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Non-implementation of Council of Europe Conventions by member states

Written question No 484 to the Committee of Ministers
presented by Mr. Tekelioğlu

It has been 10 years since Mr. Özdemir Sabancı, a prominent Turkish businessman and his colleagues, Mr. Haluk Görgün and Ms. Nilgün Hasefe were murdered in Istanbul on 9 January 1996.

They were murdered cold bloodedly by a gang of terrorists, including Fehriye Erdal who is a member of an extreme left wing terrorist organization "the Revolutionary People's Liberation Front" (DHKP/C). This organization, which is responsible for the murder of many innocent civilians, including a former prime minister, is included in the European Union's terrorist organizations list in May 2002.

When Fehriye Erdal was captured in Belgium in 1999, Turkey requested her extradition from the Belgian authorities referring to the provisions of the European Convention on Extradition to which both Turkey and Belgium are parties. This request was rejected by Belgium on the grounds of lame excuses such as the murder weapon was not a full automatic gun, but a semi-automatic one.

Although frustrated by this attitude, Turkey requested the extradition of the terrorist once again from Belgium in April 2004. Belgium did not even answer this request. Moreover, while denying her extradition to Turkey, Belgium refuses to try Fehriye Erdal in its courts.

Combating terrorism and legal co-operation between member states are areas where the Council of Europe made a significant and meaningful contribution to international codification efforts. There are a number of Council of Europe conventions and protocols on the prevention of terrorism and mutual legal assistance under which Belgium has its signature. Just a couple of days ago the Belgian Ambassador signed the latest Council of Europe Convention on Prevention of Terrorism.

Although Belgium is either party, or signatory to all Council of Europe conventions and protocols on prevention of terrorism and mutual legal assistance, it refuses to abide by the letter and the spirit of these conventions. Above all, Belgium fails to implement the basic principle of "try or extradite" in the case of Fehriye Erdal.

I would like to find out your opinion on the non-implementation of the Council of Europe conventions by member states and the effect of this non-implementation on the effectiveness of these legal instruments and whether you have any plans to prevent the damage that such policies can have on the credibility on the Council of Europe's conventions system.

Signed ¹:

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SOC: Socialist Group
EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group