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Human rights situations that require the Council's attention

Joint written statement* submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non-governmental organization in special consultative status, the African American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Fostering international campaign to combat gross human rights violations in Mali

Preliminary findings of gross human rights violations in Mali after the on-going conflict have been presented by many human rights organizations including Amnesty International.

According to the reports the findings can be summarized as follows:

Civilians have reportedly been extra judicially executed by the Malian military since 10 January 2013.

At least five civilians were killed in an air attack launched in the context of the joint French and Malian counter offensive aiming to take over the town of Konna.

Three young children were killed in their home in the morning of 11 January 2013, in the context of the joint French and Malian counter offensive aiming to take over the town of Konna.

The family members killed in the attack were Aminata Maïga, 40 years old, and three of her children: Adama Maïga, ten years old, Ali Maïga, 11; and Zeinabou Maïga, six. Another of her children, Saouda Maïga, was wounded in the arm and leg.

The Madrasatoun Sabilou Rachade mosque, located in front of this house was also hit by the bombing.

Human rights abuses and violations of international humanitarian law have also been committed by French and Malian military armed including unlawful killings.

Information received by Amnesty International indicates that after Malian and French military forces took over the towns of (Gao) and Timbuktu, Tuareg and Arab civilians accused of being close to the Islamist armed groups were targeted by segments of the population and some of their belongings were looted. Calls of help were received from people living in (Gao) who claimed being targeted because of their alleged links with Tuareg or Islamist armed groups while government forces were reportedly at times standing by.

Witnesses told Amnesty International that there were no members of armed groups or military objectives in the house or mosque that were struck in the attack. They said that there were some members of an armed Islamist group posted at a crossroads about 150 meters from the area struck in the attack.

On other hand Human Rights Watch said that Malian government forces summarily executed at least 13 suspected Islamist supporters and forcibly disappeared five others from the garrison town of Sévaré and in Konna during January 2013.

Although the Malian forces arrested and executed the men and dumped their bodies in wells in public view in broad daylight, military officials and gendarmes denied knowledge of the killings. Malian authorities should immediately investigate the alleged executions and hold those responsible to account, Human Rights Watch said.

The Malian army abuses occurred during the Islamist rebel offensive against Konna, 65 kilometres north of Sévaré, which began on January 9. Witnesses described to Human Rights Watch seeing soldiers at a bus station in Sévaré confront and then detain bus passengers suspected of association with Islamist rebel groups. Many of the men detained had failed to produce proper identification, which the soldiers interpreted as evidence that the men were not from Mali or the area, and thus were likely supporters of the armed Islamists.

Before the soldiers marched them off, many of the detained men frantically tried to find someone in the crowd at the bus station who could vouch for them and verify their identity, witnesses said. They were driven or marched to a nearby field, where they were shot and their bodies dumped into one of four wells. Human Rights Watch saw clear traces of blood in and around each well; in one well at least three bodies were visible. Many of those executed were members of the Peuhl ethnic group, which the army has associated with the Islamist groups that attacked Konna.

Witnesses told Human Rights Watch that some of the soldiers appeared to be under the influence of alcohol as they apprehended and executed the men. A witness to several killings said:

They put the old man and his son into a car and drove them 100 meters to the well in the empty lot. They fired one bullet at the son...he dropped down. Then they took his body and dumped it in the well. Then they fired several bullets at the father, but he didn't fall. Seeing this, they took some of his clothes off, shot him again and then also threw him into the well. Then they fired again inside the well. People said the military insisted they were Islamists. But the son tried to explain that his father, who had been acting in a weird way, was crazy.

On the same day, they brought in two other men between 30 and 35 years old. They were blindfolded, and their hands were tied in the back with a rope... Even during the night I heard a lot of gunshots, may be every two or three hours.

In conclusion it is obvious that Malian authorities have turned a blind eye to these very disturbing crimes.

Recommendations:

On the basis of these observations a consortium of NGOs including Sudan Council of Voluntary Agencies (SCOVA), African American Society for Humanitarian Aids and Development (ASHAD) as well as other International or African NGOs willing to join the group, would like to reiterates its calls to the Human Rights Council to establish an independent Committee to conduct a comprehensive investigations on the human rights situation in Mali.

The NGOs consortium calls upon the parties to the conflict to:

- Respect international humanitarian law and in particular Article 3 common to the Geneva conventions, which provides that the civilians and captured combatants must be treated humanely and prohibits torture and killing of captives.
- Call upon the French army to open an independent and impartial Investigation into the Konna attack which allegedly resulted in the deaths of at least five civilians.
- Furthermore, taking into accounts the seriousness of the information received regarding extrajudicial executions by the Malian army, the Malian authorities should immediately open a thorough, independent and impartial investigation into these allegations and, pending the conclusion of the investigations, remove from duty any of the persons suspected of carrying out or ordering such acts.
- Where there is sufficient admissible evidence, suspected perpetrators should be prosecuted in fair trials. Victims and their families should receive full reparations.
- Armed groups must remove from their ranking anyone suspected of summary killings and other serious violations of international humanitarian law.
- Reiterates the urgent need to deploy United Nations human rights observers, in sufficient numbers and well resourced, to monitor and report publicly on the human rights situation in the conflict areas.

- Particular attention should be given to situation of children affected by the conflict, including the use of child soldiers, as well as gender and sexual-based violence.
 - Conduct transparent investigation of all credible allegations of violations and abuses of international human rights and humanitarian law committed by all parties, including any international or African forces deployed in Mali.
 - Strict compliance should be given to the United Nations Human Rights Due Diligence Policy in order to deny support to any entity where there are substantial grounds for believing there is a real risk of members of those entities committing grave violations for international humanitarian, human rights and refugee law.
 - The mandate of the human rights committee should also take immediate steps to investigate the alleged involvement of the Malian government in these abuses and hence bring those responsible from these Gross violations of human rights and International Humanitarian Law to justice, irrespective of rank.
 - Combat Xenophobia among various entities in Mali based on religious, cultural or ethnic background. Tuareg and Arab civilians should not be targeted according to their race or Islamic belief.
 - Render humanitarian assistance and secure shelter for the suffering Malian IDPs and Refugees in close collaboration with specialized United Nations agencies as well as International NGOs.
 - Guarantee safe and voluntary repatriation of the Malian people who is suffering from displacement in the deserts or refuge in the neighboring countries in serious and bad conditions.
 - Address the root causes of the ongoing conflict in Mali among various Malian entities and achieve a negotiated peaceful resolution in Mali.
 - The International community including the French government as well as African governments participating in the joint French African military intervention should withdraw their troops and armies from Mali and help genuine endeavors to restore peace and security and development in the country.
 - International community should endeavor to restore democracy in Mali during and after the transitional period.
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