

Mandates 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; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children

Ref.: AL LKA 2/2025
(Please use this reference in your reply)

22 July 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; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of slavery, including its causes and consequences and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 51/13, 52/5, 51/15 and 53/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the alleged predatory recruitment of three Sri Lankan individuals who have been deceived by recruitment agencies through false promises of employment opportunities and better life conditions in Europe and ended up being trafficked and forcibly recruited into the Russian army and deployed to the frontline in Ukraine.**

According to the information received:

In October 2024, three Sri Lankan men from the Tamil community in Jaffna and Mullaitivu, Mr. **Sundaralingam Balachadran**, born on 27 August 1977, Mr. **Athistaraya Gomaz Mithusan**, born on 24 April 1999, and Mr. **Sujanikanth Pakeerathan**, born on 26 November 2003 were trafficked and coerced into signing Russian -language contracts that they could not read which led to their forced recruitment into the Russian army and deployment to the frontlines in Ukraine.

Due to severe economic hardships, the three victims were seeking opportunities to travel and work abroad in Europe. In particular, some of these men sought to travel to France and Belgium as they had relatives residing there.

Reportedly, each of the three victims paid around of 6 million Sri Lankan rupees (equivalent of 19,987 USD) via bank transfers to recruitment agents, [REDACTED], domiciled in Belgium and [REDACTED], who promised to facilitate the victims' journeys to Europe. The victims and their families were contacted by different agents that are allegedly connected to one individual who oversees this illicit operation. The agents assured the victims and their families that once they arrived in Russia, they would be given identification documents that would facilitate their journey onwards from the Russian-Finland border to Europe. The agents also assured that Russian counterparts were informed about the process and carry out the necessary actions. The victims were also informed that upon

arrival at the Russian airport, they would be escorted on a flight to France by a Russian army commander.

However, upon arrival at Rostov-on-Don airport, the victims were allegedly forcibly detained for several days by a Russian army officer and were coerced into signing contracts written in Russian, under the false claim that it was a procedural requirement for them to cross into Europe. The victims ended up signing these contracts, potentially under duress and without full understanding of the Russian language and terms. It was later revealed that these contracts compelled them to join the Russian army for its war against Ukraine.

The victims were trafficked to a military camp close to Russia's border with Ukraine and issued military uniforms. Each victim had allegedly received 600,000 Sri Lankan Rupees (equivalent of 2,005 USD) as a one-month salary. However, the received amount was immediately transferred to a Russian army official under the false promise to cover their border crossing fees. Their salaries, belongings, travel documents and phones were confiscated. The victims were subjected to 15 days of compulsory military training before being deployed to the frontline on 14 November 2024.

The victims were only able to contact their respective families sporadically using phones borrowed from Russian soldiers. It was only when one of them could contact his mother, sending her pictures of him in military uniform, that his family became aware of the situation. In the photos, he appeared to be part of the Russian army. It became evident to the families that their loved ones were not in France as promised, but were, in fact, caught in the midst of an active conflict.

Families also received messages and voice recordings of the victims in distress, begging for help and fearing for their lives. The family of one of the victims recounts that their son had sent them three text messages after which she has not heard from him at all. In the text messages, their son told them that he had been forced to sign documents on the premise they would be transported to Europe, it turned out those were contracts for them to serve in the Russian army for a period of one year. The contract would be automatically renewable after this period. Their son also expressed doubts whether he would be still alive after a year. They feel as they had paid to be killed.

To cite as instance, one of the victims, **Mr. Athistaraya Gomaz Mithusan**, 26 years old, belongs to the Tamil minority group. His father was 72 years old and due to the family's disadvantaged economic conditions, he decided to go to France. They established contact with a recruitment agency based in Belgium, which assured the family that it could facilitate his relocation to France. The family paid 750,000 Sri Lankan Rupees (the equivalent of 8,852 USD) to this recruitment agency. Another victim, **Mr. Sujanikanth Pakeerathan**, 21 years old, suffers from epilepsy, a condition that makes him unfit for military service. His mother has been a widow since he was six years old and raised him on her own. They often lacked sufficient food and were in conditions of poverty, relying on temporary housing. A distant relative offered to assist in bringing Mr. Sujanikanth Pakeerathan to Belgium but required payment in return. In

order to afford this, his mother borrowed money from various individuals and ultimately paid 550,000 Sri Lankan Rupees to the agency. Allegedly, in his last voice message, he expressed that he had not anticipated finding himself in such a situation, stating that he had paid money only to be killed there while his mother is now left in debt.

Reportedly, the three victims have been subject to ill-treatment by army personnel while under the control of the Russian army, denied medication and food deprivation (reportedly receiving as little as a piece of bread a day or a chocolate), as well as have been sent to war zones along the border. There are also concerns over them being killed or seriously injured. One of the victims was hospitalized. Reportedly, in 2025, distressing and considerable accounts surfaced of other Sri Lankans who were killed or seriously injured in the war against Ukraine

In response to this distressing turn of events, relatives of the three victims initially lodged a formal complaint with the local police at the Jaffna Police Station, but their pleas were ignored. On 2 December 2024, they submitted a formal complaint to the Russian Embassy, the Ministry of Foreign Affairs, the Prime Minister's Office, the National Task Force on Human Trafficking. They also sent a letter to the President of Sri Lanka through the Governor of the Northern Province, urgently requesting safe return of their sons. The Russian Embassy in Colombo refused to accept their complaint, stating that they have no connection to the matter and directed them to the Sri Lankan Embassy in Moscow. Their families have urgently appealed to the Sri Lankan government for help in bringing them home.

The families of the victims have received no updates or information regarding any actions taken by Minister of Foreign Affairs. In February 2025, the Criminal Investigation Division of the Sri Lanka Police summoned and questioned the victims' family members in connection with the cases. To date, no subsequent developments or official follow-up have been reported.

While we do not wish to prejudge the accuracy of these allegations, we express our concern about the trafficking and forced recruitment of three Sri Lankan nationals into the Russian army for the purposes of exploitation as soldiers, fighting in the war against Ukraine, who have been deceived by recruitment agencies through false promises of safe and legal employment opportunities and better living conditions in Europe. According to the allegations mentioned, it appears that the three Sri Lankan men were subjected to human trafficking through abuse of their vulnerability, deception, intimidation and threats, retention of identity documents, withholding of wages and they were forced to participate in the frontlines of the Russian army. According to the ILO, all these are indicators of forced labour.¹

We are also concerned that, these individuals have been receiving inadequate treatment, denied access to healthcare and to food. We are further concerned about allegations that many other Sri Lankan men have been facing a similar situation in the and various have been killed or seriously injured in the Russian-Ukrainian war zone.

¹ https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40declaration/documents/publication/wcms_203832.pdf.

In connection with the above alleged facts and concerns, which appear to contravene provisions of international humanitarian law and international human rights law, as committed by Sri Lanka, 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. Kindly provide full details of any civil, criminal, disciplinary and/or administrative measures taken by your Excellency's Government in relation to the aforementioned allegations in compliance with its duty to investigate and prosecute, and to take effective action to combat impunity, including by carrying out effective investigations of these recruitment agencies and the trafficking of individuals to Russian-Ukrainian war zone and ensuring all evidence of violations of international humanitarian law and abuses and violations of international human rights law is preserved for accountability purposes.
3. Please indicate the measures that your Excellency's Government has taken or may adopt to ensure that victims of the above-mentioned alleged abuses and violations have access to effective remedy, including their right to know the truth about these alleged abuses and violations, and receive reparation.
4. Please highlight the steps that the Government is taking, or is considering taking, to ensure non-recurrence of the alleged violations and abuses, including related institutional, legislative and administrative reforms and other measures to ensure that no private military and security company violates international humanitarian law or commits human rights abuses in the country. Please also indicate any steps taken to regulate recruitment agencies in your country in order to avoid trafficking in persons for purposes of forced recruitment and forced labour.
5. Please indicate any urgent steps the Government has taken to ensure the protection and safe return of the victims mentioned and to invest in the prevention of trafficking of persons for purposes of forced recruitment. As poverty is among the main root causes of trafficking in persons and other forms of exploitation, please also indicate any measures adopted by your Excellency's Government to reduce poverty and ensure that also the most marginalized segments of the population have access to a livelihood, including the Tamil population in the Northern province.

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.

Please be informed that a letter on this subject matter has also been sent to the Government of the Russian Federation and Belgium.

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

Nicolas Levrat
Special Rapporteur on minority issues

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and
consequences

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights law

We wish to refer to the right to a remedy and reparation which is firmly enshrined in international human rights instruments, including article 8 of the Universal Declaration of Human Rights (UDHR) and article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), the latter acceded by Sri Lanka on 11 June 1980. This right is further elaborated in 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 (A/Res/60/147). We also wish to refer here to the inherent right to life, as enshrined in article 3 UDHR and in article 6 of the ICCPR and the Sri Lankan soldiers who have been reported killed and the three above-mentioned victims who have been compelled to risk their lives in the Russian-Ukrainian conflict.

We wish to recall the absolute and non-derogable prohibition of torture as a *jus cogens* norm. This is also codified in article 5 of the UDHR and article 7 of the ICCPR. Pursuant to paragraph 18 of the general comment No. 2 of the Committee against Torture (CAT/C/GC/2, 24 January 2008), State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors have to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors. The ill-treatment that includes the denial of necessary medication, lack of access to adequate food, and being compelled to work in life-threatening conditions in war zones.

We would like to bring to your Excellency's Government attention the international standards regarding the protection of the rights of persons belonging to minorities, in particular article 27 of the ICCPR. Moreover, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities refers to the obligation of States to protect the existence and identity of minorities within their territories and to adopt the appropriate measures to achieve this end (article 1) and requires States to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1).

With regard to the prevention from forced labour, we wish to recall that Sri Lanka ratified C029, the Forced Labour Convention, 1930 (No. 29) on 05 April 1950. In ratifying this Convention, Sri Lanka committed to “suppress the use of forced or compulsory labour in all its forms within the shortest possible period”.

As regards to the protection of victims of trafficking in persons we would like to draw your attention to the Palermo Protocol, ratified by Sri Lanka on 15 June 2015, in particular articles 6 and 9 which sets out the obligations on State Parties to protect and prevent trafficking in persons, and to assist victims of trafficking. Regarding forced labour, Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), ratified by Sri Lanka on 10 April 2019, reaffirms that measures of prevention, protection and remedies, such as access to compensation, rehabilitation, are necessary to achieve effective and sustained suppression of trafficking in persons for purposes of forced labour, and of forced and compulsory labour.

We wish to refer to the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, States have an international obligation to identify victims of trafficking. It is highlighted that a failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. We also would like to refer to principle 13 of these recommended Principles and Guidelines, which provide that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors". As your Excellency's Government may recall, the Special Rapporteur on contemporary forms of slavery, Tomoya Obokata, visited Sri Lanka in November 2021. In the report issued about the visit (A/HRC/51/26/Add.1), he pointed to gaps in the current migration management system. In paragraph 67, he highlighted that "many women who worked as domestic workers in various destination countries reported instances of abuse and exploitation in the workplace, ranging from the withholding of identity documents and wages to long working hours and physical, verbal and/or sexual abuse. While the primary responsibility for addressing these abuses rests with destination countries, there appears to be insufficient support provided by Sri Lankan embassies and consulates. Not all officials are said to be trained adequately, and there are reports of migrant workers being turned away after seeking assistance. While there are established shelters in some destination countries, these have been regarded as insufficient. The situation has been exacerbated by the COVID-19 pandemic, which led to a large number of workers being stranded without access to adequate institutional support." In the same report, the Special Rapporteur also urged the Government to ensure the protection of migrant workers from exploitation and abuse. Furthermore, we would also like to bring to your attention the report by the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council in 2019 A/HRC/41/46 on Innovative and transformative models of social inclusion of survivors of trafficking in persons into societies. We would like to highlight recommendations made by the Special Rapporteur to States on areas such as considering the revision of any legislation or policies hampering social inclusion, including policies tying workers to a single employer, or preventing equal access to long-term empowerment measures (para. 66), in addition to other measures with regard to trafficked persons' access to empowerment measures (para. 68). Furthermore, we would also like to draw your attention to the Report of the Special Rapporteur on trafficking in persons, especially women and children to the General Assembly in 2015 on due diligence.

As laid out in the United Nations Guiding Principles on Business and Human Rights (A/HRC/RES/17/31), States must protect against human rights abuse by business enterprises within their territory and/or jurisdiction. As part of their duty to protect against business related human rights abuse, States are required to take appropriate steps to "prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication" (guiding principle 1). In addition, States should "enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights..." (guiding principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur. Furthermore, States may be considered to have breached their international human rights law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally

have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Regarding the ‘predatory recruitment’, the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination has examined this phenomenon in relation to the recruitment of mercenaries and mercenary-related actors in one its thematic reports (A/HRC/54/29 of 12 July 2023). In its report, the Working Group defines the predatory recruitment as “a form of recruitment of individuals for mercenarism that takes advantage of their socioeconomic status or other vulnerabilities and that, in some instances, may involve coercion or fraud” (paragraph 25). The Working Group also noted in its report that “with concern the ways in which mercenaries and related actors are using such recruits and the human rights violations perpetrated around their recruitment. The increased involvement of third-party States in armed conflicts has been identified as a context in which individuals can be recruited in a predatory form and deployed in so-called proxy wars. The recruitment of mercenaries in this context often involves complex networks of recruiters of States, armed non-State actors, private military and security contractors and local intermediaries close to the communities of the recruits. (...) This contributes to the vulnerability in which individuals targeted for predatory recruitment find themselves and is also a factor contributing to human rights violations and violations of international humanitarian law in the context of conflict” (paragraph 25).

The ‘Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict’ recalls certain existing international legal obligations of States regarding private military and security companies. Applicable provisions of international law articulated therein are therefore relevant to all States regardless of whether they have pronounced their support for the Document. In this regard, we wish to highlight that ‘territorial States’ have an obligation, within their power, to ensure respect for international humanitarian law by private military and security companies on their territory. Territorial States have an obligation to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, grave breaches of the Geneva Conventions, and have an obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches. They must also bring such persons, regardless of their nationality, before their own courts, or hand such persons over for trial to another State concerned, provided such State has made out a prima facie case, or to an international criminal tribunal. ‘Territorial States’ have an obligation to investigate and, as required by international law, or otherwise as appropriate, prosecute, extradite or surrender persons suspected of having committed other crimes under international law, in accordance with their obligations under international law.