



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

REPORT ON FALSE ALLEGATIONS OF ARMENIA'S ENGAGEMENT OF FOREIGN TERRORIST FIGHTERS

On 27 September 2020, with the assistance of its military ally Turkey, Azerbaijan launched a large-scale military operation (the “2020 War”) against the ethnic Armenians of Nagorno-Karabakh (“Artsakh”).¹ With Turkey’s direct support, Azerbaijan deployed thousands of Syrian mercenaries in Azerbaijan’s violent offensive against the ethnic Armenians of Artsakh.² In conjunction with their military campaign, Azerbaijan and Turkey simultaneously launched a media war to blame Armenians for the escalation of the deadly conflict.³ Azerbaijan’s modus operandi was to shun international law and to falsely and arbitrarily accuse Armenia of the same violations in order to make Turkey and Azerbaijan’s illicit conduct less distinguishable to the international community. Among Azerbaijan’s many false allegations is its meritless claim that Armenia engaged mercenaries and foreign terrorist fighters (“FTF”) during the 2020 War.

Azerbaijan consistently and publicly disseminates false information and has even gone to the extent of submitting false statements to the UN. As a prime example of such deceit, it manufactured a report attached to the letter dated 18 November 2020 from the Permanent Representative of Azerbaijan addressed to the Secretary-General (A/75/625-S/2020/1161) (the “False Narrative”) alleging that Armenia engaged foreign terrorist fighters in the 2020 Artsakh conflict initiated by Azerbaijan. Throughout its False Narrative, Azerbaijan makes groundless claims without any supporting evidence. Instead, Azerbaijan alludes to the availability from the Permanent Mission of Azerbaijan “upon request” of alleged “additional photo evidence and a list of foreign nationals involved in Armenian forces and terrorist groups” unlawfully deployed in Nagorno-Karabakh. Based on the official website of the Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva, it appears Azerbaijan is referencing a 49-page document entitled “Report on The Use of Foreign Terrorist Fighters By The Republic of Armenia In Its Recent Aggression Against the Republic of Azerbaijan” (the “Fraudulent Annotation”), which contains much of the same unsupported information as the False

¹ See *Aliyev admits Azerbaijan started the Second Nagorno-Karabakh War*, OC MEDIA (Nov. 9, 2022), <https://oc-media.org/aliyev-admits-azerbaijan-started-the-second-nagorno-karabakh-war/> (stating in a televised speech on the second anniversary of the war’s end: “We are not afraid of anyone. If we were afraid of someone, we would never have started the Second Karabakh War.”); see also *President Ilham Aliyev was interviewed by CNN Turk TV channel*, STATE COMM. FOR AFFAIRS OF REFUGEES AND INTERNALLY DISPLACED PERSONS OF THE REP. OF AZERBAIJAN (Aug. 15, 2021), <http://idp.gov.az/en/news/1254> (“I have repeatedly said in recent years that the people of Azerbaijan will never come to terms with this situation . . . My words were materialized, and Azerbaijan started the War of Salvation”); Jeyhun Aliyev, *Azerbaijan fought for justice, dignity in Karabakh: President Aliyev*, ANADOLU AGENCY (Sept. 27, 2021) (stating in an address to the Azerbaijan nation: “We waged a war in the interests of justice. We waged a war for our dignity [and] national pride. We waged a holy war.”).

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

³ “The Media War By Azerbaijan and Turkey Against Armenia And Nagorno-Karabakh,” Columbia University Institute for the Study of Human Rights (21 October 2020), <https://www.humanrightscolumbia.org/news/media-war-azerbaijan-and-turkey-against-armenia-and-nagorno-karabakh>.

Narrative. The Fraudulent Annotation is made publicly available, in unredacted form, not only on the Permanent Mission of Azerbaijan’s website, but a link to the information is also published and rendered shareable on the official Twitter page of the Permanent Mission of the Republic of Azerbaijan to UN Office and other International Organizations in Geneva. The Fraudulent Annotation is not only as baseless as the False Narrative, but is also defamatory in that it falsely labels as “foreign mercenaries” and “terrorist fighters” some 558 individuals from 23 Member States.

Even more disturbing, the Fraudulent Annotation discloses private, personally identifiable information, such as the full name, place of residence, date of birth, and contact information consisting of phone numbers and e-mail addresses for most of the individuals (and in some cases even photographs of individuals) falsely labeled as “foreign mercenaries” and “terrorist fighters” allegedly “recruited by Armenia”, who are collectively referred to as “foreign terrorist fighters” in the False Narrative.

Even a cursory review of the False Narrative and the Fraudulent Annotation makes clear that they have not been vetted and cannot withstand the simplest of scrutiny. Moreover, upon further investigation through our fact-finding process described below, it became obvious that Azerbaijan’s claims within the False Narrative and the Fraudulent Annotation were not based on factual findings. Rather, Azerbaijan’s allegations were based on a collection of names, that were gathered arbitrarily, of individuals who by all accounts are innocent targets of Azerbaijan’s libelous charges. To illustrate the absurd level of falsity in the Fraudulent Annotation, Azerbaijan listed the names of individuals that had not traveled to Armenia or Artsakh during the 2020 War, individuals who had not been to Armenia or Artsakh in several years, and even individuals who have never stepped foot into Armenia or Artsakh. The allegations within the Fraudulent Annotation are so deplorable that they even go to the extent of naming a California resident who had died from an illness *before* the 2020 War had even begun. These are just a few examples, and by no means a limitation, that illustrate the degree of fraud and deception that are the false floor of Azerbaijan’s allegations. As further described below, our fact-finding process reveals that there should be no credibility given to the False Narrative or the Fraudulent Annotation, both of which are additional examples of Azerbaijan’s attempt to shift the international community’s attention away from its own misconduct.

The Armenian Bar Association (“ABA”) conducted additional diligence on the matter by interviewing collectively twenty-nine of the United States, Canadian, and Russian nationals who were named in the Fraudulent Annotation to inquire about their alleged involvement in the 2020 War. Every single individual interviewed by the ABA categorically refuted Azerbaijan’s big lies and was shocked that Azerbaijan had disclosed their personally identifiable information in the Fraudulent Annotation without permission or consent. Furthermore, only nine of the twenty-nine individuals interviewed by the ABA had traveled to, or were in Armenia or Artsakh, during the 2020 War. This fact alone demonstrates the lack of merit behind Azerbaijan’s claims given that the majority of the individuals interviewed by the ABA had not even traveled to the region during the time of the 2020 War.

Moreover, of the individuals interviewed who had in fact traveled to Armenia or Artsakh during the 2020 War, several had traveled for humanitarian reasons and exclusively engaged in

humanitarian missions at such time. For example, citizens of Russia, Canada and the United States who had each been named in the Fraudulent Annotation had traveled to Armenia to provide humanitarian aid to people who had been displaced from their homes in Artsakh. It should be further noted that the majority of the humanitarian services performed by these individuals took place within the capital city of Yerevan, which is nearly 280 kilometers from the border of Artsakh and nowhere near the combat zone.

Of all the individuals named in the Fraudulent Annotation and interviewed by members of the ABA, only four individuals confirmed that they were involved in self-defense efforts during the 2020 War, all of whom are dual citizens of Armenia. The False Narrative specifically alleges that Armenia engaged in the use of mercenaries and FTFs in the 2020 War. The United Nations defines a mercenary as “any person who: (a) Is specially recruited locally or abroad in order to fight in an armed conflict; (b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party; (c) Is neither a national of a party to the conflict nor a resident of the territory controlled by a party to the conflict; (d) Is not a member of the armed forces of a party to the conflict; and (e) has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.”⁴ The United Nations defines foreign terrorist fighters as “individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.”⁵

Pursuant to the definitions of both “mercenary” and “FTF” as described above, there is not a grain of truth or accuracy that the four individuals who had participated in the 2020 War can be classified as mercenaries or FTFs. First, all four individuals were citizens of Armenia at the time of the 2020 War and therefore, by definition, cannot be classified as a mercenary or an FTF. Furthermore, all four individuals unequivocally denied having received any form of compensation (or promise for such compensation) in exchange for their participation, a separate and distinct reason why they cannot be classified as mercenaries. Finally, all four individuals volunteered to participate in defense activities by their own initiative without having been solicited by any other party, which again precludes their characterization as mercenaries.

The ABA’s findings show that none of the individuals interviewed could be classified as a mercenary or FTF. Following an objective sampling of the names listed within the Fraudulent Annotation, it can be concluded with certainty that the accusations and allegations made in the False Narrative were made arbitrarily and without any supporting evidence. There simply is no evidence that the Republic of Armenia recruited any foreign terrorist fighters or mercenaries in its defense of the people of Artsakh against the unprovoked military aggression launched by Azerbaijan on 27 September 2020.

⁴ International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989, 2163 U.N.T.S. 75, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-against-recruitment-use-financing-and>

⁵ UN Security Council Resolution 2178 of 24 September 2014, Preamble

Moreover, despite Azerbaijan’s attempts to invent purported information about Armenia’s alleged recruitment and use of mercenaries in Nagorno-Karabakh– an unequivocally false and rootless claim – the United Nations Working Group on the Use of Mercenaries has found that only Azerbaijan and Turkey employed terrorists and mercenaries from Syria and introduced such terrorists and mercenaries into the Nagorno-Karabakh conflict zone. The False Narrative was clearly prepared and disseminated in the UN in order to offset the plethora of well-documented, credible evidence and independent reports substantiating Turkey’s recruitment and supply of mercenaries to assist Azerbaijan in its military action in Nagorno-Karabakh.⁶ Numerous international media, human rights organizations, Member States (e.g., USA, France, Russia, Iran), and even the United Nations Working Group on the Use of Mercenaries have confirmed that Turkey recruited and deployed mercenaries to the Nagorno-Karabakh conflict zone to fight on behalf of Azerbaijan.⁷

Armenia has submitted its’ own “Report on The Use of Foreign Terrorist Fighters (FTFs) By Azerbaijan In The Ongoing Aggression To Suppress The Inalienable Right of the People of Artsakh (Nagorno-Karabakh) To Self-Determination (as of October 12, 2020),” transmitted by letter dated October 14, 2020, from the Armenian Mission addressed to the President of the Security Council, UN/3101/328/2020. Unlike Azerbaijan’s False Narrative, however, the report submitted by Armenia on Azerbaijan’s use of FTFs is not only cemented by a bedrock of well-documented, credible evidence and independent reports, but is also substantiated by the findings

⁶ “Syrian rebel fighters prepare to deploy to Azerbaijan in sign of Turkey’s ambition,” The Guardian (28 September 2020), <https://www.theguardian.com/world/2020/sep/28/syrian-rebel-fighters-prepare-to-deploy-to-azerbaijan-in-sign-of-turkeys-ambition>; “Turkey is sending more convoys of Syrian mercenaries from northern Syria to Azerbaijan,” Human Rights Organisation -Afrin –Syria (28 September 2020), https://www.facebook.com/permalink.php?story_fbid=366061181444110&id=114977619885802; “أرمينيا وأذربيجان : بي بي سي عربي تحاور مقاتل سوريا على خط النار بين البلدين” BBC Arabic Service (30 September 2020), https://www.bbc.com/arabic/middleeast-54346711?fbclid=IwAR3c0dJgE8veTgg54FArDq2AFYLh_5vP3eousEuIR9dnyd3_7rsbImHuVo4; “Armenian Foreign Ministry says Turkey sending mercenaries from Middle East to Karabakh,” Tass (28 September 2020), <https://tass.com/world/1205995>.

⁷ “Nagorno-Karabakh clashes: Turkey sends Syrian mercenaries into combat against Armenians,” The Times (29 September 2020), <https://www.thetimes.co.uk/article/nagorno-karabakh-clashes-turkey-sends-syrian-mercenaries-into-combat-against-armenians-wz6cqc57>;

“Comment by the Information and Press Department on the movement of foreign mercenaries to the Nagorno-Karabakh conflict zone,” The Ministry of Foreign Affairs of the Russian Federation (30 September 2020), https://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4363834?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB;

“Macron reprimands Turkey, accuses Erdogan of sending ‘jihadists’ to Azerbaijan,” France24 (2 October 2020), <https://www.france24.com/en/20201002-macron-reprimands-turkey-accusing-erdogan-of-sending-jihadists-to-azerbaijan>; “Conférence de presse d’Emmanuel MACRON, Président de la République française, suite au Conseil européen extraordinaire, le 1 Octobre 2020, à Bruxelles”, Council of the European Union National Briefing Press Conference (2 October 2020), <https://newsroom.consilium.europa.eu/events/20201001-special-european-council-1-october-2020-day-1/128597-1-conference-de-presse-france-partie-1-20201002>;

“Pentagon confirmed information about transferring Syrian mercenaries to Nagorno-Karabakh by Turkey,” Frontnews International (1 October, 2020),

http://frontnews.eu/news/en/71955/?fbclid=IwAR0aXoUMjBq_XPccAl2IDSYK6j7JeCQib-TnSRIGwTLU4Dos5EZ--Yf2okE; “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts,” United Nations Human Rights Office of the High Commissioner (11 November 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494&LangID=E>

of the United Nations Working Group on the Use of Mercenaries. Yet despite the overwhelming evidence and the United Nations' own findings, Azerbaijan still unequivocally denies the fact that Azerbaijan and Turkey employed terrorists and mercenaries from Syria and introduced such terrorists and mercenaries into Nagorno-Karabakh. Instead, in bouts of vulgar overcompensation for its own misconduct, Azerbaijan shamelessly spreads false accusations about Armenia allegedly recruiting and deploying mercenaries in a desperate move to mislead and confuse the international community.

In its effort to divert attention from its confirmed use of mercenaries and flouting of both codified and customary international law, Azerbaijan has published the False Narrative and the Fraudulent Annotation that not only mislead the international community but also recklessly endanger hundreds of individuals of Armenian descent as well as some individuals who are not of Armenian descent – many of whom were providing humanitarian aid or were not even in Nagorno-Karabakh to begin with. This defamatory False Narrative is dangerous both to these individuals' reputations (as they are haphazardly labeled as “foreign terrorist fighters”) and to their security (as it is a clear invitation to cyber harassment, if not worse, in an atmosphere where ethnic Armenians worldwide have become targets of hate crimes due to the repeated and unpunished use of inflammatory language by Azerbaijani and Turkish politicians).

Thus, not only should the False Narrative and the Fraudulent Annotation be condemned for the impermissible disclosure of personally identifiable information of individuals maliciously labeled as “terrorists,” but they should also be denounced for the lack of any credible evidence to support Azerbaijan's allegation that Armenia recruited and transported mercenaries and terrorist fighters to Nagorno-Karabakh.

Please do not hesitate to contact us if you have further information. The raw data related to the ABA's diligence is available upon request to ARWC@ArmenianBar.org, but will be provided in anonymized and/or redacted form to protect the reputation and safety of all individuals interviewed by the ABA.