



HUMAN  
RIGHTS  
WATCH

## MALI CONFLICT AND AFTERMATH

Compendium of Human Rights Watch Reporting, 2012-2017





# **Mali Conflict and Aftermath**

## **Compendium of Human Rights Watch Reporting**

### **2012-2017**

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# Mali Conflict and Aftermath

## Compendium of Human Rights Watch Reporting, 2012-2017

Human Rights Watch extensively investigated the human rights situation in Mali during the 2012-2013 armed conflict, the accompanying political upheaval, and the southward spread of Islamist armed group activity from 2015 to 2017. This document contains much of Human Rights Watch’s reporting and analysis during that period. In our advocacy we called on all sides to abide by international humanitarian law—the laws of war—and urged Mali’s government to take concrete steps with the assistance of its international supporters to address the conditions that led to the crisis. Key among them are strengthening the rule of law, holding rights abusers to account, and addressing endemic corruption. Human Rights Watch’s work on Mali is also available on our website: <http://www.hrw.org/africa/mali>

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# Map of Mali



Map No. 4231 Rev. 3 UNITED NATIONS  
March 2013

Department of Field Support  
Cartographic Section

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# Mali: Islamist Group Abuses, Banditry Surge

*Killings, Repression, Insecurity Imperil Civilians in North, Central Region*

January 18, 2017 – Press Release

<https://www.hrw.org/news/2017/01/18/mali-islamist-group-abuses-banditry-surge>



Soldiers attend to wounded and casualties in the aftermath of a suicide bomb attack in Gao, northern Mali, that left over 50 dead on January 18, 2017. The attack targeted a camp grouping soldiers, former rebels and pro-government militia tasked with leading the joint patrols established in the 2015 peace agreement. Al Mourabitoun, an affiliate of Al Qaeda in the Islamic Maghreb (AQIM), took responsibility for the attack.

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(Nairobi) – Islamist armed groups in northern and central Mali have executed numerous people and are increasingly imposing restrictions on village life, Human Rights Watch said today. The Malian government has largely been unable to protect vulnerable civilians in northern and central Mali, while security forces summarily executed at least 10 suspected Islamists and tortured many others during counterterrorism operations in 2016.

In addition to abuses by the Islamist armed groups, civilians have suffered from bloody intercommunal clashes and surges in banditry. Despite a 2015 peace accord ending Mali's 2012-2013 armed conflict, signatories have failed to implement many of its key provisions, notably the disarmament of thousands of combatants. United Nations peacekeeper fatalities

reached 29 in 2016, double those in 2015.

“The human rights climate grew increasingly precarious over the past year, a result of execution-style killings and intimidation by Islamist armed groups, bloody intercommunal clashes, and surges in violent crime,” said Corinne Dufka, associate Africa director at Human Rights Watch. “The government’s failure to assert control and curtail security force abuses has added to the deteriorating situation.”

A 2013 French-led military intervention pushed back armed groups occupying Mali’s north, but lawlessness and abuses steadily increased from mid-2014, including by groups linked to Al-Qaeda. In 2015 and 2016, abuses worsened and increasingly spread to Mali’s central regions.

Human Rights Watch interviewed more than 70 victims and witnesses to abuses in central and northern Mali in April and August 2016 in Bamako, Sévaré, and Mopti, and by phone throughout the year. Those interviewed included members of the ethnic Peuhl, Bambara, Dogon, and Tuareg communities; detainees in government custody; local government, security, and Justice Ministry officials; and diplomats and UN officials. The findings build on Human Rights Watch research in Mali since 2012.

In 2016, Islamist armed groups executed at least 27 men, including village chiefs and local government officials, Malian security force personnel, and fighters from parties to the peace accord. Most were accused of providing information to the government or French forces engaged in counterterrorism operations.

Many of the executions took place in central Mali, where Islamist armed group presence and intimidation of the population steadily increased through the year. Villagers described how Islamist groups of up to 50 armed fighters, including teenage boys, occupied villages for hours and threatened death to anyone collaborating with French forces, the government, or UN peacekeepers.

In several villages, the groups imposed their version of Sharia (Islamic law), threatening villagers not to celebrate marriages and baptisms. A villager described a wedding he attended in December in Segou region: “Our traditional customs are no longer allowed because of the presence of jihadist fighters from our own villages. Our way of celebrating is now *haram* [forbidden].” Another said that families are “pressured to give their children” to the Islamist armed groups in central Mali.

Armed groups carried out at least 75 attacks on UN forces in 2016, killing 29 peacekeepers with the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and wounding some 90 others. Groups linked to Al-Qaeda in the Islamic Maghreb (AQIM) took responsibility for

many of these attacks, which largely targeted logistic convoys and UN bases. Particularly deadly incidents included a February attack that killed seven peacekeepers from Guinea, as well as two incidents in May that killed five peacekeepers from Togo and five from Chad.

Residents and community leaders described rising levels of banditry and violent crime. Human Rights Watch estimates that several thousand civilians in northern and central Mali were victimized during about 400 incidents of banditry in 2016. This assessment is based on interviews with victims, witnesses, and security sources, as well as media monitoring and security reports. Armed bandits killed at least eight people and wounded over 30, routinely targeting public vehicles and buses, animal herders, and traders. Victims alleged that government security forces were either unable or unwilling to protect them and rarely investigated the crimes.

A number of people said they had been robbed more than once. One trader had been robbed four times in as many months. “It can’t get any worse,” said another trader. “We can hardly move out of Gao without getting hit by bandits lying in wait,” said a third. The traders said the slow implementation of the peace accord – notably provisions for disarmament, the cantonment of armed groups, and joint patrols comprising Malian soldiers, pro-government militia and former rebels – had greatly contributed to the rise in criminality.

Insecurity also significantly affected basic health care, education, and humanitarian aid. At least 35 attacks on aid agencies took place in 2016, the vast majority by bandits in the north.

At least six vehicles carrying health workers and the sick were robbed, with patients forced out of the vehicles in several cases. Several civilians were killed by landmines and improvised explosive devices planted by armed groups on major roads.

The Malian army and other government security forces conducted counterterrorism operations that on several occasions resulted in arbitrary arrests, executions, and torture and other ill-treatment. During 2016, Human Rights Watch documented the killing of 10 detainees, all in central Mali, and the torture or severe mistreatment of 20 others. Malian authorities made little effort to investigate and hold accountable those implicated in these violations.

International humanitarian law, or the laws of war, applies to all sides in the armed conflict in Mali. Applicable law includes Common Article 3 to the 1949 Geneva Conventions, Protocol II to the Geneva Conventions, and customary laws of war. Common Article 3 and Protocol II specifically prohibit the killing of captured combatants and civilians in custody.

Individuals who deliberately commit serious violations of the laws of war may be prosecuted for war crimes. Mali is a party to the Rome Statute of the International Criminal Court.



“The authorities need to do much more to fulfill their responsibility to protect civilians in north and central Mali,” Dufka said. “After so many years of insecurity, civilians deserve to see more security dividends from the peace process.”

### **Mali’s Conflict Since 2013**

Military operations by French and Malian forces since 2013, along with a 2015 peace accord, sought to eliminate the presence of Islamist armed groups, disarm thousands of fighters, and re-establish Malian state control over the north. However, clashes among various armed groups both before and after the 2015 accord have generated insecurity in the north and increasingly in central Mali.

Large swaths of territory in the north have been left largely devoid of Malian government presence, allowing armed groups, pro-government militias, and bandits to commit abuses with impunity. Since early 2015, Islamist armed group activity and abuses have spread down to central Mali, engulfing additional civilians in the conflict.

According to one security analyst, “During 2016 there were more bandits, more terrorists, and attacks from both are getting more and more complex and violent.” Though armed groups infrequently targeted civilians, the worsening insecurity undermined efforts by the Malian government and its international partners to strengthen the rule of law and deliver basic health care, education, and humanitarian assistance.

Meanwhile, persistent intercommunal conflicts in central and northern Mali left dozens dead and were exploited by armed groups to garner support and recruits.

### **Executions by Islamist Armed Groups**

Human Rights Watch documented the summary executions of 27 men by Islamist armed groups during 2016. Those believed to be responsible included AQIM, Ansar Dine, the Macina Liberation Front (also known as Ansar Dine Katiba Macina, *Katiba du Macina d’Ansar Dine*), and the Movement for Unity and Jihad in West Africa (MUJAO).

The killings took place in Mopti, Ségou, Timbuktu, and Kidal regions. At least two of the victims were beheaded. Those targeted included mayors and deputy mayors, village chiefs, and teachers; Malian security force members including a member of the National Guard, a soldier, and agents of the Forest and Water service; members of armed groups signatory to the 2015 peace accord, notably the Tuareg National Movement for the Liberation of Azawad (MNLA); and, in one case, an Islamist group fighter who had engaged in criminal practices.

Witnesses and intelligence sources said that many victims had been accused of being

informants for the government and French troops engaged in counterterrorism operations. Community leaders in central Mali said they believed a few local leaders had also been targeted as punishment for allegedly corrupt practices against local villagers.

There were numerous other unlawful killings in 2016, including of local authorities, that Human Rights Watch determined were linked to intercommunal or interpersonal conflicts over land, water, and community leadership.

### ***Executions of Civilians***

On November 7, an alleged Islamist armed group executed the chief of Diaba village, Kola Kane Diallo, 45, in front of his family. Diaba is 70 kilometers from the UNESCO cultural heritage site of Djenné. A villager said he believed Diallo had been killed as a warning to the community not to collaborate with the Malian army, which had recently increased its presence in the area. A witness said:

He had been threatened a few times by the men... but refused to leave, saying, “I didn’t do anything wrong... why should I leave my village?” That night, he was in his house watching TV, about 10 p.m., when three men came to the door. Only one entered, saying he was a shepherd looking for his missing animals. The chief said he didn’t have anyone’s animals. But then the man stated his true intention: “It is you we are looking for.”

The chief had his toddler in his arms... the armed man ordered him to hand his child to a family member. He begged, saying, “In the name of God, don’t kill me.” But they shot him, three times, inside his house... We suspect it had to do with a visit he had received from the Malian army – it is normal to receive them; he is the chief. This was like a sign for the rest of the village not to collaborate.

In mid-September, a Quranic teacher, or *marabout*, from Sofara village – 40 kilometers from Djenné – was killed for his alleged relationship with the Malian army. Witnesses said he had on several occasions welcomed soldiers in his house during their patrols through the zone, which is also frequented by Islamist armed groups.

Two witnesses said that just after 1 a.m. on July 18, three alleged members of an Islamist armed group burst into the home of Issa Garibou Onguiba, killing him in front of his wife and children. The summary execution occurred near the village of Boumbam, 60 kilometers south of Douentza. One witness said:

I had just gone to bed when I heard two screams, then at least three shots. The wife begged and offered the killers money and livestock, but they told her,

“We have been sent to kill him... we will complete our mission.” Issa was a hunter – he used to see the jihadists a lot in the bush. They had recently preached in our mosque and warned us never to tell the FAMA [Malian armed forces] where they were.

Two witnesses described the July 11 killing of Amadou Kola Dia, 50, as he worked in his field. Dia was a teacher and the deputy mayor of Ouro Modi village, 60 kilometers from Mopti. They said Dia had fled his village in 2015 after receiving threats from Islamist armed groups, but had returned in July to celebrate the end of Ramadan with his family. “These people have infiltrated and paralyzed our zone,” a witness said. “They have informants in every village. That’s how they knew Amadou had come back.”

Two witnesses described the March 21 killing, by armed Islamists from Niger, of 49-year-old Amadou Mamoudou Dicko in a hamlet near the village of Yogodoji, 40 kilometers from the border with Burkina Faso. Dicko had reportedly organized a village self-defense force. One witness said:

I saw eight of them on four motos [motorbikes], firing from the moment they entered. There were 20 people seated, talking. They ordered all to lie down and one of them said, “That is him...the one we are after.” Dicko ran, but they trapped and shot him there. I counted 153 spent bullet casings.

Islamist armed groups in Mali have held the deputy mayor of Boni since September 2016, along with seven foreign civilians.

### ***Executions of Armed Group Members***

On November 4, AQIM released a video, *Traitors 2*, taking responsibility for the summary execution of four Malians. The group claimed that the four had provided intelligence to French, Malian, and Mauritanian forces, which had resulted in the loss of AQIM fighters and weapons. The video, released by the AQIM-affiliated outlet Andalus Media, shows the Sharia court trial and execution of Mohamed Ould Beih and El-Hussein Ould Badi. *Traitors 2* appears to be a sequel to a December 2015 AQIM video called *Traitors*, in which two Malians and a Mauritanian were executed for similar reasons.

The two other executions mentioned in *Traitors 2* were those of Bachir Ould Afad, a national guardsman on September 25 in Timbuktu, and Efad Ag Arifek, a member of the Tuareg group MNLA abducted on June 6 in Ber, 53 kilometers east of Timbuktu. Arifek had been the Ber spokesman for a coalition of armed groups. His beheaded body was found on July 21 in Timbukri, 27 kilometers northeast of Ber, with the bodies of three other men who had reportedly been captured a day earlier during an AQIM attack on the MNLA.

AQIM also took responsibility for the June 20 killing of Alassane Ag Intouwa in Ber. Intouwa, a former fighter for the Tuareg group, had been serving as a representative for another group, the High Council for the Unity of Azawad.

Of all the armed groups that signed the 2015 peace accord, the MNLA has suffered the most killings. Community leaders told Human Rights Watch that some members may have been killed in leadership or power struggles, particularly with certain members of the Arab community.

According to Mohamed Ag Attaye, the MNLA officer in charge of human rights, at least 33 men associated with MNLA had been executed in the custody of armed Islamist groups and five more abducted in 2016.

The majority of those killed – 28 men – were executed in the Kidal region. Fifteen were killed after being captured during clashes, while others were killed in their homes or months after being abducted. Attaye said that either AQIM, Ansar Dine, or MUJAO took responsibility for most of the killings. He told Human Rights Watch that six MNLA fighters, captured by pro-government militias near Anefis, were executed after being handed over to MUJAO. Some of the men were tortured before their execution, he alleged.

Human Rights Watch was unable to verify all of these cases but urges the Malian authorities to investigate the MNLA's very serious allegations.

### **Repression by Islamist Armed Groups in Central Mali**

Islamist armed groups operating in central Mali frequently imposed harsh restrictions against the civilian population, often based on the groups' strict interpretation of Islam.

Threats were usually communicated in meetings that villagers were obligated to attend. Human Rights Watch spoke with villagers who attended these meetings in at least eight villages in Mopti and Ségou regions. During the meetings, which would last for several hours, armed men preached in several languages and threatened anyone providing information to the Malian government or international forces. They also appealed for support in adhering to a strict interpretation of Islam.

In some villages, groups prohibited celebrations including marriages and baptisms. On a few occasions they fired shots in the air to disperse the events. Other regulations included a ban on girls and women riding on motorcycles driven by men other than their husbands, orders to wear certain types of clothing, instructions to teachers to separate girls and boys in classrooms, and orders not to participate in the November 2016 local elections. In a few villages, groups threatened to cut off the hands of bandits and to execute adulterers.



Victims, witnesses, and security analysts said the Islamist armed groups destroyed communication antennas and burned government vehicles and buildings, including mayor and gendarmerie offices, town halls, and prisons.

A man who attended four weddings in different villages near the Malian border with Mauritania said that the presence of Islamist fighters had altered Peuhl traditional practices:

We used to spend days celebrating a marriage or baptism – dancing and singing together – but now, we can only do so where the Malian Army is present. During the marriages I attended, men and women weren't allowed to mix. ...The bride was brought to the groom's house and that was that. ...Before, we had fun, it was joyful – but now, you'd not know a marriage had taken place.

Another villager said, "They're even forcing us to pray in a different way... in some villages, we have to cross our hands in front of our chest when praying... we never did that before."

A trader from a village near Dogofiri said, "Jihadists fired in the air and ordered the bar man to turn the music down and for people not to go there. He said they don't allow music and alcohol in this village."

A 30-year-old Quranic student, who made his living by selling handwritten verses of the Quran that are placed in amulets, said that Islamist armed groups forbade the practice. "The jihadists came every week during our market," he said. "One day they found the verses I was writing in my notebook. I sell them to our women, who sew them into small leather pouches, which we wear for protection. I begged, but they burned my notebook, saying this kind of traditional practice was *haram*."

### **Attacks on Peacekeepers**

Islamist armed groups frequently attacked MINUSMA peacekeepers, killing 29 and wounding some 90 during 2016. In total, more than 70 peacekeepers have been killed since MINUSMA was created in 2013.

A security analyst said that while MINUSMA was attacked about the same number of times in 2016 as in 2015, the 2016 attacks were "better organized on the ground" and that the groups "were more likely to claim responsibility for them."

Most of the attacks either targeted logistic convoys bringing food, water, and other supplies to UN bases or the bases themselves, including those in Kidal, Gao, and Timbuktu. AQIM, Ansar Dine, and Al Mourabitoun took responsibility for many of these attacks. Those included the February 12 suicide bomber and rocket attack on the MINUSMA base in Kidal, which killed

seven peacekeepers from Guinea, and the May 18 ambush 15 kilometers north of Aguelhok, Kidal region, which killed five Chadian peacekeepers.

In previous years, attacks on peacekeepers almost exclusively took place in northern Mali. However, in 2016, at least two such deadly attacks were in the Mopti region of central Mali. On May 29, five peacekeepers from Togo were killed in an ambush 30 kilometers west of the garrison town of Sévaré. On November 6, a Togolese peacekeeper was killed in an attack on a supply convoy 45 kilometers north of Douentza. Two Malian civilians were also killed in the incident.

On November 29, Al Mourabitoun forces committed the war crime of perfidy by driving two UN-labeled vehicles laden with explosives into the Gao airport. Only one exploded, damaging the fuselage of a MINUSMA plane and the airport terminal. The second vehicle was found with 500 kilograms of explosives inside, an intelligence source said. An attack on a compound in Gao on May 31 killed a Chinese peacekeeper and a French civilian de-mining expert.

International humanitarian law prohibits attacks on personnel involved in peacekeeping missions and grants them the same wartime protections as civilians. The Rome Statute of the International Criminal Court and customary laws of war prohibit attacks on UN peacekeepers and UN facilities as war crimes. The UN Security Council requires peacekeepers to be impartial and not use force except in self-defense or defense of the mandate.

### **Malian Security Force Violations**

Human Rights Watch documented the detention of more than 60 men by Malian security forces in 2016, allegedly for their suspected support for or membership of Islamist armed groups in central and northern Mali. The vast majority of these were ethnic Peuhl. Malian soldiers summarily executed at least 10 of them and tortured or otherwise mistreated at least 20.

In all but a few cases, army soldiers committed the abuses during *ad hoc* interrogations in the first two days after detention, though the soldiers are not authorized to interrogate detainees. The most serious cases, the majority of which took place during the first half of 2016, were allegedly by soldiers based in Diabaly, Boni, Boulekessi, and Mondoro. In several cases, officers, including a lieutenant and a captain, were present during the abuse. As has been the case since 2012, the vast majority of detainees said the abuse stopped after they were handed over to government gendarmes.

The abuse did not appear to be systematic and, as compared with accounts by several hundred detained men in 2013, 2014, and 2015, the mistreatment appeared to have declined. However, the military and civilian justice systems made little effort to investigate and hold to account soldiers implicated in violations against detainees.

### ***Summary Executions***

Three villagers told Human Rights Watch that Malian forces had detained two brothers, Mamoudou Allaye, 53, and Ousman Allaye, 48, on January 8, 2016, and that their bodies were found hours later in a shallow grave near the village of Karena, Mopti region. One witness said:

The [soldiers] told Mamoudou to get in their vehicle and took him away. We heard shots. Worried, his brother went in search of him. When, over an hour later, neither returned, we set out after them. ...We found the brothers a kilometer away in a freshly dug, shallow grave.

Four witnesses said three of seven Peuhl men detained on April 7 near the town of Sokolo, in the Ségou region, died of their injuries after Malian soldiers severely beat them near their base in Diabaly. One of those detained described what happened after the men were taken to the military base:

Around midnight, the soldiers tied our arms, put cord in our mouths, bound our eyes, then drove 10 minutes. The beating started... it was severe... with wood and rocks. I was kicked many times and burned on my feet. “Where are the jihadists?” they asked. When we returned to the cell hours later, Hamadoun Diallo was missing. I heard soldiers saying in Bambara, “He is dead.”

At about 4 a.m., Aye Nissa died in the cell. “I am dying...” he kept saying, until he stopped talking. We hit the door, saying they should take him to the doctor. About 6 a.m., the FAMA [soldiers] ordered us to get up. ...“He [Nissa] cannot,” we told them. Then they took his body.

About 9 a.m. they took the remaining five of us to the Niono gendarmerie. Seeing the shape we were in, the gendarmes got angry; they sent us to the clinic for care. We returned to our cells, but Aly Bah was so sick... since his beating, he couldn’t even sit up; every time he drank water, he vomited blood. The Gendarme commander took him back to the hospital... and it was there he died.

In Mopti region, army soldiers taking part in counterterrorism operations in the Douentza administrative area in December were implicated in summary executions, torture, and looting of several villages. Villagers found the bodies of five men detained by soldiers on December 19 two days later in a mass grave near the village of Isseye, 85 kilometers from Douentza.

### ***Torture and Mistreatment***

Human Rights Watch documented six incidents in 2016 in which Malian security forces severely mistreated at least 20 detainees. The detainees, many of whom had scars and showed visible signs of torture, described being hogtied, pummeled with fists and gun butts, kicked, suspended from trees, burned, and subjected to simulated drowning akin to “waterboarding” and other mock executions. They were also routinely denied food, water, and medical care.

Two witnesses to the April 8 beating of the seven men in Diabaly said the men were severely beaten with belts and wood, kicked, and repeatedly threatened with death. Soldiers stripped one, a 35-year-old shop owner they accused of selling goods to Islamists, hung him by his feet on a tree, and “water boarded” him for 30 minutes. A witness said: “While hanging there, they forced his head in a bucket four times, asking, ‘Where is the Islamist’s base? ...You sell goods to these people, no?’” Another man was burned so severely on his back that he required medical attention for several weeks. “He had been found with a lot of money,” a witness said. “They punched, kicked and burned him severely all over his back... the soldiers kept asking him where he got all that money.”

In mid-April, soldiers severely beat six Peuhl men who had been apprehended in their villages near Boulekessi, subsequently subjecting them to mock execution. One said:

As they removed the blindfold, I saw a pick and a shovel. “We’re going to ask you questions and if you lie, it is here you will die.” I answered, but they accused me of lying. They told me to dig and ordered me in... I felt the sand entering my ear and a gun at my temple... I begged for my life... I heard the others screaming nearby but they didn’t kill us.

We thought our ordeal was over, but then they did it again. This time four soldiers walked me into the bush, and ordered me to say my last words. I begged, saying I have nothing to do with the jihadists. They stripped and beat me with branches until the leaves fell off. I was bleeding... they ordered me inside, covered my body with sand and threw in my clothes... they cocked a gun, then fired two shots near my head. From the grave I was silent, thinking it was there I would die. Minutes later, the soldiers brought the others who pleaded to live while a soldier said, “Look at the tomb... Is he dead or alive? ...Now talk.”





Cattle herders from the Peuhl ethnic group just south of Douentza, Mali, June 2016. Bandits frequently robbed animal herders and traders in central and northern Mali throughout 2016. © 2016 Katarina Höije/VOA

## Unchecked Banditry and Crime in North and Central Mali

Human Rights Watch spoke with 16 men and women who had been robbed on their way to and from local markets in the Gao and Timbuktu regions in northern Mali. Several had been robbed two, three, and even four times during 2016. A number were beaten, or saw others beaten, after they refused to hand over money. Two women were raped during the assaults and one said a fellow passenger had been gunned down after bolting from the scene.

The Timbuktu and Gao regions were the hardest hit, though dozens of incidents were also reported in Kidal and Mopti regions. Human Rights Watch obtained and reviewed reports from various public and private sources that added up to approximately 380 separate incidents. With the addition of the cases investigated by Human Rights Watch, 400 incidents of banditry can be estimated to have occurred in 2016, though the actual number is likely higher. Most of these cases involved the robbery of groups of passengers.

The highway robberies have typically been carried out by small groups of men on motorcycles, armed with military assault rifles. They targeted transport vehicles, buses, animal herders, and traders who travel from village to village buying and selling their wares. The incidents were concentrated on market days and along several key strips of highway and land routes used by traders.

Typically, bandits fired in the air to force drivers to stop, ordered the passengers to descend, and then robbed them of money, cellphones and other goods. At least eight people were reportedly killed and 33 wounded when bandits opened fire on vehicles that refused to stop, or when they shot frightened people who tried to flee.

A 38-year-old trader, whose transport vehicle was robbed on October 14 en route to Gao after market day, saw bandits shoot a man who tried to run away:

Two men dressed half in camouflage, half in civilian clothes forced us to stop and robbed all 17 of us of our phones and money. They stole 200,000 francs CFA [US \$320] from me. Five passengers didn't have anything to give... the men started to tie them up, beating and shouting at them. One of them fled, afraid he would be killed, and they fired, hitting him in the head. We started wailing, thinking they would kill all of us. This was the second time in a month that I had been robbed like this. We pray to God the disarmament starts soon... maybe it will stop this madness.

Human Rights Watch documented two cases of sexual assault during robberies. A 50-year-old trader said she was raped by two of the three men who stopped the vehicle taking her back to Gao from a market about 60 kilometers away:

I saw people watching me during the market, and think someone informed them I was carrying a lot of money – 500,000 francs CFA [US \$800]. I'd hidden it in my clothing – and when they ordered everyone at gunpoint to hand over their cash, I told them I had nothing... but they knew... They threatened me, then dragged me behind a tree, tore off my clothes to find the money, then used me.

A trader on her way back to Gao from a market in Djebok, 45 kilometers north, said that in November, four gunmen stopped the convoy of three cars in which she was travelling. The assailants separated the men and women, forcing the youngest woman in the convoy away for 30 minutes. The trader said that when the woman returned, "She was crying... She said they had used her. Their rifles were pointed at us... If someone is stronger than you, what can you do?"

Several animal herders said that armed men on motorcycles drove off entire herds of livestock, while traders said they had been ambushed and robbed. These attacks took place on their way to local village markets and even on the streets of larger towns in the north.

A 55-year-old man from a village north of Gao said that at dusk one day in October, armed men on motorcycles drove off his entire herd of cows, on which he and his family of 10 depended:

They took all of my 16 cows, including several that were pregnant – even more of a loss. They left me with nothing. I am sick and have no money for medicine. My family needs food, we have nothing. I am not alone – I know about 10 other herders who have suffered the same thing.

Several victims said they had reported the incidents to the authorities, but none of these cases had been investigated. They expressed no confidence in either the government forces or the UN to protect them from the rampant banditry, which all of those interviewed said had worsened in 2016.

The victims said they rarely saw armed government patrols on the highways, much less on the smaller roads, allowing bandits to operate with little fear of being apprehended. “We are so fed up... with the security people,” said an animal trader from Gao. “Even when we tell them a robbery is happening now, and only five kilometers away, they refuse to respond.”

One 35-year-old driver from Timbuktu said he was robbed three times last year. “The bandits left me and my passengers standing on the road, then drove away with my truck, my livelihood,” he said. “I didn’t notify the police. I’ve never seen a patrol of Malian forces. The state is absent. Anyone can get an AK-47 [assault rifle], and in Mali, he who is armed can do whatever he wants.”

However, residents from Gao said the security forces and the UN had increased patrols on major roads in and around Gao following a strike by local transportation companies in September and October that had been organized to protest the attacks on roads connecting Gao with several other towns.

All those interviewed believed the stalled progress on three provisions of the peace accord – cantonment of fighters, disarmament, and joint patrols comprising Malian soldiers, pro-government militia and former rebels – had contributed to the rising banditry levels. They hoped progress in implementation of these areas would improve the situation.

### **Humanitarian Impact**

Throughout 2016, the rampant banditry and armed group attacks dramatically affected the delivery of health services, education, and aid to north and central Mali. In November, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that the number of schools affected by insecurity in north and central Mali had increased, with 421 schools closed at the beginning of the 2016 school year in October, compared to 296 closed at the end of the previous school year. Approximately 2.5 million people nationwide face food insecurity, OCHA said.

There were scores of attacks on aid agencies during the year, the vast majority by armed bandits in the north, undermining the groups’ ability to deliver assistance to people in need. At

least 35 vehicles used by aid groups were either stolen, pursued, or stopped by armed bandits, and numerous offices or staff residences were burglarized, resulting in the loss of motorcycles, computers, cameras, money, phones, and other supplies. On several occasions, the attackers threatened, tied up, or beat aid agency personnel, including drivers and guards.

On at least six occasions, ambulances and vehicles used by both the Malian government and aid organizations to deliver health care were attacked or robbed. These attacks took place near the northern towns of Lere, Gao, Niafouké, Gossi and Menaka. In four of these incidents, sick passengers, drivers and health workers were forced out of the vehicles and robbed, and the vehicles stolen.

## **Recommendations**

### ***To the Government of Mali***

- Take necessary steps to ensure that security forces abide by international humanitarian law;
- Take all necessary measures to protect civilians and ensure adequate security, including from banditry and criminality in areas under government control;
- Investigate and appropriately prosecute members of the Malian security forces and non-state armed groups who commit violations of international humanitarian law and human rights abuses, including those documented in this report; and
- Ensure government gendarmes fulfill their mandated role of provost marshal by accompanying the Malian army on operations at all times.

### ***To MINUSMA Peacekeepers***

- Adopt a robust stance in general and ensure that protection of civilians remains a top priority for the mission, including through strategic and proactive patrolling, especially on market days.

### ***To UN Troop Contributing Countries***

- Ensure that MINUSMA has the necessary resources, personnel, equipment, and training to carry out its mandate to protect civilians in an extremely challenging security environment in which armed groups have targeted civilians and UN personnel.

***To Non-State Armed Groups***

- Abide by international humanitarian law, including by treating all persons in custody humanely;
- Cease attacking UN peacekeepers and personnel;
- Investigate and appropriately punish fighters who commit serious abuses; and
- Respect basic rights to freedom of religion and other rights in areas under effective control.

# World Report 2017: Mali – Events of 2016

## January 2017 – Country Chapter

<https://www.hrw.org/world-report/2017/country-chapters/mali>

Malian civilians endured a situation of “no war, no peace” in 2016, as implementation of the previous year’s peace accord to end the military and political crisis in the north stalled, and armed groups linked to Al-Qaeda launched dozens of attacks on Malian security forces and international peacekeepers, extending their operations south.

The attacks, and the failure to disarm thousands of combatants from Mali’s 2012-2013 armed conflict, deepened a security vacuum, creating a precarious human rights climate for civilians in central and northern Mali. Civilians suffered increasing incidents of criminality, as well as the fall-out from clashes between armed groups. Long-delayed local elections were held on November 20, but violence and threats from armed groups prohibited voters in dozens of local administrative areas from taking part.

The insecurity undermined efforts by the Malian government and its international partners to strengthen the rule of law and deliver basic health care, education, and humanitarian assistance. Persistent intercommunal conflicts in central and northern Mali left dozens dead and were exploited by armed groups to garner support and recruits.

Government forces responded to attacks by Islamist armed groups with counterterrorism operations that often resulted in arbitrary arrests, executions, torture, and other ill-treatment.

Malian authorities made scant effort to investigate and hold accountable those implicated in recent abuses or those committed during the 2012-2013 armed conflict. Rule of law institutions remained weak. Corruption was endemic at all levels of government, further impeding Malians’ access to basic health care and education.

French forces and United Nations peacekeepers attempted to fill the security vacuum. The failure of the Malian government and armed groups to implement the 2015 peace accord and the spread of militant attacks to Burkina Faso and Cote d’Ivoire generated impatience and growing diplomatic engagement by the international community.

### **Abuses by Armed Groups in North and Central Mali**

Throughout 2016, armed groups linked to Al-Qaeda, opposing ethnic Tuareg and Arab groups, and government-supported militia attacked each other, Malian soldiers and neutral

peacekeepers, and to a lesser extent aid workers and other civilians. The increasing presence of Islamist armed groups in central Mali generated fear and engulfed more civilians in the conflict.

During 2016, Islamist armed groups executed at least 25 men, including civilians and members of armed groups, allegedly for being informants for the government and French engaged in counterterrorism operations.

Several civilians were killed by landmines and improvised explosive devices planted by some of these groups on major roads. In 2016, there were scores of attacks—the vast majority by bandits—on humanitarian agencies.

At least 23 UN peacekeepers with the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) were killed and 108 wounded in attacks by Islamist armed groups in 2016, bringing the total to 67 killed since MINUSMA's creation in 2013. Armed groups linked to Al-Qaeda in the Islamic Maghreb (AQIM) took responsibility for most of these incidents, including a February attack that killed seven peacekeepers from Guinea, and two incidents in May that killed five peacekeepers from Togo and five from Chad.

AQIM claimed responsibility for the January kidnappings of a Swiss missionary in Timbuktu and an elderly Australian doctor in Burkina Faso. In October, an American aid worker was kidnapped from Niger, bringing the number of foreign hostages believed to be held by Islamist armed groups in Mali to six.

### **Abuses by State Security Forces**

Government forces committed numerous violations against suspected supporters and members of Islamist armed groups in 2016, including the summary killing of at least five detainees, the torture of over a dozen suspects, and the mock execution and ill-treatment of many more.

Army soldiers and members of a pro-government militia, Groupe Autodéfense Touareg Imghad et Alliés (GATIA), meted out the most frequent and serious abuse. The abuses usually stopped after detainees were handed over to government gendarmes.

Some 20 men accused of crimes against the state and terrorist-related offenses were held outside the protection of the law within the headquarters of the state security services. Members of the security forces were also implicated in frequent acts of extortion, bribe taking, and theft, including from detainees. Security forces used excessive force to respond to demonstrations in Gao and Bamako, leaving at least four dead.

The military made little effort to investigate and hold to account soldiers or militiamen implicated in violations against civilians. However, progress was made in staffing and equipping the Military Justice Directorate in Bamako.

### **Accountability for Abuses**

Progress in addressing impunity was evident in the trial of former coup leader Gen. Amadou Haya Sanogo and 17 co-defendants, including members of the Malian security services, for the 2012 abduction and killing of 21 elite “Red Beret” soldiers. The trial began on November 30.

However, the Malian government made scant progress in holding to account those responsible for many other violations committed during Mali’s 2012-2013 armed conflict. Serious crimes include the summary execution by armed Islamists of approximately 150 Malian soldiers in Aguelhok, sexual violence, and widespread pillage by various armed groups in the north, as well as the extrajudicial execution, enforced disappearance, and torture of suspected Islamist rebels by Mali’s security forces. With a few exceptions, judicial authorities failed to investigate over 100 complaints filed by victims and their family members.

The judiciary investigated some cases of sexual violence perpetrated in 2015 and 2016 by armed groups in the north, as well as a deadly incident of communal violence near the central Malian town of Dioura.

On September 27, the International Criminal Court (ICC) sentenced Malian Ahmad al-Faqi al-Mahdi, formerly with Ansar Dine, to nine years in prison for his role in destroying historical and religious monuments in Timbuktu in 2012. The trial was the ICC’s first prosecution for this war crime and the first time an ICC defendant pleaded guilty. ICC investigations in Mali are ongoing, but are limited in part because of the precarious security situation.

### **Truth and Reconciliation Mechanism**

The Truth, Justice and Reconciliation Commission, established by executive order of the president in 2014 with a three-year mandate, made progress in 2016. In December 2015, the Council of Ministers approved the appointment of 14 commission members, and in May, an additional 10 commissioners were appointed. During 2016, the 25-member commission developed a work plan and commenced research into past violations. The credibility of the body was undermined by the government’s failure to sufficiently consult with a wide variety of stakeholders on the commission’s membership, mandated powers, and degree of independence. The commission’s inclusion of nine members of armed groups and lack of inclusion of those representing victims’ groups drew sharp criticism from Malian civil society.



## **Judiciary and Legal Framework for Human Rights**

The Malian judiciary countrywide was plagued by neglect and mismanagement, including insufficient staffing and logistical constraints. These shortfalls hindered efforts to address impunity for perpetrators of all crimes, contributed to violations of the right to due process, and led to incidents of vigilante justice. Due to the courts' inability to adequately process cases, hundreds of detainees are held in extended pretrial detention.

In April, the government adopted a bill providing greater independence for the National Commission for Human Rights, and in September, adopted a five-year action plan to strengthen human rights and access to justice. In July, the National Assembly extended the state of emergency, first declared on November 21, 2015 in the aftermath of an attack on a hotel in Bamako, until March 2017.

## **Recruitment of Child Soldiers**

Armed groups in the north, including those allied with the government, continued to recruit and use child soldiers. During 2016, at least seven schools in the north were at various times occupied by members of the armed groups. At least six children suspected of supporting armed groups were detained in state run detention centers, in contravention of a 2013 protocol stipulating that children were to be placed in a care center managed by the UNICEF, the UN children's rights agency.

## **Key International Actors**

France and the United States took the lead on military matters, the European Union led on training and security sector reform, and the UN led on rule of law and political stability, though these actors were largely reluctant to publicly call for investigations into past and ongoing crimes.

The UN and several members of the international mediation team that negotiated the peace accord threatened targeted sanctions against those threatening Mali's security.

In light of deteriorating security, the UN Security Council in June authorized an additional 2,500 personnel for MINUSMA to a maximum strength of 13,289 military and 1,920 police, included a more robust civilian protection mandate, and authorized French forces to intervene in support of MINUSMA forces in imminent danger.

MINUSMA forces on a few occasions engaged in excessive force, which in one occasion led to the death of a detainee near Aguelhok. At time of writing, the results of the UN boards of inquiry into the cases were pending.

Operation Barkhane, the 3,000-strong French regional counterterrorism operation launched in 2014 continued operations in Mali, Mauritania, Burkina Faso, Niger, and Chad. The US military provided logistical support to Barkhane and is building a major military and drone hub in Niger.

The EU Training Mission in Mali (EUTM) began its third two-year mandate to train the Malian army, and the EU Capacity Building Mission (EUCAP) continued training the Malian national guard, gendarmerie, and police forces. Since 2013, the UN Peacebuilding Fund has allocated \$12 million to address unemployment, access to justice and education, and communal tension.

MINUSMA, the UN Development Programme, the EU, the Netherlands, and Canada took the lead in programs to support the justice sector and address corruption. The United States supported reform of military justice.

The UN independent expert on the situation of human rights in Mali, Suliman Baldo, conducted two missions to Mali.

# Mali: ‘Red Berets’ Trial Marks Progress in Tackling Impunity

*Many More Victims of 2012-13 Abuses Await Justice*

**November 29, 2016 – Statement**

<https://www.hrw.org/news/2016/11/29/mali-red-berets-trial-marks-progress-tackling-impunity>

(Dakar) – The trial of the leader of the 2012 coup in Mali, Gen. Amadou Haya Sanogo, and 17 co-defendants, including other members of the Malian army, is set to begin on November 30, 2016, in the southern Malian town of Sikasso. The defendants are accused of the 2012 abduction and killing of 21 elite “Red Berets,” who were detained and forcibly disappeared between April 30 and May 1, 2012, after being accused of involvement in an April 30 counter-coup against Sanogo and his loyalists.

**The following statement is from Corinne Dufka, associate Africa director at Human Rights Watch:**

“The trial of General Sanogo and his co-defendants represents clear progress in tackling the culture of impunity in Mali. For far too long, men like Sanogo were considered untouchable and above the rule of law. Today, the victims and family members of those allegedly abducted and murdered by the defendants are one step closer to getting justice.

“However, the progress represented by this trial, though significant, cannot bear the entire burden of fighting impunity in Mali. The loved ones of many other victims await justice for crimes by all sides during and after Mali’s 2012-2013 armed conflict. These crimes include the summary execution by armed Islamist groups of scores of Malian soldiers in Aguelhok, sexual violence and widespread pillage by various armed groups in the north, and the extrajudicial executions, enforced disappearances, and torture of suspected Islamists by Mali’s security forces.”

In 2012, Human Rights Watch interviewed 30 people with detailed knowledge of the enforced disappearances of some 20 “Red Beret” soldiers as well as the arbitrary detention, torture and mistreatment of dozens of others. The findings were published in a July 2012 press release.

Witnesses told Human Rights Watch that the abuses were committed by soldiers, policemen, and national guardsmen who had supported Sanogo since the March 2012 coup. The mother of

one disappeared soldier said that her son had called her on the afternoon of May 1. “My boy sounded so frightened,” she said. “He said the military were arguing among themselves about whether or not to kill my son and the others being held with him... He was very afraid.”

Witnesses described seeing soldiers and policemen drag handcuffed and hogtied detainees along the ground; beat them with batons, sticks, and gun butts; and kick them in the back, head, ribs, genitals, and elsewhere. Others were stabbed in their extremities or burned with cigarettes and lighters on their backs, hands, arms, and ears. Some detainees were suffocated during interrogation; others were chained and handcuffed for days on end.

Witnesses at Kati military camp told Human Rights Watch that on May 3 between 2 a.m. and 3 a.m., soldiers removed the detainees and put them inside a military truck. One witness at the camp that night said: “They took them out, bound their hands and legs, and covered their eyes; they have never been heard from or seen since.” Another witness gave Human Rights Watch a handwritten list of 21 detainees seen taken from the camp.

# ICC: Clear Message on Attacking World's Treasures

## *Sentencing of Ahmad al-Faqi al-Mahdi of Mali*

**September 27, 2016 – Statement**

<https://www.hrw.org/news/2016/09/27/icc-clear-message-attacking-worlds-treasures>

(Geneva) – The International Criminal Court's sentencing on September 27, 2016 of Ahmad al-Faqi al-Mahdi for his role in destroying historical and religious monuments in Timbuktu, Mali, sends a clear message that attacking the world's historical treasures will be punished.

In August, al-Mahdi, a Malian national, pleaded guilty to the charge. This was the first time the ICC has tried an accused for this war crime and the first time an ICC defendant has pleaded guilty.

The ICC sentencing points to the need for the Malian government to take a more active role in prosecuting war crimes cases, Human Rights Watch said. The Malian government, which has primary responsibility for ensuring justice for the most serious crimes, has made scant progress in investigating, much less prosecuting, those responsible for the many grave offenses committed during Mali's 2012-2013 armed conflict.

These include the summary execution of approximately 150 Malian soldiers in Aguelhok, sexual violence, and widespread pillage by various armed groups in the north, as well as the extrajudicial execution, enforced disappearance, and torture of suspected Islamist rebels by the Malian security forces.

"The ICC has rendered an important verdict, but the Malian government should follow suit and step up efforts to ensure investigations and fair trials for crimes committed by all sides during the conflict," said Corinne Dufka, associate Africa director at Human Rights Watch. "Real justice for the victims and their families has been long in waiting."

# Confronting Mali's New Jihadist Threat

*By Corinne Dufka*

**May 9, 2016 – Commentary (Op-Ed, *New York Times*)**

<https://www.hrw.org/news/2016/05/11/confronting-malis-new-jihadist-threat>

[http://www.nytimes.com/2016/05/10/opinion/confronting-malis-new-jihadist-threat.html?emc=edit\\_tnt\\_20160509&nlid=9510037&intemail=y](http://www.nytimes.com/2016/05/10/opinion/confronting-malis-new-jihadist-threat.html?emc=edit_tnt_20160509&nlid=9510037&intemail=y)

He sat quietly drinking tea on a December morning in a village in central Mali. But Amadou, a local chief from the Segou region whose name I have changed for his protection, was worried.

“I know of 10 young men who’ve joined the jihadists in recent months,” he said. “And many more who sympathize.”

I was in Mali to research human rights abuses, something I’d done since 2012, when the country went through a spectacular meltdown after a near-simultaneous takeover by Tuareg separatists and Islamist groups linked to Al Qaeda in the north, and a military coup in the south.

The Islamists’ abusive regime in northern Mali was cut short in early 2013 by a French-led military intervention. Mali appeared to be on the mend as a United Nations peacekeeping mission was deployed, a relatively transparent election took place, a peace deal to end the crisis in the north was negotiated and billions of dollars in development aid were pledged.

But in 2015, a new Islamist group emerged in Mali’s previously stable central and southern regions. The group, which appears to be the latest franchise of Al Qaeda in the Islamic Maghreb and is often referred to as the Macina Liberation Front, has attacked military posts and executed mayors and councilmen. Its new area of operation is largely inhabited by the Peul ethnic group (also known as the Fulani), which makes up about 15 percent of Mali’s population.

Since early 2015, I’ve documented more than 25 execution-style killings by these Islamists. In March a village chief described how the militants gunned down his son in retaliation for his cooperation with the military. Residents of another village described seeing Islamist fighters detain a man accused of being an informant. Three days later, a resident told me, “the village woke up to find his head in front of his shop.”

I’ve also documented dozens of cases of torture and mistreatment by the Malian Army as it responded.

During my visits, Peul traders, herders and elders described a growing Islamist presence that exploited not only their poverty, but also their longstanding grievances with the government. They anxiously spoke of the Islamists' recruitment success, driven, they said, by several factors.

Most often, people cited the government's failure to protect them from banditry, which had grown since firearms began to proliferate in the early 1990s. Herdsmen described how bandits wielding AK-47s had taken their cows and sheep. "When you steal my animals you take with them the future of my children," one resident told me.

Many credited the Islamists with drastically reducing banditry, something the army had failed to do. "Every time we call the authorities, they fail to show up," a young man told me. Others said the Islamists had intervened to recover stolen motorcycles or cows. "The jihadists are the law now," one said.

Villagers also described frequent abuses by the security forces and predatory behavior marring nearly every contact with government — demands for bribes for acquiring ID cards, vaccinating animals, passing checkpoints. Meanwhile, "there are few schools or clinics in our villages," one resident said. Other people told me that the government failed to ensure justice in cases of intercommunal violence — tit-for-tat disputes over land or water — or security force abuses.

I've spoken with dozens of detainees, nearly all Peul, who described torture and mistreatment by the army. Amadou was one of 10 men hogtied, suspended by an iron bar and beaten. In some cases, their teeth were knocked out; others were burned or subjected to mock executions.

Policy circles pulsate with theories about what causes individuals and communities to support groups like Al Qaeda in the Islamic Maghreb. And for good reason: Premeditated mass murder of ordinary people in shopping malls, subways and hotels has become tragically common.

Scores of people have died in attacks by Islamist extremists in Mali, Burkina Faso and Ivory Coast. The attacks appeared to signal Al Qaeda in the Islamic Maghreb's escalation of the "soft target" game, perhaps in competition with the Islamic State. Disturbingly, according to the elders I spoke with, several of the people who helped carry out these attacks were reportedly Peul.

As the world ponders what inspires violent extremism, policy makers should listen to people like Amadou, who are on the front lines. They insist that their young men are not being wooed over the Internet or joining out of religious conviction, but rather, as one imam told me, "because the jihadists provide a better alternative to the state." Another man told me that many are unable even to recite the Quran.

The Peul elders and villagers say that the way to stop this has nothing to do with preventing terrorists from using social media or stemming the flow of foreign fighters. They want a government whose security forces protect instead of abuse them; whose civil servants serve instead of exploit them; and whose justice system ensures their right to redress.

Mali's partners — especially France and the United States — have too often turned a blind eye to these problems. Instead, they should insist that Mali professionalizes and holds accountable the security forces; better supports the chronically neglected judiciary; and takes concrete action against corruption. Only when steps are taken to address these issues and people finally feel secure in their own basic rights may extremist groups start losing ground.

*Corinne Dufka is the West Africa director at Human Rights Watch.*



# Mali: Abuses Spread South

## *Islamist Armed Groups' Atrocities, Army Responses Generate Fear*

**February 19, 2016 – Press Release**

<https://www.hrw.org/news/2016/02/19/mali-abuses-spread-south>

(Dakar) – Atrocities by Islamist armed groups in Mali and abusive responses by Malian security forces have spread south in the past year, engulfing more civilians in the conflict, Human Rights Watch said today. Islamist groups have threatened, raped and killed civilians. Malian security forces have carried out military operations that have resulted in arbitrary detention and torture. Both sides have committed abuses since the start of 2016.

The French-led military intervention in 2013 and continuing operations to drive out the Islamist forces, and the June 2015 peace agreement between the government and several armed groups resulted in some stability in the north. At the same time, Islamist armed groups have carried out operations deeper in Mali's south.

“Islamist armed groups in Mali have killed, raped and robbed civilians while the security forces responded by severely mistreating many of those they take into custody,” said Corinne Dufka, West Africa director at Human Rights Watch. “The disturbing spread of violence and abuses toward southern Mali has put increasing numbers of civilians at grave risk.”

In February, March, and December 2015, Human Rights Watch interviewed over 130 victims and witnesses to abuses in central and southern Mali; leaders from the ethnic Peuhl and Dogon communities; detainees in government custody; local government, security, and Justice Ministry officials; diplomats and United Nations officials; and religious and community leaders. The findings build on Human Rights Watch research in Mali since 2012.

The Islamist armed groups implicated in the abuses include Al-Qaeda in the Islamic Maghreb (AQIM), Al-Mourabitoun, and the Macina Liberation Movement. During 2015, these groups unlawfully killed at least 44 civilians. These included civilians executed in custody, including many accused of providing information to the army, those killed during attacks on a nightclub and hotel in the capital, Bamako; and in an attack on the army garrison town of Sévaré.

Human Rights Watch documented the execution-style killing of 19 men by Islamist armed groups in 2015 operating in central and southern Mali. All of the killings took place in Segou and Mopti regions. Residents of Isseyé, described seeing Islamist fighters detain a man they accused of providing information to the Malian army on December 23; three days later “the village woke up to find his head had been left in front of his shop,” one resident said.



Malian soldiers survey the damage after the August 7, 2015 attack by gunmen in Sévaré, a garrison town 600 km northeast of Bamako, the capital. Five civilians, including four UN contractors and a Malian driver, were killed in the attack. The Islamist armed group Al-Mourabitoun claimed responsibility. © 2015 Adama Diarra/Reuters

In October Islamists forced their way into the home of the deputy mayor of Douna-Pen and murdered him in front of his family. Fighters raped four women in a hamlet between Bandiagara and Sévaré in August. Witnesses described the execution of six people in July by Islamist fighters near the village of Niangassadiou.

The Islamist armed groups regularly used public meetings and cell phone text messages to threaten the local population not to collaborate with the government, French forces, or the UN peacekeeping mission. Community leaders said the groups appeared to exploit longstanding grievances between ethnic groups and with the government to make inroads with local populations.

Government forces carried out military operations against the Islamist armed groups that frequently resulted in arbitrary arrests, ill treatment, and torture. The Malian Armed Forces (*Forces Armées Maliennes*, FAMA) were frequently implicated in serious abuses, targeting

civilians from the Peuhl and Dogon ethnic groups. The abuses largely ceased after the military handed detainees over to government gendarmes.

Among the cases described to Human Rights Watch: some 10 Peuhl men, including a 55-year-old local chief, who were hogtied, suspended by a pole, and severely beaten at the military base in Nampala; a 60-year-old shepherd who lost several teeth after a soldier thrust his gun into the man's face; and the enforced disappearance and apparent execution of a 47-year-old herder by soldiers in Ségou region in July. The military made little evident effort to investigate soldiers implicated in violations, including officers who participated.

Abuses by both sides have continued into 2016. On February 7, Islamists killed Abdoulaye Hama Dicko in Boni, near Douentza. On January 8, soldiers allegedly summarily executed two Peuhl men taken into custody near Karena.

All parties to Mali's armed conflict are bound by common article 3 to the Geneva Conventions of 1949 and the customary laws of war, which provide for the humane treatment of captured combatants and civilians in custody. Common article 3 prohibits summary executions, torture and other cruel treatment, and rape and other sexual violence. Civilians should be released unless promptly charged with a recognizable criminal offense, and should have access to family members and legal counsel.

Islamist armed groups and government forces should halt abuses and threats against civilians, and the government should investigate and prosecute members of the security forces implicated in serious rights violations, Human Rights Watch said.

### **Mali's Conflict Since 2015**

Beginning in early 2015, Islamist armed groups attacked army bases, police and gendarme posts, as well as purely civilian targets, in several regions in central and southern Mali and the capital, Bamako. Previously, during and after their 2012 occupation of the north, these groups had restricted their attacks to the northern regions of Timbuktu, Gao and Kidal.

Attacks intensified throughout 2015, including three high-profile assaults: on a nightclub and a luxury hotel in Bamako, and in the army garrison town of Sévaré. The vast majority of attacks on both military targets and civilians, however, occurred in the Mopti and Ségou regions.

The groups believed responsible for the military drive south include Al-Qaeda in the Islamic Maghreb (AQIM), Ansar Dine, Al-Mourabitoun, and the Macina Liberation Front (Front du libération du Macina, or FLM), which emerged in January 2015.

Villagers in central and southern Mali told Human Rights Watch that the vast majority of fighters taking part in these operations appeared to be ethnic Peuhl from Mali and neighboring Niger. A few also saw fighters who appeared to be of Arab, Tuareg and Dogon ethnicity.

Mali's population of nearly 17 million encompasses numerous ethnic groups, of which the Bambara (34 percent) are the most numerous. Other groups include the Peuhl, Sarakole, Senufo, Dogon, Malinke, Tuareg and Moor people. Peuhls, also known as Fulani, are found throughout West Africa in various sub-groups, while the Dogon are primarily found in Mopti, the central plateau region of Mali bordering Burkina Faso.

The command structure and composition of the FLM, as well as the level of coordination with other better-known Islamist groups, remains unclear. Observers said there appeared to be two Islamist groups linked to the FLM. The first group operated around the towns of Tenenkou, Youwarou and Nampala, areas near the border with Mauritania, while the second group operated in areas near the border with Burkina Faso.

Numerous witnesses told Human Rights Watch they recognized or personally knew combatants taking part in the 2015 operations who had in 2012 been affiliated with two other groups, the Movement for Unity and Jihad in West Africa (MUJAO) and Ansar Dine. One Peuhl chief noted, "Of the 11 Peuhl villages in my area, I know 10 of our youths who are with them; they all trained together with MUJAO during 2012."

This new zone of operation for Islamist armed groups, as well as the corresponding security response, have generated considerable fear among the population and concern from Mali's international partners. The attacks and consistent presence of fighters provoked the flight of numerous local government leaders -- including mayors, administrators and prefects -- as well as teachers and nurses. On a larger scale, abuses and threats by both the Islamist groups and security forces caused thousands of civilians to flee.

Several dozen Peuhl and Dogon residents of Ségou and Mopti regions told Human Rights Watch they had been present when small groups of armed Islamists -- typically traveling in groups of two to five motorcycles -- forced villagers to attend meetings in which they warned people not to provide information to or associate with the French, UN peacekeeping personnel, Malian security forces, or corrupt civil servants.

Villagers and community leaders said similar messages were disseminated on cell phone recordings from the man they said was the FLM's leader, Hamadoun Koufa Diallo, a singer, poet, and Islamic preacher. For several years, from around 2000, Koufa, as he is known, was associated with the Dawa sect. He reportedly worked closely with Ansar Dine leader, Iyad Ag Ghaly during and after the 2012 Islamist occupation of the north.

Several residents of villages in Ségou and Mopti regions described the content of messages disseminated in late 2015 and early 2016 reiterating the threat against the Malian government and its allies, though said they would not attack teachers or nurses.

The new areas frequented by the Islamist fighters are largely inhabited by members of the Peuhl and Dogon ethnic groups. Members of both communities said the relationship between the fighters and local populations, and the groups' efforts to respect rights, varied considerably between regions, possibly reflecting different command structures.

For example, though they acknowledged fear of the armed groups, numerous Peuhl villagers and community leaders from around Nampala and Tenenkou credited the Islamist groups with drastically reducing levels of banditry and state corruption within their villages. One elder said:

Since the 1991 Tuareg rebellion and proliferation of AK-47s [assault rifles], banditry – of our animals, money and motorcycles – has been rampant. Honestly, since the jihadists [Islamists] started circulating in our zone, the security situation has drastically improved.

A Peuhl chief said the Islamists were exploiting both Peuhl-Tuareg communal tensions and longstanding anger with the central government to recruit young men in central Mali:

The politics of the jihadist is to provide a better alternative to the state. Our people don't associate the state with security and services, but rather with predatory behavior and negligence. Since 1991, we have complained about banditry, but nothing has been done. In 2015, the presence of jihadists has grown; people are joining them as a result of their ability to protect us, our animals, and our possessions, especially from Tuareg bandits. There is no justice – our cows are stolen, our people are killed... the jihadists are the response.

In contrast, Dogon leaders said the Islamists operating in areas near the border with Burkina Faso were abusive, engaged in frequent criminality, and were exploiting communal tensions between them and the Malian Peuhl over land and grazing.

"Sure, there's tension as the Peuhl moved their cows through our lands, but we used to sit down, talk it through and find a solution," said a Dogon businessman. "But now, some Peuhl come with AK-47s and want to kill us. It was never like this before."

The Dogon complained bitterly about regular acts of banditry targeting their community.

“Honestly, Islamist, bandit, we can’t tell the difference,” said one Dogon villager. Another noted, “At times, these people act like criminals, not as proper Muslims – they steal using the excuse that the money was gotten through corruption or is from a Western organization. The banditry is getting worse and worse in our area.”

### **Killings by Islamist Armed Groups in Central and Southern Mali**

Witnesses said that those responsible for the execution-style killing of 19 civilians during 2015 belonged to Islamist armed groups. Witnesses, family members, and community leaders said the majority were executed for alleged collaboration with the security forces.

Attacks by Islamist armed groups in Bamako and Sévaré left an additional 29 civilians dead, at least 25 of whom had been deliberately targeted. Five were killed during the March 7 attack on the *La Terrasse* nightclub in Bamako. Another five, including four UN contractors, were killed during the August 7 and 8 attack and Byblos hotel siege in Sévaré. The heaviest toll from a single attack, was the 19 civilians killed during the November 20 attack on the Radisson Blu hotel in Bamako. AQIM, Al-Mourabitoun and the FLM took responsibility for one or more of these and several other smaller attacks in 2015.

A villager from Isseyé, 85 kilometers from Douentza, described the December 23 capture of Boura Issa Ongoiba, a local official:

At about 5 p.m., we were in front of Boura Issa’s shop. I saw three motorcycles coming toward us, each with two heavily armed men – one even had a rocket launcher. They shot in the air, and yelled in Peuhl for us to move back; they addressed Boura Issa directly, ordering him to come with them. As they left, they threatened us in Bambara, “No one should get up until we’re gone.” In the third night after his disappearance, they came, discreetly, and deposited the decapitated head of Boura Issa Ongoiba in front of his store. They left without saying a word.

Another neighbor said the family buried Issa’s head and “went in search of his body, which was found four kilometers away.”

Other witnesses described Islamists fighters’ December 16 execution of a municipal council member near Karena village in the Mopti region, and the August 13 killing of Al Hadji Sekou Bah, an imam from Barkerou village, in the Ségou region, for allegedly providing information that had led to the arrest and enforced disappearance by Malian soldiers a few weeks earlier of a village man accused of membership in the FLM. “Two armed men ordered him at gunpoint to walk some 50 meters to the mosque, then five minutes later we heard gunshots, and calls of

*‘Allah hu Akbar’* [‘God is great’]. We found him with a bullet in the head and one in the chest,” a family member said.

A local official described how on the December 17, Islamists executed Alhadji Toure, a municipal council member from Tougué Mourrari, 60 kilometers north of Djenne, and returned a day later to burn the home of the local school director.

Four witnesses described the October 9 execution of Timote Kodio, the deputy mayor of Douna-Pen village, about 30 kilometers from the border with Burkina Faso. Two said they heard the attackers accuse Kodio of providing information about the Islamists’ whereabouts to the Malian military. “They dragged him out from his room and murdered him in front of his entire family,” one said. A third witness said:

Six of them arrived on three motorcycles, firing as they arrived, faces covered in turbans and with some camouflage [clothing] on. They were armed with AKs; two had RPGs [rocket propelled grenades] and spoke Pulaar and Dogon. An old man took off running, but they threatened to kill him and ordered all of us not to move. Meanwhile the other four went inside Kodio’s house. They asked everyone in the house to lie down, then shot Kodio point-blank at least three times. Immediately after the shots, one of them made a phone call – in front of us – as if to tell their boss the deed was done.

Community leaders and villagers said abuses by Islamist armed groups often were underscored by long-standing communal tensions, usually between sedentary and pastoral communities, or motivated by interpersonal grievances or criminal intent.

One Dogon leader from Mopti region said, “Yes, the jihadists are in our zone, but the situation is very complex: an Islamist can also be a bandit, and a bandit a jihadist.” A Peuhl leader said: “These cases may be score settling, banditry, jihadist business, or likely a combination of all of three.”

Peuhl and Dogon community leaders described a lethal incident near Niangassadiou, a village in the Mopti region, about 15 kilometers from the Burkina Faso border, after a communal dispute over grazing. Local residents said that armed Islamists, most of whom were Nigerien Peuhls who had been associated with MUJAO in 2012, killed six Dogon residents in three hamlets on July 18, the Muslim holiday of Eid al Fitr (Tabaski). A witness to two of the killings said:

Tension was high after the Peuhl grazed their cows in a field where the grain was just breaking through the soil. The Dogon got angry and killed a few of

their animals; the Peuhl said the Dogon had planted their crops in the middle of a grazing route so it was their fault.

As I reached my village I saw four motorcycles with armed men, dressed in the beige *boubous* worn by the Niger Peuhl— their turbans are tied in a distinct way. All had long guns—AKs—one had a string of bullets almost dragging in the sand. I hid, immediately, but heard them order everyone to the ground, face down, then I heard several gunshots. About 20 minutes later, I saw the armed men leaving – some carrying clothing, food they’d looted. I ran to the village. Women were crying, I saw my relative, dead, and another man lay wounded, but gravely. He died minutes later. They went on to kill four others in two nearby farms. We used to talk through these problems, but this time, it turned so violent.

### **Rape by Islamist Armed Fighters**

A group of five Islamist fighters raped four women in an isolated farmhouse between Bandiagara and Sévaré on August 6, 2015. Three of the victims and a woman who provided medical care described the attack. The victims said that the fighters held the women captive overnight. A 25-year-old victim said:

On our way from Bandiagara, armed men emerged from the bush, and forced us to stop. They were dressed in traditional Peuhl dress. All five were armed and two had big backpacks. It’s very isolated there. They forced us onto a smaller road, then two drove off on my motorcycle. Two others then forced us into the bush where they raped us – one each, and one time each. Then, around dusk, they ordered us to walk to a house some distance away – it was terrifying; I thought they were going to leave us dead in the bush.

In that house were two older women, widows, whom they also raped. After raping us, they forced all of us to wash, pray and say “*Allah hu akbar*.” Then they made the women who were desperately poor kill and cook their only sheep. They didn’t tie us, but they had guns and had taken our phones. They said, “No one leaves; no one enters.” We were all inside, enclosed in the same room... they talked all night, and kept saying “*Allah hu akbar*.” They left about 4 a.m. A few hours later we started hearing about the big attack on Sévaré.



## Threats and Intimidation by Islamist Armed Groups

Several villagers from hamlets around Karena village, about 30 kilometers from Douentza, described being terrified by the presence of armed Islamist fighters who had, since September, passed regularly through their area. One resident who had since fled said:

In October, 12 of the armed men on motorbikes violently broke up a wedding ceremony in our village. They fired in the air; people started running; some women were so frightened they fled without their children. All the animals took off running; it took three days to gather them up. The men said it is *haram* [forbidden] to have women and men together at a wedding. Some days later, nine of them returned on five bikes; they found Samba Oumar, a Quranic student, on his way back from his farm and beat him severely. Many teachers and local officials have fled. Honestly, we're so afraid; we don't know what they want.

Villagers from a hamlet near Yogodogi village, about 40 kilometers from the Burkina Faso border, said that in late September a group of heavily armed Islamist fighters attacked, beat and threatened several men they accused of working for a humanitarian organization supported by a Western government. When they returned several days later, they killed a local herder. One villager said:

Eight of them came the first time. They tied up three people from an NGO (local nongovernmental organization) then beat them badly, until they bled. They brought out a knife saying they'd slit their throats. They ranted against the West, saying "taking money from whites to give to Muslims is *haram*. We are combatants of Jihad; if you are not Muslim, we will kill you." This NGO gives aid to children and women. But they said it was for whites and not allowed in their zone. They stole three motorcycles and lots of money. Some days later they attacked a local official – I think they were trying to kill him – but instead, they killed his *berger* [herdsman]; I saw the body after the army had chased the Islamists away. We buried him in Bagil Hama – people there said they'd seen the jihadists that day and said it was the same people who attacked Niangassadiou.

They stayed for about two hours. I believe by the clothes they wore, by the way they spoke Pulaar, that all were from Niger. Each one had a rifle; they were dressed in beige *boubous*, and several had vests with pockets filled with bullet cartridges.

A Bamako-based Peuhl community leader working with a Pulaar radio station said he received threatening phone calls in September from Islamists based in Mopti region: "They ordered me

to cease playing music and theater on my radio; they told me to fear God if I didn't heed their warning. The one talking said he was with the group of Quranic students from Mopti Cercle. He ranted and yelled, saying if I continue, he will destroy the radio and hunt me down in Bamako; that music and theater were *haram*."

A Peuhl herder who attended a meeting in a village near Tenenkou said that armed Islamists threatened to kill the family members of any Peuhl youth who joined the army. "The jihadists got word that people in Bamako are thinking of integrating the Peuhl into the army as a way of dealing with the problem in central Mali. Some of us want to enter, but a few months ago, the jihadists called a meeting and told us, 'Go ahead and go; but the day you return, you'll find your father has been killed.'"

A villager from Kewa village, 56 kilometers from Djenne, described a note left by the armed Islamists in early January 2016: "We woke up to find a note nailed to the wall of the mosque. The date was in French, and the rest was in Arabic. People who read Arabic said it ordered us not to trust MINUSMA, the French and Westerners. Many people are afraid after they killed a local villager in September."

### **Mistreatment of Detainees by Malian Security Forces**

Human Rights Watch interviewed 74 men who had been detained by the Malian security forces in 2015 for their suspected support of or membership in Islamist groups in central and southern Mali; nearly all had been arrested by military personnel. The vast majority were ethnic Peuhl and some were Dogon.

Many said they had been accused of selling milk, gas, sugar, cooking oil, meat, or motorcycles to an Islamist armed group, of providing intelligence, or of having a relative in an Islamist group.

Local human rights groups and community leaders told Human Rights Watch they believed the evidentiary basis for many of the detentions was weak, and sometimes based on false intelligence provided by people to settle personal scores.

A Peuhl community leader said, "After a soldier or gendarme is killed they [the security forces] go crazy, detaining a dozen people here or there who have nothing to do with the FLM." A lawyer said that "so many of the so-called Islamists are older men in their fifties, sixties and even seventies; not exactly the profile of a jihadist!"

Another lawyer familiar with many of the cases said:

Many of these dossiers are not holding up; isn't this the definition of arbitrary?  
As soon as they are reviewed by the judge, they are let go on the basis of no

evidence. It's a terrible humiliation for these men; many are tied like a sheep in front of their community, beaten, deprived of liberty for weeks, only to be let go by the judge for lack of evidence, then return home sick, or nursing wounds from the mistreatment. This kind of behavior is driving people to the jihadists.

While the abuse did not appear to be systematic, about half of the detainees interviewed said they had suffered serious mistreatment. In all but a few cases, the abuse was meted out by army soldiers during ad hoc interrogations in the first few days after detention, though Malian soldiers are not authorized to interrogate detainees. The abuse took place in army bases, bush camps and at checkpoints. In several cases officers, including a captain and a commander, were present during the abuse. The most serious cases Human Rights Watch documented occurred during the first six months of 2015 and by soldiers based in Nampala and Diabaly.

The detainees, many of whom had scars and showed visible signs of torture, described being hogtied and at times suspended for long periods of time; bound at the wrists and ankles with cords or wire that cut through their flesh; pummeled with fists and gun butts; kicked; enclosed in army vehicles and rooms without ventilation for hours at a time; suspended from trees; burned; urinated upon; and threatened with death or subjected to mock execution. They were also routinely denied food, water, and medical care.

Many said that soldiers bound their hands and feet: with rubber, plastic, or wire cord, severely restricting their circulation, in many cases cutting the flesh or leaving long-lasting scars. Many were also hogtied. Human Right Watch has documented this abusive form of restraint in Mali since 2012.

Human Rights Watch observed the right hand of a 45-year-old farmer detained by soldiers in late October in his village, 100 kilometers from Bankass. His hand was split open from the area between the thumb and index finger down to the wrist from what he described as swelling provoked by being hogtied and hung with a large rock on his back from 11 a.m. until 5 p.m. At night he was subjected to a mock execution.

In another case, a herder, 55, was hogtied and suspended for several hours with a rock on his back in April. The man said, "I lost feeling for over two months; I couldn't go to the bathroom, feed myself or hold a cup of tea. I bled so much. It still hurts and you can see the scars for yourself."

A 60-year-old man accused of selling to milk to the Islamists said his arm was broken after he was hogtied and driven over bad roads for over 12 hours in November. Cuts on both wrists were clearly visible and his arm appeared deformed.

A Peuhl doctor who had treated many detainees said, “Many of the detainees I cared for had lost sensation in their arms for days, weeks, and in a few cases, months. One man needed 20 sessions of physical therapy, and many still can’t work. The impact of this on their lives and livelihoods is really serious.”

Six men described being subjected to mock executions, while several others said soldiers brandishing knives threatened to slit their throats. “They took me to a bush camp and accused me of giving information to the jihadists,” said a 40-year-old herder detained by soldiers in October near the border with Burkina Faso. “During the questioning, they walked behind me and fired a gun, close to my ear.” Witnesses said that another man, detained in November, was doused with gasoline and threatened with being set alight.

### **Torture in Nampala and Diabaly Military Camps**

Human Rights Watch documented numerous cases of torture at the Nampala military camp in Ségou region. Human Rights Watch interviewed 26 detainees who said they had suffered torture and other ill-treatment, and were witnesses to other cases of severe mistreatment in military camps. Most of these cases occurred in the first half of 2015. A 60-year-old shepherd detained in April said he lost several teeth and bled profusely during his interrogation in Nampala:

They tied me and hung me upside down from 2 a.m. to 5 a.m. They asked where the jihadists were; I said I only care about my animals. Then a soldier thrust his gun into my face with force. I lost half my teeth. There was so much blood in my mouth, I vomited, and my wrists bled because of the cord. I was let go by the judge for lack of proof. Are the soldiers there to protect or terrorize us?

Witnesses and victims described some 10 men held by soldiers in Nampala between April and June who were being tortured in a similar manner: after the detainees were hogtied and suspended in a corner by an iron bar, soldiers interrogated and beat them. Three men said a small fire was lit under them during interrogation, while several others said bricks were put on their backs to increase the pressure on their hands. Two men subjected to this abuse said they lost consciousness. One said:

Some minutes later, it was my turn. They kicked my feet out from under me, tied my feet and hands with rubber cord, then pushed an iron bar through the cord ties, and hung me like an animal inside the corridor. “Do you know the jihadists who attacked Nampala? Tell us!” [they said]. They lit a fire that reached to about one foot from my *boubou*. They put wood and paper to feed the fire. Later one of them burned my foot. After 15 minutes, they took me down and it was [name withheld’s] turn.

A 55-year-old man detained in April said:

The soldiers came for me at 11 p.m. After stringing me up, they put a brick on my back and left me like that. Two soldiers started asking questions: “Who attacked Nampala? Tell us and we’ll free you.” I told them I don’t know anything about it. One said, “If you don’t tell us, you’ll die like three of your relatives, tied right there as you are.” They left me for at least three hours until I lost consciousness. After being dragged back to the cell, I found seven herders—all Peuhl and one Bella—from villages around Nampala. One of them, an old man, couldn’t lift his arm. Three had traces of beatings on their backs. Another two were bleeding, on the wrists and feet. Then my brother was brought in, bleeding. After several weeks in detention, the procurer [prosecutor] liberated all eight of us at the end of May.

A farmer, 46, accused of hiding arms described being tortured in the presence of an army officer in the Diabaly military camp in April:

They tied me, then locked me up for hours in an armored car, parked in the sun. I couldn’t breathe and felt on fire from the heat. During interrogation, they put a gun and Quran in front of me, asking, “Do you know these things? Where are the guns?” They fired behind my back one time and said, “If you don’t tell us where the jihadists are, you will die.” An officer said, “I’m in charge here, and if this method isn’t sufficient, we’ll try something else.” They stripped me to my underwear, then hung me upside down from a tree for over an hour, beating and questioning me all the while. “All you Peuhl are in touch with them” [they said]. I lost consciousness, and woke up inside the armored car.

Later, one soldier put a knife to my neck, cutting it slightly, but another stopped him. Then I was punched in the face. Like that, I was interrogated five times. I bled on my back, and from my eye. It only stopped after reaching the gendarmerie in Niono, where I saw several other men who had also been beaten by the FAMA; one so badly he couldn’t move. The gendarmes took us to the clinic. After seeing the judge, he let most of us go, saying our dossiers were empty. The soldiers are incapable of finding the jihadists who are harming us, so they go after us.

A shepherd, 47, described being tortured after he was stopped at a checkpoint in June. The torture continued after he was taken to the Nampala military base:

I was arrested on market day when I'd gone to buy grain for my cows. A soldier asked for me, like he had my name, and ordered me into his vehicle. When we reached a checkpoint, he hogtied me with a rubber cord; I was face down, legs behind. They took off my *boubou*, and they began beating me with a switch. They put the switch in the fire and burned me over and over again – on my head, my back... they kept going back and forth to the fire and passing it over my body. They kicked and hit me in the face. They accused me of selling the jihadists meat and gas, and of informing on the FAMA. "You bastard, where are they hiding?" [they said]. They urinated on me... I was wet with blood. They also kicked me, put sand in my mouth. It lasted from 4:30 to 6:30 p.m.

Later, I was dragged to the Nampala base, where I was interrogated by the officer in charge and others. They said they would kill me that night. The next morning I was taken to the clinic, but the officer yelled for the nurse to stop, and ordered me back to the cell. Later, I was taken out for interrogation again, but a soldier intervened, saying, "He's almost dead anyway." I couldn't stand, and insisted that, kill me or not, I was innocent. I spent 11 days in Nampala during which one hand was chained to a motorcycle in the cell. I received no medical care. My body was swollen. I could barely sleep and was in terrible pain.

Some days later I was seen by a judge, and that very day liberated with three others; all had been tortured. I was later treated for second degree burns. Now it hurts when I walk; my skin is so tight. When my wife saw me she cried.

## **Enforced Disappearance**

Residents of Barkerou village in the Ségou region said that soldiers arrested Amadou Djadie, a 47-year-old herder, in late July. He is still missing. A witness said:

From my house, I saw clearly as the soldiers went to [Djadie's] house, dragged him to a military vehicle and took him away. They asked villagers if he was a rebel, and why he had recently come from Mauritania. They took him toward Nampala [the military base]. Since that time no one has seen him, and honestly, people are terrified to bring it up.

A family member said they had looked for him in several detention centers and believe he was killed in custody.

A well-informed member of the security forces said he had been told that soldiers had taken Djadie from the base, told him to run, and then gunned him down.

## **Role of Gendarmes**

As has been the case since 2012, the vast majority of detainees said the abuse stopped after they were handed over to government gendarmes. Several torture victims described heated discussions when gendarmes observed the signs of abuse or torture. One said: “When the gendarme saw our open wounds, that we could barely walk, he screamed at the soldiers, ‘Look at what you’ve done to these people! You have no right to do this, rebel or not. Is this normal? Were you not trained?’”

Several victims said they were taken for medical treatment to a local clinic, and that gendarmes insisted that medical certificates of their injuries received while in army custody be included in their legal dossiers.

Human Rights Watch documented fewer cases of mistreatment when people were arrested by soldiers accompanied by gendarmes who have the mandated role of provost marshal. When asked why gendarmes are not always present in military operations, a Defense Ministry official told Human Right Watch: “They can’t be everywhere, and the mistreatment often happens in isolated places.”

## **Defense Ministry Response to Allegations of Abuse**

Human Rights Watch met with Colonel-Major Seidine Oumar Dicko, from the Ministry of Defense, on December 12 to share findings about alleged abuse by Malian military personnel. He said that “ensuring respect of detainees is in no uncertain terms a priority of the Ministry of Defense. We fully recognize that army soldiers do not have the right to mistreat detainees; nor do they have the mandate to interrogate.”

Colonel Dicko said that compared with past years, “there have been significant signs of improvement demonstrated in consistent training in international humanitarian law, and clear instructions given before military operations to ensure the rights of detainees are respected. ...Things are changing slowly; it is all about training.” He also said that allegations of abuse would be investigated. However, many of the serious alleged abuses by the security forces, including extrajudicial killings of civilians, documented by Human Rights Watch and other human rights organizations since 2012, have not been investigated. Thus far, none of the perpetrators have been held to account.

Human Rights Watch research suggests that while torture and ill-treatment remain a major problem in military custody, mistreatment appears to have declined. Interviews with scores of detained men accused of supporting armed groups in 2013 and 2014 found that virtually everyone taken into Malian military custody had been beaten, and many were tortured, as opposed to about half of the 74 interviewed in 2015.

# World Report 2016: Mali – Events of 2015

## January 2016 – Country Chapter

<https://www.hrw.org/world-report/2016/country-chapters/mali>

The human rights climate in Mali worsened as a result of a significant increase in violence and a marked deterioration in security, notwithstanding the June signing of a peace agreement envisioned to end the military and political crisis in the north. Attacks and violence progressively spread from the north into several southern regions and the capital, Bamako.

Throughout the year there were frequent incidents of banditry and rampant criminality; clashes between armed groups; and deadly attacks by armed Islamist groups on United Nations peacekeepers, Malian government forces, and to a lesser extent, civilians. The violence severely undermined the delivery of humanitarian aid. Government forces responded to the attacks with military operations that on several occasions resulted in arbitrary arrests, executions, torture, and other mistreatment.

Malian authorities made scant effort to investigate and hold accountable those implicated in serious abuses committed during the 2012-2013 armed conflict. The release in 2015 of some 70 men from detention, including some implicated in serious violations, raised concern of a de facto amnesty.

Rule of law institutions countrywide were weak, in part due to unprofessional practices, such as the solicitation of bribes, and inadequate budgetary allocations for the criminal justice system. Corruption, endemic at all levels of government, further impeded Malians' access to basic health care and education. There was little progress in security sector and justice reform or in addressing development challenges, such as the delivery of basic healthcare and education.

Concerns about the deteriorating security situation and the movement south of armed groups allegedly linked to Al Qaeda generated sustained diplomatic interest in Mali. The French government played a key role in military matters, the European Union (EU) on training and security sector reform, and the UN, through the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), on rule of law and political stability. However, these actors were largely reluctant to publicly call for investigations into past and ongoing crimes.

### **Abuses by Armed Groups in the North**

Throughout 2015, armed groups linked to Al-Qaeda, along with opposing ethnic Tuareg and Arab groups, engaged in numerous clashes, attacks on Malian soldiers and neutral peacekeepers, and to a lesser extent, on aid workers and other civilians. Many civilians were



wounded or killed either in these attacks or by landmines and improvised explosive devices on major roads. Groups arbitrarily detained and often mistreated combatants from opposing sides.

The attacks by Islamist armed groups increased in the north and spread into central and southern Mali. Attacks occurred in Mopti, Segou, Sikasso, and Koulikoro regions as well as Bamako, where Islamist assailants killed five in a March attack on a nightclub, and at least 18, including many foreigners, during a November attack on an upscale hotel. An attack in August on a hotel in the army garrison town of Sevare, in central Mali, killed five civilians including four UN contractors. These groups executed at least 13 civilians accused of being informants for the government, the majority in central Mali.

In 2015, there were at least 30 attacks by armed men on humanitarian agencies, hampering their efforts to deliver aid. In March, a driver with the International Committee of the Red Cross was killed when their clearly marked truck was ambushed by an Islamist armed group.

At least 10 UN peacekeepers were killed in 2015 after being deliberately targeted by Islamist armed groups, bringing the number to 42 killed since MINUSMA's creation in 2013. Armed groups took responsibility for many of these attacks, including an attack in July that killed six peacekeepers from Burkina Faso.

Al-Qaeda in the Islamic Maghreb (AQIM) at time of writing, held two foreign hostages: one from Sweden, and a dual British and South African national. AQIM released a French hostage in December 2014, and French forces freed a Dutch hostage in a military operation in April 2015.

### **Abuses by State Security Forces**

Government forces committed numerous violations against suspected supporters and members of Islamist armed groups. Violations included arbitrary detention, torture and other ill-treatment, and extrajudicial execution. The most frequent and serious abuse was meted out by army soldiers and members of the pro-government militia Groupe Autodéfense Touareg Imghad et Alliés (GATIA), largely targeting men from the Peuhl and Tuareg ethnic groups. In May, GATIA militiamen allegedly executed six Tuareg men including a humanitarian worker in the northern village of Tin Hama.

The abuse usually stopped after detainees were handed over to government gendarmes, who increasingly fulfilled their mandated role as provost marshal. The military made little effort to investigate and hold to account soldiers or militiamen implicated in violations. Members of the security forces, notably the army, were also implicated in acts of extortion, bribe taking, and theft, mostly from detainees.

## **Accountability for Abuses during the 2012-2013 Armed Conflict**

The government made little progress in holding to account those from all warring factions responsible for law-of-war violations committed during the 2012-2013 armed conflict. With few exceptions, judicial authorities failed to investigate over 100 complaints filed by victims and family members. Moreover, the 2012 torture and enforced disappearance of 21 elite “Red Berets,” which in 2013 and 2014 resulted in charges against some 25 soldiers, including former coup leader Gen. Amadou Haya Sanogo, had, at time of writing, failed to move past the investigations phase.

During 2015, the authorities freed at least 74 detainees, including several allegedly implicated in serious international crimes during the 2012-2013 armed conflict. The releases, characterized by the government as a “confidence-building measure” in the context of negotiations, were carried out without regard to whether the men might have been responsible for serious crimes. The peace accord lacked provisions to address impunity and the need for justice for serious crimes committed by all sides during the conflict.

On September 18, the International Criminal Court (ICC) issued its first arrest warrant in the context of its Mali investigation. On September 26, Ahmad Al Mahdi Al Faqi was surrendered to the ICC from Niger after being charged with the destruction of historical monuments, the first case of its kind before the ICC. In July 2012, Mali, a state party to the ICC, referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation.

## **Truth and Reconciliation Mechanism**

In 2014, President Ibrahim Boubacar Keïta established the Truth, Justice and Reconciliation Commission by executive order. The Commission will have a three-year mandate, covering the period from 1960 to 2013. It is to consist of 15 members and seven working groups. It will function under the Ministry of National Reconciliation and Development of the North. In August, the government appointed Ousmane Oumarou Sidibé as Chair of the Commission; however, his appointment and the credibility of the body were limited due to the government’s failure to consult sufficiently with a wide variety of stakeholders on the Commission’s membership, mandate powers, and degree of independence.

## **Judiciary**

During 2015, there was some progress in ensuring access to justice for residents of the northern Timbuktu, Gao, and Kidal regions, demonstrated by the continued rehabilitation of local courthouses and jails and the redeployment of prosecutors, judges, and judicial police who had fled during the armed conflict. Their ability to conduct investigations outside major towns was limited by the precarious security situation. Some judicial and corrections personnel fled their posts in central Mali after attacks by armed groups.

Neglect and mismanagement within the Malian judiciary countrywide led to striking deficiencies, including insufficient staffing and logistical constraints. These shortfalls hindered efforts to address impunity for perpetrators of all crimes, contributed to violations of the right to due process, and led to incidents of vigilante justice. For example, in March, two children suspected of planting an explosive device near a police station in Gao were beaten to death by a mob.

Due to the courts' inability to adequately process cases, hundreds of detainees are held in extended pretrial detention in overcrowded jails and detention centers.

### **Recruitment of Children**

Armed groups in the north continued to recruit and use child soldiers, some as young as 12 years old. During 2015, some 15 schools in the north were at various times occupied by members of the armed groups, and, to a lesser extent, government forces. Several children suspected of supporting the armed groups were detained in the Bamako Central Prison, in contravention of a 2013 protocol stipulating that children were to be placed in a care center managed by the UN Children's Rights and Emergency Relief Organization (UNICEF).

### **Key International Actors**

In June, the UN Security Council renewed the mandate of MINUSMA and authorized 12,680 peacekeepers, including 40 military observers. A UN inquiry into the January shooting of three men by UN policemen from Rwanda during a protest in Gao found they had used "unauthorized and excessive force." The UN peacebuilding fund supported reconciliation and justice projects. The UN independent expert on the situation of human rights in Mali, Suliman Baldo, conducted two missions to Mali.

Algeria led peace talks, supported by members from the African Union, the Economic Community of West African States (ECOWAS), the European Union, the UN, and Organization of Islamic Cooperation, as well as regional governments.

The 3,000-strong regional French operation—known as Operation Barkhane—continued operations in Mali as well as in Mauritania, Burkina Faso, Niger, and Chad. The United States military provided logistical support to Barkhane.

The EU Training Mission in Mali continued to train soldiers, and in February established the EU Capacity Building Mission to train the police, gendarmerie, and National Guard.

MINUSMA, the UN Development Programme, the EU, the Netherlands, and Canada took the lead in programs to support the justice sector and address corruption. However, their lack of coordination undermined progress in improving the sector.

# Mali: Lawlessness, Abuses Imperil Population

*Government Needs to Restore Security, Justice System*

April 14, 2015 – Press Release

<https://www.hrw.org/news/2015/04/14/mali-lawlessness-abuses-imperil-population>



Senegalese UNPOL Officers patrol the streets of Gao, northern Mali, in August 2013.

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(Bamako) – The Malian government should act to curtail rising violent crime and abuses by armed groups and state security forces that threaten the security of the population in northern and central Mali, Human Rights Watch said today. Two years after a French-led military intervention in the embattled country, there remains widespread lawlessness and insecurity.

In the north, a brief renewal of fighting in mid-2014 provoked the withdrawal of Malian soldiers and civil servants, including judicial officers. This left large swaths of territory devoid of state authority in which Tuareg separatists, Islamist armed groups, pro-government militias, and bandits have committed abuses with impunity. Since January 2015, a new Islamist armed group has committed a spate of attacks against civilians in central Mali.

“Rampant criminality and attacks by armed groups and abuses by the security forces are putting ordinary people in central and northern Mali at risk,” said Corinne Dufka, West Africa

director at Human Rights Watch. “Armed groups need to stop their abuses and Mali’s government should take urgent steps to reverse this trend, which threatens the security and rule-of-law gains of the past two years.”

Over two weeks in February and March, Human Rights Watch conducted interviews with over 150 victims and witnesses in the northern town of Gao and in the capital, Bamako, including with drivers, traders, shepherds, and bandits; detainees; local government, security, and Justice Ministry officials; aid workers; victims’ groups; diplomats and United Nations officials; and religious, youth, and community leaders. Human Rights Watch’s findings build on research conducted in the country since 2012.

Human Rights Watch found an upsurge in violent crime since mid-2014 by criminal bands and armed groups in the north, with little or no government response. Animal herders said that armed men on motorcycles have driven off entire herds of livestock, while petty traders described being ambushed and robbed on their way to local village markets. Truck drivers described being stopped by armed men, some well-organized, who robbed vehicles, drivers, and passengers, and, on several occasions, killed drivers and set their vehicles on fire.

In central Mali, an Islamist armed group sometimes referred to as the Macina Liberation Movement, has committed serious abuses in the course of military operations against Mali’s security forces. The attackers summarily executed at least five men believed to have worked as guides or to have provided information for the army.

Witnesses described how fighters with this group dragged a chief of a village near Dioura from his home and executed him, and gunned down another man on a village market day near Nampala. The group also burned several local government buildings and downed a communication tower. In public meetings and flyers distributed in towns and villages, the group threatened the local population with death if they collaborated with French forces, the government, or the UN peacekeeping mission.

The Malian army and other security forces have responded to the attacks with military operations that have resulted in torture and other mistreatment, theft, and allegations of arbitrary arrest, numerous victims and witnesses told Human Rights Watch.

A Quranic teacher in his late 60s showed Human Rights Watch his bloodstained robe and said that soldiers had beaten him in detention: “From the moment I was arrested in my field, I was mistreated ... in the truck, and in the camp – they [the soldiers] kicked and pummeled me, and forced 18 of us to drink urine. On account of the beating, I passed blood for several days.”

In the north, armed groups have deliberately targeted UN peacekeepers mandated to protect

civilians. Attacks against the UN Stabilization Mission in Mali (MINUSMA) have escalated since mid-2014; since MINUSMA was created in July 2013, it has been the target of at least 79 hostile attacks, in which 35 peacekeepers have been killed and more than 130 wounded. Islamist armed groups have taken responsibility for many of these attacks.

Bandits, and in a few cases armed groups, have attacked at least 13 vehicles of humanitarian aid organizations since November 2014, seriously undermining their ability to deliver assistance to populations in need. The motive for most of the banditry attacks appeared to be theft.

Numerous people described the use of child soldiers, some as young as 12, by rebel groups, and to a much lesser extent, by pro-government militias. Armed groups in Mali are prohibited under international law from recruiting or using in hostilities children under 18.

The government should work with MINUSMA to provide better security for civilians outside major towns, especially on market days, such as by increasing patrols, Human Rights Watch said. The government should also investigate and prosecute members of the security and pro-government forces and non-state armed groups implicated in recent serious abuses and accelerate deployment of police, gendarmes, and Justice Ministry personnel to towns and villages in the north. Armed groups should halt their abuses and threats against civilians and humanitarian workers.

“Mali is awash with arms and bandits, and the pace of attacks is intensifying,” Dufka said. “The Malian government needs to re-establish its presence in the north so everyone has the basic security needed to go on with their lives.”

### **Killings and Threats by Islamist Armed Group in Central Mali**

Since January 2015, an Islamist armed group has attacked several towns and villages in the central regions of Mopti and Ségou. Towns that have come under attack include Nampala, Tenenkou, Dioura, Boulkessi, Gathi-Lemou, and Dogofry.

Witnesses told Human Rights Watch that the vast majority of its fighters appeared to be ethnic Peuhl from an Islamist armed group allied to either the Movement for Unity and Jihad in West Africa (MUJAO) or Ansar Dine. A few said they heard the armed men refer to themselves as the Macina Liberation Movement (La Force de libération du Macina), a reference to a region in central Mali.

This new area of operation for an Islamist armed group has generated considerable fear among the population and led to the flight of numerous local government officials including administrators, mayors, chiefs, teachers, and judges. A local mayor said:

My people are afraid; these armed men move through the villages all the time trying to recruit our youth and turn us to their religion. Even yesterday people called me in alarm to say the jihadists had come because God had directed them to this or that village. My people feel under pressure from all sides – if they tell the army, they will be executed as informants; if they don't, the army will think they are collaborators.

Most of the group's attacks targeted the security forces. However, Human Rights Watch documented the execution-style killing of five men and threats against several others. Local residents and administrators said they believed that the people executed had at some point worked as local guides or informants for the security services.

There have been numerous other killings of alleged informants by Islamist armed groups elsewhere in the north. The human rights section of MINUSMA documented over 10 such killings in 2014. Most recently, credible sources reported that on March 19, 2015, in the Timbuktu region, Al-Qaeda in the Islamic Maghreb (AQIM) killed and then decapitated an ethnic Tuareg man accused of collaborating with French forces.

An elderly Peuhl herder described the January 14 execution of a middle-aged man in the town of Tolladji, 17 kilometers east of Nampala:

It was about 3 p.m. on market day. I was selling my animals. They arrived on two motorcycles – two armed jihadists on each – and went straight for a petrol vender named M'barré Dembélé. It was like he knew they were after him because as they arrived, he started running. One of the jihadists jumped down and ran after him. M'barré threw his arms around an older man, saying "please, save me," but the jihadist went straight up and shot M'barré in the side, then again in the head after he fell down. The jihadist, who was speaking our language [Pulaar] turned to the older man and asked if he was ok. They fired in the air to disperse those who had gathered, then drove off. They were dressed in grey – in short pants and turbans. They didn't steal anything; it was M'barré they were after.

Two residents of the village of Wouro Tiéllou said that a local chief named Nouhoum Diall was killed on January 7. Armed Islamists summoned him out of his house at night and dragged him 200 meters. One explained why he believed Diall had been targeted:

Many of the youth in this movement are the sons of our own villages – we know them. They joined MUJAO in 2012 and are now part of a new movement. The village chief didn't like what was happening and, being a local authority,

informed the army that they had been passing through. These people wanted Nouhoum to push their own version of Islam, but he refused. That is why they killed him.

A local official from the region explained what appeared to be a campaign of fear to empty the area of state officials and those considered close to the military:

These people burned the mayor's building, destroying the birth and marriage certificates – and since the attack they've gone to the houses of the mayor, his deputy, people who have helped out the military, and those who don't like their version of Islam and told them to leave, lest they be killed. One man told me in early February, the jihadists arrived on two motos [motorbikes] and fired several rounds into his door, yelling for him to leave. He was cowering inside with his family; he got the message and immediately fled. He is now in hiding. And he isn't the only one this has happened to.

### **Abuses by Malian Security Forces and Pro-Government Groups**

Human Rights Watch interviewed 34 men who had been detained by the security forces in the course of operations in northern and central Mali from December 2014 to late February 2015. The majority were ethnic Peuhl detained in central Mali in reaction to recent attacks there.

The detainees described numerous incidents of mistreatment including physical and psychological abuse – notably death threats, torture, and denial of food, water, and medical care. The most frequent and serious abuse was meted out by army soldiers, and occurred in the first few days after they were detained. Most detainees said the abuse stopped after they were handed over to gendarmes.

Eleven men showed Human Rights Watch physical signs of mistreatment, including scars on their heads, faces, wrists, legs, and chests. A 32-year-old herder said the beating by soldiers resulted in the loss of a tooth. A 45-year-old leather worker who had visible scars above his right eye said: “They [the soldiers] kicked me in the head and side. My eyes were covered with my turban but I felt the blood flowing down my chest for a long time.”

In one case, soldiers from the Nampala army base allegedly committed serious abuses against 18 detainees held over two days in late January or early February. From the moment of their arrest from several surrounding villages, the men described being kicked, beaten, pummeled with rifle butts, and, during one night, forced to drink urine and threatened with death.



A 31-year-old man with a 2-inch scar on the back of his head described what happened to the detainees:

We were all in one cell, seated with our hands bound and eyes banded. They [the soldiers] came in every so often and kicked and whapped us so many times. They said, “You are rebels ... we will take you out this night and kill all of you.” At one point we heard them urinating in a bottle in front of our cell; they came inside, positioned themselves on either side of each of us, and forced us to drink it ... those who refused were beaten, and forced, by holding our heads back, to drink ... others had it poured into their noses. Later, they threw dirty water on us, and throughout the night walked around the cell beating and insulting us.

Two Tuareg men, ages 25 and 27, described being detained in a private house in Gao in mid-February by the pro-government Self-Defence Group of Imrad Touareg and Allies (Le Groupe autodéfense touareg Imghad et allies, GATIA) militia, who accused them of selling ammunition to armed groups in the north. The Tuareg men said the militiamen stole a cell phone and money before handing them over to soldiers the detainees identified as elite Red Berets. They said the soldiers severely mistreated them overnight inside the Gao military base of Camp Firoun, then handed them over to gendarmes. The men’s hands had deep scars on the wrists from the tight cords, and were still swollen when Human Rights Watch interviewed them two weeks later. One of the men said:

The soldiers bound our hands and feet tightly behind our backs – hogtied us – with electric wire, so tightly it cut deep through our skin. They left us on the floor in a room like this from 9 p.m. until 9 a.m. the next morning. They beat and kicked us. We cried out for water to drink but instead they threw water over us saying, “The mosquitos will eat you nicely tonight.”

A 31-year-old Peuhl herder told Human Rights Watch in a hospital that in late 2014, he and about 30 other Peuhl men accused of supporting Islamist rebels were taken from a village west of Douentza, and ordered by the National Guard to lie down on top of one another in the back of two pickup trucks. His legs had been severely injured and burned from the weight of the other detainees and a metal chain on which he had been ordered to lie. The national guardsmen beat him and the others for several hours in a base in Mondoro.

At least 11 other detainees were mistreated by a group of gendarmes in Sévaré. Two detainees said the gendarmes briefly beat or slapped the detainees and then “ordered [the detainees] to beat and punch each other for several minutes.”

Several men said that as they were detained, soldiers and sometimes gendarmes robbed them of money, cellphones, jewelry, and other belongings. One elderly man arrested by soldiers in a village near Niono, said soldiers had stolen over 1.2 million CFA (US\$1,990) from his home. Human Rights Watch interviews with scores of detained men accused of supporting armed groups in 2013 and 2014 found that virtually everyone taken into custody by the Malian security services had been beaten and that many were badly mistreated. In contrast, of the 34 detainees Human Rights Watch interviewed in 2015 in Bamako, only about half said that they had been mistreated in custody.

### **Use of Child Soldiers by Armed Groups in the North**

Numerous traders, herders, businessmen, and residents of villages and towns under the control of armed groups in the north described the use of child soldiers, some as young as 12, by the National Movement for the Liberation of Azawad (MNLA), the High Council for the Unity of Azawad (HCUA), and factions of the Arab Movement of Azawad (MAA). A man detained in early February said that among his captors from a pro-government militia were two unarmed children about age 15. Two children, ages 14 and 15, were among a group of eight arrested by gendarmes in late March in connection with the March 23 explosion that destroyed a house in Gao allegedly used to construct improvised explosive devices.

A dozen people described seeing child combatants staffing checkpoints and sitting around with older combatants in and around the towns of Djebock, Ménaka, Imnaguel, Adran Tikilite, Tinabacor, Anafis, Inalabrabya, and Tinfadimata in the Gao and Kidal regions. They said most children were either of Arab or Tuareg ethnicity.

A driver who regularly transports goods from Gao to Anafis said, “Last time I was there, I saw at least five of them, the youngest about 15.” A trader who travels frequently to Djebock said, “Even last Sunday, I saw five of these youth ... 13, 14, 15.” A herder grazing his sheep near Djebock said: “Kids? I see them all the time ... there are fewer than during the 2012 war, but they’re still there.”

Several people said older combatants hid the presence of children in their ranks from international aid groups and the UN. A civil servant in Ménaka’s account was typical:

The kids are there, even a few days ago, on February 28, I saw several of them manning a checkpoint; one was about 13 and so young his gun was dragging. But every time foreigners, MINUSMA, or aid agency people come, they yell at them to run, hide behind a building, and get out of sight. But we know the kids are there!

UN sources told Human Rights Watch that about 10 schools in the Gao, Timbuktu, and Kidal regions are occupied by members of armed groups.

### **Unchecked Criminality in the North**

While banditry and other violent crime has long been a problem in northern Mali, residents, members of the security forces, and community leaders said it had become particularly acute since mid-2014, after state security forces stopped patrolling.

The government has obligations to ensure that all Malians have security and that their rights are respected. International law recognizes state accountability for failing to protect people from rights abuses and violence by private actors. The UN Human Rights Committee says that a state must not only protect individuals against violations of rights by government officials, but also against abusive acts by private persons or entities. In fact, a government may be violating human rights by failing to protect the population, including by failing to take appropriate measures “to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”

In Gao, Human Rights Watch spoke with about 50 victims and witnesses to recent incidents of banditry by criminals and armed groups in the north including drivers, transport owners, passengers, petty traders, animal herders, and merchants. The attacks were concentrated on market days and along several key strips of highway and overland routes used by traders.

An administrator in the public hospital in Gao said that since May 2014, “the number of wounded from banditry has dramatically increased,” noting that the hospital had treated at least 10 people from banditry incidents over the previous three months. Witnesses and local community leaders said they knew of several people killed in banditry incidents.

Most attacks were by small groups of men using motorcycles and armed with military assault rifles. Several victims, however, described attacks as “operations” involving larger groups of uniformed or partly uniformed men armed with rifles and rocket-propelled grenades and in pickup trucks with large, mounted machine guns. These attackers usually mentioned a political motive such as targeting MINUSMA forces, or the intention to establish a separatist state known as Azawad.

Victims and witnesses believed many of the attackers were current or former fighters with one of several armed groups operating in the north. They believed they had been emboldened by a depleted state security presence and a dysfunctional justice system. The vast majority of attackers were described as young men of Tuareg, Arab – and to a lesser extent, Peuhl – ethnicity.

## **Organized Theft of Animals**

Human Rights Watch spoke with 10 herders whose cattle, sheep, goats, and camels had been stolen since July 2014; a local human rights group said it had documented numerous other cases. The herders described a modus operandi in which several men on motorcycles drive into the grazing area shooting into the air to frighten the animals, then corral and drive them off with their motorcycles. Some believed their animals were then herded into trucks waiting some kilometers away.

One herder described an “operation” in December involving two truckloads of uniformed men who tied his hands, wound his turban around his eyes, and forced him to the ground as they drove off his 70 sheep and 20 cows. The incident occurred 25 kilometers north of Djebock in an area the victim and several witnesses interviewed by Human Rights Watch believed was controlled by the MNLA. Human Rights Watch could not confirm if the group was responsible, however.

The herder said: “There were many soldiers. Their pickups had big 2-7 machine guns ... they said the animals were theirs because I was in their zone, Azawad. My animals were everything to me ... since then I have been forced to live in this town [Gao] where I have nothing.”

The other herders, all from the Bellah and Peuhl ethnic groups, described the devastating effect the loss of their animals has on their ability to provide for their families. Most described searching for their animals in markets in Mali, Mauritania, Niger, and Burkina Faso. One herder and his father, whose 11 cows were stolen in mid-February 2015 near Tinassemé, some 55 kilometers from Gao, described his loss:

Each cow is worth at least 250,000 CFA (\$415)... my father has gone crazy with anger and frustration... he’s spent weeks trudging from market to market following rumors of our cows sighted here and there. He’s still out there looking for them. In each market we listen for their bray... we know what each sounds like. My friends tell us to drop it; that the bandits will kill us. My hope is to negotiate with the local boss of the MNLA... there are good people in every organization; maybe we can get at least a few back.”

A 43-year-old herder whose entire herd of over 100 goats was stolen in July 2014 about 80 kilometers south of Gao said:

They took every last one. I worked my entire life to have a flock of that size. I followed the animal and moto tracks for hours, and looked everywhere in vain. It was with my animals that I fed and clothed my family of 12, but now I’m left

with but two donkeys to fetch water. For us, losing your animals is akin to losing your future and that of your family. Now, I am nothing.

### **Robbery of Traders**

Traders who travel from village to village buying and selling their wares described frequent and, in their view, rising incidents of banditry costing them money or their motorcycles. A representative of the Gao chapter of the Malian Association of Human Rights said he had documented 52 cases of banditry, most targeting small traders, in the first two months of 2015. By comparison, he documented 100 cases in all of 2014.

Several traders said they had been robbed several times in the past year. A young man said he was robbed in December and again in January 2015, when four armed men dressed in mixed camouflage and civilian attire forced him and a friend to stop 70 kilometers from Gao on the road back from the Amasarakate market, and stole their money and motorcycles:

My friend and I went to market on two brand new motorcycles. We sold one and I collected a debt owed to me of 450,000 CFA [\$745] but on our way back, we were ambushed; they beat us, laughing as they stole the bike and found the money in my pocket saying, “Azawad 1, Mali zero” like it was a football game. But it’s not a joke; it’s my life. Instead of getting ahead, I’m now heavily in debt.

Two other traders who were robbed on January 5, about 35 kilometers from Djebok, and lost 2.2 million CFA (\$3,650) and 1.5 million CFA (\$2490) said: “We’re demoralized. We work and work to have a future, maybe even a family of our own, but we feel abandoned by the state to the men with turbans and guns. Honestly, what can we do?”

### **Banditry on Transport Vehicles**

Nearly 20 drivers and transport company owners in Gao told Human Rights Watch that the number of banditry attacks had increased in frequency and violence since mid-2014 after the state security forces had decreased patrols along major highways. Many drivers said they had been the victims of up to five attacks, while a transport company owner with 15 trucks said, “One [of my trucks] hit a landmine, another has been torched, and I’ve lost count of how many times my trucks have been hit by bandits.” Several said bandits had previously not shot at vehicles to force them to stop, but that it is becoming more common.

Outside the Gao region, local newspapers monitored by Human Rights Watch reported numerous other incidents of banditry in the Timbuktu and Ségou regions.

Drivers said the bandit attacks were typically by small groups of men armed with Kalashnikov

assault rifles, who fired in the air to force drivers to stop, and then proceeded to rob the vehicle and the many passengers who typically use transport vehicles as public transport, of money and goods. These goods would then be loaded onto a waiting truck. Victims said the bandits, who at times kept them for hours at a time, did not appear to feel concerned that they might be stopped.

A driver transporting goods from Algeria said he was stopped 140 kilometers from Kidal in late February 2015 by four armed men in a land cruiser. After forcing him to drive off the main road, “they held us from 5 a.m. until 4 p.m., taking their time to unload all our goods ... tea, fabric, fruit, even motorcycles, we were bringing. We’re disappointed in our own soldiers and gendarmes. MINUSMA is trying but they can’t do everything.”

Another driver described how in August 2014, armed men stopped four large transport trucks and murdered one of his colleagues. “After lining us up, the bandits who spoke Arabic and Tamashek counted us – one, two, three, and four, and then just shot the Tuareg driver in the fourth position,” he said. “They stole everything from us, and drove off in his vehicle.”

The drivers said the security forces had not provided regular and adequate patrols to prevent attacks, or to investigate and bring those responsible to account. Transport owners had filed reports with the gendarmerie primarily to facilitate reimbursement for losses from their insurance company. None said the incidents had been credibly investigated by gendarmes, and many, like this driver, said they felt “abandoned” by the state:

We’re on our own out there. There is no army to defend us, the gendarmes don’t go beyond the city limit. There are so many armed groups we don’t know who is who. MINUSMA guard mostly themselves.... Our trucks get burned, we lose money to extortion left and right. As we get in our trucks and hit the road, it is only God who protects us and brings us home safely.

### **Extortion at Checkpoints**

Drivers, businessmen, and residents in Gao interviewed by Human Rights Watch complained of being forced to pay money at checkpoints manned by armed groups and, to a lesser extent, government security forces. They described the extortion by the armed groups as being more systematic and organized, with set fees to enter and exit all major towns and many villages. In contrast, extortion by the police, gendarmes, and soldiers was more informal, with different amounts asked, and less frequently. Receipts were rarely provided, and drivers said that failure to pay would result in being beaten, detained, or, as described by one driver, “hours if not days of wasted time we can’t afford.”

Drivers of large transport trucks were typically asked to pay from 5000 to 10,000 CFA (\$8.30 to \$16.60) at each major checkpoint. Four transport company owners and three drivers bringing

goods from Gao to the northern towns said the extortion placed a heavy economic toll on them. Drivers transporting food and other goods from Gao to Agelhouk said they each pay a total of 120,000 CFA (\$200) at eight checkpoints controlled by several different armed groups and one state-backed militia.

### **Attacks on MINUSMA**

Peacekeepers with MINUSMA have been deployed in Mali since July 2013 and mandated to protect civilians and create conditions conducive to the delivery of humanitarian assistance. The peacekeepers have come under frequent attack and as a result have suffered heavy casualties: 35 killed and over 130 wounded. MUJAO, AQIM, and Al Mourabitoune have claimed responsibility for many of these attacks.

While a few deaths occurred when MINUSMA bases close to bases for the Malian army or French troops came under attack, the vast majority of attacks and resulting casualties took place when MINUSMA was on patrol or was escorting convoys carrying fuel, food, medicine, and other supplies. In most cases, peacekeepers appeared to have been deliberately targeted.

The single most deadly incident against peacekeepers in Mali – an October 3, 2014 ambush that killed nine peacekeepers from Niger – targeted a patrol taking gasoline from Ménaka to Ansongo. A September 18 attack that killed five Chadian peacekeepers targeted a convoy of troops rotating out of their base in Agelhouk. Chadian peacekeepers have been most heavily affected, with 19 deaths.

Since late 2014, armed men have been burning commercial cars and trucks, including several transporting food and gasoline for MINUSMA, and two used for humanitarian assistance. A gendarme in Gao said that since January 2015 at least six vehicles had been burned, in some cases even before the contents were looted. He characterized the attacks as “acts of sabotage.”

Several witnesses said attacks on their vehicles appeared to be well-organized military operations. The driver of a truck bringing supplies to the MINUSMA base in Agelhouk in late 2014 described one such attack:

Fifteen kilometers before Agelhouk, men suddenly fired at my tires, forcing me to stop. I saw a land cruiser with a mounted rocket launcher and one guy I saw giving orders; eight men on the ridge and a motorcycle with three armed men carrying jerry cans of petrol. They were speaking Arabic.... They took out petrol, poured it over the car, and set it on fire. They didn’t steal the contents, or ask any questions. They knew what they wanted to do.

A driver of a truck bringing food and supplies to a MINUSMA base described another well-organized attack in early 2015:

About 55 kilometers before Ménaka, the men jumped out and shot to force me to stop. They ordered my apprentices and me to lie face ground on the side of the road. Then they sprayed petrol on the truck and without saying anything, threw a few small bombs to set it alight. All that stuff in our truck but they didn't steal anything.

### **Attacks on Humanitarian Workers**

Bandits and armed groups have increasingly attacked the vehicles of humanitarian agencies, particularly in the north, but more recently around Tenenkou, in Mopti region, affecting aid deliveries. Aid workers said the motive for most attacks appeared to be theft. Since November 2014, there have been at least 13 attacks on humanitarian vehicles in the north during which aid workers were robbed, or their vehicles stolen or burned. Generalized insecurity and these attacks have made it increasingly difficult for humanitarian organizations to carry out their health, nutrition, education, and other programs. Aid workers told Human Rights Watch that assistance to thousands of beneficiaries has been undermined by the rising insecurity and lack of consistent access by humanitarian workers to communities in need.

A few incidents have led to deaths. In late May, two aid workers with the Norwegian Refugee Council were killed when their vehicle struck an improvised explosive device near Timbuktu. On March 30, a driver with the International Committee of Red Cross (ICRC) was killed and a colleague wounded in an ambush between Gao and Ansongo. The ICRC said in a statement that they were heading to Niger to collect medication for the Gao hospital in a truck clearly marked with the Red Cross emblem. The Islamist armed group MUJAO claimed responsibility for the attack.



# World Report 2015: Mali – Events of 2014

## January 2015 – Country Chapter

<https://www.hrw.org/world-report/2015/country-chapters/mali>

While the political situation in Mali stabilized in 2014, persistent attacks by numerous pro and anti-government armed groups in the north led to a marked deterioration in security in Gao, Kidal, and Timbuktu regions, where the 2013 French-led intervention sought to restore state control.

Throughout 2014, armed groups linked to Al-Qaeda, along with ethnic Tuareg and Arab movements, some seeking autonomy, dramatically increased attacks on Malian soldiers and neutral peacekeepers, and to a lesser extent, on aid workers and other civilians. Little progress was made in reaching a negotiated settlement, advancing justice for abuses, or addressing development challenges.

The withdrawal in May of Malian civil servants and soldiers from key towns in the north, following a brief resumption of hostilities, resulted in a rise in ethnic tension, left large swaths of territory devoid of state authority, and led to a significant rise in banditry by unidentified gunmen. Meanwhile, there was little progress on security sector reform or the disarmament of fighters in the north.

Malian authorities made little effort to investigate and hold accountable those implicated in serious abuses committed during the 2012-2013 armed conflict. However, there was a decrease in abuses by state security forces and progress in the investigation into the 2012 torture and killing of 21 elite soldiers. Rule of law institutions countrywide were weak, in part due to unprofessional practices and inadequate budgetary allocations for the criminal justice system. Corruption, endemic at all levels of government, further impeded Malians' access to basic health care and education.

Concerns about the deteriorating security situation and re-entrenchment of Al-Qaeda-linked groups in the north sustained diplomatic interest in Mali. The French government played a key role in military matters, the European Union on training and security sector reform, and the United Nations, through the Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), on rule of law and political stability. These actors were largely reluctant to publicly call for investigations into past and ongoing crimes. The International Monetary Fund and World Bank pressed the government over bad economic governance.

### **Abuses by Armed Groups in the North**

Since late September 2013, opposition armed groups carried out several dozen ambushes and suicide bombings, and deployed improvised explosive devices and landmines. Most attacks targeted Malian and French troops, though others targeted civilians and peacekeepers in violation of the laws of war. Landmines on key roads and rocket attacks in major towns generated a climate of fear for civilians, and killed and wounded several. Over 30 UN peacekeepers died in attacks.

In February, the Movement for Unity and Jihad in West Africa (MUJAO) kidnapped five aid workers from the International Committee of the Red Cross; they were freed in April during a French military operation. In May, two aid workers with the Norwegian Refugee Council were killed when their vehicle struck an improvised explosive device near Timbuktu.

A visit by the prime minister to the National Movement for the Liberation of Azawad (MNLA) stronghold of Kidal in May led to brief resumption of hostilities. During the clashes, eight civilians, including six civil servants, were allegedly summarily executed by the armed groups occupying Kidal.

Security in the north was further undermined by persistent inter-communal clashes, particularly involving people from the Peuhl, Tuareg, and Arab ethnic groups, which left dozens dead. Al-Qaeda in the Islamic Maghreb (AQIM) continued at time of writing to hold four hostages; one from France, one from the Netherlands, one from Sweden, and a dual British and South African national. During 2014, one French and one Algerian hostage reportedly died in captivity, while two Algerians captured in Gao in 2012 were released.

### **Abuses by State Security Forces**

In 2014, the number of violations committed by the Malian army decreased, but soldiers were implicated in several cases of arbitrary detention, one instance of excessive use of force in responding to a demonstration in Kidal, and several summary executions, largely targeting Tuareg men. The military hierarchy made some effort to investigate and hold to account soldiers implicated in several of these incidents. Members of the security forces were also implicated in acts of extortion, bribe taking, and to a lesser extent rape.

### **Accountability for Abuses during the 2012-2013 Armed Conflict**

The government made little progress in holding to account those from all warring factions responsible for laws of war violations committed during the 2012-2013 armed conflict. The government's provisional release in 2014 of over 40 men associated with the conflict, including several commanders credibly implicated in abuses, raised concern of a de facto amnesty for these crimes. The government characterized the releases, which began in late 2013, as

“confidence building measures” in advance of negotiations. They were carried out without regard as to whether the men might have been responsible for serious crimes in violation of international law.

Supreme Court orders passed in 2013 permitted a Bamako court to hear criminal cases from the three northern provinces, and during 2014, dozens of families filed complaints to judicial authorities. With few exceptions, these authorities failed to investigate any of these cases or others that human rights groups and journalists brought to their attention.

There was, however, meaningful progress in the investigation into the torture and enforced disappearance of 21 elite “Red Berets” in 2012. In late 2013 and early 2014, some 25 soldiers, including former coup leader Gen. Amadou Haya Sanogo, were charged in connection with the crimes.

In July 2012, Mali, a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. On January 16, 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions of Mali, and during 2014, ICC investigators conducted several missions to the country.

### **Truth and Reconciliation Mechanism**

After assuming office in September 2013, President Ibrahim Boubacar Keita dissolved a pre-existing truth commission and, by two executive orders, established the Truth, Justice and Reconciliation Commission; on March 20, the National Assembly ratified the orders. The commission has a three-year mandate, will cover the period from 1960 to 2013, and will consist of 15 members and 7 working groups. It will function under the Ministry of National Reconciliation and Development of the North.

By late 2014, the commissioners had yet to be appointed and the body’s credibility was limited because of the failure to consult sufficiently with a wide variety of stakeholders on its members, mandate powers, and degree of independence.

### **Judiciary**

During 2014, there was progress in re-establishing the judiciary in Timbuktu and Gao regions, evident in the rehabilitation of local courthouses and jails and redeployment of prosecutors, judges, and judicial police who had fled during the armed conflict. However, their ability to conduct investigations outside major towns was limited by the precarious security situation.

Neglect and mismanagement within the Malian judiciary countrywide led to striking deficiencies, including insufficient staffing and logistical constraints. These shortfalls hindered

efforts to address impunity for perpetrators of all crimes and contributed to violations of the right to due process.

Because of the courts' inability to adequately process cases, hundreds of detainees are held in extended pretrial detention in overcrowded jails and detention centers. Judges in Bamako mandated to investigate several hundred suspects detained during the offensive to retake the north made some progress, resulting in the release of scores of men who appeared to have been arbitrarily detained, largely as a result of their ethnicity.

### **Recruitment of Children and Child Labor**

Armed groups in the north continued to recruit and use child soldiers, some as young as 12. During 2014, some 20 schools in the north were at various times occupied by members of the armed groups, pro-government militias, the Malian army and, in one case, MINUSMA. Several children suspected of supporting the armed groups were detained in both the Bamako Central Prison and a gendarme camp in Bamako, in contravention of a 2013 protocol signed by the government stipulating that children were to be placed in a care center managed by the UN Children's Rights Emergency and Relief Organization.

Child labor in agriculture, domestic service, mining, and other sectors was common, and often included dangerous work that Malian law prohibits for anyone under the age of 18. Child laborers in artisanal gold mining were exposed to health risks from accidents and exposure to toxic mercury.

### **Key International Actors**

In June, the UN Security Council renewed the mandate of MINUSMA, the peacekeeping mission with a troop ceiling of 11,200 military personnel, some 70 percent of whom are currently deployed. The UN independent expert on the situation of human rights in Mali, Suliman Baldo, conducted two missions and pressed for progress in the fight against impunity. In March, the UN Human Rights Council passed a resolution that welcomed progress, expressed concerns on continued violations and abuses, and renewed the mandate of the independent expert. The UN Peacebuilding fund supported demobilization, reconciliation, and justice projects.

The African Union (AU) brokered a ceasefire in May that paved the way for Algerian and AU-led negotiations between the Malian government and several armed groups; the talks took place in the Algerian capital, Algiers.

The 1,700 strong French military operation known as Operation Serval was in August transformed into a 3,000-strong regional operation—known as Operation Barkhane—to address the threat of instability in Mauritania, Burkina Faso, Niger, and Chad.

The European Union Training Mission in Mali trained eight battalions of Malian soldiers, while the EU Capacity Building Mission, EUCAP Sahel Mali, was established to train the police, gendarmerie, and National Guard.

The EU and Dutch took the lead on justice sector reform and support. The UN Development Programme supported the rehabilitation of courthouses, while the United States provided forensic support to the Ministry of Justice.

In May and June 2014, the International Monetary Fund and the World Bank collectively delayed almost US\$70 million in payments to the Malian government following questions surrounding the extra-budgetary purchase of a presidential plane and inflated military contracts. An audit revealed overbilling of over \$56 million in the military budget.

# **Mali: Justice Crucial to Peace Talks**

## *Draft Pact on 2012-13 Conflict Needs Strengthening*

**November 10, 2014 – Press Release**

<https://www.hrw.org/news/2014/11/10/mali-justice-crucial-peace-talks>

(Nairobi) – A draft peace agreement to end the military and political crisis in northern Mali does not adequately address the need for justice for serious international crimes during the conflict, Human Rights Watch said today. The next round of negotiations between the Malian government and armed groups involved in the conflict is scheduled to begin on November 20, 2014, in Algiers.

All parties to the 2012-2013 armed conflict in northern Mali committed serious violations of the laws of war that included possible war crimes. Agreements that ended previous civil armed conflicts in Mali from 1962 through 2008 failed to address rampant impunity and weak rule of law, and some included provisions providing immunity from prosecution.

“Mali’s peace talks need to succeed where previous deals have failed by bringing those responsible for atrocities to justice,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “The final agreement should include provisions to support the prosecution of war crimes, strengthen the truth-telling commission, and ensure the vetting of security force personnel.”

Security has been deteriorating in northern Mali. While control of the north by the Malian government was largely restored in 2013 following a French-led military intervention, the groups negotiating with the government and others linked to Al-Qaeda are occupying territory and committing abuses against civilians and peacekeepers.

Following the conclusion of the third round of peace talks in late October 2014, Algeria’s foreign minister, Ramtane Lamamra, said that the international mediation team had produced a “draft agreement for comprehensive peace,” which would form the basis for discussion when talks resume.

Human Rights Watch research in Mali and elsewhere suggests that a failure to prosecute individuals responsible for serious wartime abuses enables and may even encourage future abuses. Providing immunity to those who committed war crimes denies the victims and their families a measure of justice for their suffering.

Human Rights Watch and other organizations documented hundreds of alleged war crimes and other serious abuses during the 2012-2013 armed conflict. These include the summary executions of up to 153 Malian soldiers in Aguelhok by opposition armed groups; widespread looting, pillage, and sexual violence by the ethnic Tuareg National Movement for the Liberation of Azawad (MNLA); and the recruitment and use of child combatants, unlawful amputations, and destruction of shrines by Islamist armed groups. Malian soldiers were also implicated in serious abuses, including extrajudicial executions, enforced disappearances, and torture or ill-treatment of suspected rebels.

The government has made little progress in holding to account those responsible for war crimes and other abuses. The provisional release of scores of men detained in relation to the conflict, including several commanders from northern armed groups credibly implicated in abuses, has raised concern of a de facto amnesty for these crimes.

International law encourages countries to provide a broad amnesty or pardon for captured combatants and others detained for their participation in a conflict, so long as they are not responsible for war crimes or other serious abuses.

However, the releases that began in late 2013 under the June 18, 2013 Ouagadougou Accord and characterized by the government as “confidence building measures” in advance of negotiations, have been carried out without sufficient review to determine whether any of those freed are implicated in serious international crimes. Amnesties for those responsible for serious international crimes are not recognized under international law.

“It is time to break the decades-long cycle of conflict, abuse, and impunity. Any deal which turns a blind eye to the need for justice will not only disregard the rights of victims and their families, but also encourage further abuses and sabotage a truly durable peace,” Dufka said. “Ensuring that the talks incorporate measures to address long-standing impunity is all the more urgent given the deteriorating security situation, and increasing attacks, lawlessness, and banditry by armed groups in the north.”

## **Recommendations**

The upcoming negotiations in Algiers should overcome the failings on human rights and accountability in previous accords among warring factions in Mali, including the 1991 Tamanrasset Accords, 1992 National Pact, 1995 Accords of Bourem, and the 2006 Algiers Accords.

Any final agreement on Mali should incorporate the following recommendations, Human Rights Watch said.

### ***Steps to Ensure Human Rights Accountability***

The draft agreement presented to the parties in late October 2014 and called “Elements for a peace and reconciliation agreement in Mali” (*Éléments pour un accord pour la paix et la Réconciliation au Mali*) supports a “profound reform of the judiciary” to help end impunity, affirms “the inalienable nature of crimes against humanity,” and calls for all parties to cooperate with an international commission of inquiry. But it provides no details about the commission’s mandate or a time frame for establishing it, and does not specifically support justice for crimes committed during the conflict. The final agreement should:

- Clearly state that no immunity will be given to anyone who committed, ordered, or had command responsibility for war crimes and other serious crimes in violation of international law;
- Call on the Malian government to investigate alleged violations of international human rights and humanitarian law by all parties during and since the 2012-2013 armed conflict, and bring those responsible to justice before fair, impartial, and independent courts;
- Support the establishment of a Bamako-based special investigation unit consisting of prosecutors, investigative judges, and others to investigate alleged crimes. Creating such a unit would increase the likelihood of credible investigations of wartime atrocities, and would:
  - Centralize expertise in crimes not often handled by Malian courts;
  - Help address the absence of defense lawyers in the north;
  - Reduce the risk of attack on judicial personnel, witnesses, evidence, and judicial infrastructure; and
  - Facilitate creation of an effective system of witness protection;
- Provide details about the establishment, mandate, time frame, and powers of the international commission of inquiry, and call for the final report to be public; and
- Support the establishment of the proposed “mobile testimony gathering units” (*cellules d’écoute mobile*)

### ***Justice, Truth-Telling, and Reconciliation Mechanism***

The draft agreement notes “the need to strengthen the mandate and organization of the Commission on Truth, Justice and Reconciliation” established by the government in 2014, though it fails to make specific recommendations. Truth commissions can make important contributions when they expose underreported atrocities committed during armed conflicts; explore the dynamics that underscored cyclical crises, including poor governance and corruption; and recommend reforms to prevent a repetition of past violations. The negotiating



parties should support the following changes in the current commission:

- Ensure that the commission is independent from other branches of government. The commission's current placement under the Ministry of National Reconciliation and Northern Development subjects it to political interference and undermines perceptions of neutrality;
- Create a structured, broad-based consultation process on the commission's mandate and selection of commissioners, involving activist and human rights groups, women's groups, youth groups, political parties, labor unions, victims' groups, the diaspora, religious denominations, security forces, and opposition factions, among others; and
- Implement regulations that provide for investigative powers, including to subpoena witnesses, hold public hearings, and issue a final public report that makes recommendations for accountability, including reparations and cases to be criminally investigated.

#### ***Demobilization and Integration of Combatants into the Security Forces***

The draft agreement calls for the demobilization and integration of combatants from the warring factions into the state security forces, but does not include a program for vetting. The agreement should provide for the establishment of an independent vetting commission mandated to oversee a mechanism that would:

- Screen any new proposed security force members with a view to recommending that those credibly implicated in serious human rights abuses are not allowed to join;
- Recommend the removal of currently serving members of the security services credibly implicated in serious human rights abuses, against whom fair and appropriate disciplinary action, including dismissal, should be initiated; and
- Given the size of the Malian security services, the vetting commission could focus first on vetting officers before addressing the lower ranks.

#### ***Mali's Peace Negotiations and Recent Hostilities***

The Malian government is negotiating with several armed groups: the National Movement for the Liberation of Azawad (Le Mouvement National de Libération de l'Azawad, MNLA), the High Council for the Unity of Azawad (Le Haut Conseil pour l'Unité de l'Azawad, HCUA), the Arab Movement of Azawad (Le Mouvement Arabe de l'Azawad, MAA), the Coordination of Patriotic Movements and Forces of the Resistance 2 (Coordination des Mouvements et Forces

Patriotiques de Résistance, CMF-PR 2), and the Coalition of the People for Azawad (Coordination du peuple pour l’Azawad, CPA).

The international mediation team facilitating the talks is led by Algeria, and includes members from the African Union, the Economic Community of West African States (ECOWAS), the European Union, the United Nations, and Organization of Islamic Cooperation, as well as from the governments of Burkina Faso, Nigeria, Chad, Niger, and Mauritania.

Since late September 2013, opposition armed groups have committed several dozen ambushes and suicide bombings, and deployed improvised explosive devices and landmines. Most of these attacks targeted Malian and French troops, though others targeted civilians and peacekeepers, in violation of the laws of war. Landmines on key roads and rocket attacks striking major towns have killed and wounded civilians and generated a climate of fear. Over 30 UN peacekeepers have died in attacks.

Several armed groups continue to recruit and arm child soldiers, and occupy some 20 schools. A visit by the prime minister to the MNLA stronghold of Kidal in May 2014 led to a brief resumption of hostilities there, during which eight civilians, including six civil servants, were allegedly summarily executed by the armed groups occupying the town.

# Mali: Establish Special Investigation Cell

*Bamako-Based Unit Would Investigate Wartime Atrocities*

**June 25, 2014 – Press Release**

<https://www.hrw.org/news/2014/06/25/mali-establish-special-investigation-cell>

(Nairobi) – The government of Mali should establish a special investigation cell to investigate grave crimes committed by all sides during the 2012-2013 armed conflict, Human Rights Watch said today in a letter to Justice Minister Mohamed Ali Bathily. The unit should consist of prosecutors, investigative judges, and others needed to carry out the unit’s work.

The recent return to northern Mali of judicial personnel forced to flee during the conflict is an important development. However, tasking those courts with investigating war crimes and other serious abuses committed during the 2012-2013 armed conflict would pose serious security and resource challenges, Human Rights Watch said. The time needed for these judicial institutions to become fully functional would contribute to inevitable delays.

“The creation of a special investigation cell in the capital, Bamako, would be the best and safest way to ensure fair and credible investigations of wartime atrocities,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “The special cell would allow Mali to capitalize on the current momentum for strengthening the rule of law and breaking the cycle of violence and reprisals in the country.”

Human Rights Watch and other international and national organizations extensively documented war crimes and other serious abuses by all sides during the conflict. Islamist armed groups summarily executed Malian soldiers, recruited and used child combatants, amputated limbs of criminal suspects, and destroyed shrines. The ethnic Tuareg National Movement for the Liberation of Azawad (MNLA) committed sexual violence and widespread pillage. Some soldiers in the Malian army were responsible for torture, enforced disappearance, and extrajudicial executions.

The government has made a commitment to ensure justice for grave crimes by all sides. But very few investigations are being conducted and no one has yet been prosecuted.

There is a growing demand for justice evidenced by the scores of victims and their families from all sides who have filed judicial complaints (porté plainte) with the authorities, Human Rights Watch said. Forming a special investigation cell would build on the momentum created by the increased expectation of justice, the progress in the “Red Beret dossier” (an investigation into the 2012 enforced disappearance and torture of at least 21 soldiers) and the

presence of considerable donor and institutional support for reforming the judiciary and strengthening Mali's rule of law.

Human Rights Watch detailed several reasons why a Bamako-based cell would be preferable to investigations by northern courts including:

- The unit could centralize expertise in key areas, such as the investigation of crimes not often handled by Malian courts, or link evidence from low-level suspects to senior officials implicated in multiple international crimes;
- The unit could help address the marked absence of defense lawyers in the north, which would pose a serious challenge for the right of the accused to have competent counsel;
- Basing investigative judges, prosecutors and other court officials working on high-profile cases in the north, especially in smaller jurisdictions, would make them vulnerable to attack and intimidation. The evidence gathered and judicial infrastructure would also be at risk; and
- The concentration of investigations in one location would more easily facilitate an effective system of witness protection.

“Conducting credible, impartial, and prompt investigations into the crimes committed during the 2012-2013 conflict would give hope to victims and go a long way toward breaking from the past when perpetrators got away scot free,” Dufka said. “Establishing a Bamako-based special investigation cell would greatly help in seeing justice done for crimes during the 2012-2013 conflict.”

# Letter to Justice Minister: On Creation of Special Investigative Cell

June 24, 2014 – Letter

[https://www.hrw.org/sites/default/files/related\\_material/2014\\_Mali\\_SpecialInvestigationCell.pdf](https://www.hrw.org/sites/default/files/related_material/2014_Mali_SpecialInvestigationCell.pdf)

Honorable Mohamed Ali Bathily  
Minister of Justice and Human Rights  
Republic of Mali

## Re: Creation of a Special Investigation Cell in Bamako

Dear Honorable Minister Bathily,

We are writing on behalf of Human Rights Watch to encourage you to support the creation of a special investigation cell in Bamako tasked with investigating grave crimes that took place during the 2012-2013 armed conflict, identifying individuals responsible, and building cases against them for prosecution.

For the reasons we outline below, we believe a special investigation cell is the best option for ensuring prompt and fair justice for victims and the accused, and would also contribute to building the capacity of the Malian judiciary. Given the ongoing security challenges in the north, a Bamako-based special cell would greatly minimize security risks to victims, witnesses, evidence and the accused.

During Human Rights Watch's recent visit to Mali, we were struck by several factors that, in tandem, create a true window of opportunity to ensure justice for victims and, in the longer term, take a meaningful step forward in addressing the impunity which has previously characterized grave crimes committed during past armed conflicts. The creation of a special investigation cell would in our view be the best way of capitalizing on this window.

First, there exists a notable hunger for justice among the victims of the 2012-2013 violence as evidenced in the fact that dozens of victims have filed complaints (*porté plainte*) with the authorities to seek justice and compensation for what they suffered. Many of these victims and families have formed victims associations and are waiting eagerly for their right to redress. Many are being accompanied in their pursuit of justice by the Malian Association of Human Rights, International Federation for Human Rights, and Malian Association of Jurists. We understand many more victims and their families will present complaints in the coming months.

Second, there appears to be a growing trust in the judiciary's ability to ensure redress, evidenced by the willingness of victims from all sides of the conflict to file complaints. Furthermore, the progress by the national judiciary demonstrated in the "Red Beret dossier" – the 2012 enforced disappearance and torture of at least 21 soldiers – has appeared to create momentum and increased expectation for justice for other serious crimes.

Third, there exists considerable donor, institutional, and moral support for the reform of the judiciary and strengthening rule of law from bilateral donors, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the UN Independent Expert, and the European Union, among others. The support of these actors could help your Ministry advance many of the reforms that you currently envisage.

We are encouraged by the numerous commitments to ensure justice for graves crimes by all sides made by President Keita, the Prime Minister and yourself. However, we remain concerned about the very few investigations that have been opened by the judges of the Bamako court given jurisdiction for crimes in the north by a January 2013 Supreme Court decision. We have also seen little evidence of, other jurisdictions, notably Mopti, conducting investigations into crimes committed during the conflict.

Furthermore, while we are encouraged by the recent return to the north of judicial personnel, which is essential to facilitate the return of rule of law country-wide, we believe tasking those courts with the investigation of crimes committed during the 2012-2013 armed conflict poses numerous very serious security and resource challenges, which could actually undermine efforts to realize accountability for serious crimes.

We are confident the creation of a special investigation cell in Bamako would be the best means to both ensure fair and credible investigations and trials and capitalize on the current momentum for strengthening rule of law and breaking the cycle of violence and reprisals. Human Rights Watch believes that such a special investigation cell would promote justice in Mali for the following reasons:

1. A special investigation cell would centralize expertise in certain areas making it more likely that investigations are successful and prosecutions move forward. The areas include expertise for:
  - The investigation of certain crimes that have not often been handled by ordinary Malian courts such as sexual slavery, forced marriage, use and recruitment of child soldiers, and the destruction of cultural heritage;
  - The identification of linkage evidence between low-level perpetrators and senior officers, some working with international criminal or regional terrorism networks;

- To effectively identify and manage insider witnesses and establish protocols to support reluctant or traumatized victims and witnesses.
2. To the extent that serious international crimes are committed according to an overarching policy, consolidating expertise also means that prosecutors, investigating judges and judicial police tasked with investigating crimes committed pursuant to that policy are better placed to make links between crimes that may be otherwise charged separately (and in multiple jurisdictions). When investigated and prosecuted separately the cases may otherwise appear unconnected.
  3. There is a marked absence of defense lawyers in the north, thus making the right for the accused to have counsel a very serious challenge.
  4. Basing the judges, prosecutors, clerks and gendarmes tasked with investigating very sensitive cases in the north, especially in smaller jurisdictions, would make them vulnerable to attack, threats and other forms of intimidation. As a practical matter, it is easier and more cost effective to ensure protection for a limited number of personnel working on sensitive cases.
  5. It is also easier to develop an effective system of witness protection to service one specialized unit (and corresponding proceedings) centralized in one location as opposed to a number of prosecutor's offices and courthouses across the country.
  6. Given the fragile security situation and frequent attacks in the Gao, Timbuktu and Kidal regions, housing evidence and staff in different *palais de justice* in the north (especially in smaller jurisdictions) heightens their risk of being targeted.
  7. The previous arrest and detention in Bamako of several high-profile suspects credibly implicated in ordering and, in many cases, carrying out serious human rights abuses in the north could help facilitate the investigation process by the proposed Bamako-based special cell.
  8. A Bamako-based special cell is better placed to investigate allegations of torture by state security forces since many alleged victims, particularly members of northern armed groups detained for criminal offenses, are being held in Bamako Central Prison.
  9. More broadly, we have concerns about inevitable delays associated with waiting for justice institutions to become fully functional in the north.

As we envision, the special investigation cell would consist of a sufficient number of investigative personnel including prosecutors and investigating judges, ideally with prior

experience in handling serious crimes. The assignment of judicial personnel in the cell should be long term as investigations of cases involving serious crimes can, due to their complexity, last months or even years. Furthermore, personnel in the cell should benefit from training and capacity building from Mali's development and justice reform partners.

We thank you for taking the time to consider our reasons for creating a special investigation cell in Bamako. We believe it is the best option for helping to fulfill what the Malian government has rightly identified as one of the most pressing priorities: the fight against impunity. Human Rights Watch stands ready to assist you in this important endeavor.

Sincerely,

**Daniel Bekele**, Executive Director, Africa Division, Human Rights Watch

**Richard Dicker**, Director, International Justice Division, Human Rights Watch

**Corinne Dufka**, Senior Researcher for West Africa, Human Rights Watch

CC:

Mr. Moussa Mara, Prime Minister

Mr. Zahabi Ould Sidi Mohamed, Minister for Reconciliation



# **Human Rights Watch Statement on Allegations of Grave Abuse in Kidal (Mali)**

**May 19, 2014 – Statement**

Human Rights Watch condemns in the strongest terms the alleged killing by armed groups in Kidal of six Malian government officials and two others within the governor's office on May 17. The office had earlier in the day been taken over by the MNLA during clashes with the Malian authorities.

The Malian authorities should promptly investigate the killings and other abuses with a view to holding accountable those responsible. All armed groups present in Kidal, notably the MNLA, should provide their full cooperation into any efforts to investigate the killings.

At the same time, the Malian security forces must make every effort to protect citizens' country-wide from acts of collective punishment and reprisals, particularly against members of Arab and Tuareg ethnicities.

## **Mali: Give Malians Say in Truth Commission**

*Without Wider Consultation, Commission Risks Being Ineffective*

**March 10, 2014 – Press Release**

<http://www.hrw.org/news/2014/03/10/mali-give-malians-say-truth-commission>

(Nairobi) – The Malian government should seek broad-based consultation to ensure a credible and independent truth commission to examine abuses since the country’s independence in 1960, Human Rights Watch said. Two executive orders – one decree and one ordinance – establishing the Truth, Justice and Reconciliation Commission will be debated this week in Mali’s National Assembly.

The decree and ordinance places the proposed commission under the Ministry of National Reconciliation and Development of the North, which would select the commissioners, and does not require public consultation on the commission’s members, mandate, and powers. For the commission to be effective and considered legitimate, there should be a structured, consultative process with groups broadly representative of Malian society, Human Rights Watch said.

“The Malian people will greatly benefit from a truth-telling process to address the persistent violence, poverty, and conflict that has ravaged the lives and hopes of Malians for decades,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “However, for the process to be credible and effective, it needs participation and buy-in from a broad cross-section of society.”

An effective truth, justice, and reconciliation mechanism in Mali could have an important impact on the country’s future, Human Rights Watch said. First, it could illuminate underreported atrocities committed during past armed conflicts, notably those suffered by populations in the north. Second, it could explore the factors that gave rise to and prolonged Mali’s multi-faceted crises including state neglect, weak rule of law, poor governance, and endemic corruption. Third, it could explore the dynamics leading to communal and ethnic tensions that have worsened in recent years and could erupt again. Lastly, it could make recommendations aimed at preventing a repetition of past abuses and improving respect for human rights.

A reconciliation commission was first created in March 2013 by the then-interim government. But it was widely rejected by various Malian groups because of the lack of broader consultation on its membership and mandate. Many Malians wanted a commission that could also address impunity for abuses, including permitting the commission to recommend individuals for prosecution.

After assuming office in September 2013, President Ibrahim Boubacar Keita pledged to create a commission that would address more than just the recent conflict and that incorporated justice as well as truth. The proposed commission has a mandate of three years, will cover the period from 1960 to 2013, and will be composed of 15 members and seven working groups.

In order to create a credible, independent, and effective commission, the National Assembly should propose measures to ensure:

- That the commission is independent from other branches of government. Placing the commission under the Ministry of National Reconciliation and Northern Development, makes it subject to political interference and impacts the perception of neutrality;
- A wide consultation process on mandate and membership involving activist and human rights groups, women's groups, youth groups, political parties, labor unions, victims' groups, the diaspora, religious denominations, security forces, and warring factions, among others;
- Clear, objective criteria for appointing commissioners, including their moral and professional record, impartiality, and commitment to international human rights standards;
- That all proposed commissioners are subject to public confirmation hearings;
- The implementation of regulations that clarify the commission's mandate within a human rights framework;
- The implementation of regulations that provide for investigative powers including to subpoena witnesses, public hearings, and a final public report that makes recommendations for accountability, including reparations and cases to be criminally investigated, as well as for other institutional reforms; and
- That the commission is part of broader efforts toward truth-telling and accountability that include justice for serious crimes. While truth commissions can respond to victim and community needs, justice mechanisms are necessary to fully respond to grave human rights abuses.

"The National Assembly should ensure the proposed truth commission reflects all of Malian society, and not the perceived arm of special interests," Dufka said. "The task at hand is too important to get wrong."

# World Report 2014: Mali – Events of 2013

## January 2014 – Country Chapter

<http://www.hrw.org/world-report/2014/country-chapters/mali>

An unexpected push south by Islamist armed groups in January 2013 provoked a French-led military offensive that quickly dislodged the groups and largely ended their abusive occupation of the north. During and after the offensive, Malian soldiers committed numerous abuses, particularly against civilians and rebel suspects in their custody.

Fears about the threat posed by Islamist armed groups linked to Al-Qaeda led to considerable diplomatic efforts to resolve the crisis and stabilize Mali. The French took the lead on military matters, the European Union on training and security sector reform, and the United Nations, through the establishment of a peacekeeping force, on rule of law and political stability. While most of these actors criticized abuses by the Islamist groups, they were reluctant to publicly criticize those by the Malian army.

Largely free, fair, and transparent presidential elections in August helped stabilize the political situation. However, security was undermined by persistent communal tensions, uncertainty about the status of Tuareg rebels; ongoing attacks by Islamist groups, including suicide bombings; divisions within the military; and rising criminality.

Malian authorities made little effort to investigate and hold accountable members of the security forces implicated in abuses. However, in January, the prosecutor of the International Criminal Court (ICC) opened an investigation into crimes allegedly committed in the three northern regions of the country. The Ouagadougou Accord signed in June by the Malian government and two Tuareg groups was ambiguous about whether those responsible for serious crimes would be prosecuted.

The rule of law in the north was undermined by the slow return of members of the judiciary and police to the north. Inadequate budgetary allocations for the criminal justice system in general limited due process throughout the country. Graft and corruption, endemic at all levels of government, further impeded Malians' access to basic health care and education.

### **Abuses by State Security Forces**

Malian soldiers, in their campaign to retake the north, committed numerous abuses, including summary executions, enforced disappearances, and torture. The abuses, which targeted suspected Islamist rebels and alleged collaborators, included at least 26 extrajudicial executions, 11 enforced disappearances, and over 50 cases of torture or ill-treatment.

Detainees were severely beaten, kicked, and strangled; burned with cigarettes and lighters; injected or forced to swallow an unidentified caustic substance; exposed to simulated drowning akin to “waterboarding”; and subjected to death threats and mock executions.

The mistreatment ceased after the detainees were turned over to gendarmes, whom they sometimes bribed to secure their release. The presence of gendarmes, French soldiers, and West African troops served as a deterrent to the most serious abuses.

In August, the leader of the 2012 coup, Capt. Amadou Sanogo, was promoted to the rank of lieutenant general, despite being directly implicated in torture and enforced disappearances in 2012 and October 2013, when forces loyal to Sanogo allegedly killed four and disappeared at least seven of his loyalists who had mutinied. However, in August the interim president repealed a 2012 decree appointing Sanogo as head of the committee to carry out reforms in the army.

### **Abuses by Armed Islamist Groups and Tuareg Rebels**

Before being driven out of northern Mali, combatants with the Islamist groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al-Qaeda in the Islamic Maghreb (AQIM)—committed serious abuses against prisoners and local residents. Enforcing their interpretation of Sharia, the groups beat, flogged, and arbitrarily arrested those who smoked cigarettes, consumed alcoholic beverages, or failed to adhere to the groups’ dress code. In January, Islamist armed groups in Konna executed at least seven Malian soldiers.

AQIM continues to hold as hostages at least eight persons, including two Frenchmen, a Dutchman, a Swede, a South African, and at least three Algerians. AQIM claimed to have executed a Frenchman, Phillippe Verdon, on March 10 in retaliation for France’s military intervention in northern Mali.

On June 1 and 2, forces of the Tuareg National Movement for the Liberation of Azawad (MNLA), which still controls parts of the Kidal region, arbitrarily detained about 100 people, most of them darker-skinned men from non-Tuareg ethnic groups. The MNLA robbed, threatened, and, in numerous cases, severely beat the men. On November 2, two French journalists were abducted in the MNLA stronghold of Kidal and later executed by armed men allegedly linked to AQIM. In September, the MNLA released some 30 prisoners being held by Islamist groups in Kidal.

### **Accountability**

War crimes and other serious abuses were committed by all sides during Mali’s recent armed conflict. These abuses include the summary execution of up to 153 Malian soldiers in Aguelhok; widespread looting and pillage, and sexual violence by the MNLA; the recruitment and use of child combatants, executions, floggings, amputations, and destruction of religious and cultural shrines by armed Islamist groups; and the summary execution, torture and enforced

disappearance by soldiers from the Malian army. Many health facilities in the north were specifically targeted and looted.

In July 2012, the government of Mali, a state party to the ICC, referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. On January 16, 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions of Mali. At time of writing, no arrest warrants had been issued.

The Malian government and military high command gave mixed signals regarding abuses by Malian soldiers, at times flatly denying violations and at others promising to hold alleged perpetrators to account. While Malian authorities investigated a few incidents, including the enforced disappearance of five men in Timbuktu in February and the September 2012 killing by soldiers of 16 Islamic preachers in Diabaly, numerous others have not been investigated, and no soldiers implicated in recent abuses have been put on trial. There was progress in justice for the enforced disappearance in May 2012 of at least 21 soldiers by forces loyal to Sanogo. In October, the judge investigating the case charged and detained three security force members and summoned for questioning 17 others, including Sanogo, for their alleged role in the crimes.

### **Truth Telling and Reconciliation Mechanism**

In March, the interim government established the Commission for Dialogue and Reconciliation, but its efficacy was undermined by an unclear mandate and the hasty appointment of commissioners by the interim government, which failed to consult sufficiently with a wide variety of stakeholders. Because its mandate and powers appear limited to promoting reconciliation, some Malians have pushed for a commission that could address impunity for abuses and recommend individuals for prosecution.

### **The Judiciary**

Neglect and mismanagement within the Malian judiciary led to striking deficiencies and hindered efforts to address impunity for the perpetrators of all classes of crimes. Coupled with unprofessional conduct and corrupt practices, personnel and logistical shortfalls within the justice sector contributed to violations of the right to due process.

Because of the courts’ inability to adequately process cases, hundreds of prisoners are held in extended pretrial detention in overcrowded jails and detention centers. Very few of the estimated 250 men who were detained in relation with the offensive to retake the north had legal representation, and several died in custody as a result of inadequate medical care and poor detention conditions. The interim justice minister did, however, replace many corrupt prosecutors and made some progress in improving detention conditions.

## **Recruitment of Children and Child Labor**

During their occupation of the north from April 2012 through February 2013, Islamist armed groups recruited, trained, and used several hundred children in their forces. Scores of children, some as young as 12, took part in battle, and many were killed while fighting or by aerial bombardments. A number of schools were destroyed by French bombings because Islamist groups were using them as command centers.

Child labor in agriculture, domestic service, mining, and other sectors was common, and often included dangerous work that Malian law prohibits for anyone under the age of 18. Child laborers in artisanal gold mining were exposed to health risks from accidents and exposure to toxic mercury. More than two years after its adoption, the government's action plan on child labor remained largely unimplemented.

## **Key International Actors**

Mali's partners, notably France, the European Union, the United States, and the United Nations, issued numerous statements denouncing the offensive and abuses by Islamist groups, but were reluctant to publicly condemn abuses committed by the Malian army.

The establishment of a 6200-strong African-led International Support Mission to Mali (AFISMA), authorized by UN Security Council Resolution 2085 in December 2012, was envisioned to re-establish government control over northern Mali in 2013. This mission was overtaken by events after Islamist rebels attacked the government-controlled town of Konna in January. The attack prompted a six-month military operation by up to 4,500 French soldiers, who were assisted by African forces to re-establish government control of the north. In recognition of the complex political and security challenges, the UN Security Council in April adopted Resolution 2100, establishing the 11,200-strong Integrated United Nations Mission for the Stabilization of Mali (MINUSMA). In July, most AFISMA troops were re-assigned as UN peacekeepers.

Meanwhile, the African Union and ECOWAS took the lead in supporting negotiations between armed Tuaregs and the Malian government, and in January the AU Peace and Security Council (PSC) mandated the deployment of some 50 human rights observers to Mali. In February, the EU Foreign Affairs Council launched the EU Training Mission in Mali (EUTM), mandated to train four battalions of Malian soldiers and help reform the Malian army. In May, a donors' conference organized by the EU and France resulted in pledges of US\$4.2 billion for development efforts in Mali.

In February, the Office of the UN High Commissioner for Human Rights sent a second fact-finding mission to Mali and surrounding countries. In March, the UN Human Rights Council adopted a mandate for an independent expert.

## Mali: New Government at Crossroads

*Urgent Need to Address Abuses, Corruption Underscoring Recent Crisis*

September 3, 2013 – Press Release

<http://www.hrw.org/news/2013/09/03/mali-new-government-crossroads>



A boy in Timbuktu runs in front of a mural that reads “Peace,” a few days before the July 2013 presidential elections in Mali. © Joe Penney/2013 Reuters

(Nairobi) – Mali’s incoming government should take concrete steps to strengthen the rule of law, hold rights abusers to account, and address endemic corruption, Human Rights Watch said today in a letter to President-elect Ibrahim Boubacar Keita.

The new president, who is to be sworn in on September 4, 2013, is inheriting numerous challenges, including a culture of impunity, graft by officials, indiscipline within the security forces, ethnic tensions, and crushing poverty, Human Rights Watch said.

“After a deeply troubling period, Mali stands at a crossroads,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “President Keita’s actions – or inactions – could usher in greater respect for human rights or a return to the problems that caused Mali’s near-collapse last year.”



Keita won Mali's presidential runoff election on August 11 with 78 percent of the vote. The election followed a tumultuous period that began with a January 2012 rebellion by ethnic Tuareg separatists. The rebellion was soon hijacked by armed Islamist groups that quickly consolidated their control over Mali's north. The government's response was paralyzed by a March 2012 military coup and months of unrest in the capital, Bamako. France led an offensive in January 2013 that retook the north for the government.

Mali's recent crisis was rooted in years of deterioration in the key institutions responsible for the rule of law, notably the severely under-resourced judiciary; ignoring corruption scandals allowed a dangerous culture of impunity to take hold, Human Rights Watch said.

The Islamist occupation in the north and chaos in the south saw a drastic deterioration in respect for human rights, with Malians suffering grave abuses from all sides. Islamist groups tried to enforce their brand of Sharia law through beatings, amputations, killings, and the destruction of religious landmarks. Separatist Tuareg rebels engaged in sexual abuse and looting before leaving the area they earlier controlled. Elements of the Malian army have tortured and summarily executed alleged rebel collaborators and members of rival military units.

Human Rights Watch urged Keita to reverse this trend and confront head-on the dynamics that led to Mali's near-collapse. Human Rights Watch called for him to adopt a zero-tolerance policy on abuses by the security forces and graft by civil servants; tackle the culture of impunity by strengthening the judiciary and ensuring accountability for wartime abuses; establish a credible, representative truth-telling mechanism; and take concrete measures to curtail corruption.

"Malians have suffered greatly from chronic state neglect and the recent armed conflict," Dufka said. "President Keita should waste no time in setting Mali on a course for better and more rights-respecting governance. Doing so would meaningfully sustain the momentum created by the election and capitalize on the significant engagement of Mali's international partners."

# Letter to President Keita: Addressing Human Rights Issues

September 3, 2013 – Letter

<https://www.hrw.org/news/2013/09/03/mali-letter-president-keita>

Mr. Ibrahim Boubacar Keita  
President-Elect  
Bamako, Republic of Mali

## Re: Addressing human rights issues in your presidency

Dear President-Elect Keita:

Human Rights Watch is an independent international organization that monitors and reports on human rights in some 90 countries around the world. We write to both congratulate you on your election and upcoming inauguration as president of Mali, and urge you to take prompt, concrete and meaningful steps to address the pressing human rights and governance challenges you have inherited.

As you know, the problems Mali faces include a culture of impunity, weak rule of law, endemic corruption, indiscipline within the security services, ethnic tension, and crushing poverty. Indeed, Mali's recent crisis is rooted in years of deterioration in the key institutions responsible for the rule of law.

Mali's leaders and the international community largely turned a blind eye to signs of stress – corruption scandals involving development aid; insufficient progress on key economic rights such as education and health; criminality creeping into state institutions; and lagging indicators in development. Mali's judiciary, which could have mitigated some of the abuses, has been severely under-resourced, and, in some cases, manipulated, undermining judicial independence and impartiality.

We urge you to reverse these trends by exercising bold leadership and confronting head-on the dynamics that led to Mali's near-collapse. This should include:

- A publicly stated and comprehensive strategy to curtail and punish abuses by members of the security forces and corruption by civil servants;

- Strengthening the judiciary and ensuring accountability for serious abuses committed during the recent armed conflict;
- Establishing a credible, representative post-conflict truth-telling mechanism; and
- Adopting concrete measures to root out endemic corruption.

The actions you take – or fail to take – as Mali’s next president could either usher in a period of greater respect for human rights or represent a return to the status quo that gave rise to the recent political-military crisis.

We welcome your recent statements promising to address many of these issues and acknowledge the many challenges that lie ahead. We specifically urge that your administration take action to bring improvement in the following areas of concern:

### **Accountability and Strengthening of the Judiciary**

War crimes and other serious abuses have been committed by all sides during Mai’s recent armed conflict. These abuses include the summary execution of up to 153 Malian soldiers in Aguelhok; widespread looting and pillage, and sexual violence by the Tuareg National Movement for the Liberation of Azawad (MNLA); the recruitment and use of child combatants, executions, floggings, amputations, and destruction of religious and cultural shrines by armed Islamist groups; and the summary execution, torture and enforced disappearance by soldiers from the Malian army.

The roadmap for accountability is unclear. We are encouraged by the involvement of the International Criminal Court and the several investigations initiated by the Malian authorities. However, the Ouagadougou Accord of June 18, 2013 included a prisoner release and other provisions that create ambiguity as to whether those responsible for serious crimes will be appropriately prosecuted.

Meanwhile, years of neglect and mismanagement within the Malian judiciary has led to striking deficiencies and undermined efforts to address impunity for the perpetrators of all classes of crimes. Grossly inadequate budgetary allocations for the criminal justice system have resulted in severe shortages of judicial personnel, notably those responsible for representing the indigent, and insufficient infrastructure and resources.

When coupled with unprofessional conduct and corrupt practices, the judicial shortfalls have contributed to widespread abuses of the right to due process. There are insufficient justice system personnel, including prosecutors, public defenders, and clerks; and severe logistical constraints, including insufficient computers, photocopiers, and vehicles to transport

prisoners and witnesses to court. Because of the courts' inability to adequately process cases, hundreds of prisoners are held in extended pretrial detention in often overcrowded jails and detention centers. Development aid destined for the judiciary has been misused and mismanaged, hindering reform efforts.

Recommendations for addressing impunity and improving the justice system include:

- Promptly investigate and prosecute those responsible from all sides for violations of international human rights and humanitarian law that have occurred at least over the past 18-months.
- Ensure the Ministry of Justice has sufficient support to address the deficiencies in the criminal justice system, which undermines victims' access to justice and denies the accused their right to a fair trial.
- Ensure adequate security for judges handling sensitive dossiers, notably those involving alleged crimes by soldiers or members of armed Islamist groups, and corruption cases.
- Ensure that the Malian National Human Rights Commission mandated to investigate human rights abuses is fully operational and funded, and allowed to function independently, in conformity with the United Nations Principles relating to the status of national institutions (the Paris Principles.)

### **Abuses by State Security Forces**

Members of the Malian security forces have been implicated in numerous serious abuses for which they have enjoyed near complete impunity. While the lack of accountability has long been a problem in Mali, the 2012 coup appeared to bring about a further deterioration in discipline within the armed forces.

Many abuses were committed against persons in military custody. Human Rights Watch interviewed over 100 detainees accused of supporting armed groups in the north, and numerous other witnesses to serious abuses committed by Malian soldiers since the beginning of the French-led offensive to take back northern Mali in January 2013. In this period, we documented 24 extrajudicial executions, 11 enforced disappearances, and over 50 cases of torture or ill-treatment of suspected Islamist rebels and alleged collaborators. Detainees described being severely beaten, kicked, and strangled; burned with cigarettes, lighters, candles, and lit paper; injected or forced to swallow a caustic substance; subjected to simulated drowning akin to "waterboarding"; slammed with their head against walls and cars; and, in a few cases, subjected to likely electric shocks. The abuses we have

documented do not appear to be systematic, however some were committed in the presence of army officers who did nothing to stop them.

Others subjected to abuse included members of the security forces themselves, notably in May 2012 when forces loyal to coup leader Capt. Amadou Sanogo forcibly disappeared at least 21 soldiers allegedly linked to an April 30 counter-coup, and committed torture and other abuses against dozens of others. Sanogo loyalists were also implicated in the abduction, beating, and intimidation of several Malian journalists.

The Malian government and military high command has given mixed signals regarding the abuses, at times flatly denying them and at others promising to hold alleged perpetrators to account. However, virtually none of these abuses have been adequately investigated and prosecuted, despite ample evidence. The recent promotion of Captain Sanogo to the rank of Lt. General is a gross affront to victims of abuses and sends the wrong signal to would-be perpetrators.

For Mali to be recognized as a rights-respecting democracy, it is crucial that the government disciplines its soldiers, holds those responsible for abuses to account, and ensures that the security forces fulfill their mandate to protect all Malians. The new government needs to act quickly to build on recent efforts by some Ministry of Defense officials, the European Union, France, and other governments to professionalize and reform the security sector. A failure to take advantage of this opportunity could not only embolden soldiers to commit continued abuses, but may also threaten Mali's democratic transition.

We urge you to:

- Discipline or prosecute in accordance with international fair trial standards members of the security forces implicated in serious abuses regardless of position or rank – including those liable under command responsibility for their failure to prevent or prosecute these crimes.
- Bring greater transparency and fiscal oversight to military expenditures.
- Establish a 24-hour telephone hotline, staffed by both civilians and military police, for victims and witnesses to report criminal offenses and other abuses committed by security service personnel.

### **Truth-Telling and Reconciliation Mechanism**

Human Rights Watch has long supported a truth-telling mechanism in Mali for several reasons. First, it could illuminate under-exposed atrocities committed during previous armed conflicts,

notably those suffered by populations in the north. Second, it could explore the factors that gave rise to Mali's multi-faceted crisis including state neglect, poor governance, and endemic corruption. Third, it could explore the dynamics leading to communal and ethnic tensions that have worsened over the past year and threaten to erupt again. Lastly, it could make recommendations aimed at preventing a repetition of past violations and improving governance.

While we recognize the establishment in March 2013 of the Commission for Dialog and Reconciliation, we believe its efficacy to date has been undermined by an unclear mandate and problems in the commissioner-selection process, which lacked sufficient consultation with a wide variety of stakeholders. While its mandate and powers appear limited to promote reconciliation, some Malians have pushed for a commission that could address impunity for abuses, including the inclusion of provisions to recommend individuals for prosecution. Indeed, while truth commissions can respond to victim and community needs in ways that justice mechanisms may not, they are by themselves an insufficient response to grave human rights abuses.

The hasty "top down" selection process of commissioners – selected by the interim government – risks being perceived as an arm of special interests. The selection and appointment of such a body is particularly sensitive and should be the result of a comprehensive consultative process to explore the commission's mandate, composition and powers. To bolster the actual and perceived impartiality, some commissions have included international members.

To ensure a more inclusive commission, we recommend that you:

- Reconstitute the composition of the Commission for Dialog and Reconciliation by way of a widely consultative selection process involving members of civil society, women's groups, political parties, labor unions, victims' groups, the diaspora, religious leaders, and the security forces, among others.
- To ensure the independence and impartiality of the commission, proposed commissioners should be subject to public confirmation hearings.
- Commit to making the commission part of broader efforts toward truth-telling and accountability, including justice for serious crimes.

### **Corruption and the Fulfillment of Economic and Social Rights**

We welcome your commitment to adopt a zero-tolerance approach to corrupt practices by government officials. Graft and corruption remain endemic at all levels of government. Many Malians with whom we spoke described how corruption impacts on their lives and the lives of

their children, and identified providing accountability for economic crimes as the single most important challenge going forward. Corrupt practices and the gross mismanagement of revenue impede Malians access to basic health care, education and other economic rights.

To reverse this situation, we urge you to:

- Develop a comprehensive and public policy and plan to discipline and prosecute corruption and the use of state funds for personal enrichment by public officials at all levels;
- Present specific steps to improve transparency at all levels of government, including financial oversight in the use of public funds.
- Encourage parliament to strengthen legislation on asset declaration so that senior government officials, members of parliament, and heads of state-owned companies are required to publicly declare all personal assets upon taking *and* leaving office.
- Establish a fully independent, well-funded anti-corruption body empowered to investigate, subpoena, and seek the prosecution of public officials implicated in corrupt practices.
- Ensure public access to reports by the auditor general.

Mali's recent elections represent a true window of opportunity for Malians to confront some of the chronic issues that gave rise to the recent political, security and human rights crisis in the country. We hope the actions that you and your government take will usher in needed measures to address the chronic human rights problems that have undermined the civil, political, social, and economic rights of Malians for years.

Human Rights Watch stands ready to support the efforts of your government to strengthen the rule of law and ensure accountability for human rights abuses.

Sincerely,

**Ken Roth**

Executive Director

Human Rights Watch

**Babatunde Olugboji**

Deputy Program Director

Human Rights Watch

**Corinne Dufka**

Senior Researcher for West Africa

Human Rights Watch

CC:

Mr. Bert Koenders, Special Representative of the Secretary General

H.E. Mr. Gilles Huberson, French Ambassador to Mali

H.E. Mrs. Mary Beth Leonard, US Ambassador to Mali

Mr. Richard Zink, Head of the European Delegation in Mali

H.E. Mr. Louis de Lorimier, Canadian Ambassador to Mali

H.E. Kadré Désiré Ouedraogo, President of the Economic Community of West African States (ECOWAS)

H.E. Mr. Pierre Buyoya, Special Representative of the Chairperson of the Commission of the African Union

Mr. Said Djinnit, United Nations Special Representative of the Secretary-General for West Africa



# **HRW Statement on Completion of Presidential Elections**

**August 12, 2013 – Statement**

The elections hold much promise for the Malian people, who have suffered so much over the last 18 months. However, there is much work to be done: The new president and his government need to resist a return to “business as usual” by confronting head-on the political, economic and social dynamics that led to Mali’s spectacular collapse. The government should ensure accountability for abuses by all sides, strengthen the institutions that uphold the rule of law, and take concrete measures to root out endemic corruption.

## Mali: New Abuses by Tuareg Rebels, Soldiers

*Kidal Offensive Heightens Need for Discipline, Accountability by All Sides*

June 7, 2013 – Press Release

<http://www.hrw.org/news/2013/06/07/mali-new-abuses-tuareg-rebels-soldiers>



Malian soldiers patrol in Timbuktu during Mali's presidential election, July 28, 2013. © 2013 Joe Penney/Reuters

(Johannesburg) – Renewed abuses by ethnic Tuareg rebels and Malian army soldiers are a step backward for human rights protection in northern Mali, Human Rights Watch said today. On June 5, 2013, army forces began a military offensive to recapture the Kidal region.

On June 1 and 2, forces of the Tuareg National Movement for the Liberation of Azawad (MNLA), which still controls parts of the Kidal region, arbitrarily detained about 100 people, most of them darker-skinned men from non-Tuareg ethnic groups. Witnesses told Human Rights Watch that the MNLA robbed, threatened, and, in numerous cases, severely beat the men.

Since early May, Malian soldiers have committed serious abuses, including torture and other mistreatment against at least 24 rebel suspects and villagers in the Mopti region, witnesses and victims told Human Rights Watch. The majority of those held were ethnic Tuareg or Bellahs, a Tuareg caste.

“The recent abuses by both sides and renewed fighting around Kidal underscores the urgent need for Malian soldiers and rebel combatants to respect the laws of war, minimize civilian harm, and ensure the humane treatment of detainees,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Civilians across the ethnic divide have already suffered enough.”

Malian authorities should accelerate redeployment of gendarmes, police and Justice Ministry personnel throughout the north to deter abuses by government soldiers, Human Rights Watch said. The MNLA should end abuses against civilians and hold those responsible to account.

Kidal remains the only region of Mali that is not fully under government control since the French-led military operation in January drove armed rebel and Islamist groups from the north. Since May, the Malian army had appeared poised to retake the town of Kidal in advance of planned July elections. The army has been conducting patrols and other military operations throughout the north, where the security situation remains precarious on account of periodic infiltration by armed Islamist groups, as well as criminal banditry.

The recent abuses in northern Mali and renewed fighting could intensify already elevated ethnic tension ahead of the July elections, Human Rights Watch said. The government has said Kidal must be under government control before the elections and the MNLA has said it will resume fighting if the Malian army tries to recapture Kidal. Negotiations to reach a political solution to the standoff in Kidal are underway. Human Rights Watch had earlier called on all warring parties to abide by the laws of war in the event of a Malian military offensive against opposition armed groups in the Kidal region.

Enhanced civilian protection along with robust measures by the Malian government to investigate and prosecute abuses by all sides is crucial for improving human rights in northern Mali, Human Rights Watch said.

“There are real security threats in Mali, but brutalizing detainees and civilians is not the way to address them,” Dufka said. “The military command should fulfill its pledges to hold soldiers to account for their unlawful actions and counter this wave of indiscipline within the Mopti region.”

### **MNLA Abuses**

The MNLA reported to the media that in the first few days of June it had detained in Kidal approximately 100 men it suspected of being government spies, but that all but 10 have since been released. The MNLA human rights representative, Moussa Ag Acharatoumane, told Reuters that those still held are “considered prisoners of war and are being interrogated. Civilians who were picked up during the sweep have been released.”

Seven of the men who had been held for about 24 hours by the MNLA told Human Rights Watch by phone that MNLA fighters detained non-Tuareg men, robbed them of money, cell phones and other possessions, and beat them. One had suffered a broken rib; another victim said he saw one man “kicked so hard they broke his arm and another one beaten until he lost consciousness.” Ibrahim Harouna Touré, the head of a Gao-based human rights group, told Human Rights Watch that he had spoken with 25 non-Tuareg men detained by the MNLA in Kidal, all of whom were put on a truck by the rebels and told to leave. He said eight of them needed out-patient medical care for the injuries they received while in MNLA custody.

A Gao-based truck driver told Human Rights Watch that MNLA fighters apprehended him in Kidal and robbed him of about 300,000 CFA (US\$600). They took him to a building that was being used as a detention center where MNLA members beat him and many others: “They hit me with the butts of their guns until I could no longer walk. ... [They hit me] on my stomach, head, and neck.... One rib on my left side is broken.” While he was detained, MNLA fighters told him, “You blacks, Kidal is not for you. It is for us. ...If you’re not with us, we’re going to make you leave our town.”

An ethnic Peuhl truck driver described how he and a dozen other drivers were badly beaten and robbed when MNLA fighters surrounded the parking lot where they were asleep in their trucks. He told Human Rights Watch:

A few of them attacked each truck. One hit me twice with his ‘kalash’ [assault rifle] and told me, ‘We don’t need black people in the Azawad,’ One of us was hit hard in the face, another in the neck, another was coughing blood.... They robbed us – from me they took 40,000 CFA. They tore all our Malian ID cards saying we had no need for them.

A Bambara trader on his way to Gao said that MNLA fighters detained him and three other men after they crossed into Mali from Algeria. Before they were taken to Kidal, the four were robbed at gunpoint by the fighters. The trader said, “I gave him all I had, but he pointed his gun and told me he wanted more. ...When I told him I didn’t have it, he whacked my head several times with his gun.” The trader said the MNLA held the men overnight with 17 others, many of whom told him that they had been beaten and showed signs of physical abuse. The next morning, the MNLA put all of the men on a truck to Gao.

### **Malian Army Abuses**

Human Rights Watch spoke by phone with 12 victims and witnesses to several incidents of abuse involving Malian army soldiers in the Mopti region in May. Most victims were ethnic Tuareg or Bellah. While Malian authorities acted swiftly to investigate and arrest four members of a pro-government militia implicated in the May 26 killing of two Tuareg shepherds in the

town of Gossi, they have yet to investigate the incidents described below.

Victims told Human Rights Watch that from May 6 to 8, army patrols detained, severely beat, and tortured nine men who were taken into custody in two separate groups from villages and nomadic camps between the towns of Sourango, 30 kilometers south of Léré, and Tenenkou. Four of the men were between 58 and 70 years old.

The men said the soldiers repeatedly made death threats and used racial slurs, and on several occasions paraded, abused, and humiliated them in front of the local population. One detainee said that the group he was with “stopped in six villages, where people cheered and gave presents to the soldiers.” Another man said soldiers threw detainees to the ground in front of groups of villagers “like a soccer ball.” The soldiers accused them of being rebel or Islamist fighters and at times tried to get them to confess. Several of the men said that when they were apprehended, soldiers robbed them of money, livestock, and other belongings.

Soldiers severely beat the nine men over two days in and around the towns of Toguéré Koumbé and Dioura.

Several detainees said that the soldiers pummeled them with fists and gun butts; kicked them in the face, neck, and stomach; choked them with ropes; and tied them to trees, including four for over 12 hours. One man said the skin on his back had been “ripped open raw” when he was kicked in the stomach while tied to a tree. The men said they suffered broken ribs, vomited blood, and were heavily bruised, including on their faces and heads. Three said they lost consciousness from the abuse. One said that “the oldest among us almost died of strangulation. ...It was only when the soldiers saw he was losing consciousness that they let him go.” Two men said they noted the presence of an army lieutenant during some of the mistreatment, and believed that the soldiers were following orders from their superiors.

All the men said the abuse stopped only after they were handed over to gendarmes in Niono and later Ségou. One man, detained on May 8 with four others, told Human Rights Watch:

From the moment of arrest they whacked us with their guns and kicked us with their rangers [boots]. On the first night they tied us to trees where we remained from 4 p.m. to 9 a.m. the next morning. Every few hours groups of two or three [soldiers] came by to beat us and kick us in the stomach, causing cuts and deep scratches in our backs from the tree bark. The officer in charge told his soldiers to make us say the names of the chief of the MNLA or al-Qaeda. The next day in Dioura they punched and kicked us and slammed our heads against the pickup truck the entire way until they handed us to the gendarmes. Only then did the abuse stop.

Several victims and witnesses from three nomadic camps of Tuareg and Bellah within the same area said that, between May 26 and 28, soldiers on patrol severely beat 14 pastoralists, including three children. They said the soldiers had stolen several of their animals and watched as local men, working with the army as guides, rounded up and walked away with many cows, goats, and sheep taken from the villagers.

A shepherd, 28, was one of nine people, including three children – ages 9, 12, and 17 – who were severely beaten by soldiers as they searched their camp for arms. He told Human Rights Watch that soldiers had arrived at his camp aboard four trucks:

[They] yelled for us to get on the ground, tied our hands and feet behind our backs with rope, and then hit all of us, even the children, with the gun butts everywhere on our body and kicked our faces. Some of us were bleeding from the nose and mouth. They told us: ‘You are Islamists, criminals, where are your weapons? Now you are dead.’ Then they loaded up two cows and two men from the village, and left.

Another shepherd hid as he saw a convoy of four vehicles full of soldiers heading toward a nearby camp of pastoralists on either May 25 or 26. He said that after seeing the vehicles leave, “I found five men really suffering. The eldest, who was around 70, had been beaten up so badly he was unconscious. The four others were coughing blood, their faces were swollen and bruises were starting to appear. They said they’d been kicked again and again with their rangers [boots].”

Two witnesses said that on about May 25, soldiers conducting a search in a village northeast of Douentza shot an elderly man in the foot twice to force him to confess to the location of weapons. One witness said:

They arrived in a vehicle convoy to search for weapons. ...They went to [the man’s] house and demanded that he show them the weapons. When he refused, a soldier shot him with a pistol in the foot. He fell to the ground. They asked him again, and again he said they didn’t have any. The soldier shot him in the right foot. The old men then pointed out a house to the soldiers. After searching the house they found a lot of weapons and ammo. The soldiers took it all away. The old man was on the ground bleeding. The soldiers lifted him into the car up and left with him.

The elderly man’s whereabouts remain unknown, but friends of the family told Human Rights Watch that they were told by state officials in Douentza that the man had subsequently died.

# Mali: Soldiers Torture Detainees in Léré

## *Accelerate Deployment of Gendarmes in Conflict Zones*

**March 26, 2013 – Press Release**

<http://www.hrw.org/news/2013/03/26/mali-soldiers-torture-detainees-leré>

(Nairobi) – The government of Mali should investigate allegations that Malian soldiers tortured seven suspected supporters of Islamist armed groups in Léré, near Timbuktu, Human Rights Watch said today.

The seven men, all of whom showed visible signs of torture, described to Human Rights Watch being beaten and kicked, burned, injected with a caustic substance, and threatened with death while in army custody between February 15 and March 4, 2013. One said he was subjected to simulated drowning akin to “waterboarding.”

“The use of torture by the very soldiers mandated to restore security in northern Mali will only make a difficult situation worse,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “The Malian government should promptly and impartially investigate these and other allegations of abuse or face an increasingly unaccountable military and deepening communal tensions.”

All of the seven detainees were ethnic Tuareg men between the ages of 21 and 66 who said that soldiers had detained them in or near the animal market in Léré after they went there from nearby villages to sell their cows. Two were detained while hiding in a house near the animal market. All seven were taken to a house that appeared to be serving as an ad hoc military headquarters. The Malian army had retaken Léré in late January as part of a French-led offensive to recapture northern Mali from Islamist armed groups.

The torture and other ill-treatment of the men caused lasting injuries, Human Rights Watch said. One man went blind in one eye after being clubbed in the face with a gun butt, while another had gone partially deaf after being kicked repeatedly in the head. Two of the men described being beaten until unconscious, one of whom later vomited blood and bled from his nose. Another suffered a broken or dislocated shoulder after being hurled to the ground while bound, while another said he suffered at least one broken rib. Most were hogtied – their wrists and ankles tied tightly behind the back – for hours at a time, in some cases for over 12 hours. All had scars on their wrists from the tight cords and two had lost movement and feeling in one or both arms, suggesting possible nerve damage.

The military appeared to be torturing the men as punishment for suspected support for Islamist

armed groups, Human Rights Watch said. While they were not formally interrogated while in military custody, the men said that on a few occasions there were informally questioned about alleged associations with armed groups, including while being mistreated. On March 5, the men were taken from Léré to Markala, 265 kilometers away, where they were photographed with Kalashnikov assault rifles, ammunition, motorcycles, and other alleged proof of their association with armed groups. The men denied any such association and said the arms and other items were not theirs.

All described being subjected to persistent death threats. The only language most of the men spoke was Tamashek, the Tuareg language, which the soldiers did not speak, thus the death threats were communicated through gestures. The soldiers would frequently run a finger across their neck and, on a few occasions, sharpen knives in front of the room in which the men were detained.

The detainees said that after they were transferred to the custody of the Malian gendarmerie on March 5, they were well-treated and had been receiving regular medical attention. They are undergoing further interrogation and have not had access to family members or legal counsel.

Human Rights Watch has previously documented numerous incidents in which Malian soldiers had detained without basis members of Tuareg, Arab, and Peuhl ethnic groups because of their alleged support of Islamist and Tuareg armed groups. Two of the Léré detainees told Human Rights Watch that they were aware of possible targeting by Malian soldiers, but believed they could safely go to the market because French soldiers were reportedly also in the town.

“It is in the interests of every government involved in Mali to ensure that all abuses cease and those responsible are appropriately punished,” Dufka said. “Doing nothing in the face of reports of torture should not be an option.”

A 31-year-old detainee told Human Rights Watch:

We had heard about the Malian soldiers doing bad to Tuaregs and know they suspect us, but what are we to do? We live in camps (campements) far from any towns and had no other choice but to sell our animals to survive. That day I felt confident both because I have proper identification papers and my brother in Timbuktu told me the French are always with the Malians.... That’s why I took the risk to come to Léré that day.

The abuses in Léré were documented during a Human Rights Watch research trip to Mali from March 11 to March 23. Other findings of human rights abuses will be made public in the coming weeks.



“Transferring the seven men tortured in Léré to the gendarmes appears to have eased their immediate plight, but not the concerns about the lawfulness of their detention,” Dufka said. “They should be released if there is no basis for holding them and compensated for their injuries.”

### **Accounts of Torture and Other Ill-Treatment**

One of the detainees told Human Rights Watch that in the middle of the night he and another co-detainee, both of whom had been hogtied, were taken out of their cell by soldiers, who hurled them onto the ground “like we were bags of rice,” breaking or dislocating his shoulder. After the man was hit and threatened with death, another soldier ordered the soldiers to return the detainees to their room.

Two of the men told Human Rights Watch that on February 16 soldiers injected their wrists with an unknown caustic substance that over the next several hours produced blisters then progressively “ate through” their skin. The soldier used the same needle to inject both men. One man, 36, told Human Rights Watch:

After selling two cows for 315,000 CFA (US\$620), I headed to the market to buy provisions before returning to my village. On the way a friend warned me the soldiers were arresting Tuaregs so I ran to hide in a friend’s house until they passed. But they saw me, dragged me out and immediately started kicking me with their boots and beating me with the butts of their rifles. While on the ground, one of them slammed my head with his gun, hitting my right eye. ...The pain was so severe I passed out.

I came to while being dragged along the ground after my hands had been bound with my turban. The next day near sundown a soldier came in, took my arm and injected a substance. I thought it might have been for the pain. ... I didn’t speak his language so couldn’t ask him. Then he injected my friend who was sharing the cell with me. It started blistering and by the next morning had eaten my skin. I felt as if I would die from the pain... All I want is to return to my village.

A detainee whose hands were bound behind his back said soldiers placed wadded-up paper and set it alight on his back. A soldier held him down while he tried to shake off the burning paper. He told Human Rights Watch:

My hands were tied and they made me lie on the ground. I saw them twisting up paper which they put on my upper back and set on fire. ...I tried to move left and right to shake it off as it burned my skin but they held me down.

Two other detainees said they were burned on their ears with a cigarette lighter.

One man, a 30-year-old driver, said that he was subjected to a mock execution similar to “waterboarding” that simulates drowning. He said:

They told me to crouch down, slammed my head hard against a wall, pulled it back then grabbed a bucket of water and poured it down my nose and into my mouth... While doing this they asked me, ‘Tell us what job you were doing with them and why you had money on you.’

Four of the men described being robbed of the money from the sale of their cows. A 66-year-old trader told Human Rights Watch that he had sold 32 cows and the soldiers had taken 3,300,000 CFA (\$6,520) from him while he was in custody. “They beat me, and kicked me in my face and back [and] one struck me in the neck,” he said. “As I was passing out from the beating I was aware of them sticking their hands in my pockets, pulling off my clothes. ...The money is nowhere to be seen.” Soldiers allegedly stole another 1,440,000 CFA (\$2,845) from the other men.

Human Rights Watch urged the Malian government to:

- **Investigate and prosecute** in accordance with international fair trial standards members of the security forces implicated in torture and other abuses in Léré, regardless of rank, and including those liable under command responsibility for their failure to prevent or prosecute these crimes.
- **Accelerate redeployment of gendarmes**, the police and Justice Ministry personnel to towns and villages in northern Mali, particularly those in which there are ongoing military operations, notably in and around the towns of Gossi, Gourma-Rharous, and Bourem.
- **Ensure that everyone taken into custody during military operations is treated humanely**, is promptly brought before a judicial authority to ensure the legality of their detention, and is able to contact their families.
- **Establish a 24-hour telephone hotline**, staffed by relevant Malian authorities and personnel from the African-led International Support Mission to Mali (AFISMA) for victims and witnesses to report violations, including by members of the state security forces.

## **Mali: Prosecute Soldiers for Abuses**

### *International Partners Should Address Urgent Protection Needs in North*

**February 21, 2013 – Press Release**

<http://www.hrw.org/news/2013/02/21/mali-prosecute-soldiers-abuses>

(Nairobi) – The Malian government should urgently investigate and prosecute soldiers responsible for torture, summary executions, and enforced disappearances of suspected Islamist rebels and alleged collaborators since the fighting in northern Mali resumed in January 2013, Human Rights Watch said today. Mali’s international partners should bolster accountability efforts and civilian protection in the north to help prevent further abuses.

Human Rights Watch investigations since the French-led offensive in January helped the Malian army to retake most of the north found that government soldiers appeared to be targeting members of the Peuhl, Tuareg, and Arab ethnic groups in the Timbuktu, Douentza, Gao, Sévaré, Boni, and Konna areas. The soldiers accused members of these communities of supporting the armed Islamist groups that had earlier occupied the areas.

“The Malian government needs to act now to put a stop to these abuses by their soldiers and appropriately punish those responsible,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “Restoring security in the north means providing protection for everybody, regardless of their ethnicity.”

Witnesses to recent abuses told Human Rights Watch both in Mali and by phone that government soldiers tortured two men, summarily executed two, and forcibly disappeared at least six others. Human Rights Watch had earlier documented the summary execution of at least 13 men and enforced disappearance of five others by government soldiers from Sévaré and in Konna during January 2013.

#### **Extrajudicial Executions, Forced Disappearance, and Torture by Malian Soldiers**

Several witnesses from a small village south of Boni (93 kilometers from Douentza) told Human Rights Watch that on February 9 at about 11 a.m., Malian soldiers patrolling the area detained two young ethnic Peuhl men whom they accused of being fighters for the MUJAO, an armed Islamist group. The witnesses said that the soldiers seemed to have been looking specifically for the two men, who were in their twenties.

The soldiers forced the men into an army vehicle and drove them to the outskirts of the village, where they were still visible to villagers. Some minutes later, villagers heard several gunshots. Two witnesses went to a deep crevice in front of where the army truck had parked; they said

that the odor of decomposing remains could be detected. The two men have not been heard from since.

In the Abaradjou neighborhood of Timbuktu on February 14, Malian soldiers detained four Arab men and a Songhai man, who have been missing ever since and are feared forcibly disappeared, relatives and neighbors told Human Rights Watch. Military and gendarme officials told Human Rights Watch on February 18 that they did not detain the five men. International law defines an enforced disappearance as the arrest or detention of a person by government officials or their agents followed by a refusal to acknowledge the deprivation of liberty, or to reveal the person's fate or whereabouts.

One family member told Human Rights Watch: "The soldiers broke down the door and smashed and kicked around the house, destroying a lot of things. One of the men grabbed my relative and took him away.... He is a merchant.... Everyone knows he has nothing to do with the Jihadists. If he did, wouldn't he have fled long ago?"

A woman who lives nearby said that the Songhai man was a neighbor who tried to speak up for one of the Arab men and who was similarly thrown into the back of the soldiers' pickup truck: "When he saw him [the Arab man] being detained, he said, 'No...he was never involved with those people, leave him.' Instead, the soldiers threw him into the back of their pickup."

Another relative said, "All we want is a sign that he is alive.... One phone call so I can hear his voice."

The men feared "disappeared" are Ali Ould Mohamed Kobad, 65; Danna Ould Dahama, 38; Mohamaed Ould Dahama, 40; Maouloud Fassoukoye, 40; and Mohamed Oud Sidi Ali, 68.

Family members of a 50-year-old Peuhl man detained on January 22 by soldiers in Douentza described their futile efforts to find him: "Every time we go to the military in Douentza they tell us he is not there, that we should look for him in Sévaré. When our family goes to the camp in Sévaré they say they've never heard of him. We don't know if he is dead or alive; what we do know is that it is the soldiers who took him from us."

Residents of other towns described two cases of torture. In early February, shortly after Islamist rebels attacked a local military outpost, soldiers allegedly detained a 43-year-old Tuareg man at a checkpoint. He was taken to a building adjacent to the checkpoint and severely beaten, burned on his abdomen and genitals with cigarettes, partially strangled, and then forced to ingest through his nose a toxic substance that severely burned his esophagus.

A Peuhl man held for one week in early February by the military in Douentza was allegedly

burned with candles and cigarettes and severely beaten. His wife told Human Rights Watch: “We didn’t know where he was for a week. When he returned he told me he’d been held by the soldiers in Douentza...when he took off his shirt I saw that his back was full of terrible burns and wounds.” A friend of his added: “He said he was detained in a room with many others and that they took them out one by one to question them until they got the information they wanted. He was in bad shape.” The victim has since fled to Burkina Faso.

Five other men, whose detentions by soldiers in Sévaré, Konna, and around Konna were earlier documented by Human Rights Watch, remain disappeared.

“All officials need to act in accordance with human rights law if security and law and order are to be restored to areas recently recovered by the government,” Dufka said. “This means providing basic due process rights for anyone taken into custody, and making sure they are treated humanely. Commanders who fail to stop abuses by their troops can themselves be prosecuted.”

### **Exodus of Tuareg and Arab Populations**

The resumption of hostilities in the north in January was accompanied by an exodus of about 22,000 Malian civilians, the vast majority ethnic Tuareg and Arabs, who are believed to have fled the area out of fear of reprisals by the army and, to a lesser extent, by civilians. Civilians from numerous villages said their towns and villages were now “practically empty” of Tuaregs and Arabs.

Tuareg and Arab civilians who have remained in Mali told Human Rights Watch that they were terrified of being detained and abused under suspicion of having supported armed Islamist groups. One Tuareg woman in Timbuktu told Human Rights Watch: “I go to work, I come back but don’t dare to go out. I feel like a prisoner in my own country.” Another said: “I am fearful for my family. When in the street, I hear people saying they want to rid Timbuktu of us...only a few of us remain...but who knows for how long.”

Several other Arab civilians told Human Rights Watch they wanted to leave, but fear being stopped and detained at military checkpoints along the way. One Arab man described being “too afraid to stay, but too afraid to leave.” An Arab man who said his father was forcibly disappeared by the Malian army said he wanted to evacuate all remaining members of his family but, “I don’t know how to do it...I’m afraid for them to move.”

### **Civilian Protection Gap**

The military offensive to recapture the north took place within a context of dangerously elevated ethnic tensions, Human Rights Watch said. The state institutions that could mitigate, respond to, and ultimately prevent violence – the police, gendarmes, the judiciary – withdrew in early 2012, when the north fell to the armed Islamist groups. Mali’s civil servants have only

recently begun to return. Plans by United Nations agencies, the European Union, and the African Union to provide human rights training to the military and deploy human rights monitors and possibly peacekeepers may eventually improve civilian protection. But they do not address the pressing security vacuum and protection needs.

The public information campaign started by the government, religious leaders, and community groups is an important measure to address ethnic tensions, Human Rights Watch said. The government should increase the reach of this important program, including the “Recotrad du Nord” (Network of Traditional Communicators from the North, Réseau des Communicateurs Traditionnels du Nord). To address abuses by the military and address urgent civilian protection needs within the current security vacuum, Human Rights Watch also recommends the following:

## **Recommendations**

### ***To the Malian government:***

- Ensure that everyone taken into custody during military operations is treated humanely, is promptly brought before a judicial authority to ensure the legality of their detention, and is able to contact their families.
- Investigate and prosecute in accordance with international fair trial standards members of the security forces implicated in recent serious abuses regardless of position or rank – including those liable under command responsibility for their failure to prevent or prosecute these crimes.
- Accelerate redeployment of police, gendarmes, and Justice Ministry personnel to towns and villages in the north.
- Establish a 24-hour telephone hotline, staffed by relevant Malian authorities and personnel from the African-led International Support Mission to Mali (AFISMA) for victims and witnesses to report complaints about violations, including by members of the security services.
- Ensure effective and rapid communication between hotline staff and Malian authorities mandated with civilian protection as well as AFISMA personnel.
- Direct the Malian National Human Rights Commission to monitor and report on hate speech that incites ethnic violence. For instance, an article published on February 4, 2013, in L’Express de Bamako (“La liste des membres du MNLA: Des traitres à abattre

pour la République,” List of MNLA members: Traitors to kill in the name of the Republic) contained language that could be considered incitement to violence.

***To the United Nations, African Union, and Economic Community of West African States (ECOWAS):***

- Call upon the government to conduct prompt, credible investigations into allegations of killings, enforced disappearances, and other abuses by Malian armed forces.
- Urgently deploy countrywide, international human rights monitors from the United Nations, African Union, and ECOWAS to document current and past abuses and visit places of detention.

***To the French government, African-led International Support Mission to Mali (AFISMA), and European Union:***

- Increase the presence of French and AFISMA troops alongside patrols by the Malian army to deter abuses against civilians.
- Carry out any redeployment of French and AFISMA troops in ways that do not leave civilians at unnecessary risk of abuses.
- Incorporate in the EU Training Mission (EUTM Mali) mandated to train and advise the Malian military a meaningful mentoring component that would place instructors in the field alongside Malian forces.

# **Mali: Malian Army, Islamist Groups Executed Prisoners**

*Government, International Forces Should Prevent Further Atrocities*

**February 1, 2013 – Press Release**

<http://www.hrw.org/news/2013/02/01/mali-malian-army-islamist-groups-executed-prisoners>

(Bamako) – Malian government forces summarily executed at least 13 suspected Islamist supporters and forcibly disappeared five others from the garrison town of Sévaré and in Konna during January 2013, Human Rights Watch said today. Islamist armed groups in Konna executed at least seven Malian soldiers, five of whom were wounded, and used children as soldiers in combat.

Although the Malian forces arrested and executed the men and dumped their bodies in wells in public view in broad daylight, military officials and gendarmes denied knowledge of the killings. Malian authorities should immediately investigate the alleged executions and hold those responsible to account, Human Rights Watch said.

“Malian authorities have turned a blind eye to these very disturbing crimes,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “The Malian government should take immediate steps to investigate these abuses and bring those responsible to justice, irrespective of rank.”

The Malian army abuses occurred during the Islamist rebel offensive against Konna, 65 kilometers north of Sévaré, which began on January 9. Witnesses described to Human Rights Watch seeing soldiers at a bus station in Sévaré confront and then detain bus passengers suspected of association with Islamist rebel groups. Many of the men detained had failed to produce proper identification, which the soldiers interpreted as evidence that the men were not from Mali or the area, and thus were likely supporters of the armed Islamists.

Before the soldiers marched them off, many of the detained men frantically tried to find someone in the crowd at the bus station who could vouch for them and verify their identity, witnesses said. They were driven or marched to a nearby field, where they were shot and their bodies dumped into one of four wells.





A man rides past one of several wells in which were dumped the bodies of suspected Islamist rebels allegedly executed by members of the Malian army in January 2013 (Photo taken on January 28, 2013). © 2013 Eric Gaillard/Reuters

Human Rights Watch saw clear traces of blood in and around each well; in one well at least three bodies were visible. Many of those executed were members of the Peuhl ethnic group, which the army has associated with the Islamist groups that attacked Konna.

Witnesses told Human Rights Watch that some of the soldiers appeared to be under the influence of alcohol as they apprehended and executed the men. A witness to several killings said:

They put the old man and his son into a car and drove them 100 meters to the well in the empty lot. They fired one bullet at the son...he dropped down. Then they took his body and dumped it in the well. Then they fired several bullets at the father, but he didn't fall. Seeing this, they took some of his clothes off, shot him again and then also threw him into the well. Then they fired again inside the well. People said the military insisted they were Islamists. But the son tried to explain that his father, who had been acting in a weird way, was crazy.

On the same day, they brought in two other men between 30 and 35 years old. They were blindfolded, and their hands were tied in the back with a rope... Even during the night, I heard a lot of gunshots. Maybe every two or three hours.

Another witness said that on January 22, Malian soldiers took a well-known religious leader from the village of Gnimi-Gnama while he was preparing for prayer. Five days later, his bloated body was discovered a kilometer away.

Local residents were uniformly terrified to speak of the killings and other abuses in public for fear of reprisal from the military. Human Rights Watch researchers witnessed a member of the Malian security forces instructing a local resident not to talk about recent abuses.

“Many Malians have suffered egregiously at the hands of Islamist armed groups,” Dufka said. “They should not now have to live in fear of their own army.”

Between January 9 and 18 in Sévaré, Konna, and surrounding villages, Malian soldiers also allegedly forcibly disappeared five men, mostly ethnic Peuhl, their relatives and neighbors told Human Rights Watch. In several cases, family members had unsuccessfully searched for their relatives at the army barracks and gendarmerie. A family member told Human Rights Watch about his “disappeared” 72-year-old relative:

Every day at about 8 a.m. he went for tea at the same time...but this day he didn't come back. Around 10 a.m. a friend who lives near the military base told us he'd just seen him being beaten inside the camp. We rushed there but by the time we arrived he was gone. They said they knew nothing.... It's been weeks and he's yet to come home.

Islamist rebels who attacked and briefly held Konna were implicated in the summary executions of at least seven Malian soldiers, five of whom were wounded, Human Rights Watch said. A civil servant said that from his hiding place, he had witnessed the execution of two Malian soldiers and that he was later among a group of villagers the rebels ordered to bury Malian soldiers killed during the January 9 to 11 battle for the town. He told Human Rights Watch:

From where I was hiding I saw two soldiers who'd become separated from the others. They'd run out of ammo and were hiding when a group of four MUJAO (fighters) caught them... one begged for his life saying, 'Please, in the name of God.' but they held him down and slit his throat. Two days later, as we picked up the dead soldiers to bury them, the Islamists saw that five of them were still living. Most were gravely wounded but they were still breathing and should have been given a chance to live. Instead the Islamists killed them – one after the other... They shot some of them through the mouth... saying “Allah ahuakbar” [God is the greatest] ...I couldn't sleep for days.

Other local residents said that children as young as 11 took part in battle for the Islamist rebels.

Witnesses in Konna said at least three children were killed during the fighting. A teacher who saw the dead children told Human Rights Watch, “I cannot forget the bodies of those children – three of them lying here and there. One was only 11...the others not more than 14.” Mali is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which prohibits armed forces and non-state armed groups from deploying any child under 18 in combat. The recruitment and use of child soldiers is a war crime.

International humanitarian law, or the laws of war, applies to all sides in the armed conflict in Mali. Applicable law includes Common Article 3 to the 1949 Geneva Conventions, Protocol II to the Geneva Conventions, and customary laws of war. Common Article 3 and Protocol II specifically prohibit the killing of captured combatants and civilians in custody. Individuals who deliberately commit serious violations of the laws of war may be prosecuted for war crimes.

The Malian authorities should immediately investigate the alleged killings in Sévaré and Konna and ensure that those responsible are held to account, Human Rights Watch said. An investigation should include forensic experts to preserve evidence and identify the victims. Malian authorities should develop procedures, with the assistance of international forces, to ensure that everyone taken into custody during military operations is treated humanely, is promptly brought before a judicial authority to ensure the legality of their detention, and is able to contact their families.

Human Rights Watch urged Mali’s international partners, notably France, the United States, the European Union, and the Economic Community of West African States, to call upon the government to conduct prompt, credible investigations into allegations of killings, enforced disappearances, and other abuses by Malian armed forces. International human rights monitors from the United Nations should be deployed to Mali as quickly as possible.

# **Mali: Islamists Should Free Child Soldiers**

*“Sending our Innocents to be Slaughtered,” Witness Says*

**January 15, 2013 – Press Release**

<http://www.hrw.org/news/2013/01/15/mali-islamists-should-free-child-soldiers>

(Nairobi) – Islamist armed groups occupying northern Mali should immediately release all child soldiers within their ranks and end the military conscription and use of those under 18, Human Rights Watch said today. With France carrying out aerial bombardment since January 11, 2013, to block the Islamists from advancing farther south, Human Rights Watch also urged rebel groups to remove children immediately from training bases in or near Islamist military installations.

Witnesses interviewed by Human Rights Watch by phone since January 8 – when hostilities between the Islamist groups and Malian army intensified – described seeing many children, some as young as 12, taking active part in the fighting. Witnesses also said that children were staffing checkpoints in areas that have come under aerial bombardment by the French or are near active combat zones. The Islamic groups – Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM) – have recruited, trained, and used several hundred children in their forces since occupying Northern Mali in April 2012.

“These Islamist groups have no business recruiting children into their ranks, much less putting them on the front line,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “These groups seem to be willfully putting scores of children directly in harm’s way. Before the military campaign goes any further, the Islamists should release these children back to their families.”

Three witnesses from Konna described seeing numerous children among the ranks of the Islamists who took over and briefly held the town on January 10. Witnesses in Gao said that they saw children among the reinforcements which left Gao for Konna; mothers looking for their sons who had left Gao to fight; and children wounded during the fight for Konna arriving in Gao.

“The Islamists arrived in about 10 land cruisers,” one witness from Konna said. “After the fighting died down, we went to the entrance of town to see them. I was shocked to see about a dozen children among them, several were only 12 or 13 years old, all armed with big guns, and working alongside the big men.”

Other witnesses observed children inside pickup trucks as they left Gao to reinforce the Islamists as they fought to hold onto Konna. One older man told Human Rights Watch:

On Friday [January 11] at around 4 p.m., I saw six Toyota land cruisers full of fighters leaving for the battle in front of the HQ of the Islamic Police. There were children in two of these – around five in one truck and two in the other. These are our children – what do they know of war? These so-called Islamists are sending our innocents to be slaughtered in the name of Jihad...I ask you, what kind of Islam is this?

Residents travelling in the Gao region in January described seeing children playing a major role in staffing checkpoints. A woman who travelled from Bamako to a small village near Gao on January 8 and 9 described seeing children working the checkpoints in the towns of Boré, Douentza, and Gao.

“There were so many children among MUJAO,” she said. “In Boré it was the children who came into our bus to ask for our papers and check our luggage. There was only one boy over 18 at this checkpoint. And in Douentza, there must have been 10 of them under the age of 18, the youngest was only about 11.”

A trader said he saw about 20 armed child combatants under 16 staffing the checkpoints leading in and out of the towns of Bourem and Ansongo, also in Gao region, on January 11.

The Islamists’ use of children apparently began shortly after they seized control of the north in April and has continued steadily since then. Witnesses have observed the children staffing checkpoints, conducting foot patrols, riding around in patrol vehicles, guarding prisoners, and preparing food in numerous locations controlled by the groups. Children from both Mali and Niger have been recruited. The witnesses have described how within Mali, the Islamists have recruited substantial numbers of boys from small villages and hamlets, particularly those where residents have long practiced Wahhabism, a very conservative form of Islam.

In December, one witness described visiting six small training camps in the Gao region in which a total of several dozen children were being trained on how to use firearms and were undergoing physical fitness training. In several of these places, children were also observed studying the Koran. Some of these training centers were within or adjacent to Islamic military bases.

Three places within the town of Gao where witnesses have observed children being trained in recent months – in and around Camp Firhoun, the “jardin of Njawa”, and the Customs Building (Direction nationale des douanes) – were allegedly targeted for aerial bombardment by the French armed forces on January 12. It is not clear whether children were at the site during the bombing.

The Islamist armed groups, the French and Malian armed forces, and troops from ECOWAS

countries should take all the necessary precautions to protect the lives of children, Human Rights Watch said.

Mali is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, which bans the recruitment and use in hostilities of children under the age of 18 by non-state armed groups. Recruitment of children under age 15 into armed forces for their active use in armed conflict constitutes a war crime under the Rome Statute, which established the International Criminal Court. The prosecutor of the court, Fatou Bensouda, is currently considering whether to open an investigation into crimes committed in Mali after the Malian government referred the situation since January 2012 to the court in July.

“All armed groups should immediately release the child soldiers they recruited and help them to rejoin their families,” Dufka said. “Islamist group leaders should know that recruitment and use of child soldiers is a war crime.”

# World Report 2013: Mali – Events of 2012

## January 2013 – Country Chapter

<http://www.hrw.org/world-report/2013/country-chapters/mali>

The Tuareg rebellion, Islamist occupation of the north, and political upheaval generated by a March military coup led to a drastic deterioration in respect for human rights in Mali. The insecurity led to the displacement of some 400,000 northern residents. The worsening human rights, security, and humanitarian situation country-wide generated considerable attention from the international community.

Several armed groups—which began operations in January 2012 and by April had consolidated control of the northern regions of Kidal, Gao and Timbuktu—committed often-widespread abuses against civilians. These included sexual abuse, looting and pillage, summary executions, child soldier recruitment, and amputations and other inhumane treatment associated with the application of Islamic law. Islamist groups destroyed numerous Muslim shrines and at least one Dogon cultural site. In January, rebel groups allegedly summarily executed at least 70 Malian soldiers in the town of Aguelhoc.

Malian soldiers arbitrarily detained and in many cases tortured and summarily executed alleged rebel collaborators and members of rival military units. There was no meaningful effort to investigate, much less hold accountable, members of the security forces implicated in these incidents.

Fears that the occupation of the north by Islamist groups linked to al Qaeda would destabilize West Africa and threaten international security led to considerable diplomatic efforts to resolve the crisis as well as a plan supported by the Economic Community of West Africa States (ECOWAS), African Union, United Nations, European Union, France, and the United States to militarily oust the Islamist groups from the north. While most of these actors widely criticized abuses by groups in the north, there was inadequate consideration of the potential for abuse by Malian security forces and pro-government militias, or the issues, including endemic corruption and ethnic tension, that had given rise to the crisis.

### **Political and Military Instability**

On March 22, 2012, junior military officers led by Capt. Amadou Sanogo launched a coup against then-President Amadou Toumani Touré in protest of what they viewed as the government's inadequate response to the rebellion of the Tuareg National Movement for the Liberation of Azawad (MNLA), which began in January. The MNLA and Islamist armed groups swiftly occupied the north as they took advantage of the chaos created by the coup.

Following international pressure, notably from ECOWAS, Sanogo in April agreed to hand over power to a transitional government that would organize elections and return the country to democratic rule. However, with the backing of security forces loyal to him, he continued to exert considerable influence, meddle in political affairs, and undermine efforts by the transitional authorities and international community to address the political and security crisis.

The groups occupying the north included the separatist Tuareg MNLA; a local ethnic Arab militia, based in and around the city of Timbuktu; and three Islamist groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM)—which seek to impose a strict interpretation of Sharia or Islamic law throughout Mali. MUJAO and AQIM are primarily made up of foreign fighters.

### **Abuses by Tuareg Separatist Rebels and Arab Militias**

The majority of abuses committed during and immediately after the April offensive against the north were committed by the MNLA and, in Timbuktu, Arab militiamen allied to it. Abuses included the abduction and rape of women and girls; pillaging of hospitals, schools, aid agencies, warehouses, banks, and government buildings; and use of child soldiers. At least 30 women and girls were raped; the majority of assaults, including numerous gang rapes, took place within the Gao region.

### **Abuses by Islamist Groups**

After largely driving the MNLA out of the north in June, the Islamist groups—Ansar Dine, MUJAO and AQIM—committed serious abuses against the local population while enforcing their interpretation of Sharia. These abuses included beatings, floggings, and arbitrary arrests against those engaging in behavior decreed as *haram* (forbidden), including smoking or selling cigarettes; consuming or selling alcoholic beverages; listening to music on portable audio devices; and failing to attend daily prayers. They also punished women for failing to adhere to their dress code and for having contact with men other than family members.

Throughout the north, the punishments for these “infractions” as well as for those accused of theft and banditry, were meted out by the Islamic Police, often after a summary “trial” before a panel of judges handpicked by the Islamist authorities. Many of the punishments were carried out in public squares after the authorities had summoned the local population to attend. Islamist militants in Timbuktu destroyed numerous structures—including mausoleums, cemeteries, ritual masks, and shrines—which hold great religious, historical, and cultural significance for Malians. Islamists on several occasions intimidated and arbitrarily detained local journalists and in one case severely beat a local journalist; they forced the closure of numerous local Malian radio stations.



Citing adultery, Islamist authorities on July 30 stoned to death a married man and a woman to whom he was not married in Aguelhoc. Since April, the Islamist groups amputated the limbs of at least nine men accused of theft and robbery. On September 2, MUJAO claimed to have executed the Algerian vice-consul; the group had earlier claimed responsibility for the April 5 kidnapping of seven Algerian diplomats from their consulate in Gao; three of the diplomats were freed in July.

### **Recruitment of Children and Child Labor**

Northern-based rebel groups and pro-government militias recruited and used child soldiers. The MNLA and Islamist groups recruited, trained, and used several hundred children, some as young as 11. The children manned checkpoints, conducted foot patrols, guarded prisoners, and gathered intelligence. The Ganda-Koi pro-government militia recruited and trained numerous children, although at this writing they had yet to be used in a military operation. Armed groups occupied and used numerous public and private schools in both the rebel-controlled north and government-controlled south.

Child labor in agriculture, domestic service, mining and other sectors remains common, and often includes dangerous work that Malian law prohibits for anyone under the age of 18. Tens of thousands of children continue to work in artisanal gold mining, facing risk of injury and of exposure to mercury. A government action plan on child labor remained largely unimplemented.

### **Abuses by Malian Army Soldiers**

Malian government soldiers arbitrarily detained and in several cases executed men they accused of collaborating with the rebel groups in the north. The majority of victims were of Tuareg or Arab ethnicity or Mauritanian nationality. In April, four Tuareg members of the security services were detained and believed executed by the military in Mopti. On September 8, 16 Islamic preachers on their way to a religious conference in the capital, Bamako, were detained and hours later executed within a military camp in Diabaly, some 270 miles (430 kilometers) from Bamako, for their alleged links with Islamist groups. Their driver, seen in military custody days after the killings, has since disappeared. The Malian government, under pressure from Mauritania, from which nine of the victims hailed, apologized for the incident and promised an investigation, but has made no arrests. On October 21, soldiers executed at least eight Tuareg herders, also in Diabaly.

In May, members of the security forces loyal to Captain Sanogo forcibly disappeared at least 21 soldiers allegedly linked to an April 30 counter-coup, and committed torture and other abuses against dozens of others. The soldiers were handcuffed and tied for days at a time; beaten with batons, sticks, and guns; kicked in the back, head, ribs, and genitals; stabbed in their extremities, and burned with cigarettes and lighters. Four men were forced at gunpoint to engage in anal sex with one another. The detainees were also subjected to psychological

abuse including death threats and mock executions. Several journalists critical of the coup leadership were detained, questioned, and intimidated; in July, armed and masked gunmen abducted two journalists, severely beat them, and dumped them on the outskirts of Bamako after warning them to stop criticizing the military.

### **Accountability**

In July, the government of Mali, as a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. The prosecutor’s office visited Mali in August, October, and November and will determine at a future date whether it can take jurisdiction of the situation. Meanwhile, there was no effort by the Malian government to investigate or hold to account members of the security forces implicated in serious abuses. Despite his direct implication in torture and enforced disappearances, Sanogo was in August put in charge of security sector reform of the Malian army.

### **Key International Actors**

Mali’s international partners struggled to harmonize plans on how to address the military and human rights crisis in the north. A plan by ECOWAS to send in some 3,300 troops to oust the Islamists failed for much of the year to generate support from either Mali or the international community. Meanwhile ECOWAS, Algerian, and Malian efforts to negotiate with the northern groups made no headway. On September 18, the Malian government formally requested a UN Chapter VII mandate for an international military force to help it recover the north.

France took the lead in pushing the plan and drafted UN Security Council Resolution 2071, adopted on October 12, which tasked the UN Secretariat, ECOWAS, and the AU to submit to the council “detailed and actionable recommendations” in preparation for the deployment of an international military force in Mali. On November 13, the AU’s Peace and Security Council endorsed an ECOWAS plan for a military intervention to regain occupied areas in northern Mali. The Security Council will need to pass a second resolution to formally authorize the deployment.

The EU, France, and the US offered to provide logistical and training assistance, but the details of a military intervention, including who would provide troops, remained unclear. On November 19, foreign ministers from the EU agreed to send 250 military trainers to Mali to support African-led efforts to retake the north.

The Office of the UN High Commissioner for Human Rights (OHCHR) issued several statements denouncing the human rights situation in Mali, and in July, after a request from the UN Human Rights Council (HRC), dispatched a human rights officer to the country. In October, UN Assistant Secretary-General for Human Rights Ivan Simonovic visited Mali and reported concerns back to the Security Council. In November, an OHCHR team conducted a fact-finding mission to Mali; it will present its findings during the HRC’s March 2013 session.

# **Mali: Rising Ethnic Tensions Threaten New Violence**

*New Prime Minister Should Tackle Rising Tension, Rein in Abusive Army*

**December 20, 2012 – Press Release**

<http://www.hrw.org/news/2012/12/20/mali-rising-ethnic-tensions-threaten-new-violence>

(Nairobi) – Mali’s newly appointed prime minister, Diango Sissoko, should take urgent measures to end rights abuses by the security forces and address rising ethnic tensions linked to the occupied northern provinces, Human Rights Watch said today. Sissoko was appointed prime minister of the country’s transitional government on December 11, 2012, a day after the military forced Prime Minister Cheick Modibo Diarra – in office since April – to resign.

The occupation of the north and lack of accountability for abuses by all sides has increased ethnic tensions, Human Rights Watch said. Pro-government militias and ethnically allied youth groups have prepared lists of people in the north who would be targeted for reprisal once the government forces retook control, people who helped prepare the lists told Human Rights Watch. Those listed allegedly include combatants and supporters from factions that participated in the conquest of the north, as well as their “collaborators.”

“Mali’s new prime minister needs to tackle an array of human rights problems, but an abusive military and rising ethnic tensions in the country should top the list,” said Corinne Dufka, senior West Africa researcher at Human Rights Watch. “If not addressed, these abuses will seriously interfere with organizing national elections and worsen conditions in the north.”

Human Rights Watch has conducted four research missions to Mali since April, most recently in November. Human Rights Watch has interviewed victims, witnesses, and displaced residents from the Tuareg, Songhai, Peuhl, Bella, and Arab ethnic groups; members of the Ganda-Izo and Ganda-Koi militias; and members of the warring factions as well as government representatives, political and religious leaders, diplomats, journalists, and members of civil society.

The human rights situation in Mali has drastically deteriorated in 2012 following a separatist Tuareg rebellion and Islamist occupation in the north, and political upheaval generated by a March military coup, Human Rights Watch said. Human Rights Watch research in Mali since April found that security forces loyal to coup leader Capt. Amadou Sanogo have been implicated in numerous serious abuses including torture, enforced disappearance, and the intimidation of opposition voices. Outside the capital, the Malian army has arbitrarily detained and executed mostly Tuareg and Arab men for their alleged connections to rebel groups in the north. Ethnic Tuareg separatists from the National Movement for the Liberation of Azawad (MNLA) and Islamist armed groups that have controlled northern Mali since early 2012 have

also been implicated in numerous serious abuses. The Islamist groups have committed executions, floggings, and amputations as punishment, recruited children into their forces, and destroyed religious and cultural shrines.

People from various ethnic groups also told Human Rights Watch that they were concerned that ethnic tensions were being fueled by the political manipulation of ethnicity by some political and military leaders. They feared that if the tensions remained unaddressed, it could result in incidents of deadly collective punishment and ethnic violence.

One Songhai elder with knowledge of the reprisal lists told Human Rights Watch: “Both the militias and local residents have made lists of those who will pay ... be they rebels, Islamists, drug traffickers or those who have profited personally from the suffering of the residents. They are on it.”

On October 12, the United Nations Security Council adopted Resolution No. 2071 in response to Mali’s request for an international military force to recover control over the north. Many northern residents and militiamen who spoke to Human Rights Watch expressed concern that such an intervention might be a catalyst for acts of collective punishment, particularly against the Tuareg. One said, “The danger will come from the moment the intervention kicks off.”

The Malian government should acknowledge and promptly adopt programs to address the risk of ethnic violence. One Tuareg elder said, “The state must make measures to bury the hatchet. If not, people could kill each other and no one will be able to stop it.”

The government of Sissoko should take all necessary steps to end abuses by the security forces and to investigate and appropriately prosecute security force members, irrespective of rank, responsible for recent abuses, Human Rights Watch said. These steps will entail bolstering the capabilities of the civilian and military criminal justice systems. The government should also urgently adopt initiatives to address rising ethnic tensions in the country, including by monitoring speech that incites violence and by addressing the grievances of all groups in the north, not just those that have taken up arms.

To address longstanding patterns of impunity in Mali, the government should establish a national independent Commission of Inquiry into the abuses during past rebellions with a view to making recommendations on accountability, and a truth-telling mechanism to explore the dynamics that gave rise to Mali’s multi-faceted crisis, and make recommendations aimed at ensuring better governance and preventing a repetition of past violations. Any future negotiated settlement among the warring factions should reject an amnesty for those responsible for serious crimes in violation of international law.

“The coup in Mali has ushered in a period that entrenches the power of the gun over the rule of law,” Dufka said. “The new prime minister should act promptly to reverse this situation and place human rights protections at the top of his agenda.”

### **Abuses by the Military**

In the past year, Malian soldiers have arbitrarily detained and in many cases tortured and summarily executed alleged rebel collaborators and members of rival military units. Many of these abuses were committed by security forces loyal to Cpt. Amadou Sanogo, who led the March coup against then-President Amadou Toumani Touré over his handling of the separatist rebellion by ethnic Tuareg in northern Mali, which began in January.

Malian soldiers responding to the northern rebellion and occupation also committed many serious abuses. Following international pressure, notably from the Economic Community of West African States (ECOWAS), Sanogo in April agreed to hand over power to a transitional government that would organize elections and return the country to democratic rule. However, with the backing of security forces loyal to him, Sanogo has continued to exert considerable influence, meddle in political affairs, and intimidate opposition voices, Human Rights Watch said.

Following an attempted counter-coup on April 30 against Sanogo, his security forces forcibly disappeared at least 20 government soldiers for their alleged participation. In the early hours of May 3, these soldiers were seen being taken from Kati Barracks outside the capital, Bamako, bound and blindfolded. They have not been heard from since. Sanogo’s forces also committed torture and other abuses against dozens of other government soldiers.

Those who had been detained told Human Rights Watch that they were beaten with batons, sticks, and gun butts; kicked in the back, head, ribs, and genitals; stabbed in their extremities; burned with cigarettes and lighters; and forced at gunpoint to engage in anal sex with one another. While anyone who participated in the counter-coup attempt would be legitimately subject to arrest and prosecution, the actions attributed to Sanogo’s security forces were taken outside of any lawful process.

Security forces believed to be loyal to Sanogo have also engaged in a campaign of intimidation against critics of the coup leadership. Several journalists reporting on the leadership have been detained, questioned, and threatened. In July, two journalists were abducted by armed, masked gunmen, severely beaten, and dumped on the outskirts of Bamako after being warned to stop criticizing the military.

Witnesses told Human Rights Watch that in September, a local leader from Ansongo (976 kilometers from Bamako) was abducted from a hotel in Bamako by four men driving a vehicle without license plates. His whereabouts remain unknown. Neighbors of a musician who had

written a rap song critical of the army described how in October numerous armed men, including several in military uniform, descended upon the rapper's home with the stated intent of detaining him. He has since gone into hiding. On November 27, alleged Sanogo loyalists from Kati Barracks entered the Agency for the Promotion of Youth Employment (APEJ) and attempted to take into custody its newly appointed director, Sina Damba Maiga.

Despite the involvement of his forces in torture and enforced disappearances, in August Sanogo was put in charge of the *Comité militaire de suivi de la réforme des forces de défense et de sécurité*, the security sector reform of the Malian army.

Malian government soldiers outside of the capital have also been implicated in serious abuses, including the arbitrary detention and extrajudicial execution of men whom they accused of collaborating with the rebel groups in the north. The majority of victims were Tuareg, Arab, or Mauritanian. On September 8, 16 Islamic preachers on their way to a religious conference in Bamako were detained and hours later executed in a military camp in Diabaly, about 430 kilometers northeast of the capital, for their alleged links with Islamist groups.

The government claimed the men had refused to stop at a checkpoint, a version contradicted by a survivor of the incident and other witnesses interviewed by the Associated Press. The man driving the vehicle that day was seen in military custody days after the killings. His family told Human Rights Watch that he has since disappeared. On October 21, soldiers executed at least eight Tuareg herders, also in Diabaly. In an October 30 statement, the Defense Ministry claimed the men were armed bandits. Family members interviewed by a Mauritanian-based human rights activist contradicted that version of the killings.

There has been no meaningful effort by the government to investigate, much less hold accountable, members of the security forces implicated in any of these incidents.

### **Rising Ethnic Tensions**

The resurgence of armed conflict in January has been accompanied by an increase in ethnic tensions in Mali. Based on Human Rights Watch interviews with members of various ethnic groups and warring factions, the deepest cleavages appeared to be between ethnic groups who largely reside in the north, notably the Songhai and Peuhl, on the one hand and Tuaregs who supported the separatist MNLA on the other.

Tuareg civilians told Human Rights Watch they feared reprisals, primarily from several pro-government militias, whose few thousand members are largely Songhai and Peuhl. Since June these militias have concentrated in several camps in and around the town of Sévaré, 623 kilometers from Bamako. Sévaré lies just south of the informal division between the Islamist-controlled north and government-controlled south. The largest of these militias, the Ganda-Koi

and Ganda-Izo, have received training and some logistical support from the Malian army, but have not been armed or given a formal security role, according to militia members.

Numerous militia members told Human Rights Watch that these militias, as well as youth groups made up of members of northern ethnic groups – the Songhai, Peuhl, Bozo, and Bella – had apparent plans to “settle scores” with their perceived northern opponents.

Over a dozen witnesses told Human Rights Watch that pro-government militias and youth groups have prepared lists of those who would be targeted for retaliation if government forces retake the north. Many of those interviewed by Human Rights Watch were men who said they had participated in making the lists.

The lists primarily contain names of people from the northern regions of Gao and Timbuktu. Those listed include members of armed groups that had participated in the conquest of the north, particularly fighters from the MNLA, Ansar Dine, Movement for Unity and Jihad in West Africa (MUJAO), and al Qaeda in the Islamic Maghreb (AQIM). Others listed had been implicated in abuses against local residents, including sexual violence, theft, pillage, and abuses associated with the application of Sharia law. “Collaborators” who provided intelligence, participated in the recruitment of local boys and men into the armed groups, and served as community liaisons would be targeted, as would local businessmen who had profited financially from their association with northern armed factions.

One militiaman told Human Rights Watch: “Some on it [the list] are obvious because they took up arms and looted everything we worked for, or have been walking around beating people for smoking or not covering their heads. Others have collaborated – cooking, encouraging our children to join up. Do they think we don’t know who they are?”

Another militiaman said: “We know who is who. We know who showed the MNLA and MUJAO where we hid our cars, motorcycles and computers. We know who stole our generators, painted them and put them to use in their houses. We know who raped our women.”

A youth from Niafounké in Timbuktu who had contributed names to the list said: “We watched them [fighters] as they loaded up our stuff and onto trucks toward Mauritania – not just from us personally but from the hospital... They took millions of CFA [African Financial Community francs] in medicines, moto bikes and the ambulance. For those who betrayed the nation, there will be a settling of scores.”

Many of those interviewed feared that collective punishment could be meted out against the Tuareg population in the future. “We’ve had to leave our villages, our women have been raped, and they [the MNLA and Islamist groups] stole all we worked for,” one militia member said.

“This rage will lead them [past victims] to kill people – innocent people. It is very dangerous.”

One militia member tried to suggest that the lists had been carefully made: “We don’t put everyone on the list – we investigate first. This will avoid mass targeting of all those who have betrayed us. It is not just against the Tamashek [Tuareg] who are there, but also Bella, Songhai... They know a period of settling scores is coming.”

While some tribal elders were more confident that the area’s long history of ethnic coexistence would prevent communal violence, they too expressed concern about what one called a “discourse of division” being proffered by some displaced northern government leaders as well as MUJAO leaders in and around Gao who, he said, blamed the MNLA and Tuareg “for all their problems.”

A Gao resident echoed this concern: “The power vacuum after the towns are retaken will be very dangerous. It will be hugely important to have a strong presence of disciplined soldiers in the towns during this time. Honestly, it’s a job for blue hatted [UN] peacekeepers. They would be more neutral than our own people.”

Tuareg families interviewed in Bamako and by phone from the Timbuktu region were similarly fearful that the military intervention could usher in a period of collective punishment. A Tuareg trader living near Timbuktu said, “The MNLA were not the only ones who pillaged ... but we’re being blamed for everything! I’m really afraid that my children, my family will be killed by the army, by the Ganda-Koi [militia], just like they did in previous rebellions. There are many of us leaving in advance of the intervention.”

A Tuareg artisan in Bamako, said: “Sometimes people speak to you with hostility in their voices. When I’m walking I hear them saying, ‘You rebel.’ We don’t dare talk back.”

Political leaders of the Ganda-Koi and Ganda-Izo militias interviewed by Human Rights Watch appeared genuinely concerned about the potential for collective punishment. They described efforts including informal training of the militia leaders to avoid it.

“We’re trying to teach them to respect life, to abide by the Geneva Conventions, but when one is on the ground [‘sur le terrain’] we fear the boys will forget all that, especially if there are no courts to hand the accused over to,” one told Human Rights Watch.

MNLA fighters and elders cited the lack of justice for war crimes, including several massacres committed by the Malian army and allied Ganda-Koi militia against Tuareg villages during past rebellions since the 1960s, as being one of the motivations for again taking up arms earlier this year. Likewise, Songhai and Peuhl elders have noted the lack of justice for crimes committed



during the MNLA and Islamist occupation of the north this year as providing fuel for potential violence by members of their communities.

A mid-level Songhai militia commander told Human Rights Watch, “For our communities to be able to live together again, those who raped, pillaged and destroyed our lives simply must be judged...only then can we repair relations.” A Tuareg elder similarly noted, “The Ministry of Justice should assure us these crimes will be dealt with. The state must put the ethnic tension on their agenda. They should bring leaders of all groups together in a truth-telling like experience [such as a Truth and Reconciliation Commission]. Even if the militias have a list, it can be used to bring them before a TRC!”

## **Recommendations**

To stem a further deterioration of the human rights situation in Mali, the new prime minister and his government should:

### ***Address Accountability for Abuses by the Security Forces***

- Investigate and prosecute in accordance with international fair trial standards members of the security forces implicated in recent serious human rights violations regardless of position or rank – including those liable under command responsibility for their failure to prevent or prosecute these crimes.
- Place on administrative leave the military personnel in charge of the post at Diabaly pending investigation of the September 8 killings of 16 Islamic preachers and the October 21 killing of eight Tuareg herders.
- Seek international assistance should local authorities have inadequate capacity to carry out credible, impartial, and independent investigations and prosecutions.
- Oppose amnesty for serious crimes in violation of international law in any negotiated agreement with opposition armed groups.
- Take necessary steps to ensure the military justice system becomes a functional institution, mandated to try military personnel only for military offenses. Ensure that officers of the court, including judges and defense counsel, are fully independent of the military chain of command.
- Establish a 24-hour telephone hotline, staffed by both civilians and military police, for victims and witnesses to report criminal offenses and other abuses committed by military personnel.

### ***Address Rising Ethnic Tension***

- Ensure that during future negotiations the aspirations and grievances of all northern residents, not just those who have taken up arms, are heard.
- Urgently adopt a communication strategy, including support to community radio stations, that addresses and acts to reduce rising ethnic tension in the country.
- Direct the Malian National Human Rights Commission to give particular focus to monitoring and reporting on hate speech by people in authority and speech that incites ethnic violence.
- Authorize the Judicial Police to open investigations countrywide to permit victims of crimes in Islamist-controlled areas of the north to present cases without having to travel to Bamako. In November the Supreme Court decided to permit a Bamako court to hear criminal cases from the three northern provinces.
- The Malian government should at all times uphold its international legal obligations to protect individuals and communities at grave risk of violence.

### ***Address Accountability for Past Abuses***

- Establish a national independent commission of inquiry into the abuses associated with violence during past armed rebellions with a view toward making recommendations on accountability.
- Establish a truth-telling mechanism to expose underexposed atrocities; explore the dynamics that gave rise to Mali's multi-faceted crisis, including poor governance and corruption; and make recommendations aimed at ensuring better governance and preventing a repetition of past violations.

# Testimony before the Senate Foreign Relations Committee, Subcommittee on African Affairs

## *Addressing Developments in Mali: Restoring Democracy and Reclaiming the North*

December 5, 2012 – Statement

<http://www.hrw.org/news/2012/12/05/testimony-corinne-dufka-senate-foreign-relations-committee-subcommittee-african-affa>

### Introduction

Thank you Chairman Coons, Ranking Member Isakson, and other members of the committee for providing Human Rights Watch the opportunity to testify at this hearing on Mali; it is an honor to be here.

My name is Corinne Dufka. I am a senior researcher with the Africa Division of Human Rights Watch. I lead our work on West Africa where I was based for 12 years. Since the beginning of 2012 I have conducted four research missions to Mali during which I have interviewed hundreds of victims and witnesses to serious rights abuses in both the Islamist-controlled north and government-controlled south. I am in daily phone contact with Malians who keep me abreast of ongoing violations and developments.

This hearing comes at a critical time not only for Mali, which is in the grips of three inextricably linked crises—political, security, and humanitarian—but also for Mali’s international partners as they struggle to establish a vision and actionable plan to put Mali back together again in a way that does not simply turn back the clock to December 2011.

My remarks today will be divided into two parts. The first will lay out Human Rights Watch’s research on abuses in both the north and south. The second will highlight key considerations and risk factors the US government might consider as it crafts a response to the multi-faceted crisis, and perhaps more importantly the issues that gave rise to them.

### I. The Human Rights Landscape

The Tuareg rebellion, Islamist occupation of the north, and political upheaval generated by the March 2012 military coup have led to a drastic deterioration in respect for human rights in Mali. This insecurity led to the displacement of some 400,000 northern residents.



Fighters from the Al Qaeda-linked Islamist group MUJAO stand guard in Gao, Mali on August 7, 2012.

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### ***A. Abuses by Islamist Groups***

The three Islamist rebel groups which have since April 2012 consolidated their control over the northern regions of Gao, Kidal, and Timbuktu have become increasingly repressive in their attempt to force the local population to accept their world view. The groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM)—appear to closely coordinate with each other. While particular groups seem to control a given region—for example, Ansar Dine in Kidal and Timbuktu and MUJAO in Gao—their forces move fluidly between areas and have reinforced each other during unrest. Furthermore, several commanders and fighters from MUJAO and Ansar Dine were identified by multiple witnesses as having previously been affiliated with AQIM. Many residents said they reached the conclusion that, in the words of one witness, “Ansar Dine, MUJAO, and AQIM are one in the same.”

Witnesses said the majority of commanders were non-Malian and came from Mauritania, Algeria, Western Sahara, Tunisia, and Chad.

Abuses committed by these groups as they have tightened their grip over northern Mali include beatings, floggings, and arbitrary arrests against those engaging in behavior decreed as *haraam* (forbidden), including smoking or selling cigarettes; consuming or selling alcoholic beverages; listening to music on portable audio devices; and failing to attend daily prayers. They routinely punish women for failing to adhere to their dress code, for wearing perfume or

jewelry, and for having contact with men other than family members. They have carried out executions and limb amputations as punishment, and systematically destroyed numerous religious shrines of cultural and religious importance. They have also recruited several hundred children, some as young as 12, into their forces.

On January 26, an estimated 70 Malian soldiers who had surrendered after trying to defend the town of Aguelhoc were summarily executed by Islamist groups. I interviewed a mother who received a call from her son minutes before he was killed, a soldier who managed to escape, and community members who buried the dead. This incident is the single most serious war crime of this conflict.

On July 30, the Islamist authorities in Aguelhoc stoned to death, for adultery, a married man and a woman he was not married to. A witness described seeing the couple, crouched in a hole in the ground with their hands bound, before Islamists hoisted large boulders, shattering the skulls of first the woman, then the man. Since April the Islamist groups amputated the limbs of at least eight men accused of theft and robbery.

On April 5, MUJAO fighters, including a youth witnessed wearing a suicide vest, abducted seven Algerian diplomats from their consulate in the town of Gao. Three of the hostages were freed in July; on September 2, MUJAO claimed to have executed the Algerian vice-consul. On November 20, MUJAO kidnapped a French tourist from the Malian town of Diéma. The Islamists continue to hold six other French hostages kidnapped in both Niger and Mali.

Many witnesses described seeing men and women detained or whipped in marketplaces and on the street, often by armed adolescents, for smoking, drinking alcohol, or failing to cover themselves adequately. Many punishments were carried out in public squares after Islamist authorities summoned the local population to watch. Victims are typically flogged with a tree branch, a camel hair switch, or in a few cases, electrical cord. Victims and witnesses said such floggings often caused open sores and welts. Some frail elderly residents collapsed from the floggings.

In other cases, people are arbitrarily detained for hours or days. The brother of one of 20 girls and women rounded up from the streets of Timbuktu on November 14 for failing to dress properly described seeing the women huddled together in the headquarters of the Islamic Police. Another woman decried being taken from inside her house while washing clothes. While in detention overnight, the Islamists refused her contact with the infant she was breastfeeding.

Throughout the north the punishments for these “infractions,” as well as for those accused of theft and banditry, were meted out by the Islamic Police, often after a summary “trial” before a

panel of judges handpicked by the Islamist authorities. These trials, which fall far short of international fair trial standards, can only be described as a cruel parody of justice.

The Islamic police, dressed in blue vests on which “Islamic Police” is written in French and Arabic, conduct foot and vehicular patrols, receive and investigate complaints, and impose punishments against alleged wrongdoers of minor offenses either out on the streets or after a suspect is taken to a police station, military camp, or informal place of detention. In Timbuktu the courtroom is housed in a former hotel; the judges were identified as religious leaders, or *marabouts*, from the Timbuktu region. In Gao, the former city hall has been converted into the justice palace in which hearings are held every Monday and Thursday. There are five judges, some of whom are foreigners.

The Islamic court system has become increasingly organized and formalized by the Islamists who effectively took over law enforcement functions previously filled by the Malian police, gendarmerie, judiciary, and corrections officials. Many residents credited the Islamic Police with helping restore order and security. Early on, Islamists took several measures to protect civilians from the widespread looting, sexual violence, and other abuses by the MNLA, Arab militias, and common criminals. The Islamist group set up reporting hotlines and conducted foot and vehicular patrols. Many even credited them with being more effective than the Malian authorities at addressing a long-standing problem of banditry. That said, they failed to investigate several allegations of gang-rape by Islamist forces, two cases of which we have documented.

### **Use and Recruitment of Child Soldiers**

Mr. Chairman, Human Rights Watch believes hundreds of children have been recruited by the Islamist groups occupying the north, the majority for use within the Islamic Police. Dozens of residents from the northern towns of Kidal, Timbuktu, Gao, Ansongo, Aguelhoc, and Niafounké told me they had seen children, some estimated to be as young as 11 or 12, within the ranks of the Islamist groups. Altogether, the number appears to be in the hundreds. A witness I spoke with just yesterday had recently visited three camps within the Gao region in which children were being trained. Human Rights Watch research conducted in November suggests that in advance of the planned Malian army and international military intervention, the Islamist armed groups have ramped up the recruitment of local residents, including children.

The Islamist armed groups began recruiting shortly after they seized control of the north and have continued steadily since then. The Islamists have found little support within the larger towns; as such, the recruitment is concentrated on men and boys from small villages and hamlets. In the Gao region many recruits hail from villages that have long practiced Wahhabism, a very conservative form of Islam. Most residents from the Timbuktu and Kidal regions noted the presence of a disproportional number of children from the Arab and Tuareg ethnic groups, many of whom they believed had joined together with older family members.

Gao and Timbuktu residents said well-known Quranic teachers and local *marabouts* worked with the Islamist groups there to recruit youth. Many of the trainers were identified as non-Malian, and came from Mauritania, Algeria, Senegal, and France.

Northern residents described seeing the children inside apparent training camps of the Islamist armed groups engaged in fitness training, learning to arm, disarm, and fire a gun, and in one case, using grenades. They also observed children manning checkpoints, conducting foot patrols, riding around in patrol vehicles, guarding prisoners, and cooking for rebel groups. Over a dozen witnesses and victims identified children taking part in abuses meted out by the Islamic Police.

Human Rights Watch identified 18 places where witnesses reported that new recruits by the Islamists including children were being trained, including military bases, Quranic schools, and private and public schools.

### **Destruction of Mali's Rich Cultural Heritage**

Islamist militants have destroyed numerous structures and objects—including mausoleums, cemeteries, shrines, amulets, and ritual masks—that hold great religious, historical, and cultural significance to Malians.

Using axes, shovels, and hammers, Islamist armed groups in Timbuktu have destroyed numerous mausoleums, cemeteries, and shrines in which are buried many of Timbuktu's revered scholars, imams, and philosophers. Islamist groups claimed responsibility for the destruction of the buildings and shrines, which are classified as a World Heritage Sites by the United Nations Educational Scientific and Cultural Organization (UNESCO).

Many Timbuktu residents, including imams, students, tour guides, professors, and market women, described in compelling terms the painful impact of the destruction. One 16-year-old told Human Rights Watch: "My parents, grandparents, great grandparents spoke to me of these tombs. Now my own children will never see them."

Just a few days ago, a young man from Niafounké described how an Islamist ripped his *gris-gris*—an amulet consisting of a small leather pouch containing a verse of the Quran—from his upper arm. The amulet had been passed on from his grandfather, to his father, to himself at the age of 18. Many people decried how Islamist groups now forbid them from visiting the graves of their departed family members, an important weekly ritual for many Timbuktu residents.

In Douentza, families hailing from the Dogon tribe described how Islamists there destroyed the sacred Toguna, the most important public edifice in a Dogon village, in which men's assemblies and council meetings are held. They also destroyed eight ritual masks.

The Islamist authorities have also forbidden Malians, who have a diverse and rich musical tradition, to listen to, perform, or play local music, or beat drums during rites of passage. In April a witness described how Islamists carted away from a local radio station an entire library of cassette recordings of local musicians. Many northern residents, young and old, described with great sadness how the behavioral changes enforced by the Islamist groups had undermined their ability to take part in cultural life. One young man said, “We’re Muslims, good and faithful Muslims, but honestly, these people have taken all the *joie de vivre* from our lives.” Another man commented, “There are no baptisms, marriages, circumcisions—all are forbidden, *haraam*.”

### ***B. Abuses by Tuareg Separatist Rebels and Arab Militias***

Armed men from the separatist Tuareg National Movement for the Liberation of Azawad (MNLA), which in January 2012 launched a bid for a separatist state, perpetrated numerous abuses after taking over key towns and villages in the north. These included the abduction and rape of women and girls; pillaging of hospitals, schools, aid agencies, warehouses, banks, and government buildings; and use of child soldiers. In Timbuktu, Arab militiamen, who briefly allied with the MNLA, committed similar abuses. The MNLA has also used numerous child soldiers. Malian soldiers, who had spent weeks with the rebels as captives, and other witnesses told me that children had been a part of the MNLA since they began the northern operations in January.

### **Looting and Pillaging**

Nearly all local residents interviewed by Human Rights Watch observed acts of looting and pillaging by MNLA rebels as they took over the towns of Menaka, Goundam, Niafounké, and Gao. In Timbuktu, the majority of looting and pillage was perpetrated by Arab militiamen. The armed groups broke into hospitals and medical facilities, local government buildings, banks, Malian and international aid offices and warehouses, homes of local officials, schools, and churches. Hospital staff from Gao and Timbuktu told me that patients in local government hospitals were forcibly removed from their beds and left on the floor after rebels stole mattresses. Four patients in Gao, including elderly patients on oxygen, died after terrified staff fled, leaving the patients with no medical personnel to care for them. Witnesses also described watching rebels load up their vehicles, and, in a few cases large trucks, with furniture, computers, printers, air conditioners, refrigerators, televisions, clothes, shoes, livestock, and other items. Many others said that rebels stole their motorcycles and cars, often at gunpoint. People who had fled the north to find refuge in the government-controlled south described being forced to pay a “rite of passage” before being allowed to pass through MNLA-controlled areas.

The Islamist rebel group Ansar Dine, at that point loosely allied with the MNLA, destroyed several bars and hotels they associated with alcohol consumption and prostitution, and engaged in looting, though on a much lesser scale. Many local residents and some prisoners



who had been sprung from local prisons during the rebel advance reportedly participated in the looting as well, in many cases alongside MNLA rebels.

### **Sexual Abuse**

Victims, witnesses, and family members of victims told Human Rights Watch about a wave of abductions of women and girls by armed groups. It is difficult to ascertain how widespread these abuses have been. However, a credible local organization told Human Rights Watch they documented 21 cases of sexual violence in Menaka, and some 30 cases in and around Gao. The majority of these cases occurred between January and April 2012 and were allegedly perpetrated by armed men speaking the local Tamashek language and driving vehicles with the Tuareg separatist MNLA flag. Most of the abductions documented by Human Rights Watch took place in neighborhoods that witnesses said had a high concentration of MNLA fighters.

Witnesses described the abductions by rebels of at least 17 women and girls as young as 12. A 14-year-old girl told Human Rights Watch that six rebels held her captive in Gao and raped her over a period of four days. A Timbuktu resident said that he saw three Arab militiamen drag a girl of about 12 from her mother into an abandoned building, where she was gang-raped. Witnesses and family members who had spoken with several of the other victims said the abducted girls and women had been sexually abused by the rebels. One person said that rebels took three young women from the same family from a compound in Gao, raped them, and brought them back the next day. Numerous cases documented by Human Rights Watch and local groups involved victims from the Bella group, members of a traditional slave caste within Tuareg culture. The word *bella* means “captive” in Tamashek.

### ***C. Abuses by the Malian Army***

The March 22 coup against then President Amadou Toumani Touré, in protest of the government’s handling of the Tuareg rebellion, appeared to lead to a striking deterioration in effective command and control of, and discipline within, the security services. Impunity for abuses by the army has long been a problem in Mali; numerous incidents this year highlighted this as a continuing concern.

For example, in the days after an attempted counter-coup on April 30, members of the security forces loyal to coup leader Captain Amadou Sanogo forcibly disappeared at least 21 soldiers allegedly implicated in the counter-coup, and committed torture and other abuses against dozens of others who were arbitrarily detained within a police barracks and later the Kati military barracks. While people who participated in the counter-coup attempt would be legitimately subject to arrest and prosecution, the actions attributed to Sanogo’s security forces were taken outside of any lawful process.

I interviewed over 30 people with detailed knowledge of these abuses, including eight people who witnessed torture and enforced disappearances and 13 family members of the detained and disappeared. The soldiers were handcuffed and hogtied for days at a time; beaten with batons, sticks, and gun butts; kicked in the back, head, ribs, and genitals; stabbed in their extremities, and burned with cigarettes and lighters. Four members of the security services told me how they were forced at gunpoint to engage in anal sex with one another.

Witnesses at Kati camp said that on May 3 between 2 a.m. and 3 a.m., soldiers removed the detainees and put them inside a military truck, “bound their hands and legs, and covered their eyes.” They have not been heard from since. The detainees were also subjected to psychological abuse including death threats and mock executions. Two people told me they saw Sanogo at the military base in Kati, 15 kilometers north of Mali’s capital, Bamako, when torture and other ill-treatment took place. One witness said he saw Sanogo kick one detainee who has since disappeared, and heard him threaten several others.

The security forces loyal to Sanogo have also engaged in a campaign of intimidation against journalists, family members of detained soldiers, and others deemed a threat. Several journalists critical of the coup leadership were detained, questioned, and intimidated; in July, two journalists were abducted by armed, masked gunmen, severely beaten, and dumped on the outskirts of Bamako after being warned to stop criticizing the military. In September a local leader from Ansongo was detained from a hotel in Bamako; his whereabouts remain unknown. In October numerous men in military uniform descended upon the home of a musician who had written a rap song critical of the army, sending him into hiding.

Malian government soldiers arbitrarily detained and in several cases executed men they accused of collaborating with the rebel groups in the north. The majority of victims were of Tuareg or Arab ethnicity or Mauritanian nationality. In April four Tuareg members of the security services were detained and believed executed by the military in Mopti. Other witnesses told Human Rights Watch that since early April, soldiers manning checkpoints have taken numerous light-skinned men, including Tuaregs, Arabs, and Mauritians, off of buses traveling between the government-controlled south and the rebel-held north. There are concerns that some of the men have been executed. On September 8, 16 Islamic preachers on their way to a religious conference in Bamako were detained and hours later executed within a military camp in Diabaly, some 270 miles (430 kilometers) from Bamako, for their alleged links with Islamist groups. Their driver, seen in military custody days after the killings, has since disappeared. On October 21, at least eight Tuareg herders were executed by soldiers, also in Diabaly. The Ganda-Kio pro-government militia recruited and trained numerous children, although at this writing they had yet to be used in a military operation.

Mr. Chairman, there was no meaningful effort to investigate, much less hold accountable, members of the security forces implicated in any of these incidents. The army has failed to place commanders from Diabaly on administrative leave pending full investigations. Despite his direct implication in torture and enforced disappearances, Sanogo was in August put in charge of security sector reform of the Malian army.

## **II. Key Recommendations**

As the United States considers the best way forward to address Mali's human rights crisis and the issues that gave rise to it, we urge you to consider the following key recommendations that could help stem any further slide in respect for human rights and the rule of law.

### ***1. Publicly Raise Abuses, Need for Accountability by All Sides***

Concern about the very serious abuses committed by the Islamists in the north underscores the international community's urgency for the intervention currently being planned. However, as noted in my testimony, extremely serious abuses have also been committed by the MNLA and Malian government forces. In order to stem the rampant impunity that has characterized abuses committed in past armed conflicts, it is imperative that the US Congress, State Department, and Defense Department, among others, use their leverage to press all parties to the conflict to investigate and prosecute those responsible for the widespread violations of human rights and humanitarian law that have occurred this year. While the warring factions might be tempted to accept an amnesty provision for international crimes as part of eventual negotiation agreements, the United States should stand firm against this.

### ***2. Address Rising Ethnic Tension and the Culture of Impunity that Underscores It***

Over the last eight months I have observed an alarming increase in communitarian tensions, primarily along ethnic lines. Perceptions of neglect or favoritism by the Malian government or international community; impunity for past and more recent violations; and the active political manipulation of ethnicity by certain political leaders, has appeared to lead communities to seek redress for their grievances—including through the formation of armed militias and apparent plans to settle scores outside the legal framework.

Mr. Chairman, I cannot emphasize enough how much the lack of accountability for past abuses is fueling this tension. Tuareg and Arab families whose loved ones were executed during Malian army operations or by the Ganda-Kio militias during past armed conflicts deserve for these abuses to be acknowledged but also investigated and those responsible prosecuted. Likewise, Songhai, Peuhl and Bella families whose relatives suffered sexual assault or whose hard-earned property was pillaged by the MNLA, Arab militias, and Islamists groups during the takeover deserve to know the state will take these abuses seriously and hold those responsible to account.

I believe, that if not addressed these tensions could, in the short and mid-term, manifest in incidents of deadly collective punishment, and in the long term, sow the seeds for future violence. I urge the US government to do the following things to address this crucial issue:

- As the negotiation process and National Consultation Process takes shape, push Mali to ensure the aspirations and grievances of *all* northern residents are heard, not just those who have taken up arms. While all northern communities—the Tuareg, Songhai, Arab, Bella, and others—share many concerns about the fulfillment of social-economic rights, they also have particular grievances that deserve to be considered.
- Press the Malian government to adopt a communication strategy that addresses the rising level of ethnic tension and to actively monitor, report on, and address hate speech that incites violence.
- Through USAID, support Malian civil society to address these tensions, including through support to local community radios and peace-building initiatives.
- Ensure the situation in Mali is regularly brought up and discussed among the members of the Atrocities Prevention Board.
- Support a truth-telling mechanism that could illuminate under-exposed atrocities committed during previous armed conflicts; explore the dynamics that gave rise to Mali’s multi-faceted crisis including poor governance and corruption; and make recommendations aimed at preventing a repetition of past violations. While truth commissions can respond to victim and community needs in ways that justice mechanisms may not, they are by themselves an inadequate response to grave human rights abuses and need to be part of a complementary process.

### ***3. Adopt Policies that Address Underlying Causes of Mali’s Crisis***

Mali’s recent crisis is rooted in years of deterioration in the key institutions—the police and army, the judiciary, the parliament—that should uphold security, democracy, and respect for rule of law. The international community largely turned a blind eye to signs of stress—corruption scandals involving development aid; insufficient progress on key economic rights such as education and health; criminality creeping into state institutions; and lagging indicators in development that disproportionately affected the north. Mali’s judiciary, which could have mitigated some of the abuses, has been neglected, severely under-resourced, and manipulated, allowing a dangerous culture of impunity to take hold. Narcotics traffickers, extremist religious figures, and individuals with ethnic agendas sought to take advantage of the rule of law vacuum. The United States must adequately consider these issues and support programs in the short and long term that strengthen Mali’s failed institutions.

#### ***4. Press for Civilian Protection Safeguards and Human Rights Monitoring Within Planned Military Intervention***

The US should press for the deployment of a strong and well-staffed team of UN human rights observers alongside the international military force envisioned to recover the north. The human rights component should have adequate security, logistical, and operational support, and be deployed within the UN peacekeeping budget.

- The international force should have a mandate that includes clear rules of engagement that make minimizing harm to civilians and civilian populations a priority during military operations.
- The international force should include military lawyers with battlefield experience in the laws of war.
- The human rights observers should monitor adherence to international humanitarian and human rights law, and report publicly and regularly to the Security Council on its findings and recommendations.
- The human rights observers should provide appropriate human rights training to contingents from troop-contributing countries, as well as the Malian government.

The United States has an important role to play both in moderating those who favor an immediate, blunt, and myopic response to the human rights crisis in Mali, versus those who seek to draw out the process unnecessarily while the situation on the ground worsens. The US government needs to play this role both directly in Mali but also among key regional and international players by shoring up support for a policy that promotes respect for human rights, the rule of law, and accountability. A twin approach that has its roots in addressing the underlying tensions that have enabled the growing number of human rights abuses should be a core consideration going forward.

Mr. Chairman, my sincere thanks once again for the opportunity to address this Committee. I would be delighted to respond to any questions you or your colleagues may have.

# **Mali: Islamist Armed Groups Spread Fear in North**

*Treat Population Humanely; Release Child Soldiers; End Attacks on Religious Shrines*

**September 25, 2012 – Press Release**

<http://www.hrw.org/news/2012/09/25/mali-islamist-armed-groups-spread-fear-north>

(Nairobi) – Three Islamist armed groups controlling northern Mali have committed serious abuses against the local population while enforcing their interpretation of Sharia, or Islamic law, Human Rights Watch said today. Human Rights Watch in recent weeks has interviewed some one hundred witnesses who have fled the region or remain there.

The three rebel groups – Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM) – have recruited several hundred children into their forces; carried out executions, floggings, and at least eight amputations as punishment; and systematically destroyed numerous religious shrines of cultural and religious importance. In April 2012, the rebel groups consolidated their control over the northern regions of Kidal, Timbuktu, and Gao.

“The Islamist armed groups have become increasingly repressive as they have tightened their grip over northern Mali,” said Corinne Dufka, senior Africa researcher at Human Rights Watch. “Stonings, amputations, and floggings have become the order of the day in an apparent attempt to force the local population to accept their world view. In imposing their brand of Sharia law, they have also meted out a tragically cruel parody of justice and recruited and armed children as young as 12.”

Since July, Human Rights Watch has conducted 97 interviews in Mali’s capital, Bamako, with witnesses and victims of abuses, as well as others knowledgeable about the human rights situation, including religious and traditional leaders, medical personnel, rights activists, teachers, diplomats, journalists, and government officials. Many witnesses had fled the affected areas; those who remained in rebel-controlled areas were interviewed by telephone. Witnesses described abuses taking place in the northern towns of Gao, Timbuktu, Goundam, Diré, Niafounké, Ansongo, Tissalit, Aguelhoc, and Kidal.

In January, the rebel groups had undertaken a military offensive to gain control of northern Mali, originally alongside separatist ethnic Tuareg group, the National Movement for the Liberation of Azawad (MNLA). They have since largely driven the MNLA out of the north.



Militiamen from the Islamist group Ansar Dine on an armed vehicle between Gao and Kidal in northeastern Mali on June 18, 2012. © 2012 Adama Diarra/Reuters

Ansar Dine aims to impose a strict interpretation of Sharia throughout Mali. AQIM, affiliated with al Qaeda since January 2007, has been implicated in attacks against civilians and kidnapping for ransom of tourists, businessmen, and aid workers, some of whom have been executed. MUJAO, created in late 2011 as a largely Mauritanian offshoot of AQIM, has claimed responsibility for kidnapping several humanitarian workers and, on April 5, seven Algerian diplomats. MUJAO and Ansar Dine have claimed responsibility for many abuses, including killings, amputations, and the destruction of religious shrines and other culturally important structures.

The Islamist groups' advance took advantage of the political and security chaos that followed a coup in Bamako on March 22 by junior Malian military officers, which reflected their dissatisfaction with the government's response to the MNLA rebellion. The interim government established in April has since then been dogged by infighting and power struggles, paralyzing their response to the situation in the north.

Ansar Dine, MUJAO, and AQIM appear to be closely coordinating with each other, Human Rights Watch said. While particular groups seem to control particular regions – for example, Ansar Dine in Kidal and Timbuktu and MUJAO in Gao – their forces often move fluidly between areas and have reinforced each other during unrest. Furthermore, several commanders and fighters from MUJAO and Ansar Dine were identified by multiple witnesses as having previously been

affiliated with AQIM. Many residents said they reached the conclusion that, in the words of one witness, “Ansar Dine, MUJAO and AQIM are one in the same.” Witnesses said the majority of commanders were non-Malian, and came from Mauritania, Algeria, Western Sahara, Senegal, Tunisia, and Chad.

The Islamist armed groups have carried out beatings, floggings, arbitrary arrests, and executed two local residents, all for engaging in behavior decreed as “*haraam*” (forbidden) under their interpretation of Sharia, dozens of witnesses and five victims from the north told Human Rights Watch. These included smoking or selling cigarettes; consuming or selling alcoholic beverages; listening to music on portable audio devices; having music or anything other than Quranic verse readings as the ringer on cellphones, and failing to attend daily prayers.

On July 30, the Islamist authorities in Aguelhoc stoned to death a married man and a woman he was not married to for adultery, reportedly in front of 200 people. They also have punished women for failing to adhere to their dress code – which requires women to cover their heads, wear long skirts, and desist from wearing jewelry or perfume – and for having contact with men other than family members.

Throughout the north, the punishments for these “infractions” as well as for those accused of theft and banditry were meted out by the Islamic Police, often after a summary “trial” before a panel of judges hand-picked by the Islamist authorities. Many of the punishments were carried out in public squares after the authorities had summoned the local population to attend.

Many witnesses described seeing men and women detained or whipped in marketplaces and on the street, often by armed adolescents, for smoking, drinking alcohol, or failing to cover themselves adequately. Some frail elderly residents collapsed from the floggings.

Many residents of Timbuktu, Kidal, and Gao regions told Human Rights Watch that they saw children inside apparent training camps of the Islamist armed groups. They also observed children as young as 11 years manning checkpoints, conducting foot patrols, riding around in patrol vehicles, guarding prisoners, enforcing Sharia law, and cooking for rebel groups. One witness described children being taught to gather intelligence by walking through town and later “having to repeat what they had seen and heard.”

Since April, the Islamist groups have amputated the limbs of at least eight men accused of theft and robbery, seven in the Gao region. Human Rights Watch interviewed the victim of the August 8 hand amputation in Ansongo and two witnesses to the five amputations that took place in Gao on September 10. Amputating the hands, feet, or limbs of an individual as a criminal punishment is torture, in violation of international law.



Islamist militants in Timbuktu have destroyed numerous structures – including mausoleums, cemeteries, and shrines – which hold great religious, historical, and cultural significance to Malians. Timbuktu residents described feeling deeply shaken by the destruction. One woman told Human Rights Watch that, “It only took them about an hour and a half to break apart our heritage, our culture.” A man who witnessed the destruction of the tomb of Sidi Mahmoud said, “As they broke the tomb, yelling ‘Allah hu Akbar’ for all to hear, hundreds of us were weeping both inside and out.”

International humanitarian and human rights law prohibits any mistreatment of people in custody, including executions, torture, and pillage. The use of child soldiers and the deliberate destruction of religious and cultural property are also prohibited. Leaders of the rebel groups may be liable under international law for abuses committed by forces under their command, Human Rights Watch said.

The Islamist groups should immediately cease their mistreatment of residents and destruction of heritage sites, make a commitment to abide by international law, and free all children recruited for their forces, Human Rights Watch said.

Human Rights Watch calls on the Islamist armed groups in northern Mali to:

- Halt killings, amputations, floggings, and other torture and cruel and inhuman treatment of people in custody; treat detainees humanely in accordance with international standards.
- End all recruitment of children under age 18 in accordance with Mali’s international legal obligations, release all children previously recruited, and avoid using schools for military purposes, such as military training.
- Publicly acknowledge the obligation to comply fully with international humanitarian law.
- Publicly commit to respecting international human rights law, such as found in the Universal Declaration of Human Rights; respect the rights to due process and free expression, association, and assembly.
- Cease all attacks against religious sites in Timbuktu and elsewhere, and adequately compensate local authorities for the cost of repair and reconstruction of those destroyed or damaged.

## **Amputations and Executions**

One of the recent amputations took place on August 8, when Islamic Police amputated the hand of Alhader Ag Almahmoud, 30, who was accused of stealing livestock in Ansongo. On September 10, they amputated the right hand and left foot of five suspected thieves in Gao. On September 16, they amputated the hand of a man in Gao who allegedly broken into a store and stole merchandise. MUJAO took responsibility for the seven amputations in Ansongo and Gao. In April, Islamist authorities had amputated the hand of an alleged thief in Kidal.

On September 2, an online news agency published a statement from MUJAO claiming to have executed the Algerian vice-consul, Taher Touati, at dawn that day. The report has yet to be confirmed by the Algerian government. MUJAO had on August 24 given an ultimatum to Algeria, threatening to kill Touati unless several MUJAO members being held in Algeria were released. MUJAO had earlier claimed responsibility for the April 5 abduction of seven Algerian diplomats from their consulate in the town of Gao. Three of the hostages were freed in July.

The amputations in Ansongo and Gao were carried out after what victims said was an “Islamic trial.” Almahmoud, whose hand was amputated on August 8, described his ordeal to Human Rights Watch:

I’m married with three children, ages 6, 4 and a few months. I come from a village not far from Ansongo. In late July, a pickup full of armed men came to my home. They said they were investigating the theft of livestock, and that their investigation had revealed motorcycle tracks near where the animals were stolen that had led them to my house. They ordered me to go with them. They put me and my motorcycle on a truck with five armed men, and later put me in their jail in Ansongo where I remained for two weeks. There, I was never interrogated – not one question about the case.

On August 8 at around 10 a.m., they took me to an office building that now serves as their courtroom [le palais de justice]. There, I found a dozen or so unarmed men seated on mats on the ground in a circle. They asked me to sit in the middle and to tell them the facts. I said I was innocent and explained my version of events. The MUJAO boss in Ansongo said they should apply Sharia, after which they discussed my case among themselves. They were speaking in Arabic, but most of what they said was translated into Tamashek so I could understand. None of them presented solid proof. Of the 10 men, three were against imposing Sharia, but the others won.

At around 3 p.m. they took me to the public square, which was full of people. They tied my hands, feet and chest firmly to a chair; my right hand was tied

with a rubber cord. The boss, himself, cut my hand as if he were killing a sheep. As he cut it, which took about two minutes, he shouted “Allah hu Akbar.” I received no drugs before, but a few pills in the cell after it was done by the guy who bandaged me up. I stayed in the cell for a week without seeing a doctor. I shared the cell with two others accused of theft... The Islamists said their day was coming. Later they gave me money to repair my motorcycle, and to buy tea, sugar and clothes and brought me back home. I am innocent: I didn’t steal those animals.

Of the five amputations carried out on September 10 in Gao, one was at the *Place de l’Indépendance* while the other four were carried out hours earlier inside a military camp several kilometers away. MUJAO told the media that the suspects’ alleged crime, highway robbery, called for the right hand and left foot to be cut off. An elder with knowledge of the incident told Human Rights Watch: “They were judged and sentenced the same day as the amputation. There were five judges – including a few foreigners, and a Mauritanian Arab named Hamadi. There were no lawyers in the process. The judges ask questions, then give their verdict. In this case, the judgment was done in the morning and they immediately proceeded to the amputation. Hamadi himself publicly pronounced the punishment at the plaza.” Another witness to the amputation said:

At around 1:20 p.m., I was working in the market when I heard MUJAO calling for the population to gather at the plaza. About 60 of us gathered and some minutes later MUJAO arrived in 10 Land Cruisers. Inside one of them was the police commissioner, Aliou Mahamar Touré, and a young man. At about 1:45 p.m., Aliou told an Islamist to tie a chair to a concrete pillar with a rope. While the guy was still in his car, he received two injections. Ten minutes later, Aliou asked the young man to cover his face, then two of his bodyguards walked him out and bound him to the chair. First the right hand, the left foot and finally his chest.

Aliou took two butcher knives, laid them on a piece of black rubber and said, “Allah hu Akbar,” which the other Islamists repeated. Then he put one knife down, and with the other, cut off the young man’s hand – it took but 10 seconds to chop it off. He held it up for all to see. Another Islamist with a beard took the second knife, said “Allah hu Akbar,” and cut off the foot. The MUJAOs started to pray and said that they were doing what God asked them to do. Aliou ordered the man to be untied, and at the same time asked for a bag in his car. It was the bag with the four feet and hands amputated from the other thieves. He then placed the new foot and hand inside and they said, “Allah hu Akbar.”

Several Islamists then carried the young man to the hospital. MUJAO – who

were about 40 in number – had taken people’s camera cellphones before the operation but returned them after the deed. Nobody dared to talk. We were in shock and they were heavily armed.

The summary trials described above fall far short of international fair trial standards. The Geneva Conventions of 1949 provide that during internal armed conflicts, parties to a conflict are prohibited from “passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” It is recognized that these judicial guarantees can be found in international human rights law, as well as customary international humanitarian law.

Residents of northern Mali have on at least two occasions protested the planned amputations. In Gao they were initially successful. One witness described how on August 5, Islamic Police taking several men toward the plaza for amputations were met by “hundreds of residents yelling for them to stop, and throwing stones at them. They completely blocked the entrance to the Independence Plaza. The Islamists fired several times in the air but the crowd was too big. It made their job impossible.”

However, protesting may result in reprisal by the Islamist authorities. A respected local journalist for Radio Adar Khoïma and Voice of America, Malick Aliou Maïga, who condemned this and other abusive practices, said that on the day of the protest he was detained and severely beaten by the Islamic Police, who were led by a senior Islamic police official:

On Sunday, August 5, the day the people of Gao revolted and stopped MUJAO from amputating the hands of five people, I was in the studio, transmitting live. I was saying each man should have the right to a proper defense. Five minutes after starting my program at around 8:40 p.m., MUJAO burst into the studio. There were three pickups full of men. Many were hooded; they pointed their guns at me, hit me on the back and neck with their guns, then dragged me into a 4 by 4 [vehicle]. They continued to beat me with guns and pieces of wood and kick me.

They took me behind the town, told me to get down, beating me. Some walked on top of me, stomping, while others hit me with their guns. They said, ‘You just can’t shut up, can you? You’re trying to put hatred in heart of people. They take you as a hero but you’re nothing.’ I was covered in blood. One said, ‘Leave him, it’s enough, he’s dead.’ The boss in charge of this operation was [a senior Islamic Police official], a native from there. I lost consciousness and later found myself in the hospital. I have five stitches in my head, and on my back.

## Floggings and Beatings

In April, the Malian government police, gendarmerie, judiciary, and corrections officials fled the towns in the north, and the rebel Islamic Police have since taken over many law enforcement functions. But none of the means the Islamist armed groups controlling northern Mali are using to enforce their interpretation of Sharia meet international standards of fair and humane treatment.

The Islamic Police impose punishments against alleged wrongdoers either out on the streets or after a suspect is taken to a police station, military camp, or informal place of detention. Punishments are also imposed after summary trials by an impromptu panel of judges chosen by the Islamist authorities. In Timbuktu the courtroom is housed in a former hotel; the judges were identified as religious leaders, or *Marabouts*, from Timbuktu region. A resident of Gao explained the legal process there:

City hall has been converted into the justice palace. When someone is arrested, the person is brought to the commissariat [Islamic Police] and interrogated. If the issue is something that can be settled out of court, the person is freed. If not, they are detained in the commissariat; there are a few dozen there now. Trials are heard every Monday and Thursday, and the detained are transferred to the justice palace to be judged. There are five judges, some of whom are foreigners, but no lawyers in this process, so the right to defense is not respected. The population can attend the trials which take place in a big room.

The Islamic police often wear blue vests on which “Islamic Police” is written in French and Arabic. Many punishments were carried out in public squares after Islamist authorities summoned the local population to watch. Victims are typically flogged with a tree branch, a camel hair switch, or in a few cases, electrical cord. Victims and witnesses said such floggings often caused open sores and welts.

Many residents who spoke to Human Rights Watch credited the Islamic Police with helping restore order and security and conducting patrols to stop banditry. A village elder from Ansongo said:

We’ve lost control of our youth who engage in rampant banditry of cars, markets, animals. For years we’d ask the gendarmes to react but the Malian authorities did practically nothing to stop this descent into lawlessness, which created a lack of confidence in the state. Now, MUJAO have stepped in to stop this slide. MUJAO are the new authority.

Residents routinely file complaints with the Islamic Police, including for crimes committed before the Islamist armed groups took over the north, and the Islamists have investigated them. While those taken into custody have few due process protections, detainees held by the Islamic Police in

police stations and military bases in Ansongo, Timbuktu, and Gao said officers normally did not physically mistreat them.

The treatment of the local population by the Islamist rebels differed from town to town, often appearing to take the lead from the commanders in charge. The majority of amputations reported to Human Rights Watch were carried out in or around the town of Gao. The residents of the Timbuktu region appeared to be subjected more widely to physical abuse from the authorities. Residents from Kidal, Aguelhoc, Diré, and Goundam, with a few exceptions, reported significantly fewer instances of abuse than people from other towns.

Several witnesses described seeing men and youth beaten for smoking or for selling cigarettes. On August 13, a witness said, a blacksmith who was smoking inside his house in Timbuktu was “seriously beaten by a group of Islamists who saw him as they were driving by. They got down, went into the house and whipped him. But due to the intervention of neighbors, they only took him to the police station and by the end of day released [him].”

A market seller said that a sickly elderly man caught smoking in the market and beaten by an adolescent member of the Islamic Police “urinated on himself after about five strokes – the punishment for smoking is 10 – it was too much for him.” A teacher from Gao had since July witnessed 10 men beaten in public within the public plaza in Gao for smoking. Another witness described the beating and arbitrary detention in June of a man in his late 60’s for refusing to put out his cigarette:

They ordered him to put out his cigarette, but he refused, saying, ‘I like smoking. I will smoke today, I will smoke tomorrow...in fact, I will smoke every day until the day I die. Is this the work of God, beating people for smoking?’ They got so mad they started whacking him and a 15-year-old Islamist dragged him into the Islamic Police [station], where he was forced to spend the night. Imagine, doing this in front of his grandchild! I saw the old man the other day; he was still smoking.

A bricklayer who had been accused of drinking alcohol in mid-June in a northern town was handcuffed and detained overnight in the Islamic Police station, and later subjected to 40 lashes with a camel skin-hair switch. He insisted he was set up by an enemy working with the Islamists, but said he “finally accepted [the beating] because they weren’t going to give up. They called people inside the camp to watch; it was the boss who administered the beating. He hit me 40 times, counting in Arabic and moving from the legs up my body. It was terribly painful. I had many welts.”

About 15 residents of Timbuktu, Goundam, and Gao saw women beaten for refusing to cover

their heads adequately. An ambulant trader who works in Timbuktu market saw the Islamic Police flogging market women for failing to cover up “many, many times.” He told Human Rights Watch:

For example, in July, I saw three members of the Islamic Police beat a fish seller because she wasn’t properly covered. Among them was a Senegalese, a big man in the police, who hit her several times until she covered her head, until she cried. Around the same time, they told a middle-aged woman selling mangos to cover up but she refused. They started hitting her; she tried to protect her face, all the while saying defiantly, ‘No, forget it...you people took the village and drove away all our business, it’s you who must submit to Sharia.’ They beat her, 5, 10, 20 times but still she refused.

The Islamist authorities have forbidden – and often harshly punished – residents listening to any kind of music on radios, live, or on cellphone ringers, insisting that residents should only listen to recordings of Quranic verses. One youth who lives next to the Islamic Police headquarters in Timbuktu described how a young man was beaten until he bled for talking back to Islamist authorities who had demanded his phone after the ringer played Malian music: “He frantically tried to hit the answer button in his pocket. They told him to come but the youth talked back; two Islamists whipped him with a switch until he bled, saying, ‘if we were the Malian army you wouldn’t be speaking to us like that!’”

Some residents said Islamic Police threw the residents’ phones on the ground or removed their SIM cards and returned them a few days later filled with Quranic verses. A former tour operator told Human Rights Watch:

One afternoon I was drinking tea and listening to Ivorian music with about six friends. We’ve always done this – discussed the day’s events while we enjoy our tea. Suddenly, a pickup with armed men from the Islamic Police screeched to a halt and four of them came down. One, speaking in Arabic, said the music is condemned by God. We were afraid, they had pistols and were aggressive. They removed the memory card from the boombox and three days later returned it. They’d erased the music and put on Quranic verses.

Many northern residents, young and old, said the behavioral changes enforced by the Islamist groups had undermined their ability to take part in cultural life. One young man said, “We’re Muslims, good and faithful Muslims, but honestly, these people have taken all the *joie de vivre* from our lives.” Another man commented, “There are no baptisms, marriages, circumcisions – all are forbidden, *haraam*. Usually if you have a baby, people beat the drums but now, forget it... no music, no gatherings, no parties.... I only started to see life again when I exited their territory.”

A 23-year-old driver who'd fled to Bamako in July said, "When we're young we should enjoy our youth – we want to dance, listen to music, flirt with women, smoke, drink tea with our friends, but with these people, we can't do anything." A seamstress who left the north in July said: "The north feels dead. As a woman I can't dress up, wear perfume, go for a stroll with my friends. ...They've even outlawed chatting in groups. They say instead of talking we should go home and read the Quran."

Several other northern residents described restrictions on public gatherings. One man said: "In May we were sitting outside watching the UEFA Champions [football] semifinal on TV. We were enjoying ourselves, each one rooting for his team, yelling 'Yay!!' But the Islamists came and said it's forbidden to watch TV in public."

Islamist authorities have actually restricted many children from playing. One man described how on August 4, several angry parents stormed into the Islamic Police station in Gao to complain after their children, ages 8 to 13, had been beaten for swimming in the river.

"The Islamists said this is now forbidden, especially if they were boys and girls together," the man said. A man who had in early August fled Timbuktu with his family said that in June the Islamist authorities had ordered him to move two foosball tables inside because "[t]hey are a bad influence for children. The boys should be praying, not playing in the street."

Women from Gao, Kidal, Aguelhoc, and Timbuktu described the restrictions they endured in the north. One woman from Timbuktu was stopped and questioned by an Islamic Police patrol for wearing perfume. An officer asked if she was married, then reprimanded her, "If you're married, then why are you wearing something to attract more men?" Several witnesses described how Islamic Police intimidated, flogged, or beat women for how they dressed, or because they wore bracelets, rings, or other jewelry. Several residents said the stoning to death of the couple in Aguelhoc had provoked many unmarried pregnant women to flee the north for fear of similar fate.

## **Child Soldiers**

The Islamist armed groups controlling northern Mali have recruited, trained, and used children in their forces in violation of international humanitarian law.

Mali is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, which bans the recruitment and use in hostilities of children under 18 by non-state armed groups. Recruitment of children under 15 is a war crime under international humanitarian law, including the Rome Statute of the International Criminal Court.

Dozens of residents from the northern towns of Kidal, Timbuktu, Gao, Ansongo, Aguelhoc, and



Niafouké described seeing children, some estimated to be as young as 11 or 12, within the ranks of the Islamist groups. Altogether, the number appears to be in the hundreds. Recruitment of children is mostly by the Islamic Police allied with both Ansar Dine and MUJAO, while others were serving with a vigilante force organized by MUJAO, sometimes referred to as MUJAO's "army." Two adults approached to join AQIM's "Jihadist army" told Human Rights Watch that some children were at their bases.

Residents of Timbuktu, Kidal, and Gao regions said they saw children at apparent rebel training camps engaged in fitness training, learning to arm, disarm, and fire a gun, and in one case, throwing a rock "like he was training for using a grenade." One account described children being taught to gather intelligence by walking through town and later "having to repeat what they had seen and heard." Human Rights Watch identified 18 places where witnesses reported that new recruits including children were being trained, including military bases, Quranic schools, and private and public schools.

Residents observed the children manning checkpoints, conducting foot patrols, riding around in patrol vehicles, guarding prisoners, and cooking for the fighters. A few witnesses showed Human Rights Watch photographs they had taken in June, July, and August of children holding both Kalashnikov assault rifles and local hunting rifles. Some appeared to be no older than 12.

The Islamist armed groups began recruiting shortly after they seized control of the north and have continued steadily since then. Community leaders, residents, and adult recruits told Human Rights Watch that many recruits join because of both recent and longer-standing grievances, including rampant banditry, most recently by Tuareg separatists. Other reasons include high unemployment, which has dramatically worsened since the government lost control of the north, and a lack of confidence in Malian state institutions, such as the courts. The Islamist rebels are believed to be recruiting substantial numbers of men and boys from small villages and hamlets, particularly those who have long practiced Wahhabism, a very conservative form of Islam.

Community leaders and residents believed that recruiting in the north was aimed in part at boosting the ranks of Malians and thereby debunking the perception that the Islamist armed groups were "foreign occupiers." Gao and Timbuktu residents said well-known Quranic teachers and local *marabouts* worked with the Islamist groups there to recruit youth. Many of the trainers were identified as non-Malian, and came from Mauritania, Algeria, Senegal, and France. Most residents from the Timbuktu and Kidal regions who spoke to Human Rights Watch noted the presence of a disproportional number of children from the Arab and Tuareg ethnic groups, many of whom they believed had joined together with older family members. They did not believe the Islamist rebels were engaged in forced recruitment, although international law bans all recruitment of children, whether forced or not. A teacher from Timbuktu said that 12 of

his students, all Arab or Tuareg, who initially joined the MNLA and Arab militias had since June been recruited by Islamist groups.

In Gao, many recruits came from the Songhai ethnic group. Residents and community leaders said recruitment in the Gao region increased beginning in May in response to the formation of training camps by ethnic Songhai militias – the Ganda Kio and Ganda Iso, which were loosely allied to the government and based around government-controlled Mopti. Some commanders in Gao appeared to engender fear and hatred against the Tuareg ethnic group as a strategy for recruitment.

A 25-year-old man who was recruited and trained by Islamist rebels in Timbuktu in May said that of the 100 or so recruits who trained alongside him, about 20 were under age 18 and all were Tuaregs and Arabs. He said the training lasted four days during which, “We learned how to use guns, about Sharia and what it means to be a mujahidin.”

A tradesman who had been contracted to do some work in a Quranic school and training camp in a northern town in July described seeing about 20 children both studying the Quran and receiving weapons’ training. He and others who spoke to Human Rights Watch recognized some of the boys as Arab Islamist fighters. A Timbuktu resident observed about 50 new recruits for the Islamic Police training in the old gendarmerie: “Of those training – about half were younger than 18. The youngest was about 12. On that day they were getting in condition – running, jumping, maneuvering – it looked like military training.”

Another man in Timbuktu said one day in July, he heard shots and saw “an Islamist with a beard teaching four or five kids around 12 to 14, how to shoot. I saw this from 200 meters. It was behind the military camp of Timbuktu. He’d given them a firearm and they were firing in the air.”

This account from one resident is typical: “There are many, many children with them. Nearly every morning I see a few adolescents, even young ones of 11 or 12, inside the vehicles when Ansar Dine drives by, and many others going on foot patrols with the Islamic Police.” Two residents had seen children training in the former gendarmerie of Timbuktu. A driver now living in Bamako told Human Rights Watch:

I’ve seen the new recruits, including the children, training in the Escadron de Gendarmerie to be Islamic policemen. I see them running, sometimes with their guns, sometimes not, and firing in the air once. The last time I saw the training was in June around 4:30 p.m. to 5 p.m. There were about 25 to 30 people all mixed, about 12 or so were children. I was about 7 meters away and watched

for about 30 minutes. The trainer was a Senegalese, who's an officer in the Islamic Police.

Several residents from the Ansar Dine strongholds of Kidal and Aguelhoc similarly described seeing numerous children either in training or already in the ranks. A local businessman in Kidal said one-third of the 30 recruits he saw undergoing training in the Islamic Police in early August were under 18. He said: "The youngest was about 15. I've seen them do many things in Kidal: go on patrol with Ansar, cook food and guard prisoners." A student nurse from Aguelhoc said when she last passed through in July, about 30 of the 100 or so armed men in town were under age 18, many of whom "couldn't even properly hold a gun." She recognized three of them as neighbors whom she estimated to be about 12, 15, and 16 years old.

Gao residents described armed children conducting foot patrols. One said: "On August 8, on my way back to Bamako, I saw six children, including 12 to 14 year olds – [ethnic] Peuhls and Songhai – manning a checkpoint towards the exit of Gao. Their job was to make us stop. They asked for our for ID papers." Another man saw four armed adolescents manning the checkpoint at the entrance of Ansongo, 80 kilometers away.

Over a dozen witnesses and victims identified children, including as young as 12, taking part in abuses meted out by the Islamic Police. One saw a patrol of four Islamic Police, three of whom appeared to be between 12 and 15, enter a boutique to see if the vendor was selling cigarettes. They beat and threatened him when they discovered he was. Another saw an elderly fruit seller beaten after she reprimanded armed adolescents for showing her disrespect. The witness said, "She yelled, 'I'm older than your mother and you're telling me to cover my head!' They beat her, hitting her many, many times until she broke down." This account from June by a petty trader was typical:

The Islamic Police patrol in groups of two or three – very often including child soldiers armed with AK-47s [assault rifles]. I've seen the police hit women on their backs with a switch, saying, 'Cover up, now!' Some do it lightly, while others are really rough. A few times I've seen women cry, and seen welts, swollen [skin], on their backs. On several occasions, the Islamists doing this are children – 12 or 15 years old. Can you imagine, boys this young, and new recruits at that, beating a woman of over 60?

### **Destruction of Malian Heritage**

Islamist armed groups in Timbuktu have destroyed numerous structures that hold great religious, historical, and cultural significance to Malians, including mausoleums, cemeteries, and shrines in which are buried many of Timbuktu's revered scholars, imams, and philosophers. Islamist fighters with axes, shovels, and hammers in April destroyed the tomb of

Aljoudidi Tamba Tamba; on June 2 destroyed Sidi Yahya's tomb and great door; on June 30 destroyed the mausoleum and tomb of Sidi Mahmoud (Ben Amar); and on July 10 destroyed the tombs of two Muslim saints within the compound of Timbuktu's largest mosque, Djingareyber.

Islamist groups claimed responsibility for the destruction of the buildings and shrines, which are classified as a World Heritage Site by the United Nations Educational Scientific and Cultural Organization (UNESCO).

"It's very simple," an Ansar Dine spokesman was quoted as saying after the destruction of Sidi Yahya, "It doesn't correspond to the rules of Islam."

Many Timbuktu residents, including imams, students, tour guides, professors, and market women, described in compelling terms the impact of the destruction. They all felt the Islamist authorities were purposefully destroying part of their history. One woman said, "It only took them about an hour and a half to break apart our heritage, our culture." A student, 16, said, "My parents, grandparents, great grandparents spoke to me of these tombs. Now my own children will never see them." A civil servant watched as, "a piece of the tomb of Sidi Amar fell onto the grave of my father with a thud. I cried, we all cried, but could do nothing for they were armed men all around, poised to stop us."

A seamstress explained the significance of Timbuktu's 333 Sufi saints who are buried in Timbuktu:

We pray to them for everything we look for in life: the barren pray to have children; the pregnant pray for a safe birth; mothers pray for their children to be healthy, safe and marry a good man or women. If you, or a family member, are to travel, we pray to deliver us safely home.

They said the Islamist groups now forbid them from visiting the grave of their departed family members, an important weekly ritual for many Timbuktu residents. One man explained:

After prayers we always visit the graves of our dead. We clean the sand the winds have left. We pray for them. For us it is a sign of respect and a reminder not to forget them or where we've come from. There were about 40 or 50 Islamists in the operation. Eight or ten were breaking all that stood more than 20 centimeters high – the tomb of Sidi Mahmoud and at least 20 others. They are trying to erase the memory of this town. As they broke the tombs, yelling 'Allah hu Akabar' for all to hear, hundreds of us were weeping both inside and out.



The rubble left from an ancient mausoleum in Timbuktu destroyed by Islamist militants, July 2013.

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Residents also lamented the refusal of the Islamist authorities to allow Malians, who have a diverse and rich musical tradition, to listen to, perform, or play local music. They also interpreted this as denial of their cultural heritage. A man who worked near the local radio Buktu described how three days after the Islamist rebels occupied Timbuktu, a Tunisian Islamist who'd been put in charge of the radio destroyed the station's library of local music:

The Tunisian ordered his boys to confiscate the radio's library. They took everything – all the cassettes they'd collected since 1994. The cassettes were full of local folkloric music as well as foreign music, interviews, benedictions... they stuffed all the cassettes in four big rice bags and carried them away. While doing this he said, 'We're the ones who decide what's aired on the radio.' Many of the musicians are now dead and these cassettes were the only record Malians have of their music. I know the local music reporter; he used to go from village to village to record their work – guitars, Koras, tam tams, clapping – of all the ethnic groups that live in and around Timbuktu. They may not be killing us, but they're destroying our history, my history, which is almost as bad.

International humanitarian law protects all civilian property from deliberate destruction. Protocol II to the 1949 Geneva Conventions, to which Mali is party, provides special protection to cultural objects and of places of worship: “[I]t is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.”

Destruction of such property is considered a war crime, including under the Rome Statute of the International Criminal Court, which prohibits, “[i]ntentionally directing attacks against buildings dedicated to religion [and] historic monuments ... provided they are not military objectives.” The Universal Declaration of Human Rights also protects everyone’s right to “freely ... participate in the cultural life of the community.”

# Mali: Security Forces ‘Disappear’ 20, Torture Others

## *Crackdown on People Linked to Counter-Coup, Journalists*

**July 25, 2012 – Press Release**

<http://www.hrw.org/news/2012/07/25/mali-security-forces-disappear-20-torture-others>

(Nairobi) – Soldiers loyal to Mali’s coup leader have forcibly disappeared at least 20 soldiers allegedly linked to an April 30, 2012 counter-coup, and committed torture and other abuses against dozens of others, Human Rights Watch said today. The security forces of Capt. Amadou Sanogo, who led the March 22 coup against President Amadou Toumani Touré, have also engaged in a campaign of intimidation against journalists, family members of detained soldiers, and others deemed a threat.

Human Rights Watch called on the interim Malian government to investigate the disappearances and other abuses, hold those responsible to account, and take urgent measures to exert control over the security forces. The 20 soldiers whose forcible disappearances were documented by Human Rights Watch are feared dead.

“Malian authorities have a duty to the victims of torture and the families of the disappeared to ensure these crimes are investigated and those responsible brought to book,” said Daniel Bekele, Africa director at Human Rights Watch. “Even at this chaotic and difficult time in Mali, authorities should ensure that the horrific treatment and other violations should be promptly addressed.”

Human Rights Watch interviewed about 30 people with detailed knowledge of the abuses, including eight people who witnessed torture and enforced disappearances and 13 family members of the detained and disappeared.

Witnesses told Human Rights Watch that the abuses were committed by members of the security services, including soldiers, policemen, and national guardsmen who have supported Sanogo since the March 22 coup. Two described seeing Sanogo at the military base in Kati, 15 kilometers north of Mali’s capital, Bamako, when torture and other ill-treatment took place. One witness said he saw Sanogo kick one detainee who has since disappeared, and heard him threaten several others.

Nearly all the witnesses to the abuse who spoke to Human Rights Watch identified officers responsible for the detention facility at the base and believed they reported directly to Sanogo. Torture was also reported at a police camp known as the Mobile Security Group (*Groupement Mobile de Sécurité*, or GMS).

The mother of one disappeared soldier said that her son had gotten access to a phone and called her on the afternoon of May 1. She said, “My boy sounded so frightened. ... He said the military were arguing among themselves about whether or not to kill my son and the others being held with him. ... He was very afraid.”

Most of the disappeared and victims of torture formed part of an elite unit of paratroopers known as the Red Berets, who were detained after being accused of involvement in the April 30 counter-coup. During the counter-coup, the Red Berets attacked the state radio and television building and airport in Bamako, and the Kati military camp. After soldiers loyal to Sanogo put down the counter-coup, they rounded up dozens of people they believed had supported it.

Sanogo and other military officers ousted Touré in March in protest of his handling of a separatist rebellion by ethnic Tuareg in northern Mali. Following international pressure, notably from the Economic Community of West Africa States (ECOWAS), Sanogo in April agreed to hand over power to a transitional government that would organize elections and return the country to democratic rule. However, with the backing of security forces loyal to him, he has continued to exert considerable influence, meddle in political affairs, and marginalize members of the military who did not support the coup.

Last week, the government of Mali, as a state party to the International Criminal Court (ICC), referred “the situation in Mali since January 2012” to the ICC prosecutor for investigation. The prosecutor’s office will determine at a future date whether it can take jurisdiction of the situation.

“ECOWAS and other governments that have voiced their concern about abuses committed in the context of the armed conflict in the North and the March coup shouldn’t go silent now,” Bekele said. “Mali’s partners should insist the transitional government take concrete and urgent steps to stem any further deterioration in respect for the rule of law.”

### **Arbitrary Detention**

Witnesses and family members of victims said forces loyal to Sanogo immediately began detaining those deemed to be involved in the failed counter-coup on April 30. Over the next several weeks, they detained at least 80 men, most of whom were members of the elite Red Berets parachute regiment.

While people who participated in the counter-coup attempt would be legitimately subject to arrest and prosecution, the actions attributed to Sanogo’s security forces were taken outside of any lawful process. Witnesses said the men were detained at the scene of the attacks, on public transport vehicles, at their homes, as they drove to work, and after being called to the Kati camp or a police station to answer questions about their involvement in the counter-coup. While most are believed to have been taken directly to the Kati camp, at least nine spent



several days within the police GMS camp before their transfer to Kati. Many of the detainees endured torture and other ill-treatment in both places.

On June 24, after considerable pressure from detainees' families and their lawyers, local and international human rights organizations including Amnesty International, and Mali's justice minister, officers at Kati military camp permitted the transfer of 43 detainees to Gendarme #1, the military police, where their conditions and treatment drastically improved. Malian law provides that soldiers accused of a criminal offense are to be held within the gendarmerie. Since then, many of those who were transferred have been charged for their alleged involvement in the counter-coup.

### **Torture and Ill-Treatment**

The most severe and systematic mistreatment targeted rank-and-file soldiers, and took place over several weeks in May. Witnesses at the Kati military camp and GMS described seeing soldiers and policemen drag handcuffed and hogtied detainees along the ground, beat them with batons, sticks, and gun butts, and kick them in the back, head, ribs, genitals, and elsewhere. Others were stabbed in their extremities. Some detainees lost consciousness as a result of the beatings. Wives of some detainees said their husbands had told them they had urinated and, in one case, defecated blood as a result of the torture. Other witnesses and family members said men had suffered broken ribs and, in one case, a fractured arm.

Witnesses within Kati military base said they saw soldiers burn detainees with cigarettes and lighters on their backs, hands, arms, and ears. Two witnesses described how four men were forced at gunpoint and under threat of death to engage in anal sex with one another and said that fabric was stuffed in their mouths before the abuse to stifle their screams. Other detainees were suffocated during interrogation when soldiers stuffed rags into their mouths, pushed the rags back with a wood stick, and tied the men's mouths with a piece of fabric. Detainees were chained and handcuffed for days on end; relatives able to see them weeks later described seeing scars on their wrists and ankles.

Witnesses said the detainees were kept in small, unventilated rooms with no windows. About 40 men were said to be held in a room that was five meters by five meters. May is one of Mali's hottest months, and many detainees were not given anything to eat or drink for at least 72 hours, causing severe dehydration. Many drank their own urine to survive.

The wife of a Red Beret told Human Rights Watch: "My husband really suffered.... He told me they made several of them strip and then they kicked them in their genitals; they called female soldiers to their windows to look at the scene. He and others I saw had cigarette burns on their forearms; he told me that during the interrogation, instead of throwing the butt on the ground, they'd put it out in his skin. He had deep scars on his wrists and ankles because of the way

he'd been bound. It was only when they got to the gendarmerie that they found some peace."

The detainees were also routinely subjected to psychological abuse. Some were threatened with death each day. One witness said that soldiers showed the detainees a photo of one of the alleged coup plotters who had been killed in detention days earlier. Another said that soldiers routinely told the detainees that two or three of them would be taken out and executed. The police subjected one group of detainees to a mock execution at the GMS camp.

## **Enforced Disappearances**

Human Rights Watch interviewed several witnesses who described seeing at least 20 men who had been detained at the Kati military camp and are now feared to have been forcibly disappeared.

Witnesses at Kati camp said that on May 3 between 2 a.m. and 3 a.m., soldiers removed the detainees and put them inside a military truck. According to one eyewitness within Kati that night, "They took them out, bound their hands and legs, and covered their eyes; they have never been heard from or seen since." Another witness gave Human Rights Watch a hand-written list of 21 detainees whom a witness saw being taken from the camp.

There are unconfirmed reports that the men were executed and buried in the town of Diago, some 12 kilometers from Kati. Human Rights Watch spoke with Diago residents who said rounds of shots were fired that night; the residents, however, said they were too terrified to provide further details.

Under international law, an enforced disappearance occurs when the state or state agents take a person into custody but refuse to acknowledge doing so or do not provide information about the person's whereabouts or fate. Among the rights an enforced disappearance may violate are those to life, liberty, and security of the person, including protection from torture and other ill-treatment.

Ten witnesses described seeing one or several of the disappeared men inside Kati camp or the GMS in the 48 hours before they "disappeared." One was seen handcuffed to a military truck within the GMS at around 5 a.m. on May 1. Another witness saw a private second class – who is on the list of those disappeared – within a courtyard at Kati between 9 a.m. and 10 a.m. on May 1. He said one of the soldier's eyes was "bleeding from the beating he received, like there was a hole where his eye had been."

Human Rights Watch learned that between 10 a.m. and noon on May 1, some two dozen soldiers removed 19 wounded soldiers, including Red Berets and loyalists to Sanogo, from the Gabriel Touré Public Hospital in Bamako and took them in at least two military trucks to Kati military camp. Witnesses heard the military officer in charge of the evacuation say the patients

were being taken to the military hospital at Kati. A 20<sup>th</sup> soldier gravely wounded in the abdomen was allowed to stay at Gabriel Touré. Human Rights Watch received unconfirmed reports that, upon arrival at Kati military camp, the soldiers loyal to Sanogo were transferred to the Kati military hospital, while the Red Berets were refused treatment and detained. Their whereabouts remain unknown.

Family members of the men who had been disappeared told Human Rights Watch that they had searched for their loved ones in hospitals, gendarme and police stations, the local prison, and several military camps. At least two of the men who have been disappeared appeared on state-run television station on May 1; they were presented by the television interviewer as detainees associated with the counter coup.

One family member told Human Rights Watch, “When we saw him on television I leapt, screaming, ‘That is my son! My son is alive!’ Since then we have searched for him everywhere, but there is no trace. Tell me, how can he be there on national television one day and simply disappear the next?”

The mother of another said, “I call my son’s phone, but he doesn’t answer. I’ve been everywhere and looked at all the lists – the list of those wounded, the list of the dead, the list of those in detention, but my son’s name is not there. But still, I have faith that I will see his face again. Faith is all I have.”

Family members of Red Beret soldiers living within the Djikoron Red Beret camp complained of harassment, sexual threats, and intimidation by soldiers loyal to Captain Sanogo who now guard the camp. The wife of one Red Beret still detained for alleged links to the coup said, “When we come and go from the camp they say things like, ‘We’ve chased your husbands. We can have sex with you any time we want’ and to the daughters they say things like, ‘Your family is nothing.... We are the ones now in charge.’”

### **Intimidation of Journalists and Civil Servants**

Members of state security forces have tried to suppress the publication of information regarding abuses in the aftermath of the failed counter-coup. They have called in for questioning or visited the offices of at least five journalists and two civil servants who were investigating the coup, the treatment of detainees, enforced disappearances, or the existence of a mass grave. While the journalists and civil servants did not suffer any physical aggression during the questioning, they reported being pressured to reveal their sources, drop their investigations, and desist from publishing or speaking about the events. Several believed their phone conversations were routinely intercepted by the state security forces. The intimidation of journalists appears to form part of a wider crackdown on Malian journalism, which began after the March 22 coup and has since intensified.

In July, two journalists were abducted by armed, masked gunmen driving pickup trucks with no license plates, severely beaten, and dumped on the outskirts of Bamako after being warned to stop criticizing the military. On July 2, Abrahamane Kéïta, editor of *L'Aurore* newspaper, was pulled into a 4x4 car by armed men in civilian dress, taken to an isolated area near the airport, and beaten by men who repeatedly castigated Malian journalists. On July 13, a respected Malian journalist and publisher of *L'Indépendent*, Saouti Labass Haidara, was abducted by eight heavily armed men in civilian dress.

From his hospital bed, he told Human Rights Watch, “They fired in the air as they stuffed me into their car.... After seeing the lights of the capital start to dim, they pulled over, threw me on the ground, and kicked and beat me further. They kept referring to the one in charge as ‘captain,’ and said, repeatedly, ‘It is you journalists who are irritating us.’ They threatened to kill me if I brought a legal case against them, and said at any rate, nothing would happen to them.”

Haidara suffered a fractured arm and multiple contusions. The justice minister has promised an investigation into the incident.

One journalist told Human Rights Watch, “Mr. Haidara is one of Mali’s most revered journalists and is like the doyen of the Malian press. He has mentored 10 editors of smaller papers. By attacking Mr. Haidara, they intend to send a message to all of us.”

# Mali: War Crimes by Northern Rebels

*Armed Groups Commit Rape, Use Child Soldiers*

April 30, 2012 – Press Release

<http://www.hrw.org/news/2012/04/30/mali-war-crimes-northern-rebels>



Militiamen from an Islamist armed group ride on a vehicle in Kidal in northeastern Mali, June 2012.

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(Bamako) – Separatist Tuareg rebels, Islamist armed groups, and Arab militias who seized control of northern Mali in April 2012 have committed numerous war crimes, including rape, use of child soldiers, and pillaging of hospitals, schools, aid agencies, and government buildings, Human Rights Watch said today. An Islamist armed group has summarily executed two men, amputated the hand of at least one other, carried out public floggings, and threatened women and Christians.

Human Rights Watch also received credible information that Malian army soldiers have arbitrarily detained and, in some instances, summarily executed ethnic Tuareg members of the security services and civilians.

“Armed groups in northern Mali in recent weeks have terrorized civilians by committing abductions and looting hospitals,” said Corinne Dufka, senior Africa researcher at Human

Rights Watch. “The commanders of these groups need to stop the abuses, ensure discipline over their fighters, and appropriately punish those in their ranks responsible for these crimes.”

Human Rights Watch conducted a 10-day mission to the Malian capital, Bamako, in April and documented abuses by several armed groups that operate in northern Mali. The separatist Tuareg National Movement for the Liberation of Azawad (MNLA) seeks autonomy for the North, which it calls Azawad. The Tuareg are a traditionally nomadic Berber people. Ansar Dine is an Islamist armed group that wants to impose a strict interpretation of Sharia – Islamic law – throughout Mali. A local ethnic Arab militia, based in and around the historic city of Timbuktu, was allied with the Malian government, but on the day Timbuktu fell, it switched sides and has since fractured into at least two groups with unclear military and political objectives.

These and other armed groups undertook operations in January 2012 when the MNLA launched their bid for a separatist state. While they have not forged a formal alliance, witnesses and analysts describe them as becoming allied for the common purpose of taking territory from the Malian army and consolidating control of the northern regions of Kidal, Timbuktu, and Gao (Each region has a capital city of the same name). The groups maintain separate headquarters within each of the regional capitals and are identified by the flags their vehicles fly, their uniforms, the particular strategic points – such as bridges and airports – they control, and the neighborhoods in which they have concentrated fighters.

The vast majority of abuses documented by Human Rights Watch occurred within the last few days of March and first two weeks of April after the armed groups took control of Kidal on March 30, Gao on March 31, and Timbuktu on April 1. The rebels’ swift advance occurred as they took advantage of the political and security chaos created when junior Malian military officers staged a coup on March 22 in response to what they viewed as the government’s inadequate response to the MNLA rebellion. Many Tuareg fighters in both the MNLA and Ansar Dine had previously supported the Libyan government of Muammar Gaddafi and reentered Mali with weapons from Libya after he was ousted.

The recent fighting and insecurity, scarcity of food and medicine, and lack of functioning banks, schools, and services have caused tens of thousands of Malians to flee to the government-controlled South and neighboring countries. Witnesses described buses and trucks overflowing with fleeing civilians, who often faced extortion at MNLA checkpoints as they fled. The United Nations Office of Humanitarian Affairs estimates that since January 2012, at least 284,000 residents had fled their homes as a result of the armed conflict in the North, of whom about 107,000 are believed to be internally displaced and some 177,000 have fled to neighboring countries, notably Niger, Burkina Faso, Algeria, and Mauritania.

Human Rights Watch interviewed over 100 victims and witnesses to the abuses, as well as local

religious authorities, medical personnel, traditional leaders, members of local rights groups, government officials, and aid workers. Most witnesses had fled the affected areas; those who remained in areas of rebel control were interviewed by phone. Witnesses described abuses taking place in the northern towns of Gao, Timbuktu, Dire, Niafounke, Ansongo, and, to a lesser extent, Kidal.

Victims, witnesses, and family members of victims told Human Rights Watch about a wave of abductions of women and girls by armed groups. Witnesses described the abductions by rebels of at least 17 women and girls as young as 12. A 14-year-old girl told Human Rights Watch that six rebels held her captive in Gao and raped her over a period of four days. A Timbuktu resident told Human Rights Watch that he saw three Arab militiamen drag a girl of about 12 from her mother into an abandoned building, where she was gang-raped. Witnesses and family members who had spoken with several of the other victims said the abducted girls and women had been sexually abused by the rebels. One person said that rebels took three young women from the same family from a compound in Gao, raped them, and brought them back the next day. The majority of these crimes took place in Gao shortly after it fell to rebel groups, but also in Timbuktu, Niafounke, and in villages around Dire.

The vast majority of these abductions and presumed rapes, witnesses said, were allegedly by armed men speaking the local Tamashek language and driving cars with the Tuareg separatist MNLA flag. Most of the abductions documented by Human Rights Watch took place in neighborhoods which witnesses said had a high concentration of MNLA fighters.

Nearly every witness interviewed by Human Rights Watch observed acts of looting and pillaging by MNLA rebels and, in the immediate aftermath of the army withdrawal in Timbuktu, by Arab militias. Witnesses said the Islamist rebel group Ansar Dine destroyed several bars and hotels they associated with alcohol consumption and prostitution, and engaged in looting, though on a much lesser scale. Many local residents and some prisoners who had been sprung from local prisons during the rebel advance reportedly participated in the looting as well, in many cases alongside MNLA rebels.

Witnesses described several days of looting, which began the day the Malian military was either forced to retreat or abandoned its positions in these areas. Rebels broke into hospitals and medical facilities, where they looted goods and threatened and ill-treated staff and patients. They also pillaged local government buildings, banks, Malian and international aid offices and warehouses, homes of local officials, schools, and churches.

Hospital staff from Gao and Timbuktu told Human Rights Watch that patients in local government hospitals were forcibly removed from their beds and left on the floor after rebels stole mattresses. Four patients in Gao, including elderly patients on oxygen, died after terrified staff fled, leaving

the patients with no medical personnel to care for them. Witnesses also described watching rebels load up their vehicles, and, in a few cases, large trucks, with furniture, computers, printers, air conditioners, refrigerators, televisions, clothes, shoes, livestock, and other items. Many others said that rebels stole their motorcycles and cars, often at gunpoint.

Residents from several towns and villages in the North described the presence of children as young as 13 in the ranks of the MNLA and to a much lesser extent the Arab militia and Ansar Dine. Malian soldiers, who had spent weeks with the rebels as captives, and other witnesses said children had been a part of the MNLA since they began the northern operations in January. Residents observed some children taking an active part in looting following the fall of towns and villages to the rebels. Mali is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, which bans the recruitment and use in hostilities of children under 18 by non-state armed groups.

Ansar Dine fighters took several measures to protect civilians from the widespread looting, sexual violence, and other abuses by the MNLA, Arab militias, and common criminals. The Islamist group set up reporting hotlines and conducted foot and vehicular patrols. But witnesses said that Ansar Dine also summarily executed two men in Gao and amputated the hands of an MNLA rebel in Kidal as part of its crackdown. Gao residents said that in early April, Ansar Dine had cut the ear of a woman for wearing a short skirt and flogged men who had consumed alcohol and engaged in petty theft.

The looting of several churches, a bible school, and a Christian radio station as well as the destruction of church icons by MNLA and Ansar Dine fighters provoked the exodus of Christian residents from these areas, witnesses told Human Rights Watch.

Witnesses also reported that on April 2, Malian government soldiers in Sévaré detained and executed at least four Tuareg members of the Malian security services, including two gendarmes, a gendarme cadet, and a fourth person believed to be an army soldier. Other witnesses told Human Rights Watch that since early April, soldiers manning checkpoints have taken numerous light-skinned men, including Tuaregs, Arabs, and Mauritians, off of buses traveling between the government-controlled South and the rebel-held North. There are concerns that some of the men have been executed.

The fighting in northern Mali amounts to an armed conflict under international law. All parties to the conflict, including rebel groups, are obligated to abide by international humanitarian law, which prohibits any mistreatment of persons in custody, rape, pillage, the use of child soldiers, and other abuses. Individuals who willfully commit serious violations of international humanitarian law are responsible for war crimes. Commanders are liable as a matter of



command responsibility for crimes committed by their subordinates if they knew or should have known of the crimes but failed to stop them or punish the perpetrators.

Human Rights Watch calls on the military and political leaders of each armed group in northern Mali to:

- Adopt all necessary measures to abide by international humanitarian law.
- Immediately issue orders prohibiting mistreatment of persons in custody, rape, pillage, and other violations of international humanitarian law.
- Immediately issue orders prohibiting attacks on civilians and civilian structures, including medical facilities, schools, and places of worship.
- Cease the recruitment and use of children under 18 in hostilities, release all children from their forces, and work with child protection agencies to return these children to their homes.
- Secure and protect the basic human rights of civilians in areas under their control, including those who fled their homes and have returned.
- Investigate and appropriately discipline commanders and fighters who are found to have carried out violations of international humanitarian law, including abductions, rape, child soldier recruitment, pillage, and other abuses. Suspend those against whom there are credible allegations of abuse, pending investigations.
- Cease cruel and inhuman punishments prohibited under international law, such as the executions, floggings, and amputations carried out by Ansar Dine.
- Facilitate impartial and unhindered access to organizations providing humanitarian assistance.
- Implement all feasible measures to warn persons in areas under their control of the threat of unexploded ordnance and seek to exclude civilians from dangerous areas, including by marking and monitoring affected areas, educating people about never handling unexploded ordnance, and sharing information with all warring parties on the types, quantities, and locations of weapons used to facilitate clearance.

Human Rights Watch also calls on the government of Mali to invite the United Nations Office of the High Commissioner for Human Rights to monitor and investigate human rights abuses in the North.

### **Abduction of Girls and Women and Sexual Violence**

Victims and witnesses described to Human Rights Watch the abduction of 17 women and girls by rebel groups, mostly in Gao. Some of the women and girls who later escaped said that rebels had raped them. In all but one case, the witnesses believed that the abductors were MNLA rebels, identified by the flags on their cars and the MNLA's strong presence in the neighborhoods where the abductions took place. One witness told Human Rights Watch he had witnessed three members of an Arab militia gang rape a girl of about 12.

A 14-year-old told Human Rights Watch she was abducted from her home in Gao and raped by six MNLA rebels over four days. Several people described seeing women and girls as young as 12 forcibly taken at gunpoint by armed men. Often women and girls had been taken to abandoned homes, hotels, and other buildings and sexually assaulted, then returned within 24 hours.

A civil society activist in Gao told Human Rights Watch he had documented eight cases of rape by MNLA members, most involving girls around 15. He said most of the girls and their families had fled to Niger.

Several cases documented by Human Rights Watch involved victims from the Bella group, members of a traditional slave caste within Tuareg culture. The word *bella* means “captive” in Tamashek. In one case, an elderly community leader said she had tried to comfort the mother of three Bella girls abducted from their house in Gao by rebels and raped for several hours, an account Human Rights Watch corroborated.

A trader in Gao told Human Rights Watch he had witnessed three abductions and one failed abduction by the MNLA of girls and young women he said were “all definitely younger than 20 – a few may have been as young as 16.” He said the abductions took place in the late afternoon or evening on or near the main road going through the Chateau, 7<sup>th</sup> and 8<sup>th</sup> *quartiers* (neighborhoods) of Gao. He said:

In each case the rebels jumped down from their vehicles, grabbed the girl as she was walking, and lifted her into the car, covering her mouth so she couldn't scream. A fourth time, the girl managed to fight them and was able to scream, raising alarm. Since there were people around, they let her go. On the Monday after the Gao fell, [April 2], my uncle told me how the rebels forced their way into his house in Gao, tried to take one of his wives. He took off his *boubou*

(robe) and said, ‘You can kill me first but you’re not taking my wives.’ They eventually left.

Two young women who fled Gao on April 16 witnessed the abduction of a 14-year-old neighbor by the MNLA on April 3. One told Human Rights Watch:

In the late afternoon, there was a commotion behind our house. A beige Land Cruiser with the MNLA flag was outside the tent where a Bella family lives, telling the mother they needed her daughter to cook for them. The mother refused, saying she was a widow; that her two children were all she had. The rebels insisted. They forced their way into the house, pushing past the mother. They grabbed the girl, who was hiding inside. The mother begged them to leave her daughter while the girl cried and screamed for her mother. The men forced her into the car; the girl was fighting to get out. The mother tried to grab her from the truck, but they pushed her away. Sometime later, men from [the armed group] Ansar Dine – they have a different flag – came to investigate. We went to say we were sorry, to try to assure her [the mother]. Her eyes had become red from crying.

Human Rights Watch interviewed the 14-year-old girl a few days after she said Ansar Dine had helped her escape. She said her abductors took her to a house within the Gao city limits, where six rebels repeatedly raped her over four days. She said they beat her several times as she tried to resist the sexual assaults. The house was in an area of Gao that many witnesses described as having a heavy concentration of MNLA rebels. She said that, whenever the rebels left, they locked her in the house. On the fifth day, neighbors who had become aware of her presence notified Ansar Dine, who helped her escape and provided some medical care.

A Timbuktu resident described the gang rape on April 2 by three members of a local Arab militia of a girl whom he estimated to be 12 or 13 years old:

The looting of Timbuktu started on April 1, a Sunday, and on Monday morning I was on the street with my neighbors watching and saw as the cars of the rebels sped by loaded up with things they’d looted, including from the military camp down the road. I saw a 4 by 4 [vehicle] pass by with a few armed youth from the local Arab militia. A few minutes later they returned on foot and immediately, violently grabbed the 12-year-old girl, who screamed out, as did her mother. The boys [young men] were about 21 or 22 years old. Many people screamed out in protest, saying they wouldn’t allow it, but they pointed their guns at us... People were frightened and in disbelief that this could be happening in the open. The mother fought to hold on to her daughter, but she couldn’t. They dragged the

screaming girl into a nearby house under construction. ...Two were outside as if standing guard while the other one raped her inside. Then they switched places until all of them had gone inside. I can't tell you how horrific, how awful this was. We could hear her crying. The mother collapsed, sobbing on the ground. After they finished with her, the mother rushed in to get her daughter.

The head of a Bella family in small town near Timbuktu described the abduction of a 20-year-old family member on April 13 at around 2 p.m. Following her release, the woman had been taken to Bamako to seek medical care for sexual abuse she had endured.

We saw a truck with armed men and the flag of the Azawad (MNLA) stop in front of our house and at least five armed men jump down. They forced their way into our house brandishing automatic weapons and knives, and told me they were taking my relative with them. As the head of this family, I refused. They insisted, and I took 5,000 CFA [US\$10] and offered it to them, but one of them said, 'It's not money we want!' They took her by force and brought her back the next day in the afternoon.

### **Recruitment and Use of Children as Soldiers**

Almost all of the witnesses with whom Human Rights Watch spoke described the presence of child combatants within the ranks of the MNLA, and, to a much lesser extent, in the Arab militia and Ansar Dine. Many were described as carrying military assault rifles and wearing fatigues that some people said were "falling off their bodies." Most child combatants were estimated to be between 15 and 17 years old. However, some witnesses also described children as young as 12 within rebel ranks.

Several teachers and students from Gao, Timbuktu, Dire, and Menaka said they recognized MNLA child combatants. The children were observed riding around in rebel cars and trucks, standing side-by-side with adult MNLA rebels at checkpoints, and at times engaging in looting and extortion.

Residents of Gao, Dire, and Niafounke described a new wave of recruitment by Ansar Dine that began in mid-April. A local civil society leader said he had met with the anxious parents of a few adolescents who had been recruited by Ansar Dine in Gao, while one witness described a few adolescents among new recruits being trained in a camp some seven kilometers from Gao. A resident who attended an informational meeting by Ansar Dine in Dire said several armed adolescents were among the Ansar Dine representatives at the session.

## **Looting, Pillage, and Attacks on Hospitals**

The systematic looting of food stocks in local stores, markets, and aid-agency warehouses, as well as the theft of medical supplies from hospitals and clinics, and the closure of schools, doubtlessly contributed to the decision by tens of thousands of civilians to flee the rebel-held North for the government-controlled South, Human Rights Watch said.

Civilians who had fled Gao, Timbuktu, Ansongo, and Dire described systematic looting and pillage by members of the MNLA and, in Timbuktu and to a lesser extent Gao, by Arab militias. The vehicles into which the looted goods were loaded very often flew the MNLA flag. Civilians also took part in the looting.

Human Rights Watch documented many fewer cases of looting and pillage by Ansar Dine. To the contrary, numerous witnesses described the efforts of Ansar Dine to prevent looting, including by establishing a hotline for victims of looting and other abuses to call for help. There were, however, a few accounts of Ansar Dine distributing food that had been looted from aid agency warehouses.

Since the capture of the major towns of Gao, Kidal and Timbuktu, armed groups appeared to target government buildings and institutions, as well as the residences of high-level civil servants and members of the Malian security services. More recently, they have robbed ordinary residents during home intrusions, stolen cars and motorcycles, and attacked boutiques and small shops.

Medical personnel in Gao and Timbuktu said rebels had pillaged hospitals and clinics of medicine and medical equipment, as well as furniture and supplies. Witnesses believed Arab militiamen were responsible for the looting of Timbuktu hospital. One nurse from Gao described the pillaging, which he linked to the deaths of four patients:

They came at 11 p.m. on March 31. They walked around the hospital, pointing their arms at the family members of the wounded, asking if they were military or not. They stole everything – medicine from the pharmacy; the office computers, scanners, printers, and air conditioners; the director's Hilux [car], the ambulance, a doctor's personal Mercedes, and about 40 motorcycles that belonged to hospital staff.

At one point they came with a large truck, which they stuffed with looted goods from the hospital. I saw them rip the oxygen tubes from one patient and put him on the ground so they could take his mattress. Most of the staff fled, terrified of what they'd do, leaving the patients there. We lost four patients because of their looting; two elderly men and one elderly woman, who died

later after their family members fled with them to the house, and a soldier who'd been wounded in fighting on Saturday morning. We'd done first aid, and he was to have been transferred to surgery, but after the MNLA came, it wasn't possible to give him the surgical intervention he needed. The rebels should be held responsible for their deaths.

An elderly resident of Gao, who had fled to Bamako, described the looting in Gao:

Over the period of several days, the town of Gao was thoroughly, systematically, and comprehensively pillaged – the government offices, banks, schools, hospitals, and churches, the warehouses and offices of international humanitarian organizations, the houses of government officials. It can only be described as a tragic looting fest. Everything that the state and residents of Gao had worked to construct for the benefit of the population was stripped away in a matter of days. Of course the local population, prisoners who'd been sprung from the prison, and even residents from neighboring towns and villages joined in, but I believe the majority of looting was done by the MNLA.

People who had fled the North to find refuge in the government-controlled South described being forced to pay a “right of passage” before being allowed to pass through MNLA-controlled checkpoints. Numerous witnesses said the MNLA had threatened to hold back any civilian unable to pay the amount demanded. On a few occasions, MNLA rebels pointed their guns at the drivers of the vehicles to force them to pay. Most individuals were forced to pay from 1,000-3,000 CFA, while drivers were often asked to pay 50,000 CFA. (500 CFA = US\$1.) A student who fled Kidal in early April with about 30 other civilians described being robbed of shoes, clothes, cameras, and phones at an MNLA checkpoint between Kidal and Gao.

### **Cruel and Inhuman Punishments**

After establishing bases within several northern towns, the leadership of Ansar Dine declared that they would be enforcing their strict interpretation of Sharia. This included requirements on how men and women should dress and with whom girls and women could be seen in public. Women and girls described to Human Rights Watch being afraid not to follow these directives.

Ansar Dine imposed harsh punishments against several men for criminal offenses and infractions of Sharia. Several witnesses said that, in early April, several armed men ambushed a bus on the outskirts of Gao, diverting it onto a side road. After Ansar Dine responded to a call made to its hotline, at least one of the gunmen fired on the arriving Ansar Dine members. The Ansar Dine members then executed two of the armed men, one by slitting his throat, the other by shooting.

A witness from Kidal said that in early April, Ansar Dine members amputated the hand of an MNLA rebel who refused to pay a local merchant for purchases:

As I was getting a haircut, I saw two MNLA rebels – in Kidal they share power with the AQIM [Al Qaeda in the Islamic Maghreb] and Ansar Dine people – buying things from a small kiosk across the street. One of them paid the shopkeeper, but the other refused to pay. The rebel was obnoxious and intimidating; he pointed his gun at the shopkeeper. At that moment a patrol of Ansar Dine happened to drive by. Four of them jumped down from the Land Cruiser and asked the kiosk owner what was happening.

After hearing his explanation, one of them went to the truck, grabbed a long knife and then the rebel, put his hand down on a piece of wood, and whacked off his right hand above the wrist, lecturing everyone about this being what a robber deserves. They spoke about Sharia... I was trembling; it was too much. ...We don't know this kind of violence in Mali.

Witnesses in Gao described how on April 20, members of Ansar Dine publicly flogged in front of a mosque a man they accused of consuming alcohol, and another caught stealing by a local neighborhood watch committee. The men were lashed 80 times with a branch.

While Christian residents did not report any direct threats or directives to leave cities now controlled by Islamist rebels and the MNLA, they interpreted the looting of churches and destruction of church icons, including bibles and crosses, as a serious warning. Church officials in Timbuktu and Gao said that both the MNLA and Ansar Dine had extensively looted at least three churches, a Christian radio station, and a bible school.

### **Harm to Civilians by Abandoned or Looted Explosive Ordnance**

Since late 2011, northern Mali has seen a proliferation of heavy and light weapons. This was the result of the ousting of the late Libyan president Muammar Gaddafi in 2011 during which warehouses of ammunition and weapons were left largely unguarded and the Malian army's abandonment since January 2012 of their military camps when the rebels, primarily the MNLA and Ansar Dine, swept across and consolidated control of the North.

Residents said that the rebels' negligent handling of arms and weapons they had looted from military camps in the North had resulted in the deaths of three teenage boys and the maiming or wounding of at least five others. In some places, stolen military rifles and boxes of hand grenades fell off the trucks of rebel vehicles that raced through the streets. One Timbuktu resident said:

I live along the main road that comes out of the military camp. After the army fled and as the camp was being looted by the MNLA and Arab militia, I saw 4 by 4s, including some they'd stolen from the Malian army, streaming by loaded up with guns and ammo boxes. The stuff was piled so high it would sometimes fall out onto the street as they raced by. On a few occasions, I saw automatic weapons fall out, as well as a few boxes full of grenades. When they hit the ground, the grenades rolled out, scattering here and there like mangos. We tried to warn people not to touch them, but you know how children are.

Two teenagers were killed and another was seriously injured in Timbuktu on April 11 when what residents believed was a grenade exploded as the boys were playing with it. A third boy lost a hand and part of his leg. On April 19, a 12-year-old boy in Niofounke died when something he was playing with exploded. A hospital worker from Gao said he treated a man who had lost the fingers of one hand when a grenade exploded. A nurse from Kidal described having treated a teenager who had lost part of his hand when the boy threw a rock at unexploded ordnance; the incident wounded two other boys. Residents said rebel authorities had made scant effort to collect the weapons or conduct public education about the dangers of unexploded ordnance.

### **Arbitrary Detention, Executions of Tuaregs by the Malian Armed Forces**

Human Rights Watch received credible information that Malian army soldiers have arbitrarily detained and, in some instances, summarily executed Tuareg members of the security services and Tuareg civilians travelling between the rebel-control North and the government-controlled South.

A witness told Human Rights Watch that around 7 p.m. on April 2, three men including two gendarmes and a gendarme cadet, were detained by a truckload of Malian army soldiers from a house in Sévaré, 570 kilometers from Gao. The witness, a relative of one of the men, said she was informed by a member of the security services that the men had been executed inside the military camp the same night. The bodies of four men, including her relative, were located at the local hospital morgue the next day. She and her family fled to Burkina Faso a few days later.

Witnesses told Human Rights Watch that the first checkpoint controlled by the Malian army on the Gao-Bamako road is in the village of Kona, outside the town of Sévaré. A bus passenger who arrived at the checkpoint on April 22 described what happened:

When we arrived at the checkpoint, it was more difficult for those from the North, the Tuaregs. The military distinguished them by the color of their skin. They were pulled down from the bus, while the rest of us remained on board. Then the military told the bus to go ahead with everyone else. We saw them being searched as we left. It was a tense situation, a truly tense situation. The



soldiers were being rough with them. These searches, the separation of the Tuaregs leaving Gao, this started around April 3. We know that several of those who have been removed from buses have been disappeared – kidnapped and summarily executed.

Human Rights Watch calls on the Malian government to investigate allegations of arbitrary detention and summary execution at the Kona checkpoint and to appropriately discipline or prosecute anyone implicated in abuses.



# MALI CONFLICT AND AFTERMATH

Compendium of Human Rights Watch Reporting, 2012-2017

Human Rights Watch extensively investigated the human rights situation in Mali during the 2012-2013 armed conflict, the accompanying political upheaval, and the southward spread of Islamist armed group activity from 2015 to 2017. This document contains much of Human Rights Watch's reporting and analysis during that period. In our advocacy we called on all sides to abide by international humanitarian law—the laws of war—and urged Mali's government to take concrete steps with the assistance of its international supporters to address the conditions that led to the crisis. Key among them are strengthening the rule of law, holding rights abusers to account, and addressing endemic corruption. Human Rights Watch's work on Mali is also available on our website: [www.hrw.org/africa/mali](http://www.hrw.org/africa/mali)

*(above) Militiamen from the Islamist group Ansar Dine on an armed vehicle between Gao and Kidal in northeastern Mali on June 18, 2012.*

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*(front cover) A boy in Timbuktu runs in front of a mural that reads "Peace," a few days before the July 2013 presidential elections in Mali.*

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