



ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS
IN 21 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

Bologna, Düsseldorf, London, Vienna, 11 October 2021

European Lawyers demand: No impunity for those responsible for ISIS crimes

ELDH is gravely concerned about several reports of cases in Turkey in which those responsible for ISIS crimes have not been adequately prosecuted and convicted.

Just a few days ago Turkey's Constitutional Court rejected an application demanding the prosecution of public officials over their negligence in the Suruç massacre.

Turkish lawyers in the Lawyers Commission of the October 10 Ankara Massacre Case stated as follows: "During the five-year-lasting [October 10 Ankara Massacre] trial process, we shared with the public that both [Turkish] courts and police forces had adopted a very tolerant stance to ISIS militants" ISIS' twin suicide attack on 10 October 2015 outside Central Ankara railway station killed more than one hundred people and injured more than five hundred. The massacre was the deadliest terror attack in modern Turkish history. No official responsible for allowing the massacre to take place has yet stood trial in the case. Although some of the suspects responsible for the massacre were in 2015 on the watch list of the police in Gaziantep, they were not arrested. Some had even arrest warrants issued against them. The lawyers listed the names of several ISIS operatives whose names had appeared previously in the press and asked the government where the detained militants were now. The Lawyers Commission has asked the government to disclose the whereabouts of the ISIS operatives caught in Turkey, following the recent imprisonment of an ISIS judge ("qadi") who is charged with ordering the burning of two Turkish soldiers in Syria.

Jamal Abdul Tahman Alwi, an Islamic judge (qadi for ISIS, is walking free in Turkey despite claims that he previously issued a fatwa for the burning of two Turkish soldiers in Syria, journalist İsmail Saymaz said in his column in Halk TV on 17 September

Despite the gravity of the crimes, the Gaziantep Seventh Heavy Penal Court released Alwi from prison on 2 March 2021, after a mere nine months, on the grounds that he had "no flight risk" and that no obstruction of evidence was possible. But he was re-arrested by a court order early on 19

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September, two days after Saymaz wrote that he was roaming free in Turkey's southeastern province of Gaziantep.

In Turkey, however, news reports and information provided by lawyers representing victims in ISIS-related case files indicate that a number of developments that weaken the struggle against ISIS, while encouraging the organization have been observed.

For the first time in Turkey's history, one defendant was indicted on charges of crimes against humanity within the scope of the 10th October Ankara Train Station Massacre case. While this is a positive development, only one of the many perpetrators of these particular massacres has been tried for crimes against humanity. In the case of the other individuals involved, the courts have held that the acts of these defendants fall under crimes against the state and not crimes against humanity. This, in addition to the difficulties in prosecuting such crimes, will allow perpetrators of massacres, most of whom are still at large, to go unpunished by taking advantage of the law on limitations.

Furthermore, news sources report that no serious investigation is being conducted against people who have been involved in crimes linked to ISIS. In particular there are recent reports that individuals associated with ISIS crimes are protected at all levels by public officials; and that they are released from detention or prison despite the existence of serious accusations, and solid evidence. Notably, senior executives and militants of ISIS escaping from Syria have reportedly settled in Turkey easily, appear to lead relatively normal lives, open businesses, and obtain citizenship.

It has been reported that in the trials held regarding the massacres in Turkey, especially in 2015 and 2016, none of the fugitives were caught, despite many years having passed. There exists no report of any steps taken by the police or the prosecutors to collect evidence that might shed light on the massacres, and public officials who neglected their duties regarding the massacres and who are directly linked to the perpetrators of the massacres have not been put on trial. No investigation have been started to identify the real perpetrators behind the massacres, and requests made by lawyers for extension of the scope of the investigation have been constantly rejected by the courts. This information indicates that the courts are inclined to close the cases as soon as possible, with the existing defendants, and incomplete evidence.

It is obvious that these developments are weakening the struggle against ISIS and are encouraging its members to continue their activities. Even the U.S. President Joe Biden said on 7 October that Turkey was "undermining" the fight against ISIS with its military offensives into north-eastern Syria. Biden made the comments as he extended his government's declaration of national emergency with regards to Syria.

The European lawyers of the ELDH demand

- That those responsible for the crimes committed by ISIS in Turkey, Syria or Iraq are held accountable
- That all investigations and proceedings regarding the massacres should be conducted in accordance with international standards and criminal principles, all evidence should be collected and all of the perpetrators responsible for the massacres should be identified and put on trial immediately