



Plenary sitting

B9-0561/2021

23.11.2021

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 S&D Group

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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 Articles 2, 3(5), 21, 24, 29 and 31 of the Treaty on European Union and Article 10 and 215 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States, in their relations with the wider world, to upholding and promoting universal human rights and the protection of individuals, and adopting restrictive measures in case of grave human rights breaches,
- having regard to its Resolution of 4 July 2017 on private security companies;
- having regard to its Resolution on the EU-African security cooperation in the Sahel, West Africa and Horn of Africa of 16 September 2020;
- having regard to its Resolution on the direction of EU-Russia political relations of 16 September 2021;
- having regard to its Resolution on Somalia of 5 July 2018;
- having regard to the EU Regulation establishing the EU Global Human Rights Sanctions Regime;
- having regard to the Montreux Document on Private Military and Security Companies;
- having regard to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries
- having regard to the 2021 UN report commissioned by the Human Rights Council in respect of Human Rights in Central African Republic (CAR),
- having regards to the Reports of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- having regard to the final report of the Panel of Experts on Libya established pursuant to Security Council resolution 1973 (2011) and to the Report of the Secretary-General (S/2021/752);
- having regards to the UN Guiding Principles on Business and Human Rights;
- having regards to the UN Guidelines on the Use of Armed Security Services from Private Security Companies;

- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 1985,
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the Universal Declaration of Human Rights,
- having regard to the Convention of the Rights of the Child,
- having regard to the EU 2020-24 Action Plan on Human Rights and Democracy,
- having regard to Rules 144 of its Rules of Procedure.

A. Whereas private military and security companies (PMSCs) are private business entities that provide military and/or security services, which can include armed guarding, maintenance and operation of weapons systems, prisoner detention, advice to or training of local forces and security personnel;

B. Whereas security is a public good which should be primarily provided by public authorities;

C. Whereas State Parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries shall not recruit, use, finance or train mercenaries;

D. Whereas some countries, such as Russia, Turkey or UAE, are present in various conflict or post-conflict zones around the world through PMSCs; whereas this undermines the EU and the international community's efforts to mitigate conflicts, build peace and ensure stability;

E. Whereas the Wagner group is run and managed by financiers with close links to the Russian President and his administration;

F. Whereas PMSCs such as the Wagner group are frequently used to advance the strategic goals of the Russian political leadership while trying to maintain deniability regarding Russia's direct involvement in a military conflict;

G. Whereas the Wagner group and other Russian PMSCs often appear to operate in close coordination with Russian regular military forces and security services;

H. Whereas in July 2018 the Wagner Group has been reported to have committed several heinous human rights violations in Africa including killings of innocent civilians;

I. Whereas the recruitment of the Wagner Group by the government of the Central African Republic (CAR) has resulted in UN peacekeepers, whose main responsibility is to protect life, having to work closely with the Wagner Group, which unduly enhances the controversial status of this PMSC; ; whereas these blurred lines create ripe ground for the Wagner mercenaries to commit more human rights violations; whereas the EU has two CSDP missions deployed in CAR; whereas on November 12 the UN Security Council voted to renew its peacekeeping mission MINUSCA in the Central African Republic (CAR)

J. Whereas in 2021 the report of UN experts in CAR stated that the Human Rights violations committed by PMSCs included mass summary executions, arbitrary detention, sexual violence, looting, disappearances, torture during interrogation and the forced displacement of the civilian population amounting to about 240,000 people; whereas the UN Human Rights Council extended the mandate of the independent expert on the Human Rights situation in the Central African Republic;

K. Whereas the Wagner Group together with FACA and Rwanda support is reported to have been involved in attacks on humanitarian organizations, as well as forced disappearances in the CAR; whereas in December 2020, Russian soldiers suspected to be from Wagner and FACA soldiers allegedly opened fire on a vehicle that failed to stop at a checkpoint in Ouaka prefecture, killing three and wounding 15, and to have attacked a mosque in Bambari; whereas the CAR, Rwanda and Russian governments have not indicated any intention to investigate these violations;

L. Whereas the arms embargo over Libya, decided by UNSCR 2473, is continuously violated in view of the significant presence and influx of lethal equipment and foreign forces and mercenaries operating throughout Libya; whereas both LAAF and GNA have contracted local and foreign PMSCs; whereas serious Human Rights violations have been reported on both sides; whereas in October 2021 the United Nations revealed in a report Wagner's involvement in violations of Human Rights including murder, torture, looting, use of internationally banned landmines, enslavement, extrajudicial killings and rape in Libya;

M. Whereas according to final report of the Panel of Experts on Libya 1973 (2011) UAE have violated paragraph 9 of UN resolution 1970 (2011) regarding the prohibition of supply of mercenaries in Libya;

N. Whereas according to Final report of the Panel of Experts on Libya 1973 (2011) in early September 2019 an Emirati company, Black Shield Security Services Company, undertook the recruitment of 611 Sudanese nationals through its client companies "Al Ameerah" and "Amanda" promising job opportunities in the UAE as civilian security guards in Abu Dhabi but they were forcibly recruited to serve in the Libyan conflict;

O. Whereas the UAE has used proficiently PMSCs in order to advance its expansionist agenda in the Middle East, North Africa and Horn of Africa, in particular in Libya, Yemen, Somalia and Sudan; whereas the UAE was one of the clients of the U.S. military security firm Blackwater, three contractors of which were convicted by the U.S. courts for voluntary manslaughter and subsequently pardoned by former U.S. president Donald Trump; whereas the UAE-employed contractors actively targeted Yemeni politicians who opposed the UAE support for southern Yemeni separatist movement; whereas the UAE military and mercenaries are still present in the strategic Socotra island in Yemen; whereas the UN Group of Eminent International and Regional Experts on Yemen reported evidence of possible war crimes committed in Yemen by all sides, including Saudi Arabia and UAE, including those perpetrated by the PMSCs;

P. Whereas a reported deal between the Wagner group and the Malian authorities foresees to deploy 1,000 contractors to country; whereas the EU has CSDP missions deployed in Mali;

Q. Whereas clan militias have allegedly committed serious Human Rights violations in Somalia, including indiscriminate targeting of civilians;

R. Whereas the Dyke Advisory Group, contracted by the Mozambique authorities, has allegedly committed serious Human Rights violations in Mozambique, including indiscriminately targeting civilian infrastructures

S. Whereas the UN Working Group on the use of mercenaries named widespread reports asserting that Azerbaijan, with Turkey's assistance, deployed Syrian mercenaries to sustain its military operations in the Nagorno-Karabakh conflict zone, including on the frontline.

T. Whereas the Russian-financed and backed PMSC Wagner Group has been engaged in in Belarus and Eastern Ukraine as well; whereas in this area of deployment the use of PMSC may be aimed at concealing military interference in these countries, avoiding casualties of regular military troops and thereby hiding the human costs of military aggressions from the Russian public;

U. Whereas PMSCs have been reportedly present in Venezuela;

V. Whereas on 7 December 2020 the Council adopted Regulation (EU) 2020/1998 establishing the EU Global Human Rights Sanctions Regime, which enables the EU to impose restrictive measures on targeted individuals, entities and bodies – including states and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide; whereas the EU has a responsibility to make full use of this regulation in the event of human rights violations;

W. Whereas in August 2021 the United Nations Security Council and the United States of America imposed targeted sanctions on Yevgeniy Prigozhin, a Russian oligarchy directly linked with Wagner following the stalling of the investigations into the killing of the three journalists;

1. Asserts the need to protect Human Rights in view of emerging threats posed by the growing activities and presence of PMSCs in international conflict, internal conflict and post-conflict zones;

2. Expresses concerns about the increasing use of PMSCs as a replacement of or in addition to State military actors as this undermines the state monopoly on the legitimate use of force and role as a security provider;

3. Firmly condemns the numerous human rights violations committed by PMSCs, including by the Wagner Group, worldwide, notably in CAR, Libya, Syria and countries where their increased presence has been witnessed over the past years;

4. Is particularly concerned about the reported recruitment of children as mercenaries in some conflict areas such as Libya; recalls that no children can take part in armed conflict;

5. Calls on the EU to encourage and support efforts in national and international jurisdictions to launch criminal proceedings to hold PMSCs accountable for violations of Human Rights and

possible war crimes, committed against civilians during operations in multiple countries;

6. Urges all countries where alleged HR violations by PMSCs have been reported to conduct a full investigation and to prosecute and bring perpetrators of such violations to justice in fair trials.

7. Calls on all State actors, directly or indirectly supporting, including by financially, recruiting or deploying PMSCs to end any interference into ongoing conflicts, to fully respect UN arms embargo, and to stop engaging into proxy privatized wars;

8. Demands that Russia fully cooperates with the UN, the EU, and countries where the Wagner Group has allegedly committed serious Human Rights violations, in order to identify and prosecute perpetrators;

9. Stresses that PMSCs, as any private companies, should abide by global standards on business and human rights, notably the United Nations Guiding Principles on Business and Human Rights, as well as act in full respect of International Human Rights Law and International Humanitarian Law, including the principle of distinction between military objectives and civilians; urges PMSCs and all companies having commercial or contractual relationships with PMSCs to conduct due diligence assessments, to make them public and to carry out effective due diligence with respect to potential or actual adverse impacts on Human Rights in their operations;

10. Strongly opposes to EU CSDP missions and operations to have any formal or informal cooperation with foreign private military and security companies when deployed on the same theatre; demands countries in which EU CSDP missions and operations are deployed to support their capacity-building to terminate their contract with PMSCs;

11. Strongly condemns the use of PMSCs by the UAE in order to advance its destabilizing agenda in the Middle East, North Africa and Horn of Africa; calls on the UAE to immediately cease that practice, including by ending its military and mercenary presence in Socotra (Yemen), and involvement in Libya; emphasizes that strategic goals should only be pursued through legitimate diplomatic and economic means, in full respect to the international law and territorial integrity and sovereignty of the countries concerned; calls for a renewal of the UN mandate investigating war crimes in Yemen, including those potentially committed by the UAE-deployed contractors and mercenaries;

12. Encourages governments to ensure strict provisions on IHL compliance, democratic oversight and accountability in contracts with foreign private military and security companies for military assistance and security services; encourages States to full transparency with regard to contracting military support services, especially as regards to the number, tasks and chain of commands of PMSCs present on their territories, as well as the equipment used to fulfil their contracts;

13. Underlines that contracting PMSCs has serious negative implications on peace and security in countries where they are active and contributes to the erosion of the international rule of law;

14. Requests all countries that recruited PMSCs having allegedly committed Human Rights abuses to put in place the necessary framework, tools and funds for remediation and victim

assistance;

15. Calls on the Council to make full use of the EU Global Human Rights Sanctions Regime against individuals, entities and state or non-state actors responsible for or involved in the serious Human Rights violations committed by private military and security companies on various theatres; calls for these sanctions to include travel bans, freezing of funds and assets and the prohibition against persons and entities in the EU making fund or economic resources available to those listed individual and entities;

16. Welcomes the consensus reached among EU Foreign Affairs Ministers to move forward with restrictive measures against the Wagner Group; expects the adoption of these measures at the December FAC meeting;

17. Calls on the HR/VP and the Council to prepare and adopt restrictive measures, such as asset freezes and travel bans, on the individuals and entities linked to the PMSCs, notably in Russia, Mali, Venezuela and UAE, building on the precedent set by the Council regarding the Wagner group;

18. Request the European Commission to critically review EU support to the governments and state institutions associated with Wagner to ensure that EU support fully promotes human rights and has no negative effects on respect of international human rights law and civil conventions

19. Calls on the member states and the commission to refrain from setting up new cooperation projects involving direct budget support to the government involved with Wagner Group and urges them to divert these to civil society and projects directly benefiting the population;

20. Calls on Member States to fully comply with the EU Common Position on Arms Export, to strengthen the risk assessments and end-user checks so as to better take into account the risk of PMSCs using EU-made equipment to perpetrate Human Rights violations; calls for setting-up an EU sanctions mechanism for Member States not complying with the EU Common Position;

21. Is of the opinion that the strengthening of EU Training Missions (EUTMs) would contribute to the security sector reform of partner countries;

22. Is of the opinion that the swift implementation of the European Peace Facility, in full compliance with the EU Common Position on Arms Export, International Human Rights Law and International Humanitarian Law and with effective transparency provisions including a detailed list of equipment provided under the Facility, can contribute to the EU having more influence in the capacity-building of partner countries' armed forces and ensure they do not resort to PMSCs not sharing our values;

23. Encourages the EU and its Member States to address the issue of mercenary-related activities using emerging and disruptive technologies, when drafting and updating cybersecurity and cyber defence legislative framework;

24. Supports the work undertaken by the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; calls on EU Member States to more actively engage in its work and support the drafting of binding international principles securing the respect for Human Rights; calls on

countries where serious alleged Human Rights violations by PMSCs have been reported to officially invite the UN Working Group to conduct country visits as a matter of urgency; calls for clarifications on the accountability of PMSCs when hired by a government, so as to not leave any loophole or room for impunity;

25. Calls on all States to actively and constructively take part in the open-ended intergovernmental working group and in the Montreux Document Forum, with a view to elaborate a binding international regulatory framework on the oversight of activities of PMSCs;

26. 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 EU Special Representative for Human Rights, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations, the African Union, the Pan-African Parliament, and the ACP-EU Joint Parliamentary Assembly.