

# Cowboys of the Wild East: The Wagner Group and its Impacts on the Private Military Contractor Industry

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## Abstract

Since its emergence on the world stage, the Wagner Group<sup>2</sup> has complicated the operations of actors across the security, humanitarian, and human rights spaces the world over, while leaving a trail of destruction wherever it has deployed. The purpose of this paper is to examine the Wagner Group itself and the issues that it has highlighted in both the fields of Western foreign policy and existing approaches to governance over the growing private military contractor (PMC) industry on the part of the wider international community, before offering a selection of potential policy items for addressing the above outlined weaknesses. I find that the Wagner Group's unclear relationship with the Russian state, combined with its poor human rights record, make it an object of significant concern to those involved with security, humanitarian, and human rights issues alike. Further, its prominence within the contemporary security landscape shows both the lack of adequate enforcement options under current governance frameworks within the PMC industry, and the failure of the United States and its allies to proactively engage in the Sahel region. To address these shortcomings, I recommend a combination of a stringent unified licensing apparatus, with particular attention paid to corporate revenue streams and financial structures, stronger options for accountability in cases of violation of legal norms on the part of PMCs for the international community, and a recommitment to cooperation in security partnerships on the part of the West to address demand-side issues arising from dissatisfaction among partnering states with current approaches.

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<sup>2</sup>At the time this article was written, the group was known as the Wagner Group, though it was later rebranded / renamed / replaced with the Africa Corps name.

# 1 Introduction: A Novel Tool for the Russian Approach to Warfare

On February 24, 2022, the world watched in horror as columns of Russian armored vehicles rolled over the Ukrainian border in what Putin termed a “special military operation” aimed at “denazifying” the democratically elected government in Kyiv. In the over a year and a half since (as of the time of writing), the Russo-Ukrainian War has raged on unabated as the first large-scale conventional conflict of the century, having cost the lives of an estimated 190,000 combatants and 30,000 civilians<sup>3</sup> (Cooper et al. 2023). Accounts of the war are replete with tales of Russian malice and brutality thwarted only by Ukrainian spirit and ingenuity, in defiance of the dismal odds initially given by analysts. One defining trend throughout the conflict has been the deployment of private military contractors (PMCs) by the Russian Federation at a scale unprecedented for the post-Cold War era. The most prominent of these outfits, the Wagner Group has recently risen to household status thanks to its penchant for brutality and its unsuccessful June 2023 *coup d’etat* attempt.

But Wagner’s existence predates the 2022 invasion by almost a decade, and its role as a covert tool in the Kremlin’s foreign policy arsenal stretches far beyond the Ukrainian theater. Owing to both its murky relationship with the Russian state and its regular military operations, as well as its blatant disregard for international humanitarian and human rights norms, the Wagner Group brings with it concerning implications for actors within security, humanitarian, and human rights circles alike. Further, the fact that it has risen to such prominence in the contemporary security landscape has highlighted extensive cracks in contemporary regulation of the burgeoning PMC industry on the part of both the United States and the international community writ large. In this paper, I will offer background into the nature of the Wagner Group and its activities before exploring the implications carried by its continuing operation, existing frameworks laid out by the international community for governing the PMC industry and their shortcomings, and potential measures for both the United States and its allies, and the United Nations as a whole, for addressing the threats posed both by the Wagner Group, and the greater PMC industry.

## 2 Background: A Russian Oligarch-backed “Private” Military Contractor

The Wagner Group was first founded in 2014 as a consolidation of several other Russian PMC outfits, most notably Moran Group and Slavonic Corps. The group’s primary figurehead and business leader until June 2023 was Yevgeny Prigozhin (June 1, 1961 - August 23, 2023), a Russian oligarch with organized crime connections who became a close friend of Putin’s via his work in the restaurant and catering industries (Murphy 2023). According to investigative

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<sup>3</sup>Helene Cooper, Thomas Gibbons-Neff, Eric Schmitt, and Julian Barnes, “Troop Deaths and Injuries in Ukraine War Near 500,000, U.S. Officials Say,” *New York Times*, August 18, 2023; “Ukraine: Civilian Casualty Update 11 September 2023,” United Nations Human Rights Office of the High Commissioner, September 11, 2023.

journalism group Bellingcat, the senior military commander of Wagner was believed to be Dmitry Utkin (June 11, 1970 – August 23, 2023), an ex-GRU Spetsnaz veteran and open neo-Nazi (the group's name, "Wagner," is a reference to Richard Wagner, Hitler's favorite composer(Bellingcat Staff 2020)). Prior to the 2022 invasion, the group is believed to have employed between 2,500-5,000 fighters, with the closest estimate coming in at 3,602 thanks to a 2018 leak of a then-recent payroll document(Marten 2019). This original cadre was largely composed of veterans from both the Russian military and various nationalist militias who fought across a wide array of post-Soviet conflicts(Sukhankin 2020). Today, the group has swelled immensely thanks to its policy of recruiting convicts to fight in exchange for clemency, with 2023 estimates placing the group's peak membership at 50,000 fighters(Morning Edition 2023). Wagner has been observed operating significant quantities of equipment far more advanced than is typical for a PMC, including T-72 main battle tanks, Mi-24 helicopter gunships, and a wide array of armored personnel carriers and artillery systems. Since 2014, it has fought across a wide array of contexts, including Syria, the Central African Republic (CAR), Mali, Sudan, and now in Ukraine, in support of both Russia-friendly leaders, and at times the Kremlin's own uniformed forces (ibid.). In return, many host governments pay in the form of natural resource extraction allowances such as for gold and diamonds, which the group in turn utilizes to finance its operations(Pokalova 2023).

Following Prigozhin's failed mutiny, the group has found itself amid an immense organizational shake up. The Kremlin appears to be in the process of scaling back the group's operations, forcing it to surrender much of its heavy equipment, and offering mercenaries that did not participate in the attempted coup the opportunity to sign contracts with the regular Russian Armed Forces(Clarke 2023). Prigozhin himself was initially exiled to Belarus, before reportedly being killed alongside several other members of his inner circle when his private jet crashed under suspicious circumstances in Russia's Tver region on August 23, 2023. Putin seems to believe in the group's continued utility in some capacity, however, with varying reports discussing the appointment of a new leader to replace Prigozhin and the continued expansion of the group's operations in Africa. However, owing to new evidence in the aftermath of the Wagner coup, the Kremlin will likely be forced to take more direct responsibility for its role in the group's operations moving forward.

Although Wagner has historically sought to present itself as a PMC, a mounting body of evidence points toward inaccuracies in this designation. Per the International Committee of the Red Cross (ICRC),

private military security companies are private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel.

In other words, PMCs are private enterprises that provide services to a client that would normally fall under the auspices of a state's own armed forces. The Wagner Group likely

fails to satisfy the “private” stipulation of this definition. On June 27, 2023, in response to the Wagner coup, Putin publicly stated that the Russian government had directly supplied Wagner with some two billion dollars over the course of the past year, and that the group had been “fully funded” by the state. Although this statement countermands his previous claim that “the Russian state has nothing to do with this (PMC Wagner),” it is merely the latest in a long string of suspect developments tying the group more directly to the Kremlin.

Wagner Group mercenaries have frequently been observed operating directly alongside the uniformed Russian army, as well as being transported on official Russian state aircraft. Similarly, they have frequently received legal treatment in line with Russia’s own regular armed forces, to the point of direct diplomatic intervention by Putin when a contingent of operatives from the group were arrested by Belarusian authorities in 2020. As a result, even years before Putin’s admission, eminent scholars on the subject were already branding Wagner as a semi-state armed group as opposed to a traditional PMC.

### **3 Brutality and Subversion: Wagner’s Threats to the International Community**

The presence of the Wagner Group on the modern battlefield brings with it widespread troubling implications in both the human rights and security domains. First and foremost, the Wagner Group has been implicated in a range of human rights abuses spanning the contexts in which it operates. In its deployments against Islamic fundamentalist insurgents in CAR and Mali, Wagner Group fighters have frequently been implicated in instances of civilian victimization. Indeed, in CAR, 70 percent of the group’s unilateral operations (that is, those independent of CAR’s own state armed forces) have targeted local civilian populations (Serwat et al. 2022). This exceeds the rate of civilian victimization on the part of the very militants that Wagner is ostensibly deployed in the country to combat (*ibid.*).

The exact crimes perpetrated by the group’s fighters are diverse, including extrajudicial killings, torture, forced disappearances, property crime such as burglary and looting, and rape and other forms of sexual violence (Akinwotu and Burke 2022). Similar behavior on the part of Wagner fighters has also been reported in Libya, Syria, and most recently Ukraine (Rampe 2023). A particularly publicized example of Wagner’s brutality came in 2017 when a video leaked showing members executing a Syrian conscript for desertion using a sledgehammer, torturing him by crushing his limbs before delivering the killing blow (Karadsheh 2021). The group’s practice of recruiting convicts has also been called into question on humanitarian grounds, given that these enlistments are in some cases reported to occur under duress, with alternatives to service at times being as severe as forced disappearance (United Nations Human Rights Office of the High Commissioner 2023). This, combined with the group’s brutal disciplinary practices (including frequent executions), have led the United

Nations to in some cases characterize Wagner's recruitment of prisoners as a violation of the right to life (*ibid.*).

The nature of its sub-Saharan African operations has also at times placed it directly at odds with both humanitarian groups (which have been victims of its looting) and U.N. peacekeepers, creating significant challenges for these groups in carrying out their prescribed missions. As Druet lays out in a memo written for the International Peace Institute, U.N. peacekeeping missions with a protection of civilians mandate are obligated to intervene in instances where local populations are under threat by armed actors "using all necessary means" (Druet 2023). Wagner's activities thus frequently placed it in an adversarial position to missions such as the now-discontinued UN Multidimensional Integrated Stabilization in Mali (MINUSMA) with which it shared an operational theater; in some cases this presented the risk of direct armed conflict (*ibid.*).

There are multiple dimensions of added risk associated with such an eventuality. Importantly, the Wagner Group represents a powerful foe on the battlefield. As mentioned previously, the Wagner Group is well equipped and (in the case of its African and Middle Eastern contingents at least) is largely composed of veteran fighters (Sukhankin 2020). The group has, in the past, even proved a formidable adversary for U.S. Special Forces operators, as was the case during the battle of the Deir ez-Zor natural gas plant in Syria in 2018 wherein the group was only repulsed thanks to the extensive application of U.S. air power (McFate 2020). Although U.S. forces operating in Syria at the time were well resourced enough to respond to the threat, most U.N. peacekeepers are only equipped for combat at the squad level using small arms, not adversaries with access to Wagner's equipment, manpower, and training. The general lack of resources available to peacekeepers has resulted in disasters such as the U.N. mission in Sudan's failure to uphold its mandate and defend civilians caught in the crossfire during the Battle of Juba in 2016 (Spink and Wells 2016). U.N. missions at present often simply do not have the firepower or personnel available to quickly and effectively engage a well-resourced foe, meaning that the presence of opposing actors such as Wagner has the potential to lead to significant field challenges for U.N. peacekeepers in fulfilling their missions. To counter Wagner, U.N. peacekeeping missions will be forced into a higher level of resource commitment, and both members of these missions and the civilians they are responsible for protecting will be placed in even greater danger.

On the macro scale, engagement with the Wagner Group has historically carried with it significant possibilities for unwanted geopolitical blowback. The hazy nature of the relationship between Wagner and the Russian state has obfuscated exactly who any opposing force is actually engaging with when it goes up against the group's soldiers. Although recent developments (namely, the June 2023 coup attempt) have granted a far clearer picture of Wagner's close relationship with the Russian state, previously, the propinquity of the two was largely unknown. Even though the character of the group's operations and the identities of the senior leadership tended to point toward affiliation with the Kremlin, the group's existence remained technically illegal under Russian law (which currently deems "mercenary behavior" unconstitutional) (Marten 2019). This, in turn, has meant that peacekeepers and

others have not known the extent to which they are dealing with agents of the Russian state during confrontations with the outfit. This is compounded by the fact that Wagner often deploys alongside 'advisors' from the regular Russian armed forces sent to provide training support for local actor, and who are difficult to distinguish from Wagner Group mercenaries (Druet 2023). This means that, historically, any use of force by peacekeepers against Wagner Group personnel has essentially risked use of force against members of a P5 country's military. In turn, this places peacekeepers in an incredibly precarious position, as they thereby risk the potential for Russian reprisal in their attempts to fulfill their mandates. Further, Wagner's dubious legal status means that the Russian state enjoys significant plausible deniability for the group's operations by claiming that they were acting in violation of Russian law. Thus, the Kremlin is free to utilize Wagner in capacities where the deployment of its own uniformed personnel would bring with it more serious consequences.

The lack of clarity in Wagner-Kremlin relations also leads to problems of accountability for the group's members in cases of misconduct committed by the group. Despite the extensive evidence of Russian involvement with the group, the burden of proof for charging a state in connection with a proxy or paramilitary group's actions is incredibly high. Based on precedent set in the 1986 case *Nicaragua v. United States of America*, a paramilitary can only be held as a *de facto* state organ if 1) the state paid, financed, and coordinated/supervised the group's actions, and 2) the state "specifically 'directed or enforced' the perpetuation" of IHL [international humanitarian law] violations by the group "with respect to the specific operation in the course of which [IHL] breaches may have been committed" (Kostin 2022). Although subsequent cases (namely *Prosecutor v. Tadić*) have broadened criteria for prosecuting a state to include overall control via financial and military assistance without requiring it to have specifically given an order to its proxy actor to violate IHL, this still creates a high bar for ensuring accountability (*ibid.*). Further, due to the poor legal definition of what exactly a mercenary is, definitively designating an actor as such in the eye of the law (and thereby making them subject to the penalties associated with the designation) often proves impossible in practice (Liu 2015). Therefore, historically, finding legal methods of accountability for the Wagner Group has proven difficult, as it is nearly impossible to firmly establish it as a Russian state organ or as a purely mercenary outfit, in turn closing the doors to options for prosecution specific to either typology. This gray zone has allowed the Wagner Group to operate with relative impunity with respect to IHL and, pending action on the part of the international community, may encourage copycat actors to do the same.

## 4 A Legal Wild West: The Current State of PMC Governance

The numerous avenues available to Wagner and similar entities for circumventing accountability measures represent a major threat to both peacekeeping and humanitarian missions and the integrity of human rights law within the contemporary security landscape. Although the international community has already attempted to address the issue in various capacities, such legal efforts at international PMC governance are still in their infancy and have yet to

affect significant change. At present, the most comprehensive guidance on PMC usage comes from the Montreux Document. The Montreux Document was published in 2008 at the behest of 17 states, including the United States, United Kingdom, South Africa, and Angola, and establishes a set of responsibilities and best practices pertaining to PMC utilization, including with respect to PMC conduct as it relates to IHL (Cockayne 2008). Although the practices and principles laid out within the Montreux Document are sound, it suffers from one major shortcoming: It is non-binding. Compliance with the Montreux Document is purely based on the willingness of the signatory states, and even for those who have ratified it, there is no enforcement apparatus to hold them accountable for violating it.

Since 2011, the United Nations has sponsored a working group aimed at creating a more comprehensive accountability framework for both PMCs and the states that contract their services. In its current form, the resulting instrument would affirm the conditions laid out by the Montreux Document and establish binding legal obligations for signatory states (Sizo Nkosi 2022). Although the establishment of such an instrument would certainly represent a step in the right direction, it would still suffer from the same pitfalls as those before it. For example, similar to the Rome Statute (to which many states, including the United States, Russia, India, and China, are not signatory), which established the International Criminal Court, this instrument would only have authority over those states that choose to ratify it (*ibid.*). Therefore, for revisionist states such as Russia, or for states that otherwise see themselves as disenfranchised within the contemporary global world order, there is little incentive to ratify such an instrument and thus follow its guidelines. Further, although the instrument calls for increased unification of licensing regimes across member states, it still ultimately leaves the act of establishing and enforcing licensing standards in the hands of individual states. Therefore, although the changes such an instrument would bring about to these systems would no doubt represent an improvement over the status quo, it still leaves room for jurisdictional issues and differences in local laws, which could frustrate efforts at accountability. Further, although it calls upon states to share relevant information with respect to the activities of private military contractors “with a view to ensure effective regulation of and oversight over their activities with a view to investigate and prosecute possible crimes committed by such companies and/or their personnel,” there is again little specificity regarding an apparatus by which to share said information or what specific information is to be collected (*ibid.*). In particular, no mention is made of access to corporate financial information, which is an essential piece of the puzzle in understanding how Russia has been able to utilize the Wagner Group as a means of skirting accountability for so long. It is worthy of note that an earlier 2011 draft of this convention featured provisions for a more substantive information sharing framework, including provisions for an international registry and reporting by countries on their imports and exports of PMC services (United Nations Human Rights Council 2011). However, the current incarnation appears to have largely done away with this.

Some entities within the private sector have also made similar moves in an attempt by the industry to self-regulate. The aptly named International Code of Conduct Association, for instance, is an independent certifying body that audits and subsequently endorses applicant

firms who meet its conduct standards<sup>4</sup>. Although the certification standards established by the group benefit its mission of improving PMC conduct and responsibility, the group is again hampered by the fact that participation in its apparatus is entirely voluntary. This same shortfall applies to other industry organizations whose work includes enhanced conduct and accountability measures, such as the British Association of Private Security Companies<sup>5</sup>.

## 5 Chaining the Beast: A Comprehensive Framework for Moving Forward

To bring rogue actors who use their PMC status as a smokescreen to heel, the international community must adopt a more hardline approach. I thus propose the creation of a centralized licensing regime with greater legal power. One possible method for achieving this would be a U.N.-controlled office responsible for globally certifying PMCs. This would ensure that all PMCs are governed to the same standards and offer a quick avenue for holding noncompliant actors accountable as they could simply face termination of their licenses. A loss of licensing would, in turn, effectively force them to cease operations, given that states party to this hypothetical instrument would in turn be obligated to take punitive action (e.g., economic sanctions) against those who either host or contract with unlicensed PMCs. Non-signatory states could also face certain limitations to their diplomatic power within the United Nations, such as removal from consideration for Security Council membership.

Such an apparatus would incur significant added costs in the realpolitik calculus of states either hosting or working with an unlicensed PMC. Both signatory and non-signatory states would stand to lose both significant hard and soft power should they fail to cooperate, as signatories will face legal consequences for failure to comply, while non-signatories will still pay the costs of failure to comply as their signatory partners would be obligated to impose restrictions on them in realms such as trade. Under this hypothetical version of the instrument, continued use of Wagner would create a further economic bloody nose for Russia, as signatory states that may have otherwise seen it as in their best interest to turn a blind eye to its activities would be forced to reevaluate their positions. Although such a carrots-and-sticks regime is unlikely to amount to a silver bullet given that each state's situation is unique, and as such there will still be those who see flouting this legislation as advantageous, a more directly enforceable framework as outlined above stands to alter significantly the incentive structure of working with an outfit such as Wagner.

To prevent states in the future from forming their own faux PMCs such as Wagner, this hypothetical U.N. instrument aimed at governing PMCs would also include provisions to ensure transparency in their revenue streams and corporate structures to guarantee all licensed entities are, in fact, private enterprises. Therefore, as a part of their continued licensing under this hypothetical framework, PMCs would be required to disclose detailed financial reports at frequent intervals showing both their sources of payment, and where

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<sup>4</sup>See <https://icoca.ch/>.

<sup>5</sup>See <https://bapsc.org.uk>.

this money is being used. This would ensure that the relevant authorities have access to all necessary information for holding contracting states to account for the actions of contractors (either employed by or based within the country), and thwart future attempts by states to utilize the PMC designation as a disguise for their own proxy actors.

Of course, as the Wagner Group's expanding operations in the Sahel and beyond show, countering it on the world stage is just as much a matter of finding alternative pathways to meeting demand as it is of better regulating supply. Any sustainable solution to the problems posed by the Wagner Group (and any future copycat actors seeking to emulate it) will require addressing the underlying reasoning behind why certain states have chosen Wagner as a security partner. For the international community, and the West in particular, there are ample opportunities to roll back Wagner's influence via a reorienting of foreign policy and security arrangements to support governments in the region. Recently among the states of the Sahel, there has been a wave of discontent regarding the notion that continued engagement with traditional Western security partners represents a continuation of prior imperialist and neocolonial dynamics. Governments in countries such as Mali, and most recently Niger as a result of its military coup, are increasingly looking to non-Western sources such as the Wagner Group in search of support in combating threats in the region (e.g., Islamic militants) as a means of asserting their autonomy (Busari 2023). Although the majority of ire has been directed toward France, the resultant blowback has also jeopardized the geopolitical standing of the United States and others in the region (*ibid.*). Therefore, if the United States and its partners hope to successfully counter Wagner, they must reexamine their own current models for providing security aid to ensure that they are doing so in a manner that local partners view as sufficiently egalitarian rather than paternalistic.

## 6 Conclusion

Owing to its blatant disregard for human rights norms, and its role in obfuscating the Kremlin's activities the world over, the Wagner Group and its implications should be a cause of great concern in global security circles. On a micro scale, the group's recent successes in securing clients in the Sahel highlight current shortcomings in how the Western bloc relates to many key partners in the developing world, particularly in the realm of security cooperation. On the macro scale, meanwhile, the fact that the Wagner Group has been able to operate with such relative impunity highlights how the world at large has failed to address adequately the rise of the private military company industry, leaving it ripe for exploitation by unscrupulous actors.

As with many of today's most pressing geopolitical crises, addressing the issues posed by the Wagner Group will require a commitment to multilateral cooperation. This, of course, will not come without its own array of challenges given the sheer number of actors that must be willing to put aside their differences in the name of enhancing the overall state of global human rights. Given its substantial geopolitical gravitas, the United States must be prepared to lead the way in any future efforts at regulating the PMC industry. This will require its continued commitment to the principles of the Montreux Document (and

its ratification of any future measures adding to it). In its current incarnation, the PMC industry represents a major threat to both civilian protection efforts in war zones and the rules-based international order as a whole. As such, addressing the current shortfalls in its governance should be treated as a matter of significant priority for the international community.

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