşun insan hakları perspektiflerini kültürel görelilik ve evrensellik üzerinden karşılaştırmayı amaçlamaktadır. Çalışma, kuruluşların insan hakları perspektiflerini belirlerken, hangi nedenlerden motive olduğunu ortaya çıkarmayı da amaçlamaktadır. Bu yapılırken, çalışma başlıca eşcinsellik, başörtüsü ve Kürt sorunu konularında yoğunlaşacaktır.

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To Ali Hikmet Karayel

CONTENTS

CHAPTER 1

INTRODUCTION

In post-1980 period an important part of the increasing debates about the civil society in Turkey has been the human rights issue. With the impact of large number of prisoners of 1980 military coup and torture and violence against these prisoners, the issues related to human rights challenged the Turkish state and its actions more often. Moreover, the failures of the government on human rights, and the reports published by several international and national organizations and media have gained more significant place on the agenda of the government. In response to these, Özal's government declared its aspiration to join the EU and took some steps such as accepting the jurisdiction of the European Court of Human Rights, which became effective in December 1989, and the creation of administrative agencies to monitor and oversee human rights practices and policies. This meant that a series of cases brought against the Turkish state, many by Kurds and covering a range of issues from extra judicial killings, torture and disappearances to the destruction of villages, could be taken to the ECHR.[1] A parliamentary Commission on Human Rights was set up in 1990, and a year later, a state ministry responsible for human rights issues was established. On 9 April 1997, the Coordinating High Commission of Human Rights was created under the Office of the Prime Ministry to coordinate the human rights efforts by different ministries and agencies.

We might argue that the debate on human rights is not a recent phenomenon in Turkey. Until 1980, no human rights organization has been able to survive. The only long- lived organization was Amnesty International which could not be very

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[1] Katerina Dalacoura, *Engagement or coercion? : Weighing western human rights policies towards Turkey, Iran and Egypt*, London : Royal Institute of International Affairs, 2003, p.13.

active in the pre-1980 era. After 1980, the Kemalist, modern, and totalizing identity of the state was challenged and the expressions of various social and cultural identities by different groups were experienced. These challenges can be classified under two titles: Kurdish nationalism and political Islam. During the rise of alternative subjectivities to the Kemalist unifying identity, Kurdish ethnic nationalism and political Islam revitalized as two main opposition movements. These issues emerged from areas where most of the human rights abuses in Turkey have occurred after 1980.[2] After 1984 there was rise of Kurdish nationalism which was conducted by the PKK (Workers' Party of Kurdistan) with an armed struggle against state security forces. The measures implemented by the state to combat the PKK and seperatist activities of the PKK caused severe human rights violations, especially in the southeastern regions in Turkey. In addition, Islamist groups criticized the state's policies on religious freedom which are implemented to enforce laicism. Some of the criticisms, especially concerning the ban on wearing headscarves in public places, claim that state policies violate the right to religious freedom. As a response, the state tried to silence these movements and perceived them as anti-secular and separatist.[3]

In this sense, the brief evaluation of the concept civil society and its historical developments in the political sphere provide significant tools to understand why human rights movements were revitalized in the post-1980 period and why the scope of the human rights issue in Turkey mainly focuses on Kurdish question and political Islam.

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[2] For details see: Bülent Tanör, *Türkiye'nin İnsan Hakları Sorunu*, İstanbul, BDS Yayınları, 1990. (Includes the period after the 1980 coup)

[3] Zehra F. Kabasakal Arat, "Collisions and Crossroads: Introducing Human Rights in Turkey" in *Human Rights in Turkey* ed. by Zehra F. Kabasakal Arat, Philadelphia, University of Pennsylvania Press, 2007, p.8.

The aim of this study is to critically assess the human rights perspectives of two prominent human rights organizations in Turkey, İnsan Hakları Derneği (Human Rights Association) and Mazlum-Der (Association for Human Rights and Solidarity for the Oppressed People), which are mainly active in issues related to violations against Kurdish population and political Islam. I will mainly concentrate on the human rights perspectives of both organizations over the question of what kind of differences exist between Muslim conception of human rights and universal conception of human rights. Other related questions that I will ask are: Can we claim that civil society forms a democratic and unbiased buffer zone between state and society? What effects do ideological conflicts have on the interpretation and application of human rights standards?

This thesis comes out of my interest in the concept of civil society and more specifically in civil society organizations operating in the field of human rights in Turkey. Actually the inspiration comes from the the article that I read on three Islamic non-governmental organizations by Ayşe Kadıoğlu[4]. The article compares Ak-Der (Women's Rights Association Against Discrimination), Özgür-Der (Association For The Freedom Of Thought And Educational Rights) and Mazlum-Der (The Association for Human Rights and Solidarity for Oppressed People) and it pushed me in thinking in depth about Islamic civil society organizations.

While I was setting my research question I set out from a paragraph in Kadıoğlu's article:

> When asked if they would stand up for the rights of homosexuals and transvestites, the president of Mazlum-Der smiled and said they would like to but their founders and the member profile would not be sympathetic towards the glorification of such behavior. He said that although it is very likely that they would be criticized by the members in big metropoles like Istanbul and

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[4] "Civil society, Islam and democracy in Turkey: a study of three Islamic non-governmental organizations" in *The Muslim world*, Vol.95, No.1, January 2005, pp.23-41.

İzmir for not taking a stance in solidarity with homosexuals, he could not count on the same reaction in the other branches.[5]

My research question is: As two civil society organizations operating in the field of human rights, does Mazlum-Der and İHD conduct their policies in line with the Universal Declaration of Human Rights (UDHR)[6] or do they have a different understanding of human rights? My tentative answer to this question is that the polarized environment of Turkey which will be historically discussed in chapter two hinders these two organizations to assess the concept of human rights as stated in the universal declaration of human rights. This polarization has also created ideological and cultural differences between these two organizations which will affect their issue priorities. I also claim that despite the increasing debate on state's role in human rights violations in Turkey, this polarized environment has created a lack of systematic understanding of the role of human rights organizations in dealing on state's role in human rights violations in Turkey. Thus human rights organizations could not able to offer a unbiased and buffer zone between state and society.

Concerning my methodology, the qualitative methods seems to be the most proper way to reach that aim. In this framework, I have mainly decided to carry on this work by using face-to-face interviews. There are 22 and 28 branches of Mazlum-Der and İHD respectively; therefore in order to arrive at an insightful and critical result from this work, a decision was taken to limit the search by choosing 1 branch from each region of Turkey except Mediterranean and East Anatolian regions. The total number of officials that I have interviewed is 27 including 2 former presidents

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[5] "Ayşe Kadıoğlu, "Civil society, Islam and democracy in Turkey: a study of three Islamic non-governmental organizations" in *The Muslim world*, Vol.95, No.1, January 2005, p.36.

[6] Full text can be found in
http://www.un.org/en/documents/udhr/index.shtml?session=tDiWLQUZpVPHQnPTTWYJ8hSkV3

of Mazlum-Der, 1 president of the Bar Association of Trabzon, 1 official of Göç-Der (Association of Displaced People's Solidarity and Cultural Activities), the general secretary of İHOP (Human Rights Joint Platform), 1 official of Eğitim-Sen (Education and Science Worker's Union) in Diyarbakır, 1 official of Memur-Sen (Confederation Of Public Servants Trade Unions) in Trabzon and 1 official of Demokratik Toplum Koseyi (Democratic Society Council) which is a civil society organization formed by ex-politicians including Ahmet Türk and Aysel Tuğluk.

In the second chapter, I will discuss the theoretical background of civil society and its manifestations in Turkey. Moreover human rights in Turkey will be discussed shortly. In the third chapter, I will give a detailed background of Mazlum-Der and İHD and some technical datas from both organizations. In the fourth chapter, I will compare the Islamic and the western type of human rights in order to make a causality between these two types of human rights and both associations. In the fifth chapter, there will be Mazlum-Der's and İHD's responses in interviews respectively and anthropological observations made during these interviews. In the conclusion part I will try to give answers to my research questions and verify the hypothesises in the light of interviews.

This study forms a preliminary work for further study on their perspective of human rights and it brings in conceptual tools for further inquiry on this relation. Consequently, this study should be interpreted neither as an analysis of all the human rights violations in Turkey, nor as the analysis of the full account of contemporary debates regarding the triangle between human rights, civil society and state in Turkey, but as a study with the limited objective of questioning the human rights perspective of these organizations.

CHAPTER 2

CIVIL SOCIETY AND ITS MANIFESTATIONS IN TURKEY

The aim of this chapter is to analyze civil society and its manifestations in Turkey. Though my study is not only about human rights, the concept of civil society should also be elaborated in order to link it with the human rights. Questions of how the political sphere in Turkey has changed, how the map of civil society has developed during this process, and where the human rights organizations are located in civil society will be partially answered in this part.

The concept of "civil society" has been a central point of discussion for a very long time among the political thinkers. However, it is not possible to come up with a single definition or use of the concept due to the fact that it has taken different forms and has been defined in various ways in political and social theory. Several political thinkers, including Adam B. Seligman, Augustus R. Norton, and Jean L. Cohen and Andrew Arato, indicated the ambiguity of the definition of civil society.[7] However it is often emphasized that civil society has become very popular in the last three decades and the importance that is attached to it has increased gradually. Adam Seligman argues that the idea of civil society is sometimes overly used and has been applied as an analytical tool in various settings. For instance, in the 1980s, in Eastern Europe it was seen as one of the main tools against totalitarian state structure. Additionally, in the 1990s in Western Europe and the United States, civil society has been used to analyze and criticize democracy "at home"[8]

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[7] Sudipta Kaviraj& Sunil Khilnani, *Civil Society History and Possibilities*, Cambridge, UK: Cambridge University Press, 2001; Adam B. Seligman, *The Idea of Civil Society*, Princeton, New Jersey: Princeton University Press, 1995; Augustus R. Norton, *Civil Society in the Middle East*, 1995; and Jean L. Cohen& Andrew Arato, *Civil Society and Political Theory*, Massachusetts, U.S: The MIT Press, 1994.

Initially, the boundaries and the elements of civil society are discussed and the question of what constitutes civil society remains as one of the central questions. For instance, one general concern about the civil society is on the question of whether civil society is composed of voluntary organizations or whether it includes business corporations, labor unions and political parties.[9] The modern usage of civil society started with social contractual thinkers, including Thomas Hobbes and John Locke. They did not differentiate civil society from the state. Civil society is a society regulated by laws and every individual is subject to the laws. It was established as a result of social contract among the individuals living in the society.[10] However, this does not mean that they use civil society interchangeably with state.

Georg Wilhelm Friedrich Hegel conceptualizes civil society as a separate sphere outside the state. It is a "territory of mediation where there is a free play for every idiosyncrasy [and] regulated only by reason glinting through them."[11] Civil society is the sphere between the state and family including corporations, social classes and market economy. Hegel's conceptualization of civil society led the discussions to a new way in which the relationship between these two is emphasized. Furthermore, he is crucial in the development of anti-state discourse of civil society and the dominant view in the political science literature which is to define civil society as a realm between the state and family.[12] Until twentieth century civil

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[8] Adam B. Seligman, "Civil Society as Idea and Ideal" in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, Princeton, New Jersey: Princeton University Press, 2002, pp. 13-34.

[9] Simone Chambers and Will Kymlicka, *Alternative Conceptions of Civil Society*, Princeton, New Jersey: Princeton University Press, 2002.

[10] Mary Kaldor, "The Idea of Global Civil Society" in *International Affairs*, Vol 79, No. 3, 2003, p.584.

[11] Ibid.

society was considered as an intermediary sphere between state and family. With the works of Antonio Gramsci the focus of discussions changed from the state to hegemony of ideas. Gramsci focused on the cultural aspect and ideological relations within civil society and examined how manufacturing of ideas lead the bourgeoisie class to dominate civil society. In his perspective, "civil society is seen as a system of ideas, values, ideologies, and interests." With the impact of Gramsci's conceptualization several thinkers define "civil society as a sphere of identity formation, social integration, and cultural reproduction, and although economic relations and the state play a part in these functions, their roles are, or ought to be, supporting, not leading."[13]

After Gramsci, civil society lost its popularity and the discussions regarding it almost disappeared from Western political science literature until the 1970s. In the 1970s the concept has became evident and "became a rallying cry for many, on both sides of the Iron Curtain, who were opposed to state socialism."[14] As mentioned above, the opposition movements against authoritarian and totalitarian state structure in Eastern Europe and Latin America are analyzed with civil society. Civil society has revealed in political discourse in the 1970s in relation with its relationship with consolidation of democracy and state. It was used against authoritative states in Eastern Europe and Latin America. The argument was to promote reconstruction of civil society which provides autonomization and self-organization of individuals, and consequently limits the power of the state. In these discussions civil society was

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[12] Adam B. Seligman, "Civil Society as Idea and Ideal" in *Alternative Conceptions of Civil Society* ed. By Simone Chambers and Will Kymlicka, Princeton, New Jersey: Princeton University Press, 2002, p.27.

[13] Simone Chambers, "A Critical Theory of Civil Society" in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, Princeton, New Jersey: Princeton University Press, 2002, p.91.

[14] John A. Hall, "In Search of Civil Society" in *Civil Society, Theory, History, Comparison* ed. by John A. Hall, Oxford, UK: Polity Press, 1995, p.1.

considered as a remedy for authoritarian state regimes and a significant tool in transition to democracy. After the collapse of Soviet Union in 1989, democracy and liberal economic model were considered as cure for restructuring of post-socialist societies. In these discussions, civil society had a significant role since it was used as it promises democracy, autonomy for individuals and as a mean to exercise them.[15] It became an attractive idea to balance political relationship between oppressed societies and overbearing state. The discussions centered on the dichotomy between state and civil society. The encompassing role of the state in political, social and economic levels was severely criticized and the importance of having a strong and autonomous civil society to limit state power has been emphasized. It is argued that civil society can change the balance of power between society and state in favor of the society through various associations. These associations can be a bridge between society and state, and allow transmission of the demands of individuals to the state.[16]

Contemporary usage of civil society mainly refers to the dichotomy between state and civil society. It is viewed with its role in defining, controlling and legitimating state power and promoting democracy.[17] The theoretical model of Jean L. Cohen and Andrew Arato[18] has brought a new dimension to the conceptualization of civil society and moved the discussions to a new level. They suggest analyzing civil society not only from state- civil society dichotomy but also from a tripartite model which is a revised version of Gramsci's three part model of state-society-

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[15] Sunil Khilnani, "Development of Civil Society" in *Civil Society History and Possibilities* by Sudipta Kaviraj& Sunil Khilnani, Cambridge, UK: Cambridge University Press, 2001, p.12.

[16] Gordon White, "Civil Society, Democratization and Development: Clearing the Analytical Ground" in *Civil Society in Democratization*, ed. by Peter Burnell and Peter Calvet, London, England: Frank Cass and Company Limited, p.13.

[17] Ibid.

[18] Jean L. Cohen& Andrew Arato, *Civil Society and Political Theory*, Massachusetts, U.S: The MIT Press, 1994.

economy. In their model they differentiate civil society, political society and economic society and "formulate an approach which protects civil society from penetration from both state and economy while also maintaining the autonomy of all three spheres."[19] They also use civil society in analyzing new social movements (environmental, feminist, and local movements) and changed the focus from anti-statism to associations within civil society. Another significant part of civil society in Cohen and Arato is the role of it in expansion of particular values. Civil society promotes an egalitarian, non-sexist and open sphere, where individual rights, democratic participation in associations and public sphere are emphasized, and it avoids the utopian or antimodernist elements.[20] Thus, the work of Cohen and Arato is crucial for changing the focus of discussions from state-civil society dichotomy, emphasizing values aspect of civil society, and motivations of social actors.

The issue of values of civil society has a significant place in the contemporary debates of civil society. In this sense, several political thinkers, including John A. Hall, Michael Walzer and Larry Diamond, oppose the idea of reducing civil society into mere social activism and argue the importance of values of civil society.[21] Civil society is viewed as a school where values of civility are learned. The individuals learn tolerance and competitive coexistence of different ideas and beliefs in civil society which is a "realm of difference and fragmentation."[22] Various competitive

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[19] Mark R. Weaver, "Reviewed work(s): Civil Society and Political Theory by Jean L. Cohen; Andrew Arato" in *The Journal of Politics*, Vol. 55, No. 2, May, 1993, p.543.

[20] Jean L. Cohen, "Interpreting the Notion of Civil Society" in *Toward A Global Society* ed. by Michael Walzer, Oxford, UK: Berghahn Books, 1995, p.37.

[21] John A. Hall, "Genealogies of Civility" in *Democratic Civility: The History and Cross-Cultural Possibility of a Modern Ideal*, ed. by Robert W. Hefner, New Brunswick: Transaction Publishers, 1998, p.54; Michael Walzer, "Equality and Civil Society" in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, Princeton, New Jersey: Princeton University Press, 2002, p.37; and Larry Diamond, "Rethinking Civil Society, Toward Democratic Consolidation" in *Journal of Democracy*, Vol. 5, No. 3, 1994, p.8.

groups learn to live together in civil society. For the expansion of tolerance in civil society, the state should assure that the values of civility are sustained and none of the groups defeat the other group(s). Thus, the state should be democratic, act like an arbitrator and watch out whether the game is played accordingly.[23] In this sense, the role of state in maintenance and protection of civil society is emphasized.

In sum, civil society was revived in the 1970s and gained significant popularity in the political science literature. The popularity of civil society does not remain confined within Western political thought but it has spread to the various countries in the world. Its spread has gained new understandings and interpretations to civil society. However, as a common point, studies mainly concentrate on dualistic relationship between civil society and state. Several scholars such as Chambers and Kopstein, Fiorina, and Kopecky[24] emphasize authoritative behaviors of social actors within civil society. Similarly, civil society discussions about non-Western world mainly concentrate on state structures in these societies and development of civil society and its relations with state dominate the studies including the ones in Turkey. In this regard, the state and its relationship with civil society will be explained in the following part.

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[22] Michael Walzer, "Equality and Civil Society"in *Alternative Conceptions of Civil Society* ed. by Simone Chambers and Will Kymlicka, Princeton, New Jersey: Princeton University Press, 2002, p.37.

[23] Ibid., p.39.

[24] Simone Chambers and Jeffery Kopstein, *"Bad Civil Society"* in Political Theory, Vol. 29, No. 6, 2001; Morris Fiorina, *"Extreme Voices: A Dark Side of Civic Engagement"* in Civic Engagement in American Democracy ed. by Theda Skocpol and Morris P. Fiorina, Washington D.C: Brookings Institution Press, 1999; Petr Kopecky, *"Civil Society, Uncivil Society and Contentious Politics in Post-Communist Europe",* in Uncivil Society? Contentious Politics in Post-Communist Europe ed. by Petr Kopecky and Cas Mudde, London: Routledge, 2003.

Civil Society in Turkey

The term civil society has not developed completely in Turkey to the extent of its counterparts in Europe. A full fledged civil society that exists in the West could not be achieved and civil society still remains underdeveloped and constrained by the state.[25] Existing researches show that associability is not consolidated enough in Turkey. Associational activism or associability stands for interpersonal trust and social tolerance,[26] and is considered a core component of civil society. Some figures show that there are nearly 115.000[27] officialy registered active voluntary associations in Turkey. This picture corresponds to one voluntary association per 540 citizens, a relatively low figure compared to post-industrial democracies.[28]

Turkey has a patrimonial state[29] tradition in which the "society could not be organized against the center and, therefore, could not pose any countervailing power."[30] As also Binnaz Toprak argued "the patrimonial authority of the Ottoman state did not allow for the development of a civil society and the emergence of an

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[25] Lütfullah Karaman and Bülent Aras, "The Crisis of Civil Society in Turkey" in *Journal of Economic and Social Research* (2) 2000, p.44.

[26] Ersin Kalaycıoğlu, "State and Civil Society in Turkey: Democracy, Development and Protest" in *Civil Society in the Muslim World: Contemporary Perspectives*, Amyn B. Sajoo (ed.), London, New York: I. B. Tauris, 2002), p.252.

[27] 56.000 are active voluntary organizations, 59.000 are co-operatives..

[28] Ersin, Kalaycıoğlu. "State and Civil Society in Turkey: Democracy, Development and Protest" in *Civil Society in the Muslim World: Contemporary Perspectives*, Amyn B. Sajoo (ed.), London, New York: I. B. Tauris, 2002, p.253.

[29] Heper defines patrimonial as a third type of polity where there was neither harmonious associations and collectivities that could resolve their conflicts nor kings and estates in relatively bitter opposition to one another.

[30] Metin Heper, "State and Society in Turkish Political Experience" in *The State, Military, and Democracy: Turkey in the 1980s*. Metin Heper and Ahmet Evin, eds. Berlin and New York: Walter de Gruyter, 1988, p.3.

autonomous class which could play a leading role in modernization."[31] Apart from this phenomenon Turkish state structure has been investigated in general by several scholars like Metin Heper, Şerif Mardin, Halil İnalcık, and Fuat Keyman.[32] They analyze different aspects of Turkish patrimonial state and the impacts of this tradition on political life, democracy and civil society in Turkey. For instance, Heper explains Turkey's transition to democracy and its political crisis that led to military intervention in 1960, 1971 and 1980 with patrimonial state tradition and the intolerance of state elites towards the periphery. Secondly, Mardin uses his historical analysis of the Ottoman Empire in explaining the Turkish state structure. He argues that Ottoman Empire is mainly composed of a center and a periphery. At the center there was patrimonial state authority and in the periphery there were the people. The center did not allow formation of alternative forces in the periphery.

After the establishment of Turkish Republic, similarly the state and political elites were not tolerant towards the periphery.[33] In the political sphere, the state was the central actor and there was little room for independent activities of social groups. Even though there were some non-governmental organizations, which tried to force the state to make changes or modifications on some of its policies, they were under state pressure. The bureaucratic, political and military elites mainly hold the political power in their hands between 1923 and 1980. They considered Ataturkism as the

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[31] Binnaz Toprak, "The State, Politics, and Religion in Turkey" in *The State, Military, and Democracy: Turkey in the 1980s*. Metin Heper and Ahmet Evin, eds. Berlin and New York: Walter de Gruyter, 1988, p.119.

[32] Metin Heper, "State and Society in Turkish Political Experience" in *State, Democracy and the Military Turkey in the 1980s*; Halil İnalcık, "Tarihsel Bağlamda Sivil Toplum ve Tarikatlar" in *Küreselleşme, Sivil Toplum ve İslam: Türkiye üzerine Yansımalar* ed. by E. Fuat Keyman and Ali Y. Sarıbay , Ankara: Vadi Yayınları, 1997; Fuat E. Keyman and Ahmet İçduygu, "Globalization, Civil Society and Citizenship in Turkey: Actors, Boundaries and Discourses" in *Citizenship Studies*, Vol. 7, No. 2, 2003.

[33] Şerif Mardin, "Freedom in an Ottoman Perspective" in *State, Democracy and the Military Turkey in the 1980s* ed by Metin Heper and Ahmet Evin, New York: Walter De Gruyter, pp. 28-29.

only legitimate type of political action. In this period Turkey experienced three military interventions when autonomization movements of social and political groups from state's authority were perceived as a shift from the principles of Ataturkism in the eyes of the military elites.[34]

In sum, between 1923 and 1980 lack of civil society is the main characteristic of Turkish politics which was shaped by "the elites [who] for their part were not ready to give a breathing spell"[35] to civil society organizations and Turkish state which was the most powerful political, economic and social actor. However, 1980 military intervention has changed the political landscape of Turkey because military intervention greatly eliminated the power of the civil bureaucratic elite. There was rise of new state elite which was different from post-1923 period. Different ideas and thoughts were spread among the state elite and Kemalist thought was no more the mere source of their ideas[36] which have positively influenced the development of civil society.

Beyond this historical perspective, we might argue that the concept of civil society has intensely penetrated into the daily discourse of our lives in the last two decades; however this concept has a long historical crosscutting background various philosophical debates in the Western world. Today, we are witnessing a variety of uses and meanings of this concept in the social and political milieu. It seems that, the civil society as a normative and a Western concept (which pertains to the peculiar history of the "West") became widespread throughout the world as a result of the process of the globalization.

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[34] Metin Heper, "Transition to Democracy in Turkey" in *Politics in Third Turkish Republic*, Boulder: Westview Pres, 1994, p.19.

[35] Şerif Mardin, "Freedom in an Ottoman Perspective" in *State, Democracy and the Military Turkey in the 1980s* ed by Metin Heper and Ahmet Evin, (New York: Walter De Gruyter), pp. 28-29.

[36] Ibid.

In general, the departure point of this study is the increasing popularity of

civil society as "the icon of the global trend of democratization"[37], its ability to

penetrate into political discourse in the last two decades as the "sine qua non" of

democracy.[38] This increasing popularity is mostly linked to the collapse of the Soviet

Union when civil society has been promoted and portrayed as the corner stone of

democratization process. Keeping this in mind, conditions in domestic politics in the

post-1980 period were also overlapping with this wave of democratization, civil

society has been increasingly associated with the consolidation of democracy and the

lack of an autonomous civil society became the central issues of political discourse in

Turkey.[39]

In pre-1980 period attempts to form civil society organizations were

challenged as being detrimental to the unifying national identity by the statist elites

who had the understanding of Turkish society as a classless and homogenous society

in which all differences are melted under Turkish nationality.[40] The state in this

period remained powerful in the sense of limiting individual liberties despite the

characteristics of the 1961 constitution which granted many freedoms. The military

takeover in 1960 had opened a new phase in domestic politics. Although the military

rule was considered as repressive, it produced a liberal constitution which defined the

Republic as a state based on human rights and assigned the state the duty of

protecting rights and providing social services. The liberal tenets of the constitution,

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[37] R. Augustus Norton, *Civil Society in the Middle East*, Vol. 2. E.J. Brill. Leiden, New York, Koln, 1996, p.6.

[38] Ayşe Kadıoğlu, "Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations" in *The Muslim World*, Vol. 95, January 2005, p.23.

[39] Binnaz Toprak, "Civil Society in Turkey" in *Civil Society in the Middle East*,Vol. 2 ed. by A, Richard Norton, E.J. Brill. Leiden, New York, Koln, 1996, p.92.

[40] Hasan B. Kahraman, *Postmodernite ile Modernite arasında Türkiye (1980 Sonrası Zihinsel, Toplumsal, Siyasal Dönüşüm)*, İstanbul: Everest Yayınları, 2002, p.102.

combined with the social forces resulting from the rapid industrialization and urbanization of the country, turned the 1960's and 1970's into a period characterized by burgeoning organizations, social mobilization, and political polarization.[41] The unprecedented levels of student, labor, and other civic activism which challenged the state policies as well as the ideological position of rival groups, involved frequent protests, as well as physical clashes and armed attacks.[42] Parallel to these, political conditions between 1960 and 1980 were fragile as well, such that the main characteristics of the Turkish party system in the 1970's have been described as volatility, fragmentation and ideological polarization.[43] The military coup which took place in 12 September 1980 ushered another era in Turkish politics. This period right after the coup is labelled a depolitization period. Political organizations and labor unions were closed and their leaders were either imprisoned or forced to live in exile. The 1982 constitution which replaced the former one limited the excessive freedoms. However when turmoil of the coup ended, globalization and liberal economic policies impacted the Turkish political landscape.

As stated above, in post-1980 era, conditions of forming civil society organizations were not appropriate in the newly formed system. Unlike the 1961 constitution, this time the motivation behind the new constitution was to re-strengthen the state against civil society. In this regard, the 1982 Constitution was designed to reduce citizen participation in politics. In this period, political activity

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[41] Zehra F. Kabasakal Arat, "Collisions and Crossroads: Introducing Human Rights in Turkey" in *Human Rights in Turkey* ed. by Zehra F. Kabasakal Arat, Philadelphia, University of Pennsylvania Press, 2007, p.6.

[42] Ibid.

[43] Üstün Ergüder and Richard I. Hofferbert, "The 1983 General Elections in Turkey: Continuity or Change in Voting Patterns?" in *State, Democracy, and Military: Turkey in the 1980s* Metin Heper and Ahmet Evin, eds., Berlin and New York: Walter de Gruyter, 1988, pp.81-102; Ergun Özbudun, "The Turkish Party System: Institutionalization, Polarization, and Fragmentation" in *Middle Eastern Studies*, 17, April 1981, pp.228-240.

was reserved for political parties and the explicit aim was to repress a pluralistic democracy in which trade unions, voluntary associations, and public professional associations played an open and active role in politics.[44] According to the Article 33 of the Constitution, voluntary associations and trade unions were banned from engaging in any kind of political activity and having relationships with political parties. Moreover, the state not only restricted the influence of civil society in politics, but also the capacity of political parties in democratic decision-making through dissolving parties or giving military warnings.

Despite this repressive environment, civil society organizations began to gain popularity right after the 1982 constitution came into effect. As Binnaz Toprak argued "Paradoxically, the coup which set out to destroy the institutions of civil society helped to strengthen the commitment to civilian politics, consensus-building, civil rights and issue-oriented associational activity."[45] Furthermore, the developments in the information and communication technologies such as the increasing number of private television and radio channels and increasing level of interactions among individuals have significantly initiated the liberalization of politics, expansion of the idea of individualism and challenging of dominant Kemalist ideology of the state. Özal government which came into power in the first elections after the coup had started the economic liberalization process and changed Turkey's industrizalization strategy from import substitution to an export oriented one. Within this process, by also taking into consideration the examples from post-

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[44] Ergun Özbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation*. Boulder, CO: Lynne Rienner, 2000, p.130.

[45] Binnaz Toprak, "Civil Society in Turkey" in *Civil Society in the Middle East* (Vol.2), ed. Augustus Richard Norton, E. J. Brill: Leiden, New York, Koln, 1996, p.95.

communist states and third world countries, civil society has been increasingly viewed as a vehicle to democracy by politicians, intellectuals and scholars.[46]

1980 has been a turning point because of both external and internal events.[47] The collapse of Soviet Union and the emergence of new organizatios especially in East European countries during this process[48] inspired Middle Eastern and Latin American countries to see civil society organizations as an alternative model of democratization. "The expansion of civil society is credited with numerous transitions to democracy and is frequently offered as a proscriptive remedy to despotic or authoritarian rule."[49] Through the end of 1980s despite the severe restrictions of the constitution, there was a revival in organizational and social life. Movements such as Kurdish, Islamist, and feminists started to associate in civil society spectrum. Eventually these movements enabled social scientists to interpret the civil society as an important indicator of the democratization in Turkey[50] despite several social scientists declared their suspicion towards the civil society

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[46] Ali Y. Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, İstanbul: Alfa Yayınları, 2001, p.131.

[47] Ayşe Kadıoğlu, "Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations" in *The Muslim World*, Vol. 95, January, (2005), p. 23-41; Hasan B. Kahraman, *Postmodernite ile Modernite arasında Turkiye (1980 Sonrası Zihinsel, Toplumsal, Siyasal Dönüşüm)*, İstanbul: Everest Yayınları, 2002; Fuat E. Keyman, "Globalization, Civil Society and Islam: The Question of Democracy in Turkey" in *Globalizing Institutions: Case Studies in Regulation and Innovation* ed. by Jane Jenson & B. De Sousa Santos, Hampshire: Ashgate Publishing, 2000; Ali Y. Sarıbay, *Postmodernite, Sivil Toplum ve İslam*, 2001.

[48] Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals, Pernguin Books*, 1996; J. Keane, *Civil Society and the State*, London: Verso, 1998.

[49] Quintan Wiktorowicz, "Civil Society as Social Control: State Power in Jordan" in *Comparative Politics* 33, no.1, October 2000, p.43.

[50] Metin Heper, "Interest Group Politics: Post 1980 Turkey, Lingering Monism" in *Strong State and Economic Interest Groups*, Walter de Gruyter, Berlin, 1991; Binnaz Toprak, "Civil Society in Turkey" in *Civil Society in the Middle East* (Vol.2), ed. Augustus Richard Norton, E. J. Brill: Leiden, New York, Koln, 1996.

organizations to their "civil" identity and criticized them for operating in the sphere of the official ideology of the state and conducting elitist projects.[51]

People with higher education no longer consider themselves obliged to support the state's modernization mission and the liberalization of the economy is reducing the attraction of state control in every sphere. This environment favours the appearance of western type NGOs that are independent of and prepared to oppose the state.[52] Moreover the oppression brought by the 1980 military coup combined with the new regime's determination to use religious groups against the left wing threat alienated a significant proportion of the intelligentsia from the state. As such, the concept of civil society during those years went down in Turkish literature as a revolt against the state.[53] In 1990s, the scholarship celebrated the emergence of civil society without looking at how this new sphere could fulfill its role in the consolidation of democracy.[54]

Besides these, rights versus left and communist versus conservative dualities of pre-1980 period were replaced by the discussions of daily issues such as environmental problems, women's rights and human rights. Civil society and its relationship with state began to dominate the political discourse. The discussions mainly concentrated on limitations of the role of state and creation of an autonomous

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[51] Akın Atauz, "Deprem ve Sivil Toplum Örgütleri" in *Birikim*, no 125-126, 1999; Rıfat N. Bali, "Sivil Toplum Harekerinin İki Zaafı: İşadamları ve Elitizm"in *Birikim* no 130, 2000; Serdar Tekin, "Sivil Toplumun Devletiyle Bölünmez Bütünlüğü" in *Birikim* no 130, 2000.

[52] Stefanos Yerasimos, "Civil Society, Europe and Turkey" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.19.

[53] Ibid., p.21.

[54] Binnaz Toprak, "Civil Society in Turkey" in *Civil Society in the Middle East* (Vol.2), ed. Augustus Richard Norton, E. J. Brill: Leiden, New York, Koln, 1996; Yeşim Arat, "Toward a Democratic Society: The Women's Movement in Turkey in the 1980s" in *Women's Studies International Forum* 17. 1994.

space for individuals.[55] In the post-1980 period there was a struggle to escape from hegemony of the state in every level and in this struggle the intellectuals perceived civil society as a space for the compromise of different identities and ideologies and stand against the hegemonic character of the state.[56] Similarly, Fuat Keyman argues that with the impacts of neo-liberal economic policies and globalization after 1980, Kemalist modernist ideology faced with a serious identity crisis during which modernity would not provide sufficient imagination for the political community. Alternative identities, subjectivities and understandings of modernity began to challenge unifying national identity.[57]

Human Rights Activities in Turkey

Related to civil society concept and rise of political pluralism in the public sphere, human rights issue began to be discussed more often in the post-1980 era. The failures of Turkish governments on human rights, and the reports published by several international and national organizations and media have gained a more significant place on the agenda of the government. Since Turkey's relationships with the European Union began to dominate the agenda of Turkish government in the post-1980 era and the membership issue is very much related with human rights, human rights issue has caused a lot more international pressure on the agenda of the national government.

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[55] Ali Y. Sarıbay, Postmodernite, Sivil Toplum ve İslam, İstanbul: Alfa Yayınları, 2001, p.125

[56] Ibid., p.126.

[57] Fuat E. Keyman, "Globalization, Civil Society and Islam: The Question of Democracy in Turkey" in *Globalizing Institutions: Case Studies in Regulation and Innovation* ed. by Jane Jenson and B. De Sousa Santos, Hampshire: Ashgate Publishing, 2000, p.225.

For the human rights issue, the state has an ambiguous role. On the one hand, it is the legal guarantor of it whereas on the other hand, it is historically the main violator of it. Human rights have been developed to protect the individuals against the state. "In the classical definition of the work of human rights organizations, the demand that human rights be upheld is directed toward the state. It can relate to state interference in the rights of its citizens or, in other circumstances, to the failure of the state to take action, thereby neglecting its duty to protect its citizens."[58] This does not mean that the discussions of human rights are relevant if the violation is persecuted by the state. Human rights can also be violated by the society.[59] However, violations conducted by the state have more weight in the literature. The reason might be that today states are the main violators of human rights and international conventions impose states the responsible for protection of the rights of individuals within their territories.[60]

Contemporary debates about human rights are connected with citizenship issue. In parallel with establishment of international conventions on human rights, after the World War II the notion of citizenship has gained a new understanding. This new understanding requires reconstruction of classical nation state bounded citizenship with a post-national one which is based on "universal personhood" and human rights.[61] Universal human rights become the source of post-national citizenship and it is also argued that the notion of citizenship should be supplemented

[58] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.443.

[59] Katerina Dalacoura, *Islam, Liberalism and Human Rights,* London, New York: I.B.Tauris & Co. Ltd., 2003, p.9.

[60] Yasemin N. Soysal, "Toward a Postnational Model of Membership" in *The Citizenship Debates: A Reader* ed. by Gershon Shafir, Minneapolis: University of Minnesota Press, 1998, p.196.

[61] Ibid., p.190.

with human rights. The reason is that human rights are more universal compared to national citizenship because its source is being human rather than a member.[62] As a result of the linkage between citizenship and human rights, human rights discourse highly penetrated into the agendas of states. They are under pressure of supranational organizations, and local and international non-governmental organizations to respect for human rights of individuals within their territories in terms of legislatures, policies, and actions. In addition, through international conventions national states become the protectors for the rights of all individuals living within their territories regardless of their citizenship status. Thus, nation states have become the most significant actor on the issue of human rights either as the protector or as the violator.

The role of the state in human rights has been greatly emphasized in the studies of human rights in Turkey. Human rights activism was limited in the pre-1980 period. Authoritative behavior of Turkish state in pre-1980 period against civil society organizations and opposition movements has similar implications for human rights organizations in Turkey. The human rights issue was controlled and monopolized under the state authority as a reflection of institutional monism framework of Turkish state. The authoritarian and hegemonic statism dominated human rights issue because there was an omnipotent state structure in political, economic and social spheres in the pre-1980 era. Turkish state as the active agent that shapes and leads its nation in order to make them contemporaries of Western civilizations did not leave space for other agents to regulate political or social relations. Thus, before 1980, we cannot see the survival of any national human rights

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[62] Bryan Turner, "Outline of a Theory of Human Rights" in *Citizenship and Social Theory* ed. by Bryan Turner, London, Newbury Park, and New Delhi: Sage Publications, 1993, p.178.

organization. The only long- lived organization was Amnesty International which existed in the pre-1980 era but could not be very active.[63]

In relation to authoritative policy implementations of Turkish state against society based movements, human rights issues in Turkey are very much related with its relationships with international and supranational institutions. Turkey's first attempts on resolving the human rights violations were done initially as a result of becoming a member of United Nations with signing of Universal Declaration of Human Rights on 6 April 1949. Then, as part of Turkey's attempts for the membership of European Union, Turkey signed European Convention of Human Rights in 1950.[64] In this regard, it can be said that the recognition of human rights at the state level started as a result of Turkish state's relationships with international and supranational organizations. However, this does not mean that at the domestic level there was not any human rights activism. Local human rights activism did not start in the 1980s and there were some local attempts to form human rights organizations before the 1980s. These organizations could not survive for a long time and gained an autonomous space from the state. They were banned by the state since they were perceived as a threat for unifying national identity of the state.

The first attempt to form a human rights organization was established by Ali Fuat Başgil in 1945. However, it was closed after a short period of time. Secondly, Fevzi Çakmak who was the former Chief of General Staff formed a Human Rights Association in 1946. The founders of both organizations had strong affiliations with two powerful political parties, Republican People Party (CHP) and Democrat Party

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[63] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, pp.443-444.

[64] Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)" in *İnsan Hakları Araştırmaları*, Year 5, Issue 8, 2007, p.15.

(DP), respectively. Başgil was the member of CHP which was the ruling party when he established the Associations for Human Rights and Fundamental Rights. Çakmak, on the other hand, was high ranking general of War of Independence and was an important political figure with his conservative political tendencies. Çakmak established Association for the Protection of Human Rights when a conservative party formed the government. It is important that the first two human rights organizations in Turkey were established right after Turkey signed two significant international conventions on human rights and the founders had strong affiliations with the government. Whether the motivation behind forming human rights organizations is international or domestic demands is crucial to understand autonomy of human rights organizations in Turkey. The both organizations were closed by the state authority. As the third attempt, in 1962 another organization was established by the leader of the Worker's Party of Turkey, Mehmet Ali Aybar, and it survived only two months. Until 1980, only Amnesty International survived as the only human rights organization and conducted limited activities.[65]

The state elites were suspicious against human rights issue and the organizations that operate in this area. For them to accept having human rights organizations might mean to accept that there are human rights violations and state could not function well enough. Therefore, there is the necessity of other organizations to fulfill this gap. In this regard, Turkish state discouraged formation of human rights organizations in the pre-1980 period and approached the attempts with suspicion. In this period, only Amnesty International (AI) could continue its

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[65] Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)" in *İnsan Hakları Araştırmaları*, Year 5, Issue 8, 2007, p.15.

activities but limitedly and after the 1980 coup AI was challenged with the bans of the military government, and then suspended itself.[66]

Between 1960 and 1980 there was a little room for significant human rights activism in Turkey. Even though the pressure of the state over civil society, which was over politicized by social actors, continued in this period, human rights activism remained at low levels. The reason is that human rights issue was not a popular issue where grand political ideologies dominated political and civil society. Turkish left pursued its struggle at class level and search for social justice through revolutionary transformation of the society. In this regard, leftists considered the rhetoric of human rights inefficient to reach their goals because human rights do not call for systemic transformation but minimum standards for all. Additionally, leftists considered human rights as a mean of the bourgeoisie to divert the attentions of third world countries from crucial issues. For the right wing, human rights issue is not a relevant topic. The rightists mainly focused on protecting their nation and religion from the leftists' attempts to establish a socialist system.[67]

After the 1980 coup, with the influence of liberalization movements and globalization, the decline of role of the state, towards the totalizing state identity, withering away of grand political ideologies, and the rise of discussions about having an autonomous civil society, political and social actors, human rights organizations could find support and a space to survive for themselves. In the era of speaking of language of differences and rise of opposition movements against the state, significant numbers of human rights organizations that are active both nationally and

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[66] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p. 434.

[67] Başak Çalı, "Human Rights Discourse and Domestic NGOs" in *Human Rights in Turkey* ed. by Zehra Arat, Philadelphia: University of Pennsylvania Press, 2007, pp.220-221.

internationally were formed. However, the state became uneasy by the founding of various human rights organizations and perceived them as part of an activity that would lead to "subversive agitation".[68]

In this period Human Rights Association (İHD) the Association for Human Rights and Solidarity for Oppressed People (Mazlum-Der), which are two prominent human rights organizations in Turkey and internationally recognized were founded. The former was founded with leftist ideology whereas the latter with political Islam. They have developed different understandings and principles of human rights.[69]

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[68] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p. 435.

[69] Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)" in *İnsan Hakları Araştırmaları*, Year 5, Issue 8, 2007, p. 25.

CHAPTER 3

ORGANIZATIONAL STRUCTURES OF İHD AND MAZLUMDER

This chapter will compare the organizational structures and give some technical information about both associations.

İHD

Human Rights Association (İHD) was founded on 17 July 1986 in order to assist the members of leftist organizations imprisoned after the 1980 military coup. There were many leftist intellectuals, lawyers, journalists and academicians among the founders of İHD. This association was established by mainly the friends and relatives of the prisoners. It became a place where they fight against the human rights violations being done in the prisons. It also became the only organization of a large number of leftists, including the ones that had preferred independent policies.[70]

İHD founded several branches in different regions of Turkey. In 1989 it had 85 branches. Currently, it has 28 branches, 3 representative offices and over 10.000 members and activists. 38 percent of the members are women, 55 percent of the members are between 25 and 40 years old, and 50 percent of the members graduated from universities.[71] The members are mainly from medium and low socio-economic status groups and they state that they have leftist and secular political tendencies.[72]

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[70] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.437.

[71] http://www.ihd.org.tr/

[72] Hüsnü Öndül, "İnsan Haklarını Korumak (İHD Pratiği)" in *Toplumsal Hareketler Konuşuyor*, Leyla Sanlı, İstanbul: Alan Yayıncılık, 2003, p.243.

The principles of İHD are as follows:

1. İHD is a non-governmental and voluntary organization.
2. İHD is not a body of any states, governments and political parties.
3. İHD upholds the principle that the human rights are universal in nature and indivisible.
4. İHD struggles against any kinds of discrimination based on language, religion, colour, gender, political thought and etc.
5. İHD is against the death penalty at regardless of geographical location and circumstances.
6. İHD is against torture regardless of the individual, the geographical location and circumstance.
7. İHD upholds right to a fair trial and right of defence for everyone, in everywhere and under any conditions.
8. İHD is against war and militarism in everywhere and in all time but defences right to peace.
9. İHD defends unconditionally and without any restriction the right to freedom of expression.
10. İHD considers freedom of thought and belief as an untouchable right and defends unconditionally and limitless.
11. İHD defends right to freedom of association.
12. İHD stands up for the oppressed individual, people, nation, sex and class.
13. İHD upholds right of nations to self determination.
14. İHD defends humanitarian law. Human Rights Association accepts and defends personal, political, economic, social and culturalrights and solidarity rights as a whole.[73]

İHD has conducted activities on the issues of minorities, Kurds, women, children, environment, working conditions, prisons, torture, migration and refugees through various commissions. İHD has organized several symposiums, conferences, demonstrations and human rights education programs for the public. Moreover, it has published more than 30 books on the issue of human rights and releases human rights reports on a monthly and yearly basis.[74] In 2000, İHD established a business enterprise in order to publish its bulletins and books. In the same year, Human Rights

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[73] http://www.ihd.org.tr/eindex.html

[74] Hüsnü Öndül, "İnsan Haklarını Korumak (İHD Pratiği)" in L. Sanlı, *Toplumsal Hareketler Konuşuyor*, İstanbul: Alan Yayıncılık, 2003, p.247.

Research Center was founded to make theoretical researches.[75] The number of İHD's branches decreased in 20 years. The reason might be the changes that İHD has experienced in its area of interest and political landscape. İHD's political landscape has significantly changed through time. In the 1980s, İHD mainly emphasized issues related to the prisoners and torture and fought for a general amnesty and then, with the recession of the military from the politics after the 1983 elections and release of prisoners of the coup, İHD entered a new era in which both the focus and organizational structure of İHD has transformed.[76]

After the release of the leftist prisoners of the coup in 1991, there was a discussion in order to determine the future position of the association. The question was whether to continue the protests and activities in the street or to become more of an observer and maintain impartiality. In this respect, several discussions on the strategy of hunger-strike were carried at among the members. It was rigorously discussed whether it is suitable for the members of İHD to conduct hunger-strikes against the laws of the state institutions or whether this endangers the independent position of İHD and hinder its efficient functioning. Similarly, there was another debate on the position of İHD vis-à-vis the Kurdish issue. Kurdish question is one of the main arenas where severe human rights abuses have taken place in Turkey. However, this has been a taboo in Turkish society and has contained significant risks for İHD. Some members demanded mere reporting of the violations without actively participating in demonstrations thus remaining neutral, while some other disagreed.[77] After the general meeting of İHD in October 1990, the human rights violations

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[75] http://www.ihd.org.tr/eindex.html
[76] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.437.

[77] Ibid.

regarding Kurdish issue became one of the main concerns of İHD and some members withdrew from active membership. For instance, in 24 October 1992 regarding the Geneva Convention, İHD demanded the protection of the civilian population according to the Geneva Convention by both Turkish state and the PKK.[78] In addition to the Kurdish issue, İHD shifted its focus to new issues, including rights of women, homosexuals and protection of the environment. Thus, İHD has expanded its scope from single-issue based monitoring to multiple issues.

Human rights organizations do not condemn every act of human rights abuses, including terrorist attacks or mafia activities unless violations are persecuted by the state in general.[79] Similarly, İHD protested Turkish state and remained silent about the violations including terrorist attacks of the PKK. However, it organized demonstrations regarding Turkish state for its violent actions against supporters of the PKK and radical political organizations. Then, İHD began to get criticisms for only being on the side of the "criminals" and "terrorists", especially from the media. These criticisms led to significant transformation of İHD's approach to society based human rights violations. İHD condemned some of the activities of the PKK as a response for the criticisms. In the mid 1990s, İHD included the political murders by unknown parties in its human rights reports of Turkey and condemned armed political organizations such as the PKK and Islamic Great Eastern Raiders Front (İBDA-C). However, İHD is still being criticized for not including non-political murders in its reports and having a limited scope.[80]

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[78] Başak Çalı, "Human Rights Discourse and Domestic NGOs" in *Human Rights in Turkey* ed. by Zehra Arat, Philadelphia: University of Pennsylvania Press, 2007, p.223.

[79] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.443.

[80] Ibid.

The membership to İHD is mainly based on voluntarism. The founders and the members were mostly victims or close observers of human rights abuses. Moreover, İHD, itself, was a victim of numerous human rights violations since it was founded. Many of the branches of İHD experienced police raids and arrests during which the members were exposed to torture. According to the report of İHD, which was published in its 10th year anniversary, over 100 trials were launched against several members, 25 branches were shut down and 12 members were murdered. Today the number of members murdered stands at 23. Therefore, among the members, there is a significant sensitivity for their struggle; and consequently the members have not found the idea of professionalism in the organizational structure very attractive. Whenever the issue of professionalism arises, the question of independence and financing comes to the agenda. İHD has financed itself with donations and membership dues. It does not accept financial aids from political parties and governments. The members are sensitive on the issue of financial aids since it affects the independent structure of the association.[81] In addition to the professionalism issue, in the 1990s the principles of human rights and the position of İHD on this issue were also discussed within İHD. Marxist criticisms of the liberal understanding of human rights were advocated by some of the members who argued that the struggle should be done on the side of oppressed classes against the class-based structure. On the other hand, within İHD, there was a demand to become an organization that struggles for the freedom of individuals and for a liberated society with a universal understanding of human rights.

Secularism is another ideological position of İHD. The former president of İHD, Hüsnü Öndül, states in one of his articles that human rights have a secular basis

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[81] Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)" in *İnsan Hakları Araştırmaları*, Year 5, Issue 8, 2007, p.33.

and these rights can not be maintained on a religious basis.[82] İHD also criticizes

Turkish state for not being distanced from any religious belief and group. It argues

that the state should not intervene into religious affairs and should stop maintaining

religious education, abolish bans on dervish orders, monasteries, and the wearing of

religious clothes, and eliminate the Directorate of Religious Affairs. Similarly, İHD

fights for the rights of Alevi communities in order for them to gain same status with

Sunni communities. Moreover, the relationship of İHD with the Muslim community

is limited. İHD does not intervene in cases related with Islamic identity and there are

fewer appeals for the aid of İHD by the victims.[83]

Mazlum-Der

On 28 January 1991, the Association for Human Rights and Solidarity for Oppressed

People (Mazlum-Der) was founded by large number of people. The head office of

Mazlum-Der is in Ankara. It has conducted its activities through 5 executive

councils, 6 commissions, various committees depending on the commissions and

branches located in various cities of Turkey. The committees mainly work on the

issues of right of life, liberties, justice, asylum, minorities, education; economic,

social, political and cultural rights; and freedom of speech, religion and press. It

publishes reports on human rights abuses in Turkey and in the world regularly,

organizes meetings, symposium, and issues the journal of Human Rights Researches

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[82] Hüsnü Öndül, *"İnsan Haklarını Korumak (İHD Pratiği)"* in L. Sanlı, Toplumsal Hareketler Konuşuyor, İstanbul: Alan Yayıncılık, 2003, p.243.

[83] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.466.

monthly. The members of Mazlum-Der are mainly university graduates, who have

conservative and religious tendencies.

Mazlum-Der states its principles and mission as follows:

1) Mazlum-Der is not the voice of any particular ideology. It struggles for the expression and
organization of all kinds of ideas.
2) Mazlum-Der supports every activity that is done for human rights and freedom of individuals regardless of the characteristics of the doers.
3) Mazlum-Der opposes every activity that violates human rights regardless of the characteristics of the doers.
4) Mazlum-Der protects its human rights understanding that exceeds the conjecture and
conditions, and be determined to maintain its position.
5) Mazlum-Der establishes its all national and international dialogues in order to develop human rights and freedom; and to put an end to the violations.
6) Mazlum-Der opposes the usage of human rights issue as a mean of political gain by states.
7) Mazlum-Der perceives individual rights and freedoms above the states and international
pacts.
8) Mazlum-Der disapproves the consideration of usage of universal human rights related with
political gains, and adds correction of this distortion to its activities.[84]

Mission:

1) To gain responsibility and morality to the existing human rights understanding.
2) To work for put an end to all kinds of oppression and injustice in the world; to ascertain, expose and display oppression to the public.
3) To help and guide the oppressed.
4) To warn and guide the authority against violations, and to make oral, written and actual struggle.
5) To oppose all kind of unjust treatment without considering the characteristics of the doer and subject by being impartial, and to have impartial struggle of human rights.
6) To make contributions for the establishment of a human rights understanding that has a moral basis and can decrease the differences between existing human rights theories and their applications, and to struggle for this understanding.
7) To reach a certain level of knowledge and consciousness on the issue of human rights in Turkey and in the world.
8) To manufacture public opinion on the importance and indispensability of human rights and consequently to impede human rights violations.
9) To work a just world where there is deference to human rights. [85]

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[84] http://www.Mazlum-Der.org/ana.php?konu=hakkimizda&biz=ilke&lang=tr

[85] http://www.Mazlum-Der.org/ana.php?konu=hakkimizda&biz=misyon&lang=tr

Mazlum-Der tries to reach international standards and fights against both national and international human rights violations. It has also developed an alternative human rights understanding that emphasizes the necessity of morality in human rights issues. The morality concern of Mazlum-Der is a particular characteristic that differentiates it from İHD. Ayşe Kadıoğlu argues that Mazlum-Der has a moralist attitude that can limit its actions and uses a statement of the former president of Mazlum-Der on the rights of homosexuals and transvestites. The former president expressed that an attempt to fight for the rights of homosexuals and transvestites might constitute a source of criticism on the part of its members and founders.[86] Thus, on the one hand, the morality issue becomes detrimental in the human rights understanding of the organization; on the other, hand it can limit the activities of the organization. Mazlum-Der is sensitive about the continuity of morality in Turkish society even though it does not struggle for spreading it.

The founding members of the association include former members of right-wing organizations including Nationalist Action Party, and individuals from Islamic circles and revolutionary Islamic organizations.[87] The founding chair of Mazlum-Der, Mehmet Pamak, had been the co-editor of an ultra nationalist newspaper (Ülkücüler) and then he distanced himself from those activities, and turned to "true Islam" in the mid-1980s.[88] Mazlum-Der was founded as a reaction to the ban on wearing the headscarf in public places and with a claim to fulfill a gap by defending

[86] Ayşe Kadıoğlu, "Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations" in *The Muslim World*, Vol. 95, January, 2005, p.36.

[87] Ibid., p.34.

[88] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.452.

human rights issues related with Islamic issues. It criticized İHD for not being

responsive to the rights of Muslim people, since headscarf issue was not welcome by

İHD.[89] Similarly, Mehmet Pamak explained the reason behind the foundation of the

association with the inability of western organizations in defending human rights of

Muslims. Instead, western organizations try to protect the human rights of a

privileged group. He and some of its early members "stress the universalism in

theory and parochialism in practice in the West."[90] In this regard, Mazlum-Der can

also be analyzed from the angle of the struggle between Islamists and secularist state

within Turkey. The foundation of Mazlum-Der carries the dichotomy between

secularist state and Islamist groups on a different agenda. This does not mean

Mazlum-Der is an Islamic organization. Even though it has developed an Islamic

identity, Mazlum-Der is also interested in human rights issues outside of Islam such

as Kurdish and Armenian issues. One official in the head office says:

> The biggest reason why Mazlum-Der is portrayed as pro-Kurdish among the
> conservative public is that Mazlum-Der could easily share problem which no
> one can easily talk about with the public.[91]

The position of Mazlum-Der has changed throughout time as in the case of

İHD. After the replacement of the founding president, it experienced some

organizational changes. In addition to the headscarf issue, it has expanded its scope

and became interested in other issues such as the Kurdish issue. The former president

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[89] Ayşe Kadıoğlu, *"Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations"* in The Muslim World, Vol. 95, January, 2005, p.34.

[90] Hakan Yavuz, *"Vernacularization of Human Rights Discourse: The Case of Mazlum-Der in Turkey"* in Presented Human Rights and Globalization: When Transnational Civil Society Networks Hit the Ground, 1-3 December, UC-Santa Cruz, 2000, p.9.

[91] *Mazlum-Der'in muhafazakar kamuoyunda Kürtçü olarak lanse edilmesinin en büyük sebeplerinden biri de o dönemde Mazlum-Der'in hiç konuşamadığı bir sorunu çok rahat bir şekilde kamuoyuyla paylaşmasından kaynaklanıyor.*

Ayhan Bilgen states that even though, like many people in Turkey, Mazlum-Der evaluates human rights issues through categories and ideologies, in later periods, Mazlum-Der is also interested in violations related to leftists and Kurdish people.[92] On the other hand, the attempts to expand the scope of Mazlum-Der got criticisms from its members and Islamic circles. It was stated that Mazlum-Der implements double standards and ignores the problems of Muslims, especially the headscarf issue. In this respect, the founding president, Mehmet Pamak, argues that Mazlum-Der does not remain a Muslim organization and he issued a proclamation about these criticisms in December 1998.[93] As a response to these criticisms, the former president of Mazlum-Der, Yılmaz Ensaroğlu, claimed that they are not interested in the redefinition of human rights in the context of Islam; instead they would like to participate in the debate about the development of human rights by adopting the international definition of human rights which has been developed in the West.

Mazlum-Der is interested in violations related to the Kurdish issue but it does not approach the issue from the angle of the paradigm of nationalism. Without giving references to Kurdish ethnic nationalism, Mazlum-Der tries to limit its scope to violations against the right to live, such as village evacuations and burnings. In recent years Mazlum-Der's interest in the Kurdish issue has been estimated as 15 percent of issue priorities and become close to İHD's interest which is 20 percent. On this point, Mazlum-Der has faced criticisms for being a supporter of Kurds (Kürtçü) by some of the newspapers with Islamic orientations such as Vakit and Milli Gazete.[94] İHD and

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[92] Hakan Yavuz, *"Vernacularization of Human Rights Discourse: The Case of Mazlum-Der in Turkey"* in Presented Human Rights and Globalization: When Transnational Civil Society Networks Hit the Ground, 1-3 December, UC-Santa Cruz, 2000, p.36.

[93] Ibid.

[94] Gottfried Plagemann, "Human Rights Organizations: Defending the Particular or the Universal?" in *Civil Society in the Grip of Nationalism: Studies on Political Culture in Contemporary Turkey* ed. by Stefanos Yerasimos & Gunter Seufert & Karin Vorhoff, İstanbul: Ergon, 2000, p.437.

Mazlum-Der has developed significant alliances in time. Both of them have organized several common activities and are involved in the formation Human Rights Joint Platform. As a reaction to this alliance, both organizations were criticized by their members. Mazlum-Der is being criticized for promoting activities that threaten the secular state system, for tolerating retrogressive movements; whereas İHD is being criticized as being not responsive of the rights of Muslims.[95] There is an ongoing tension between identities of İHD/Mazlum-Der that were shaped by "absolute, polarized and compartmentalized ideological climate of Turkey" in post-1980 era and the attempts of both organizations to embrace all kinds of human rights violations.[96]

In the light of the above discussions, İHD and Mazlum-Der can be described as the products of the same historical processes and conjecture. However, they experienced this process differently and developed different political approaches. The founding members and supporters of each organization have different identities. These identities do not determine the topics that each organization has become active; but they have become influential in determining the priorities of each group.

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[95] Ramazan Yelken, "Türkiye'de Devlet Eksenli İnsan Hakları Söyleminden Sivil Toplum Eksenli İnsan Hakları Söylemine Geçiş (İHD ve Mazlum-Der Örneği)" in *İnsan Hakları Araştırmaları*, Year 5, Issue 8, 2007, p.41.

[96] Ayşe Kadıoğlu, "Civil Society, Islam and Democracy in Turkey: A Study of Three Islamic Non-Governmental Organizations" in *The Muslim World*, Vol. 95, January, 2005, p.37.

CHAPTER 4

ISLAMIC AND WESTERN TYPE OF HUMAN RIGHTS

In this chapter I will try to make a comparison between Islamic and Western interpretation of human rights via answering the question of "How can the Islamic and Western conceptions of human rights be reconciled?". Despite its popularity and universal acceptance however, opinions differ considerably about the conceptual interpretation and scope of human rights. For instance Weston argues "to say that there is widespread acceptance of the principle of human rights on the domestic and international plane is not to say that there is complete agreement about the nature of such rights or their substantive scope."[97] However we may argue that the universality of human rights has been regularly reiterated since the adoption of the Universal Declaration of Human Rights[98] (UDHR) by the General Assembly of the United Nations in 1948.[99] Here Weston's argument takes us to the paradox of universalism and cultural relativism in international human rights discourse. The existing literature on the comparison between international and Islamic human rights starts with the discussion of cultural relativism therefore I will briefly discuss the concept of cultural relativism.

Firstly, it is possible to argue that there are limits to culturally determined conceptions of human rights, which these limits cannot be denied or deprecated as a Western imposititon.[100] These limits direct us to the concept of "cultural relativism"

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[97] Mashood A. Baderin, *International Human Rights and Islamic Law,* Oxford University Press, 2003. p.2.

[98] The most widely known international document, cited with almost universal approval by both states and human rights activists, is the Universal Declaration of Human Rights. (1948)

[99] Mashood A. Baderin, *International Human Rights and Islamic Law,* Oxford University Press, 2003. p.2.

which basically holds the argument that at least some such variations in that specific culture cannot be legitimately criticized by outsiders.[101] Here the question arises "how should the competing claims of cultural relativism and universal human rights be conciled?" Jack Donnelly replies to this question by dividing cultural relativism into three: radical cultural relativism, strong cultural relativism and weak cultural relativism. He argues that if a reconcilement needs to be established between cultural relativism and universalism we should take the stance of weak cultural relativism. This type of relativism holds the argument that culture may be an important source of the validity of a moral right or rule however weak cultural relativism would recognize a comprehensive set of prima facie universal human rights, but allow occasional and strictly limited local variations and exceptions.[102] According to Donnelly, this type of relativism is much more compatible with universalism, the view that all values, including human rights, are entirely universal, in no way subject to modification in light of cultural of historical differences.[103] However changes that are brought by cultural relativism should never obscure the fundamental universality of international human rights norms and deviations should be rare.[104]

Furthermore he claims that realist arguments are often reinforced by relativist arguments that moral values are historically or culturally specific rather than universal by giving the example of George Kennan's argument "there are no

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[100] Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East,* Lynne Rienner Publishers, 1998. p.70.

[101] Jack Donnelly, *Universal Human Rights in Theory and Practice*, Cornell University Press, 1989. p.109

[102] Ibid.

[103] Jack Donnelly, *International Human Rights,* Westview Press, 1998. pp.32-34.

[104] Ibid., p.34.

internationally accepted standarts of morality to which the US government could appeal if it wished to act in the name of moral principles.[105]

Secondly, Ann Elizabeth Mayer's argument on cultural relativism brings a much more critical approach, which is different from Donnelly's. She argues in general that cultural relativists are inclined to endorse the idea that all values and principles are culture bound and that there are no universal standards by which cultures may be judged.[106] Similarly they deny the legitimacy of using alien values to judge a culture and reject using ideas taken from Western culture to judge the institutions of non-Western cultures. They also tend to oppose the idea that human rights norms are universal.[107] To impose on Third World societies norms taken from the Universal Declaration of Human rights involves, according to this perspective, "moral chauvinism and ethnocentric bias."[108] For strong cultural relativists, evaluative comparison of Islamic rights concepts and international ones are impermissible because such comparisons are believed to involve judging Islamic institutions by the criteria of international law, which the relativist view as an alien, Western system.

According to Mayer employing a cultural relativist stance to deny the universality of human rights and to challange the validity of comparative examination of international and Islamic versions of rights is problematic for several reasons.[109] She points out that like Said's Orientalism cultural relativism is not a concept developed for application in the field of law or for evaluating whether

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[105] Ibid., p.32.

[106] Ann Elizabeth Mayer, *Islam and Human rights: Tradition and Politics,* Westview Press, 1999. p.7.

[107] Ibid.

[108] Ibid.

[109] Ibid., pp.8-9.

national governments are adhering to international legal norms. Instead, it is a term

that was developed for use in anthropology and moral philosophy.[110] Furthermore

Orientalist and neo-Orientalist thinkers have long argued that Islam promotes

submissive and fatalistic attitudes in individuals and despotic behavior in rulers.

Islam's essential core is immune to transformation by historical forces, and Muslim'

efforts to create lasting states fail to change the basic antistate , antimodern Islamic

dogma which has propagated a cultural clash between the Muslim world and the

Western world.[111]

 After the concept of cultural relativism, the discussion of historical

background of both human rights interpretation is essential. Though we might trace

back the concept of human rights to ancient Greek thought, the articulation of human

rights principles came much later. It can be argued that the development of the

intellectual foundations of human rights was given an impetus by the Renaissance in

Europe and by the associated growth of rationalist and humanistic thought, which led

to an important turning point in Western intellectual history. This was the

abandonment of premodern doctrines of the duties of man and the adoption of the

view that the rights of man should be central in political theory.[112] The inception of

science, the rise of mercantalism, the consolidation of the nation state, maritime

expeditions, and the emergence of a revolutionary middle class served West to

develop a modern discourse of human rights.[113] In this period the concept of

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[110] Ibid.

[111] Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East*, Lynne Rienner Publishers, 1998. p.64.

[112] Ann Elizabeth Mayer, *Islam and Human rights: Tradition and Politics,* Westview Press, 1999. p.39.

[113] Micheline R, Ishay. *The History of Human Rights: From Ancient Times to the Globalization Era* , University of California Press, Berkeley, 2004. p.69.

individualism have been also matched with the concept of human rights. One scholar

defines this period as the significance of the shift from concern for law to concern for

rights derives from the fact that the concept of rights is individualistic in the sense

that it is a from the bottom up view of morality rather than one from the top down,

and from the related fact that it generally expresses claims of a part against the

whole.[114] In sum, the general characteristics of Western type of human rights

developed under the auspices of individualism, humanism, rationalism and the legal

principles.[115]

However individualism is not a characteristic feature of Muslim societies or

of Islamic culture,even though Sufism, or mysticism, which is a major component of

the Islamic tradition, does have elements of individualism.[116] This can be linked to

Islamic doctrines which were historically produced in traditional societies, according

to Mayer nonindividualistic and even anti-individualistic attitudes are common in

traditional societies, where individuals are situated in a given position in a social

context and are seen as components of family or community structures rather than as

autonomous persons.[117] Moreover the religion of Islam was a deeply ingrained

feature of the culture of the traditional Middle East.[118] Contrary to the elements that

are listed above, in Islamic understanding of human rights, Quran formulates

practical Islamic doctrine, the sunnah, which is derived from the prophet's teachings

and conduct, lays down the normative foundation of the Muslim community. The

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[114] Ann Elizabeth Mayer, *Islam and Human rights: Tradition and Politics,* Westview Press, 1999. p.39.

[115] Ibid., p.40.

[116] Ann Elizabeth Mayer, *Islam and Human rights: Tradition and Politics,* Westview Press, 1999. p.43.

[117] Ibid.

[118] Ibid.,p.2.

codification of the sunnah is referred to as hadith (traditions of the prophet). Islamic

law (shari'a) recognizes four sources of law: the text of Quran, hadith texts, ijtihad

(analogical reasoning, known as qiyas) and ijma, or consensus of the ulema.

Sources of International Human Rights Standards and of Islamic Human Rights

Let us continue on the sources of International Human Rights and Islamic Human

Rights. Basically three international documents attempt to define universal rights: the

Universal Declaration of Human Rights (UDHR), the International Covenant on

Civil and Political Rights (ICCPR), and the International Covenant on Economic,

Social, and Cultural Rigths (ICESCR). These documents provide the means by which

individuals, regardless of their culture and nationality, can ground claims and

demand action.[119] Apart from the historical concept of western type of human rights,

the modern concept of human rights originated in the context of the Second World

War. The experience of Nazism forced the global community to look for

international instruments which would defend human life and human rights.

The United Nations Charter which is the forerunner to the Universal

Declaration of Human Rights remained on the level of a proclamation of human

rights and liberties as general values of society, thus providing the broadest basis for

the further development and extension of human rights and freedoms of citizens.[120]

Later Universal Declaration became the first inclusive instrument for a normative

regulation of human rights.

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[119] Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East*, Lynne Rienner Publishers, 1998. p.70.

[120] Obrad Savic, "The Global and the Local in Human Rights: The Case of the Federal Republic of Yugoslavia" in *The Politics of Human Rights*, Verso, 2002. p.4

Islamic sources are not widespread as western ones and mostly prepared by individuals instead of institutions. One of them is A Muslim Commentary on the Universal Declaration of Human Rights by Sultanhussein Tabandeh. It was published in Persian in 1966 and appeared in an English translation in 1970. His purpose was to advise Muslim countries of the positions they should adopt vis-a-vis various provisions in the UDHR, which he had analyzed in terms of the requirements of Islamic law. Another source is Human Rights in Islam written by Sunni religious leader Abu'l A'la Mawdudi. It is an English translation of a talk presented by Mawdudi in 1975 in Lahore.

The 1981 Universal Islamic Declaration of Human Rights (UIDHR) is another important resource. This document was prepared by represenatatives from Egypt, Pakistan, Saudi Arabia, and other countries under the auspices of the Islamic Council. The declaration was presented in UNESCO in Paris. Two recent documents are also considered. The Cairo Declaration on Human Rights in Islam was presented at the 1993 World Conference on Human Rights in Vienna by the Saudi foreign minister, who asserted that it embodied the consensus of the world's Muslims on rights issues. It was endorsed in August 1990 by the foreign ministers of the Organization of the Islamic Conference. (OIC) It thus appeared to embody a more general consensus on how Islam should affect rights.

The 1993 World Conference on Human Rights in Vienna provided impetus for Muslim countries to define their stance on human rights. The conflicts over whether human rights were inextricably linked to Western culture and whether they could or should be universal were central preoccupations of the conference.[121] The Basic Law of Saudi Arabia is also considered as a source of human rights in Islamic

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[121] Ann Elizabeth Mayer, *Islam and Human rights: Tradition and Politics,* Westview Press, 1999. p.23.

world which was issued in March 1, 1992. Though the rights that the Basic Law affords and those in Cairo Declaration which Saudi Arabia had publicly espoused, is a sign of the difficulties that Muslim states have in articulating a coherent policy on rights.[122]

Despite the fact that human rights in the contemporary world are universal or considered to be universal which means all states regularly proclaim their acceptance of and adherence to international human rights norms, the normative traditions and theological foundations underpinning Islamic perspectives have played a major part in the contemporary debate on human rights.[123] According to Islam, rights are wholly owned by God and individuals can enjoy human rights in their relationship with God insofar as obligations to God have been fulfilled. In other words human rights are a function and not the antecedent of human obligations.[124] Mohammed Arkon wrote that the faithful acknowledge the rights of God by fulfilling these obligations which are the confession of faith, prayer, alms, fasting during Ramadan, and pilgrimage and being obedient. The realization of human rights is linked closely with respecting the rights of God.[125] However the general view in the west is that Islamic law is incompatible with the ideals of human rights and that human rights are not realizable within the dispensation of Islamic law.[126]

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[122] Ibid.

[123] Mahmood Monshipouri, *Islamism, Secularism and Human Rights in the Middle East*, Lynne Rienner Publishers, 1998. p.19.

[124] Ibid.

[125] Ibid.

[126] Mashood A. Baderin, *International Human Rights and Islamic Law,* Oxford University Press, 2003. p.2.

The argument that "human rights are not a western discovery"[127] is a common feature of contemporary discussions of human rights in non-Western settings. Adamantia Pollis and Peter Schwab argue that "all societies have human rights notion," that "all societies cross culturally and historically manifest conceptions of human rights"[128] Yogindra Khushalani goes so far as to argue that "the concept of human rights can be traced to the origin of the human race itself" and that "all the philosophies of our time" are commited to human rights.[129]

"In almost all contemporary Arab literature on this subject, we find a listing of the basic rights established by modern conventions and declarations, and then a serious attempt to trace them back to Koranic texts"[130] Mawdudi argues that "Islam has laid some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances...fundamental rights for every man by virtue of his status as a human being"[131] "The basic concepts and principles of human rights from the very beginning have been embodied in Islamic law"[132] Many authors, even argue that contemporary human rights doctrines merely replicate 1400 year old Islamic ideas.[133]

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[127] Jack Donnelly, *Universal Human Rights in Theory and Practice,* Cornell University Press, 1989. p.49.

[128] Ibid.

[129] Ibid.

[130] Ibid.i p.50.

[131] Ibid,. pp.50-51.

[132] Jack Donnelly, *"Universal Human Rights in Theory and Practice",* Cornell University Press, 1989. p.51.

[133] Ibid.

Khalid M. Ishaque argues that "Muslims are enjoined constantly to seek ways and means to assure to each other what in modern parlance we call human rights"[134] He admits that human rights cannot be translated into the language of the Islamic holy works, he nevertheless claims that they lie at the core of Islamic doctrine. Ishaque even lists fourteen human rights that are recognized and establihed by Islam. Moreover Majid Khadduri lists five rights held by men according to Islam: rights to personal safety, respect of personal reputation, equality, brotherhood, and justice. He claims that human rights in Islam are the privilege of God, because authority ultimately belongs to Allah.[135] He also argues that human rights in Islam, as prescribed by the divine law, are privilege only of persons of full legal status. A person with full legal capacity is a living human being of mature age, free, and of Muslim faith.[136] Moreover in a similar fashion Said claims that in Islam "human beings have certain God granted rights" and argues that it is the state's duty to enhance human dignity and alleviate conditions that hinder individuals in their efforts to achieve happiness.[137]

In this study I assume that Mazlum-Der is associated with Islamic type of human rights and İHD is associated with international type of human rights. This chapter examined the both type of human rights and shed a light on the following chapter which includes interviews.

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[134] Ibid.

[135] Ibid.

[136] Ibid.

[137] Ibid.

CHAPTER 5

INTERVIEWS

As stated in methodology section, my field research includes six branches of Mazlum-Der and İHD: İstanbul, Ankara, İzmir, Konya, Diyarbakır and Trabzon. However the Konya branch of İHD was closed due to its excessive political activity. In addition to these, I have interviewed the officials of some civil society organizations in Diyarbakır and Trabzon. These include Eğitim-Sen, Memur-Sen, Göç-der, Bar Association of Trabzon, Democratic Society Council. The questions directed to the officials are centered around the concept of human rights. What I have highlighted during the interviews is the headscarf problem, education system, statuses of homosexuals and how their world views affect their policies. Before the responses, I would like to share some anthropological observations which I made during the interviews, which might give preliminary information about both associations.

In general, İHD officials were suspicious toward questions and did not give much unique data as Mazlum-Der did. Some of the İHD officials wanted to read questions before the interview and are skeptical about the recording. One official told that, after the decipher, if I would send her the text, she can correct her speech if something is misunderstood or not. From my opinion, all these suspicious attitudes are understandable because of the ongoing repression of state mechanisms against the association. Various actions of state such as raids and custodies have much annoyed the members and officials. However, if they could talk much on issues like on Kurdish question, some original datas could be collected but this is not possible in my field research. On the other hand, Mazlum-Der gave much more unique and

original datas. They are not suspicious and despite I did not ask them questions on several issues, they were eager to talk and this helped me much when elaborating my data.

When İHD officials told about the PKK issue, they did not use the word "terrorist", instead they used guerilla or militant. An official working for Democratic Society Council which is in line with İHD, told me that his neighbour's child was called to camp and can not say him a terrorist. Another official in İHD Ankara branch says:

> We use the word guerilla, they use terrorist. When you first hear it, you terrify but what is important is the priority and what you aim. You need to put your world view back in order to work with others.[138]

On the other hand Mazlum-Der officials did not hesitate to use the word terrorist. In every Mazlum-Der branch, before or after the interview they asked me questions like "Where are you from?", "Where are your parents from?" or "What is your father's job?". Instead of asking both mother's and father's jobs they asked only my father's job. In addition to these, in İstanbul branch they asked the question of "Is there anyone who wears headscarf in your family?" assuming that I am a Hanefi Muslim. However İHD officials did not ask such questions.

In every İHD branch they have the statement of Universal Declaration of Human Rights. Another interesting thing is that the way they serve tea. In İHD branches, they do their own teas with water heaters and take their own teas. In Mazlum-Der they have a seperate staff that serves tea within the branch or it comes from the tea house (çay ocağı). This observation could be linked with the suspicion of the society toward the İHD. In most of the branches, they told that the society

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[138] *Biz gerilla kelimesini kullanıyoruz onlar terörist kelimesini kullanıyorlar. Orda ilk duyduğunuzma irkiliyorsunuz ama orda önceliğin ne olduğu, neyi amaçladığınız önemli. Dünya görüşlerini arka plana atmanız gerekebiliyor ortak çalışmalar yürütmek için.*

perceives them as a supporter of PKK and they are marginalized from the society.

This can be a mutual relation where İHD does not want to receive such a service

from tea houses or in general from the society and vice versa.

In arranging meetings with officials of Mazlum-Der, they always say "with

the permission of God" (Allah'ın izniyle), "if God permits" (Allah izin verirse) at the

end of the conversations. In most of the İHD branches they talk Kurdish. While we

are talking with an official after the interview in Trabzon about the Hrant Dink and

Priest Santoro suicides, he continues and after this speech, one of his friends asked

me about the recording, if this was recorded or not.

> The youngster in Trabzon did not kill a random man. He killed the first man
> of Christian community. Trabzon youngster is such a nationalist.[139]

The following parts will include Mazlum-Der's and İHD's responses

respectively on the issues stated above.

Responses of Mazlum-Der

When officials are asked to about their thoughts on homosexuality and what could

happen if a homosexual applies to their association, the responses given are more or

less the same within the association. However responses diverge in some points. One

of the former presidents of the association said:

> With respect to homosexuals, Mazlum-Der does not have a corporate decision
> yet. There is an opinion of "we would help him" when a homosexual exposed
> to violence or aggrieved, but when it comes to freedom of expression and
> freedom of association we do not have a joint decision. I personally think that
> approving of homosexuality is one thing and defending the rights of
> homosexuals is another thing. Mazlum-Der's base and directors can be
> against homosexuals because of their faiths but human rights advocacy is just

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[139] *Trabzon genci de gidip herhangi birini öldürmemiştir. Hristiyan cemaatinin 1 numaralı ismi,
papazı öldürmüştür. Trabzon genci de böyle milliyetçidir.*

to defend something's freedom you are against to. Moreover it would be a big absence to leave defending the rights of homosexuals to only homosexual oriented organizations.[140]

He gave an example about an homosexual application to Mazlum-Der:

> For instance a religion teacher called us several years ago saying that he discovered that he is a homosexual. Personally I wanted him to apply but he did not. He said he was banned from the job and his family ruled him out. In the past, some homosexual oriented organizations offered us to carry out some joint projects but Mazlum-Der did not respond positively.[141]

The main argument of Mazlum-Der on homosexuality relies upon the concept of faith. One official of the İzmir branch told:

> Do you expect us to break from Islam? Would it be better if we break from it it? If we would get an absolute reference to Europe, will we reach to absolute rights? There is nothing like that. Getting references from Western sources will not bring happiness to us. However "only Islam's suggestions or history of Islam is enough for us" is not a true statement as well. Islam gives us the basic values and waits for to build upon.[142]

However Diyarbakır branch's approach to homosexuality is quite different from other branches. Actually not only approach on homosexuality, general view on human rights differentiates in many points.

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[140] *Eşcinseller hakkında Mazlum-Der'in kurumsal bir kararı yok. Şiddete uğradığında veya mağdur olduğunda "yardım ederiz" gibi bir düşünce var ama ifade ve örgütlenme özgürlüğü bağlamında ortak diyebileceğimiz bir kararı yok. Ben eşcinselliği onaylamanın başka birşey, eşcinsellik haklarını savunmanın başka birşey olduğu düşücesindeyim. Mazlum-Der tabanı da, yöneticisi de inançları gereği eşcinselliğe karşı olabilir ama insan hakları savunuculuğu tam da karşı olduğunuz birşeyin özgürlüğünü savunmaktır. Üstelik eşcinsellerin haklarını savunmayı sadece eşcinsel örgütlere bırakmak büyük bir eksiklik olur.*

[141] *Mesela bir din bilgisi öğretmeni bizi aradı ve eşcinsel olduğunu keşfettiğini söyledi. Gelip başvurmasını istedim bizzat ama başvurmadı. Bana meslekten ihraç edildiğini, ailesinin dışladığını ve dışarda yattığını söyledi ama başvuru yapmadı. Geçmiş zamanlarda bazı eşcinsel örgütler ortak proje yürütmek için Mazlum-Der'e teklifte bulundu ama buna olumlu cevap verilmedi.*

[142] *İslam'dan kopmamızı mı bekliyorsunuz? Kopsak çok mu iyi olacak? Avrupa'yı mutlak referans alırsak mutlak doğrulara mı ulaşacağız, hidayete mi ereceğiz? Böyle birşey yok. Batılı kaynakları referans almak bizi hidayete erdirmeyecek, bize mutluluk getirmeyecek. Sadece İslam'ın önerileri bize yeter ya da İslam tarihi bize yeter, bu da doğru değil. İslam temel değerleri verir onun üzerine inşa etmesini bekler.*

Let me go through a simple example for instance, to defend the rights of homosexuals. Here when you look at Islam, homosexuals, homosexuality or homosexual tendencies are completely prohibited. While these have no place in religion, Mazlum-Der in Diyarbakır advocates the rights of homosexuls in the field of human rights. Here a form of conflict is taking place. A door of critique opens to you. Where should be the position of Mazlum-Der? Members or religious communities here, these are actually a kind of community but called themselves as civil society organizations, criticize Mazlum-Der on this issue. How can Mazlum-Der do such a thing? Moreover they say let's leave the concept of human righst produced by the west and develop our own discourse. Where does this discourse take us? This takes us to "we should defend only religious people". Sometimes we take criticisms such as "why not Mazlum-Der just interested in headscarf?" or "Mazlum-Der's focus on Kurdish issue in the region takes Mazlum-Der to the ethnic nationalism."[143]

When asked how can you take a decision in sensitive issues such as homosexuality,

one of the former presidents said:

Mazlum-Der can not take a decision where faith and universal values conlicts. For instance capital punishment and homosexuality. Some of our branches think that capital punishment may contradict in terms of their faith. Moreover it is true that we can not break away from Islamic references.

When the association was establihed there are some general acceptances of the founders. However after the establishment there comes some requirements with the expansion of the literature. It is wrong to accept this change as a slide but most of members recognize it as a slide. If your references enable you to make discrimination legitimate, it is problematic. If you are making human rights advocacy with Islamic rationale and you start to behave different to non-Muslims, this is a problematic approach.[144]

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[143] *Mesela basit bir örnek üzerinden gideyim, eşcinsellerin haklarını savunmak. İşte eşcinseller İslam dinine bakıldığı zaman eşcinsellik ya da eşcinsel eğilimler tamamen yasaklanmış eğilimlerdir. Dinde bunun yeri yokken Mazlum-Der insan hakları alanında eşcinsellerin haklarını savunuyor. Burada bir çatışma gerçekleşiyor haliyle. Bir eleştiri kapısı açılıyor size. Burada Mazlum-Der'in pozisyonu ne olmalı? Üyeler ya da buradaki dindar yapılar, mesela sivil toplum örgütü olan aslında sivil toplum örgütü olmayan cemaat olan cemiyet olan yapılar doğrudan Mazlum-Der'i bu alanda eleştiriyorlar. Hani Mazlum-Der böyle birşeyi nasıl yapar. Dolayısıyla batının ürettiği insan hakları bize uygun değil biz bunu terkedelim, kendi söylemimizi geliştirelim. Bu söylem de nereye götürüyor? "İnsan haklarında sadece dindarların haklarını savunmalıyız biz"'e götürür bizi bu. Mazlum-Der neden sadece başörtüsüyle ilgilenmiyor? gibi eleştiriler alabiliyoruz. İşte Mazlum-Der bölgede Kürt meselesiyle ilglendiği için bu ilgileniş kendisini etnik milliyetçiliğe götürüyor tarzı eleştiriler alıyoruz.*

[144] *İnançla evrensel değerlerin çatıştığı noktalarda Mazlum-Der ortak karar alamıyor. Mesela idam cezası veya eşcinsellik. Bazı şubelerimiz idam cezasının inançları bakımından çelişki oluşturabileceğini düşünüyorlar. Temel olarak İslami referanslardan kopamadığımız doğrudur.*

Başlarken derneği kuranların genel kabulüyle alanın sonradan öğrenildikçe genişleyen literatürle ortaya çıkan gereklilikler ortaya çıkmıştır. Bunu bir savrulma olarak kabul etmek yanlıştır, birçok çevre bunu böyle algılıyor. Referanslarınız sizin ayrımcılık yapmanıza meşruiyet sağlarsa o

In addition to these views, the other former president of Mazlum-Der states that the association was not based on a coherent understanding of human rights. In other words, the founders were not prepared to serve a well-defined understanding of theoretical and practical implications of human rights issues.

> It is really hard to say that the founders spent a serious intellectual effort on the qualities of a human rights organization during the foundation process. What is our understanding of human rights? What kind of an understanding we will defend? Do we have any problems with Western conception of human rights? Do we have any reserves? Are we going to defend the main Western texts on human rights? What will be the characters of our practical struggle? What will be our actions? It is really hard that these kinds of questions were explored through a serious brainstorming.[145]

Although there is a question about homosexuality, one of the minister of state's[146] speech on homosexuality[147] added extra dimension to the interviews. Shortly, she says "homosexuality is a biological defect and it is an illness that needs to be treated".[148] When asked their opinions and thoughts about the minister's speech, most of the officials gave more or less the same answer. One of the officials in Konya branch said:

> There is a part in applications which we call it "rejectable applications" because of this: If something is not right, standing next to what is not right is a inequality itself. I believe being homosexual is not a right. If a homosexual

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problemlidir. İslami gerekçelerle siz insan hakları savunuculuğu yaparken müslümana ayrı öbürüne ayrı davranmaya başlıyorsanız bu problemli bir tutumdur.

[145] *Kurucuların insan hakları alanında çalışacak bir örgüt kuralım diye oturup ciddi ciddi kafa yorduklarını; biz nasıl bir insan hakları anlayışına sahibiz, nasıl bir insan hakları anlayışını savunacağız; Batılı İnsan Hakları Teorisi ile alıp veremediğimiz, buna koyduğumuz kimi rezervler var mı yok mu; bu belgeleri tamamen savunacak mıyız ya da insan hakları ihlallerine karşı nasıl bir pratik mücadele geliştireceğiz; ne gibi eylemler etkinlikler yapacağız gibi konularda çok ciddi bir beyin fırtınası böyle bir zihin jimnastiği falan yaptıklarını söylemek zor.*

[146] Selma Aliye Kavaf, deputy of twenty third term of Turkish Grand National Assembly.

[147] http://www.cnnturk.com/2010/turkiye/03/07/bakan.kavaf.escinsellik.bir.hastalik/566620.0/index.html

[148] Ibid.

comes to us and says "I want to be treated and I want assistance" we want to help.[149]

Another official in Konya added:

> I can not defend a person's freedom of being homosexual. According to my faith it is wrong and I do not use it as an area of freedom. However if that person is discriminated just because of homosexuality, I would defend his rights but I can not accept the talking of that person's right to be homosexual. Moreover one of the major difficulties experienced by Mazlum-Der is to participate in the same platforms with homosexual oriented civil society organizations. Most of the time we can reject to particapate in same platform or conflicts can rise.[150]

The official's response in Trabzon confirmed the minister's speech as well:

> I do not see homosexuality as a third gender. This is an illness as the minister Selma Aliye Kavaf stated. However because he is a human, if something unusual occurs against him or if arrested and tormented, I would stand next to him. Generally in our branch, our members think the same and at meetings among Mazlum-Der branches, this view is dominant. [151]

When I ask the same question to head office in Ankara and İzmir they responded

respectively as such:

> If these people have been exposed to unfair or ill-treatment just becasue of their identity and apply to us, we carry out the same procedure. But our stance

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[149] *"Reddedilebilen başvurular" diye bir kalemimiz var bizim başvurularda, şundan dolayı var. Bir şey hak değilse, hak olmayanın yanında durmak haksızlığın bizzat kendisidir. Eşcinsel olmanın bir hak olmadığına inanıyorum. "Ben eşcinselim tedavi olmak istiyorum, bana yardım edin" derse ona yardımcı olmak isteriz.*

[150] *Bir kişinin eşcinsel özgürlüğünü savunamam, bu benim inançlarım gereği yanlıştır ya da bir kişinin eşcinselliğini özgürlük alanı olarak kullanmam ama o kişi eşcinsel olduğu için bir ayrımcılığa tabi tutuluyorsa onun hakkını savunurum. Ama o kişinin eşcinsel olma hakkının konuşulmasını kabul edemem. Bunun dışında yaşanan önemli sıkıntılardan bir tanesi de eşcinsellerle aynı platformda bulunmak. Birçok kez aynı platformda bulunmayı reddebiliyoruz veya çatışmalar çıkıyor.*

[151] *Eşcinselliği ben üçüncü bir cins olarak görmüyorum. Bakanın dediği gibi bu bir hastalıktır. Ama o da insan olduğundan dolayı ona karşı bir anormal bir hareket varsa onun yanında olurum. Veya tutuklanırsa, eziyet edilse onun yanında olurum. Eşcinsellik inancımız gereği bir hastalıktır. Genelde de şubedeki arkadaşlarımız böyle düşünüyor. Şubeler arası yaptığımız toplantılarda da bu görüş hakim.*

is clear on the issue of that whether their request on identication is a right or not.[152]

Mazlum-Der is not a homogeneous community but gets basic reference from the universal declaration of human rights. I exactly do not know where should I put people's sexual orientations in rights category. Everyone is free, but it should be discussed whether being homosexual is a natural phenomenon or later produced. You can not say to a Muslim "Why are you not sympathetic toward a homosexual?" Because according to his faith that sexual orientation is interpreted as exorbitance and excessiveness. A Muslim can not see it legitimate.

So what if a Muslim becomes a human rights activist? Here he/she has to find a midway between individual's freedom and his own faith. The middle way is that: People are free in their own act, it is their own preferences. There should not be any pressure or persecution to people because of their preferences. But we can not say that act is true, as a human rights defender you can not decide wheter it is true or false but in its own religious framewrok he/she can say " I can not approve this". If this text[153] text would come to me, I would not sign it.[154]

The text he mentioned is a letter written by several Islamic civil society organizations including Mazlum-Der, stating again that homosexuality is an illness that needs to be treated. A passage in the letter would give a general idea about the letter.

All divine religions see homosexuality as a distortion, deviation, immoral attitude and as a sin. In many Islamic countries "homosexuality" is not permitted and aim of this prohibition is to protect society and the human race and to prevent the spread of this anomaly. Societies experiencing such

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[152] *Bu kişiler bu kimliklerinden dolayı bir haksızlığa maruz kalmışsa veya bir kötü muameleye kalmışsa ve bize başvurmuşsa, biz normal insanlara ne yapmışsak onlara da aynı şeyi yaparız. Ama bu insanların kimlik taleplerinin bir hak olup olmadığı konusunda duruşumuz bellidir.*

[153] http://www.Mazlum-Der.org/haber_detay.asp?haberID=8159

[154] *Mazlum-Der homojen bir topluluk değil elbette ama temel referansları insan hakları evrensel beyannamelerinden yola çıkılıyor. İnsanların cinsel yönelimleri hak kategorisinde nereye oturur onu çok da fazla ben kafamda bir yere oturtamıyorum? Herkes özgürdür ama doğuştan gelen birşey mi sonradan üretilen birşeymi eşcinsellik, bunun tartışılması gerek. Bir Müslamana, bir eşcinsele karşı niye iyi bakmıyorsun diyemezsin? Çünkü adam kendi inancında o cinsel yönelimi aşırılık, ölçüsüzlük olarak değelendiriyor. Bir Müslümanın bunu meşru görmesi mümkün değil.*

Peki bir Müslüman insan hakları savunucusu olursa ne oluyor? Burada bireyin özgürlükleriyle kendi inancı arasında bir ortayolu bulmak zorundadır. O orta yol da şu: insanlar kendi edimlerinde özgürlerdir, kendi tercihleridir. Tercihleri yüzünden herhangi bir baskı, zulüm yapılamaz. Ancak o yaptığı edim doğrudur diyemeyiz, insan hakları savunucusu olarak o edimin doğruluğuna, yanlışlığına karar veremiyorsunuz ama kendi dini çerçevesine sorulursa ben bunu onaylamam diyebilir. Bu metin bana gelseydi, ben imza atmazdım.

heresies in history, according to holy books, were punished and destroyed because of "the ugliness and evil, and deviation"[155]

The most interesting results came from the branch of Diyarbakır. They totally diverge from the traditional approach of Mazlum-Der and its policies. The officials in the branch are aware of this fact and accept that some of their thoughts clash with the head office and they are in some sort of disagreement. One of the official explained this situation with these words:

> Few days ago, we condemned our president's speech[156] about homosexuals, supporting minister's speech on televison. We do not care about individual's choices. As long as that action does not constrain the other's freedom or does not contain violence, we evaluate it under the freedom concept. There will be demands of homosexuals and we respect them. Moreover if there would be an interference to their association or to the individual, we would immediately take an action whether there is an applicaiton or not. This is what is to be done from our perspective, however there are problems among our members. We assess people of whatever they portray themselves as a person and execute activities over this principle. For instance there are times of when we cooperate with LGBT Türkiye (Lesbian, Gay, Bisexual and Transgender) in Diyarbakır, we are much more moderate when compared to other branches.[157]

When asked why they are different or why do they diverge from the traditional path they pointed out the special position of Diyarbakır as a city. The official says:

> When you look at the Diyarbakır there are two parts. On the one side, there is a religious section and on the other, a Kurdish freedom movement. Kayseri,

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[155] *Bütün ilahi dinler eşcinselliği bir bozulma, sapma, gayri ahlaki bir tutum, tabii olanın dışına çıkma ve günah olarak görür. Birçok İslam ülkesinde de "eşcinsellik" yasal olarak yasaktır ve bu yasaktan amaç toplumun ve insan neslinin korunması ile bu anomalinin yaygınlaşmasının önüne geçilmesidir. Tarihte bu tür sapkınlıklar yaşayan topluluklar, ilahi kitaplara göre "çirkinlik ve kötülük üzere oldukları, saptıkları" için azap görmüş ve helak edilmişlerdir.*

[156] http://www.sivilmedya.com/video-haber/8463-CNN-Trk-ekranlarnda-ecinsel-kavgas-yaand.html

[157] *Birkaç gün önce genel başkan Ahmet Faruk Ünsal'ın yaptığı açıklamayı esefle kınadık, yine eşcinsellik konusunda bakanı destekler nitelikteydi. İnsanların bireysel tercihleri bizleri ilgilendirmez. Başkasının özgürlüğünü kısıtlamadığı, şiddet içermediği sürece biz onu özgürlükler kapsamında değerlendiririz. Diyarbakır şube olarak da eşcinsellerin de talepleri olacaktır, biz bunlara saygı duyarız. Hatta eşcinseller olarak derneklerine veya bireysel olarak herhangi bir müdahale olduğunda, başvurdukları takdirde veya başvurmadıkları takdirde biz hemen müdahale ederiz. Bize göre yapılması gereken budur. Ama üyeler arasında sıkıntı olabiliyor. Biz insanları kendilerini nasıl tanımlıyorlarsa öyle değerlendiriyoruz ve faaliyetlerimizi onun üzerinden yürütüyoruz. LGBT ile ortak çalıştığımız zamanlar oldu Diyarbakır'da. Biz bu konuda diğer şubelere göre daha ılımlıyız.*

Konya, İstanbul or Ankara are not heterogenous as we are. We receive many criticisms for our press releases for leaning too much on the Kurdish issue and not for defending the rights of religious people. However we do not have such a double standart. There are some criticisms like why do not you prepare your reports with Özgür-Der and Toplum-Der instead of İHD. Even from other brances we receive such criticisms.[158]

Special conditions for Diyarbakır are also mentioned by an official of Eğitim-Sen:

Most of the civil society organizations in Diyarbakır are political organizations. This is mostly due to special conditions of Diyarbakır but this is not how should it be. Normally they should be seperate from politics and assessed by their effectiveness.

What is special for Diyarbakır is the terror. There is always a struggle in the region and it would be luxury to talk about human rights where there is a war. Until the last decade there is a war, people are killed. When you say human rights in this environment, they would laugh to you. Mazlum-Der and İHD are facing this conflict. There is a bilateral relationship, in one way terrorist kills a civilian in other way the state kills terrorist. When the state kills terrorist İHD and Mazlum-Der in their perspective feel that they should defend the rights of that terrorist and his/her family. However when a terrorist kills a civilian they do not defend the rights of that civilian because it is against their political views. This is a conlict. When you ask İHD to the public they would say it is a terrorist organization, but here the image is positive.[159]

When asked about criticisms and who is doing more of these criticisms to the official

in Diyarbakır, she responded as such:

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[158] *Diyarbakır'a baktığınız zaman iki kesim vardır. Bir tarafta dindar kesim diğer tarafta Kürt özgürlükçü hareketi. Kayseri, Konya, İstanbul, Ankara bizim kadar heterojen değildir. Bizim birçok basın açıklamamıza eleştiri gelir mesela. Diyarbakır şube Kürt meselesine çok fazla eğiliyor, bu alanda aslında çok fazla sesini yükseltiyor diye. Neden dindarların hakkını yeterince savunmuyor gibi. Hâlbuki böyle bir çifte standart yok. Raporlarınızı neden Özgürder ve Toplumder'le yapmıyorsunuz da İHD ile yapıyorsunuz eleştirileri alıyoruz. Geçin bu dindar kesimi, diğer şubelerden bile bu tür eleştiriler alabiliyoruz.*

[159] *Diyarbakır'daki stk'ların çoğu siyasi örgütlenmeler. Bunun nedeni Diyarbakır'ın özel koşulları. Normalde stkların siyasetten arınmaları gerekiyor ve ne kadar etkili olduklarıyla değerlendirilmesi gerekiyor.*

Diyarbakır'ı özel kılan terördür. Bölgede sürekli bir mücadele var ve savaşın olduğu yerde insan haklarından bahsetmek lüks. 10 sene öncesine kadar buraada savaş vardı, insanlar öldürülüyordu. Şimdi böyle bir ortamda insan hakları dersen, insan güler sana. İHD de Mazlum-Der de bu çelişkiyi yaşıyor. Çift taraflı bir ilişki var. Bir taraftan terörist vatandaşı öldürüyor, bir taraftan devlet teröristi öldürüyor. Devlet teröristi öldürdüğü zaman İHD veya Mazlum-Der o teröristi veya ailesini savunma gereksinimi hissediyor kendi açısından. Terörist herhangi bir vatandaşı öldürdüğü zaman savunamıyor, kendi siyasi görüşüne ters geliyor. Bu bir çelişki. Batıda İHD'yi vatandaşa sor terörist bir örgüt der, burada sor halk içerisinde imajı olumlu.

We take these criticisms from our members and other civil society
organizations, mostly religios civil society organizations. We discuss these
criticisms in congresses and seminars. Actually we are experiencing a
membership difficulty. This association is not a member based because there
are not much people who achieve this change and transformation. There are
different people in the association. We have Alevi, socialist, Marxist
members apart from religious members.

According to some of our religious friends, they criticize us for why all
women does not wear headscarf or why female members are more than male
members. For instance in last period, when I was the president of the branch,
I was highly criticized for why a woman represents us. On the one hand you
try to campaign for human rights on the other hand you tackle with these
criticisms. We normally feel the pressure when these criticisms were
pronounced. Thus most of the time we are struggleing for these conlcts
instead of campaigning human rights or producing something in the field of
human rights. However these can be converter, developer and we have seen a
lot of contributions from these.[160]

In addition, Diyarbakır branch is highly criticized because cooperating much

with İHD and they explained this situation:

I think as Mazlum-Der we have overcome the issue of not working with the
one that is not from our side. Specifically in Diyarbakır it is problematic that
the policies we conduct with İHD because there is a community which sees us
as their belongings. This community says "you are in our neighborhood"
however we are a right based organization. If you are a right based
organization, you should throw away your blinkers unless it does not seem
persuasive and realistic.

There are 60 Islamic NGOs in Diyarbakir and we get criticisms from all of
them. For example "why are you close to BDP (Peace and Democracy Party)
instead of AKP". According to them we have to constantly deal with the
headscarf problem. Moreover they restrict freedom and rights in religion only

[160] *Üyeler ve diğer stk'lar tarafından alıyoruz bu eleştirileri, dindar stk'lar. Üyelerimizle biz bunu
kongrelerde, seminerlerde konuşuyoruz zaten bu noktada üye sıkıntısı da yaşıyoruz aslında. Çok fazla
üye tabanlı değil bu dernek, çünkü İslami kesimde bu değişim ve dönüşümü sağlayan insan sayısı çok
az. Biz mesela şu an yöneticiler olarak çok farklı arkadaşlarımız var. Alevi arkadaşımız var, sosyalist
arkadaşımız var, Marksist arkadaşımız var, keza dindar arkadaşlarımız da var.*

*Hâlbuki dindar arkadaşlarımıza göre işte neden kadınlar varsa tamamının başı örtülü değil, ya da
kadın sayısı neden fazla. Örneğin geçen dönem ben şube başkanlığı yaptım, neden bir kadın bizi
temsil ediyor gibi topyekün bir hayli eleştiri aldım. Bir taraftan insan hakları mücadelesi vermeye
çalışıyorsunuz siz, bir taraftan da birebir bunlarla uğraşıyorsunuz. Bu hem üyeler hem de dışarıdaki
insanlar tarafından çok fazla dillendirildiği zaman üzerinizde bir baskı hissediyorsunuz. Dolayısıyla
çoğu zaman aslında biz insan hakları alanında birşeyler üretelim, geliştirelim olayına giremeyip
kendi içimizdeki bu çekişmelerle uğraşabiliyoruz. Ama bunlar bile geliştiricidir, dönüştürücüdür çok
fazla katkısını görüyoruz biz.*

to headscarf. For instance they are not pleased when we defend the rights of Alevis and Assyrians.[161]

Another highlighted issue during the interviews is the headscarf. When asked about the headscarf problem, given responses are more or the less same. However it has been said that the applications after the AKP government are noticeably decreased. When asked why this is so, Konya branch responded:

> Working on the headscarf issue gets harder because when AKP is the ruling party there is an understanding of "Let's not complicate the problem, they can solve it". The public generally stands next to powerful. When a leftist party comes to power the main problem can be headscarf problem but if a religious based party is in power reactions can decrease.[162]

Another official in Diyarbakır told about the disappearance of the perception of opposition:

> When AKP government came into power in 2002, unfortunately the opposition tradition within the religious people has disappeared. Despite the headscarf ban is in progress, they do not raise their voices too and demonstrations of defending headscarf are nearly disappeared. There is a mentality that how can we criticize our side? Thus the culture of self criticism is not widespread in society.[163]

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[161] *Biz diğer islami kesimlere göre Mazlum-Der olarak bizden olmayan biriyle çalışmama olayını aştığımızı düşünüyorum. Diyarbakır özelinde bakarsak bizim İhd ile çalışmamız problemlidir bir yönüyle, çünkü bizi kendisine ait gören bir cenah var. Siz bizim mahalledensiniz diyen bir cenah var. Ama hak temelli bakıyoruz biz tüm olaylara. Hak temelli bir örgütseniz at gözlüklerini atmadıkça verdiğiniz mücadeleler inandırıcı ve gerçekçi olmuyor.*

Diyarbakır'da 60 islami düşünceye sahip stk var ve bunların tamamından eleştiri alıyoruz biz.Mesela neden siz BDP'ye yakınsınız AKP'ye yakın değilsiniz tarzı eleştiriler bunlar. Onlara göre sürekli başörtüsüyle ilgilenmemiz lazım, kaldı ki dini alandaki hak ve özgürlükler derken bunu sadece başörtüsüne sınırlandırıyorlar. Mesela biz Alevilerin veya Süryanilerin haklarını savunduğumuz zaman bu da onların çok hoşuna gitmiyor.

[162] *Başörtüsü konusunda çalışma yapmak zorlaştı, çünkü iktidarda AKP varken halk bunların işlerini zorlaştırmayalım, bu sorunu çözecekler anlayışı var. Halk genelde güçlüden yana tavır alıyor. İktidarda sol bir parti varken başörtüsü sorunu temel sorunumuz olurken, iktidarda dindar kökenli bir parti olunca tepkiler azalabiliyor.*

[163] 2002'de *Akp'nin gelmesi ile dindarlar arasında muhalefet geleneği maalesef yok oldu. Başörtüsü yasağı devam etmesine rağmen dindarların sesi fazla yükselmiyor. Neden başörtüsü yasaklanıyor eylemleri artık yok mesela. Sorunlara karşı bizden olanı biz ne kadar eleştirebiliriz mantalitesi var. Zaten kendinden olanı eleştirebilme kültürü çok yaygın değil toplumumuzda.*

This disappearance is also mentioned by one of the former president:

> A group of our friends argued that we did not have to hug all humanity; this was not true. According to them we should have protected the rights of people who were like us. This point was repeatedly debated in our meetings. For example; in one of the meetings they were saying these: "Okay, we understood; we will stand against a leftist who mistreats; but, what if one of our Muslim brothers mistreats? How will we stand against that Muslim? This paradox disturbed us from time to time; and some of our friends could not handle the problem. We had difficulties in finding the right. But, of course, by doing wrongs you come, you are getting closer to the right; we have experienced this process. [164]

Interestingly İstanbul branch of İHD gave a parallel response to Mazlum-Der's

Diyarbakır and Konya branch:

> We have received more applications in headscarf issue before but in last period we receive less. With the AKP government, applications come to the zero point nearly. Here we are encountering a problem like this: supporters of the ruling power do not tend to show their problems. From our perspective pro-AKP group is actually hiding the problem at this point. For instance worker is dismissed, he does not say I am dismissed. Hence in this period there is such a state of protectionism, especially in human rights violations against Muslim identity or they hide the movements that could question the policies of the local governments of AKP.[165]

The most radical responses in headscarf problem came from the İstanbul branch. The

head office and a former president of Mazlum-Der both stated before that the most

radical branch in the issue of headscarf is İstanbul.

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[164] *Bir kesim arkadaşımız tüm insanlığı kucaklamanın gerekmediğini, doğru olmadığını bize düşenin sadece bizim gibi insanların haklarını korumak olduğunu ifade ettiler. Aramızda bu sohbetler çok oldu. Yönetim kurullarımızda bu çok tartışıldı. Yönetim kurulu toplantılarımızın birinde mesela diyorlardı ki: "Tamam anladık, solcu olan biri yanlış yaparsa karşı koyarız; ama ya Müslüman bir kardeşimiz haksızlık ederse? Nasıl biz o müslümana karşı olacağız?". Buradaki ikilem zaman zaman rahatsız etti ve bazı arkadaşlarımız bu şeyden rahat imtihan veremediler. Doğruyu bulmada zorlandığımız oldu. Duygularımız buna maniydi. Ama tabi yanlış yapa yapa gelişme denen şey oluyor, biz o süreci yaşadık.*

[165] *Başörtüsü konusunda biz geçmişte daha fazla başvuru aldık. Fakat son dönemde daha az alıyoruz. AKP iktidarıyla beraber bu başvurular da yoka yakın bir seviyeye kaydı. Burada şöyle bir sorunla karşı karşıya oluyoruz. İktidar olduğunda iktidarın taraftarları yaşadığı sorunları genellikle göstermeme eğiliminde oluyorlar. Kol kırılır yen içinde kalır'ın toplumsal ölçekte bir tezahürü olduğunu söyleyebiliriz. Dolayısıyla Akp taraftarı kitle aslında bu noktada sorunlarını gizliyor bizce. Bunun zaman zaman değişik örnekleriyle karşılaşıyoruz. İşten atılıyor, işten atıldım demiyor, bu kadar vahim şeylerle karşılaşıyorsunuz. Dolayısıyla böyle bir korumacılık hali söz konusu bu dönemde, özellikle de müslüman kimliğe yönelik hak ihlallerinde ya da o yerel yönetimleri Akp düzleminden söylemlerini zora sokucak birtakım hareketleri göstermeme, gizleme hali söz konusu.*

The conception of democracy is not a system of thought Mazlum-Der sees as an ultimate goal. In this regard, Mazlum-Der is not an organization that sees democracy as the most advanced system. Democracy, just like a monarchy, introduce an area of freedom to people and monarchies can do the same so there is not much problem in our view. For instance there can be libertarian kings in monarchies. Democracy remains in an unchallenged position above us, thus it is not our ultimate goal and here is not an organization that aims democracy, we aim for justice before democracy, this is important. If the justice is offered by a democracy, ok let it be democracy but if this is offered by a just king let it be monarchy.

In European Court of Human Rights' decision on headscarf, it is seen clearly that our point of view to human, what we call as a philospohy namely our principle position, is different from a secular liberal human rights discourse. I think the decision of the Court itself, for instance, put a visible distinction of what is Mazlum-Der's human rights perspective and what is liberal secular human rights perspective is.[166]

While İstanbul branch assesses the problem from the religious dimension, the official in the head office argued that they are not interested in religious dimension.

Responses are respectively.

We believe that headscarf is right that comes from the birth. Moreover it is a part of the identity of Muslim women. In many respects, we believe that it is a right. We believe that it is a right that comes from faith, freedom of dress and her ontological existence. We reject all of the restrictions against headscarf and demand to be removed of the ban completely and immediately at all institutions.[167]

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[166] *Demokrasi düşüncesi Mazlum-Der'in nihai hedef gördüğü bir düşünce sistemi değildir. Mazlum-Der bu açıdan demokrasiyi en ileri sistem olarak gören bir örgüt de değildir. Demokrasi tıpkı bir monarşi gibi insanlara özgürlük alanı açıyor ve demokrasinin açtığı özgürlük alanını monarşiler de açabilir yani bu açıdan çok da bir problem yok. Mesela çok özgürlükçü krallar olabilir monarşide. Demokrasinin tartışmasız üst bir konumda duruyor, dolayısıyla demokrasi bizim nihai bir hedefimiz falan değil ve burası demokrasiyi önceleyen bir örgüt de değil, burası adaleti önceler, bu önemlidir. Eğer adaleti demokrasi sunuyorsa, demokrasi olsun ama eğer bunu adil bir kral sunuyorsa da monarşi olsun.*

Burada bizim insana bakış açımız, felsefemiz dediğimiz şeyin yani ilkesel duruşumuzun seküler liberal insan hakları söyleminden farkı ve ayrımı da AİHM'in başörtüsü kararında çok net görülüyor. Bence AİHM'nin aldığı karar mesela başlıbaşına Mazlum-Der'in ne olduğunu ya da Mazlum-Der'in insan hakları perspektifinin ne olduğu, liberal seküler bir insan hakları perspektifinin ne olduğu konusunda çok net bir ayrım koyuyor.

[167] *Başörtüsünün doğumdan gelen bir hak olduğuna inanıyoruz. Üstelik Müslüman kadının da kimliğinin bir parçası. Pek çok açıdan da bunun bir hak olduğuna inanıyoruz. Hem inanç temelinden, hem kılık kıyafet özgürlüğünden, hem de varoluşunun getirdiği ontolojik bir hak olduğuna inanıyoruz. Buna yönelik yapılan tüm kısıtlamaları reddediyoruz ve başörtüsü yasağının ülkedeki tüm kurumlarından hiçbir istisna bırakmaksızın tamamen ve acilen kaldırılmasını istiyoruz.*

Before its religious dimension, we think that wearing headscarf is a right. Directorate of Religious Affairs can talk its religious dimension. Some of our branches perceived it as a religious obligation instead of discussing in the axis of human rights because of their deficencies. However before a religious obligation, we think that it is a pressure to person's will, therefore we oppose the ban.[168]

When asked about the ECHR decision that Turkey did not violate any human rights,

one of the official in İstanbul responded agressively:

We never evaluate the ban on headscarf with a Western human rights terminology and make our defense or resistance on this base. Thus it does not mean anything for us.[169]

Other official continued:

There is a philosophical thought that belongs and connects ECHR. The Court is an accumulation of a philosophy from a given period of history and only created in the light of experience that is unique to a specific geography and it produces a universal discourse here. It says that existing human rights discourse in Europe and its own curriculum is universal and it is comprehensive to the entire world. Thus it constitutes a policy by putting center itself. It is the same case with UN Universal Declaration of Human Rights and ECHR. You just center your own mental perceptions, experiences and your knowledge to find a solution to a problem of 1000 years of civilization with its own people's perception.[170]

When we look at the discourse they use in interviews, press releases and

reports we can argue that Mazlum-Der's human rights perpective is based on the

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[168] *Başörtüsünün dinsel boyutundan önce bunun bir hak olduğunu düşünüyoruz. Dini boyutunu Diyanet İşleri konuşur. Biz bunu hak olarak değerlendiriyoruz. Bazı şubelerimiz bunu dini bir vecibe olarak değerlendirip insan hakları ekseninden çıkarmaya çalışmıştır ki bunun nedeni yöneticilerimizin eksikliğidir ama biz din vecibeden önce bunun kişinin iradesine bir baskı olduğunu düşünüyoruz ve bu yüzden karşı çıkılması gerektiğini söylüyoruz.*

[169] *Biz başörtüsü yasağını hiçbir zaman batılı bir insan hakları terminolojisiyle değerlendirip savunmamızı ya da direnişimizi bu temelden ortaya koymadık. Onun için bizim için birşeyi ifade etmiyor.*

[170] *AİHM'nin bağlı olduğu, ait olduğu bir düşünüş biçimi var. AİHM tarihin belirli bir döneminden, sadece belirli bir coğrafyaya has tecrübenin ışığında oluşmuş bir felsefenin birikimi ve buradan evrensel bir söylem üretiyor. Yani Avrupa'daki varolan insan hakları söyleminin, kendi müfredatının evrensel olduğunu bütün dünyaya kapsamlı birşey olduğunu söylüyor yani kendini merkeze alarak bir politika oluşturuyor. BM evrensel insan hakları beyannamesi için de bu böyledir AİHM için de bu böyledir. Siz sadece kendi düşünsel algınızı, kendi tarihi birikiminizi ve tecrübenizi merkeze alarak burada 1000 yıllık geleneği olan, kendi insan algısı olan bir medeniyetin bir havzanın içindeki bir probleme çözüm üretiyorsunuz.*

term "faith" which will be discussed in conclusion part. The term was pronounced

many times in interviews. The official in Trabzon said:

> Basically we keep our faiths in the forefront. It is our principle and
> procedure. People born on faith and die on faith. It is pointless to deny
> it. People can not fall apart from faith. There are some atheist groups that I
> can not believe but I agree the concept of human rights has begun with Islam.
> We perceive the Farewell Sermon as a document published against the human
> rights violations. However there are sources appeared in the west and we also
> benefit from them. US does not meet the requirements of the statements it has
> published, this is another topic that needs to be discussed. [171]

The official in Konya said:

> I would sign every article in the universal declaration of human rights unless
> it does not run counter to my faith but if it is against my faith I say that this is
> wrong. For instance I can accept the second article of the Universal
> Declaration of Human Rights because I do not find it contrary to the Quran,
> but can not accept the third because it does not fit into that verse or hadith.

> We arranged a night in February 28 named "civil defense against coup". In
> slide shows, we had the verses, hadiths, words of a leftist man, and articles
> from the universal declaration. We base our basic values to Islam but if it is
> not against our faith we also take it. [172]

Contrary to Konya branch, Diyarbkır branch said:

> We do not think that the universal declaration of human rights, Magna Carta
> or akin western resources go against our faith. We think our faith does not
> conflict with the western resources. We do not make such a distinction. For

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[171] *Biz temel olarak inançlarımızı ön planda tutarız. Prensibimiz, usulümüz odur. İnsanlar doğarken inanç üzerine doğar, ölürken inanç üzerine ölür. Bunu inkâr etmek anlamsız. İnançtan kopamaz insan. Bazı ateist gruplar var, buna inanmak gerçek zor. Fakat şunu kabul ediyorum ki insan hakları kavramı İslam'la başlamıştır. Veda Hutbesi insan hakları ihlallerine karşı yayınlanmış bir belge olarak görüyoruz. Kaynak olarak batıda bu konuda beyannameler çıkmıştır, onlardan da faydalanıyoruz. Amerika'nın kendi çıkardığı belgelerin gereklerine uymaması da ayrıca tartışılması gereken bir konu.*

[172] *Evrensel bildirgede benim inançlarıma ters düşmeyen herşeye ben de imza atıyorum ama inançlarıma ters düşüyosa bu yanlış diyorum. Mesela ben İnsan Hakları Evrensel Beyannamesi'nin ikinci maddesini Kuran'la çatışmadığı için kabul edebilirim ama üçüncü madde atıyorum, Kuran'daki şu ayete, şu hadise uymuyor diye bunu kabul etmeyebilirim.*

28 Şubat'ta bir gece yaptık "darbeye karşı sivil savunma" adında, slayt şovumuzda ayet vardı, hadis vardı, sol görüşlü bir düşünce adamının sözü vardı, evrensel beyannameden sözler vardı. Temel değerlerde İslama dayanak var ama doğruysa alıyoruz onu da.

instance most of our branches do not accept the concept of democracy, they think that it is a western concept. Instead they use the concept of equity. Equity is a local concept. You are talking about human rights not Islamic human rights. If you use a universal concept of human rights, the literature you use should be universal too, even you are discussing the local issues. Moreover the universal language does not conflict with local issues, they feed each other.[173]

In general there is not a joint decision of whether taking the divine law or universal law in conducting policies. One of the official in İzmir branch said:

As Mazlum-Der we see divine law and natural law parallel. If they conflict there is a misperception in that religion or that science is a problematic with that position. [174]

The perception of human rights of İstanbul branch is more or less the same with the others. Again there is a strong emphasis on faith and one of the official argued about the perception:

When we get into the philosophical origins of human rights, there it starts the association's or person's basic philosophy toward the human rights. As you mentioned before, although the İHD's background encircles primary rights or finds a solution to them, we are different in terms of both our background and our thoughts.[175]

When asked about what makes different Mazlum-Der from other human rights organizations, İstanbul branch referred to the concept of mortal rights:

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[173] *Biz evrensel insan hakları beyannamesinin, Magnacarta'nın ve benzeri batılı kaynakların bizim inançlarımıza ters düştüğünü düşünmüyoruz. Batılı kaynakların inançlarımızla çatışmadığını düşünüyoruz. Böyle bir ayrım yapmıyoruz. Mesela diğer birçok şubemiz demokrasi kavramını kabul etmez, batılı olduğunu düşünür, onun yerine hakkaniyet ifadesini kullanır. Hakkaniyet yerel bir kavramdır. Siz insan haklarından bahsediyorsunuz islami insan haklarından değil. İnsan hakları gibi evrensel bir kavram kullanıyorsanız sizin kullandığınız literatürün de evrensel olması lazım, yerel sorunlardan bahsediyorsanız bile. Kaldı ki yerel sorunlarla evrensel dil çatışmıyor zaten, birbirini besliyor.*

[174] *Biz Mazlum-Der olarak ilahi hukukla doğal hukuku paralel görürüz. Eğer çatışıyorsa ya o dinde yanlış algılama vardır ya da o bilimin o konumunda sorun vardır.*

[175] *İnsan hakları konusunda felsefi kökene indiğimiz zaman orada o kurumun veya kişinin insan haklarına bakışındaki temel felsefe devreye girmeye başlar. Dolayısıyla sizin de bahsettiğiniz gibi İHD'nin bulunduğu zemin her ne kadar birincil hakları çevreleyen, birincil haklara çözüm getiren bir zemin olsa da köken itibarıyla düşünsel ve fikri anlamda bizim bulunduğumuz zeminden daha farklıdır.*

Mazlum-Der perceives man as a God created mortal and struggle to bring man to the level of that God created mortal. In Mazlum-Der's identification of human rights there is mortal rights. Human rights are basically mortal rights thus these are the rights where he establishes relations between himself and the creator. Mazlum-Der recognizes man as such that what we call it as Islamic references refer to this. That is why Mazlum-Der is different from other human rights organizations which takes their philosophic background in secular world.[176]

In the west there is a humanism based human perception, in other words individual is at the center and detached from the church and God, thus in right expression this view is effective in the Western world. There are different experiences out from the west in the historical background of Mazlum-Der so it is possible to argue that Mazlum-Der's human rights perception results from Islamic and traditional thought.[177]

Diyarbakır branch summarized the human rights perception of Mazlum-Der as such:

Mazlum-Der is composed of religious people and point of view of religious people to human rights is a bit problematic. Not only with the other associations, we are also encountering problems with our members as well. There are people within our association who thought for example the concept of human rights, democracy or conscious of right is taken from west or it can not be applied to Islamic tradition. Thus they perceive us as "secular" and they criticize us. They argue that our campaign is not justifiable and all of these inevitably curtail our courage. However at the same time defending of human rights has also created a rupture within the religious community. To understand the other, to perceive the different, to destroy the prejudices, to break down the walls between them and recognize them. Even for my personal life, after I started working in the field of human rights I began to recognize people more which is different from me.[178]

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[176] *Mazlum-Der insanı Allah'ın yarattığı bir kul olarak algılar ve Allah'ın yarattığı kul seviyesine getirmek için mücadele eder. Mazlum-Der'in insan hakları tanımlamasında kul hakları vardır. İnsan hakkı temelde kulluk hakkıdır kulun hakkıdır, yani yaradanıyla kurduğu ilişkideki haklardır. Mazlum-Der insanı böyle algılar yani islami referanslar dediğimiz şey doğal olarak buna atıf yapar. Onun için Mazlum-Der diğer dünyadaki felsefe temelini seküler bir dünya hayatından alan tüm insan hakları kuruluşlarından bu yönüyle farklıdır zaten.*

[177] *Batıda hümanizma temelli bir insan algısı var yani merkeze bireyin konulduğu, merkezde insanın kendisinin olduğu tanrı ve kiliseden kopmuş bir insanın merkezde durduğu hümanist bir insan algısı var, dolayısıyla hak söyleminde de bu bakış temelde etkili. Mazlum-Der'in geldiği tarihsel zeminde ise yani doğal olarak batının geçirmiş olduğu dışında tecrübeler var, yani şunu söylemek mümkün: Mazlum-Der'in insan hakları anlayışı islami ve geleneksel düşünceden kaynaklanıyor.*

[178] *Mazlum-Der taban itibarıyla dindar insanlardan oluşuyor. Dindar insanların insan haklarına bakış açısı da biraz problemli. Tek başına diğer derneklerle değil, üyelerimizle de problemler yaşayabiliyoruz. İnsan hakları kavramının batıdan alındığını, demokratikleşmedir, hak bilincidir bunların tamamının batı literatürüne ait olduğu için, işte İslami geleneğe uygulanamayacağını düşünen insanlar var derneğin içinde. Üyelerimiz ve üyelerimiz dışındaki dindar yapı bunun içindedir. Dolayısıyla bu alanda bizi seküler görüyorlar, bu alanda bizi eleştiriyorlar. Verdiğimiz mücadelenin haklı bir mücadele olmadığını iddia ediyorlar. Bunlar da ister istemez bizim motivasyonumuzu çoğu zaman kırabiliyor. Ama aynı zamanda insan hakları mücadelesi de dindar*

In addition to problematic view of religious people to human rights, an official in

Konya responded as such:

> Most of the people here service Mazlum-Der because he/she thinks that it is a
> good service and good thing for the world and the hereafter. While he makes
> donation, he thinks that this donation will come back in after life as a good
> deed.[179]

Maybe the most striking and exceptional examples that is given in interviews

came from the Diyarbakır branch. Though officials were not eager to give concrete

examples, Diyarbakır branch was an exception. The first example is about a priest

who has been intimidated.

> We have Meryem Ana Church in Diyarbakır. The priest is Yusuf Alataş. One
> night, a group of people came and intimidated to remove the bell of the
> church, otherwise they threatened to kill him. He applied to us and we talked
> with him. Here there is such an expectation "this civil society organization
> would support me, share this case with media" and he tried to do this over
> Mazlum-Der.[180]

The second example is about a Christian family's children.

> There is a Cristian family and they applied to us. Their children does not want
> to attend the religion courses. However teacher forces him to attend. They
> forcibly memorize him devotion and performe the namaz without his consent.
> Teacher gets angry and the family apllied to us. Here a trust relation develops
> and the application of the family to Mazlum-Der is important for us. The
> family applied for criminal complaint and the case was moved to courts.[181]

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*kesim arasında bir kırılma da yarattı beraberinde. Ötekini anlayabilme, farklı olanı algılayabilme,
önyargıları yıkabilme, onlarla aralardaki duvarları yıkıp onları tanıyabilme. Çünkü ben bile kendi
bireysel hayatım için söyliyeyim; insan hakları alanında çalışmaya başladıktan sonra benden farklı
olan insanları daha yakından tanımaya başladım.*

[179] *Buradaki insanların çoğu bunu iyi bir hizmet, hem dünyası hem ahiret için iyi birşey olduğu için
yapıyor. Bağış yaparken yaptığım bağış bana ahirette geri dönecek, sevap olarak geri dönecek
düşüncesiyle yapıyor.*

[180] *Burada Meryem Ana kilisesi vardır. Orada Yusuf Alataş kilise papazı. Gecenin bir yarısı birkaç
kişi gidip papazı "bu çanı kaldıracaksın, kaldırmadığın takdirde seni öldüreceğiz şeklinde" tehdit
etmiş. Gelip başvuru yaptı, kendisiyle konuştuk. Şöyle bir beklenti var. "Bu sivil toplum kuruluşu
benim yanımda olsun, bunu basınla paylaşsın, kamuoyuyla paylaşsın." Bunu sivil toplum üzerinden
yapmaya çalışıyor.*

[181] *Hristiyan bir aile vardı. Çocuğu din derslerine katılmak istemiyor. Din kültürü ve ahlak bilgisi
öğretmeni katılacaksın diyor ve zorluyor. Zorla duaları ezberlettiler, zorla namaz kıldırdılar
çocuklarına. Öğretmen çok kızıyo çocuğa. Aile bize başvurdu. Burada bir güven ilişkisi gelişiyor.*

Although the topic of education system is not included in questions, some of the

Mazlum-Der officials criticized the existing education system over Islam and it is

worth to mention here. The official in Trabzon said:

> There is a great inequality in access to university. The main target is Islamic
> education in Anatolia, to prevent the youngsters growing with Islamic culture
> to come to specific mechanism in state. There is a stance against Islam by a
> particular segment and there is a mentality that sees Islam as an boogeyman.
> The main reason behind the 8-12 year continuous education is to block the
> faithful community. In all European countries they direct childrens from very
> little age according to their aptitudes. Here in Turkey, children under 12 years
> could not receive religious education even if he/she demands. There is an
> interference in religious education. In the new constitution, it should be
> eliminated.[182]

İstanbul branch said that the headscarf problem is connected to education system:

> We have to accept this in specific to headscarf: Mazlum-Der gives priority to
> headscarf but it is not the only problem. There are many subtitles of this
> problem. In parallel to the headscarf problem, there is an educational
> problem, right to have education, violation of right of religious education thus
> parents actually can not teach religion to their children, there is a 12 age
> limitation in Quran training. In other words, only solving the problem of
> headscarf will not give all of the rights of religious community, we have to
> accept this.[183]

With regard to education system, İHD has a different view and it will be discussed in

below parts. When asked about how their world views affect their policies they look

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Burada Mazlum-Der'e başvurması çok anlamlıdır. 1.5 hafta önce yapılan başvuruydu bu. Suç duyurusunda bulunuldu. Yargıya intikal etti.

[182] *Üniversiteye girişlerde büyük adaletsizlik var. Burada asıl amaç Anadolu'da yaşayan İslami eğitim, İslami kültürle yetişen gençlerin belirli mekanizmalara gelmelerini engellemektir. İslamiyete karşı bir duruş var belirli bir kesim tarafından. Bu ülkede İslamiyeti öcü gibi gören bir zihniyet var. 8-12 yıllık kesintisiz eğitimin getirilmesinin asıl sebebi inançlı kesimin önünü kesmektir. Bütün Avrupa ülkelerinde çocuklar çok küçük yaştan beri eğilimlerine göre yönlendirilmeye çalışılır. Bizde kanunla 12 yaşındaki altındaki çocuk istesen de dini eğitim alamıyor. Özellikle dini eğitim hakkında bir engelleme söz konusu yani. Yeni anayasada bunun da ortadan kaldırılması lazım.*

[183] *Başörtüsü özelinde şunu kabul etmemiz gerekiyor, Mazlum-Der başörtüsüne öncelik tanıyor ama bu ülkenin tek sorunu başörtüsü değil. Bu problemin birçok ayağı var. Bu ülkede başörtüsü paralelinde eğitim problemi var, eğitim hakkı var, dini eğitim hakkının ihlali var ki anneler babalar gerçekten çocuklarına dinini öğretemiyorlar yani 12 yaş sınırı var Kuran eğitiminde. Yani başörtüsü sorununu tek başına çözmekle ülkedeki dindar kesimin hakları tamamen verilmiş olmaz, bunu kabul etmek lazım.*

a bit hesitant. One of the former president and official in İzmir responded

respectively as such:

> It is not a preferred situation but in reality our world views are affecting our policy areas. You may say you are focusing on the Palestinian issue but not the Darfur with the same sensitive approach. It is possible to say that faith pushes you to become more selective. There is also base's lack of interest. Despite this, management must show sensitivity.[184]

> It is not possible to say that "our world views do not affect our policy areas". People work with their own internal dynamics. An action independent of our faith is not possible, it is not possible for no one. However it is possible to say this: people may choose the civil society organizations which is quite parallel to his thought and defend their rights more. We are getting more applications from the faithful community and they come here because they think that Mazlum-Der is more consistent in freedom of faith.[185]

An official in the head office said:

> In our some branches world views may have an impact to policy areas but in Mazlum-Der's general policy there is no such separation. For instance, İstanbul branch can focus more on headscarf issue or Diyarbakır or Batman branches are conducting more studies on Kurdish problem. It should have seen normal.

> I think Mazlum-Der plays a leading role in overcoming the perceptions of social segment which born within however it can not take enough process. For instance the association plays a leading role in the Kurdish problem but in many areas it faces difficulties in developing approaches to coerce its own base.[186]

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[184] *Tercih edilen bir durum değil ama fiili durumda dünya görüşlerimizin faaliyet alanlarına etkisi oluyor. Filistin sorununa yoğunlaşıyorsunuz da neden Darfur sorununa aynı hassasiyetle yaklaşmıyorsunuz diyebilirsiniz. İnançların seçici olmaya ittiğini söylemek mümkün. Tabanın ilgisizliği de var. Buna rağmen yönetim duyarlılık sergilemelidir.*

[185] *Şunu söylemek mümkün değil "Dünya görüşlerimiz faaliyet alanlarımızı etkilemiyor". İnsanlar kendi iç dinamikleriyle iş yaparlar. İnançlarımızdan bağımsız bir hareket mümkün değildir, hiç kimse için mümkün değildir. Ayrıca şunu söylemek de mümkün, insanlar belirli sivil toplum kuruluşlarına giderken kendi düşüncesina yakın, kendi haklarını daha fazla savunacak kuruluşları tercih edebilirler. Biz daha çok inançlı çevreden başvuru alıyoruz, Mazlum-Der inanç özgürlüğünde daha tutarlı diye gelebiliyorlar.*

[186] *Bazı şubelerimizde dünya görüşlerinin faaliyet alanlarına etkisi olabilir ama Mazlum-Der'in genel politikasında böyle bir ayrışma yok. Mesela İstanbul şubesi daha çok başörtüsü ağırlıklı çalışabiliyor. Diyarbakır veya Batman şubesi daha çok Kürt sorunu ağırlıklı çalışmalar yürütüyor, bunu da normal görmek gerekir*

Mazlum-Der'in içinden doğduğu toplumsal kesimin algılarını aşmakta öncü bir rol oynadığını ama yeterince mesafe alamadığını düşünüyorum. Kürt sorununda öncü bir rol oynamıştır ama birçok alanda kendi tabanını zorlayan yaklaşım geliştirmekte zorlanmıştır.

One of the former presidents of Mazlum-Der, who is still greatly respected and loved within the association, in his period used his initiative in the name of collective interests for changing the organizational structure and he persuaded the organization. According to him that structure also serves a better ground for organizational education:

> I brought many issues into the agenda, even the ones which would never been discussed, and I did this on purpose. For making our friends talk, for making them say "look, this should be our approach to this problem" Because the problem of human rights, in Turkish Republic in general and among our base in particular, is a highly cultural issue. Culturally, it is hard to say that the question of human rights is fully understood and appropriated.[187]

At this point it would be appropriate to write down an interesting anecdote cited by the same former president, which underlines the cautious and fastidious attitude displayed by him:

> They called from the city A, for getting the permission to found a branch. I clearly said, "Look, my brother. If you are going to follow an Islamist path, here is not the place for it. Go and find another association." The difference between two methods can be formulated as such: if you are propagandizing freedom of religion you will only stand for it and this is inescapable for Turkish Islamist movement; but, if you are a human right organization who does not follow an Islamist path (but religious at the same time); and if you are strictly against discrimination you should hold the problem of closure of Heybeliada Clergy Schools like you hold the problem of headscarf. For example, I did not authorize the branch B; why? When I try to explain this stance to that person, he said: "You did not solve the problems of the Muslims yet, and you are trying to solve the problem of others." Why it is important? For example, we were helping people in South Eastern Anatolia at that time. If you give a responsibility to that man, that man goes and helps to the ones who are prayers. He shouts and screams after the killing of 33 people

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[187] *Hiç tartışılmayacak birçok konuyu bile kasten gündem maddesi haline getiriyorum, konuşulsun arkadaşlar da duysunlar"Bak bu soruna da bizim böyle yaklaşmamız lazım" desinler diye. Çünkü insan hakları sorunu Türkiye Cumhuriyeti'nde genel olarak, bizim kendi üye tabanımızda da özel olarak hayli bir kültürel sorun. Kültürel olarak da insan hakları çok anlaşılabilmiş ve benimsenmiş değil.*

in Başbağlar Village[188] due to the burning of this village, he overreacts; he remains silent after the bombing of villages of Ovacık[189].[190]

It has been quoted that some Islamic circles tried to open Mazlum-Der branches for their narrow political interests, rather than human rights concerns. It is argued that when this situation was realized by the association the members of Mazlum-Der tried to stop prevent this tendency. Here we can detect an interesting affinity between leftist and Islamist civil society organizations: in both cases there are similar attitudes taken towards the csos. Seeing the symptoms of a non-civic culture in extremely different political and ideological and political circles is strictly important, for it tells many things about the perception of csos in Turkey. The comments of the former president on this issue are really worth of quoting:

> We have experienced this before. You go and say to the group A: "Let's take a friend from your circle." That group sends you a consul. The man comes and becomes a member of Board of Directors. But, in fact, he is not a member of Board of Directors. Because he is a consul, he comes, listens and carries the debates within the Board to his own organization. He gives his decisions "from" there. When I have observed this in some occasions I immediately take precautions. I said: "We will absolutely accept no representative from any place. We decided to find people from those groups; for example Mr. Ali is a nice person, he has a good knowledge of human rights, also he does not make discrimination; in other words he has the capability of thinking beyond his narrow group interests.[191]

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[188] A Turkish village

[189] A Kurdish village

[190] *A Şehrinden aramışlardı şube kurmak için. Açıkça dedim: "Bak kardeşim" dedim, "Mazlum-Der'de de siz İslamcılık yapacaksanız burası İslamcılık yapılacak bir dernek değil" dedim "Kendinize başka bir dernek bulun". İki yöntemin farkı şu: birinde siz din özgürlüğü diyorsanız siz oturacaksınız sadece - hele de bu Türkiye'deki İslamcılar açısından kaçınılmaz bir şey- kendinizin özgürlüğünüzü isteyeceksiniz, ama İslamcılık yapmayan ama Müslümanların kurduğu ettiği bir insan hakları örgütüyseniz; çifte standarda ayrımsızlığa özellikle vurgu yapıyorsanız, siz başörtüsü yasağına karşı çıktığınız kadar Heybeliada Ruhban Okulu'nun kapalı olmasına karşı çıkmayı da becermek zorundasınız. Mesela B Şubesi'ne yetki vermedim. Neden? Ben bunu anlattığım zaman "Yav başkan sen de yav Müslümanların sorununu çözdün mü ki bir de kalkıyorsun öbürünün" (diyor karşıdaki kişi). Bu neden önemli? O sırada biz Güney Doğu'ya yardım yapıyoruz, o ekip yardımı bile götürüp köyünden kovulmuş göç ettirilmiş insanlar içerisinde sadece namazlı abdestli insanları arar onlara verir. Başbağlar Köyü yakılıp yıkılıp 33 kişi öldürüldüğünde hoplar zıplar, çok tepki gösterir; Ovacık'ın köyleri bombalandığında da gıkı çıkmaz.*

[191] *Çünkü şunu geçmişte yaşadık. Diyorsunuz ki A grubuna: "Bir arkadaş da sizden alalım" O grup bir konsolos/ elçi gönderiyor. Adam geliyor, yönetim kuruluna giriyor ama yönetim kurulu değil*

Within Mazlum-Der, the founder chairman who is not on the board of the association and even not in the association, but who found the association and designated the basic principles of the association which are still valid today represents the circle which claims that Islamic sensitivities should be given priority to. It has been said that there was a serious dispute about this issue, and even because of that the person in question split up from Mazlum-Der and accused the association on several issues. The comments of the chairman about this issue are worth of considering:

> However, for example, I heard that the former chairman made such accusations: "Finally they left the association with no identity", "They turned the association into the Association of Human Rights", and he even said that "They deal with violations which Leftists and Liberals suffered from more than the Muslims". Yet, just look at what he did, he even gone further than us. Firstly he visited İHD, and done very well. For example, he said that "We are not rivals of these associations, we hail their struggle. We will work for strengthening their struggle." I think the reason is that you can see the whole picture from here. However, when you limit yourself with your own ideological circle and your own ghetto, you mostly deal with violations your neighborhood experienced. You don't even see the others, because you probably read Vakit or Yeni Şafak. However when he was in Mazlum-Der, Yeni Şafak did not exist and he gave his speeches to Yeni Ülke, Emek, etc. more than Milli Gazete. For, that is the natural order of the things…[192]

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adam. Elçi ya, orada dinliyor, örgütüne, cemaatine tartışmaları götürüyor. Oradan karar alıyor. Ben bunu bir iki yerde gözleyince hemen önlemini aldım. Dedim ki: "Kesinlikle hiç bir yerden temsilci kabulünü yapmayacağız. Biz olabildiğince o gruptan birini bulalım, diyelim Ali Bey iyi, insan hakları konusundaki bilgisi, ayrımsızlığı; yani, kendi grubunun da görüşlerini aşabilecek bir özgür birey.

[192] Ama mesela önceki başkanın şu tür suçlamalarda bulunduğunu duydum "İşte kimliksizleştirdiler bu derneği", "Derneği İnsan Hakları Derneği'ne çevirdiler" hatta, daha ileri giderek "Müslümanlardan daha çok solcuların liberallerin uğradıkları ihlallerle ilgileniyorlar". Hâlbuki onun yaptıklarına bakın, bizden daha ileri gitmiş. İHD'yi ilk o ziyaret etmiş, doğru da yapmış. "Biz bu derneklere rakip değiliz, bunların verdikleri mücadeleyi selamlıyoruz. Onların verdiği mücadeleyi daha da perçinleyecek güçlendirecek bir çalışma içerisinde olacağız" diyen o mesela. Ben bunu şuna bağlıyorum buradayken olayın haritanın tamamını görüyorsunuz. Kendi dar ideolojik çevrenizle baş başa kaldığınız zaman kendi gettonuza çekilince sadece sizin mahallenin uğradığı ihlallerle daha çok haşır neşir oluyorsunuz. Diğerlerini görmüyorsunuz bile. Neden görmüyorsunuz; çünkü muhtemelen Vakit ya da Yeni şafak okuyorsunuz. Ama Mazlum-Der'deyken Yeni Şafak o zaman yoktu ama Milli Gazete'den daha çok Yeni Ülke'ye Emek'e falan demeç veriyordu. İşin tabiatı da biraz onu gerektiriyor.

Responses of İHD are mostly centered around the Kurdish question. In every

response there is an emphasis on the Kurdish question. Their thoughts on above

mentioned issues (homosexuality, education system, headscarf) are tightly

homogenous when compared to Mazlum-Der. Their discourse is mostly based on

Kurdish question and they are mostly critical of the state's policies when responding

the questions. One official in Diyarbakır said:

> Nobody loves human rights defenders. Our challange is with state, official
> ideology, governments. We reveal the violations they make and share with
> the public. For instance our branch president has taken into custody in
> KCK[193] operation same as with Siirt branch president. Questions directed to
> them are such: "Why do you open mass graves? Why do you say that state
> did this?" They totally look İHD ideologically and there is an understanding
> of breaking and minimizing the image of İHD. This perception disturbs us.
> They use dispropartional force in demonstrations. People have taken into
> custody without knowing what they are accused of.[194]

> When Muharrem Erbey[195] is arrested[196], they asked questions of the press
> releases, statements made concerning the losses, and arrested him because of
> the speeches in EU parliament. Questions being directed to Siirt branch
> president are the same and this shows us: Turkey is not a state of law. State is
> not subject to the laws which lays down itself and it is used to reach some sort
> of ideological goal. [197]

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[193] Means *"Koma Civaken Kurdistan"* in Kurdish. In its simplest form, it is assumed to be the
executive sub branch of Kurdish movement.

[194] *İnsan hakları savunucularını hiç kimse sevmez. Bizim mücadelemiz devletledir, resmi ideolojidir,
hükümetlerledir. Biz onların yaptıkları ihlalleri ortaya çıkarıyoruz, kamuoyuyla paylaşıyoruz. Mesela
şu anda şube başkanımız KCK operasyonunda gözaltına alındı. Siirt şube başkanımız aynı şekilde.
Bunlara sorulan sorular şu şekildedir: Siz niye toplu mezarları açıyorsunuz, devletin yaptığını
söylüyorsunuz? İHD'ye tamamen ideolojik bakıyorlar, İHD'yi pasifize etme, imajını kırma, minimize
etme temelinde bir anlayış var. Bu da bizi rahatsız ediyor. Yapılan eylemlerde orantısız güç
kullanılıyor. İnsanlar ne ile suçlandığını bilmeden gözaltına alınıyor.*

[195] Muharrem Erbey is the former vice president of İHD and the president of Diyarbakır branch.

[196] http://www.ihd.org.tr/index.php?option=com_content&view=article&id=1861:bir-insan-haklari-
savunucusu-daha-tutuklandi-avukat-muharrem-erbeye-ozgurluk&catid=67:genel-merkez&Itemid=213

[197] *Muharrem Erbey tutuklandığında ona sorulan sorular yaptığı basın açıklamaları ve kayıplarla
ilgili açıklamalar hakkında. AB parlamentosundaki konuşmalar yüzünden tutuklandı. Siirt şube
başkanına sorular sorularda yine aynı doğrultuda. Bu şunu gösteriyor bize: Türkiye bir hukuk devleti*

Though it was closed[198] by the court's decision, I had a chance to interview

with an official of a civil society organization named Göç-Der. The official told me

that they mostly cooperate with İHD and they experience the same problems.

> In every third week of June, we hold Migration Week activities and visit a
> village that was evacuated before. Even that day, authorities raise some
> difficulties. We constantly harassed until we get to the village and stopped by
> gendarmes and soldiers. However they do not get involved any civil society
> organizations that does not have an oppositional identitiy.

> "There is also a pressure on employees, an executive is in jail. A prosecutor is
> asking: "Why are you taking journalists from Europe to evacuated villages?
> or Why do you guide them?" Government sees it as a crime. Our friends are
> in prison now.[199]
> We experience the most significant pressure from the state because the state
> is in a violator position. In its classical definition states make the human
> rights violations. All the work we have done thus extends to the state. We
> have a duty to remind the responsibilities to the state or warn the state to
> correct if it is doing something wrong. We have done this continuously since
> the day we were founded. This obviously does not please the source of the
> violator.[200]

When asked how do you make the definition of human rights, İzmir branch

stated that the security forces of the state are used as an instrument for the violator

"state" so the security phenomenon of the state should be discussed in order to make

a definition of human rights in Turkey.

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değil. Konulan yasalara devletin kendisi uymuyor, belirli bir ideolojik hedefe ulaşma için kullanmak söz konusu.

[198] *http://www.haberdiyarbakir.com/news_detail.php?id=33945*

[199] *Haziran'ın üçüncü haftasında göç haftası etkinlikleri düzenliyoruz ve her sene o bir hafta boşaltılmış bir köye ziyarete gidiyoruz. Bizim bu bir günlük ziyaretmizde bile zorluklar çıkarıyorlar. Toplanma yerimizden köye gidene kadar sürekli taciz ediliyoruz. Jandarma ve askerler tarafından durduruluyoruz. Ancak muhalif kimliği olmayan, sıradan bir stk'nın hiçbir etkinliğine karışılmaz.*

Çalışanlar üzerinde de bir baskı var, bir yöneticimiz cezaevinde. Savcı soruyor: "sen Avrupa'dan gelen gazetecileri neden boşaltılmış köylere götürüyorsun? Niye onlara rehberlik ediyorsun?" Devlet bunu bir suç olarak görüyor. Arkadaşımız şu anda cezaevinde.

[200] *En belirgin baskıyı devletten görüyoruz çünkü devlet bizim tanımımızda ihlal odağı pozisyonunda. Yani klasik tanımıyla insan hakları ihlallerini devletler yapar zaten. Dolayısıyla bizim yaptığımız bütün çalışmaların ucu devlete uzanır. Devletin bir takım sorumluluklarını devlete hatırlatmak, devletin yanlış yaptığını devletin düzeltmesi için de onu uyarmak gibi bir görevimiz var. Bunu kurulduğumuz günden bugüne sürekli gerçekleştirdik. Bu tabii ki bir ihlal kaynağının çok hoşuna gitmiyor.*

There are rights which are originated from being human. Freedom is the most important in this case. While we make the definition of freedom, we discuss the freedom over the freedom of individual which is restricted by state power. For today, the secuirty phenomenon of the state is the biggest factor that restricts the freedom of people.[201]

Nearly all of the officials when responding the questions mentioned the Kurdish question and argued that most of the human right violations in Turkey results from the Kurdish question just as Mazlum-Der officials said it is the headscarf and education problem that needs to be resolved at first hand. One official in Diyarbakır said:

In this geography, what lies in most of the violations is the Kurdish question. Thus, specially security forces and judiciary feels that they are against us. We think that most of the problems in Turkey stem from Kurdish question. If you solve this problem, this war stops and billions of dollars will not be consumed. This amount of money will be consumed for welfare. For instance you go to school with your mother tongue, you see your own culture is superior than the other culture. Although you say we are equal, you should put in practice and you do not do that.[202]

When I asked, as a civil organization what kind of difficulties you are experiencing, most of respondents said they are misunderstood or labelled a pro-Kurdish association. They also argue that state mechanisms raise difficulties when dealing with PKK issues.

When we take PKK militant's funeral, they say this association is pro-PKK. We experience such difficulties. State puts us into other side. Whose funeral am I going to take there? Soldier's funeral has already taken.[203]

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[201] *İnsanın insan olmaktan kaynaklı hakları vardır. Bunun içinde özgürlük en önemli olgudur. Biz özgürlük tanımımızı yaparken kamu gücünün sınırlandırdığı birey özgürlüğü üzerinden tartışıyoruz özgürlüğü. Bugün için insanların ögürlüğünü sınırlandıran en büyük olgu devletin güvenlik olgusudur.*

[202] *Bu coğrafyadaki hak ihlallerinin temelinde Kürt sorunu yatmaktadır. Dolayısıyla böyle olunca özellikle yargı ve güvenlik güçleri kendilerini bize karşı hissediyorlar. Biz Türkiye'deki birçok sorunun Kürt sorunu temelli olduğunu düşünüyoruz. Eğer bu ülkede bu sorunu çözersen, bu savaş durur ve milyar dolarlar harcanmaz. Bu kadar para refah için harcanır. Sen kendi dilinle eğitim görüyosun, kendi kültürünün diğerinin kültüründen üstün olduğunu görüyorsun. Ne kadar biz eşitiz desen de bunu pratikte uygulaman lazım. Onu da yapmıyorsun.*

[203] *Bir Pkk militanının cenazesini almaya gittiğimizde bu dernek Pkk'lıdır deniyor. Bizim böyle bir zorluğumuz var. Devletin bizi öbür tarafa monte etme gibi bir anlayışı var. Orada ben kimin cenazesini alacağım? Asker cenazesi zaten alınmış.*

Trabzon may deserve a special attention in terms of İHD and Mazlum-Der. When I first interviewed with Mazlum-Der they basically argued that Trabzon has a good human rights record and there are not too much violations within the city because of the homogenous structure.

> There is not much application to Mazlum-Der about human rights violations lately. The reason for this is the homogeneous structure of Trabzon. Problems mostly arise from workers who migrate from southeast. However they do not constitute a societal structure thus does not leave much trouble. Recent incidents such as Hrant Dink and Priest Santoro suicides are individual. Trabzon was chosen as a target and nationalism was used. For instance, there was a demonstration by leftist students and I am the first who went to police station. They are not allowed to participate to exams becasue of a protest but they claim their rigths with the decision of the court.[204]

Contrary to these arguments İHD portrayed a very different picture for Trabzon and its human rights record. Mazlum-Der and İHD argued respectively

> We have a social structure that is more dependent on national and spiritual values as Trabzon people.[205]

> The concept of human rights is unfortunately not well understood by people living in Trabzon. Someone puts İHD somewhere and when they say İHD, the first thing comes into people's mind is PKK. İHD has been put into some place in Trabzon. A PKK militant's was brought to Trabzon and here it is taken to their families. Families call us and say "I'll take my funeral." We show them the way. We are making the necessary assistance. This put İHD in somewhere, but İHD have to do this. Okay, the militant is killing your soldier, but he is also a human, they have families too.[206]

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[204] *Mazlum-Der'e hak ihlali konusunda son zamanlarda pek fazla başvuru olmuyor. Bunun nedeni Trabzon'un homojen bir yapıya sahip olması. Yalnız güneydoğudan gelen işçiler var. Onlarla ilgili sorunlar çıkabiliyor. Farklı toplumsal yapı olmadığı için fazla sorun çıkmıyor. Son yaşanan Hrant Dink, Rahip Santoro cinayetleri münferittir. Trabzon hedef olarak seçilmiştir ve Trabzon gencinin milliyetçiliği kullanılmıştır. Ben burada mesela sol görüşlü öğrencilerimizin bir eylemi olmuştu, ilk ben yanlarına gittim karakola. Basit bir protesto yüzünden üniversitede sınavlara sokulmuyordu öğrenciler, mahkemeyle o haklarını kazandılar.*

[205] *Daha çok milli ve manevi değerlere bağlı bir toplumsal yapımız var Trabzon insanı olarak.*

[206] *İnsan hakları kavramı ne yazık ki Trabzon'da yaşayan halk tarafından çok da özümsenmiş bir durumda değil. İhd denince bu derneği birileri bir yere koyuyor. İHD denince insanların aklına ilk Pkk geliyor. İHD Trabzon'da bir yere konmuştur. Bir Pkk militanının cesedi Trabzon'a getiriliyor ve buradan cenazeler ailelerine gönderiliyor. Aileler bizi arıyor, diyor ki "gelip ben cenazemi alacağım". Biz onlara yol gösteriyoruz. Gerekli yardımı yapıyoruz. Bu Trabzon'da İHD'yi bir yere koydu ama İHD'nin bunun yapması gerekiyordu. Tamam, senin askerini öldürüyor ama o da bir insan, onların da bir ailesi var.*

The president of Body of Lawyers of Trabzon responded in line with Mazlum-Der about the human rights violations:

> There is no systematic human rights violations in Trabzon. Most of the violations are committed by individuals and occur between state and individual. In Trabzon, specifically most of the human rights violations originates from the nationalism axis (TAYAD, southeastern workers) especially after the last expansion process of AKP. Actually Trabzon is a emotional city where the feeling of nationalism can come up easily.[207]

When asked why Trabzon is chosen for these incidents and why there is a suspicion toward İHD, he adressed the nationalism.

> Why Trabzon citizen used in these murders? Trabzon citizen has an unquestionable adherence to patriotism, he does not ask or wait for reciprocity. It would be wrong to attribute these incidents to Trabzon, these are commited by individuals.

> Public perceives İHD with suspicion. The actual reason is nationalism. They believe that the association only works for southeastern people. Therefore they react İHD as they are reacting against terror attacks. Another reason is that İHD's ideology and Trabzon people's nationalism conflicts. There is a perception that İHD and PKK has a relation at a backstage. However they perceive Mazlum-Der as an association that deals with believers' grievances.[208]

İHD official responded just the opposite of Mazlum-Der.

> The state itself raises difficulties. For instance there is an applicaiton from the prison, I have to see him, but the prosecutor does not allow and says "go and take permission from the minister of justice."

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[207] *Sistematik bir insan hakkı ihlali yok. Yaşanan insan hakları ihlallerinin birçoğu münferit ve devletle birey arasında. İnsan hakları ihlalleri milliyetçilik ekseninde oluyor, (TAYAD, güneydoğulu işçiler) özellikle de son açılım sürecinden sonra. Trabzon aslında heyecanı olan bir kent ve milliyetçilik duygusunun en çabuk şekilde yüzeye çıktığı, dışa vurulduğu bir kent.*

[208] *Niye Trabzonlu kullanışmıştır? Trabzonlu'nun vatanseverlik konusunda sorgusuz bir bağlılığı var, sormaz, karşılık beklemez. Bu olayları münferit olarak kabul etmek lazım, tüm Trabzon'a mal etmek yanlıştır.*

Halk İHD'ye şüpheyle bakıyor Trabzon'da. Asıl nedeni milliyetçilik. İHD'nin güneydoğulu insanlara çalıştığını, sadece onları düşündüğünü sanıyor. Dolayısıyla yaşanan terör olaylarına karşı bir tepki gösterir gibi İHD'ye de tepki gösteriyor. İHD'nin ideolojisiyle Trabzon insanının milliyetçiliği de çatışıyor. Bu da bir neden. İnsanlarda İHD'nin Pkk ile perde arkasında bir bağının olduğu algısı var. Mazlum-Der ise inançlı kesimin mağduriyetini gideren bir dernek olarak algılanıyor.

We get most of the applications from Kurdish workers in Trabzon. In their residences, there were police and community pressure. In the last few years, these applications were decreased. Applications before this government came from university youth. Yet again, most applications come from the Kurdish people. Students have been arrested. 1.5 years ago Kurdish students were arrested. Both theirselves and their families were victimized. Youngsters are studying in Trabzon but taken to Erzurum. Trabzon's police arrests, Trabzon's prosecutor gets the statement but he/she is taken to Erzurum. The special prosecutor says "bring to me". There is an illegality here.

In addition to these, he complained university's practices and argued that it is used as a source of nationalism.

Is there a university that does not look after its stıdents? There will be clash of ideas of course but there should not be any prejudice. Universities should contribute to the city in every way but unfortunately it does not happen.[209]

Another interesting case is the branch of Mazlum-Der in İzmir. When I talked with the official, I thought I was talking with an İHD official. Given examples are different just like the Diyarbakır branch and he told me that except the applications from conservative community, Kurdish population in İzmir also applies to Mazlum-Der. His discourse on human rights is like an İHD official.

One state, one nation, one flag format causes trouble. Human rights violations emanate from these factors. It is not suitable to the structure of people living in this region. We have problems of ethnic discrimination. The prime minister says: this is an expression of society reaction. If this much of nationalism, chauvinism would be pumped to society and given in state's educational

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[209] *Devlet çeşitli zorluklar çıkarıyor. Mesela cezaevinden bir başvuru oluyor, gidip onu görmem gerekir, savcı bana izin vermiyor "git adalet bakanlığından izin al" diyor.*

En fazla başvuruları Trabzon'daki kürt işçilerden alıyoruz. Onların ikamet ettiği yerlerde hem polis hem halk baskısı vardı. Son birkaç yılda bu başvurular aza indi. Bu hükümetten önce üniversiteli çocuklardan başvurular geliyordu, yine başvurular var ama öncesine göre daha az. Ama yine en fazla başvurular Kürt halkından geliyor.

Tutuklanan öğrenciler var. 1.5 yıl önce Kürt öğrenciler tutuklanmıştı. Tutuklanmalarda hem kendileri hem aileleri mağdur ediliyor. Çocuklar burada üniversitede okuyorlar, tutuklanıyorlar ve Erzurum'a götürülüyorlar. Tutuklayan buranın polisi, ifadesini alan buranın savcısı ama Erzurum'a götürülüyor. Özel yetkili savcı bana getirin diyor. Burada bir hukuksuzluk var.

Öğrencisine sahip çıkmayan bir üniversite olur mu? Tabii ki fikirler çatışacak ama önyargılı olmamak lazım. Üniversite şehire her yönüyle katkı koymalı ama bu olmuyor malesef.

institutions, and concepts such as minorities, foreigners are used, society begins to see someone as the enemy.

For instance Dikili municipality did not give water and electricity to a Kurdish citizen and he applied to us. The municipality gave the one who comes after him. Their pretexts and the legal infrastructure is ready. This stems from the law, and the structure that government imposed upon citizens. When it is stated in constitution everyone is Turkish, when someone says I am a Kurdish, it is counted as an offence.

They take people into custody who is defending legal stuff operating in civil society. In İzmir, KESK members were declared guilty by the judge because of defending the legal stuff. They made a press release, they say "I am a Kurdish" and because of these, they were found guilty. Same thing happened in KCK operations.[210]

An interesting example just like İzmir is given by Ankara branch:

You know the reporter fron Evrensel newspaper Metin Göktepe who was killed in custody. Polices who were claimed to torture him applied us for being tortured. İHD defended them. We have received much criticism from various groups on the left for defending the rights of torturers. We do not care the people, we care for the violation's characteristics. For instance a bunch of taxi driver is banned to work in AŞTİ and most of them were supporters of MHP. They applied us with a bit hesitation but then thanked to us.[211]

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[210] *Tek devlet, tek millet, tek bayrak formatı sıkıntı yaratıyor, insan hakları ihlalleri de bundan kaynaklanıyor. Bu coğrafyada yaşayan insanların yapısına uygun değil.*

Etnik ayrımcılıkla ilgili sorunlarımız var. Başbakan kendi söylüyor: bu toplumun tepkisnin dışavurumudur. Bu kadar milliyetçilik, şovenizm pompalanırsa topluma devletin eğitim kurumlarında bu işlenirse, azınlıklar, yabancılar gibi tabirler kullanılırsa toplum birilerini düşman olarak görmeye başlıyor.

Dikilili Kürt bir vatandaşa su ve elektrik verilmiyordu, bize başvurdu. Daha sonra gelene vermiş belediye, kitabına uydurmuş ama buna vermiyor. Bahaneleri, yasal altyapıları hazır. Bu yasalardan kaynaklanıyor, devlet yapısının vatandaşa empoze ettiği yapıdan kaynaklanıyor. Devletin anayasasında herkese Türk deyince birisi ben Kürdüm deyince suç teşkil ediyor.

Yasal şeyler savunan sivil toplumda legal çalışan kişileri gözaltına alıyorlar. İzmir'de Kesk üyeleri yasal şeyleri savunduğundan dolayı hakim tarafından suçlu ilan edildiler. Basın açıklaması yapmışın, ben Kürdüm demişsin..bunları öne sürerek suçlu bulunuyorlar. Aynı şey KCK operasyonlarında da yapılıyor.

[211] *Gözaltında öldürülen Metin Göktepe'yi biliyorsunuz Evrensel gazetesi muhabiri. O gözaltında öldürdüğü iddia edilen polisler, kendileri işkence gördüklerini iddia ettiler. Onlar bize başvurdu. İHD onları da savundu. Çok eleştiri aldık çeşitli sol gruplardan, neden işkencecilerin hakkını savunuyorsunuz diye. Bizim için kişi önemli değil, ihlalin niteliği önemli. Bir grup taksicinin AŞTİ'de taksicilik yapması yasaklandı, çoğu MHP'liydi gelenlerin ve bize başvurdular. Gelirken tereddütle geldiklerini söylediler ama geldikten sonra İHD'ye teşekkür ettiler.*

There is a question of relations with Mazlum-Der. The most interesting results came

from Diyarbakır unlike the other branches.

> Relations with Mazlum-Der is really good when compared to other cities. We
> are a leftist association, Mazlum-Der is a conservative Islamist association
> but consequently our approach is the same: human focused. If a PKK
> militant's family or a soldier's family would apply to us, we take the same
> steps. However other branches of Mazlum-Ders in west toward Diyarbakır
> İHD and other İHDs is Kurdish problem oriented.

> We do not conflict at any point with Mazlum-Der and İHD in Diyarbakır.
> You build a tent in Dağkapı saying that "freedom to Palestinian children" at
> the same day when Ceylan Önkol[212] was killed you do not raise your voice.
> These are the NGO's apart from Mazlum-Der.[213]

When I asked the same question to Mazlum-Der İstanbul branch, they responded as

such:

> Despite we are in different flanks, we have many common points with
> İHD. Our lawyers in the case of conscientious objector Enver Aydemir,
> collaborated. We prepared the report for Ceylan Önkol in Diyarbakir, while
> the state could not be able to go there. We know very well each other. We
> have come together on many platforms and our and their ideological stance is
> obvious so we do not experience much problems.[214]

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[212] She was a 12 years old girl who has been killed by the explosion of military ammunitions when
playing.

[213] *Mazlum-Der'le olan ilişkilerimiz çok üst düzeyde, belki de hiçbir ilde olmadığı kadar iyi. Biz sol
görüşlü bir derneğiz, Mazlum-Der de muhafazakâr İslami bir dernek ama sonuç olarak yaklaşımımız
aynıdır, insan odaklıdır. Bir Pkk militanının ailesi de başvursa aynı muameleyi yaparız bir asker
ailesi de başvursa aynı tutumu sergileriz. Fakat batıdaki Mazlum-Der'in bu bölgedeki ve diğer
İHD'lere bakışı kürt sorunu eksenlidir.*

*Mazlum-Der'le Diyarbakır şubesi özelinde hiçbir noktada çatışmıyoruz. Dağkapı'da çadır
kuruyorsun ve günlerce "Filistin çocuklarına özgürlük" diyorsun, aynı gün içerisinde Ceylan Önkol
öldürülüyor ve sen buna sessiz kalıyorsun. Bunlar Mazlum-Der dışındaki muhafazakâr sivil toplum
kuruluşları tabii.*

[214] *Farklı cenahlarda yer almamıza rağmen biz birçok noktada bulunuyoruz İHD ile. En son vicdani
retçi Enver Aydemir olayında avukatlarımız ortak çalıştı. Diyarbakır'da Ceylan ile ilgili raporu ortak
hazırladık, yani beraber gidildi daha henüz devlet oraya gidememişken. Mazlum-Der, İHD ile birlikte
gitti orada raporunu tuttu. Dolayısıyla birbirimizi çok iyi tanıyan örgütleriz. Bu açıdan birçok
platformda bir araya geldiğimiz için onların düşünsel durumuyla bizim düşünsel durumumuz çok
malum, açık ve ortadayken çok da sorun yaşanmıyor.*

When I asked to Mazlum-Der İstanbul branch why they left Human Rights

Joint Platform[215] (HRJP) they responded as such:

> There is a principled stance of Mazlum-Der and it says: Mazlum-Der does not get funds from companies, NGOs and supra-national organizations. This is a very clear stance and this feature differentiates us from other human rights organizations. HRJP is also a body that is funded from outside sources for instance Europe or various countries. So we decided to breake up[216].

However the head office of İHD responded differently:

> With respect to homosexuals, Mazlum-Der did not want to work with us in many platforms. These platforms include HRJP. For us, not seeing that grievance, applying double standarts to that grievance and not intervening is a inequality.[217]

Same question directed to the director of HRJP:

> Funding is not the only problem for Mazlum-Der, they do not want to be in the same platform with homosexual oriented associations and this caused a problem.[218]

When asked about relations with Mazlum-Der to İHD İstanbul branch, they

responded:

> Most of the time we can not cooperate with Mazlum-Der as you have stated in homosexuality example. But as I said they are a human rights organization and if they really continue to work as a human rights organization, they should develop themselves and capture this base from a more accurate point.

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[215] Human Rights Joint Platform is an independent platform composed of Helsinki Citizens' Assembly, Human Rights Association, Organisation of Human Rights and Solidarity for Oppressed People, and Amnesty International Turkey. However Mazlum-Der left HRJP in recent years.

[216] *Mazlum-Der'in ilkesel bir duruşu var, bu ilkesel duruş da diyor ki: Mazlum-Der şirketlerden, NGO'lardan, devletlerden ve devlet üstü yapılardan fon almaz. Bu çok net bir duruştur ve bu bizi çoğu insan hakları örgütlerinden somut olarak ayıran bir özelliktir. İHOP da dışardan fonlanan bir oluşumdur yani İHOP'un kaynakları Avrupa'dan geliyor, muhtelif ülkelerden geliyor. Bu yüzden biz de ayrılma kararı aldık.*

[217] *Mazlum-Der eşcinsellere bakış açısıyla ilgili bizimle birçok platformda yer almak istemediler. Bu platformun içinde İHOP da var. O mağduriyeti görmemeleri, o mağduriyetle ilgili çifte standart göstermeleri, müdahale etmemeleri bize göre bir farklılıktır.*

[218] *Onlar için sadece fonlama değildi problem, eşcinsel örgütlerle aynı ortamda bulunmak istememeleri de soruna yol açtı..*

We do not want to move with prejudices, I do not want to stick some labels to Mazlum-Der just as the public sticks to us. "They are more concerned with Islamic community's human rights" it is a label, isn't it? Although there is a perception like this, I do not want to stick this label to them. But for instance we want to cooperate with Israel's last attacks on Palestine and we attempt to organize a public campaign but it was interrupted at one point. Why? It was totally Mazlum-Der's attitude.[219]

Common point in İHD interviews is the state pressure they are dealing with. They are mostly critical of KCK custodies. On the other hand they honestly admitted that their world views affect their policies.

Mentality does not change despite governments change. AKP's last expansion process excited us but we could not get a result. As self criticism, we may say that it is our defect that we are only inclined to Kurdish problem. Couldn't we get over this image? We should ask this to ourselves. We could solve this problem by increasing financial possibilites and moral support.[220]

One official in Diyarbakır said:

On the one side, when you face with the right to life problem, you can not pay attention to other problems. For instance you can not defend the rights of workes in the factory or you can not pay attention why Dicle's water is unclear. We are at the same distance but our priorities change. Our world views affect our study area. We can not deny it.[221]

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[219] *Yapabiliyor musunuz derseniz sizin verdiğiniz eşcinsellik örneğinde olduğu gibi, çok fazla işbirliği yapılamıyor birçok kere. Ama dediğim gibi onlar bir insan hakları örgütü ve gerçekten bir insan hakları örgütü olarak çalışmaya devam edeceklerse kendilerini bazı konularda biraz daha geliştirerek bu zemini daha doğru bir noktadan yakalayabileceklerini düşünüyoruz*

Önyargılarla çok hareket etmek istemiyoruz, yani toplumun bize yapıştırdığı bazı etiketleri ben Mazlum-Der'e yapıştırmak istemiyorum. Daha çok İslami kesimin insan haklarıyla ilgilenir bu bir yaftadır değil mi? Yapıştırırsanız yapışır ama ben böyle bir yapıştırmayı yapmak istemiyorum ama yine de toplumda böyle bir algı var. Bu algıda bizim her yaptığımız çalışmada değişik şeyler ortaya çıkabiliyor. Mesela İsrail'in son Filistin saldırısıyla ilgili ortak bir çalışma yapmaya çalışmıştık, bir ortak kampanya örgütlemeye kalkıştık ama bir noktada kesildi. Neden? Tamamen Mazlum-Der'in tutumundan kaynaklıydı.

[220] *İktidarlar değişse de zihniyet değişmiyor. AKP'nin son açılımı bizi heyecanlandırdı ama sonuçsuz kaldı. Özeleştiri olarak sadece Kürt sorununa eğilmemiz de bizim bir eksikliğimiz olabilir. Bu imajı kıramadık mı? Bunu kendimize sormalıyız. Bu problemi, imkânların fazlalaştırılmasıyla çözebiliriz, hem maddi hem manevi.*

[221] *Bir tarafta bakıyorsun yaşam hakkı olunca diğer sorunların üzerine pek gidemiyorsun. Mesela fabrikada çalışan işçinin hakkını savunamıyorsun. Dicle nehrinin suyunun kirli akmasına zaman ayıramıyorsun. Aynı mesafedeyiz ama öncelik sıramız değişiyor. Dünya görüşleri çalışma alanlarımızı etkiliyor. Bunu inkâr edemeyiz.*

Same as these criticisms, an official of Mazlum-Der in İzmir said:

> When you are defending the rights of the Kurds, they put you in a category of the enemy, the same thing is valid for the İHD. I wish a person who is aggrieved from headscarf would apply to İHD and a leftist and tortured man would come to us. We would be much better if we defend his/her right. The important thing is to defend the rights of others.[222]

In every branch of İHD, there is a universal human right declaration and when asked them, when you are dealing with the issues, do you benefit from the articles of universal declaration human rights, one official said:

> We conduct our activities in human rights principles but when go out we would lose our credibility, we can not explain it to people, so we do not have a chance. We need people to trust us in eliminating discrimination, we act objectively.[223]

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[222] *Kürtlerin hakkını savunduğun zaman düşman kategorisine iniyorsun hemen, aynı şey İHD için de söz konusu. Keşke başörtülü bir mağdur İHD'ye gitse keşke sol görüşlü işkence görmüş bir insan bize gelse ve biz onun hakkını savunsak çok daha güzel olur. Önemli olan ötekinin hakkını savunmaktır.*

[223] *Biz faaliyetlerimizi yürütürken insan hakları ilkelerinin dışarısına çıktığımızda bizim güvenilirliğimiz kaybolur, biz bunu insanlara anlatamayız, öyle bir şansımız yok. Mağduriyet giderilmesinde insanların bize güvenmesi lazım. Objektif davranıyoruz.*

CHAPTER 6

CONCLUSION

Both İHD and Mazlum-Der focus on the issues involving Turkish state which is indicated as the main obstacle and the main violator of human rights in Turkey. Additionally both of the organizations define their human rights struggle in relation to the state. Though this is the case, Mazlum-Der does not explicitly declare that the state is the main violator of human rights. This is because of AKP government's world view, which is in line with Mazlum-Der's. The view of "how can we criticize our side?" becomes dominant in the base of the association. Officials stated that the applications concerning the headscarf were decreased in recent years because of the expectation that the government will likely to solve the problem. Moreover it is worth to mention that the president of Mazlum-Der Ahmet Faruk Ünsal is a former deputy of the AKP and the former president İhsan Arslan is a deputy of Diyarbakır of the AKP in the present assembly. On the other hand, İHD's stance against the state is much more clear. They stated that despite the governments change, policies against İHD do not change and the state perceives them with suspicion.

State's pressure on human rights organizations; consequently on civil society is often mentioned by the officials of İHD and Mazlum-Der. Both of the organizations have experienced several raids, and their members were sued by prosecutors, threatened or arrested. The officials also claim that the level of suppression coming from the state varies according to the issues they operate in. For instance, the activities regarding Kurdish issue cause İHD face with severe reactions from the state. Recent example for this argument is the KCK operations. Presidents

of Diyarbakır and Siirt branch of İHD have taken into custody and the officials are highly critical about these custodies.

As stated in interview part, İHD officials are also complaining about the situation of dealing with pressures from state and human right violations at the same time, and this duality for them, reduces their motivation. For Mazlum-Der, on the other hand, Islamic issues cause state pressure. After the military memorandum in 28 February 1997, which led resignation of coalition government led by an Islamic party, as a result of the pressure of Turkish military, several offices of Mazlum-Der were raided. Actually these pressures are more evident after 28 February until AKP government came into power. This is also underlined by the officials of Mazlum-Der.

In terms of issues, İHD and Mazlum-Der are interested in similar issues of human rights violations with a few exceptions. İHD is mostly inclined with the Kurdish question and defines the major human rights violations over Kurdish question. On the other hand Mazlum-Der is mostly inclined with the grievances of the Islamic community and the major issue priority is the headscarf problem. Another important point is that there are some divergences among the branches of Mazlum-Der. As stated in interviews, Diyarbakır branch of Mazlum-Der diverges from the policies of the head office. On Kurdish issue they get criticisms from the head office for working on more than other issues such as headscarf or Quran education. On homosexuality issue as well, Diyarbakır branch is critical of the general attitude in the association. These divergences from the head office in some policies can be linked to different factors such as the majority of the population, which is Kurdish, or most of the human right violations in post-1980 were committed

on Kurdish population in southeastern region of Turkey. These correlations can be elaborated for future researches.

When asked to the officials of both associations, they declare that they process every application who suffers from any kind of human rights violations regardless of ethnic, religious identities or political preferences. However, this is not clearly the case. World views of İHD and Mazlum-Der shape and limit the activity areas of both organizations. This is evident in homosexuality issue. As stated in interview part, though there is not a joint decision, Mazlum-Der officials argued that they would not defend the right to be a homosexual. Though they argued that if a homosexual is not treated equal and repressed by the state, they would help him. There are some exceptions as well. Diyarbakır branch of Mazlum-Der responded in a different manner on homosexuality issue and one of the former presidents of Mazlum-Der stated that he would accept such an application but it would not receive a positive response within the association. On the other hand İHD's responses and their reports as well, do not give much data about the applications. Actually this is the general attitude of İHD officials. They are suspicious about questions that have been directed to them and sometimes they are skeptical of recording the interview.

Both organizations are suspicious about the policies of state and political parties for the development of human rights. Both do not believe that either state or political parties put human rights on their political agendas and work accordingly. Especially for İHD, their officials told that they are pushed to isolation in making policies by the state and does not receive any support from the state mechanisms such as financial aid. Consequently, developing collaborative relationships with political parties or state institutions for the elimination of human rights violations is

not a main issue for them, especially for İHD. However for Mazlum-Der, its stance varies according to the ruling governments.

They are also interested in publishing human rights violations through reports and demonstrations rather than involving in policy making processes. This finding is important to discuss the level of involvement of civil society organizations in Turkey in policy making processes. This issue also can be suggested for future researches.

When we come to divergences, the level of interest on the issues varies between İHD and Mazlum-Der. For the issue of security forces, the level of emphasis is different. Violations done by security forces rank higher in the reports of İHD whereas for Mazlum-Der, this issue is not reported much. Similarly, violations related to religion ranks higher in the reports of Mazlum-Der whereas for İHD, it ranks at the bottom. The majority of the violations in the reports of İHD are about particular issues such as Kurdish issue, F type prisons and leftist groups whereas in Mazlum-Der's reports the cases related to women rights, religion and insulting Turkishness or Atatürk also have greater weight.

İHD has large number of Alevi and secular members and the political tendencies of the members may also prevent İHD to involve in headscarf issue or other religious issues. Plagemann also states that some of the Alevi members of İHD refused to participate in some activities to which Mazlum-Der was invited to. Similarly, Mazlum-Der has different approach to Kurdish issue than İHD has except in Diyarbakır. İHD is actively involved in the issue and struggles for group and cultural rights of Kurdish people as a nation whereas Mazlum-Der is interested in individuals' right to live without giving reference to collective rights such as education right in vernacular language.

Mazlum-Der is eclectic in its selection of reports. It does not publish complaint applications and prepares its reports based on the news in the media. Instead of using its own first-hand data on human rights violations, the reason why Mazlum-Der uses second-hand data is a crucial point. Even though Mazlum-Der claims that it is due to the confidentiality of applicants, this question needs further analysis as the data provided in this study is not sufficient to reach such a conclusion.

As for concluding remarks, I would like to add some points. İHD and Mazlum-Der have different understanding and approaches regarding human rights that limit and shape their activities. This is partly because of the concept of cultural relativism and universalism which are discussed in Chapter 4. According to cultural relativists, all values and principles are culture bound and that there are no universal standards by which cultures may be judged. They also tend to oppose the idea that human rights norms are universal. They deny the legitimacy of using alien values to judge a culture and reject using ideas taken from Western culture to judge the institutions of non-Western cultures. This definition of Ann Elizabeth Mayer fits into Mazlum-Der case where as an association, they reject the universality of human rights and willing to take the concept of faith.

Secondly, as an answer to my research question, it is seen that the polarized environment of Turkey, where Kurdish nationalism and political Islam were raised after the 1980s and continued until today, affected both associations' human rights perspective. They position themselves at each sides. İHD as stated in several parts, engaged in Kurdish question and defines its human rights perspective over Kurdish question. On the other hand, Mazlum-Der mostly engaged with the grievances of Islamic community after 1980. It is not surprising that the most of the human rights violations were committed around these two spheres.

These divergences can be mainly seen in the issues of education system, homosexuality, relations with AKP, headscarf, Kurdish question and attitude toward the democracy. The headscarf problem for Mazlum-Der is perceived as an area of ideological conflict whereas for İHD, the Kurdish question is perceived as an area of ideological conflict. In relations with AKP, Mazlum-Der case does not verify that civil society is forming a democratic and unbiased buffer zone between state and society because of the perception of its base and relations with the government which will be discussed above. On the other hand, İHD since its establishment, is highly critical of all governments and stands against the state as a polar opposite. However due to lack of data, we can not argue that the case of İHD forms a democratic and unbiased buffer zone between state and society or not. If much more unique datas can be collected in future researches, this argument can be discussed.

Mazlum-Der bases its understanding of human rights on the term "faith". The very clear case of this argument is the homosexuality issue. Except Diyarbakır and İzmir branches, association's general argument is that "because it is against Islam and faith we can not see the homosexuality as a third gender and it should be recognized as an illness that needs to be treated". Second example is the education system. When the officials tell about the right of education, they criticize the 8-12 year education system and the decision of the restriction on Quran education under the age of 12. They argue that this is a restriction on the faithful section of the community. On the other hand, İHD's understanding of human rights is based mainly on the Kurdish question. They describe the human rights over the state mechanisms' pressure to Kurdish population. In every branch of the association, answers given to questions were linked to Kurdish question. Their thoughts on homosexuality differ from Mazlum-Der. They basically argue that homosexuals should have some rights

in society and in this regard they are cooperating with other associations unlike Mazlum-Der. In education system, the main argument diverges from Mazlum-Der. İHD defines itself as a secular organization and declares the necessity of elimination of all types of prohibitions and limitations on religious beliefs without involving in the discussions between different religious groups. Officials tell that state should detach itself from the religion and abondon the Directorate of Religious Affairs, and remove mandatory religious courses.

İHD defines human rights in relation to the principles of Universal Declaration of Human Rights (UDHR) whereas Mazlum-Der defines it according to the principles of Islam or faith which can be linked to cultural relativism. İHD supports all essential human rights stated in UDHR which provides it a broader scope in dealing with human rights violations.

For Mazlum-Der, there has been a serious dispute within the association in terms of both mentality and organization. As a result, an understanding which gives the Islamic identity and sensitivities priority and represented by the founding chairman was replaced by a more moderate, rational understanding which emphasizes cooperation and common points on public deliberation processes and human rights; and the organization experienced such a transformation. However in the last few years the association is again turned to Islamic identity. From the interviews we can argue that there are two parts in the organization: one who wants to leave the Islamic concept of human rights and one who is in favor of Islamic human rights. When one looks at the organization from outside, it is possible to detect a serious transformation in the period of Ayhan Bilgen and Yılmaz Ensaroğlu who are two former presidents of the association and a group resisting this

transformation[224] within the history of Mazlum-Der. If we consider other divergence points within the Mazlum-Der, it can be argued that there are different view points between the members of Mazlum-Der within the framework of human rights. Especially, many members of the association administration argue that some part of Mazlum-Der's base could not adopt the human rights understanding represented institutionally by the association.

To sum up, we can argue that this debate about the scope and content of the concept of human rights is somewhat related with a kind of orientalism which separates Western and Eastern understandings of human rights. However, it is observed that Mazlum-Der is trying to stand in between, even if the debates over human rights have not reached any conclusion within the world. Therefore, it is claimed that Mazlum-Der members are the ones uniting both Western and local (Muslim, Eastern and so on.) notions of rights and the criticizers of the association are the ones who separate them. It is possible to summarize Mazlum-Der's understanding of human rights and its own tensions depending on the criticisms directed to the association. In this framework, it is claimed that there are two criticism camps towards the association. It is told that while the official quarters, media and secular circles accuse the association for being reactionary, on the contrary, religiously sensitive circles accuse them for depending on Western values and the administrators of the association show this as a proof for their impartiality.

Consequently, even if Mazlum-Der has been established to defend human rights and struggle with human rights violations without any exclusion or discrimination, for the whole humanity and with no double standards, it is understood that it acquired this position in time with the help of its works in the area

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[224] The points of divergence can be listed under three headlines: *i.* perception of human rights, ii. organizational relations, iii. external relations (e.g. the relations with İHD or İHOP).

and cooperation with other civil society organizations however they can not distance themselves from the "faith" when conducting policies practically and Mazlum-Der turned into an organization, which comprises a wider area within the sphere of human rights, from a position which defends a more limited circle's rights.

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