



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Maat for Peace' submission on Mali

Introduction:

Over the past 4 years and a half, the Malian government and its allies committed grave human rights violations against its civilians. The government has also been unable to put a stop to the anti-government militias who continue to terrorize Malian civilians of all ages. Most of the recommendations that the Malian government has supported in the last UPR cycle were not implemented.

Constitutional and legislative framework

Under this theme, Mali chose to support a large number of recommendations that revolve around different topics, but Mali did not succeed in fulfilling these recommendations over the years.

The promotion of free media has not been welcomed in Mali as it showed growing intolerance towards freedom of expression with the ban of two major international broadcasters operating inside the country. The two broadcasters received their first suspensions on 16 March 2022 after being accused of airing false allegations about reports of human rights violations by the Malian army¹. On April 27 2022, the High Authority for Communication declared that those provisional suspensions would be final². Intolerance towards free media and journalists was also expressed when a French journalist was expelled by the Malian authorities. A week after announcing it will become harder for foreign reporters to acquire press accreditation, the Malian authorities expelled the French journalist within 24 hours of his arrival in the country³. He had arrived late on the high of 6 February 2022 and was arrested at this hotel at noon and expelled by the evening⁴. He had a visa to enter the country but the authorities said he did not have press accreditation⁵. The transitional government's communication ministry declared that accreditation would be harder to obtain and that they

¹ VM Reporter. "Malian media regulators ban two international broadcasters." Vulankungu, 30 April 2022, <https://bit.ly/3rHYy8Q>.

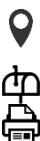
² Ibid.

³ RSF Staff. "Mali expels visiting French reporter." RSF, 8 February 2022, <https://rsf.org/en/mali-expels-visiting-french-reporter>.

⁴ Ibid.

⁵ Ibid.

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will share a new accreditation application form but no further details were provided⁶.

Mali has failed to outlaw FGM and thus failed to protect girls and women from a systematic violation. With 9 out of 10 women and girls in Mali having undergone this ancient ritual, FGM remains a huge concern. The Malian government has ratified several international and regional agreements on women's rights such as the CEDAW and The Maputo Protocol and is therefore obliged to take serious action to put an end to FGM once and for all but no change in laws regarding this deadly ritual has occurred in the last 4 years and a half⁷. Religious leaders seem to have a constricting influence on the government and making it hesitant to outlaw FGM⁸. As a result of this failure, several women's rights groups have filed a case against the Malian government at the ECOWAS Court of Justice hoping to push the government to take a firm stance⁹.

The recruitment of child soldiers by Jihadists has been taking place over the years. The number of children forced to join armed groups in Mali has doubled in 2019 compared to the year before that as jihadist and ethnic violence worsened. In the first six months of 2019, 99 cases of children in Mali being recruited or used by armed groups were recorded compared to 47 in the same period last year¹⁰. The number of children in Mali who were killed or mutilated in conflict also increased significantly to 229 in the first half of 2019, up from 59 in the same period last year¹¹.

Human rights & counter-terrorism

Under the theme of human rights and counter-terrorism, Mali has supported the recommendation of taking the necessary measures to ensure respect for human rights in all action taken to combat terrorism, and allow the competent organizations, such as the International

⁶ Ibid.

⁷ Bhalla, Nita. "Mali's failure to ban FGM challenged in West Africa's top court." Reuters, 12 April 2021, <https://reut.rs/3RlSrQN>.

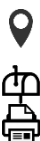
⁸ Finnan, Daniel. "Women's rights groups take Mali to regional court over inaction against FGM." RFI, 12 April 2021, <https://bit.ly/3T9oVQy>.

⁹ Ibid.

¹⁰ Reuters Staff. "Child Soldiers and Deaths Surge in Mali as Violence Worsens." Reuters, 13 August 2019, <https://bit.ly/3SY9PgS>.

¹¹ Ibid.

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Committee of the Red Cross or OHCHR, access to persons suspected of terrorism. It is unfortunate to note that the government and its allies have committed grave human right violations and failed to abide by international humanitarian law while combating terrorism over the last 4 years.

Tens of extrajudicial killings have been carried out by Malian soldiers and security forces over the last 4 years. On June 13 2018, Malian soldiers were responsible for killing more than 30 Fulani civilians¹². In that same week, Malian soldiers who are part of the G5 Sahel Joint Force killed 12 civilians in the town of Boulikessi¹³.

In the first 3 months of 2020, Malian soldiers carried out more than 100 extrajudicial killings. By 27 January, security forces killed 53 people in the Niono Circle, a subdivision in Segou region¹⁴. In Mondoro, in the Mopti region, 46 summary executions were implemented by the Malian army¹⁵. This period of time has also seen 32 cases of torture, 32 forced disappearance and 116 arbitrary arrests.

Since December 2021 until the first quarter of 2022, the number of civilians killed grew bigger leading up to more than 107 civilians killed. Of the 107 civilians, Malian soldiers killed at least 71 of them including traders, village chiefs, religious leaders and children¹⁶. The remaining 36 were killed by Islamic extremists who the Malian army has been unable to control or stop from attacking civilians¹⁷.

The worst massacre to have taken place in Mali for years happened in Moura, a village in central Mali between 27 March and 1 April 2022. Suspecting the presence of armed men belonging to a jihadist movement in the village, Malian army helicopters flew over and began firing indiscriminately at the villagers¹⁸. The aircraft then landed on the ground and several

¹² Lebovich, Andrew. "Mali's impunity problem and growing security crisis." European Council on Foreign Relations, 28 June 2018, <https://bit.ly/3CLpLOm>.

¹³ Ibid.

¹⁴ RFI Staff. "Malian army responsible for 101 extrajudicial killings at start of 2020 – UN report says." RFI, 2 May 2020, <https://bit.ly/3Erko7Y>.

¹⁵ Ibid.

¹⁶ Ahmed, Baba. "More than 100 civilians killed in Mali in recent months." The San Diego Union-Tribune, 15 March 2022, <https://bit.ly/3RMwfAH>.

¹⁷ Ibid.

¹⁸ Roger, Benjamin. "Mali's army and Wagner accused of committing a 'massacre' in Moura." The Africa Report, 6 April 2022, <https://bit.ly/3MibRWY>.

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Malian soldiers along with Wagner mercenaries jumped out and began shooting at civilians¹⁹. The village was encircled for a few days. Those who had gunpowder in their possession or in their homes were immediately identified as jihadists and killed on the spot. The human toll is estimated to be between 200 to 400 people²⁰.

Just a couple of weeks later on April 19 2022, Malian soldiers and foreign military personnel who are suspected to be Wagner mercenaries killed at least 50 civilians and arrested over 600 in the village of Hombori²¹. A woman and a child were among those who were extrajudicially killed²². Some of those who were arrested were later freed but a few dozen were kept in detention, two of which died from torture²³. Six days later, at the Malian army camp in Hombori, a soldier summarily killed 20 other detainees²⁴.

Prohibition of torture, cruel, inhuman or degrading treatment

The Malian government in this theme supported the recommendations made by states to ensure that its armed forces comply with international human rights standards. The government also committed to strengthening efforts to fight the stigmatization of women and children subjected to rape and torture by extremist groups.

In February 2022, a young Fulani herder was detained and tortured in a camp that belonged to the Malian army²⁵. The interrogation included a “white man speaking an unknown language”, who is believed to be a Wagner mercenary, a Malian soldier and an interpreter²⁶. The young herder was forced to drink lots of water by the Wagner mercenary and then had an electric cable tied around his toes by the Malian soldier who electrocuted him until he passed out²⁷. Afterwards, the three men tied his hands and feet and hung him upside down but he was later released as the perpetrators were convinced that he had no information to give them²⁸.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Staff writer with AFP. “50 civilians Killed in Sweep by Malian and ‘Foreign’ Troops: UN.” The Defense Post, 1 September 2022, <https://bit.ly/3Clvi88>.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Le Cam, Morgane. ““This camp has become a center of torture”: in Mali, the army and Wagner accused of abuses against civilians.” Le Monde, 13 March 2022, <https://bit.ly/3CJAFUF>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.



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Incidents of torture with the increased presence of Wagner mercenaries who fight alongside the Malian army. In March 2022, videos released on social media displayed dozens of burnt corpses that were found near Diabaly²⁹. It was discovered, through testimonies from the locals, that the bodies belonged to shepherds who were tortured and executed in a nearby Malian military camp where the Wagner mercenaries were operating³⁰.

In June of this year when fighting between Mali's army and the Islamist militant groups in the northeast Menaka region took place, women experienced sexual violence, a form of and degrading treatment. Most of those who tried to flee from the situation were women and children but some women were viciously caught, raped and then thrown alive into wells³¹. Moreover, in early September 2022 in the abandoned village of Nia-Ouro, Malian soldiers accompanied by Wagner mercenaries ordered the women to undress so they can take their picture and proceeded to rape them according to the locals' testimonies³².

Conditions of detention

Under the theme of condition of detention, Mali was urged to improve the conditions in detention centers as well reduce overcrowding by reducing the number of detainees in pretrial detention and ensuring their judgement within a reasonable period of time.

At the end of 2018, the overall prison population in Mali exceeded 6,250 inmates which is far greater than the official capacity of approximately 3,000 inmates as of 2009³³. The number of pre-trial detention cases results in a substantial burden for the Malian prison system, with an estimated representation of 60 to 90% of the prison population³⁴. The main prison in Bamako, the Maison Centrale d'Arrêt (MCA) or the Bamako Central Prison has an official capacity of 400

²⁹ ADF Staff. "Wagner Group Violence Against Malians on the Rise." ADF, 2 August 2022, <https://bit.ly/3SNRtj3>.

³⁰ Ibid.

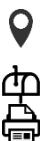
³¹ Mwakideu, Chrispin and Hairsine, Kate. "Civilians bear brunt of heavy fighting in Mali." DW, 11 June 2022, <https://bit.ly/3rHZB8M>.

³² Morning Express Staff. "Mali: the army implicated in new allegations of abuse." Morning Express, 21 September 2022, <https://bit.ly/3fUjmr5>.

³³ Vermeersch, Elise and Del Santo, Elena. "Violent Extremist Offenders Rehabilitation and Reintegration in prison A focus on the challenges and way forward in Mali." UNICRI 22 June 2020, <https://bit.ly/3CJvfJd>.

³⁴ Ibid.

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inmates, but, at the end of 2019, it was holding 2,400 people, resulting in a overcrowding rate of 615%³⁵.

While it is a relief to hear that none of those who were present in Bamako Central Prison during the Covid-19 pandemic were infected due to the wardens' efforts in ensuring hand cleanliness and temperature checks of visitors, some concerns remain regarding the huge surplus of prisoners. The Bamako Central Prison was designed to hold 400 inmates but in 2020 it held 2,100 inmates who were crammed together in filthy cells³⁶. Officers transferred about 600 inmates to another jail in the city's suburbs to reduce overcrowding, namely the prison of Kenieroba, in Mande which is 80 kilometers from Bamako which only had 200 occupants while its capacity is 2,500 detainees³⁷. Additionally, 86 prisoners received a presidential pardon and the files of 1,031 detainees were submitted to the Minister of Justice and the public prosecutor so that they can be pardoned, at least those whose sentence is not heavy and who are at the end of their sentence³⁸. Despite this, the prison remained hugely overcrowded mainly during to the vast number of people held in pre-trial detention. Of the couple of thousands held there, only 160 inmates were actually convicted³⁹. Although none of the prisoners contracted the Covid-19 virus, a visitor who visited the Bamako Central Prison during the pandemic, testified that the guards do not wear masks and that the overall hygiene conditions of the prison are poor due to the lack of soap and gels in the cells⁴⁰. The cells and buildings were also in a poor state with insufficient ventilation of certain cells⁴¹.

³⁵ Ibid.

³⁶ Africanews Staff. "Mali's largest jail keeps coronavirus at bay as outbreak threatens overcrowded prisons." Africanews, 12 August 2020, <https://bit.ly/3V6Jizl>.

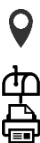
³⁷ Konate, Mamadou. "In the overcrowded central prison of Bamako, the worrying threat of Covid-19." WordPress, May 8 2020, <https://bit.ly/3eevQcH>.

³⁸ Ibid.

³⁹ Africanews Staff. "Mali's largest jail keeps coronavirus at bay as outbreak threatens overcrowded prisons." Africanews, 12 August 2020, <https://bit.ly/3V6Jizl>.

⁴⁰ Konate, Mamadou. "In the overcrowded central prison of Bamako, the worrying threat of Covid-19." WordPress, May 8 2020, <https://bit.ly/3eevQcH>.

⁴¹ Ibid.



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In the Bolle penitentiary in Bamako, Mali's only women's prison, female prisoners have it far better than their male counterparts. The inmates are offered yoga classes as well job-training sessions while their children play around in the nursery⁴². And while this penitentiary is not crowded as the Bamako Central Prison, in 2021, most of the inmates were yet to stand trial because of lengthy delays in the legal system⁴³. Two thirds of the inmates had been imprisoned for months awaiting trial with some waiting for more than a year⁴⁴.

Right to education – General

Under this theme, Mali vowed to prevent the occupation of schools by armed groups. It cannot be said that Mali safeguarded this right as many students have been traumatized by the attacks on their schools.

As of 2022, 519,000 Malian children are kept out of school across the countries due to the closure of 1,700 schools resulting from the lack of humanitarian funding for education as well as the attacks on schools by armed groups⁴⁵. In the following two years, Mali was among the three African countries whose schools were most attacked. In the last year, 2021, the number of children dropping out of school in Mali increased by 15%⁴⁶. Since the beginning of 2022, 1 in 10 schools in Mali has remained closed which exposes children to a lot of vulnerabilities such as early marriage, economic exploitation and the possibility of being recruited by armed groups. Additionally, the Malian state budget has not been able to cover the needs of the education sector with 13% of the national budget going to the construction of classrooms in 2020 and 4.8% to the acquisition of teaching materials⁴⁷. The numbers were worse in 2022 as education was one of the least funded sectors in the humanitarian response, accounting for only 2% of funds received this year⁴⁸.

In light of these gruesome violations committed by the Malian army and its allies as well as Jihadists and extremist groups, Maat recommends the following:

⁴² Kuwait Times Staff. "In Mali women's prison, inmates face a long wait." Kuwait Times, 22 June 2021, <https://bit.ly/3T6ztQv>.

⁴³ Ibid.

⁴⁴ Ibid.

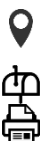
⁴⁵ NRC Staff. "Mali: insecurity and lack of funding force over half a million children out of school." Norwegian Refugee Council, 16 June 2022, <https://bit.ly/3RO37cb>.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

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- **Calls upon the Malian government to comply with their obligations under international humanitarian law when taking measures to combat terrorism.**
- **Implores the Malian government to take all necessary measures to protect civilians including the implementation of maximum caution by all law enforcement units when conducting operations to avoid direct or indirect targeting of civilians.**
- **Ensure that detention facilities meet international standards in terms of cell size and capacity as well as other factors.**
- **Open all detention facilities for unrestricted monitoring by independent international and national monitoring bodies.**
- **All claims of torture and other ill-treatment must be investigated promptly and thoroughly by independent bodies, while making sure that there is no connection between the investigators and the alleged perpetrators among the police.**
- **Establish independent and confidential complaints systems that receive complaints.**
- **Organize mandatory regular trainings and refresher courses to sensitize soldiers on how to properly treat young girls and women, especially during armed conflict.**
- **Ensure that crisis centers are properly equipped and accessible to provide the victims of sexual violence with the necessary physical and mental treatment, legal assistance, and recovery and rehabilitation.**
- **Collaborate with the United Nations to develop a national prevention strategy regarding female genital mutilation.**
- **Finalize the revision of the Child Protection Code by the transitional Government, criminalizing the recruitment and use of children, including those between the ages of 15 and 17.**



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