

Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Ref.: AL SRB 4/2025
(Please use this reference in your reply)

19 May 2025

Excellency,

We have the honour to address you in our capacities as Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and Special Rapporteur on the situation of human rights in the Russian Federation, pursuant to Human Rights Council resolutions 51/13 and 57/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Serbian fighters taking part in the ongoing hostilities and armed attacks by the Russian Federation against Ukraine.

According to the information received:

From 2015 to 2025, hundreds of Serbian fighters have allegedly joined and fought for pro-Russian armed forces in Ukraine. It has been reported that approximately 30 Serbian nationals have been convicted since 2015 by the High Court in Belgrade for either participating in the war or organising such participation.

While the Serbian Criminal Code imposes a prison sentence ranging from 1 to 10 years for the organization or participation of Serbian nationals in armed conflicts as per articles 386a and 386b, the majority of perpetrators convicted reportedly received either suspended or reduced sentences (such as house arrests for six months). Only six of the cases resulted in very short prison sentences imposed, while one concerned the involvement and criminal activities after the Russian Federation's full-scale invasion and armed attacks against Ukraine on 24 February 2022.

In this regard, concerns are raised over allegations of repeated Serbian offenders re-joining pro-Russian armed forces, as well as the recruitment of new Serbian fighters who are taking part in the ongoing conflict. In order to effectively deter mercenary-related activities, there is a need for stronger implementation of legal penalties against repetitive offenders who received suspended or reduced sentences and returned back to such activities, as well as individuals who are recruited for the first time in order to inhibit them from joining and participating in the armed conflict.

New wave of Serbian fighters

Reports indicate that far-right groups have become more connected through rallies and social networks such as on Telegram and VKontakte, where they

transmit and spread misinformation and disinformation messages. There have been reports of published advertisements online via encrypted platforms, social networks, media outlets and other channels calling for volunteers to join pro-Russian armed forces. Messages appear to ask support for the revival of “Greater Russia” and to help the Russian and Serbian “brotherhood”. As a result, a new wave of Serbian fighters have allegedly travelled to the Russian Federation to take part in ongoing hostilities and armed attacks against Ukraine. In addition to ideological connections, Serbian fighters are reportedly motivated by comparative high wages as well as the prospect of obtaining other benefits.

According to the **Presidential Decree of the Russian Federation of 4 January 2024 (Decree No. 10)**, foreign nationals who have signed a military service contract with the Russian Federation armed forces may be able to obtain Russian citizenship for themselves and members of their families. This is supposedly to provide assurances and prevent potential recruits from falling under criminal prosecution for mercenary-related activities in their national countries.

With regards to their recruitment, Serbian fighters reportedly travel via Serbia and other States to enlist and join pro-Russian armed forces. Changes in the Russian Federation’s **Federal Law No. 53-FZ of 28.03.1998 (as amended on 02.10.2024) "On Military Duty and Military Service"** have reportedly made it simpler and easier for foreign nationals to enlist and join the Russian military, in particular by lowering the minimum length of military service contracts for foreign nationals from five years to one year. Upon their arrival, most fighters receive some sort of military training prior to joining the battlefield. There are reports of published videos and photos of alleged Serbian fighters in camouflage uniforms with guns at military training camps in the Russian Federation.

It has also been alleged that there are other existing channels that have been used to recruit Serbian fighters. Reportedly recruitment has also been organized through several construction companies who have projects with the Russian Federation. Contracts are generally broad and do not address specific participation in the conflict.

Concerns over the human rights impacts and consequences on the civilian population

On 19 November 2024, the Office of the High Commissioner for Human Rights verified that at least 12,162 civilians have been killed since 24 February 2022, among them 659 children. At least another 26,919 civilians have been injured. Moreover, the Independent International Commission of Inquiry on Ukraine’s recent report to the General Assembly found a wide array of violations of human rights and international law, as well as related crimes, committed by Russian authorities. These include willful killings, enforced disappearances, attacks on civilians, unlawful confinement, rape and sexual violence, forced transfer and deportation of children, indiscriminate and disproportionate attacks, attacks on energy infrastructure, as well as the destruction or transfer of cultural objects.

Therefore, the reported deployment of Serbian fighters raises concern over their potential contribution to the rapid escalation and intensification of hostilities,

with human rights impacts and consequences for the civilian population, including reported loss of civilian lives and injuries, as well as damage to civilian property and infrastructure.

While we do not wish to prejudge the accuracy of these allegations, we are gravely concerned about the role of Serbian fighters, notably the human rights impact in and around Ukraine-Russian conflict zone and in populated areas, in contravention with international humanitarian law and international human rights law. We note that the way in which the Serbian fighters are allegedly being recruited, transported and used in this conflict appears consistent with the definition of a mercenary, as set out by relevant international legal instruments, including the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to which Serbia is a party.

Furthermore, the deployment of Serbian fighters to an armed conflict may threaten several human rights, including, inter alia: the right to life; freedom from torture and other cruel, inhuman or degrading treatment or punishment; the right to liberty and security of a person; and freedom from arbitrary arrest and detention. We are especially concerned that those deployed to the Russian Federation may be affiliated with armed groups that may have committed serious human rights violations. The lack of transparency concerning these fighters in question raises serious concerns about accountability and impunity, as well as questions about respect for relevant international law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the number of Serbian fighters deployed to support Russian armed forces; the location and names of those armed groups which they are affiliated with; the nature of their activities in the Russian Federation; and the numbers of Serbian fighters who have been killed, injured or taken into custody as a result of their participation.
3. Please provide information on the process of recruitment of Serbian fighters, including contractual agreements, travel arrangements and modes of payments for services provided.
4. Please indicate the number of Serbian nationals who have been or are the subject of an investigation and/or prosecution by the relevant Serbian authorities and provide information on the outcomes of cases.
5. Please explain any steps taken or planned to be taken to hold Serbian nationals accountable and whether your Excellency's Government

intends to place stronger penalties and measures to prevent and deter those from participating and re-offending in line with international obligations, including under the International Convention against the Recruitment, Use, Financing and Training of Mercenaries which your Excellency's Government has ratified. Please provide specific examples.

6. Please also share information on the applicable domestic regulatory and accountability frameworks with regards to mercenaries, mercenary-related actors, and private military and security companies, including specific examples where available.
7. Please indicate what measures your Excellency's Government has taken, or is considering taking, to prevent such activities and protect civilians against human rights violations and abuses in the context of the deployment of Serbian fighters in and around the Ukraine-Russian conflict zone.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that a copy of the letter was sent to the Government of the Russian Federation.

Please accept, Excellency, the assurances of our highest consideration.

Jovana Jezdimirovic Ranito
Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

The International Convention against the Recruitment, Use, Financing and Training of Mercenaries, ratified by your Excellency's Government on 14 January 2016, proscribes the recruitment, use, financing and training of mercenaries. It contains a definition of a mercenary with several cumulative criteria, including, inter alia: being specially recruited to fight in an armed conflict, being motivated by private gain, not being a national of a party to the conflict, and not being a member of the armed forces of a party to the conflict. Moreover, we wish to refer to article 6 of this Convention prohibits State parties to recruit, use, finance or train mercenaries and shall make offences related to mercenarism punishable by appropriate penalties. The Convention also contains provisions outlining the responsibility of States to cooperate in preventing mercenary offences (article 6) and implementing the Convention (article 7); to take adequate measures to establish jurisdiction over mercenary offences committed in its territory (article 9(1)(a)) and to either extradite or prosecute those suspected of mercenary offences found on the territory of the State (articles 9, 10 and 12).

We wish to recall that both international humanitarian law and international human rights law continue to apply in a situation of armed conflict. In its General Comments 31 (CCPR/C/21/Rev.1/Add.13, para 11) and 36 (CCPR/C/GC/36, para. 64), the Human Rights Committee has affirmed the applicability of the International Covenant on Civil and Political Rights (ICCPR), succeeded by your Excellency's Government on 12 March 2001, and international human rights law more generally to situations of armed conflict. In particular, States have an obligation to respect and ensure respect of the Geneva Conventions as provided by their common article 1. To this end, States are required to adopt all measures necessary to ensure respect for the Geneva Conventions not only by their organs but also by private individuals within their jurisdictions as well as other States and non-State parties.

Similarly, States have positive obligations to protect and fulfil human rights. In this respect, we would like to recall that it is now widely accepted that States' obligations to protect and fulfil human rights, such as the right to life, extend beyond their own agents and also encompass protecting against human rights abuses by third parties, including private actors, and to take positive steps to fulfil human rights. This includes taking appropriate measures to prevent, punish, investigate and bring perpetrators to justice and redress harm caused by both State and private actors (CCPR/C/21/Rev.1/Add.13, para. 8). This was reaffirmed by the Human Rights Committee specifically with respect to the right to life in its General Comment No. 36 (CCPR/C/GC/36, para. 21).

Furthermore, in its general comment No. 36, the Human Rights Committee further recalled that States have a due diligence obligation to take adequate preventive measures in order to protect individuals against reasonably foreseen threats to life originating from private persons and entities whose conduct is not attributable to the

State (CCPR/C/GC/36, para. 21).

The preventive obligations of States with respect to the right to life are synergetic with the obligation States have to respect and ensure respect of the Geneva Conventions as provided by their common article 1. To this end, States are required to adopt all measures necessary to ensure respect for the Geneva Conventions not only by their organs but also by private individuals within their jurisdictions as well as other States and non-State parties.

Finally, both international humanitarian law and international human rights law require States to take appropriate measures to bring perpetrators of alleged violations to justice and to provide effective remedies to victims. The right to an effective remedy is also enshrined in the UDHR (article 8), the ICCPR (article 2(3)) and the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly Resolution 60/147, chapter II).