

## Death penalty

At least two people were sentenced to death, but none was executed. However, the Chief Justice and the Minister of Home Affairs issued statements, implying that executions could not be ruled out under the law. Media reports that the government was drafting a bill to secure implementation of death sentences also raised concern about the possible resumption of executions after nearly six decades.

# MALI

## REPUBLIC OF MALI

Interim head of state: **Dioucondou Traoré (replaced Amadou Toumani Touré in April)**

Interim head of government: **Diango Cissoko (replaced Cheick Modibo Diarra in December, who replaced Mariam Kaidama Cissé Sidibé in April)**

**The armed conflict in the north of the country and the military coup that ensued led to very serious human rights violations committed by the security forces, including extrajudicial executions, enforced disappearances and torture. Armed groups in the north committed abuses including sexual violence, deliberate and arbitrary killings and corporal punishments. Both sides recruited child soldiers.**

## Background

In January, Tuareg and Islamist armed groups launched an uprising which triggered in March a military coup in the capital, Bamako, which overthrew the democratically elected President, Amadou Toumani Touré. This resulted in the de facto partition of the country in April. Despite the appointment in April of an interim Head of State and Prime Minister, the military coup leaders, under Captain Amadou Haya Sanogo, remained politically influential.

The conflict in the north resulted in military and civilian casualties and led to the mass displacement of more than 400,000 people, who found refuge in the south of Mali, or in neighbouring Algeria, Burkina Faso, Mauritania and Niger.

From April, the north was under total control of several armed groups including the Tuareg's Azawad

National Liberation Movement (Mouvement national de liberation de l'Azawad, MNLA) and three Islamist groups: Ansar Eddin, the Movement for Unity and Jihad in West Africa (MUJAO) and al-Qa'ida in the Islamic Maghreb (AQIM).

In July, the government referred the crisis situation in the country to the International Criminal Court (ICC) on the basis that national authorities were unable to investigate and prosecute these crimes. In July and August, the ICC sent a preliminary investigation to determine whether an investigation should be opened. The results were not known by the end of the year.

In October, African leaders from ECOWAS decided to draw up a plan for military intervention to retake control of the north with the endorsement of the UN and several other governments, including France and the USA.

In December, the UN Security Council authorized an African-led force to use "all necessary measures" to take back northern Mali from armed groups.

## Violations by government forces

In its fight against the MNLA, the army launched several indiscriminate attacks against civilian targets in the Kidal region.

■ In February, an army helicopter targeted the Kel Essouck camp near Kidal, injuring at least 12 people and killing a four-year-old girl, Fata Walette Ahmedou, who was fatally hit by a shell.

## Torture and other ill-treatment, and extrajudicial executions

People suspected of being supporters of armed groups or targeted because they were Tuareg, were victims of torture and other ill-treatment or extrajudicial executions by security forces.

■ In January, soldiers arrested two Tuaregs accused of providing petrol to armed groups in Ménaka. They were beaten with rifle butts.

■ In April, soldiers arrested three unarmed men, including two Tuaregs and another man, all unarmed, accused of spying for the MNLA in Sévaré. They were beaten with rifle butts before being extrajudicially executed.

■ In September, the military arrested 16 Malian and Mauritanian nationals in Diabaly before extrajudicially executing them on suspicion of being supporters of Islamist armed groups. The 16 were members of a

movement of Muslim preachers, the Dawa, who had come from Mauritania to attend an annual meeting of their movement in Bamako. An inquiry was set up but by the end of the year the results had not been made public.

## Arbitrary arrests and detentions

People suspected of being supporters of the MNLA were arrested and detained without charge.

■ In February, four people, including the President and Vice-President of the Azawad Women's Assembly, both women, were arrested in the Kidal region and transferred to Bamako. They were all released in April in exchange for 13 people whom the MNLA were holding.

## Abuses by the military junta

### Extrajudicial executions, enforced disappearances and torture

In May, after an attempted counter-coup, soldiers and police officers loyal to former President Touré were tortured and extrajudicially killed or were victims of enforced disappearance. Two soldiers were stabbed to death at Kati military camp near Bamako by army personnel loyal to the junta. More than 20 others were victims of enforced disappearance after being abducted from their cells. They remained unaccounted for at the end of the year. Some of the soldiers and police officers were subjected to sexual abuse and held in harsh conditions during their interrogation and detention.

### Arbitrary detention

The military junta arrested and arbitrarily detained political opponents who protested against their coup.

■ In March, the junta arrested several politicians, including the Minister of Foreign Affairs, Soumeylou Boubèye Maïga, and the Minister of Territorial Administration, Kafougouna Koné. They were detained, some for 20 days, without charge at Kati military camp.

■ In April, several opponents of the military junta, including former Prime Minister Modibo Sidibé and former Minister of Finance Soumaila Cissé, were arrested and taken to Kati military camp. They were released without charge within two days.

### Freedom of the press

From March, the military junta targeted journalists to prevent them from reporting news.

■ In March, five journalists were arrested in Bamako by soldiers and taken to Kati military camp before being

released a few days later. Another journalist, Omar Ouahmane, a French national working for the radio station France culture, was arrested, ill-treated and received death threats by soldiers loyal to the military junta.

■ In June, a privately owned TV station, Africable TV, was censored as it was about to broadcast an interview with an MNLA official.

## Abuses by armed groups

### Arbitrary killings and torture

Armed groups committed serious infringements of international humanitarian law by torturing and executing Malian soldiers taken prisoner.

■ In January, Malian soldiers taken prisoner during an ambush at Tilemcé were tied up and beaten with rifle butts.

■ In January, dozens of Malian soldiers were shot and others had their throats slit by members of Ansar Eddin after being taken prisoner in Aguelhoc.

### Violence against women and girls

During and after the seizing of the north by armed groups, a number of women and young girls were raped, sometimes gang-raped, by members of these groups. Most of the women were abducted at home or in the street and taken to a military camp.

■ At the end of March and beginning of April, several women were assaulted and raped in Gao as they were getting food supplies at the Office of Food Security (OPAM).

■ In April in Ménaka, women belonging to the Bambara ethnic group were reportedly targeted and raped by MNLA members.

■ In late July and early August, six women were attacked in Gossi by several members of an armed group on motorcycles. The women were robbed and three were captured and raped.

### Corporal punishment

Islamist armed groups inflicted corporal punishment and deliberate and arbitrary killings on people who refused to comply with the new rules and behaviours they imposed according to their interpretation of Islamic law.

■ In June, members of the MUJAO flogged people smoking in Bourem.

■ In July, a man in Timbuktu was accused of drinking alcohol and was given 40 strokes of the cane by members of Ansar Eddin.

■ In July, members of Ansar Eddin in Aguelhoc publicly stoned to death an unmarried couple who had had a child.

A number of people accused of theft or robberies had limbs amputated following sham trials.

- In August, a Tuareg livestock farmer accused of stealing cattle had his right hand amputated.
- In September, five people accused of robbery each had their right foot and left hand amputated.

## Child soldiers

Parties on both sides of the conflict recruited child soldiers.

In the government-controlled area of the country, self-defence militias recruited and trained children with the support of the authorities ahead of a planned offensive to regain control of the north.

Children were also recruited by the armed groups that took control of the north of the country. They were often posted at checkpoints to search passers-by.

## Right to education and culture

The right to education in the north was undermined by AQIM who forbade the teaching of French in schools and the mixing of boys and girls.

- In March, all schools and libraries in Kidal were burned and looted apart from two *madrasas* (Islamic schools).

The right to culture was undermined as armed Islamist groups destroyed historic mausoleums. They claimed it was to put an end to the cult of saints.

- In May, AQIM members, supported by Ansar Eddin, began a series of destructions by desecrating the mausoleum of Muslim saint Sidi (Mahmoud Ben) Amar in Timbuktu.

## Acts of terrorism and abductions

At the end of the year, 14 hostages were being held by armed groups, including AQIM, in the north.

- Seven Algerian nationals, including the Algerian Consul in Gao, were kidnapped in April by members of MUJAO. Three of them were released in July.
- In July, three people, two Spanish and one Italian, kidnapped by members of MUJAO in Algeria in October 2011, were released near Gao, reportedly in exchange for the release of three Islamists in neighbouring countries.
- On 20 November, Gilberto Rodriguez Leal, a French national, was kidnapped in western Mali. His abduction was claimed by MUJAO.

## Death penalty

Bamako's Court of Assizes sentenced 10 people to death during the year. Four were convicted of criminal association, robbery, conspiracy and illegal possession of firearms, and two were convicted of complicity in murder.

## Amnesty International visits/reports

✈ Amnesty International delegates visited Mali in April, July and August/September.

📖 Mali: Five months of crisis – armed rebellion and military coup (AFR 37/001/2012)

📖 Mali: "We haven't seen our cellmates since." Enforced disappearances and torture of soldiers and police officers opposed to the junta (AFR 37/004/2012)

📖 Mali: Civilians bear the brunt of the conflict (AFR 37/007/2012)

# MALTA

## REPUBLIC OF MALTA

Head of state:

George Abela

Head of government:

Lawrence Gonzi

**Detention for up to 18 months remained mandatory for asylum-seekers and irregular migrants, and safeguards to challenge it were inadequate. Legal protection against hate crimes was extended to LGBTI people.**

## Refugees, migrants and asylum-seekers

The number of people who arrived by sea increased by 28% (from 1,577 to 2,023) on the previous year. The government continued to automatically detain undocumented migrants, often for up to 18 months, in breach of Malta's international human rights obligations. Unaccompanied children whose age was in question were also reportedly detained. Age determination procedures continued to be inadequate and lengthy.

Appeal procedures to challenge the length and legitimacy of detention and to challenge decisions to reject asylum claims did not meet international human rights standards. Migrants remained exposed to the risk of arbitrary detention.

Conditions in detention centres remained poor and were exacerbated by overcrowding, with hundreds