

Civil society Organizations' Submission Concerning the Use of Mercenaries in the 2020 Nagorno-Karabakh War

Methodology

This report was developed based on the evidence gathered through Internet research, as well as field research conducted in Syria, Turkey and Armenia by a group of Armenian researchers and human rights defenders during and after the 44-Day War in Artsakh (Nagorno-Karabakh) in 2020.¹ The evidence discovered and presented below proves that Syrians were recruited and transferred by Turkey to Azerbaijan for combat against the Armenians of Artsakh and that such recruits engaged in combat for private gain, thus constituting a violation of International Humanitarian Law (IHL) regarding deployment of mercenaries.

As to the Internet-based research which was conducted for this section through May 2021, social media specialists and researchers monitored and archived photo and video evidence circulated on social media sites, such as Facebook, Twitter, YouTube, Instagram, as well as videos and photos shared on Telegram channels by Azerbaijani, Syrian, Turkish, Kurdish and other telegram channels. The archived media contents were also reviewed by native Arabic, Turkish, Kurdish and English-speaking analysts, as well as forensic analysts from Mnemonics (a Berlin-based organization), who analyzed the metadata and geolocation of the gathered evidence.

Five interviews were conducted with Syrian mercenaries who had returned to Syria following the conclusion of the 2020 conflict, four interviews with family members or friends of Syrian mercenaries killed during the conflict, three with informants operating in areas controlled by the Syrian National Army (SNA) in Syria, and three with Syrian-Armenian victims displaced by the Turkish military and SNA operations in the Ras al-Ayn region during the so-called Operation Peace Spring in North-Eastern Syria in October 2019. Twelve of these interviews were conducted in person in Syria, Turkey, and Armenia by native Arabic and Armenian-speaking researchers, while three interviews were conducted by phone with individuals living in otherwise unreachable regions of Syria. Interviewees had the option to remain anonymous

¹ Artsakh or Nagorno-Karabagh is an area with a majority Armenian population. This historically Armenian region was arbitrarily put under the control of Soviet Azerbaijan in 1921, leading to decades of discrimination against its native population. In such a situation, people of Artsakh saw self-determination as the only means of protecting their basic rights. On February 20, 1988, the elected representatives of the Nagorno-Karabakh Autonomous Oblast (NKAO) voted for "separation" from Soviet Azerbaijan – a procedure that was in compliance with Soviet legal norms of the time. However, their demands were met with violence, spiraling into a protracted conflict. Today, people of Artsakh still see self-determination as their only path to exercising their right to exist. Living under the dictatorial rule of Azerbaijan, where Armenophobia is rampant, is not an option for them. For more on this issue, see: Ohannes Geukjian, *Ethnicity, Nationalism and Conflict in the South Caucasus: Nagorno-Karabakh and the Legacy of Soviet Nationalities Policy*, 1st edition (London New York: Routledge, 2016).

This was particularly critical given Azerbaijan's move towards the dictatorial kleptocracy, while Artsakh was building democratic institutions. According to the Freedom in the World 2020 report by Freedom House, Nagorno-Karabakh was ranked among "partly free" territory, while Azerbaijan was ranked as "not free" country. See: "Countries and Territories," Freedom House, accessed March 14, 2022, <https://freedomhouse.org/countries/freedom-world/scores>.

in the report due to security concerns. All evidence and witness testimonies were documented in the report, the summary of which was published in 2021.²

Groups and victims

1- Please indicate the profile of victims that you have identified that are differently vulnerable to and impacted by the activities and violations committed by mercenaries, mercenary-related actors, and PMSC.

The victims of the Syrian mercenaries, who were recruited and transferred to Azerbaijan for combat against the Armenians of Artsakh in the 2020 war, were predominantly the soldiers of the Armed forces of the Republic of Armenia and Artsakh, as well as volunteers who were drafted to the armed forces during the war. In addition, some cases were reported where civilians in Artsakh were also victims of mercenaries' actions, especially the elderly persons who had not managed to evacuate from the communities that fell under the control of the Azerbaijani armed forces during the war.

Context of violation

2- Please explain the types of human rights violations identified, the context in which they take place (e.g. extractive industry, detention, migration setting, armed conflict) and the resulting differentiated impacts on the specific groups identified (e.g. indigenous peoples, migrants, woman, children, human rights defenders, victims of trafficking, minorities, elder persons).

On September 27, 2020, at the height of the global COVID-19 pandemic, Azerbaijan, backed by Turkey, violated a decades-long ceasefire and launched a large-scale war against Artsakh in a bid to reassert authority over the region, despite the unwavering will of the people of Artsakh to exercise their right to self-determination for over 30 years.

The evidence shows that Turkey and Azerbaijan recruited, transferred, trained, and deployed Syrian fighters — some financially desperate and some from the ranks of the disreputable SNA and its factions — to fight against the Armenians of Artsakh in exchange for private gain, including wages and promises of post-mortem and other compensation. While written contracts may not have been the norm, those deployed, or their designated survivors, received compensation in exchange for their combat. Hence, the provided evidence demonstrates that those individuals can be qualified as mercenaries.

As early as the second day of the war, major independent media outlets began to report that Turkey had been recruiting and transferring Syrian fighters to fight on behalf of Azerbaijan in Artsakh.³ These reports were subsequently confirmed by state and UN officials, social media

² "Human Rights Violations during the 44-Day War in Artsakh: Summary of Fact-Finding Report" (Yerevan: Open Society Foundations-Armenia, 2021), <https://www.osf.am/wp-content/uploads/2021/12/Փաստահավաք-գեկույցի-սեղմագիր.pdf>.

³ Bethan McKernan, "Syrian Rebel Fighters Prepare to Deploy to Azerbaijan in Sign of Turkey's Ambition," *The Guardian*, September 28, 2020, sec. World news, <https://www.theguardian.com/world/2020/sep/28/syrian-rebel->

posts, and interviews with the fighters or their family members.⁴ Despite mounting evidence about the recruitment of Syrian mercenaries by several factions of the Turkish-backed Syrian National Army (SNA), namely Sultan Murad and the Hamza Division of the 2nd Legion of SNA, and the deployment of at least 2,000 Syrian mercenaries to fight against the Armenians of Artsakh,⁵ the governments of Turkey and Azerbaijan continue to refute the allegations about

fighters-prepare-to-deploy-to-azerbaijan-in-sign-of-turkeys-ambition; "Turkey Deploying Syrian Fighters to Help Ally Azerbaijan, Two Fighters Say," *Reuters*, September 28, 2020, sec. AMERS, <https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria-idUSKBN26J25A>; "Наемник из Сирии в Карабахе: 'Я не знал, что придется воевать,'" *BBC News Русская служба*, September 30, 2020, <https://www.bbcussian.com/russian/features-54348623>.

⁴ "France Accuses Turkey of Sending Syrian Jihadists to Nagorno-Karabakh," *Reuters*, October 1, 2020, sec. AMERS, <https://www.reuters.com/article/us-armenia-azerbaijan-putin-macron-idUSKBN26L3SB>; Bethan McKernan, "Syrian Recruit Describes Role of Foreign Fighters in Nagorno-Karabakh," *The Guardian*, October 2, 2020, sec. World news, <https://www.theguardian.com/world/2020/oct/02/syrian-recruit-describes-role-of-foreign-fighters-in-nagorno-karabakh>; Bel Trew and Rajaai Bourhan, "'We Don't Even Know Where Azerbaijan Is': The Syrian Mercenaries Dying in a Distant War," *The Independent*, October 9, 2020, sec. News, <https://www.independent.co.uk/news/world/middle-east/armenia-azerbaijan-syria-war-fighting-mercenary-russia-b912446.html>; "Deaths of Syrian Mercenaries Show How Turkey, Russia Could Get Sucked into Nagorno-Karabakh Conflict," *Washington Post*, accessed March 11, 2022, https://www.washingtonpost.com/world/middle_east/azerbaijan-armenia-turkey-nagorno-karabakh/2020/10/13/2cdca1e6-08bf-11eb-8719-0df159d14794_story.html; Alexander Mckeever, "SNA Mercenaries in Azerbaijan: The Visual Evidence," *Akmckeever* (blog), October 26, 2020, <https://akmckeever.com/2020/10/26/sna-mercenaries-in-azerbaijan-the-visual-evidence/>; "Mercenaries in and around the Nagorno-Karabakh Conflict Zone Must Be Withdrawn – UN Experts" (Office of the United Nations High Commissioner for Human Rights, November 11, 2020), https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494&LangID=E&fbclid=IwAR0_JnkNB7eo-EgeedExyVrl0wruHYff4BwhgLJDEQPSFAFDS9Ax3DBQxvo; "The Syrian Mercenaries Used as 'cannon Fodder' in Nagorno-Karabakh," *BBC News*, December 10, 2020, sec. Stories, <https://www.bbc.com/news/stories-55238803>.

⁵ Pierre Balanian, "Turkey Sends 4,000 Syrian ISIS Mercenaries to Fight against the Armenians (VIDEO)," *AsiaNews*, September 28, 2020, [https://www.asianews.it/news-en/Turkey-sends-4,000-Syrian-ISIS-mercenaries-to-fight-against-the-Armenians-\(VIDEO\)-51151.html](https://www.asianews.it/news-en/Turkey-sends-4,000-Syrian-ISIS-mercenaries-to-fight-against-the-Armenians-(VIDEO)-51151.html); "Syrian Mercenaries Deprived of Pay for Participation in Nagorno-Karabakh Conflict: RFI Report," *First Channel News*, May 27, 2021, <https://www.1lurer.am/en/2021/05/27/Syrian-mercenaries-deprived-of-pay-for-participation-in-Nagorno-Karabakh-conflict-RFI-report/483650>; Naira Bulghadarian, "'Syrian Mercenaries' Sentenced To Life In Prison," *Azatutyun Radiokayan*, May 4, 2021, sec. in English, <https://www.azatutyun.am/a/31237788.html>; "Syrian Mercenaries Must Leave Nagorno Karabakh, CSTO Secretary General Says," *Armenpress*, February 2, 2021, <https://armenpress.am/eng/news/1042156/>; "Syrian Mercenaries Robbed of Their Wages: Report," *France 24*, May 27, 2021, <https://www.france24.com/en/live-news/20210527-syrian-mercenaries-robbed-of-their-wages-report>; "Mercenarism in Syria: Predatory Recruitment and the Enrichment of Criminal Militias" (Washington, D.C: The Syria Justice and Accountability Centre, May 2021), <https://syriaaccountability.org/wp-content/uploads/ENG-Mercenaries.pdf>; "European Parliament Resolution of 11 March 2021 on the Syrian Conflict – 10 Years after the Uprising (2021/2576(RSP))" (European Parliament, March 11, 2021), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html; "Two Syrians Sentenced to Life by Armenia for Fighting with Azerbaijan in Karabakh War," *Al Arabiya English*, May 4, 2021, sec. World News, <https://english.alarabiya.net/News/world/2021/05/04/Two-Syrians-sentenced-to-life-by-Armenia-for-fighting-with-Azerbaijan-in-Karabakh-war>; Raja Abdulrahim, "Turkish-Backed Syrian Fighters Join Armenian-Azeri Conflict," *Wall Street Journal*, October 14, 2020, sec. World, <https://www.wsj.com/articles/turkish-backed-syrian-fighters-join-armenian-azeri-conflict-11602625885>; Delegation of the Republic of Armenia, "Conference Room Paper Submitted by the Government of Armenia" (United National Office of Drugs and Crime, December 17, 2021), https://www.unodc.org/documents/treaties/UNCAC/COSP/session9/CAC-COSP-2021-CRP.17_E.pdf; Jackie Abramian, "A Year After Unleashing War Crimes Against Indigenous Armenians, Azerbaijan's Threats And Violations Continue," *Forbes*, September 27, 2021, sec. ForbesWomen, <https://www.forbes.com/sites/jackieabramian/2021/09/27/a-year-after-unleashing-war-crimes-against-indigenous-armenians-azerbajians-threats-and-violations-continue/>; Sheila Paylan, "The U.N. Must Investigate Nagorno-Karabakh War Crimes," *Foreign Policy* (blog), October 7, 2021, <https://foreignpolicy.com/2021/10/07/the-u-n-must-investigate-nagorno-karabakh-war-crimes/>; Paul Gavan, "Humanitarian Consequences of the Conflict between Armenia and Azerbaijan" (Parliamentary Assembly of the Council of Europe (PACE), September 13, 2021), <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=29401&lang=en>; Thomas de Waal, "The Nagorny Karabakh Conflict in Its Fourth Decade," CEPS Working Document (Centre for European Policy Studies, September 27, 2021), <https://www.ceps.eu/ceps-publications/the-nagorny-karabakh-conflict-in-its-fourth-decade/>.

the direct involvement of Syrian mercenaries during the 2020 conflict.⁶ Testimonies of mercenaries captured by the Armenian law enforcement bodies confirm that on the top of their monthly payments of about 2,000 USD, the mercenaries were promised additional 100 USD as a “reward” for each beheaded Armenian.⁷

However, the evidence demonstrating such recruitment efforts is overwhelming. As early as July 24, 2020, media outlets started reporting about the opening of new recruitment centers by the Syrian National Army in regions occupied during operations Olive Branch and Euphrates Shield.⁸ On August 25, 2020, the Rumaf News Agency published a report on testimonies provided by Syrian mercenaries who had fought in Libya. Two statements included in the report were provided by mercenaries, one by Ghassan Bakri, a mercenary in the Sultan Murad Division and a resident of Syria's Afrin region, and the other by Omar Yaghi, a mercenary in the Hamza Division. These statements echoed the growing rumors about their imminent deployment to Azerbaijan.

Ghassan Bakri, a mercenary who fights on behalf of the Sultan Murad Division, stated:

The rumors about the Syrian National Army were increasing after Syrians were deployed to Libya. A few months ago, we heard that Turkey wants to send Syrians to Yemen, but these rumors were later denied. Then we started hearing that we might be sent to Azerbaijan...

Omar Yaghi, a mercenary who fights on behalf of the Hamza Division, stated:

I heard that we are going to Azerbaijan... I also heard that they will add \$2,000 or \$3,000 to the salary we are getting now to go to that country... I don't care where it is, the important thing is the money. We have been hearing about this [going to Azerbaijan] a lot, and if it's serious, I and many others intend to go there...

Early and methodically planned recruitment was also confirmed by witnesses interviewed for this report. According to twelve interviews carried out independently with mercenaries, informants, and friends or relatives of mercenaries killed during the 2020 conflict in Artsakh, in the months leading up to combat, SNA recruitment offices and remote agents were operating in the towns of Afrin and Atarib in the Aleppo governorate, in the town of Uqayribat in the Hama governorate, and in multiple locations across the Idlib governorate, including the Atma camp for internally displaced persons where almost one million Syrians live in harsh socio-economic conditions. The primary factions of the SNA in charge of recruiting Syrian mercenaries for deployment in Azerbaijan were the Sultan Murad Division,⁹ the Hamza

⁶ “Turkey Denies Sending Syrian Fighters to Help Ally Azerbaijan,” *Reuters*, September 29, 2020, sec. World News, <https://www.reuters.com/article/uk-armenia-azerbaijan-turkey-idUKKBN26K391>.

⁷ Siranush Ghazaryan, “Artsakh Forces Capture Syrian Mercenary (Video),” *Public Radio of Armenia*, October 30, 2020, <https://en.armradio.am/2020/10/30/artsakh-forces-capture-syrian-mercenary-video/>; “Video: Artsakh Army Captures Another Syrian Mercenary,” *Hetq*, November 1, 2020, <https://hetq.am/en/article/123824>; Paul Antonopoulos, “Captured Syrian Terrorist In Artsakh Gives Shocking Testimony, Bonus \$100 For Chopping Armenian Heads (VIDEOS) — Greek City Times,” *Greek City Times*, November 6, 2020, sec. WORLD News, <https://greekcitytimes.com/2020/11/06/syrian-artsakh-armenian/>.

⁸ “بعد ليبيا... تركيا تجهز مسلحين للقتال في أذربيجان,” *الأخبار*, July 24, 2020, sec. سوريا, <https://al-akhbar.com/Syria/291892>.

⁹ Fehim Isa, also known as Isa al-Turkmani, has led the SNA's Sultan Murad Division since at least 2015. Like Balud, he has enjoyed Turkish patronage and is an ethnic Turkman. According to reports, he and his division have also engaged in Artsakh with support from Turkey. Issa and his division have also been accused of multiple war crimes, such as the torturing of Kurdish soldiers and indiscriminate shelling of civilians.

Flowers Private School. These two recruitment centers were located next to each other, ten minutes walking distance from one another. On September 27, 2020, the group released photos of the two recruitment centers.¹³

Figure 2. The location of the two schools in Afrin which were reportedly used as recruitment centers for mercenaries, according to the Human Rights Organization of Afrin-Syria. The schools were located in Afrin and were only ten-minutes walking distance from one another.

Another human rights organization, Syrians for Truth and Justice (STJ), a Syrian watchdog group based in Paris, reported that a former commander in the SNA confirmed that starting in July 2020 the recruitment of Syrian mercenaries who were set to be deployed in Azerbaijan began, following the same procedures used by Turkey during the recruitment of the Syrian mercenaries who fought in Libya. The primary difference was the exclusion of individuals under the age of eighteen and over the age of 45 for the military operations in Azerbaijan.¹⁴ According to STJ, Syrians who wanted to fight in Azerbaijan in exchange for compensation were able to register directly at one of the offices of the Sultan Murad Division or Faylaq al-Majd in the regions of Syria occupied during Operation Olive Branch, or through intermediaries who had strong ties with Turkish intelligence. In Idlib, the Faylaq al-Sham facilitated the recruitment and registration process of civilians and fighters who registered to fight in Artsakh.

Four interviews for this report, independently carried out in Syria and southern Turkey, confirmed that Syrian mercenaries were recruited by Faylaq al-Sham, the Hamza Division, the Sultan Suleiman Shah Brigade and the Sultan Murad Division of the Syrian National Army. Qasem (pseudonym), an informant working for the Faylaq al-Sham, who receives 500 Turkish liras (approximately \$58) in monthly salary from the militant group in Syria, provided the following statement about a mercenary killed during the 2020 conflict in Artsakh:

Mohammed (pseudonym) was married and had four children. He was a farmer struggling to get by as an IDP [Internally Displaced Person] living in the Atma refugee camp in Idlib when he was recruited by an intermediary nicknamed Abu-Saif, who reported directly to Abu-Amsha (also known as Muhammad al-Jassim).¹⁵ Mohammed was promised \$3,000 in monthly compensation to fight with the Sultan Suleiman Shah Brigade in Nagorno Karabakh, and an additional \$50,000 in post-mortem compensation if he was killed during combat operations.”

¹³ Human Rights Organisation -Afrin -Syria, “Turkey Opens Two Recruit Centres in Afrin to Assemble Syrian Mercenaries Bound for Azerbaijan,” Facebook, September 27, 2020, https://www.facebook.com/permalink.php?story_fbid=pfbid025P3Jkvdq2RZZkskQbzE6H6DyBz31GZU589WTZXL9S J11GD9fL7q3NESuno9xPQVRI&id=114977619885802.

¹⁴ “Government Policies Contributing to Growing Incidence of Using Syrians as Mercenary Fighters” (Syrians for Truth and Justice, November 2, 2020), <http://stj-sy.org/wp-content/uploads/2020/11/Government-Policies-Contributing-to-Growing-Incidence-of-Using-Syrians-as-Mercenary-Fighters.pdf>.

¹⁵ Abu Amsha, real name Muhammad al-Jassim, is the leader of the Sultan Suleiman Shah Brigade, nicknamed the al-Amshat militia, which gained prominence in 2018 as one of the most brutal factions occupying Afrin with Turkish support. In Afrin, al-Amshat supposedly confiscated property, kidnapped individuals for ransom, looted, raped, and murdered. Amsha has been directly implicated in these war crimes, making 12 million dollars in a year from ransoms. He was also accused of rape and murder. Turkish protection has reportedly allowed him to avoid punishment for these acts. He is also a Syrian Turkman, like Isa and Balud.

During combat, Mohammed reached out to his family five times to assure them of his well-being. He also contacted Qasem to inform him that he suspected that his phone was being monitored by Azerbaijani or Turkish intelligence. Following a ten-day silence, Mohammed's family was informed that he was killed in combat in Nagorno Karabakh and that his body would be transported back to Syria.

Following their registration and recruitment between August and mid-September 2020, the mercenaries were gathered near the Hawar Kilis military crossing, at the border between Turkey and Syria; these areas were occupied by the Turkish-backed SNA during Operation Euphrates Shield. The mercenaries were then placed in buses and pick-up trucks and transferred to Gaziantep inside Turkey.

According to Ahmed, a mercenary in Atarib interviewed for this report, members of his brigade set off from Afrin to Azaz with cars belonging to the Hamza Division in late September 2020. From there, they were transported to Hawar Kilis village (approximately 16km away from Azaz) where they were placed in 'Bolman buses'¹⁶ and shipped off to Gaziantep in Turkey via the Hawar Kilis crossing.¹⁷ Every mercenary interviewed for this report confirmed this same information.



Figure 3. The location of Gaziantep on the map, to where mercenaries were transported.

"From Gaziantep [in Turkey], we were transported to Ankara by an airplane," said Jalal. Louay, another mercenary interviewed by Aleppo-NGO, also stated that the airplane carrying them from Gaziantep to Ankara was of a Russian Yoshin model, although online open sources claim that Turkey has suspended the use of Yoshin military carriers for the last ten years. Jalal added that, "during our flight from Gaziantep to Ankara, they took away our cellphones."

According to Ali, another mercenary interviewed in Atarib for this report, the Syrian mercenaries who arrived in Baku from Ankara were stripped of their cell phones during their

¹⁶ The brand name used as the generic name for large buses, which accommodate 40-60 passengers, which have been operating in the Syrian Arab Republic since before the 2011 Syrian revolution.

¹⁷ An in-person interview by Aleppo-NGO with Ahmed (pseudonym) on March 23, 2021. Ahmed was a Syrian mercenary who fought in the 2020 NK Conflict and returned to Syria in December 2020, following the signing of the tri-lateral ceasefire declaration between Armenia, Azerbaijan, and Russia on November 9, 2020.

domestic flight in Turkey or upon arrival to Ankara. "They returned our cellphones [along with an I.D.] after arriving to Azerbaijan," said Ali.

Furthermore, Ali claimed that the civilians amongst the mercenaries, including him, went through basic military training in Azerbaijan to prepare for the war: "In Azerbaijan, some of us were provided basic training by Azeri and Syrian commanders, which included physical training as well as learning how to use a weapon." As to training, a video circulated via the Ehtemalat News Telegram channel confirmed that training was provided to Syrian mercenaries inside Azerbaijan. The video shows Syrian mercenaries wearing Azeri military uniforms during military exercises, while the individual recording the video speaks in Arabic in the background.¹⁸ Moreover, Obaid, the brother of a Syrian mercenary killed in Artsakh, told Aleppo-NGO: "My brother joined the Al Amshat [Sultan Suleiman Shah] and received a ten-day training on how to use a Russian sniper rifle before heading off to Azerbaijan."¹⁹ Two mercenaries who returned from combat in Artsakh confirmed that Syrian and Azerbaijani commanders were providing military training to fighters who had limited or no military experience, while experienced fighters received more advanced forms of training on the use of specific types of weapons. Ahmed told Aleppo-NGO: "Syrian and Azerbaijani officers provided training to the new recruits, but since I was a fighter for the Hazm Movement in the past, I did not require a lot of training. One of the Syrian officers training the recruits was named Bakira."

As for uniforms and equipment, all the Syrian mercenaries interviewed confirmed that they received green military uniforms, similar to the ones worn by Azerbaijani soldiers. Jalal, one of the mercenaries interviewed, stated: "We were provided with personal supplies, military uniform, weapons, underwear, communication devices and everything else that was required for combat by Turkish and Azeri officers." Such information is confirmed by video evidence. On October 4, 2020, a video retrieved through a Telegram channel and posted on [YouTube](#) showcased Syrian mercenaries speaking about their combat activities in Artsakh whilst wearing the green Azerbaijani military camouflage uniform. In the video recorded by a Syrian mercenary, the audio includes an Arabic song praising the Sultan Murad Division fighters and calling for the fall of President Assad. At the end of the video, the same mercenaries are seen dancing and calling upon SNA fighters to join them in Azerbaijan to fight against Armenia as they did in Libya.

¹⁸ See Telegram Video: <https://t.me/ahtemlat/6903>.

¹⁹ An in person interview by Aleppo-NGO with Obaid (pseudonym) on March 29, 2021. Obaid is the brother of a Syrian mercenary who fought in the 2020 NK Conflict and was killed during combat. Obaid's brother's family were promised \$60,000 in post-mortem compensation, but had only received \$10,000 at time of interview.

Another two-minute video circulated on social media and Telegram channels on October 10, 2020, and posted on the Info Warrior YouTube Channel on October 11, 2020, shows a few dozen Syrian mercenaries engaged in combat activities in Artsakh. The video showcases at least two pick-up trucks, several armored vehicles and mercenaries wearing Azerbaijani military (camouflage) uniforms.²⁰

During the two-minute video, the Syrian mercenaries are speaking Arabic in a Syrian dialect as they constantly open fire in a specific direction. At different points in the video, the mercenaries are heard saying: "Allahu Akbar [God is great] ... Be careful, they'll hit the pick-up... Bismillah [in the name of God] ... Look in front of you and be careful... Give us more ammunition... there is no one on the hill... make sure they are not from our group."²¹



The deaths of Syrian mercenaries deployed to Azerbaijan is also confirmed by video evidence of the return of corpses and burial ceremonies. In early October 2020, several videos circulated online demonstrating the transfer and burial ceremony of the corpses of several Syrians killed during combat against the Armenians in Artsakh. One video posted by the Day of Justice YouTube Channel on October 4, 2020, shows the corpse of a Syrian mercenary wrapped in cloth and covered with plastic wrapping.²² The coffin in which the corpse was being transferred to the burial site showed a metallic interior. Traditional Syrian coffins do not usually have a metallic interior, and corpses are almost never wrapped in plastic, which suggests that the corpse seen in the video was being transferred from a distant location (such as Azerbaijan) to the burial site inside Syria. Furthermore, analysis of the conversations heard in this seventeen-second video confirmed that the people present at the burial site were Syrians.²³

Evidence from witnesses interviewed shows that mercenaries were motivated by financial gain, and expectations as to combat conditions were explained. Despite some suggestions that Syrian mercenaries were misinformed or tricked into traveling to Azerbaijan to fight against the Armenians of Artsakh,²⁴ none of the twelve testimonies of informants, mercenaries and family members and friends of killed mercenaries gathered for this report suggest that the fighters were misinformed about the military tasks awaiting them upon deployment to Azerbaijan. In fact, three Syrian mercenaries interviewed in Afrin and Atareb asserted that

²⁰ Info Warrior, "Syrian Mercenaries in the Azerbaijani Army against Armenian Army," YouTube video, October 11, 2020, https://www.youtube.com/watch?v=j6VRWiHOI_E.

²¹ Info Warrior, "Syrian Mercenaries in the Azerbaijani Army against Armenian Army."

²² Day of Justice, "Turkish Backed Syrian Mercenaries Sent to Syria after Being Killed in Azerbaijan against Armenia," YouTube video, October 4, 2020, <https://www.youtube.com/watch?v=oiQYRCfbcpg>.

²³ Day of Justice, "Turkish Backed Syrian Mercenaries Sent to Syria after Being Killed in Azerbaijan against Armenia."

²⁴ BBC News عربي, "أرمينيا وأذربيجان: بي بي سي عربي تحاور مقاتلا سوريا على خط النار بين البلدين," YouTube video, October 1, 2020, <https://www.youtube.com/watch?v=wrHrrxte6a8>.

they were not approached by recruiters to go and fight in Artsakh, but that they offered to go and fight in exchange for financial compensation due to the difficult economic situation in Syria.

For example, consider the case and statement of Ahmed (pseudonym), a Syrian mercenary who fought in Artsakh for a monthly salary of more than \$1,000, and who was a teacher before the Syrian revolution. During the Syrian revolution, Ahmed was arrested and imprisoned for ten months by the Syrian authorities for participating in protests. Ahmed was released from prison during a prisoner exchange between the Syrian government and the Hazzm Movement. Soon after his release from prison, he joined the Hazzm Movement and became a member of the local council in Atareb, and the director of the educational office in the local council. Following the dissolution of the Hazzm Movement in 2015, Ahmed joined the the Nur al-Din al-Zanki movement and remained in Atareb until Hayat Tahrir al-Sham took over.²⁵ During an in-person interview with an Aleppo-NGO researcher in Syria (Atarib), Ahmed stated:

I am married and have one child. I hated my life in Syria because there are no economic opportunities left for me, especially as an Arabic language teacher. I joined the Hamza Division brigade led by Mohammad Shaalan Abdul-Razzaq along with friends and relatives in Atarib because I needed the money.²⁶

Another Syrian mercenary who fought in Artsakh, Louay (pseudonym), was a high-school student when the Syrian revolution started in March 2011. When his father, a policeman in Atarib, passed away, Louay left school and joined the "Free Police Force" in Atarib, under the command of the Free Syrian Army, and then joined the Hazzm Movement as a fighter. When Hayat Tahrir al-Sham took over Atarib and the Hazzm movement was dissolved, Louay left Atareb for Tal Abyad and resumed work as a policeman. During an in-person interview with Aleppo-NGO researchers in Syria (Atarib), Louay stated:

My love and respect for Muhammad Shaalan Abdul-Razzaq, and the poverty in Syria forced me to join the Hamza Division and to go and fight in Nagorno Karabakh. Muhammad Shaalan assured me that the salary was good and because I trusted him, I didn't ask exactly how much I was going to get paid. When I went to the Hamza Division office in Afrin to sign up, there were five others from Atarib who were signing up as well.²⁷

Moreover, Jalal (pseudonym), a Syrian mercenary recruited by the Sultan Murad Division to fight in Artsakh, has been a long-time fighter within the ranks of the Sultan Murad Division of the Syrian National Army. He was recruited to go and fight in Artsakh along with 100 other

²⁵ An in-person interview by Aleppo-NGO with Ahmed (pseudonym) on March 23, 2021. Ahmed was a Syrian mercenary who fought in the 2020 NK Conflict and returned to Syria in December 2020, following the signing of the tri-lateral ceasefire declaration between Armenia, Azerbaijan, and Russia on November 9, 2020.

²⁶ An in-person interview by Aleppo-NGO with Ahmed (pseudonym) on March 23, 2021. Ahmed was a Syrian mercenary who fought in the 2020 NK Conflict and returned to Syria in December 2020, following the signing of the tri-lateral ceasefire declaration between Armenia, Azerbaijan, and Russia on November 9, 2020.

²⁷ An in-person interview by Aleppo-NGO with Louay (pseudonym) in March 2021. Louay was a Syrian mercenary who fought in the 2020 NK Conflict and returned to Syria in December 2020, following the signing of the tri-lateral ceasefire declaration between Armenia, Azerbaijan, and Russia on November 9, 2020.

fighters of the Sultan Murad Division.²⁸ During an in-person interview with an Aleppo-NGO researcher in Syria (Afrin), Jalal stated:

I volunteered to go and fight in Azerbaijan because the financial compensation is much higher than what we receive inside Syria. I was offered 12,000 Turkish lira (approximately \$1,600) to fight in Azerbaijan and another \$60,000 was promised to my family if I was killed during combat operations.²⁹

There have been some video testimonies circulated in 2021 of mercenaries recruited by Turkey and Azerbaijan speaking about their engagement and complaining about not getting the pay they were promised.³⁰

In May 2021 an Armenian court handed a life sentence to two Syrian men, identified as Muhrab al-Shkheri and Yusef al-Haji, who were captured during the war in Nagorno-Karabakh in 2020. The court issued the judgement based on the investigators' claims that that the mentioned mercenaries were recruited by pro-Turkish militant groups to "terrorize civilians" in Karabakh and commit other war crimes. Both Muhrab al-Shkheri and Yusef al-Haji admitted being mercenaries in their testimonies. The Syrians have undergone military training at a camp in northern Syria in June-September 2020 before being transported to Azerbaijan via Turkey. In addition to a fixed wage of \$2,000, the recruiters also promised to pay \$100 for every Armenian killed by them, according to the prosecutors.³¹

In summary, the evidence clearly shows that Syrian irregular fighters were mercenaries recruited, transferred and deployed with the expectation of combat in exchange for private gain, principally wages and assurances of post-mortem or other payments, and that such payments were generally honored and paid for the combat services rendered and/or combat related deaths.

Documentation of human rights abuses

3- Please indicate the existing challenges in gathering disaggregated data, with variables on gender, age, profile of victims of human rights abuses by mercenaries, mercenary-related actors, and PMSC that allow accurate documentation and reporting on these cases.

According to the Interim Report published by the Human Rights Ombudsman of Artsakh, during the 44-day war, 38 civilians have been killed in captivity, many of them beheaded or mutilated.³²

²⁸ An in-person interview by Aleppo-NGO with Jalal (pseudonym) in March 2021. Jalal was a Syrian mercenary who fought in the 2020 NK Conflict because of financial motivation as well as allegiance to Turkey due to his ethnicity as a Turkman in Syria.

²⁹ Ibid.

³⁰ Lindsey Snell (@LindseySnell), "Turkish-backed SNA fighters from Sultan Suleiman Shah complain that commander Abu Amsha, never paid them for fighting in Karabakh.," *Twitter* (blog), April 9, 2021, <https://twitter.com/LindseySnell/status/1380451580412096512>; "Syrian Mercenaries Robbed of Their Wages."

³¹ Bulghadarian, "Syrian Mercenaries' Sentenced To Life In Prison"; Ani Mejlumyan, "Armenia Convicts Two Syrians for Fighting for Azerbaijan," *Eurasianet*, May 6, 2021, <https://eurasianet.org/armenia-convicts-two-syrians-for-fighting-for-azerbaijan>.

³² "Interim Report: On the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan" (Stepanakert: The Republic of Artsakh Human Rights Ombudsman, September 27, 2021), <https://artsakhombuds.am/sites/default/files/2021-09/3.%2027.09.2021%20Open%20Report.pdf>.

It is difficult to say how many of the killed civilians have been murdered by Azerbaijani military and how many - by the recruited mercenaries. Consequently, it is difficult to collect data on the profile of the victims of abuses by mercenaries. Due to the situation created by the 2020 war, it was not possible to conduct a comprehensive and effective investigation into the cases of extra-judicial executions committed by the Syrian mercenaries on the territories which came under the control of the Azerbaijani armed forces.

4- Please detail existing initiatives working to promote human rights and denouncing violations committed by mercenaries, mercenary-related actors, and PMSC. Please explain the challenges faced in gaining access to the victims, as well as documenting reporting and denouncing the violations.

Open Society Foundations- Armenia initiated an independent civil society fact-finding mission during the 2020 war to document the IHL and human rights violations committed against the people of Artsakh.³³ During the war days, the researchers of the fact-finding mission managed to conduct interviews with the displaced people from Artsakh and gather information on the use of mercenaries in the armed conflict.

However, after the war most of the people either returned to Artsakh or in case of losing their homes, came to Yerevan. So, these people are dispersed in different locations now, which creates additional difficulties accessing them. On the other hand, it is difficult to trace evidence regarding the use of mercenaries, as the recruiting sides, in this case Turkey and Azerbaijan, were not interested in shedding light on these issues.

It is highly challenging to demonstrate what role the involvement of mercenaries has played in the crimes and violations committed during the war. On one hand, neither Azerbaijan, nor Turkey admitted engagement of mercenaries in the war in Artsakh, creating virtually no access in investigating how mercenaries were involved. On the other hand, mercenaries were fighting alongside conventional forces; hence, separating the harm caused by them only is extremely difficult.

In response to the Armenian allegations regarding engagement of mercenaries, Azerbaijan and Turkey came up with a counterclaim on involvement of mercenaries by Armenia.³⁴ Azerbaijan supported this claim by capturing two Armenians (partners) with Lebanese citizenship, who have moved to and settled in Artsakh still before the war and tried to pick up their belongings from the town occupied by Azerbaijani military. One was freed, while the other was tried in Azerbaijan as a terrorist. Actually, many native Armenians - citizens of other countries have arrived at the conflict zone as volunteers to fight with their compatriots, however the engagement of recruited mercenaries was never supported by any evidence from an independent source.

³³ "Human Rights Violations during the 44-Day War in Artsakh: Summary of Fact-Finding Report."

³⁴ Anar Valiyev, "Mercenaries in Karabakh: Who They Are and How They Got There," *Politics Today* (blog), December 2, 2020, <https://politicstoday.org/mercenaries-in-karabakh-who-they-are-and-how-they-got-there/>; Anar Valiyev, "The Myth of Syrian Mercenaries in Karabakh Debunked in Eight Parts - PONARS Eurasia," *Ponars Eurasia* (blog), November 6, 2020, <https://www.ponarseurasia.org/the-myth-of-syrian-mercenaries-in-karabakh-debunked-in-eight-parts/>.

Protection of civilians and role of humanitarian actors

5- Please explain the challenges faced by humanitarian actors and peacekeeping missions in providing protection to victims of mercenaries, mercenary related actors and PMSC, how can the protection mandate towards these victims be reinforced, and what synergies can be developed with human rights actors in this context, particularly in light of the Secretary General's Call to Action for Human Rights¹

Following the war of 2020, Azerbaijan has persistently banned access of humanitarian actors in Artsakh, especially those territories that remain under the control of the Armenian armed forces or under the mandate of the Russian peacekeepers. Hence, no international mission can provide any aid to the victims of mercenaries.

Access to Justice

6- Please describe the main challenges and barriers in ensuring that victims of mercenaries, mercenary- related actors, and PMSC have access to justice. Please elaborate on any specific and differentiated impact faced by groups in a vulnerable situation in accessing justice and in fulfilling their right to remedy.

The existing ubiquitous Armenophobia and official Baku's policy of spreading hatred against ethnic Armenians practically precludes all prospects of seeking remedies for the victims of mercenaries, particularly of Armenian descent, in Azerbaijan, which is the party responsible for the use of mercenaries during the armed conflict. Moreover, most of the families of victims of the actions of mercenaries do not have access to quality legal aid to be able to seek remedy in international courts.

7- Kindly provide information on victims' access to information including on their rights, the legal procedures, legal representation, and existing remedial mechanisms.

N/A

8- Please provide information on the measures in place to protect victims, witnesses including whistle-blowers of mercenary, mercenary-related, and PMSC abuses and violations from reprisals, threats or harassment when seeking access to justice. What are the main challenges encountered by victims participating in judicial proceedings against mercenaries, mercenary-related actors, and PMSC?

N/A

9- What measures can be taken to support victims and their representatives? What measures can be taken to protect victims and witnesses from intimidation and reprisals?

- Facilitate increased global support to the victims who are internally displaced from Artsakh, as well as those living currently in Artsakh to ensure access to healthcare and restorative services;
- Provide technical assistance to the Armenian General Prosecutor's office and investigative bodies on application of the principle of universal jurisdiction to prosecute Turkish, Azeri, and Syrian nationals suspected of engaging in international

mercenaryism, war crimes and crimes against humanity in the context of 2020 war, as well as support with technical assistance for building the capacity of local IT analysts, forensic analysts, and in-house translators to ensure effective investigation of these crimes.

10- In the country where your organization works, what are the existing national reporting mechanisms, that enable victims, community members and/or civil society organisations to file complaints in case of alleged human rights abuses committed by mercenaries, mercenary related actors and PMSC; what are the existing remedial mechanisms. What measures have been put up by states to recognise the priority of victims' rights to assistance, protection, and to effective remedies?

N/A

11-Please detail on relevant jurisprudence, good practices, or landmark cases, concerning mercenaries or PMSC-related abuses or violations that demonstrate effective access to justice and remedies for victims of mercenaries and PMSC or otherwise.

N/A

Accountability and remedies

12- What do you consider appropriate approaches to seek accountability for human rights violations committed by PMSC and mercenaries, and mercenary related actors?

- Call on the Special Procedures on Mercenaries to further investigate the recruitment and deployment by Turkey and Azerbaijan of mercenaries in the context of this and other conflicts;
- Place sanctions against high-ranking Turkish and Azerbaijani officials inculpated in planning, orchestrating, or enabling Syrian mercenaryism and violations of international humanitarian law.
- Develop early warning, investigation and response mechanisms to identify recruitment of mercenaries and prevent their further engagement. These measures are particularly critical for the marginalized and socially vulnerable communities in war affected and conflict zones.
- To share this information with the International Criminal Court in order to create accountability for Azerbaijan and Turkey private recruiters and States for engaging and deploying mercenaries.

13- What efforts can be made to increase and secure the accountability of mercenaries, mercenary related actors and PMSC at a local level, in particular what effective structures and legal frameworks should be put in place to make mercenaries and PMSC accountable for their actions, abuses and violations?

N/A

14- In the case or situations where victims cannot seek justice and remedy domestically particularly in the absence of an effective judicial system or when state authorities are accomplice to the abuses how can other jurisdictions (for instance home jurisdictions for PMSC, or universal jurisdiction) take up prosecution or at least offer a forum for complaints, including the exercise of extraterritorial jurisdiction or other models of international cooperation, including international legal cooperation.

N/A

Non- judicial mechanisms

15- Please explain what additional non-judicial measures should be taken towards the realization of the wider rights of victims, including measures to secure truth and justice for victims, reparations and guarantees of non-recurrence (including truth commissions, people's tribunals, formal and informal traditional proceedings, armed group courts) Please provide any examples of such processes where mercenaries, mercenary related actors, and PMSC were the perpetrators.

N/A

The non-judicial measures towards the realization of the wider rights of victims should include following:

- To collaborate with the Government to enforce the implementation of the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries,
- To compile information on mercenaries and their recruiters through cooperation with the intelligence agencies of other countries, as well as in cooperation with human rights organizations like Amnesty International and Human Rights Watch.

The engagement of mercenaries in Artsakh war by Azerbaijan and Turkey in 2020 was also documented by the Working Group on the Use of Mercenaries (also supported by Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment).³⁵ However, in the same statement, reference was made to unsubstantiated allegations regarding "deployment of foreign nationals to fight in the Nagorno-Karabakh conflict" by Armenia and necessity to "ascertain possible links to mercenary-related activities, such as the context in which these actors operate and their possible motivations". Nevertheless, the Working group did not make any follow-up to repudiate or question these allegations circulated by the Azerbaijani side. Civil society in Armenia is concerned that this bothsided approach and lack of assertive position of the Working Group and other international mechanisms regarding gross human rights violations creates complete impunity for Azerbaijan, Turkey and other perpetrating states and limits opportunities for realization of the rights of victims.

³⁵ "Mercenaries in and around the Nagorno-Karabakh Conflict Zone."
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494>

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Helsinki Citizens' Assembly- Vanadzor office NGO



Protection of Rights without Borders NGO



Transparency International Anticorruption Center NGO



Public Journalism Club NGO



Law Protection and Development Foundation



Analytical Centre on Globalization and Regional Cooperation NGO



For Equal Rights NGO



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