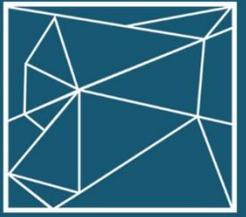


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سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



# Turkey's Recruitment of Syrian Mercenaries to Fight in Libya: Process and Legal Consequences

# Turkey's Recruitment of Syrian Mercenaries to Fight in Libya: Process and Legal Consequences

*The Turkish government recruited Syrian rebels and civilians, including children, and sent them to Libya to fight alongside the GNA forces, under the leadership of al-Sarraj, against the LNA, headed by Haftar*

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## I. A brief history of the Libyan civil war

Turkey in Libya sounds like a bet in the making. The current military support Turkey provides to Libya's Government of National Accord (GNA) and its prime minister Fayez al-Sarraj is not fortuitous. Not only is Libya a former province of the Ottoman Empire, it also represents a significant investment, both politically and economically.<sup>1</sup>

The two states have had a tumultuous relationship over the past decades, involving significant investments, particularly fruitful given Libya's rich oil and gas reserves and the need for construction in the country that could amount to 16 billion dollars.<sup>2</sup> The relationship has had its fair share of awkward moments, such as the inflamed sermon given by General Gaddafi to Prime Minister Erbakan, accusing him of complacency with the West and advocating for the rights of the Kurds, but eventually proved essential to both countries, who never loosened their ties and signed a Maritime deal in November, thus triggering old disputes among Mediterranean powers.<sup>3</sup>

Today, Turkey's presence in Libya is also the opportunity for Turkey to hamper the prominence of its rivals in the region, namely the United Arab Emirates (UAE) and Saudi Arabia. Indeed, the Libyan civil war has become the theatre of a conflict involving a number of actors. While Turkey supports the government recognized by the UN and led by the Government of National Accord (GNA) and its prime minister Fayez al-Sarraj, isolated on the international scene, the UAE, along with Egypt, Israel and Saudi Arabia is allied to General Haftar's Libyan National Army (LNA).<sup>4</sup>

## II. First allegations of the presence of Syrian fighters in Libya

In this extensive report, Syrians for Truth and Justice (STJ) presents evidence, supported by witnesses' direct statements, of Turkey's recruitment of Syrians to fight in Libya alongside the Government of National Accord, under the leadership of Fayez al-Sarraj, and against the Libyan National Army, headed by the Field Marshal Khalifa Haftar.

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<sup>1</sup> Donald Quataert, *The Ottoman Empire, 1700–1922* (Cambridge, UK: Cambridge University Press, 2005).

<sup>2</sup> What is Turkey doing in Libya?, *DW*, 7 July 2019, <https://www.dw.com/en/what-is-turkey-doing-in-libya/a-49505173>; Turkey aims to sign deal with Libya over Gaddafi-era compensation, *Reuters*, 10 January 2020, <https://www.reuters.com/article/us-libya-security-turkey/turkey-aims-to-sign-deal-with-libya-over-gaddafi-era-compensation-idUSKBN1Z913A>

<sup>3</sup> Tirade by Qaddafi Stuns Turkey's Premier, *The New York Times*, 9 October 1996, <https://www.nytimes.com/1996/10/09/world/tirade-by-qaddafi-stuns-turkey-s-premier.html>; Turkey-Libya maritime deal triggers Mediterranean tensions, *DW*, 29 November 2019, <https://www.dw.com/en/turkey-libya-maritime-deal-triggers-mediterranean-tensions/a-51477783>

<sup>4</sup> Israel's little-known support for Haftar's war in Libya: With the help of the UAE, Israel is providing arms and training to the Libyan National Army, *Middle East Eye*, 15 April 2020, <https://www.middleeasteye.net/news/israel-little-known-support-haftar-war-libya>

**It's important to mention that this report is part of STJ's wider efforts to verify Turkey and Russia's enlistment of Syrians as mercenaries in Libya in order to fight alongside parties to the conflict there. A further extended report on the enlistment of Syrians to fight alongside Khalifa Haftar's forces is to be published soon by the organization. It's also worth mentioning that this topic has been already addressed by several Syrian media outlets, including Sawt Al-Asema's website,<sup>5</sup> Enab Baladi newspaper,<sup>6</sup> and Suwayda 24 website.<sup>7</sup>**

Syrian news networks started publishing reports, denied by the Syrian opposition, of Syrian fighters sent as mercenaries to Libya in December 2019. Thus, on 25 December 2019, the Ministry of Defense of the Syrian National Army issued a statement in which it categorically denied sending any forces or military formations to Libya, stating: "Our priority in the National Army is to protect our Syrian people."<sup>8</sup>

National Army's spokesman, Yousif Hammoud, refuted these allegations again in a statement he gave exclusively to *Enab Baladi* website on 25 December 2019.<sup>9</sup>

On 27 December 2019, a group of Syrians, whose members identified as revolutionaries, politicians and academics, issued a statement, deploring that Syrian fighters agree to be deployed outside Syria, when they are supposed to hold their arms in Idlib against Russian, Iranian and Syrian forces.<sup>10</sup>

In a phone call with *Enab Baladi*, on 28 December 2019, Ibrahim Bilrajab, the junta leader in the Government of National Accord in the Libyan city of Misrata, denied the arrival of Syrian fighters to Libya.<sup>11</sup>

In turn, the [media office of the head of the Presidency Council](#) in the Government of National Accord, confirmed that the circulated [videos](#) allegedly showing Syrian fighters in Libya were [filmed](#) in Syria's Idlib.<sup>12</sup>

<sup>5</sup> "Exclusive: Russia Recruits Douma Youths to Fight in Libya", Sawt Al-Asema website, 12 February 2020, (Last visit: 24 April 2020), <https://damascusv.com/archives/20685>

<sup>6</sup> "Russia Continues Recruiting Syrians to Fight alongside Haftar's Forces", Enab Baladi, 19 April 2020, (Last visit: 24 April 2020), <https://www.enabbaladi.net/archives/377991>

<sup>7</sup> "An Authorized Political Party Recruiting Syrians to Fight as Mercenaries in Libya, with Russian Support", Suwayda 24, 15 February 2020, (Last visit: 24 April 2020), <https://suwayda24.com/?p=13043>

<sup>8</sup> Affiliated with the Syrian Interim Government, the Ministry operates under the National Coalition for Syrian Revolution and Opposition Forces; "The Ministry of Defense in the "Interim Government" Comments on Sending Fighters to Libya", Brocar Press, 25 December 2019 (last visit: 10 March 2020) <https://brocarpress.com/وزارة-الدفاع-في-المؤقتة-تعلق-على-ارسال-مقاتلين-سوريين-الى-ليبيا/>

<sup>9</sup> "The "National Army" Denies Sending Fighters to Libya", Enab Baladi, 25 December 2019 (last visit: 10 March 2020) <https://www.enabbaladi.net/archives/351485>

<sup>10</sup> "Syrian intellectuals and Activists Sign a Petition on Sending Syrian Fighters to Libya", ANA Press, 29 December 2019 (last visit: March 10, 2020) [www.anapress.net/ar/articles/تقارير-مكتوبة-311676569305783/-/منفقون-ونشطاء-سوريون-يوقعون-عريضة-بشأن-ارسال-مقاتلين-سوريين-الى-ليبيا](http://www.anapress.net/ar/articles/تقارير-مكتوبة-311676569305783/-/منفقون-ونشطاء-سوريون-يوقعون-عريضة-بشأن-ارسال-مقاتلين-سوريين-الى-ليبيا)

<sup>11</sup> "The Leader of a Military Council in the Government of National Accord Denies the Arrival of Syrian Fighters to Libya", *Enab Baladi*, 28 December 2019. (last visit: 10 March 2020) <https://www.enabbaladi.net/archives/351979>

<sup>12</sup> A post published on the official Facebook page of the Government of National Accord, 29 December 2019, (last visit: 11 March 2020).

On 2 January 2020, Turkish Parliament ratified a memorandum submitted by the Turkish presidency in order to send Turkish forces to Libya, and to give them a one-year renewable mandate<sup>13</sup>.

On 12 January 2020, [Sabratah Operation Room's](#) Facebook page, affiliated with the Libyan National Army forces headed by Field Marshal Khalifa Haftar, published a 14 minutes and 42 sec long [video](#) showing an individual captured in the town of [Sabratah](#) in [Libya](#) by illegal migration squad. The detainee is shown confessing his affiliation with the Suleiman Shah Brigade (also known as al-Amshat) in the Syrian National Army of the Syrian Interim Government operating under National Coalition for Syrian Revolutionary and Opposition Forces, and explains that he entered Libya on 8 January 2020 from Turkey with other Syrian fighters.<sup>14</sup>

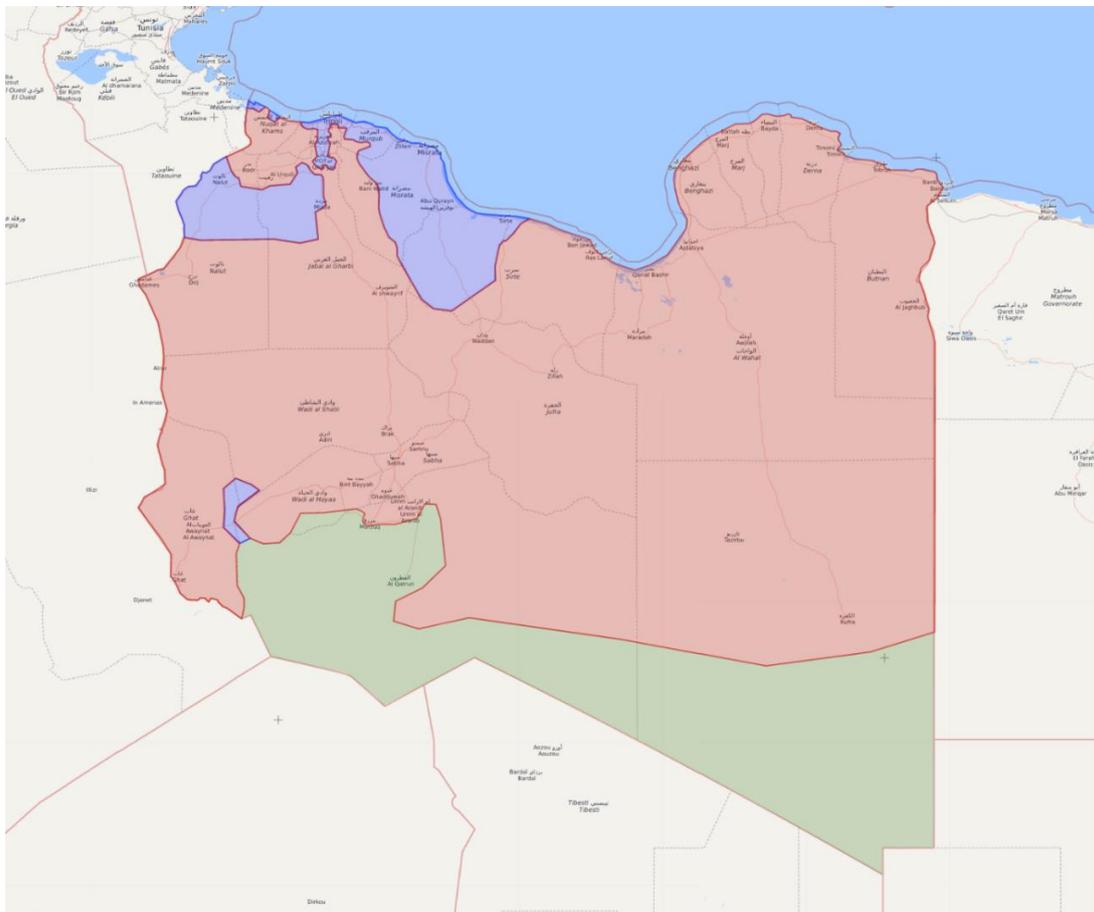


Image 1: areas of control in Libya as of 24 December 2019. The areas in red are under the control of the Libyan National Army, led by Field Marshal Khalifa Haftar while those in blue are controlled by the Government of National Accord, under the leadership of Fayez al-Sarraj.

<https://www.facebook.com/LibyanGovernment/photos/a.509963192457125/2641007302686026/?type=3&theater> .

<sup>13</sup> "The Turkish Parliament Approves a Memo to Send Troops to Libya", Anadolu Agency, 2 January 2020, (last visit: 10 March 2020) <https://www.aa.com.tr/ar/-الى-ليبيا-مذكرة-إرسال-قوات-إلى-ليبيا-1690405/>

<sup>14</sup> "Further Details on a Video Showing a Syrian Fighter Captured in Libya", STJ, 24 January 2020, (last visit: 9 March 2020) <https://stj-sy.org/en/further-details-on-a-video-showing-a-syrian-fighter-captured-in-libya/>

### III. Methodology of the report

STJ monitored the transfer of Syrian fighters to Libya as soon as the first reports were published, collecting and analyzing dozens of written, video and photographic materials circulated on Syrian, Turkish and international media outlets.

For the purpose of this report, we met reliable and well-informed sources, in person and online, including three civilians, two of whom have administrative positions in the National Army, while the third works in the civil registry, run by Turkey in northern Syria. We also interviewed five fighters, three of whom are currently in Libya, and two others who declined offers to go there. In addition, STJ met the families of two fighters who were recently killed in Libya and the family of another fighter who is currently there. A civilian, who works as a barber and witnessed the preparation of children to fight in Libya was also interviewed.

Each of these interviews was conducted in a number of sessions through WhatsApp or phone calls, between 10 and 28 January 2020, except for two conducted physically in the town of Marea in northern rural Aleppo, the first with the barber, on 16 January 2020, and the second with a fighter on 10 February 2020.

### IV. Legal framework of the presence of Syrian fighters in Libya

#### A. The classification of the conflict in Libya

The classification of conflicts has a significant importance for the study of applicable International Humanitarian Law (IHL). The intervention of foreign powers to the war waged in Libya, including that of Turkey, Russia and the UAE blurred the understanding of a multi-layered conflict. It is nonetheless fundamental, in order to know what laws apply, to clarify it.

The *Tadić* test determining whether there is an armed conflict – contrarily to only a state of violence – involving “a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State” seems to indicate there currently is an armed conflict in Libya.<sup>15</sup>

The international or non-international character of the conflict is the second factor determining applicable rules. First, the mere support of Turkey to Libya does not suffice to qualify the conflict as an international one. Indeed, the fact that a foreign state enters the conflict on the invitation of the state does not alter the qualification of a Non-International Armed Conflict (NIAC).

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<sup>15</sup> Non-international armed conflicts in Libya, *RULAC Geneva Academy*, <http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-libya#collapse3accord>

On the other hand, it seems the support to General Haftar, provided mainly by the UAE, apparently currently limited to a material one, does not reach the threshold necessary to admit that the LNA's troops fight *on behalf* of a state. Indeed, even though views differ on the threshold allowing the support of a state to a non-state actor to transform a NIAC in International Armed Conflict (IAC) even the loosest of all does not seem to apply to the situation taking place in Libya in particular, in the absence, to our knowledge, of UAE troops on the Libyan soil. The support of Turkey to the Libyan government or that of Russia and Egypt to the LNA is therefore not enough to transform the conflict into an international one.<sup>16</sup>

It appears, as a result, that the ongoing conflict in Libya calls, at the moment at least, for the qualification of a NIAC.

## B. The status of fighters taking part in hostilities in a NIAC

IHL aims at protecting fighters taking part in hostilities, at various degrees depending on the qualification of the conflict. Although traditionally the status of *combatant* is inherent to IACs, some authors have argued fighters participating in NIACs could, in certain occasions, benefit of the status. On the other hand, the potential qualification of the Syrian fighters as mercenaries could restrict the protection they can claim.

### 1. Hostilities in NIACs

Drafters of IHL were initially most concerned with regulating conflicts among states. Common Article 3 to the Geneva Conventions thus marked a breakthrough by addressing armed conflicts not of an international character. It provides the essential of the protection, and most importantly requires human treatment for all persons, thus prohibiting murder and torture, that wounded be cared for. Although much limited compared to provisions applicable to IACs, it is commended for both bringing a minimum of protection to fighters and attempting to bind armed groups with a minimum of obligations. It thus represents the minimum of protection Syrian fighters taking part in hostilities in Libya can aspire to.

### 2. The status of combatant

In IACs, the protection of combatants goes further. In this context, IHL traditionally provides for two primary status in times of conflict: that of combatant and that of civilian. The status of combatant protects fighters and prevents a state from prosecuting – originally, enemy – soldiers for killing in wartime. A state may only prosecute *enemy* soldiers for war crimes, that is, violations to IHL, such as the deliberate killing of civilians. In that case, if an *enemy* soldier was to be taken, their combatant status gives them the right to become PoW and thus be returned to the state at the end of hostilities. An unlawful combatant, on the opposite, does

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<sup>16</sup> Dapo Akande, "Classification of Armed Conflicts: Relevant Legal Concepts," in *International Law and the Classification of Conflicts*, ed. Elizabeth Wilmshurst (Oxford, United Kingdom: Oxford Public International Law, 2012), 115–80.

not benefit from this protection and could be the subject of domestic prosecutions for ordinary crimes under domestic law, such as murder.

For most scholars, the status of combatant does not apply in NIACs and has been deemed “an oxymoron” in that case. Relying on the standard criteria for belligerency, some scholars made a competing/compelling case for the application of the status of combatant to fighters taking part in NIAC in some cases. According to this analysis:

*Whether the non-state actor's fighters are eligible for the privilege [of combatant] depends on whether the non-state actor fulfills the functional requirements for lawful belligerency: a command structure, a fixed emblem, open arms, and general compliance with the laws and customs of war.<sup>17</sup>*

Now, although this is plausible, whether Syrians fighting alongside Libya's government fill these requisites would need more elements. If, for the sake of the argument, we were to admit they do, it could be argued they could benefit of the *combatant* privilege. This is far from being a theoretical question only and can actually have significant consequences unbeknownst of the fighters themselves. The rapid changes taking place during a conflict give the qualification of IAC and NIAC a highly unstable character, that can change easily. A fighter could, even without their knowledge, and with the consequences addressed below, the same day engage in a fighting involving only regular forces and armed groups, and thus take part in a NIAC, while later take part in an IAC as a result of a foreign power entering the conflict.

### 3. The recruitment process of the fighters: mercenaries or not

A factor would tend to weaken the protection of the fighters sent to Libya. Indeed, the qualification of mercenaries in international law has consequences on the protection of the fighters. These would depend first on the combatant status Syrian fighters would benefit from, and second on the applicability of an IAC rule to an NIAC.

#### *a. If the fighter is deemed a combatant*

Our report shines light on a disturbing practice. Nonetheless, the status of mercenaries is narrow and the conditions necessary to assert the presence of the practice must be tedious. First and foremost, the only mention made of mercenaries in IHL is in Additional Protocol 1, that deals with IACs. It reads:

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<sup>17</sup> Jens David Ohlin, “The Combatant's Privilege in Asymmetric & Covert Conflicts (Draft),” *The Yale Journal of International Law*, no. 40 (2014): 337–93, <https://doi.org/10.2139/ssrn.2473713>.

1. *A mercenary shall not have the right to be a combatant or a prisoner of war.*

2. *A mercenary is any person who:*

*(a) is specially recruited locally or abroad in order to fight in an armed conflict;*

*(b) does, in fact, take a direct part in the hostilities;*

*(c) 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 ranks and functions in the armed forces of that Party;*

*(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;*

*(e) is not a member of the armed forces of a Party to the conflict; and*

*(f) 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.*

Narrow, the definition rarely applies in fact. All the conditions being cumulative, it is, indeed, uncannily easy for a state willing to employ the services of, or for Private Military and Security Companies (PMSCs) themselves to avoid the classification. States would for instance incorporate the fighters to their armed forces, or PMSCs actively prevent their employees from going to the frontlines.

Although this at first seems not relevant to the case of Syrian fighters due to the seemingly non-international nature of the conflict, a question arises as a result of the possibility for fighters in NIACs to be qualified as combatants. A disposition in NIACs-related articles, in particular in the second protocol, would have been superfluous. Indeed, as suggested by the ICRC, the – conventional – absence of a combatant status in NIACs made superfluous any reference to the loss thereof as a result of qualifying as a mercenary. Nonetheless, the ICRC refers to mercenaries in NIACs, apparently making them coexisting and the reader thinking a fighter filling Article 47 AP I conditions in the context of an NIACs could be designated mercenary:

*Mercenaries participating in a non-international armed conflict are not entitled to prisoner-of-war status as no right to that status exists in such situations.<sup>18</sup>*

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<sup>18</sup> [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule108](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule108)

The question thus arises in case, as we have seen, a fighter in NIAC gets the status of combatant. This is all the more relevant considering the circumstances Syrian fighters are in Libya. If applied to them, the criteria of mercenaries could appear to be filled considering they:

- (a) Were recruited to take part into the conflict ongoing in Libya;
- (b) Do directly take part in hostilities;
- (c) Were, according to our sources, promised salaries significantly superior to that promised to Libyan and Turkish soldiers for an equivalent position;
- (d) Were neither nationals nor residents of Turkey nor Libya;
- (e) Are not members of Turkish nor Libyan armed forces;
- (f) Were sent by Turkey to support the Libyan government, who is a party to the conflict

If Syrian fighters were to be qualified combatants in application of the doctrine previously exposed, the absence of reference to mercenaries in disposition applicable to NIACs could create a disparity between rules applicable to NIACs and IACs respectively. Indeed, would a fighter taking part in a NIAC be qualified *combatant*, one could argue that, Article 47 AP I only applying to IACs, the *combatant* taking part in a NIAC does not see their combatant status withdrawn as a result of them filling the criteria of a mercenary and can still claim it along with the privileges attached to it, including that of PoW, while a fighter taking part in an IAC would be denied both the status of combatant and that of PoW.

*b. If the fighter is not deemed a combatant*

In the traditional view of a fighter not benefitting of the combatant status in an NIAC, the fighter not benefitting, in the first place of the status, the fact that mercenarism applies or not to NIAC is effectively not tangible. They will still benefit from the protection provided by Common Article 3.

Character of the conflict	Status of the fighter	Effect of mercenarism on combatant status and PoW privilege	Effect on potential domestic prosecutions
<b>International</b>	Combatant	Revoked	Common law crimes only, including murder
<b>Non-International</b>	Not combatant	None	Common law crimes only, including murder
	Combatant	Not revoked	Violations of IHL only
	Combatant	Revoked to replicate Article 47 AP I	Common law crimes only, including murder

*Summary of protection of fighters depending on the status of the fighter and the effects of mercenarism.*

## C. Accountability for potential violations perpetrated by Syrian fighters in Libya

Fighting in Libya and potentially committing violations there exposes Syrian fighters to breaching obligations contained in a variety of bodies of law.

### 1. International Humanitarian Law

When it comes to the obligations of fighters, considerations as to the character of the conflict, the combatant or non-combatant qualification attributed to the fighter and any potential effects of mercenarism are not needed.

In NIACs, fighters are bound by a limited set of rules, in particular Geneva Convention's Common Article 3, that restricts itself to requiring parties to respect a number of basic humanitarian obligations, consisting mainly in the prohibition of violence, including killing as seen above. Grasping with the scarcity of the obligation, policy makers endeavored to strengthen it, and came up with Additional Protocol II, adopted in 1977, entailing new obligations such as the protection of the civilian population and the sick and wounded, while remaining limited.

## 2. Libyan criminal law

When it comes to accountability for violations Syrian fighters could commit in Libya in the circumstances of being a mercenary, Libyan law would apply in priority.

Although the case under study refers to Syrian fighter supporting the government, thus giving a hypothetical tone to such reasoning, it could reveal more practical would the GNA employ mercenaries.

In that case, as seen above, the possibility for the state to prosecute mercenaries, and the type of offences they could be charged with would rely on two factors:

- The combatant or unlawful combatant qualification;
- If combatant, the revocation or not of the combatant privilege as a result of the qualification as mercenary.

## 3. International Human Rights Law

Although scholars advocate for an obligation for non-state actors to abide by International Human Rights Law, that rely on the signature by States of treaties, there are currently little ways to enforce the respect for these dispositions by NSAGs.

## 4. International Criminal Law

The field of criminal law seems to be the best capable to integrate the reality of modern conflict. Refraining from narrowing the scope of its application to specific categories of individuals, the Rome Statute provides that crimes against humanity can be committed by NSAGs, insofar as they reach a threshold of organisation under Article 7(2)(a) of the Rome Statute.

What would then be the consequences of violations perpetrated by Syrian fighters in Libya, for them, and for the Turkish and Libyan officials commanding them? On a statement published the 16 October 2019, the Office of The Prosecutor (OTP) recalled that, as a result of the referral by the UN Security Council Resolution 1970 (2011), she was investigating the situation in Libya, confirming her mandate extended to the violations currently committed.<sup>19</sup>

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<sup>19</sup> Statement of ICC Prosecutor, Fatou Bensouda, in relation to the escalation of violence in and around Tripoli, Libya, <https://www.icc-cpi.int/Pages/item.aspx?name=190416-otp-stat-libya>

The jurisdiction of the ICC is limited as a result of operative paragraph 6 of the resolution, that caused stir the first time it was included, in UNSC Resolution 1593 (31 March 2005) in the context of the referral of the situation in Sudan to the ICC.

Operational Paragraph 6 provides:

*Decides that nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State.*

At the moment of the inclusion of operative paragraph 6 in Resolution 1593 (2005), a number of countries expressed their disapprobation towards a clause that limited the jurisdiction of the court., questioning equally its legitimacy and its legacy. France, Philippines, Tanzania, Argentina and Brazil released commentaries casting doubt and disappointment at the clause, whose outcome is to effectively implement selective justice, in order to exclude from the scope of the court peacekeepers and related personnel. The provision also puzzled legal scholars, who attempted at reflecting upon its meaning, legacy and legitimacy, arguing that the UNSC does not seem to have the power to limit the Rome Statute, questioning the legality of the clause, and sometimes concluding that “it is extremely unlikely that any cases will be brought against personnel referred to in operative paragraph 6.”<sup>20</sup> The Office of the Prosecutor, on their end, reported it “had a mandate [...] to investigate allegations of crimes by all actors”, thus suggesting the clause was void of legal effect. Ultimately, only a decision of the court called on to decide on the matter would settle the ambiguous meaning of the provision and the OTP’s statement alike.

The consequences of a decision by the court deeming Operative Paragraph 6 unlawful are hard to foresee. If, as the OTP implied, Operative Paragraph 6 was to be simply ignored by the court, and the OTP to “to investigate allegations of crimes by all actors” as it expressed, then Syrian fighters and Turkish official commanding them could be subject to the jurisdiction of the ICC for violations they would be to commit. Alternatively, if the Court was to uphold the legality of operative paragraph 6, while Turkish officials would be entitled to claim its benefit to avoid prosecutions, another obstacle would prevent Syrian fighters from doing so. Indeed, the notion of officials or personnel suggests an official rationale that would have led the individuals referred to be present in Libya or an incorporation of the fighters into the Turkish forces. In the absence of such incorporation, it appears Syrian fighters would not be able to claim the benefit of operative paragraph 6 and could become subject to an investigation by the ICC.

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<sup>20</sup> Robert Cryer, “Sudan, Resolution 1593, and International Criminal Justice,” *Leiden Journal of International Law* 19, no. 1 (2006): 195–222;

## D. For countries recruiting mercenaries

Both Libya and Turkey may face legal consequences for the act of recruiting Syrian fighters to fight in Libya.

### 1. For Libya

Article 47 API limits itself to stating the consequences of qualifying as a mercenary for a combatant, and does not make mercenarism an offence, nor does it address the case of states using the services of mercenaries.

Nonetheless, Libya is a party to two instruments against mercenarism. In 2005, it accessed the OAU Convention for the Elimination of Mercenarism in Africa, entered into effect in 1977. Its definition of mercenaries provides in article 1:

*A mercenary is any person who:*

*a) is specially recruited locally or abroad in order to fight in an armed conflicts;*

*b) does in fact take a direct part in the hostilities;*

*c) 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;*

*d) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflicts;*

*e) is not a member of the armed forces of a party to the conflict; and*

*f) is not sent by a state other than a party to the conflict on official mission as a member of the armed forces of the said state.*

Libya also accessed the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (herein after the Convention) in 2000, that makes it an offence to recruit, use, train or finance mercenaries.<sup>21</sup> It provides in particular:

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<sup>21</sup> International Convention against the Recruitment, Use, Financing and Training of Mercenaries, Adopted and opened for signature and ratification by General Assembly resolution 44/34 of 4 December 1989, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-6&chapter=18&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-6&chapter=18&clang=en)

### *Article 5*

*States Parties shall not recruit, use, finance or train mercenaries and shall prohibit such activities in accordance with the provisions of the present Convention.*

### *Article 6*

*States Parties shall co-operate in the prevention of the offences set forth in the present Convention, particularly by:*

*(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including the prohibition of illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of such offences;*

*(b) Co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.*

A party to the treaty, Libya's breach of the convention could also open avenues for potential disputes.

## 2. Responsibility of Turkey and Libya

The use of mercenaries in Libya could also become cause for concern for Turkey. Indeed, a trend seems to emerge suggesting that states could be held responsible for complicity in the internationally wrongful act of a non-state armed group. Although these are at the moment theoretical questions relying on the *ILC's Articles on Responsibility of States for Internationally Wrongful Acts*, if the trend was to become an established rule, an array of states relying upon non-state actors for their military activities, including Russia, the US, or China could be accountable for the internationally wrongful acts committed by the various NSAGs they support. If Syrian fighters recruited by Turkey to fight in Libya were to commit such internationally wrongful acts, it could, similarly, be held responsible for complicity under international law.<sup>22</sup>

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<sup>22</sup> Richard Mackenzie-Gray Scott, "State Responsibility for Complicity in the Internationally Wrongful Acts of Non-State Armed Groups," *Journal of Conflict and Security Law* 24, no. 2 (2019): 373–407.

## V. How were Syrian fighters enlisted in Libya?

Our investigation revealed that among those recruited were military personnel, fighters in the National Army and even civilians who had never carried a weapon before. Former combatants have also been offered to fight in Libya. It must be mentioned that children under the age of 18 are still being recruited at the date of this report.

### A. Recruitment methods

STJ field researchers in the areas of *Euphrates Shield*, *Olive Branch* and *Peace Spring* military operations, under Turkey's control, were able to report that recruitments were organized by the National Army. They concluded from their talks to locals and witnesses that:

- Fighters of the National Army choose voluntarily to go to Libya, by registering their names on a list prepared by military officers in charge and wait for the approval to start procedures of their transfer to Libya. H. Khairia, based in the town of Marea, was the most well-known among those military officers.
- Civilians who did not engage in the conflict in Syria as fighters, and wish to be sent to Libya should first join one of the National Army's armed groups within the areas of the *Euphrates Shield*, *Olive Branch* and *Peace Spring* military operations and then submit to fight in Libya like other fighters.
- The enlisting of children requires the consent of their families, who receives money. New identification cards are issued for these children with altered names and dates of birth. Some were registered in the name of their older brothers.
- The only document required to enter a three-month renewable contract offered by the Syrian National Army offers fighters is an identification card. This can be a Syrian government ID, one issued by current local councils established by the Turkish government or a military IDs issued by the National Army.

The employee we interviewed added that his work was limited to registering the basic data of the fighter or the civilian who wants to go to Libya. Tests of physical fitness and military experiences are then carried out on those who have never fought before. Afterward, the admitted ones are transferred to the Turkish territory where they sign their contract and complete the travel procedures.

## B. Privileges and salaries

For this investigation, STJ met seven individuals. Three of them are fighters presently in Libya, two of them rejected offers to go there, one is a fighter awaiting approval of his request to go, one is an employee from the Personal Status Department of the 1<sup>st</sup> Corps of the National Army. The interview with the employee was conducted via the Internet on several sessions between 21 January 2020 and 12 February 2020.

The Personal Status Department's employee shared details about the salaries provided to the fighters. We learned these are significant, ranging from 2000 to 3000 dollars monthly, depending on the fighter's military specialization. The salaries of those who are experienced in open areas fighting and street war are much higher. In the case of a fighter's death, his family receives a compensation of at least 50 000 dollars, and his first-degree relatives are granted the Turkish citizenship. The compensation for a permanent injury amounts 35 000 dollars and the amount decreased if it is minor.

Speaking with a fighter from the Sultan Murad Division, currently present in Libya, we learned that he received a salary of 2.000 dollars on 8 February 2020, for a month he spent in Libya, carrying out military missions that he refrained from disclosing.

Another fighter from the Sultan Murad Division and currently present in Libya, explained that he coordinated with a man named H. Khairia to go to Libya, and agreed with him on all financial and administrative matters. He added that H. Khairia is leading them to Libya, and said that he arrived there with a batch of fighters, among them recently recruited civilians, and that they only had a personal weapon before arriving to Libya, where they were provided with ammunition, equipment and machinery that were distributed on the axis of engagements.

He shared the reasons that pushed him to accept to come to Libya:

**“Either way, we are mercenaries. The difference is that in Syria we are mercenaries for free, but here we get dollars. We can secure our future after a while. I do not regret what I did.”**

We also met two fighters who rejected offers to go to Libya. One of them agreed to share information about the situation of his friends there. A former fighter in the Free Syrian Army from the Qalamun region and specialized in firing anti-tank guided missile, he explained that he ceased fighting after being displaced to Idlib, where he started working in a restaurant:

**“The current leader of the Sultan Murad Division, D. Hajar, came to me, and offered me to go to Libya and work within my specialty as an anti-tank guided missile launcher from the Turkish base there, without involving in any direct military confrontations on the ground. He said that I would sign a two-month contract and get a monthly salary of**

**2.000 dollars and be granted the Turkish citizenship. But I refused the offer for the simple reason that I had defected from the regime's army in order not to be a mercenary to anyone, and I did not engage with any of the opposition's armed groups for the same reason, so I can't accept such an offer and go to fight in Libya."**

On the other front, a fighter of the Levant Front/al-Jabha al-Shamiya is waiting for approval to go to Libya to fight, and revealed to STJ field researcher in an online interview:

**I registered to go to Libya for the simple reason that I had been fighting with the Levant Front for two years, but the salary I get from it is decreasing instead of increasing. It reached only 750 Turkish Lira, that I receive every 40 days. This amount is not enough to support my family, I have thought carefully about the matter, I can return after 3 months with an amount of 6.000 dollars. In case I am injured there, my family will receive a large compensation and if I am killed, I will secure my family's life and future, as they will obtain Turkish citizenship and a big compensation sufficient for them to start a new life."**

Still waiting for approval, he noted that he had registered in the town of Marea, through one of his friends who is a member in the Mu'tasim Division.

In a similar incident, a 20-year-old displaced civilian from eastern rural Hama and residing in Afrin, has recently joined the Suleiman Shah Brigade (also known as the Amashat), in order to travel to Libya. His mother recalled that she had lost contact with him for a whole month, and shockingly learned later how he travelled to Libya from Abu Siraj, brother of Mohammad al-Jasim (nicknamed Abu Amsha), leader of the Suleiman Shah Brigade:

**"My son used to work in a car wash in Afrin. I, his father and brother are residing in the camp of Atimah in northern Idlib, where he used to visit us every week. However, he disappeared for a whole month before sending us a message saying that he is working abroad. I went with my little son to Afrin to look for him, and we were told that he had left to the town of Shaykh Al Hadid/Şiyê. Indeed, we went there, and after a lot of pleading, we were allowed to meet Abu Siraj, brother of Abu Amsha. He told me that my son had gone to Libya and would not be able to return before the expiry of the contract. Abu Siraj gave me 50 dollars and offered me a free stay in Shaykh Al Hadid."**<sup>23</sup>

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<sup>23</sup> For more info about the situation of Kurds in Shaykh Al Hadid please read: "Afrin: Shaykh Al Hadid: Intimidation and Economic Tightening", STJ, 22 February 2020, (last visit: 12 March 2020) <https://stj-sy.org/en/afrin-shaykh-al-hadid-intimidation-and-economic-tightening/>

## VI. Who is behind deploying Syrian fighters to Libya?

### A. The involvement of the Turkish government

Official statements issued by Turkish President Recep Tayyip Erdoğan and other Turkish officials, in addition to dozens of media reports, confirm Turkey's direct involvement and responsibility in the operations of transporting Syrian fighters to Libya and their use as mercenaries. Statements of fighters and people STJ met revealed details about Turkey's involvement. On 5 January 2020, in an implicit reference to the presence of fighters of other nationalities Recep Tayyip Erdoğan confirmed in an [interview](#) with CNN Turk, that there are troopers in Libya, not members of the Turkish army.<sup>24</sup>

On 21 February 2020, in a [statement](#) to reporters, Turkish President Recep Tayyip Erdoğan confirmed the presence of "Syrian teams" alongside the Turkish army present in Libya carrying out training missions according to Erdoğan. Turkish President explained that these "Syrian teams" are affiliated to the Syrian National Army of the opposition.<sup>25</sup> In a speech to people in the Turkish city of Izmir, on 22 February 2020, he once again confirmed the presence of Syrian National Army fighters in Libya.<sup>26</sup>

According to a worker in Jarabulus border crossing, Turkey's Ministry of Defense contracted a number of companies providing security services, including [Sadat](#) and Abna'a al-Umma, who undertook the recruitment of fighters from or under the umbrella of the Syrian National Army in direct coordination with the Ministry of Defense of the Syrian Interim Government. The companies examined the fighters and prepared the official documents that authorized them to enter and leave Turkey legally to Libya, in addition to fixing employment contracts of 3 to 6 months for the fighters.

On this, STJ spoke to an employee at the Jarabulus border crossing with Turkey, run by the 9<sup>th</sup> Division.<sup>27</sup> He disclosed to STJ information he had access to as part of his job:

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<sup>24</sup> Link to the main interview: "Erdoğan'dan Libya açıklaması: Askerlerimiz peyderpey şu anda giriyor". CNN Turk. 5 January 2020. (last visit: 10 March 2020). <https://www.cnnturk.com/turkiye/cumhurbaskani-erdogandan-libya-aciklamasi>.

To hear a video confirming the presence of other non-Turkish military fighters: "Cumhurbaşkanı Erdoğan: Türk askeri peyderpey Libya'ya gidiyor". 7 January 2020. (Last visit: 10 March 2020). <https://www.youtube.com/watch?v=LwHdCTz1hW4>.

The direct quote (Muharip güç olarak orada farklı ekiplerimiz olacak bunlar bizim askerlerimiz içinden değil).

<sup>25</sup> Main source: "Rusya Devlet Başkanı Putin ile İdlib'deki tüm gelişmeleri ele alacağız". Turkish Presidency website. 21 February 2020. (last visit: 10 March 2020). <https://www.tccb.gov.tr/haberler/410/116749/-rusya-devlet-baskani-putin-ile-idlib-deki-tum-gelistmeleri-ele-alacagiz->

<sup>26</sup> Source: "Erdoğan, "LİBYA'DA BİR KAÇ TANE ŞEHİDİMİZ VAR" dedi! Sosyal Medyada Büyük Tepki Çekti!" (last visit: 10 March 2020 <https://www.youtube.com/watch?v=wleABNh258M>

<sup>27</sup> The 9<sup>th</sup> Division / Special Forces belongs to the 143rd Brigade, who is part of the 1<sup>st</sup> Corps in the Syrian National Army.

**“Fighters who pass the medical examination, and have thus been accepted to go to Libya, are gathered in Hawar Kilis military crossing and then transferred in special buses to Turkey. There, security companies contracted with the Turkish Ministry of Defense issues the fighters all required official documents starting with the Kimlik.<sup>28</sup> Then the same companies provide the fighters with contracts of employment for specific services. They follow specific procedures in the registration of fighters that include keeping the fighter’s fingerprint, eyeprint ID and a sample of his DNA, and issue an identification card for each fighter to use as an ID during their presence in Libya.”**

The witness stressed that all these procedures are carried out in direct coordination with the Turkish army and take only 3 to 4 days to be completed, before the fighters being transferred to Libya.

We tried to dig deeper into the matter, but some details are closed to the first line leaders in the National Army and the joint Turkish Operations Room.

A fighter in the Levant Front described for STJ the preparation that preceded his travel to Libya:

**“I registered with the officer in charge in the Sultan Murad Division, who is called Abu Stef. Five of my friends traveled to Libya in the batch before mine. I was supposed to catch up with them quickly, but I waited to ask them about their situation there. My friends said that they were shocked by the situation there, as it was completely different to how they had been told about it. Initially, the fighters were put in a hotel in Turkey until they were issued Turkish IDs. They checked out of Turkey as Turks, not Syrians. Some were transferred by plane and others by ship. My friends told me also that they were shocked to be sent to frontlines without guides or logistical support; they could not even distinguish who was an enemy and who wasn’t and weren’t able to even determine where the shot came from. Also, promises of getting a salary of 3.000 dollars a month were also fake and they only got 1.200 dollars. It is also extremely difficult to return the injured to Syria.”**

He added:

**"According to the information we received, 4.000 Syrian fighters arrived to Libya, and the Turkish authorities asked the armed groups to send another 10.000 fighters. I canceled the idea of traveling to Libya after I heard about the situation there. I noticed that a large number of the youths who went to Libya are poor and thus prompted by the financial gains, and they are not married and have no families here. I think that's what encouraged them to go."**

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<sup>28</sup> A temporary protection identification document Turkey given to Syrian refugees only.

A number of fighters indicated that there is almost certain information that says that the groups that recruit, send and insure 20 to 30 fighters would be granted an amount of 12.000 dollars from the Turkish government. This amount comes in addition to the regular funds allocated for support or monthly allocations for the group. According to some fighters, the groups are vying to register the largest number of fighters, which affected the fighters themselves, as it led to extend the waiting period for the acceptance and thus the travel, causing a reduction in the monthly salaries that they had been promised.

## B. The involvement of armed groups and Syrian actors

According to statements collected by STJ, that will be presented successively in this report, and as confirmed by an employee in the personal status department of the 1<sup>st</sup> Corps of the National Army, the Sultan Murad Division, the Mu'tasim Division and the Suleiman Shah Brigade (also known as al-Amshat), are the groups most responsible for deploying youths and children to Libya. These groups register any person who wishes to go to fight in Libya, whether a civilian or a military, and whether he is a fighter within their ranks or in other groups. Those three groups coordinate the process of transporting fighters from Syria to Turkey through communication with security companies operating under the supervision of the Turkish army, who later transfer the fighters to Libya.

Members of other groups such as the Levant Front, the Glory Corps/Faylaq al-Majd and the Army of Islam/Jaysh al-Islam also registered to go to Libya in coordination with the Mu'tasim Division and under its command.



Image 2: emblems of the Syrian armed groups, the top line from the right (the Suleiman Shah Brigade, the Mu'tasim Division, the Sultan Murad Division). The lower line from the right (the Levant Front, the Glory Corps, the Army of Islam).

One of the witnesses confirmed that according to the entries he could access in one of the numerous registration offices of the *Euphrates Shield* and *Olive Branch* areas, 250 fighters had already left for Turkey by the end of January 2020. 200 of them belonged to the Suleiman Shah Brigade, either already part of the Brigade or having recently joined it in order to go to Libya, and 50 others to the Mu'tasim Division. Overall, 700 fighters, from all groups, had registered to go to Libya.

Fighters of the Suleiman Shah Brigade in Libya are under the direct command of Mohammad al-Jasim, nicknamed Abu Amsha, those of the Mu'tasim Division under that of Mutasim Abbas, and the Sultan Murad Division fighters under the leadership of Fahim Issa, according to the source.



Image 3: from right to left: Mu'tasim Abbas, Muhammad Al-Jasim and Fahim Issa)

It's worth mentioning that defected officers from the Syrian government forces have been granted Turkish citizenship recently, when they went to Libya as military advisors.

A worker at Jarabulus border crossing, explained:

**“According to the information I got, on 12 January 2020, a group of fighters and civilians who wished to go Libya were gathered at the Hawar Kilis crossing. They were about 200 people from the Mu'tasim Division, the Muntasir Billah Brigade, the Sultan Murad Division, the 9<sup>th</sup> Division, the Northern Democratic Brigade and the Suleiman Shah Brigade. They were transferred from Antakya to Ankara by plane on 20 January 2020, the papers were prepared in Ankara and they went to Libya, but I do not know the exact date of the flight.”**

He added:

**“Most of the people who went to Libya in this batch are poor or residents of IDP camps. We can say that a civilian is recruited for every 5 fighters, which means that 33 civilians joined the armed groups with the aim to go Libya and only 167 were already fighters. Those civilians were recruited through mediators between them and the groups.”**

### **An overview on the armed groups that lead the recruitment and fighting operations in Libya:**

- **The Suleiman Shah Brigade (also known as the Amashat)** belongs to the 1st Corp in the Turkish-backed Syrian National Army affiliated to the Syrian Interim Government. The Brigade is led by Mohammad Hussein al-Jasim, known as “Abu Amsha”. Most of its fighters are from the Turkmen nationhood, who resides in Hama. In the media, the group goes by al-Amshat.

It was formed in late 2011 in Hama, under the name the *Banner of the Line of Fire Brigade/Lowaa Khat al-Narr*, in order to confront pro-government forces. The Brigade participated in several battles, including the one launched to lift the siege on the eastern neighborhoods of Aleppo led by Hay’at Tahrir al-Sham (HTS, formerly Jabhat al-Nusra). The group later moved to rural Aleppo, where it operates in coordination with the Turkish forces.

In early 2016 the *Line of Fire Brigade* was renamed *Suleiman Shah Brigade*, after the grandfather of Osman I, the founder of the Ottoman Empire, before being rebranded *al-Amshat* in reference to its leader Abu Amsha.

The same year, the group participated alongside the Turkish forces and other groups of the Syrian National Army in *Operation Euphrates Shield* launched by Turkey against ISIS in northern rural Aleppo. In 2018, it participated alongside the Turks in *Operation Olive Branch*, which aimed to control the Kurdish-majority region of Afrin, and in November 2019, it fought alongside the Turkish army in *Operation Peace Spring*.

On several occasions, the leader, Abu Amsha, showed loyalty to Turkey and its army. Appearing in a video showing demonstrators in Idlib for burning the Turkish flag, he declared: *“the Turkish flag reflects our history, and the history of our ancestral warriors and the names of our martyrs who buried in Turkey when we fought colonialism together, the Turkish flag represented the blood of Arab and Turkish martyrs, especially the Syrians.”*

The group organized a military training course-in the town of Shaykh Al Hadid, where a batch of youths graduated as fighters in April 2019, and took the name of *Ertugrul’s Grandsons*. The graduation ceremony was decorated with Turkish flags, included Ottoman music, and was attended by members of the Turkish-backed National Coalition for Syrian Revolutionary and Opposition Forces.

Like other groups of the National Army, the Suleiman Shah Brigade committed systematic violations in the Afrin region against the indigenous population, contributing to the housing

of displaced families in the homes of the indigenous people who fled hostilities during *Operation Olive Branch*, participating in the arrests of dozens of citizens to extort money from them, including 22 documented by STJ during the second half of 2019 only, and seizing the olive harvest in the town of Shaykh Al Hadid.

Israa Khalil, a young woman, accused Abu Amsha, the group's leader, of repeatedly raping her at gunpoint and threatening to kill her and her family if she told anyone. He was never subject to any independent judicial investigation.

- **The Mu'tasim Division** is currently affiliated with the 2<sup>nd</sup> Corps of the Syrian National Army. It was initially formed with US support, under the name of *al-Tawhid Brigade/Liwa al-Tawhid*, in July 2012. However, in August 2015 the group was restructured with support of Turkey and is now led by Mu'tasim Abbas.

[Mustafa Sejari](#) is also considered one of the most prominent faces of the group, as he is the director of its Political Bureau. The group is mainly active in northern rural Aleppo, specifically the *Euphrates Shield* region, and fought alongside Turkey in *Operation Euphrates Shield*, *Operation Olive Branch* and *Operation Peace Spring*. Its main headquarter is in the town of Marea in northern rural Aleppo, and it counts nearly a thousand fighters.

- **The Sultan Murad Division** is part of the 2<sup>nd</sup> Corps of the Syrian National Army. The Brigade was established in October 2012 and expanded in March 2013 to include a number of Turkmen teams and brigades: the *Mohammad Al-Fateh Brigade*, the *Martyr Zaki Turkmani Brigade* and the *Ashbal Akida Brigade*, with Turkish support. In December 2015 it was joined by other brigades, namely: the *Turkmen Martyrs Brigade*, the *First Brigade Infantry Force*, the *Second Brigade Infantry Force*, the *Special Tasks Brigade*, and the *Yarmouk Brigade*. In 2017 the Sultan Murad Division joined the ranks of the opposition Syrian National Army.

The Division is led by three men: Youssef Al-Saleh, general official, Fahim Issa, field commander and Colonel Ahmed Othman, military official. Alongside Turkey, the division fought in *Operation Euphrates Shield*, *Operation Olive Branch* and *Operation Peace Spring*.

## VII. The transportation of fighters to Libya

### A. From Syria to Turkey by road

According to information and statements provided, the fighters are transported from Syria to Libya through two routes. Some fighters present in Libya revealed they are gathered at the Hawar Kilis military crossing and from there transported by buses to Turkish territory. In Turkey, they are dropped in camps in the Kilis region until their documents are completed, and then airlifted from Gaziantep International Airport to one of Istanbul's airports.

The second route, according to a worker at the Jarabulus Border Crossing, consists in taking the road from Syria to Antakya, the air from Antakya to Ankara and finally to Libya on Afriqiyah Airways. STJ has not yet been able to collect additional information and other statements from fighters who followed this path.



Image 4: a satellite image illustrates the location of Hawar Kilis military crossing, where the fighters are gathered to be transferred to Istanbul.

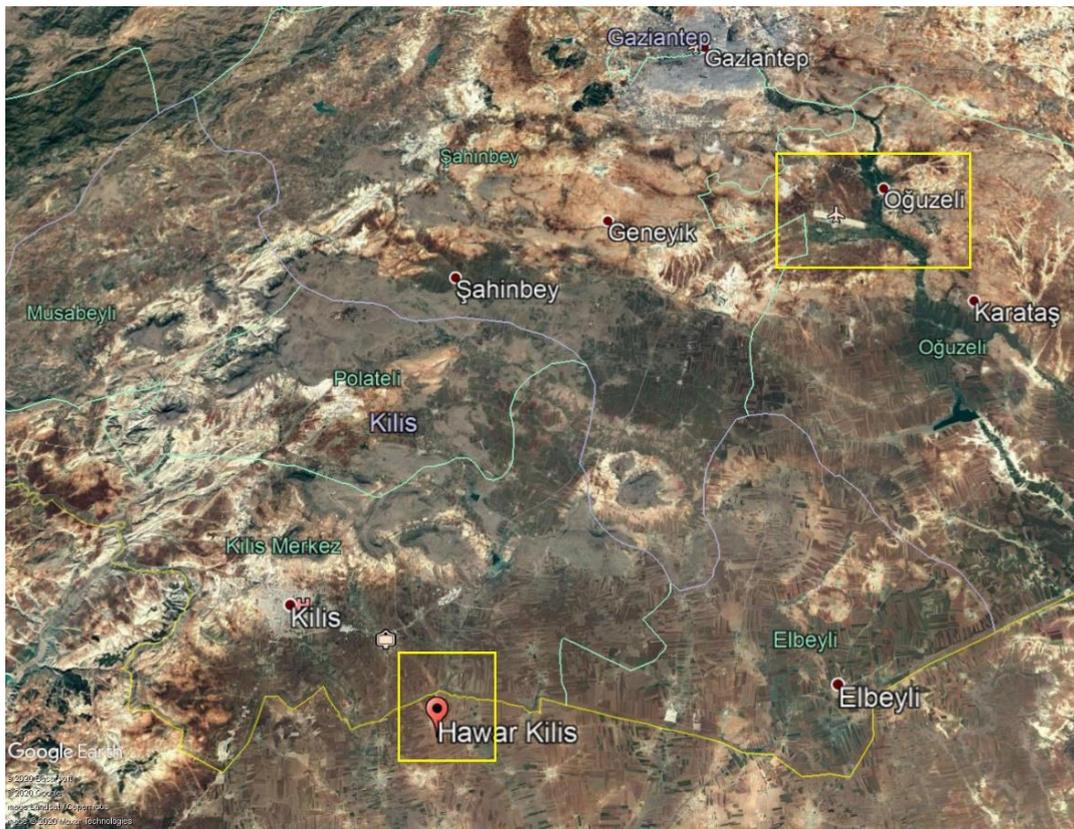


Image 5: a satellite image illustrates the location of Gaziantep Oğuzeli International Airport (the upper yellow square) and the location of the Hawar Kilis military crossing, where the Syrian fighters are gathered before being transported into Turkey.

## B. Air transportation inside Turkey and from Turkey to Libya

According to information and statements made by fighters currently in Libya and employees at the border crossings managed by the opposition Syrian National Army, the transfer of fighters from Turkey to Libya is carried out using civilian planes of the Libyan Wings and/or Afriqiyah Airlines, that take off from Turkish airports in Istanbul. One witness mentioned planes flying the fighters from Ankara to Libya, but we haven't got any information or statement supporting this declaration.

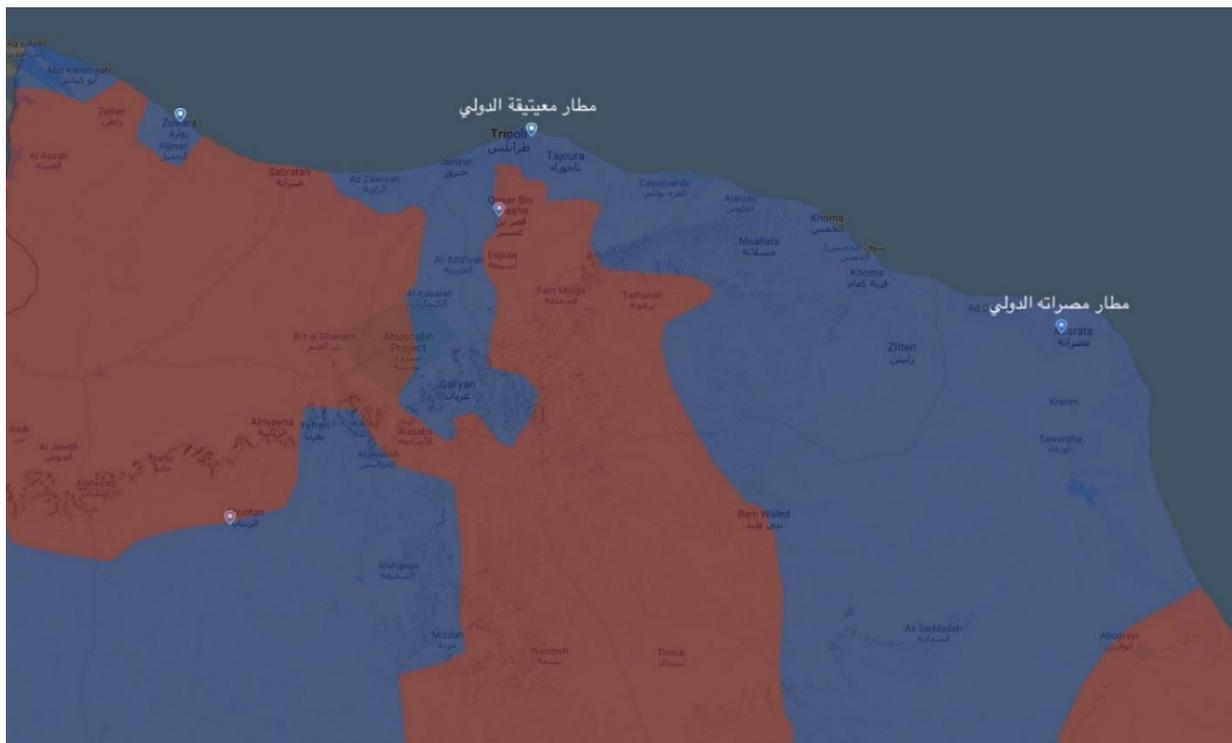


Image 6: the geographic locations of Misrata and Mitiga International Airports in Libya, destinations of the planes carrying fighters coming from Turkey. Areas in blue are under the control of the Government of National Accord, under the leadership of Fayez al-Sarraj, while those in red are controlled by the Libyan National Army, headed by Field Marshal Khalifa Haftar.

STJ's digital forensic expert tracked some of the photos of fighters who were transported inside Turkish territory by Turkish planes to an airport in Istanbul. He was able to determine the type of military aircraft that are used to transport the Syrian fighters and to confirm the involvement of the Turkish government and the Turkish army in these recruitments. In a [tweet](#) posted 30 January 2019, Libyan newspaper *LyWitness* revealed it had obtained an exclusive photo of Syrian fighters taken at Turkish Gaziantep airport before their flight to Libya. The picture showed a group of youths meters away from an A400 military aircraft.



Image 7: a [tweet](#) posted by the *LyWitness* newspaper on 30 January 2019 shows a group of youths in front of an A400 military aircraft. According to the source, this photo is taken at Gaziantep airport

In order to verify the use of this type of aircraft by the Turkish Air Force, STJ conducted an open source research and obtained numerous photos and [videos](#) confirming that the Turkish Armed Forces have this type of aircraft:

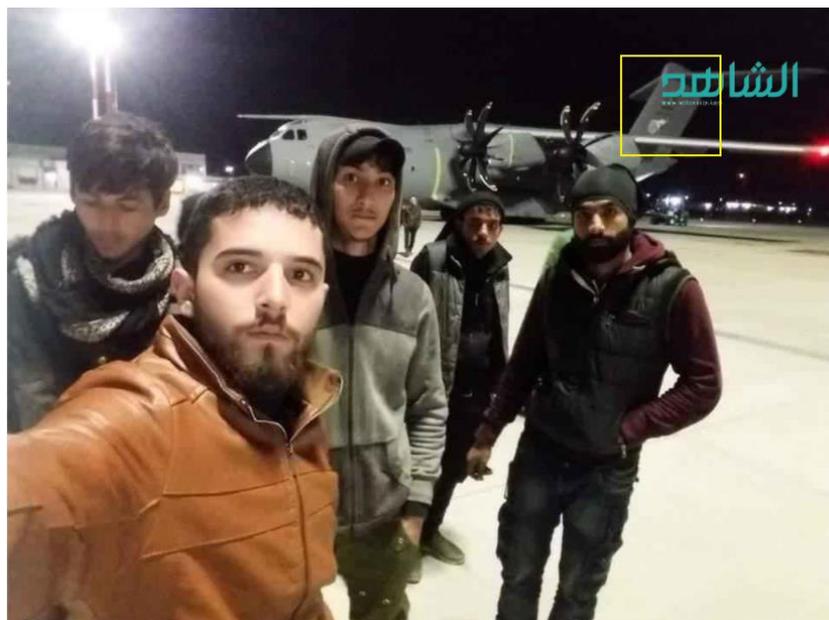


Image 8: the same tweet by *LyWitness* newspaper. In the yellow square, the distinctive logo used on Turkish planes' tails.



Image 9: a screenshot from a [video](#) published on the Turkish forces' website confirms the use of the A-400 military aircraft. The same logo appears on the planes' tails in both photos.

In August 2018, satellite imagery showed that a number of A400 military aircrafts are stationed at [Kayseri](#) Erkilet Airport.



Image 10: a Google Earth image showing the A400 military aircraft at Kayseri Erkilet Airport on 18 August 2018.

On 29 December 2014, FlightGlobal website had also published news about Turkey's receiving another batch of A400M military aircraft, adding that it landed in the Kayseri Erkilet Airport.<sup>29</sup>

<sup>29</sup> "Turkish air force receives second A400M". flightglobal. Dec 29, 2014. (Last visit: 12 March 2020). <https://www.flightglobal.com/turkish-air-force-receives-second-a400m/115512.article>.

It appears the [tweet](#) posted by the *LyWitness* newspaper were taken in Gaziantep International Airport on 24 December 2019. In addition to the statements obtained on the dates of flights, our digital forensic team tracked flight information from [Gaziantep](#) Airport to Istanbul on 24 and 25 December 2019, and collected information related to flights that departed from Kayseri and Gaziantep airports. The observations clearly showed the movement of A400 military flights between Kayseri, Gaziantep and Istanbul on those dates. This information is consistent with that mentioned in a report published by the Guardian newspaper, on 15 January 2020, according to whom two batches of fighters of the opposition Syrian National Army accessed the Turkish territory from the Hawar Kilis border crossing. According to the report, the first included 300 fighters and dated 24 December 2019, and the second took place on 29<sup>th</sup> of the same month.<sup>30</sup> However, fighters who arrive to Turkey need 3 to 4 days to complete the checks and receive required documents. The batch that flew from Gaziantep Airport on 24 December 2019, therefore cannot be the one mentioned in the Guardian's report. Thus, on the basis of information captured about flights to Istanbul on that date, we believe the batch reported by the Guardian had left Turkey on 28 December 2019. Note that flights from Gaziantep to Istanbul were frequent in late December 2019, and early January 2020. Due to its focus on civilian aircraft, Flightradar24 does not always pick up and record military aircraft.

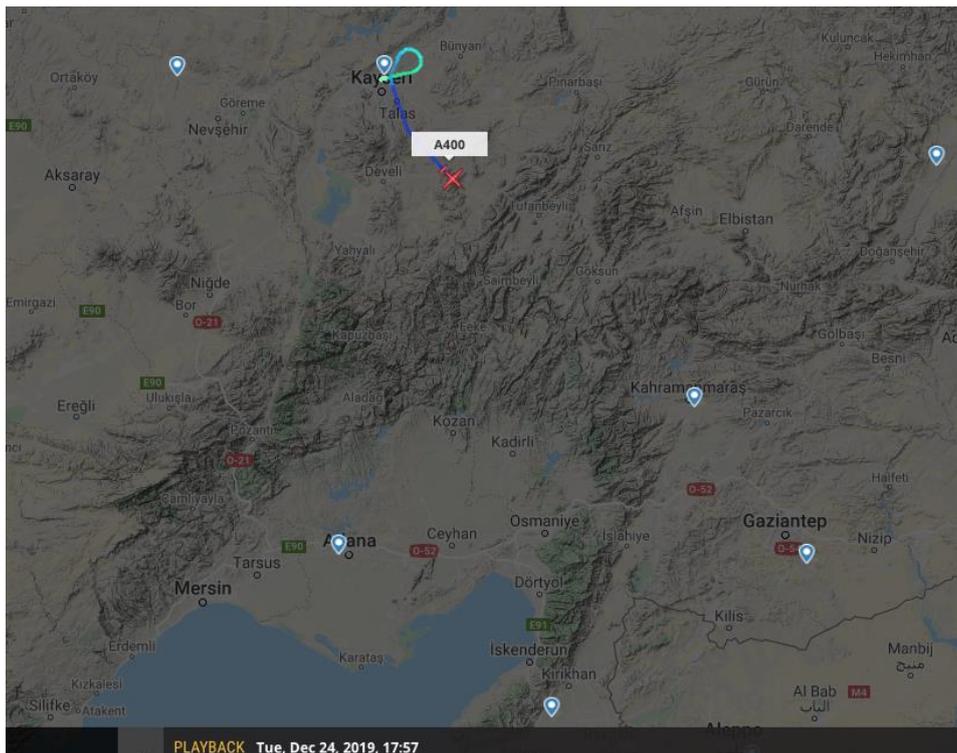


Image 11: First flight. On 24 December 2019, Flightradar24 captured information of a flight that took off from Kayseri International Airport where the presence of A400 military aircrafts was observed. The image shows the plane heading towards Gaziantep at 17:57 GMT.

<sup>30</sup> “Exclusive: 2,000 Syrian fighters deployed to Libya to support government”, The Guardian, 15 January 2020. (last visit: 13 March 2020), <https://www.theguardian.com/world/2020/jan/15/exclusive-2000-syrian-troops-deployed-to-libya-to-support-regime>.

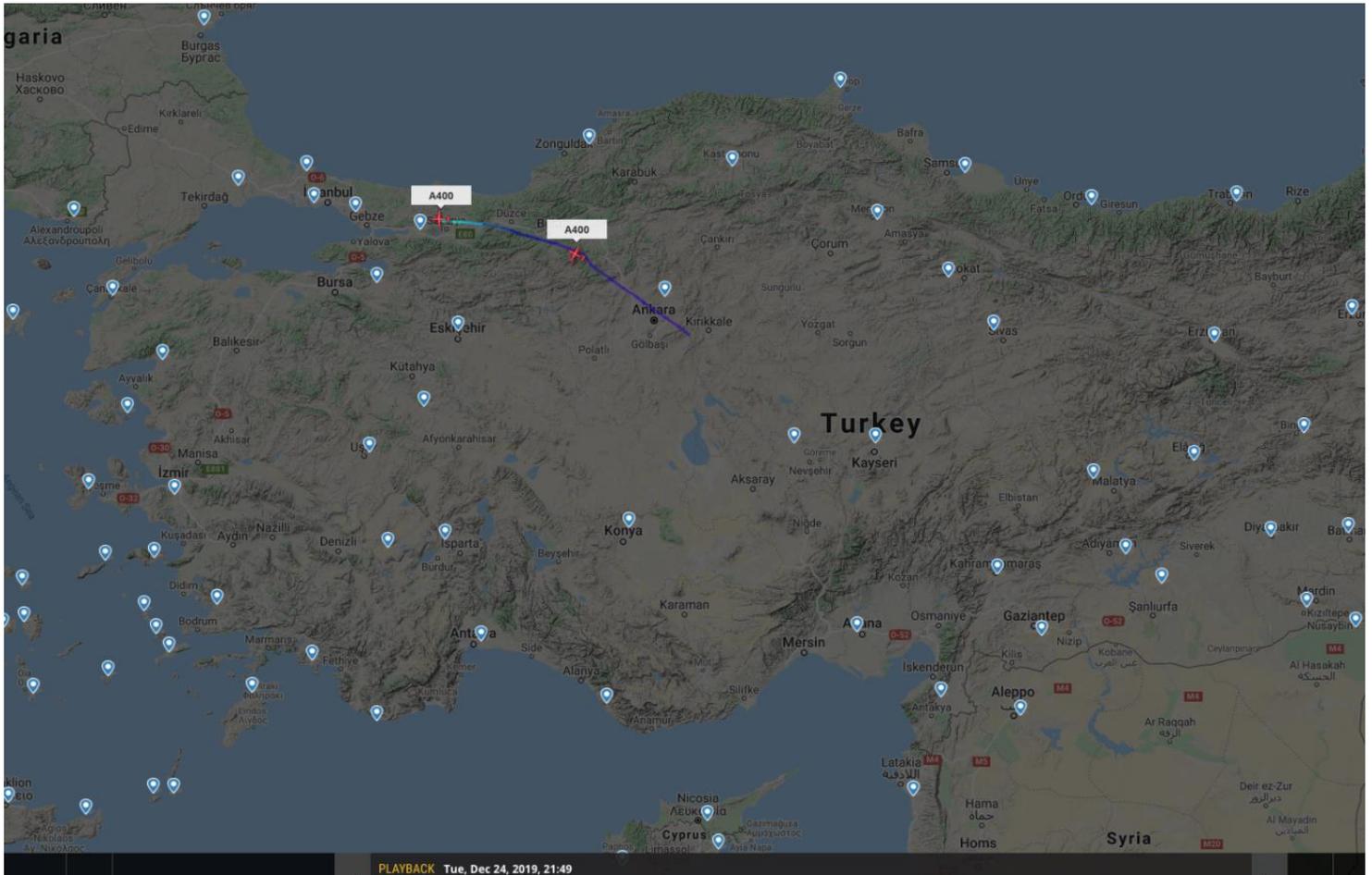


Image 12: Second flight. On 24 December 2019 at 21:49 GMT (a few hours after the flight of Kayseri-Gaziantep), Flightradar24 captured the information of a plane landing in Istanbul from Gaziantep. STJ believe that this plane is the one that previously came from its base in Kayseri carrying dozens of Syrian fighters to Libya.

The reasons that made STJ believe it is the same plane:

1. Obtaining direct statements from fighters who reported flights on 24 December and 25, 2019, from Istanbul to Libya. Hussam Shabaki, a member of the Sultan Murad Division, currently in Libya, confirmed that he flew to Libya with other fighters by a plane that took off from one of Istanbul's airports on 24 December 2019. They were transferred to Tripoli where they were divided into groups, each of which has a Turkish or Libyan head. (See page x x for more information on Shabaki's presence in Libya.)
2. The arrival of commercial flights to Libyan airports on the morning of 25 December 2019 (see image 20).
3. The frequent flights from the Kayseri air base towards Gaziantep Airport in the following days during December 2019 and January 2020.

Two hours later, between 3:34am and 4:04am local Istanbul time, four commercial aircraft belonging to different Libyan airlines took off from Istanbul. Three of these, belonging to Libyan Airlines, Libyan Wings and Afriqiyah Airlines, landed in Tripoli while the fourth landed in Misrata, also controlled by the GNA. (the times listed on the flights before are in UTC - Turkey is 3 hours ahead).

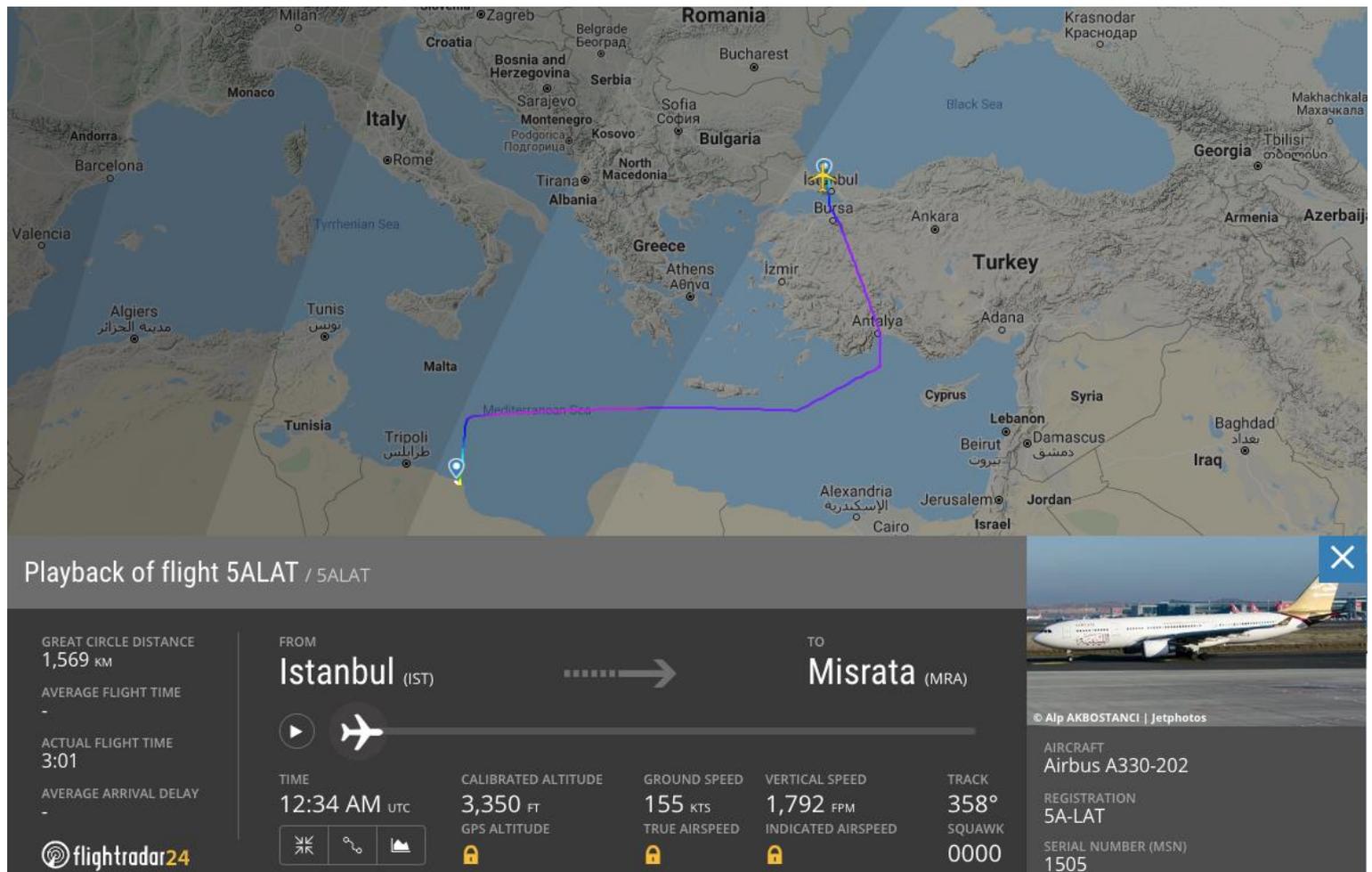


Image 13: Third flight. A screenshot from Flightradar24 shows the Istanbul-Misrata flight's information that took off on 25 December 2019 at 12:34 GMT, that is 03:34 AM, Istanbul time.

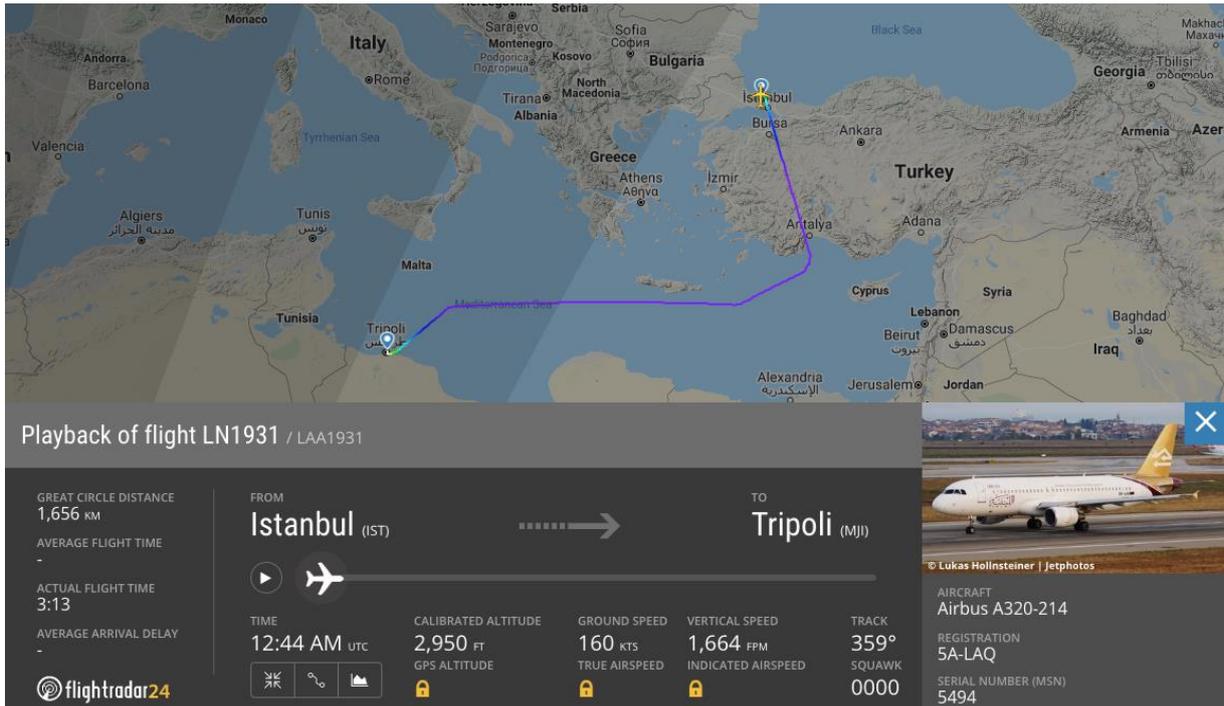


Image 14: Fourth Flight. A screenshot from Flightradar24 shows the Istanbul-Tripoli flight's information that took off 10 minutes later, on 25 December 2019 at 12:44 GMT, that is 03:44 AM, Istanbul time.

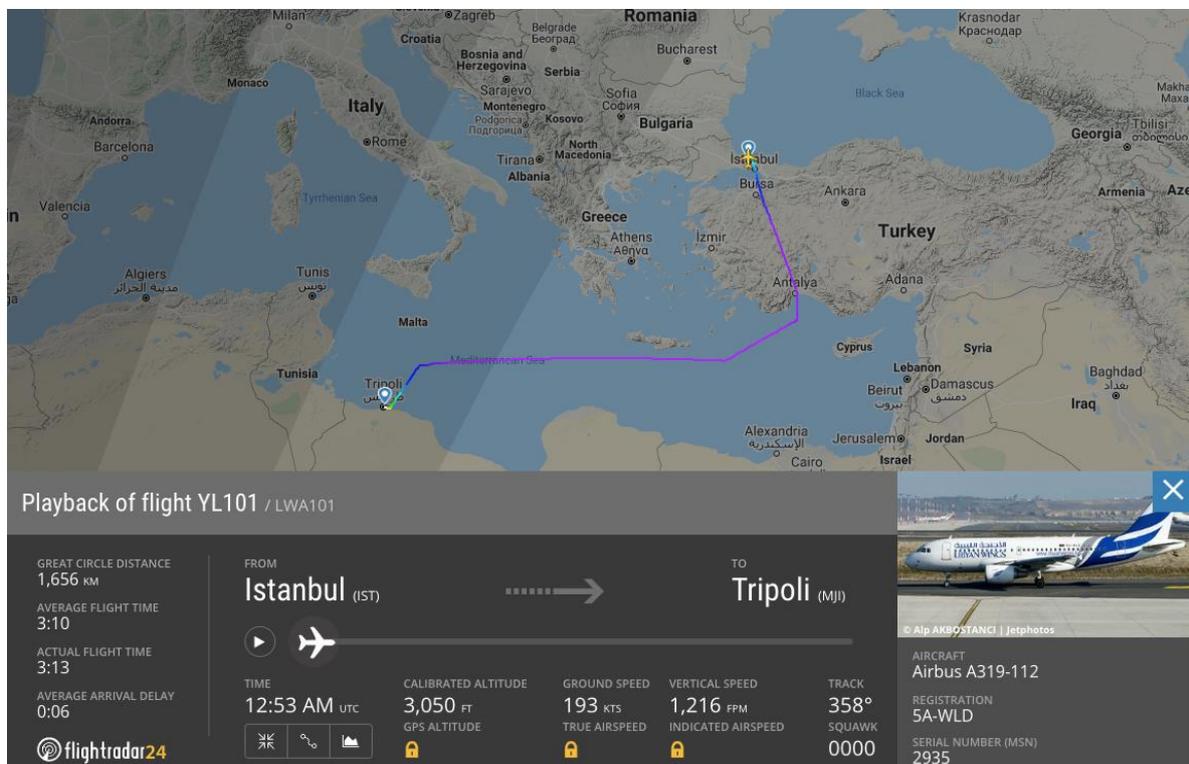


Image 15: Fifth flight. A screenshot from Flightradar24 shows the Istanbul-Tripoli flight's information that took off 10 minutes later, on 25 December 2019 at 12:53 GMT, that is 03:53 AM, Istanbul time.

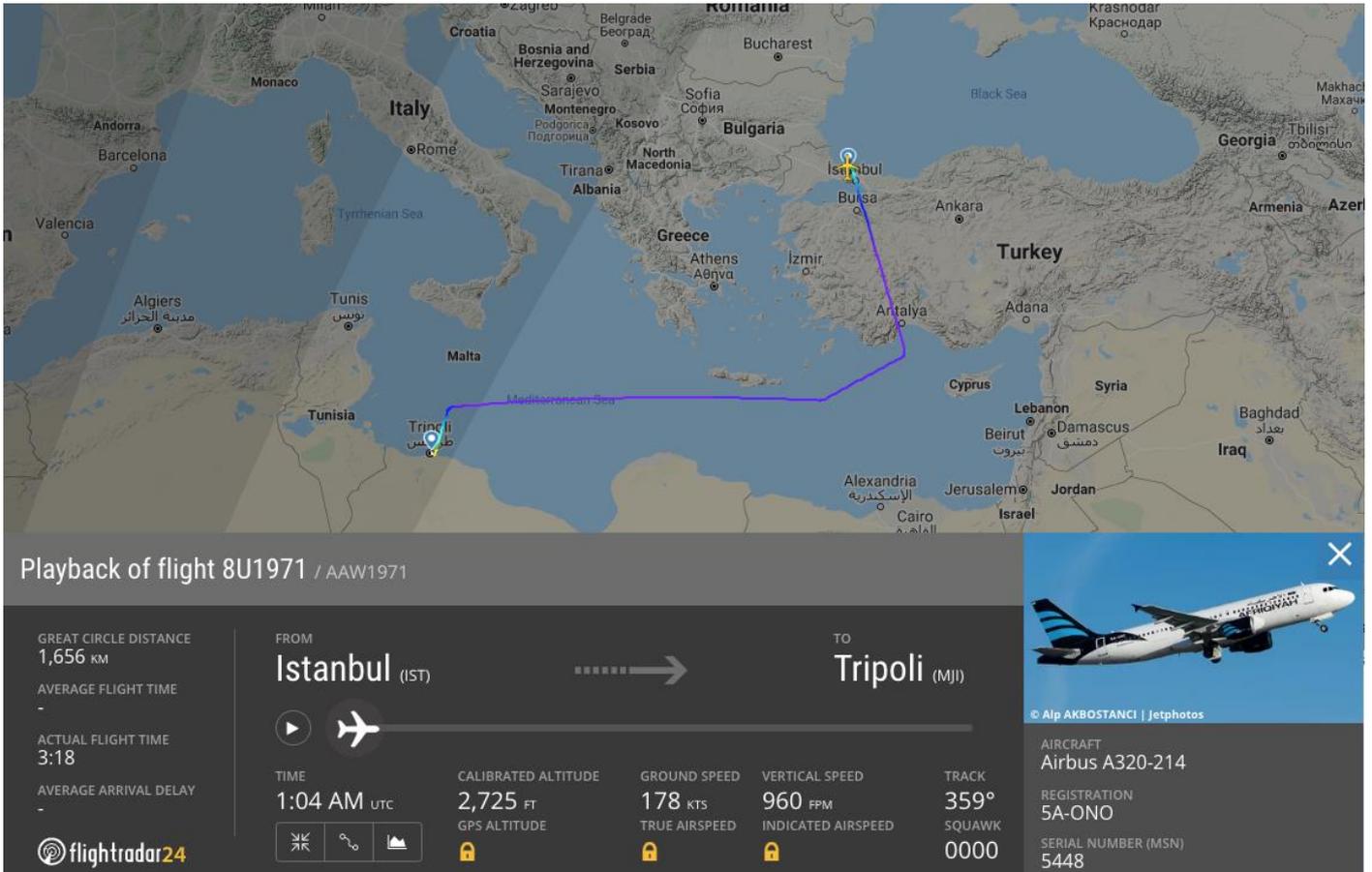


Image 16: Fourth flight. A screenshot from Flightradar24 shows the Istanbul-Tripoli flight's information that took off 10 minutes later, 25 December, 2019 at 01:04 GMT, that is 04:04 AM, Istanbul local time.

On other dates the website has more complete data of similar late night A400 flights, showing fighters departed from Gaziantep to Istanbul. An example of this is the night of 28/29 December, when two A400 flew from Gaziantep to Istanbul airport.

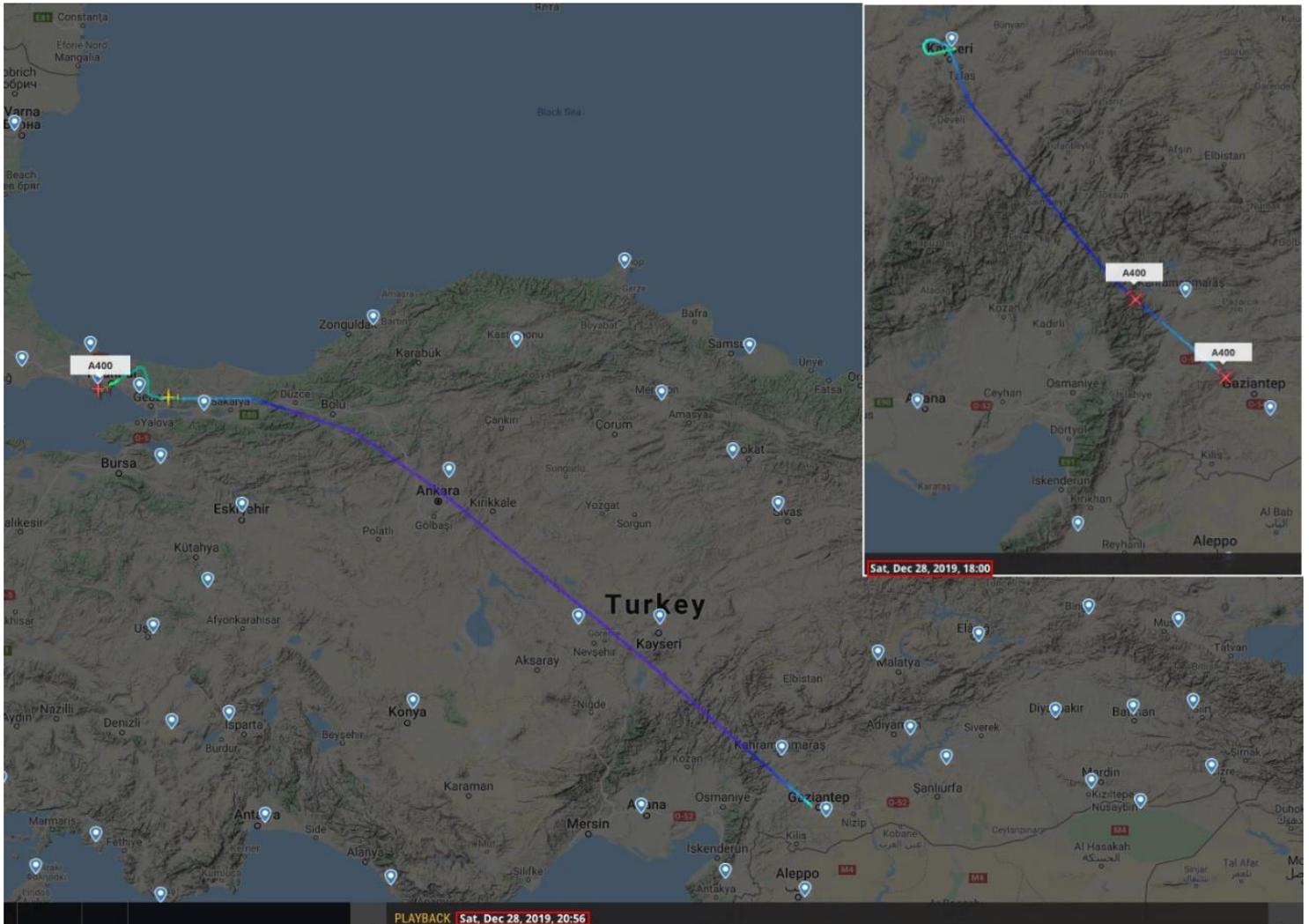


Image 17: the upper right image shows two A400 planes taking off from the Kayseri air base towards Gaziantep Airport on 28 December 2019. The first flight took off at 17:32 and landed at 18:42. The second flight took off at 17:35 and landed at 18:11 GMT. The large picture shows the departure of two A400 planes from Gaziantep Airport towards Istanbul on 28 December 2019. The first took off at 19:33 and landed at 21:04. The second one took off at 19:43 and landed at 21:14 GMT.

Records of these flights support the information in the Guardian revealing the arrival of another batch of 350 Syrian fighters in Libya on 29 December 2019.<sup>31</sup>

<sup>31</sup> “Exclusive: 2,000 Syrian fighters deployed to Libya to support government”. The Guardian, 15 January 2020. Last visit: 13 March 2020. <https://www.theguardian.com/world/2020/jan/15/exclusive-2000-syrian-troops-deployed-to-libya-to-support-regime>.

**جدول مواعيد وصول الرحلات الدولية والداخلية القادمة لمطار مصراتة الدولي**  
ليوم الثلاثاء 24 - 12 - 2019 م

ت	الشركة الناقلة	رقم الرحلة	الوجهة	التوقيت	ملاحظات
1	الخطوط الليبية	LN301	تونس	12:40	
2	الخطوط الأفريقية	8U491	تونس	14:35	
3	الخطوط الأفريقية	8U975	إسطنبول	16:00	
4	الأجنحة الليبية	YL103	إسطنبول	17:10	
5	الأجنحة الليبية	YL831	تونس	22:10	

**ملاحظة // المحضون قبل موعد الرحلة بثلاث ساعات**  
**قفل منصة قبول الركاب (الكاونتر) قبل ساعة من موعد الرحلة .**  
**تجميع وإعداد // كمال نوبير**

Image 18: information of two commercial flights of Afriqiyah Airways and Libyan Wings that took off from Istanbul on 24 December 2019 and landed in Misrata International Airport.  
Credit: official Facebook page of [Mitiga International Airport](https://www.facebook.com/MitigaInternationalAirport).

**Arrivals**  
**جدول مواعيد وصول الرحلات الدولية والداخلية القادمة لمطار معيتقة الدولي**  
ليوم الثلاثاء الموافق 24 / 12 / 2019

ت	الشركة الناقلة	رقم الرحلة	قادمة من	التوقيت	ملاحظات
1	الأجنحة الليبية	YL101	إسطنبول	5:55	صباح الثلاثاء
2	طيران البراق	UZ116	إسطنبول	7:00	" "
3	الأجنحة الليبية	YL801	تونس	11:30	
4	الأجنحة الليبية	YL811	تونس	15:40	
5	الخطوط الليبية	LN203	الإسكندرية	17:00	موقوف
6	الخطوط الليبية	LN303	تونس	17:20	
7	الخطوط الأفريقية	8U451	تونس	18:50	
8	الأجنحة الليبية	YL821	تونس	20:20	
9	طيران البراق	UZ144	تونس	21:10	
10	الخطوط الليبية	LN305	تونس	22:45	
11	الأجنحة الليبية	YL101	إسطنبول	5:55	صباح الأربعاء

<https://www.facebook.com/MitigaAirport>  
إعداد / كمال نوبير هذا ما لدينا نستودعكم الله الذي لا تضيع ودائعه  
تصبحون على خير  
حفظ الله ليبيا

Image 19: the flight schedule of [Mitiga International Airport](https://www.facebook.com/MitigaInternationalAirport) on 24 December 2019, showing the arrival of three flights from Istanbul to Mitiga Airport, and is consistent with the statements made by the fighters met by STJ.

**Arrivals**

**جدول مواعيد وصول الرحلات الدولية والداخلية القادمة لمطار معيتيقة الدولي**  
**ليوم الأربعاء 25 - 12 - 2019 م**

ت	الشركة الناقلة	رقم الرحلة	قادمة من	التوقيت	ملاحظات
1	الأجنحة الليبية	YL101	إسطنبول	6:00	
2	الخطوط الأفريقية	8U211	تمننت	11:00	
3	الأجنحة الليبية	YL801	تونس	11:30	
4	الخطوط الليبية	LN303	تونس	12:35	
5	طيران البراق	UZ144	تونس	14:50	
6	الأجنحة الليبية	YL811	تونس	15:50	
7	الخطوط الأفريقية	8U971	إسطنبول	16:00	
8	الخطوط الليبية	LN311	صفاقس	16:30	
9	الخطوط الليبية	LN333	المنستير	16:45	
10	الخطوط الليبية	LN211	الإسكندرية	17:00	موقوفة
11	الخطوط الليبية	LN193	إسطنبول	17:30	
12	الخطوط الأفريقية	8U441	صفاقس	19:30	
13	الخطوط الأفريقية	8U437	الإسكندرية	20:00	موقوفة
14	الأجنحة الليبية	YL821	تونس	20:30	
15	الخطوط الأفريقية	8U455	تونس	20:50	
16	الخطوط الليبية	LN305	تونس	21:35	
17	الأجنحة الليبية	YL101	إسطنبول	6:00	صباح الخميس
18	طيران البراق	UZ116	إسطنبول	7:00	“ “

<https://www.facebook.com/MitigaAirport>  
هذا ما لدينا نستودعكم الله الذي لا تضيع ودائعه  
وتصبحون على خير  
حفظ الله ليبيا

Image 20: [Mitiga International Airport's](#) flight schedule on 25 December 2019, showing the arrival of four flights from Istanbul to Mitiga Airport, confirming statements made by the fighters interviewed by STJ.

**جدول مواعيد وصول الرحلات الدولية والداخلية القادمة لمطار مصراتة الدولي**  
**ليوم الأربعاء 25 - 12 - 2019 م**

ت	الشركة الناقلة	رقم الرحلة	الوجهة	التوقيت	ملاحظات
1	الخطوط الأفريقية	8U493	صفاقس	15:30	
2	الأجنحة الليبية	YL103	إسطنبول	17:10	
3	الأجنحة الليبية	YL831	تونس	22:10	

**ملاحظة // المحضرون قبل موعد الرحلة بثلاث ساعات**  
**قفل منصة قبول الركاب (الكاونتر) قبل ساعة من موعد الرحلة .**  
**تجميع وإعداد // كمال نوبى**

Image 21: [Mitiga International Airport's](#) flight schedule on 25 December 2019

### ❖ Additional information supporting evidence of using commercial aviation in the transportation of Syrian fighters between Istanbul and Libya

On 13 January 2020, fighters posted a footage and pictures of them on civilian planes belonging to Libyan Airlines and Afriqiyah Airways. STJ was able to identify three of the fighters who appeared in these photos. They were reportedly killed during the fighting, but the brother of one of them, whose name is Burhan Bashir al-Mahmoud Jadallah, assured STJ that the three fighters are alive and still fighting in Libya, adding that the news of their killing was fabricated. It is important to note that the video was circulated on Syrian channels on Telegram, including @Ehtematnews and @Alkabosnews.



Image 22: a screenshot from the aforementioned footage shows Mahmoud Jarallah (in the yellow square), and Abdul Razzak al-Mahmoud (in the green square) and Issam Jarallah (in the red square). The photo was published on 13 January 2020.

The internal structure of aircraft operating between Istanbul and Libya found in open sources materials show that the structure of the plane in the published video coincides with the structure and internal design of Libyan Airlines planes.



Image 23: an aircraft of the Libyan Airlines from inside. The seats and the structure are the same as the same as that of the plane appearing in the previous picture of Syrian fighters on board from Turkey to Libya. Credit: [theafricanaviationtribune](https://www.africanaviationtribune.com/).

Another video, shared on Syrian social media on 18 January, reportedly showed SNA fighters on a Libyan commercial airline, flying from Istanbul to Tripoli.



Image 24: a screenshot from a footage published on 18 January 2020 shows the transfer of Syrian fighters on the Afriqiyah Airways, from Istanbul Airport to Mitiga International Airport in Libya.

Comparison of the design and internal structure of the plane reveals that the plane belonged to Afriqiyah Airways.



Image 25: a screenshot of a [tweet](#) shows the structure and seats of an aircraft of the Afriqiyah Airways, matching that of the plane appearing in the footage showing Syrian fighters.

### C. Transporting fighters from Turkey to Libya by sea

STJ obtained information on transporting fighters by sea from only one witness, a member of the Levant Front, who stated:

**“On 7 January 2020, a ship carrying Syrian fighters left Turkey towards Libya. The ship got into an accident which caused the drowning of 35 fighters. Those who survived fought in battles against Haftar. Some of them were killed and others injured and were not transferred to Syria for treatment.”**

However, STJ’s digital forensic expert wasn’t able to track the incident or to find any elements about it.

It should be noted that Turkey has taken strict measures and imposed sanctions on fighters who leak any videos or photos while they are in Libya, after the spread of four footages in which Syrian fighters appeared in the city of Tripoli, the last of which showing a fighter talking about receiving an amount of money in US dollars and Libyan dinars for his one-month fighting in Libya.

## VIII. Syrian children recruited to fight in Libya

Witnesses met by STJ personally or via Internet, confirmed that there are currently children fighting in Libya who have been recruited by factions of the National Army. In addition, other children were recruited but still in Syria waiting for the completion of the procedures in order to be transported to Libya. Our investigation revealed that children are issued forged identity documents with false information about their date and place of birth, and are accordingly registered in the personal status records of the National Army.

We spoke with a civilian from Marea city who witnessed the preparation of a number of children to be taken to Libya, who explained:

**“During January 2020 - I cannot remember the exact date - a commander in the Mu'tasim Division came to my shop with 3 children, one of the them said that he was a displaced from al-Ghouta, in Damascus, while the other two children said that they were from the city of Aleppo. They were between 15 and 16 years of age, but they didn't reveal their name. In the context of my conversation with them, they told me that they would go to Libya with the approval of their families. They were very happy to receive a monthly salary of \$3000 dollars, according to what the leader promised. I asked one of them if he knew how to use a weapon, and he replied that he would learn all of this in the military camp where he would be with his peers. The camp was set by the Mu'tasim Division, and each group it trained consisted of 25 children, according to what one of the children said.”**

He added:

**"The commander prevented anyone from entering the shop, gave the children cigarettes and started talking to them about the financial return they would get, telling them that things will be fine, as going to Libya is easy and they will be able to contact their families and return here after 3 months with a big amount of money. He told the children that they can keep the full amount for themselves as in Libya they will not have to buy anything or spend any lira, since they will be provided cigarettes, food and housing.”**

A fighter from the Sultan Murad Division and currently present in the city of Tripoli in Libya, reported the presence of child combatants in Libya as part of his group:

**“There are at least five children in my group, it is very clear that they are physically children. Likely, they came here through the armed groups that recruited them.**

STJ met Ola Osama Al-Haraisi, a former employee of Marea’s Personal Status Department of who resigned in November 2019. We wanted to understand whether the documents submitted by the fighters who wish to travel to Libya, and in particular the identification cards issued by local councils supervised by the Turkish government, were verified. She explained:

**“We, at the Personal Status Department in Marea, used to issue identification cards for the fighters, based on the identification documents they already have. It could be the individual status records, issued by a mayor, or ID cards, issued by the Syrian Government. Actually, anyone can get a forged ID with false information easily for a little amount of money, especially in the city of A'zaz. Personally, I came across several forged documents containing false information regarding date and place of birth, that had been submitted by boys and girls in order to be allowed for recruitment or marriage.”**

STJ prepared a detailed report on Turkey's issuance of fake identification cards for residents in the areas it had occupied in Syria. The report tells how easy it is to issue these documents, and elaborates the consequences of such an action.

Ola al-Haraisi contacted some current staff members at the Personal Status Department, who confirmed that the procedures of issuance of identification cards remain unchanged. It is therefore plausible that the recruitment of children relied on the issuance of forged documents.

## **IX. Hostilities in Libya with the presence of Syrian fighters**

A number of Syrian fighters in Libya published videos and pictures of them, documenting their presence in several areas in and around the city of Tripoli, in addition to clips documenting their control over an area after clashes with the forces of Haftar.

A number of videos and photographs have been published reportedly showing SNA fighters in Libya. Through geolocation we are able to confirm these images featured below were taken in various locations around Tripoli.

The first two videos showing Syrian fighters in Libya were published on 28 December. These were filmed within 150 meters from each other (32.806398, 13.228440 and 32.805194, 13.228778), within the vicinity of a place known as *Takbali Camp*, on the southern outskirts

of Tripoli. These were located by Twitter users [@il\\_kanguru](#) and [@S\\_Corsto](#) soon after being published.



Image 26.



Image 27.



Image 28.



Image 29.

Other videos from January reportedly show the housing SNA fighters in Libya have been given.



Image 30.



Image 31.

On 19 January, a member of the Sultan Murad Division from Rastan named Hussam 'Abu Assad' Shabaki shared [two photos on Facebook](#) of himself in the port of Tripoli. This location

within the port was confirmed by Twitter user [@il\\_kanguru](#) who matched the images to an exact location 32.896954, 13.196118.



Image 32.

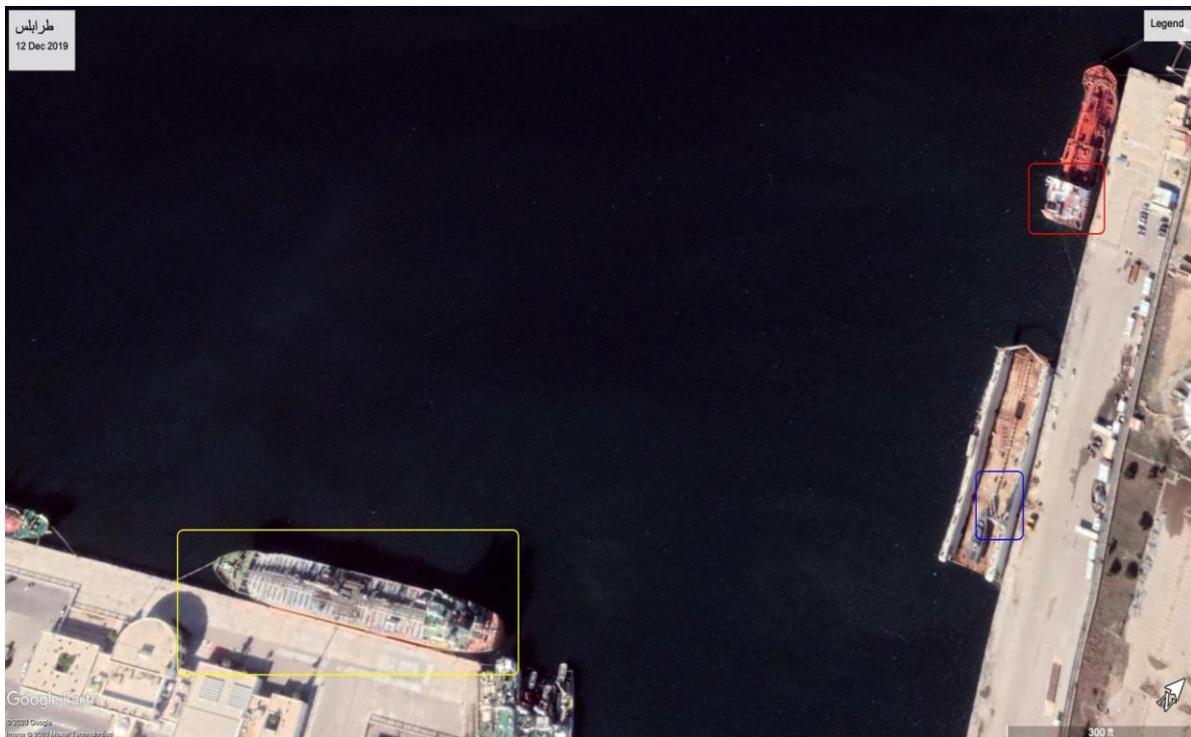


Image 33.

Telegram channel 'Ehtemlat News,' frequently reporting on events taking place in northern Syria, published two videos on 25 January showing two SNA fighters driving down a wide street. One of these was geolocated by [@il\\_kanguru](#) at an intersection on Gharyan road in southwestern Tripoli (32.831624, 13.130195), near the Abu Salim area. The other one was filmed 2.5km further south on the same road (32.810114, 13.119676).



Image 34.



Image 35.



Image 36.



Image 37.

## X. The death of Syrians in Libya

Our investigation also led us to find out what happens to Syrians who die in Libya. According to witnesses, when they die, the bodies of Syrian fighters are transported by plane to Turkey and overland to Syrian territory at the Hawar Kilis crossing, where bodies of the deceased are handed over to the military group they affiliated with, who in turn hand them over to their families. The family buries the dead son and establishes a consolation council for him. Some families, however, to avoid critics due to their son having killed outside the country and considered a mercenary, refrain from establishing a condolence council.

The security company that initially issued them papers manages official and regular papers for their return to Syria, whether alive or dead.

The case of other Syrians differs. Fighters who were displaced from southern Syria, and do not have families or relatives in the areas outside the control of the Syrian government to bury them, are sometimes buried in Libya.

The family of a fighter who died in Libya revealed that they received financial compensation and is working to obtain the Turkish citizenship.

The brother of a fighter killed in Libya told us:

**“My brother left Turkey from Istanbul airport on 25 December 2019. We talked to him only three times in a month and a half. He sent us 3,000 dollars the first month and said that this was his monthly salary. We did not receive his salary for the second month as he was killed in the battles there and we don’t know the date of his death, but we heard that it was about a month and a half after his arrival in Libya. We received his body and buried him in our current place of residence in the village of Sharran in Afrin area. We received a financial compensation of 60,000 Turkish Liras, and my father is following the procedures to obtain citizenship for him, my mother, my sister, my brother and me.”**

He indicated that his brother was a fighter of the Sultan Murad Division and, asked whether his family was subjected to any pressure to conceal the truth about these events, revealed that on the contrary, the family announced the news of their son’s death in Libya and set up a funeral council in the village of Sharran.

The relative of a young man from Ras al-Ayn who was recently sent to Libya and killed there explained:

**“Ahmed al-Salem, 18, was a fighter in the Syrian National Army and was killed during confrontations with Haftar forces, near Libya’s Tripoli, in January 2020. His body has been handed over to his family in the village of Hameed, which depends administratively on the city of Ras al-Ayn.”**

He added:

**“Ahmed had been living with several members of his family in Turkey since 2013, but in 2019 he became close to the Turkish-backed Syrian National Army and had friendly relations with gunmen in that army who managed to persuade him to join the Sultan Murad Division. That coincided with the start of *Operation Peace Spring*, in which Ahmed participated as a fighter. He then returned to live again in the city of Ras al-Ayn after it was taken by the Syrian National Army. However, in December 2019, Turkey sent him to Libya with hundreds of fighters of the Syrian National Army in order to fight alongside the Government of National Accord, under the leadership of Fayez al-Sarraj against the forces led by Field Marshal Haftar. He had told his family that Turkey would give him a good salary for going to fight in Libya, but he was soon killed there in early 2020 near Tripoli. He had been hit by more than one bullet, but we don't know who killed him, although we think it might have been Haftar forces. A Turkish plane transported his body along with those of other soldiers killed in Libya, to the state of Urfa. His body was then transferred to the Turkish city of Gilan Pinar, adjacent to Ras al-Ayn, where the family received and buried him in his hometown of the village of Hamid. The Sultan Murad Division told the family of Ahmed not to say that he was killed in Libya, but to say that he died in a battle with the Syrian regime forces in Idlib” .**

## **XI. Conclusion**

This report shows the systematic recruitment Turkey has engineered in order to support Libya's GNA. Promised substantial amounts, Syrians, for some children, for others complete novice to the art of war, are sent to fight for a cause alien to them. If, for Libya and Turkey, the risk entailed by employing Syrian fighters seems rather thin, those faced by the fighters are much more considerable. Their protection is shaky, and relies on a multitude of factors, including a theory of combatancy that goes against any traditional views, and an unsure argument pleading the consequences of mercenaries do not apply to their case. In addition to the potential prosecutions Syrian fighters could be subjected to, the recruitment of Syrians to take part in a conflict they are alien to, taking advantage of the climate of poverty Syrians are currently facing, has a disturbing impact on the social fabric of a country that is entering its ninth year of conflict. The second part of this report will discuss the reasons behind the leniency of international law with regards to the fight against the use of mercenaries.

## **XII. Appendix**

1. The statement issued by the Ministry of Defense of the Syrian National Army denying the send of fighters to Libya.

Syrian Arab Republic  
Syrian Interim Government  
Syrian National Army



الجمهورية العربية السورية  
الحكومة السورية المؤقتة  
الجيش الوطني السوري  
هيئة الأركان العامة  
رقم : 58  
التاريخ : 25 / 12 / 2019

بيان بخصوص ما يتداول حول تسيير  
قوات من الجيش الوطني السوري إلى ليبيا

نحن وزارة الدفاع في الحكومة السورية المؤقتة؛ ننفي نفيًا قاطعاً إرسال أي من قواتنا وتشكيلاتنا العسكرية إلى ليبيا، وأولويتنا في الجيش الوطني السوري هي حماية أهلنا السوريين من ميليشيات النظام وداعميه الروس والإيرانيين، والأحزاب الإرهابية الانفصالية المرتبطة به، والتي تريد تمزيق الوطن.

وإننا باقون على أرضنا، نصارع قوى الطائفية والطغيان، حتى ينعم شعبنا بالأمان، مؤكدين لشعبنا المضي في خدمته والدفاع عنه لاسيما في وجه الهجمة الهمجية الروسية التي فرضها اختلال موازين القوى على الأرض، باذلين مانستطيع في الذود عن الشعب المصابر وسوريا الحرة الكريمة.

عاشت سوريا حرة أبية

وزير الدفاع

f SYRNA11 t SYRNA11 a SYRNA11

Image 38.

2. A statement by Syrians rejecting the send of Syrian fighters to Libya

## بيان إلى الرأي العام حول إرسال مقاتلين سوريين إلى ليبيا

بيان إلى الرأي العام السوري والعربي والدولي  
حول إرسال مقاتلين سوريين إلى ليبيا

تناقلت مصادر إعلامية متعددة، خبراً مفاده تجنيد بعض السوريين من قبل الحكومة التركية للذهاب والقتال في ليبيا تحت قيادة ضباط أتراك وسوريين، وفي حال صحت هذه الأنباء، فإننا بصفتنا ناظرين و سياسيين وأكاديميين سوريين، نستنكر وبشدة إقدام أي سوري على الموافقة على القتال خارج سورية، أي كانت الزريعة والمغريات والضغوط التي قد تمارس ضده، فالسوريون ثاروا من أجل حريتهم وكرامتهم وبناء نظامهم الوطني الديمقراطي، وحملوا السلاح دفاعاً عن حقهم بالحياة وحقهم بالحرية في مواجهة نظام مجرم ارتكب بحقهم كل أنواع جرائم الحرب واستعان في ذلك بمرتزقة من كل أصقاع الدنيا، ولم يحمل السوريون السلاح ليتحولوا إلى مرتزقة يقاتلون في حروب الآخرين خارج أرضهم وخارج ثوابت ثورتهم، كما تحيي جميع الفصائل الثورية السورية والمقاتلين الأحرار السوريين، الذين يرفضون الموافقة على الذهاب إلى أي مكان خارج سورية مصرين على أن معركتهم الوحيدة هي المعركة ضد النظام المجرم وميليشيات المرتزقة التي استعان بها، بوقى التطرف والإرهاب. إننا ندين وبشدة إقدام أي كان وتحت أي مسمى أو ذريعة على الموافقة بالذهاب إلى ليبيا للقتال هناك، فالشعب الليبي الشقيق وحده من يقرر مصيره ويخوض معركته. كما نهيب بكل من حمل السلاح من السوريين دفاعاً عن حريته أن يتوجه إلى إدلب ليخوض معركة الدفاع عنها وعن حياة المدنيين فيها في ظل العدوان غير المسبوق عليها من ميليشيا بشار الأسد وحلفائه من الروس والإيرانيين. إن رفضنا لهذه الخطوة تابع من رفضنا الثابت والمبدئي لتجنيد المرتزقة الذين يحاربون في حروب الآخرين، وهو رفض لوجود الميليشيات والمرتزقة من لبنان والعراق وإيران وأفغانستان وروسيا على أرضنا، فكما رفضنا هؤلاء المجرمين فإننا لا يمكن بحال من الأحوال أن نسكت عن خطوة إرسال مقاتلين سوريين إلى خارج سورية أي كان عددهم، فهؤلاء لا يمثلون ثورتنا السورية المجيدة ثورة الحق والعدل والحرية والكرامة، بل إنهم يمثلون كل ما ثار السوريين ضده، ونهيب بالجميع عدم الانجرار وراء صراعات إقليمية لا ناقة لنا بها ولا جمل. إن تمسكنا بقيم ثورتنا السورية وحق السوريين في الدفاع عن أرضهم وحريتهم، يملئ علينا التمسك بنفس الدرجة بحق الليبيين في ثورتهم وبناء نظامهم الديمقراطي ويحق كل شعوب الأرض في تقرير مصيرهم بعيداً عن التدخلات الأجنبية أي كانت ذرائعها ومبرراتها.

عاشت سورية حرة أبية  
2019\12\27

الموقعون:

برهان غليون  
رياض الترك  
جورج صبرة  
عبد الباسط سيدا  
اللواء محمد الحاج علي  
فداء حوراني  
عالية منصور  
سمير نشار  
عبد الحكيم قطيفان  
فارس الحلو  
محمد صبرا  
منهل باريش  
عبد الناصر العايد  
أديب إحسان الشيشكلي  
فضل الشقفة  
غالية قباني  
عمر إدلبي  
سهير الأتاسي  
المعتصم السبيوق  
خالد الناصر  
محمد قطار  
أسعد عشي  
عبد الرحمن الحاج  
رديف مصطفى

Image 39.

### 3. The denial statement of the Government of National Accord



Image 40.

سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



## History

Syrians for Truth and Justice was conceived during the participation of its co-founder in the Middle-East Partnership Initiative (MEPI) Leaders for Democracy Fellowship program, who was driven by a will to contribute to Syria's future. Starting as a humble project to tell the stories of Syrians experiencing enforced disappearances and torture, it grew into an established organisation committed to unveiling human rights violations of all sorts.

Convinced that the diversity that has historically defined Syria is a wealth, our team of researchers and volunteers works with dedication at uncovering human rights violations committed in Syria, in order to promote inclusiveness and ensure that all Syrians are represented, and their rights fulfilled.

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