



Statement before the Senate Foreign Relations Committee,
Subcommittee on African Affairs

“Addressing Developments in Mali:
Restoring Democracy and Reclaiming the North”

Testimony of

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Introduction

Thank you Chairman Coons, Ranking Member Isakson, and other members of the committee for providing Human Rights Watch the opportunity to testify at this hearing on Mali; it is an honor to be here.

My name is Corinne Dufka. I am a senior researcher with the Africa Division of Human Rights Watch. I lead our work on West Africa where I was based for 12 years. Since the beginning of 2012 I have conducted four research missions to Mali during which I have interviewed hundreds of victims and witnesses to serious rights abuses in both the Islamist-controlled north and government-controlled south. I am in daily phone contact with Malians who keep me abreast of ongoing violations and developments.

This hearing comes at a critical time not only for Mali, which is in the grips of three inextricably linked crises—political, security, and humanitarian—but also for Mali’s international partners as they struggle to establish a vision and actionable plan to put Mali back together again in a way that does not simply turn back the clock to December 2011.

My remarks today will be divided into two parts. The first will lay out Human Rights Watch’s research on abuses in both the north and south. The second will highlight key considerations and risk factors the US government might consider as it crafts a response to the multi-faceted crisis, and perhaps more importantly the issues that gave rise to them.

I. The Human Rights Landscape

The Tuareg rebellion, Islamist occupation of the north, and political upheaval generated by the March 2012 military coup have led to a drastic deterioration in respect for human rights in Mali. This insecurity led to the displacement of some 400,000 northern residents.

A. Abuses by Islamist Groups

The three Islamist rebel groups which have since April 2012 consolidated their control over the northern regions of Gao, Kidal, and Timbuktu have become increasingly repressive in their attempt to force the local population to accept their world view. The groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM)—appear to closely coordinate with each other. While particular groups seem to control a given region—for example, Ansar Dine in Kidal and Timbuktu and MUJAO in Gao—their forces move fluidly between areas and have reinforced each other during unrest. Furthermore, several commanders and fighters from MUJAO and Ansar Dine were identified by multiple witnesses as having previously been affiliated with AQIM. Many residents said they reached the conclusion that, in the words of one witness, “Ansar Dine, MUJAO, and AQIM are one in the same.” Witnesses said the majority of commanders were non-Malian and came from Mauritania, Algeria, Western Sahara, Tunisia, and Chad.

Abuses committed by these groups as they have tightened their grip over northern Mali include beatings, floggings, and arbitrary arrests against those engaging in behavior decreed as *haraam* (forbidden), including smoking or selling cigarettes; consuming or selling alcoholic beverages; listening to music on portable audio devices; and failing to attend daily prayers. They routinely

punish women for failing to adhere to their dress code, for wearing perfume or jewelry, and for having contact with men other than family members. They have carried out executions and limb amputations as punishment, and systematically destroyed numerous religious shrines of cultural and religious importance. They have also recruited several hundred children, some as young as 12, into their forces.

On January 26, an estimated 70 Malian soldiers who had surrendered after trying to defend the town of Aguelhoc were summarily executed by Islamist groups. I interviewed a mother who received a call from her son minutes before he was killed, a soldier who managed to escape, and community members who buried the dead. This incident is the single most serious war crime of this conflict.

On July 30, the Islamist authorities in Aguelhoc stoned to death, for adultery, a married man and a woman he was not married to. A witness described seeing the couple, crouched in a hole in the ground with their hands bound, before Islamists hoisted large boulders, shattering the skulls of first the woman, then the man. Since April the Islamist groups amputated the limbs of at least eight men accused of theft and robbery.

On April 5, MUJAO fighters, including a youth witnessed wearing a suicide vest, abducted seven Algerian diplomats from their consulate in the town of Gao. Three of the hostages were freed in July; on September 2, MUJAO claimed to have executed the Algerian vice-consul. On November 20, MUJAO kidnapped a French tourist from the Malian town of Diéma. The Islamists continue to hold six other French hostages kidnapped in both Niger and Mali.

Many witnesses described seeing men and women detained or whipped in marketplaces and on the street, often by armed adolescents, for smoking, drinking alcohol, or failing to cover themselves adequately. Many punishments were carried out in public squares after Islamist authorities summoned the local population to watch. Victims are typically flogged with a tree branch, a camel hair switch, or in a few cases, electrical cord. Victims and witnesses said such floggings often caused open sores and welts. Some frail elderly residents collapsed from the floggings.

In other cases, people are arbitrarily detained for hours or days. The brother of one of 20 girls and women rounded up from the streets of Timbuktu on November 14 for failing to dress properly described seeing the women huddled together in the headquarters of the Islamic Police. Another woman decried being taken from inside her house while washing clothes. While in detention overnight, the Islamists refused her contact with the infant she was breastfeeding.

Throughout the north the punishments for these “infractions,” as well as for those accused of theft and banditry, were meted out by the Islamic Police, often after a summary “trial” before a panel of judges handpicked by the Islamist authorities. These trials, which fall far short of international fair trial standards, can only be described as a cruel parody of justice.

The Islamic police, dressed in blue vests on which “Islamic Police” is written in French and Arabic, conduct foot and vehicular patrols, receive and investigate complaints, and impose punishments against alleged wrongdoers of minor offenses either out on the streets or after a suspect is taken to a police station, military camp, or informal place of detention. In Timbuktu the courtroom is housed in a former hotel; the judges were identified as religious leaders, or *marabouts*, from the Timbuktu region. In Gao, the former city hall has been converted into the justice palace in which hearings are held every Monday and Thursday. There are five judges, some of whom are foreigners.

The Islamic court system has become increasingly organized and formalized by the Islamists who effectively took over law enforcement functions previously filled by the Malian police, gendarmerie, judiciary, and corrections officials. Many residents credited the Islamic Police with helping restore order and security. Early on, Islamists took several measures to protect civilians from the widespread looting, sexual violence, and other abuses by the MNLA, Arab militias, and common criminals. The Islamist group set up reporting hotlines and conducted foot and vehicular patrols. Many even credited them with being more effective than the Malian authorities at addressing a long-standing problem of banditry. That said, they failed to investigate several allegations of gang-rape by Islamist forces, two cases of which we have documented.

Use and Recruitment of Child Soldiers

Mr. Chairman, Human Rights Watch believes hundreds of children have been recruited by the Islamist groups occupying the north, the majority for use within the Islamic Police. Dozens of residents from the northern towns of Kidal, Timbuktu, Gao, Ansongo, Aguelhoc, and Niafounké told me they had seen children, some estimated to be as young as 11 or 12, within the ranks of the Islamist groups. Altogether, the number appears to be in the hundreds. A witness I spoke with just yesterday had recently visited three camps within the Gao region in which children were being trained. Human Rights Watch research conducted in November suggests that in advance of the planned Malian army and international military intervention, the Islamist armed groups have ramped up the recruitment of local residents, including children.

The Islamist armed groups began recruiting shortly after they seized control of the north and have continued steadily since then. The Islamists have found little support within the larger towns; as such, the recruitment is concentrated on men and boys from small villages and hamlets. In the Gao region many recruits hail from villages that have long practiced Wahhabism, a very conservative form of Islam. Most residents from the Timbuktu and Kidal regions noted the presence of a disproportional number of children from the Arab and Tuareg ethnic groups, many of whom they believed had joined together with older family members. Gao and Timbuktu residents said well-known Quranic teachers and local *marabouts* worked with the Islamist groups there to recruit youth. Many of the trainers were identified as non-Malian, and came from Mauritania, Algeria, Senegal, and France.

Northern residents described seeing the children inside apparent training camps of the Islamist armed groups engaged in fitness training, learning to arm, disarm, and fire a gun, and in one case, using grenades. They also observed children manning checkpoints, conducting foot patrols, riding around in patrol vehicles, guarding prisoners, and cooking for rebel groups. Over a dozen witnesses and victims identified children taking part in abuses meted out by the Islamic Police.

Human Rights Watch identified 18 places where witnesses reported that new recruits by the Islamists including children were being trained, including military bases, Quranic schools, and private and public schools.

Destruction of Mali's Rich Cultural Heritage

Islamist militants have destroyed numerous structures and objects—including mausoleums, cemeteries, shrines, amulets, and ritual masks—that hold great religious, historical, and cultural significance to Malians.

Using axes, shovels, and hammers, Islamist armed groups in Timbuktu have destroyed numerous mausoleums, cemeteries, and shrines in which are buried many of Timbuktu's revered scholars, imams, and philosophers. Islamist groups claimed responsibility for the destruction of the buildings and shrines, which are classified as a World Heritage Sites by the United Nations Educational Scientific and Cultural Organization (UNESCO).

Many Timbuktu residents, including imams, students, tour guides, professors, and market women, described in compelling terms the painful impact of the destruction. One 16-year-old told Human Rights Watch: "My parents, grandparents, great grandparents spoke to me of these tombs. Now my own children will never see them."

Just a few days ago, a young man from Niafounké described how an Islamist ripped his *gris-gris*—an amulet consisting of a small leather pouch containing a verse of the Quran—from his upper arm. The amulet had been passed on from his grandfather, to his father, to himself at the age of 18. Many people decried how Islamist groups now forbid them from visiting the graves of their departed family members, an important weekly ritual for many Timbuktu residents.

In Douentza, families hailing from the Dogon tribe described how Islamists there destroyed the sacred Toguna, the most important public edifice in a Dogon village, in which men's assemblies and council meetings are held. They also destroyed eight ritual masks.

The Islamist authorities have also forbidden Malians, who have a diverse and rich musical tradition, to listen to, perform, or play local music, or beat drums during rites of passage. In April a witness described how Islamists carted away from a local radio station an entire library of cassette recordings of local musicians. Many northern residents, young and old, described with great sadness how the behavioral changes enforced by the Islamist groups had undermined their ability to take part in cultural life. One young man said, "We're Muslims, good and faithful Muslims, but honestly, these people have taken all the *joie de vivre* from our lives." Another man commented, "There are no baptisms, marriages, circumcisions—all are forbidden, *haram*."

B. Abuses by Tuareg Separatist Rebels and Arab Militias

Armed men from the separatist Tuareg National Movement for the Liberation of Azawad (MNLA), which in January 2012 launched a bid for a separatist state, perpetrated numerous abuses after taking over key towns and villages in the north. These included the abduction and rape of women and girls; pillaging of hospitals, schools, aid agencies, warehouses, banks, and government buildings; and use of child soldiers. In Timbuktu, Arab militiamen, who briefly allied with the MNLA, committed similar abuses. The MNLA has also used numerous child soldiers. Malian soldiers, who had spent weeks with the rebels as captives, and other witnesses told me that children had been a part of the MNLA since they began the northern operations in January.

Looting and Pillaging

Nearly all local residents interviewed by Human Rights Watch observed acts of looting and pillaging by MNLA rebels as they took over the towns of Menaka, Goundam, Niafounké, and Gao. In Timbuktu, the majority of looting and pillage was perpetrated by Arab militiamen. The armed groups broke into hospitals and medical facilities, local government buildings, banks, Malian and international aid offices and warehouses, homes of local officials, schools, and churches. Hospital staff from Gao and Timbuktu told me that patients in local government hospitals were forcibly removed from their beds and left on the floor after rebels stole

mattresses. Four patients in Gao, including elderly patients on oxygen, died after terrified staff fled, leaving the patients with no medical personnel to care for them. Witnesses also described watching rebels load up their vehicles, and, in a few cases large trucks, with furniture, computers, printers, air conditioners, refrigerators, televisions, clothes, shoes, livestock, and other items. Many others said that rebels stole their motorcycles and cars, often at gunpoint. People who had fled the north to find refuge in the government-controlled south described being forced to pay a “rite of passage” before being allowed to pass through MNLA-controlled areas.

The Islamist rebel group Ansar Dine, at that point loosely allied with the MNLA, destroyed several bars and hotels they associated with alcohol consumption and prostitution, and engaged in looting, though on a much lesser scale. Many local residents and some prisoners who had been sprung from local prisons during the rebel advance reportedly participated in the looting as well, in many cases alongside MNLA rebels.

Sexual Abuse

Victims, witnesses, and family members of victims told Human Rights Watch about a wave of abductions of women and girls by armed groups. It is difficult to ascertain how widespread these abuses have been. However, a credible local organization told Human Rights Watch they documented 21 cases of sexual violence in Menaka, and some 30 cases in and around Gao. The majority of these cases occurred between January and April 2012 and were allegedly perpetrated by armed men speaking the local Tamashek language and driving vehicles with the Tuareg separatist MNLA flag. Most of the abductions documented by Human Rights Watch took place in neighborhoods that witnesses said had a high concentration of MNLA fighters.

Witnesses described the abductions by rebels of at least 17 women and girls as young as 12. A 14-year-old girl told Human Rights Watch that six rebels held her captive in Gao and raped her over a period of four days. A Timbuktu resident said that he saw three Arab militiamen drag a girl of about 12 from her mother into an abandoned building, where she was gang-raped. Witnesses and family members who had spoken with several of the other victims said the abducted girls and women had been sexually abused by the rebels. One person said that rebels took three young women from the same family from a compound in Gao, raped them, and brought them back the next day. Numerous cases documented by Human Rights Watch and local groups involved victims from the *Bella* group, members of a traditional slave caste within Tuareg culture. The word *bella* means “captive” in Tamashek.

C. Abuses by the Malian Army

The March 22 coup against then President Amadou Toumani Touré, in protest of the government’s handling of the Tuareg rebellion, appeared to lead to a striking deterioration in effective command and control of, and discipline within, the security services. Impunity for abuses by the army has long been a problem in Mali; numerous incidents this year highlighted this as a continuing concern.

For example, in the days after an attempted counter-coup on April 30, members of the security forces loyal to coup leader Captain Amadou Sanogo forcibly disappeared at least 21 soldiers allegedly implicated in the counter-coup, and committed torture and other abuses against dozens of others who were arbitrarily detained within a police barracks and later the Kati military barracks. While people who participated in the counter-coup attempt would be legitimately

subject to arrest and prosecution, the actions attributed to Sanogo's security forces were taken outside of any lawful process.

I interviewed over 30 people with detailed knowledge of these abuses, including eight people who witnessed torture and enforced disappearances and 13 family members of the detained and disappeared. The soldiers were handcuffed and hogtied for days at a time; beaten with batons, sticks, and gun butts; kicked in the back, head, ribs, and genitals; stabbed in their extremities, and burned with cigarettes and lighters. Four members of the security services told me how they were forced at gunpoint to engage in anal sex with one another.

Witnesses at Kati camp said that on May 3 between 2 a.m. and 3 a.m., soldiers removed the detainees and put them inside a military truck, "bound their hands and legs, and covered their eyes." They have not been heard from since. The detainees were also subjected to psychological abuse including death threats and mock executions. Two people told me they saw Sanogo at the military base in Kati, 15 kilometers north of Mali's capital, Bamako, when torture and other ill-treatment took place. One witness said he saw Sanogo kick one detainee who has since disappeared, and heard him threaten several others.

The security forces loyal to Sanogo have also engaged in a campaign of intimidation against journalists, family members of detained soldiers, and others deemed a threat. Several journalists critical of the coup leadership were detained, questioned, and intimidated; in July, two journalists were abducted by armed, masked gunmen, severely beaten, and dumped on the outskirts of Bamako after being warned to stop criticizing the military. In September a local leader from Ansongo was detained from a hotel in Bamako; his whereabouts remain unknown. In October numerous men in military uniform descended upon the home of a musician who had written a rap song critical of the army, sending him into hiding.

Malian government soldiers arbitrarily detained and in several cases executed men they accused of collaborating with the rebel groups in the north. The majority of victims were of Tuareg or Arab ethnicity or Mauritanian nationality. In April four Tuareg members of the security services were detained and believed executed by the military in Mopti. Other witnesses told Human Rights Watch that since early April, soldiers manning checkpoints have taken numerous light-skinned men, including Tuaregs, Arabs, and Mauritians, off of buses traveling between the government-controlled south and the rebel-held north. There are concerns that some of the men have been executed. On September 8, 16 Islamic preachers on their way to a religious conference in Bamako were detained and hours later executed within a military camp in Diabaly, some 270 miles (430 kilometers) from Bamako, for their alleged links with Islamist groups. Their driver, seen in military custody days after the killings, has since disappeared. On October 21, at least eight Tuareg herders were executed by soldiers, also in Diabaly. The Ganda-Kio pro-government militia recruited and trained numerous children, although at this writing they had yet to be used in a military operation.

Mr. Chairman, there was no meaningful effort to investigate, much less hold accountable, members of the security forces implicated in any of these incidents. The army has failed to place commanders from Diabaly on administrative leave pending full investigations. Despite his direct implication in torture and enforced disappearances, Sanogo was in August put in charge of security sector reform of the Malian army.

Key Recommendations

As the United States considers the best way forward to address Mali's human rights crisis and the issues that gave rise to it, we urge you to consider the following key recommendations that could help stem any further slide in respect for human rights and the rule of law.

1. Publicly Raise Abuses, Need for Accountability By All Sides

Concern about the very serious abuses committed by the Islamists in the north underscores the international community's urgency for the intervention currently being planned. However, as noted in my testimony, extremely serious abuses have also been committed by the MNLA and Malian government forces. In order to stem the rampant impunity that has characterized abuses committed in past armed conflicts, it is imperative that the US Congress, State Department, and Defense Department, among others, use their leverage to press all parties to the conflict to investigate and prosecute those responsible for the widespread violations of human rights and humanitarian law that have occurred this year. While the warring factions might be tempted to accept an amnesty provision for international crimes as part of eventual negotiation agreements, the United States should stand firm against this.

2. Address Rising Ethnic Tension and the Culture of Impunity that Underscores It

Over the last eight months I have observed an alarming increase in communitarian tensions, primarily along ethnic lines. Perceptions of neglect or favoritism by the Malian government or international community; impunity for past and more recent violations; and the active political manipulation of ethnicity by certain political leaders, has appeared to lead communities to seek redress for their grievances—including through the formation of armed militias and apparent plans to settle scores outside the legal framework.

Mr. Chairman, I cannot emphasize enough how much the lack of accountability for past abuses is fueling this tension. Tuareg and Arab families whose loved ones were executed during Malian army operations or by the Ganda-Kio militias during past armed conflicts deserve for these abuses to be acknowledged but also investigated and those responsible prosecuted. Likewise, Songhai, Peuhl and Bella families whose relatives suffered sexual assault or whose hard-earned property was pillaged by the MNLA, Arab militias, and Islamists groups during the takeover deserve to know the state will take these abuses seriously and hold those responsible to account.

I believe, that if not addressed these tensions could, in the short and mid-term, manifest in incidents of deadly collective punishment, and in the long term, sow the seeds for future violence. I urge the US government to do the following things to address this crucial issue:

- As the negotiation process and National Consultation Process takes shape, push Mali to ensure the aspirations and grievances of *all* northern residents are heard, not just those who have taken up arms. While all northern communities—the Tuareg, Songhai, Arab, Bella, and others—share many concerns about the fulfillment of social-economic rights, they also have particular grievances that deserve to be considered.

- Press the Malian government to adopt a communication strategy that addresses the rising level of ethnic tension and to actively monitor, report on, and address hate speech that incites violence.
- Through USAID, support Malian civil society to address these tensions, including through support to local community radios and peace-building initiatives.
- Ensure the situation in Mali is regularly brought up and discussed among the members of the Atrocities Prevention Board.
- Support a truth-telling mechanism that could illuminate under-exposed atrocities committed during previous armed conflicts; explore the dynamics that gave rise to Mali's multi-faceted crisis including poor governance and corruption; and make recommendations aimed at preventing a repetition of past violations. While truth commissions can respond to victim and community needs in ways that justice mechanisms may not, they are by themselves an inadequate response to grave human rights abuses and need to be part of a complementary process.

3. Adopt Policies that Address Underlying Causes of Mali's Crisis

Mali's recent crisis is rooted in years of deterioration in the key institutions—the police and army, the judiciary, the parliament—that should uphold security, democracy, and respect for rule of law. The international community largely turned a blind eye to signs of stress—corruption scandals involving development aid; insufficient progress on key economic rights such as education and health; criminality creeping into state institutions; and lagging indicators in development that disproportionately affected the north. Mali's judiciary, which could have mitigated some of the abuses, has been neglected, severely under-resourced, and manipulated, allowing a dangerous culture of impunity to take hold. Narcotics traffickers, extremist religious figures, and individuals with ethnic agendas sought to take advantage of the rule of law vacuum. The United States must adequately consider these issues and support programs in the short and long term that strengthen Mali's failed institutions.

4. Press for Civilian Protection Safeguards and Human Rights Monitoring Within Planned Military Intervention

The US should press for the deployment of a strong and well-staffed team of UN human rights observers alongside the international military force envisioned to recover the north. The human rights component should have adequate security, logistical, and operational support, and be deployed within the UN peacekeeping budget.

- The international force should have a mandate that includes clear rules of engagement that make minimizing harm to civilians and civilian populations a priority during military operations.
- The international force should include military lawyers with battlefield experience in the laws of war.
- The human rights observers should monitor adherence to international humanitarian and human rights law, and report publicly and regularly to the Security Council on its findings and recommendations.
- The human rights observers should provide appropriate human rights training to contingents from troop-contributing countries, as well as the Malian government.

The United States has an important role to play both in moderating those who favor an immediate, blunt, and myopic response to the human rights crisis in Mali, versus those who seek to draw out the process unnecessarily while the situation on the ground worsens. The US government needs to play this role both directly in Mali but also among key regional and international players by shoring up support for a policy that promotes respect for human rights, the rule of law, and accountability. A twin approach that has its roots in addressing the underlying tensions that have enabled the growing number of human rights abuses should be a core consideration going forward.

Mr. Chairman, my sincere thanks once again for the opportunity to address this Committee. I would be delighted to respond to any questions you or your colleagues may have.