

Mali

An unexpected push south by Islamist armed groups in January 2013 provoked a French-led military offensive that quickly dislodged the groups and largely ended their abusive occupation of the north. During and after the offensive, Malian soldiers committed numerous abuses, particularly against civilians and rebel suspects in their custody.

Fears about the threat posed by Islamist armed groups linked to Al-Qaeda led to considerable diplomatic efforts to resolve the crisis and stabilize Mali. The French took the lead on military matters, the European Union on training and security sector reform, and the United Nations, through the establishment of a peacekeeping force, on rule of law and political stability. While most of these actors criticized abuses by the Islamist groups, they were reluctant to publicly criticize those by the Malian army.

Largely free, fair, and transparent presidential elections in August helped stabilize the political situation. However, security was undermined by persistent communal tensions, uncertainty about the status of Tuareg rebels; ongoing attacks by Islamist groups, including suicide bombings; divisions within the military; and rising criminality.

Malian authorities made little effort to investigate and hold accountable members of the security forces implicated in abuses. However, in January, the prosecutor of the International Criminal Court (ICC) opened an investigation into crimes allegedly committed in the three northern regions of the country. The Ouagadougou Accord signed in June by the Malian government and two Tuareg groups was ambiguous about whether those responsible for serious crimes would be prosecuted.

The rule of law in the north was undermined by the slow return of members of the judiciary and police to the north. Inadequate budgetary allocations for the criminal justice system in general limited due process throughout the country. Graft and corruption, endemic at all levels of government, further impeded Malians' access to basic health care and education.

Abuses by State Security Forces

Malian soldiers, in their campaign to retake the north, committed numerous abuses, including summary executions, enforced disappearances, and torture. The abuses, which targeted suspected Islamist rebels and alleged collaborators, included at least 26 extrajudicial executions, 11 enforced disappearances, and over 50 cases of torture or ill-treatment.

Detainees were severely beaten, kicked, and strangled; burned with cigarettes and lighters; injected or forced to swallow an unidentified caustic substance; exposed to simulated drowning akin to “waterboarding”; and subjected to death threats and mock executions.

The mistreatment ceased after the detainees were turned over to gendarmes, whom they sometimes bribed to secure their release. The presence of gendarmes, French soldiers, and West African troops served as a deterrent to the most serious abuses.

In August, the leader of the 2012 coup, Capt. Amadou Sanogo, was promoted to the rank of lieutenant general, despite being directly implicated in torture and enforced disappearances in 2012 and October 2013, when forces loyal to Sanogo allegedly killed four and disappeared at least seven of his loyalists who had mutinied. However, in August the interim president repealed a 2012 decree appointing Sanogo as head of the committee to carry out reforms in the army.

Abuses by Armed Islamist Groups and Tuareg Rebels

Before being driven out of northern Mali, combatants with the Islamist groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al-Qaeda in the Islamic Maghreb (AQIM)—committed serious abuses against prisoners and local residents. Enforcing their interpretation of Sharia, the groups beat, flogged, and arbitrarily arrested those who smoked cigarettes, consumed alcoholic beverages, or failed to adhere to the groups’ dress code. In January, Islamist armed groups in Konna executed at least seven Malian soldiers.

AQIM continues to hold as hostages at least eight persons, including two Frenchmen, a Dutchman, a Swede, a South African, and at least three Algerians. AQIM claimed to have executed a Frenchman, Phillippe Verdon, on March 10 in retaliation for France’s military intervention in northern Mali.

On June 1 and 2, forces of the Tuareg National Movement for the Liberation of Azawad (MNLA), which still controls parts of the Kidal region, arbitrarily detained about 100 people, most of them darker-skinned men from non-Tuareg ethnic groups. The MNLA robbed, threatened, and, in numerous cases, severely beat the men. On November 2, two French journalists were abducted in the MNLA stronghold of Kidal and later executed by armed men allegedly linked to AQIM. In September, the MNLA released some 30 prisoners being held by Islamist groups in Kidal.

Accountability

War crimes and other serious abuses were committed by all sides during Mali's recent armed conflict. These abuses include the summary execution of up to 153 Malian soldiers in Aguelhok; widespread looting and pillage, and sexual violence by the MNLA; the recruitment and use of child combatants, executions, floggings, amputations, and destruction of religious and cultural shrines by armed Islamist groups; and the summary execution, torture and enforced disappearance by soldiers from the Malian army. Many health facilities in the north were specifically targeted and looted.

In July 2012, the government of Mali, a state party to the ICC, referred "the situation in Mali since January 2012" to the ICC prosecutor for investigation. On January 16, 2013, the ICC prosecutor formally opened an investigation into grave crimes allegedly committed in the northern three regions of Mali. At time of writing, no arrest warrants had been issued.

The Malian government and military high command gave mixed signals regarding abuses by Malian soldiers, at times flatly denying violations and at others promising to hold alleged perpetrators to account. While Malian authorities investigated a few incidents, including the enforced disappearance of five men in Timbuktu in February and the September 2012 killing by soldiers of 16 Islamic preachers in Diabaly, numerous others have not been investigated, and no soldiers implicated in recent abuses have been put on trial. There was progress in justice for the enforced disappearance in May 2012 of at least 21 soldiers by forces loyal to Sanogo. In October, the judge investigating the case charged and detained three security force members and summoned for questioning 17 others, including Sanogo, for their alleged role in the crimes.

Truth Telling and Reconciliation Mechanism

In March, the interim government established the Commission for Dialogue and Reconciliation, but its efficacy was undermined by an unclear mandate and the hasty appointment of commissioners by the interim government, which failed to consult sufficiently with a wide variety of stakeholders. Because its mandate and powers appear limited to promoting reconciliation, some Malians have pushed for a commission that could address impunity for abuses and recommend individuals for prosecution.

The Judiciary

Neglect and mismanagement within the Malian judiciary led to striking deficiencies and hindered efforts to address impunity for the perpetrators of all classes of crimes. Coupled with unprofessional conduct and corrupt practices, personnel and logistical shortfalls within the justice sector contributed to violations of the right to due process.

Because of the courts' inability to adequately process cases, hundreds of prisoners are held in extended pretrial detention in overcrowded jails and detention centers. Very few of the estimated 250 men who were detained in relation with the offensive to retake the north had legal representation, and several died in custody as a result of inadequate medical care and poor detention conditions. The interim justice minister did, however, replace many corrupt prosecutors and made some progress in improving detention conditions.

Recruitment of Children and Child Labor

During their occupation of the north from April 2012 through February 2013, Islamist armed groups recruited, trained, and used several hundred children in their forces. Scores of children, some as young as 12, took part in battle, and many were killed while fighting or by aerial bombardments. A number of schools were destroyed by French bombings because Islamist groups were using them as command centers.

Child labor in agriculture, domestic service, mining, and other sectors was common, and often included dangerous work that Malian law prohibits for anyone under the age of 18. Child laborers in artisanal gold mining were exposed to health risks from accidents and exposure to toxic mercury. More than two years after its adoption, the government's action plan on child labor remained largely unimplemented.

Key International Actors

Mali's partners, notably France, the European Union, the United States, and the United Nations, issued numerous statements denouncing the offensive and abuses by Islamist groups, but were reluctant to publicly condemn abuses committed by the Malian army.

The establishment of a 6200-strong African-led International Support Mission to Mali (AFISMA), authorized by UN Security Council Resolution 2085 in December 2012, was envisioned to re-establish government control over northern Mali in 2013. This mission was overtaken by events after Islamist rebels attacked the government-controlled town of Konna in January. The attack prompted a six-month military operation by up to 4,500 French soldiers, who were assisted by African forces to re-establish government control of the north.

In recognition of the complex political and security challenges, the UN Security Council in April adopted Resolution 2100, establishing the 11,200-strong Integrated United Nations Mission for the Stabilization of Mali (MINUSMA). In July, most AFISMA troops were re-assigned as UN peacekeepers.

Meanwhile, the African Union and ECOWAS took the lead in supporting negotiations between armed Tuaregs and the Malian government, and in January the AU Peace and Security Council (PSC) mandated the deployment of some 50 human rights observers to Mali. In February, the EU Foreign Affairs Council launched the EU Training Mission in Mali (EUTM), mandated to train four battalions of Malian soldiers and help reform the Malian army. In May, a donors' conference organized by the EU and France resulted in pledges of US\$4.2 billion for development efforts in Mali.

In February, the Office of the UN High Commissioner for Human Rights sent a second fact-finding mission to Mali and surrounding countries. In March, the UN Human Rights Council adopted a mandate for an independent expert.