



TEXTS ADOPTED

P9_TA(2021)0482

Human rights violations by private military and security companies, particularly the Wagner Group

European Parliament resolution of 25 November 2021 on the human rights violations by private military and security companies, particularly the Wagner Group (2021/2982(RSP))

The European Parliament,

- having regard to its previous resolutions and recommendations, notably its resolution of 4 July 2017 on private security companies¹, its resolution of 16 September 2020 on EU-African security cooperation in the Sahel region, West Africa and the Horn of Africa², its recommendation of 16 September 2021 on the direction of EU-Russia political relations³, and its resolution of 5 July 2018 on Somalia⁴,
- having regard to Council Regulation (EU) 2020/1998 of 7 December 2020 concerning restrictive measures against serious human rights violations and abuses⁵ (the EU Global Human Rights Sanctions Regime),
- having regard to the Geneva Conventions of 1949 and their additional protocols,
- having regard to the 1977 Organisation of African Unity Convention for the Elimination of Mercenarism in Africa,
- having regard to the 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries,
- 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 of 17 September 2008 (Montreux Document),
- having regard to the report of 1 October 2021 of the Independent Fact-Finding Mission on Libya established by the UN Human Rights Council,

¹ OJ C 334, 19.9.2018, p. 80.

² OJ C 385, 22.9.2021, p. 24.

³ Texts adopted, P9_TA(2021)0383.

⁴ OJ C 118, 8.4.2020, p. 113.

⁵ OJ L 410 I, 7.12.2020, p. 1.

- having regard to the statements by UN Human Rights Council experts of 31 March 2021 on Russian trainers and of 27 October 2021 on the Wagner Group in the Central African Republic,
 - having regard to the Declaration of the Paris International Conference for Libya of 12 November 2021,
 - having regard to the UN Guidelines on the Use of Armed Security Services from Private Security Companies,
 - having regard to the UN Guiding Principles on Business and Human Rights,
 - having regard to the reports, press releases and allegation letters 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 (UN Working Group on the use of mercenaries) in particular those of 24 March 2021 and of 27 October 2021,
 - 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 UN Security Council,
 - 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 the International Code of Conduct for Private Security Service Providers,
 - having regard to Rule 144(5) and 132(4) 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, among others, armed guarding, maintenance and operation of weapons systems, prisoner detention and advice or training for local forces and security personnel; whereas the reliance of state and non-state actors on PMSCs has significantly increased in conflict areas in recent years; whereas 21st-century conflicts, starting with the wars in Afghanistan and Iraq, have seen PMSC involvement at all levels, from logistical support to high-intensity operations;
- B. 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 the self-regulation adopted by some PMSCs are not sufficient to deter abuse, given the lack of penalties, and can have a major impact on how PMSCs operate in multilateral interventions and conflict regions;
- C. whereas PMSCs are bound by international law when taking part in hostilities, in particular as set forth in the Geneva Conventions ratified by all UN member states; whereas the legal provisions of the Geneva Conventions are recognised as customary international law; whereas Article 47 of Additional Protocol I to the Geneva Conventions provides a definition of mercenaries; whereas, on this basis, mercenaries are defined as civilians and are as such not allowed to take part in conflict; whereas the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries prohibits mercenaries;

- D. whereas the work on regulating PMSCs is ongoing, in particular in the UN 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 a plan to present a draft regulatory framework for PMSCs in April 2022; whereas the EU was elected to the Group of Friends of the Chair of the Montreux Document Forum;
- E. whereas countless members of PMSCs acting as mercenaries have committed gross human rights violations, including war crimes, against both combatants and civilians in past, recent and ongoing conflicts; whereas most of those violations have been perpetrated with impunity and have not been investigated, prosecuted or convicted;
- F. whereas some countries, such as Russia, Turkey and the United Arab Emirates, are present in various conflict or post-conflict zones around the world through PMSCs;
- G. whereas the Wagner Group is a web of paramilitaries and businesses that have been linked by overlaps in ownership and logistics networks; whereas the Wagner Group stands out from other PMSCs on several counts, such as its reported connections to the highest echelons of the Russian State, its reported presence in numerous states, the scale of its operations, with an estimated 10 000 employees, and the gross human rights violations that have been documented and of which it has been accused; whereas Russian law prohibits the use of mercenaries under Article 359 of its Criminal Code, which allows the Kremlin to publicly distance itself from the illegal actions of PSMCs such as the Wagner Group, while at the same time provides a number of loopholes making it possible to use PSMCs as an important political and military tool in conflicts around the globe;
- H. whereas its ties with the Russian authorities have been documented by independent organisations such as Bellingcat through reports published from January 2019 to November 2021; whereas the Wagner Group allegedly relies on Russian military infrastructure, shares a base with the Russian military, is transported by Russian military aircraft and uses military healthcare services; whereas it is financed in part through multimillion-dollar catering and construction contracts for the Russian Armed Forces awarded to companies linked to Yevgeny Prigozhin, a close ally of Russian President Vladimir Putin; whereas Russia's military intelligence agency GRU, its Ministry of Defence and its consular services are fully involved in the funding, recruitment, training and protection of Wagner operatives;
- I. whereas the EU imposed sanctions on Mr Prigozhin for his involvement in the Libyan conflict; whereas several companies under his control are under US sanctions for 'supporting Russia's paramilitary operations, preserving authoritarian regimes and exploiting natural resources', according to the US Treasury;
- J. whereas the Kremlin's use of PMSCs builds on the Soviet Union's long history of operating proxy forces abroad by sending thousands of military specialists in the guise of 'advisors' to many conflicts worldwide, while officially denying Russian involvement; whereas on 11 April 2012, President Putin stated in his speech to the Russian Duma that 'a group of private military companies would be an efficient tool to accomplish national goals without directly involving the Russian State'; whereas the Wagner Group's denomination is being phased out to avoid public scrutiny and put distance between it and Mr Prigozhin and President Putin, and the group is being replaced by other entities under different names; whereas the Kremlin, via this construct and because the Wagner Group

has no legal status, is trying to maintain plausible deniability regarding the actions and crimes committed by the group;

- K. whereas in the context of the Russian aggression against Ukraine, the use of PMSCs such as the Wagner Group, E.N.O.T Corp, the Cossacks and others may be aimed at concealing military interference, avoiding casualties among regular military troops and thereby hiding the human costs of military aggressions from the Russian public;
- L. whereas the Wagner Group was first identified in 2014 when it backed pro-Russian separatists and assisted the Russian military in war hostilities in the Donbas region of Ukraine and in the illegal invasion and annexation of Ukraine's Crimea; whereas it has since been involved in conflicts in Syria, Sudan, Mozambique, Libya, the Central African Republic and Venezuela;
- M. whereas in the Central African Republic, UN experts from the UN Working Groups on the use of mercenaries, on business and human rights, and on enforced disappearances, as well as the UN Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, jointly concluded in October 2021 that the Wagner Group had conducted gross and systematic human rights violations, including mass summary executions, arbitrary detentions, sexual violence, looting, enforced disappearances and torture during interrogations;
- N. whereas the Wagner Group has been involved in rapacious takeovers of essential resources such as mining and customs proceeds, thus weakening developing countries and depriving them of essential public resources; whereas, for example, following the 2018 signing of a military agreement between Russia and the Central African Republic, the Wagner Group's Lobaye Invest company was granted exploration rights for gold and diamonds on several mining sites; whereas a CNN report of June 2021 revealed that Russian mercenaries executed civilians and expelled locals in the mining areas;
- O. whereas in Libya, the Wagner Group has been involved in logistical support and combat operations to support Libyan rebel General Khalifa Haftar since at least 2018; whereas according to the report of the UN Fact Finding Mission in Libya of October 2021, the Wagner Group has been involved in war crimes, including summary executions of civilians and detainees, enslavement, the planting of internationally banned anti-personnel landmines, and the killing or maiming of civilians including children, for example in al-Sbeaa village south of Tripoli; whereas the report documents multiple and repeated violations of the UN arms embargo and the use of Russian military cargo aircraft by the Wagner Group; whereas support by Russian mercenaries and military instructors for radical armed groups has further destabilised the EU's southern neighbourhood;
- P. whereas on 12 November 2021, the countries participating in the Paris Conference for Libya expressed their opposition to any foreign interference in Libyan affairs and backed the implementation of the action plan for the withdrawal of mercenaries, foreign fighters and foreign forces from the Libyan territory'; whereas in early November 2021, Turkey sent approximately 150 additional Syrian mercenaries to Libya, on top of the 7 000 mercenaries that were already present in the country and loyal to Turkey, despite local and international demands to withdraw all foreign forces ahead of the parliamentary and presidential elections scheduled for 24 December 2021; whereas according to the final report of the UN Panel of Experts on Libya, pursuant to Resolution 1973 (2011),

published in September 2019, Emirati company Black Shield Security Services recruited Sudanese nationals to serve in the Libyan conflict;

- Q. whereas in Syria, Wagner operatives have been sent to support the Russian military in its intervention to save the Assad regime since late 2015; whereas mercenaries have committed and filmed gruesome crimes against the Syrian population, such as torturing, murdering and beheading civilians near Palmyra; whereas a Syrian private airline, Cham Wings, has been involved in the transport of mercenaries from Russia to Libya and more recently in the transport of migrants to Minsk;
 - R. whereas the UN Working Group on the use of mercenaries named reports alleging that Azerbaijan, with Turkey's assistance, deployed Syrian mercenaries to sustain its military operations in the Nagorno-Karabakh conflict region;
 - S. whereas three award-winning Russian journalists were murdered on 30 July 2018 while investigating the Wagner Group's mining activities in the Central African Republic; whereas the death of Russian journalist Maxim Borodin, who reported on Wagner activities in Syria in March 2018, was part of a pattern of journalists who died in Russia while covering sensitive issues with potential repercussions for the authorities, according to the Committee to Protect Journalists;
 - T. whereas on 15 November 2021, Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Josep Borrell announced a consensus among EU foreign ministers to take restrictive measures against the Wagner Group in the EU's upcoming Foreign Affairs Council of December 2021; whereas on 20 September 2021 he warned of the possible involvement of the Wagner Group in Mali;
 - U. whereas a reported deal between the Wagner Group and the Malian authorities includes plans to deploy 1 000 contractors to the country; whereas the EU has common security and defence policy (CSDP) missions deployed in Mali;
 - 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;
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 PMSCs and for which, for the most part, no one has yet been held to account;
 2. Condemns in the strongest terms the heinous crimes committed by the Wagner Group and related private military entities; underlines the strong indications that the Russian State bears responsibility for the funding, training, management and operational command of those paramilitary groups; underscores that the Wagner Group's activities coincide and correspond with the spread of Russia's influence in conflict zones; expresses its firm conviction that the Wagner Group, and other Russian-led security contractors, should be treated as proxy organisations of the Russian State;

3. Calls on the Russian authorities to enforce the Russian Criminal Code, notably Article 359 prohibiting the recruitment, training, financing or material provision of mercenaries and their use in an armed conflict; calls on the Russian authorities, in that regard, to also ban state-run enterprises from having private military companies engaging in mercenary activities that are in breach of international humanitarian law;
4. Underlines the importance of countering the strategy of the Wagner Group and its affiliates, notably the blurring of its identity through the use of various names to avoid international scrutiny;
5. Calls on all states using the services of the Wagner Group and its affiliates, particularly the Central African Republic, to cut all ties with the group and its employees; calls on all states to face up to their responsibilities in the enforcement of international law, and to investigate the reported human rights violations and prosecute companies established on their soil when they engage in activities that violate international law; supports, in this regard, the efforts of human rights groups and individuals to hold the Wagner Group members accountable for crimes committed in Ukraine, Syria, Libya and the Central African Republic;
6. Is deeply concerned over signs that the transitional authority of Mali has been contemplating using private military companies, in particular the Wagner Group; urges Mali not to proceed in this direction; firmly believes that the involvement of the Wagner Group would run counter to the objective of bringing back peace, security and stability to Mali and protecting the Malian people, which are the fundamental goals of the EU through its CSDP missions and of the EU Member States acting at the request of the Malian authorities;
7. Believes that EU missions and operations cannot properly deliver and achieve peace, security and stability in partner countries when private security companies accused of gross human rights violations are operating simultaneously in the same country; points to targeted disinformation campaigns against EU missions and operations in Africa for which the Wagner Group and affiliates could be responsible as part of Russia's modern hybrid warfare; calls on the relevant units of the StratCom task force of the European External Action Service (EEAS) to report on these disinformation campaigns;
8. Calls for the EU and its Member States to seize all opportunities to communicate to relevant countries the risks associated with joining or collaborating with the Wagner Group and its affiliates, and to highlight the group's dreadful human rights record; encourages governments to ensure strict provisions on compliance with international humanitarian law, democratic oversight, and accountability in contracts with foreign PMSCs for military assistance and security services; encourages states to be fully transparent with regard to contracting military support services, especially as regards the number, tasks and chains of command of PMSCs present on their territories, as well as the equipment used to fulfil their contracts;
9. Calls on the EEAS to prepare a report on the activities of the Wagner Group in order to gain a clear overview of their various violations, which would then help to ensure accountability for their various crimes and pave the way to prosecute these perpetrators in front of international tribunals; states that Parliament will continue to follow the matter closely via a report and possible hearings;

10. Calls on the EU Member States and their allies to step up the sharing of intelligence on the Wagner Group and its affiliates;
11. Calls on the Commission to ensure that EU funds cannot under any circumstances be used by recipient countries to fund private military companies with such human rights records; calls on the Commission to raise this topic in its bilateral dialogue with all relevant countries;
12. Demands that countries in which EU CSDP missions and operations are being conducted to support state capacity-building terminate their contracts with PMSCs violating human rights; requests that the Commission critically review EU support to the governments and state institutions associated with the Wagner Group; calls on the Member States and the Commission to refrain from setting up new cooperation projects providing direct budget support to governments involved with the Wagner Group; urges the Member States and the Commission to redirect this budget support to civil society organisations and projects that directly benefit the populations of these countries;
13. Recalls that the EU and its Member States should only resort to private security companies in conflict zones to protect their premises or ensure transport security, and only if they fully respect human rights and international humanitarian law; stresses that no activities should be outsourced to PMSCs that would imply the use of force and/or active participation in hostilities, except in cases of self-defence, and under no circumstances should PMSCs be allowed to take part in or conduct interrogations; firmly believes that security and defence should be primarily provided by public authorities;
14. Calls for the matter of the activities of the Wagner Group and other private military companies in Africa to be thoroughly discussed during the upcoming EU-Africa Summit;
15. Reiterates the call made during the Paris Conference for Libya of 12 November 2021 for all foreign fighters, including mercenaries, to leave Libyan territory; urges Russia, Turkey, the United Arab Emirates and all other states to comply with that call, to immediately stop sending mercenaries to Libya and to withdraw those currently present in the country;
16. Urges the Russian authorities to withdraw all mercenaries from eastern Ukraine and Crimea; supports the efforts of the Ukrainian authorities to bring members of the Wagner Group operating in Crimea and Donbas before a Ukrainian court and calls on Interpol to cooperate closely in these and other similar cases;
17. Welcomes the statement of the VP/HR on the imminent adoption by the Foreign Affairs Council of targeted EU sanctions against the relevant individuals and entities affiliated with the Wagner Group, as well as individuals and entities working with them, using existing EU sanctions regimes such as the EU Global Human Rights Sanctions Regime; calls for these sanctions to include travel bans and assets freezes on Wagner operatives; calls on partner countries to adopt similar sanctions, including the member states of the African Union; calls for the EU to prepare and adopt restrictive measures for other PMSCs that are violating human rights;
18. Calls on all UN member states to fully ratify and implement the additional protocols to the Geneva Conventions, and to strengthen international law for the effective prohibition of mercenaries, building on the spirit of the 1977 OAU Convention for the Elimination of

Mercenaries in Africa, the 1989 International Convention Against the Recruitment, Use, Financing and Training of Mercenaries and the 2008 Montreux Document;

19. Calls for the EU and its Member States to ensure that a clear and binding regulatory framework for PMSCs is in place, in particular in the context of the UN open-ended intergovernmental working group, notably in relation to large projects in non-EU countries where these are funded by EU-based investors or financial institutions, and to ensure that such projects are transparently monitored; looks forward to its draft framework being circulated in April 2022; calls for mandatory due diligence requirements by entities that contract PMSCs;
20. Supports the work undertaken by the UN Working Group; calls on states where serious alleged human rights violations by PMSCs have been reported to officially invite the UN Working Group on the use of mercenaries to conduct country visits as a matter of urgency;
21. Urges the EU and its Member States to take resolute action to address the accountability gap of PMSCs, including with regard to transparency oversight and monitoring; reminds all states of their obligation to ensure that PMSCs under their jurisdiction or operating within their territory respect human rights; underlines the need to ensure judicial remedies, including criminal sanctions, for human rights violations resulting from the activities of PMSCs; demands unhindered access to justice and redress for all victims of violations, including abuses committed by Russian mercenaries; calls for the EU to encourage and support efforts in national and international jurisdictions to launch criminal proceedings to hold PMSCs accountable for human rights violations; calls on Russia, to this end, to fully cooperate with the UN, the EU and countries where the Wagner Group has allegedly committed crimes;
22. Is of the opinion that strengthening EU training missions (EUTMs) would more effectively contribute to security sector reform in partner countries; is of the opinion that the swift implementation of the European Peace Facility, in full compliance with the Council Common Position on arms export controls¹, international human rights law, international humanitarian law, and effective transparency provisions, including a detailed list of equipment provided under the facility, would increase the EU's influence in the capacity-building of partner countries' armed forces and ensure they do not resort to PMSCs that do not share our values;
23. 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, and the Parliament of the Russian Federation.

¹ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).