

MALI

CIVILIANS BEAR THE
BRUNT OF THE CONFLICT

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INTRODUCTION

Amputations and other corporal punishments, sexual violence, daily harassment with the aim of imposing new moral codes, child soldiers, extra-judicial executions: these are the violations against civilians observed by an Amnesty International delegation returning from a two-week mission in Mali.

Though the situation on the front-line, currently dividing the country in two, had more or less stabilized at the beginning of April 2012 and though the parties in armed conflict observe one another without direct confrontation, civilians, on either side of the line are subject to serious human rights violations and human rights abuses. Almost 436,000 people¹ have fled the North to seek refuge in the government-controlled area, in the central south of the country, or in neighbouring states, and those who have stayed at home are subject to the abuses of armed groups.

For three months now, as Islamist groups consolidate their hold on the conquered territories, the number of corporal punishments (amputations, floggings, stoning to death) continues to grow. These are imposed upon individuals accused of committing crimes or of failing to comply with their interpretation of Islamic law. These practices appear to be intensifying despite the demonstrations held by some segments of the local population who protested against such punishment.

Amnesty International's research mission has also obtained information confirming the continued recruitment of child soldiers. This is the case in the North where armed groups are using children to prepare for a possible counter-offensive from the Malian army.

In the part of the country currently controlled by the government, self-defence militias also recruit children (some aged fifteen years old) who are trained, by Malian soldiers and veterans. It is reported that authorities are in agreement within the view of a reconquest of the North. In this context, the situation became tense following the takeover, without combat, of the City of Douentza (centre of the country), by the Movement for Unity and Jihad in West Africa (MUJAO², *Mouvement pour l'unicité et le jihad en Afrique de l'Ouest*) on September 1, 2012.

This conflict has led government forces to increase their monitoring of certain religious movements suspected of being linked to armed groups controlling the North. It is against this background that sixteen Muslim preachers, Malian and Mauritanian foreign nationals, were extra-judicially executed in Diabaly, (around 400 km northeast of Bamako) on the night of 8 to 9 September 2012.

As the leaders of the Economic Community of West African States (ECOWAS) are studying the application of the Malian authorities for aviation and logistical support for a future offensive by government forces in the north of the country, it is essential that all parties involved meet the standards of international humanitarian and human rights law so that civilians will no longer bear the brunt of this conflict.

AMPUTATIONS, STONING AND OTHER HUMAN RIGHTS ABUSES

Upon taking control of the north of the country in early April 2012, Islamist armed groups have announced their willingness to apply their interpretation of the Sharia to anyone accused of a crime or who refuses to comply to the standards and behaviours imposed by these armed groups.

AMPUTATIONS

As of August, 7 people have been accused of theft or robberies and have had their limbs amputated following hasty decisions. On August 8, a Tamashek livestock farmer (Tuareg) accused of stealing cattle had his right hand amputated following a “show trial” disregarding the basic guarantees provided by international law (see box).

Amnesty International was able to gather information concerning two “trials” which led to amputations for the accused. These testimonies clearly show that the people “considered” for these “instances” did not enjoy rights to a proper defense, including legal assistance and the right to appeal.

AMPUTATION FOLLOWING A HASTY DECISION WITHOUT APPEAL

Alhader Ag Almahmoud, 30, a Tamashek livestock farmer had his right arm amputated in Ansongo on August 8, 2012. During the research mission, the Amnesty International delegation was able to meet with him in Bamako, where he had found refuge.



He told Amnesty International that he had been arrested at home in his settlement by a MUJAO patrol as he was accused of stealing cattle. He was held for two weeks and then tried, on August 8, 2012, in the retirement agency of the city of Ansongo, where the local MUJAO chief, a Sahraoui, had taken up office.

« They took me into a room. I was sitting in the middle of more than ten people, including the MUJAO chief, forming a circle. An armed man, who was standing, was also present. Aside from the MUJAO leader, all those

present were Ansongo, of whom three were Marabouts (two sedentary Songhai³ and an Arab). They asked me to go through the facts and then the three Marabouts and the MUJAO chief asked questions. The questions didn't last more than ten minutes. The other members didn't ask me any other questions; they then talked amongst themselves and cast a vote. The majority said I was guilty and that they needed to apply the Sharia by cutting off my right hand at the wrist. I protested, I told them that it was unfair because I wasn't responsible for this cattle theft.

The MUJAO chief leading the debates stated that there would be no appeal on the judgement and there was no need to discuss any further as I would be amputated from my right wrist. He then asked that two members of MUJAO with knives be brought in.

Towards 3 p.m., I was taken to the Ansongo public square. People had been called to attend the amputation. They made me sit on a chair, they tied my feet against the legs of the chair, they also tied my torso to the back of the chair and my forearms were attached to the edge of the chair.

Then the MUJAO chief took my right forearm and tied it up with a rubber bicycle tyre tube as a tourniquet. He held my right hand with his left hand, in his right hand he held a knife, he said Alla Akbar before starting to cut my wrist. He did it in such a way so as to avoid the bones of my hand only hitting the joints. As he was cutting part of the crowd left.

After, they locked me in a cell for eight days, after this time, a medical assistant came to give me treatment.

Before my hand was amputated, the owner of the stolen cattle came forward to say that the animals had been found. It was also broadcast on a radio station, *la Voix du Soni*."

Amnesty International has also received information concerning six other cases of amputations committed in Gao and Timbuktu. The delegation was able to meet with someone who had seen one of these amputations. This person said:

"Monday, September 10 towards 1:30 p.m, the MUJAO members, in several vehicles, arrived at Place de l'Indépendance. They provided security and prevented people from getting beyond the fence bordering the square. A person got out of their "pick up" [vehicle]. This person was sitting on a chair; his feet, his forearms and torso were tied to the chair. The new Police Commissioner of Gao, who bought and sold animal skins before the fall of Gao in April [2012], held the right hand of the person sitting on the chair, he cut through it with his knife and showed it off like a trophy. The crowd showed their displeasure. Then another member of MUJAO cut off the right foot. They then poured a white powder on the cut parts to avoid bleeding. The wounded man was taken for treatment at the hospital later. That same day, four others were amputated in the same way at the MUJAO camp. All those who have undergone MUJAO amputations so far are black. The amputated hands and feet were exhibited at the police station."

The most recent amputation took place on 16 September, when members of Ansar Eddin controlling Timbuktu conducted the amputation of a man's hand, who had been accused of theft, in front of more than 200 people. One of the persons who know the victim told Amnesty International: "His parents had collected the necessary sum for the release of my

friend, but before they had time to repay the amount claimed, Ansar Eddin summoned the population to a public square. They tied my friend to a chair then they amputated his right hand."

Armed groups are required to respect international humanitarian law, which prohibits amongst other things, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" (article 3 relative to the Geneva conventions). These amputations are corporal punishments which constitute acts of torture and all armed groups who control the North must immediately stop committing such acts, which may also constitute a war crime besides.

ONGOING SEXUAL VIOLENCE

As of the takeover of the North by armed opposition groups, women and adolescent girls have been victims of rape and sexual violence committed in particular by armed members of the National Movement for the Liberation of Azawad (MNLA, *Mouvement national de libération de l'Azawad*).⁴

These acts of sexual violence continue and the Amnesty International delegation was able to collect evidence regarding two recent cases.

Late July /early August 2012, three women were victims of sexual violence and rape committed by armed groups in Gossi (in the Timbuktu region). A member of a human rights organization who has worked with the victims told Amnesty International:

"Six women were heading towards a field in Gossi when they came across a group of several armed rebels on two motorcycles. The women were robbed, some managed to escape. Three of them were captured and raped. One of the women fell pregnant. She asked for a voluntary termination of pregnancy (VTP) at the Gao Hospital but has been refused by this hospital controlled by MUJAO.

A few days later, after the end of Ramadan (after August 20, 2012) a girl of fourteen was raped by a member of the "police" force put in place by AQIM (Al-Qaeda in the Islamic Maghreb) in Timbuktu. A resident of the village, told Amnesty International:

"This man, a Burkinabe, was arrested and sentenced to 100 blows with a stick. The man was also ordered to marry the young girl, to be excluded from the police force, and to be exiled from Timbuktu for one year. He received 11 blows with a stick, but he did not marry his victim, nor was he exiled from Timbuktu and he is also still a member of the AQIM police force."

THE MONITORING OF MORAL STANDARDS

Amnesty International has also gathered testimonies concerning the armed Islamist groups' monitoring of the population and the pressure exercised by them upon the population to conform to the requirements of newly imposed clothing instructions and lifestyle (in particular the prohibition of broadcasting non-religious music, of smoking and drinking alcohol, and the prohibition of unmarried members of the opposite sex, who do not have family ties, to see one another.

Though during the first two months of their takeover, Islamist armed groups only used verbal threats and intimidation, the repression of behaviors considered un-Islamic against civilians intensified as of June 2012. On 14 and 15 June, MUJAO members whipped smokers in public in Bourem (a locality of the Gao region, 1, 287 km from Bamako). One month later, on 16 July, a Timbuktu resident was accused of drinking alcohol and received 40 lashes, administered by members of the Islamist group, Ansar Eddin.⁵

People have also been severely punished for having sex outside of marriage. On 20 June, an unmarried couple with a child were flogged by Ansar Eddin in Timbuktu. One month later on 29 July, members of Ansar Eddin stoned a young couple in the same situation, to death, in front of some 200 people in Aguelhok.

Thus, in Timbuktu, AQIM members have established patrols that enter private courtyards to check that women are wearing veils. These patrols -which include foreign nationals of different African countries including Algeria, Burkina Faso, Mauritania, Senegal and Chad - prohibit men smoking cigarettes and consuming alcohol. In addition, radio stations continue to broadcast messages instructing women to wear gloves and socks.

THE USE OF CHILD SOLDIERS BY ARMED GROUPS AND SELF-DEFENSE MILITIAS

The conflict that erupted in northern Mali in early 2012 was particularly marked by the use of child soldiers (recruited under the age of eighteen) by armed groups and self-defense militias.

In its April 2012 report, Amnesty International reported the recruitment and use of children by armed Islamist and Tuareg groups in the three major northern cities (Gao, Kidal and Timbuktu) and also by the Timbuktu Arab militia.

In a press statement published on 17 August 2012, UNICEF said that it had received "credible reports that armed groups in northern Mali recruit and use more and more children for military purposes."⁶ Without being able to establish the exact number, the UN agency said, in this same document, that the number of children involved is in the hundreds and appears to be increasing.



Military training camp of the Ganda Iso armed militia, in the North of Mali © Amnesty International

The Amnesty International delegation was able to obtain many testimonies attesting to the recruitment and use of child soldiers in the north of the country. One human rights activist living in Gao stated:

"There are child soldiers in the ranks of MUJAO. They go out, in groups of four to six, with rifles over the shoulder. They are found at checkpoints and organise patrols in the Gao region.

They search travellers and passers-by, looking especially for those who smoke cigarettes. During an inspection, a traveller had cigarettes on him, one of the children told him: "Today, we seized the cigarettes but if we see you again with cigarettes, we'll do your mother."

In the government-controlled area, self-defence militias also recruit and train children in view of an offensive that could regain control of the North. Their recruitment occurs in a context that is two-fold: the military strengthening of the centre of the country, particularly in the Mopti region which is near the line separating the two warring parties, and the increase in self-defence militias in agreement with, and with the support of, authorities. Indeed, at least three other militias have been created; Ganda Lassalizei (Authentic sons of the soil in Songhai), the National Liberation Force (FLN, Force de libération du nord) and the Armed Forces against Occupation (FACO, Occupation Forces armées contre l'occupation) and join the two militias, Ganda Izo and Ganda Koy⁷, that have been present in Mali for years now.

During their research mission in September 2012, the Amnesty International delegates were able to visit three camps in Soufouroulaye and Sévaré (in the Mopti circle in the centre of the country) where children had been recruited. These three camps are located on government land. Those in charge of these camps told Amnesty International that their militias were armed and trained by soldiers and former soldiers. One of the leaders of the FLN camp in Sévaré told Amnesty International:

"The youths come from regions all over Mali with a single objective: free the North and go home. Here, we are not at home, our families are in the North. The country is for everyone, it is the same Mali. We have our cattle and our belongings in the North. Here, we do military training, fighting. The only link between us and Ansar Eddin is MUJAO, it is war. Recruits come from all over the country. There are also Malians coming from abroad. The youths do military training in the camp. This training is provided by army veterans. The weapons used in the training come from checkpoints of the Malian army. The army gave us 1 ton of rice. »

During the visit to the FLN camp, Amnesty International met with a Malian soldier who was training these recruits and who affirmed that he was a member of the Malian army. During a meeting with Amnesty International, in Bamako, on 12 September 2012, Malian authorities confirmed the distribution of a ton of rice to this self-defense group but denied that soldiers were training them.

In each of these three camps, those in charge told Amnesty International that they had not recruited nor used children under eighteen years of age and that the youths who had joined them had done so on a voluntary basis.

Having established the presence of adolescents in these militias, the Amnesty International delegation asked for access to the FLN register of camp recruits. This indicates that more than 40 children, born between 1995 and 1998, of whom at least two female minors, have been recruited by the militia.

The recruitment and use of child soldiers constitutes a violation of children's rights and is also a war crime if the children are under the age of fifteen. All armed groups and self-defense militias should immediately stop recruiting, re-enrolling and using children under the age of eighteen years in their groups and let all children serving in their ranks leave freely.

37	Ibrahim N'Gardie Eise	02/07/88	a Touna	Apprenti	Neant	Niafunké	N'Gardie Aussi 22366125	
36	Adama Diomane Eise	20/02/90	a Tontoukou	Clair	DEF	Amadou	22366125	
37	Chieck Oumar Eise	09/09/96	a Niafunké	Clair	Neant	Niafunké	Nouba balle 73049606	
38	Amara Eise	31/12/86	a Niafunké	Dubien	Neant	Amadou	Boica Tzara 73193201	
39	Khissa Diallo	15/03/96	a Napti	Clair	Neant	Napti	Nahamadon Aussi 36002403	
	Bassidi Diame	07/11/90					Amadou Naha	

Registry book at the military training camp of the FLN (Front de Libération du Nord) armed militia (FLN), in the North of Mali. © Amnesty International

EXTRA-JUDICIAL EXECUTIONS IN DIABALY

The take-over of the North by armed Islamist groups led government forces to increase their monitoring of certain Muslim movements suspected of having links to these groups.

It is against this background that on the night of 8 to 9 September 2012, sixteen people, members of a movement of Muslim preachers, the Dawa, were arrested in a vehicle by the Malian military in Diabaly (see box below, list of the sixteen persons killed). They were coming from Mauritania and were going to an annual meeting of their movement in Bamako. A few hours later, these people, Malians and Mauritaniens, were extra-judicially executed. According to reports, three people including the driver of the vehicle and his apprentice were able to escape.

LIST OF 16 PEOPLE EXTRA-JUDICIALLY EXECUTED IN DIABALY

- | | |
|--------------------------------|------------------------------|
| 1. Djibril Ould Inala | 9. Low Ould Najim |
| 2. Ifoucou Ould Ahmed Vall | 10. Mohamed Ould M'Heimed |
| 3. Oumar Ould Najim | 11. Idoumou Ould Sidi Ali |
| 4. Abderahim Mbeïra | 12. Ghali Ould M'Heyidi |
| 5. Itewel Eyamounm Ould Bati | 13. Oumar Ould Hassani |
| 6. Amanaum Ould Mohamed Eleyat | 14. Mohamed Yahya Ould Najim |
| 7. Cheyah Ould Chenam | 15. Ahmed Ould Bahdi |
| 8. Izidbih Ould Sidy Haïbalah | 16. Mohamed Yahya Youba. |

The Amnesty International delegation was able to investigate, and obtain information regarding these events. One witness stated:

“At Dogofri [not far from the Mauritanian border] the car was stopped by the gendarmerie [military police] and was escorted from there to Diabaly. Upon arrival there, the car was searched by soldiers. The occupants of the vehicle were taken to the city’s military camp where they were questioned. They were accused of carrying arms and of being MUJAO rebels. They were dressed like Mauritaniens and wore turbans. They were told that their attire was proof of their MUJAO membership. They said they were coming from Mauritania to attend a meeting of the Dawa, a religious movement, and that they had nothing to do with MUJAO. They were accompanied to the vehicle, which was searched and no weapon was found. Those being questioned were angry and so got back in their vehicle, the driver and his apprentice took the opportunity to escape and it is at this point that they were shot by the five soldiers.”

Amnesty International met with officials from the Centre Markaz Mosque in Bamako, the aforementioned people's place of destination. A member of the Mosque said that they had received a call at 9.33 pm from one of the 16 people killed in Diabaly. It was Oumar Ould Najjim, a livestock farmer from Gao, who told him that his group was "in the hands" of soldiers in Diabaly and that the officials of Centre Markaz were to be informed so that they could talk with authorities.⁸

In addition, Amnesty International learned that the survivors, including the driver of the vehicle, were reportedly arrested and questioned by the Malian authorities. The Amnesty International delegation submitted a request to talk to these people and learned, during a telephone conversation with the Minister of Defense, that they were at the State Security (SE, *Sécurité d'État*). The delegation then contacted the Director of the SE who stated that only soldiers were being questioned as part of this investigation and that the SE was not a place of detention.

In more general terms, these extra-judicial executions should be placed within the broader context of the monitoring from the Malian authorities to which members of the Dawa are subject. This is indicated in an internal document, which Amnesty International found out about, written on 5 September 2012 by the Department of Home and Security and Civil Protection. This document states that:

"In view of the situation in the north of the country, steps are being taken to monitor this association very closely. All units are being asked to help monitor the activities within the Markaz Mosque but also to track the movements of participants in the different Mosques that they attend.

It seems appropriate to consider steps to better marshal this association, particularly with regard to foreign participants, in order to limit their entry into the national territory."

The Malian government has announced the opening of an investigation in the wake of these extra-judicial executions. Malian authorities have told Amnesty International that they were willing to comply with the request from Mauritania that they be involved in this investigation.

CONCLUSION AND RECOMMENDATIONS

Nine months after the armed uprising that tipped Mali into instability and into a spiral of violence, civilians continue to be subject, defenceless, to the actions of armed groups who have taken control of the north of the country.

Whilst armed hostilities may resume at any moment, it is vital that the parties involved ensure the protection of civilians in strict compliance with international humanitarian and human rights law.

Amnesty International calls upon the armed Islamist groups to put an end to all forms of corporal punishment, such as amputations, stoning, and whipping, as well as violence against women. The organisation calls upon armed groups, including self-defence militias, to stop the recruitment and use of child soldiers.

Amnesty International also calls upon the Malian authorities to release all witnesses of the extra-judicial executions in Diabaly, who are reportedly being held in the SE, and also to investigate the allegations of extra-judicial executions in Diabaly and prosecute those guilty of these acts.

ENDNOTES

¹ Bureau de la coordination des affaires humanitaires, Rapport de situation humanitaire n°13, 14 août 2012.

² Le MUJAO was created at the end of 2011 from a defection from the ranks of AQIM. The movement notably claims responsibility for several events taking place in the Sahel region since October 2011, and controls the Gao region.

³ The Songhai are a people living in Mali and Niger.

⁴ The MNLA was created in October 2011 by the merger of several former Tuareg groups. The MNLA claims to be a secular movement. On April 6, 2012, it proclaimed the independence of Azawad (northern part of the country) before being finally driven out of regions conquered by armed Islamist groups in mid-July 2012.

⁵ The Ansar Eddin (which in Arabic means "Defenders of religion") was established in December 2011. It is headed by Iyad Ag Ghaly, a former leader of Tuareg rebellions of the 1990s. He does not question the territorial integrity of Mali but proclaims their intention to impose Sharia law on the entire country.

⁶ UNICEF, *L'UNICEF tire la sonnette d'alarme au Mali sur le recrutement d'enfants*, 17 août 2012, http://www.unicef.org/wcaro/french/4501_7017.htm

⁷ Ganda Izo means "son of the country" and Songhai Ganda Koy "masters of the earth." 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 groups have continued to harass Tuareg populations.

⁸ Amnesty International has seen the phone showing the date, the number called, the name of the subscriber (Oumar Najjim) and the duration of the call.

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