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## Penalisation of Kurdish children under the Turkish Anti-Terror Law: Abandonment, sovereignty and lawfare

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### Abstract

This article explores how the disproportionate penalisation of Kurdish minors under the Turkish Anti-Terror Law informs their political imagination and experiences of the Turkish state. By depriving Kurdish children of the rights to which they are otherwise entitled as minor citizens of Turkey, the Anti-Terror Law takes the form of a vertical relation of abandonment that excludes children from the law's protection. Drawing on ethnographic research I conducted in a south-eastern town of Turkey bordering Syria, I contextualise the abandonment of Kurdish children within Turkey's growing lawfare, whereby the Turkish state resorts to criminal prosecutions and mass incarceration as means to discipline the populace. Kurdish children's abandonment in the midst of lawfare encourages a wide range of social groups to exert control and harm on them with impunity behind and beyond bars. The resultant web of constant punishment and surveillance reinforces the image of the lawmaker as an omnipotent entity that, children come to believe, haunts them on a daily basis.

**Keywords:** Juvenile incarceration; lawfare; abandonment; sovereignty; the Anti-Terror Law

### Abstract in Kurmanji

#### Cezakirina zarokên kurd di bin hiqûqa dij-terorî ya tirk de: Terkandin, serwerî û nelihewkirina demdirêj

Ev gotar dixwaze lêbikole ka çawa cezakirina bênisbet a zarokên kurd a bi rêya Hiqûqa Dij-Terorî ya Tirk tesewir û tecrubeya wan a dewleta tirk berçav dike. Bi mehrûmkirina zarokên kurd ji mafên wan, ên ku di rewşa asayî de weke hemwelatîyên piçûk ên Tirkiyeyê tên qebûlkin, Hiqûqa Dij-Terorî formeke têkiliya tîkane a terkandinê digre ku zarokan derveyî parastina hiqûqê dihêle. Li gor lêkolîna etnografîk a min li navçeyê başûr-rojhilatê Tirkiyeyê yê nêzikî sînorê Sûriyeyê kirî, ez terkandina zarokên kurd di nav nelihewkirina demdirêj ya Tirkiyeyê de bicih dikim, bi rêya ku dewleta tirk serî li darizandinên tawanbar û zindankirinên giştî dide weke amûrên disiplînkirina gel. Terkandina zarokên kurd di nav nelihewkirina demdirêj de grûbên civakî yên cûr bi cûr teşwîq dike ku kontrol û zirara xwe

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bigihînin wan bi rêya bêcezakirina li û pişt zindanê. Di encama tora ceza û kontrolên daîmî de wênayê qanûndaneran weke hebûneke qadir, zarok wisa bawer dikin, bi rojane museletê wan dibê.

### **Abstract in Sorani**

#### **Szadani mindallani kurd le sayey yasay dje-tirori turki: Desberdarbun, serweri u yasayi**

Em wtare lewe dekolletewe ke çon szadani nahawsenganey mermindallani kurdî le sayey yasay djetirori turkda xeyall u ezmûnî ewan beramber dewletî turk arayîşdedat. Be bêbeşkirdnî mindallani kurd lew mafaney ke debwaye wek hawullatîyekî mermindallî turkya lêy behremend bin, yasay dje tiror şewey peywendyekî stûnî desberdarbun werdegrêt ke mindall dexate derewey parastinî yasayî. Hellencan Leser bnemay twêjîneweyekî îtnografî ke min le şaroçkeyekî başurî rojhellatî turkya hawsinûrî surya encamim dawê, min destberdarkirdnî mindallani kurd le naw yasay geşesendûy turkya dexeme syaqî ewey dewletî turk wek dîspilînî cemawerî pena bo dadgay tawan u szadani cemawer debat. Wedernani mindallani kurd le naw berrey yasa da, hanî grupgelî frawani komellayeti dedat ta be parêzbendîyewe le pişt diwarî bendixane u ledereweyda kontrolyan bken u zyanyan pê bgeyenin. Torri encamgiri ew şa u çawdêriye berdewame ew wênayê behêz dekat ke yasadaner desellatdarêkî rehayê, mindallaniş degene ew bawerrey ke rojane twanay rawkirdnî ewani heye.

### **Abstract in Zazaki**

#### **Cezakerdişê domananê kurdan binê qanûnê verba terorî yê Tirkîya: teriknayîş, serdestî u qanûntacizîye**

Na meqale cigêrayîş kena ke nereşidê kurdan senî bi hewayêko bênîsbet binê qanûnê verba terorî yê Tirkîya de ceza benê u no cezakerdiş senî xeyal u tecrubeyanê înan ê sîyasiyan bi dewleta Tirkîya ser o tesîr keno. Heqê ke normal de hemwelatîyê Tirkîya yê nereşidî wayirê înan ê, domanê kurdan ci ra bêpar yenê verdayene. Wina qanûnê verba terorî keweno şekilê têkilîya teriknayîşî ya tikanîye ke bi no hewa domanan sitara qanûnî ra teber keno. Bi binge yê cigêrayîşê etnografîkî ke nî sinorê Sûriye şarîstanêkê başurê rojhelatê Tirkîya de kerd, ez teriknayîşê domananê kurdan çarçeweya binpaykerdişê qanûnî ke Tirkîya de her aver şono, tede qayitê ci kena. Nê binpaykerdişê qanûnî de dewleta Tirkîya xo şanena taqibatê cezayî u komhêpiskerdîşî ke wina şarî dîşîple bikero. Domanê kurdan ke mîyanê prosesanê qanûnî de teriknîyenê, no teriknayîş cesaret dano tewir-tewir grûbanê komelkîyan ke bandura xo domanan ser o ronê yan zî înan rê zerar bidê, bê ke nê grûbî zere yan zî teber ra ceza bibê. Netîceyê na torra ceza u nezaretî ya timine de, çimê domanan de qanûnviraştokî benê çîyo ke her çî eşkeno bikero u her roje beno musalatê înan.

## **Introduction**

On 18 March 2018, Recep Tayyip Erdoğan, the president of Turkey, announced that the Turkish military and its ally in Syria, the Free Syrian Army, seized control of the Afrin canton in the Democratic Federation of

Northern Syria, also known as Western Kurdistan or Rojava. The president triumphantly stated that “the Turkish and Free Syrian Army flags are now flapping in Afrin” (“Erdogan: Afrin”, 2018). At the precise moment that the reports on the invasion of Afrin began to appear in the media, I was interviewing Mehmet, a 17-year-old Kurdish boy who had served four months in several Turkish prisons on charges of terrorism. We were at a local coffee house talking about his prison experiences in the Samanlı neighbourhood of Yenikent,<sup>2</sup> a south-eastern town of Turkey bordering Syria. Upset by the news coming from the other side of the border, Mehmet paused for a minute, and then summarised his experiences in the words of Hasan, another Kurdish minor who was penalised for charges based on the Turkish Anti-Terror Law: “When you enter prison, they take your brain away together with your ‘hazardous belongings’ and replace it with a machine that makes every decision on your behalf”.

Mehmet’s choice of Hasan’s narrative was not accidental. He was infuriated by footage of the Free Syrian Army militants destroying Afrin’s renowned monument of Kawa the Blacksmith that reached us through social media. The destruction of the Kawa monument was a symbolic victory for the Turkish state over the Kurdish resistance. Prior to the invasion, the Kurdish People’s Protection Units controlled the canton, and the monument representing the Kawa legend symbolised the Kurds as autochthonous people in the Middle East whose lands had been occupied by the modern nation states of Iran, Iraq, Syria and Turkey. According to the legend, the ancestors of the Kurds are children who, forming an army under the leadership of Kawa the Blacksmith, defeated a tyrannical monster that took sustenance from eating the brains of minors in Mesopotamia.<sup>3</sup>

The parallels between the symbolisation of the cruel king in the Kawa legend and Kurdish children’s perception of the contemporary prison complex are noteworthy. The memories of Kurds in Turkey are haunted by a long history of state violence in the forms of armed conflict, dispossession, forced migration, mass killings and disappearances, among others (Günay, 2019; Gunes and Zeydanlıoğlu, 2013; Human Rights Watch, 2012; Jongerden, 2010). In addition, mass incarceration and prison violence have been among the central mechanisms by which the Turkish state denies the Kurds political and cultural autonomy and attempts to assimilate them and suppress Kurdish opposition (Bayır, 2013; Zeydanlıoğlu, 2009). The recent intensification of state violence towards Kurds following the termination of

<sup>2</sup> I changed the names of both the neighbourhood and the city in order to protect the anonymity of research subjects. Likewise, throughout the paper pseudonyms are used to protect research subjects’ confidentiality and safety.

<sup>3</sup> There are diverse versions and interpretations of the Kawa legend. The version mentioned here draws from *Şehname*’s sections of “Dahhak” and “Feridun”. A collection of various interpretations of the Kawa legend can be found in Aydın (2005).

the two-year long peace process between the Turkish state and the militant Kurdistan Workers' Party (Partiya Karkerên Kurdistan, or PKK) in 2015 (Günay, 2019) has also been accompanied by the excessive use of punitive mechanisms and anti-terrorism policies aimed at dismantling Kurdish opposition. The systemic nature of the diverse modalities of state coercion finds expression in Kurdish myths and narratives such as that of Mehmet, which portray the state as a "brain-eating machine".

This article examines the relationship between the disproportionate criminalisation of Kurdish children under the Turkish Anti-Terror Law<sup>4</sup> and the perpetuation of state sovereignty by focusing on the viewpoints of children and their families. Building on ethnographic field research I conducted in the Samanlı neighbourhood of Yenikent, I delve into the ways in which the Anti-Terror Law and anti-terrorism policies reinforce the image of the state as an omnipotent entity. Specifically, I draw on the narratives of formerly incarcerated Kurdish children who have been penalised as "terror suspects" since the re-intensification of state violence towards Kurds after the summer of 2015. I supplement their personal narratives with interviews I conducted with their family members and lawyers, as well as state and security officials of Yenikent, over the span of eighteen months in 2017-18.

The recent penalisation of Kurdish children on charges of terrorism takes place against the backdrop of the substantial reconfiguration of the Turkish legal and penal fields since the early 2000s. The expansion of the judicial definition of crime, rising rates of incarceration, and the increasing criminalisation of political opposition over the last two decades attest to a growing "lawfare" that anthropologists Jean and John L. Comaroff (2009) define as the resort to legal and penal powers as mechanisms for disciplining the masses. Addressing the implications of lawfare for Kurdish children, I argue that Turkey's lawfare is marked by an increasing racialisation and juvenilisation of criminality – that is, crime's increasing association with ethno-racial minorities and children. While this brings Kurdish children to the centre of lawfare, their disproportionate penalisation on charges of terrorism deepens lawfare's effects on children's life-prospects.

During their arrest, prosecution, and incarceration, Kurdish children charged with violating the Anti-Terror Law are deprived of the rights to which they are otherwise entitled as minor citizens of Turkey. By paving the way for the separation of Kurdish children from their ordinary legal entitlements, the Anti-Terror Law signifies a vertical relation of "abandonment", which, various scholars find, draws the line between those who fall under the law's protection and those who are excluded from it (Mills, 2008; Diken & Laustsen, 2005). The narratives of Kurdish children

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<sup>4</sup> The Anti-Terror Law (no. 3713, Resmi Gazete [Official Gazette, hereafter RG]: 20843/12.04.1991).

reveal that their abandonment as “terror suspects” entitles and encourages prison guards and Turkish residents of Samanlı to exert control and harm over children in everyday life. As a result, prison violence exerted on Kurdish minors remains unpunished, their daily lives are put under constant surveillance, and they are denied access to diverse resources such as education, employment and housing on the grounds that they are “terror suspects”. These everyday forms of control and surveillance accompanying their abandonment make Kurdish children experience and imagine the Turkish state as an omnipotent entity that gives order to their daily lives, one that Mehmet and some others refer to as a brain-eating machine: A machine that is the object of indignation as well as fear, haunting them in everyday life.

### **Lawfare and the racialisation and juvenilisation of crime in Turkey**

Since it took power in 2002, the governing Justice and Development Party (Adalet ve Kalkınma Partisi, or AKP) has substantially expanded the judicial definition of crime, paving the way for the criminalisation of larger segments of society. Consequently, the annual number of “suspects” taken to penal courts under Turkish Penal Law<sup>5</sup> increased 143 percent in fifteen years, and went up from 953,534 to 2,321,788 between 2002 and 2017 (Ministry of Justice, 2017a; Ministry of Justice, 2002a). Similarly, the legal definition of crimes associated with terrorism was significantly expanded during the AKP rule, making “attending a protest, campaign, demonstration, funeral, etc.” indicators of membership in “terrorist organisations” (Bayır, 2013). Hence, the total number of “suspects” taken to court on terrorism charges rose from 975 to 24,585 between 2002 and 2017 (Ministry of Justice, 2017b; Ministry of Justice 2002b).<sup>6</sup> As a result, the total prison population increased from 59,512 to 264,842 between 2002 and 2018 (Turkish Statistical Institute, 2019), signifying a “punitive turn” (Wacquant, 2009) in Turkey.

Legal powers have always been central to nation-state-making by establishing the boundaries between the members of the nation and its outsiders, between friends and enemies (Agamben, 1998; Arendt, 1998 [1958]). However, as anthropologists Jean and John L. Comaroff (2009) note, since the end of the Cold War, the law has been further fetishised, whereby “an abstraction is objectified, ascribed a life-force of its own, and attributed the mythic capacity to configure a world of relations in its own image” (33). Drawing attention to a rising preoccupation with crime and disorder around the globe, they write that lawfare, “the resort to legal instruments, to the

<sup>5</sup> The Turkish Penal Law of 1926 (no. 765, RG: 320/13.03.1926) was abrogated in 2004 (by the law no. 5252, RG: 25642/13.11.2004) and the new Turkish Penal Law (no. 5237, RG: 25611/12.10.2004) has been enacted in 2004.

<sup>6</sup> The numbers include the number of suspects taken to penal courts under the scope of Anti-Terror Law (no. 3713).

violence inherent in the law, for political ends”, has become dominant during the latest chapter of capitalism’s *longue durée*, that is, neo-liberalism (36). In a similar vein, what distinguishes the last two decades from earlier periods in Turkey is the excessive judicialisation of politics, with the Turkish state increasingly relying on legal tools and penal policies as a means to (re)structure the spatial, political, cultural, and material outlook of the population (Yonucu, 2017).

Lawfare involves the racialisation of crime. Sociologists of punishment demonstrate that the management of poverty and racial inequalities has been shifting from the “left-hand” of states (welfare policies such as education, public housing, health care, etc.) to their “right-hand” (the courts, police and prisons), particularly in the West (Stuart, 2016; Wacquant, 2009; Gilmore, 2007; Western, 2006; Garland, 2002). As rural to urban migration de-homogenises the ethno-racial composition of urban areas and neoliberal deregulation sharpens class distinctions, a “moral panic” (Hall et.al, 1978; Cohen, 2002 [1972]) that defines the racialised urban poor as a threat to security and order has taken hold, regardless of an actual increase in crime rates. Governments’ increasing reliance on penal policies as tools to manage deepening socio-economic inequalities particularly in urban spaces paves the way for the disproportionate criminalisation of ethno-racial minorities, reproducing racial hierarchies (Alexander, 2010; Davis, 2003). Reminiscent of this global trend, the punitive turn in Turkey accelerated the disproportionate criminalisation of the urban poor and ethno-racial minorities including the Kurds (Gönen, 2013). Simultaneously, mainstream media coverage and public discourse in Turkey associated criminality with Kurdish migrants in the 1990s, with Kurdish and Roma communities in the 2000s, and increasingly draw links to recent Syrian refugees (Gönen & Yonucu, 2011; Güven, 2016). Hence, as the racialised urban poor are criminalised, crime is racialised, becoming distinctively associated with particular ethno-racial groups (Comaroff & Comaroff, 2004).

Scholars of punishment find that the rising preoccupation with crime and disorder brought along not only the racialisation, but also “youthenization” (Comaroff & Comaroff, 2004: 804) of criminality; an association of urban racialised poor *youth* with crime around the globe (Rios, 2011; Wacquant, 2009; Hall et.al., 1978). In Turkey, the youthenisation of criminality also involves, for lack of a better term, the *juvenilisation* of crime, whereby children below 18 are increasingly portrayed as potential sources of public disorder. A reflection of this trend is found in the more-than-100-percent-increase in the number of juveniles taken to Turkish Penal Courts under the scope of Turkish Penal Law between 2002 and 2017. While there were 83,603 children taken to Turkish Penal Courts under the scope of Turkish Penal Law in 2002, this number reached 185,364 in 2017 (Ministry of Justice, 2017a;

Ministry of Justice, 2002a). Similarly, the rates of juvenile conviction in the Juvenile Courts and Juvenile Heavy Penal Courts rose from 2,029 in 2002 to 37,170 in 2019 (Ministry of Justice GDJRS, 2009: 114; Ministry of Justice GDJRS, 2019: 37). Furthermore, since the juvenile courts designated for children are limited in number, children are also tried in various other courts designated for adults.<sup>7</sup> When the rates of conviction in these other courts are taken into account, the annual number of court decisions that convict juveniles reaches 77,807 in 2019, 29,078 of those being imprisonment sentences (Ministry of Justice GDJRS, 2019: 75).

The juvenilisation of crime in Turkey dates back to the 1990s, when the rural to urban migration flows and the evacuation of Kurdish villages<sup>8</sup> increased the visibility of minority and migrant children in urban settings. During this period, the popular image of children shifted from “innocent child” to crime-prone, dangerous “bad child” (Aydın, 2009; Gürbilek, 2001). While public discourse and media coverage have been associating Kurdish children in urban areas with pickpocketing, violence, and drug use since the early 1990s, the political activism of Kurdish minors acquired more visibility in Turkish metropolises, and was condemned by the Turkish public in the 2000s. Kurdish children, who were initially associated with urban crime, began to be perceived as a political threat as well (Darıcı, 2009). The 2006 and 2008 Kurdish protests, which were marked by the active participation of Kurdish children, brought them onto the political agenda as “potential terrorists”. This perception was reinforced by the statements of state officials, such as Recep Tayyip Erdoğan, the prime minister at the time, who declared in 2006: “Be it women or children, our security forces will make necessary interventions in regard to these terrorist conspirators” (“Çocuk da olsa”, 2006).

### **Abandoned at the frontlines of lawfare**

The initial reconfiguration of the juvenile criminal justice system in Turkey emphasised liberalisation and European Union accession. In 2005, Turkish authorities enacted the Child Protection Law (Çocuk Koruma Kanunu, ÇKK),<sup>9</sup> introducing it as a step that would help the Turkish juvenile criminal justice system meet international standards such as protecting children’s

<sup>7</sup> There are two main types of Penal Courts in Turkey: Penal Courts of First Instance and Heavy Penal Courts. In addition to crimes specified by laws (such as membership in terrorist organisations, plunder, etc.), cases involving a penalty of minimum ten years of imprisonment are taken to the Heavy Penal Courts. According to the ÇKK, juveniles below the age of 18 who are accused of such crimes should stand trial in specialised Juvenile Heavy Penal Courts, while cases of juveniles accused of lesser crimes are supposed to fall under the purview of Juvenile Courts.

<sup>8</sup> During the 1990s, some 3000 rural settlements were evacuated by the Turkish armed forces and paramilitary “village guards”. The evacuations were integral to the counter-insurgency strategies of the Turkish state in its war against the Kurdistan Workers’ Party (*Partiya Karkerên Kurdistan*). For more information on the evacuation of Kurdish villages, see Jongerden (2010).

<sup>9</sup> The Child Protection Law (no. 5395, RG: 25876/15.07.2005).

rights in juvenile courts and implementing detention as a last resort (Kavur, 2016). The law defined children in conflict with the law as “juveniles pushed to crime (*suça sürüklenen çocuk*)”.<sup>10</sup> Setting the age limit for criminal responsibility at 12, it specified the rights that children older than 12 and younger than 18 are entitled to during arrest, custody and in the juvenile courts.

Just a year after the enactment of the ÇKK and soon after Erdoğan’s statement on Kurdish children’s political activism, the changes made to the Turkish Anti-Terror Law (2006)<sup>11</sup> distinguished “minors charged with terror-related crimes” from “juveniles pushed to crime”. Preventing the former’s access to juvenile courts and penalty remissions defined in the ÇKK, it paved the way for their long-term imprisonment. During the four years in which these amendments remained in force, Kurdish children constituted 95% of the children penalised on charges of terrorism (Aytemur, 2013). Even though the 2006 amendments were annulled in 2010,<sup>12</sup> the criminalisation of Kurdish children and youth on charges of terrorism did not come to an end. On the contrary, in 2017, the annual number of children taken to the penal courts under the scope of the Anti-Terror Law was 1,965; an astounding 73 times higher than in 2002, when the governing AKP took power (Ministry of Justice, 2017b; Ministry of Justice, 2002b).

Similarly, despite the annulment of the 2006 amendments, Kurdish children are still widely regarded as “terror suspects”, and their access to the rights defined in the ÇKK continues to be repeatedly denied. Today, even though the ÇKK defines specialised juvenile prosecutors as the sole authority to interrogate “juveniles pushed to crime”, the “minors charged with terror-related crimes” are also interrogated by police forces. Furthermore, contemporary laws and regulations rule that minors charged with terror-related crimes should be tried in Juvenile Heavy Penal Courts. Yet, they mostly end up in Heavy Penal Courts designated for adults, particularly because they usually stand trial as part of mass investigations that also involve grown-ups. In such instances, instead of distinguishing children’s cases from the rest, the authorities refer all those under investigation to adult courts. Additionally, even when children stand trial separately from adults, they can end up in Heavy Penal Courts simply because Juvenile Heavy Penal Courts are limited in number. Moreover, “terror-suspect juveniles” are arrested by special operation forces instead of the juvenile police and

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<sup>10</sup> The ÇKK categorises children in conflict with the law as “suça sürüklenen çocuklar”, which can be translated into English as “juveniles pushed to crime” and/or “juveniles dragged into crime”. Since existing translations as well as the research on the Turkish justice system employ the term “juveniles pushed to crime”, I use this term in order to engage with the existing literature.

<sup>11</sup> The Law on the Amendment of the Anti-Terror Law (no. 5532, RG: 26232/18.07.2006).

<sup>12</sup> The Law on the Amendment of the Anti-Terror Law and Some Other Legislations (no. 6008, RG: 27652/25.07.2010).



they are widely subjected to police violence during arrest, custody, and detention. These practices contradict not only the ÇKK but also the international conventions and standards,<sup>13</sup> which supposedly served as guidelines for the enactment of the ÇKK (Kavur, 2016).<sup>14</sup>

By depriving Kurdish children of the rights to which they are entitled as minor citizens of Turkey, the Anti-Terror Law signifies a vertical relation of abandonment in Turkey's growing lawfare. Lawfare, write Comaroff and Comaroff (2009), "becomes most visible when those who 'serve' the state conjure with legalities to act against its citizens" (36). In such cases, they argue, lawfare can be limited to practices such as weakening political opposition by legal means, or legal power can start animating lethal power by reducing human existence to "bare life". In the case of the former, Bayır (2013) demonstrates the ways in which the systemic criminalisation of Kurdish political cadres takes the form of a "politicide" that aims to dismantle Kurdish political mobilisation. In the case of the latter, the notion of bare life – as various studies suggest – pinpoints a vertical relation of abandonment through which the sovereign state, in a top-down manner, draws the line between those who belong to the law's protection and those who are excluded from it and thus reduced to the status of bare life (Mills, 2008; Diken & Laustsen, 2005). Stripped of their social, political, and legal rights and protections, those reduced to the status of bare life are rendered open to harm with impunity (Açıksöz, 2020; Agamben, 1998).

While the concept of "bare life" is helpful in understanding the condition of abandonment from legal protection, it has also been subjected to criticism for depersonalising the abandoned and relegating them to a depoliticised space (Biehl 2013; Fassin, 2007; Das & Poole 2004). In light of these criticisms, I approach Kurdish children's experiences of abandonment through its socio-political implications without denying them the possibility of a political life. That said, my focus in this paper is on the ways in which everyday consequences of Kurdish children's abandonment inform their experiences and political imagination of the Turkish state.

Diverse scholars, who point at the relationship between law, violence, and sovereignty (Mills, 2008; Agamben, 2005, Benjamin, 1996 [1921]), demonstrate that the act of abandonment is not only constitutive of bare life but also helps perpetuate the unremitting force of the sovereign power itself. Drawing on Comaroff and Comaroff (2009), by "sovereignty", I refer to "the exercise of control over the lives, deaths and conditions of existence of those

<sup>13</sup> Among these international conventions are the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990), the United Nations Convention on the Rights of the Child (1989), and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985).

<sup>14</sup> While the Anti-Terror Law facilitates the unequal treatment of "terror-suspect" Kurdish children by depriving them of their rights, during the recent state of emergency between July 2016 and July 2018, human rights abuses were exacerbated and the frequency of prison violence with impunity increased.

who fall within its [sovereign's] purview" (39). The narratives of Kurdish children suggest that their abandonment encourages diverse social groups to act as "petty sovereigns" (Butler, 2004) who start mimicking the sovereign state in taking discretionary decisions on Kurdish children's conditions of existence. As their abandonment as "terror suspects" encourages diverse social groups to exert control and harm on them with impunity on a daily basis, these everyday life encounters resulting from children's abandonment help materialise the unremitting force of the law-maker to an extent that many of the children talk of their daily anxiety of being haunted by the state.

### **Abandoned: Punishment within and beyond the prison**

*This is a wretched neighbourhood. But I cannot leave. Where will I go? Back to prison?*

*Rıza, 19 years old.*

"Wretched (*lanetli*)", "abandoned (*terk edilmiş*)", and "despicable (*hakir*)" are among the common words that formerly incarcerated Kurdish children use in describing Samanlı. The children's use of these terms in describing their neighbourhood echoes the words that they frequently hear being ascribed to them. Within the contemporary neo-liberal narrative of the town of Yenikent, the urban poor, Kurdish, Roma, and Syrian populations residing in suburban areas such as Samanlı are rendered invisible. As the flat landscape of the town is filled by tourist attractions, malls, business districts, and renovated building complexes, the surrounding hills, including Samanlı, are perceived as "no-go zones" inundated by drug use, violent crime, and "terrorists".

For many Kurdish children, the neighbourhood is no different than a prison, as their daily lives are marked by constant surveillance of patrol cars and under-cover police. While the memories of arrest and prison haunt these children, many speak of their daily anxiety even when they are "free," awaiting the next time special operation forces would raid their houses. According to the residents of Samanlı, such dawn raids are intensified at sensitive times that can potentially lead to social and political unrest, such as the anniversaries of the PKK leader Abdullah Öcalan's arrest, presidential visits to Yenikent, or the early days of the Turkish army's invasion of Afrin to fight the armed forces of the Democratic Federation of Northern Syria.

As we were walking around the neighbourhood on one of these "sensitive" days, Deniz, a 17-year-old boy, anxiously stated, "sometimes I wish I was in

prison". While some of the children incarcerated on charges of terrorism identify as activists and participate in pro-Kurdish protests, others, including Deniz, are charged with terror-related crimes due to their family members' and/or friends' associations with pro-Kurdish organisations and/or because of their social media posts in support of the Kurdish movement. Complaining that any behaviour can be criminalised on charges of terrorism, Deniz added that "at least in prison I would know what to expect. Here, I am always worried about the next time the police will come to get me". Yet, as we kept talking about the time he spent in two different prisons, he concluded that his days in prisons were also marked by anxiety, not being able to forecast anything. Like Deniz, many of my interlocutors have been incarcerated as remand prisoners awaiting trial for several times. While being on remand involves uncertainty about the future, Deniz added that arbitrary prison policies exacerbated the sense of uncertainty: "It all depends on the mood of the guards, you never know what will happen".

### **Abandonment in prison: Violence, impunity, and petty sovereigns**

Scholars researching the effects of carceral policies on incarcerated subjects define prisons as "identity-stripping" institutions (Grubacic & O'Hearn, 2016; Goffman, 1961). The mortifying, standardising, and totalising features of punishment strip prisoners of the identities they formed within their former communities and replace these with the stigmatised trait of delinquency, which determines their access to diverse resources in the long run (Fader, 2013; Pager, 2007). In the narratives of Kurdish minors, the prohibition of the use of the Kurdish language within the prisons, forced religious and nationalistic indoctrination, and the replacement of the youths' political identity with the label of "terrorist" are among the prominent identity-stripping and stigmatising mechanisms that come with imprisonment.

What is more, the abandonment of Kurdish juveniles who are charged with terror-related crimes from ordinary mechanisms of judiciary and punishment paves the way for the arbitrariness of prison policies that Deniz problematises. The most prominent ramification of incarcerated Kurdish children's abandonment is the infliction of violence with impunity. Deniz reflects on his first day in prison as follows:

First, they called our friend Emrah. They asked some questions and then we started hearing him screaming. They were beating him, and we began to feel scared. Because... We knew the same would happen to us in a minute. Some of us started crying. Then they brought Emrah back and took Firat. He screamed too. Then they took me...

The narratives of Kurdish children such as Deniz are evidence to the fact that violence, torture, and verbal insults are part and parcel of their lives behind bars. The complaints of some of my interlocutors regarding uncontrolled violence were taken to courts by their lawyers while I was conducting this research. In an official response to a Human Rights Association lawyer's bill of complaint denouncing the systematic nature of violence inflicted on Kurdish minors charged with terror-related crimes, the chief public prosecutor's office states:

It has been observed that the lawyers such as H.K. and the other PKK terrorist organisation sympathisers, who persistently assert such claims, make unfounded complaints in order to popularise the terrorist organisation. (...) These unfounded complaints do not represent the truth, and their aim is to harm and defame the state institutions and personnel. Therefore, it was found unnecessary to initiate any disciplinary proceeding for the guards who are claimed to be associated with the event.

As a result, the lawyers' demands for the inspection of prison surveillance cameras to confirm the infliction of violence were rejected, battery charges for the guards were dismissed without any further investigation, and the attorneys themselves were accused of propagandising for a terrorist organisation. In addition to hinting at the frequency of such complaints, the statement above reveals the impunity towards the practitioners of such acts. Moreover, it demonstrates that impunity is secured by an extensive definition of terrorism and with reference to protecting the unity and prestige of the sovereign state from dangers posed by "the terrorists".

Another common theme among the narratives of Kurdish children involves the punitive mechanisms within the prisons that include systematic humiliation and attempts to dismay the minors. All of my interlocutors stated that during their stays in prisons, they are often left out of the workshops and activities such as movie screenings that other incarcerated children are allowed to attend. Similarly, some of the children told me that each time a group of "terror-suspect juveniles" arrive, the ward reserved for the political juvenile prisoners is emptied of all the basic items and furniture (such as chairs, sheets, dishes, teapots, fridge, cleaning devices etc.) and covered with mud. The children are then forced to clean the ward and asked to purchase necessary items and furniture from the facility commissary.

The violence exerted on Kurdish children and arbitrary decisions that limit their access to prison activities and/or family and lawyer visits are not exceptional but constitute the norm. It is important to note that the content and practice of these punitive and violent technologies of control are not specified, authorised, or regulated by particular laws. Rather, it is the staff

from diverse facilities who decide on what specific punitive mechanisms to employ on a daily basis. Their execution is precisely made possible by the deprivation of Kurdish children of their rights on the grounds that they are “terror suspects”. In other words, the abandonment of Kurdish children as “terror suspects” enables prison officials to make “unilateral decisions, accountable to no law and without any legitimate authority”, turning the officials into what Butler calls “petty sovereigns” (Butler, 2004: 56). Similarly, finds Mikko Joronen (2016), by treating Palestinian children not as children but as security threats, the Israeli military law confines them into a space of “juridico-political precarity” that is marked by a lack of legal protection (93). This lack of protection, he writes, delegates substantial powers to petty sovereigns including “the soldiers, interrogators, police officers etc. who are asked to rely on their own judgement while making decisions on the fundamental matters regarding the order and justice, even life and death of the children” (92).

The narratives of Kurdish children and prison officials reveal that the judgements of the “petty sovereigns” and the content of the various discretionary measures they take are overdetermined by their perception of Kurdish children as enemies of the state. According to 17-year-old Aras, for instance, these punitive and exclusionary practices take place because they are rationalised and justified by the prison officials “as means to take revenge for the soldiers and policemen who are killed by Kurdish guerrillas”.

While we waited for his hearing in front of a Heavy Penal Court, Aras reflected on the various forms of discrimination that Kurdish children face in prisons, stating: “they [the prison guards] assume that we are the enemies; that we are the greatest danger. Even a greater one than *İŞİD* [Islamic State in Iraq and Syria, or ISIS]” and asked if I remembered the ISIS attacks of 2015 and 2016. Of course, I did. They held a central place in the narratives of all the Kurdish residents of Samanlı. Targeting various peace rallies, tourist areas, an airport, and a traditional Kurdish wedding in different parts of Turkey, the bombings that Aras mentioned had been claimed by ISIS and/or had been associated with the group by the Turkish authorities (“Wave of Terror Attacks”, 2017). As they took place during a period when the armed clashes between the Kurdish People’s Protection Units and ISIS were expanding on the Syrian side of the border, the bombings left particularly residents of border towns such as Yenikent concerned about the acceleration of political violence.

Among the hundreds of people murdered in these suicide attacks was the brother of Aras’s ward-mate Şiyar. Soon after they watched the news about the bombing that claimed the life of Şiyar’s brother on their ward’s television, the Kurdish youth, Aras told, were for the first time allowed to

see a movie in the multi-purpose room of the facility. Surprised by this sudden and unexpected change of attitude, the children walked to the room anxiously only to find out that they were expected to watch the movie together with the children who were incarcerated on charges of being affiliated with ISIS. Remembering the incident indignantly, Aras told me:

Şiyar saw his father crying on his brother's coffin on TV a couple of days earlier. The only thing he was talking about was taking revenge. When he encountered the children affiliated with ISIS, he lost his nerves and a fight erupted. Then the guards came and beat all of us.

As we were anxiously waiting at the courthouse, Aras kept questioning why the prison guards brought two groups of children together right after the bombing, asking "do they think we, as the 'terrorists', deserve each other?"

While it is not possible to understand the rationale behind this prison policy from the perspective of the prison guards, Aras's narrative is emblematic of the ways in which the children think that their depiction as "threats" informs various prison policies. Furthermore, these interpretations by the children are not unfounded but reinforced by the discourses of various prison officials. In this vein, for instance, in order to explain the exclusion of Kurdish children charged with violating the Anti-Terror Law from common daily workshops and activities, some of the prison officials referred to the "hardships of preventing these kids from spreading their dangerous ideas" during the interviews I conducted with them. Insisting on speaking of these children as "terrorists" instead of "political prisoners", many of the state and security officials approach them as sources of disorder.

Reminiscent of Begoña Aretxaga's (2005) observations on the Basque youth movement, "perception and fear of these youngsters by state officials (as actual or potential terrorists) delineates state forms of violent intervention" (141). Furthermore, the social milieu of Kurdish children is over-determined by their perception as "terrorists" not only within the prisons but also beyond bars. In line with Diken and Laustsen's (2005) observation that the act of abandonment encourages exclusion of the banished from diverse terrains by multiple subjects, the penalisation of Kurdish children on charges of terrorism encourages and entitles not only the prison officials but also the residents of Samanlı to exert control and harm over Kurdish children on a daily basis. In this, the civilians start mimicking the petty sovereigns by taking discretionary decisions that control children's daily lives and limit their access to various resources.

### **Between lawfare and warfare: Surveillance and the materialisation of the sovereign**

The children's narratives illustrate that their encounters with security forces predate their arrests, and their experiences behind bars and during re-entry represent a continuum whereby the neighbourhood begins to resemble prison. It is a continuum because it starts with constant policing and surveillance before the arrest, turns into a spiral of repeated arrests, and influences the life prospects of the youth in the long run.

Adem, a young man in his twenties, was incarcerated for the first time when he was 15. Because he has been in and out of various prisons since the early 2000s, the other children and youth consider him as one of the "experienced ones". Once, as I took a walk through Samanlı with a group of children and youth, Adem asked me to walk slowly so that we could have a conversation far away from the rest of the group. As we walked, he described his life after his first incarceration as "a haunted life":

They tortured us really bad in juvenile prison. I am embarrassed to tell you, to tell a woman, what they did to me. The memories from these days keep haunting me that I am still having nightmares about them. But I am also being haunted in the neighbourhood. I think they will come back for me, they are chasing me, or who knows, maybe they will even execute me.

The stories of "more experienced ones" like Adem, who is now behind bars as he had feared he would be, keep the rest of the children and youth in constant worry over the next time the special operation forces may raid their houses. In their daily conversations, they exchange ideas about the next time they might possibly be arrested. Some think that they will be arrested and convicted after they turn 18; others try to interpret behaviours of the police officials in the neighbourhood in order to guess whether a raid is likely to happen in the near future.

Raids by security forces hold a central place in the narratives of the children not only because they lead to custody and/or incarceration but also for the symbolic meanings they convey to the residents of Samanlı. During these raids, the houses of children are surrounded by heavily armed police vehicles (panzers) and special-operation forces who break into their houses, and are even targeted by snipers. The children and their families reflect on these home invasions, stating that the security forces treat their houses as if they are bases for militarised vigilantes. Mesut, a 17-year-old boy, explains:

They broke into our house 7 or 8 times. The neighbours started to get suspicious about us since the police come with heavy weapons and beat us up. People started to think negatively about us. I mean there are Turkish people living here, then they started to treat us badly. They [the police] come as if we are at a war, as

if we did something terrible... They come with panzers, guns,  
they break down the doors...

While Kurdish residents constitute the majority, lower-class Turkish households are also prevalent in Samanlı. The invasions of the houses of Kurdish minors and their families significantly alter the inter-communal relationships in the neighbourhood. Some of the youth stated that due to constant raids, Turkish landlords have forced them to move out or that their relationships with the neighbours deteriorated. The association of Kurdish minors with terrorism shapes the attitude of not only the neighbours but also teachers, peers at school, and employers. For instance, Zeynep, an 18-year-old girl, moved to another town after her arrest. In her "new life", she tries to hide the information that she was arrested on charges of terrorism, because she thinks her peers at school would stop talking to her if they find out about her arrest. For the majority of the children and youth who do not have means to start a new life outside the neighbourhood, being marked as a "terror suspect" heavily bears on their daily encounters. As we walk by his school, Caner says:

I went to talk to the vice-principal after I was released. He did not want to register me saying, "you are a terrorist, who knows what you are going to do". He even told me that he thinks that I will set his car on fire. Then he asked me if I was regretful... When I said no, he said "it's good that you were in prison".

The disproportionate penalisation of Kurdish minors and adults divides the neighbourhood into two groups composed of "dangerous ones" and the "ordinary citizens who keep their noses clean (*etliye sütlüye karışmayan sıradan vatandaşlar*)". While the former is constituted of those associated with terrorism, the latter category is composed of Turkish residents and public employees such as teachers and security officials working in the neighbourhood. Meanwhile, Kurdish residents who do not get involved in politics try to preserve a relatively neutral position between these two groups. Yet, their chances are limited. Conspicuous home invasions reinforce the stereotypical image of Kurds as "potential terrorists" regardless of their involvement in politics.

The disproportionate incarceration of Kurdish minors, the sovereign state's violent policies towards them, and the discourses and policies that mark the abandonment of these children motivate many Turkish residents and state employees to act as "petty sovereigns" by exerting control over Kurdish children's conditions of existence. As the state discourses around terrorism invite every citizen to fight the terrorists, Turkish residents and public employees start punishing Kurdish minors, who are perceived as terrorists, in diverse ways on a daily basis. As Kurdish children's narratives



demonstrate, these punishments are not necessarily physical, and they usually take the form of limiting children's access to rights and resources such as housing, education and employment. All these barriers that the children encounter in their daily lives add to the feelings of indignation and being haunted by the Turkish carceral regime. For instance, Caner, who could eventually manage to register at a school, has been recently denied access to private tutoring since the teachers thought he was too dangerous to communicate with. On the day he found out he was not "eligible" for private tutoring, he called me asking "how is it possible that every door around me is closed?"

The daily lives of Kurdish children are altered not only by the barriers they repeatedly face but also by the fears that their actions can be reported to state authorities. I met Çınar, who was about to turn 18 years old, in the Fall of 2017. He was rather reluctant to talk to me, since he was quite sure that every step he took was being monitored by the Turkish police and that talking about the violence he was subjected to in prison would put him in danger. Eventually, Ali, with whom Çınar shared a prison ward for four months together with five others, assured him that it was safe to talk to me. Still hesitant, Çınar wanted to meet me at their lawyer's office instead of a public space so that we could be sure our meeting was not monitored by state agents and secret witnesses.<sup>15</sup> Realising that some other formerly incarcerated children and the lawyers in the office were already acquainted with me, he apologetically started explaining the reasons why he was reluctant to talk to me:

You never know. The neighbourhood is full of those people who became agents for the state. (...) There are also secret witnesses, we do not know who they are. Maybe they do not even exist. But they can also be from the neighbourhood. They can also give untruthful testimonies. So, for instance, I try to make sure I pass by the city surveillance cameras on my way back home. In this way, I can assure that even if someone blames me for something, I can prove whether I did what they claim or not.

Nodding at Çınar in agreement, Ali added that:

He is right. As I told you earlier, police intelligence is so strong in the neighbourhood. Anyone can report you, from the neighbour's kid to the vendor who comes to the neighbourhood to sell socks; from the teacher to the taxi driver. (...) The police come to ask people about us regularly. Sometimes they [the

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<sup>15</sup> A secret witness (*gizli tanık*) is a person who is consulted as a witness of the event under criminal investigation without revealing the witness's identity. The statements of secret witnesses play a vital role particularly in cases of "organised crime".

neighbours] say things that can put us in trouble, especially if they don't like us for the obvious reasons.

While any visible sign of political activism is easily reported to the police, many of the children feel themselves under constant surveillance. The omnipotent presence of the sovereign materialises in almost every daily encounter. It takes a visible form in the bodies of the neighbours, teachers, peers, employers, and street vendors, in addition to the police. The fear of secret witnesses or any possible untruthful testimony drives children like Çınar towards relying on city surveillance cameras as a protection from any unfounded accusation. The pressure of surveillance sometimes reaches levels that reproduces the myths about the state's reach, such as when Ali comments, "sometimes I feel like they are inside my head. They can listen to what I think".

Concerns about the secret witnesses are accompanied by the strong presence of undercover and anti-terrorism police in the neighbourhood. Kurdish children's encounters with these security forces trap them somewhere between lawfare and warfare, in addition to reproducing the myths about the state's reach. Hakan, whose name was mentioned in every interview I did with children who self-identify as political activists, is a young boy who died when he was fighting in the ranks of Kurdish guerrillas. While the children refer to him as a hero, the security officials harass Kurdish youths on the streets, asking them whether or not they will take revenge for Hakan's death or by questioning whether they have the courage to join Kurdish guerrillas as their friend did. According to the children's family members, this kind of harassment is quite common, and state authorities are pushing their children to warfare with such actions. A 16-year-old boy's father states:

I cannot sleep when he does not come home. After all these things happened to him, I get afraid that he will join the guerrillas. Do the police want them to join, so that they can kill them? I don't know what they think. I don't know.

Furthermore, according to children and their lawyers, in addition to pushing Kurdish children to warfare, security officials take part in the recruitment of minors (often those who are politically active) into drug-dealing. When I interviewed Firat, one of the activist children, right after he was released from prison for the second time, he told me that his main political agenda was to fight against the drug dealers in the neighbourhood. Six months later, he started selling drugs and cut his connections with the activist youth. I have been unable to contact Firat ever since his sister and lawyers told me that he was now involved in drug trafficking. Even though I have not been able to reach Firat, the statements of Ali can provide insights into his story:

They [the undercover police] come and talk to some of us. They are like “sell the drugs and we will not bother you”. So, it is like protection, you know? It is like “you are not a terrorist anymore, and you make money”. Why not? I think they try to push the youth to drugs so that they will not be involved in politics. But what then? Then will they imprison us for drugs?

Trapped in lawfare as “terror suspects”, these children are invited either to warfare or to the ranks of drug dealing which would bring them back to lawfare, albeit with a different accusation.

Furthermore, the state and security officials tend to associate them with petty crimes in addition to the political ones independent of their involvement in drug dealing. As a result, the lawyers of children state, terrorism charges are frequently accompanied by other ones condemning children for “petty offences”. As we were discussing the juvenile justice system in the yard of Yenikent’s courthouse, a prosecutor remarked:

You know these are the kids who come from different Kurdish cities. When they come to me, I treat them with suspicion. They lack social control mechanisms so that they are likely to commit crimes. If I encounter one of them, I usually refer them to the courts. We know the neighbourhoods where the criminals are.

Umut, who has been arrested several times since he was 15, thinks that state and security officials’ perception of Kurdish children as “potential criminals” is among the main reasons that pave the way for their disproportionate penalisation. He is among the Kurdish children who are criminalised both as “petty offenders” and on “charges of terrorism”. He was 17 years old when I first interviewed him. Back then, he had several indictments for terror-associated crimes and had already been to prison twice. Now, he is behind bars once again. He defines himself as an activist, but he also thinks that many of the accusations against him were unfounded. He tells that once he was taken to court with the accusation of drug dealing just because the police found tobacco on him. He says that “I was okay in the Heavy Penal Court accused of terrorism; stressed but okay. But when they took me to the court for drugs, I was about to faint. I could not believe this was happening to me”.

The selective penalisation of Kurdish children fortifies the juvenilisation and racialisation of crime by reproducing the public image of Kurdish minors as potential criminals. The credential of being a “terror suspect” keeps altering the daily lives of the Kurdish children, who are abandoned in the midst of lawfare. Diverse forms of exclusion, punishment and surveillance haunt them in various aspects of their daily lives. In line with Timothy Mitchell’s (1991) argument that mundane practices help manufacture the nation-state

as “almost a transcendental entity” (94), these daily experiences resulting from Kurdish children’s abandonment make the state come to seem as an omnipotent entity that can track, control, and give order to children’s daily lives.

## Conclusion

Growing public preoccupation with crime and disorder, increasing judicialisation of politics, and skyrocketing rates of incarceration in Turkey since the early 2000s attest to a growing lawfare (Comaroff & Comaroff, 2009) whereby the Turkish state resorts to its legal and penal powers as means to discipline the populace. The racialisation and juvenilisation of crime during this period have brought Kurdish children to the centre of lawfare. In this article, I addressed Kurdish children’s disproportionate penalisation under the Anti-Terror Law and explored how it informs children’s experiences and political imagination of the Turkish state during Turkey’s growing lawfare.

I conceptualise the penalisation of Kurdish children by the Anti-Terror Law as a form of abandonment (Mills, 2008; Diken & Laustsen, 2005), whereby the children are banned from access to the rights they are otherwise granted as minor citizens of Turkey. The narratives of the “terror-suspect” Kurdish children residing in Samanlı, Yenikent reveal that their abandonment encourages larger groups to punish and/or harm Kurdish children on a daily basis with impunity. Such is the case when prison violence exerted on them is not punished and/or when they are evicted from their houses and hindered from registering for school or finding employment on the grounds that they are “terror suspects”. Kurdish children also feel themselves under constant surveillance not only during their encounters with security officials but also with (notably Turkish) neighbours, street vendors, and teachers, who could, according to the children, report their actions to state authorities. Through their encounters with these various actors who act as “petty sovereigns” (Butler, 2004), the omnipotent presence of the sovereign becomes tangible in children’s daily interactions. Caught up in a web of punishment and surveillance, the children come to experience the state as almost a transcendental entity controlling daily lives that some of them refer to as a “brain-eating machine” in a state of fear and indignation.

Notwithstanding the sovereign state’s use of legalities in (re)structuring the socio-political outlook of the population as a component of lawfare, it is important to recognise that lawfare can also be waged by non-state actors such as racially oppressed communities, who can turn the legal field into a weapon in order to claim rights.<sup>16</sup> In this vein, diverse scholars demonstrate

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<sup>16</sup> For more detailed information on lawfare from below see Comaroff & Comaroff (2009).

the ways in which everyday prison resistance (Grubacic & O’Hearn, 2016), hunger strikes (Bargu, 2014; Anderson, 2004), and armed urban vigilantism (Yonucu, 2018) challenge penal policies in Turkey. Even though the focus of this paper is on the vertical relation of abandonment in the form of the Anti-Terror Law, Kurdish children’s active participation and struggles in lawfare also deserve scholarly interest. Calling attention to the various responses the children give to their abandonment, Hasan, echoing the children mobilised around Kawa, states: “One day, I decided to steal my brain back from them to make sure they will recognise that I was here...to destroy the machine that replaced my brain”.

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### References

- Açıksöz, S. C. (2020). *Sacrificial Limbs: Masculinity, Disability, and Political Violence in Turkey*. Oakland, CA: University of California Press.
- Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life*. D. Heller-Roazen (Trans.). Stanford: Stanford University Press.
- (2005). *State of Exception*. K. Attell (Trans.). Chicago: The University of Chicago Press.

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- Alexander, M. (2010). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press.
- Anderson, P. (2004). To lie down to death for days: The Turkish hunger strike, 2000-2003. *Cultural Studies*, 18(6), 816-846.
- Arendt, H. (1998 [1958]). *The Human Condition* (2nd ed.). Chicago, IL: The University of Chicago Press.
- Aretxaga, B. (2005). *States of Terror: Begoña Aretxaga's Essays*. J. Zuleika (Ed.). Reno: Center for Basque Studies, University of Nevada.
- Aydın, D. (2009). "Tinerçilerin" bir korku nesnesi olarak temsili. *Toplum ve Kuram*, 2, 43-52.
- . (2005). Mobilizing the Kurds in Turkey: Newroz as a Myth. (Unpublished Master's Thesis). Middle East Technical University, Ankara.
- Aytemur, G. (2013). Terörle Mücadele Kanunu Karşısında Çocuklar: Neoliberal Ceza Politikaları Üzerinden Dost/Düşman Ayrımı. Retrieved from: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&ccd=1&ved=0ahUKEwjv9u5ptTJAhVBkh4KHRk3DuUQFggdMAA&url=http%3A%2F%2Fwww.umut.org.tr%2FUserFiles%2FFiles%2FDocument%2Fdocument\\_15\\_G%25C3%25B6zdeAytemur\\_Ter%25C3%25B6rle%2520M%25C3%25BCadele%2520Kanunu%2520Kar%25C5%259F%25C4%25B1s%25C4%25B1nda%2520%25C3%2587ocuklar%2520Neoliberal%2520Ceza%2520Politikalar%25C4%25B1%2520%25C3%259Czerinden%2520DostD%25C3%25BC%25C5%259Fman%2520Ayr%25C4%25B1m%25C4%25B1.doc&usg=AFQjCNFECxDwf0bKGSgtOI44VNIQTbtqg&sig2=a9bM1EQCQp0DQ5mEbswqbA](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&ccd=1&ved=0ahUKEwjv9u5ptTJAhVBkh4KHRk3DuUQFggdMAA&url=http%3A%2F%2Fwww.umut.org.tr%2FUserFiles%2FFiles%2FDocument%2Fdocument_15_G%25C3%25B6zdeAytemur_Ter%25C3%25B6rle%2520M%25C3%25BCadele%2520Kanunu%2520Kar%25C5%259F%25C4%25B1s%25C4%25B1nda%2520%25C3%2587ocuklar%2520Neoliberal%2520Ceza%2520Politikalar%25C4%25B1%2520%25C3%259Czerinden%2520DostD%25C3%25BC%25C5%259Fman%2520Ayr%25C4%25B1m%25C4%25B1.doc&usg=AFQjCNFECxDwf0bKGSgtOI44VNIQTbtqg&sig2=a9bM1EQCQp0DQ5mEbswqbA) (last accessed 26 October 2018).
- Bargu, B. (2014). *Starve and Immolate: The Politics of Human Weapons*. New York: Columbia University Press.
- Bayır, D. (2013). The Role of the judicial system in the politicized of the Kurdish Opposition. In: C. Gunes & W. Zeydanlıoğlu (Eds.). *The Kurdish Question in Turkey: New Perspectives on Violence, Representation and Reconciliation*, (21-46). London and New York: Routledge.
- Benjamin, W. (1996 [1921]). Critique of violence. In: M. Bullock & M. W. Jennings (Eds.). *Walter Benjamin: Selected Writings, 1: 1913-1926*, (236-252). Cambridge, MA: The Belknap Press.
- Biehl, J. (2013). Ethnography in the way of theory. *Cultural Anthropology*, 28(4), 573-597.
- Butler, J. (2004). *Precarious Life: The Powers of Mourning and Violence*. London: Verso.
- Cohen, S. (2002 [1972]). *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (3rd ed.). London & New York: Routledge.
- Comaroff, J. L. & Comaroff, J. (2009). Reflections on the anthropology of law, governance, and sovereignty. In: F. von Benda-Beckmann, K. von Benda-Beckmann & J. Eckert (Eds.). *Rules of Law and Laws of Ruling: Law and Governance between Past and Future*, (31-59) Farnham: Ashgate Publishing.
- . (2004). Criminal obsessions, after Foucault: Postcoloniality, policing, and the metaphysics of disorder. *Critical Inquiry*, 30(4), 800-824.
- 'Çocuk da, Kadın da Olsa Gereken Müdahale Yapılır' ('Be It Women or Children The Necessary Interventions Will be Made'). (2006, April 1). *Radikal*. Retrieved from: <http://www.radikal.com.tr/turkiye/cocuk-da-kadin-da-olsa-gereken-mudahale-yapilir-776215/> (last accessed 26 October 2018).

- Darıcı, H. (2009). Şiddet ve özgürlük: Kürt çocuklarının siyaseti. *Toplum ve Kuram*, 2, 17-42.
- Das, V. & Poole, D. (Eds.) (2004). *Anthropology in the Margins of the State*. Santa Fe, NM: School of American Research Press.
- Davis, A. (2003). *Are Prisons Obsolete?* New York: Seven Stories Press.
- Diken, B. & Laustsen, C. B. (2005). *The Culture of Exception: Sociology Facing the Camp*. London & New York: Routledge.
- Erdoğan: Afrin Taken Under Control. (2018, March 19). *Bia News Agency, Independent Communication Network*. Retrieved from: <http://bianet.org/english/militarism/195260-erdogan-afrin-taken-under-control> (last accessed 22 April 2019).
- Fader, J. J. (2013). *Falling Back: Incarceration and Transitions to Adulthood Among Urban Youth*. New Brunswick, NJ: Rutgers University Press.
- Fassin, D. (2007). Humanitarianism as a politics of life. *Public Culture*, 19(3), 499-520.
- Garland, D. (2002). *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Gilmore, R. W. (2007). *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: University of California Press.
- Goffman, I. (1961). *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. Oxford: Doubleday.
- Gönen, Z. (2013). Giuliani in Izmir: Restructuring of the Izmir Public Order Police and criminalization of the urban poor. *Critical Criminology*, 21(1), 87-101.
- Gönen, Z. & Yonucu, D. (2011). Legitimizing violence and segregation: Neo-liberal discourses on crime and the criminalization of urban poor populations in Turkey. In: A. Bourke, T. Dafnos & M. Kip (Eds.). *Lumpen-city: Discourses of Marginality/Marginalizing Discourses*, (75-103). Ottawa: Red Quill Books.
- Gürbilek, N. (2001). *Kötü Çocuk Türk*. Istanbul: Metis.
- Günay, O. (2019). In war and peace: Shifting narratives of violence in Kurdish Istanbul. *American Anthropologist*. 121(3), 554-567.
- Güneş, C. & W. Zeydanlıoğlu (Eds.) (2013). *The Kurdish Question in Turkey: New Perspectives on Violence, Representation and Reconciliation*. London and New York: Routledge.
- Güven, O. Ö. (2016). Psikopat, sabıkalı, umutsuz: Suçun ırksallaştırılması ve kapkaç. In: M. Yücebaş (Ed.). *Yerli ve Milli Gündelik Hayat*, (303-348). Istanbul: İletişim Yayınları.
- Grubacic, A. & O'Hearn, D. (2016). *Living at the Edges of Capitalism: Adventures in Exile and Mutual Aid*. Oakland: University of California Press.
- Hall, S. et.al. (1978). *Policing the Crisis: Mugging, the State, and Law and Order*. London: Palgrave MacMillan.
- Human Rights Watch. (2012). Time for Justice: Ending the Impunity for Killings and Disappearances in 1990s Turkey. Retrieved from: <https://www.hrw.org/sites/default/files/reports/turkey0912ForUpload.pdf> (last accessed 22 April 2019).
- Jongerden, J. (2010). Village evacuation and reconstruction in Kurdistan (1993-2002). *Études rurales*, 186, 77-100.
- Joronen, Mikko. (2016). Politics of precarious childhood: Ill treatment of Palestinian children under the Israeli Military Order. *Geopolitics*, 21(1), 92-114.
- Kavur, N. (2016). Revisiting Remand Imprisonment within Biopolitics: A Study on Turkey's Juvenile Justice System through Legislative, Judiciary, and Executive

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- Powers. (Unpublished Doctoral Dissertation). University of Kent & Eötvös Loránd University, Kent and Budapest.
- Mills, C. (2008). *The Philosophy of Agamben*. Montreal: McGill-Queen's University Press.
- Ministry of Justice. (2017a). Annual number of offences and offenders in lawsuits brought to the Penal Courts under the scope of the Turkish Penal Law (Ceza Mahkemelerinde TCK Uyarınca Yıl İçinde Açılan Davalardaki Suç ve Sanık Sayıları) (2017). The Archive of Legal Statistics.
- Ministry of Justice. (2017b). Annual number of offences and offenders in lawsuits brought to the Penal Courts under the scope of special laws (Ceza Mahkemelerinde Özel Kanunlar Uyarınca Yıl İçinde Açılan Davalardaki Suç ve Sanık Sayıları) (2017). The Archive of Legal Statistics.
- Ministry of Justice. (2002a). Annual number of offences and offenders in lawsuits brought to the Penal Courts under the scope of Turkish Penal Law no. 765, Provinces (Ceza Mahkemelerinde 765 Sayılı TCK Uyarınca Yıl İçinde Açılan Davalar ve Sanık Sayıları, İller) (2002). The Archive of Legal Statistics.
- Ministry of Justice. (2002b). Distribution of the number of offences and offenders in lawsuits brought to Penal Courts under the scope of special laws (Ceza Mahkemelerine Ceza Hükümü Taşıyan Özel Kanunlar ile İlgili Açılan Dava ve Sanık Sayıları Dağılımı) (1/1/2002-31/12/2002). The Archive of Legal Statistics.
- Ministry of Justice General Directorate of Judicial Records and Statistics (GDJRS). (2019). Judicial Statistics 2019 (Adli İstatistikler 2019). Retrieved from: <https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/1062020170359HizmeteOzel-2019-baski-İSA.pdf> (last accessed 12 October 2020).
- Ministry of Justice General Directorate of Judicial Records and Statistics (GDJRS). (2009). Judicial Statistics 2009 (Adli İstatistikler 2009). Retrieved from: <http://www.adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/27820191154492009.pdf> (last accessed 12 October 2020).
- Mitchell, T. (1991). The limits of the state: Beyond statist approaches and their critics. *The American Political Science Review*, 85(1), 77-96.
- Pager, D. (2007). *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.
- Rios, V. M. (2011). *Punished: Policing the Lives of Black and Latino Boys*. New York: New York University Press.
- Stuart, F. (2016). *Down, Out, and Under Arrest: Policing and Everyday Life in Skid Row*. Chicago: University of Chicago Press.
- The Anti-Terror Law (Terörle Mücadele Kanunu [no. 3713]). (1991). *Resmi Gazete*. 12.04.1991/20843. Retrieved from: [http://www.resmigazete.gov.tr/arsiv/20843\\_1.pdf](http://www.resmigazete.gov.tr/arsiv/20843_1.pdf) (last accessed 18 March 2019).
- The Child Protection Law (Çocuk Koruma Kanunu [no. 5395]). (2005). *Resmi Gazete*. 15.07.2005/25876. Retrieved from: <http://www.resmigazete.gov.tr/eskiler/2005/07/20050715-1.htm> (last accessed 18 March 2019).
- The Law on Enforcement and Administration of Turkish Penal Law (Türk Ceza Kanununun Yürürlük ve Uygulama Şekliyle İlgili Kanun [no. 5252]). (2004). *Resmi Gazete*. 13.11.2004/25642. Retrieved from: <https://www.resmigazete.gov.tr/eskiler/2004/11/20041113.htm#1> (last accessed 18 March 2019).



- The Law on the Amendment of the Anti-Terror Law and Some Other Legislations (Terörle Mücadele Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun [no. 6008]). (2010). *Resmi Gazete*. 25.07.2010/27652. Retrieved from: <http://www.resmigazete.gov.tr/eskiler/2010/07/20100725-1.htm> (last accessed 18 March 2019).
- The Law on the Amendment of the Anti-Terror Law (Terörle Mücadele Kanununda Değişiklik Yapılmasına Dair Kanun [no. 5532]). (2006). *Resmi Gazete*. 18.07.2006/26232. Retrieved from: <http://www.resmigazete.gov.tr/eskiler/2006/07/20060718-1.htm> (last accessed 18 March 2019).
- Turkish Penal Law (Türk Ceza Kanunu [no. 5237]). (2004). *Resmi Gazete*. 12.10.2004/25611. Retrieved from: <http://www.resmigazete.gov.tr/eskiler/2004/10/20041012.htm#1> (last accessed 18 March 2019).
- Turkish Penal Law (Türk Ceza Kanunu [no. 765]). (1926). *Resmi Gazete*. 13.03.1926/320. Retrieved from: <http://www.ceza-bb.adalet.gov.tr/mevzuat/765.htm> (last accessed 18 March 2019).
- Turkish Statistical Institute. (2019). Prison Population as of December 31, 1998-2018 (31 Aralık Tarihi İtibariyle Hükümlü ve Tutuklu Sayısı, 1998-2018).
- United Nations Convention on the Rights of the Child (1989). Available at: [https://treaties.un.org/doc/Treaties/1990/09/19900902%200314%20AM/Ch\\_IV\\_11p.pdf](https://treaties.un.org/doc/Treaties/1990/09/19900902%200314%20AM/Ch_IV_11p.pdf) (last accessed 18 March 2019).
- United Nations. Rules for the Protection of Juveniles Deprived of Their Liberty (1990). Retrieved from: [https://www.ohchr.org/Documents/ProfessionalInterest/res45\\_113.pdf](https://www.ohchr.org/Documents/ProfessionalInterest/res45_113.pdf) (last accessed 18 March 2019).
- United Nations. Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985). Retrieved from: <https://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf> (last accessed 18 March 2019).
- Wacquant, L. (2009). *Punishing the Poor: The Neo-Liberal Government of Social Insecurity*. Durham, NC: Duke University Press.
- Wave of Terror Attacks in Turkey Continue at a Steady Pace. (2017, January 5). *The New York Times*. Retrieved from: <https://www.nytimes.com/interactive/2016/06/28/world/middleeast/turkey-terror-attacks-bombings.html> (last accessed 22 April 2019).
- Western, B. (2006). *Punishment and Inequality in America*. New York: Russell Sage Foundation.
- Yonucu, D. (2018). Urban vigilantism: A study of anti-terror law, politics, and policing in Istanbul. *International Journal of Urban and Regional Research*, 42(3), 408-422.
- .(2017). The absent-present law: An ethnographic study of legal violence in Turkey. *Social and Legal Studies*, 27(6), 716-733.
- Zeydanlıoğlu, W. (2009). Torture and Turkification in the Diyarbakır military prison. In: J. T. Parry & W. Zeydanlıoğlu (Eds.). *Rights, Citizenship & Torture: Perspectives on Evil, Law and the State*, (73-92). Oxford: Inter-Disciplinary Press.