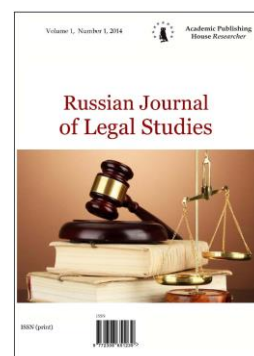


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The International State Responsibility for the Acts of Terrorist Groups: the Case of Turkey and Islamic State in Iraq And Syria

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Abstract

ISIS is a radical Islamic group which has been designated as a terrorist organization by the United Nations, European Union and most of the world states. However, the ISIS roots trace back to the beginning of 2000s, the group adopted the name of Islamic State in Iraq and Syria in 2013. ISIS gained significant military successes in Iraq and Syria between 2013 and 2014 because it captured vast swaths of the Iraqi and Syrian territory in which established an Islamic Caliphate. During the military attacks in Iraq and Syria, ISIS committed many atrocities that amount to serious international crimes of genocide, crimes against humanity and war crimes. The international media and intelligent agencies have gathered many evidences that demonstrate undeniable links between ISIS and some states including Turkey. Under International law, the use of force is considered international wrongful act except in self-defence. As states are a political entities and function through agents and organs, they are normally responsible for the wrongful acts of their official agents and organs. However, the wrongful acts of private groups are also attributable to states when the groups are equated with state actors or when states support or harbor the groups. The available evidences, however, do not prove that ISIS is under the control of and directed by Turkey, they do prove that Turkey has provided ISIS with military cooperation, transferring weapons, medical treatment of the wounded fighters and financial assistance through illegal oil trade. This article discusses the international responsibility of Turkey for the ISIS acts.

Keywords: International law, Turkey, ISIS, State actor, private group, international wrongful act, International responsibility.

1. Introduction

International law prohibits states from the threat or use of force against each other's sovereignty, territorial integrity and political independence except in self-defense. The use of force is regarded wrongful act and brings international responsibility to states. State responsibility generally arises from the wrongful acts of agents and organs. The legal issue stems not from whether international rules of state responsibility function actively but from whether the responsible group is a *de jure* or a *de facto* state organ? If not, does the state support the group? What is the range of the support from the state to the group? Does the state harbor the group?

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Is the state able to curb the group operates in its territory against another state or it is really unable to do so?

International law provides states with equal rights and imposes equal obligations upon them. Under International law, states are responsible for breaches of their international obligations. Accordingly, when a state causes a material or moral damage to another state, the first state commits a wrongful act against the later. Hence, the wrongdoing state is accountable for the act and must repair the injured state fully.

ISIS is an Islamic group that practices the doctrine of *Jihadi-Salafism*. It has now established an Islamic Caliphate in a large territory extends from the north of Syria to the east of Iraq. The group has been supported by some states including Turkey for political purposes. However, the available evidences do not confirm that Turkey has controlled the group and directs it wherever its political interests are, they do affirm that Turkey has involved in ISIS atrocities through encouraging their activities, opening borders, providing training and military equipment, treatment of the wounded fighters and financial assistance via illegal oil trade.

The Turkish support to ISIS is being considered very seriously by the international media and politics but the international lawyers and institutions have not approached the issue so far besides the availability of many actual evidences. The examination of the Turkey-ISIS case leads to implement state responsibility rules, weaken terrorism and restore peace and security to the Middle East region.

This article attempts to clarify the international responsibility of Turkey for supporting ISIS via answering some important questions. What is ISIS? What are the ISIS crimes in Iraq and Syria? Has Turkey involved in ISIS military attacks? Is Turkey responsible for the ISIS acts?

The article first, discusses the historical background and nature of ISIS briefly. Second, it reviews the evidences gathered by international media and intelligence agencies. Third, it examines the rules of international state responsibility for breaching international obligations.

1. Islamic State in Iraq and Syria

The Islamic State in Iraq and Syria (ISIS) is a *Jihdi-Salafi** group (Fouad al-Ibrahim, 2014) which controlled a large territory in Iraq (Iraq's Fallujah falls, 2016) and Syria (Kareem, 2015) between 2013 and 2014 (Report on the Protection, 2014: 2, 3, 4) and established an Islamic Caliphate under the leadership of Abu Bakr al-Baghdadi (Bunzel, 2015: 31).

The origins of ISIS date back to the early 2000s when the Jordanian *Jihadi* Abu Musab al-Zarqawi founded a group named "*Jama'at al-Tawhid wal-Jihad*" (JTJ) 'the Group of God's Unity and Jihad' (Zelin, 2014: 1). The group initially fought to overthrow the Jordanian monarch and alternatively establish an Islamic state but gained no success. Therefore, Abu Musab al-Zarqawi moved to Iraq, with the hope of the foundation his Islamic state there, in 2002 (Hashim, 2014: 2, 4).

In 2004, Abu Musab al-Zarqawi declared allegiance to the Al-Qaeda Leader Osama Bin Laden and changed the name of the group to *Tanzim Qa'idat al-Jihad fi Bilad Rafidiyan* 'Organization of Jihad's Base in Mesopotamia' or Al-Qaida in Iraq (AQI) (Pool, 2004). The AQI fought for the same goal of JTJ which was the establishment of an Islamic State in Iraq (Whitaker, 2005).

In January 2006, the AQI united with five other rebel groups and formed *Mujahidin Shura* Council (MSC) (Bunzel, 2015: 16). In June 2006, Abu Musab al-Zarqawi was killed by a US airstrike and an Egyptian Al-Qaeda Militant Abu Hamza al-Muhajir (Abu Ayub al-Masri) became the new leader of the group (Hashim, 2014: 6).

After the death of Abu Musab al-Zarqawi, the MSC united with three other groups and six tribal leaders and formed *Mutayibeen* Coalition on 12 October 2006 (Roggio, 2006). Some few days later, the coalition declared the formation of the 'Islamic State in Iraq' (ISI) and elected Abu Omar al-Baghdadi as the Amir (Bunzel, 2015: 17; Islamic State of Iraq, 2007).

* *Jihadi-Salafism* is a contemporary Islamic Doctrine that claims to return to the statements and practice of the prophet Muhammad and his companions and wage *jihad* against aggressors. ISIS practices more intolerance and violence than the rest of the *jihadi-Salafi* groups therefore some define ISIS as a *Wahhabi* group. *Wahhabism* is, however, a subset of *Salafism*, it is still much radical that even declares a Muslim who rejects *Salafism* as an apostasy or an unbeliever. The pronouncement of a Muslim as a no longer believer is the most violent Islamic prospective which is called *Takfirism*. The majority of the ISIS victims are Muslims who have not followed ISIS ideology for a reason therefore we can also define ISIS as a *Takfiri* group.

Following the killing of Abu Omar al-Baghdadi in a US-Iraqi joint raid in April 2010 (Arango, 2010), ISI appointed Abu Bakr al-Baghdadi as its new leader (Shadid, 2010). In 2011, Abu Bakr al-Baghdadi released a statement which entailed the new strategy of the group under his leadership. He claimed that the group would return to a strong phase and asked the local and world Muslims to join the group. He also referred to the Syrian revolt and asked the *jihadists* to continue fighting against the injustice of Bashr Assad's regime to establish an Islamic rule (Youssef, 2012).

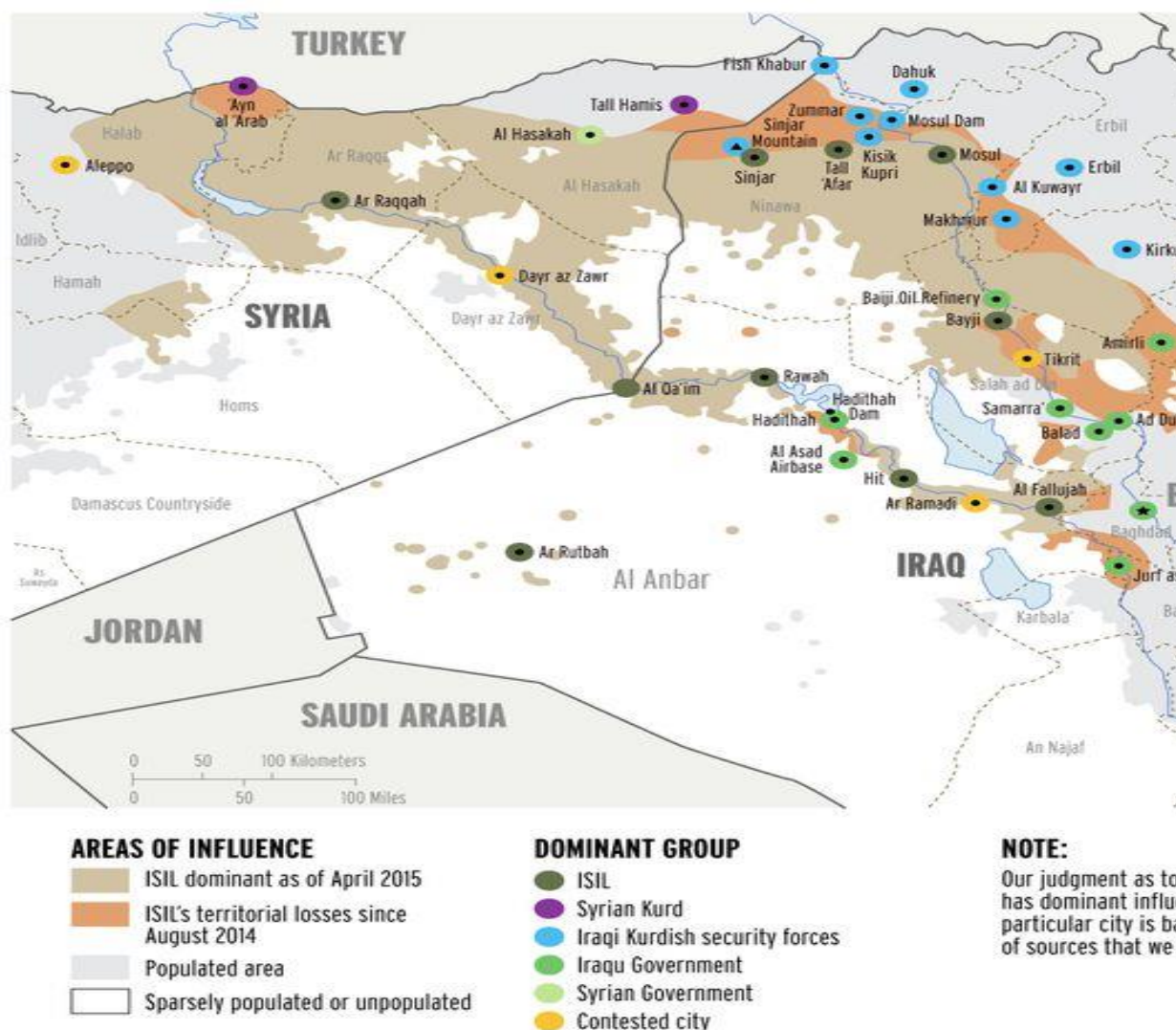
After the Syrian civil war started, ISI sent militants to Syria to establish an affiliated group. The militants founded *Jabhat al-Nusra* (Al-Nusra) under the leadership of the Syrian *jihadist* Abu Muhammad al-Julani in January 2012 (Hashim, 2014: 11). Al-Nusra rapidly recruited many young *jihadists* from local and international Islamists and became the strongest force among the groups which were fighting the regime of Bashr Assad (Bunzel, 2015: 24).

On April 2013, the ISI leader Abu Bakr al-Baghdadi announced the official merger of ISI and Al Nusra and adopted the name of Islamic State in Iraq and Syria (Hashim, 2014: 11; ISI Confirms That Jabhat, 2013). A day later, Al Nusra leader Abu Muhammad al-Julani rejected the merger and reaffirmed his loyalty to the Al Qaeda leader Ayman al-Zawahiri (Bunzel, 2015: 25; Al-Nusra Commits, 2013). In February 2014, Al Qaeda disassociated ISI from itself, cut off all organizational ties with and disavowed it over all actions (Sly, 2014).

Besides Al Nusra rejected the merger with ISI, ISI stepped toward making the foundation of the ISIS real. In June 2014, the ISIS captured the Syrian town Abu Kamal from Al-Nusra (Al Nusra pledges, 2014) and started fighting all the other rebel groups, which refused to join ISIS, and the government forces (Birke, 2013). Consequently, ISIS controlled "more than half of the Syria's landmass" including "vast majority of Raqqa province, its *de facto* capital, most of Deir Ezzor, parts of Hassakeh and the Aleppo countryside, most of the Syrian desert as well as parts of the Homs countryside and the Yarmouk refugee camp in southern Damascus" (Shaheen, 2015). Concurrently, ISI were seizing cities in central and western provinces in Iraq. By the end of June, ISI captured most of Anbar, the entire Mosul in Neinawa and many cities in Kirkuk, Salahadin and Dyala governorates (Report on the Protection, 2014: 2, 3, 4). The territorial gain made ISI to take its strategic step which was the declaration of Caliphate. On 29 June 2014, ISI announced Islamic Caliphate in the controlled territories and referred to Abu Bakr al-Baghdadi as the Caliph (Hashim, 2014: 14).

According to the reports of the human rights bodies, the ISIS committed many atrocities during its military attacks in both Iraq and Syria including willful murder, abduction, taking hostages, enforced disappearance, torture and ill-treatment, violation of the rights of children, rape and sexual slavery, persecution of ethnic and religious minorities, killing civilians, attacking protected persons and objects, killing prisoners of war, denial of people from economic, social and cultural rights and freedoms, forcible displacement, denial of people from humanitarian access, destruction of cultural heritage and using indiscriminate weapons (Report on the Protection, 2014: 9-14). The group has been recognized as a terrorist organization by the United Nations, European Union and many world states.

Following the declaration of Caliphate, ISIS started to rule in a large territory of Iraq and Syria which extended from Aleppo in northern Syria to Diyala in north-eastern Iraq (ISIS Rebels declare, 2014) with the capital Syrian city al-Raqqah. In August 2014, The ISIS territory was estimated to be between 12,000 and 35,000 square miles (Gilsinan, 2014). The ISIS established an Islamic administrative system and divided its territory into 12 *wilayts* (province) in Iraq and 12 *Wilayats* in Syria. Some of the ISIS *wilayats* were comprised of the territory of both Iraq and Syria to break the borders lines drawn by the Sykes-Picot agreement (ISIS: Portrait, 2014: 120).



Within the territory of its Caliphate, ISIS began enforcing Islamic law. The group regulated the daily life of people “from food to movement, employment, and religious observance” based on their radical interpretation to Islam (Report on the Protection, 2014: 14). ISIS obliged people to pray with the group at mosques, banned cigarettes and alcohol, prevented the existence of the other political and armed groups in its territory, prohibited visiting graves and shrines and destroyed many of them, ordered women to stay at home and not going out unless it was necessary, obliged women to wear Islamic dress outside and be accompanied by male relatives (Taylor, 2014), ordered non-Muslim communities to pay tax or convert to Islam or leave the territory of Caliphate (Human Rights Watch, 2014), imposed either conversion or death upon people who were not the people of the holy books like the Yazidi religious minority in the north of Iraq (Spencer, 2014). People were to accept Caliphate rules completely and be silent. Disobedience of the rules led to impose severe punishment by Al-Hisbah morality Police who was conducting surveillance over people (The Independent International, 2014: 4). The group adopted the severest punishment like amputation for theft, lashing for smoking, drinking, trading during prayer hours and not fasting during Ramadan (UN Human Rights, 2014: 11) and execution to the people who were in affiliation with the regime or the other rebel groups (UN Human Rights, 2014: 7; The Independent International, 2014: 11).

The ISIS military consists of Iraqi, Syrian and foreign fighters (Nakhoul, 2015). The size of ISIS forces was, according to the CIA, estimated to be 20,000–31,500 fighters in Iraq and Syria in September 2014 (Sciutto et al., 2014). However, there are some other estimations that they are not very precise including the estimation of the Syrian observatory for human rights which accordingly

the ISIS fighters in Syria were more than 50,000 fighters and based on an ISIS source, the ISIS fighters in Iraq were 30,000 in August 2014 (Islamic State, 2014). It has been reported that 10 percent of the fighters in Iraq and 30 percent of the fighters in Syria were foreigners by June 2015 (Nakhoul, 2015).

The ISIS is regarded as the richest world terrorist group. The group's fund was from the donation of private donors and Islamic charities at the beginning. However, such funding sources still exist and are spent on the travel costs of the foreign fighters joining the group in Iraq and Syria (What is 'Islamic State, 2015), the group is now self-funded and its fund is from the oil selling, taxes, bank looting and the ransom of hostage-taking (Peled, 2015).

In November 2014, the ISIS leadership announced more territorial claim to expand the territory of Caliphate to Libya, Algeria, Egypt, Yemen and Saudi Arabia (Zelin, 2015). In 2015, the ISIS made another territorial claim to the Afghanistan-Pakistan border (Islamic State Moves, 2015), Northern Nigeria (Gambhir, 2015) and the north Caucasus (Gambhir, 2015a).



2. Turkey support for ISIS

Turkey is among the countries that are accused of supporting ISIS (Bertrand, 2015). According to David L. Phillips from Columbia University, the Turkey support for ISIS ranges “from military cooperation and weapons transfers to logistical support, financial assistance, and the provision of medical services” (Phillips, 2014).

A European diplomat stated to Reuters on 26 August 2014 that many Europeans have entered Syria through Turkey and joined radical groups (Tattersall, Karouny, 2014). Sky News has received evidences about stamping passports by Turkey to foreign *Jihadists* to enter into Syria and join ISIS (New report further, 2014). According to a report published by daily mail on 25 August 2014, Turkish- Syrian border was the ‘Gateway to Jihad’ through which an estimated 20 foreign fighters crossed the borders every day and the Turkish border guards overlooked them for a small bribe of 10 US dollars (Greenhill, 2014). Based on an essay of Patrick Cockburn which was published on 6 November 2014 in London Review of Books, there were 12,000 foreign fighters in Syria and almost all of the *jihadists* came through the Turkish borders (Cockburn, 2014). Sky News has also documented many foreign passports of the killed *Jihadists* in the Syrian Kurdish town of Kobani and during the operations of the Syrian army (New report further, 2014). The Washington Post, on 12 August 2014, reported from the locals of the Turkish town Reyhanli near the Syrian border that ISIS militants “openly stocking up on uniforms and the latest Samsung smart phones”

and used the town as “their own personal shopping mall” (Faiola, Mekhennet, 2014). A foreign *jihadi* from the Syrian rebel ranks who had crossed the Turkish-Syrian border several times told Reuters that “The borders were wide open. We used to get in and out of Turkey very easily. No questions were asked” (Tattersall, Karouny, 2014). The Washington Post, based on an interview of an ISIS commander, reported that most of the *Jihadists* joined ISIS in the beginning of the war came through Turkey as well as the equipment and supplies (Faiola, Mekhennet, 2014).

The foreign *Jihadi* who spoke to Reuters further stated that “Arms shipments were smuggled easily into Syria” (Tattersall, Karouny, 2014). A spokesman from the Syrian Kurdish force people’s protection units (YPJ) stated to Newsweek on 11 July 2014 that “There is more than enough evidence with us now proving that the Turkish army gives ISIS terrorists weapons, ammunitions and allows them to cross the Turkish official border crossings in order for ISIS terrorists to initiate inhumane attacks against the Kurdish people in Rojava [north-eastern Syria]” (Guiton, 2014). A former ISIS member also spoke to the Newsweek that “ISIS saw the Turkish army as its ally especially when it came to attacking the Kurds in Syria. The Kurds were the common enemy for both ISIS and Turkey. Also, ISIS had to be a Turkish ally because only through Turkey they were able to deploy ISIS fighters to northern parts of the Kurdish cities and towns in Syria” (Guiton, 2014). According to Patrick Cockburn, Turkey even allowed al-Nusra terrorist group to use its territory to capture the Armenian town of Kassab from Syrian government forces (Cockburn, 2014). Based on a statement of the head of the Turkish Republican People’s Party (CHP) Kemal Kiliçdaroglu on 14 October 2014, Turkey delivered military supply to the terrorist groups in Syria under the name of humanitarian aid for the Turkmen community (Phillips, 2014). The BBC on 19 September 2014 transmitted the statement of a Turkish villager near the Syrian border that buses were transporting *jihadists* to fight YPJ from Turkey side during nights (Turkey helps Jihadists, 2014). A senior Egyptian security official reported to WND on 10 September 2014 that the Turkish intelligent service was giving ISIS “satellite imagery and other data” regarding the positions of the YPG, their weapon storage and munitions (Klein, 2014).

Turkey has also been accused of training ISIS militants inside Turkey by Turkish media, opponent groups and Jordanian intelligent services. Based on a CNN report on 29 July 2014, ISIS *jihadists* were gathering in some places of Istanbul like Duzce and Adapazari and they were trained there (Phillips, 2014). Some videos were published in 2014 showed the ISIS affiliate public gathering (Phillips, 2014). According to the Jordanian intelligent services, Turkey trained ISIS *jihadists* for special operations (Phillips, 2014).

An ISIS commander stated to the Washington Post that “We used to have some fighters — even high-level members of the Islamic State — getting treated in Turkish hospitals” (Faiola, Mekhennet, 2014). The Turkish Media Taraf reported, on 11 September 2014, that the ISIS fighters were being treated at hospitals of southeastern Turkey. According to the same media the right hand man of Abu Bakr al-Baghdadi was among those who received medical treatment in Sanliurfa, Turkey (Phillips, 2014).

Turkey has also been accused internally and internationally of oil trade with ISIS. The oil trade is a funding source to ISIS through which it earns 500 million US dollars in a year (Phillips, 2014). ISIS controlled “sixty percent of Syria’s oil assets and seven oil producing facilities in Iraq” by spring 2014 (Phillips, 2014). Later, ISIS started to find middlemen to purchase its crude oil in black market. Based on the statement of a Turkish official from the department of justice, Turkish individuals were middlemen to sell ISIS oil through Turkey (Phillips, 2014). According to a statement of the head of the security committee in the city of Diyala in Iraq on 19 March 2015, their forces seized some Turkish tankers while transferring oil from the province of Salahuddin to Turkey (Yes, Turkey is buying, 2015). On 13 September 2014, the Turkish Media Radikal published a report of Fehim Taştekin according which ISIS sold a liter of oil for 1.25 lira to Turkish smugglers (Phillips, 2014). The Turkish Parliamentary opposition member Ali Ediboglu stated to Al Monitor Website in June 2014 that ISIS transferred oil from the Iraqi and Syrian oil fields to Turkey and had smuggled 800 million US dollars by that time (Barker, 2015). In May 2015, after US Special Forces attacked the house of the ISIS responsible for oil smuggling in eastern Syria Abu Sayyaf and killed him, they seized documents and flash drivers from his house that revealed clear links between ISIS and Turkey (Bertrand, 2015). Turkey has also been accused by Russia (Eremenko, Bruton, 2015), America (Bertrand, 2015) and a German Parliamentarian from the Green Party of trading oil with ISIS (Phillips, 2014).

According to Turkish Media, Justice and development Party (AKP) is in sympathy with ISIS and this reflects in daily speeches of the members and supporters on political changes in the region. The AKP members praise ISIS for its territorial gain and political successes. An institution of social security has used ISIS logo in their “internal correspondences”. More over the son of Turkey president Bilal Erdogan with some Turkish officials have reportedly met ISIS fighters (Phillips, 2014).

3. Responsibility of Turkey under International Law

International law requires states to refrain from the threat or use of force in international relations (UN Charter). When a state violates the sovereignty, territorial integrity or political independence of another state, it commits a wrongful act and must bear the responsibility (Responsibility of States). The international responsibility of states arises from conducting an action or omission (Responsibility of States: 2) that is inconformity with international rules (Responsibility of States: 12).

Due to the fact that states are political entities and function only through natural persons, the law of state responsibility is related to the acts of public actors (Värk, 2006: 185). Under international law, a conduct is considered as the act of a state when it is carried out by a state organ (Responsibility of States: 4), a person or entity exercises official authority (Responsibility of States: 5), a state organ at the disposal of another State (Responsibility of States: 6), an organ, person or entity authorized to exercise official authority (Responsibility of States: 7), a person or group under state instruction (Responsibility of States: 8), a person or group exercises official authority in the absence of authorities (Responsibility of States: 9), an insurrectional or other movement that replaces the state government (Responsibility of States: 10) and the conduct that is acknowledged and adopted by a State as its own act (Responsibility of States: 11).

The key issue is the status of the person or organ commits a wrongful act. If the act is committed by an officially authorized state agent or group, the wrongful act is directly attributable to the state without any necessity to identify the person or the officials of the organ.

Under customary international law, the wrongful act of a private actor either as a person or entity is not regarded as the state act. States are only responsible for the acts of their own agents and organs. However, the wrongful acts of private groups are also attributable to states when the groups are actually *de facto* state organs or when states support, tolerate or harbor them (Värk, 2006: 185).

Traditionally, the international responsibility of states for the acts of private groups is categorized into direct and indirect responsibility. The international direct responsibility arises when states directly support private actors to carry out attacks against other states (Proulx, 2005: 624). When there is no virtual link between states and private actors but states harbor or fail to prevent them from attacking other states from their territory, the host states involve in the wrongful acts of the groups and are indirectly responsible (Proulx, 2005: 624). The 1970 declaration on friendly relations includes a provision which reaffirms the responsibility of states for direct and indirect support of the armed groups. According to the declaration “Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts... involve a threat or use of force” (Declaration on Principles). The UN General Assembly Resolution 3314 (XXIX) No. 31 (1974) on the definition of aggression also provides a similar paragraph “The sending by or on behalf of a State of armed hands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein” (Definition of Aggression).

The United States (US) response to the terrorist attacks of 11 September 2001 by al-Qaeda collapsed the customary classification of state responsibility and combined both categories into a single legal framework (Proulx, 2005: 625). The US held both the Taliban regime and al-Qaeda equally accountable for the attack. However, neither al-Qaeda was acting as a Taliban state organ nor the Taliban supported al-Qaeda in carrying out the attack. The responsibility of Taliban’s Regime arose from harboring al-Qaeda in its territory (Värk, 2006: 186).

As principle of international law, the use of force is generally prohibited unless it is to defend sovereignty, territorial integrity or political independence (UN Human Rights, 2014). But states

sometimes breach this principle in aggression or involvement in terrorist acts of private groups against other states.

Terrorism generally is the use of force by private actors against states to influence upon them (Värk, 2011: 82). The demands of private groups sometimes overlap the interests of some other states. Therefore, states provide direct or indirect support to the groups. Consequently, the acts of the groups attribute to states. Though there are different levels with regard to state involvement in terrorist acts of private groups, the responsibility of states, under current international law rules, does not vary from a situation to a situation and states are equally accountable with private groups. The scholars have identified four levels for state involvement:

1. State direction: a state controls and directs a terrorist group.
2. State support: a state encourages terrorist activities of a private group and provides them with logistic support such as money, training, transport and weapon.
3. State toleration: a state harbors the group and makes no attempt to curb it.
4. State inaction: a state is unable to suppress or exclude the group (Värk, 2011: 82, 83).

If a terrorist act of a private group attributes to a state, the injured state is regarded that has faced with an actual armed attack and is entitled to use force in self-defense against both the terrorist group and the state (Värk, 2006: 187).

The legal obligation for committing international wrongful act is immediate ceasing the act, assuring non-repetition of the act (Responsibility of States: 30), full reparation of the material and moral damages (Responsibility of States: 31). The reparation process encompasses restitution which simply means making the situation as it was before the commission of the wrongful act (Responsibility of States: 35), compensation of the material damages such as the loss of profits (Responsibility of States: 36), and satisfaction which practically entails formal apology (Responsibility of States: 37).

ISIS has been recognized as a terrorist group and even militarily defined by some as a terrorist state because of its potential military power and large territory (Iraqi Kurdish leader, 2014). ISIS is not only differed from the other terrorist groups with religious doctrine, structure and political goal but also with a different warfare method. In it is military operations in Iraq and Syria, ISIS does not only rely on the classic tactics of guerrilla and suicide bombings but also occupies and attaches territories to its caliphate. In other words, ISIS is a terrorist army of tens and thousands of radical Islamists.

Under international law, the ISIS terrorist attacks are qualified actual armed attacks to the sovereignty, territorial integrity and security of Iraq and Syria. Thus, the two states can resort to force in self-defense. Though ISIS operates in the territory of Iraq and Syria and directs its attacks from the inside of the two countries, many states have involved in the ISIS attacks. Turkey is one of the countries that are always mentioned as ISIS allies. The evidences mentioned before, however, do not indicate that ISIS is the *de facto* organ of Turkish state, they reaffirm that Turkey has provided ISIS with military cooperation, transferring weapons, medical treatment of the wounded fighters and financial assistance through illegal oil trade. Hence, Turkey is in violation of international rules of state responsibility and equally responsible for the ISIS terrorist attacks. The international legal obligation of turkey, in the first phase, is to stop supplying weapons to ISIS; allowing foreign fighters to join ISIS through its country; using its territory to attack the Kurds and the other forces from the north of Syria; treating ISIS wounded fighters; and illegal trading oil with ISIS. In the second phase, Turkey must act in good faith and guaranteeing not to repeat these wrongful acts. In the third phase, Turkey must repair the material and moral damages caused to Iraq and Syria through effective support to rebuild Iraq and Syria and give formal apology to both countries.

4. Conclusion

ISIS is a radical Islamic group which follows the doctrine of *Jihadi-Salafism*. Its origins, however, date back to the early 2000s; it adopted its new name after its military successes in Iraq and Syria in 2013. Following its significant territorial gain in 2014, ISIS declared an Islamic Caliphate which extended from the Aleppo city in the north of Syria to Diyala governorate in the north east of Iraq. During its military attacks in Iraq and Syria, ISIS committed many serious

crimes as such genocide, crimes against humanity and war crimes. Turkey is among the countries that are accused of supporting ISIS. The international media and intelligent agencies have now gathered many actual evidences that demonstrate the involvement of Turkey in ISIS attacks. As international law prohibits use of force against sovereignty, territorial integrity and political independence of states, the use of force amounts to a wrongful act except in self-defence. Under international rules of state responsibility, states are normally responsible for the wrongful acts of their official agents and organs but the wrongful acts of private groups are also attributable to states when the groups are controlled and directed by states or when states support or harbor the groups. The evidences, however, do not yet prove that Turkey has controlled and directs ISIS, they confirm a huge Turkish support to ISIS that ranges from military cooperation, transferring weapons, medical treatment of the wounded fighters to financial assistance through illegal oil trade. Thus, the terrorist attacks of ISIS are attributable to Turkey and Turkey is responsible for the atrocities of ISIS under international law. The obligation of Turkey is now ceasing to support ISIS, acting in good faith and repairing moral and material damages to Iraq and Syria.

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