



## PERSPECTIVES

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# Should Turkey Officially Designate ISIS a Terrorist Organization?

by Uzay Bulut

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**EXECUTIVE SUMMARY:** Turkey – notwithstanding its official denials – has shown itself extremely reluctant to designate the Islamic State (ISIS) a terrorist organization, and that reluctance has hampered efforts to bring ISIS suspects to justice. Ankara has frozen the assets of ISIS but continues to stop short of officially labeling it a terrorist group. In view of the fact that ISIS has used Turkish territory as a transit route into Syria and Iraq and has placed sleeper cells in dozens of Turkish cities, Ankara would be well advised to designate the group a terrorist organization.

Between the years 2011 and 2016, Turkey took 7,015 people into police custody on charges of suspected ties to the Islamic State (ISIS). Of that total, only seven were convicted and jailed.

This was made public in January 2017, when Bekir Bozdag, the Turkish justice minister, [responded](#) to a motion presented by Sezgin Tanrikulu, an MP from the Republican People's Party (CHP), in the Turkish parliament, in which he was asked how many ISIS convicts there were in Turkish prisons.

It appears that the lack of a definitive listing of ISIS as a terror organization by Turkish state institutions has complicated efforts to bring ISIS suspects to justice. For example, in 2015, a local court in Turkey sentenced an Egyptian ISIS member to jail. The 16<sup>th</sup> penal chamber of the Supreme Court [reversed](#) the judgment and asked the local court “to research whether ISIS is an armed terrorist organization.”

The Turkish Directorate-General of Security has published [lists](#) of “wanted terrorists” on its official website. The “red” list includes the names of 41 people, including three ISIS terrorists. Ilhami Bali, Mustafa Dokumaci, and Yunus Durmaz are, according to the website, members of the “terror organization Daesh,” the Arabic acronym of ISIS. The “blue,” “green,” “orange,” and “gray” lists also contain the names of Daesh members.

According to the Turkish newspaper *Milliyet*, the 2015 draft of the “National Security Policy Document” by Turkey’s National Security Council (MGK) [called ISIS](#) a “terror organization that abuses religion.” In public speeches, Turkish government authorities now refer to ISIS as a “terror organization.” However, this has not always been the case.

In August 2014, Turkish former Prime Minister Ahmet Davutoglu, then foreign minister, attempted to excuse the creation and escalation of ISIS by fabricating a context for its actions. “If Sunni Arabs had not been left out, there would not be such an accumulation of anger,” he [stated](#) on Turkish TV. “The organization that we call ISIS might look like a radical, terrorizing organization. But among its participants, Turkmens constitute the majority. There are also Sunni Arabs and Kurds ... discontent, anger, isolation and insults suddenly created a great reaction on a large scale. If Sunni Arabs had not been left out in Iraq, there would not be such an accumulation of anger now.”

In September 2014, Tanrikulu said that Davutoglu, then prime minister, and Bulent Arinc, then deputy prime minister, had [claimed](#) that Turkey declared ISIS a terrorist organization in October 2013 in a circular issued by the Council of Ministers. Tanrikulu [challenged](#) Davutoglu’s claim in another parliamentary motion, saying in part: “When one investigates all of the editions of the official gazette of the Turkish government in October of 2013, one sees that ISIS was never declared a terror organization. What is the full text of the circular in which the Council of Ministers openly declared ISIS a terror organization?” Tanrikulu also [asked](#) the Directorate-General of Security in July 2016 whether the Turkish police define ISIS as a terrorist group, and whether it is included on the police’s list of terrorist organizations.

In response to all this, Tanrikulu was sent the seventh article of the [Turkish legislation on the right to information](#), which reads: “The institutions and agencies may turn down applications for any information or document that require separate or special work, research, examination, or analysis.”

“The Directorate-General of Security could have given us a very clear answer but it did not,” Tanrikulu [said](#). “This could have two meanings. One is that the police really do not have a list of terror groups and members, which would be

a scandalous acceptance of the security gap that many claim to be the cause of the massacres committed by ISIS terrorists in recent years. Another possibility is that the police have a list but are not sharing it with the public. If so, then they are hiding something.”

The Turkish Ministry of Finance published a [circular](#) in the official Turkish government gazette in 2014 about freezing the assets of certain individuals associated with al-Qaeda, based on UN Security Council resolutions that declared that states were required to freeze the assets of individuals associated with that organization. In 2015, Tanrikulu said it was this document that government officials presented to him when he asked in parliament whether the government viewed ISIS as a terror organization. “So I have been told that based on this document, Turkey deals with ISIS ... ISIS must be defined as a terrorist organization in accordance with the Turkish penal code and terrorism law in order to start proceedings against its members,” Tanrikulu [said](#). “The Directorate-General of Security should define ISIS as a terror organization, prepare a diagram of its organization and record all its activities. But it has not.”

In 2015, Bekir Bozdag, the justice minister, repeated the same contention of the Turkish government: “Turkey declared ISIS a terror organization in September 2013, and the related circular was published in the official gazette on October 30, 2013.”

Bozdag proclaimed on [his Twitter account](#): “The first country/government that declared ISIS a terror organization in the world is Turkey/the Turkish government. The statements of the president, prime minister and ministers are clear.”

Davutoglu and Bozdag’s statements were actually not about Ankara’s listing ISIS as a terror organization. They referred to a [circular](#) of the Turkish Council of Ministers issued on October 30, 2013, based on the UN Security Council decision pursuant to resolutions 1267 (1999), 1988 (2011) and 1989 (2011) concerning the freezing of financial assets or economic resources of designated individuals, entities and organization. The resolution has an appendix that contains a 133-page list of individuals, entities, and organizations whose financial assets shall be frozen.

The list also contains a [subheading](#), “al-Qaeda affiliated individuals, entities and organizations,” which includes “al-Qaeda in Iraq.” Under this subheading, the other names of the organization are listed, which include but are not limited to the al-Nusra Front and the Islamic State of Iraq and the Levant.

Ali Riza Aydin, the former reporter of Turkey's Supreme Court, [told](#) the weekly Turkish newspaper *Sol* that the resolution concerning the freezing of the financial assets does not mean the group has been declared a terror organization.

"This is an economic precaution. If, for example, I have debt to Turkey's social security institution, the government can freeze my financial assets, too. Moreover, organizations such as IS are not legal entities, so freezing the financial assets does not have a legal meaning either."

The newspaper *Sol* clarified: "In other words, it could be said that Turkey declared that it sees IS and the al-Nusra Front as 'terror organizations' on paper in October of 2013 in accordance with the UN Security Council resolutions. But this has no political meaning. Nor does it mean anything in practice ... if IS and al-Qaeda do not have bank accounts and companies and so on under their names in Turkey."

Kemal Kilicdaroglu, the head of the CHP, [asked](#) the ruling Justice and Development Party (AKP) government at a workshop in Ankara in July 2016 a) whether it is true that people from 70 cities across Turkey have joined ISIS; and b) whether the National Security Council (MGK) has in fact designated ISIS as a terrorist organization. The government has not yet responded. Kilicdaroglu added that the motions presented by opposition MPs in parliament regarding ISIS are rejected by the government because "there is ideological affinity between ISIS and the AKP."

It is a well-documented fact that ISIS members have used Turkish territory to cross into Syria and Iraq. ISIS has never been a "foreign" issue to Turkey. According to some reports, ISIS members [have been treated](#) at Turkish hospitals. According to a [2015 "confidential" note](#) by a Turkish chief of police, there are ISIS sleeper cells in seventy cities across Turkey. ISIS is both within and without Turkey's immediate borders.

Given these facts, one wonders what has stopped NATO member Turkey from officially declaring ISIS a terrorist organization and taking serious action against it.

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