



fidh



In Central Mali, Civilian Populations Are Caught Between Terrorism and Counterterrorism

Fact-finding Mission Report

Cover Photo: Screen capture from a propaganda video of the Support Group to Islam and Muslims (GSIM or JNIM – Jamā'at Nuṣrat al-Islām Wa-l-Muslimīn in Arabic) showing jihadist fighters on motorcycles, in Central Mali, September 2018.

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ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
Al-Mourabitoun	The Almoravids; also known as Al-Mourabitoun-Al-Qaeda for Jihad in West Africa, and later as Al-Mourabitoun-Al-Qaeda for Jihad in Africa
AMDH	Malian Association for Human Rights
AQIM	Al Qaeda in the Islamic Maghreb
AU	African Union
DNA	Dan Nan Ambassagou, Dogon Militia
El-Mouaguiine Biddam	Signatories in Blood or Those Who Sign in Blood
FAMa	Forces armées maliennes (Malian Armed Forces)
FIDH	Fédération internationale des ligues des droits de l'Homme (International Federation for Human Rights)
GSIM or JNIM	Support Group to Islam and Muslims / Jamaat Nosrat al-Islam wal-Mouslimin
ICC	International Criminal Court
ICG	International Crisis Group
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MISMA	International support mission to Mali
MOJWA	Movement for Oneness and Jihad in West Africa
MNLA	National Movement for the Liberation of Azawad
MST	Maladie sexuellement transmissible
NIEC	National Independent Electoral Commission
OIF	International Organisation of la Francophonie
ONHCR	Office of the United Nations High Commissioner for Human Rights
SSA	Alliance for the Salvation of the Sahel, Fulani Militia
UNHCR	Office of the United Nations High Commissioner for Refugees
UNSC	United Nations Security Council

MAP OF MALI



Credit: United Nations. Circled in black, Mopti and Ségou regions in Central Mali, which is the area covered in this report.

EXECUTIVE SUMMARY

In the wake of the **re-election of President Ibrahim Boubacar Keïta (IBK)**, the **litany of attacks and crimes in Central Mali** reminds us that in this region, **people are caught between terrorism and counterterrorism**. Since early 2018, the region – perhaps the most strategic and multi-ethnic in Mali – has been the scene of an armed conflict led by the jihadists of Amadou Diallo, aka Koufa,¹ community militias and security forces. Civilian populations are the main targets and the primary victims of the myriad armed actors fighting for control of these territories. This *hidden conflict* in the confines of the inaccessible areas of the Niger River Delta is unfolding behind closed doors, sheltered from national and international public opinion. It is also the region of Mali that had the lowest voter turnout in the presidential election of 2018.²

“Central Mali had never known such violence,” a person who knows the area well testified to FIDH and AMDH representatives who, between May and July 2018, conducted an investigation into the ongoing conflict in the area. Through nearly 120 interviews with victims, witnesses, former jihadists, community and association leaders, and local authorities, FIDH and AMDH conducted research into serious human rights violations and the alleged perpetrators thereof, as well as into the dynamics and triggers of the ongoing conflict in Central Mali.

The current epicentre of violence in Mali

Since early 2018, Central Mali has fallen prey to extremely serious violence. It accounts for about **40% of all attacks in Mali, making it currently the most dangerous area in the country**. The asymmetric conflict has intensified and become more complex and, according to available figures, has created about **500 civilian casualties between January and August 2018** and caused the deaths of dozens of combatants during massacres; attacks or fights; assassinations; summary executions; torture; enforced disappearances; etc. Some villages have been burned down, others besieged and blockaded, and their inhabitants hunted down. **More than 15,000 people have had to flee persecution, violence** and sometimes fighting by several involved actors: the jihadists grouped together in this area within the Katiba Macina led by the preacher Amadou Koufa – a member of the nebulous jihadist Al Qaeda in the Islamic Maghreb (AQIM), which since March 2017 has been part of Iyad Al Ghaly’s Support Group for Islam and Muslims (GSIM or JNIM); *defence and security forces*, primarily the Malian Armed Forces (FAMa), which conduct anti-terrorist operations; and *local community militias*, be they Dogon, Bambara or Fula, which prefer to call themselves self-defence groups in their attacked community. From April to June 2018 alone, **at least 287 people were reportedly killed in communal violence**; 91% of these were men.³

In May 2017, FIDH and AMDH had already counted at least 117 people dead and 87 injured in intercommunal clashes in Mopti and Ségou regions in 2016 and 2017.⁴ *“These violent incidents were also*

1. There are several stories about what his last name is. Some say it is Cissé; others, Sangaré; others, Diallo. In this report he will be called Amadou Koufa.

2. Calculation made by AMDH and FIDH based on data provided by the Ministry of Territorial Administration and Decentralization.

3. - Report of the Secretary-General of the United Nations, S / 2018/866, September 25th, 2018: <https://minusma.unmissions.org/sites/default/files/n1829039.pdf>

4. See FIDH-AMDH: *Mali: Terrorism and impunity shake up fragile peace deal*, May 2017, p. 9. https://www.fidh.org/IMG/pdf/note_mali_mai_2017_en_web.pdf

accompanied by waves of displaced people fleeing the violence. There are reportedly about 10,000 internally displaced people in Central Mali so far,” AMDH and FIDH have already warned. **The human cost of the crisis in Central Mali for the last two years would be at least 1,200 killed; hundreds injured; and probably almost 30,000 displaced and turned into refugees.** The number of displaced people in Mali has risen sharply since the beginning of the year, reaching over 75,000 by the end of July. In Mopti alone, the number of IDPs has increased from 2,000 in April to 12,000 in July. In the Mopti Region, too, 972,000 people are in need of protection and humanitarian assistance, according to the United Nations. It is the highest proportion of people in need in Mali.⁵

The AMDH and FIDH investigations reveal that all of the armed actors in the region have committed serious crimes, which can be described as crimes against humanity and war crimes against civilians, as well as serious violations of human rights, international humanitarian and human rights law.

An explosive situation and serious human rights violations by all parties

Amadou Koufa’s katiba: between terrorism, peasant insurrection and social revolt

Since 2015, Central Mali has also been affected by jihadist fever. Led by a man from the region, the jihadist preacher Amadou Koufa, the insurgency has gained sufficient ground and intensity to plunge large areas of the Mopti and Segou regions, including Nampalari, Macina, Seno and the Hayre, into a deadly conflict of an intensity theretofore unknown in this area, even at the beginning of the Tuareg and jihadist insurrection of 2012-2013. In 2012, Central Mali, which marked the separation between the “north,” under the yoke of the jihadists, and the “south,” administered by the State, was not exposed to the same degree of violence, but its people have suffered the consequences in a very concrete way: desertion by the representatives of the State; proliferation of acts of banditry; deterioration of the economic situation; penetration by jihadist militants; and more. We then witnessed, almost as if behind closed doors, the trivialization of violence and the emergence of new local actors, most of them armed, including Katiba Macina, which conducted its first operation in January 2015. The man who heads the “bushmen” of Katiba Macina is no dark horse. Since at least 2008, Amadou Koufa has been a fellow traveller of Iyad Al Galy, the leader of JNIM, a new *joint venture* of AQIM in Mali and the Sahel, which brings together the main armed jihadist and terrorist groups present in Northern Mali (AQIM, Al Mourabitoun, Ansar Dine, and some MOJWA elements) with the exception of their “competitor,” the Islamic State of the Great Sahara (EIGS). This “regional franchise” has enabled this essentially rural and local rebellion to join global jihad and obtain logistical and political support from its allies (equipment, instructors, weapons; visibility, media and political resonance, etc.).

This joining of the “global and media jihad” should not make us forget the essentially local roots of Amadou Koufa’s *katiba*. However, it would be an analytical error to see in this implantation nothing more than an extension of the war being fought by jihadist groups further north. Many observers speak of a form of social revolt, fuelled by a fragile economic situation, on which global jihadism has evidently piggy-backed. The testimonials gathered by FIDH and AMDH from former members of the *katiba* and local actors seem to confirm this analysis. Based on these numerous testimonials, FIDH and AMDH have been deciphering the objectives, the methods, the functioning and the motivations of the group and its members. Far from the image of a homogenous armed group, the disparity in the careers and motivations of the “terrorists” reflects a more complex reality: it is above all a social revolt, particularly of nomadic Fulani shepherds, to overturn an established, predatory order, catalysed by a charismatic preacher from the region. The personal radicalization and alliances of Amadou Koufa

5. <https://news.un.org/fr/story/2018/08/1022432>

complete the anchoring of the group in the camp of the jihadists. The preacher's religious speeches, however, can not completely erase the communal dimensions of the social and societal conflict in Central Mali.

Katiba Macina: territorial control, a strategy of executions and brutal administration

Since 2015 Katiba Macina has developed a strategy of expansion and territorial control of areas in Central Mali, in particular the areas of the flooded regions of the Niger Delta that are most difficult to access. Since 2015, **the group has carried out a strategy of targeted executions and kidnappings of State representatives** (defence and security forces, water and forestry agents, municipal councillors, magistrates, teachers, etc.) and notables, including religious people or "collaborators" suspected of having given information to the Malian authorities, **aiming at the withdrawal of the State and its replacement in its sovereign functions: security, justice, economy, education**. Only health organizations, which are necessary for the group and its support, have escaped this eradication. At the end of the 2018 school year, due to insecurity resulting from threats and attacks by violent extremist groups, 478 schools were closed in the Mopti and Segou regions (68% of schools in the Mopti school system), which represented 65% of the closed schools in the country.⁶

This strategy enabled Amadou Koufa's group between 2015 and the end of 2017 to exercise **effective control over large areas in Central Mali**. Benefiting from a broad support network and without militarily occupying cities and villages, the group nevertheless imposes its laws and *de facto* replaces the authorities. They also attack civilians and the populations to whom they give their "protection," do justice by imposing Islamic law (*sharia*); settle disputes in land, social and criminal matters; manage access to resources, including pastures, and levy taxes (*zakat*); and impose a radical religious lifestyle (mandatory prayers), particularly with regard to women (dress, behaviour, obligations, etc.). Dozens of villages live under their yoke today. **All who oppose them have only one choice: "Leave or die,"** as reported by a witness to AMDH and FIDH investigators. *"They arrive in a village, assemble everyone at the mosque and say what they are going to do. They give the village a week to follow their orders. Those who do not want to may leave. But those who do not comply are executed. They killed 3 men in my village who were collaborating with the authorities. And they did the same in many other villages in the area,"* reports one area resident. Villages that resist are subject to blockades. Kidnappings are also a common practice of Koufa's group. Dozens of people have been abducted, and some released for large ransoms. The operating mode of the Koufa group is well established: those who do not submit are executed. Their bodies are found, in general, at the exit from the villages. A phone call to the families notifies them of the execution to come or past, proof that the group wants to instil a high level of fear and terror.

Initially the populations of Central Mali more or less put up with this **brutal administration**: the *zakat* levied was always less costly than the multifaceted racket of the State agents (water and forestry, defence and security forces, magistrates, etc.); their justice may seem more efficient, faster and cheaper, if more expeditious; dispute settlement was more responsive to needs, in particular the need for proximity. They had little choice, moreover, since the State, already sparsely present in the area, was largely hunted in 2015. Although some people put up with this presence, a large number of area inhabitants describe it as "oppressive."

The intensification of the conflict, the loss of control of the territory and the nearness of the presidential election made it imperative to "regain lost ground." This is the mission of Prime Minister Soumeylou Boubèye Maïga, appointed on 31 December 2017. Since taking office, this former head of Malian intelligence and former minister of defence has been addressing the situation in Central Mali. During

6. Report of the Secretary-General of the United Nations S/2018/866, 25 September 2018.

a visit to Mopti in mid-February, he announced the implementation of the *Integrated Security Plan for the Central Regions*, which provides for a reinforcement of 4,000 soldiers and gives the army new material and financial resources.

But the security situation had already deteriorated too much. The jihadist group's attacks on the State and its establishment within the Fulani community have fuelled community tensions, particularly among the Bambara and Dogon people, who have felt threatened. The reactivation of Bambara and Dogon self-defence groups centred around traditional Donso hunters has plunged the region into a spiral of violence that the new Prime Minister is still struggling to control, despite the security and political measures that have been implemented.

Intra- and inter-community conflicts, and conflicts relating to climate and access to natural resources

Attacks by Katiba Macina against representatives and symbols of the State in Central Mali have reactivated community tensions within a complex, sociologically evolving space that is a site of competition for access to scarce resources. The Niger Delta is a vital space for access to water, pastures and all the resources needed for agro-pastoral activities in Central Mali. This fragile balance has been broken in recent decades, under the combined effects of several phenomena: global warming, population growth, the development of intensive agriculture to the detriment of semi-nomadic herding, the corruption of State agents, decentralization, and more. The climatic changes of the last forty years have intensified drought episodes and expanded drought zones in the Sahelian Belt, aggravated by the development of intensive agriculture to the detriment of semi-nomadic breeding. Because resources are scarce, Central Mali, particularly the Delta wetland, is becoming an issue of clashes for communities or those who want to control it. **The conflict in Central Mali is also a climate conflict**, as discussed recently in the United Nations Security Council.⁷

Since 2016, tensions have turned into open conflicts between communities that have formed or reactivated local community militias, which are engaged in killings, summary executions, sexual violence, the destruction and blockading of villages, violence and threats. The first clashes took place in the Macina Circle in 2016 before spreading to Dogon country and ravaging all of Central Mali during the year 2018 with an intensity never seen in this region.

On 14 April 2018, in response to the deteriorating situation, Prime Minister Soumeylou Boubèye Maïga ordered the disarmament of all civilians in the central region in possession of firearms – licensed and unlicensed individuals alike.⁸ But this measure, which has been implemented little or not at all by defence and security forces, has not halted the cycle of violence in the region. On the contrary, the period from April to June was the worst since the beginning of 2018, since at least 287 people were reportedly killed in community violence. In total, between January and August 2018, about **500 people were killed; 50 villages burned, destroyed or affected; and more than 15,000 displaced due to communal clashes**. The Fulani seem to constitute the majority of the civilian victims of this violence, as well as of the abuses by the Malian armed forces.

Anti-terrorist operations turn into massacres

The response of the Malian authorities to the rebel movement led by Koufa and his men since 2015 has been to conduct anti-terrorist operations characterized by numerous abuses against civilians,

7. See Addressing Security Council, Pacific Island President Calls Climate Change Defining Issue of Next Century, Calls for Special Representative on Issue, 11 July 2018: <https://www.un.org/press/en/2018/sc13417.doc.htm>

8. Report of the Secretary-General of the United Nations, S/2018/541*, 6 June 2018, <https://undocs.org/en/S/2018/541>

primarily the Fulani community. Malian defence and security forces alone are believed to be responsible for about 20% of human rights violations in Mali since the beginning of 2018.⁹

The investigation conducted by AMDH and FIDH has shown that *during the Dambe anti-terrorist operation* of the Malian armed forces, launched in late 2017 in Central Mali, **FAMa units had summarily executed at least 67 people during 6 targeted operations carried out between February and July 2018** in the communes or villages of Sokolo, Dioura, Finadje, Dogo, Boulíkessi and Nantaka. This *caravan of death* has left behind at least six mass graves.

These anti-terrorist operations employ a similar *modus operandi*: arresting civilians targeted and suspected of belonging to the Katiba Macina, summary executing all or only some of the arrested, burying bodies in makeshift mass graves in the very places where the military units had been stationed. Those arrested but not executed during these operations were almost all tortured during the sequence of events comprising their *ordeal in captivity by terrorists*: detention in a military outpost; transfer to the nearest military base and then to Operation Dambe's operational command centre in Ségou; and finally to State Security or Gendarmerie Camp 1 in Bamako. The anti-terrorist operations conducted by FAMa, including by special forces, have reportedly created **more than a hundred victims of summary executions during at least ten massacres and dozens of cases of torture** since the beginning of 2018. These acts constitute war crimes.

The consequences of these anti-terrorist operations punctuated with abuses are immediate and numerous: intensification and ethnicisation of the conflict; the stigmatization of the Fula community as terrorists; the severing of ties with the population; the isolation of the forces of defence and security in an environment considered hostile; the loss of legitimacy and authority by the State; the impunity of perpetrators, etc. By multiplying abuses, FAMa elements have also pushed many people to join the ranks of jihadists or community militias to ensure their defence and security. In June 2018, United Nations Secretary-General Antonio Gutierrez reminded the Security Council that "*mounting allegations of summary executions and abuses by members of the Malian defense and security forces continued to be reported and to have an impact on their ability to restore stability.*"¹⁰

G5 Sahel caught in the turmoil of anti-terrorist operations in Central Mali

The newly launched G5 Sahel Joint Force has also been implicated in serious human rights violations. On 19 May 2018, elements of the Malian Armed Forces under the command of the G5 Sahel killed at least 12 civilians during an operation carried out in retaliation for the murder of one of their elements in Boulíkessi, in the Mopti Region. At the request of the Chief of Staff of the Joint Force, MINUSMA assisted the Joint Force in investigating these facts on the ground.¹¹

The prosecutor in charge of the Mopti case also asked MINUSMA, on 5 September 2018, to help him because he had made no progress in investigating the massacre.¹²

The Boulíkessi massacre demonstrates the difficulties faced by joint forces when operating and conducting anti-terrorist operations in Central Mali, as well as the obstacles encountered in investigating and punishing State agents who have allegedly committed serious human rights violations.

9. Calculations made by FIDH and AMDH based on data from the reports of the Secretary-General of the United Nations, S/2018/541, S/2018/273 and S/2018/866 in 2018.

10. Report of the Secretary-General of the United Nations S/2018/541*, 6 June 2018, p. 7, <https://undocs.org/fr/S/2018/541>

11. Report of the Secretary-General of the United Nations, S/2018/541, 6 June 2018.

12. Report of the Secretary-General of the United Nations S/2018/866, 25 September 2018.

Reactions of Malian authorities but impunity persists

The highest political and military authorities in Mali have attempted to react to the deterioration of the situation, the intensification of community clashes and FAMA's counter-productive abuses on the ground. On 9 May, Prime Minister Soumeylou Boubèye Maïga reaffirmed that the Government would not tolerate any abuses against the civilian population. The Government has issued a number of public statements in which it has pledged to open criminal investigations into allegations of serious human rights violations. With respect to FAMA, the Ministry of Defence modified its communication on the abuses in June 2018, after weeks of denying the involvement of the soldiers in several massacres. For example, following the summary execution of 25 civilians in Nantaka village, Mopti Region, on 13 June, the Ministry of Defence issued a press release on 19 June confirming the presence of a mass grave near this village and the participation of members of the Malian Armed Forces in the massacre. On 7 July, the Ministry announced the opening of a criminal investigation into the killing of 12 civilians by members of the Malian Armed Forces acting under the command of the Joint G5 Sahel Force, committed on 19 May 2018 in the village of Boulikessi (Mopti Region).

AMDH and FIDH also learned from confidential sources that many FAMA elements on several hierarchical levels were "sanctioned" because of abuses carried out against civilian populations in Central Mali. These "sanctions" in fact most often involve the transfer of the elements involved to other regions of the country. In the absence of clear and transparent communication on the measures taken during the investigations into the involvement of defence forces elements in the massacres of civilians, it is unclear whether other measures have been taken by the hierarchy: disciplinary sanctions, precautionary measures, witness protection, etc. Moreover, to our knowledge, no investigation to date has led to a formal investigation of one or more elements of FAMA, let alone to the prospect of one or more trials of FAMA soldiers or officers for their alleged involvement in and responsibility for abuses against civilians, constituting war crimes. The dialogue that our organizations hope to have with the Malian authorities, particularly the Prime Minister and the ministers of defence and justice, should help to clarify the situation and advance the fight against impunity for the perpetrators of the most serious crimes. Asked to give the government's point of view on these facts, Professor Tiémoko Sangaré, Minister of Defense and Veterans Affairs, reiterated "[his] willingness and [his] determination to strengthen this genuine collaboration with [AMDH and FIDH], which is based on the search for a multidimensional response appropriate to the Malian security issue [...] and commits (its) services to providing you as soon as possible all the information you need to include the vision of the Malian Government in the said report".¹³ This information had not reached AMDH and FIDH at the time of finalizing this report.

The role of the Malian government will be crucial, however, in the coming months, not only to put an end to the serious violations of human rights and international humanitarian law committed by State agents in the context of its counter-terrorism operations in Central Mali, but also to have those agents tried, like all perpetrators of the most serious crimes, which in this case qualify as war crimes.

Prime Minister Soumeylou Boubèye Maïga, however, seems particularly involved in the search for peace in the centre of the country. One week after the Dogon self-defence group ***Dana Ambassagou*** signed a unilateral ceasefire, the Prime Minister met in Mopti on 2 October 2018 with militia leaders who agreed to lay down their arms. They warn, through their spokesman, Marcelin Guenguéré, that the militia will react to any aggression against the Dogon community, and therefore ask the government to meet its responsibilities to ensure the safety of the people. The prime minister gave assurances of "the will of the Malian government to do everything necessary to restore and consolidate peace."¹⁴

13. Letter No. 03306/MDAC-CAB from the Minister of Defence and Veterans Affairs dated 3 October 2018.

14. <https://www.studiotamani.org/index.php/societe/8-studio-tamani-articles/politique/17243-mopti-dan-na-ambassagou-depose-les-armes-mais-previent-contre-toute-agression>

Change of approach to restore peace in Central Mali

Many actors in the field believe that there is still time to remedy this dangerous development. As the International Crisis Group pointed out in 2016, “the State is criticized but not utterly rejected.” This is still true in 2018, even if critics are ever increasing and mutual trust ever decreasing. The testimonials of two Katiba Macina veterans who were met with during this investigation show that even those who have broken with the Malian State for some period of time rely today on that same State to help them reintegrate: although fearing possible retaliation from the army, they await a move by the authorities to help them resume a “normal” life and find a way to make a living safely.¹⁵

To do this, the Malian authorities will have to modify their strategy and define new objectives. The fight against terrorism as it has been conducted for years – almost exclusively left to the armed forces – has revealed its limits. The army’s actions have strengthened the jihadist phenomenon rather than stemming it. In some villages today, jihadists are seen as guarantors of a security, even stability, that the State seems unable to provide. Their foothold has expanded, and their management has won them some credibility with those who are “left out” of the system.

In order to regain hearts and minds – which is the only way to achieve pacification of the area and put a stop to the countless human rights abuses – the State will have to develop a roadmap combining military action with social and economic measures. As in other areas affected by the same type of phenomenon, it will be a matter of “subordinate military action to a political strategy.”¹⁶ Such an approach must also include the restoration of basic social services such as education and health; the restoration of a relationship of trust between the State and the civilian populations; the protection of State agents; the fight against radicalization of young people; the fight against illegal trafficking in arms, drugs and humans; and, of course, the fight against impunity for all perpetrators of serious human rights violations.¹⁷

The Malian State must implement fundamental change in its analysis of the situation and measures for remedying it or risk losing the trust of the inhabitants of Central Mali for a long time. Several observers also point to a real danger for the Malian nation as a whole: some fear an explosion of intercommunal violence beyond the Segou and Mopti regions and a spillover into the south of the country. The international community should also be concerned about a regionalization of fighting, a spillover of intercommunal violence and certain social and religious demands being made by jihadist groups beyond Mali’s borders in Burkina Faso, Mauritania and Niger. The actors involved will have to change their approach if they are to bring peace to Central Mali and guarantee regional stability.

15. Interviews with FIDH. Sévaré. 14 and 15/05/18.

16. *The Niger-Mali border: subordinating military action to a political strategy*. International crisis group. Report Africa n°261. June 2018. <https://www.crisisgroup.org/africa/west-africa/mali/261-frontiere-niger-mali-mettre-loutil-militaire-au-service-dune-approche-politique>

17. See FIDH-AMDH: *Mali: Terrorism and Impunity Shake up a Fragile Peace Deal*, May 2017, p. 9. https://www.fidh.org/IMG/pdf/note_mali_mai_2017_en_web.pdf



A Malian soldier from G5 Sahel contingent in Sévaré, May 30th 2018. © Sébastien Rieussec / AFP

METHODOLOGY

FIDH and AMDH, its member organization in Mali, have conducted joint programs in Mali since 2013 on the conflict and resulting serious human rights violations. Our organizations conduct investigations, produce analyses and advocate for conflict resolution, the fight against impunity and better democratic governance. They accompany more than 150 victims of serious human rights violations before national and international courts, including several dozen victims of sexual crimes committed by armed groups in the northern part of the country. To do this, FIDH and AMDH have an extensive network of members, human rights observers and informants in many parts of the country, enabling them to continuously assess the political, security, humanitarian and human rights situation. As part of joint programs conducted in Mali since 2013, FIDH and AMDH carried out extensive investigations for a month and a half into the circumstances and nature of human rights violations committed in Central Mali, especially in the four areas of Macina, Nampalari, Hayre and Seno.

Specifically, they deployed an initial fact-finding mission from 9 to 18 May 2018 in Bamako and Central Mali, chiefly in Mopti and Ségou, to meet victims, witnesses and local actors in the conflict, including ex-jihadists and local authorities. The investigative team was made up of Florent Geel, head of FIDH's Africa office; Antonin Rabecq, deputy head of FIDH's Africa office; Drissa Traoré, coordinator of AMDH and FIDH joint programs in Mali; and Rémi Carayol, a journalist and FIDH mission manager. A second, complementary, mission was carried out in Bamako from 4 to 8 June 2018 by Drissa Traoré and

Rémi Carayol to interview additional victims and witnesses and speak with researchers, association leaders, government representatives and national authorities. Further research and interviews were conducted in June and July 2018 by a team from the joint AMDH and FIDH office in Bamako, including Drissa Traoré and Mamoutou Taou, program assistant.

In total, FIDH and AMDH investigators met with over sixty people for this study, including thirty-five victims and witnesses of human rights violations, but also local and national actors in the conflict, including representatives of militias and self-defence groups present or active in the central region; researchers; academics; representatives of community, humanitarian and social association; local and national administrative and judicial authorities; and representatives of international organizations, influential diplomatic services, and international armed forces present in Mali.

Due to the extreme polarisation of the situation in Central Mali, and in keeping with FIDH and AMDH investigative practices and methods, the investigators focused particular attention on the community, ethnic and political balance of this inquiry and to faithfully conveying the various points of view of all of the parties involved. The analysis that emerges, however, is the sole responsibility of AMDH and FIDH.

It should be noted that during the missions, requests for meetings were sent to members of the government in charge of security issues, including Mr Tiena Coulibaly, then Minister of Defence, specifically on 6 June 2018. In the absence of a reply, AMDH and FIDH sent a new letter to the new minister of defence on 17 September 2018, with a copy to the other ministries concerned, seeking to learn the opinion and the measures taken by the Malian authorities concerning a series of human rights violations discovered during the investigation, particularly when State officials appeared to be implicated in serious human rights violations and in international crimes. On 3 October 2018, Professor Tiemoko Sangaré, Minister of Defence and Veterans' Affairs, sent a letter to AMDH and FIDH expressing "sincere regret for the appointments missed by [his] predecessor for justifiable reasons" and renewing "[his] willingness and determination to strengthen this genuine collaboration with [AMDH and FIDH] based on the search for a multidimensional response appropriate to the Mali security issue." Minister Coulibaly, who was recently appointed when the government Soumeylou Boubèye Maïga 2 came to power, he assured our organizations of "all the interest we take in this exercise, and we thank you very much for the honour you do us by agreeing to involve us in the drafting of your next report by taking into consideration our observations on security issues, acts of human rights violations and the State's responses to these issues and [...] commit my services to providing you as soon as possible all the information you will need to incorporate the vision of the Government of Mali in the said report."¹⁸ This information had not reached AMDH and FIDH at the time of finalizing this report. The dialogue that our organizations hope to have with the Malian authorities, particularly with the Prime Minister and the ministers of defence and justice, should help to clarify the situation and advance the fight against impunity for the perpetrators of the most serious crimes.

Accessibility and security conditions

The areas of Macina, Nampalari, Hayre and Seno are particularly dangerous for non-natives. These areas are disputed between the army, armed militia and the Macina Katiba men who exercise close control over those who move about in these areas. The Malian Armed Forces (FAMa) are regularly attacked during their movements there, while very few international organizations go there, and when they do, it is usually by air (by airplane or helicopter) and by sending people from the localities concerned.

18. Letter No. 03306/MDAC-CAB from the Minister of Defence and Veterans' Affairs dated 3 October 2018.

Due to security concerns and the extreme difficulty of reaching the sectors affected by violence in the four areas mentioned, the investigators were not able to visit the actual scenes of most of the abuses described in this report. At the time of the mission, the city of Mopti had been infiltrated by many jihadist elements and their followers, according to concurring sources. The cities of Mopti and Sévaré were declared a red zone, according to the United Nations and several security services in Western countries. Six weeks later, on June 29, 2018, the G5 Sahel Force CP, based in Sévaré, was targeted by a suicide attack claimed by the Support Group for Islam and Muslims (GSIM) of Iyad Ag Ghali and Amadou Koufa. According to concurring secure sources, the road from Ségou to Mopti/Sévaré was also vulnerable to attacks, improvised explosive devices,¹⁹ and other security risks. The Segou region was also under surveillance because of infiltration and possible tracking operations by jihadist groups. According to the latest information, the security situation in the area has not been resolved.

Due to these security constraints, the victims and the direct and indirect witnesses were interviewed individually and confidentially in Mopti, Sévaré, Ségou and Bamako. Their testimonials were cross-checked and compared to detect for any inconsistency, dissimulation or fabrication. The information collected was also verified using third-party testimonials, maps, and timelines.

Interview, Confidentiality and Security Requirements for Victims and Witnesses

AMDH and FIDH have identified important protection issues for victims and witnesses. For these reasons all interviews were conducted in remote locations and/or according to customized protocols to ensure the confidentiality and security of the sources.

Our organizations paid special attention to the security situation of victims and witnesses and the confidentiality of the interviews conducted. Victims were identified and contacted and their traveling done after the security risks had been assessed and on confidential terms ensuring maximum security for them. The interviews were conducted in secure and confidential locations, individually and with the help of in-house translators when needed.

All of the interviews and recovered evidence were collected and securely stored using secure data storage tools.

Our organizations have also chosen to preserve the anonymity of some of those surveyed in this investigation to ensure their safety, since we have reason to believe that they could suffer retaliation. Most of these are victims and witnesses who still reside at the scene of the abuses or in the areas concerned by this investigation. This is also the case of the ex-jihadists interviewed who mention that their security has been threatened, both by their former co-religionists still fighting within Katiba Macina and by the Malian security forces.

According to evaluations done following this investigation, and on the date of publication of this report, none of the victims or witnesses interviewed by the FIDH teams was worried by their contacts with AMDH and FIDH.

Gender

During their investigation, AMDH and FIDH used gender-sensitive survey methods. This methodology had already been tested during investigations conducted in Northern Mali between 2013 and 2015 into

19. Improvised explosive devices (IEDs).

sexual crimes committed by armed groups and State agents, particularly in Gao and Timbuktu. Our organizations paid particular attention to any element of context that could reveal the commission of acts of gender-based violence, including sexual violence. Acts of sexual violence, in particular rapes of women and girls, were documented by AMDH and FIDH. Our organizations have not documented cases of sexual and gender-based violence against men and boys, but this does not mean that such acts have not been committed.

Until the publication of this report, the phenomenon of sexual violence and gender-based violence committed by armed actors in the ongoing conflict had been documented little or not at all (see *below* in the report). The actual number of acts of sexual and gender-based violence is probably much higher than the number of cases documented in this report, due to the difficulty of gaining access to victims, the stigma specific to this type of violence, which deters victims from reporting the violence they have suffered, and the lack of investigation into these violations.

Current situation and extent of human rights violations

AMDH and FIDH continue to monitor the political, security and human rights situation in the central region of Mali. According to this information, attacks, acts of violence and human rights violations continue to be perpetrated by all parties to the conflict in the areas covered by this investigation.

The investigation conducted by AMDH and FIDH is by no means exhaustive, and the scale of the violations committed by all the parties to the conflict could therefore be greater than that described in this report; nonetheless the report yields facts, numerous specific cases, modes of operation, and recurring events and patterns on which the authors of this report have based their analysis.

The presidential election in July-August 2018 was also punctuated by violence, mainly in the central part of the country. In the first round of the election, on 29 July 2018, 871 polling stations representing nearly 250,000 registered voters were unable to open, largely for security reasons.²⁰ It was mainly in the central part of the country that people were unable to vote: during the first round, 768 of 871 unopened polling stations were in the Mopti and Ségou regions; during the second round, on 12 August 2018, 440 of 490 closed polling stations were located in the Mopti and Segou regions, according to General Salif Traoré, the Minister of Public Security.²¹

Acknowledgments

AMDH and FIDH wish to thank all of the victims, witnesses and those who agreed to provide their testimonials to our representatives, despite their personal situation, the risks they took, and the difficult circumstances in which they live. Our organizations also thank the representatives of the international organizations, Malian authorities, foreign diplomatic services, human rights organizations, academics and journalists who provided important information and analysis for our investigation. We especially wish to thank the Human Rights Division of MINUSMA, in particular its director, for facilitating the mission's move to Mopti-Sévaré and for all the beneficial cooperation that our organizations are bringing about together to prevent human rights violations. We also thank the

20. Ministry of Territorial Administration and Decentralization (MATD), 6 August 2018, *List of centres and offices where voters were not able to vote for various reasons*.

21. The 871 and 490 polling stations not open during the 1st and 2nd rounds, respectively, of the presidential election represent 3.7% and 2.1% of the 23,000 polling stations, according to the Minister of Public Security, General Salif Traoré, quoted by the French daily newspaper *Le Monde* dated 14 August 2018: https://www.lemonde.fr/afrique/article/2018/08/14/mali-l-opposition-rejette-les-resultats-de-la-presidentielle_5342138_3212.html

local and national authorities that accommodate and regularly collaborate with AMDH and FIDH. Lastly, our organizations would like to thank the teams, focal points and human rights observers of AMDH, an FIDH member organization in Mali, for their support in the organization and conduct of this fact-finding mission.



G5 Sahel Headquarters in Sevaré, destroyed after the suicide attack committed by the GISM on June 29th, 2018. © MINUSMA / Harandane Dicko

I. CENTRAL MALI: AN EXPLOSIVE SITUATION

Over the past three years, Central Mali has become the epicentre of violence in a country that has been at war since the Tuareg insurgency and the offensive by jihadist groups affiliated with Al Qaeda in the Islamic Maghreb (AQIM) broke out in 2012. While Northern Mali is still plagued by armed clashes and terrorist attacks, bloody events have decreased over the years, especially since the Peace Agreement resulting from the Algiers Process was signed in June 2015.

At the same time, violence has increased in the Mopti and Segou regions. Attacks by armed jihadist groups allied with those active in Northern Mali, and their oppressive tyranny over a number of rural areas, have been compounded by the abuses of the Malian armed forces, inter-communal clashes and numerous financially motivated crimes facilitated by the absence of State services and the emergence of armed militias. The violence witnessed has thus taken many different forms: targeted assassinations, summary executions, terrorist attacks, pitched battles, mass killings, and more.

In 2018 the phenomenon accelerated, leaving hundreds dead and wounded and thousands displaced. Drawn into a spiral of violence never before seen in Mali, Central Mali has become the scene of bloody crimes that the State has been powerless to check – and that it has sometimes provoked.

“Central Mali” – like “Northern Mali” – is a vague geographical concept, encompassing a variety of realities. What goes on in Douentza Circle sometimes has little to do with what takes place in Tenenkou Circle or Niono Circle. As SIPRI notes, *“At present, the different dynamics of violence show no unifying factor.”*²² However, it is generally accepted that this area, whose heart is around Mopti, represents a historical, cultural and socio-economic continuum. From one season to the next, semi-nomadic shepherds may frequent two very remote grazing areas – during the winter, herders from Nampalari can be found in the vicinity of Bankass.

For the purposes of this report, “Central Mali” will be limited to the administrative regions of Segou and Mopti. In the Segou Region, the area most affected by the violence is located in Nampalari, a territory bordering Mauritania, which extends from the Timbuktu Region in the east to the Wagadou Forest in the west. In the Mopti Region, few areas remain untouched by violence. The areas most affected are Macina, in the Inner Delta, which is on the left bank of the Niger River (an area flooded in the rainy season); and, on the other side of the river, the Seno Plains, which lie at the foot of the Dogon Plateau and extend as far as Hayre.

A. An area of ancient rivalries

Central Mali is a fertile and therefore coveted area. Conflicts there are longstanding and often originate in the sharing of land and natural resources. They pit against one another different ethnic groups with complementary but sometimes-conflicting lifestyles:²³ for decades people have fought for a pond,

22. *Central Mali: Violence, Local Perspectives and Diverging Narratives*, SIPRI Insights on Peace and Security, December 2017.

23. *Sipri Insights on Peace and Security (Sipri)*, *op. cit.*

a field, or the right to move their animals. Traditionally, the Fulani have practiced herding; the Bozo people, fishing; and the Bambara and the Dogon, agriculture. There are also Tamasheqs, Songhais, Moors and Arabs in this area. This socio-economic compartmentalisation sometimes results in ethnic killings – Fulani against Bambara in the Inner Delta; and Fulani against Dogons or Tamasheqs in Seno and Hayre – when the origin of the dispute is actually economic in nature. In May 2012, for example, a land dispute led to the massacre of sixteen Fulani shepherds by Dogon farmers in Sari (Koro Circle).

Sometimes, though, conflicts erupt among members of the same community. In December 1993, for example, a dispute dating back to the colonial period between herders from the villages of Sosobe and Salsalbe (Tenenkou Circle) led to the death of at least 29 people.²⁴ As Adam Thiam, author of a report for the Macina Institute and the Centre for Humanitarian Dialogue, notes, *“The intra-ethnic dimension”* of the tensions *“is too often overlooked.”*²⁵ Fulani society, for example, is far from homogeneous. It includes categories of dominant and dominated, themselves divided into subcategories. The “noble” or “free” castes (*rimbe*) statutorily dominate the artisanal castes (*neenbe*) and the descendants of slaves (*rimaybe*). These statutory differences, inherited from the Fulani Empire of Macina (nineteenth century), among others, *“have been assimilated into a set of rules and practices that structure the political economy of livestock farming and agriculture in the Niger Delta.”*²⁶ It is these rules that are now being challenged by some insurgents, most of them from the so-called “lower” castes.

These conflicts, both inter- and intra-communal, are sometimes fed by old grievances born of a history of violent conquest and enslavement. For example, the Dogons were forced by the Fulani to retreat to the cliffs of the Bandiagara Plateau in the seventeenth century, and to hide there during the creation of the Fulani Empire of Macina in the nineteenth century, in order to escape forced conversion to Islam. In the Inner Delta, those who are known today as *rimaybe* are descendants of indigenous groups (Bamana, Bobo and others) enslaved during the various Fulani conquests. Today they are free and are considered Fulanis.²⁷

In the past, bloody events were relatively limited. Most conflicts were settled peacefully, even though some resulted in violent crimes. Similarly, different economic activities and land management were regulated by a set of norms and traditions inherited from the past. In the Inner Delta, a relatively small area, the peace was kept for a long time only through subtle compromises among the three systems of production (agriculture, fishing and herding). *“There have always been lingering conflicts between herders and farmers. It is natural. The conflicts re-emerged with each change of seasons. But they never went very far. In recent times, however ‘communal life’ has been harmed,”* says a mediator from the Mopti Region.²⁸ This fragile balance has broken in recent decades, under the effect of several phenomena.

Global warming, particularly the droughts of the 1970s, which had a considerable impact on the levels of the Niger River, has forced farmers, mostly semi-nomadic Fulani, to change their habits or even to give up their herds. Those in the Inner Delta have been forced to seek new grazing lands in less arid regions, thereby upsetting local balances of power. Their “arrival” has caused tension, not only with the farmers, but also with the “owners” of the pastures in the Delta. The latter, Fulanis from dominant statutory groups, bear the title of *jowro*. Chosen by family councils from among those of “noble” lineage, they carry out their duties on a delimited territory, called *leydi*, which is a product of the administrative division of the Inner Delta during the formation of the Macina Empire in the first quarter of the nineteenth century. *“As ‘gatekeepers’ of access to the Delta, they regulate and organize the entry*

24. *Central Mali: an uprising in the making?* International Crisis Group (ICG), Africa Report No. 238, July 2016.

25. *Central Mali: Stakes and Dangers of a Neglected Crisis*, Macina Institute, Humanitarian Dialogue (HD), March 2017.

26. Macina Institute, HD, *op. cit.*

27. Macina Institute, HD, *op. cit.*

28. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

and exit of herds to and from fertile lands. Historically, the price of passage (conngi, tolo) imposed by the *jowro'en* on indigenous Fulani and their herds served to regulate the number of animals that could graze in the Delta and thereby to ensure a certain balance.²⁹ This fee, which was previously symbolic, has steadily increased in recent decades. The *jowro* have been accused of extorting payments from herders who are “foreign” to the Delta, pushed southward by the shortage of water. This sharp deterioration in relations between *jowro* and non-native herders has provoked tensions, which jihadist groups have exploited by promising to challenge this system. Indeed many herders, who are young and of lower lineage, have joined their ranks.

In both the Macina and the Seno, many herders, weakened by episodes of drought, have also been forced to sell their animals to wealthy businessmen from the urban elites (Dogons, Bamanans or Fulanis). In so doing they became mere shepherds, dependent on their employers, with whom they had previously been in competition.

Global warming has also affected fishers, who find it more difficult to fish, and farmers, who suffer from the degradation of land made less fertile by water shortages. This development has resulted in high levels of food insecurity. As early as 1986, the National Early Warning System had classified the area beyond the 14th parallel (essentially the circles of the Mopti Region, as well as some of the regions of Ségou and Koulikoro) as being in a state of chronic food insecurity.³⁰

Under the combined effect of this new climate reality and increasing insecurity beginning in the early 2000s, the Mopti Region has suffered a deep economic recession. Its three main sources of income – tourism, agriculture and livestock – are now depressed.

Population growth, which is very high in this area,³¹ has contributed to a scarcity of available land. Many areas formerly devoted to herding are now occupied by farmers, who are more and more numerous. It is not insignificant to note that the violence observed in recent months has occurred in areas previously reserved for overwintering animals but now worked by farmers, in Gondo, Nampalari and Sanaari.

In Dogon country, population growth has also forced populations to colonize new lands. With densities sometimes greater than 600 inhabitants per km², the Dogons, driven by episodes of famine, were forced, in the mid-twentieth century, to leave the Bandiagara Plateau and settle on the sandy plains (*seeno*) below. This gradual colonization of Gondo and Mondoro has created tensions: formerly those lands were occupied for part of the year by Fulani herders. Over time, Dogon hamlets were built next to Fulani hamlets (often based on the presence of a well). Then the balance of power shifted. Weakened by drought and divisions within their chieftaincies, the Fulani lost control of the plains. Farmers imposed their rules for the entry of herds into their fields or for the use of wells. Dogon villages sprang up in grazing areas formerly encircled by Fulani camps.³² Many herders have even been forced to sell their livestock to the Dogons, becoming mere shepherds. A member of the Dogon community who has worked as a mediator for several months believes that this development largely explains the current tensions: *“Pacts and moral agreements have been broken. Many villages have been created in traditionally Fulani areas. The Fulani communities have taken advantage of the presence of jihadist movements to regain their lost spaces. Farmers have felt betrayed, and they too have made use of*

29. Macina Institute, HD, *op. cit.*

30. Macina Institute, HD, *op. cit.*

31. The fertility rate (total fertility rate - TFR) was, based on the only available data, 5.8 children per woman in the Mopti Region, and 6.3 children per woman in the Ségou Region in 2009. RGPH 2009-INSTAT. http://www.instat-mali.org/contenu/rgph/rafec09_rgph.pdf

32. *Dogon Country in Mali: from Isolation to Openness?* Bénédicte Thibaud. Espace populations sociétés, 2005/1, 2005.

*armed men.*³³ According to another mediator, this one from the Fulani community, some Dogons have also taken advantage of the tensions to chase off the Fulani and take their land.³⁴

During the same period in the second half of the **twentieth century, the development of intensive agriculture** promoted by the central government and international donors in the Inner Delta resulted in the expansion of land used for agriculture and, by a pendulum effect, to a scarcity of land devoted to grazing, even as herd sizes increased. It has also affected local rules and regulations, particularly those governing access to water points. All of this has helped to weaken the position of the herders. The latter denounce the paucity of space now allocated to them, against a background of land speculation. Farmers, for their part, accuse herders of not respecting agricultural cycles and letting their animals ravage farmers' fields.

The development of the Alatona irrigated perimeter (Segou Region), which guarantees farmers access to land ownership, often touted as a success by donors, is cited, in the region concerned, as an example of the type of project that has helped to poison relations between herders and farmers and disrupt the existing equilibrium by creating new norms, particularly with respect to ownership, and by excluding former users from the areas in question (Macina Institute, HD).³⁵

The superimposition of laws passed in Bamako over traditional methods of regulation established in the nineteenth century, with which they sometimes conflict, and an increasingly frequent recourse to State justice, have also helped to upset the balance of power and diminish the legitimacy of traditional authorities. Traditional authorities formerly acted as regulators and mediators in cases of conflict. The Fulani, who have been particularly isolated from the types of State structures imposed before and after independence (1960), long ignored by public policies in education, and thus little present in the defence and security forces and poorly represented in the political arena, have suffered from this new situation.

The corruption of State representatives – magistrates; water and forestry officials; and members of law enforcement agencies (gendarmes and soldiers) – mentioned by almost everyone interviewed during this investigation has also helped to create a rift between the population and public authorities. The Mopti and Ségou regions are known to be coveted by some officials eager to get rich quickly. The high density of herders, who, with their livestock, have a large and easily mobilisable capital, and who are known to keep large sums of money on them when they move, as well as the proliferation of local conflicts related to the exploitation of natural resources, are seen as a good way to profit from court decisions. *"Herders estimate that a court victory costs them the equivalent of the price of a four-year-old ox,"* reports a sociology researcher specializing in the Kareri.³⁶ Water and forestry officials and members of the security forces are regularly accused of extorting money from shepherds during their travels. These abuses of power have resulted in a twofold phenomenon: a breakdown of trust between local populations and representatives of law enforcement; and people's use of force to take justice into their own hands.

Finally, **decentralisation and the emergence of electoral competition** beginning in the 1990s have had an impact on local authorities, strengthening or, at times, weakening them. In a study on pasture access in the Inner Delta, Boureima Maiga shows how, at the height of decentralisation in the mid-

33. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

34. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

35. Macina Institute, HD, *op. cit.*

36. Interview with AMDH and FIDH, Bamako, 11/05/2018.

1990s, some Jowroen managed to capture the electoral ballot. The “owners of the plains” thus became mayors, which further strengthened their influence, to the detriment of their “social inferiors.”³⁷

The conjunction of these phenomena has led to tensions, and ultimately to violence. In addition to the bloody episodes connected to land disputes, robbery (the theft of vehicles or livestock) has increased over the past three decades. Many cases of political score settling have also been seen. Criminal groups have emerged, recruiting young shepherds and taking advantage of the State’s absence from much of this difficult-to-access territory and the proliferation of arms, which was facilitated in particular by the resurgence of the Tuareg Rebellion in Northern Mali in the early 1990s and the fall of Muammar Khadafi’s regime in Libya in 2011. As an elected representative from the Mopti Region notes, *“Before, we fought with clubs or hunting rifles; now we fight with military weapons.”*³⁸

The rebellion launched in 2012 by the National Movement for the Liberation of Azawad (MNLA), followed by the occupation of a large part of Northern Mali by armed jihadist groups, has only worsened the situation.

B. ... left to fend for itself in 2012...

In 2012 all eyes were riveted on events in Northern Mali’s major cities – Timbuktu, Gao and Kidal – which were occupied first by MNLA rebels and then by jihadist groups united under the banner of Al-Qaeda. Central Mali, marking the division between the “north,” which had fallen under the yoke of the jihadists, and the “south,” which was administered by the State, was not subjected to the same degree of disarray, but its populations have suffered the consequences in a very concrete way: desertion by representatives of the State and consequent deprivation of State services (apart from a few military posts); an explosion of crime; deterioration of the economic situation – including the collapse (among other things) of tourism, which until then had survived in the city of Mopti and in the Dogon country; penetration by jihadist militants; and more. Almost as if behind closed doors, we witnessed the trivialization of violence and the emergence of new local actors, most of them armed.

The easternmost part of the Mopti Region (Douentza and Youwarou circles) was the area most directly affected by the presence of armed groups. Deserted by security forces and State agents, it was quickly overrun by MNLA men, followed by those of the Movement for Unity and Jihad in West Africa (MOJWA). The other rural territories of the Mopti Region and the northernmost part of the Segou Region (particularly Nampalari) were not occupied by the jihadists, who had stopped in the town of Léré, further to the east. They did, however, make periodic forays there. Civilian populations were left to fend for themselves after the State agents fled. Schools, courts, and some health centres have closed. *“We had to make do all by ourselves,”* summarizes a local elected representative of the commune of Nampala.³⁹

Despite all its shortcomings, the State until then had been the guarantor of a certain stability and a modicum of security. Some residents took advantage of the security and administrative vacuum left by the withdrawal of State representatives to express, sometimes violently, their rejection of the system. The pent-up frustrations of several decades on the part of certain categories of the population of Central Mali came to light in dramatic fashion.

37. “Access to Pastures in the Inner Niger Delta: The Case of the Bourgoutières of Leydi Yaalarbé.” Maiga, Boureima. In G. Hesselting, M. Djiré and B. Oomen (eds.), *Law in Africa: Local Experiments and State Law in Mali*. Paris: Karthala, 2005, 183-214.

38. Interview with AMDH and FIDH, Bamako, 11/05/2018.

39. Interview with AMDH and FIDH, Bamako, 11/05/2018.

As SIPRI recalls, the 2012 crisis “opened up for challenges” against State norms and traditional hierarchies and “has made way for radical demands and provided little protection for the formal or traditional elites challenged as a result of this democratic inertia.” It also made possible the proliferation of weapons, highway robbers and cattle thieves (*terere*), who have formed organised groups on both sides of the Niger River, especially in the border areas.

Faced with this threat, communities were forced to organize in order to defend themselves. Self-defence militias, often ethnically based, sprang up everywhere. Some came under the banner of a more powerful armed group, in order to benefit from its protection and obtain military weapons.

In the Douentza Region, for example, Fulani herders, harassed by MNLA elements and in conflict with Dogon farmers negotiated to join MOJWA (after unsuccessfully seeking help from the State). They sent several young people to Gao for training, to try to stop the cattle raids and killings that had plunged their community into mourning.⁴⁰

One of the organizers of this operation was the chief of Boulikessi. His story is the subject of a study conducted by anthropologist Boukary Sangaré.⁴¹ Sangaré explains that the primary motivation of the men who allied themselves with MOJWA was not religious doctrine. It was all about surviving in this particularly dangerous period, during which armed bandits and MNLA elements were conducting raids. Sangaré reports that “many nomadic Fulani interviewed in the Douentza Circle bitterly recall the raids conducted by a man named Marouchal, a Tuareg warrior of the Ibogholitane faction from the Inadiafane area, whose sons were MNLA representatives during the occupation. Fearing the restoration of Tuareg hegemony in the region, Fulani pastors rapidly swore allegiance to MOJWA. These allies of MOJWA consist mostly of Toleebé Fulani from Niger and Jelgoobé from Burkina Faso. Commonality of identity was the main factor that motivated the Fulani of Hayré and Seno to join MOJWA in 2012.”

This militarization of communities continued after the departure of the jihadists in 2013, despite the return of the Malian Army. Although everyone in Bamako knew about it, it was not mentioned during the Algiers negotiations that led to the signing of the peace agreement in June 2015. As SIPRI notes, “the security, political and social responses to this crisis (...) were primarily concerned with the northern regions or with the whole of the national territory, without any particular attention to the needs of the central regions.” This “forgetfulness” has led to a feeling of abandonment among the populations of Central Mali, especially the Fulani. “They were frustrated at being excluded from negotiations, when Arabs and Tuaregs who frequent Nampalari had been compensated after previous rebellions. Some said that the only way to be heard was to take up arms,” said an elected representative of Nampala.⁴²

C. ... disrupted by the return of the State beginning in 2013...

In early 2013, Central Mali became the staging ground for the reconquest of Northern Mali. In January, jihadist forces launched a double surprise offensive: from Douentza they attacked the most advanced outpost of the Malian army, located at the entrance to the town of Konna, 50 km from Sévaré; further north in the Inner Delta, they advanced on the town of Diabaly. This violent attack, which left dozens of jihadist fighters and Malian soldiers dead, led to the intervention of the French army (Operation Serval) and the establishment of a West African force, MISMA (International Support Mission in

40. ICG, *op. cit.*

41. *Is the Mali center and epicenter of jihadism?* Boukary Sangaré. Group for Research and Information on Peace and Security, May 2016.

42. Interview with AMDH and FIDH, Bamako, 11/05/2018.

Mali), which was relieved in July 2013 by a UN force, MINUSMA (United Nations Multidimensional Integrated Stabilisation Mission in Mali).

On the heels of the French and African troops, the Malian Armed Forces (FAMa) retook the area. This reconquest was accompanied by abuses against local populations, including summary executions. In Sévaré in late January, at least 11 people were executed in a military camp near the hospital. Another twenty or so were reportedly executed by Malian soldiers and their bodies buried or dumped in wells. At the same time, in the Niono region, two Tuaregs were executed by Malian soldiers.⁴³ Other sources mention summary executions of religious leaders and some of their students (talibes) in Konna and Naminiana. Cases of torture were also mentioned.⁴⁴ Many people were also reported missing after being arrested by the Malian army.

Over the following months, human rights violations were observed during multiple search and sweep operations. In Hayre and Seno, the Fulani were particularly targeted because some of them had joined MOJWA. Militia disarmament operations were carried out with no pre-established plan and appeared to be mainly aimed at nomadic populations.

The return of civil servants also created tensions. Schools, gendarmerie stations and health centres for the most part reopened. But some agents recycled past practices, engaging in racketeering and bribery. For some residents, the withdrawal of the State in 2012, synonymous with the end of taxation, predation and other harassment, had been perceived as a blessing.⁴⁵

Moreover, this return did not restore security. On the contrary, in the eyes of some inhabitants, it contributed to the deterioration of security. *“Once FAMa came back, thefts of livestock increased,”* said a local elected official in Nampala commune. *“People went to the military to ask them to secure the movements of the herds, but they got nothing. Some people then turned to armed groups or decided to arm themselves.”*⁴⁶

In addition to the violence attributed to Malian soldiers, several bloody episodes highlighted the impotence of the police to ensure the protection of civilians. On March 18, 2013 in DOUNGOURA (Tenenkou Circle), at least twenty people, mostly Fulani traders, were killed and thrown into a well. Suspicion fell on elements of the MNLA, but the case was never solved. Other abuses were reported in the same area in subsequent days.

The situation only worsened after 2015, once the jihadist groups, having regrouped after their rout in 2013, launched several operations in Central Mali.

D. ... targeted by jihadists as an area to “win”...

The first attack attributed to jihadist fighters in Central Mali took place almost two years to the day after Konna’s defeat. On January 5, 2015, dozens of assailants struck the Nampala military camp (Niono Circle). An unofficial report shows eight Malian soldiers killed and nine others wounded; a dozen jihadists were also killed during the battle. The gunmen then took the city and flew their black

43. FIDH press release: <https://www.fidh.org/fr/regions/afrique/mali/Exactions-des-militaires-maliens-l-12788>

44. Human Rights Watch press release, 26 March 2013. <https://www.hrw.org/fr/news/2013/03/26/mali-des-soldats-ont-torture-des-detenus-lere>

45. ICG, *op. cit.*

46. Interview with AMDH and FIDH, Bamako, 11/05/2018.

flag there for several hours. Other attacks were carried out in the Tenenkou Circle in the days that followed: in Dioura on 7 January and in the village of Tenenkou on 8 and 16 January. Since then, the jihadists, who call themselves “bushmen” (*yimbe ladde* in Fulfulde), continually expanded their area of influence.

They continued to conduct periodic attacks against Malian defence and security forces, using homemade landmines on the roads, among other things. Persecuted, the defence and security forces again temporarily deserted the area, leaving civilian populations at the mercy of armed groups. They also targeted MINUSMA peacekeepers, known as “Blue Helmets.” Dozens of peacekeepers died, especially during attacks on their convoys. On 7 August, 2015, they attacked a hotel, the Byblos, in the very heart of Sévaré. This establishment had housed MINUSMA elements. The official record shows thirteen dead: four Malian soldiers, five UN mission contractors and four attackers.

Jihadists also carried out targeted assassinations against State officials (including water and forestry officials), traditional chiefs, marabouts, imams and local officials who opposed their views of Islam or were suspected of “collaborating” with the State. A number of them were forced to flee rural areas and take refuge in Mopti, Ségou and Bamako.

These fighters are thought to belong to the Katiba Macina led by Amadou Koufa and affiliated with Ansar Dine, the group of Iyad Ag Ghaly. In a video broadcast on March 1, 2017, formalizing the merger of several jihadist groups into a single movement, Jamaat Nosrat al-Islam Wal-Mouslimin (JNIM) [Group for the Support of Islam and Muslims], Koufa appears alongside Ag Ghaly; Djamel Okacha (Al-Qaeda in the Islamic Maghreb – AQIM); Abu Hassan al-Ansari (Al-Mourabitoune); and Abu Abderrahman El Shenhadji (AQIM).

The establishment of Katiba Macina in Central Mali appears to be the result of a strategy established by jihadist groups operating in Northern Mali, in particular by Iyad Ag Ghaly. Although we do not know how long this plan was in the making, it seems likely that it was conceived well before the first attacks of January 2015, and that Koufa was then already the person chosen by Ag Ghaly to implement it. *“Although Operation Serval thwarted these plans temporarily, they were very opportunistically revived in 2014 by Ansar Dine, as pressure mounted against the jihadist group in its northern stronghold in the Kidal Region, on the one hand, and as Amadoun Koufa’s group reorganised itself following significant losses in the battle of Konna, on the other,”* believes Adam Thiam.⁴⁷

It would be an analytical error, though, to see this entrenchment as a mere extension of the war fought by jihadist groups further north. Many observers speak of a form of social revolt, fuelled by a fragile economic context, on which global jihadism evidently piggy-backed. Koufa’s career illustrates this view.

Amadoun Koufa is considered a “lieutenant” of Iyad Ag Ghaly. His membership in Ansar Dine dates back to 2012. His ties to the former Tuareg rebel, however, go back further. In 2009, we see them side-by-side in Bamako during demonstrations against the family code. Like Ag Ghaly, Koufa frequented the Markaz Mosque, known to shelter members of the Pakistani Dawa sect, which preaches a non-violent fundamentalist Islam, but which some specialists describe as a backdoor to jihadist armed groups. In 2012, Koufa left the Mopti Region to join the jihadists who controlled Northern Mali. According to a religious cleric who knew him well, he brought with him a number of his young Fulani followers.⁴⁸ He was apparently seen in Timbuktu at the time. Ag Ghaly put him in charge of negotiating with transitional authorities for the release of Malian soldiers held by Ansar Dine – evidence of his high rank in the complex web.

47. Macina Institute, HD, *op. cit.*

48. Interviews with FIDH, Sévaré, 14 and 15/05/2018.



Video capture of Jamaat Nosrat al-Islam wal-Mouslimin (JNIM). From left to right, Sheik Mohamed Koufa (Amadou Koufa – Katiba Macina); Commander Yahya Abou Al Hamem (Djamel Okacha – AQMI); Sheik Iyad Abou Al-Fadhel (Iyad Ag Ghaly – Ansar Dine); Commander Al Hassan Ansari (Mohamed Ould Nouini, dit Abou Hassan Al-Ansari, killed on 14 February 2018 near Tinzwatène – Al-Mourabitoune); Sheik Abou Abd Al-Rahman Al-Sanhaji (Abou Abderrahman El Shenhadj – AQMI).

In January 2013, during the jihadist offensive on Konna, he was on the front line. Shortly after the conquest of the city, an eyewitness claimed that Koufa had called two imams whom he knew well in Sévaré and threatened them. *“He told them to come and collect ‘their dogs’, speaking of the Malian soldiers who had been killed during the offensive. He then added, ‘I will be the one to say the prayer on Friday. And after that, I will kill you.’”*⁴⁹ These killings were prevented by the intervention of the French army.

According to Thiam, *“it was expected, beginning in 2013, at the time of Konna’s intervention, that [Koufa] would bring jihad to the area as Emir of Konna.”*⁵⁰ After the rout following Operation Serval, jihadist groups were slow to reorganize. Despite being harassed by French troops in Northern Mali, they did regroup. The plan for Central Mali was apparently revived.

Koufa is a great asset to Ag Ghaly in this region: this son of an imam, born into a poor family in the Niafunke Region in about 1961, is a popular figure. During his long years of Islamic training, in the Bankass Circle, then in the Inner Delta, he spent time with famous scholars, who praised his intelligence and knowledge of the Koran. A dynamic speaker and preacher, he later travelled throughout the Mopti Region, stopped in many of its villages, and spent days and nights there talking with his disciples, which allowed him to perfect his knowledge of the area and its inhabitants and to develop a group of followers. According to Thiam, *“Macina is the stronghold of Amadoun Koufa. Natives of nearly every Fulani village in Macina have gone over to him, which is proof of his popularity.”*⁵¹ He quickly acquired a certain celebrity among young Fulani. In the years 1990-2000, recordings of his sermons were

49. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

50. Macina Institute, HD, *op. cit.*

51. Macina Institute, HD, *op. cit.*

snapped up. “He was a good speaker. He knew the Koran well. And he spoke Fulfulde. We liked that,” recalls one of his former followers.⁵² If he wins over young people, it is also because his sermons and his poems, which he declaims on the radio, are challenges to the system. Koufa denounces the hypocrisy of “aristocrats” and marabout families. He criticizes the begging of the talibes who serve to enrich the marabouts. He points the finger at thieves or scantily clad women. He sings the praises of shepherds. More generally, he denounces – although not in so many words – the lack of social upward mobility.

Since his Katiba came into being, Koufa has undertaken to exploit social anger through sound recordings circulating via the WhatsApp telephony network. In a 2016 audio broadcast, he urged [his followers] not to attack doctors, teachers or even Christians, but to target France, MINUSMA, Malian soldiers and customs officers, as well as “crooks” and the terere. By playing on the feeling of injustice experienced by a large number of Fulani in the region, especially shepherds, Koufa expanded his audience well beyond the adherents of hard-line Islam.

It is true that Koufa benefits from fertile ground on the religious level. The number of madrasas and Koranic schools is very high in Central Mali. There are at least 600 in the Mopti Region alone.⁵³ “Among the Fulani, all children go to Koranic school,” explains an imam from the Mopti circle.⁵⁴ Fewer of them attend public school, whose operation is ill suited to the nomadic life.

According to *Brahima*,⁵⁵ a young shepherd who joined the “markaz” (the name given by local people to jihadist camps, in reference to the mosque with the same name in Bamako) before fleeing and going into hiding,⁵⁶ “people of all ethnicities were in the camp,” but the spoken language was Fulfulde. “Most of the men were Malians. There were also Burkinabé and Nigerians.”⁵⁷ Fulani herders made up the bulk of the troops, including the diallobe and badiyankobe, who are shepherds and goatherds, respectively.⁵⁸ As the principal victims of the rackets perpetrated by the State and/or jowro’en, they are particularly receptive to Koufa’s “egalitarian” language. Some of them, who practiced transhumance, were left unemployed by increases in transport by motor vehicle.

Katiba also recruited among Koranic school students, who are often young adolescents attracted by the promise of better religious instruction or the opportunity to make “easy” money. Koufa may also have enlisted “marginalised” individuals or bandits driven out of urban centres.⁵⁹

The motivations that drove these men to join the “markaz” vary. Some were guided by the desire to undertake jihad. These appear to have been a minority, however. A study by the Institute of Security Studies (ISS) on jihadists in Mali supports this perception.⁶⁰ After interviewing sixty-three former workers in the Kayes, Koulikoro, Sikasso, Segou, Mopti, Timbuktu, Gao and Kidal regions, the Institute concluded that, “in most cases documented by this study, youth engagement did not hinge on religious factors and was not the result of religious indoctrination.” “Many of those previously involved expressed the desire to protect themselves, their family and/or community as a motivation for joining the groups. This includes protecting their property and any income-generating activities” says the study.

52. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

53. Macina Institute, HD, *op. cit.*

54. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

55. Given name, see Methodology section.

56. See his testimonial *infra*.

57. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

58. Macina Institute, HD, *op. cit.*

59. Macina Institute, HD, *op. cit.*

60. *Mali's Young "jihadists": fuelled by Faith or circumstance?* Policy brief No. 89, Institute for Security Studies, August 2016.

Brahima claims to have joined Koufa “for the money” and for “the opportunity to receive a quality religious education,” or even to undergo further training “in Yemen or Afghanistan.”⁶¹ **Abdou**,⁶² another shepherd who once fought in the ranks of jihadists before running away, was convinced that it was the best way to reach Europe, especially Spain, where he wanted to join friends.⁶³ Both are from poor families. They were very young when they joined the maquis or underground fighting, and the only education they received was within the Koranic school.

By standing up for “the poor” and using “egalitarian” rhetoric, Koufa has crafted an image of himself as a vigilante opposed to the State – which is often seen as a predator, but also as a liberator of “social inferiors” from the tyranny of the noble families. Since his men took control of much of the Inner Delta, they have forced the jowro’en to lower taxes on the passage of livestock, which has won over the shepherds.⁶⁴

Koufa’s group is particularly well established in the Inner Delta, but also active on the other side of the Niger River. “His influence continues to grow. He takes advantage of massacres of Fulani to recruit in this area,” said a traditional leader of this region.⁶⁵ According to several sources, Koufa is in close connection with the Katiba Serma. This group, which operates in the area bordering Burkina Faso, especially in Seno Ferro and Seno Mango, was formed in 2013 after several disappearances occurred in the Boni region. It recruits mainly from among the young Fulani shepherds in the area, some of whom joined MOJWA in 2012 before being demobilised.

E. ... has become the epicentre of violence in Mali today

Since the Nampala attack in January 2015, bloody events have greatly increased. Today Central Mali is the main theatre of violence in Mali. A UN report dated 6 June 2018 states that during April and May 2018, more than half of the attacks against Malian defence and security forces and against MINUSMA were carried out in the Mopti and Ségou regions. FAMa suffered 15 attacks. During the same period, 43 civilians were killed and 24 wounded in targeted attacks and community conflicts, the report points out. “All districts of Mopti region, especially Koro district, as well as Niono and Macina districts of Ségou region, were affected by instability.” In the same period, MINUSMA also documented 44 summary executions during AMA-led counter-terrorism operations.⁶⁶ In 2017, the United Nations recorded more than 1,000 incidents in the Mopti Region alone and found a 200% increase in these incidents compared to the previous year. In the Tenenkou Circle, an NGO recorded 150 people arrested between 20 February 2018 and 15 March 2018: 115 by the Malian army and 35 by the jihadists. All of them were Fulanis.⁶⁷

Armed actors in the region have proliferated. In addition to jihadists, peacekeepers and the Malian Armed Forces, some of whose regiments were recently incorporated into the G5 Sahel Joint Force,⁶⁸

61. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

62. Given name, see Methodology section.

63. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

64. Interview with AMDH and FIDH, Bamako, 10/05/2018.

65. Interview with AMDH and FIDH, Bamako, 4/06/2018

66. Report S/2018/541 of the Secretary-General on the Situation in Mali, 6 June 2018.

67. Interview with AMDH and FIDH, Mopti, 14/05/2018.

68. The Joint Force of the Group of Five for the Sahel (G5 Sahel) is an institutional framework for coordination of security and development policies, comprised of Mauritania, Mali, Burkina Faso, Niger and Chad. It was established in 2014, and in the past months it was provided with a Central Command located in Sévaré, and recently, strengthened with contingents from National Armies of five countries.

numerous militias have emerged. The people see all of these groups as threats to varying degrees, except for the MINUSMA elements.

After the first attacks by Katiba Macina, the Malian Armed Forces (FAMa) initially fled from a large part of the rural areas and strengthened their positions in the main cities. Harassed on roads and in remote villages, they later carried out large-scale anti-terrorist operations, but these were episodic and short-lived. A local Kareri representative summarised a feeling shared by many people in the Mopti region: *"They came, they spent a few hours in the village, they arrested some people, and then they left, leaving us at the mercy of the armed groups."*⁶⁹ As noted by the International Crisis Group in 2016, *"This type of intervention aims to contain the expansion of armed groups rather than to deal with the causes of insecurity."*⁷⁰ These interventions too were accompanied by abuses and even atrocities.

Operation Seno, launched in the fall of 2015 in the Bankass Circle, led to the arrest of a number of suspects. But it also resulted in violent arrests, arbitrary detentions, torture,⁷¹ and instances of harassment and humiliation, some of which were filmed and circulated on social networks, fuelling a sense of victimhood among many Fulani.

These methods also instilled a feeling of distrust in the local populations, including the Fulani, towards the Malian Armed Forces. In Nampala, a week after the January 5, 2015 attack, an elected official reported, *"FAMa returned a few days later. They said that the Fulani were responsible. They arrested suspects and beat them up. Some were brought to Bamako and released after being made to pay money. After that, the population stopped collaborating with them. The jihadists benefited from this. They came to the villages and said, 'We ask nothing of you except to not report us'. They executed army informants."*⁷²

Arrests based on denunciations have also created tensions between communities, with some local authorities using the army to weaken competing groups.

Cases of enforced disappearance and summary executions were reported occasionally in 2016 and 2017. According to SIPRI, *"The security response to this mobilization, which is mainly due to social demands within Fulani society, has further reinforced the division between the State authorities and the nomadic pastoralists."*⁷³

Jihadists have stepped up their attacks against the Malian army and MINUSMA. Several dozen soldiers are estimated to have died in the last two and a half years. Most attacks are carried out against passing convoys. Some have been particularly deadly. On January 19, 2017, the laying of a mine, followed by a shooting, reportedly resulted in the death of at least ten Malian soldiers in the Diabaly area. On March 5, 2017, a FAMa patrol was attacked in Boulikessi. The official record shows 11 dead and 5 wounded. On May 2, 2017, an ambush between Nampala and Dogofri, for which the JNIM claimed responsibility, killed nine soldiers and injured five others. Attacks have also been carried out against military bases. On 19 July 2016 in Nampala, elements of Ansar Dine attacked the FAMa camp. The official record shows 17 dead and 35 wounded.

The "bushmen" also committed a large number of targeted assassinations, mainly against local elected officials, village chiefs, imams and "collaborators" suspected of having given information to Malian authorities. While the perpetrators of these crimes are regularly described as "unidentified

69. Interview with AMDH and FIDH, Bamako, 11/05/2018.

70. ICG, *op. cit.*

71. Human Rights Watch report. February 2016. <https://www.hrw.org/en/news/2016/02/19/mali-abus-set-in-the-south-of-country>

72. Interview with AMDH and FIDH, Bamako, 11/05/2018.

73. Sipri, *op. cit.*

assailants” in the media, the inhabitants of the villages concerned have no doubt as to their identity. According to several local sources, their *modus operandi* is often the same. *“Either they kidnap the person, kill him and drop his body at the entrance of the village before notifying his family, or they kill the person at home,”* says an official of an NGO based in Sévaré. *“They never bury their victims.”*⁷⁴

The jihadists have also increased their kidnappings. Some victims come back alive after being interrogated or in return for a ransom. Others never return. Some of the abuses attributed to Koufa’s men, however, are likely the work of criminal groups or the result of local settling of scores.

The pressure exerted by the Katiba Macina and the prolonged absence of the security forces pushed populations to organize and arm themselves to ensure their defence, sometimes with more or less direct help from politicians and/or officers native to the region. Village militias, sometimes trained by traditional hunters (*donsos*), were formed. These are usually based on ethnicity. Some appear heavily armed. In Central Mali, where land disputes are recurrent, villages are often organised according to community membership, and jihadist pressure poses a constant threat, this militarisation has made the situation explosive.

In the Inner Delta, the Fulani and Bambara have clashed repeatedly. The most emblematic clash took place on 29-30 April and 1 May 2016 in Koroguiri and Malemana, in the rural commune of Karéri. In an already tense atmosphere between herders and farmers, exacerbated by the presence of jihadists and the creation, in reaction, of a Bambara militia, the death of two young Fulani shepherds in Koroguiri, killed in the house of the Bambara village chief because they were suspected of being “Koufa’s men,” provoked a bloody chain reaction. The next day, the nephew of the village chief and one of his companions, both Bambara, were shot dead on the road between Malemana and Dioura. Four Fulani were killed in retaliation. At the funeral of those four Fulani on May first, *donsos* arrived and shot into the crowd. MINUSMA has provisionally estimated the death toll at 26, including 23 Fulani, as well as a large number of displaced persons.

The government organised a forum the following month to ease community tensions, after which the Bambara delegation from Malemana apologised to the Nampala village chief and the families of the victims. The courts also took up the case. On November 20, 2017, twelve men were tried by the Mopti Court of Appeal for *“killing, attempted killing, complicity in murder, murder, and illegal possession of firearms.”* Nine of the twelve defendants were acquitted. The other three, including the village chief, were convicted and given suspended prison sentences of five years. Local judicial authorities themselves admitted that this sentence was given as *“an act of reconciliation and appeasement in keeping with the reconciliation process initiated by the government.”*⁷⁵ Apart from the political injunction to the judiciary, which shows yet again how difficult it is for judges to guarantee their full independence, the Fulani community perceived such leniency towards the perpetrators of this massacre as further proof of the impunity enjoyed by members of the Bambara militias. *“A court decision such as this shows that Fulani never get justice when it is Bambara who commit the crimes. It is really a blank check for the donsos and FAMA to kill Fulani,”* said a community association leader.⁷⁶ This trial was not publicised nationwide, despite the wave of indignation that the massacre stirred in the country.

Other killings, too, left their mark. On 11 February 2017 in Ké-Macina, a Bambara shopkeeper was murdered. Fulani villages were then attacked by *donsos* (mostly Bambara) in retaliation for this killing. An unofficial report shows that 22 people died during these clashes, including a pregnant woman

74. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

75. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

76. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

whose throat was cut, four people who were burned alive, and others who were shot; two people were also reported missing. On 22 March 2017 in Banikoro, an alleged cattle raid provoked violent clashes between Bambara and Fulani, leaving at least 10 dead and 14 wounded.



Victims of the attack in the village of Somena, Djenné circle, on July 25th, 2018. At least 18, all Fulani, were killed by a group of *Donso* hunters. All Rights Reserved.

II. SERIOUS ABUSES BY ALL PARTIES

The spiral of violence in which Central Mali has been caught up for three years accelerated in 2018. A suicide attack on 29 June at the headquarters of the G5 Sahel Joint Force in Sévaré, in which two soldiers and a civilian were killed,⁷⁷ is merely the most spectacular (and most publicised) event in a daily life marked by killings, summary executions, arbitrary arrests, kidnappings, rapes and torture for the inhabitants of the area. This attack, however, demonstrates the steady increase in the area of action and the effective control over the territory by Koufa's men in Central Mali. Under the combined effect of the redeployment of the Malian Armed Forces, the proliferation of community militias, and ever-growing pressure from jihadist groups, civilians are caught in a vise among three «families» of armed groups. Their elements, which are ever more numerous but very difficult to identify, attack the populations primarily, and to varying degrees. Malian soldiers have perpetrated numerous arbitrary, sometimes violent, arrests and summary executions. Militias have attacked villages and individuals on the basis of their ethnicity, and some have carried out acts of great cruelty. Katiba Macina elements have taken control of large parts of Central Mali, often by employing threats, and have committed numerous crimes, including murder and rape.

A. By Koufa's men

1. An increasingly pronounced presence

Day after day, for three and a half years, Katiba Macina elements have gained ground. They have taken over vast rural areas, mostly in the flooded Inner Delta area. Dozens of villages live under their yoke today. Using threats, they have demanded the departure of civil servants, in particular water and forestry officials. In most villages in the Inner Delta, public services are no longer in operation, except for health centres.

"They are the ones who manage entire sections of our territories today," says an executive of an NGO working with nomadic Fulanis.⁷⁸ They have enacted a certain number of rules, which differ from one place to another and are applied more or less strictly: women may not leave the village unaccompanied by a man; they may no longer bathe in the river; baptisms and weddings are prohibited; music is forbidden, etc. In January jihadists visited a family in the town of Tenenkou to forbid them to play the flute.

After the State pulled out of the most remote areas in 2015, jihadists adopted a conciliatory line towards local populations. According to an elected official of Nampalari: *"They came to the villages and said, 'We have chased out the State. The State does nothing for you. We are in charge now. You must obey certain rules.'"*⁷⁹

Although some people put up with this presence, many area inhabitants describe it as "oppressive." At night, armed men will enter a village to remind them that they are not far away. It is not uncommon for them to come to a mosque to preach on Friday; at such times they force all men to attend. When the army patrols a village, jihadists come the next day and seize those who have been seen talking to the soldiers. They are questioned. Some are released. Others are killed.

77. Attack claimed a few hours later by the JNIM.

78. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

79. Interview with AMDH and FIDH, Bamako, 11/05/2018.

2. A loosely structured organization

It is difficult to get a clear idea of how the “bushmen,” their “agenda” and their command structure function. Information gathered from former fighters, local elected officials and field investigators, however, provides a rough idea of their organisation structure. They are organised into small groups of 30, 40 or 50 men, which appear fairly autonomous and whose hierarchy is difficult to determine. These groups include fighters to handle weapons and scouts, whose mission is to carry out preliminary reconnaissance. Each group of 10 men has a chief, himself under the authority of the head of the “markaz.” Their mobile camps are in the forests. The fighters do also most of the domestic chores (laundry, fetching water chore, etc.). A small number of women, married to committed activists, also live in the camps. They serve as cooks or washerwomen. None participate in the fighting. It seems that in some camps, Thursday is a day set aside for reading the Quran, holding meetings and sometimes conducting ideological training. Other testimonials mention the presence of “bushmen” at Thursday markets, demonstrating one of the hallmarks of the group: adaptability on the ground.

To resupply at markets or during operations, the men travel in pairs on motorcycles (one man drives, and the other carries a weapon). They have informants and sleeper agents in the villages. Katiba members do not appear to receive a fixed salary. They are paid by the task. Payments vary widely depending on the mission: one scout claimed to have received 50,000 to 75,000 FCFA [CFA francs]; a fighter who participated in an attack on a military post said he had received 300,000 FCFA.

To finance their operations and the life of the camps, the “bushmen” exact *zakat* from the herders. *Zakat* is an Islamic tax estimated at one fortieth the value of a herd. Many herders consider it a lesser evil compared to the thefts they suffered before the arrival of the jihadists and the rackets perpetrated by agents of the State. Some, however, complain of abuse and denounce the overestimation of their livestock by jihadists. Witnesses also mentioned cases of kidnapping that ended in a financial transaction, and less frequently, extortion and theft.

3. A brutal administration

The «bushmen» also strive to compete with the state in its sovereign areas: taxation, security, the administration of territories and public services, justice, etc. As soon as they control an area, they demand the closure of the public school and order parents to send their children to Koranic school. Many teachers have been threatened and forced to flee the villages where they taught.

School closures are often accompanied by threats and violence. The director of a school located on the main highway halfway between Sévaré and Konna was forced to send the children home and take refuge in Sévaré in November 2018. His school was educating nearly 200 children aged 6 to 12 years.

“They arrived late on a Wednesday morning,” says the teacher. “There were ten of them, two on a motor-cycle. Some wore military uniforms. All of them had turbans around their heads. They were armed with Kalashnikovs. When they arrived, they took us all out, students and teachers. They assembled us all in the yard. They had their guns pointed at us. One of them panicked and tried to hit us. The children were terrorised. They said they did not want French schools, and that we had to close it. They took our phones and the keys to our motorbikes. They shot out the windows of the school. And before leaving, they said, ‘If we come back and find you here, it will end badly’. Since then, the school has been closed. Some teachers fled to Mopti and Sévaré.”⁸⁰

80. Interview with AMDH and FIDH, Sévaré, 12/03/2018.

Outside of the urban centres, there are few public schools to accommodate children today. In May 2018, according to the UN, 750 schools were closed in the regions of Kidal, Gao, Menaka, Timbuktu, Mopti and Ségou, and nearly 225,000 children were deprived of classes “due to insecurity.”⁸¹ This figure has been increasing steadily for two years, especially in the Mopti and Ségou regions. In March 2018, nearly one in three schools (264 out of 682) in the Mopti education authority school system was closed, according to the administration’s figures. At the end of the 2018 school year, due to insecurity resulting from threats and attacks by violent extremist groups, 478 schools remained closed in the Mopti (464) and Ségou (14) regions. At this writing, Central Mali is home to 65 per cent of the country’s closed schools, and 68 per cent of Mopti’s schools are non-functional.⁸²

Jihadists also doing their best to hand down their own justice as well. Several cases of “trials” organised in the village or in one of the “markaz” have been reported by various sources. According to a local elected official from Nampalari, “(M)ore and more people are turning to the jihadists, and not to the state, to settle their conflicts.”⁸³ The justice of the jihadists is sometimes perceived as “more honest” (the term was used by an NGO official)⁸⁴ than that of the State. While gendarmes often require money to permit travel when a complaint is filed, jihadists do not ask for “travel expenses.” As for their judgments, they are not tainted by suspicions of corruption.

A researcher accustomed to traveling the Inner Delta area confirms that “people like the jihadist system of justice.”⁸⁵ This justice can seem expeditious, however, even cruel. One of the ex-jihadists interviewed during this investigation, Brahima (an alias), recalls attending two “trials”: a case of divorce in the village of Nantaka and a case of sheep theft in the village of Sare Seini. In the first case, the woman had been married in a religious ceremony to a man who ended up abandoning her. She had therefore remarried. The judgment ordered her to return to her first husband. The second case involved a butcher who was accused by the owner of a sheep of concealing one of his animals. “We went to the village, to the square,” reports **Brahima**. “All the inhabitants were obliged to attend the judgment. The judge was a member of our group who is considered a specialist. The butcher was unable to name the thief who had sold him the sheep. He was sentenced to 50 lashes and to repay the value of the sheep.”⁸⁶ Brahima claims to have no knowledge of cases involving amputation. He saw no prisoners in his camp but claims that there were some.

Abdou,⁸⁷ another ex-Katiba Macina fighter, said he had witnessed a judgment during this period: “There had been a problem concerning a field in the village of Kanime,” he says. “A man was plowing a field that the village chief wanted to take back. The conflict pitted two families against each other. We went there. The delegation consisted of ten men. One member had been appointed judge. He could ask the most learned men in the group for their opinion. We summoned the two protagonists and the old men of the village. After hearing them, we told the man who was plowing the field to return the land to the village chief.”⁸⁸

4. Serious abuses

The “bushmen” regularly attack the Malian or UN armed forces (see Chapter 1). They also attack civilians. They have committed a large number of targeted killings, mainly against local elected officials,

81. Report S / 2018/541 of the Secretary-General on the Situation in Mali, 6 June 2018.

82. In September 2018, MINUSMA registered 735 closed schools in Mali due to insecurity generated by armed groups, including 88 in the Timbuktu Region; 67 in the Gao Region; 60 in the Menaka Region; and 42 in the Kidal Region. Cf. Report of the Secretary-General of the United Nations, S / 2018/866, 25 September 2018.

83. Interview with AMDH and FIDH, Bamako, 11/05/2018.

84. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

85. Interview with AMDH and FIDH, Bamako, 11/05/2018.

86. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

87. Not his real name.

88. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

village chiefs, imams, state officials and “collaborators” suspected of having given information to the Malian authorities.

On 22 April 2015, the village chief of Dogo (Youwarou Circle), Amadou Issa Dicko, was murdered by men on a motorcycle. Being in charge of pastures, as a *jowro*, he was in conflict with villagers. Since January 2015, there had not been a single gendarme in the vicinity. The deputy prefect had left the area. A relative of the village chief recounts the context in which the latter was killed:

“Around January 2015, there was an attack by the jihadists in Gathi, in the Youwarou Circle, against Malian forces. Several jihadists were killed and some of the dead were identified as coming from Dogo. After the attack in Gathi, the soldiers went to Dogo. They detained the child of a marabout whom they suspected and several of his talibes. The marabout was in the bush; they arrested him later. This was on a Tuesday. On Thursday, they returned to Dogo with the marabout. They spent the day there and left for Mopti. On Saturday, at around 17:00, two heavily armed and turbaned men entered our compound. They asked, in Fulani, if the village chief was there. Since he was not there, they kept going. I saw them leave with the village imam. They told the imam that the people arrested by the soldiers were their people, and that it was because of people from the village who had denounced them. If this was repeated, they said, they would come back and slaughter everyone. I alerted some authorities. Several people advised me to leave because the jihadists were mainly attacking notables. A few days later, the jihadists returned to my place. I was in Sévaré. The village chief came to see me. We met with the authorities. He stayed for about two weeks, then finally returned to Dogo in late March. On April 22 at about 5 pm, two armed youths arrived in Dogo. They found him near the market. They parked the bike, dispersed the people and shot him. Then they left. Since then, I have not returned to Dogo, because I have been threatened.”⁸⁹

Dozens of such murders take place each year. On 14 December 2015, a trader from the village of Issèye was abducted; three days later his head was found. On 6 February 2016, the son of the village chief of Boni was killed by an armed man. On 15 September 2016, a talibé suspected of collaborating with the army was killed. On 7 November 2016, the village chief of Diaba was executed. On 28 January 2017, the mayor of Mondoro was murdered in front of his house in Douentza by armed men. And the list goes on.

Soldiers on leave are also targeted. On 27 February 2018, two of them, **Sidy Maïga** and **Sory Toure**, cousins posted in Northern Mali, had come to spend a few days in Nantaka, their village. Armed men killed one of the cousins and wounded the other. This village is located less than 3 kilometres from Mopti, on the other side of the Bani River. But no representative of the state has officiated there since the gendarmerie station was attacked. The school is closed. The inhabitants regularly see “Koufa’s men” come there to resupply and sometimes to rest.

A family member of the two victims recounts the events of 27 February:

“Elder [Brother]’ left Timbuktu on Sunday, 25 February. He arrived in Nantaka on Monday and was killed on Tuesday evening. I was in the house, in Sory’s compound, when gunmen entered the courtyard and came to ask, in the Fulani language, if ‘Ali’ was there. It seems they had the name wrong. Sory’s older brother said he was not there. Sory, who was in the house, was then told to leave: he climbed over the wall and took refuge in the army camp at Sévaré. Right after that we heard a gunshot nearby. We learned that they had shot ‘Elder’, who lived in a nearby courtyard. According to what I learned, including from the ‘Elder’’s wife and mother, who were in the yard, two armed men also

89. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

came into their yard and asked "Elder", who was seated, if 'it was him, 'Elder.' They then asked him to get up and come to talk. When they reached the courtyard gate, they shot him in the chest. They must also have slit his throat because he was open from his throat to his mouth. His family took him to Mopti Hospital, across the river, but he died on the way. He was buried in Mopti, and the army took care of the formalities. His wife is now widowed, with four children. She fled Nantaka."⁹⁰

Fearing for their lives, the family members of the two cousins left Nantaka three days after the raid by the gunmen. According to one of them, "(T)he jihadists have a base near the village and informants among the population." They had imposed a certain number of rules before attacking the two soldiers: women were specifically forbidden from going out too lightly dressed. On 8 March 2018, the explosion of a landmine near Nantaka killed four soldiers. After the family of the two cousins left, some jihadists apparently settled in their house, which was located opposite that of a man suspected of being the head of their "katiba."

Katiba Macina also engages in rape, with sometimes tragic consequences. Many people have been abducted in the past three years and held in one of the "markaz." Most of the time they are people suspected of giving information to the military.

On March 26, 2018, A., a 32-year-old Fulani talibé living in a village in Toguere Koumbe commune (Tenenkou Circle), was arrested by jihadists and held for nearly two weeks:

"It happened on a Monday. I went to a friend's house in Toguere Koumbe town. On the road, two men on a motorcycle pulled up and stopped next to me. They wore Fulani boubous with military uniforms over them. They were turbaned. Each had an AK-47. They asked me if I was A. and told me to get on my knees. I recognised the face of one of them, whom I had seen in the area before. They tied my hands, blindfolded me and put me on the bike. The trip lasted approximately an hour and a half. After we reached the destination, three days passed before I was questioned. I was kept blindfolded and with my hands tied except for prayer, food, and dressing. I was in a sort of camp, with a lot of people and some mattresses and tents. There were perhaps 60 to 80 people, divided into several groups. We moved almost every day. They would put me on a motorcycle to move me from one camp to another. When the blindfold was removed, I saw that the majority of the people were between 15 and 20 years old. They were not talibes, but rather shepherds. I saw it in the way they prayed: they did not know [their prayers] very well. They threatened to kill me almost every day. I heard them discussing operations, the army, etc. They spoke Fulfulde, I heard several Fulani dialects of the region, but also other languages, such as Bambara. When I was questioned for the first time, I was blindfolded. I was asked if I knew why they had brought me there. I was told that someone had given my name, saying that I was a secret agent and that I was giving information to the local military and elected officials. I was told that I would be released if I told the truth, but executed if I lied. Three days later, I was interrogated again. I was not beaten, but I heard people screaming – they must have been getting beaten somewhere else in the camp. I was asked about what the authorities, the military, etc., were doing I said that I knew nothing about it. I was interrogated a third time. They ended up telling me they had been mistaken, and they apologised to me. They released me, offering to give me their number, which I declined. That night they took me by motorcycle almost to my village. They let me go, telling me to give no information to anyone, and that if I did, they would kill me."⁹¹

Elected officials and representatives of the state are also regularly kidnapped. On 16 November, the president of Niono Court, Sounkalo Koné, was kidnapped from his home in the early evening. At

90. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

91. Interview with AMDH and FIDH, Bamako, 17/05/2018.

this writing, he is still in the hands of his captors. On 25 April, Zawderr Touré, the deputy prefect of Hombori, was detained for a few hours by armed men before being released. On 11 May the mayor of Inadjatafan and the former mayor of Boni were abducted on the Sévaré-Douentza road and released two days later.

The *modus operandi* of the jihadists is almost always the same. When they abduct a person, they keep him for a few days, or even 2 to 3 weeks in one of their camps to interrogate him, then most often they release him. If they kill the person – cut his throat or shoot him – they call his family to notify them, and they do not bury his body. They drop him somewhere near his village.

To “punish” possible resistance, the “bushmen” sometimes use “blockades” as a weapon, with sometimes tragic humanitarian consequences. Several villages have been cut off from the world for quite a long time, under pressure from jihadists. This was the case from late 2017 to early 2018 for the village of Kouakourou, located in the circle of Djenné and surrounded by the waters of the Niger River for part of the year. Pressed by jihadists who controlled the area, the villagers refused to follow their orders.⁹² The result was a prohibition against inhabitants leaving the village, going into the bush or going to work in the fields.⁹³ This blockade lasted for several weeks and caused a shortage of food, among other things. Other villages in the Koro area experienced the same situation in 2018.

AMDH and FIDH have not documented any mass killings of civilians by jihadists, and no one has been able to report any cases of summary executions of more than two persons attributed to jihadists. The absence of collective executions in no way diminishes the significance, recurrence and scale of the targeted assassination campaigns attributable to Katiba Macina groups since at least 2015, the toll of which can be estimated at several dozen people.

92. Interview with a resident of the village.

93. See the TV5 Monde report produced at this time: <https://information.tv5monde.com/afrique/reportage-au-centre-du-mali-autour-de-mopti-le-nouveau-front-contre-les-ddjihadistes-225105>

Sexual violence: an often-underestimated occurrence

Since May 2017, FIDH and AMDH have warned that sexual crimes are being committed, especially in Central Mali: *“Our organizations warn the Malian authorities and the international community of the under-documentation of rape and sexual violence, due to the sensitivity of the subject. This is all the more accentuated when victims fear retaliation if they testify, especially when the State is not able to protect its civilian populations, and when NGOs are limited in their ability to access areas where such violence is committed to meet with victims.”*⁹⁴

A year and a half later, it is still impossible to determine the number of rapes committed in Central Mali in recent years. Victims, who are ostracised by society, including within their own homes and are sometimes threatened by their attacker who lives in the neighbourhood, often prefer to keep quiet about the violence they have experienced rather than go to court. Despite this primacy of silence, several cases of rape have been documented by FIDH. In a context of armed violence, absence of the State and high concentrations of young men, the phenomenon is certainly widespread, and probably involves all armed groups.

One of the ex-jihadists interviewed during this investigation admitted that there were many rapes, sometimes collective, around the *“markaz”* or during patrols. *“That’s one of the reasons I left,”* he says. *“Often, I heard men boast of having ‘f...’ such and such a girl and describing how it had happened. Girls or women regularly came to the ‘markaz’ to complain. After a rapist was identified, he was punished by the leader, but most of the time, the culprit was not identified. I saw a case in which a fighter accused of rape was tied up and beaten for three days before being released. The girl had shouted, her attacker was alone, suddenly everyone came running and he got caught. As the leader could not deny what had happened, the culprit was tied up, his ration was reduced, and he was beaten. After 3 days, however, he was released.”*⁹⁵

Women who travel away from the village to fetch wood are particularly vulnerable. This is what happened to D., a 27-year-old woman living near the town of Mopti, in January 2018:

“Five of us, all women, went to look for bush wood, somewhere a little distance away. It was afternoon. Three men came out of the bushes, in quite a dense place, with trees. They were wearing turbans. They wore boubous (a type of kaftan) with jackets. I did not see if they were carrying weapons, but we knew it is always dangerous to come across men in the middle of nowhere, so we ran away. I fell to the ground. A man grabbed me and shouted something to the other men who were running after the other girls. He just shouted, I can’t tell which language he was using because he didn’t say anything. The other two men came. They grabbed me, and we headed for a place with bushes. That’s where they took turns to rape me. When they finished, they ran off and disappeared into the bushes. When they left me, I wanted to leave, and I saw the men of the village that my friends had gone to look for. They came towards me. Among them, there were two of my husband’s older brothers. In total, there were maybe fifteen people. Some went looking for the three men and the others took me back to the village. They did not find the three men.”

94. See FIDH-AMDH: *Mali: terrorism and impunity jeopardize the fragile peace Agreement*, May 2017, p. 9: <https://www.fidh.org/en/region/Africa/mali/mali-terrorism-and-impunity-jeopardize-the-fragile-peace-agreement>

95. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

D. does not know the identity of her attackers, but they could belong to the jihadist group, Katiba Macina, who are very active around her village. She states that she has suffered another form of violence – social:

"My husband was away when I was raped. When he got home, he asked me, and I explained what had happened. He said he could not keep me. For three days, I stayed at my husband's older brother's house. I know that several people, including my husband's own parents begged him to keep me, but he did not want to. So, I had to leave his older brother's house to stay with my older sister, who looked after me for two days. Then I was told to go to my aunt's house in Sévaré. When I arrived in Sévaré, I was able to go to the health centre. They took X-rays and blood tests and told me that I did not have an STD but that I was pregnant. After being raped, my life was destroyed."⁹⁶

O. is 37 years old. She lives in Douentza. In March, she was gang-raped on the road. Her attackers were probably jihadists.

"It was on a Sunday around 2 pm," she says. "I set off for Mondoro to sell condiments. I was on board a mini bus with about thirty stallholders including women and young people. Sixteen men on eight motorcycles suddenly came out of the woods to stop our vehicle. They were armed. They made us get out of the car and lie flat on the floor. Nobody could lift their head. They took money from everyone who had it and hit some people with rifle butts. As I was the youngest woman, they kidnapped me, blindfolded me and drove me on a motorcycle despite the pleas from the driver and other passengers. After an hour's drive, we arrived at one of their bases, built of wood and covered with tarpaulins. I saw about twenty armed people standing around the base. They took off the blindfold and then took me under the tarp where I was forced to undress after being threatened with death. They ended up undressing me by force and tying both arms to stakes buried in the ground. Afterwards, three men took it in turns to rape me. They left me on the ground after the rape until dusk. They did not use protection during the act. I refused to eat the food. In the morning, they brought me coffee and mush, which I refused. I still refused to eat their food at noon, but I drank some water. I didn't eat for three days. They did not rape me again because I was weak. On the third day, they put me on a motorcycle. There were two motorcycles, and three armed men. After an hour's drive, they dropped me off on the outskirts of a village whose name I do not know. A man discovered me after a few hours. I was taken to a health centre where I received medical care. Afterwards, the inhabitants alerted my parents who came to pick me up. My husband knows about it and he has not made it a problem. Since then, I have had constant nightmares."⁹⁷

In 2012, during the occupation of the north, women suffered similar violence on the road: armed elements, probably members of jihadist groups, stopped a bus, forced its occupants to get out, and took women away to rape them in turn. One of them, H., now 43 years old, states she was gang-raped on the Gao road, in an area controlled by MOJWA or the MNLA, around June 2012:

"My family and I had fled Gao after the arrival of the MNLA. Then we decided to go back. My family left before me. I took a bus. I was wearing trousers, a body and a shawl. In Douentza, there was a mujahideen roadblock. They spoke in Tamasheq, their faces were hidden by turbans. They searched the bus, took the phones and made four girls get out, including me. Four men took

96. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

97. Interview with AMDH and FIDH, Bamako, 5/06/2018..

me a little further. A man pointed his gun at me and told me to undress. They all took turns to rape me. After that, I could no longer walk. The bus driver came to look for me. We got back on the road again. The other women were also raped, but one did not reappear. I don't know what happened to her. When we arrived in Gao, we were taken to the hospital. I have health problems. I can't have sex anymore, it hurts me too much. I left Gao because there were too many rumours. I live in Sévaré, alone.”⁹⁸

FIDH has also documented cases of rape in the victims' own home. The perpetrators are sometimes armed men who are difficult to identify. On 1 January 2018, F, 27, was assaulted at her home in Konna while pregnant. This city, located 50 km from Sévaré, was deserted by the gendarmerie at the end of 2017. It has been secured at night by a volunteer militia for almost two years.

“Four men came into my house,” says F. “They were carrying small rifles, but it was dark, I didn't see their faces. They asked if my husband was there, but he had left me several months before. One of the men spoke Bambara. He asked me to take off my clothes. I refused, and they started kicking me and tearing my clothes off. Then they each raped me, once or twice, in front of my children who were in the same room. When they finished, they told me that when they came back, it would be worse. They left at dawn. I didn't tell anyone about it.”⁹⁹

The rapes are sometimes committed by civilians who do not belong to an armed group, against women weakened by the absence of the authorities and the explosion of community violence. M, 31, was assaulted in February 2018 by the man she suspects is responsible for the disappearance of her husband. Originally from a region on the Mauritanian border, she married a Fulani herder in 2010. A few months ago, they settled in a Dogon village located about ten kilometres from Koro.

“The conflict between the Fulani and Dogon people started at the beginning of the year,” she says. “At the end of January, my husband was talking about the situation between the two ethnic groups with friends in front of our house. The conversation became heated. A neighbour, S., a young, well-known member of the Dogon community, insulted the Fulani people. He went home very angry. The following Saturday, my husband wanted to go to Koro Market. He was attacked en route, in the village. Six men beat him with a machete on his left shoulder. He fled and managed to get home. He was bleeding and had a deep wound. My mother-in-law and I tried to treat him as best we could – there is no clinic in the village. My husband told me that he had seen our neighbour among his attackers. He complained to the village chief, a Dogon. But he did nothing. Later, in February, the second Saturday after his attack, my husband went out alone. He said he wanted to go to Koro to get treatment. That's the last time I saw him. People say he was killed. The next day, it was a Sunday, I asked S. if he knew where my husband was. He said he did not know. In the evening, after dusk, he came to our house with four other men I do not know, who spoke Dogon. Two had machetes. They laughed at us, saying: ‘The Fulani don't belong here.’ My brother-in-law was not there. They assaulted my mother-in-law, threw her to the ground. I tried to intervene when they tried to burn the attic. They slapped me. They burned everything. S. and two others dragged me into the house. My three children were outside with my mother-in-law. In the house, S. slapped me again. He raped me while the other two held my feet and arms. After that they left. Since that day, my mother-in-law has been angry with me.”

98. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

99. Interview with AMDH and FIDH, Sévaré, 15/05/2018.

M.'s story shows the incompetence of the security forces and traditional authorities. The next day, she went to the Koro gendarmerie with a friend of her husband to file a complaint. *"An officer asked me for a huge sum of money (30,000 CFA francs) for fuel. He took my statement, but he said that without fuel, they could not go anywhere,"* she says. She also complained to the village chief. *"He said he was going to investigate, but I think they're afraid of the boy's father. He is a rich man who takes care of a lot of things in the village."*

Since these events, M. has not heard from her husband. She learned that her cows had been stolen, and that the shepherd who looked after them had been murdered "by Dogons." She still sees her attacker when she is out and about.¹⁰⁰

These testimonies reveal sexual violence against women in the context of the collapse of the rule of law and the onslaught of violence. They also highlight the devastating physical, psychological and social consequences of this violence and the total lack of care and support for victims. They receive no support (medical, psycho-social) from the State and are doubly victimised, stigmatised and rejected by their family, relatives and community. They are also deprived of their right to justice and appropriate reparation. The lack of reporting, investigation, and punishment of the perpetrators of sexual violence, contributes to trivialising this violence and encourages it to be repeated.

100. Interview with AMDH and FIDH, Bamako, 6 June 2018.

5. Men of Katiba Macina get involved in inter-communal violence

Since the beginning of the year, however, they have been involved in fierce fighting against armed militias. Most of the time it is *donsos* who are organised to fight them. Numerous clashes took place in the Inner Delta early this year. On 12 March 2018, in Nouhoun-Bozo (Djenné Circle), an unofficial report states that 11 *donsos* were killed by jihadists. On 21 April, 10 *donsos* were reportedly killed at Ké-Macina (Macina Circle). On 5 May, clashes near Mamba (Tenenkou Circle) are reported to have resulted in the deaths of 10 *donsos*.

The violence perpetrated by *donsos* against shepherds (*see next chapter*) has apparently had an impact on Amadou Koufa's strategy. Although he never spoke on behalf of the Fulani during his many past interventions, it seems that he has recently changed his rhetoric. In a recording broadcast on 7 April 2018 and considered authentic by top specialists, Koufa explains that if the Fulani are attacked, he will be forced to defend them. In the Sanari (Djenné zone), it appears that his men have lent a hand to Fulani who have been clashing with hunters for several months.

"We were told that if we left, we would become enemies"

Several young people who had joined the ranks of Katiba Macina have defected in recent months. FIDH met two of them during this investigation. Fearing retaliation from the jihadist group, they live in hiding and do small jobs while waiting to find a way to reintegrate. They agreed to testify on the condition that their anonymity be respected. Their background and motivations show that men who take up arms in the name of jihad do not always do so for religious reasons. Their testimonies also enable us to understand more about how the Katiba operates (see Part II A).

Brahima (not his real name) is 21 years old. Coming from a poor family with many siblings (11 children), he grew up on the right bank of the Niger River, in the Konna area. He never went to public school and attended only a Koranic school. His father is a marabout. In 2013, this former talibé joined an association fighting against cattle theft. Young people approached him. *"They told me that they too were fighting against theft, and that they were getting money for it,"* he says. *"They did not name a particular amount, but they told me that I would receive the money once I joined them. Money was my main motivation. But I was also interested in having the opportunity to receive a more advanced religious education, and why not be sent to Yemen or Afghanistan for my studies?"*

When he decided to join Amadou Koufa's group, **Brahima** was not alone: there were eight from his group. They were first housed in Mopti, where his telephone was confiscated, and then they went to Soufouroulaye and met up with the Seno. They found themselves in the forest of Dinangourou (Koro Circle), in a Katiba base. *"There were over a hundred of us. There were all ethnicities. Most were Malians. There were also foreigners: Burkinabé, Nigeriens, and more. Everyone spoke Fula. For three months we were trained to use weapons and manufacture mines. The trainers were Malians. We received religion classes too."*

After completing his training, Brahima crossed the river and joined a camp in Dialloubé Forest (Mopti Circle). He was part of a small group of five, headed by a leader. The camp had between 30 and 50 men, and one or two women *"who were married and did the cooking."* The rest of the housework was done by the men. Thursday was a day of rest: *"We read the Koran, we participated in meetings, and sometimes someone came to explain the situation in Mali to us. We listened to sermons too."* Life is hard at the *markaz*, explains the young man.

The living conditions are rudimentary, and relations among the recruits are mistrustful. *"You cannot trust anyone,"* says **Brahima**.

There appear to be two ranks at the *markaz*: fighters and scouts. **Brahima** was a scout. His mission was to go into villages, especially on fair days, and gather intelligence. After each mission, he received money: 50,000 to 75,000 CFA francs. The young man claims to have witnessed only two fights between the katiba and the army: a first time in the forest of Dinangourou, a second time in the forest of Dialloubé. In both cases, *"There were many deaths."*



Throughout this period, **Brahima** had no contact with his family, who knew nothing of his fate. He was quickly separated from his old comrades from the group. Very quickly he realized he was out of place. It took him time to decide to run away. *"We were told that if we left, we would become enemies, and they would know where to find us. Some of those who tried to flee were found and beaten for three days."*

During his missions, **Brahima** saw a former member of the association who told him that he was in contact with someone who could help them leave the katiba. He took advantage of a mission in a village near Mopti to cross the river and reach the big city. Today he says he fears jihadists and the military. That is why he is in hiding.¹⁰¹

Abdou (not his real name) is 18 years old. Son of a herder, he grew up in the Dialloubé area. He did not attend public school, only Koranic school. With no prospect of a future other than taking care of the family's livestock, he decided in 2014 to go to Europe. He wanted to travel by land to Spain, where he had some acquaintances, and he thought about going to Gao for that purpose. Since he had no money, he had to do small jobs to finance his journey. In early 2015, on the way, in Douentza, he learned of the existence of a jihadist sector. A man who called himself "Mohamed" told him that by joining Koufa's men he could make money easily. They could even facilitate his transfer to Libya.

"I said OK," says Abdou. "After ten days, Mohamed came to get me. I got into a vehicle next to six turbaned men. We headed in the direction of Boni. Then they blindfolded me. We drove for several hours. We arrived in a place that I didn't know. I later learned that it was the forest of Dinangourou [author's note: the same one that Brahima visited]. I was introduced to young people, most of whom spoke Fula. We first did chores: we collected wood, did the laundry, pounded millet, and more. After a few weeks, we had travelled throughout the whole area. We moved at night, pick-up. We arrived at Dialloubé forest."

The leader of the *markaz* was a certain "Ibrahim," from Dialloubé. The camp had about 150 men and a few married women. In the camp, *"We sometimes talked about Koufa,"* [he said,] but he never heard the name of Iyad Ag Ghaly. Thursdays were devoted to preaching and political discourse.

There, **Abdou** was placed in a group of ten, under the authority of a 28-year-old leader, Amadou. He attended military training for three months, *"except Thursday evenings and Fridays."* He was good at handling weapons, *"long rifles."* He was therefore assigned to the team of fighters. After a while, he was sent on a mission. *"Ten of us went to a village about twenty kilometres away. We met the men of the village to sign an agreement under which they accepted the principles of Islam in exchange for our protection of them. Some of the young people did not agree. But the village chief said: 'For now, we cannot fight them.' Some of those who were against fled. I received 60,000 CFA francs for this mission."*

He led a second mission, which marked him for a long time. The objective was to attack a gendarmerie checkpoint at the entrance to Tenenkou, on a market day. *"Six of us went, on three motorbikes. The scouts had seen five men, including three gendarmes. We shot them. Several people were killed. I received 300,000 CFA francs for this operation. I received*

101. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

*congratulations from chief. But I did not feel good after that. I asked to take a step back.” His request was heard. **Abdou** was sent across the river to a forest near Boulikessi. He was assigned to a group that read the Koran and was meant to deliver sermons in mosques. “There were many of us: more than 300 in the camp. Most were Fulanis from Seno, Macina or Niger. In my group, there were about 35 of us.” His trainers definitely came from elsewhere: “They spoke Arabic and changed often.”*

Abdou befriended two Burkinabe who, like him, wanted to flee. After several unsuccessful attempts, they took advantage of a trip to collect water to escape in June 2017. They joined Mondoro, then Boni, and Sévaré. *“I never intended to kill or be an accomplice to a murder. That’s why I left,” Abdou explains. He also says he was disappointed by the leaders. “Some did not pray, others stole cattle,” he says. Today, he makes a living from small jobs in the hope of finding something better. He says he is afraid of the army.*¹⁰²

102. Interview with AMDH and FIDH, Sévaré, 15/05/2018.



Extract from a documentary in Samani after the attack perpetrated on April 28th, 2018. TV news by the Office of Public Television and Radio Broadcast in Mali (ORTM). April 30th, 2018. © ORTM

B. By armed militias

1. A profusion of disparate militias...

In order to remedy the absence of the State and to resist attacks from jihadist fighters, but sometimes also for the hidden purpose of taking part in the DDR (Demobilization, Disarmament and Reinsertion) process or to resolve a local conflict between communities through violence, many militias have been formed for three years, often based on membership of a specific community (Fulani, Bambara, Dogon), and sometimes as part of the brotherhood of traditional hunters (*donsos*). In some cases, these armed groups limit their operational area to the perimeter of their village or commune. These groups are not legal, with almost no channel of communication beyond their area of action and sometimes a limited life. In this context, it is difficult to develop a detailed map of armed groups which are concentrated in the centre of the country, and to define the responsibilities of each group in the recent massacres. In recent months, however, two fully identified armed groups have been particularly active.

A Dogon militia was created in December 2016. “Dan Na Amba Sagou”¹⁰³ was formed in response to insecurity plaguing the areas of Douentza, Bankass, Bandiagara and Koro. Its stated goal is to protect the Dogon community from attacks by jihadists. It consists of elements claiming to belong to the *Brotherhood of Donsos* and has a staff. A number of its leaders appear publicly, for example coordinator, David Tembiné. One of the leaders of this armed group is said to be Youssouf Toloba, famous hunter from the Koro Circle. However, details are still vague about his rank and precise chain of command. A Dogon mediator who operates in the Mopti region says that fighters are “*young Dogons from villages in the area and who respond to the rank of the hunters*,” but who “*are beyond the authority*” of the main Malian Dogon association, Dina Dogon.¹⁰⁴ Another local source mentions “*out of control young people*” who saw this as “*an opportunity to go after the Fulanis*.”¹⁰⁵ Although it did not have a particularly active presence in its early days, this militia has carried out several massacres since the beginning of 2018, particularly in the Koro Circle. The epicenter of the violence is around Dioungani, 55 km from Koro. In response to attacks from jihadists, who are very active in this area and have set up training camps there, the Dogon people have carried out numerous operations against civilians, mainly Fulani camps. On 8 July 2018, the movement announced in a statement that it had been targeted the day before by an army operation at its general meeting in Kanou Kombolé and announced its decision to “*expel any State representative in Dogon Country*” and to prevent the presidential election from being held.¹⁰⁶

The *Alliance pour le salut du Sahel* (ASS) (Alliance for the Salvation of the Sahel – henceforth SSA), a Fulani militia, was formed in early 2018 in response to attacks on Fulani villages in the Koro and Djenné Circles. This group, which seems to operate out of Bamako, displays the ambition to combat the attacks committed against the Fulani, in particular by the *donsos*. The organisation and agenda of this movement are unclear. According to an influential member of the Fulani community in Mali, the SSA is mainly made up of young Fulani from Mali, Niger and Burkina Faso, and its hierarchy is made up of civil servants and soldiers from the Fulani community, some of whom hold senior positions within the Malian government. This militia has a very active presence, having claimed a number of operations since it was created, essentially using Whatsapp. They have attacked isolated villages and individuals.

Unidentified Fulani armed groups, which could be linked to SSA or Katiba Macina, are also fighting in the Sanari area, and especially in the Djenné Circle. They face the *donsos*, about whom we know almost nothing: their organisation, hierarchy, links with hunters from other regions, especially those active in the Seno area, etc.

These militias mostly attack civilians. Sometimes they clash in what amounts to pitched battles. Many of their victims, however, are civilians who were going about their daily lives, in their village or in the bush, and whose only ‘fault’ was to belong to a particular community.

2. ... supported by the State?

Many witnesses and well-informed individuals report logistical and financial support given to *donsos* by the Malian government or at least by some of its members. Residents in the Centre compare them to Malian Armed Force “auxiliaries.” In Bamako, community leaders, including hunters,¹⁰⁷ note that

103. According to a translation by a Dogon speaker, this means “Thanks to the hunters, we will be safe”.

104. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

105. Interview with AMDH and FIDH, Sévaré, 14/05/2018.

106. Press release posted on the movement’s Facebook page.

107. Interview with AMDH and FIDH, Bamako, 16 June 2018.

the beginning of the major operations carried out by *donsos* in the Centre coincides with the meeting between the President of Mali and hunters: on 8 February 2018, Ibrahim Boubacar Keïta received a delegation led by Diawoye Traore at Koulouba Palace. Other sources mention an influx of hunters from all over the country to help hunters from the Centre. However, as yet there is no evidence to substantiate these allegations. On 7 July 2018, the security forces even conducted an operation in Kanou Kombolé to try to disarm the Dan Na Amba Sagou elements attending a general meeting. “If the State wants to disarm us, it must accept its responsibilities and ensure security from the outset,” says David Tembiné, the coordinator of this movement.¹⁰⁸ The day after this operation, the movement announced its decision to “*expel all State representatives from Dogon Country*” and to prevent the presidential election being held.¹⁰⁹ Indeed, due to jihadist groups as well as perhaps militias, the centre of the country saw the lowest turnout of voters in the 2018 presidential election.¹¹⁰

Although links between the government and Dogon militias have yet to be proved, it is plausible that *donsos* were initially used by the FAMa as scouts or informants, before participating more actively in the fighting – with or without the backing of the military staff. It also seems likely that they enjoy a certain freedom of movement, even a complicity on the part of the Malian army. Many witnesses say they have seen *donsos* carry out military operations alongside the FAMa. A magistrate from the Mopti region confirms: “*The donsos do what they want. When they patrol, there are sometimes soldiers with them. One day, I called a donso on his phone and a soldier answered.*”¹¹¹

Residents of the area also note that *donsos* can travel on motorcycles, even though the use of motorcycles and pick-ups in 12 Circles in the Mopti, Segou and Timbuktu regions has been banned since 1 February by military order of the Chief of General Staff of the Armed Forces. Accordingly, on 13 May 2018, a hundred hunters arrived by motorbike in Koro town, under the approval of the FAMa present in the area. Villagers also reported seeing members of the FAMa talking with *donsos* before making arrests in the Fulani neighbourhoods. This obvious complicity has helped to strengthen relations between the inhabitants of the area. “*Before, there were no problems between the Fulani and the Bambara, except on matters of grazing, testifies a Koranic master from the Macina Circle. The problems arose when the FAMa began searching houses and looking for rifles in 2017. Gradually, the donsos began to disturb people, to kill them, to steal from them, unchallenged. I saw donsos going with the FAMa. Often, they are on the front line, and the MaAF are watching.*”¹¹²

According to one source who was able to examine a number of the *donsos*’ victims, none had been killed by weapons of war – they were killed with traditional rifle bullets.¹¹³ This suggests that the *Donsos* were probably not equipped with weapons of war and therefore did not receive assistance from the military authorities, on this occasion, at least up to the point this investigation was conducted.

Bloody massacres

The militias, whoever they may be, are responsible for several massacres in recent months, mainly in the Djenné and Koro Circles. These killings, for which it is difficult to apportion blame, mostly target civilians.

108. See “Les relations ambiguës avec les milices montrent les défaillances de Bamako,” Morgane Le Cam, *Le Monde*, 24 July 2018.

109. Press release posted on the movement’s Facebook page.

110. See above on voting operations during the 2018 presidential election in Central Mali.

111. Interview with AMDH and FIDH, Bamako, 11/05/2018.

112. Interview with AMDH and FIDH, Bamako, 16/05/2018.

113. Interview with AMDH and FIDH, Sévaré, 15/05/2018.



SSA Fighters, 2018. All Rights Reserved (Twitter @AllianceASS)

In Macina, on 12 February 2017 and the following days, at least twenty-one civilians, all Fulani, were killed by *donsos*. The situation was already tense in the area when a Bambara trader, Chiaka Traore, a member of the brotherhood of hunters, was killed on the night of 11-12 February, in his shop in Diawaribougou, a village a few kilometres from Ké-Macina. The next day, a hundred *donsos* came from neighbouring villages. According to a village herder, *“the donsos told us that we were not welcome at the funeral and that they would come and attack us and kill us.”*¹¹⁴ After the trader’s burial, they then attacked Fulani from the village and several other encampments in the area. *“They started at the home of Sadou Sangare. His family had fled but, as an elder, he did not want to go with them. The donsos killed him. Then they went to the other houses and killed four other people,”* the herder explains.

“They set fire to huts in Diawariwere, Kado Amadou and Kawere, and they killed several people, at least five of whom I know,” says a crop farmer. *“They also came to my home in Diawaribougou, but I was not there: I had fled, because someone had warned me of the danger. They found my wife, who was pregnant, and my children. There were about fifty of them around the house, armed with shotguns. They burned my house. My wife was so scared that she had a miscarriage and later, she died. My 15-year-old son, my nephew and the*

114. Interview with AMDH and FIDH, Ségou, 12/05/2018.

son of a neighbour and I stayed in the forest until 10 pm. We tried to return, but the donsos had surrounded the area. We managed to get to Macina."¹¹⁵

According to another witness whose brother lived in one of the attacked settlements six kilometres from the town of Ké-Macina, the *donsos* arrived in large numbers in the morning and immediately opened fire on the inhabitants of the hamlet, before setting the fire to the huts. Eleven out of the fourteen houses were destroyed. Seven people were killed, two of whom were burned to death in their homes. *"When I arrived on the scene, the donsos had already left,"* said the witness. *"The huts were burning. I gathered the bodies. When the soldiers arrived, the bodies were loaded into a lieutenant's car. I knew all the men who had been killed. We took the survivors to my house, twenty-one women and children."*¹¹⁶

This witness states that a "lieutenant" in the Malian army helped him, but he was unable to tell him about what had happened afterwards. During the attack, the Malian soldiers came. They did not intervene, and did not disarm the *donsos*, but they escorted the Fulanis to Macina. The brother of the village chief who was attacked also said he had met senior officials in Bamako. There was, however, no investigation into this massacre. The *donso* leaders of the region, who are well-known, were not worried. After these attacks, a large number of Fulanis fled to Diabaly, Sokolo and Niono. Before these events, there were about 120 families in Diawaribougou and the neighbouring hamlets.

This type of massacre has increased in the Koro Circle in 2018. On 28 April, gunmen attacked the Fulani neighbourhood of Samani village, where Fulani and Dogon people live together. *"It was around 7 am, reports a young herder from the village. The donsos came on motorbikes from the Dogon district. There were sixteen motorbikes, with two people to a bike. They arrived at the place where the cows drink. They spoke Bambara and Pulaar, had rifles similar to FAMA rifles, and they were wearing traditional donso clothing. I do not know why they attacked us. They surrounded us. There were more than ten of us. They shot the cows, they killed a lot of them. We fled. We ran to our homes, we called our families, then we left without taking our things. We fled to the village of Koumba-Ogourou on foot."* The attackers killed three people. One of the victims was burned. Another was disembowelled and had his forearm amputated. Two other villagers were wounded by bullets. The gunmen also burned Fulani houses and granaries and stole their cows and goats (about 500 animals). *"The next morning, we returned to Samani. Everything had burned down. The Dogons did not come to see us,"* says the herder. Samani had 24 Fulani families: all have left the village.¹¹⁷

Other similar attacks have been reported since the beginning of the year in this area. On 10 February, men on motorbikes opened fire at the village of Tonon, killing three villagers. On 7 March, armed men attacked the Dogon village of Sabere: half of the village was burned down, an old man and a child were found carbonised. A few days later, four people from the village were killed in a new attack. On 4 June, the Fulani camp of Guewourou was attacked during a baptism. Seven people were killed, including a newborn baby. The huts were burned. These attacks on civilians have resulted in many being displaced.

In addition to these attacks, which are likely to have been planned, armed men attack isolated individuals they meet on the road or whom they target in the villages. There is a long list of violent deaths since the beginning of the year. The victims usually belong to the Fulani and Dogon communities. On 10 January, two Fulani were found dead in Bondo, riddled with bullets. On 24 February, a shepherd from Ogodourou was killed by armed individuals. On 10 March, a shepherd from Djioun was killed, his body was disemboweled, and his genitals were cut off. On 8 April, a Fulani crop farmer was killed in

115. Interview with AMDH and FIDH, Ségou, 12/05/2018.

116. Interview with AMDH and FIDH, Ségou, 12/05/2018.

117. Interview with AMDH and FIDH, Bamako, 11/05/2018.

Timeri. On 16 April, a Dogon crop farmer was murdered between Diankabou and Bamba. On 20 April, two Dogon crop farmers were shot dead in Gondogourou.

There seems to be no logic to these murders other than to impose terror on the “opposing” community. In March, S., a 60-year-old retired Fulani civil servant, lost two of his cousins. A few days later, he left Koro, where he had lived for several years, and fled to Sévaré.

“The problems started in June 2017, after the murder of a man from the Dogon community,” he explains. “His son encouraged people to destroy encampments. I welcomed wounded people to my home in Koro. Between late February to early March 2018, seven families who had fled their village stayed with me. The noose has tightened. With Donsos surrounding the town, families could not even go to the market. One day, two families wanted to go to Burkina. On the outskirts of Koro, they met two armed Donso men who made them go back home. On Sunday, 11 March, we found a vehicle. Everyone who wanted to leave could. However, there was a Donso roadblock in Benebouro, on the outskirts of Koro on the road to Dinangourou. Both Donsos told everyone to get out of the vehicle. They took my two cousins, Saidou and Soumaïla, and killed them. Saidou was 77 years old. Soumaïla was 62 or 63. Both were from Dioungani. Then the Donsos ordered the vehicle to return to Koro. The people who had been in it came back the same evening and told me everything. The next day, I was called to come and bury my two brothers. I went to the gendarmerie where I found the territorial brigade. A captain told me, ‘We’re going to look for your two brothers.’ The Dogon driver said he had taken care of everything. However, when he arrived at the market, he was accused of helping to bury Fulani people and was told that if he went, it would be at his own risk. The driver got scared. Finally, we left with gendarmes. My two cousins were found in the middle of the road. We dug a grave, placed them in the plastic shrouds and buried both bodies. It was after these events that I decided to leave Koro. Today, in Koro town, there must be five houses that shelter Fulani. All the others are gone.”¹¹⁸

Mass extermination at the hands of the militias is gaining intensity day after day. The death toll continues to rise, and the cruelty of certain practices is terrorising the population. On 23 June 2018, a massacre on a hitherto unseen scale was perpetrated in Koumaga (Djenne Circle). According to a UN source, at least 24 civilians, including five Fulani children, were reportedly killed in an attack by hunters from the Bambara community. According to Agence France-Presse, the head of Fulani association, Tabital Pulaaku, said that *“people dressed as Donsos surrounded the village, isolated the Fulani people from other communities and killed at least 32 civilians in cold blood.”* For its part, the Malian government reported 16 deaths after *“a violent clash”* between communities and promised that legal proceedings would be initiated.

On 26 July, three days before the first round of the presidential elections, the Fulani village of Somena (commune of Ouro Ali), near Djenné, was attacked by armed men, identified by witnesses as *Donsos*. Seventeen men were reportedly killed. Witnesses claim that the bodies of some of the victims were thrown into a well.

C. By the Malian Armed Forces (FAMa)

1. Timid return of the military

At the beginning of 2018, under the impetus of the new government appointed on 30 December 2017, an “Integrated Regional Security Plan” was implemented. This plan further strengthens the security

118. Interview with AMDH and FIDH, Sévaré, 16/05/2018.



Malian Armed Forces at the Military parade on September 22nd, 2018, commemorating the 58th year of Independence.
© Annie Risemberg / AFP

system in the Mopti and Ségou regions as well as governance and economic and social development measures. As of January, the MaAF has gone back to the Centre of the country, which they had more or less deserted in 2015. In particular, they have occupied camps that they had abandoned during the jihadist offensive and conducted several anti-terrorist operations. Regular troops and special forces perform missions lasting several days, under FAMa or G5-Sahel command. This redeployment is accompanied by some more or less popular measures (including the ban on travelling on two wheels in the regions of Mopti and Ségou, a measure that has serious consequences for the operation of the markets and the local economy), as well as a timid return of administration in some rural areas. Sub-prefects have returned to their posts. However, many services remain inaccessible to the residents in the centre. Schools that had to close under pressure from jihadists have not reopened. Many field personnel are still missing.

During several trips to the centre (to Mopti on 11 February, to Ségou on 5 March, to Bandiagara and Djenné on 26 March), Prime Minister Soumeylou Boubèye Maïga made several announcements about emergency social aid and longer-term development. However, the return of the army to the Segou and Mopti regions and the proliferation of anti-terrorist operations has characterised by numerous human rights abuses.

2. Summary executions

Numerous cases of summary executions have been attributed to the Malian army since February 2018. This investigation has made it possible to document and collect reliable information on at least 6 massacres perpetrated between February and July 2018 in Sokolo, Dioura, Finadje, Nelbal, Dogo, Boulíkessi and Nantaka and during which 67 mainly Fulani people were summarily executed. This investigation shows that elements of the Malian army (FAMa) were said to be involved or even responsible for these abuses.

The Sokolo massacre

On 21 February, in the vicinity of Sokolo (Niono Circle), the FAMa arrested nine people in Operation Dambe: seven Fulani people and two Bambaras. The seven Fulanis have since disappeared. They may have been executed and buried by Malian soldiers in a mass grave. Events were able to be precisely reconstructed after the testimony of several witnesses.

That day, a Wednesday, Modibo Bah, known as Bailo, the head of the village of Djadja, 8 km from Nangaraba Camp, was to be present at the baptism of his son from his third marriage to a woman from Nangaraba Camp. He came from Djadja with his brother, Brahim Bah, one of his sons, Hamadi Bah, a nephew, Bongo Bah, and a friend, Allaye Bara Cisse. At around 10.00, a convoy of around twenty Malian army vehicles arrived in the village. The soldiers went from house to house and ordered the men to gather at the mosque. They arrested the five men, all Fulani, who were in Bailo Bah's yard and were preparing to attend the ceremony, and then arrested four other people who were outside a shop – two Bambara people: Hamadi Coulibaly, the owner of the house, and Ngassa Bouare, and two Fulani people: Ibrahim Sow, the shopkeeper, and Samba Sow, his son. *"Ibrahim had a shop in the centre of Nangaraba Camp,"* says a family member. *"The soldiers took him in front of his shop. They searched the shop. They were looking for weapons. They found nothing. They went to his home and then went to search another house that Ibrahim was building. There, they arrested Samba, a young shepherd, who was sleeping in the house. The FAMa then took the two men to the centre of the village where the vehicles were. They burned Ibrahim's motorcycle and four other motorcycles, then they made them get into a car and left. I haven't seen them since."* Several witnesses saw the convoy heading south towards Sokolo. They say that the nine people arrested were blindfolded and had their hands tied. In the evening, around 18:00, the villagers saw the soldiers returning to the town with the two Bambara people, but without the seven from the Fulani community. They handed the shop keys to Ibrahim Sow's family.

When he learned about these arrests, B., a herder and village chief from the area, sought to find out more. The next day, he confirms he went to Nangaraba Camp to inquire about the situation. *"I went to see the village chief. He told me that the day before, in the morning, the military surrounded the village and arrested people, searched homes, and burned motorcycles. Then I went to see Hamadi, who was arrested and released. He told me he did not see anything because everyone was blindfolded. They were transported to an unknown destination. He did not know where they were, except that when they left, they scraped against branches. He did not know what had happened to the people who were taken alongside him. He told me he had not heard anything, and that the soldiers were speaking French."* After that, B. went to Sokolo to talk to one of Sokolo's deputy mayors. Then he says he saw the soldiers arrive in the town near the borehole. *"They were looking for the borehole keeper. I saw them give him a shovel and a pickaxe. When I saw that, it gave me a shiver of fear. I asked the keeper what happened. He told me: 'Yesterday, the soldiers, leaving with the Fulani, borrowed a shovel and a pickaxe. They brought them back to me.'"*¹¹⁹ It appears that the FAMa passed through Sokolo with their nine detainees, then headed for the Mauritanian border,

119. Interview with AMDH and FIDH, Ségou, 12/05/2018.

probably their temporary camp, in a small forest located less than 5 km from Sokolo.

A few days later, after the soldiers had left, villagers went there to try to find the missing people. There, they saw evidence that the military had passed through the area: packets of pasta, cigarette butts, signs of a fire, telephone pay cards. They found what looked like a 3 x 2.5 metre pit. They tried to dig the earth, but when they saw hair, a sandal, and a piece of turban-like cloth worn by one of the missing, they stopped what they were doing. Beside the pit, *“there were small holes in the ground, and traces of blood, like when you slaughter a sheep,”* says a witness.¹²⁰ For the people of Sokolo, there is no doubt that the seven missing were buried in this pit. In all likelihood, they were executed by the FAMa, and buried on the very spot where they had set up their temporary camp.

In a statement issued on 27 February, the Malian government admitted that the FAMa had *“conducted reconnaissance and search missions on 21 February 2018 in Sokolo commune, in the course of which civilians unfortunately lost their lives”* and indicated that an investigation had been ordered.

Since then, the people of Sokolo say they are afraid of the military. A few days later, a MINUSMA mission went to the scene to view the area, but for material reasons, it was unable to complete its investigations. The next day, the FAMa went to Djadja and arrested six men, during what could be considered an act of intimidation. A relative who tried to find out where they were said that a soldier told him, *“I know you work with MINUSMA, they are foreigners, you should work with us.”*¹²¹ The six detainees were sent to Ségou, where they stayed for 21 days, and then to Camp 1 in Bamako, where they remained for 13 days before being released. FAMa continue to come regularly to Djadja, to search houses and steal motorbikes.

The identity of the regiment that acted in Sokolo is unclear. The army has a camp in this town. However, they could be soldiers temporarily deployed as part of the Dambe Operation, mobilised for specific missions. It is likely that special forces were part of this mission. Several elements support this thesis: the particular outfits (black t-shirt, balaclava, camouflaged white pick-ups) of some of these soldiers; the fact that they were based in a temporary camp, in the bush; and the fact that they only stayed in the area for a few days.

Missing from Finadje found in the two mass graves in Koroguiré?

The day the FAMa came to Nangaraba Camp, three others disappeared after being arrested by soldiers in Finadje and Selibougou. In Finadje, 7 km from Dioura, Bambara and Fulani communities operate an uneasy coexistence: a conflict related to the village chiefdom has made them opponents for almost twenty years. On the morning of 21 February, the FAMa arrived in about 15 vehicles, first talked with the Bambara people, then headed to the Fulani district, where they searched houses, burned three motorcycles and arrested the brother of the village chief: Assana Bah (40 years old). *“They left Finadje around 14:00,”* says a village herder. *“They travelled 2 km to Selibougou, where there is only one Fulani family. They entered their home and arrested Amadi Bah (21 or 22 years old) who lived in Niono and was just passing through, and Modibo Bah (60). They also took jewellery and money. Amadi and Assana are Modibo’s sons-in-law. Then they went to Koroguiré, where they spent the night. The next day, they headed towards Dioura. We did not hear anything from them after this.”*¹²²

On 9 June, the bodies of three men were found in two pits near Koroguiré, about ten kilometres from Dioura. A family member of the disappeared thinks that these are the three men arrested in Finadje.

120. Interview with AMDH and FIDH, Ségou, 12/05/2018.

121. Interview with AMDH and FIDH, Bamako, 6/06/2018.

122. Interview with AMDH and FIDH, Bamako, 16/05/2018.

One of the bodies was wearing a T-shirt similar to the one worn by Amadi Bah on 21 February.¹²³

After these arrests, the Fulani people, including the village chief, left Finadje for fear of reprisals from the Bambara community. *"We are in conflict with the Bambara people, who claim the title of village chief. Finadje was founded by the Fulani people, but today there are more Bambara,"* says a herder. He does not know why the FAMa arrested these three men. He says they had no connection with the jihadists. At the end of 2017, the "bushmen" had killed two of the village chief's nephews.¹²⁴

The 14 Nelbal "escapees"

On 5 April, in the nearby hamlet of Nelbal, about fifteen kilometres from Dioura (Mopti Circle), the FAMa arrested 14 men. According to witnesses, the soldiers surrounded the hamlet. It seems that they were looking for two individuals. They are said to have found a weapon and a motorcycle. They then gathered all the inhabitants, men, women and children, blindfolded all able-bodied men, which was fourteen individuals (all related and Fulani), and took them with them. Nobody ever saw them again. Only three men escaped arrest: an old man, a man acting "crazy," and a Bambara.

The next day, the army issued a statement that 14 men, portrayed as suspected terrorists, had died while trying to escape from Dioura Prison. The Minister of Defence later announced that military prosecutor had been seized and an investigation opened. The idea of an escape attempt does not convince the inhabitants of the area. To date, the relatives of the victims have still not recovered their bodies, and we do not know where they were buried.

The disputed mass grave of Dogo

In early April, in Dogo (Youwarou Circle), six men lost their lives after being arrested by the FAMa. This town, located in an area frequented by Katiba Macina, had been deserted by gendarmes and the sub-prefect in January 2015. The jihadists are particularly influential there since, according to a member of the commune, there are many supporters, especially among the young. On Tuesday 3 April, an army detachment settled near the city. In the process, the "radical" elements close to the jihadists left the area. On the first day, the FAMa arrested four men. On Thursday 5 April, market day, they conducted new patrols, arresting 17 men. They broke camp the next day after releasing one of the detainees. They took 14 men with them, who were sent to Segou, then to Bamako. All were released on 25 April.¹²⁵

A few hours after their departure, a grave was discovered about 1 km from the town. There are two different versions regarding the identity of those who found the grave. Community leaders say they are jihadists. A local elected representative refers to a shepherd. The grave contained six men's bodies, including a 15-year-old child, who had been arrested by the FAMa, and who were later identified (once exhumed and identified, the bodies were put back into the ground). Several sources claimed that the bodies did not show bullet marks or even injuries. Only the hands were tied.

An administrative official in the region said the six men found dead had been released by the FAMa. He proposes this was a settling of accounts or a killing by jihadists after their release.¹²⁶ But the *modus operandi* does not match their methods: the jihadists never bury their victims, they slit their throats or shoot them in the head. An investigation was opened at the military court.

123. Interview with AMDH and FIDH, Bamako, 13/06/2018.

124. Interview with AMDH and FIDH, Bamako, 6/05/2018.

125. Interview with AMDH and FIDH, Sévaré, 14 and 15/05/2018.

126. Interview with AMDH and FIDH, Mopti, 15/05/2018.

In the case of Nelbal and Dogo, as in the Sokolo case, our investigation did not identify the detachment operating on the ground, nor establish its chain of command. Other investigators, including those from MINUSMA, faced similar challenges. They were probably soldiers on mission, perhaps as part of the Dambe Operation. Local sources mention the possibility that the same detachment acted in these three localities. We have so far been unable to confirm this.

The Boulikessi massacre, the first “blunder” of forces under G5 Sahel command

Responsibility is easier to establish in the case of the Boulikessi massacre. This town in Mondoro, a strategic landlocked area, not far from the border with Burkina Faso (and near the Agacher Strip), and composed of Fulani, Arab, Songhai, Touareg and Bozo people, lies in the heart of a region particularly frequented by jihadist elements. The nearby forest is said to have housed a training camp. On 5 March 2017, 11 soldiers were killed and 5 wounded in an attack. In 2013, Brahim Mody Diallo, more commonly known as Amirou Boulikessi, the village chief, joined the men of the MOJWA to stop the killings and robberies carried out by Tuareg bandits (see *Part I*).

In 2015, under threat, the army had left the camp next to the town though it came back periodically. On 28 December 2017, a detachment from the Malian army, under G5 Sahel command, came back to the camp. A few days after their arrival, a delegation led by a lieutenant organised a meeting with the inhabitants, in the absence of the village chief. According to witnesses, they are reported to have said: *“We are the red berets. We are only in Boulikessi, and nowhere else. We are here for the people and their property. But if there is a problem, if we are attacked, if there is a death on our side, we will kill twenty on your side.”* When the village chief returned to Boulikessi in April, the soldiers visited him. They are said to have told him the same thing. According to a witness, they said: *“The State has banned the use of motorcycles, but it is difficult for people, so we allow travelling on two wheels between 6:00 and 18:00. If there are any ill people, we have a doctor, they can come to see him. But if there is a problem, if we are attacked, we will kill twenty.”* The village chief is said to have told them that he had little control over the jihadists.

A few weeks later, on Saturday 19 May, the day of the weekly market, a soldier was killed by an armed man while patrolling the city. According to several witnesses, it was around noon when two men arrived on a motorcycle. The passenger got off, headed for the soldier, and shot him. He took his rifle and his cartridges, then got back on the bike, which headed towards Ndaki, to the east. The other soldiers who were also patrolling (three or four according to different versions of events) then ran to the camp without discharging their weapon. Immediately, most residents left the area. But some stayed. Others came back after a while. Thirty minutes later, the soldiers returned in bigger numbers. They fired indiscriminately at the people who were within a hundred metres of the area. A witness reports hearing shots *“for several minutes.”* According to other witnesses, the military are said to have chosen people at random before executing them.

At around 14:00, soldiers went to the village chief’s home. Two soldiers took him out of his house. Two others went to the mosque to look for the imam, who is the brother of the village chief, and his cousin. They made all three of them get into a pickup truck and headed for the market. On the way, the convoy stopped at the house of an Arab, Moussa Garoubel Tamoura, which is always very busy on market days – a lot of trading takes place there. They took out two Fulani brothers and an Arab and made them get into another vehicle.

At the scene of the massacre, near the cattle market, the village chief and his parents saw several dead bodies. A first-hand witness tells the following:

*"The soldiers told the two brothers [arrested at Mr Tamoura's house] to leave. Then they shot them. Two soldiers approached them and 'opened fire' on them, at least seven shots each. I do not know the people who were shooting. They were wearing red berets."*¹²⁷

The village chief was forced to watch the scene. Then he was brought to the place where the bodies of the men killed earlier were located. There were eight in the same place, and two others a little further away. A military leader whose was identified is said to have told the village chief: *"Today, we bury one man, you bury twelve."* The village chief was then taken to the school to see the lieutenant who visited him a few days earlier. The lieutenant informed him that two-wheeled vehicles were now prohibited and that the cattle market should be closed. He is said to have advised him to bury the dead.

The following day, at dawn, residents buried the twelve dead in two graves: six Songhai Fulani in one, the other six, mostly Fulani, in the other. According to them, none of them were "jihadists." The youngest was about 23 years old, the oldest, 73 years old. Most were from Boulikessi. The six members of the Songhai Fulani community were originally from Gossi and were living in Karandoli, a village about ten kilometres from Boulikessi. According to one family member, they were all shepherds. They had come to Boulikessi to sell their animals. One of their cousins, Mossa Abdoulaye, was killed outside his home by armed men, probably jihadists, in May 2017. He was suspected of collaborating with the army and had received threats.¹²⁸

As often happens in such circumstances, the authorities initially tried to cover up the matter. On 21 May, the Ministry of Defence issued a statement describing a clash in which *"twelve terrorists were neutralised,"* and one member of the FAMa killed. In this short statement, the minister *"encourages the FAMa to continue their mission of securing and protecting people and their property."* On 7 June, a second report admitted that *"after G5 Sahel joint force verification missions, areas of doubt still remain,"* and indicated that an investigation had been requested. MINUSMA, for its part, conducted investigations and concluded that *"elements of the Malian battalion of the G5 Sahel Joint Force summarily and/or arbitrarily executed 12 civilians at the Boulikessy cattle market."*¹²⁹

According to witnesses, military officials returned to visit residents a few days after the killings. They are said to have offered their condolences and allowed the cattle market to reopen. Village officials also met with authorities in Bamako, who reportedly acknowledged the facts and asked for their utmost discretion, while promising measures would be taken.

Repression soars: the Nantaka and Kobaka massacres

On 13 June, after a wave of arrests by the FAMa in Nantaka and Kobaka, near Mopti, three mass graves were discovered a few kilometres from the two villages. Residents went to the scene after hearing shots in the middle of the day, and after making sure the soldiers had left. According to witnesses quoted by the press, the first grave contained thirteen bodies, the second seven and the third five – a total of 25 people, confirmed by a UN source. The victims have been identified. It seems that these are the men who had been arrested by the Malian soldiers from the Sévaré camp. They are all said to be from the Fulani community. In a testimony similar to that of the Boulikessi residents, a public figure from Nantaka explained that the FAMa had promised they would kill twenty men if one of them was attacked.

For the first time since this type of abuse has been observed, the authorities sought to be transparent.

127. Interview with AMDH and FIDH, Bamako, 4/06/2018.

128. Interview with AMDH and FIDH, Bamako, 5/06/2018.

129. Press release issued by MINUSMA, 26 June 2018.

In a statement issued on 19 June, the Ministry of Defence “confirms the existence of mass graves involving some FAMA personnel in serious violations that caused death of men in Nantaka and Kobaka,” and announced the opening of a judicial investigation. A delegation led by the Army Chief of General Staff visited the site on 19 June.

3. Cases of torture and illegal detentions

Violent arrests by FAMA have increased, often on the basis of ethnicity or after denunciations. They are regularly accused of targeting the Fulani community in particular. Witnesses told how, when they arrive in a village, they start searching the Fulani neighbourhoods, and not the others. In the Inner Delta, locals say the FAMA talk to the Bambara community before making arrests among the Fulani community. The Fulani blame the military for burning their motorcycles, on the pretext that travelling on two wheels is prohibited, even when they are stationary, inside the house. These methods are likely to develop mistrust between part of the population and the Malian defence forces.

Numerous cases of arbitrary detention and torture have also been reported. A 29-year-old man from the Toguere Koumbe commune claims to have been beaten during his detention. He was arrested on 26 February in his village, Gaisi. He was having breakfast with his family when a detachment of the Malian army encircled the village and entered the houses.

“They made us sit down while they searched our house. They did not find anything, but they asked us to follow them, me, my father and my cousin. They took us to the outskirts of the village where they punched and whipped us. Then they undressed us, tied our feet and hands, and blindfolded us. They beat us again with pieces of wood and rifle butts. My father suffered a fractured foot. Then they made us get into a vehicle. We drove all day. Around 17:00, the convoy arrived at Toguere Koumbe, where there is a military base. We stayed there for two nights during which the military poured water on us. They gave us food, but I could not swallow anything. On 28 February, we were transferred to Sévaré and incarcerated in a prison with others who had been arrested in Tenenkou. Then on the same day, we left for Ségou in two vehicles. We spent seven days in Ségou. We were not beaten, and we were treated by the ICRC. On 6 March, we were handcuffed and transferred to Bamako. We were taken to the prosecutor’s office, where we were not interrogated, and then to a health centre near Camp 1. Those who were sick were treated. Then we were taken to a cell in Camp 1. There were about sixty people there. We were released on 21 March, thanks to the intervention of a lawyer. My father was sick. He was taken to the hospital where his foot was operated on.”¹³⁰

This witness believes that he was arrested “for jihadism” following “slandorous denunciations,” because his father is the leader of a community in conflict with the Bozos of the village.

On 14 June, a 37-year-old shepherd says he suffered severe abuse after being arrested at his brother’s home in Sokolo at the end of the day. Three other men, a cousin and two neighbours, were arrested at the same time. *“The FAMA made us get into a pickup truck and blindfolded us. They went to search a house and took a motorcycle, and then we went to the military camp. Once we had arrived, they questioned me about my cousin. They asked me if he was a terrorist and told me that they had killed him and that I would suffer the same fate if I did not cooperate. I said he was not a terrorist. They then plunged my head several times into water from the canal less than 200 metres from the camp. My two hands were tied. A soldier was leaning his foot on my back. Every time they took my head out, they said, ‘He is not dead yet,’ and they plunged my head back into the water. They hit me. Then they burned a rubber bag and dumped the ash on my chest and on my legs. It burned me. I insisted, so they started the water torture again, then they left me*

130. Interview with AMDH and FIDH, Bamako, 17/05/2018.



Malian soldiers patrolling the three borders area, during a G5 Sahel joint operation, on November 2nd, 2017. © Daphné Benoît / AFP

for dead. I regained consciousness the next morning. They took me to a place that I do not know, then they released me by a bridge and told me that it was a warning and that if they suspected me, they would kill me. On 16 June, I was transported to Diabaly Hospital for treatment, but the doctor refused to treat me on the grounds that permission from the mayor was required to treat people who had been beaten by the FAMA. On the 18th, I went to Segou, and on the 19th, to Bamako, where my burns were dressed. Today, I suffer a lot. My left ear hurts and my stomach hurts. My hands do not work anymore.”¹³¹

In addition to this physical violence, Fulani associations denounce the conditions in which those arrested in the centre are detained. Once they are sent to Bamako, they are held in different places, sometimes in secret. It takes their families weeks to find them. Detainees are reportedly held in State Security cells, outside any legal framework. No-one has access to these jails, not lawyers, not associations, not humanitarian organisations. People whose family think they are dead may be there. Witnesses who visited the Camp 1 cells described deplorable conditions and inhuman overpopulation. “One day when I went there in April 2018, we were told that there were 84 people in a single cell,” says an association official. “They were back to back and had to take turns to sleep due to lack of space. Some had whiplash marks on their back. It was very hot.”¹³²

Minors were arrested and incarcerated in the same cells as adults. H, 15, and Y, 17, were arrested by soldiers on 2 May in Bouzou-Gueri, in the Guiré commune (Nara Circle), along with about fifteen adults. They were first incarcerated in Nara prison for several days. They say they were not beaten.

131. Interview with AMDH and FIDH, Bamako, 20/06/ 2018.

132. Interview with AMDH and FIDH, Bamako, 7/06/ 2018.

"The military interrogated us," explains Y. "They asked us where the jihadists are. We answered that we did not know, that we were only shepherds." The minutes of the hearing state that Y is 20 years old, and H is 17 years old. According to a member of their family, however, they are younger than this. The minutes also state that they were arrested for having disclosed the army's position to the jihadists the day a mine exploded on the passage of a military convoy. They assure that they do not own a phone. Y and H were then sent to Ségou around 20 May, along with other detainees. On the journey, S, a 30-year-old man who was ill and had been arrested on the same day, collapsed. He was left in a village where he died. His body was handed over to his family, and he was buried on 21 May. H and Y were then taken to Bamako. They were questioned at the Anti-Terrorist Centre and then transferred to Camp 1, to a cell holding adults. They were released after a few days.¹³³

133. Interview with AMDH and FIDH, Bamako, 7/06/ 2018.



Capture of a GSIM video of propaganda (June 2017), showing jihadists fighters who took part in an attack against a FAMA's position in Mopti region.

III. WAR CRIMES REQUIRING A JUDICIAL RESPONSE THAT MEETS EXPECTATIONS

On 20 November 2017, the Mopti court sentenced the perpetrators of the crimes committed in Malemana in 2016 (*see above and in appendices*) to suspended prison sentences, which is much more lenient than the sentences usually delivered for this type of offence. This has left a large section of the population with the impression of a justice system which is ruled by the political authorities and is not very impartial when it comes to the identity of the perpetrators of crimes. In this case where 26 people were killed, and several authors acknowledged the facts, this decision based on “appeasement” has rather exacerbated the perception of an unfair administration, more inclined to make a deal than respect the rule of law.

As has been shown above, the weakness and corruption of the judicial administration in Central Mali appear to be important factors in the establishment of jihadist groups, with some of the population considering their form of justice to be more reliable. A judicial actor tells how, in the region of Mopti, certain rulings made by the national court are then submitted to the ‘Court of Appeal,’ which in fact delivers the form of justice as seen by Koufa’s men. In some cases, the Malian magistrates can congratulate themselves for seeing their decision “confirmed” by the justice system implemented by jihadist groups. This example of the poor perception of the judiciary, including by its own actors, demonstrates the need to strengthen its functioning, and to provide a real response to the most serious crimes committed. The justice system can send a strong message to Malian persons subject to the law and thus weaken one of the resources used by the jihadist groups to extend their influence and their implantation.

The exercise of justice is all the more necessary as the investigations conducted by AMDH and FIDH demonstrate the existence of numerous crimes committed over the last three years in Central Mali, some of which may qualify as war crimes. This judicial response must be integrated into a comprehensive response to the main human rights violations committed since 2012 throughout the country and renounce the temptations of impunity that emerged before the presidential election campaign.

A. How to define the crimes committed in the centre of Mali?

FIDH and AMDH investigations have documented a significant number of crimes committed by all the forces present in the regions of Ségou and Mopti: Koufa’s jihadist group, community militias and Malian Armed Forces, acting in particular in the framework of G5 Sahel. These crimes, which are largely detailed in the second part of the report, fall first under national law and constitute offences under the Malian Penal Code, with numerous established cases of murder (article 199 CC), rape (articles 226 and 227), torture (articles 209 et seq.), unlawful arrest and confinement (articles 237 et seq.).

Given their nature, severity and magnitude which has gone on for over three years now, FIDH and AMDH believe that they may constitute crimes under international law, including war crimes and crimes against humanity. War crimes are serious violations of international humanitarian law committed against civilians or combatants during an armed conflict, which entail the criminal responsibility of their perpetrators. These crimes derive essentially from the 1949 Geneva Conventions and their additional protocols as well as the Rome Statute of the International Criminal Court of 1998 (Article 8), as texts ratified by the Malian State. Crimes against humanity are defined in Article 7 of the Rome Statute, and relate to acts such as murder, extermination, rape, persecution of any identifiable group or community for reasons of politics, race, ethnicity, culture, religion or gender, and any other inhumane acts of a similar character intentionally causing great suffering or serious harm to the body or to physical or mental health are committed *“as part of a widespread or systematic attack against any civilian population and with knowledge of this attack.”*

1. War crimes committed by jihadists and Malian Armed Forces

International humanitarian law is very specific in terms of characterising war crimes, and several criteria must be met for this offence to be upheld by a court. First, the events must feature in the context of an armed conflict. The jurisprudence of the International Criminal Tribunal for the former Yugoslavia¹³⁴ considers that *“an armed conflict exists whenever there is a resort to armed force between States or prolonged armed conflict between governmental authorities and organised armed groups or between such groups within a State.”* In the case of the centre of Mali, the most probable classification of the conflict in the centre is that of the non-international armed conflict, that is, according to Protocol II of the Geneva Conventions, a *“conflict that takes place on the territory of a State between its armed forces and dissident armed forces or organised armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.”*¹³⁵ For the purposes of the main international treaties and case law, a non-international armed conflict must thus constitute a prolonged armed confrontation between a government army and the forces of one or more armed groups or between such armed groups, and which occurs on the territory of a State party to the Geneva Conventions. To retain this classification of a non-international armed conflict, it is also recognised that the confrontation must reach a minimum level of intensity and that the parties involved in the conflict must demonstrate a minimum level of organisation.¹³⁶

Are these conditions met in Central Mali? There is no doubt that an armed clash has been going on for more than three years and that the first attacks were carried out by Koufa's jihadist group. This confrontation sets the latter against the Malian government forces, and many episodes of direct confrontation have occurred since then, leaving the Malian Armed Forces and, beyond, the representatives of the state and in particular the police force and the administration, no choice but to abandon a large part of the territory concerned. To achieve this, Koufa's group had to set up a structured military organisation with a clear hierarchy, as evidenced by the two former jihadists encountered during the investigation.¹³⁷ In response, in early 2018, the Malian Armed Forces engaged in a large-scale military operation, Operation Dambe. Although it is presented primarily as an anti-terrorist operation, it is nonetheless a military operation targeting the armed elements of Koufa's group and, to this end, deploying significant resources, including air assets, with the Air Force flying

134. ICTY, The Prosecutor c/Dusko Tadic, Judgement on the Defence Appeal on Preliminary Lack of Competence, IT-94-1-A, 2 October 1995, para. 70.

135. Protocol Additional to the Geneva Conventions (Protocol II), Article 1, para. 1

136. See: “How is the term ‘armed conflict’ defined in international humanitarian law?”, International Committee of the Red Cross (ICRC), Opinion paper, March 2008.

137. See *supra*, II, 4.

more than 850 hours between January and April 2018, the use of military materiel (helicopter MI-24 and MI-35) and a large arsenal (more than 20 tons of weapons were sent to the centre by the Air Force alone during this period) including large-calibre ammunition (rockets, among others).¹³⁸ In his general policy speech on 20 April 2018, Prime Minister Soumeylou Boubeye Maiga acknowledged that terrorist groups “*harassed Malian defence and security forces*” and declared that Operation Dambe was mobilising several thousand men.¹³⁹ These main elements confirm the intensity of the conflict and its lengthy duration, making it possible to define it as a non-international armed conflict within the meaning of international law.

To qualify as war crimes, the criminal events documented in this report must be directly related to the armed conflict. With regard to the crimes attributable to the elements of the jihadist group of Amadou Koufa, the fact that the attacks on positions or representatives of the administration, or against elements of the government defence forces were accompanied by many cases of unlawful killings, hostage-taking and torture, as many offences characterising war crimes under the Malian Penal Code¹⁴⁰ and international law clearly demonstrate the connection between the attacks inherent in the armed conflict and the crimes documented in this report. In addition, documented cases of rape in the vicinity of Koufa faction camps, which are largely underestimated given the difficulty in accessing areas controlled by jihadist groups and, for the victims, in testifying, also constitute war crimes. Finally, the blockades imposed on several localities by Koufa’s men, deprive civilians of “goods indispensable to their survival” and can also be considered as war crimes.

As for the Malian Armed Forces, at least 67 people, civilians or people who were unarmed at the time of their execution, were killed as part of Operation Dambe. Since these crimes were committed during a military operation and in retaliation for attacks by Koufa’s organisation, their connection with the armed conflict is directly established. In addition to homicides, acts of severe deprivation of liberty and documented torture following the arrest of suspected jihadists also constitute war crimes.

2. Serious human rights violations by community militias

The crimes committed by Koufa’s jihadist factions then by the Malian armed forces, were in response to the crimes committed by the community militias created and mainly Dan Na Amba Sagou, a dogon militia created at the end of 2016, and the Alliance for the salvation of the Sahel, a Fulani militia created at the beginning of 2018. Many massacres have taken place, particularly since the beginning of 2018, causing a large number of casualties, mostly among the civilian population. As shown above, these massacres follow a community logic, and thus target the victims of the community perceived as responsible for a situation of insecurity and violence, not to mention other social or economic issues already described. Victims are civilians, and killings are often accompanied by fire and destruction of homes or entire communities inhabited by the target community. In addition to the massacres, numerous one-off killings have been recorded and are attributable to the militias, very often accompanied by inhuman and degrading treatment. These episodes of violence have forced hundreds of people to move to take refuge in safe places.

While these crimes certainly constitute violations of international human rights law, the information collected does not allow them to be classified as war crimes at this stage because of the uncertain structure of the groups in question. The hierarchy and actual operation of the groups has not yet been established with sufficient precision to be classified as such according to the criteria of international

138. <http://www.fama.ml/operation-dambe-un-soutien-considerable-de-larmee-de-lair/>

139. <http://www.primature.gov.ml/index.php/salle-de-presse/actualites/11685-declaration-de-politique-generale-de-monsieur-soumeylou-boubeye-maiga-premier-ministre-chef-du-gouvernement>

140. Article 31.

law. Similarly, if the attacks carried out by these militias, in response to violence or a supposed risk of violence, are carried out for particularly ethnic reasons, their generalised or systematic nature, which is required for them to be classified as crimes against humanity,¹⁴¹ does not seem to have yet been established. Crimes committed by militias are extremely serious and must be prosecuted. While the recent emergence of local community militias does not immediately mean that any crimes they commit constitute war crimes or crimes against humanity, a court could, however, after a judicial investigation, keep these characterisations which are part of national law.

B. Strengthening the national judicial response to the crimes in the Malian crisis

The crimes described and characterised above call for a strong response from the Malian political and judicial authorities. This should be done in response to the obligation of the Malian State to try crimes under international law¹⁴² as well as to put an end to the violence in the centre of the country and not to weaken the dynamics of the group of Amadou Koufa, which partly legitimises its action through the failure of the Malian justice system. The Ministry of Defence has repeatedly announced, after the main abuses committed by the FAMa, the opening of the investigation, without knowing, at the time of the writing, how this was conducted and if progress had been made. According to various sources, however, exhumations may have been conducted on medical grounds and several dozen people heard, including witnesses and victims. Some proceedings may even already be closed. In any case, it is essential that these proceedings take place as soon as possible in order to send a strong message to both the victims and their relatives, but also to the Armed Forces themselves, in order to avoid the repetition of such crimes in the future. To achieve these objectives, they will have to guarantee the willing participation of the victims as well as a certain visibility of proceedings and possible court cases in particular. Political and judicial authorities should also take into account the difficulties encountered in judicial proceedings concerning serious human rights violations since 2012, to take measures to facilitate the exercise of justice.

1. What is the situation with the proceedings from the 2012-2013 crisis?

To date, only one trial has been completed for crimes committed in the north of the country during the 2012-2013 crisis. On 18 August 2017, Aliou Mahamane Touré, former Islamic Commissioner of Gao City, was sentenced to 10 years in prison for threatening the internal security of the State, criminal conspiracy, possession of weapons of war and grievous bodily harm with extenuating circumstances.¹⁴³ This first conviction, in the presence of 7 victims supported by FIDH and AMDH, of the person who ordered amputations at the time of the occupation of the city by the MOJWA, made it possible to send an encouraging message in favour of combating impunity, but has remained the only one to date, more than 5 years after the events. Unfortunately, it has not been followed by other significant judicial advances.

Before it, the trial of Amadou Haya Sanogo and 17 co-defendants opened in November 2016 after three years of investigation.¹⁴⁴ FIDH and AMDH are supporting 23 families of red berets who were executed and buried in a mass grave during the night of 2 to 3 May 2012 after a counter-coup attempt. The opening of the trial had a great impact considering the identity and the positions occupied by the defendants, and demonstrated that it was possible to conduct, within a reasonable time, a significant investigation. At the request of the defence, on 8 December 2016, the Court decided to refer the case to

141. Penal Code, art. 29.

142. Under various treaties ratified by Mali, including the Convention against Torture (1984) or the Rome Statute (1998).

143. See: *Choosing Justice in the Face of Crisis*, joint FIDH-AMDH report

144. *Idem*.

the first criminal court session of 2017, in order to allow a new medical report to be carried out within 45 days, as the first had not been conducted in accordance with the procedures set out in Malian law. Two years later, the complete results of the medical evaluation, a condition for the resumption of the trial, are still pending.

In a context influenced by electoral issues in the run-up to the presidential election, the main procedures for crimes committed in Gao and Timbuktu, including for sexual crimes committed against more than 100 women in these two cities, have not progressed any further. On 12 November 2014, our organisations filed a complaint accompanied by criminal indemnification proceedings¹⁴⁵ with the High Court of Commune III in Bamako for crimes against humanity and war crimes on behalf of 80 women and girls, victims of sexual violence, including rape.¹⁴⁶ This act thus forced the Malian justice system to open primary judicial proceedings concerning these sexual crimes.

Then, on 6 March 2015, following investigations in Timbuktu and its region, our organisations filed a new complaint¹⁴⁷ accompanied by criminal indemnification proceedings on behalf of 33 victims of international crimes, including sexual crimes, committed by armed groups during the occupation of Timbuktu and its region in 2012 and 2013. The complaint included 15 alleged perpetrators of crimes against humanity and war crimes, including Ahmad Al Faki and Al Hassane, both of whom were arrested and transferred to The Hague for trial by the International Criminal Court.

These two cases are still in the investigation stage before the High Court of Commune III in Bamako. Despite the hearing of some of these victims who were constituted as civil parties by the investigating judges, investigations have been stalling for several years.¹⁴⁸ None of the sexual violence proceedings in Mali have yet been tried. Although this can be partly explained by the difficulty judges encounter in investigating because of security and also budgetary conditions, this blockage is primarily a result of a lack of political will on the part of the national authorities, who have emphasised, over the past few years, relaxation and “appeasement” measures, rather than combating impunity.

In total, there is a poor record for legal proceedings against crimes committed in 2012 and 2013. While the trial of Gao’s former Islamic Commissioner and the hope of opening Amadou Haya Sanogo’s trial are to be welcomed, it is clear that most legal proceedings are now at a standstill or pending. In these circumstances, strengthening the existing judicial system is necessary both to continue the proceedings initiated and to initiate proceedings for the most serious crimes committed in the centre of the country in recent months.

2. A Specialised Judicial Unit to enable the most serious crimes to be prosecuted

Given the challenges of prosecuting the perpetrators of the crimes documented in this report, starting with the security situation in the centre of the country and the very limited resources available to magistrates based in Mopti and Ségou, FIDH and AMDH consider it necessary to strengthen and broaden the competence of the specialised judicial unit. It was created on 21 May 2013 and is responsible for combating terrorism and transnational crime. It is part of the High Court of Commune VI in Bamako.¹⁴⁹ It is composed of a public prosecutor’s office, specialised investigation

145. See FIDH/AMDH press release: <https://www.fidh.org/fr/regions/afrique/mali/mali-depot-d-une-plainte-au-nom-de-80-victimes-de-viols-et-de>

146. *Idem*.

147. See FIDH/AMDH press release: <https://www.fidh.org/fr/regions/afrique/mali/mali-33-victimes-de-tombouctou-et-7-associations-portent-plainte>

148. For information: several other complaints have since been lodged by victims of sexual violence with the support of other organisations, but none has been completed to date and all remain in the investigation stage.

149. Law No. 2013-016 of 21 May 2013 amending Law No. 01-080 of 20 August 2001 on the Code of Criminal Procedure, Articles

offices, a specialised investigative unit and experts supporting the centre in their areas of expertise. The special feature of the specialised unit is its ability to move around and to investigate across the entire territory of Mali. It has already carried out missions in the northern regions (which the magistrates of the 'ordinary' courts of Bamako are unable to reach).

The area of competence of the Specialised Judicial Unit includes offences related to terrorism, the financing of terrorism, money laundering, drug trafficking, arms and ammunition, and people trafficking, and its area of geographical competence extends over the entire territory of Mali.¹⁵⁰

Since the beginning of 2015, the Specialised Judicial Unit has initiated several proceedings concerning offences in its area of competence, including acts of terrorism, committed after its entry into service.¹⁵¹

In the ongoing "terrorism cases" in which FIDH and AMDH represent victims, the Prosecutor has the possibility to extend his investigation on the serious human rights violations that have been committed as terrorism-related offences. This jurisdiction over related offences is, however, unsatisfactory for our organisations, in that it establishes the prosecution of international crimes and other serious human rights violations as the pursuit of terrorism and transnational crime. This eliminates the possibility of any prosecution if a person has not also committed acts of terrorism or other transnational crimes (such as crimes allegedly committed by factions of the Malian army and foreign forces including Barkhane and Minusma, or if these acts or crimes cannot be proven. It also places serious human rights violations into a category of «secondary crimes», which seems unacceptable given the victims' right to obtain truth, justice and reparations.

The transitional justice policy, adopted by the government in December 2016, provides for an extension to the jurisdiction of the specialised anti-terrorist judicial unit created by Law No. 2013/016 of 21 May 2013 to add jurisdiction over war crimes, crimes against humanity, genocide and torture in accordance with the Malian Code of Criminal Procedure in which the Rome Statute was partially incorporated.

This is a solution that FIDH and AMDH have strongly supported,¹⁵² as the centre has a jurisdiction extending across the entire territory of Mali, has the effect of alleviating the current problem of determining the appropriate jurisdiction for cases currently before the Bamako courts as well as future cases concerning crimes committed in the north and in the centre of the country.¹⁵³ In addition, the Specialised Judicial Unit is much better equipped with material, technical and human resources to investigate and prosecute sensitive cases of serious human rights violations perpetrated in connection with the conflict.

However, the effective implementation of this extension requires the prior adoption of a law providing for this extension of the centre's jurisdiction. Our organisations therefore call on the Malian authorities to commit to the adoption of a law providing for the extension of the jurisdiction of the Specialised Judicial Unit, in order to expedite the ongoing cases and to allow the initiation of new procedures concerning crimes committed in the north and centre and which have so far been overlooked by Malian judges.

610 and 610-1.

150. Article 611-1 of the aforementioned law: "In the prosecution and investigation of offences committed in the field of terrorism and transnational organised crime as defined in Article 609-1 as well as related offences, territorial jurisdiction of the Public Prosecutor's Office and specialised firms cover the entire national territory."

151. For example, the specialist anti-terrorism unit has charged nine people with acts of terrorism committed during an ambush at a MINUSMA pedestrian patrol near Aguelhok, during which two peacekeepers were killed on 23 May 2017.

152. Recommendations submitted by FIDH and AMDH on the Draft Policy on Transitional Justice in Mali, September 2016.

153. See the recommendations submitted by FIDH and AMDH on the transitional justice policy of Mali, September 2016.

Once the new area of competence has been established, the centre will have to put in place the necessary measures to ensure that international crimes are effectively investigated and prosecuted by specialised units and intelligence agencies and are not subordinate to other types of offence. It is on this condition that Malian judges will be able to prosecute, in satisfactory conditions, those responsible for the most serious crimes.

3. Protecting Victims and Witnesses

The problem of protecting victims, particularly victims of sexual violence, is very much a problem in current and future cases, mainly because of the prevailing insecurity in the northern and central regions and the stigmatisation of victims of sexual violence. FIDH and AMDH surveys have made it possible to measure the victims' fear of having their identities revealed, particularly given the extent of territorial coverage on the part of Koufa's group. The Malian legal framework is inadequate in this respect. A draft law on gender-based violence including specific provisions for the protection of victims of sexual violence is, however, currently under discussion.¹⁵⁴ Two other draft laws on the protection of victims and witnesses have also been developed and proposed by Malian civil society organisations. The African Union has adopted a progressive regulatory tool in combating sexual violence and its consequences, some of the provisions of which concern protecting victims and witnesses¹⁵⁵ and which the Malian authorities should use as a model to strengthen their national legal framework. In the meantime, in the absence of measures taken by the Malian authorities, our organisations have put in place a strategy to protect victims and witnesses of sexual violence,¹⁵⁶ with a focus on protecting the confidentiality of victims' identities, during their visits to Bamako to be heard by the investigating judge.

In addition to security issues, the personal situation of the victims, in particular on a psychological and medical level, remains worrying. Our organisations call on the Malian authorities to put in place measures to ensure the medical and psycho-social follow-up of these vulnerable people and thus guarantee their participation in the judicial proceedings.

C. Do not heed the siren calls for impunity

The forthcoming 2018 presidential election marked a turning point in the political commitment of the national authorities to combating impunity, at the highest level of the state. While he had previously given a public speech in favour of justice for all victims, President Keita announced, in his address to the Nation on New Year's Eve, a draft law of national agreement aimed at rebuilding unity and national reconciliation and, to this end, to put in place measures of *"amnesty for all those involved in an armed rebellion, provided they have no blood on their hands."* This, while the Truth, Justice and Reconciliation Commission was far from having finished its work, the international commission of inquiry had not yet been established, and the national justice system had sentenced only one person responsible for the crimes committed in 2012-2013. In other words, an amnesty at a time when none of the procedures for recognising responsibility for the commission of crimes had provided a conclusion that could serve as a legitimate basis for exemption from prosecution.

154. This bill is initiated by the Ministry for the Promotion of Women, Children and the Family, in partnership with human rights organisations.

155. African Commission on Human and Peoples' Rights, Guidelines on Combating Sexual Violence and its Consequences in Africa, <http://www.achpr.org/en/instruments/combating-sexual-violence/>

156. This procedure is supported by MINUSMA.

Despite a broad mobilisation of civil society¹⁵⁷ that had not been consulted or involved in this initiative, the law was adopted by the Council of Ministers on 31 May 2018. At the time of publication, it may have been introduced in the National Assembly, as the President of the Republic had expressed his intention, after re-election, to move quickly on this case.

FIDH and AMDH believe that such a law, drawn up without any consultation with the victims, should not be adopted as it stands, because it would amount to a form of impunity. On the contrary, it should at least be amended to limit the scope it offers to political decision makers, to the detriment of national justice. Otherwise, in addition to showing contempt for the victims of crimes committed since 2012-2013, it would run counter to Mali's obligation to try the perpetrators of crimes under international law.

157. See for example: <https://www.fidh.org/fr/regions/afrique/mali/projet-de-loi-d-entente-nationale-lettre-ouverte-au-president-de-la>

الجمهورية الإسلامية الموريتانية انواكشوط NOUAKCHOTT
Republique Islamique de Mauritanie

الأمانة الدائمة لدول الساحل الخمسة

SECRETARIAT PERMANENT
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BURKINA FASO



MALI



MAURITANIE



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CONCLUSION:

CHANGING APPROACH TO RESTORE PEACE IN CENTRAL MALI

The spiral of violence seen in Central Mali over the past three and a half years has increased dramatically in recent months. Described as a plausible scenario in April 2018 by the Simon-Skjoldt Center for the Prevention of Genocide,¹⁵⁸ mass atrocities are now a reality: entire villages are ravaged by armed militias; their inhabitants, including women, children and the elderly, are killed – sometimes cruelly – for merely belonging to a particular community; men are arrested and executed within hours, on the basis of denunciations or simply because they are from the Fulani community... To these more or less well-reported massacres, some of which are the subject of judicial investigations, we can add a multitude of crimes which are mostly overlooked and ignored by the authorities: murder, kidnapping, rape, acts of torture...

Civilians are caught between three armed groups who pose the same threat to their security: jihadist elements belonging to Katiba Macina, community militia and the Malian Armed Forces (FAMA). The Fulani, and especially the shepherds, who are an important part of the population in the Segou and Mopti regions, are particularly vulnerable.

The breakdown of the State, sometimes illustrated by its absence (closed schools, deserted gendarmeries, ineffective courts) and sometimes by its abuses (arbitrary arrests, summary executions, racketeering and corruption), allowed the jihadist fighters and the community militias to prosper. These armed groups take advantage of the power vacuum left by the State, particularly in the area of security. The jihadists exploit the excesses of law-enforcement officials to offer an alternative in matters of justice, education or the management of natural resources and public goods to communities. This “competition” attracts a significant part of the population, especially among the most deprived communities.

“Winning back hearts and minds”: switching from an anti-terrorist strategy to a political strategy

Many actors in the field believe that there is still time to address this dangerous development. As the International Crisis Group pointed out in 2016, *“the State is disputed but not completely rejected.”* This is still true in 2018, even if there are ever more critics, and trust is becoming less shared. The testimonies of two Katiba Macina veterans we met during this investigation show that even those who have at some point broken with the Malian state today rely on the same state to help them to reintegrate: although they fear possible retaliation from the army, both are waiting for a gesture from the authorities to help them resume a “normal” life and make a living in safety.¹⁵⁹

158. *Regions in danger. Prevention of mass atrocities in Mali.* Early warning report by country, April 2018. Simon-Skjoldt Center for the Prevention of Genocide.

159. Interviews with FIDH, Sévaré, 14 and 15/05/2018.

To do this, the Malian authorities will have to modify their strategy and define new objectives. The fight against terrorism which has been going on for years, almost exclusively the domain of the armed forces, has revealed its limitations. Rather than stemming the jihadist phenomenon, the action of the army has strengthened it. Today, in some villages, jihadists are seen as the guarantors of a security, even a stability, that the state seems unable to provide. Their control has gained ground and their management method has given them some credibility with those “excluded” from the system.

In a study on the “perception of citizens in Central Mali”, conducted among almost 2,000 people in November 2017, those surveyed state that unemployment and corruption top their list of concerns, far ahead of religious extremism.¹⁶⁰ The Malian authorities must deliver on these expectations.

To win back hearts and minds, the only way to achieve peace in the area and put an end to the innumerable human rights violations, the state will have to develop a road map combining military action and social and economic measures. As in other areas affected by the same type of phenomenon, it will be a question of “*complementing a political approach with the military machine.*”¹⁶¹ This road map should include:

- the disarmament of militias to reduce the level and intensity of conflict;
- a program of de-radicalisation, support and reintegration of ex-jihadist fighters, as well as elements of the various militias;
- awareness-raising and training of MaAF on respecting human and citizens’ rights;
- measures to support the most vulnerable populations, starting with the shepherds;
- a program to reorganise local public authorities, particularly in combating corruption;
- impartial investigations into crimes committed in the centre, including by State officials, and engagement in a genuine fight against impunity;
- development of peace initiatives at local level to limit the spread of conflict;
- put in place policies to prevent violent extremism.

There are many obstacles to the crisis coming to an end in Central Mali, but the State’s response must not be limited to a security response to combat terrorist groups and other militias. It must also include the restoration of basic social services such as education and health, the restoration of a relationship of trust between the state and the civilian population and the protection of state agents, combating the radicalisation of young people, illegal trafficking in arms, drugs and people, and of course, combating impunity for all perpetrators of serious human rights violations.¹⁶²

The terrorism-related investigations must not ignore the crimes against populations

Since July 2012, numerous judicial proceedings¹⁶³ have been opened against persons arrested both in the north and the Centre, most of whom have been transferred to the Specialised Judicial Unit for the fight against terrorism and cross-border crimes. Various offences are referred to in these judicial proceedings: criminal association, participation in a rebel movement, rebellion, undermining the internal and external security of the state, treason, acts of terrorism, illegal possession of arms and

160. *Perceptions of citizens in Central Mali*. Citizen Helpdesks. December 2017.

161. *Frontière Niger-Mali : mettre l’outil militaire au service d’une approche politique*. International Crisis Group. Africa Report No. 261. June 2018.

162. See FIDH-AMDH: *Mali: Terrorism and impunity are shaking up a fragile peace deal*, May 2017, p. 9. https://www.fidh.org/IMG/pdf/note_mali_mai_2017_en_web.pdf

163. Our organisations are unaware of the exact number of these procedures, as well as the identity of all individuals with charges being brought against them. It is extremely difficult to completely map the procedures that were initially dispersed within various investigating offices of the High Court of Bamako.

weapons of war. However, they do not concern crimes perpetrated against civilian populations. FIDH and AMDH have, therefore, lamented the fact that the charges on which these prosecutions are based do not reflect either the reality of the facts, or the gravity of the human rights violations perpetrated in their entirety, in particular murders, acts of torture, rape and other sexual crimes.¹⁶⁴ The judicialisation of the fight against terrorism fluctuates between arbitrary procedures for those apprehended by the defence and security forces without evidence and, on the other hand, a form of trivialisation of the crimes committed so a political issue does not become alienated with the people concerned. This approach demonstrates an inadequate judicial strategy on the part of the Malian authorities and illustrates how serious violations of human rights, and thus the search for truth and justice for the victims of this conflict, have been given second place. Judicial proceedings must not be confined to reflecting disputes or agreements between the state and terrorist groups but must first and foremost pursue the goal of bringing justice to the Malian people, as the primary victims of this conflict.

However, after intense advocacy by FIDH, AMDH and other organisations, the Malian political authorities decided to widen the field of competence of the Specialised Judicial Unit for combating terrorism created by the Law of 21 May 2013,¹⁶⁵ to add jurisdiction over war crimes, crimes against humanity, genocide and torture.¹⁶⁶ This specialized centre has jurisdiction over the entire national territory, as well as increased resources, it is the best able to deal with cases concerning international crimes and serious human rights violations committed in the northern and central regions since 2012. Our organisations today call upon the Malian authorities to implement this decision through the signing and notification of the decree provided for this purpose, and in order to allow the proper administration of justice and to expedite ongoing cases. Serious violations of human rights and international humanitarian law should become a priority in combating impunity, in order to contribute effectively to the establishment of the truth, the recognition of victims, and ultimately the reestablishment of trust between the state and its citizens and lasting peace in Mali.

Making the fight against impunity a priority and a winning strategy

The justice effort should also cover perpetrators of war crimes, crimes against humanity and other human rights violations, whether from armed groups, community militias or Malian armed forces.

The crimes perpetrated by the Malian armed and security forces and the G5 Sahel commanded forces deserve special attention. FIDH and AMDH are aware of only one judicial procedure concerning crimes or serious human rights violations committed by members of the Malian defence and security forces and apart from certain disciplinary procedures within the army.¹⁶⁷ However, our organisations have documented dozens of cases of crimes constituting serious violations of humanitarian law or human rights perpetrated by suspected members of the Malian army during the “recapture of the north” in 2013 and, more recently, in the context of the fight against terrorism in the centre of the country, the subject of this report. We urge the Malian authorities to send a strong signal for combating impunity by effectively investigating these allegations and prosecuting the perpetrators of these serious crimes. It is crucial, especially given the current context in the centre of the country, to show that such crimes will not go unpunished in order to prevent the commission of future serious human rights violations and restore the trust between the state and civilian populations.

164. FIDH/AMDH report, *La justice en marche*, March 2014.

165. Act 2013-016 of 21 May 2013 amending Act 01-080 of 20 August 2001 on the Code of Criminal Procedure, Article 610-1.

166. This decision is included in Mali’s transitional justice policy, adopted by the government in 2017.

167. The judicial proceedings concerning the massacre of Bouliekessi during which 12 civilians were executed by FAMa operating under the command of G5 Sahel forces in May 2018.

The Malian political and judicial authorities have repeatedly confirmed their commitment to bringing justice to the victims of the most serious crimes committed since 2012 in Mali. In addition, the International Criminal Court has opened an investigation into the situation in Mali since January 2013, which, in September 2016, led to the trial and conviction of Ahmad Al-Faki Al-Mahdi for his involvement in the destruction of mausoleums in Timbuktu¹⁶⁸ and in April 2018 the transfer of Al Hassan, Chief of Islamic police in Timbuktu during the city's occupation by Jihadist groups in 2012 and 2013, to the International Criminal Court (ICC) in The Hague.¹⁶⁹

However, at national level the fight against impunity has stalled since 2017, even though our organisations welcome the progress made such as the sentencing of former Chief of Islamic police, Gao Aliou Mahamane Touré, to 10 years' imprisonment¹⁷⁰ and opening of the trial of former President Amadou Haya Sanogo. But the trial of the former coup leader is still suspended, and it is clear that all legal proceedings initiated for the serious crimes committed in the north of the country have not progressed, whereas there have only been few successful prosecutions of crimes committed in the Centre of the country.

The fight against impunity is a winning strategy for peace and security and against violent extremism. It makes it possible to obtain truth, justice and reparations for the victims of the most serious crimes, to restore the confidence of the population in the Malian State, and especially, to remove the perpetrators of violence from the territory.

Without a profound change in its analysis of the situation and the means of remedying it, the Malian State runs the risk of losing the confidence of those living in the centre for a long time. Several observers also point to a real danger for the Malian nation as a whole: some fear an explosion of inter-communal violence beyond the Segou and Mopti regions and an outbreak in the south of the country.

The risks of regional spread

The risk of this conflict spreading beyond Malian borders should also be of concern to the entire international community. Burkina Faso, Mauritania and Niger are already suffering the consequences of the war that began in northern Mali in 2012. The very strong links between the people living in central Mali and those living in north-western Niger, northern Burkina Faso and to a lesser extent in south-eastern Mauritania raise fears of a regionalisation of fighting and an outbreak of inter-communal violence and certain social and religious claims by jihadist groups.

The team that UN Secretary-General, António Guterres, tasked with conducting a strategic review of MINUSMA reports nothing different and *"has confirmed that the situation in the central regions was of great concern and that contagion effects were to be feared if the situation was not carefully considered."*¹⁷¹ In particular, it suggested that *"there is a tendency to associate the worsening of the situation exclusively with the expansion of the influence of terrorism and organised crime from the North."* UN experts also

168. See FIDH-AMDH : <https://www.fidh.org/fr/regions/afrique/mali/un-premier-pas-qui-doit-en-appeler-d-autres-al-mahdi-condamne-a-9-ans>

169. FIDH and AMDH, along with 30 victims, lodged a complaint against him in March 2015 in the Malian courts. See FIDH-AMDH, "Al Hassan à la CPI : une étape importante pour la justice," 3 avril 2018, <https://www.fidh.org/fr/regions/afrique/mali/al-hassan-a-la-cpi-une-etape-importante-pour-la-justice>

170. See FIDH-AMDH : <https://www.fidh.org/fr/regions/afrique/mali/mali-l-ancien-commissaire-islamique-de-gao-condamne-a-10-ans-de>

171. Quotes and subsequent, Report of the Secretary-General of the United Nations, S/2018/541*, 6 June 2018.



G5 Sahel's Heads of States and Governments third extraordinary session on security situation in Mali and its impact in Sahel.
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draw attention to *“the role of local dynamics and the root causes of instability, such as the multiple localised conflicts over resources and land, climate change, increasing population and power struggles”* and highlights that these factors must be taken into account to manage the explosive situation in Central Mali. In order to deal with the situation, experts recommend *“a truly integrated plan that takes into account not only security, but also governance, reconciliation and development.”* The parties involved will have to change their approach to bring peace to the centre of Mali.



The UN Security Council adopts resolution 2423 which renews the mandate of MINUSMA until 30 June 2019. Credit: United Nations.

RECOMMENDATIONS

In view of all these challenges, our organisations propose the following recommendations:

To the Malian authorities:

Regarding the security, social and good governance situation in Central Mali:

Adapt the Plan for securing the regions of Central Mali, including the following provisions in particular:

- Continue efforts to halt fighting, adopt a cease-fire, peace agreements, disarmament, demobilisation and reintegration of factions of armed groups, militias and other present and active vigilante groups;
- Guarantee the security of property and people, in particular through the deployment of defence and security forces with full respect for the rights of individuals, the consultation with local communities regarding security policies in their areas, the strict respect of national laws and Mali's international human rights, police operations and law enforcement commitments;
- Restore and reinforce trust between local communities and the State through awareness-raising actions and enhancing the security of people and their property;
- Consider UN peacekeepers providing operational support and supervision to units of the Malian defence and security forces to limit the risk of human rights violations by state agents;
- Restore State administration in the affected areas, including schools, hospital services, with the support of the international community;
- Adopt support and livelihood measures for the most vulnerable communities, particularly rural and agro-pastoral communities
- Strengthen good local governance, notably by adopting measures to reorganise local public authorities, particularly combating corruption;
- Develop local resource management mechanisms linked to regulating access to these resources as well as regulating the various related to these issues, in particular a management plan for agro-pastoral zones and revisiting the policy for developing agriculture so as to allow coexistence between herders, farmers and fishermen;
- Strengthen local mediation efforts and undertake initiatives to apply methods to settle conflict between communities without prejudice to the traditional role and prerogatives of justice in order to resolve differences in municipalities, circles and regions, and prevent new local and inter-group conflict and limit their expansion into new areas;
- Develop and implement a program of disengagement and deradicalisation for elements of armed groups, including the support and reintegration of former jihadist fighters, as well as elements of the various militias;
- Develop and implement policies to prevent violent extremism especially for young people;
- Expedite a reform of the security sector, including military judicial system;
- Strengthen military police's prerogatives by giving judicial competences to a specialised unity, with the aim of supervising armed forces deployed on the ground, preventing the commission of crimes and investigating violations that were committed, in cooperation with the judicial administration.

Regarding the non-recurrence of crimes committed in Central Mali, combating impunity, access to justice and reparation for victims and reconciliation:

- Reiterate public condemnations of political, military and judicial officials for any violation of human rights and international humanitarian law, whoever the perpetrators may be;
- Conduct impartial investigations, open judicial investigations into crimes committed in the centre and their perpetrators, including those involving State agents or persons under its effective control;
- Make public the results of investigations carried out by the various State services (army, police, justice, national assembly, national human rights commission, etc.) on human rights violations, whoever the authors may be;
- Commit publicly to a genuine strategy and policy to combat impunity for the perpetrators of serious violations of human rights and international humanitarian law and adopt all necessary measures to ensure victims are able to access the truth, justice and reparations;
- Intensify awareness-raising and training programmes with FAMa promoting respect for human rights and citizens' rights;
- Provide specific training to FAMa, members of the police force, information services, magistrates, court officers, medical personnel, psychologists and social workers who work with the victims of the conflict on the rights of women and girls; gender equality; the different forms of sexual violence, prevention and detection; the consequences of sexual violence; the rights and needs of victims of sexual violence, in accordance with the Guidelines of the African Commission on Human and People's Rights (CADHP) on combating sexual violence and its consequences;¹⁷²
- Implement the appropriate and inclusive control mechanisms for anti-terrorist operations to prevent human rights violations and record cases of such violations;
- Amend the national understanding bill in its current form, which provides, inter alia, *"the exemption from prosecution of all those involved in armed rebellion, but who do not have blood on their hands"* to ensure the full implementation of the Peace Agreement and in particular Article 461 which reasserts the legal permanency of war crimes and crimes against humanity as well as the refusal of any amnesty for the perpetrators of serious human rights violations, violence against women, girls and children related to the conflict;
- Implement as soon as possible the provisions extending the competence of the Specialised Judicial Unit in the fight against terrorism to the offences of war crimes and torture, crimes against humanity, and genocide;
- Strengthen the capacity of the Specialised Judicial Unit to ensure the investigation and effective prosecution of perpetrators of international crimes, including the establishment of specialised investigative offices in pursuit of these crimes which are newly included in the centre's area of competence;
- Contribute to reinforcing the technical abilities of all criminal justice stakeholders, in particular the magistrates of the courts, lawyers, security forces and the army and any other authority concerned in the field of international human rights law and international humanitarian law, and in particular on the prosecution of sexual violence, and to regularly follow up on those prosecutions;
- Take adequate protective measures to ensure the safety of magistrates and administrators of justice who work in sensitive areas;

More generally:

- Implement in full the dispositions of the Agreement on Peace and Reconciliation in Mali in accordance with the dispositions of resolution 2423 of the United Nations Security Council Conseil;

¹⁷². *Op. cit.*

- Ensure full cooperation with the members of the international inquiry Commission set out in the Agreement on Peace and Reconciliation in Mali resulting from the Algiers process;
- Organise the resumption of the trial against Amadou Haya Sanogo and others in the so-called “Red Berets” case as soon as possible, ensuring that optimal logistical and security measures are taken for the effective participation of parties to the proceedings, in particular civil parties and witnesses;
- Conduct investigations into ongoing judicial proceedings concerning serious crimes committed in the context of the conflict, in particular those relating to sexual violence;
- Open judicial enquiries concerning crimes perpetrated in the central and northern regions since 2012 and which are not yet subject to investigation, including abuses committed by elements of the Malian army and foreign forces;
- Ensure all procedural safeguards in relation to the participation of victims as civil parties in ongoing and future proceedings, respecting reasonable periods of preparation for trial, access to police records during the investigation, reporting any criminal act to their lawyers, etc.;
- Guarantee reparations to all victims who have suffered harm as a result of serious crimes committed in the context of the conflict, including extrajudicial and collective reparations;
- Expedite the adoption of the law on gender-based violence and the protection of victims and witnesses whilst ensuring their content is in accordance with the CADHP Guidelines on Combating Sexual Violence and its Consequences;
- Put in place adequate measures to ensure the medical, psychosocial, judicial care and livelihood generation for victims of serious human rights violations, especially victims of sexual crimes;
- Maintain full cooperation with the International Criminal Court to facilitate the investigation and prosecution of alleged perpetrators of war crimes and crimes against humanity in Mali, including conflict-related sexual violence;
- Implement the recommendations of the CADHP Guidelines on Combating Sexual Violence and its Consequences.

To armed groups:

- Refrain from all attacks against civilians and respect the physical and mental integrity of the civilian population;
- Always respect international humanitarian law and the Geneva conventions and allow NGOs humanitarian access;
- Declare cease-fires allowing political dialogue to take place and establish negotiations aiming to restore just, equitable and lasting peace;
- Formulate clear and acceptable demands allowing peace to be restored whilst maintaining unity, coexistence national harmonious relations;
- Release unconditionally persons detained and guarantee their physical and moral integrity.

To the Prosecutor of the International Criminal Court:

- Evaluate the situation in the centre of the country and take control if necessary if the Malian authorities lack the will or ability to pursue and prosecute the perpetrators of crimes falling within the jurisdiction of the ICC;
- Maintain its investigation of the situation in Mali since 2012, and in particular of sexual violence constituting war crimes and crimes against humanity and of the crimes committed in Aguelhoc;
- Maintain full cooperation with the Malian authorities, including support for judicial proceedings at national level and under the principle of complementarity.

To the international community:

- Require all support from the Malian authorities in particular in the framework of the fight against terrorism to strict respect for human rights and international humanitarian law as well as holding impartial inquiries, launch of legal proceedings and the launch of just and equitable trials for cases of human rights violations namely when the presumed authors are agents of the state or individuals acting under its effective control;
- Remind, urge, and support the Malian authorities in their efforts to combat impunity, which is a priority for the restoration of peace in Mali, in particular through:
 - The extension of the competence of the Specialised Judicial Unit in the fight against terrorism to the offences of war crimes and torture, crimes against humanity, and genocide;
 - Strengthening the capacity of the Specialised Judicial Unit to ensure the investigation and effective prosecution of perpetrators of international crimes, including the establishment of specialised investigative offices in the pursuit of these crimes newly integrated into the competence of the centre;
 - The resumption of the trial against Amadou Haya Sanogo and others in the “Red Berets” case as soon as possible, ensuring that optimal logistical and security measures are taken for the effective participation of the parties at trial, in particular civil parties and witnesses;
 - Intensification of investigations in ongoing court proceedings concerning serious crimes committed in the context of the conflict, in particular those relating to sexual violence;
 - The initiation of investigations concerning crimes perpetrated in the central and northern regions since 2012 and which are not yet the subject of investigations, including the abuses committed by elements of the Malian army and foreign forces;
 - The involvement of all victims who have suffered harm as a result of serious crimes committed in the context of the conflict, reparations, including extrajudicial and collective reparations;
 - Strengthening the technical capacities of actors in the criminal justice system, particularly court judges, lawyers, security forces and the army and any other authority involved in international human rights law and international law and, in particular, on the continuation of sexual violence, and ensure regular monitoring;
 - Support for adequate protection measures to ensure the safety of magistrates and administrators of justice who work in sensitive areas;
- Urge the Malian authorities to expedite the ongoing judicial proceedings and to take into account in these proceedings the most serious crimes perpetrated against the Malian population, including sexual violence as an international crime;
- Continue to support the Malian authorities in their efforts to prevent the perpetration of serious violations of human rights and international humanitarian law, including through support for training and awareness-raising among relevant judicial personnel and security forces, in particular training on the rights of women and girls and combating sexual violence;
- Support the Malian authorities in their efforts to harmonise Malian law with Mali’s international commitments, including the full integration of the provisions of the Rome Statute into the Criminal Code and the Code of Criminal Procedure;
- Support the action of the International Commission of Inquiry as provided for in the Agreement on Peace and Reconciliation in Mali developed through the Algiers process;
- Support civil society action which is engaged in monitoring and documenting violations of freedom and human rights, the conduct of ground troops, combating the impunity of perpetrators of serious crimes, in particular crimes committed against women, effective governance, preventing conflict and violent extremism, particularly among young people, etc.;
- Contribute to staffing and funding MINUSMA.

To the United Nations:

In the follow-up to resolution 2423 (2018) and in the perspective of the report of the Secretary General to be submitted in March 2019 on *“the state of implementing measures regarding the Road Map”*, priorities for the implementation and monitoring of the Agreement on Peace and Reconciliation in Mali and considering that *“if significant progress is not made in implementing the above-mentioned measures and criteria”*, the Security Council must then *“ask the Secretary-General to propose options for a possible rethink of MINUSMA on expiry of its current mandate”*, FIDH and AMDH ask:

To the United Nations Secretary-General and MINUSMA:

- Include, in implementing the “pact for peace” between the Malian government, the UN and international partners clear indicators on progress made in terms of good governance and political reform, in particular on:
 - Respect for the rule of law, good governance, combating impunity, good administration of justice and actions in favour of the victims of the most serious crimes;
 - Decentralisation and political reform in such a way as to contribute resolving the crisis;
 - Reform of the security sector, in particular the coordination of international actors and partners around a common vision on rebuilding Mali’s security sector.

To the United Nations Security Council:

In view of the renewal of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) mandate before 30 June 2019, FIDH and AMDH call on the UN Security Council to adopt a resolution contemplating:

- Implementing the recommendations of the independent strategic review experts;¹⁷³
- Revisiting of MINUSMA’s global strategy of action in particular in Central Mali by developing a multidimensional strategy, especially to:
 - Foster long-term rebirth of a real political governance, as well as supply of basic social services and participation in the political arena, especially thanks to decentralisation, allowing to strengthen state legitimacy in North and Central Mali;
 - Improving the protection of civilians and ensuring an enabling environment for civilians to reinvest in the disputed spaces, including by: (a) rebalancing MINUSMA Force staff; (b) redeploying the Malian Defence and Security Forces, reformed, reconstituted and more respectful of human rights; c) supporting the development of and increased presence of local police forces;
 - Ensuring the regular publication of reports from MINUSMA’s Human Rights Division;
 - Strengthening support for the action of civil society engaged in monitoring and documenting violations of human rights and international humanitarian law, as well as armed forces’ behavior on the field, fight against impunity of most serious crimes’ perpetrators, including violence against women, good governance, conflicts and violent extremism prevention, especially in the youth, etc.;
- More effective involvement of the civilian component of MINUSMA in the effective and accelerated implementation of the Peace Agreement, in particular by supporting the Government in the effective implementation of the DDR process (integrating armed groups in cantonment sites which are already set up);

173. See S/2018/541 pages 12 to 18, <https://undocs.org/fr/S/2018/541>

- Refocusing and strengthening the role and political dimension of the Mission in order to:
 - Take better account of the cross-border and peripheral dimensions of current conflicts (rural world, border areas, marginalised populations, etc.);
 - Effectively implement the “peace pact” to foster a new dynamic in good governance and political reforms as well as a political framework for the resolution of local conflicts;
 - End mass violence and serious human rights violations and improve the protection of civilians;
 - Facilitate the emergence of a national dialogue for a new social, institutional and political pact following the adoption of the Peace Agreement, political reforms, a reformed national framework and the necessary fight against impunity;
- Give priority to MINUSMA actions around:
 - Combating instability through the effective and immediate redeployment of the additional forces and equipment provided for in resolution 2295 of 30 June 2016, including in the centre of the country, which became the epicentre of the conflict, particularly because of the proliferation of acts of terrorism and inter-communal violence, the fight against instability also requires effective reform of the Malian security institutions;
 - Combating impunity of the perpetrators of the most serious crimes and international crimes, as well as the repression of the cross-border criminal systems financing the armed groups and the perpetrators of violence in Mali and in the region notably through support from the Malian judiciary in the follow-up to judicial procedures the support to the victims of the most serious crimes committed since 2012, in particular the victims of sexual violence;
 - An increased and sustained effort to prevent and protect civilians by strengthening the presence of MINUSMA's human rights division throughout Mali, by giving priority to the central region, providing increased resources for carrying out its monitoring and documentation missions of human rights violations;
- Ensuring strict respect for human rights in the Malian army's counter-terrorism operations, including by strengthening investigations and documentation of human rights violations, including sexual and gender-based violence, by publishing on a regular basis, reports on anti-terrorist operations as well as on the security and political situation in the whole country;
- Incorporating into the new MINUSMA mandate documentation of the phenomenon of *“migration related to trafficking in arms, people and drugs”*;
- Clarifying the arrangements for cooperation and coordination with the G5 Sahel military counter-terrorist force, and all the more so with all the regional and international forces present on the Malian territory and at its borders, in order to guarantee a reinforced and effective fight against the criminal groups operating there;
- Supporting the work of the International Commission of Inquiry and support the strengthening of the CVJR.

To the African Union:

To the Council, the African Union Commission and the Member States:

- Implement concretely the ministerial decision of 27 June 2018/782nd meeting of the Peace and Security Council on *“the need for a holistic approach to multiform challenges, beyond military and security requirements, including meeting expectations populations in terms of subsistence, education, especially for girls and women, jobs for young people, promotion and protection of human rights,”* and *“the imperative of national policies to combat marginalisation, which can lead to radicalisation and violent extremism”*;

- Fully integrate the human rights dimension, including its early warning and crisis analysis attributes, as well as monitoring and documenting human rights violations in the African Peace and Security Architecture (APSA);
- Include a “human rights” dimension and involve civil society in the Nouakchott Process, AU framework for the promotion of peace and security in the Sahel-Saharan region, with a view in particular to unify and support ongoing efforts in the region, including G5 Sahel and the Multinational Joint Task Force (MNJTF);
- Ensure the involvement and contribution of civil society, especially in the field of “human rights,” to the ongoing review of the AU Sahel Strategy, with a view to adapting it to the new the politico-institutional and security context of the region, but also to promote functional cooperation between the various actors;
- Strengthen the mandate and resources of the African Union Mission for Mali and the Sahel (MISAHHEL) in its scope of monitoring human rights violations and publishing public reports on the situation in Mali and the Sahel;
- Ensure better coordination of the security effort and respect for human rights in the fight against terrorism in the framework of the APSA, and make every effort to this end, so that the initiatives of the G5 Force -Sahel and the MNJTF respect the rights guaranteed by the African Charter on Human and Peoples’ Rights and that this theme is the subject of regular reports from the G5-Sahel to the Peace and Security Council.

To the African Commission on Human and Peoples’ Rights:

- Conduct a promotion and fact-finding mission in the Republic of Mali on the situation in the centre of the country and on the serious human rights violations which constitute violations of the African Charter on Human and Peoples’ Rights especially in the anti-terrorist operations conducted by the Malian armed forces, G5 Sahel forces and international forces;
- Monitor, during this mission, the implementation by the Malian State of the Commission’s request, dated 12 July 2018, «to open investigations quickly in order to identify alleged perpetrators of such abuses and extrajudicial executions, including among the elements of the armed forces and security forces, with a view to bringing them to justice and judging them»;
- Assess the implementation of resolution 258 of 5 September 2013 on summary executions and enforced disappearances in Mali, including «summary executions, enforced disappearances, arbitrary detention, inhuman and degrading treatment and reported cases of torture» during investigations conducted by MISAHHEL human rights observers and the mutiny that occurred on 30 September 2013 at Kati military camp; and more generally to assess the Malian Government’s implementation of the recommendation «to take all necessary measures to put an end to impunity and to conduct an independent investigation to identify all those responsible for such acts and to punish them in accordance with the law »;
- Adopt, in addition to resolution 276 of May 2104 on acts of terrorism in Africa, a resolution on respect for human rights in the fight against terrorism in Africa;
- Conduct in 2019 one or more training sessions with the Malian defence and security services involved in the management of the conflict in the north and centre on the Guidelines on Combating Sexual Violence and its Consequences in Africa.

ANNEX

Record of the hearing notes of 20 November 2017 in the so-called Malemana case where 26 people were killed in communotarian violences
(Public Prosecutor against Bassaro Coulibaly and 11 others)

COUR D'APPEL DE MOPTI

GREFFE

REPUBLIQUE DU MALI

Un peuple-Un but –Une foi

RELEVÉ DES NOTES D'AUDIENCE

Affaire : MINISTÈRE PUBLIC

Contre

BASSARO COULIBALY et 11 AUTRES

Accusés : d'Assassinat, Tentative d'Assassinat et
Complicité d'Assassinat, détention illégale d'arme à feu

(Articles 199, 200 du Code Pénal ; 12 et 43 de la loi n° 04-050 du 12/11/2014
régissant les armes et munitions en République du Mali)

Audience publique du 20 Novembre 2017

Composition de la Cour :

Président : Issa TRAORE

Conseiller : Mamoudou TIMBO

Aldjougat INALKAMAR

Assesseurs : N'Djoko SANGARE

Baréma KANAMBAYE

Aboubacrine CISSE

Seydou GUINDO

Ministère Public : Mohamed Maouloud NAJIM

Greffier : Fousseynou CAMARA

Interprète : Seydou MAIGA

Affaire : Ministère Public

Contre

Bassaro COULIBALY et 11 autres

Tous MD du 18/05/2016

Accusés : d'Assassinat, Tentative d'Assassinat et Complicité d'assassinat,
Meurtre, Détention Illégale d'Arme à feu (Articles 199, 200 du Code Pénal ; 12 et
43 de la loi n° 04-050 du 12/11/2014 régissant les armes et munitions en République
du Mali)

Conseil : Maître Simon LOUGUE, Avocat Commis d'Office ;

Parties Civiles : Bouraima BAH et autres

Témoins : Mamadou Sory COULIBALY (non comparant)

Mention : le Président de la Cour a procédé à la vérification des identités des
accusés.

Il a en outre autorisé le greffier à donner lecture de l'arrêt de renvoi de la chambre d'accusation de la cour d'appel de Mopti.

SIR accusé Bassaro COULIBALY : je reconnais les qui me sont reprochés.

SIR : courant avril 2016, les peulhs sont rentrés dans notre village pour attenter à la vie des bambaras. Mécontent de ses actes, les bambaras se sont concertés pour prévenir d'éventuels meurtres. Un mois plus tard, les mêmes peulhs sont revenus à Kologri pour tuer le 3^e adjoint au Maire de kareri et deux autres habitants. C'était la goutte d'eau qui a débordé et en plus de remise de réplique, nous sommes munis de nos fusils pour abattre les peulhs.

SIR accusés : j'ignore la date de déclenchement des événements.

SIR : la première victime fut Yoro COULIBALY. J'ignore le nom de celui qui l'a tué. Après Yoro, ce fut le tour du 3^e Adjoint du Maire.

SIR : Je possédais un fusil de chasse un coup. Je possédais également 10 cartouches et j'en ai utilisé un.

SIR : J'ai tué une seule personne dont j'ignore son nom.

SIR : J'ai acheté un seul fusil pour chasser. Je ne disposais pas de permis de port d'arme.

SIR : Je n'ai pas volontairement attenté à la vie du peulh. Cependant, j'ai nourri l'intention de tirer pour venger la mort de notre chef (Yoro COULIBALY). Je précise que nous avons été provoqués par les peulhs qui ont été les premiers à tirer sur nous.

SIR accusé Kossa COULIBALY : je ne reconnais les faits d'Assassinat et de complicité d'Assassinat. Par contre, je reconnais les faits des détentions illégales d'arme à feu.

SIR de même : je dois d'abord préciser que c'est les peulhs qui ont été les premiers à ôter la vie à nos concitoyens. En réplique, nous avons répliqué et les Bambaras ont tué deux peulhs à Malimana.

Le nommé Bory a déclaré devant ma boutique que les peulhs vont exterminer tous les bambaras. Le samedi, 26 Avril, en partant en Brousse, j'ai croisé le nommé Boyabi dernier la contrée et il a tiré un coup de feu. J'ai répliqué en tirant pour atteindre Boyabi.

SIR : Je possède un fusil de chasse sans en avoir l'autorisation de port d'arme.

SIR : J'ai tiré un seul coup de fusil devant ma boutique et qui n'atteint à personne.

J'avais trois cartouches et après le seul coup, il m'est resté deux cartouches.

SIR : Le défunt Yoro COULIBALY était mon oncle. Je n'ai pas vengé sa mort. J'ai tiré en l'air pour me protéger.

SIR : J'ai participé à un seul affrontement entre peulhs et Bambaras.

SIR : les douze accusés ne sont pas concertés ensemble pour commettre des crimes. C'étaient des actes isolés.

SIR accusé Youssouf COULIBALY : Je ne reconnais pas les faits qui me sont reprochés.

Je n'ai pas tué un seul peulh encore moins possédé une arme à feu. J'ai été accusé à tort d'avoir commis des faits dont je n'étais même pas présent sur les lieux.

SIR : Au moment des faits, j'étais dans notre village Kologri.

SIR : je n'ai pas entendu les coups de feu. J'ai cas même vu les cadavres des peulhs mais je n'en connais pas les auteurs.

SIR accusé Kalilou BOUARE : Je ne reconnais pas les faits qui me sont reprochés. Je ne sais pas comment mon s'est retrouvé dans cette affaire dans la mesure où au moment des faits, j'étais malade couché chez moi à Malimana. Un beau jour, les Militaires sont partis dans notre village et Mon appréhendé suite à l'assassinat des peulhs par les Bambaras.

Je ne sais pas où et quand les peulhs ont été tués.

SIR : Les déclarations consignées dans le procès d'enquête préliminaire ne sont pas les miennes. C'est une pure invention des enquêteurs. Je suis Bambara mais je ne suis pas membre de la confrérie des chasseurs. J'ai vu les quatre cadavres à Malimana, mais je ne sais pas comment ils ont été tués et par qui. Je n'ai pas eu cette présence d'esprit d'en savoir.

SIR : Je ne possède pas de fusil de chasse et personne ne m'a aperçu avec une arme.

SIR Bourama COULIBALY : je ne reconnais pas les faits qui me sont reprochés.

En effet, au moment des faits, je n'étais pas présent au village. C'est à tort que je fus appréhendé et conduit à la Gendarmerie par les militaires.

SIR : Je ne possède aucune arme à feu. Je ne suis pas Chasseur. J'ai entendu que les peulhs et les Bambaras se sont affrontés et qu'il y a eu mort d'homme.

SIR : J'ai été informé de la mort de trois Bambaras Yoro COULIBALY, le 3^e Adjoint au Maire et Youssouf. J'ignore le nombre de peulhs tués. Je n'ai participé à aucun affrontement. Donc je ne suis ni de près, ni de loin associé à la commission d'infraction d'assassinat encore moins de détention illégale d'arme à feu.

SIR accusé Mamary COULIBALY : Je ne reconnais pas les faits d'assassinat. Je précise que la communauté Bambara de Malimana a fait l'objet d'attaque par les peulhs. Ils ont tués Sans motif Yoro COULIBALY, le 3^e Adjoint au Maire et Youssouf COULIBALY.

Il disait que l'autorité est absente et que c'est les peulhs qui lèguent en Maître sans être inquiété. Aussi, je précise que les peulhs ont tirés 17 de notre sans être inquiété.

SIR : je n'ai tiré sur personne, cependant la confrérie dont je suis membre a répliqué en tuant les peulhs. Je déduis que j'en fais partir.

SIR : Les peulhs ont été tués à Kologri et à Malimana deux des peulhs ont été tués dans notre famille. Soit dit en pensant que c'est mon père qui était le chef de village. Je ne connais le nom des tueurs des peulhs. Je n'ai pas participé à la mise en mort des peulhs.

SIR : Il n'y avait d'antécédent entre les peulhs et bambaras. J'ignore comment tout cela est arrivé. Pour mettre fin, Aux exactions des peulhs, mon père, chef de village d'alors a saisi les autorités afin qu'ils viennent au village sans succès.

SIR accusé Tiona FALIKON COULIBALIBALY : je ne reconnais pas les faits qui me sont reprochés. Je n'étais pas sur les lieux. Cependant, je possédais une arme à feu au moment des faits sans autorisation de port d'arme. Après la tuerie des peulhs au cimetière, j'ai pris mon fusil dans l'intention de tuer les peulhs. Arriver sur les lieux (cimetière), j'ai dénombré 22 cadavres tous des peulhs.

SIR : Je confirme que j'ai tiré un coup de fusil sans atteindre un seul peulh. Je n'ai pas vu mes COA.

SIR accusé Maman SISSOKO : Je ne reconnais pas les faits qui me se sont reprochés. Le jour des faits, je n'étais pas au village (Malimana). J'ai quitté mon village un vendredi pour aller à Dioura y passer trois jours. Je me suis retrouvé à Malimana le lundi suivant. Cela a coïncidé avec l'arrivée des Militaires et ceux-ci mon appréhendé.

SIR : Je ne possède pas d'arme à feu.

SIR : Je m'inscris en faux contre les déclarations consignées dans les PV d'interrogation du juge d'instruction. Je n'étais pas présent au village le jour des faits et je ne saurais matériellement commettre les faits qui me sont reprochés.

SIR accusé Seydou COULIBALY : je ne reconnais pas les faits qui me sont reprochés. Le jour des faits, j'étais chez moi à Kologri. J'ignore tous de ses événements.

SIR accusé : Je ne possède aucune arme à feu.

SIR accusé Boubacar DIARRA : je ne reconnais pas les faits. Le jour des faits, j'avais mal au pied. J'ai entendu qu'il y a eu des affrontements à Malmana, les Bambaras ont tués des peulhs.

SIR : Je ne possède pas d'arme à feu.

SIR accusé Beidy DIARRA : je ne reconnais pas les faits qui me sont reprochés. En effet, les jours des faits, j'avais accompagné mon frère Boubacar DIARRA au dispensaire de Dioura. donc, je ne saurais être impliqué dans cette affaire.

SIR accusé Moussa COULIBALY : je ne reconnais pas les faits. J'étais à Kologri au moment des faits. J'étais chez moi entrain de pétrir du Banco. Je ne suis pas chasseur. Je ne sais pas pourquoi mon nom a été cité dans cette affaire.

Mention : L'audience a été suspendue par le président de la cour.
A la reprise, la cour a procédé à l'audition des parties civiles.

Audition de la partie civile Mahamady DIALLO : L'affrontement entre peulhs et bambaras a eu lieu le samedi, 29 Avril 2016. Nous étions au cimetière de Malimana pour enterrer nos morts. Contre toute attente, les Bambaras nous ont surpris et ont tiré sur tous ce qui bougeait. J'ai eu la vie sauve grâce à la dextérité de mes jambes. Mon Grand frère est décédé de suite des balles reçues.

SIR : Le jour où on partageait la viande, nous avons été également attaqués par les mêmes Bambaras. Là aussi, il y a eu des morts. Les bambaras ont réagi à la suite des représailles des actes posés par les peulhs dans le village de Kologri.

SIR : J'ai été blessé et admis à l'hôpital à Bamako pendant trois(03) mois. Je ne dispose pas à ce jour de certificat médical. Lors de l'affrontement, mon grand frère a laissé sa vie. Il était marié père de trois enfants.

SIR : Parmi les accusés ici présent, je peux identifier kossa qui portait un fusil. Il était accompagné de ses frères.

SIR : je n'ai pas vu kossa tiré. Il était devant sa boutique. Je ne saurais affirmer que Kossa a tiré sur les peulhs.

SIR : Les quatre (04) premières victimes ont été tuées là où on distribuait de la viande. J'ai vu Kossa porté une arme raison pour laquelle, je déduis que c'est lui qui a tiré sur les peulhs.

SIR : Parmi les accusés présents, je ne peux pas formellement identifier quelqu'un parmi eux comme auteur de leur mort.

SIR : j'ai reçu une balle au pied au cimetière de Malimana.

SIR : je me constitue partie civile et demande que la justice soit rendue.

Audition de la partie civile Boye GADIO : je ne peux rien vous dire par rapport à cette affaire. Mon jeune frère a conduit ses animaux à Malimana et il s'est fait tuer par les Bambaras sans autres précisions. Mon frère s'appelait Modibo Gadio. Il était parti voir sur les lieux s'enquérir un dès notre fait partir des mort.

SIR : Modibo était marié et père de cinq(05) enfants. C'est les parents qui nous affirmer que les Bambaras ont tirés Modibo about portant.

SIR : je n'ai pas identifié celui qui a tiré sur Modibo. Il a été tué devant la porte de Baboura.

SIR : Modibo mon frère ne portait aucune arme quand il quittait le village pour Malimana.

SIR : Modibo roulait sur une moto au moment des faits. J'ai récupéré la moto qui était garée par devers un membre de la famille devant laquelle il a tué. Je n'ai pas vu son cadavre.

SIR : Parmi les peulhs, il ya 22 morts.

Audition de la partie civile Souleymane BARRY : Le jour des faits, je n'étais pas présent sur les lieux. Suite aux affrontements entre peulhs et bambaras, quatre peulhs y ont laissés la vie. A Malimana, pendant que la communauté peulhs était au cimetière pour enterrer leurs morts, les Bambaras ont surgis derrière eux pour encore tirer sur eux. J'ai perdu trois(03) frères et trois(03) autres ont été blessés. Au cours des affrontements, 22 peulhs ont été tués.

SIR : Je ne saurai vous dire l'origine du conflit intercommunautaire.

SIR : Devant les deux jours fatidiques c'est-à-dire, samedi et Dimanche, je suis formel que c'est les peulhs qui ont été les premiers à tirés les Bambaras. Je ne suis pas à mesure de dire à la cour qui ont tué nos frères Sekou BARRY, Hamady et Boukary tous DICKO. Sekou était mon Frère consanguin. Il était marié avec des enfants.

SIR : un soir au sortir de la mosquée, le jeune frère de l'accusé Kossa COULIBALY m'a intercepté pour me dire que si jamais je restais au village qu'il me tirait.

Audition de la partie civile Bourcema BAH : un jour, sans me rappelé de la date exacte, le nommé Aly BALLO m'a appelé pour me dire qu'il a un bœuf à abattre et vendre la viande. Etant sur les lieux de l'abattage du bœuf, j'ai entendu des coups de feu venant

De la boutique de Kossa. J'ai également vu le jeune frère de Kossa en la personne de Oussou porté une arme. Après les coups, j'ai vu le corps sans vu de Hamady BARRY. La nuit, j'ai été voir le chef de village de Malimana chez lui à fin de prendre des dispositions pour enterrer nos morts. Pendant que les peulhs enterraient leurs morts au cimetière de Malimana, les Bambaras ont récidivé en tirant sur les peulhs.

SIR : Je ne déplore aucune victime dans ma famille.

SIR : Parmi les accusés ici présent je ne peux identifier personne comme étant auteur des tueries.

Je n'ai pas vu Kossa et sa bande tirer sur les peulhs. Cependant, j'ai formellement identifié le frère de Kossa ou la personne de Oussou entrain de tirer une rafale de balle sur les gens.

SIR : c'est le chef des chasseurs Yoro COULIBALY qui a été tué en premier par les peulhs. En représailles de ces actes kossa et sa bande ont agi ainsi.

SIR : je me constitue partie civile et réclame un Milliard à titre de dommages intérêts.

SIR : je n'ai pas vu Kossa tué. Cependant, J'ai formellement identifié ousmane COULIBALY le petit frère de Kossa tué quatre peulhs.

Audition de la partie civile Amady DIALLO : Au moment des faits, je n'étais pas présent au village. J'étais à Kayes. Je déplore une victime, mon oncle Hama DIALLO.

SIR : Je ne peux rien vous dire par rapport aux événements.

SIR : La victime était mariée avec des enfants.

SIR : Je demande que justice soit rendue.

Mention : Les parties civiles Samba DIALLO, Bourima BAH, Bella Boukary BARRY ainsi que le témoin Mamadou sory COULIBALY cité à leur personne n'ont pas comparu.

LE MINISTERE PUBLIC : a pris la parole pour ses réquisitions sur la culpabilité.

Le MP a fait un résumé succinct des faits. Dit que les communautés sédentaires (Bambaras) et Peulhs vivaient en symbiose jusqu'aux événements tragiques des 29 et 30 Avril 2016. Soutient que l'absence de l'autorité a été une cause de l'exagération des faits. Dit que le fait pour certains accusés de reconnaître les faits sans en commettre matériellement est une complicité passive d'assassinat. Que les 22 morts n'ont pas été inventés. Le MP requiert qu'il plaise à la cour retenir les accusés, dans les liens de l'accusation.

Maître Simon LOUGUE pour la défense : Me LOUGUE pour sa défense soutient que le MP poursuivait n'a pas pu prouver l'accusation que la partie civile Amady DIALLO dans sa déposition a affirmé que les accusés ici présent n'étaient pas sur les lieux poursuit en disant que les deux éléments constitutifs de l'infraction à savoir l'élément légal et l'élément matériel manquent. Cependant, plaider coupable en ce qui concerne Kossa COULIBALY. Par contre, plaider non coupable pour les autres accusés.

MP réplique : MP réitère ses réquisitions c'est-à-dire la culpabilité des accusés.

Me LOUGUE pour la défense réplique : Me Soutient que le MP n'a pu apporter aucune preuve pour assurer la culpabilité de mes clients. Plaider coupable pour kossa et non culpabilité pour les autres.

Mention : Le président a donné lecture des questions résultantes.

Le MP et la défense déclare n'avoir pas d'objection pu la cour se retire pour délibérer sur la culpabilité.

Mention : Au retour de la délibération, le Greffier sur invitation du président a donné lecture des réponses aux questions. (Culpabilité retenue pour Kossa COULIBALY, Mamary COULIBALY et Bassaro avec bénéfice des circonstances atténuantes, acquittement pour les autres accusés).

REQUISITION DU MP SUR LA PEINE : MP requiert qu'il plaise à la cour condamner les accusés du Bassaro, Mamary et kossa tous COULIBALY à une peine leur permettant de regagner leurs familles.

Me Simon LOUGUE pour la défense : sollicite qu'il plaise à la cour faire bénéficier les accusés de large circonstance atténuantes.

SIR accusé Bassoro COULIBALY : Je demande clémence à la cour.

SIR accusé Mamary COULIBALY : Je regrette mes actes et demande clémence à la cour.

SIR accusé Kossa COULIBALY : Je m'a remets à la décision de la cour.

Mention : La cour se retire pour délibérer sur la peine.

ARRET D'ACQUITTEMENT :

LA COUR :

*Déclarons les accusés Youssouf, Bourama, Tiona Farikou, Seydou, Moussa, tous COULIBALY, Kalilou BOUARE, Maman SISSOKO, Boubacar DIARRA et Beidy DIARRA non coupables et acquittés de l'accusation.
Ordonnons qu'ils seront mise en liberté s'ils ne détenus pour autre cause.*

Mention : au retour de la délibération sur la peine, la cour, par la voie de son président, à donner lecture de l'arrêt de condamnation.

ARRET DE CONDAMNATION :

LA COUR :

Condamne Bassaro COULIBALY, Kossa COULIBALY, et Mamary COULIBALY à cinq (05) ans de prison avec sursis ;

Le condamnes en outre aux frais du présent Arrêt.

Fixe au minimum la durée de la contrainte par corps.



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The Malian Association of Human Rights (AMDH) was created on 11 November 1988 and is the first human rights association in Mali. AMDH has played an important role in the return to democracy and represents a historic, moral and active force in Mali.

An organisation of volunteers and selfless activists, its members come from diverse backgrounds, each contributing in their field, to the promotion and protection of human rights.

AMDH is made up of legal practitioners (lawyers, magistrates, bailiffs, notaries, auctioneers), civil administrators, university professors, teachers, doctors, health workers, sociologists, social development managers, journalists, accountants, bankers, managers, playwrights and economic operators. It is headed by a president and a national office with 21 members and has its national headquarters in Bamako.

AMDH is represented throughout the country, by its sections in the 8 regions of Mali and by its committees and cells in most of Mali municipalities and circles.

AMDH is the member organisation of the International Federation of Human Rights Leagues (FIDH) in Mali and a member of the Inter-African Union of Human Rights (UIDH). It has observer status with the African Commission on Human and Peoples' Rights (ACHPR) and collaborates with many national and international institutions.

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Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 184 member organisations in 112 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

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