



Call for inputs: upcoming country visit to Armenia – (postponed by the Working Group for the first half of 2023)

REPORT RELATING TO AZERBAIJAN’S HIRING OF MERCENARIES

I. The Nature, Scope and Magnitude of Mercenarism and Mercenary-Related Activities

On 27 September 2020, Azerbaijan, with the assistance of its military ally Turkey, launched a large-scale military operation (the “2020 War”) against the ethnic Armenians of Nagorno-Karabakh (“Artsakh”). With the help of Turkey, Azerbaijan deployed thousands of Syrian mercenaries to participate in Azerbaijan’s violent offensive against the ethnic Armenians of Artsakh.¹ The use of these Turkish-backed Mercenaries in support of Azerbaijan during the 2020 War has been confirmed by numerous journalists and the international community.

A European Parliament Resolution of 11 March 2021 confirmed that Turkey has transferred Syrian Mercenaries to Artsakh, citing a report by the OSCE Minsk Group and firmly condemned Turkey’s use of Syrian mercenaries in violation of international law.² Most of these Syrian mercenaries deployed to Artsakh belong to rebel factions of the Syrian National Army.³

This fact was validated in a report by CNN, where a Syrian national who was signed up to travel from northern Syria to Azerbaijan confirmed that he belonged to a faction of the rebel Syrian National Army, which is backed by Turkey. Its leader had asked those prepared to go to Azerbaijan to register. The Syrian national confirmed that he and 90% of his unit signed up to be deployed to Azerbaijan for a promise of \$1,500 a month USD. This fighter further confirmed that the mercenaries were gathering in the Hawar Kilis area near the Syria-Turkey border awaiting transportation. The crossing is controlled by a faction of the Syrian National Army.⁴

¹ *Nagorno-Karabakh’s Syrian Mercenaries | Turkish government continues recruitment in complete secrecy, number of fighters in Azerbaijan jumps to 1,650 with over 125 killed so far* (2020, October 15) Syrian Observatory for Human Rights. <https://www.syriaahr.com/en/188272/> [See Exhibit 1]

² *Joint Motion for Resolution on the Syrian Conflict – 10 years after uprising* (2021, March 3) European Parliament. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html [See Exhibit 2]

³ Khadder, K, Tuysuz, G., Lister, T. (2020, October 1) *Rebels from Syria recruited to fight in conflict between Azerbaijan and Armenia, source says*. CNN.com. <https://www.cnn.com/2020/10/01/middleeast/azerbaijan-armenia-syrian-rebels-intl/index.html> [See Exhibit 3]

⁴ *Ibid.*

France has also accused Turkey of sending foreign mercenaries in support of Azerbaijan to Artsakh. Upon arrival to an EU summit in Brussels, French President Emmanuel Macron told reporters that they “now have information which indicates that Syrian fighters from jihadist groups have (transited) through Gaziantep (southeastern Turkey) to reach the Nagorno-Karabakh theatre of operations.”⁵ President Macron also spoke with Russian President Vladimir Putin and both presidents shared a “concern about the sending of Syrian mercenaries by Turkey to Nagorno-Karabakh.”⁶

Similar reports regarding Syrian mercenary presence in the 2020 War have been confirmed by Time Magazine, Reuters, BBC, The Guardian, The Washington Post, and Foreign Policy.⁷

An article published by Foreign Policy followed the homecoming of 50 bodies of Syrian mercenaries for funeral preparations. As confirmed in the article, these mercenaries were members

⁵ Irish, J.; Rose, M. (2020, September 30) *France accuses Turkey of sending Syrian jihadists to Nagorno-Karabakh*. Reuters.com. <https://www.reuters.com/article/armenia-azerbaijan-putin-macron-int/france-accuses-turkey-of-sending-syrian-jihadists-to-nagorno-karabakh-idUSKBN26L3T4> [See Exhibit 4]

⁶ *France fears that Turkey is sending mercenaries to Caucasus* (2020, October 1) Independent.co.uk. <https://www.independent.co.uk/news/france-fears-that-turkey-is-sending-mercenaries-to-caucasus-turkey-emmanuel-macron-nagornokarabakh-vladimir-putin-azerbaijan-b738440.html> [See Exhibit 5]

⁷ Cookman, L. (2020, October 5) *Syrians Make Up Turkey's Proxy Army in Nagorno-Karabkh*. Foreignpolicy.com. <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/> [See Exhibit 6]

McKernan, B. and Safi, M. (2020, September 30) *Nagorno-Karabakh: at least three Syrian fighters killed*. The Guardian. <https://www.theguardian.com/world/2020/sep/30/nagorno-karabakh-at-least-three-syrian-fighters-killed> [See Exhibit 7]

Turkey deploying Syrian fighters to help ally Azerbaijan, two fighters say (2020, September 28) Reuters.com. <https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria/turkey-deploying-syrian-fighters-to-help-ally-azerbaijan-two-fighters-say-idUSKBN26J25A> [See Exhibit 8]

Butler, E. (2020, December 10) *The Syrian mercenaries used as “cannon fodder” in Nagorno-Karabakh*. BBC News. <https://www.bbc.com/news/stories-55238803> [See Exhibit 9]

Hincks, J. (2020, October 6) *Armenia's Prime Minister Accuses Turkey of 'Reinstating the Ottoman Empire' in Sending Mercenaries to Nagorno Karabakh*. <https://time.com/5896422/armenia-azerbaijan-conflict-2020/> [See Exhibit 10]

France fears that Turkey is sending mercenaries to Caucasus (2020, October 1) Independent.co.uk. <https://www.independent.co.uk/news/france-fears-that-turkey-is-sending-mercenaries-to-caucasus-turkey-emmanuel-macron-nagornokarabakh-vladimir-putin-azerbaijan-b738440.html> [See Exhibit 5]

Khadder, K, Tuysuz, G., Lister, T. (2020, October 1) *Rebels from Syria recruited to fight in conflict between Azerbaijan and Armenia, source says*. CNN.com <https://www.cnn.com/2020/10/01/middleeast/azerbaijan-armenia-syrian-rebels-intl/index.html> [See Exhibit 11]

Kareem, F; Khurshudyan, I.; Zakaria Z. (2020, October 14) *Deaths of Syrian mercenaries show how Turkey, Russia could get sucked into Nagorno-Karabakh conflict*. Washingtonpost.com. https://www.washingtonpost.com/world/middle_east/azerbaijan-armenia-turkey-nagorno-karabakh/2020/10/13/2cdca1e6-08bf-11eb-8719-0df159d14794_story.html [See Exhibit 12]

of militias that had fought previously in northern Syria, then Libya, and then in Nagorno-Karabakh—but always on behalf of Turkey. A source within the SNA confirmed that around 1,500 Syrians had been deployed to Artsakh.⁸

Although Azerbaijan and Turkey have denied using mercenaries in Artsakh, researchers have compiled an overwhelming amount of photographic and other evidence to the contrary⁹ posted by fighters and journalists on the field.^{10 11}

II. The Human Rights and IHL Impacts of Mercenaries and Mercenary-Related Activities

The use of these mercenaries is in violation of international law and has been condemned by the international community.¹² Further, the use of mercenaries violated the citizens of Artsakh's right to self-determination.¹³ The United Nations Human Rights Council, by Resolution 42/9 of 26 September 2019 strongly condemned use of mercenaries to impede the exercise of the right of peoples to self-determination, and considered it a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenaries. The Resolution considers the activities of the mercenaries as a threat to peace, security and human rights.¹⁴

⁸ Cookman, L. (2020, October 5) Syrians Make Up Turkey's Proxy Army in Nagorno-Karabkh. Foreignpolicy.com. <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/> [See Exhibit 6]

⁹ Mckeever, A., (2020, October 26) *SNA mercenaries in Azerbaijan; the Visual Evidence*. Akcmckeever.com. <https://akcmckeever.com/2020/10/26/sna-mercenaries-in-azerbaijan-the-visual-evidence/> [See Exhibit 13]

¹⁰ Cookman, L., (2020, October 5) *Syrians Make Up Turkey's Proxy Army in Nagorno-Karabkh*. Foreignpolicy.com. <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/> [See Exhibit 6]

¹¹ Butler, E. (2020, October 10) *The Syrian mercenaries used as 'cannon fodder' in Nagorno Karabakh*. BBC News. <https://www.bbc.com/news/stories-55238803> [See Exhibit 9]

¹² *Joint Motion for Resolution on the Syrian Conflict – 10 years after uprising* (2021, October 3) European Parliament. https://www.europarl.europa.eu/doceo/document/RC-9-2021-0177_EN.html [See Exhibit 14]

¹³ Margaryan, M. (2020, December 14) *Letter dated 10 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General*. United Nations, General Assembly, Security Council- 75th Session. <https://undocs.org/pdf?symbol=en/A/75/644> [See Exhibit 15]

¹⁴ *Resolution adopted by the Human Rights Council on 26 September 2019* (2019, October 4) United Nations, General Assembly, Human Rights Council – 42nd Session. <https://undocs.org/en/A/HRC/45/31> <https://undocs.org/en/A/HRC/RES/42/9> [See Exhibits 16 and 17]; *Second Interim Report – Updated Edition on the Azerbaijani Atrocities Against The Artsakh Population in September – October 2020* (2020, October 18) The Republic of Artsakh Human Rights Ombudsman. <https://artsakhombuds.am/en/document/735> [See Exhibit 18]

As confirmed by the Republic of Armenia in the Annex to the letter dated 10 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General, the mercenaries deployed by Azerbaijan in Artsakh were recruited through predatory and deceitful recruitment tactics.¹⁵ These predatory tactics have also been confirmed by various news organizations, including Reuters, BBC, the Guardian, and Foreign Policy.¹⁶ Many of the Syrian mercenaries who were sent to Artsakh were promised high salaries to lure them into signing up for deployment. Many of these mercenaries were uniquely vulnerable to recruitment and deployment because of the poor financial and social conditions in Syria. Reuters found that some mercenaries were offered salaries of \$1,500 USD per month—a large wage for Syria where the economy and currency has collapsed. These fighters confirmed that they expected to be deployed to guard facilities, not to fight.¹⁷ Multiple other sources have confirmed that mercenaries were recruited under the premise that they would be deployed as guards, when the reality is that these mercenaries found themselves thrown into direct clashes, oftentimes with little support from Azeri forces.¹⁸ The estimates vary for the death toll of these Syrian fighters, but the Syrian Observatory for Human

¹⁵ Margaryan, M. (2020, December 14) Letter dated 10 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General. United Nations, General Assembly, Security Council- 75th Session. <https://undocs.org/pdf?symbol=en/A/75/644> [See Exhibit 15]

¹⁶ Cookman, L. (2020, October 5) *Syrians Make Up Turkey's Proxy Army in Nagorno-Karabkh*. Foreignpolicy.com. <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/> [See Exhibit 6]
McKernan, B. and Safi, M. (2020, September 30) *Nagorno-Karabakh: at least three Syrian fighters killed*. The Guardian. <https://www.theguardian.com/world/2020/sep/30/nagorno-karabakh-at-least-three-syrian-fighters-killed> [See Exhibit 7]

McKernan, B. (2020, September 28) *Syrian rebel fights prepare to deploy to Azerbaijan in sign of Turkey's Ambition*. The Guardian. <https://www.theguardian.com/world/2020/sep/28/syrian-rebel-fighters-prepare-to-deploy-to-azerbaijan-in-sign-of-turkeys-ambition> [See Exhibit 19]

Turkey deploying Syrian fighters to help ally Azerbaijan, two fighters say (2020, September 28) Reuters.com. <https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria/turkey-deploying-syrian-fighters-to-help-ally-azerbaijan-two-fighters-say-idUSKBN26J25A> [See Exhibit 8]

Butler, E. (2020, December 10) *The Syrian mercenaries used as "cannon fodder" in Nagorno-Karabakh*. BBC News. <https://www.bbc.com/news/stories-55238803> [See Exhibit 9]

¹⁷ *Turkey deploying Syrian fighters to help ally Azerbaijan, two fighters say* (2020, September 28) Reuters.com. <https://www.reuters.com/article/us-armenia-azerbaijan-turkey-syria/turkey-deploying-syrian-fighters-to-help-ally-azerbaijan-two-fighters-say-idUSKBN26J25A> [See Exhibit 8]

¹⁸ Cookman, L. (2020, October 5) *Syrians Make Up Turkey's Proxy Army in Nagorno-Karabkh*. Foreignpolicy.com. <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/> [See Exhibit 6]
McKernan, B. and Safi, M. (2020, September 30) *Nagorno-Karabakh: at least three Syrian fighters killed*. The Guardian. <https://www.theguardian.com/world/2020/sep/30/nagorno-karabakh-at-least-three-syrian-fighters-killed> [See Exhibit 7]

Rights, a UK-based group that monitors the conflict in Syria, put the figure at more than 500.¹⁹ Some mercenaries claim that they received little protective equipment or medical support and that many of their fellow fighters bled to death from wounds that battlefield medics could easily have treated.²⁰

Further, many of the mercenaries deployed by Azerbaijan are affiliated with arms groups and individuals that have been affiliated with “serious human rights abuses during the conflict in Syria.”²¹ The deployment of mercenaries to Artsakh only further perpetuates a “cycle of impunity” and risks “further abuses of international law.”²²

Finally, two Syrian mercenaries were ultimately captured and faced trial in Armenia.²³ The trial prosecutors confirmed that Syrian mercenaries sent to Artsakh were instructed that they would receive an additional \$100 for decapitating Armenians. These instructions are expressly prohibited by international humanitarian law and the third Geneva Convention.

III. The Use of Private Military and Security Companies Operating Domestically and Human Rights Impacts of Their Activities

It is believed that SADAT International Defense Consultancy Construction Industry and Trade Inc. (SADAT), a private paramilitary contracting firm headquartered in Istanbul, Turkey recruited and deployed the Syrian mercenaries in Artsakh. Reports identify that the Syrian mercenaries were recruited by a “private Turkish security company” and “Turkish Contractors.”²⁴

¹⁹ Butler, E. (2020, December 10) *The Syrian mercenaries used as “cannon fodder” in Nagorno-Karabakh*. BBC News. <https://www.bbc.com/news/stories-55238803> [See Exhibit 9]

²⁰ Ibid.

²¹ *Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn- UN experts* (2020, November 11) United Nations, Human Rights Office of the High Commissioner. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494> [See Exhibit 20]

²² Ibid.

²³ Bulghadarian, N. (2021, May 4) *Syrian Mercenaries’ Sentenced To Life In Prison* <https://www.azatutyun.am/a/31237788.html> [See Exhibit 21]

²⁴ McKernan, B. (2020, September 28) *Syrian rebel fights prepare to deploy to Azerbaijan in sign of Turkey’s Ambition*. The Guardian. <https://www.theguardian.com/world/2020/sep/28/syrian-rebel-fighters-prepare-to-deploy-to-azerbaijan-in-sign-of-turkeys-ambition> [See Exhibit 19]

Hincks, J. (2020, October 6) *Armenia’s Prime Minister Accuses Turkey of ‘Reinstating the Ottoman Empire’ in Sending Mercenaries to Nagorno Karabakh*. <https://time.com/5896422/armenia-azerbaijan-conflict-2020/> [See Exhibit 10]

SADAT describes itself as a “Private Defense and Consultancy Company,”²⁵ stating that it is the sole Turkish private enterprise that provides defense consultancy and military training and equipment. The company’s website includes a description of its war and special operations services, including conventional warfare training for land, naval and air forces and training such as ambush, raid, road cutting/closing, destruction, sabotage and rescue/abduction operations and “counter tactics and techniques” for unconventional warfare organizations.²⁶

It has been further confirmed that SADAT was at the helm of the recruitment and deployment of Syrian mercenaries in Libya. In fact, the U.S. Department of Defense’s (“DoD’s”) lead Inspector General, in its 2020 quarterly report to Congress on counter-terrorism operations in the U.S. Africa Command, states that Turkish-supported Syrian mercenaries were one of the key destabilizers of security in Libya following the Turkish military intervention to reinforce the Government of National Accord (GNA). The report describes SADAT as a “Turkish private military company” deployed “several dozen military trainers” “to Tripoli to train both GNA-aligned militias and Syrian fighters” and that “Sadat maintains supervision and payment of the estimated 5,000 pro-GNA Syrian fighters in Libya.”

Furthermore, a letter²⁷ addressed to the OHCHR on 10 June 2020 from several UN human rights working groups cites SADAT’s involvement in recruiting and preparing documentation of mercenaries including children under 18 to take part in armed conflict in Libya. The letter highlights the various human rights abuses in the recruitment and deployment of mercenaries, and expresses grave concern especially towards the recruitment of Syrian children. The letter also mentions that the Turkish private military and security companies, in facilitating the recruitment and contracting of Syrian fighters, acted in coordination with Turkish authorities.

²⁵ SADAT’s Mission. <https://www.sadat.com.tr/en/about-us/our-mission.html> [See Exhibit 22]

²⁶ SADAT’s Training (for Military). <https://www.sadat.com.tr/en/our-services/training/training-military.html> [See Exhibit 23]

²⁷ *Public Communication File - Working Group - Letter Addressed to OHCHR* (2020, June 10) United Nations, Human Rights Office of the High Commissioner. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25292> [See Exhibit 24]

According to published reports, SADAT partnered in Libya with Fawzi Boukatif,²⁸ a former commander of a militia that fought Gaddafi (the Martyrs of 17 February Brigade).²⁹ Together with Boukatif, SADAT deployed Syrian fighters in Libya.³⁰

The reports that the Syrian mercenaries were recruited by a “private Turkish security company” coupled with SADAT’s proven involvement in recruiting and deploying Syrian mercenaries in other foreign wars, makes SADAT the most likely perpetrator of recruiting and deploying Syrian Mercenaries to Artsakh.

IV. Investigation, Prosecution and Accountability for Crimes Committed By Mercenaries, Mercenary Related Actors, and PMSC

The Armenian Bar urges the U.N. Working Group to use means at its disposal to press Azerbaijan and Turkey for accountability on the recruitment, deployment and use of mercenaries. We urge the Working Group to investigate specifically:

- The means and extent of SADAT’s recruitment, training, and deployment of the Syrian Mercenaries that were present in the 2020 War, including any promises made to them in exchange for killing Armenians;
- The human rights abuses committed or ordered to be committed by those mercenaries deployed in Artsakh.

We request that the U.N. Working Group on the use of mercenaries take these issues seriously since the lack of accountability and prosecution for the recruitment and deployment of mercenaries in global conflicts has (and will continue to have) a destabilizing impact as seen in Syria, Libya, and currently in the Ukraine.

²⁸ Ghanmi, M. (2020, June 28) *Fawzi Bookft...a new arm for Turkey in Libya*. EG 24 News. <https://www.eg24.news/2020/06/fawzi-bookft-a-new-arm-for-turkey-in-libya.html> [See Exhibit 25]

²⁹ *Militia Leaders in Benghazi* (2013, December 28) NYTimes.com. <https://www.nytimes.com/2013/12/29/world/middleeast/militia-leaders-in-benghazi.html> [See Exhibit 26]

³⁰ Cohen Yanarocak, H.E. & Spyer, J. (2021, January 27) *Turkish Militias and Proxies*. The Jerusalem Institute for Strategy and Security. <https://jiss.org.il/en/yanarocak-spyer-turkish-militias-and-proxies/> [See Exhibit 27]