

## Background and Introduction

Thank you, Senators, Representatives, and Commissioners for inviting me to testify today on the activities of the Russian-based organization that goes by the name Wagner. The work you are doing to examine whether this notorious organization should be sanctioned as a terrorist group is vitally important. Indeed, each day that goes by without new pressure exerted upon this group provides the Russian Federation an important source of finance, propaganda, man-power, natural resources, and access to geographically important countries (and leaders) across the globe.

My name is Jason Blazakis and I am a professor at the Middlebury Institute of International Studies in Monterey, California. I am also the Director of Middlebury's Center on Terrorism, Extremism, and Counterterrorism (or CTEC for short). I have served in these dual roles since July of 2018. At the same time, I am also a Senior Research Fellow at the Soufan Center, a non-profit and non-partisan think tank based in New York City. It is through these roles at Middlebury and the Soufan Center where I've devoted significant amount of time researching, writing, discussing, and testifying (to the United Kingdom's House of Commons Foreign Affairs Committee) about the activities of the Wagner Group. I want to emphasize that my testimony today reflects my own views and does not necessarily reflect the opinions of the Middlebury Institute or the Soufan Center

Prior to joining the Middlebury Institute, CTEC, and the Soufan Center I worked in federal government for nearly 20 years. Of those years in government service, I worked across both Republican and Democratic Administrations. The last ten-and-a-half years of my government service was spent at the Counterterrorism (CT) Bureau at the U.S. Department of State. At the CT Bureau between early-2008 and July 2018, I directed the activities of the Office of Counterterrorism Finance and Designations. Simply put, I, and my team, at the CT Bureau were responsible for evaluating and compiling the underlying evidence that led to determinations made by the Secretary of State regarding which groups should be labeled Foreign Terrorist Organizations (FTOs) pursuant to the Immigration and Nationality Act. My office was also responsible for recommending which groups or individuals should be designated as Specially Designated Global Terrorists (SDGTs) pursuant to Executive Order (EO) 13224. Additionally, my office was responsible for developing the evidence required for listing State Sponsors of Terrorism consistent with various legal statutes. In my time at the Department of State I oversaw the designations of hundreds of individuals, organizations, and countries as terrorists. At the same time, my office was responsible for reviewing hundreds of Treasury Department proposed terrorist designations under EO 13224. Finally, I served as the CT Bureau's representative to the U.S. Government's review group responsible for activities related to the Rewards for Justice (RFJ) program, the U.S. Department of State's national security rewards program that was established in 1984.<sup>1</sup> The RFJ program, as I will later discuss in this testimony, is also a tool that the U.S. Government should consider using to counter the activities of the Wagner Group. My hope is that this testimony, which is based on more than a decade of direct experience targeting bad actors for designation, will provide Members of Congress an insider's perspective regarding why the Wagner Group should be designated as a Foreign Terrorist Organization (FTO).

While key members of the international community, including the United States, are trying to counter the Wagner Group, what has been done to date is not enough. As of February 2023, the Wagner Group has been sanctioned pursuant to U.S. law via four different executive orders. Indeed, since 2017 the Wagner Group has been designated under E.O. 13660 for violating Ukraine's sovereignty. Later, in November 2022, the U.S. Department of State designated the Wagner Group under E.O. 14024 because the

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<sup>1</sup> U.S. Department of State. "Program History and Statutory Authorities." <https://rewardsforjustice.net/about/program-overview/>. Accessed on February 11, 2023.

organization is operating in the defense and related materiel sector of the Russian Federation economy. More recently, on January 26, 2023, the Treasury Department designated the Wagner Group again via E.O. 13581 because it is engaging in serious criminal activity, such as rape, mass executions, and child abductions in the Central African Republic and Mali. On that same day, the Treasury Department also designated the Wagner Group pursuant to E.O. 13667 for targeting women, children, and civilians systematically with abuse that is in violation of human rights and international human rights law in the Central African Republic.<sup>2</sup>

These are important decisions. I acknowledge that the Trump Administration in 2017 and now the Biden Administration have recognized the dangers posed by the Wagner Group. Democratic and Republican Administrations have seen through the charade created by Yevgeny Prigozhin, Wagner's corrupt leader, and Vladimir Putin as they've tried to brand the Wagner Group a "Private Military Company (PMC)." It is not that. It is, as these Executive Orders have made clear, much more than a PMC. It is a human rights abuser. It is a criminal organization.<sup>3</sup> It is committing war crimes in Ukraine. Everywhere it goes, it murders and it plunders.<sup>4</sup> Others have also recognized Wagner's misdeeds. The United Kingdom, Australia, Canada, Japan, and the European Union (EU) have all sanctioned the Wagner Group. However, like the United States, these countries and the EU have neglected to label the Wagner Group as a terrorist organization. Today, I am going to tell you why this is a mistake. In my testimony below, I am going to tell you that the Wagner Group meets the U.S. criteria to be labeled as an FTO. I am going to demystify the perceived negative impacts such a designation could have. Also, I am going to tell you what added benefits can be achieved if the U.S. deploys the FTO designation against Wagner. Last, my testimony explains how making Wagner Group members subject to the RFJ program may constrain the group's ability to operate.

### **Does the Wagner Group Meet the U.S. Legal Criteria To Be Designated As An FTO?**

The process of designating FTOs is cumbersome, but often the difficulty in adding a group to the FTO list does not lie in whether the group meets the legal criteria for designation. The criteria for designation is straightforward. The Secretary of State can designate FTOs in accordance with section 219 of the INA.<sup>5</sup> There are three criteria for designating FTOs. First, the group must be a foreign organization. Second, the organization must engage in terrorist activity (as defined section 212 (a)(3)(B) of the INA) or retain the capability and intent to engage in terrorist activity or terrorism. Third, the organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security of the United States. In this context, national security may include broader U.S. national defense, foreign relations, or economic interests.<sup>6</sup>

The process to designate a group is cumbersome because the interagency review and clearance process is lengthy. In my direct experience it can take up to a year (or longer) to designate a group as an FTO. My view, however, is that this is not why the U.S. Department of State has not designated the Wagner Group as an FTO. Designating FTOs is a discretionary decision. Even if the group meets the above noted criteria for designation, this does not mean the Secretary of State must designate the group as an FTO. Indeed, the Wagner Group certainly meets the legal criteria for designation – of this there is no question. In fact, it

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<sup>2</sup> U.S. Department of the Treasury. "Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization." January 26, 2023. <https://home.treasury.gov/news/press-releases/jy1220>. Accessed on February 12, 2023.

<sup>3</sup> Blazakis, Jason. "Russia's Wagner Group is About More Than Mercenaries." *Newsweek*. December 9, 2022.

<sup>4</sup> Blazakis, Jason. "Here's Why Russia's Wagner Group is Worse Than You Think." *Newsweek*. February 1, 2023.

<sup>5</sup> U.S. Department of State. "Foreign Terrorist Organizations." <https://www.state.gov/foreign-terrorist-organizations/>. Accessed on February 17, 2023

<sup>6</sup> Ibid

may surprise you to know that a great many incidents of violence can be used for a group's designation – to include violence directed at combatants. In my nearly eleven years of directing the office responsible for FTO designations, on multiple occasions we used attacks against combatants to fulfill the second prong (terrorist activity) of the designation criteria. The underlying law allows for this. Nonetheless, using attacks against combatants perpetrated by the Wagner Group is not necessary for the Wagner Group to meet the legal criteria for designation. There are countless examples of the organization targeting, and killing, civilians as part of an effort to exert political influence over countries such as the Central African Republic (CAR).<sup>7</sup> Nonetheless, the motives of the group are not relevant to the FTO legal criteria. Simply put, if the group carries out terrorist activity as defined by the INA, it meets the criteria. In any case, we know the motives of the Wagner Group are not purely pecuniary. They are fulfilling a political objective and are not marauding about Africa and Ukraine to merely make money.

When thinking about the Wagner's eligibility for designation, let's examine whether the group meets the criterial laid out in section 219 of the INA.

*Is Wagner a foreign organization?* Yes, the Wagner Group is a Russia based organization that is known to illegally operate in Ukraine. It has conducted operations in Syria, Libya, Central African Republic, Sudan, and Mali (amongst other locations). Wagner's founder, Yevgeny Prigozhin, is a Russian citizen. Wagner's membership consists of non-U.S. citizens.

*Does the Wagner group carry out terrorist activity or have the capability and intent do so?* Yes and in a study by the non-profit Armed Conflict Location and Event Data (ACLED) project, Wagner Group members were involved in nearly 40% of the acts of political violence against civilians in the CAR between December 2020-July 2022.<sup>8</sup> Moreover, as Jason McCue, a UK based attorney who has litigated numerous terrorism-related cases, noted in oral evidence provided to the United Kingdom's House of Commons Foreign Affairs Committee, that Wagner has engaged in terrorism. When prompted by Member of Parliament Royston Smith on whether the Wagner Group should be proscribed as a terrorist organization, McCue explained the Wagner Group has used close-targeting IEDs, has been implicated in assassination efforts targeting President Zelensky, and planted explosives around a nuclear facility.<sup>9</sup> McCue would further note regarding these incidents, "it is the exact definition of terrorism, and I have spent 30 years bringing cases against terrorist organizations."<sup>10</sup> Of course, we all know very well the Wagner Group has terrorized its own members – many of whom were coaxed or tricked or forced into joining the group. The extrajudicial killing of Wagner members, some of whom have been disposed of by brutal blows inflicted by a sledgehammer, underscores the group's brutality.<sup>11</sup> These types of killings and other acts of depravity, such as reports of Wagner members castrating individuals in Ukraine, are designed to instill fear in a broader audience than that of the direct recipient of the violence. Castrations and death by sledgehammer are a message to civilians, Ukrainian military, and Wagner's own membership. That message, very simply put, is terrorizing.

*Does the Wagner Group's terrorist activity threaten the national security of the United States?* Yes, the terrorism Wagner has carried out in Ukraine is against U.S. national security interests. Wagner has killed innocent civilians. It has terrorized Ukrainians and Russians.

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<sup>7</sup> ACLED. "Wagner Group Operations in Africa," August 30, 2022.

<sup>8</sup> ACLED. "Wagner Group Operations in Africa," August 30, 2022.

<sup>9</sup> House of Commons Foreign Affairs Committee. "Oral Evidence: The Wagner Group." November 1, 2022.

<sup>10</sup> Ibid.

<sup>11</sup> Ladden-Hall, Dan. "Wagner Group Release Another Sledgehammer Execution Video." Daily Beast. February 14, 2023.

The group's activities in Africa are a significant threat to U.S. geopolitical interests. Wagner's scheme to provide security to world leaders in exchange for natural resources has been well documented. The African continent is among the most important places the Wagner Group has operated. In multiple countries, Wagner has provided services to protect autocratic strongmen and train security services, while also exploiting Africa's natural resources. Most notably, in Mali, as the Soufan Center has noted, in April 2022 the Wagner Group trained Malian soldiers as part of an effort to counter the al-Qaeda affiliated entity called the Group for Supports of Islam and Muslims (JNIM).<sup>12</sup> It has been also alleged that Wagner Group members played a role in the Moura massacre where 200 individuals were summarily executed in March 2022.<sup>13</sup> This would not be the first time where members of the Wagner Group have been accused of crimes against humanity. For example, in 2021, three NGOs announced that they were helping a Syrian man sue the Wagner Group.<sup>14</sup> The Wagner Group's indiscriminate violence, sadly, goes beyond Syria and Mali. It includes crimes in Libya, the Central African Republic, Ukraine, and many other places.<sup>15</sup>

The Wagner Group's terrorist activity in Mali is a threat to U.S. national security interests. In a recent report by the Combatting Terrorism Center (CTC) at West Point, Wagner's activities have, instead of stabilizing Mali, provided fuel to the violent jihadist movements. The CTC further noted that the group really doesn't care about genuine capacity building of the Malian security forces.<sup>16</sup> Instead, like locusts, the Wagner Group devours Mali's wealth and makes more than \$10 million per month<sup>17</sup> for the provision of its security services. As part of this exchange, the Wagner Group is supposed to help the Government of Mali fight ISIS and al-Qaeda (AQ). It doesn't do that. Instead, the Wagner Group kills innocent civilians, and this results in alienation, distrust, and plays right into the hands of terrorist groups. It gives ISIS and AQ propaganda wins. A resurgent AQ and ISIS in Mali, very plainly, is against U.S. national security interests. Moreover, we must consider where the money the Wagner Group makes in Mali, and Africa more broadly, ends up. There is no doubt that these funds help Wagner continue the cycle of terrorism in Africa by financing the group's purchase of weapons that have been turned against innocent civilians in Africa. There is no doubt that these funds allow the group to finance its unique form of terrorism by allowing for the group to pay group member salaries, operate training camps, and sustain the group's global recruitment drives. There is also little doubt in my mind that these funds pay for Wagner to carry out its terrorism in Ukraine. Finally, while there is no publicly available information or a smoking gun to indicate that the money Prigozhin is making is directly benefiting the Russian Federation, it defies reason to think otherwise. Prigozhin is on Putin's leash. He, like any other oligarch in Russia, must pay fealty to Putin. Given the extent of the sanctions deployed against the Russian Federation for its illegal war in Ukraine, it requires financing outside of formal financial channels. There can be little doubt that the Wagner Group, with its innovative use of shell companies,<sup>18</sup> is helping the Russian Federation evade sanctions. Wagner's activities are helping Russia develop a largesse that is fueling its wanton act of

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<sup>12</sup> The Soufan Center, "IntelBrief: The Moura Massacre in Mali and the Role of Russian Mercenaries," April 15, 2022.

<sup>13</sup> Ibid.

<sup>14</sup> International Federation For Human Rights, "Complaint filed in Moscow against Wagner paramilitary fighters, on behalf of Syrian victim," March 22, 2021.

<sup>15</sup> Jason Blazakis, Colin Clarke, Mohamed El Shawesh, Naureen Chowdury Fink, Stephanie Foggett, Mollie Saltskog, and Amanda Schmitt, "Foreign Fighters, Volunteers, and Mercenaries: Non-State Actors and Narratives in Ukraine," The Soufan Center. April 2022.

<sup>16</sup> Nasr, Wassim. "How the Wagner Group is Aggravating the Jihadi Threat in the Sahel." Combatting Terrorism Center At West Point. November/December 2022, Volume 15. Issue 11.

<sup>17</sup> Ibid.

<sup>18</sup> National Public Radio. "Examining the Wagner Group, a private military company that Russia has relied on." February 6, 2023.

belligerence in Ukraine. For all of these reasons, the Wagner Group meets the third criteria for FTO designation.

### **What Are The Tangible Benefits, If Any, of Designating the Wagner Group As An FTO?**

It is easy to think that because the Wagner Group is designated under four different Executive Orders that the benefits of designating the group as an FTO would have limited impact. This is an incorrect assumption. There are legal consequences that are attached to FTO designations that do not extend to the various E.O. designations the Wagner Group is currently subject to. Moreover, there are multiple unstated benefits, not all of which I can get into during open testimony, to FTO designations that simply are not relevant to the current series of E.O. designations that have been applied to the Wagner Group heretofore.

The three primary consequences of an FTO designation include: 1) asset freezes, 2) material support prosecutions, and; 3) immigration consequences.<sup>19</sup> The latter two consequences are important benefits that make the designation worth pursuing. The chief benefit of the FTO designation is the material support prosecutions the U.S. Government could pursue against members (and financial backers) of the Wagner Group. In my years of government service, prosecutors overwhelmingly prefer prosecuting individuals whose support can be traced back to a designated FTO. Not only are FTO cases easier to prosecute, but they often result in much longer prison sentences than individuals who may be prosecuted for supporting a transnational criminal organization. More simply, the remedies and enforcement mechanisms are narrower under International Emergency Economic Powers Act (IEEPA)<sup>20</sup> than they are for INA-related (FTO) mechanisms. Furthermore, the reach of the FTO regime is longer. As James Petrila and Phil Wasielewski have recently written, “the extraterritorial reach of these [FTO] provisions...” are significant.<sup>21</sup> To summarize, the FTO designation would ratchet up law enforcement pressure against the Wagner Group while also ensuring that members of the group cannot gain entry into the United States.

The FTO designation of the Wagner Group would have other benefits. First, it could have a deterrent effect. The mere idea that working with someone who is part of a designated terrorist group could deter leaders in countries from inviting Wagner operatives to provide ‘security.’ Further, it may change the calculations of countries that are already doing business with Wagner, especially if several countries can coordinate their terrorist designations of Wagner.

The FTO designation may also have an impact on Wagner’s ability to recruit. Adding the Wagner Group to the FTO list may change the calculations of possible recruits, if they knew that they were joining a terrorist group.<sup>22</sup>

Based on my direct experience, U.S. national security agencies focus more resources on terrorist groups than they do against criminal enterprises. Labeling the Wagner Group as a terrorist group would possibly increase the prioritization the U.S. Intelligence Community puts on the group. This could result in more assets, human or technical, collecting information on Wagner. With additional analysts devoted to spending time uncovering Prigozhin’s shell companies, it increases the likelihood that the United States can shed more light on the Wagner’s money trail. The terrorist designation may also make it easier for U.S. intelligence agencies and U.S. law enforcement agencies to share, and receive, information about the

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<sup>19</sup> U.S. Department of State. “Foreign Terrorist Organizations.” <https://www.state.gov/foreign-terrorist-organizations/>. Accessed on February 17, 2023

<sup>20</sup> IEEPA, among other things, provides the President of the United States the ability to issue Executive Orders (such as E.O. 13224) in times of national emergency.

<sup>21</sup> Petrila, James and Wasielewski, Phil. “The Case for Designating Wagner Group as a Foreign Terrorist Organization Is Still Compelling.” *Lawfare Blog*. January 18, 2023.

<sup>22</sup> Blazakis, Jason. “Russia’s Wagner Group is About More Than Mercenaries.” *Newsweek*. December 9, 2022.

Wagner Group. All of these things will become easier to facilitate if the U.S. Department of State labels the Wagner Group as an FTO.

Finally, there are reports that the Wagner Group is trying to recruit Americans over social media. The Wagner Group also spews its propaganda over U.S.-owned social media platforms. In my experience, once an organization is treated by the U.S. Government as a terrorist organization, social media companies will remove content associated with the designated terrorist group. Designating the Wagner Group as a terrorist group will provide social media companies more leverage for content removals.

### **On Why The United States Should Coordinate Wagner's Terrorist Designation With Other Countries**

Not only should the United States designate the Wagner Group as an FTO, but it should also sequence its designation with other countries, such as the United Kingdom. In timing the terrorist designation of Wagner with multiple countries, law enforcement and financial pressure will build on the group. In my time at the State Department, one of the most effective ways the United States Government tackled the financing of ISIS (aka Daesh, ISIL, Islamic State) was by creating a global coalition to defeat the group. The coalition to defeat Daesh has more than 80 countries in it and the targeting of finances was among the lines of effort coalition partners worked together effectively. This included the timing of key terrorist designations by partner countries, some of which were also operationalized at the United Nations 1267 Committee. The U.S. Government should work with partner countries to develop a similar coalition to target Russian proxy groups, like Wagner. Establishing an international coalition to target Russian proxies and coordinating terrorist designations against the Wagner Group will demonstrate international resolve to the Russian Federation. More practically, a multinational effort will likely enhance our understanding of the way Wagner operates, to include how it raises, stores, hides, and uses its wealth.

### **Would the Designation of the Wagner Group Be A Precedent?**

In some ways, yes, the FTO designation applied to Wagner would set a precedent. In other ways, it would not. First, Wagner represents a new way in which PMCs have been used. Unlike PMCs of the past, Wagner serves as a proxy of the Russian state. Its secondary objective is to create an atmosphere of fear in which it can exploit for very specific purposes. One purpose is to profit, like PMCs of old. However, its political objectives, aligned with the Russian Federation's government, make it a hybrid organization. When the Treasury Department designated it as a TCO it referred to the group as a proxy of the Russian state. Yet, this proxy serves at the will of Putin – in some ways it is more than a proxy. It is an appendage of the Russian state.

The U.S. Government has dealt with proxies before. A few come to mind – Lebanese Hizballah is a proxy for Iran, a leading state sponsor of terrorism. Lashkar-e-Tayyiba has served the interests of Pakistan by fighting, and terrorizing, India. Both Lebanese Hizballah and Lashkar-e-Tayyiba are designated FTOs and both are subject to a wider array of sanctions. Their members have been subject to Rewards for Justice announcements and are routinely pressured by law enforcement and intelligence agencies. These designations and operations targeting Lebanese Hizballah and Lashkar-e-Tayyiba have resulted in millions of dollars of their assets blocked in the U.S. formal financial system and dozens of their operatives have been arrested. The designations of these proxy groups have been operationalized.

Perhaps an even better analogy to the Wagner Group is how the United States Government countered a Colombia-based organization. The United States, for instance, sanctioned the Colombian based United Self-Defense Forces of Colombia (AUC) as a Foreign Terrorist Organization (FTO) in 2001. The AUC was a paramilitary group that had links to parts of the Colombian Government and was used to hunt down the government's many enemies. The AUC was also a profiteering organization, enmeshed heavily in a range of criminal activities, including the drug trade. The labeling of the AUC as a terrorist group made it

more difficult for parts of the Colombian state to maintain a relationship with the group. This group, by the way, carried out human rights atrocities not dissimilar to the Wagner Group.<sup>23</sup> Today, the AUC is defunct. It has been removed from the FTO list. Its demise is a success story, one that may not have occurred if not for the pressure the United States exerted against the AUC and Colombian government. Pressure that, quite frankly, would not have been applied if not for the FTO designation.

The Wagner Group's connection to a state actor is not dissimilar to other groups on the FTO list. In other ways it is unique and adding it to the FTO list would be, to a limited extent, precedential. Unlike the AUC, the Wagner Group's remit is global. Unlike Hizballah, it is not religiously motivated. Unlike Lashkar-e-Tayyiba, Wagner acts, at least in Ukraine, as a front-line military unit.

That all said, any precedent this would set pales in comparison to the U.S. Department of State's designation of the Islamic Revolutionary Guard Corps (IRGC) as an FTO. Listing a country's army is much more significant as a matter of policy precedent than an FTO designation of the Wagner Group.

### **Is it Appropriate for Congress to Weigh In On The FTO Designation Issue?**

As someone who worked on FTO designations for more than ten years at the U.S. Department of State, I can tell you unequivocally that the State Department does not want Congress to intervene in terrorist designation issues. The White House and State Department resented the fact that Congress introduced bills that would require the State Department to designate groups like Boko Haram and the Haqqani Network as FTOs. Yet, without Congressional pressure I am not sure those groups would have been designated as terrorist groups when they were. I get the sense that the same thing is happening today with the Wagner Group. The Biden Administration wants to demonstrate it cares about Wagner's activities and that is why it was most recently labeled a TCO. But let's be honest, the State Department has underestimated the impact of Wagner has had in Africa and in Ukraine. Senior officials in the U.S. Government didn't make a serious push diplomatically to counter Wagner in Africa until the Fall of 2022. The U.S. Government let Wagner's influence grow. As such, Congress's introduction of the HARM Act is important. It is important because it will provide new tools to the executive branch that will hopefully decrease Wagner's capabilities.

### **Won't The Wagner Group's Designation Mean That the State Department Must List Russia As a State Sponsor of Terrorism?**

In my former capacity at the U.S. Department of State I led the office that was (and currently still is) responsible for developing the underlying basis for listing countries as state sponsors of terrorism (SST). For more than ten years I would hear from State Department lawyers that adding countries to the list were not discretionary determinations. That is patently false. The argument that the U.S. Government would be required to add Russia to the SST list if Wagner is listed as an FTO is a red-herring argument. Look at the SST list today. There are four countries on the SST list – Syria, Iran, North Korea, and Cuba. Adding countries to the SST list is a discretionary decision. Otherwise, this list would be much longer.

First, Lebanon would be on it. Lebanese Hizballah is a political force in Lebanon. It has held multiple ministerial level positions within the government. Lebanese Hizballah is an FTO and has carried out international acts of terrorism. Yet Lebanon is not an SST.

Second, Pakistan would be on it. Pakistan has long provided material support and guidance to Lashkar-e-Tayyiba (LeT). The United States Government has indicted a member of Pakistan's intelligence service

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<sup>23</sup> Blazakis, Jason. Written Testimony to the UK Parliament's House of Commons Foreign Affairs Committee. October 2022. <https://committees.parliament.uk/writtenevidence/112217/html/>. Accessed on February 18, 2023

for his support to LeT's notorious 2008 attack in Mumbai that resulted in 175 deaths.<sup>24</sup> LeT is an FTO. Yet, Pakistan is not an SST.

Third, Afghanistan would be on it. The Taliban rules Afghanistan and it is listed as a terrorist group pursuant to E.O. 13224. The Haqqani Network (HQN), an FTO, leads Afghanistan's Ministry of Interior. Both groups have a long history of carrying out terrorist attacks against the United States and is infamous for the sanctuary they provided to al-Qa'ida in Afghanistan in the lead-up to the 9/11 attack. Despite the Taliban and HQN being labeled as terrorist groups, Afghanistan is not an SST.

Fourth, Russia would be on it already. Russia allows the Russian Imperial Movement (RIM), designated as a terrorist group pursuant to E.O. 13224 since 2020, to operate with impunity. RIM, on Russian soil, has trained operatives to carry out attacks in Sweden. Moreover, the notorious leader of the white supremacist group known as the Base lives in Russia. The Base has attempted multiple attacks in the United States that have been thwarted by U.S. law enforcement. Russia's support to the RIM and the sanctuary it provides to the Base's leader is sufficient for adding Russia to the SST list. Yet, Russia is not an SST.

If Wagner is added to the FTO list, that does not mean the Biden Administration is legally required to add Russia to the SST list. How the SST list has been historically used underscores this point.

### **Will Wagner's FTO Designation Impair the U.S. Government's Ability to Work With Mali and Other Countries?**

Adding Wagner to the FTO list would not impair U.S. efforts to work diplomatically with countries in Africa. The United States maintains an embassy in Pakistan and Lebanon – both countries have FTOs deeply embedded within them. While diplomatic relations can often be tense, there is no prohibition on the United States engaging with countries that have problematic connections with U.S. designated actors. There is flexibility for talks to occur. Let's be frank - Iran is an SST. Iran supports multiple terrorist groups. Yet, no matter what you think of the Joint Comprehensive Plan of Action (JCPOA) as a matter of policy, you cannot deny that diplomats talked to Iran to reach a deal on Iran's nuclear program. The idea that the United States cannot engage diplomatically with Mali, Sudan, the Central African Republic, and other countries where Wagner operates is a red herring. It is not borne out by fact.

### **On Rewards for Justice (RFJ)**

Nobody is talking about how the RFJ program can be deployed against the Wagner Group. This is another area where Congress should press the U.S. Department of State. Adding members of the Wagner Group to the RFJ list is an important step the U.S. Government can take to counter the group. As someone who worked on the RFJ program for several years, I can tell you the program results in important lead information from tips that can result in prosecutions. Adding members of the Wagner Group to the RFJ list would become easier to do for the Bureau of Diplomatic Security if the Wagner Group is labeled as an FTO. In my experience, RFJ awards are often announced against specific members of terrorist groups after a State Department FTO determination. In not adding Wagner to the FTO list, we are making it harder to use the RFJ tool against Wagner.

### **Conclusion**

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<sup>24</sup> Rotella, Sebastian. "Trump Takes Tougher Line on Pakistan, but the 2008 attack goes unpunished." *ProPublica*. November 26, 2018. <https://www.propublica.org/article/trump-pakistan-lashkar-e-tayyiba-2008-mumbai-attack>. Accessed on February 18, 2023.



There are many benefits to designating the Wagner Group as an FTO and very few downsides. In fact, I can really only think of one. Adding Wagner to the FTO list may make members of the group feel more boxed in than they already are. There have been defections from Wagner. Not as many as we'd like to see, true, but they are occurring. As the conflict continues to go poorly for the Russian Federation, we could see even more defections. Yet, if members of Wagner think they could be prosecuted for terrorism if they defect, that could result in them making the calculation to stay in the group. This is the one negative side effect that I see with an FTO designation. Yet, the benefits of adding Wagner to the FTO list far exceed that downside. Adding Wagner to the FTO list, if appropriately operationalized by the Biden Administration, will increase diplomatic, financial, law enforcement, and intelligence pressure against Wagner. We should not expect, however, that by merely adding Wagner to the FTO list that this alone will result in the demise of the organization. That's wishful thinking. Designations must be implemented. Even if the HARM Act is passed and signed into law – Congress's job, and that of this Commission, does not end there. That's just the beginning. Congress must hold the executive branch to account and request regular briefings on how the sanctions applied against Wagner are being implemented.

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