



General Assembly

Distr.: General
16 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Elizka Relief Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Private Military and Security Companies and their Impact on Human Rights in Africa

Elizka Relief Foundation presents an intervention on the use of mercenaries as a means of violating human rights and obstructing the exercise of peoples' right to self-determination by focusing on the impacts of using private military and security companies (PMSCs) on human rights in Libya, the Central African Republic, and Mozambique.

PMSCs have become a distinct and increasingly relevant phenomenon in defense and security politics after World War II, and emerged with its legitimate and non-legitimate paths in the 1990s to provide military, intelligence, combat, reconnaissance, logistical, and training services as a commercial commodity, representing a challenge to human rights and humanitarian considerations and undermining its obligations. Its effects on human rights have increased after its involvement in the military and field operations, especially in Africa, including Libya, the Central African Republic, and Mozambique.

First: the human rights effects of PMSCs in Libya

In Libya, it is difficult to distinguish between private military employees and security companies. Many contractual soldiers and mercenaries, estimated at over 20,000 fighters from the Russian Federation, the Sudan, Turkey, and Chad, flowed into Libya through legal and illegal paths, which affected human rights. Their practices have led to numerous violations and transgressions according to international documents on regulating PMSCs .¹

From May until August 2021, the human rights violations of these companies escalated, and their practices worsened, including violations of the right to self-determination, life and development, and personal safety. Despite the ongoing calls for the exit of mercenaries and foreign forces and the cease-fire resolution launched in October 2020, and its outcomes regarding the mercenaries exit and the holding of free, secret, and fair presidential and parliamentary elections in December 2021 ,² there are more than 20,000 foreign fighters and mercenaries in Libya in May 2021, and the spread of security, military and mercenary contractors affiliated with the Turkish "Sadat" company. From December 2019 until they estimated about (13.7) thousand fighters between March and June 2021 in military and civilian sites such as Al-Sahba camp, Maitika military base, Al-Na'am camp, Al-Nasr Forest, and the displaced person camp. It established observatories above Al-Safwa Hospital and the Holy Quran Academy, medical clinics; where civilians live, get bombed, killed, and displaced.³

In violation of the right to life, housing, residence, and security, and the increase in the forced displacement, in June 2020, the Wagner Group planted landmines, improvised explosive devices, innovative and self-dispersal in all places, latrines, and toys in Tripoli. On July 13, 2020, it killed about (52) civilians, including (2) mine experts, and injured (96) civilians. On July 16, 2020, it injured (3) children. Until August 12, 2021, thousands of families were deprived from reaching their homes.⁴ On August 11, 2021, the contact with the director of the office of the first deputy prime minister in Tripoli, Rida Faraj Al-Fraites, was lost, in parallel with the violations of the right to water. On July 13, 2021, the Libyan Man-made River Project and Execution Authority estimated the number of security attacks on wells, springs, and water at about 243, including theft, sabotage, and cable cutting. The "soldiers" of Osama al-Juwaili, who included Chadian mercenaries, participated in these attacks.

¹ UN stress significant threat of mercenaries in Libya for region, The Arab weekly, 22 may 2021, <https://bit.ly/2Vlzy4u>.

² UN, 20.000 foreign fighters in Libya area serious crisis, 2 December 2020, <https://bit.ly/3iyKriX>.

³ Atlantic council, Libya has a mercenaries problem. Its time for the international community to step up, 21 may 2021, <https://https://bit.ly/3jFk35S>.

⁴ US says 2.000 Russia backed mercenaries are fighting in Libya, 17 June 2021, <https://bit.ly/3yOJyhu>.

Second: the human rights effects of PMSCs in the Central African Republic

PMSCs continue to negatively affect human rights and humanitarian considerations in the Central African Republic. Soldiers and security contractors, especially the Russian Wagner Group, came as a supportive company for the Central African government and its armed forces to restore the diamond trade and end the conflict that has existed since (2012) under a bilateral cooperative agreement (December 2020).

In May 2021, the Russian trainer numbers increased by about (532) according to Russia, or (800: 2100) by the UN, in addition to the deployment of (600) additional trainers, causing more violations and abuses. In December 2020, the Wagner group attacked a vehicle that didn't stop at the Grimary checkpoint in Oaka prefecture. It killed 3, including an employee of MSF, and injured 15 others. In January 2021, it participated in military operations against the rebels to commit crimes against children and civilians. On February 15, 2021, they fired shots and shells on civilians sheltering in the Al-Taqwa mosque, destroyed their homes, and killed between (12:20) civilians, including women and children.

In March 2021, they killed the leader of a village" near "Bambari"; burned (60) houses, and stole motorcycles among other things. The Russian-Congolese forces executed three persons who were arrested inside the Bambari mosque .⁵ In May 2021, they clashed with mercenary groups and killed 3 of its forces on the border with Chad and the Central African Republic.

At the end of June 2021, they killed 6 Chadians and arrested ten others in northern Chad. On 28 June 2021, the UN report prepared by the arms embargo monitoring experts in Bangui referred to the violations of the Wagner Group in the Central African Republic, including the incidents that occurred between the MINUSCA peacekeeping forces and the Wagner Group. It has targeted UN officials, destroyed a UN drone, and bypassing other military and security companies. On 31 March 2021, the United Nations monitored around 20 armed groups in the Central African Republic aimed at seizing the wealth and minerals. At the end of April 2021, four of the Fulani group were recovered from the town of Baria, and were transferred to an unknown destination.

Third: the human rights effects of PMSCs in Mozambique

In Mozambique, the activities of PMSCs, particularly in the Palma region, which is rich in gas and minerals, are intensifying between security contractors and rebel groups, which contributes to restricting human rights in all its forms and agreements. In October 2019, the Mozambican government contracted with the Wagner Group, in violation of its roles in securing elections and its change to participation in military operations.

The South African "Dyke Idvizi" group was also engaged in military operations in northern Mozambique, such as the events of February 2021. The security forces and the "Dyke" group attacked an armed base in the "Mocimboa da Praia" area, causing terror among civilians, forcing them to flee their homes, and leading to food insecurity. On April 26, 2021, and following renewed clashes on March 24, 2021 in the Cabo Delgado region in northern Mozambique, Total announced the suspension of its operations in the gas project, and the withdrawal of its employees from the Afungi, posing threat to the right to life, development, and the right to seizure and disposal of wealth and natural resources. On June 11, 2021, these clashes resulted in about 3,000 deaths and the displacement of over 732,000.⁶

⁵ CNN, Russian mercenaries accused of atrocities in the Central African Republic, 15 June 2021, <https://bit.ly/3AvsHdZ>.

⁶ Crisis Group, Stemming the insurance in Mozambique Cabo Delgado, 11 June 2021, <https://bit.ly/3m2JmSd>.

Recommendations

Elizka Relief Foundation presents a set of recommendations on the human rights impacts of PMSCs in Africa:

1. The international community, with all its mechanisms and members, should formulate the issuance of legally binding controls regulating private military and security companies, their criminal and legal liability, and the quality of military and security services provided by these companies. And those that cannot be delegated to corporations such as direct participation in armed conflict, intelligence, detention, law enforcement, or interrogation of persons deprived of their liberty, prison management, use of weapons of mass destruction, and police powers.
2. The international community, with all its concerned parties, should employ efforts to establish a legal mechanism for accountability, oversight, and investigation of violations and abuses of human rights by these companies, with reparation for the harm suffered by the victims and compensating them in proportion to the harm.
3. The contracting states with private security and military companies should assess the ability of companies to carry out their activities in line with national and international law and to activate the criteria for selecting the company and the terms of the contract in light of the company's previous behavior and its financial and economic capabilities, and the availability of registration certificates, licenses, necessary permissions and records regarding employees and property; lawful possession of equipment and weapons, training in the rules for the use of force and weapons, respect for international humanitarian and human rights law, and an understanding of gender, cultural and religious considerations and the local population.
4. The Human Rights Council should create fact-finding committees on crimes and abuses resulting from the use of private military and security companies in Libya, the Central African Republic, and Mozambique.
