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World Report 2013 - 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 *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 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-Kio 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.

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