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**Subject: Communication to the ICC regarding the Kobani Massacre**

**To the Attention of Fatou Bensouda, Prosecutor of the International Criminal Court**

The Human Rights Association (HRA) is a human rights organisation working in the field of human rights and freedoms in Turkey since 1986. The HRA is a member of the International Federation for Human Rights and Euro-Mediterranean Human Rights Network (EUROMED). Since 2006, the HRA is a founding member of the Coalition for the International Criminal Court in Turkey; and the President of the HRA, Öztürk Türkdoğan, is the spokesperson for the Coalition. The HRA is closely involved in the problems faced by refugees in Turkey who were forced to come to the country on account of the civil war in Syria. The organisation carries out examinations in the field to determine the grave human rights violations especially against ethnic groups in the Syria/Rojava region and carries out various activities to eliminate such violations.

During the attack by the militants of the extremist religious jihadist group ISIS/DAESH against the city of Kobani in the Canton of Kobani located in the Syria/Rojava Region, 251 civilians lost their lives and 267 civilians were injured. In order to examine the massacre in the field and speak with eye witnesses, an HRA delegation of nine people, headed by the HRA President Öztürk Türkdoğan and including the Deputy President of FIDH, Mr Yusuf Alataş, and Member of the Board of Directors of EUROMED Mr Osman İşçi, visited the city of Kobani in the Rojava Region on 8 July, 2015. The English translation of the report prepared by the delegation based on the observations and talks is presented as an Annex to this report (Annex I). In addition, the report prepared by the investigation commission established by the Kobani Canton administration with respect to the 25 July 2015 Massacre of Kobani is also provided as an annex (Annex II).

In Syria, numerous crimes against humanity are being committed by both the Syrian government and the attacks of various radical religious and jihadist organisations operating in Syria such as Al-Qaeda, Al-Nusra and ISIS/DAESH. We are of the opinion that the United Nations Security Council should authorise the Chief Prosecutor of the ICC in order to investigate and prosecute these crimes. We would, therefore especially inform you that we intend to follow up on this process.

The purpose of the current application is to start an investigation on massacres caused by the attacks on primarily the city of Kobani in Kobani Canton in the Syria/Rojava region as well as the on-going severe human rights violations. In line with the designations made by the United Nations Security Council in its Resolutions No. 1267 of 1999 and No. 1988 and No. 1989 of 2011, our aim is to hold accountable the responsible persons of the extremist religious/jihadist organisation calling itself ISIS/DAESH, which was founded as a faction of Al-Qaeda in Iraq and the extremist

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İnsan Hakları Derneği (İHD) hükümet dışı bağımsız ve gönüllü bir kuruluştur. 1986 yılında 98 insan hakları savunucusu tarafından kurulan derneğin günümüzde 34 şubesi, 6 temsilciği ve 7766 üyesi bulunmaktadır. Türkiye'deki en eski ve en büyük insan hakları örgütü olan İHD'nin "tek ve belirli amacı, 'insan hak ve özgürlükleri' konusunda çalışmalar yapmaktır."

religious/jihadist organisation named Al-Nusra, for committing crimes against humanity before the International Criminal Court.

The attack mounted by ISIS/DAESH on 3rd August 2014 against the Yazidis in the Shengal district of Iraq is a major offensive requiring investigation and prosecution within the scope of the crime of genocide. Various NGOs and individuals in Turkey will be making additional applications to the Chief Prosecutor of the ICC in this regard.

Article 7 of the Rome Statute sets forth crimes against humanity. We are of the opinion that the persons responsible for the Kobani Massacre of 25 June 2015 should be investigated and tried before the ICC under Article 7(1) of the Rome Statute. Furthermore, we are of the conviction that the same investigation should include those responsible for the murder of civilians as a result of the attacks on the Canton of Kobani in 2013 and 2014. We especially emphasize our conviction that that the Prosecution in such an investigation should draw upon the Geneva Conventions in addition to the Rome Statute.

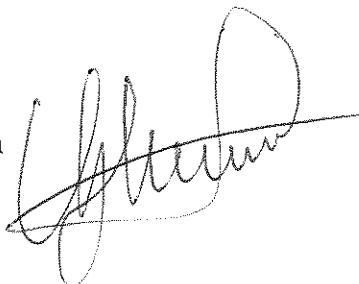
Article 13 of the Statute involves the exercise of jurisdiction. An investigation should be launched in the current case under Articles 13(b) and 13(c), which stipulate that the Court may exercise its jurisdiction with respect to a crime if, 13(b) 'a situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations', and Article 13(c), if 'The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.'

We request the initiation of an investigation by the Chief Prosecutor under Article 15 of the Rome Statute and the referral of the file to the UN Security Council at a later stage to obtain approval for the launching of a prosecution.

#### Conclusion

I respectfully ask that an investigation be launched about the leaders of the extremist religious/jihadist organisations Al-Qaeda, Al-Nusra and ISIS/DAESH for the crimes against humanity they have committed in the Canton of Kobani in the Region of Syria/Rojava between 2013 and 2015; that a case be brought before the International Criminal Court following the attainment of the necessary approvals from the UN Security Council; that the reports provided as an Annex to this communication be taken as a basis for the investigation and that our application be processed based on the examination and investigation to be conducted by the Prosecutor proprio motu.

Öztürk TÜRKDOĞAN  
President of the Human Rights Association



ANNEX: 2 Reports  
- Kobané Canton Investigation Report  
- Fact-Finding Mission Report: ISIS Bomb Attacks On Kobanê City of Rojava Region On 25 June 2015