PART V ACCOUNTABILITY

8 OFFICIAL RESPONSES BY AFRICAN STATES

Bibiana Wangari Waithaka's son called her on 27 December 2025 and could not finish his sentence. She learned of his death through social media. His body was never returned. Those facts opened this report. What has happened since is the subject of this chapter.

After Charles died, Bibiana did what the institutions of her country should have done. She went to the local chief's office, the Diaspora office, and the Directorate of Criminal Investigations. She asked, repeatedly, why the woman who had recruited her son had not been arrested and charged. When no one provided answers, she organised protests with other families of missing and dead recruits in the Russian military. In March 2026, she presented her case before the European Parliament. She filed a formal petition with the Kenyan Parliament the following month. In May 2026, she spoke at a side event of the African Commission on Human and Peoples' Rights in Banjul.[153]

This is just one mother's journey, from a WhatsApp message to an international accountability claim. Her trajectory poses the question this chapter examines: who failed, and what did families have to do because their governments would not act?

Diplomacy Trumping Citizens' Rights

Across the continent, a pattern has emerged. African governments, confronted with evidence that their citizens were being trafficked into a foreign war, chose diplomacy over protection. They moved to preserve their relationships with Russia rather than confront the system that was consuming their young men. The responses differed in tone and timing but converged on the same outcome: no African government, as of May 2026, has held Russia accountable for the recruitment of its citizens. None has completed a formal prisoner exchange, established a repatriation fund for victims, or prosecuted a government official identified as having facilitated the trafficking.

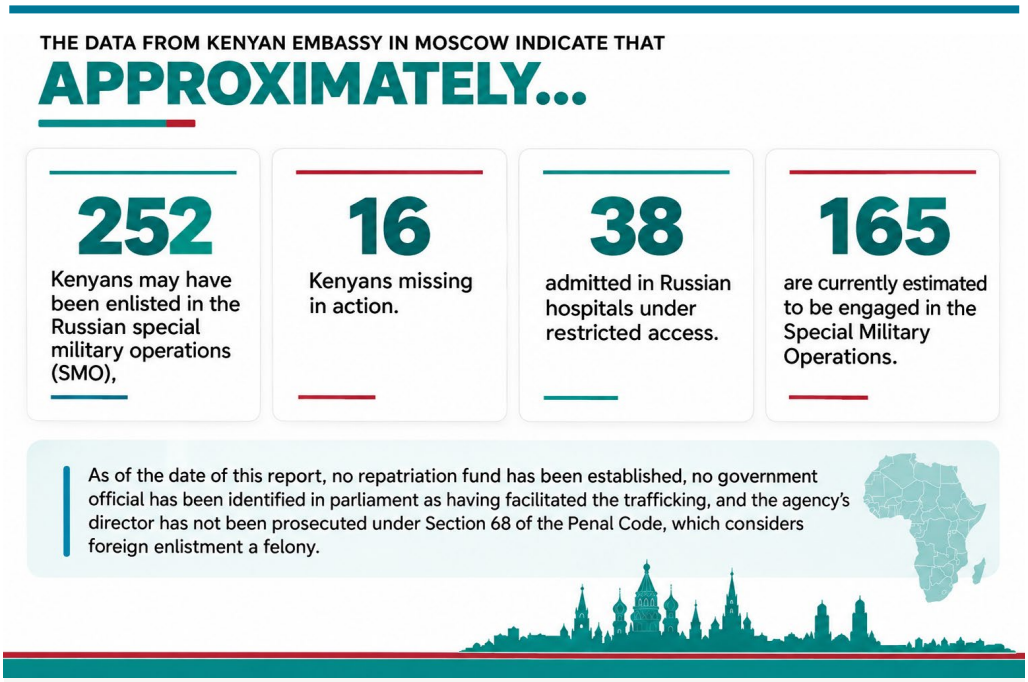
Egypt's response was more assertive than most. India and Nepal, whose citizens were also recruited (see 'The Counterexamples' provided later in this chapter), demonstrated that confronting Russia directly is possible without risking diplomatic rupture. Their examples make the African record not merely disappointing but also indefensible.

Kenya

Kenya's response to the recruitment of its citizens is the most extensively documented in this report, and the most damning. The country that accounts for the largest documented contingent of African recruits – 841 identified cases, with the National Intelligence Service reporting more than 1,000 – produced a government response defined by delay, deflection, and the quiet abandonment of its own people.

Musalia Mudavadi, Kenya's Prime Cabinet Secretary and also responsible for Foreign and Diaspora Affairs, made a belated trip to Moscow in March 2026 – months after the alarm was first raised in the second half of 2025, and after sustained public outcry, parliamentary questions, and media investigations had made further inaction untenable. By the time Mudavadi arrived in Moscow, dozens of Kenyans were dead, scores were hospitalised or missing, and hundreds remained deployed on the frontline or trapped in Russian military units with no avenue for departure.

153 See Bibiana Waithaka's appearance before the European Parliament in March 2026, https://www.europarl.europa.eu/thinktank/en/events/details/third-country-nationals-forced-to-fight-/20260313CHE13882 and before the African Commission on Human and Peoples' Rights in Banjul in May 2026, https://alkambatimes.com/kenyan-mother-exposes-sons-death-in-ukraine-war-at-banjul-rights-forum/.



The outcome of that visit was a "stop list" arrangement. Russia agreed that Kenyan nationals would no longer be eligible for enlistment through the Ministry of Defence. As Chapter 1 documented, however, the commitment does not appear to have ended recruitment into private sector enterprises supplying the war effort, including the Alabuga Special Economic Zone's drone production facilities. The distinction between the Ministry of Defence and the private sector that services it is, for a recruit, meaningless.

The contractual trap remained. Both Kenya and Russia agreed that resolution lay in the laws of contract and that neither government would interfere with the terms binding Kenyans to military service. The contracts in question require a tour of duty of at least one year. Kenyans already recruited could not immediately leave the units to which they were assigned. The earliest tours of duty were not expected to end until approximately October 2026. In the meantime, men who had been trafficked into the Russian military through deception and coercion would continue to serve under contracts they had signed in a language they could not read, undersigned with criminal penalties they did not understand, in a war they had not chosen.

On compensation, the government's position was to invoke the same statute it had failed to enforce. Kenya announced its intention to deny compensation claims on behalf of the dead and the wounded by relying on Section 68 of the Penal Code, which criminalises foreign enlistment without presidential authorisation. [154] Between March and July 2026 the Foreign Affairs Minister and the Principal Secretary for Diaspora Affairs invoked the law on at least four occasions.

The government that failed to enforce Section 68 to prevent recruitment, that failed to prosecute the recruiters operating in plain sight at the Kenyatta International Convention Centre, that failed to intercept batches of recruits passing through the Jomo Kenyatta International Airport past counter-trafficking desks and immigration officers – would now invoke the same unenforced statute to deny relief to the victims of its own failure. The legal incoherence of that position is examined in Chapter 10.

Complementary to this, Moscow treats the recruitment as a private contractual matter over which it bears no state responsibility. The two positions – Kenya's invocation of criminal law to deny compensation and Russia's invocation of contract law to deny accountability – interlock to ensure no one is responsible, and no one will pay.

154 Any person who, without the authority of the President in writing, being a citizen of Kenya, quits or goes on board any vessel with a view of quitting Kenya, with intent to accept any commission or engagement in the military, naval, air, police or other armed forces or service of any nature whatsoever of any, foreign state shall, unless he proves to the satisfaction of the court that the commission or engagement concerned was not voluntary, be guilty of an offence and liable to imprisonment for ten years.

In 2022, Kenya's ambassador to the United Nations told the Security Council that Kenya registered its "strong concern and opposition" to Russia's recognition of Donetsk and Luhansk as independent states – the fabricated *casus belli* and pretext for the invasion of Ukraine. By April 2026, there had been a notable shift in language: Mudavadi had started using the Russian descriptor for the conflict, calling it a "special military operation."

On April 1, 2026, Mudavadi addressed the Senate Standing Committee on National Security, Defence and Foreign Relations regarding the crisis. In his official statement to the committee, and subsequently published on his official Facebook page, he stated: "The data from our embassy in Moscow indicate that approximately 252 Kenyans may have been enlisted in the Russian special military operations... our embassy in Moscow reported 16 Kenyans missing in action, 38 admitted in Russian hospitals under restricted access, and an estimated 165 currently engaged in the special military operations."[155] The Kenyan government moved from opposing the war's premise to adopting its architect's terminology – terminology that was being used to sanitise the loss of life.

As of the date of this report, no repatriation fund has been established, no government official has been identified in Parliament as having facilitated the trafficking has been prosecuted, and the recruiting agency's director has not been prosecuted under Section 68 of the Penal Code, which considers foreign enlistment a felony.

Ghana

Ghana's Foreign Ministry described the trafficking of its citizens as "youth enlistment" in a statement issued following a technical session with Russia.[156] The language is revealing. "Youth enlistment" implies agency, voluntariness, and a degree of personal responsibility that the evidence does not support. It reframes trafficking as a lifestyle choice. The term appeared in a formal government communication after Ghana had engaged directly with Russia on the issue – meaning that the euphemism was not a careless slip, but a diplomatic formulation adopted in full knowledge of the circumstances.

Ghana's Foreign Affairs Minister, Samuel Okudzeto Ablakwa, subsequently travelled to Ukraine and met two Ghanaian nationals detained as prisoners of war, initiating negotiations for their return. As of July 2026, no formal exchange has taken place. The Ghanaian government has not prosecuted any recruiter under the Foreign Enlistment Act of 1961, which classifies enlistment in a foreign military without presidential permission as a first degree felony.

South Africa

South Africa expressed "heartfelt gratitude" toward Russia for returning some of its nationals, without attributing responsibility to that state for their recruitment.[157] The formulation treats the return of trafficked citizens as a favour rather than an obligation, and the trafficking itself as something that happened to South Africans rather than something that was done to them by, or with the knowledge of, Russian state structures.

The South African case is complicated by the involvement of Duduzile Zuma-Sambudla, a then-sitting member of parliament for the MK Party, who accompanied 22 recruits to Russia in July 2025. The heads-of-state diplomacy that followed – including direct engagement between South African and Russian leadership – secured the return of some nationals. Five individuals were charged at Kempton Park Magistrate's Court under the Regulation of Foreign Military Assistance Act. Zuma-Sambudla resigned from parliament in November 2025 after the Directorate of Priority Crime Investigation opened a formal investigation. But the broader pattern held: diplomatic relations with Russia were preserved, and the government's public posture was one of gratitude rather than accountability.

155 On Kenya's 2022 UN Security Council statement registering "strong concern and opposition" to Russia's recognition of Donetsk and Luhansk as independent states, see Permanent Mission of the Republic of Kenya to the United Nations, statement by Ambassador Martin Kimani to the UN Security Council, 21 February 2022, https://www.americanrhetoric.com/speeches/martinkimaniunitednationsrussiaukraine.htm. The shift to the Russian descriptor "Special Military Operation" in 2026 statements is documented at https://www.facebook.com/Mudavadi.Musalia/posts/appeared-before-the-senate-committee-on-national-security-defence-and-foreign-re/1584410666384316/?%22amp%3B_rdr.&_rdc=2&_rdr

156 See press statement of the Ghanaian Ministry of Foreign Affairs, 14 March 2026, at https://www.citinewsroom.com/wp-content/uploads/2026/03/Foreign-Affairs.jpg.

157 See https://dirco.gov.za/president-ramaphosa-welcomes-return-of-south-african-men-from-russian-frontlines/.

Egypt

Egypt's response stands apart from the continental pattern. In March 2025, the government introduced mandatory security clearance for citizens aged 18 to 35 seeking to travel to Russia or Ukraine – an administrative intervention that directly targeted the demographic profile of recruits. In April 2025, the Interior Ministry revoked the nationality of an Egyptian citizen who had joined the Russian military, Pursuant to Article 16, Paragraph 2 of Egypt Law No. 26 of 1975, which states that an individual can lose their Egyptian citizenship for entering foreign military service without authorisation. Specifically, the clause gives the Cabinet of Ministers the authority to strip citizenship of an Egyptian national who "agrees to enter the military service of a foreign state without prior authorisation from the Minister of War (Defence)."[158] This is the first documented case of an African government revoking citizenship in connection with participation in the conflict.

The Egyptian response was punitive rather than protective. It disciplined the citizen who defied state authority rather than confronting the state whose military apparatus recruited him. The distinction reflects a government exercising sovereign control over its nationals' foreign military affiliations – a posture consistent with Egypt's broader approach to security governance – rather than seeking accountability from Russia for the recruitment system itself. Egypt acted where others did not. But the action was directed inward, at its own people, and the system that produced their recruitment remained unaddressed.

The counter-examples: India and Nepal

The argument that confronting Russia would jeopardise bilateral relations is contradicted by the conduct of India and Nepal.

India confronted Russia directly and repeatedly. A reported 202 Indian citizens were enlisted in Russian military service since 2022, with 26 killed. The Indian government urged Moscow to halt the practice, issued public warnings, submitted formal parliamentary reports on 18 December 2025, and secured 139 repatriations.[159] India's strategic relationship with Russia, spanning defence, energy and diplomacy, remained largely intact.

The relationship survived assertive engagement because both sides recognised that the recruitment of Indian citizens was an aberration to be corrected, not a feature of the partnership to be tolerated.

Nepal publicly warned Russia against the recruitment of Nepalese citizens. The warning was issued without ambiguity and without the diplomatic circumlocution that characterised African responses.

These cases demonstrate that African governments weren't forced to choose between protecting citizens and preserving diplomacy because India proved that the two things were compatible. The African record suggests that governments chose to avoid discomfort, instead choosing to sacrifice their citizens.

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Many of those whose sons were killed, wounded, captured, or remain missing in Russia's war did not wait for their governments to act. Bibiana Waithaka went from the chief's[160] office all the way up to the European Parliament because every institution in between had failed her. Other families organised protests, pooled resources, contacted embassies, petitioned parliaments, and navigated bureaucracies that had no mechanism for addressing what had happened to their children. They did this without legal representation, without government support, and in many cases without knowing whether their relatives were still alive.

158 See https://clr.africanchildforum.org/Legislation%20Per%20Country/Egypt/egypt_nationality_1975_en.pdf.
159 Op cit. https://www.firstpost.com/world/mea-says-139-indians-freed-from-russian-army-two-dozen-still-await-return-14035186.html.
160 A Chief in Kenya is a frontline civil servant who represents the national government at the local community level. The position is part of the National Government Administration Officers (NGAO) framework, operating under the Ministry of Interior and National Administration.