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Policy Recommendations:

ACCOUNTABILITY FOR ATROCITIES
AGAINST
ARMENIANS IN ARTSAKH

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Background

Azerbaijani armed forces attacked Nagorno-Karabakh (“Artsakh” in Armenian) on September 27, 2020. They were backed by the Turkish military and jihadi mercenaries with armed drones, heavy artillery, rocket systems and special forces. F-16 war planes were also spotted in Shushi. According to the Syrian Observatory for Human Rights, Turkey deployed up to 3,000 Islamist jihadis from Syria and Libya and promised a bounty for killing Armenians.

More than 3,400 Armenian fighters and civilians have died since the beginning of Azerbaijani/Turkish operations, with over 100,000 civilians displaced. There are numerous verified cases of the perpetrators mutilating dead bodies, beheading and executing both combatants and civilians, and using banned weapons (e.g. cluster bombs, white phosphorus gas).

Crimes against Armenians in Artsakh occurred in plain sight. We know the identity of perpetrators, who include (i) mercenaries and jihadis who were supported by Turkey and coordinated by Azerbaijan; (ii) Turkish commanders overseeing and advising operations; and (iii) Azerbaijani military personnel commanding soldiers and mercenaries.

Jihadi Mercenaries

Notorious jihadi mercenaries have long experience cooperating with Turkey in Syria and Libya. The following is illustrative, identifies some but not all perpetrators.

Sayf Balud is a Syrian Turkmen who led the Syrian National Army (SNA)’s Hamza Division since 2016. He participated in Turkey’s attack on Afrin (Operation Olive Branch) in 2016 and more recently fought in Libya with Turkish patronage. In 2013, he appeared in an ISIS propaganda and recruitment vehicle. Balud and the Hamza Division have been responsible for multiple war crimes, including kidnapping Kurdish women and mutilating bodies in Afrin.

Fehim Isa led the SNA’s Sultan Murad Division beginning in 2015. He was involved in Operation Olive Branch in Afrin, Operation Euphrates Shield, and the Libyan civil war. His forces are accused of multiple war crimes, such as torturing Kurdish soldiers and indiscriminate shelling of civilians.

Abu Amsa is the leader of the Suleyman Shah Brigade, one of the most brutal Turkish-backed factions looting, raping and murdering civilians in Syria. Amsa was an important recruiter of mercenaries for deployment to Libya. He and his division fought in Artsakh at Turkey's request.

Others jihadi mercenaries include Ahmed Osman of the Sultan Murad Division; Abu Jalal a military leader of the Hamza Division; Mohammad al-Abdullah, head of the Hamza Division’s

“Political Bureau”; Fadlallah al-Haji, head of Faylaq al-Sham who has connections to the Muslim Brotherhood and who fought with al-Qaeda in Idlib.

Azerbaijan denies the presence of jihadis on the frontline. However, there are numerous trophy videos filmed by jihadis themselves showing them in the act of mutilating bodies and beheading prisoners.

Turkish Commanders

Defense Minister Hulusi Akar*, pledged Turkey’s support to Azerbaijan and authorized weapons shipments to Azerbaijan. Hakan Fidan, head of Turkey’s National Intelligence Agency, also helped coordinate Turkey’s participation in the Armenia-Azerbaijan war of 2016 and 2020. Other front-line commanders include:

Lieutenant General Şeref Öngay is commander of the Third Army of Turkey’s Ground Forces. According to the Armenian delegation at the OSCE he “took part in planning and conducting” Artsakh operations. He was spotted in Azerbaijan on 4 September 2020 and in October, working alongside the Azerbaijani military.

Major General Bahtiyar Ersay is “Chief of the Operations Directorate of the Land Forces of Turkey.” He oversaw the Azerbaijani General Staff in Artsakh. He previously led the 2nd Commando Brigade against the PKK, which was notoriously cruel to Kurdish civilians. Ersay was also involved in Syria and Libya, recruiting and overseeing mercenaries.

Major General Göksel Kahya is the Turkish drone commander who heads the Air Force’s 1st Supply and Maintenance Center. He oversaw the use of Turkish Bayraktar TB2 drones, which enabled Azerbaijan’s victory while killing hundreds of civilians.

Adnan Tanriverdi is a retired Turkish general and the founder of SADAT, a private defense contracting company in 2012. Tanriverdi and SADAT played an important role recruiting, equipping, training and transporting Syrian mercenaries to Libya and Artsakh.

Azerbaijani Commanders

Lieutenant General Hikmat Mirzayev is head of Special Forces Command, many of whose members were trained in Turkey. His personnel engaged in war crimes and atrocities, including the killing of civilians, body mutilation, and beheadings, both in 2016 and 2020.

Major General Hikmat Hasanov is Commander of Azerbaijan’s 1st Army Corps whose forces committed war crimes in the 2016 and 2020 conflicts.

Major General Barkhudarov is Commander of the 2nd Army Corps of Azerbaijan which covered the southern frontline in the Artsakh conflict. Personnel under his command engaged in war crimes.

Major General Zaur Sabir Memmedov is deputy head of Azerbaijan's special forces. He led the charge to capture parts of southern Artsakh including Shushi. Memmedov's special forces committed numerous human rights abuses, including taking hostages, killing civilians and vandalizing the Ghazanchetsots Cathedral.

Colonel Tehran Mensimov is commander of Nakhichevan's Special Forces, which played a leading role in the 2020 conflict, in particular the fighting around and in Shushi.

The use of drones and jihadi mercenaries were pivotal to shaping the battlefield. Crimes are extensively documented by [Columbia University's Artsakh Atrocities Project](#). The project is a joint research undertaking of Columbia and the Artsakh Human Rights Ombudsman.

US-Turkey Relations

Turkey's conduct in Artsakh and former Ottoman territories underscores that Turkey has become a strategic adversary of the West. Turkey uses its NATO membership to avoid recrimination for its conduct. If Turkey applied to join NATO today, however, its application would not even be considered. Turkey under Erdogan's dictatorship has become Islamist, anti-democratic and an abuser of human rights. Driven by Erdogan's neo-Ottoman ambitions, Turkey has demonstrated a pattern of aggression, deploying forces to Syria, Iraq, Libya, Azerbaijan. It also threatens Greece, Cyprus and Israel.

Turkey spent billions to procure S-400 missiles from Russia. US sanctions against Turkey are called for in the National Defense Authorization Act under terms of CATSA (Countering Adversaries through Sanctions Act). These sanctions should be implemented as required by US law.

Turkey's participation in the F-35 stealth fighter program has been suspended. Its expulsion should be made permanent unless Turkey disables or returns the S-400s.

Turkey's state-owned HalkBank is under investigation in the Southern District of New York for violating sanctions against Iran. If found guilty, it may be subject to a fine of \$20 billion and expulsion from the SWIFT international banking system. The trial should proceed without political interference.

As chairman of the Turkey-Armenia Reconciliation Commission (TARC), I pursued dialogue with Turkey to encourage its recognition of the Armenian Genocide. I learned that reform is impossible

under Erdogan. The US should work with Turkish civil society to mobilize support for democracy in Turkey, with the goal of removing Erdogan. The US should assist Turks towards the goal of regime change.

Sanctions should be a primary tool of US policy towards Turkey. Sanctions will pressure the Erdogan-led government, accelerating the flight of Western capital from Turkey and straining the Turkish lira, which is trading today at 7.53 lira to one US dollar. The exchange rate was 2 Turkish lira to one US dollars in 2002 when Erdogan's Justice and Development Party (AKP) came to power.

President Joe Biden has pledged to recognize the Armenian Genocide. Why wait until April 24? US officials should be given permission now to refer to the events in the early 20th century as the "Armenian Genocide." Turkey's denial campaign is morally abhorrent. It is time for truth telling and to expose Turkey's disinformation campaign. Groups like the Atlantic Council should be investigated for taking huge sums of Turkish money and lobbying on Turkey's behalf in violation of the Foreign Agent Registration Act (FARA).

Azerbaijan's Crimes

Language is important. By coordinating Artsakh operations with jihadi mercenaries, Azerbaijan acted like a state sponsor of terrorism (SST). US officials should characterize Azerbaijan as an SST when describing its cooperation with jihadis in Artsakh.

Azerbaijani officials who collaborated with ISIS-affiliated groups should be sanctioned under the Global Magnitsky Act. Restrictions should be imposed on their international travel and their overseas bank accounts should be frozen. Restrictions should also apply to their family members and business partners.

Section 907 of the US Freedom Support Act should be enforced, banning US aid to the Azerbaijani government. At a minimum, the US should level the field providing equal amounts to Armenia and Azerbaijan. Currently Azerbaijan receives \$120 million more each year than Armenia.

According to Human Rights Watch, about 700 Armenians are missing including Prisoners of War (POWs). However, Azerbaijan does not acknowledge them as POWs, referring to them as "terrorists and saboteurs" who it claims attacked Azerbaijani personnel after the cease-fire agreement. Azerbaijan should provide a complete accounting of detained Armenians and allow unfettered access to the International Committee of the Red Cross. Detained Armenians should have the protection as POWs as required by Geneva Conventions. Failure to comply should trigger sanctions.

A school is being built by the notorious nationalist grey wolves in Shushi. Erdogan has pledged to participate in the ground-breaking ceremony. The US government should condemn the school project and provide funds to Armenian NGOs in Artsakh for reconstruction and infrastructure.

Azerbaijan has targeted Armenian churches and cultural legacy. The US should prepare a report itemizing the destruction of thousands of khachkars and churches. Targeting religious and cultural institutions violates international humanitarian law (IHL), and cases should be referred to the International Criminal Court (ICC).

Conclusion

The Biden administration has pledged to be a force for good in the world. Restoring US credibility starts by recognizing Turkey for what it is, not what it used to be or what US officials wish it were.

(Mr. Phillips is Director of the Program on Peacebuilding and Human Rights at Columbia University. He served as a Senior Adviser and Foreign Affairs Expert at the US Department of State during the administrations of President Clinton, Bush, and Obama. He was chairman of TARC and is director of Columbia's Artsakh Atrocities Project.)

Correction:

*An earlier version of this document stated that Hulusi Akar was born in Baku, which is incorrect.