

MALI

ALL PARTIES TO THE
CONFLICT MUST PUT AN
END TO ONGOING HUMAN
RIGHTS VIOLATIONS

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2014 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2014

Index: AFR 37/001/2014
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY
INTERNATIONAL**



CONTENTS

Introduction	5
Wilful killings and abuses by armed opposition groups in May 2014.....	8
Continued detention of minors	11
Conclusion and Recommendations.....	15
Endnotes	17

INTRODUCTION

Two and a half years following the start of the crisis in Mali, in January 2012, which led to the intervention of the French army one year later, the security and human rights situation remains unstable. The country remains in a situation of non-international armed conflict with some northern areas still held by armed opposition groups including Tuareg. In addition, attacks by armed groups have led to a persistent climate of insecurity.

Despite the commitments made by the Malian authorities regarding investigations into serious human rights violations committed since the beginning of the conflict, very few cases have advanced. The notable exception is the arrest and detention of General Amadou Aya Sanogo, responsible for a coup in March 2012.¹

This report is based on a research mission carried out by an Amnesty International delegation which visited Mali in the first two weeks of June 2014. The research focused upon investigating human rights violations following the May 2014 clashes in Kidal, detention conditions for those arrested in the context of the conflict and the ongoing detention of minors – detained in connection with the conflict - alongside adults.

For security reasons, the delegation could not go to Kidal, where serious incidents took place in May 2014. However, delegates were able to meet injured victims and witnesses to these events in Bamako, the capital. Some of the wounded persons were interviewed at the hospital in Bamako and the delegation also interviewed detainees held in connection to the conflict, in two detention centres in Bamako; the gendarmerie² Camp I and the Bamako civil prison³. Finally, the delegation met with the Minister of Justice, the Minister of Solidarity and Humanitarian Action, and the Minister the Interior and Security, as well as representatives of United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the legal department of Serval operation⁴.

The situation in the Kidal region is of particular concern. Although French and African military forces retook control of the north, the Kidal region remains beyond the total control of the Malian government.

The Amnesty International delegates also investigated the detention of minors who are still in prison in the abovementioned facilities despite the memorandum of understanding (protocole d'accord) signed by the authorities agreeing on the transfer of children to the United Nations Children's Fund (UNICEF) and the National Department for the Protection of Children (Direction Nationale pour la Promotion de l'Enfant et de la Famille, DNPEF). When visiting these places of detention, delegates learned of the death of two prisoners reportedly as a result of negligence, as they did not receive the care required by their health status.

Through this research, Amnesty International was able to obtain credible information regarding crimes under international law committed by armed groups during the recent conflict in May 2014 as well as various ongoing human rights violations by the Malian authorities in detention centres.

Amnesty International calls upon armed groups to end these violations of international humanitarian law, notably hostage taking and wilful killings. Amnesty International also calls upon the Malian authorities to investigate cases of harsh conditions of detention and cases of death in detention in relation to this conflict. Moreover, the authorities must ensure that no minor is detained alongside adults and ensure the full rehabilitation of these minors and their eventual reintegration into society.

It is also time for the Malian government to respond to the need for justice for its people. Without this, the country will be unable to turn what is without doubt the most painful page in its history since independence.

Background to recent events

Despite the relative restoration of law and order, Mali is still facing tremendous challenges following the armed conflict and military coup that destabilised the country in 2012. Presidential and legislative elections were held in 2013 but the new government has not been able to regain full control of much of the northern part of the country, including the main town of Kidal, which remains under the effective control of armed groups. In spite of the recent ceasefire agreement that was signed on 23 May 2014⁵, successive clashes that erupted between the armed groups and government soldiers in Kidal and surrounding towns in the north, including in May 2014 and July 2014, illustrate the volatility of the situation. More than 30 members of armed groups were killed during clashes on 11 July 2014 in the northern desert area between Gao and Kidal. A French soldier, who was part of the Serval Operation, was also killed in a suicide attack on 14 July 2014 in Moussarat⁶, a town located in the northern part of the country.

The armed conflict broke out in the north of the country in January 2012, with Tuareg armed groups⁷ calling for autonomy or independence after years of neglect by the central state. Armed groups initially included the Azawad National Liberation Movement (Mouvement national de libération de l'Azawad, MNLA) and Ansar Eddin, and later Al-Qa'ida in the Islamic Magreb (AQIM) and the Movement for Unity and Jihad in West Africa (Mouvement pour l'unicité et le jihad en Afrique de l'Ouest, MUJAO), amongst others. Since the beginning of hostilities, grave human rights violations have been committed by all parties to the conflict, including extrajudicial executions, torture and other ill-treatment, recruitment and detention of child soldiers, and rape and violence against women and girls.⁸

On 18 June 2013, the Malian transitional government and two of the main opposition armed groups, the MNLA and the High Council for the Unity of Azawad (Haut conseil pour l'unité de l'Azawad, HCUA⁹) signed a peace deal in Ouagadougou, Burkina Faso, that brought an end to hostilities.¹⁰ The agreement not only charted a way forward for the restoration of law and order, it also carries commitments on disarmament¹¹ and the creation of an international commission of inquiry.¹² However, despite repeated public commitments, the Malian authorities have been too slow in implementing a comprehensive justice, truth and reparation programme, including the creation of an international commission of inquiry. Only one high profile investigation is underway, that of General Sanogo and his collaborators. Apart from that, Amnesty International is concerned that investigations into various atrocities committed during the conflict, including various reported cases of enforced disappearances and extrajudicial killings perpetrated by the Malian security forces and armed groups in several northern towns, are yet to be carried out.¹³

It is noteworthy that Mali has been a state party to the Rome Statute of the International Criminal Court (ICC) since 2000.¹⁴ On 13 July 2012, the Minister of Justice of Mali referred the situation in the north of the country to the Prosecutor of the ICC. In early 2013, the ICC Prosecutor, Fatou Bensouda, announced the opening of an investigation into the crimes committed in Mali since January 2012 which, according to her, may amount to war crimes.¹⁵ At the time of publication of this briefing, the ICC's investigations are ongoing and no arrest warrants have yet been announced.

It is in this context that a recent violent conflict erupted in the north. On 17 May 2014, the day of the planned visit of Prime Minister Moussa Mara, violent clashes erupted in Kidal. Fighting broke out between Malian armed forces and armed groups present in Kidal, with casualties on both sides. During this conflict, members of the armed groups wilfully executed eight civilians and took 30 government employees hostage, eventually releasing them on the third day. A ceasefire agreement was then signed by the Malian authorities and three armed groups on 23 May 2014. Peace negotiations between the Malian authorities and the armed groups from the north have resumed in Algeria at the time of writing this report. On 15 July 2014, 45 Malian soldiers taken

Mali: All parties to the conflict must put an end to ongoing human rights violations 7

hostage by armed groups during the clashes in May 2014 were reportedly exchanged for 41 members of armed groups arrested during military operations in the north between 2013 and throughout 2014.

WILFUL KILLINGS AND ABUSES BY ARMED OPPOSITION GROUPS IN MAY 2014

Despite the restoration of government administration in the city of Kidal, in the north of Mali, the town has remained under the effective control of armed opposition groups since the conflict broke out in 2012. Amnesty International interviewed residents and reliable sources who confirmed that despite the appointment and presence of government officials in Kidal, government administration has not yet resumed and that the town remains under the effective control of the various armed opposition groups. Schools are still closed, as well as the judicial organs. The three armed opposition groups present in Kidal are the MNLA, the HCUA and the Arab Movement of the Azawad¹⁶ (Mouvement arabe de l'Azawad, MAA). The region remains volatile, as evidenced by ongoing attacks and the continued use of landmines by armed groups targeting both Malian soldiers and foreigners in the area. Two French journalists, Ghislaine Dupont and Claude Verlon, were also executed by an armed group in November 2013. Moreover, at least 18 military personnel, including members of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and Malian soldiers, have been injured by landmine explosions in 2014. On 8 February 2014, five Malian staff of the International Committee of the Red Cross (ICRC) were also abducted by armed groups and were released on 17 April 2014. The Amnesty International delegation chose to investigate the May 2014 clashes in Kidal as they demonstrate the ongoing insecurity in the north of the country and the continued targeting of civilians by armed opposition groups.

On 17 May 2014, Prime Minister Moussa Mara made his first visit to the Kidal area; local civilians protested this. The day before his visit, several hundred youths and women reportedly staged anti-government protests around the regional Kidal airport, singing "Azawad, Mali no". They were reportedly dispersed by security forces and members of the UN peacekeeping force MINUSMA.

The Prime Minister travelled to Kidal to meet with senior officials, civil servants working in the region and residents and to give a speech at the Governor's office. Prior to his arrival, there were reports of shots being fired in the early hours of the morning, and upon his arrival clashes broke out between armed opposition groups and the Malian armed forces outside of the Governor's office in Kidal. After his speech, the Prime Minister left the Governor's office accompanied by all Malian soldiers present for his security, and according to the information received by Amnesty International, no security personnel remained in the building. The members of armed groups then entered the meeting venue and deliberately killed eight civilians, including six government officials.

During a two week long research mission in Bamako, Amnesty International's delegation confirmed from multiple sources, including several eyewitnesses, these wilful killings committed by members of armed groups at the Governor's office in Kidal. Amnesty International is not in a position to confirm the identities of the attackers allegedly responsible for the killings or the group which they belong to.¹⁷ One witness, who was wounded in his back and ankle during the incident, described

the killings to Amnesty International:

“On Saturday 17 May, I was called on by the Governor to welcome the Prime Minister at the Governor’s office. Starting in the morning, shots were fired from the surrounding roofs at the Governor’s office, which was protected by Malian soldiers outside. The Prime Minister arrived around 4 or 5 pm. He thanked the people there and said that he would make the government aware of their grievances. The shots continued during his speech. After ten minutes, he left with the soldiers, leaving the civilians behind. Members of armed groups arrived, they entered the room where the Prefects and Sub-Prefects¹⁸ were and they shot at them. The Prefect of Tinésacko, was killed in front of me. They also shot the Prefect of Abeïbara in front of me. I was shot twice in the ankle. I wanted to escape but I was shot again in the back, I fell. When they left, they asked those who were not dead to get up. They opened the eyes of those on the ground and emptied their pockets to take any money and mobile phones. They also took prisoners.”

All the witnesses interviewed explained to Amnesty International about the shootings early in the morning and how, upon the departure of the Prime Minister, the armed groups entered the Governor’s office and deliberately killed government officials. Another witness told Amnesty International:

“A rocket was fired at the roof of the Governor’s office, which started a small fire. Some officials took off their uniform jackets so that they would just be in their white shirts. At the same time, members of the armed groups entered the big room by the main door and indiscriminately shot at people. One of the Prefects, who was hiding in the bathroom, was killed, they shot him. They continued to shoot in the other rooms.”

Armed opposition groups, which have effective control of the town of Kidal, also assume obligations under international humanitarian law, notably the prohibition of killings of civilians and the taking of hostages (see box below)¹⁹:

COMMON ARTICLE 3 OF THE GENEVA CONVENTIONS

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.
To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
 - (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.
An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.
The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.
The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

Following the killings, members of the armed groups took 30 government employees hostage, some of whom were beaten during detention. The hostages were released on 20 May 2014 after negotiations with MINUSMA that led to a ceasefire. An eyewitness told members of Amnesty International how the armed groups beat the hostages:

“They interrogated us and said that this was Azawad and not Mali. One of them tore up the stripes that a sub-prefect was wearing. They then transported us in a convoy of five vehicles and during the entire journey they beat us, punched us, slapped us and hit us with rifle butts. When we arrived we were given food and water but at then one point they did not treat us so well. At night they tied our hands behind our backs and told us to sleep on the ground. In the afternoon we were returned to MINUSMA and the ICRC.”

During a meeting with the Amnesty International delegation, the Malian judicial authorities said that they had opened an inquiry into these killings, but they confirmed that no one had been interrogated or arrested to date due to the poor security situation in Kidal. They also confirmed that they were unable to give more substantial information at that point.

CONTINUED DETENTION OF MINORS

Since the beginning of the conflict in January 2012, a number of children have been subjected to various forms of human rights violations, including acts that may amount to crimes under international law. Many have been recruited to fight by both pro-government militias and armed groups.²⁰ In the context of the conflict, several others have also been arrested by the Malian authorities and held in detention, without any adequate protection measures for children in custody, including being held together with adults and without any rehabilitation safeguards in place. Most are charged for being members of armed groups and for the illegal possession of firearms and ammunitions.²¹

Amnesty International has repeatedly raised these concerns directly with the Malian authorities.²² Whilst Malian authorities have released or handed over a number of detained minors to UNICEF and ICRC child protection officers, the organisation is concerned to find new cases of minors arrested between mid-2013 and 2014. They are currently in detention alongside adults in both the Bamako civil prison and the Bamako gendarmerie Camp I. An Amnesty International delegation was able to visit and interview seven detainees²³ during a research mission in June 2014, all of whom were suspected to be minors. The organisation obtained a copy of the birth certificate of one of the detainees, which confirms that he is 16 years of age. Co-detainees also confirmed the likelihood that the other six detainees were below 18 years of age; the delegation then sought further information from other sources which confirmed that they were minors. In most cases, the ages of the minors in detention were not asked or verified upon arrest and hence these minors face detention with adults.

Apart from the authorities' failure to verify the ages of these detainees, these minors have also been subjected to various forms of human rights violations whilst in detention, including, being constantly confined to their cells and not being allowed outside their prison cells to go for exercise, as well as lack of access to legal counsel.

One of the detainees, who explained that he was only 17 years old when he was arrested, has been in detention with adults ever since his arrest in September 2013. He describes himself as a mechanic and apprentice chauffeur, who was arrested whilst shopping at his aunt's store in Kidal. He told Amnesty International the circumstances of his arrest and detention:

"The soldiers had blocked the exits of the shop; they came to arrest me and accused me of throwing a grenade at a bank. My aunt's shop is attached to this bank. They put me in handcuffs and took me to Gao - I was held for 15 days there - then they took me by truck to the Camp I at Bamako where I was interrogated at the Service d'Investigation Judiciaire (Judicial investigation Service) situated at Camp I of the gendarmerie. I then saw the judge twice; he accused me of throwing a grenade at the bank. I told him that I didn't do it. The judge asked me my age, I told him I was 17...I really want to see my mum and dad, when I think of them, I can't sleep at night."

Mali: All parties to the conflict must put an end to ongoing human rights violations 12

This young boy explained that he has had no visitors since being in detention nor has he been appointed legal counsel. He has no means to hire legal council of his choice. He has been confined to his cell since his arrival at Camp I and has not been allowed out for any exercise at all.

Adequate protection provisions for children in detention, including segregated detention are a fundamental obligation of states under international law, most of which Mali has ratified. In particular, Article 10 (3) of the International Covenant on Civil and Political Rights (ICCPR) states that, "The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status."²⁴

Moreover, the United Nations Convention on the Rights of the Child²⁵ specifies that detention of children should be a last resort and includes specific provisions for the treatment of detained children taking into account the needs of their age, including that they be kept separate from adults and have the right to maintain contact with their family.²⁶ Similar obligations also exist under the African Charter on the Rights and Welfare of the Child²⁷ and are further detailed in the United Nations Standard Minimum Rules for the Treatment of Prisoners and Standard Minimum Rules for the Administration of Juvenile Justice.²⁸

International humanitarian law further recognises that children should be provided with the care and aid they require and that the special protection owed to those who have not attained the age of 15 years shall remain applicable even if they take a direct part in hostilities and are captured.²⁹

Following the end of the conflict, the Malian government signed a memorandum of understanding³⁰ (protocole d'accord) with the United Nations on 1 July 2013, establishing a framework and mechanism for the treatment of children associated with armed groups, including the release or transfer to child protection units and the reintegration of children into society. Under this memorandum, Malian authorities have committed to verify the age of minors arrested³¹ and to ensure that children arrested in connection with the conflict are transferred to the DNPEF and to UNICEF³². However, the Malian authorities have since continued to arrest and detain more children accused of being members of these armed groups, suggesting lack of political will to address the problem. The fact that children are still being held in detention along with adults suggests that this agreed mechanism is not being respected by Malian authorities.

All of the young persons interviewed said they had not received family visits; this is due in part to the fact that they are being detained far from home, Bamako is situated 900 km from their home towns, and so for economic and geographical reasons their parents have been unable to make the long trip. Nonetheless, in one case, one set of parents were reportedly denied access to their son and were actively turned away when they tried to visit him.

One of the detainees, who described himself as a shepherd, says he used to live in the remote countryside and was arrested in February 2014 in Goundam³³:

"At the time of my arrest, I was in a health centre, where you can get vaccinated. The soldiers said that I was an Islamist. I was detained for a month in Timbuktu; the Gendarmes accused me of being an Islamist. I told them that I was a shepherd and not an Islamist. Then I was taken to Bamako. I have not yet seen the judge. I want to see my parents. I worry about them because they must be imagining awful things about me."

All of these minors explained that they did not have the resources to hire a lawyer and said that they had not been provided with legal counsel by the Malian government.

The Amnesty International delegation met with the Minister of Justice and a representative of the French Serval forces, who were also responsible for the arrest of one minor, and expressed its

concern about the arrest and detention conditions of these minors. In relation to one of the detainees, who was arrested by French forces and currently detained with adults at Camp I, the representative of the French forces conceded that the age of the detainee had not been verified during his arrest and committed to follow up with Malian authorities and child protection agencies. The Minister of Justice said that he was not aware of any children being detained but he said that the prosecutor of the Bamako Commune III would be contacted concerning the detention of children held in relation to the conflict. Moreover, he acknowledged the dire prison conditions in Bamako, including at the Bamako civil prison and the Bamako gendarmerie Camp I where the minors are in detention, and explained that the government was in the process of building a new prison. He also added that judicial timeframes were not the same as political ones, in other words, the judicial system must take the necessary time to investigate these cases and does not adhere to political considerations.

At the time of publishing this report, Amnesty International learned that four minors had been released but others remain in detention.

DEATHS IN CUSTODY

In a previous report published in June 2013³⁴, Amnesty International highlighted concerns about five cases of death in custody between 11 and 14 April 2013, related to individuals arrested in relation to the conflict and repeatedly raised this issue with the authorities to investigate and improve detention conditions. During the latest research mission, the Amnesty International delegation learned of two further cases of death in custody.

Mohamed Ag Sana, who was arrested in connection with the conflict, died in the civil prison in Bamako in March 2014. Those interviewed were unsure of his exact date of arrest and the exact nature of the charges held against him, nonetheless, according to an eyewitnesses whom Amnesty International interviewed in June 2014, prior to his death, Mohamed's feet and his body were reportedly swollen to the point that he could no longer walk but he was not given the necessary treatment or medication. He was also reportedly suffering from a mental illness.

Another man, Ismaghel Ag Achkou, who was reportedly arrested by French soldiers on suspicion of being a member of an armed group, died in detention at Camp I. Those interviewed described his situation as follows. Ismaghel Ag Achkou was arrested in May 2014 while driving with his uncle, who had reportedly been a member of Ansar Eddin, and his two children aged six and nine. At the time of his arrest, gunfire was reportedly exchanged with the French army, who were in four helicopters. The deceased was shot in the hand and his uncle was reportedly killed during this incident that led to his arrest. His children were reportedly taken either to the Red Cross or UNICEF. After his arrest the man's injured hand was reportedly treated by the Red Cross. While he was in detention the bandage was changed only once and according to prisoners who were detained with the deceased, his arm also gave off a bad smell for some time. The night before his death, around 10pm, he felt very unwell and the co-detainees described how the gendarmerie at Camp I was alerted but no action was taken to give him the necessary medical care. He died during the morning prayer at 5:30am on 20 May 2014.

A gendarme working at the Camp I prison confirmed to Amnesty International delegates that they did not have money to buy medicines for the detainees.

During the latest mission in June 2014, Amnesty International expressed its concern in separate meetings with the Minister of Justice and representative of the French forces³⁵, regarding the dire detention conditions, including the death in detention of Ismaghel Ag Achkou and Mohamed Ag Sana. Apart from a commitment made by the French representative to follow up with Malian authorities, there does not seem to be any investigation into the circumstances of Ismaghel Ag Achkou's case. The Minister of Justice did however acknowledge that detention conditions were "sub-human" particularly at the civil prison in Bamako and that plans to build a new prison were underway. He also said that he would do everything in his power to ensure that the rights of persons in detention were respected; he expects to have a meeting with all of his judicial partners in order to move forward on this issue.

CONCLUSION AND RECOMMENDATIONS

More than two and a half years after the beginning of this conflict, crimes under international law and human rights violations and abuses committed by armed opposition groups and by Malian security forces continue to be reported. There have been positive political developments in Mali since mid- 2013, notably the signing of the Ouagadougou Agreement in June 2013 and the presidential and legislative elections held this same year. However the situation, particularly in the north part of the country, remains volatile, leading to various forms of human rights violations against civilians by various armed opposition groups, including crimes under international law.

Amnesty International is particularly concerned by the continued reports of wilful killings and abductions committed by armed groups in the north.

Amnesty International calls on the Malian Authorities to:

- Open prompt, thorough, impartial and effective investigations into all allegations of crimes under international law as well as human rights violations in order to identify those suspected of criminal responsibility. If sufficient admissible evidence were found, prosecutions must take place and those found guilty in fair trials should be punished by appropriate penalties which take into account the grave nature of crimes.
- 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 others while in detention.
- Open a thorough, independent and impartial investigation into the cases of deaths in detention in connection with this conflict.
- Urgently ascertain the exact age of all children and minors in detention and pending this investigation, ensure that the minors are separated from adults when they are held in detention;
- Ensure that all children are separated from adults when they are held in detention awaiting transfer to government agencies or organisations responsible for the protection of children, including the UNICEF and the DNPEF, as part of the commitments made in the memorandum of understanding made with the UN for the transfer of children associated with armed forces or armed groups.
- Ensure that all children and minors arrested on suspicion of association with armed groups are given specific attention and that a program is set up to facilitate, as much as possible, their rehabilitation in their community and families.

Mali: All parties to the conflict must put an end to ongoing human rights violations 16

Amnesty International calls on armed groups to:

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

Amnesty International calls on the French authorities and French military forces in Mali to:

- Ensure that all persons arrested by the French forces receive all the necessary medical attention during their detention.
- Ascertain the exact age of the children when they arrest them and ensure that such detainees are handed over to organisations responsible for the protection and rehabilitation of children.

Amnesty International calls on the ICC Prosecutor to:

- Closely follow-up reports of the recent wilful killings and the taking of hostages allegedly committed by armed opposition groups in north Mali as part of the ongoing investigation into crimes under international law in Mali.
- Provide updates to victims and affected communities as appropriate concerning the scope of investigations into crimes under international law during the conflict, subject to the confidentiality of investigations.

Amnesty International calls on the ICC Registry to:

- Continue to carry out appropriate public information and outreach activities to keep victims, affected communities and the wider public in Mali informed about the mandate and work of the ICC and progress with investigating crimes under international law.

ENDNOTES

¹ General Sanogo and his collaborators staged a military coup that overthrew the democratically elected President Amadou Toumani Touré on 21 March 2012. The accused have since been arrested and charged in connection to the case of the enforced disappearance of 21 soldiers in May 2012 and are currently under judicial investigation.

² Military police.

³ All interviews were conducted individually and in confidence. The Amnesty International delegation used a translator when people spoke Tamashek, the language spoken by Tuareg groups in Mali.

⁴ In January 2013 the French army launched Serval Operation, intervening alongside the Malian army and the African-led International Support Mission to Mali (AFISMA) to help regain control of the northern part of the country. In July 2014, it was announced that Serval Operation is to be replaced by a permanent anti-terrorist force known as Barkhane, with some 3,000 soldiers covering Mauritania, Mali, Burkina Faso, Niger and Chad.

⁵ The government and three armed groups, Azawad National Liberation Movement (Mouvement national de libération de l'Azawad, MNLA), the High Council for the Unity of Azawad (Haut conseil pour l'unité de l'Azawad, HCUA) and the Arab Movement of the Azawad (Mouvement arabe de l'Azawad, MAA), signed the agreement in Kidal. It was negotiated by Mohamed Ould Abdel Aziz, President of Mauritania and head of the African Union at the time and Albert Koenders, head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

⁶ A northern town, situated 100 or so kilometres from Gao.

⁷ A Tuareg rebellion, fuelled by fighters arriving from Libya after the fall of Mouammar Gaddafi, launched attacks against the Malian garrisons in the north of the country in January 2012, see Amnesty International, Mali: Five months of crisis, armed rebellion and military coup, 16 May 2012 (AFR 37/001/2012).

⁸ See in particular, Amnesty International, Mali: Five months of crisis, armed rebellion and military coup, 16 May 2012 (AFR 37/001/2012), Amnesty International, Mali: Preliminary Findings of a Four-Week Mission, 7 June 2013 (AFR 37/004/2013) and Amnesty International, Mali: Agenda for human rights in Mali, 30 November 2013 (AFR 37/006/2013).

⁹ The HCUA is an armed group comprised mainly of Tuaregs, formed by dissidents from the armed group Ansar Eddin, and created in 2013.

¹⁰ "Preliminary Agreement for the presidential election and comprehensive peace talks in Mali" signed in Ouagadougou, Burkina Faso on 18 June 2013; copy of this agreement on file with Amnesty International.

¹¹ Article (6) of the "Preliminary Agreement for the presidential election and comprehensive peace talks in Mali"

¹² Article (18) of the above mentioned agreement.

¹³ Mali is a state party to the International Convention for the Protection of All Persons from Enforced Disappearance and has also recognised the competence of the Committee against Enforced Disappearances to receive and consider communications from or on behalf of victims and other states parties.

¹⁴ Rome Statute of the International Criminal Court, Rome, 17 July 1998. United Nations, Treaty Series, vol. 2187, p. 3; signed on 17 July 1998 and ratified on 16 August 2000. Entry into force: 1 July 2002, in accordance with article 126.

¹⁵ See: Situation in Mali, Article 53(1) Report, 16 January, available at: http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/news%20and%20highlights/Pages/pr869.asp

x ("The ICC Prosecutor 'has determined that there is a reasonable basis to believe the following crimes were committed: (i) murder; (ii) mutilation, cruel treatment and torture; (iii) intentionally directing attacks against protected objects; (iv) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court; (v) pillaging, and (vi) rape)").

¹⁶ This armed movement, created in 2012 and originating in the Timbuktu region, seeks to defend the interests of the Arab community in Timbuktu.

¹⁷ It is difficult to attribute the persons to one specific group as some were speaking French, others Tamashek, some were wearing normal civilian clothing, and others traditional dress, from turbans to traditional trousers worn at calf level.

¹⁸ Prefect (*Préfet*) is a senior official who is under the authority of the Governor and who represents the administration in "les cercles" (the local community comprising several towns).

¹⁹ Common Article 3 of the Geneva Conventions.

²⁰ Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities in armed conflicts not of an international character is defined as a war crime under the Rome Statute (Article 8(2)(e)(viii)). In addition, Mali is also a state party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which provides that state parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces (Art.3) and also that armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years (art.4). See also Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art.4 (3)(c).

²¹ See in particular, Amnesty International, Mali: Agenda for human rights in Mali, 30 November 2013 (AFR 37/006/2013), Amnesty International, Mali: Five months of crisis, armed rebellion and military coup, 16 May 2012 (AFR 37/001/2012), Amnesty International, First Assessment of the human rights situation after the three week conflict, 1 Feb 2013 (AFR 37/003/2013) and Amnesty International, Mali: Preliminary Findings of a Four-Week Mission, 7 June 2013 (AFR 37/004/2013).

²² Amnesty International met with several Malian officials during missions to Mali in June and December 2013.

²³ All interviews were conducted individually and in confidence. The Amnesty International delegation used a translator when people spoke Tamashek.

²⁴ See ICCPR, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²⁵ See CRC, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

²⁶ Article 37: States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

²⁷ See in particular, article 17 of the ACRWC, http://www.unicef.org/esaro/African_Charter_articles_in_full.pdf

²⁸ See full text, https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

²⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art.4 (3). Mali is a state party to it since 1989. See also Standard Minimum Rules for the Treatment of Prisoners and Standard Minimum Rules for the Administration of Juvenile Justice.

³⁰ Amnesty International has a copy of this document on file.

³¹ Article 7, Memorandum of Understanding between the Government of the Republic of Mali and the United Nations in Mali related to the transfer of children associated with armed groups

³² Article 5, Memorandum of Understanding between the Government of the Republic of Mali and the United Nations in Mali related to the transfer of children associated with armed groups

³³ A town 900km north of Bamako.

³⁴ "Mali: Preliminary findings of a four-week mission: Serious human rights abuses continue", June 2013, (AFR 37/004/2013).

³⁵ The French Forces told Amnesty International that they had committed to visit the detainees that they hand over to the Malian authorities, to check detention conditions and ensure that detainees are not subjected to ill-treatment.

**AMNESTY
INTERNATIONAL**



www.amnesty.org