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))

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on behalf of the Verts/ALE 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 its resolution of 4 July 2017 on private security companies,

– having regard to the Foreign Affairs Council (FAC) of 15 November 2021 at which ministers agreed to establish a legal framework for sanctions against the ‘Wagner Group’ and individuals and companies which cooperate with that network and its entities, and to adopt this measure at the next FAC in December,

– having regard to the letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council,

– having regard to the reports, press releases and the allegation letters of the UN Working Group on mercenaries, in particular of 24 March 2021, and of 27 October 2021,

– having regard to the Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict,

– having regard to the open-ended intergovernmental working group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies,

– having regard to UN Guidelines on the Use of Armed Security Services from Private Security Companies, which have recently been extended to unarmed security services,

– having regard to the International Code of Conduct for Private Security Providers (ICoC), a multi-stakeholder regulatory mechanism that is overseen and monitored by the International Code of Conduct Association, which is an industry self-regulation mechanism whose standards are voluntary,

– having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. Whereas the array of services provided by private military and security companies (PMSCs) is extremely broad, ranging from logistical services to actual combat support, the provision of military technology and participation in post-conflict reconstruction; whereas PMSCs are regularly used by States, including EU Member States and their allies, for reasons of political convenience to avoid public scrutiny or parliamentary oversight and accountability on the use of force, including by secret services for covert operations;
B. Whereas PMSCs are part of an industry which is highly transnational in nature and is intertwined with governmental and intergovernmental actors and as such requires a global approach to regulation; whereas the current regulatory situation in this sector comprises a series of inconsistent rules which vary enormously between countries; whereas the non-homogenous national legislation and self-regulation adopted by some PMSCs provide a weak deterrent to prevent abuse, given the lack of penalties, and can have a major impact on how PMSCs operate in multilateral interventions and conflict regions;

C. Whereas the work on regulating PMSCs is ongoing in particular in the open-ended intergovernmental working group to elaborate the content of an international regulatory framework, without prejudging the nature, thereof, relating to the activities of private military and security companies; whereas there is the plan to present a draft regulatory framework for PMSCs in April 2022, whereas the EU was elected into the Group of Friends of the Chair of the Montreux Document Forum;

D. Whereas PMSCs have been accused of engaging in a number of human rights violations and incidents resulting in loss of life; whereas such incidents vary across time and country, and amount in some cases to serious violations of international humanitarian law, including war crimes and well as threats against, attacks on and killings of human rights defenders, notably in relation to mega projects linked to extractive industries and large corporate interests; whereas there is failure to address impunity by investigating, prosecuting and punishing such acts; whereas this, together with their lack of transparency, has had repercussions on the efforts of the international community in the countries in question and has revealed considerable gaps in accountability structures due, among other things, to the deliberate creation of numerous layers of subsidiaries or subcontracts in diverse countries, in particular local ones which leads, in some cases, to an inability to guarantee the basic security of the civilian population in host countries;

E. Whereas the so called ‘Wagner Group’ does not exist as a registered company; whereas this term rather describes a network of businesses, groups of mercenaries, military instructors and others that have been linked by overlaps in ownership and logistics networks and which is supported, sanctioned and directed by the Russian leadership, in particular the Ministry of Defence; whereas reportedly its security and military services are often remunerated via access to natural resources in the country of deployment; whereas Russian nationals identified by the UN who are operating such deployments and actions are linked to Yevgeny Prigozhin and other allies of President Vladimir Putin;

F. Whereas Russian personnel, in particular military instructors and mercenaries are accused of widespread violations of international human rights law and humanitarian law including mass summary executions, indiscriminate killings, arbitrary detentions, torture during interrogations, sexual and gender based violence, forced disappearances, forced displacement of the civilian population, indiscriminate targeting of civilian facilities, looting, violations of the right to health, and attacks on humanitarian actors in several countries; whereas such activities have started in Ukraine, and have spread to Libya, Syria, Madagascar, Mozambique, and Sudan and other countries, and have now a strong focus on the Central African Republic, and are on the brink of entering Mali;
G. Whereas some of these Russian companies and networks linked to the so called ‘Wagner Group’ employ also foreign citizens motivated by monetary gain but also ideological convictions such as ‘orthodox brotherhood’ and anti-Western sentiments; whereas hundreds of Serbian nationals are demonstrated to have illegally fought in Ukraine’s Eastern regions; whereas fighters from Western and Central Europe are also being recruited albeit in lower numbers;

H. Whereas in Ukraine Russian personnel, including mercenaries and military instructors appeared during Russia’s annexation of Crimea and afterwards are contributing to Russian occupation of Ukraine’s eastern regions; whereas according to experts, several thousand Russian military instructors and mercenaries are still present in Eastern Ukraine and Crimea, and are involved in violations of international law, including international human rights law, and international humanitarian law;

I. Whereas on 29 July 2020 Belarusian security services arrested 33 Russian mercenaries and initially accused them of meddling in the Belarusian presidential elections but were soon returned to Russia; whereas independent investigations demonstrated that the mercenaries, majority of whom illegally fought in Russian-occupied Donbas region, were lured into a sting operation by Ukraine’s intelligence services;

J. Whereas in Syria, Russian personnel, including military instructors and mercenaries are supporting the Syrian regime; whereas mercenaries were dispatched alongside Russian war planes and ground troops in Russia’s intervention in the war in 2015; whereas in February 2018 Russian mercenaries attacked US forces and its local allies when trying to secure access to oil fields in the Deir ez-Zor province; whereas these actors have been associated with extrajudicial killings and have also been involved in recruitment of mercenaries; whereas in March 2021 three NGOs filed a case against Russian mercenaries over a beheading of a Syrian national; whereas reporter Maxim Borodin, who reported on the deaths of Russian mercenaries in Syria in 2018, died that same year after falling from the balcony of his apartment;

K. Whereas on Libya, the UN Panel of Experts has concluded that since 2019 more than 2,000 Russian personnel, including military instructors and mercenaries have been deployed to provide assistance to Khalifa Haftar and armed groups affiliated to him; whereas such Russian actors are reported to be in control of several strategic oil facilities and airbases; whereas the UN Fact-Finding Mission on Libya confirmed that there were reasonable grounds to believe that Russian mercenaries may have committed war crimes, such as the planting of mines in residential areas in southern Tripoli in 2020 causing at least 93 deaths and have committed extrajudicial killings; whereas the UN Panel of Experts on Libya considered that other activity of Russian actors fell under the military category of ‘psychological operations’ and as such, was in non-compliance with UN Security Council resolution 1970 (2011); whereas support by Russian mercenaries and military instructors to radical armed groups enables further instability and violence in the EU’s Southern border; whereas the EU has put the Yevgeny Prigozhin on its Libya sanctions list; whereas the deployment of PMSC’s fuels continued rivalry political factions in Libya which in turn prevents agreement on the constitutional and legal framework for the General Elections scheduled for 24 December 2021; whereas there is an urgent need to remove such mercenaries in the run up to the elections;
L. Whereas according to media reports, up to 500 Russian personnel, including military instructors and mercenaries have been deployed to Sudan; whereas these forces have reportedly trained special forces, army and law enforcement officers; whereas their deployment to Sudan has been used as a point of transportation and trafficking of weapons and materiel; whereas there are reports about their involvement in forcibly dispersing protesters; whereas media reported that Russian mercenaries, in Um Dafug, close to the border with Central African Republic (CAR), also trained Séléka rebels from that neighbouring country;

M. Whereas reportedly 200 Russian personnel, including mercenaries and military instructors arrived 2019 in Mozambique with the objective to fight insurgents and terrorists in the Cabo Delgado province; whereas according to reports the group was involved in serious human rights violations and left the country after it suffered a military defeat;

N. Whereas in Madagascar Russian mercenaries and military instructors are reportedly involved in training local armed forces since 2018, but the network to which they belong is also said to be present via the company Ferrum Mining which is interested in getting access to gold, nickel and uranium deposits; whereas such actors are also reportedly been involved in election interference;

O. Whereas 450 Russian personnel, including mercenaries and military instructors are in the Central African Republic (CAR) via the company Sewa Security Services which operates alongside other companies owned by Russian citizens linked to Yevgeny Prigozhin such as Lobaye Invest SARLU; whereas these actors appear to be providing training and certification to the Central African Armed Forces (FACA), as well as protecting officials and mining facilities; whereas a reports by a United Nations panel of experts and the U.N.’s working group on mercenaries have also listed numerous violations and crimes such as mass summary executions, indiscriminate killings, arbitrary detentions, torture during interrogations, sexual and gender based violence, forced disappearances, forced displacement of the civilian population, indiscriminate targeting of civilian facilities, looting, violations of the right to health, and attacks on humanitarian actors; whereas a the U.N. working group on mercenaries has stated on 27 October 2021 that such violations and crimes are ongoing and reprisals on human rights defenders, communities and journalists are frequent; whereas UN bodies have also raised the ongoing impunity, and challenges in gaining access to justice for the victims and their families, and the fact that such reprisals hamper accountability efforts as they stop people making complaints; whereas in 2018 a team of Russian journalists sent to the Central African Republic to report on the activities of Russian mercenaries in the country were killed in what is thought to have been a carefully planned ambush;

P. Whereas media reports indicate that Malian authorities are considering signing a contract which would lead to the deployment of up to 1,000 Russian personnel, including military instructors and mercenaries,

1. Expresses its gravest concern about the wide range of violations of human rights and international humanitarian law that continue to be reported in relation to the ever-increasing activities of private military and security companies (PMSCs) and that remain largely unaccountable;
2. Stresses that no activities should be outsourced to PMSCs that would imply the use of force and/or active participation in hostilities, except for self-defence, and under no circumstances should PMSCs be allowed to take part in, or conduct interrogations;

3. Urges the EU and its Members States to take resolute action to address the accountability gap related to these actors; reminds all States of their obligation to ensure respect of human rights by PMSCs under their jurisdiction or operating within their territory; underlines the need to ensure judicial remedies for human rights violations, including criminal sanctions, resulting from activities of PMSCs;

4. Urges the EU and its Member States to push for an international legally binding instrument, in particular in the context of the open-ended working group and looks forward to its draft framework to be circulated in April 2022; stresses that by regulating the activities of PMSCs, states shall establish a level playing field to ensure that host states have the authority to regulate PMSCs and contracting states are able to use their power to protect human rights, international humanitarian law and prevent corruption; emphasises that such a framework must include dissuasive sanctions for violations, the accountability of those responsible for violations and effective access to remedies for victims, in addition to a licensing and monitoring system requiring all PMSCs to submit to independent audits and their personnel to participate in mandatory human rights training;

5. Calls on the EU and its Member States to ensure that a clear and binding regulatory framework for PMSCs is in place notably in relation to mega projects in third countries, where these are funded by EU-based investors or financial institutions, and that such projects are transparently monitored including in collaboration with civil society; calls for mandatory due diligence requirements by entities who contract PMSCs, as well as for investors connected to the activities of PMSCs;

6. Believes that EU Member States, the EEAS and the Commission should agree on following the example of NATO by only contracting PMSCs based in EU and NATO Member States to ensure the highest level of accountability; urges the HR/VP, the Member States, the EEAS and the Commission to agree on common rules which oblige European based PMSCs executing contracts on their behalf to not subcontract local PMSCs in third countries as this practice runs counter to EU stabilisation and development policies, as often local militias, warlords and other actors are being strengthened as a result of such contracts;

7. Believes that there is the necessity of closer coordination and cooperation between Member States on PMSCs which are suspected of committing violations of international human rights law and international humanitarian law, and which undermine the security interests of the Union and its Member States; stresses that there is the need for more exchanges of information between Member States in order to properly investigate, prosecute and punish such actors;

8. Strongly condemns the aggressive foreign policy conducted by the Russian leadership also under the umbrella of the so called ‘Wagner Group’ which mainly focusses on military
training, provision of equipment, arms trafficking, combat operations, sabotage, election interference, import of arms and ammunition and other such technology, and the extraction of precious natural resources, rare earths, and minerals;

9. Fully supports the agreement reached at the EU Foreign Ministers meeting of 15 November 2021 aiming at establishing a legal framework for sanctions against the network of the so called ‘Wagner Group’; urges the HR/VP and the Member States to adopt and implement this framework at their next meeting in December 2021; calls on the HR/VP and the Member States to sanction Russian personnel, including military instructors and mercenaries demonstrated to have illegally fought in Ukraine and elsewhere;

10. Calls for a thorough investigation into violations of international human rights law and international humanitarian law by Russian personnel, including mercenaries and military instructors, and to prosecute and punish all such acts, including the killing of Russian journalists in 2018 in CAR; calls on the EU and its Member States to initiate and support such action at international level;

11. Urges relevant countries to terminate the relationship with companies affiliated with the so called ‘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; calls to ensure unhindered access to justice and redress for all victims of violations, including abuses committed by Russian personnel;

12. Urges the Russian authorities to withdraw all mercenaries from Eastern Ukraine and Crimea;

13. Deeply deplores the past and ongoing serious human rights violations and war crimes committed by Russian mercenaries and military contractors in CAR; urges the authorities to terminate the relationship with relevant companies and investigate, prosecute and punish all crimes committed; calls on the EU and its Member States to suspend direct assistance to the CAR government, with the exception of critical support to humanitarian action, medical supplies in the context of COVID19 and food security; calls on the EU consider CAR as a priority country in the implementation of the EU Conflict Minerals Regulation;

14. Calls on the HR/VP and the Member States to sanction Russian military instructors and mercenaries and affiliated radical armed groups in Libya who have repeatedly participated in and/or enabled serious violations of international law with impunity, and represent a threat to stability in the Southern Mediterranean; calls on the EU and Member States to leverage diplomatic, economic and military ties with the UAE to push them to stop supporting Russian mercenaries in Libya, in addition to other mercenaries and calls on all Libyan authorities to end all relationships with private military and security companies, particularly Russian mercenaries and military instructors and related companies;
15. Notes that Mali is a party to the UN Convention on mercenaries and the African Union Convention on mercenaries and reminds the country to respect relevant obligations in that respect, in particular the prohibition of mercenary activity on its territory; warns about the very negative experiences of other countries which have allowed the so called ‘Wagner Group’ to operate on its territory; believes that the EU should terminate all security and military assistance to Mali in case the authorities sign a contract with persons and companies affiliated with the so called ‘Wagner Group’ leading to the deployment of Russian personnel, including mercenaries and military instructors;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, UN Secretary General, the Russian President, Russian Federal Government and the State Duma.