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# 139<sup>th</sup> IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 14-18.10.2018

Standing Committee on  
Peace and International Security

3 October 2018

## **Hearing: *Non-admissibility of using mercenaries as a means of undermining peace and violating human rights***

*Wednesday, 17 October 2018 (11 a.m. – 1 p.m.)  
Room 2, level 0, CICG*

### **Concept note**

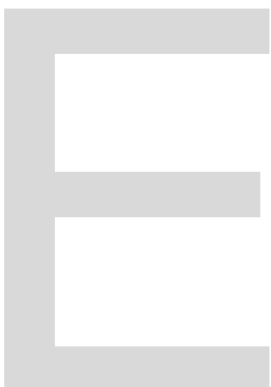
#### **Background**

The recruitment, use, financing and training of mercenaries for activities that violate the principles of international law, such as the territorial integrity of States, sovereign equality and the right of peoples to self-determination are challenges that should be considered as offences of grave concern to all States. Any person accused of committing any of these offences should be either prosecuted or extradited. The use of mercenaries engenders considerable risks of violations of international human rights law and international humanitarian law. Mercenaries often find themselves in a variety of situations, including asymmetrical conflicts where non-State actors are increasingly active on the battlefield. Today, non-State actors, which include mercenaries or mercenary-related activities, in many instances operate with little, if any, oversight and effective control and thus leave victims with no possibility to hold them accountable for human rights abuses and no effective remedies.

Mercenaries are not new to armed conflicts but they take on new forms and aspects that were not common in the past, including that of private military and security companies. Furthermore, the recent reported increase in the numbers of foreign fighters raises the issue of the potential overlap with mercenaries. Although there is no legal definition of "foreign fighter", there are similarities and differences between a foreign fighter and a mercenary. This may give rise to the provisional assertion that foreign fighters who participate not only in extreme violence, hatred and intolerance but also in armed conflicts, and may be motivated by various factors, including financial incentives, may represent a contemporary form of mercenarism.

#### **The session will focus on the following questions:**

- Evolution of mercenarism and its different forms and manifestations.
- Common legal criteria for identifying mercenaries, and their potential application to foreign fighters.
- Identified gaps in international law and national legislations.
- Actions that Parliaments could take to effectively prevent and combat impunity and strengthen access to effective legal assistance and remedies for victims.



#IPU139

### **Expected outcome**

The hearing will offer the Committee an opportunity to exchange views with key actors in this area in order to elicit their understanding of the inter-linkages between mercenaries and mercenary related activities in all their forms and manifestations and foreign fighters. The aim is to provide the Committee with a basis from which to reflect on the possible revision of the legal definition of "a mercenary" or the elaboration of an international legal definition of "a foreign fighter", strong effective regulation of private military and security companies, as well as on measures that parliaments could take to effectively prevent and combat the root causes of mercenarism and the foreign fighters' phenomena. It will also be an opportunity to highlight country examples and good practices. The hearing, together with individual contributions from Member Parliaments, will provide the co-Rapporteurs with initial information about how the IPU Members deal with such issues. This information will serve as the basis for the co-Rapporteurs' explanatory memorandum and draft resolution.

### **Format**

The session will be an interactive discussion between parliamentarians and experts. After introductory remarks by the panellists, the floor will be open for an exchange of views, and for questions and answers.