



# MALI

## PRELIMINARY FINDINGS OF A FOUR-WEEK MISSION

SERIOUS HUMAN RIGHTS ABUSES  
CONTINUE

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Amnesty International Publications

First published in 2013 by  
Amnesty International Publications  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

© Amnesty International Publications 2013

Index: AFR 37/004/2013  
Original Language: French  
Printed by Amnesty International, International Secretariat, United Kingdom

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*Cover photo: Malian soldiers drive down a road during fighting with Islamists in Gao, February 21, 2013. © REUTERS/Joe Penney*

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# INTRODUCTION

Five months after the French armed intervention in Mali and the subsequent recovery of most of the northern part of the country controlled by armed groups since late March 2012, Amnesty International is currently finishing a four-week research mission in Mali, during which it has received reports of serious human rights violations and abuses. The alleged violations include extrajudicial executions, enforced disappearances, and torture and other cruel, inhuman or degrading treatment (“other ill treatment”) whilst in detention. When committed in a situation of armed conflict, such violations also violate international humanitarian law and constitute war crimes.

Testimonies collected by Amnesty International do not only concern allegations of abuses committed by the Malian security forces in the very first weeks following the French and Malian joint intervention, but also abuses perpetrated more recently, including enforced disappearances and extrajudicial killings in Timbuktu and in Gao in March and April 2013 and in one case, as recent as late May 2013. At present, some of these allegations are only beginning to be investigated and these inquiries have not yet led to any prosecutions or other forms of accountability.

Members of the Arab and Tuareg communities were killed or subjected to enforced disappearances by the Malian security forces.

Amnesty International is also concerned by the treatment and conditions of people arrested in the context of the conflict because of alleged links with armed groups. Some of these detainees have been tortured and many seriously ill-treated during and after their arrest, others were beaten upon their arrival at the *Maison d'arrêt* (hereafter Bamako prison) in Bamako. The organization is also concerned by the detention conditions that led to the death of at least five detainees at the Bamako House of detention in April 2013.

Moreover, Amnesty International was able to collect information about deliberate and arbitrary killings reportedly committed by the *Mouvement pour l'unicité du djihad en Afrique de l'ouest* (MUJAO, Movement for Unity and Jihad in West Africa), an armed group. Such acts have been committed against civilians accused of supporting the French and Malian armies. The delegation also collected reports of sexual violence committed by members of groups during the occupation of the North - including those perpetrated by the Tuareg *Mouvement national de libération de l'Azawad* (MNLA, National Movement for the Liberation of Azawad) and MUJAO.

These are the main findings of a four-week research mission currently conducted in Mali (May and June 2013). The delegation visited several towns and cities including Timbuktu and Gao, as well as Ségou, Mopti and Sévaré and was allowed to visit more than 80 individuals, including 12 children, (all men and boys) currently detained in several places of detention in Bamako and in Timbuktu after their arrest in the North on suspicion of links with armed groups. These preliminary findings are mainly based on allegations and testimonies of eyewitnesses, relatives of the victims, and detainees, and need to be fully investigated.

The delegation met with the Malian authorities, including with the Minister of Justice, Malick Coulibaly and the Minister of Defense General Yamoussa Camara, and expressed its concerns about the serious allegations of violations committed by the Malian army. The authorities admitted that human rights violations did take place, but asserted they were not systematic and generalized and stressed that some investigations had been opened and that the alleged perpetrators would be prosecuted.



A young girl's face is engulfed in smoke as Malian soldiers patrolling with Tuareg Malian soldiers, Saturday Feb. 16, 2013. © AP Photo/Jerome Delay

Amnesty International calls upon the Malian authorities to send a clear signal to their security forces indicating that such violations will not be tolerated and that any soldier or member of the security forces allegedly involved in these acts will be held to account. The organization calls the authorities to properly investigate and bring to justice anyone reasonably suspected of committing or being complicit in such acts. The organization also calls upon the French army as well as the African armies currently deployed in Mali in the context of the African-led International Support Mission in Mali (AFISMA), to publicly report and denounce any case of violations and abuses they have witnessed or that has been brought to their knowledge.

All the parties fighting alongside the Malian armed forces have also to send a clear message to the Malian authorities indicating that human rights violations including torture and ill treatment in detention will not be tolerated and to ensure that they do not hand over prisoners to the Malian authorities if they have reason to believe that those individuals transferred would face a real risk of torture or other ill-treatment in custody.

In the run up to the deployment, in July 2013, of a United Nations Multidimensional

Integrated Stabilization Mission in Mali (MINUSMA), it is essential to ensure that the Malian army and any other armed forces deployed in Mali respect and protect human rights. It is critical to reassure the populations living in the north of the country and to halt abuses targeting civilians. Otherwise, the hundreds of thousands of people who fled the region to seek refuge in neighboring countries will remain reluctant to return home. Such a situation would further hinder the resolution of the political and humanitarian crisis that erupted in January 2012.



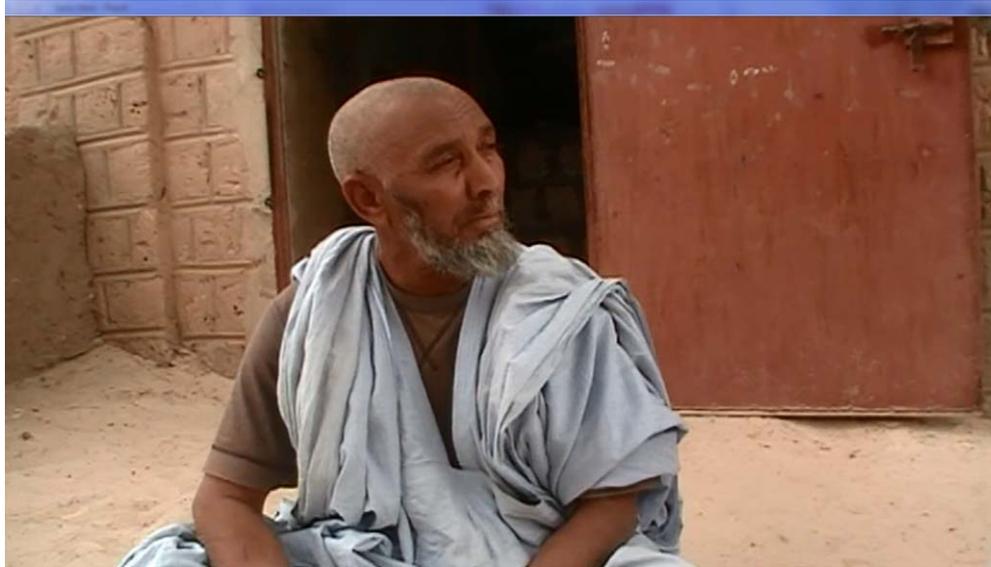
A Malian soldier watches a French armoured vehicle drive by during gun battles with armed groups in the northern city of Gao, Mali February 10, 2013. © REUTERS/Francois Rihouay

## **ALLEGED ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS BY THE MALIAN ARMY**

Amnesty International has collected information on more than 20 cases of enforced disappearances and extrajudicial executions reportedly committed by Malian soldiers in the north of the country after the region was retaken by the French and Malian armies. The soldiers allegedly responsible for these extrajudicial executions seem to have acted in broad daylight with no fear of being held accountable for their acts.

## ALLEGED ENFORCED DISAPPEARANCES AND EXTRAJUDICIAL EXECUTIONS IN TIMBUKTU

Eleven people, including several Arab traders arrested by the Malian army in Timbuktu, appear to have been subjected to extrajudicial executions or enforced disappearances. The bodies of some of them were found a few days after their arrest.

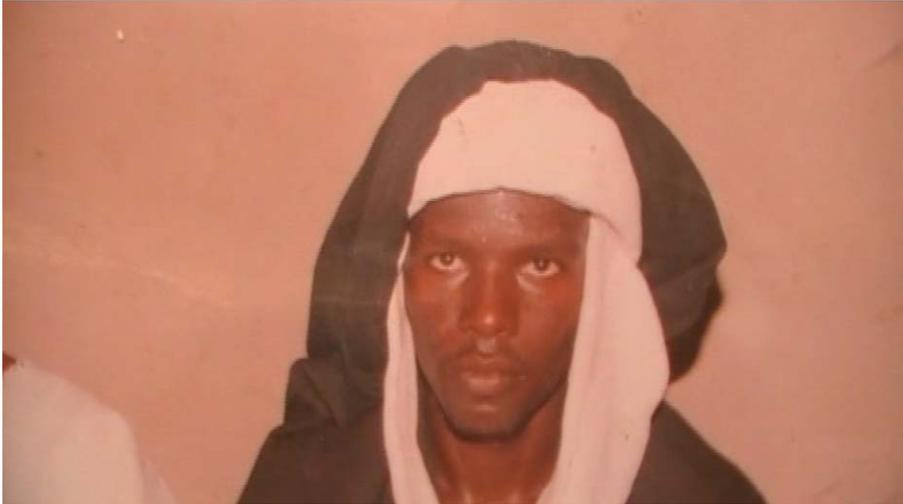


Ali Kabad © Yaya Tandina

Ali Kabad, a 70 year old Arab trader living in the Arabadjou neighbourhood – an area mainly populated by Arabs - was arrested on 14 February 2013 by Malian soldiers who took him to an unknown destination in a military vehicle. He had not left the city during the occupation by the armed groups. However, according to his relatives, he had sacrificed a bull as a token of gratitude to the Malian army after the arrival of the French and Malian armies in town.

An eyewitness told the Amnesty International delegation how he was arrested together with a person who tried to plead his case:

"That Thursday morning, six soldiers aboard a vehicle came to arrest Ali Kabad in his shop. When Maloud Fassoukouye, a radio repairman, who works in a shop nearby, saw the soldiers, he went to them and told them he knew Ali Kabad. The soldiers also arrested him and no one has seen them since. The soldiers threatened the witnesses and asked them if they didn't have anything better to do at home."



Maloud Fassoukouye © Amnesty International

The parents of these two men went to ask for them at the military camp in Timbuktu but despite the fact that there are several eyewitnesses of the arrest of Ali Kabad and Maloud Fassoukouye, the military denied that they had ever been detained. A relative of Maloud Fassoukouye told Amnesty International: "I went to his workplace with my parents to try to find him, without success. Then we went to the military camp and we were told that he hadn't arrived yet. My parents and friends have also taken steps to find him but to no avail. Finally, we were told that he was not in the camp and so we stopped searching".

The same day, on the 14 February 2013, two brothers, Mohamed Larache Ould Dahama, a 45 year-old trader and Dana Ould Dahama, 35 years-old, and two other persons were also arrested by Malian soldiers in the Arabadjou neighbourhood and still remain unaccounted for.

The bodies of some of the people who went missing after being arrested by the Malian army were found some days later buried not very far from one of the city's slaughterhouses. This is the case of Mohamed Lemine and Mohamed Tidjani, arrested on the 28 January 2013, the day the French and the Malian armies entered Timbuktu. An eyewitness told Amnesty International: "After the earth had been removed, I was able to recognize Mohamed Lemine and his friend Mohamed Tijani. Both wore the clothes and shoes they had on the day of their arrest, Mohamed Lemine had a white boubou and black pants while his friend was wearing a boubou. We preferred not to displace the bodies and recovered the tomb with sand."

After the armed groups were forced out of Timbuktu and Gao - the third main northern city Kidal is currently still controlled by the MNLA - members of MUJAO carried out several bomb attacks and incursions mainly against military targets. As a result, the Malian army launched large-scale search operations that resulted in the killings of civilians suspected of being members or supporters of the armed groups. This was the case of a gardener, Idwal Diallo and four other people who were killed a few days after an incursion of MUJAO fighters in Timbuktu late March 2013. In early April 2013, Malian soldiers were patrolling and ran into these five Tuareg gardeners who were working in their fields in the Arabadjou area. An

eyewitness told Amnesty International: “The soldiers asked a woman who was there to leave. The five gardeners including Idwal Diallo went into hiding. They were ousted by the military who executed them. Later that day, the French military asked fair-skinned people (“à la peau claire”) to return to their homes and stay inside.”

## ALLEGED EXTRAJUDICIAL EXECUTIONS IN THE GAO AREA

The Amnesty International delegation also collected testimonies of extrajudicial executions and enforced disappearances in the Gao area. In this region, Tuareg civilians have been particularly targeted by some Malian soldiers who appeared to suspect them of links with the armed groups. Early March 2013, four Tuareg shepherds were killed by Malian forces in the commune of Anhwadji - 180 km east of Gao - during and following armed clashes between MUJAO and the Malian army. This exchange of fire occurred near a Tuareg camp. Four Tuaregs, Akiline Ag Mossa, Aljounagha Ag Bilal, Ghissa Ag Algatheck Ag Mohamedou and Oumar Ag Algatheck, who were not local residents, were standing by a pond nearby with their cattle. An eyewitness told the Amnesty International delegation: “When they heard gunshots, these four Tuaregs ran away to seek refuge in the house of a local family whose camp was adjoining the pond. The military, including members of the National Guard, went there and arrested all the individuals present in the house. The local residents were subsequently released but not the four Tuareg shepherds. Their bodies were found a few days later.”

Other people were killed in Gao after being stopped at Malian army checkpoints. On the 23 March 2013, around 10 am, three Malian soldiers posted at a checkpoint in the district Château Secteur II stopped Ibrahim Ahoudou, a secondary school teacher, as he was going to buy cigarettes. An eyewitness told Amnesty International: “After checking his identity, the soldiers asked him to go home. Ibrahim Ahoudou obeyed and started heading home. One of the three soldiers shot him fatally in the back.”

Amnesty International also documented the case of a person killed by Malian soldiers in similar circumstances after being handed over to them by members of the population. This occurred early February 2013 a few days after the first bomb attacks carried out by MUJAO members in Gao. Bashir Ag Ismaël, a Tuareg farmer was drinking tea in the market with some friends when the Malian army surrounded the “*paillotte*” (straw hut) where they were sitting. Seized with fear and panic, he fled but was caught by some people working in the market who handed him over to the military. An eyewitness told Amnesty International: “The soldiers asked the people to let him go. Then suddenly a soldier shot him in the back.”

More recently, on the 26 May 2013, two Tuaregs were arrested and their bodies were found a few hours later. That day, in the morning, Mohamed Hamedou Ag Mohamed Asssaleh was arrested with another Tuareg by the Malian military. Taken five kilometers from Gossi, they were stripped naked, forced to lie down on the ground and kicked by soldiers wearing ranger boots. The military trampled on them and uttered death threats. They were about to be executed when a relative, a soldier himself intervened and obtained their release. A few hours later, around 4 pm, Mohamed Ag Mohamed Asssaleh was rearrested with another Tuareg Mohamed Acheick Ag Djibrilla at the Gossi market by 6 or 7 soldiers. Their bodies were

found in the bush, 3 km from Gossi. They were buried by the inhabitants. During a meeting with the Amnesty International delegation on the 31 May 2013, the Minister of Defence accused the Ganda Koy - a self-defence militia acting in agreement with, and with the support of, the authorities<sup>1</sup> - to be responsible for these killings.

## ENFORCED DISAPPEARANCE LEADING TO EXTRAJUDICIAL EXECUTION: A CASE IN NIONO

In Niono - 350 km north-east of Bamako - Malian soldiers abducted a person held by the gendarmerie (military police). The man's body was found three months later.

Ousmane Yatassaye, a 40 year-old merchant who used to trade between Mali and Mauritania, was arrested on the 15 January 2013 in Niono. He was summoned by the commander of the local gendarmerie who wanted to know the nature of his telephone communications with Mauritania as he felt they were suspicious. After being held one night at the gendarmerie, he was taken away the following day by six Malian military who came in a vehicle to fetch him. Despite believing that the military had no right to take him, the gendarmerie was not able to oppose any resistance to the Malian soldiers.



Place where the body of Ousmane Yatassaye was found in April 2013, three months after his disappearance © Amnesty International

During a mission in January and February 2013, an Amnesty International delegation met the commander of the gendarmerie in Ségou and inquired as to the whereabouts of Ousmane Yatassaye. They were told that this person had been handed over to the *Procureur de la République* (state prosecutor) in Ségou.

Three months later, around the 24 April 2013, Ousmane Yatassaye's relatives told the local authorities that his body was buried in a mango orchard in Niono alongside the military camp and the house of the governor. Members of the judiciary from Niono and Ségou accompanied the police onsite and found the body buried a few centimetres below ground. Although the body was not recognizable, his identity card was found on him and he wore the same shoes as at the time of his arrest. During a meeting with the Amnesty International delegation in Bamako on the 3 June 2013, the Minister of Justice told Amnesty International that an inquiry had been opened into this case.

## TORTURE AND ILL-TREATMENT BY MALIAN ARMY

Amnesty International collected a number of testimonies and other evidence indicating that Malian military forces were responsible for torture and other cruel, inhuman and degrading treatment while arresting individuals because of alleged links with the armed groups. Amnesty International was able to meet more than 80 detainees, including children in Bamako; many of them gave testimonies about the ill-treatment and torture they were subjected to by some members of the Malian army. Amnesty International was, in many cases, able to corroborate their testimonies through physical observation of injuries.

The Amnesty International delegation collected information about several cases of torture and ill-treatment in Gossi, near Gao, including cases that took place during the current mission.

On the 29 March 2013, three Touaregs were arrested in Gossi and held for 15 days at the Gao gendarmerie. During their detention, they said they were forced to lie down on the ground and beaten with cables and rifle butts. They were released without charge or trial in April 2013.

The raid on Kadji:

Home to 6,000 inhabitants, the Kadji village is located on the banks of the Niger River a few kilometers south of the town of Gao. The Dar Es-Salam neighborhood of Kadji - located on an island on the Niger River - has been suspected to be a stronghold for MUJAO. Allegations have also been made that the neighborhood's inhabitants have protected MUJAO members since the beginning of the joint French and Malian military intervention in the North in January 2013.

On the 28 February 2013, the Malian army conducted a raid on Kadji. The French Ministry of Defense said that this operation in Kadji was conducted in cooperation with French forces that left the area at the end of the day.<sup>2</sup> The following day, on the 1 March 2013, Malian forces looted some houses while searching for weapons and members of armed groups, and arrested at least 70 people. These individuals were detained for between 7 and 18 days at the gendarmerie of Gao, without charge, and released without trial.

The Amnesty International delegation went to Kadji on the 26 May 2013 and was able to meet with the inhabitants of the Dar-Es-Salam neighborhood whose testimonies highlighted

that the Malian forces apparently tortured or otherwise ill-treated several individuals during the raid on the village.

The most serious violations occurred on the 1 March 2013 when the Malian army arrested more than 50 people who had their hands tied behind their back and were beaten or tortured in front of their wives and children. One of the detainees who was later released without charge or trial, told Amnesty International:

“We were held one by one in the air by two soldiers, whilst a third poured water into our mouths, nostrils and ears, we were asked to confess that we were MUJAO members.”

The following day, on the 2 March 2013, three other villagers were tied up and taken to the river. These people who were subsequently released without charge told Amnesty International: “We were thrown into the water. Two soldiers trampled on us while we were in the water.”

To Amnesty International’s knowledge, no inquiry has been opened into these very serious allegations of torture and ill-treatment.

## ALLEGED TORTURE AND ILL-TREATMENT BY MALIAN SECURITY FORCES

Amnesty International’s delegation was able to visit more than 80 male detainees - including children - arrested in the north because of their alleged links with armed groups and detained in Bamako at the Bamako prison, at the Camp I of the gendarmerie, and the *Service d’investigation judiciaire* (Judicial investigation unit). There were non-Malian nationals among the detainees, including citizens of Algeria, Nigeria, Tunisia, and Western Sahara. Malian detainees came from different ethnic groups and communities.

These people were part of a group of 200 detainees held in different places in Bamako as of the 4 June 2013. Most of these people were charged with offences such as association of wrongdoers, rebellion, undermining internal and external state security, crimes and misdemeanors of racial and/or ethnical origin, acts of terrorism (“*Association de malfaiteurs, rébellion, atteinte à la sûreté intérieure et extérieure de l’État, crime et délit à caractère racial, régionaliste, actes de terrorisme*”).

These people were held either under the counter-terrorism law (Loi No 08-025 portant répression du terrorisme au Mali) adopted on 23 July 2008 and/or under the Malian Penal Code.

In any event, the prohibition of torture and other ill-treatment applies to anyone deprived of liberty for any reason and is absolute and subject to no derogation even in situations of armed conflict or other public emergency that threatens the nation as a whole.



Bamako Prison © Amnesty International

## TORTURE AND ILL-TREATMENT

Many detainees - including a child - told Amnesty International that they had been tortured or subjected to other cruel, inhumane, and degrading treatment at the time of their arrest and transfer to Bamako. Some of them showed marks and scars – including on their backs and chests – to Amnesty International's delegates.

Several detainees told Amnesty International's delegates that they had been beaten by Malian security forces several times during and after their arrests.

A man, who was arrested on the 11 February 2013 at the market in Bonni (between Douentza and Gossi) as he was doing grocery shopping, told Amnesty international' delegation:

« People saw I had money to buy groceries. They told me that if I did not give them money they would denounce me and say I was a MUJAO fighter. I refused and they beat me up and took me to the gendarmerie. They tied up my hands and my feet, and covered my eyes. The gendarmes hit me with a rubber stick, punched me and kicked me with their ranger shoes. I fainted and fell down. Then they beat me several times again and asked me whether I was from MUJAO, MNLA or Ansar Dine”.<sup>3</sup>

A 35 year-old Arab merchant arrested in Gao, end of February 2013, by AFISMA soldiers from Niger told Amnesty International that two French soldiers visited him on the second day

of his detention, and told him that they would hand him over to the Malian forces. The following day he was picked up by Malian gendarmes who beat him up until he fainted. This detainee told Amnesty International: "I was then transferred to Sévaré through Gossi. At each checkpoint the gendarmes who were transferring us would let the soldiers beat us. The soldiers urinated on us three times. In Sévaré, they put us altogether in a small cell, we were 22. We slept in shifts, some would sleep while the others would stand up and the other way around. The gendarmes beat us with their truncheons.'

A self-proclaimed member of the MUJAO told Amnesty International's delegates:

"When the Malian soldiers arrived in Gao, I was denounced and handed over to the military. They took me to a remote place, east of the military camp of Gao. They tied my hands behind my back and my feet as well. They cut off part of my left ear." Amnesty International's delegates saw that a part of his ear had been cut.

Another self-proclaimed member of the MUJAO who was arrested by the population in Gao on the 30 January 2013 and handed over to the gendarmerie, also said that he had had a part of his left ear cut by a gendarme. Amnesty International was able to see the scar on his ear. He alleged that he was subjected to electrical shocks at the gendarmerie station and fainted. After six days at the gendarmerie of Gao, he was transferred to Sévaré where he had his clothes torn off with a knife. He was detained there with a group of people and told Amnesty International that three out of ten detainees were naked. He was transferred by plane to Bamako. He reported that during the transfer the detainees were tied to one another and beaten up by the soldiers who walked on them. He stayed at the Camp I of the Gendarmerie in Bamako until the 6 March 2013 and went to the *Direction générale de la sécurité d'État* (DGSE, General Directorate of Public Security, known as the SE) twice for questioning. During these interrogations, he said he had to wear a balaclava, as well as the person supervising the interrogation. He alleged that he had also been subjected to electrical shocks.

Another detainee arrested on the 3 March 2013 with his brother and his cousin in their shop by Malian soldiers in Bamanamodi - between Douentza and Timbuktu - told Amnesty International:

"The soldiers covered our eyes and tied up our hands and feet. They put us in a pick-up. On the road to Douentza they stopped and beat us in the cars, kicking and punching us for half an hour. They insulted us and called us members of the MUJAO. At some point, they put an inflammable liquid in the navel of my brother and set fire to him with a lighter. They also burnt his left leg." Amnesty International's delegates saw the burns.

The detainee added:

"Two of us were stabbed on the soles of our feet with a knife. They asked us to confess that we belonged to MUJAO." Marks were visible on the feet of the two detainees.

A Koran teacher arrested in Timbuktu, on 2 February 2013 at a checkpoint held by French and Malian forces told Amnesty International: "I was kicked and punched by the Malian soldiers, but at this moment the French could not see me. The Malian soldiers also threw sand into my eyes".

The places where the detainees report to have been tortured or otherwise ill-treated by the Malian security forces include: the gendarmeries of Sévaré, Douentza and Gao, the military camp of Gao and the Bamako Prison.

Some of the detainees who are reported to be victims of torture or ill treatment are apparently mentally ill but have not been seen by a psychiatrist despite the request of the Director of the Bamako prison. According to testimonies collected by Amnesty International one of the detainees had his hands and feet chained by Malian security officers. Many of the detainees allegedly suffering from mental troubles have reported being beaten up by Malian soldiers, including in Sévaré, Ségou, Douentza, Timbuktu, Niara and Gao. One of them was arrested by the French and Chadian forces in Aguelhoc and then handed over to the Malian forces.

Amnesty International met several detainees who told them they had been arrested by the Chadian army and then handed over to the French who handed them over to the Malians. One of them, arrested near Aguelhoc in February 2013, told Amnesty International:

“I stayed 17 days with the Chadians who handed me over to the French soldiers in Aguelhoc. French forces interrogated me at the French base, I was blindfolded and asked what I was doing in Aguelhoc with MUJAO. The French put me on a plane to Bamako. I was still blindfolded. Upon my arrival at the Bamako airport, the French handed me over to the Malian gendarmes. I stayed at the gendarmerie camp for 22 or 23 days and then I was transferred to the Bamako prison where I was beaten up by people in uniforms upon my arrival. »

Three Tuaregs, all self-proclaimed members of the MNLA, whom Amnesty International met at the Bamako prison said they were arrested in front of French forces in Menaka - 300 km east of Gao – around the 17 February 2013.

Amnesty International met the three of them separately and collected similar testimonies.

One of them told Amnesty International:

“The Malians tied me up and beat me in front of the French who were holding their guns at us. At this time one French soldier told me that everything would be all right. We were held for nine days at Ménaka’s airport, guarded by the French and the Malians, with our hands and feet tied up. We were then transferred by Malian police personnel to Gao and sent by plane to Bamako. We were beaten during the transfer by plane.”

Amnesty International is concerned by the fact that the French and other armies fighting alongside Mali have handed down to the Malian authorities prisoners who were then subjected to torture and ill treatment. Under international human rights and humanitarian law, states are prohibited from transferring a person to the custody or territory of another state where they would face a real risk of human rights violations such as torture or other ill-treatment (or for that matter extrajudicial execution, enforced disappearance, unfair trial, prolonged arbitrary detention) or a real risk of onward transfer to a third state where they would face a risk of such violations. The poor recent record of the Malian security forces in terms of human rights has been repeatedly highlighted in all the public documents published by Amnesty International since the beginning of the crisis in January 2012.

## DEATHS IN DETENTION

Five detainees died at the Bamako prison from the 11 to the 14 April 2013 after being arrested in the north of the country. Some of them had told their co-detainees they had been beaten up during their arrest and their transfer to Bamako. Some were reportedly denied medical treatment.

The five detainees were: Akassane Ag Hanina, Al Hassane Mahamedou, Inha Ag El Mehdi, Dakane Jolal, and Houceiny Traoré.

Akassane Ag Hanina was arrested in Timbuktu and arrived at the Bamako prison on the 4 April 2013. He died on the 11 April 2013. He told other detainees he had been beaten up by the military in Timbuktu. One of his co-detainees told Amnesty International: "He told the prison guards that he was in pain but never got any medical treatment. The night before he died, we asked for help, but no one came until the morning. When they arrived, he was dead."

Al Hassane Mahamedou, from Kadji, was arrested in Gao and arrived at the Bamako prison on the 4 April 2013. He died on the 11 April 2013. He told his co-inmates that some soldiers trampled on him in the Niger River after his arrest. He fell unconscious a week after he arrived at the Bamako prison.

Inha Ag El Mehdi was arrested in Léré and arrived at the Bamako prison on the 4 April 2013. He died on the 11 April 2013. At the Bamako prison, he shared a cell about five meters by five meters together with 34 other inmates. One of his co-inmates said: "He said he had been beaten up by the Malian army. He said they burnt straw on his back. The wounds did not heal and became infected. He received medical care at the Bamako prison. We were not entitled to take a walk or to take a shower and we only had one bucket of water (15 liters) for 34 people."

Dakane Jolal, a Moroccan national, arrived at the Bamako prison on the 4 April 2013; he died on the 12 April 2013. His co-detainees told Amnesty International he refused to eat. They said they informed the Malian security officers about his health but nothing was done for him.

Houceiny Traoré arrived at the Bamako prison on the 4 April 2013, he died on the 14 April 2013. One of his co-detainees said he was sick when he was transferred to his cell and could not walk. Another detainee with whom he was sharing the cell when he arrived at the Bamako prison told Amnesty International that a doctor came and prescribed him anti-malaria treatment but that he never got the treatment.

Amnesty International asked the authorities whether an investigation into these five deaths in custody had been opened but did not get an answer.

## DETENTION CONDITIONS

Information collected by Amnesty International, including direct observation by Amnesty International's delegates in the prison cells and inmates' testimonies, indicates bad detention conditions, not meeting international standards, at the Bamako prison.

In the section of the prison where the five detainees who recently died were originally held during the first days after they arrived at the prison, the inmates were respectively 34 and 21 in two cells each five meters by five meters. After the death of the first detainees on the 11 April 2013, the other detainees were put in a different part of the prison.

In this other section of the Bamako prison, the detainees told Amnesty International that until recently they were up to eight inmates in the same cell at the Bamako prison. The cells are only about 3.6 meters by 2 meters and not properly ventilated. The detainees said they had to defecate in a bucket. They also told Amnesty International that they were locked up in their cells 24h/24 and were not allowed out even to have a walk. A detainee stayed more than four months in detention without been authorized to have a walk. Since the five detainees died, the prisoners have been entitled to get out of their cells during the day to go into a bigger room which is ventilated.

Some detainees - including one who was scratched by a bullet and another one whose hand had been hit with a hammer by a Malian soldier - reported being denied medical treatment. Amnesty International's delegates were able to see that his hand was effectively deformed.

### CHILDREN IN DETENTION

Amnesty International met with several children aged between 13 and 17 at the Bamako prison and at the Camp I of the gendarmerie. Based on the observations of the prison's personnel, there were initially 11 children detained at the Bamako prison and three at the Camp I of the gendarmerie, all of them held together with adults. The judge asked for all of the 11 children detained at the Bamako prison to be transferred and placed in specific facilities. But so far only two of them – the only ones for which parents were able to provide identity documents - have been effectively transferred to a specific center. The Malian Justice Minister with whom Amnesty International met confirmed that detention of children with adults was forbidden under Malian law.

One of the children detained at the Bamako prison, a 13 year-old child who surrendered in Gao, told Amnesty International:

“In Sévaré a gendarme asked me where I came from but I did not understand the language he was speaking and he started beating me with his truncheon, taking me by the throat.” This child also said he was detained together with adults in Sévaré and only given one meal a day.

A detainee told the delegation that this 13-year old child used to cry in the evening asking for his mother.

# THE AIR ATTACK IN KONNA: NEED TO INVESTIGATE INTO CIVILIANS DEATHS

During the current mission, Amnesty International has also continued to investigate into the circumstances of an air attack launched in the context of the joint French and Malian counter offensive aiming to take over the town of Konna. During this attack, at least five civilians, including three young children, were killed in their home on the morning of the 11 January 2013 (For a detailed account of this incident, See the document published by Amnesty International on the 1 February 2013, *Mali. First assessment of the human rights situation after three weeks of conflict*).

As soon as the Amnesty International delegation learned about these events at the end of January 2013, the organization spoke with several Malian military officials who told the Amnesty International delegation over the phone that Konna was targeted that day, in the morning, by a joint Malian and French armed operation.

Amnesty International also sent on the 29 January 2013 a letter to the French Minister of Defense, Jean-Yves Le Drian, calling on the French authorities to promptly initiate an independent, thorough and impartial investigation into this attack and ensure that the results of this investigation are made public. The following day, a French official from the Ministry of Defense informally told Amnesty International that the French army did not launch any attacks in Konna before 4.30 pm on the 11 January and that any allegation of their intervention earlier that day was unfounded. He also added that “in the afternoon of the 11 January, the French army launched several airstrikes that targeted only vehicles (pick-up trucks) and barracks on the outskirts of the town and not inside the town. These elements have been visually checked”.

On the 21 February 2013, Amnesty International received an answer from the Minister of Defense who stated that: “Concerning the testimonies of the civilian victims of the air strikes on Konna on 11 January 2013, I can confirm, after an internal inquiry, this could not be the consequence of shots fired by the French armed forces”.

During the current mission, the delegation returned to Konna and learnt that a few days after the publication of the Amnesty International report; French soldiers went to this town and interrogated the relatives of the victims about the circumstances of these deaths.

Amnesty International raised this case once again during a meeting with the Malian Minister of Defense on the 31 May 2013. The Minister stressed several times that his position regarding this matter has never changed. “On the 11 January, both forces - Malian and French - intervened in Konna in the morning. I acknowledge that they have been collateral damages but in a military action we have to balance the immediate military advantage and the incidental effects”.

On the basis of the contradictory information about whether the French army was operating in Konna at the time of this attack, Amnesty International continues to stress that it is imperative that France and Mali investigate whether their forces did carry out this attack; and if they did, then they have to disclose information about the circumstances of that attack that will facilitate an assessment of whether or not it conformed to international humanitarian law.

# HUMAN RIGHTS ABUSES BY ARMED GROUPS

## ARBITRARY AND DELIBERATE KILLINGS AND ABDUCTIONS OF CIVILIANS BY MUJAO

The Amnesty International delegation also collected information concerning a number of civilians, including Tuaregs, who appear to have been victims of arbitrary and deliberate killings by members of MUJAO because they had publicly demonstrated their support to the French armed intervention and to the Malian army.

Around the 10 February 2013, Al Wata Ould Badi went home praising the benefits of the French and Malian armies and wearing on his shoulders the French and Malian flags. MUJAO members went to his home and asked him to follow them. He was not seen again until a week later, when he was brought home in a cloth by unidentified people, his body covered with cigarette burns and unable to speak. He died a day later in the hospital of Gao.

Others have never been seen again after being abducted by members of MUJAO. An eyewitness told Amnesty International how a Tuareg, Idez Ag M'Mnas, was taken away by members of this armed group around the 31 January 2013. "Members of the MUJOA arrived at his camp in Tigneriseye (130 km from Gao) where he was living. They forced him to follow them. No one has seen him since".

After Gao was taken back by the French and Malian armies, at the end of January 2013, a Tuareg butcher, Boubba Ag Abdoulaye, displayed French and Malian flags. Around the 3 February 2013, members of MUJAO went looking for him in several houses in Djibock - 40 km from Gao. They finally found him in his house; he remains unaccounted for since then. His relatives found traces of blood in his house after his abduction.

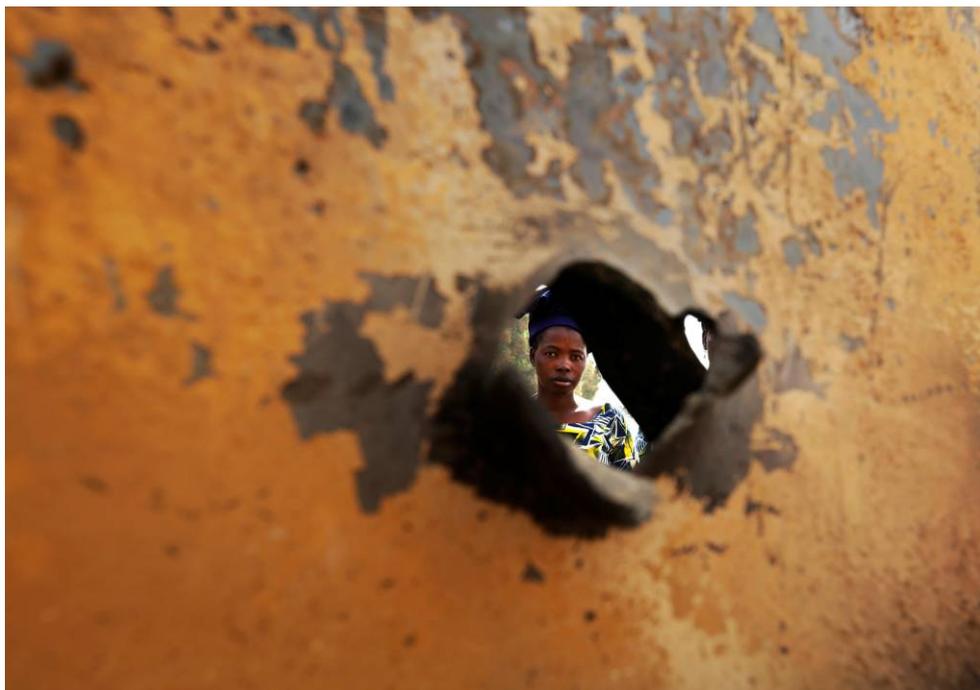
## USE OF CHILD SOLDIERS

For more than one year, Amnesty International has repeatedly documented and denounced the recruitment and use of child soldiers - aged between twelve and seventeen years old - by the armed groups including the MNLA and MUJAO.<sup>4</sup> These children were carrying weapons; some were charged to control checkpoints, and others to cook. Some of the children were also sent to the frontline. Following the departure of armed groups from the main northern towns in January 2013, some of these children have been arrested by the Malian authorities and detained.

Late May 2013, the Amnesty International delegation met the children in detention and they explained the MUJAO recruitment process to the delegates.

A 13 year old child soldier met by Amnesty International at the Bamako prison said:

“I joined MUJAO after I heard they were recruiting people for money. I did not ask for my parents’ permission. The MUJAO never paid me but I could eat my fill (“manger a ma faim”). I followed a military training program for two months with MUJAO in Gao at the *Cour des Douanes* (Customs’ house) (...) When I heard on the radio that anyone fighting with MUJAO should surrender, I went to the gendarmerie in Gao.”



A woman is seen through a bullet hole of a vehicle, believed to belong to Islamist rebels and destroyed during French air strikes, in the recently liberated town of Diabaly January 24, 2013. © REUTERS/Eric Gaillard

Information collected during the current mission by Amnesty International in Kadji indicates that at least 40 children from Kadji, aged between twelve and eighteen years old, had been recruited by or joined MUJAO since the beginning of the armed uprising in the North.

According to several inhabitants of Kadji, some MUJAO members also came to the village to enlist children and announcements were reportedly broadcasted on the radio calling on the population to join MUJAO. One of these inhabitants told Amnesty International:

“After the calls on the radio, a number of children, mostly aged between 12 and 15 were recruited. Recruits and their families were promised money, but we have received nothing. We have lost track of some children. Some came back after a while.”

MUJAO members told Amnesty International how the children were trained. “After my induction [into MUJAO], I received training for more than twenty days, the training consisted of exercises and weapons use. The Arab children in MUJAO and those recruited in Gao (Songhai, Arabs and Halpular) also received this training. Sometimes when they didn't obey orders and couldn't follow the instructions and perform the military exercises, they were threatened. MUJAO pretended to shoot at them or fired bullets next to them, this happened several times. Some of these children were sent to fight in Konna and Diabaly.”

Whilst some of these children did return after the departure of MUJAO from the Gao region and several have been entrusted to Malian social services, others still remain unaccounted for.

## SEXUAL VIOLENCE

The Amnesty International delegation has also collected reports of sexual violence against women and girls. In April 2012, Amnesty International already published a document denouncing a number of cases of sexual violence, including rapes, in the region of Gao.<sup>5</sup>

During the current mission, while the organization could not meet directly with victims of sexual violence, it received reports from and met with credible NGOs and medical personnel in Gao and Sévaré. A local NGO, *Groupe de recherche, d'étude et de formation femme - action* (GREFFA) working on violence against women, documented 83 cases of rape of women and young girls in Gao and Menaka during the occupation of the North by the MNLA and other armed groups, between March 2012 and January 2013. The victims were aged between 15 and 60 years old. In most of the cases the victims said they were raped by MNLA members while MUJAO members were allegedly responsible for two cases of rape in Gao.

Between late January and February 2013, the same organization documented another 11 cases of rape in Gao. Among them, six girls aged 6 to 13 were allegedly raped by a young man from the Bella ethnic group in March and April 2013. The perpetrator is now detained in Sévaré and investigations are ongoing to determine whether he had links with MUJAO.

Another woman told this association that a Malian soldier raped her on the 1 March 2013. However the survivor was too afraid to denounce her abuser to the police.

A doctor in Sévaré told Amnesty International:

« In the region of Mopti and Sévaré, rape has become a common thing. A young woman, who was receiving medical care at the hospital and who had denounced her abuser to the police, was confronted by her abuser, who had shown up to intimidate her, in the middle of her consultation. He told her 'Who doesn't commit rape in their youth?' ».

During the occupation of the North of the country by armed groups, rape survivors were confronted with the difficulty or impossibility to leave their homes and get medical treatment. A medical source in Sévaré told Amnesty International:

“The armed groups forbade female rape victims from going south inside Mali but they allowed them to go to Algeria. Now, since the victory of the Malian and French armed forces, these victims have been able to go to the hospital to receive medical care”.

Thus the Mopti hospital treated 10 cases of rape committed in Menaka around the first week of May as well as two cases in Gao and one in Timbuktu. In all these cases victims were apparently gang-raped. According to this same medical source, rapes committed in Menaka were perpetrated by MNLAs members, while MUJAO and AQIM were allegedly responsible for the gang rapes committed in Gao and Timbuktu.

# REACTION OF MALIAN AUTHORITIES, INVESTIGATIONS AND PROSECUTIONS FOR HUMAN RIGHTS ABUSES

A delegation of Amnesty International had the opportunity to meet in Bamako with the Malian Defense Minister, General Yamoussa Camara, and the Malian Justice Minister, Malick Coulibaly, in late May and early June 2013. Amnesty International also had the opportunity to speak with members of the Malian judiciary including the prosecutors of Bamako, Sévaré and Segou.

The Malian government recognized that some human rights violations did take place, but asserted that they were neither systematic, nor generalized. The Malian authorities assured Amnesty International's delegates that all alleged violations would be investigated. According to the Defense Minister, in some cases, the abusers were elements of the Malian army who had deserted but were still wearing the uniform.

The Malian authorities admitted that a section of the population was intending taking revenge ("*il existait un esprit revanchard dans la population*") on people suspected of having supported the armed groups. Asked by Amnesty International about the killings of the two Tuaregs in Gossi on the 26 May 2013, the Malian government said that five members of the Ganda Koy militia had been arrested concerning this case. According to the Malian authorities, the army bears no responsibility in this case.

Concerning investigations into alleged human rights violations by Malian security forces, the Minister of Justice told Amnesty International that an inquiry had been opened into the alleged killing of 16 Muslim preachers by Malian soldiers in Diabaly on the 8 and 9 September 2012<sup>6</sup> and that the body of Ousmane Yatassaye - extrajudicially executed in Niono following his arrest on the 15 January 2013 - had been exhumed and a judge had been appointed for this case. The Malian Justice Minister also told Amnesty International that he would ask the judiciary to open an investigation into the Konna attacks in the coming weeks. However, the Malian authorities explained to Amnesty International that judges were not operational everywhere in the Malian territory yet, and highlighted the issue of their security as a reason for the slowness of the investigations.

Amnesty International welcomes the statements made by the Malian authorities expressing their willingness to fight against impunity and the fact that investigations have been opened into human rights violations allegedly perpetrated by Malian forces.

However, to Amnesty International's knowledge, so far no Malian security officer has been prosecuted for allegations of human rights violations committed since the outburst of the crisis in January 2012, including allegations of enforced disappearances, extrajudicial executions and torture by Malian soldiers, nor for violations committed in the wake of the counter-offensive to retake the North of the country.

## CONCLUSION AND RECOMMENDATIONS

Five months after the launch of the French and Malian military offensive to recover the north of the country occupied by armed groups, human rights violations committed by the Malian security forces continue to be reported. Some of these cases occurred during the current mission conducted by Amnesty International in Mali.

Amnesty International is in particular very concerned about the conditions of detention of those arrested in the context of this conflict on suspicion of being members or supporters of armed groups. While prison conditions have recently improved, many detainees told the delegates that they had been tortured or ill treated. Others have reported having difficulty in getting access to medical care. Five detainees died in custody.

While the Malian authorities recognized that human rights violations have been committed by the army and have stated that investigations have been opened into some of these abuses, no enquiry has yet resulted in prosecutions and most of those allegedly involved in violations remain in their posts.

Torture, enforced disappearances, and extrajudicial executions are not only violations of human rights for which the state is responsible, but they also constitute as crimes under international law for which Mali and other relevant states are required to cooperate to ensure that the perpetrators are identified and brought to justice.<sup>7</sup> When committed in a situation of armed conflict, such abuses, as well as similar acts of other cruel, inhuman or degrading treatment, also violate international humanitarian law and constitute as war crimes.<sup>8</sup>

Moreover, the organization is also concerned that French military, as well as AFISMA troops, including the Chadian and the Niger forces, handed over prisoners to the Malian authorities when they knew or should have known that the detainees were at real risk of being tortured or otherwise ill-treated as a consequence.

Amnesty International is also concerned by reports of unlawful killings and abductions by armed groups including the MUJAO and the MNLA and cases of rape allegedly perpetrated by members of armed groups as well as by their use of child soldiers.

Five months after the beginning of the joint French and Malian military intervention and in the run-up to the upcoming deployment of a UN peacekeeping force, a key challenge for the Malian authorities and all the parties concerned by the conflict is to ensure respect for human rights and that all allegations of violations and crimes under international law are subject to proper investigations and, where the allegations are proven, prosecutions. The fight against impunity and the adoption of measures to prevent further violations by the Malian security forces are the key to any lasting stabilization and rebirth of a country torn apart by civil war for more than 18 months.

## A) RECOMMENDATIONS FOR THE MALIAN AUTHORITIES

- Open prompt, impartial and effective investigations into all allegations of human rights violations in order to identify those responsible and all conduct constituting crimes under international or national law, with an aim to prosecute.
- Take effective measures to prevent further human rights violations, including torture or other ill-treatment, extrajudicial executions, and enforced disappearances.
- Suspend all Malian security forces suspected of human rights abuses including torture or other ill-treatment.
- Improve detention conditions and ensure all safeguards against torture and other ill-treatment are fully respected for all detainees, including ensuring that detainees are brought before a judicial authority promptly after arrest, receive prompt and regular access to a lawyer, receive independent medical assessments and are permitted to communicate with and receive visits from family members and perhaps others while in detention.
- Ensure care and protection to victims of rape and establish, with the assistance of the UN, donors, national and international non-governmental organizations, programmes of humanitarian assistance to victims of rape and other forms of violence against women, including providing emergency health care programmes and rehabilitation
- Ensure that child soldiers are given specific attention and that a program is set up to facilitate, as much as possible, their rehabilitation in their community and families.

## B) RECOMMENDATIONS TO ARMED GROUPS

- Bring an end to abductions, as well as to unlawful killings of civilians
- Immediately stop the recruitment, re-recruitment and use of children under the age of 18; release all children from their ranks.

## C) RECOMMENDATIONS TO FRANCE AND AFISMA FORCES

- Send a clear message to the Malian authorities indicating that human rights violations including torture and ill treatment in detention will not be tolerated.
- Ensure prisoners are not handed over to the Malian authorities if they have reason to believe that those individuals transferred to Malian custody would face a real risk of torture or other ill-treatment as a result.

- Report and communicate all information about human rights abuses in Mali to the relevant actors including the ICC, the OHCHR, and the MINUSMA.
- The French authorities should open an independent and impartial investigation into the Konna attack to determine whether French or Mali forces were responsible for the attack and whether it complied with international humanitarian law.

## D) RECOMMENDATIONS TO ALL PARTIES TO THE CONFLICT

- Ensure respect for international humanitarian law and for human rights, including by treating civilians and anyone taking no active part in the hostilities humanely and preventing any unlawful killings or torture or other ill-treatment.

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<sup>1</sup> Ganda Koy means "masters of the earth" in Songhai (one of the main national languages in Mali). The patriotic movement Ganda Koy was created by former members of the Malian army in the Tuareg rebellions of the 1990s. After the peaceful settlement of the Tuareg rebellion in the mid-1990s, most members of the Ganda Koy have been integrated into the Malian army and administration or are converted into civilian life but some groups have continued to harass Tuareg populations.

<sup>2</sup> Ministère français de la Défense, *Opération Serval : sécurisation de l'île de Kadji dans la zone de Gao*, 1 March 2013, available at : <http://www.defense.gouv.fr/operations/mali/actualite/operation-serval-securisation-de-l-ile-de-kadji-dans-la-zone-de-gao>.

<sup>3</sup> The group Ansar Eddin (which means "Defenders of the religion" in Arabic) was created in December 2011. The group is led by Iyad Ag Ghaly, who was a leader of the Tuareg rebellions in the 1990s. Unlike the MNLA, the group Ansar Eddin does not challenge the territorial integrity of Mali and declares its intention to impose the Shari'a across the whole country.

<sup>4</sup> See in particular Amnesty International, Mali: Civilians bear the brunt of the conflict, 20 September 2012, AFR 37/007/2012.

<sup>5</sup> See Amnesty International, Mali: Five months of crisis: Armed rebellion and military coup, 16 May 2012, AFR 37/001/2012.

<sup>6</sup> See Amnesty International, Mali: Civilians bear the brunt of the conflict.

<sup>7</sup> See, for instance, the International Convention for the Protection of All Persons from Enforced Disappearance, which Mali ratified on 1 July 2009 and which entered into force on 23 December 2010; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Mali acceded on 26 February 1999.

<sup>8</sup> As recognised for instance by the Rome Statute of the International Criminal Court, which Mali ratified on 16 Aug 2000 and entered into force on 1 July 2002, and in the conclusions of the International Committee of the Red Cross study of Customary International Humanitarian Law: see Henckaerts, J-M and L Doswald-Beck, Customary International Humanitarian Law: Volume I, Rules (International Committee of the Red Cross / Cambridge University Press 2005).



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