



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Paramilitary Forces

A Threat to Security & Partner in Illicit Arms Flows



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Introduction

The problems suffered by countries worldwide have resulted in a marked increase in the number of fragile states that are incompetent to carry out the core functions of administration, practice good governance and impose sovereignty. The diminishing role played by states has opened the gates wide for non-state violent or armed actors that have political, economic or ideological agendas and seek to achieve their goals by any means including violence, thus they pose a real danger to undermining internal security and threatening regional stability. All this is even aggravated by causing serious structural problems in political systems. As a result, foreign interventions and proxy wars appeared clearly in the global and regional contexts, especially in the Middle East region, depending directly on non-state actors to achieve their strategic agendas, increase their expansion and growth, and impose their foreign policies.

The activities of non-state armed actors vary depending on their capabilities and goals. Some actors that aspire to undermine internal security and stability, battle and overthrow governments, or gain autonomy, such as the Nigerien Movement for Justice in northern Niger, Al-Nusra Front in Syria, the Tripoli Revolutionaries Brigade (TRB) in Libya, and the Rapid Support Forces (RSF) in Sudan. The influence of actors may go beyond the regional circle, such as the Boko Haram organization, the Lebanese Hezbollah, Daesh and the Houthis in Yemen. Some organizations may be active on a global scale such as Al-Qaeda, which has a wide network and is perceived as a serious threat to global security and stability. All this has given rise to what is known as the 'commodification of security', which is carried out by private security and military companies (PMSCs), topped by Russia's Wagner group and America's Blackwater.

Indeed, the growing role played by non-state actors is much more effective than that of governments and state actors; with the former's impact extending beyond states' borders and being experienced on a global level. Non-state armed groups' growing expansion and spread pose a real threat to international peace and security, especially in light of the marked rise in arms trade and smuggling, as well as the rapid technological developments that enabled such organizations and fueled their pursuit to achieve their self-interest goals on the expense of states and peoples.

In this study, **Maat for Peace, Development and Human Rights** analyzes the role played by these forces in undermining the stability and security of many countries in which they are active, as well as their role in arms illicit flows and the ensuing violations of all rights recognized by international laws and norms by focusing on two case studies; the Wagner Group, being a PMSCs, and the RSF and the Houthi groups, as state-threatening militias.

This Study is carried out based on two axes:

Legal Axis addressing: -

- Definition of paramilitary forces and their manifestations under investigation;
- Definition of PMSCs in international law and international initiatives seeking to regulate their work;
- Maat's vision and role in establishing a regulatory framework for the work of PMSCs.

Analytical Axis highlighting the impact of paramilitary forces on security threats and flow of illicit weapons

- Wagner group and its role in threatening security and flow of illicit arms.
- RSF and their role in threatening Sudan's security.
- Houthi militia and its role in illicit arms flows to Yemen.

Axis 1: Definition of Paramilitary Forces

Paramilitary forces are any organizations or entities that are not formally affiliated with the armed forces, but receive military training, and can be used to support the regular military in general. Paramilitary forces' equipment is usually military surplus resources and are less than those owned by the state and they do not possess heavy weapons. The roles played by paramilitary forces vary from one country to another; while some countries used them as a vital component of their defense power, others do not rely on them at all such as the United States of America.¹

Militias and paramilitary forces, such as PMSCs, are affiliated or additional armed groups established to carry out specific roles relevant to security, but they are not subject to the chain of control and command of the regular armed forces. The mobilization of these armies is quicker than regular armies and they are more effective in internal risks. Thanks to the structure of such entities whose members are usually belonging to the same ethnicity or race, they are more likely to obey and comply with leaders or governing system orders. In contrast, regular armies consist of individuals belonging to various societal formations and are showing less compliance with the chain of command and control of the regular army. In general, the possibility of establishing such groups grows when there is an internal threat to the ruling government, they act as

¹ What are paramilitary forces and what countries have the largest number of them?, Sputnik, February 2023, link, <https://bit.ly/44A012H>

appropriate means to confront threats that regular security forces (the army and police) may not be able to confront.

Armed conflict is another factor justifying their emergence. Militias and paramilitary organizations reflect serious crises faced by states and the government's inability to address challenges by rebels. This means that the emergence of such organizations warns of an internal conflict brewing and perhaps Sudan's "Janjaweed" militia, which was restructured and mobilized to fight the state's enemies in Khartoum is a clear example thereof. Since most of these organizations are mobilized amidst armed conflicts, only a few of them continue after the end of the civil war or the growth of state power. For example, Congo's "Cobras and Ninjas" forces were dissolved after the end of the internal conflict. It is true that as long as the interests of the state are in harmony with those of the militias, they avoid challenging or overthrowing the government, as preserving the status quo is the main goal of the majority of armed militias. However, these organizations may ignore the government or carry out its tasks as alternative institutions. The fall of the ruling governments in some Arab countries after the 2011 events created a conducive environment fueling conflicts between various militias to usurp sovereignty and control the state, thus perpetuating a state of turmoil and instability in the Middle East region such as the wars in Syria and Yemen.²

First: What are PMSCs in International Humanitarian Law?

PMSCs have appeared as a qualitative phenomenon in the international system and its actors after the Second World War, and as a fundamental change in its security and military contexts both legal and illegal paths since the 1990s. Given the fact that PMSCs provide military, intelligence, combat, reconnaissance, logistical and training services as a commercial commodity they pose a major threat to human rights and humanitarian considerations, and undermine its obligations, as its effects on human rights increased after its involvement in the military contexts and field operations, especially in Africa. Thus, it had a direct link with security and human rights violations.

With the beginning of the third millennium, the international arena witnessed the emergence of new units of military and security service makers in particular, and this appeared clearly, especially after the occupation of Iraq by the United States-led coalition of America in 2003, and this has led to the emergence of this type of military and security companies, as well as the legal status of hired soldiers, aka mercenaries.

² Integration Challenges: How countries deal with the paramilitary forces dilemma? The Future for advanced research and studies, April 24, 2023, link, <https://bit.ly/3xxm9>

Therefore, this study focuses on analyzing the legal status of PMSCs in international humanitarian law and the most important international initiatives to regulate their work, as well as their impact on the stability of states.

Second: Legal Framework Regulating the Work of PMSCs

Defined in the Montreux Document on International Legal Obligations and Peaceful Practices of States Relevant to the Operations of PMSCs during Armed Conflict as private commercial entities that provide military or security services regardless of how they describe themselves and include military and security services in particular with the availability of armed guard and protection to persons and property such as caravans and other buildings, to maintain and operate weapons, to hold prisoners, and to provide advice or training to local forces and security personnel.³

In light of the recognition that these PMSCs have become an international reality that must be dealt with and their activities monitored, and within the framework of the United Nations' interest in human rights issues in order to preserve international peace and security and limit violations, whomever the perpetrators, so as not to destabilize international stability. The United Nations and its relevant agencies have been keen to establish an international regulatory framework for the regulation, control and supervision of PMSCs and their employees and contractors by the signatory states or the states parties (or what is known as the zero drafts of the international regulatory tool regarding the regulation, control and supervision of the activities of PMSCs). And in accordance with minimum standards in international law to ensure the protection and fulfillment by PMSCs and their personnel of human rights and international humanitarian law in the environments in which they operate. In addition to providing conditions under which these companies and their employees and contractors can be held accountable for human rights violations and violations of international humanitarian law, in order to ensure access to justice and effective remedies for victims of rights violations committed by PMSCs and their employees, provided that the framework governing the work of These companies are the Charter of the United Nations, the Geneva Conventions and their Additional Protocols, the International Code of Conduct for Private Security Service Providers, the Montreux Document on relevant international legal obligations related to PMSCs, and other documents concerned with protecting human rights and ensuring accountability for violations and abuses related to the activities of PMSCs.⁴

³ International Humanitarian Law and Private Military and Security Companies, International Committee of the Red Cross, <https://www.icrc.org/ar/doc/resources/documents/faq/pm-sc-faq-150908.htm>

⁴ For more details about the rules included in the draft can be found through the link, <https://www.ohchr.org/sites/default/files/2022-04/revised-zero-draft-instrument.pdf>

Hence, it can be said that the concept of PMSCs is slightly different from the concept of mercenaries. The definition of mercenaries contained in Article 47 of Additional Protocol I is quite restrictive. PMSCs employees have to fulfill some strict and cumulative criteria to meet the mercenary definition. A person who is a national of one of the conflicting parties would not fall under the classification of a mercenary. Moreover, for someone to be classified as a mercenary must be specially employed with the aim of direct participation in the fighting, motivated by the desire to achieve a special booty, and actively engaging in hostilities to be considered a mercenary; most PMC employees do not fall under the definition of mercenaries. Any country that has ratified the United Nations and the Organization of African Unity Convention for the elimination of mercenaries or either of them has a duty to prosecute and punish mercenaries. Under humanitarian law, the only legal consequence of being a mercenary is that the individual is not afforded prisoner of war status if they participate in an international armed conflict. However, they are still entitled to fair treatment and conditions of detention⁵.

While international law criminalizes the act of being a mercenary, there is still a presence of new mercenaries or contractors who find refuge within corporate entities, becoming involved in civil wars and ongoing conflicts. It was natural for this phenomenon to become evident in the most fertile environment for its growth, which is the fragile security environments of weak or failed states. However, the escalation of the role of these companies came with the American war on terrorism, as the United States expanded in using and employing these companies to manage the war in Iraq and Afghanistan, so that the role of PMSCs became a major transformative factor in the nature of modern warfare. War, especially civil conflicts, has become an arena for the interactions of these companies' markets⁶.

When we look at the past 20 years Blackwater was founded by wealthy American neo-conservatives who tortured and raped innocent Iraqis and committed significant crimes in the name of humanity in Abu Ghraib and Fallujah prisons during the occupation of Iraq in 2003, also private paramilitary companies like Wagner and so on working for the Russian government, Crimea in 2014, Libya and other parts of Africa and still present in the Ukraine war⁷.

⁵ - International humanitarian law, private military and security companies, the International Committee of the Red Cross, <https://www.icrc.org/ar/doc/resources/documents/faq/pmsc-faq-150908.htm>

⁶ Wagner Expansion: Motives for the Escalation of Conflict Commodification Through Private Security Companies, Future Research and Advanced Studies, October 19, 2021, link, <https://bit.ly/43DnzCH>

⁷ Paramilitary forces, ASSAM website, January 24, 2023, link, <https://www.assam.org.tr/index.php/ar/news-ar/news-ar/paramiliter-ar.html>

Third: Status of Employees of PMSCs under International Humanitarian Law

International humanitarian law determines the status of employees of PMSCs in the event of armed conflict based on the nature and circumstances of the operations they engage in.

Employees of PMSCs are civilians unless they join the armed forces of a country or are entrusted with combat missions on behalf of an organized armed group belonging to one of the parties to the conflict accordingly:

1. They shall not be targeted.
2. They shall be protected against attack unless they take part directly in hostilities.
3. If PMSCs employees carried out acts amounting to direct participation in hostilities, they lose protection from attacks during this engagement.
4. They may be prosecuted if they are captured simply for participating in hostilities, even if they have not committed any violations of international humanitarian law.
5. Protecting military bases from attacks by the hostile party, gathering military tactical information, and operating weapons systems in a combat operation are examples of direct participation in hostile operations that may involve personnel from PMSCs⁸.

Hence, PMSCs are required to respect international humanitarian law if they are operating in situations of armed conflict and may be held criminally liable for any violations they commit. This principle applies to these employees, whether they are appointed by countries, international organizations or private companies.

Fourth: International Initiatives Regulating the Work of PMSCs

International initiatives have been launched to address the lack of clarity surrounding these companies in international humanitarian law to establish clear legal standards regulating the activities of PMSCs, aiming to ensure their compliance with the standards of conduct reflected in both international humanitarian law and human rights law. These initiatives include the Montreux Document 2008 and the International Code of Conduct for Private Security Service Providers (ICoC) 2010; the two documents sought to enhance respect for international humanitarian law and international law if these companies are employed and used in armed conflicts⁹.

⁸ International humanitarian law, private military and security companies, the International Committee of the Red Cross, <https://www.icrc.org/ar/doc/resources/documents/faq/pm-sc-faq-150908.htm>

⁹ - Dr. Ibrahim Minshawi, The Legal Status of Private Military and Security Companies in International Humanitarian Law, Supplement to Political Transformations - International Policy Journal, April 2023, p. 26.

1. Montreux Document 2008

A joint initiative between the Swiss Foreign Ministry and the International Committee of the Red Cross resulted in the “Montreux Document on pertinent international legal obligations and good practices for States related to operations of PMSCs during armed conflict of 2008”, which reaffirms the existing legal obligations of States with respect to PMSCs, and recommends a guide to good practices for the practical application of those obligations¹⁰. This document, while a non-binding legal instrument, is the only international legal instrument guiding States in the use of such companies. Through the provisions of the document, more than 70 practices were identified that countries must take into account when using these companies, as well as the articles that determine the status of companies, their employees, and their rights and obligations under international humanitarian law. However, it can be said that the Montreux Document did not show a clear position regarding the actual use of these companies in hostilities and the related practical problems¹¹.

2. International Code of Conduct for Private Security Service Providers (ICoC) 2010

The charter dates back to a Swiss initiative developed in 2010 in the aftermath of the US-led war in Iraq, after Blackwater military contractors killed 14 civilians in a public square in central Baghdad. As a result, governments, private security companies, and civil society organizations agreed on a set of common principles aimed at promoting respect for human rights and adherence to humanitarian law. The United Nations mercenary Special Forces experts value this code of conduct but call for further action to ensure it is respected. In a report issued by the United Nations Human Rights Council, the organization's experts stressed the need for an international convention “to ensure uniform regulation of private security and military companies worldwide, and to ensure adequate protection of human rights¹²”.

The Code of Conduct relates to defining a number of obligations assigned to private security and military companies and signed by more than 700 concerned companies. It mainly aims to ensure respect for international humanitarian law and human rights in areas that witness instability and undermining of the law. According to this code, companies undertake to abide by the laws in force in these areas when providing services security, this code also contains important provisions on the

¹⁰ - International humanitarian law, private military and security companies, the International Committee of the Red Cross, <https://www.icrc.org/ar/doc/resources/documents/faq/pmsc-faq-150908.htm>

¹¹ - Dr. Ibrahim Minshawi, The Legal Status of Private Military and Security Companies in International Humanitarian Law, Supplement to Political Transformations - International Policy Journal, April 2023, p. 26.

¹² - Who obliges military contractors to respect the requirements of international law?, Swiss Info website, March 30, 2023, link, <https://bit.ly/44B7Jtk>

appropriate use of force by companies as well as the prohibition of certain practices such as torture, human trafficking and discrimination¹³.

In 2013, the International Code of Conduct Association, referred to as ICoC, was established and registered with the relevant references as a Swiss non-profit organization. It aims to supervise the implementation of this code, review self-assessments, monitor the compliance assessment of companies party to the code with the standards listed in it, as well as handle complaints about violations of the code by the companies party to it¹⁴.

Fifth: Maat's Vision as a Model for the Role of Civil Society in Organizing the Work of PMSCs

Maat for Peace, Development and Human Rights delegation participated in the informal and official consultations in April and May 2022 on the first draft of the international regulatory framework regarding the regulation, monitoring and supervision of the activities of PMSCs, as Maat is the only Arab organization among the 60 government delegations that participated in formal and informal discussions where:-

- Maat made two statements in the informal consultations, in which it emphasized the need to a context of an international regulatory framework to regulate and monitor the activities of PMSCs. Maat highlighted what was stated in Paragraph 4, as well as Paragraphs 5 and 6 which refer to the obligations of states and other parties to armed conflicts to respect them and ensure respect for international humanitarian law in all circumstances. Therefore, it suggested adding the phrase “on land and sea” because there are uses by some countries and for security and military partnerships at sea, which constitutes a violation of the right to life. Therefore, when drafting the regulatory framework, the conditions for using private military and security partnerships must be highlighted, which will achieve paragraphs “5, 6, and 7.” Maat also called for the need to take into account the criterion of translation. The Working Group commented on the statement saying that it will take into account Maat's proposal when amending the draft.
- In the official consultations, Maat made three oral statements and emphasized the importance of considering what was stated in the Arms Trade Treaty (ATT), which is the prohibition of the illicit transfer of weapons and the non-export of

¹³ - Dr. Ibrahim Minshawi, The Legal Status of Private Military and Security Companies in International Humanitarian Law, Supplement to Political Transformations - International Policy Journal, April 2023, p. 26.

¹⁴ - Who obliges military contractors to respect the requirements of international law?, Swiss Info website, March 30, 2023, link, <https://bit.ly/44B7Jtk>

weapons to certain non-state groups. The process should also include international organizations focused on arms transfers.

- Maat also acknowledged that there is no legally binding document for states with regard to PMSCs, so a draft must be worked on to ensure the regulation of the work of these companies. It also proposed the term "armed conflict" instead of the term conflict. Maat also supported the comment made by the ICJ organization and suggested adding another paragraph referring to the private security services that operate by land, sea and air. Moreover, Maat expressed its agreement with the European Union's reference regarding Article 17 and recommended adding the international custom to the Geneva Convention and Additional Protocols, in order to help the parties to benefit from the draft in the regulation process.
- In December 2022, the International Humanitarian Law Unit at Maat was able to achieve new successes by adopting paragraphs related to international discernment law in the second revised draft, this led to the opening of informal discussions on the topic, which will also be further discussed in the official sessions in April 2023. Maat sparked interest of state of South Africa, and its participation in the meeting, as well as listening to its opinions.

Maat demands in its official and unofficial participation with regard to PMSCs can be summarized as follows:

- Civil society organizations must have a role in supervising and monitoring the work of PMSCs and their commitment to national and international laws and the Geneva Conventions.
- Providing periodic trainings to the employees of these companies to ensure their knowledge of the legal and proper rules.
- It should include the principle of global justice for the victims' right of the companies' actions and raise cases against the owners of the companies even in the countries of origin or countries of residence.
- The companies provide part of their profits to finance the organizations that monitor the work of those companies and the training courses offered to their employees.
- Countries exchange records of criminals when they are suspected of being appointed to a job in these military security companies.
- Government control of arms, their quality, and quantity owned by companies.
- Involving civil society organizations in the inclusion of discussions and laws in both countries of origin or countries of business about business rules.

Axis II: Impact of Paramilitary Forces in Threatening Security and Flow of Illicit Arms

The spread and exacerbation of corruption, extrajudicial killings, excessive violence, lack of justice, and widespread human rights violations are all factors that create a suitable environment for paramilitary forces to emerge, launch attacks and threaten the State. This cumulative terrorist activity will create fear among people, destabilize the State and create more conditions for their activities to be carried out and expanded because these actors are active in an environment of chaos.

External interventions and proxy wars have also contributed to strengthening these actors and increasing their influence through external support, as some countries try to exploit internal problems and support some ideological groups through weapons and money and provide training and consultations so that they create chaos and destabilize their countries. The most prominent examples of these negative interventions are Iranian interventions in Yemen and Lebanon, which have led to a significant strengthening of these groups. In Lebanon, we see that Hezbollah has turned into a quasi-state entity, although they are armed militias, they are able to influence the state, move externally as well, and play regional roles that go beyond the borders in which they were established. As for Yemen, we see that the Houthis have become a security dilemma for Yemen and a source of permanent threat to the Kingdom of Saudi Arabia, as Iran uses them as a means of pressure and threat to the rest of the countries, which leads to the absence of internal stability and destabilization.

First: PMSCs as a Threat to Security and Flow of Arms: A Case Study of Russia's Wagner Group

PMSCs have emerged as one of the actors in the international scene and are involved in military affairs and strategies, contributing to them to a large extent in one way or another. These companies can be defined as commercial entities with undisclosed names, having multiple partners and shareholders in its shares, but it is characterized by the fact that it has a military character or in other words adopts a policy of providing military and combat services for financial profit purposes. In the context of the so-called war resources, these companies have played an effective role in providing logistical support of advanced military equipment and machinery to some countries that are still ravaged by wars or those that perceive their strategic interests are in imminent danger; or by providing human support by sending a good group of paid soldiers to support the efforts of governments or the opposition, or by completing training and courses for soldiers in the military field and war management, private military companies have become of great international weight in the recent period.

Overview of companies and their size

There is no data available on the exact numbers of recruits and contractors who carry out special security missions, or the amount of money that is allocated for this, and this is where the opinions of experts in this field differ. Those involved in Future Market Insights indicate that the value of this sector was \$80 billion in 2022, expecting the latter to witness a growth rate of 3.7% until 2032. Whereas, those involved in Vantage Market Research estimated the size of the sector at \$242 billion in 2021, projecting an annual growth rate of 7.2% until 2028; these estimates include military operations. Geneva Centre for Security Sector Governance (DCAF) estimates for 2017 that a total of at least 11 million security personnel are employed by 77,000 PMSCs. These numbers remain approximate because DCAF only takes into account the data of registered private security companies and their employees. It does not include the large grey and black market that exists for private security services. These numbers are expected to have increased since 2017¹⁵.

Second: Impact of PMSCs in Armed Conflicts

The current reality has witnessed numerous violations by private security companies at various levels, including international, regional, and national, which represent a danger and threat to international peace and security, internal stability of states and the independence, sovereignty and freedom of states, as they were exploited to destabilize security in a state or overthrow a legitimate government, and the international reality confirms that and demonstrates the danger of these companies, as dictatorial governments have resorted to them to suppress liberation and opposition movements. Many reports confirm that the activity of these companies and their employees is nothing but a new method and means of prolonging conflicts. Especially in light of the growing phenomenon of security privatization, the growing roles of security companies, and the continuing conditions of instability that strike several vital regions, most notably the Middle East and Africa¹⁶.

Thus, since a change in the way wars are fought, the amount of weapons available has increased and new types of actors have begun to engage in warfare. The international arms trade expanded with new buyers and more supply channels. This has raised concerns about who is buying the weapons and for what benefit, especially since it has been confirmed that there is an increasing number of mercenaries and private companies contracted to provide military and security services. These range from

¹⁵ - Who obliges military contractors to respect the requirements of international law?, Swiss Info website, March 30, 2023, link, <https://bit.ly/44B7Jtk>

¹⁶ - Private International Military Companies, link, <https://albasalh.com/vb/showthread.php?t=2471>

logistical support and training to advice, arms procurement and intervention on the ground. Numerous reports have shown that these companies sign contracts to purchase large quantities of weapons for their clients. In addition, the military and security services and training it provides contribute to increasing the demand for weapons in the areas in which it operates. There are a number of ways in which mercenaries and private security and military companies are involved in the proliferation of small arms. These include arms brokering and transport activities, and violations of the UN arms embargo, increasing the demand for small arms and thus affecting human rights and humanitarian law¹⁷.

In Yemen, for example, there is a group of security companies that operate in Yemen to secure various investments for companies or for guarding property. However, some of these companies are used politically, whether in the assassination of political opponents or in engaging in political conflict. Arms selling companies are also among the biggest beneficiaries from the sale of weapons to various parties and from the continuation of the right-wing civil war. Among these companies are the European company for the manufacture of aircraft Airbus, the German company Rheinmetall, the Italian company RWM for the arms industry, and the British company BAE Systems and Raytheon that specializes in exporting weapons.

These companies have contributed to the illegal and unprecedented flow of weapons, especially small and light weapons, to Yemen, which contributed to the involvement of the political parties involved in the Yemeni crisis in extrajudicial killings, including airstrikes on civilian targets, indiscriminate artillery shelling of civilian areas, and unlawful killings of individuals outside the framework of the law.

This is in addition to the death of people due to landmines that the Houthi militia planted inside the Yemeni lands, where the Houthi militia turned Yemen into the largest minefield in the world. The explosion of these mines contributed to an increase in the percentage of people with disabilities. International reports estimated that the Houthi militia planted nearly 2 million mines, which led to a doubling of the number of people with disabilities¹⁸, not to mention the Houthi militia pushing children and civilians to the frontlines, and this is the greatest threat to the lives of millions of Yemenis in the coming

¹⁷ - Private Military Companies and the Proliferation of Small Arms: Regulating the Actors, GSDRC, link, <https://gsdrc.org/document-library/private-military-companies-and-the-proliferation-of-small-arms-regulating-the-actors/>

¹⁸ The cries of the disabled resound under the weight of Houthi crimes and violations of legitimacy, Al-Mashhad Al-Arabi, November 1, 2021, link, <https://almashhadalaraby.com/news/317496>

years, when entering a village or district, they often booby-trap it with mines in the evening of the same day¹⁹.

In Israel, for example, the private security companies used by Israel are involved in preparing the infrastructure for settlements and building the wall in a manner that violates international law. This privatization of security also enables the Israeli authorities to evade responsibility for activities at checkpoints. Where private security companies in Israel play an active role in occupying Palestinian lands and controlling the Palestinian people. As members of private security companies operate checkpoints and guard settlements in the West Bank and East Jerusalem, as well as guard prisons, they carry weapons and have the right to use force in the performance of their duties. Many of the military responsibilities were handed over to private security companies, turning the industry into one of the fastest growing industries in Israel. On the other hand, the involvement of private security companies in checkpoints, settlements and prisons in the West Bank and East Jerusalem was revealed in clear violations without accountability, and they have an increasing role in the systematic oppression of the Palestinian population.

In **Libya**, we find a huge difficulty distinguishing between employees of PMSCs, as contractual soldiers and mercenaries flowed into Libya whether through legal or illegal means, with more than (20,000) fighters from Russia, Sudan, Turkey and Chad, which has increased its negative effects on all levels, especially human rights. The practices of such forces led to numerous violations according to international documents concerned with regulating PMSCs. From May to August 2021, the human rights violations of these companies escalated to include violations of the right to self-determination, life, development and personal security, despite the continuing demands for the exit of mercenaries and foreign forces, and the ceasefire decision issued in October 2020.

Iranian companies involved in illicit transfer of arms to Somalia have also contributed to the increase of sexual violence against women. In August 2021, the UN Special Representative on Sexual Violence in Conflict warned of the alarming increase in sexual violence in Somalia and called on all those responsible for these behaviors to stop these violations. These reports also documented more than 100 cases of sexual violence against girls in the first quarter of 2021, pointing out that the perpetrators often took advantage of the vulnerability of the displaced girls, and targeted them when they left the camps to perform some housework. The reports pointed to the multiplication of

¹⁹ 4.5 million disabled people in Yemen due to Houthi mines, Emirates Today, March 2020, link. <https://www.emaratalyoum.com/politics/issues/yemen-latest/2020-03-12-1.1318892>

violations committed by the clan militias about 3 times during the past year, with the spread of individual and light arms among its members.²⁰

Hence, it can be said that the PMSCs are involved in one way or another in the smuggling of arms and their illegal transfer, in addition to the fact that some jurists consider these companies to be mercenary companies, regardless of what they call themselves or justifications. These companies are considered among the most serious crimes threatening international peace and security, given the crimes and massacres they have committed and continue to commit in cold blood in Bosnia and Herzegovina, Kosovo, Afghanistan, Iraq, and Africa over decades. Some argue that they are behind all the hotbeds of tension and instability in the world.

Third: Wagner and its Impact on Security and Illicit Arms Flows

Over the past seven years, reports from war zones and fragile states worldwide indicate about shadowy groups of mercenaries operating under the umbrella of Wagner Group. A report by a UN panel of experts issued in late June 2021 accused Russian trainers in the Central African Republic (CAR) armed forces of committing indiscriminate killings, looting and enforced disappearances carried out alongside the army in the CAR. While the report to the UN Security Council does not identify these trainers as backed by Wagner, press reports and the UN Working Group on Mercenaries mentioned this.²¹

1. Establishment & Financing

The Group, founded in 2014 and one of its first known missions was in Crimea, Ukraine, that same year, where mercenaries in unmarked uniforms helped Russian-backed separatist forces take over the area.²² The group first appeared in Ukraine in 2014 and helped the Russian military annex Crimea, where Ukraine was basically the starting point for the Wagner Group.” Since then, a web of paramilitaries and companies has branched out into Syria, as well as in Libya, Sudan, Madagascar, Mozambique and the CAR. While Wagner has become a useful shorthand to describe this opaque and all-encompassing network, where experts warn that it may disrupt our ability to think about how it works. Agents of Wagner's sprawling network stretched from Ukraine, where they fought alongside Russian forces, and pro-Russian separatist forces, to Mozambique, where they were contracted to fight rebels. But the Wagner Group is defying the traditional

²⁰ Government forces involved in it.. shocking reports about the high rate of sexual crimes in Somalia, Al-Hurra website, August 6, 2021, link, <https://arbne.ws/3nbcgiS>

²¹ What Is Russia's Wagner Group?, Foreign Policy, 6 JULY 2021, link, <https://foreignpolicy.com/2021/07/06/what-is-wagner-group-russia-mercenaries-military-contractor/>

²² Who are Russia's mercenary Wagner Group?, DW, 27 Jun 2023, link, <https://www.dw.com/en/who-are-russias-mercenary-wagner-group/a-64429380>

definition of PMSCs, instead merging mercenary activity and natural resource extraction with furthering the Kremlin's foreign policy goals.²³

After Russia's official invasion of Ukraine in early 2022, Moscow initially used mercenaries to bolster front-line forces but increasingly relied on them in decisive battles, such as those around the cities of Bakhmut and Solidar. The company, its owner and most of its leaders have been sanctioned by the US, UK and EU.

The Kremlin-linked Oligarch Prigozhin owns Wagner. According to the US Treasury Department, Prigozhin uses Wagner's mercenaries along with his other multinational businesses to operate a transnational criminal organization. He was accused of receiving concessions in the field of energy and valuable raw materials in exchange for military support in Syria and Central Africa. A report by the British Financial Times estimated that between 2018 and 2021, the return of Wagner's property from natural resources reached nearly \$250 million.²⁴ US reports also stressed that the Wagner Group consists of a group of retired Russian military personnel, headed by former military personnel in the Russian forces, Yevgeny Prigozhin, who is close to the Russian president and is nicknamed "Putin's Chef", and Dmitry Utkin. Given that the Private Military Companies (PMCs) are illegal in Russia, the company is registered in Argentina. Reports indicate that the group's primary source of funding is lucrative Russian contracts in natural resources in the countries in which they operate such as mining rights as well as extortion-for-protection operations in various countries.²⁵ Hence, the primary source of funding for Wagner is the extraction of oil, gas, diamonds and gold. The US Treasury believes that the Wagner Group is using its presence in African countries such as Sudan, Libya and Mali to enrich itself through the exploitation of natural resources. The Wagner Group has reportedly expanded its network in the CAR and generated \$1 billion in mining profits. Gems and former metals such as diamonds and gold are the perfect payment for Wagner as it is difficult to trace back. It was also reported that the group received oil and gas payments for their work as mercenaries in Syria.²⁶

2. Wagner's Military Power

Reports issued by the British Ministry of Defense confirmed that Wagner was commanding about 50,000 fighters in Ukraine. More than 20,000 Wagner soldiers were

²³ What Is Russia's Wagner Group?, Foreign Policy, 6 JULY 2021, link, <https://foreignpolicy.com/2021/07/06/what-is-wagner-group-russia-mercenaries-military-contractor/>

²⁴ Who are Russia's mercenary Wagner Group?, DW, 27 Jun 2023, link, <https://www.dw.com/en/who-are-russias-mercenary-wagner-group/a-64429380>

²⁵ How did Russia penetrate conflict zones through private security companies?, The Independent Arabia, June 27, 2020, link, <https://bit.ly/43FZpY2>

²⁶ How many soldiers do Wagner Group have against Russia? What weapons are at their disposal?, Dailymail, 24 June 2023, link, <https://www.dailymail.co.uk/news/article-12229531/How-soldiers-Wagner-Group-against-Russia.html>

reported to have been killed in action in Ukraine, many of them were killed in the months-long battle for control of Bakhmut in eastern Ukraine. According to the group's highest ranking officer Yevgeny Prigozhin, he had 25,000 soldiers under his command for the military offensive against Putin. Last January, the British Ministry of Defense said that Wagner was leading about 50,000 fighters in Ukraine; the Wagner Group also has heavy arms at its disposal. For example, air defense equipment, including SA-22 combat vehicles, according to the US Department of Defense. Other arms previously supplied by Russia to Wagner include fighter jets and short-range missiles, which it allegedly received from North Korea in December 2022; they also have artillery shells on hand after reportedly purchasing them from North Korea. The Wagner Group also owns many tanks and other military vehicles that they can use in combat.²⁷

3. Wagner's Role in Threatening International Security

Wagner is a tool to achieve the strategy of promoting Russian growth worldwide, as Wagner's work or its locations and spread since its inception were not limited to Ukraine and Syria, as investigations soon indicated the expansion of its roles in different regions of the world, including Sudan, Central Africa, Venezuela, and finally Libya.²⁸

According to an investigation by Reuters at the end of last year, "fighters from Russia backed (Wagner) group traveled to the Venezuelan capital, Caracas to support President Nicolas Maduro (Russia's ally) and keep him in power, especially after the wave of protests against him escalated at the end of 2019. The group was also present in Sudan in support of the rule of President Omar al-Bashir before his overthrow in April 2019. According to Foreign Policy, high-risk tasks are now being assigned to Wagner fighters in conflict areas, noting in this regard the participation of fighters from the group in the Palmyra liberation operation in northeastern Syria in August 2017 from Da'esh control. From arena to arena and from one country to another, estimates and information about the tasks and nature of the Wagner fighters' activities vary, especially with the ambiguity surrounding the nature of the tasks and the extent of their disclosure by those in charge of the Russian private security company.²⁹

Hence, the use of these mercenaries achieves a number of goals for Russia, the most prominent of which is to dispose of their danger, as they may constitute a security and political threat one day due to their high training and allow the Kremlin to pursue its

²⁷ - How many soldiers do Wagner Group have against Russia? What weapons are at their disposal?, Dailymail, 24 June 2023, link, <https://www.dailymail.co.uk/news/article-12229531/How-soldiers-Wagner-Group-against-Russia.html>

²⁸ Wagner Stretch: Motives for the Escalation of Conflict Commodification Through Private Security Companies, Future Research and Advanced Studies, October 19, 2021, link, <https://bit.ly/43DnzCH>

²⁹ How did Russia penetrate conflict zones through private security companies?, The Independent Arabia, June 27, 2020, link, <https://bit.ly/43FZpY2>

foreign policy goals in secret without appearing in the forefront so as not to risk Russia's interests with strategic partners. Thus, Wagner fighters operate under the control of the Russian security and military services without a green light from the Kremlin.

Wagner Group has also been assigned to carry out operations in several African countries witnessing conflicts, thus causing many human rights violations. In 2018, Russia's Lobaye Invest received a license from the CAR government to search for and extract gold and diamond in the country and to secure institutions and train the presidential guard and army there. Wagner has also been deployed since 2019 in northern, gas-rich areas in Mozambique, to confront Daesh. Wagner has also been operating in the DRC, Somalia and Mali. On September 25, 2021, after the Prime Minister of Mali accused France of abandoning his country by withdrawing the "Barkhane" force, and in the context of the increasing jihadist threat in this region, Russian Foreign Minister Lavrov stressed that the Republic of Mali had requested the services of private Russian companies. According to reports, the Mali government is close to contracting with 1,000 armed elements from Wagner, a move that drew criticism from European countries, particularly France³⁰. Private military companies are also working to secure their economic interests, where the Wagner-backed "Lube Invest" and "M-Invest" companies got a license to extract gold, diamonds, and uranium in Central Africa in 2017, and contributed to the implementation of the activities of the Russian "Miro Gold" mining company in Sudan in 2017, knowing that many Western private military companies offer their shares for trading on international stock exchanges legitimately³¹.

In **Libya**, according to European reports and official American accusations announced by the Pentagon, the number of Russian Wagner fighters in Libya at the end of the last year 2019 reached between 800 and 1,400 fighters, as they work to train and support the forces of the Libyan National Army and the forces loyal to it headed by Field Marshal Khalifa Haftar, as well as providing security and military advice. In May 2020, a UN report stressed that hundreds of unofficial Russian military personnel backed by Wagner Group are involved in the Libyan conflict, estimating their numbers at between 800 and 1,000. The 57-page report states that the group's operatives have been operating in Libya since October 2018, providing technical assistance for the repair of military vehicles and participating in military operations. The two parties to the conflict in Libya (the Government of National Accord, based in Tripoli, and the Libyan National

³⁰ Wagner Stretch: Motives for the Escalation of Conflict Commodification Through Private Security Companies, Future Research and Advanced Studies, October 19, 2021, link, <https://bit.ly/43DnzCH>

³¹ Wagner Stretch: Motives for the Escalation of Conflict Commodification Through Private Security Companies, Future Research and Advanced Studies, October 19, 2021, link, <https://bit.ly/43DnzCH>

Army forces in the east of the country) are accused of bringing in mercenaries and foreign fighters to support each party against the other.³²

In **Central Africa**, in August 2018, the CAR and the Russian authorities signed an agreement under which "former military officers" from Russia would train the CAR forces. Russian-associated forces in the CAR do not wear uniforms of official insignia or other distinguishing features. However, since 2019, Russian Wagner forces have summarily executed, tortured, and beaten civilians. Numerous UN experts and special rapporteurs found evidence that Russian-linked forces operating in CAR include a significant number of members of the Wagner Group. In April 2022, the UN announced that it would investigate the circumstances in which at least 10 people were killed in the northeast.³³

Currently, the Russian Wagner company is pursuing accusations of violating human rights in regions such as Central Africa. Since December 2020, these accusations have included mass executions, arbitrary arrests, torture, and forced displacement of civilians, indiscriminate targeting of civilian facilities, and targeting of humanitarian workers. Thus, the moral risks of using contractors continue, with the continued difficulty of legal accountability for such crimes³⁴.

As for **Mali**, and in light of the state of fragility that controls Mali in West Africa, and with the deployment of Russian Wagner forces in the country under the pretext of fighting terrorism, there is more than one version to justify the killings, extrajudicial killings and enforced disappearances. On March 7, 2022, it was confirmed that about thirty Mauritanian citizens were missing after crossing financial boundaries. Sources from the people of the region said that the missing persons were killed by the Malian army and the Russian Wagner Group.³⁵

On March 2, six Mauritians were shot inside the Malian territories, injuring two of them. These events took place in the Sheikh Ahmed area, which is 36 kilometers away from the border inside the Malian territories, when they faced a patrol of the Malian army, accompanied by a unit of Russian Wagner fighters who opened fire on the Mauritians before their identity was revealed after the Malian soldiers alerted the Russian fighters that they were Mauritians. Reports also revealed that mass executions were carried out in central Mali in the town of Mora, in which more than 200

³² How did Russia penetrate conflict zones through private security companies?, The Independent Arabia, June 27, 2020, link, <https://bit.ly/43FZpY2>

³³ Central African Republic: Abuses by Russia-Linked Forces, HRW, 3 May 2022, link, <https://bit.ly/3dqsyCG>

³⁴ Wagner Stretch: Motives for the Escalation of Conflict Commodification Through Private Security Companies, Future Research and Advanced Studies, October 19, 2021, link, <https://bit.ly/43DnzCH>

³⁵ Kidnapping: killing and mercenaries... What is happening between Mauritania and Mali?, TRT, <https://bit.ly/3rqKu3M>

people were killed. According to preliminary investigations, hundreds of men were arrested and killed in small groups during the anti-jihadist operation on March 23 in the town of Mora in the center of the country. More than 100 Russian-speaking men participated in the operation, which has been described as the worst reported abuse in Mali's armed conflict since 2012.³⁶

In **Sudan**, the government and regional reports documented that the Russian mercenary group, Wagner, is providing the Sudanese Rapid Support Forces with missiles to assist in their fight against the country's army. Where the surface-to-air missiles greatly supported the Rapid Support Forces and their leader, Mohammed Hamdan Dagalo, while he was fighting for power with General Abdel Fattah al-Burhan, the military ruler of Sudan and the commander of his armed forces. Satellite images documented an increase in the activity of Wagner's forces on the Libyan border controlled by Khalifa Haftar, where a Russian transport plane was monitored traveling between two main Libyan air bases belonging to Haftar and used by the sanctioned Russian fighting group. Wagner's increased activity in Haftar's bases, along with allegations from Sudanese and regional diplomatic sources, indicate that both Russia and the Libyan general may have been preparing to support the Rapid Support Forces (RSF) even before the violence erupted.³⁷

In **Ukraine**, American reports revealed that Wagner has 50,000 soldiers deployed in Ukraine, including 10,000 contractors and 40,000 convicts recruited from Russian prisons. They even recruited prisoners with serious medical conditions, as well as the Russian mercenary group Wagner supporting Vladimir Putin's desperate war efforts, buying North Korean arms and recruiting sick convicts to fight in Ukraine. North Korea completed an initial arms delivery to Wagner, which paid for the equipment. Last month, North Korea delivered infantry and rocket missiles to Russia for use by Wagner. Although North Korea stressed that it did not intend to sell arms to Russia, it provided it with a large number of artillery shells. Hence, it can be argued that Wagner's purchase of arms from North Korea to wreak havoc in Ukraine also contributes to instability on the Korean peninsula by giving North Korea funds that can be used to develop banned arms of mass destruction and ballistic missile programs.³⁸

³⁶ Russian mercenaries and Mali army accused of killing 300 civilians, The Guardian, 2022

<https://www.theguardian.com/world/2022/apr/05/russian-mercenaries-and-mali-army-accused-of-killing-300-civilians>

³⁷ Evidence emerges of Russia's Wagner arming militia leader battling Sudan's army, CNN, 21 Apr 2023, link,

<https://edition.cnn.com/2023/04/20/africa/wagner-sudan-russia-libya-intl/index.html>

³⁸ Russian Wagner Group bought North Korean weapons and is recruiting sick convicts to fight in Ukraine, Daily mail, 22 Dec.2022, link,

<https://www.dailymail.co.uk/news/article-11567155/Russian-Wagner-Group-bought-North-Korean-weapons-recruiting-sick-convicts-fight-Ukraine.html>

Hence, the use of these mercenaries achieves a number of goals for Russia, most notably dispose of their danger, as they may constitute a security and political threat one day due to their high training and allow the Kremlin to pursue its foreign policy goals in secret without appearing in the forefront so as not to risk Russia's interests with strategic partners. Consequently, Wagner fighters operate under the control of the Russian security and military services without a green light from the Kremlin.

Fourth: Militias as a Threat to Security and a Partner in the Flow of Illicit Arms (A Case Study of RSF and the Houthis)

1. Militias as a Threat to the Security and Stability of Sudan

Relations between Hemeti and Burhan deteriorated in 2022. The UN reported a large number of recruitment operations in Darfur from both sides. In December 2022, tensions escalated following the signature of a new framework agreement between the Forces of Freedom and Change (FFC), the civilian component of the former transitional government, the military leadership, and other political parties. The framework agreement outlined basic principles and government structures but deferred five major contentious issues, including transitional justice and security sector reform, to a second phase of deliberations. These issues were discussed in the early months of 2023, when the army began discussions on security sector reforms, tensions between Burhan and Hemedti escalated over the timeframe for integrating the RSF into the army and commanding this integrated force. Both sides began stockpiling arms in key locations including Khartoum in the days before fighting broke out.³⁹

However, on April 15, 2023, fighting broke out in the Sudanese capital, Khartoum, between the Sudanese Armed Forces and the RSF, both of which are the official military forces in the country at the present time. The fighting quickly spread to other cities and towns across the country, including to Darfur in the western region of Sudan and to eastern Sudan. The Sudanese Armed Forces are led by Lieutenant General Abdel Fattah al-Burhan, and the RSF are led by Lieutenant General Mohammad Hamdan Dagalo, also known as Hamidti. The two men had carried out a joint coup against the country's short-lived transitional government which was a civilian military government on October 25, 2021.⁴⁰

³⁹ Questions and Answers on Sudan and the Laws of War, HRW, 25 April 2023, link, <https://www.hrw.org/news/2023/04/25/questions-and-answers-sudan-and-laws-war>

⁴⁰ Questions and Answers on Sudan and the Laws of War, HRW, 25 April 2023, link, <https://www.hrw.org/news/2023/04/25/questions-and-answers-sudan-and-laws-war>

- **Origin and Military Census**

The RSF arose in 2013 during the rule of ousted President Omar al-Bashir. However, these forces were led by the Vice President of the Sovereign Council, Lieutenant General Mohammad Hamdan Dagalo, known as Hamidti, and they grew rapidly during those few years, so that some considered them as a parallel army in the military force of the regular army. No one knows the exact number and equipment of the two military forces, but it is known that the RSF does not have an air force, so its first move in the current conflict was to besiege the army air base in the city of Meroe in northern Sudan to neutralize the army air force from striking its camps in the event of an armed clash between the two sides.

RSF are one of the formations of the Sudanese army, although they enjoy great independence, which contributed to the current clash between them and the armed forces. In July 2019, the RSF Law was amended by deleting an article that nullifies its subordination to the provisions of the Armed Forces Law, which strengthened its independence from the army. The RSF define themselves as “national military forces,” noting that they operate under “a law approved by the National Council in 2017.”⁴¹

Military sources said that the army leadership had expressed concern about the growth of Hemedti's forces and had refused to integrate them into their ranks. However, in April 2019, the RSF participated in the coup that overthrew al-Bashir. Later in 2019, Hemedti signed a power-sharing agreement that made him Deputy Chairman of the ruling Transitional Sovereign Council headed by General Abdel Fattah al-Burhan. But before the signing in 2019, the RSF was accused of participating in the killing of dozens of pro-democracy protesters. RSF soldiers have also been accused of inter-communal violence, leading to Hemedti lifting their immunity to allow their trial. The RSF also participated in the October 2021 coup that disrupted the transition to elections. Dagalo has since said that he regrets the coup. He agreed to conclude a new agreement to restore the civilian government. In 2022, Dagalo visited Russia on the eve of its invasion of Ukraine and expressed his agreement to a Russian base construction on the Red Sea coast. The Sudanese army and pro-democracy groups have long demanded the integration of RSF into the army. Negotiations have become a source of tension that has disrupted a signature process scheduled for 1 April⁴².

⁴¹ The military balance between the Sudanese army and the Rapid Support Forces, Asharq Al-Awsat, April 16, 2023, link: <https://bit.ly/3NZJAWD>

⁴² What do you know about the Sudanese Rapid Support Forces that took control of Khartoum Airport?, Al-Ruya, April 15, 2023, link: <https://bit.ly/3NCfZ5f>

- **Military Capabilities**

RSF is a newly formed militia. Analysts estimated the number of its troops at 100 thousand and have multiple bases spread across the country. It also has military headquarters and barracks inside Khartoum and other cities. RSF seized the premises of the National Intelligence and Security Service (NISS) and those of the National Congress Party (NCP), headed by Al-Bashir. They are also visibly spread in the Darfur region and most States of Sudan with border areas with African neighboring States; the exact type of armament of those forces is unknown. However, occasional military parades show the possession of light armored vehicles and large numbers of armed Land Cruise Pickups. Those military parades also show different types of heavy and light weapons. Earlier, RSF denied rumors that it had obtained accurate spying systems and sophisticated drones, and unnamed actors were accused of defamation⁴³.

Since the start of the fighting, the parties to the conflict in Sudan have shown a fatal disregard for the civilian population. Belligerents must abide fully by the laws of war and respect human rights.

- **RSF Attacks against Civilians**

The Rapid Support Forces established in 2013 and recruited many soldiers, committed grave violations in Darfur, Blue Nile, and Southern Kordofan. RSF deployed increasingly in Khartoum starting in 2019 and launched an attack on protesters in June 2019 that killed 120 protesters and injured 900 others. After the October 2021 coup, Sudanese security forces quelled popular protests, killing 125 people, injuring and arbitrarily detaining hundreds⁴⁴.

Since April 2023, the Rapid Support Forces (RSF) and allied militias have engaged with SAF throughout the country for three months. The parties were involved in human rights violations, including indiscriminate attacks, the prevention of humanitarian assistance, and the use of explosive weapons in the densely populated areas of Khartoum, where fighting led to mass displacement.

Fighting in the Sudan has resulted in hundreds of civilian casualties. On 2 May 2023, the United Nations confirmed that at least 528 people had been killed and 4,599 injured. Medical reports have also confirmed that hospitals register only those who die in hospitals or whose bodies are brought, meaning that the documented death toll is

⁴³ The military balance between the Sudanese army and the Rapid Support Forces, Asharq Al-Awsat, April 16, 2023, link.<https://bit.ly/3NZJAWD>

⁴⁴ Rapid Support: What is the story of the paramilitary forces fighting the army in Sudan?, BBC Arabic website, April 18, 2023, link.<https://www.bbc.com/arabic/media-65316047>

significantly lower than the actual number. Neither party to the conflict appears to have taken possible measures to minimize harm to civilians, either by not launching attacks or deploying troops as provided for under international humanitarian law⁴⁵.

Since the start of this conflict, sexual violence against women and girls has increased, with the United Nations Human Rights Office in Sudan receiving credible reports of 21 incidents of conflict-related sexual violence against at least 57 women and girls; of the victims, at least 10 are girls. In one case, one incident was reported of the rape of approximately 20 women in the same attack. The Anti-Violence against Women Unit of the Sudanese Ministry of Social Development also continues to receive reports of conflict-related sexual violence. At least 42 alleged cases were documented in the capital, Khartoum, and 46 in the Darfur region. Even before the fighting erupted on 15 April, more than 3 million women and girls in Sudan were at risk of gender-based violence, including intimate partner violence, according to United Nations estimates; this number has since risen to an estimated 4.2 million⁴⁶.

Fighting has damaged many homes and other civilian objects, and attacks on water systems in Khartoum have cut off the network from large areas of the city. Water was cut off from parts of a marine hose when a massive fire shut down the water treatment plant on the first day of the fighting. The Water Department reported that troops repeatedly denied them access to the plant due to insecurity, which hampered repairs.

It also destroyed at least 16 hospitals, while dozens of others were forced to close due to supplies shortages, water, electricity, and staff. On 18 April 2023, two aerial bombs hit the People's Hospital, one of Khartoum's public hospitals, which forced the hospital staff to evacuate the patients. Only the Sudanese Armed Forces are known to own and operate Sudanese Air Force aircraft in Khartoum. Major hospitals have continued to operate with only their remaining medical stocks. In Nyala, Darfur, heavy fighting resulted in hundreds of civilians being shot mainly. For several days, unidentified armed groups attacked, looted, and burned down the city's main medical storage facility. A doctor said the fighting had exhausted the capacity of the city's three pre-exhausted hospitals: "We have a severe shortage of medicines since medical supplies were looted and burned. Streets are unsafe, so doctors and patients cannot move freely⁴⁷.

⁴⁵ Sudan: Explosive Weapons Harm Civilians, Human Rights Watch, May 5, 2023, link, <https://www.hrw.org/ar/news/2023/05/05/sudan-explosive-weapons-harming-civilians>

⁴⁶ Top UN officials sound alarm at spike in violence against women and girls, UNICEF, 5 July 2023, link, <https://www.unicef.org/sudan/press-releases/sudan-top-un-officials-sound-alarm-spike-violence-against-women-and-girls>

⁴⁷ Sudan: Explosive Weapons Harm Civilians, Human Rights Watch, May 5, 2023, link, <https://www.hrw.org/ar/news/2023/05/05/sudan-explosive-weapons-harming-civilians>

Also in Darfur, the Sudanese Doctors' Union reported that 1,100 people had died in El Geneina, the capital of Western Darfur alone, since mid-April 2023, when the Rapid Support Forces and allied Arab militias attacked militias formed by the Masalit tribes to defend themselves in the city. The fighting resulted in mass displacement of non-Arab communities; Rapid Support Forces and militias committed large-scale looting and burning and attacked vital civilian infrastructure, including camps for internally displaced persons, hospitals, and markets.

The attackers also killed local leaders and human rights defenders, including at least two lawyers representing victims of previous group attacks in El Geneina. Of the approximately 2 million people displaced in Sudan since the start of the conflict on 15 April 2023, more than 280 thousand have been displaced within the Darfur region only, according to the United Nations, and some 150 thousand have fled to Chad. In 2022, West Darfur already had the highest rates of food insecurity in Sudan.

Since the beginning of the armed conflict, hundreds of thousands of Sudanese have reportedly fled to other parts of Sudan or Egypt, Chad, South Sudan, and the neighboring Central African Republic. Hundreds of foreign diplomats, UN staff, and other aid officials have also left Sudan by land and air. So, the limited international presence will affect the delivery of humanitarian aid and monitoring of violations by the warring parties⁴⁸.

- **Rapid Support Forces and Illicit Arms Flow**

Rapid Support Forces have not only abused civilians but have played a prominent role in the flow of illegal weapons to Sudan. On April 15, 2023, International and diplomatic reports confirmed links between them and the Wagner Group, where Wagner provided the RSF with missiles. Concerns were also raised about the presence of the Wagner Group, which had established close relations with Dagalo in gold mines in Darfur controlled by the Rapid Support Forces⁴⁹. According to United States reports Wagner is arming support forces with weapons through supply routes in the Darfur region. Wagner's supplies to the support forces began before the Sudanese crisis broke out. This information confirms that the support forces obtained surface-to-air anti-aircraft and specific weapons from Wagner and benefited from training, which the Sudanese army was unable to provide. Despite the army's superiority in the aviation corps, it could not achieve victories in the neighborhood, hospital, and other areas where the support

⁴⁸ Sudan: Tackle Spiralling Violence in West Darfur, HRW, 21 Jun 2023, link, <https://www.hrw.org/news/2023/06/21/sudan-tackle-spiralling-violence-west-darfur>

⁴⁹ Why does the Sudanese conflict slide into a protracted war?, The Future Center for Research and Advanced Studies, May 23, 2023, link, <https://bit.ly/3JKJ8tW>

forces were present. Sudan is also of interest to Wagner and Russia because of its geopolitical location, wealth, gold mines, and close cooperation between Wagner and the Rapid Support Forces, as evidenced by Hamidti's visit to Moscow in February and March 2023⁵⁰.

- **Houthi militia in Yemen and Illicit Arms Flow**

Through the Hodeidah port controlled by the Houthi militia, arms are illegally smuggled into eastern Africa, especially Sudan and Somalia. Reports confirmed that militias were sending shipments of arms smuggled from the Red Sea governorate of Hodeidah to the Sudanese coast on the other sea bank in conjunction with the ongoing conflict in Sudan. It should be noted that smuggling into Sudan and Somalia has increased significantly over the past period. The Houthis have already turned the Hodeidah governorate into a scene of arms transfers and smuggling into conflict zones across the Red Sea. The terrorist militias shipped more than 7 thousand weapons, along with attack and mortar shells, by three large fishing vessels from Hodeidah to Sudan. Shipments emanated from 3 coastal areas, including the palm-rich Al-Jahr area of the Beit Al-Faqih Directorate, south of Hudaydah governorate.

It is also possible that the Houthi militia is preparing to smuggle a shipment of smart mines and anti-tank guided bombs to Sudan; it is the second shipment in less than two months. Behind the smuggling of arms shipments into Sudan are 3 senior Houthi militia leaders who take on various tasks in the maritime militias and the militia's Security and Intelligence Service⁵¹.

The proliferation of Iranian weapons bound for Yemen and reaching Somalia demonstrates the transnational nature of maritime crime in the Horn of Africa. The arms smuggling network allegedly extends to armed groups associated with Al-Shabaab in Kenya, Ethiopia, and Mozambique, threatening security in volatile regions. The illicit arms trade also undermines the gains made in the region's decline in piracy. United States forces intercepted a sailboat in international waters between Iran and Yemen carrying more than 2,000 AK-47 assault rifles. Shipments of thousands of illicit arms from the Iran-Yemen arms trade are reportedly transported by sea routes to Somalia. There

⁵⁰ In the event that Wagner's involvement in supporting the Rapid Support Forces is proven, will Washington change its approach to the Sudanese crisis?, Al Jazeera Net, May 26, 2023, link <https://bit.ly/44UerL0>

⁵¹ From Yemen to Somalia... a smuggling route for Houthi weapons, Al-Ain News, April 27, 2023, link <https://al-ain.com/article/sudan-houthi-smuggling-route>

they are sold to violent extremist groups of the Islamic State of Somalia and Al-Shabaab⁵².

The Houthis close relations with Iran facilitated weapons flow into Yemen; many reports revealed that Iran supplies the Houthis not only with arms, but also oil tanks that generate money, and drugs. Iranian weapons continue to flow to the Houthis, including missiles, drones, ammunition, machine guns, and proscribed drugs. Iran, therefore, is not pushing for peace in Yemen. During the armistice period, five arms shipments were seized from the Iranian port of Bandar Abbas to the Hoof Directorate of Yemen's Mehra governorate⁵³.

The Group of Experts also stressed that there was evidence of the Islamic Republic's smuggling of weapons into Yemen in violation of Security Council resolution 2140. Since 2021, a cargo ship bound for Yemen has been discovered from the port of Jask in southern Iran with a variety of rifles and bombers on board; they were also seized from vessels originating in Iran.

In the summer of 2021, another vessel bound for Yemen was found, carrying 2,556 weapons including Russian-made and Soviet-era models and weapons from Belarus, China, Bulgaria, and Iran. The United States Navy seized multiple such shipments in the months preceding the report, including large quantities of light and semi-light weapons, anti-tank weapons, missiles, and equipment such as military cameras; their type and the way they were wrapped and sent led officials to suspect that the elements were coming from Iran⁵⁴.

The US Central Command has also announced its opposition to 4 arms smuggling operations for the Houthis between December 2022 and January 2023. It revealed that Yemeni security forces had seized 100 militia-bound drone engines. A French warship also seized a boat loaded with weapons and contraband ammunition for the Houthis, including 3000 rifles, 500,000 rounds, and 20 anti-tank missiles⁵⁵. During the first months of 2023, more than 5,000 weapons and 1.6 million rounds were denied access to Yemen. The US Central Command forces had intercepted a fishing vessel on January 6 in the Gulf

⁵² An ocean of weapons: arms smuggling to Somalia, ISS, 07 Feb 2023, link, <https://issafrica.org/iss-today/an-ocean-of-weapons-arms-smuggling-to-somalia>

⁵³ Scepticism lingers over Iran's commitment to halt flow of arms to Houthis, Al Mashareq, 2 Jun 2023, link, https://almashareq.com/en_GB/articles/cnmi_am/features/2023/06/02/feature-05

⁵⁴ UN Expert Report Highlights Evidence of Iranian Weapons Smuggling to Yemen, Iran Wire, 17 Feb 2022, link, <https://iranwire.com/en/world/71303/>

⁵⁵ The continuation of arms smuggling exposes the intentions of al-Houthi, Al-Itihad, March 9, 2023, link, <https://bit.ly/45CAs1Q>

of Oman, and they discovered that it was smuggling more than 2,100 assault rifles along a sea route from Iran to Yemen⁵⁶.

In early 2022, while carrying out routine maritime security operations, the Royal Navy ship HMS Montrose seized Iranian weapons from speedboats operated by smugglers in southern Iranian international waters. The weapons seized included surface-to-air missiles and cruise missile engines for ground attack in violation of United Nations Security Council resolution 2216 (2015). It was the first time a British Navy warship had intercepted a vessel carrying such sophisticated weapons from Iran. The seized packages were returned to the United Kingdom for technical analysis, which revealed that the cargo contained multiple Iranian missile engines that produced a 351 ground attack cruise missile and a group of 358 surface-to-air missiles. The 351 missile is a 1000km cruise missile regularly used by the Houthis to strike targets in Saudi Arabia and was the type of weapon used to attack Abu Dhabi on January 17, 2022, killing three civilians⁵⁷. In December 2022, the United States Navy seized explosive materials including 140 tons of urea fertilizer, 70 tons of ammonium perchlorate, and 50 tons of ammunition rounds, fuses, and rocket fuel. In 2021, the US Central Command blocked 9,000 illegal weapons from reaching Yemen, representing a 200% increase in weapons seized from the previous year. In 2022, U S Central Command naval assets and partner forces seized weapons components for the same type of cruise missile fired in attacks against Saudi Arabia and the United Arab Emirates earlier in the year⁵⁸.

Illicit transfer of conventional arms has led to many violations of children's lives. In Yemen, for example, due to Iranian arms smuggling to the Houthi group, Yemen become the largest country in the Middle East, hit by a mine-proliferation disaster. The list of the world's most landmine incidents is issued, posing a sustainable threat to civilian life. International and local human rights reports have identified 37 victims of Houthi militia mines since early 2022. Yemen's total number of victims of Houthi mines exceeds 10 thousand, with children and women accounting for the vast majority. Taiz governorate has the largest share in the number of mines cultivated and victims, followed by Hodeidah governorate and Al-Jawf governorate⁵⁹.

⁵⁶ U.S. Central Command Supports Partner Forces in Major Iranian Weapons Seizure, USCENTCOM, 1 Feb. 2023, link, <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3285024/us-central-command-supports-partner-forces-in-major-iranian-weapons-seizure/>

⁵⁷ UK reveals Royal Navy seizure of smuggled Iranian missiles, Royal Navy, 07 July 2022, link, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2022/july/07/20220707-montrose-arms-cache>

⁵⁸ U.S. Central Command Supports Partner Forces in Major Iranian Weapons Seizure, USCENTCOM, 1 Feb. 2023, link, <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3285024/us-central-command-supports-partner-forces-in-major-iranian-weapons-seizure/>

⁵⁹ Thousands of mine victims in Yemen, and the threat includes millions, Sam Project, March 2022, link, <https://bit.ly/3ju6PJf>

State-driven dumping of weapons, lack of control mechanisms, limited law enforcement capabilities and international cooperation have contributed to the exploitation of proliferation by the region's most destabilizing actors, which led to decades of conflict in the region.

Conclusion & Recommendations

In conclusion, it can be said that paramilitary forces are used as active actors in state violence. It is described as more flexible, less economically expensive than regular armies, and not accountable. The audacity of the models being studied is perhaps centered on the fact that there is a broad international practice of using private military companies, which these forces take as a pretext to do the same. The return of mercenaries in the form of private security companies reflects a profound shift in the structure of conflicts and the nature of the modern state, particularly in the developing world.

The return of mercenaries into the form of private security companies reveals a fundamental shift in the structure of conflicts and the nature of the modern state, especially in the developing world. Certainly, this phenomenon has been an invitation to the long-standing phenomenon of mercenaries in more destructive and violent forms, and without a legal or moral framework regulating only the narrow interests of State and non-State actors, which threatens to increase the frequency and intensity of conflicts and prolong them in order to promote the interests of companies and associated political and economic elites.

The use of these forces also allows the state to conceal the number of casualties from its personnel. During the war in Darfur, the casualties of the forces were not included in official reports. During the current war, after the rebellion, the latter's losses were not accounted for in the context of the media war between them and the army.

This factor generally leads to the ease of use of what is known in political literature as the Kremlin's plausible denial, and the same expression was used in the case of the former regime when it attempted to cover up the crimes of "rapid support" in Darfur, which meant that it resorted to denial of involvement in conflict; an important element that has led to the rebellion of paramilitary forces, whether Wagner or the unambitious RSF, can be considered for the leadership that is ambitious for their leadership.

In the case of "RSF", the post-al-Bashir period saw divisions at the level of political forces as well as at the military level within the army's own institution, tempting Hemedti to act and declare his rebellion by waging war.

In Russia, the impact of the Ukrainian war was considerable and revealed divisions between military commanders in favor of continuing the war until the Russian forces' victory, and those who felt that more progress could serve as a holocaust for those forces. As a result, if Prigogen is not held accountable, even if Putin's regime appears strong and capable of retaliation, Ukraine will try to break through this gap to achieve some gains.

In light of the above, Maat demands the following:

- All parties respect their obligations under international humanitarian law and human rights to protect civilians, including women and girls.
- Allowing survivors safe access to health care and for health workers to access health facilities.
- The need to conduct immediate, comprehensive, impartial, and independent investigations into all alleged gross violations, human rights violations, and gross violations of international humanitarian law and hold perpetrators accountable, whether in Sudan or those violations resulting from arms smuggling into Yemen.
- Enhancing serious cooperation in implementing decisions to impose an arms embargo on countries and groups that violate human rights.
- Countries must cooperate to enhance respect for United Nations resolutions calling for a ban on the supply of weapons to states or armed groups in conflict areas.