**Intervention of the Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery**

**1- Types of criminal groups involved in contemporary forms of slavery:** Q (a, b, c)

The recruitment of mercenaries does not differentiate between anyone, as organised criminal groups recruit children and women in addition to forced recruitment through intimidation and money, which constitutes slavery and bondage among the types of contemporary slavery, which is an explicit violation of Article 4 of the UDHR which stated that " No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms"[[1]](#footnote-1)

After 10 years of war, Syria is among the most recruiting countries for children in the world, which is contrary to Article 4 of the Optional Protocol to the Convention on the Rights of the Child in International Law[[2]](#footnote-2). It prohibits the recruitment of children into the armed forces or their use in hostilities under the age of 18, while the recruitment of children under the age of 15 is a "war crime" and considered one of the contemporary forms of slavery. Furthermore, not only boys were recruited, but girls were also used, and children were not only recruited by armed groups as fighters which is classified as forced labor and is a contemporary form of slavery as well, they could also be used as informants, spies, domestic slaves and thieves. Since its establishment, the Syrian Democratic Forces (SDF) have recruited at least 113 children, 29 of whom were killed. Besides that, the Turkish-backed Syrian National Army recruited a number of children in its ranks, following the “Peace Spring” operation in the Ras al-Ain area in al-Hasakah. In addition, the “Hayat Tahrir al-Sham,” operating in Idlib, recruited “tens and possibly hundreds of children” under the age of 18, only during the beginning of 2020. Also, in the areas under the control of the regime, specifically in Damascus and its countryside, the “National Defense Forces”, “Iranian militias” and “Hezbollah” have worked to recruit children into their ranks. These groups targeted the most vulnerable children by offering material inducements, position and power. In the meantime, clearly shows the participation of children recruited alongside mercenaries in all conflict areas, such as; Aleppo, Homs, Hama and many places. As a result, at least 29,000 children have been killed in Syria since March 2011, in addition to the presence of more than four thousand forcibly disappeared children, and hundreds of thousands of displaced persons. On the other side, there are many problems in Libya, where countries are involved in the recruitment of mercenaries such as, Turkey, where its government has recruited children among the Syrian mercenaries no more than 14 years old, and sent them to fight in the Libyan capital, Tripoli, and Erdogan has recruited children to fight in Libya, taking advantage of the poverty conditions of their families, and these children are chosen, especially from the camps, with huge financial incentives and inducements of three thousand dollars a month and promises By ridding their families of the camp life and that they will obtain Turkish citizenship, money and return within three months, loaded with dollars as enshrined in article 2 of the UN Convention against Transnational Organised Crime[[3]](#footnote-3), in order to obtain a financial or other material benefit. While the reality of the war made them return to their homelands in unidentified coffins to be buried in mass graves far from the spotlight. The figures indicate that 16 Syrian children were killed during the recent battles out of 150 children between the ages of 14 and 18 who were recruited by Erdogan among the ten thousand Syrian mercenaries who actually arrived to fight in the ranks of Sultan Murad's platoon or political Islam militia in Tripoli for acts of displacement and armed robbery against the people. In addition, children are recruited by falsifying the ages of children and teenagers by issuing false identity cards to children. Their dates and place of birth are tampered with, and they often use the names of their older brothers to mislead and cover up. On the other hand, in Ngorno Karabakh, Armenia; the case did not differ much, as Syrian mercenaries were recruited against their will, where Turkey extended Azerbaijan with mercenaries from Syria, in violation of International Convention against the Recruitment, Use, Financing and Training of Mercenaries[[4]](#footnote-4). Furthermore, it has been estimated that approximately 3000 thousand mercenaries participated in the war, and the mercenaries from Syria participated with the Azerbaijani forces in destroying and sabotaging cultural and religious properties for instance, the Church of the Virgin Mary. Which is contrary to the provisions of the Hague Convention for the Protection of Cultural and religious property in armed conflicts of 1954. Further, the mercenaries reported that they had little protection equipment or medical support. It seems that many of their fellow fighters had bled to death from wounds could have been dealt with by doctors on the battlefield easily, which constitute another violation of the fundamental human rights. In case of Iraq, ISIS continues to recruit children, mercenaries and women through money and intimidation, as is the case in Yemen, where children are recruited alongside mercenaries and used in their terrorist acts. The figures indicate the recruitment of more than 10,000 children in Yemen by the terrorist Houthi group, which is considered a war crime as well.

In case of Ukraine, the conflict continues between Russia and Ukraine over occupied Crimea and Sevastopol, and Russia has used mercenaries in what is known as the Wagner Group since 2014 which is also involved in criminal acts in Syria and Libya.

The features of organized criminal groups differ from each other, as well as in its scope of work, whether locally or internationally. The Syrian Democratic Forces, referred to by short as QSD, is a multi-ethnic and religious alliance of militias that are predominantly Kurdish, as well as Arab and Assyrian / Syriac militias, as well as for some Turkmen, Armenian, Circassian and Chechen groups, and it operates locally within the scope of Syrian territory, such as; the Houthi group in Yemen, which is led by charismatic Zaidi Hashemite personalities and is inspired by the Hashemite Zaidi Yemeni heritage. Besides that, The Houthis are divided into fighters and civilians, which lead to the Houthi ideology. The number of members of the Houthi militia is estimated at half a million, and it is considered the largest armed militia in Yemen and the entire Arabian Peninsula. Saada is their main stronghold, but they expanded to Amran and then Sana'a. In addition, Iran is cooperating with the Houthi group, as is the case with the Lebanese Hezbollah, which is fighting internationally in Syria. Hezbollah is an armed Shiite Islamist group and political party based in Lebanon. The military wing of Hezbollah is the Council of Jihad, and its political wing is the Loyalty Bloc for the Resistance in the Lebanese Parliament. The organizational structure of Hezbollah consists of a leadership body, a political council, a planning council, a parliamentary bloc, executive groups and advisory bodies. In addition to criminal groups operating internationally, ISIS and the Wagner Group appear in Libya and Syria. ISIS, which is an armed organization that follows the ideology of the Salafi-jihadi groups, and whose members aim - according to their belief - to restore the "Islamic caliphate and the application of Sharia". It follows an extremist interpretation of Islam that encourages violence in the name of religion, and considers those who contradict it in its beliefs and interpretations of Islam as disbelievers and apostates. On the other hand, The Wagner Group is a Russian paramilitary organization or private military company (a special military contracting agency) that has been involved in various conflicts, including operations in the Syrian Civil War on the side of the Syrian government as well as its presence in Ukraine and Libya. On the other side, Syrian mercenaries supported by the Turkish government appear to carry out criminal acts in Libya and Syria in violation of the UN Convention against Transnational Organized Crime, considering Turkey one of the countries that ratified the convention. Accordingly, recruiting mercenaries is a contemporary form of slavery that relies on forced labor and intimidation in the event of a mercenary demand to return home.

Therefore, it clearly shows that criminal groups practice slavery and bondage by recruiting children, which falls under forced labor for them in violation of article 3 Para. "a, d" of the Worst Forms of Child Labour Convention[[5]](#footnote-5), as well as recruiting young men and girls and treating them as slaves by plucking out their will through some money and putting them in fighting places to achieve a financial or other material benefit. In addition, girls are used by some criminal groups such as ISIS in what is called servile marriage or marriage jihad and the possibility of making a woman, upon the death of her husband, an inheritance that passes to another person, which is considered one of the types of contemporary slavery in violation of article 1 Para. 3.3 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery[[6]](#footnote-6). In addition, this form of bondage classified as trafficking in persons which is defined as "Recruiting, transporting, harboring, or receiving persons by means of threat or use of force, or other forms of coercion, kidnapping, fraud, deception, abuse of power, or exploitation of a state of vulnerability, or by giving or receiving money or benefits …" according to article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime[[7]](#footnote-7). In this event, the recruitment of persons, especially children and women, is considered a similar form of deprivation of liberty or slavery, and it is a crime against humanity as enshrined in article 7 of the Rome Statue of the ICC[[8]](#footnote-8)

**2- The nature and extent of criminal groups’ involvement in contemporary forms of slavery:** Q (b, d)

These groups depend on revenues from criminal activities and thefts, such as stealing antiquities and historical manuscripts, bank robberies, capturing women and selling them in slave markets, stealing money and property of those not cooperating with them, and imposing royalties, fees, and the like on individuals and establishments. In addition, revenues from the sale of oil and gas, as the revenues from selling crude oil and its derivatives in areas controlled by ISIS are estimated at about one million dollars per day since June 2014.

Moreover, the intimidation of witnesses by criminal groups affects victims and survivors by not properly enforcing the law, as well as harms programs to rehabilitate mercenaries and reintegrate them into society again, especially mercenaries and people demanding to return home, as they faced threats in the event of return and leaving places of fighting. Furthermore, the states must take measures to protect witnesses who testify in criminal proceedings, as well as their relatives and other persons close to them, from any possible retaliation or intimidation. As well as facilitating witness procedures by using communication technology such as video as enshrined in article 24 of the UN Convention against Transnational Organized Crime.

**3- Legislative Frameworks:** Q (a, g, h)

In Syria, Law No. 19 of 2012 on combating terrorism aims to punish with hard labor from ten to twenty years for everyone who establishes, organizes, or manages a criminal organization, and at least seven years for everyone who joined a criminal organization or coerced a person with violence or threat to join a terrorist organization. Also, the Syrian municipal law stipulates the criminalization of the threat of a terrorist act, means of terror, terrorist financing and training, punishment for the terrorist act, promotion of terrorist acts, the duty to report, freeze funds, confiscation and measures.

In addition, Libya enacted its domestic law No. 3 of 2014 concerning anti-terrorism like the same principles of the Syrian law, except the confiscation and measures, but includes the criminalization of some forms of electronic terrorism. Otherwise, Iraq enacted its law No. 13 of 2005 concerning anti-terrorism and added a new principle, which is criminalization of kidnapping or restricting the freedoms of individuals or detaining them or for financial extortion for purposes of a political, sectarian, national, or religious nature or a beneficial element that threatens security and national unity and encourages terrorism.

**4- Victims’/survivors’ access to justice and to remedies:** Q (a, b, c, d, f)

Medical and social assistance is provided to victims and survivors of criminal groups, as well as their rehabilitation and reintegration into society. In addition, medical aid is not linked to criminal procedures in the Arabic countries. Victims or survivors participate in criminal proceedings as witnesses or accused. Also, victims must obtain compensation under the second paragraph of Article 25 of the UN Convention against Transnational Organized Crime, through the state's establishment of appropriate procedural rules.

Consequently, after reportedly in the anti-terrorism laws in Syria, Iraq, Libya and Yemen, any person involved in criminal activities shall be punished before criminal proceedings either with imprisonment or capital punishment.

**5- International cooperation tools and the impact of Covid-19:**

International cooperation exists to include all types of cooperation: judicial and police as prescribed by Libyan laws.

Judicial authorities among the judicial bodies are “court prosecution”, whether for the purpose of extradition persons or gathering evidence about a terrorist crime and attributing it to the accused, and its aim is purely punitive: facilitating the state to require its right to punishment. In addition, the police are among the security services of the executive authority, perhaps the famous international body in this field, "Interpol", and the goal of preventive prevention is: to prevent a terrorist crime. Among the aspects of international cooperation: exchange of information, judicial assignments and assistance, receipt and surrender of criminals, recovery of funds, and implementation of judgments issued in the matter.

Further, despite expectations that "Covid-19" may lead to a decline in the threat of terrorism in many of the main areas in which extremist organizations are active, as it is a humanitarian crisis facing all of humanity, recent developments indicate the opposite, and explain how these have sought the groups seek to use this epidemic to strengthen their influence, especially in Ngorno Karabakh, Ukraine and the Middle East. These groups have also exploited the embargo and closure measures implemented by most countries of the world in promoting their ideologies, reorganizing their ranks and practicing their terrorist activities in many regions of the world.

Therefore, Maat recommended the following:

1- The necessity for the ICC to intervene with regard to child recruitment, considering it a war crime according to the Rome Statute and the court's jurisdiction.

2- The necessity of working to rehabilitate former mercenaries and involve them in society again and engage them in raising awareness of not joining terrorist groups, as portion of achieving justice.

3- Tracking the financing of criminal groups and restricting them to undermine their terrorist activities.

1. The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings. It was accepted by the General Assembly as Resolution 217 at its third session on 10 December 1948 [↑](#footnote-ref-1)
2. Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflicts. Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entry into force 12 February 2002 [↑](#footnote-ref-2)
3. The United Nations Convention against Transnational Organized Crime (UNTOC, also called the Palermo Convention) The Convention was adopted by a resolution of the United Nations General Assembly on 15 November 2000 [↑](#footnote-ref-3)
4. The United Nations Mercenary Convention, officially the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, is a 2001 United Nations treaty that prohibits the recruitment, training, use, and financing of mercenaries. At the 72nd plenary meeting on 4 December 1989, the United Nations General Assembly concluded the convention as its resolution 44/34. The convention entered into force on 20 October 2001 [↑](#footnote-ref-4)
5. The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, known in short as the Worst Forms of Child Labour Convention, was adopted by the International Labour Organization (ILO) in 1999 as ILO Convention No 182 [↑](#footnote-ref-5)
6. The Supplementary Convention on the Abolition of Slavery, the full title of which is the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, is a 1956 United Nations treaty which builds upon the 1926 Slavery Convention [↑](#footnote-ref-6)
7. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also referred to as the Trafficking Protocol or UN TIP Protocol) is a protocol to the United Nations Convention against Transnational Organized Crime. The protocol was adopted by the United Nations General Assembly in 2000 and entered into force on December 25, 2003. As of May 2020, it has been ratified by 178 parties. [↑](#footnote-ref-7)
8. The Rome Statute of the International Criminal Court (often referred to as the International Criminal Court Statute or the Rome Statute) is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome, Italy on 17 July 1998 and it entered into force on 1 July 2002. [↑](#footnote-ref-8)