



MALI

AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW

**15TH SESSION OF THE UPR WORKING GROUP, JANUARY - FEBRUARY
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FOLLOW UP TO THE PREVIOUS REVIEW

Violence and discrimination against women and other concerns

During the first review in 2008, Mali supported most of the recommendations with regard to women's rights concerns.¹ Mali stated that a Personal and Family Code repealing all discriminations against women was to be tabled in Parliament in 2008.² In December 2011, the Parliament passed the Family Code after a second reading requested by the President following protests in Bamako in 2009. The amended version of the law enshrines discrimination against women in most aspects of family life and is widely considered as a regression by national and international NGOs. Revoking Mali's international commitments, references to international instruments on the protection of women's human rights have been deleted in the new law.³ Several amendments modifying the status of marriage perpetuate the inequality between husband and wife. The age of marriage for women has been lowered from 18 to 16⁴ and Article 311 of the law stipulates that "the wife must obey her husband".

Despite Mali's accession to several international standards protecting the rights of children and women,⁵ the deeply rooted practice of female genital mutilation persists. During the previous review in 2008, the government stated that while it could not commit to repressive measures to curb the practice, it was committed to undertaking public education and awareness-raising campaigns.⁶

The death penalty

In the 2008 review, Mali supported recommendations to continue efforts to abolish the death penalty,⁷ including by adopting a bill on the abolition of the death penalty. To date, however, the draft bill has not been approved by Parliament.

Mali has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty and, to Amnesty International's knowledge, at least 54 people have been sentenced to death since the last UPR. However, no executions have been carried out since 1984.

Cooperation with UN human rights mechanisms

Mali supported recommendations to elaborate a timetable to bring the presentation of reports to the treaty bodies up to date;⁸ however, the government rarely submits its reports on time.⁹ Although Mali did not explicitly support the recommendation to issue a standing invitation to the Special Procedures,¹⁰ the government expressed its willingness to fully cooperate with all the Special Procedures and to give careful consideration to requests to visit.¹¹

THE HUMAN RIGHTS SITUATION ON THE GROUND

Since the beginning of 2012, Mali has faced the worst crisis of its recent history. Fuelled by fighters arriving from Libya after the fall of Mouammar Gaddafi, several armed opposition groups – including the Tuareg Azawad National Liberation Movement (*Mouvement national de liberation de l’Azawad*, (MNLA)) and the Islamist group Ansar Eddin - launched attacks against the Malian garrisons in the north of the country in January 2012. The conflict has caused dozens of victims and forced tens of thousands to flee both within the country and towards the neighbouring countries amid human rights violations and abuses committed by both the armed opposition groups and the Malian army.

On 21 March 2012, a group of military officers, led by Captain Amadou Sanogo overthrew the government of President Amadou Toumani Touré. They suspended the Constitution and arrested several political leaders. As a result, the presidential elections scheduled for 29 April 2012 were postponed.

A framework agreement was signed 6 April 2012, under the aegis of the Economic Community of West African States (ECOWAS), which provided for the return to constitutional order and established a transition period headed by a civilian government pending the presidential elections. However, the agreement also gave Captain Amadou Sanogo an important role in certain key aspects of the transition process. Moreover, despite the appointment of an interim Head of State and Prime Minister, in April 2012, the new government remains largely under the influence of the military junta.

At the present time, two thirds of the country are entirely controlled by armed groups. On 6 April 2012, the MNLA declared the “Independence of Azawad”, an area covering all of northern Mali, including the regions of Gao, Kidal and Timbuktu. In the main towns in this part of the country, the civilian population faces dramatic shortages of supplies and humanitarian aid is partly obstructed.

Human rights violation by the Malian authorities and army

Torture and other ill-treatment

The 2010 report by the National Commission of Human Rights documents cases of torture to extract confessions, especially in safety cells of the State Security, as well as poor conditions of detention on a scale equivalent to torture and other ill-treatment.

As the conflict began in the north, people suspected of being MNLA supporters and Tuaregs were subjected to torture and other ill-treatment by the security forces. On one occasion, in Menaka, on 20 January 2012, two Malian soldiers tortured two Tuaregs accused of helping the “rebels”.

Excessive use of force and violation of international humanitarian law

In the course of the conflict with the MNLA, the Malian army has indiscriminately attacked the Tuareg civilian population and civilian targets in violation of international humanitarian law. Helicopters have on several occasions bombed the Kidal region injuring at least twelve people, including a four-year old girl who died of her injuries on 22 February 2012.

Extrajudicial executions committed by the Malian army

Malian soldiers are reported to have extra-judicially executed at least six people, including three unarmed persons accused of spying for the MNLA in Sévaré. They were arrested on 17 April 2012 by a military patrol after being denounced by local inhabitants. They were executed the following day.

Arbitrary arrest and detention

After the military coup, many political leaders, including members of former President Touré’s government, were arbitrarily arrested and detained without charge for up to several weeks at the Kati military camp, headquarters of the military junta near Bamako. All were subsequently released without charge or trial.

A new wave of arbitrary arrests of both soldiers and civilians took place following an attempted counter-coup in Bamako

by soldiers loyal to former President Touré, on 30 April and 1 May 2012. The detainees were taken to the Kati military camp, where they were held illegally for nearly two months during which time some of them were subjected to torture and inhuman treatment.

Moreover, persons suspected of belonging to or helping the armed rebellion movements in the North are currently being held in unofficial places of detention, such as the General Directorate of Public Security and the National Youth Service.

Arrests and intimidation of journalists

Since the beginning of the armed conflict in the North, the authorities have targeted journalists, including three foreigners, to prevent them from freely exercising their profession. Five journalists were arrested by soldiers on 29 March 2012 in Bamako and taken to the Kati military camp before being released. A privately-owned television station, *Africable TV*, was censored on 12 June 2012 as it was about to broadcast an interview with an MNLA official.

Deaths after military exercise

In October 2011, five trainee officers died at the Malian Armed Forces Military School in Koulikoro after participating in traditional initiation rites. The entire management of the Military School was suspended and the torturers were dismissed from the army. The Ministry of Defence ordered an investigation; however the process is currently stalled.

Human rights abuses committed by armed groups

Acts of terrorism and abductions

The north of Mali has seen kidnappings and the detention of hostages for several years. Ten hostages are currently being held by *Al-Qai'da in the Islamic Maghreb* (AQIM), which since 2010 has intensified its activities in a number of sub-Saharan countries, including Mali. Seven people of Algerian nationality, including the Algerian Consul in Gao, have been held since 5 April 2012 by the *Unity Movement for Jihad in West Africa* (MUJAO).

Sexual violence

Since March 2012, a number of women and young girls have been raped, sometimes gang-raped, by armed men, including members of the MNLA, in Ménaka and Gao. Some of the women were assaulted and raped as they were getting food supplies in Gao, others were abducted at home or in the street and taken to a military camp.

In Ménaka, some MNLA members are reported to be targeting Bambara women in particular.¹² To Amnesty International's knowledge, most of the perpetrators of these crimes have not been punished and the rape victims have not received any medical care or compensation.

Deliberate and arbitrary killings

The Tuareg armed groups launched attacks against the Malian garrisons in the north of the country in early January 2012 and summarily executed the soldiers they had taken prisoner, in violation of international humanitarian law. Some of the soldiers had their throats slit after capture of the town of Aguelhoc in January 2012.

South of Gao, two other armed groups, the Songhay self-defense militias¹³ (known as the Ganda Koy and the Ganda Izo), began indiscriminate attacks on the Tuareg populations when the rebellion started in the North in January 2012, killing a number of civilians and looting their belongings.

Several peaceful demonstrations have been repressed by armed groups. One person was shot dead in Gao on 26 June 2012 during a protest against the news rules imposed by the armed groups.

Child soldiers

Amnesty International has collected testimonies indicating that there are child soldiers within the ranks of the armed Tuareg and Islamist groups in the three large northern towns and within the Arab militia of Timbuktu. Armed children, some of them wearing uniforms, have been seen traveling in cars or posted at checkpoints.

Imposition of new behaviours upon the northern population and discrimination against religious minorities

Members of the armed group Ansar Eddin have coerced people living in Gao, Kidal and Timbuktu to change their behaviour, in accordance with the group's fundamentalist interpretation of Islam. Ansar Eddin has imposed dress codes and has also tried to ban books deemed to be contrary to Islam. The imposition of these behaviours has been accompanied by intimidation and physical violence, including deliberate and arbitrary killings in Timbuktu.

Violent anti-Islamist protests also flared up in Gao in May 2012, when armed men stopped youths from playing football and watching television. The right to education has been severely undermined in the north of Mali, by AQIM and Ansar Eddin.

Christian populations have also been threatened. The armed group Ansar Eddin broadcast statements via a private radio station ordering Christians to leave the area and announcing the imposition of Shari'a law throughout the country. In Timbuktu, Christian and Evangelical places of worship have been ransacked and looted.

Looting and destruction

The takeover of the major northern cities by armed groups in March 2012 has been accompanied by looting and systematic destruction of banks, shops, food reserves, as well as public buildings, hospitals, schools and Christian places of worship. In May and July 2012, AQIM members, supported by the Islamist group Ansar Eddin, desecrated several mausoleums in Timbuktu, including UNESCO-listed World Heritage Sites, to put an end to the cult of saints, which is considered not to conform with their conception of Islam.

Humanitarian aid obstructed

The armed conflict in the north of the country has resulted in major population displacement both within the country and towards neighbouring countries of Algeria, Burkina Faso, Mauritania and Niger. As of mid-June 2012, the total number of internally displaced people was estimated at 155,000. Some 200,000 refugees had fled to neighbouring countries. This situation has exacerbated the humanitarian crisis already faced by several countries in the region due to the food shortage currently affecting 15 million people in the Sahel.

Humanitarian agencies have very limited access to the region due to lack of security. Access has also been restricted by the armed group Ansar Eddin who has officially refused any Western aid. On 15 April 2012, it said that it was "willing to talk" with the Malian government and to allow access for humanitarian aid, provided that there is no interference by non-Muslims.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International recognizes that many of the serious violations of international humanitarian law and human rights abuses have been and continue to be committed by armed opposition groups in the north of Mali outside the control of the Malian government. Amnesty International has repeatedly called on all parties to the conflict to respect humanitarian law and has urged the armed opposition groups to end violence against women, end torture and deliberate and arbitrary killings, release the hostages held in the north of Mali, cease discriminatory attacks and threats, end the recruitment and use of child soldiers, and respect the right to education for all.

Amnesty International calls on the transitional government of the Republic of Mali to:

Torture and other ill-treatment

- Give clear instructions to police, gendarmerie and armed forces to always observe international human rights standards, in particular, the right to life and the absolute ban on torture and other ill-treatment;
- Adopt and implement measures to prevent, prosecute and punish acts of torture and other ill-treatment, in line with international standards;
- Promptly, impartially and effectively investigate all complaints and reports of torture or other ill-treatment and to bring to justice those responsible.

Attacks on the civilian population

- Cease all attacks in violation of international humanitarian and human rights law in North Mali, including deliberate attacks on civilians and indiscriminate aerial bombardments;
- Respect the fundamental principles of humanity as set out in common Article 3 of the four Geneva Conventions of 1949, including treating civilians and anyone taking no active part in the hostilities humanely and without discrimination and preventing any extrajudicial executions or acts of torture or ill-treatment.

Extrajudicial executions

- Undertake effective investigations into unlawful killings, notably in the context of the Tuareg conflict;
- Bring to justice those responsible for extrajudicial executions, notably members of the security and armed forces;
- Provide reparation to the relatives of victims of extrajudicial executions.

Arbitrary arrests and harassment

- Stop harassment and arbitrary detention of those opposed to the military coup d'état and to release immediately and unconditionally all persons detained for peacefully expressing their dissent;
- Charge individuals detained for recognized criminal offences or release them. All detainees must have access to a lawyer and doctor of their choice and must be able to contact their families. They must also be promptly brought before independent judicial authorities capable of judging the legality of their detention.

Unofficial places of detention

- End the use of detention facilities not identified as such and immediately to transfer the prisoners held in these facilities to official detention centres, and to grant them the right to contact with their relatives and lawyers and to receive medical care as necessary.

Discrimination against women in law and practice

- Amend the Family Code and bring it in conformity with international standards on women's human rights.

Respect freedom of the press

- To respect and protect freedom of expression and to end all practices that threaten the right to freedom of expression, including threats against journalists and media.

Abolish death penalty

- Commute all death sentences and progressively reduce the number of offences which provide for the death penalty and take subsequent measures towards its complete abolition;
- Ratify the Second Optional Protocol to the International Covenant on civil and Political Rights, aiming at the abolition of the death penalty.

Cooperate with human rights treaty bodies

- Submit promptly all reports that are due to international treaty bodies, including the Human Rights Committee and the Committee against Torture.

¹ Recommendations 56.5 (Germany, France), 56.7 (Netherlands), 56.8 (Czech Republic), 56.9 (Canada), 56.18 (Switzerland), 56.4 (Italy, Canada) and 56.5 (United Kingdom)

² Law n°09-38/ANRM

³ Article 25 of the Family Code states that "Treaties and international agreements on protection of women and children, duly ratified by Mali and published, shall be applied" has been deleted.

⁴ Article 282

⁵ Mali has ratified a range of international human rights standards, including the [cedaw, CRC, ICCPR, ICESCR, CAT]

⁶ Addendum to the Working Group report (A/HRC/8/50/Add.1), paragraph 2.

⁷ Recommendation 56.16 (Portugal, Luxembourg)

⁸ Recommendation 56.2 (Algeria, Portugal)

⁹ Mali has not submitted a report to the Committee against Torture since it ratified it in 1999 and the report to the Committee on the Elimination of Discrimination against Women due in 2010 has not yet been submitted.

¹⁰ Paragraph 57.1

¹¹ Addendum to the Report of the Working Group, A/HRC/8/50/Add.1, paragraph 1

¹² The Bambaras are a major ethnic group in Mali, from the Mandingo group. They are mainly located in the west and south of the country and are also present in other countries of the region.

¹³ Black populations living along the Niger River.