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UNITED NATIONS HUMAN RIGHTS COUNCIL

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Joint Submission  
from non-governmental organisations

**Recruitment of prisoners by the Wagner Group**

Submitted by European Prison Litigation Network & Russia Behind Bars

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## Introduction

1. This joint submission is intended to draw the attention of the United Nations Human Rights Council and the United Nations Member States to the recruitment campaign among prisoners serving their custodial sentences in the Russian or Russia-controlled penitentiary institutions into the private military unincorporated contractor known as “Wagner Group”, their transfer to the territory of Ukraine and adjacent regions of Russia, and their deployment in the war in Ukraine on the side of the Russian forces.<sup>1</sup>

2. The submission is prepared and lodged by two non-governmental organisations:

(1) *Русь Сидящая* (Russia Behind Bars Foundation, RBB), the foundation providing legal assistance to the victims of human rights violations on the part of law enforcement, judicial, and penitentiary systems of the Russian Federation

(2) European Prison Litigation Network (EPLN), an international NGO holding a participatory status with the Council of Europe focusing its activities on enhancement of the judicial protection of the fundamental rights of prisoners in the Member States of the Council of Europe

## Facts

### A. General overview

3. Since the start of the Russian invasion in Ukraine in February 2022, the Wagner Group, a Russian-backed private military contractor has been recruiting prisoners from correctional facilities across Russia, and in the occupied territories in Ukraine.<sup>[1]</sup>

4. RBB received numerous letters from inmates and their relatives, describing the recruitment campaign. The recruiters have been visiting correctional colonies and encouraging prisoners to join the Wagner Group promising them amnesty or pardon after six months of service, the extinguishment of criminal records, a monthly allowance of RUB 100-200 thousand (EUR 1,600 – 3,200),<sup>[2]</sup> and a compensation of up to RUB 5 million to their families in the event that they were killed in action, and 300 thousand roubles if they were injured.<sup>[9][3]</sup>

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<sup>1</sup> The full version of the report, submitted by EPLN and RBB in March 2023 to the UN HRC Working Group on the use of mercenaries is annexed to this joint submission.

5. By the end of 2022 the Wagner Group recruiters have visited at least 97 correctional colonies in 45 Russian regions, successfully recruiting at least 10,360 prisoners.<sup>[3]</sup> The US authorities estimated this number to be much higher (around 40,000)<sup>[4]</sup>

6. On 9 February 2023 Yevgeny Prigozhin, the head of the Wagner Group, announced that the recruitment from prisons was “fully stopped”.<sup>[5]</sup> Despite this, the recruiters reportedly continued their visits to the correctional colonies.<sup>[6]</sup>

### *B. Recruitment procedure*

7. After each visit to the colonies by the recruiters, approximately 20% of inmates were applying to join the Wagner Group. “Activists” from among the prisoners co-operating with the prison administration, exerted pressure on other inmates, managing to persuade an additional 10% of inmates to join the group. The recruiters were particularly interested in prisoners with experience of law-enforcement service,<sup>[7]</sup> who had been convicted of murder or robbery, and who were in good physical shape.<sup>[8][9][10]</sup> Subsequently, the “invitations” were extended to any prisoner who was interested in joining.<sup>[11]</sup> In some cases, Wagner recruiters were accompanied by the officers of the Federal Penitentiary Service (the FSIN) or the Federal Security Service (FSB), and were openly carrying firearms during meetings with inmates.<sup>[3]</sup>

8. Despite the absence of widespread repercussions against prisoners who declined the offer, some prisoners who had agreed to go join the Wagner Group but then changed their minds, were placed in disciplinary wards. In a number of colonies there were reports of the forceful recruitment of prisoners (IK-4 Mari El Republic,<sup>[12]</sup> IK-37 Kemerovo Region,<sup>[13]</sup> colonies in Sverdlovsk Region).<sup>[14]</sup> In IK-37 Kemerovo Region inmates who refused to join Wagner were beaten, handcuffed to radiators, and threatened with new criminal charges against them in other colonies. In Yakutiya (IK-7 and IK-6) prisoners were threatened with extension of their prison terms if they refuse to join the Wagner Group.<sup>[15]</sup>

### *C. Access to recruited prisoners and inquiries*

9. Following the recruitment, communication with correctional colonies at least in fifteen regions was disrupted. Numerous colonies visited by the Wagner recruiters have been closed for “quarantine”; relatives, lawyers (including RBB’s lawyers), and human rights defenders were denied access to the facilities.<sup>[16][17][18][19]</sup>

10. The FSIN, the Russian Ministry of Defence, and the ombudspersons have not responded to media and relatives’ inquiries concerning the recruitment or denied its existence.<sup>[3][2][20]</sup> In September 2022 members of the President Council for Human Rights asked the Prosecutor General and the FSIN to clarify the grounds for early release of the recruited prisoners.<sup>[21]</sup>

11. Members of the Council were prohibited from raising the topic at their meeting with President Putin in December 2022.<sup>[22]</sup> In January 2023, the authorities responded, denying any knowledge of the recruitment campaign. Seven out of ten members of the Council who signed the requests were removed from the Council in November 2022.<sup>[23]</sup> Prisoners' relatives lodged several dozens of criminal complaints with the Investigative Committee of Russia against the FSIN officials, albeit to no result.<sup>[24]</sup>

#### *D. Deployment of recruited prisoners*

12. Recruited prisoners are mainly used by the Wagner Group at the front lines in the Donetsk and Luhansk Regions of Ukraine formations,<sup>[25][26]</sup> including the fights near Bakhmut, frequently forming the first wave in attacks and taking the heaviest casualties – as high as 80%.<sup>[27][28]</sup>

13. In February 2023 a recruited prisoner reported a usual practice of torturing captured Ukrainian servicemen by the Wagner Group fighters.<sup>[29]</sup> Several prisoners reported that they and their fellow inmates were regularly threatened and ill-treated by their superiors; a number of prisoners were executed for attempted escapes, many prisoners had their fingers publicly cut off as a warning for the others.<sup>[30]</sup>

14. Prigozhin stated that more than 5,000 prisoners were pardoned after serving their contracts with the Wagner Group.<sup>[31]</sup> It was alleged that the recruited inmates had been indeed pardoned by a classified decree of the President.<sup>[32]</sup>

#### *E. Casualties*

15. By mid-October 2022, more than 500 recruited prisoners were killed in Ukraine.<sup>[33]</sup> The US authorities reported that only in November-December 2022 around 900 recruited prisoners were killed in the fights near Bakhmut.<sup>[4]</sup>

16. Since November 2022, 60-80 prisoners have been reported dead weekly (based only on the public reports). Most of the convicts recruited by Wagner are buried in towns where their relatives live. In the beginning of February 2023, based on open sources, the death of 567 recruited prisoners was confirmed.<sup>[34]</sup>

17. In February 2023 the US Government estimated the Wagner Group's casualties to be around 30,000 people, including 9,000 killed. About half of them were killed since mid-December and 90% of those killed were recruited prisoners.<sup>[35]</sup>

### *F. Executions*

18. On 13 November 2022 a telegram channel linked to the Wagner Group published a video of the execution of Yevgeny Nuzhin, a convicted prisoner from IK-3 Ryazan, sentenced to 28 years' imprisonment in 1999 for murder. In the video, a concrete block was attached to Nuzhin's head, and an unknown man hit him on the head with a sledgehammer. It was claimed that Nuzhin had been returned to Russia as part war prisoners exchange.<sup>[36][37]</sup> The execution of Nuzhin resembles another execution of a civilian, carried out by the Wagner Group in Syria in 2019.<sup>[38]</sup> Yevgeny Prigozhin denied Wagner Group's involvement in the execution.<sup>[39]</sup>

19. The former commander of Nuzhin's unit, Andrey Medvedev, who allegedly defected from Wagner, reported ten executions of Wagner Group members who refused to fight, mostly ex-prisoners.<sup>[40][41]</sup>

20. In February 2023 another video of a similar execution was published. The victim, Dmitry Yakushenko, was also recruited by Wagner from a correctional colony. Later Prigozhin's press-service published another video showing Yakushenko alive. In the video he said that he had been forgiven by the Wagner Group.<sup>[42]</sup>

### *G. Prisoners' recruitment by the Ministry of Defence. Legislative developments*

21. In September 2022 RBB received a number of reports about the recruitment of inmates into the "official" Russian armed forces. Between December 2022 and February 2023 recruiters of the Ministry of Defence visited at least five correctional colonies in a number of Russian regions.<sup>[6]</sup>

22. On 4 November 2022 the Russian authorities amended the Mobilisation Act (Federal Law "On Mobilisation Preparations and Mobilisation in the Russian Federation of 26 February 1997 No. 31-FZ) having lifted the restriction on the mobilisation to the army of persons who had been convicted of serious crimes (except for certain categories).<sup>[43]</sup>

23. In March 2023 the Russian authorities adopted amendments to the Criminal Code (Articles 207.3 and 280.3) and the Code of Administrative Offences (Article 20.3.3) criminalising "public discreditation of volunteer formations" and "public dissemination of false information" about "volunteer formations". Kremlin spokesman confirmed that the amendments covered the "discreditation" of the Wagner Group.<sup>[44]</sup>

### *H. Foreign recruitment and recruitment of foreigners*

24. In September 2022 reports surfaced that the Wagner Group has extended the recruitment to the correctional facilities in the Donetsk Region of Ukraine.<sup>[45]</sup> Reports of

prisoners' recruitment also came from the occupied Kherson Region.<sup>[46][47]</sup> According to the General Staff of the Ukraine armed forces, 1,200 prisoners were recruited by the Wagner Group from the facilities in the occupied Crimea in February 2023.<sup>[48]</sup>

25. It was also reported that Wagner Group recruited foreign nationals serving sentence in Russia, including citizens of Ukraine, Uzbekistan, Tajikistan, Moldova, Serbia, Egypt,<sup>[49]</sup> Zambia,<sup>[50][51][52]</sup> Turkmenistan,<sup>[53][54]</sup> Belarus, Kyrgyzstan, Uzbekistan,<sup>[55]</sup> Tajikistan,<sup>[56]</sup> Tanzania.<sup>[57]</sup> In November 2022, media reports came that Wagner Group started recruitment of inmates in the Central African Republic.<sup>[58]</sup>

## Legal analysis

### *A. Lack of the domestic legal framework for the recruitment and transfer of prisoners. Backing up of the recruitment by the FSIN*

26. The Russian domestic legislation is completely silent on the private military contractors' status, activities, incorporation, and responsibility. The authorities persistently denied any links to the Wagner Group or similar paramilitary groups or formations. Several attempts to enact legislation governing their activities have ended up in vain, which paved the way for the variety of crimes and violations of human rights and humanitarian law regularly committed by them and the impunity of their personnel and commanders.<sup>[59]</sup>

27. Formally, organisation and membership of an illegal armed formation such as the Wagner Group may constitute several offences under the Criminal Code of Russia (Articles 208 - 210, 359). Despite substantive criminalisation and numerous criminal complaints, no proceedings were brought up in Russia in relation to the recruitment of prisoners by the Wagner Group.

28. The FSIN has not publicly commented on the recruitment campaign.<sup>[27]</sup> However, the visits to the penal institutions by the Wagner Group recruiters could not be possible without formal authorisation by prison administrations or the Regional Departments of the FSIN (pursuant to Article 24 of the Penitentiary Code of the Russian Federation).

29. The Penitentiary Code of the Russian Federation provides for the situations when a convicted prisoner may be authorised to temporarily leave a correctional institution (Articles 97 and 104). Leaves are not allowed to the broad categories of prisoners. The decision to grant a leave lies within the full discretion of the prison authorities.

30. Taking into account the limited term of the prison leave as well as other strict requirements for granting leave requests, it is clear that this mechanism can not be used as a formal ground for authorising the prisoners' relocation to the armed conflict area.

31. It was reported, that recruited prisoners were formally listed as "transferred".<sup>[60][9]</sup> However, during a transfer to another penitentiary facility, prisoners can be detained only in official places of detention (Article 76 § 7 of the Penitentiary Code). Transfers are allowed only on limited number of grounds (Articles 77.1 and 81 of the Penitentiary Code) and none of them explain the massive flow of prisoners from the colonies visited by the Wagner Group recruiters.

32. Furthermore, there were neither recent court orders authorising early release of large number of prisoners (Section 12 of the Code), nor State Duma's decrees on amnesty authorising the mass release of prisoners.

33. As regards the allegation of pardon of the prisoners by a classified decree of the President before their transfer from the correctional colonies,<sup>[61]</sup> in the absence of an official confirmation (the Kremlin's spokesperson evaded a direct answer to the question about the pardon),<sup>[62]</sup> it remains speculative.<sup>[63]</sup>

34. Therefore, the recruited prisoners leaving the correctional colonies to the military conflict area still retain their formal status of detainees, which makes the guarantees stemming from Article 9 of the ICCPR applicable to them.

35. Article 9 § 1 of the ICCPR provides for that no one shall be deprived of liberty except in accordance with procedures established by law. Detention may be arbitrary if the manner in which the detainees are treated does not relate to the purpose for which they are ostensibly being detained.<sup>[64]</sup> Extreme forms of arbitrary detention that are themselves life-threatening violate the rights to personal liberty and security as well as the right to protection of life.<sup>[65]</sup> Detainees should be held only in facilities officially acknowledged as places of detention.<sup>[66]</sup>

36. The engagement of inmates in the operations of the Wagner Group while they are still serving their prison terms exposes their life to an immense risk and runs contrary to the purpose of their formal detention rendering it arbitrary and unlawful. Their release from the correctional institutions is therefore authorised by the prison administrations in breach of the domestic and international law.



*B. Absence of the effective control of the prison administration over inmates in the area of the armed conflict*

37. According to Article 103 § 1 of the Penitentiary Code of Russia that convicted prisoners can be employed by organisations located on the territory of correctional facilities or outside, “if their security and isolation are duly ensured”. It is important that the employment “of convicts must not interfere with the main task of correctional institutions - the correction of convicts” (Article 103 § 5 of the Code). When allowing the inmates to join private military contractors and to leave detention facilities in order to participate in the armed conflict in Ukraine, the prison administrations fail to supervise and secure their safety, properly implement and upkeep the regime rules, as well as to ensure the execution of sentences. Thus, the penitentiary authorities are neglecting their responsibilities for the custody of prisoners and the protection of society, and the functions vested with them under the domestic law and stemming from the applicable international standards (e.g., Principle 4 of the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* adopted by the UN GA resolution 43/173 of 9 December 1988, Rules 97 and 100 of the Nelson Mandela Rules).

38. According to the CCPR jurisprudence,

*“when private individuals or entities are authorized by a State party to exercise powers of arrest or detention, the State party remains responsible for adherence to Article 9 [of the CCPR]. It must rigorously limit those powers and must provide strict and effective control to ensure that those powers are not misused, and do not lead to arbitrary or unlawful arrest or detention. It must also provide adequate remedies for victims if arbitrary or unlawful arrest or detention does occur.”<sup>[67]</sup>*

39. By renting out convicted prisoners to the Wagner Group, the prison authorities *de facto* transfer the control over the inmates and the relevant responsibility. Such delegation of responsibilities does not have a legal basis in Russian law.

*C. Recruitment of prisoners by the Wagner Group and their involvement in the military conflict run contrary to the rehabilitative and reintegrative purposes of criminal punishment and constitute a forced labour*

40. Inmates joining the Wagner Group retain their status of convicted prisoners and shall benefit from the respective guarantees linked to that status, including the protection from forced or compulsory labour (Articles 1(1), 2(1) and (2)(c) of the Forced Labour Convention (no.29); Article 8 of the CCPR). The Human Rights Committee has stated that “for [detainees’] labour not to be forced or compulsory, it must, at a minimum, not be an exceptional measure... *and it must be provided for by law in order to serve a legitimate purpose under the Covenant.*”<sup>[68]</sup>

41. The detainees' recruitment by the Wagner Group, as well as the modalities and conditions for their release for this purpose are not regulated by the domestic law.<sup>[69]</sup> There are no monitoring mechanism and unified register of recruited convicts. The lack of a legal framework paves the way for various serious violations of the prisoners' rights and makes their involvement in the military conflict totally non-transparent.

42. By allowing the prisoners to join Wagner Group and leave the places of detention, prison authorities additionally compromise public safety. Wagner Group is particularly interested in recruiting dangerous violent offenders. Their participation in the military conflict, training, and access to firearms, further aggravate their violent character and raise the risks that they pose to society without pursuing any legitimate aims, such as territorial defence.

43. The prisoners are invited to join the Wagner Group rather than the regular Russian armed forces, which formally makes the Russian domestic military regulations inapplicable to them. The Military Service Act (Federal Law no. 53-FZ of 28 March 1998) provides that military service contracts cannot be signed by convicted, sentenced, and prosecuted persons, as well as the persons who had a criminal record or had ever served a prison sentence (Section 34 § 5 (5)). This prohibition is aimed at excluding former prisoners (let alone those who still serve sentences) from any involvement in military service. The recruitment campaign conducted by Wagner and backed up by the authorities is bypassing this prohibition by dragging the convicts into military activities in a non-official capacity. The use of untrained personnel lacking the knowledge of the basic principles of humanitarian law some of whom have been involved in serious violent crimes increase the risk of grave breaches of Geneva Conventions against civilians and combatants.

44. The recruitment cannot be considered voluntary, as the recruiters widely use the legal illiteracy and vulnerability of the prison population to their advantage. The prison authorities tolerate the recruitment or actively support it, in breach of their responsibility to ensure the safety, security, and rehabilitation of the inmates. Most of the prisoners have lived for a long time under psychological and physical pressure, without prospects of early release and in the absence of any re-socialisation programmes.<sup>[70]</sup> Their social ties and values become severed or damaged and they are willing to take extreme choices which put their lives and those of others at risk.

45. Moreover, recruitment of Ukrainian prisoners from the occupied territories runs contrary to Article 51 of the Fourth Geneva Convention which prohibits the occupying power from compelling protected persons (including prisoners, by virtue of Article 4 of the

Convention) to serve in its armed forces, as well as from exerting pressure or disseminating propaganda aimed at securing voluntary enlistment.

46. Immersing prisoners in a military environment, involving and exposing them to violence, lead to their loss of touch with reality and commission of further crimes by them.<sup>[71][72]</sup> Instead of protecting inmates, the prison administrations expose them to the Wagner Group as an easily-accessible and obedient labour force, which diminishes their human dignity and subjects them to forced labour, in breach of Articles 7 and 8 of the CCPR.

## Conclusion

47. The submitting organisations respectfully ask the Human Rights Council and the UN Member States to take into consideration the information contained in the present report and to recommend the Government of Russia:

- to put an end to the recruitment of prisoners detained in Russian and Russia-controlled places of detention and their deployment to the war in Ukraine;
- to withdraw all prisoners from Ukraine who were recruited from places of detention and are used by private military contractors / Russian Ministry of Defence as part of combat operations in Ukraine;
- to conduct an open and transparent investigation into the recruitment campaign and to hold accountable recruiters, commanders of military contractors, and public officials assisting in recruitment, for the violations of human rights and humanitarian law.

Respectfully submitted,

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<sup>1</sup> Human Rights Council: Concerns about Continued Reports of Localised Violence Involving Community-Based Militias in South Sudan, and in Mali the Deterioration of the Overall Security Situation Has Passed the Critical Threshold. OHCHR Press release. 29 March 2022 // <https://www.ohchr.org/en/press-releases/2022/03/hrc-continued-localised-violence>)

Human Rights Council Holds Interactive Dialogue with the Independent Expert on the Situation of Human Rights in the Central African Republic and Begins Interactive Dialogue with the Independent Fact-Finding Mission on Libya. OHCHR Press release. 6 July 2022 // <https://www.ohchr.org/en/press-releases/2022/07/human-rights-council-holds-interactive-dialogue-independent-expert-situation>)

CAR: Russian Wagner Group harassing and intimidating civilians – UN experts. OHCHR Press release. 27 October 2021 // <https://www.ohchr.org/en/press-releases/2021/11/car-russian-wagner-group-harassing-and-intimidating-civilians-un-experts>)

CAR: Experts alarmed by government’s use of “Russian trainers”, close contacts with UN peacekeepers. OHCHR Press release. 31 March 2021 // <https://www.ohchr.org/en/press-releases/2021/03/car-experts-alarmed-governments-use-russian-trainers-close-contacts-un>

Libya: Violations related to mercenary activities must be investigated – UN experts. OHCHR Press release. 17 June 2020 // <https://www.ohchr.org/en/news/2020/06/libya-violations-related-mercenary-activities-must-be-investigated-un-experts>

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Shrouded in secrecy for years, Russia's Wagner Group opens up. Aljazeera. 10 August 2022 // <https://www.aljazeera.com/news/2022/8/10/wagner-private-group-now-an-extension-of-russias-military>

<sup>2</sup> Russia dangles freedom to prisoners if they fight in Ukraine. Many are taking the deadly gamble. CNN. 9 August, 2022 // <https://edition.cnn.com/2022/08/09/europe/russia-recruits-prisoners-ukraine-war-cmd-intl/index.html>

<sup>3</sup> Новые солдаты российской армии: ЧВК Вагнера завербовала больше тысячи заключённых в 17 колониях страны (New Soldiers of the Russian Army: Wagner PMC recruited more than one thousand prisoners in 17 colonies across the country). Verstka, 5 August 2022 // <https://verstka.media/vagner-verbovka-zakluchennyh-iz-17-koloniy/>

<sup>4</sup> US believes Wagner mercenary group is expanding influence and took delivery of North Korean arms. CNN, 22 December 2022 // <https://edition.cnn.com/2022/12/22/politics/russia-wagner-group/index.html>.

<sup>5</sup> Russia's Wagner mercenary group says it's no longer recruiting convicts. This may signal a shift in strategy. CNN, 11 February 2023 // <https://edition.cnn.com/2023/02/09/europe/wagner-russia-convicts-ukraine-intl-cmd/index.html>

<sup>6</sup> Не только Пригожин (Not only Prigozhin). Verstka, 13 February 2023 // <https://verstka.media/minoborony-tozhe-davno-verbuet-v-koloniyah/>

<sup>7</sup> Новые солдаты российской армии: ЧВК Вагнера завербовала больше тысячи заключённых в 17 колониях страны (New Soldiers of the Russian Army: Wagner PMC recruited more than one thousand prisoners in 17 colonies across the country). Verstka, 5 August 2022 // <https://verstka.media/vagner-verbovka-zakluchennyh-iz-17-koloniy/>

<sup>8</sup> “Activists” are convicts who are used by the prison administration to enforce the internal regime and discipline of other prisoners. Activists often torture other inmates and extort money from them, at the direct order of the or with tacit consent of the administration (see, e.g. «Активисты» на службе ФСИН (“Activists” at the FSIN service). Novaya Gazeta, 29 October 2017 // <https://novayagazeta.ru/articles/2017/10/29/74384-aktivisty-na-sluzhbe-fsin>).

<sup>9</sup> ЧВК «Вагнера» вербует заключённых колоний Петербурга для поездки на Донбасс «идти в авангарде, помогать обнаруживать нацистов» (PMC Wagner is enlisting inmates from the St Petersburg's colonies to travel to Donbas “to lead the way helping to detect Nazis”). Important Stories, 4 July 2022 // <https://istories.media/reportages/2022/07/04/chvk-vagner-verbuet-zaklyuchennikh-kolonii-peterburga-dlya-poezdki-na-donbass-idi-v-avangarde-pomogat-obnaruzhivat-natsistov/>

<sup>10</sup> Important Stories Telegram Channel, 6 July 2022 // [https://t.me/istories\\_media/1293](https://t.me/istories_media/1293)

<sup>11</sup> Секс с малолетней и групповое изнасилование. За какие преступления сидели заключённые, которых ЧВК Вагнера завербовала для войны в Украине (Sex with a minor and gang rape. What crimes were the prisoners that the Wagner PMC recruited for the war in Ukraine imprisoned for?). Verstka, 16 September 2022 // <https://verstka.media/za-cto-sideli-zeki-kotorye-seychas-na-voynye/>

<sup>12</sup> Sota Telegram Channel, 17 September 2022 // <https://t.me/sotaproject/46266>

<sup>13</sup> Родственники кузбасских заключённых заявили о принуждении вступать в ЧВК и ехать на «специальную операцию» (Relatives of Kuzbass prisoners said that they were forced to join the PMC and go to the "special operation"). Tayga Info, 15 November 2022 // <https://tayga.info/179795>

<sup>14</sup> По второму кругу. Вербовщики «ЧВК Вагнера» снова объезжают колонии, откуда уже забирали эзков — но теперь им почти не верят (A second round. Wagner PMC recruiters are once again touring the colonies from which they have taken prisoners - but now they are hardly trusted). Mediazona, 6 February 2023 // <https://zona.media/article/2023/02/06/verbovka>

<sup>15</sup> “Те, кто отказался, сильно избиты, ходить не могут”. Родные заключённых из Сибири подтвердили, что тех массово отправляют на войну (“Those who refused are badly beaten, they can't walk.” Relatives of prisoners from Siberia confirmed that they were being sent to war en masse). Currenttime, 23 November 2022 // <https://www.currenttime.tv/a/te-kto-otkazalsya-silno-izbity-hodit-ne-mogut-rodnye-zaklyuchennyh-iz-sibiri-rasskazali-cto-ih-massovo-otpravlyayut-na-voynu-v-ukraine/32142742.html>

<sup>16</sup> Новые солдаты российской армии: ЧВК Вагнера завербовала больше тысячи заключённых в 17 колониях страны (New Soldiers of the Russian Army: Wagner PMC recruited more than one thousand prisoners in 17 colonies across the country). Verstka, 5 August 2022 // <https://verstka.media/vagner-verbovka-zakluchennyh-iz-17-koloniy/>

<sup>17</sup> «Русь Сидящая»: вербовщики добрались до оренбургских колоний (Russia Behind Bars: recruiters have reached the Orenburg colonies). The Insider, 30 September 2022 // <https://theins.ru/news/255599>

<sup>18</sup> Sota Twitter, 11 October 2022 // [https://twitter.com/sota\\_vision/status/1579775054673776641?s=61&t=IaTVq5SweIFhMhf0wvh8kw](https://twitter.com/sota_vision/status/1579775054673776641?s=61&t=IaTVq5SweIFhMhf0wvh8kw)

<sup>19</sup> «Нужны добровольцы на грязную работу: убивать по приказу, не задавая вопросов» (“We need volunteers for the dirty work: to kill on command, without asking questions”). Important Stories, 20 July 2022 // <https://istories.media/investigations/2022/07/20/zk-i-vagner/>

<sup>20</sup> «А потом пришли новости, что Славу снарядом разорвало» (“And then the news came that Slava had been torn apart by a shell”). Important Stories, 19 September 2022 // <https://istories.media/investigations/2022/09/19/a-potom-prishli-novosti-cto-slavu-snaryadom-razorvalo/>

- <sup>21</sup> <https://hrcspb.org/2022/09/18/obrashhenie-k-general-nomu-prokuroru-rf-s-pros-boj-raz-yasnit-situatsiyu-s-zaklyuchenny-mi-prinimayushhimi-uchastie-v-svo/>
- <sup>22</sup> «Не расстраивать президента»: какие темы запретили обсуждать на встрече СПЧ с Путиным (“Not to upset the president”: what topics were banned from the HRC meeting with Putin). Verstka, 6 December 2022 // [https://verstka.media/kakie-temy-zapretili-obsuzhdatspch-s-prezidentom/?tg\\_rhash=86cf5f61f61288](https://verstka.media/kakie-temy-zapretili-obsuzhdatspch-s-prezidentom/?tg_rhash=86cf5f61f61288).
- <sup>23</sup> Генпрокуратура и ФСИН отказались назвать основания для отправки заключенных на войну. Из их ответов следует, что практика Пригожина незаконна (The Prosecutor General's Office and the Federal Penitentiary Service refused to give reasons for sending prisoners to war. Their responses suggest that Prigozhin's practice is illegal). “Можем объяснить” (Can explain) Telegram Channel, 9 January 2023 // <https://t.me/mozhemobyasnit/14378>
- <sup>24</sup> Семьи отправленных на войну заключенных потребовали от Следственного комитета возбудить уголовные дела (Families of prisoners sent to war demand that the Investigative Committee initiate criminal proceedings). Agentstvo Telegram Channel, 18 November 2022 // <https://t.me/agentstvonews/1895>
- <sup>25</sup> “Thieves, swindlers, criminals, outlaws, killers — all are welcome”. Novaya Gazeta Europe, 24 August 2022 // <https://novayagazeta.eu/articles/2022/08/24/thieves-swindlers-criminals-outlaws-killers-all-are-welcome>;
- <sup>26</sup> Военный-отказник рассказал, что его с сослуживцами заставляют воевать в Украине вместе с бойцами ЧВК и осуждёнными (A military objector said that he and his comrades were forced to fight in Ukraine together with PMC fighters and convicts). Verstka, 7 September 2022 // <https://verstka.media/otkaznikov-uderzhivayut-na-fronte-s-vagnerovcami-i-zaklyuchennymi/>
- <sup>27</sup> Deadly and disposable: Wagner’s brutal tactics in Ukraine revealed by intelligence report. CNN, 24 January 2023 // <https://edition.cnn.com/2023/01/23/europe/russia-wagner-tactics-report-ukraine-intl/index.html>
- <sup>28</sup> “Our Losses Were Gigantic”: Life in a Sacrificial Russian Assault Wave. The New York Times, 13 February 2023 // <https://www.nytimes.com/2023/02/13/world/europe/ukraine-russia-prisoners.html>
- <sup>29</sup> Роман с «Вагнером» (An affair with "Wagner"). 47news.ru, 16 February 2023 // <https://47news.ru/articles/226551/>
- <sup>30</sup> «Один подстрелил командира, с него кожу сняли». Заключенным из ЧВК Вагнера отрезают пальцы, командиры скрывают пытки с помощью крематория (“One shot the commander, they skinned him”. Wagner PMC prisoners have their fingers cut off, commanders cover up torture with crematorium). The Insider, 1 November 2022 // <https://theins.ru/news/256593>
- <sup>31</sup> Пригожин: пять тысяч заключенных закончили контракт с ЧВК «Вагнер» и были помилованы (Prigozhin: Five thousand prisoners have finished their contract with the Wagner PMC and have been pardoned). Kommersant, 25 March 2023 // <https://www.kommersant.ru/doc/5899568>
- <sup>32</sup> СПЧ объяснил процедуру освобождения заключенных до участия в спецоперации (The HRC explained the procedure for releasing prisoners before participating in a special operation). RIA Novosti, 9 January 2023 // <https://ria.ru/20230109/zaklyuchennye-1843702450.html>
- <sup>33</sup> За два месяца в Украине погибли более 500 зеков, завербованных Пригожиным. The Insider публикует имена и фото (In two months, more than 500 convicts recruited by Prigozhin died in Ukraine. The Insider publishes names and photos). The Insider, 4 November 2022 // <https://theins.ru/news/256690>
- <sup>34</sup> Похороненные на Кубани наемники "ЧВК Вагнера" были судимы по тяжким статьям (Buried in the Kuban mercenaries of the “Wagner PMC” were tried on felony charges). Kavkaz Reali, 9 March 2023 // <https://www.kavkazr.com/a/pohoronennye-na-kubani-naemniki-chvk-vagnera-byli-sudimy-po-tyazhkim-statjyam/32310207.html>;
- На Кубани и в Адыгее обнаружили новые захоронения убитых в Украине наемников “ЧВК Вагнера” (In the Kuban and Adygea found new graves of mercenaries of the Wagner PMC killed in Ukraine). Kavkaz Reali, 8 March 2023 // <https://www.kavkazr.com/a/na-kubani-i-v-adygee-obnaruzhili-novye-zahoroneniya-ubityh-v-ukraine-naemnikov-chvk-vagnera-/32308443.html>
- <sup>35</sup> More than 30,000 Wagner fighters have been wounded or killed in Ukraine, US estimates. CNN, 17 February 2023 // [https://edition.cnn.com/europe/live-news/russia-ukraine-war-news-2-17-23/h\\_a21a4198e8d6ba18d87d128cf0605524](https://edition.cnn.com/europe/live-news/russia-ukraine-war-news-2-17-23/h_a21a4198e8d6ba18d87d128cf0605524)
- <sup>36</sup> Казненный кувалдой экс-боец ЧВК Вагнера участвовал в обмене пленными добровольно — Подоляк (Ex-Wagner PMC soldier executed with sledgehammer participated in prisoner exchange voluntarily – Podolyak). The Insider, 16 November 2022 // <https://theins.ru/news/257017>
- <sup>37</sup> Связанный с ЧВК Вагнера канал опубликовал видео казни заключенного, который попал в плен и планировал перейти на сторону Украины (Wagner PMC-affiliated channel publishes video of execution of prisoner who was captured and planned to defect to Ukraine). The Insider, 13 November 2022 // <https://theins.ru/news/256941>
- <sup>38</sup> Wagner in Syria: Appeal to European Court of Human Rights after case dismissed in Russia. FIDH, 9 June 2022 // <https://www.fidh.org/en/region/north-africa-middle-east/syria/syria-russia-wagner-appeal-european-court-human-rights>
- <sup>39</sup> Military Ombudsman Telegram Channel, 15 November 2022 // [https://t.me/military\\_ombudsmen/651](https://t.me/military_ombudsmen/651)
- <sup>40</sup> Ex-commander of murdered Yevgeny Nuzhin confirms 10 executions of Wagner Group mercenaries. The Insider, 16 December 2022 // <https://theins.ru/en/news/257929>

<sup>41</sup> Показания командира ЧВК Вагнера. Наемники и эки у Бахмута. Пытки в Херсоне. Запрещенный Меладзе (Testimony of Wagner's PMC commander. Mercenaries and cons near Bakhmut. Torture in Kherson. Banned Meladze), The Insider's YouTube channel, 18 December 2022 // <https://www.youtube.com/watch?v=S2MMervIUgE&t=615s>

<sup>42</sup> Москалькова пообещала, что СК проверит видео казни бойца ЧВК Вагнера. Пригожин заявил, что это «дети развлекаются» (Moskalkova has promised that the Investigative Committee will check the video of the execution of the Wagner Cheka fighter. Prigozhin said it was "children having fun"). The Insider, 13 February 2023 // <https://theins.ru/news/259348>

<sup>43</sup> Federal Law of 4 November 2022 No. 421-FZ // [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_430555/](http://www.consultant.ru/document/cons_doc_LAW_430555/)

<sup>44</sup> Песков: штраф до 500 000 рублей распространяется на дискредитацию ЧВК «Вагнер» (Peskov: fine of up to 500,000 rubles applies to discrediting Wagner PMC). Kommersant, 18 March 2023 // <https://www.vedomosti.ru/politics/news/2023/03/18/967107-peskov-shtraf>

<sup>45</sup> «Вагнерівці» вербують нових найманців у донецькій колонії – Генштаб ("Wagner" recruits new mercenaries in Donetsk colony - General HQ). Varta1, 4 September 2022 // [https://varta1.com.ua/news/vagnerivci-verbuyut-novih-naymanciv-u-doneckiy-koloniyyi---genshtab\\_352774.html](https://varta1.com.ua/news/vagnerivci-verbuyut-novih-naymanciv-u-doneckiy-koloniyyi---genshtab_352774.html);

Russia facing "severe" military personnel shortages, US officials say. CNN, 31 August 2022 // <https://edition.cnn.com/europe/live-news/russia-ukraine-war-news-08-31-22/>

Власти Херсонской области: оккупанты предлагают заключенным региона вступить в добровольческий батальон (Prisoners from Kherson were offered to join "volunteer battalions" by the occupying authorities) Novaya Gazeta Europe, 18 October 2022 // <https://novayagazeta.eu/articles/2022/10/18/vlasti-khersonskoi-oblasti-okkupanty-predlagaiut-zaklyuchennym-regiona-vstupit-v-dobrovolcheskii-batalon-news>

<sup>46</sup> Россияне освободили заключенных из херсонской колонии, чтобы те воевали за РФ – Генштаб (Russians release prisoners from Kherson colony to fight for Russia - General Staff). News.liga.net, 24 October 2022 // <https://news.liga.net/amp/politics/news/rossiyane-osvobodili-zaklyuchennyh-iz-hersonskoy-kolonii-chtoby-te-voevali-za-rf-genshtab>

<sup>47</sup> Россия вывозит заключенных из колоний на оккупированных территориях: Ольга Романова предполагает, что их заставят воевать за Москву (Russia removes prisoners from colonies in occupied territories: Olga Romanova suggests they will be forced to fight for Moscow). Current Time, 1 December 2022 // <https://www.currenttime.tv/a/rossiya-vyvozit-zaklyuchennyh-iz-koloniya-na-okkupirovannyh-territoriyah/32156992.html>

<sup>48</sup> ЧВК «Вагнер» с начала месяца «использовала» около 1200 человек из тюрем Крыма – Генштаб ВСУ (Wagner PMC "used" around 1,200 people from Crimean jails since start of month - UAF General Staff). Krym.Realii, 12 February 2023 // <https://ru.krymr.com/a/news--vagner-s-nachala-mesyatsa-ispol-zovala-okolo-1200-chelovek-iz-tyurem-kryma/32267437.html>

<sup>49</sup> Более 40 иностранцев, отбывающих в мордовской ИК-17 сроки за торговлю наркотиками, убийства и изнасилования, отправили на войну в составе ЧВК «Вагнера» (More than 40 foreigners serving time in Mordovia's Prison 17 for drug trafficking, murder and rape sent to war as part of the Wagner PMC), Novaya Gazeta Europe, 25 October 2022 // <https://novayagazeta.eu/articles/2022/10/25/bolee-40-inostrantsev-otbyvaiushchikh-v-mordovskoi-ik-17-sroki-za-torgovliu-narkotikami-ubiistva-i-iznasilovaniia-otpravili-na-voinu-v-sostave-chvk-vagnera-news>

<sup>50</sup> Ukraine war: Zambia demands answers for death of student Lemekhani Nyirenda. BBC, 15 November 2022 // <https://www.bbc.com/news/world-africa-63627759>

<sup>51</sup> Ukraine war: Body of Zambian student Lemekhani Nyirenda returned by Russia. BBC, 12 December 2022 // <https://www.bbc.com/news/world-africa-63935260>

<sup>52</sup> Telegram Channel of the Press-service of Yevgeny Prigozhin, 29 November 2022 // [https://t.me/concordgroup\\_official/74](https://t.me/concordgroup_official/74)

<sup>53</sup> PMC Redut is reportedly linked to the Russian Ministry of Defence. Пехота пуце неволи (Infantry is more than captivity). Novaya Gazeta Europe. 10 August 2022 // <https://novayagazeta.eu/articles/2022/08/10/pekhota-pushche-nevoli>

<sup>54</sup> ЧВК Вагнер проводит мобилизацию среди заключенных туркменистана! (Wagner PMC mobilises prisoners in Turkmenistan!) Graph.org, 17 September 2022 // <https://web.archive.org/web/20221102133037/https://graph.org/CHVK-VAGNER-PROVODIT-MOBILIZACIYU-SREDI-ZAKLYUCHENNYH-TURKMENISTANA-09-17>

<sup>55</sup> Вооруженные заключенные сбежали из учебного центра ЧВК «Вагнер», среди них — граждане Узбекистана и Кыргызстана (Armed prisoners escape from Wagner PMC training centre, among them Uzbek and Kyrgyz nationals). Mediazona Central Asia, 2 January 2022 // <https://mediazona.ca/news/2023/01/02/wagner>

<sup>56</sup> Минтруда: Таджикские заключенные российских тюрем отправились на войну в Украине добровольно (Labour Ministry: Tajik prisoners in Russian prisons went to war in Ukraine voluntarily). Radio Ozodi, 13 February 2023 // <https://rus.ozodi.org/a/32269034.html>

<sup>57</sup> Похороны погибшего под Бахмутом бойца ЧВК «Вагнер» танзанийского происхождения прошли в Горячем Ключе (Funeral for Tanzanian-born Wagner PMC fighter killed near Bakhmut held in Goryachi Klyuch). RIA FAN, 16 January 2023 // [https://riafan.ru/23849403-pohoroni\\_pogibshogo\\_pod\\_bahmutom\\_boitsa\\_chvk\\_vagner\\_tanzaniiskogo\\_proishozhdeniya\\_proshli\\_v\\_goryachem\\_klyuche](https://riafan.ru/23849403-pohoroni_pogibshogo_pod_bahmutom_boitsa_chvk_vagner_tanzaniiskogo_proishozhdeniya_proshli_v_goryachem_klyuche)

<sup>58</sup> Putin's Prison Recruiting Scheme Takes a Big, Desperate Turn. Daily Beast, 29 November 2022 // <https://www.thedailybeast.com/wagner-group-accused-of-recruiting-prisoners-from-the-central-african-republic-for-russias-war-in-ukraine?ref=scroll>

<sup>59</sup> Implausible Deniability: Russia's Private Military Companies. Commentary by Paul Stronski. 2 June 2020. Carnegie Endowment for International Peace // <https://carnegieendowment.org/2020/06/02/implausible-deniability-russia-s-private-military-companies-pub-81954>

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<sup>60</sup> «Освободиться из тюрьмы, пойдя на войну в Украине, можно лишь через могилу» (“To get a release by going to the war in Ukraine is possible only over a grave”) Novaya Gazeta Europe, 30 August 2022 // <https://novayagazeta.eu/articles/2022/08/30/osvoboditsia-iz-tiurny-poidia-na-voinu-v-ukraine-mozhno-lish-cherez-mogilu>

<sup>61</sup> Putin secretly pardoned convicts recruited by Wagner to fight in Ukraine. Washington Post, 10 January 2023 // <https://www.washingtonpost.com/world/2023/01/10/putin-wagner-convicts-secret-pardon/>

<sup>62</sup> Песков прокомментировал сообщения СМИ об амнистии бойцов “Вагнера” (Peskov comments on media reports of amnesty for Wagner fighters). TASS, 9 January 2023 // <https://tass.ru/politika/16758957>

<sup>63</sup> Что известно о “помиловании” заключенных в ЧВК “Вагнер” (What is known about the "pardon" of prisoners at the Wagner PMC). DW, 4 February 2023 // <https://www.dw.com/ru/cto-izvestno-o-pomilovanii-zaklucennyh-v-cvk-vagner-razbor-dw/a-64605292>

<sup>64</sup> Human Rights Committee. General Comment No. 35. Right to Liberty and Security of Persons – Article 9 of the CCPR. 2014. CCPR/C/GC/35.

<sup>65</sup> 449/1991, Mojica v. Dominican Republic, para. 5.4; 1753/2008, Guezout v. Algeria, paras. 8.4, 8.7.

<sup>66</sup> See Concluding observations Algeria 2007, para. 11; Sudan 2007, para. 22; United States of America 2006, para. 12; Democratic Republic of the Congo 2006, para. 19.

<sup>67</sup> Human Rights Committee. General Comment No. 35. Right to Liberty and Security of Persons – Article 9 of the CCPR. 2014. CCPR/C/GC/35.

<sup>68</sup> Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2556/2015 \* , \*\* , \*\*\*. CCPR/C/125/D/2556/2015. 11 June 2019. Paragraph 7.5

<sup>69</sup> Верховная рада приняла закон об освобождении заключенных для участия в боевых действиях (Verkhovna Rada passes law releasing prisoners for participation in hostilities). Gazeta.ru, 15 March 2022 // <https://www.gazeta.ru/politics/news/2022/03/15/17430121.shtml>

<sup>70</sup> See, e.g., EPLN Report to the CCPR concerning prison violence in Russia // [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT\\_CCPR\\_CSS\\_RUS\\_50031\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_CSS_RUS_50031_E.pdf)

<sup>71</sup> Рецидивист распространил СВО на Россию (Recidivist extends [Special Military Operation] to Russia). Kommersant, 7 December 2022 // <https://www.kommersant.ru/doc/5707820>

<sup>72</sup> «Музыкант» принял полицейских за врагов ('Musician' mistook policemen for enemies). Kommersant, 9 December 2022 // <https://www.kommersant.ru/doc/5718312>