MALI

FIRST ASSESSMENT OF THE HUMAN RIGHTS SITUATION AFTER THREE WEEK CONFLICT

AMNESTY INTERNATIONAL

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INTRODUCTION

An Amnesty International delegation concludes today a ten-day mission in Mali and presents below its preliminary findings. The delegation visited the towns of Ségou, Sévaré and Niono. They were also able to conduct research in the towns of Konna and Diabaly shortly after they had been retaken by the Malian and the French military forces.

This is the fourth mission carried out by Amnesty International since the beginning of the conflict in January 2012. The organization published last year three reports highlighting serious human rights violations and abuses committed by the Malian army as well as Tuareg and Islamists armed groups

A clearer picture of the toll of the conflict is just beginning to emerge. But it remains very difficult to confirm the full circumstances of many alleged violations. Amnesty International has received credible reports that civilians have been extrajudicially executed by the Malian military since 10 January 2013. In addition, at least five civilians, including three young children, were killed in an air attack launched in the context of the joint French and Malian counter offensive aiming to take over the town of Konna.

Amnesty International has also collected testimonies about human rights abuses and violations of international humanitarian law by armed Islamist groups including unlawful killings and the use of child soldiers.

Information received by Amnesty International indicates that after Malian and French military forces took over the towns of Gao and Timbuktu, Tuareg and Arab civilians accused of being close to the Islamist armed groups were targeted by segments of the population and some of their belongings were looted. Amnesty International received calls of help from people living in Gao who claimed being targeted because of their alleged links with Tuareg or Islamist armed groups while government forces were reportedly at times standing by. Amnesty International has not yet had the opportunity to investigate these allegations.

CIVILIANS KILLED IN HELICOPTER ATTACKS IN KONNA ON 11 JANUARY 2013

The Amnesty International delegation visited Konna on 27 January 2013, ten days after the city was taken over by the French and Malian armies. The attack on this city by Islamist armed groups on 10 January 2013 had triggered the French intervention.

Amnesty International investigated the deaths of five civilians, including a mother and her three young children, who were killed in their home in the morning of 11 January 2013, in the context of the joint French and Malian counter offensive aiming to take over the town of Konna.

A relative (m) who was in another house of the compound said:

"I heard the sounds of two helicopters and rockets were immediately fired. I was wounded by shrapnel in the feet. Bombs were also fired against the five windows and three doors of my house where my mother, my brothers and sisters were. I rushed inside and saw my mother, my sisters and brothers covered with blood. They bled profusely from several injuries. They could not move, it was already too late, they were dead."

The family members killed in the attack were Aminata Maiga, 40 years old, and three of her children: Adama Maïga, ten years old, Ali Maïga, 11; and Zeinabou Maïga, six. Another of her children, Saouda Maïga, was wounded in the arm and leg.

The Madrasatoun Sabilou Rachade mosque, located in front of this house was also hit by the bombing.

Moreover, shrapnel from the rockets fired by the helicopters mortally wounded at least another victim. A witness told Amnesty International:

"On Friday [11 January 2013], I was in the street at eleven o'clock in the morning, and I saw a mechanic riding a bicycle. He was struck by shrapnel when he was about twenty meters from a house and a mosque hit by rocket fire. He died from his injuries in the Sévaré hospital. "

Witnesses told Amnesty International that there were no members of armed groups or military objectives in the house or mosque that were struck in the attack. They said that there were some members of an armed Islamist group posted at a crossroads about 150 metres from the area struck in the attack.

All the witnesses interviewed by Amnesty International said that no warning had been issued to the population before the air strike was launched.

The delegation wanted to return the following day later on 28 January 2013 to Konna to continue its research but was prevented from doing so by the Malian army.

As soon as the Amnesty International delegation learned about these events, the organization sent a letter to the French Minister of Defense, Jean-Yves Le Drian, calling on 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 Amnesty International delegation also tried to meet the Malian Commander of the Operations in Sévaré to get confirmation whether Malian helicopters had participated in this attack but to no avail. However, a senior minister of the Malian cabinet and a high ranking Malian official 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.

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 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 (not inside the town). These elements have been checked visually".

Amnesty International cross-checked the time of the attack with the witnesses and an official from the town hall of Konna and all asserted that the helicopters attacked around 11.00 am and certainly before the midday prayer. On 30 January, the delegation also received confirmation from a colonel in the Malian army that the attack on the town of Konna had begun around 11 am which was confirmed over the phone by a senior member of the Malian government on the next day.

In light of Amnesty International's findings, it is imperative that France and Mali investigate whether its forces did carry out this attack; and if they did, 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.

ALLEGATIONS OF EXTRAJUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCES BY THE MALIAN ARMY

Amnesty International collected testimonies indicating that Malian military forces were responsible for extrajudicial executions and enforced disappearances in Sévaré (some 630 km north-east of Bamako) and other towns on 10 and 11 January 2013. Other people were arrested and some were reportedly transferred to Bamako.

The Amnesty International delegation interviewed witnesses and others whose testimonies indicated that more than 20 civilians were arrested in the street or at the bus station in Sévaré (some 630 km northeast of Bamako, the capital).. It is feared that many of them were extrajudicially executed and the bodies of some were thrown into a well in the Waïlurdé neighborhood.

A witness told Amnesty International:

"Thursday 10 January, around 4 or 5 pm, I was in the neighborhood of Waïludé when I saw a military vehicle stop near a well. Soldiers got out, took bodies and threw them into the well. The vehicle left and came back to the same place. They took other bodies, at least six and threw them into the well again. Once the bodies had been thrown into the well, they fired two or three bursts of machine-gun into the well."

The next day, other people, including a woman, were similarly executed. A witness told Amnesty International:

"On Friday [11 January 2013] before the 1 pm prayer I was at the bus station when soldiers came to arrest more than 12 people. They asked people to show their identity cards. A woman was among those arrested. She was with her husband. They are Hausa from Niger. The couple was taken to a well nearby. From where I stood, I noticed that they were asked to sit before being shot down and thrown into the well. I do not know where the other ones were taken."

A person who wanted to know what happened to his parents arrested at the bus station told Amnesty International:

"After the Friday prayer, I went to the bus station. Passengers told me that the people arrested had been taken to a place near the cemetery. Upon my arrival at Waïludé, I saw several bodies spread in front of a well. I counted 12 bodies and identified two family members, Ibrahim Dicko, 62 years old and his son Amadou. I noticed that all the people who had been killed were wearing clothes similar to those worn by Islamists. The soldiers threw the bodies into the well before me."

The Amnesty International delegation went to this well which exuded a foul smelling odor.

It appears that some people were stopped and killed because they were wearing clothing that soldier believed identified them as Tuaregs.

A resident of Sévaré told Amnesty International:

"Friday 11 January at 9 am, I was with a friend in the Waïludé neighborhood. A military vehicle stopped. Four soldiers came out with three people, two black persons and one white. They were wearing black pipaos [Some Malian people describe the pipaos as a dress worn by Islamists]. The soldiers made them stand in front of the well and shot them. They then threw the bodies in the well. Around, people did not say anything, I was very scared."

That day, other people were targeted in Sévaré because, according to a witness, they "were wearing clothes, boubous, which could be similar to those worn by Islamists."

Amnesty International also documented the case of three talibés (students of a Koranic School) who were shot and killed in the front of the military camp in Sévaré on 11 January 2013. These talibés, Youssouf Abourou, Ouamarou Sayaow and Soumaïla Amadou were riding a motorbike in front of the military camp when they were shot and killed by Malian soldiers.

The Amnesty International delegation also visited the Niono region (340 km from Bamako) where people were executed by Malian soldiers.

Two cousins, Aboubakrim Ag Mohamed, a thirty-seven year old farmer and marabout, and Samba Ag Ibrahim, a fifty year old shepherd, were reportedly killed by government soldiers in Seribali, 40 km from Niono on Friday 18 January 2013.

A relative said to Amnesty International:

"The soldiers told Aboubakrim that they wanted to search his house. They found nothing, but they asked him to follow them. I heard a gunshot. I headed towards the sound. Aboubakrim's body was lying on the ground Aboubakrim".

Shortly after this execution, the soldiers encountered Samba Ag Ibrahim and executed him next to the dead body of his cousin, Aboubakrim. The two bodies were abandoned there and buried the next day by villagers.

The Commander of the Ségou gendarmerie and the General Prosecutor of Sevaré told Amnesty International that an enquiry would be opened into these cases.

Amnesty International also received reports of individuals arrested by Malian soldiers who remain unaccounted for since then. For example, several people are reported to have been arrested by soldiers in Sévaré on 11 January 2013 and their fate and whereabouts remain unknown. A witness told Amnesty International:

"Friday 11 January, Moustapha Ag Mahama, 72 year old, was beaten on the street by soldiers while leaving his house and taken to a military roadblock where he was beaten again. A soldier slapped him in the face and gave him a kick. I ran to inform his parents, but when they arrived, the soldiers denied access to anyone. I realised Mustafa had been taken by the military. That day, several people were arrested and driven away in military vehicles. Since then, there has been no news of him. "

The son of this man tried to trace him without success.

"When we learned that our father had been arrested, we ran to look for him. When we arrived at the dam, we explained to the soldiers that we were looking for our old man who had been arrested. The military forbade us to cross the dam and threatened to arrest us too. So we

turned back. We could not find him and since that day, we are looking for him."

The allegations of extrajudicial executions and enforced disappearances by government forces would be consistent with established pattern of violations. Amnesty International has documented numerous cases of civilians and captured soldiers unlawfully killed the Malian army since the conflict began in January 2012 (See list of Amnesty International reports at the end of the document), including 16 Muslim preachers were shot and killed by the army in Diabaly in September 2012.

ARBITRARY ARRESTS AND ILL-TREATMENT BY THE MALIAN ARMY

A number of people were arrested by the Malian army because of alleged links to Islamist armed groups.

On 28 January 2013, the delegation was able to meet three detainees at the Sévaré Gendarmerie Mixed Brigade arrested because they were suspected to be members of the Islamist armed groups. Among them was a sixteen year old accused of being a child soldier recruited by an Islamist armed group.

The boy, originally from Niono, told Amnesty International:

"I was looking for a job and I was hired by the Islamists. I was cooking for them. I was arrested by a civilian riding a bike in Douentza. He took me to the military because the way I was dressed was suspicious. They accused me of having gone to the "jihadists" and at the time of my interrogation, I was slapped in the face. I spent a day with the soldiers and have been here at the gendarmerie for six days."

Among the three other detainees interviewed by Amnesty International, one of them, a forty-one year old farmer from Hombouri, said he was arrested on Sunday 20 January at a checkpoint in Fatomia near Sévaré, because he did not have his identity card. He said: "When I arrived at the brigade, I was beaten with a stick and the flat of a knife, I fell unconscious."

Another detainee, also a farmer, told the circumstances of his arrest: "I was arrested in Douentza on 25 January during an identity check at a checkpoint. The soldier in charge of the control told me that my name indicates that I was "jihadist"."

REPORTED HUMAN RIGHTS ABUSES COMMITTED BY ISLAMIST ARMED GROUPS

ALLEGED UNLAWFUL KILLINGS

The Amnesty International delegation received information about two incidents in which members of armed Islamist groups are alleged to have summarily killed captured or injured soldiers and civilians.

The two cases occurred on 14 and 15 January 2013, following the capture of the city of Diabaly (400 km north east of Bamako) by Islamist armed groups.

A witness described what happened when the armed groups entered the city:

"They arrived on Monday [14 January 2013]. There were Blacks, Tamasheks [Tuareg], English-speaking Blacks and a Pakistani. The Islamists mingled with the population to talk to them. Some said they were not Arabs and disclosed their ethnicity. They claimed they had come to Diabaly to establish Islam. "

The day after they took control of the city, members of an Islamist armed group are alleged to have summarily killed five wounded Malian soldiers. A soldier who has collected the testimony of the only survivor told Amnesty International:

“On Monday 14 January, fighting took place between the soldiers and the Islamists at the entrance of Diabaly. A BRDM [reconnaissance and patrol vehicle of Soviet origin] was hit and could not be driven. The soldiers pulled back their positions. The next day, on Tuesday 15 January, the Islamists came to the entrance of the town where the fighting had taken place the day before. One of them opened the BRDM’s door that was hit the previous day. Six injured soldiers were lying on top of each other. The rebel did not rescue them but started shooting. Five of them were killed, one could survive.”

Amnesty International was able to get a copy of an official document mentioning the names of these five soldiers killed : Amadou Koné, Salia Koné, Madjane Diallo, Hainala Ould Aliou and Issa Ongoiba.

In another case, a civilian, Cheickna Kandako, was killed by members of Islamist armed groups on 14 January 2013. A relative of the victim told Amnesty International:

“Cheickna left out home to bring food to his family members when he encountered elements of an Islamist armed group. They tried to arrest him and asked him to follow them. He tried to escape by stepping over a wall. The Islamists chased him and shot him with a bullet that went through his head. A woman who prevented the Islamists from entering the property to protect Cheickna had her arm wounded. ”

USE OF CHILD SOLDIERS

Amnesty International also received information that armed Islamist groups used child soldiers.

Several people in Diabaly told Amnesty International that they saw children (aged between ten and seventeen years) with the Islamists. A witness said: "These children were carrying rifles. One of them was so small that his rifle was sometimes dragging on the ground. "

The deputy mayor of Diabaly said: “I saw three children with the ‘rebels’. They were carrying guns and they had the same outfit as the Islamists, a *pipao* and half pants.”

The Amnesty International delegation also met on 30 January 2013, two other child soldiers held at the Ségou gendarmerie. The Malian authorities told Amnesty International that these child soldiers would be transferred to the social affairs department by the Ségou prosecutor.

One of them seemed to have mental disabilities and the delegation could not therefore interview him. The other one, aged sixteen, was arrested in Diabaly when this town was reconquered by the French and the Malian army and told the circumstances in which he was forced to join elements of the Islamist armed groups:

“I used to study with 23 other pupils with a Koranic Master. Two months ago, the grand-son of my master sold us to the Islamists. We joined a group of 14 other young people carrying firearms. At the beginning, I was asked to work in the kitchen. We used to cook in a Christian church occupied by the Islamists. The rebels would beat us during Koran lessons because they thought our pronunciation of Arabic verses was not correct and they wanted us to pronounce Arabic like them. I was struck four times with a rubber belt.”

This boy also described his training for fighting and how he forced to ingest what appear to have been drugs.

“They trained us to shoot aiming at the heart or feet. Before the fighting, we had to eat rice mixed with a white powder and a sauce with a red powder. We also had injections. I had three. After these injections and eating the rice mixed with powder, I would turn like a motor vehicle, I could do anything for my masters. I perceived our enemies like they were dogs and all that was in my mind was to shoot them.”

This boy told Amnesty International that four child soldiers were killed during the fighting between the Islamist armed groups and the Malian and French military forces that took over the city of Diabaly around 20 and 21 January 2013.

RECOMMENDATIONS

On the basis of these preliminary observations, Amnesty International reiterates its calls upon all parties to the conflict to respect international humanitarian law and in particular Article 3 common to the Geneva Conventions, which provides that the civilians and captured combatants must be treated humanely and prohibits torture and killing of captives.

The organization calls upon the French army to open an independent and impartial investigation into the Konna attack which allegedly resulted in the deaths of at least five civilians.
Furthermore, taking into accounts the seriousness of the information received regarding extrajudicial executions by the Malian army, the Malian authorities should immediately open a thorough, independent and impartial investigation into these allegations and, pending the conclusion of the investigations, remove from duty any of the persons suspected of carrying out or ordering such acts. Where there is sufficient admissible evidence, suspected perpetrators should be prosecuted in fair trials. Victims and their families should receive full reparations.

Amnesty International calls upon Islamist armed groups to end the recruitment and use of child soldiers and release any children who are still in their ranks. Armed groups must remove from their ranking anyone suspected of summary killings and other serious violations of international humanitarian law.

Finally, the organization reiterates the urgent need to deploy United Nations human rights observers, in sufficient numbers and well resourced, to monitor and report publicly on the human rights situation in the conflict areas. Particular attention should be given to situation of children affected by the conflict, including the use of child soldiers, as well as gender and sexual-based violence. The human rights presence should appropriately and transparently investigate all credible allegations of violations and abuses of international human rights and humanitarian law committed by all parties, including any international forces deployed in Mali. Strict compliance should be given to the United Nations Human Rights Due Diligence Policy in order to deny support to any entity where there are substantial grounds for believing there is a real risk of members of those entities committing grave violations for international humanitarian, human rights and refugee law.

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