MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on Human rights violations by Private Military and Security Companies, particularly The Wagner Group (2021/2982(RSP))

Miguel Urbán Crespo
on behalf of The Left Group
European Parliament resolution on Human rights violations by Private Military and Security Companies, particularly The Wagner Group (2021/2982(RSP))

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,

- having regard to the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, which was established in July 2005, and its reports,

- having regard to the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries of 1989,

- having regard to Rule 144 of its Rules of Procedure,

A. whereas the number of private military and security companies (PMSCs) has dramatically increased over the past 20 years; whereas globally the private security industry was valued up to USD 200 billion in 2016 with around 100 000 PMSCs and 3.5 million employees;

B. whereas PMSCs are sometimes used by States, including EU Member States, for reasons of political convenience, and to avoid public scrutiny or parliamentary oversight and accountability on the use of troops, including by secret services for covert operations;

C. whereas PMSCs have traditionally provided services provided by national armies and public authorities including: demining, escorting convoys, protecting mines and oil refineries, interrogation, intelligence services, protecting commercial shipping, participating in drug-eradication, working in prisons and detention centres, carrying out peacekeeping missions and even supporting offensive military operations;

D. whereas PMSCs have been accused of committing or benefiting from serious human rights violations including the ill-treatment and torture of detainees, the killing of civilians, destruction of property, sexual harassment and violence, human trafficking, forced labour, and child exploitation, among others; whereas they are accused of being involved in threats, attacks and killings of human rights defenders, especially in connection with mega-projects linked to extractive industries; whereas many of these acts constitute violations of international humanitarian law, including war crimes; whereas accountability and redress for such crimes remain unaddressed;
E. whereas Wagner group is intervening in several conflicts in Libya, the Central African Republic and the Sahel region; whereas UN experts have accused some PMSCs including Wagner group, of committing systemic and grave human rights violations, including arbitrary detention, torture, disappearances, summary executions and rape and sexual violence in the Central African Republic; whereas in Libya PMSCs including Wagner group, have been accused of laying of internationally banned landmines in civilian homes to specifically target civilians returning to areas abandoned during the siege of Tripoli; whereas Media reports that Wagner fighters also fired artillery into civilian areas and conducted disappearances and killings of Libyan civilians;

F. whereas PMSCs are violating human rights and international humanitarian law, in territories under occupation or annexation; whereas Tzevet 5 (Group 5 Security), Galshan Marketing Human Resources Guarding and Security, Modi'in Ezrachi, and Nof Yam Security provides security services to settlements in Occupied Palestinian Territory; whereas these companies are listed in the UN Databases of Business Enterprises with economical activities in the Israeli settlements in Occupied Palestinian Territories (OPT) and in West Bank and East Jerusalem;

G. whereas several PMSCs operating prisons have been accused of torture, excessive use of force and failure to provide minimum living conditions for inmates; whereas G4S has been accused of used threats and torture to extract confessions of 6 children detained in Israel; whereas G4S has received allegations of non-compliance with the general policies and human rights provisions of the OECD Guidelines in the services it provides in the OPT; whereas in 2013, the South African government reported cruel treatment (including forced injections, electric shocks and beatings) of at least 62 detainees in Mangaung prison (run by G4S);

H. whereas according to several UN experts, PMSCs providing protection to mining companies, have been accused of committing threats, excessive use of force, violence and sexual harassment, and extrajudicial killings; whereas in 2018 the Zimbabwe Consolidated Diamond Company (ZCDC) PMSC was accused of committing human rights abuses including the killing of at least 15 people;

I. whereas several PMSCs such as NSO, FinFisher and Hacking Team have been accused of providing sophisticated spywares and technology that violated civil and political rights and the right to privacy; whereas the “Pegasus leak” of July 2021 reported the mass use of the NSO spyware to facilitate human rights violations around the world; whereas Forbidden Stories and its media partners identified potential clients in 11 countries: Azerbaijan, Bahrain, Hungary, India, Kazakhstan, Mexico, Morocco, Rwanda, Saudi Arabia, Togo, and the United Arab Emirates (UAE);

J. whereas, several cases of rape and sexual violence committed by PMSCs have been reported; whereas on 22 July 2020 in Turkey, an Iranian female migrant was allegedly raped by two security officers in the Van repatriation center; whereas in October 2004, security guards from DynCorp PMSCs operating at Tolemaida Air Base (Colombia) distributed a video showing them raping girls and in August 2007, a US soldier and a
PMSC contractor working at the same base were accused of raping a twelve-year-old girl;

K. whereas in January 2017, a complaint was filed against Spanish PMSC Prosegur for alleged failures to address workers’ rights abuses in Colombia, Peru and India; whereas there were alleged cases of harassment, retaliation, threats and assaults against unionised PMSC workers that were allegedly being tolerated and in some cases encouraged by the PMSC;

L. whereas there are also allegations of repression and use of force used against unarmed civilians at demonstrations;

M. whereas the militarisation of the European Union's migration policies has resulted in an increase in military and defence spending; whereas among the companies benefiting most from increased spending on border security are arms and biometric security companies that are also selling weapons to countries, fuelling armed conflicts and human rights violations that are forcing people to flee;

N. whereas PMSCs are also accused of committed human rights violations in migrants detention centers; whereas in February 2017, a coalition of human rights lawyers petitioned the International Criminal Court to investigate alleged crimes against humanity perpetrated by Australian officials and PMSCs against refugees held on the privatized detention centers set up on Nauru and Manus island;

1. Strongly affirms that the security and defence of citizens must be ensured by public authorities and that turning security into a commodity undermines the responsibility of states to guarantee the security of their citizens;

2. Rejects the outsourcing of inherent state functions to private entities; holds the view that such outsourcing creates great risks for non-respect of human rights; underlines that no activities should be outsourced to PMSCs that would involve active participation in hostilities or in operations that imply the use of force and weaponry, neither in post-conflict reconstruction;

3. Expresses it serious concern at the wide range of violations of human rights and international humanitarian law that continue to be reported in relation to the activities of PMSCs worldwide; notes that all States have an obligation to ensure that all actors respect international human rights law, including States in which PMSCs are operating;

4. Asks the Central African Republic’s authorities to make public the information on mercenaries present in the country (number, chain of command, equipment) and the report of the investigative commission mandated to investigate allegations of human rights violations during the conflict that began in December 2020, and to investigate allegations of human rights violations committed by the National Forces and mercenaries;

5. Call on all Libyan authorities to end all relationships with PMSCs including the Wagner Group, and to comply with their obligations under international law to hold accountable
all perpetrators of grave violations and abuses of human rights and international humanitarian law committed on their territory;

6. Underlines that the ten first PMSCs in the world, in terms of sales or employees, are American, British or Canadian;

7. Rejects the lack of accountability, investigations, prosecutions and convictions in relation to human rights abuses perpetrated by PMSCs; is alarmed by the lack of transparency in which these companies operate; underlines that the impunity might incentivise States to outsource to private companies, directly or indirectly encouraging illegal behaviour;

8. Urges to conduct investigations into all credible allegations of civilian casualties resulting from attacks by PMSCs and bring suspected perpetrators to justice in fair trials; requires to provide victims of violations of international humanitarian and human rights law, and their families, easy and safe access to justice and to full reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;

9. Calls on Member States to take measures to ensure, that, if human rights violations occur, those affected in third countries have access to an effective remedy in the territory where the offending company is headquartered within the EU;

10. Condemns all forms of violence perpetrated by PMSCs against women and girls which constitute a serious violation of the human rights and dignity of women and girls;

11. Affirms that under no circumstances should PMSCs be allowed to participate in or conduct interrogations; rejects the torture allegations and urges authorities to prevent any further form of ill-treatment and to investigate fully, promptly and impartially any reported allegations of torture and bring to justice anyone suspected of involvement in such abuses;

12. Denounces that some PMSCs are accused of profiting from or even complicit in war crimes and crimes against humanity due to their own activity or that of their business partners in conflict-affected areas or to their business relationships with state or non-state actors involved in conflicts globally;

13. Calls on the Commission and Member States to closely monitor the PMSCs operating in the internal market and those receiving EU funds that are listed in UN reports or databases on business activities related to situation of international concern, notably annexed or occupied territories;

14. Condemns the systematic human rights violations perpetrated by PMSCs against migrants; condemns the business done by certain PMSCs benefiting from increased spending on border security while are selling arms to countries, fuelling armed conflicts and human rights violations that are forcing people to flee;

15. Denounces the use of spywares such as Pegasus, for the unlawful targeting of the mobile phones of hundreds of individuals, including human rights defenders, lawyers, and journalists; calls therefore to suspend Israeli participation in joint research programmes such as Horizon which have allowed the development of this malware;
16. Calls on all the Member States to halt all transfers of weapons, surveillance and intelligence equipment and materials that could be used by governments, terrorist groups or mercenaries to crack down on human rights; stresses that some EU Member States are among the largest arms exporters in the world and considers it essential to apply and strengthen international standards on arms sales to prevent any EU Member State or European company from participating directly or indirectly in an escalation of violence or in the financing of armies or groups involved in abuses;

17. Notes the lack of data regarding EU Member States’ use of PMSCs and requires them and the EU institutions to provide information about the performance of PSMCs more consistently and in a transparent manner; calls on the EU and the Member States to maintain an updated list of EU-registered PSMCs, including those operating in third countries or subcontracted, specifying the area and duration of their operations and the violations human rights committed;

18. Calls on the EU and its Member States to ensure that a clear and binding regulatory framework within the framework of the UN International Convention against the Recruitment, Use, Financing and Training of Mercenaries is in place;

19. Demands to ban in the EU the subcontracting of private companies for military purposes or to provide security for EU delegations or missions; rejects the use of public money to fund these private companies, which in practice results in the outsourcing of mercenaries to fight wars, contributing to global insecurity and instability;

20. Instructs its President to forward this resolution to the European Council, the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for human rights, and the UN High Commissioner for Human Rights.

#