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M. François HOLLANDE
Président de la République
Palais de l'Élysée
55 rue du Fg Saint Honoré
75008 Paris

January 21st, 2013

Subject: Mali – Human Rights Protection

Dear President Hollande,

As France is spearheading military efforts to block the advance of Islamist groups in southern Mali, we write to raise our concerns about the possible human rights implications of this operation and share recommendations on ways to mitigate any harm to the civilian population.

As you are aware, for many months, Malians have suffered grave abuses from all sides. Islamist groups have tried to enforce their brand of Sharia law through beatings, amputations, killings, and the destruction of religious landmarks. Separatist Tuareg rebels engaged in sexual abuse and looting before leaving the area they initially controlled. Elements of the Malian Army have tortured and summarily executed alleged rebel collaborators and members of rival military units.

In this troubled context, we call on France, as well as ECOWAS troops and any other parties to the conflict, to strictly adhere to international humanitarian law and take all feasible precautions to avoid any further harm to civilians.

We recognize that France is operating in a challenging environment, facing armed groups that have shown little consideration for international humanitarian law themselves. We are investigating reports that Islamist forces have recently posed as civilians to attack the Malian army in Konna and are aware of their unlawful threats against civilians and the hostages they hold, in blatant disregard of their obligations.

One of our concerns is the disregard that Islamist armed groups have shown for the lives of children. The Islamic groups—Ansar Dine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Qaeda in the Islamic Maghreb (AQIM)—have recruited, trained, and used several hundred children in their forces since occupying northern Mali in April 2012. In December and January 2013, witnesses described visiting training

camps in the Gao region, in which a total of several dozen children were being trained on how to use firearms and were undergoing physical fitness training. In several of these places, children were also observed studying the Koran. Some of these training centers were within, or adjacent to, Islamic military bases. Some of these bases might have already been, or could be, targeted by French air strikes. Furthermore, reliable witnesses told us that several child combatants were among those injured during recent fighting in Konna and possibly elsewhere.

France has been a key player in advancing protections in the United Nations Security Council for children in armed conflicts, and we trust that you will do your utmost to take all possible measures to minimize any harm to child soldiers who are unwilling participants and victims of this conflict, and to cooperate with UNICEF and other appropriate actors in efforts to reunite these children with their families.

In the process of assisting the Malian army to regain control of Mali's territory, we also urge you to ensure and publicly pledge that no support will go to abusive elements of the Malian army, and in particular, to those under the command of coup leader, turned head of the army reform committee, Capt. Amadou Sanago. Troops under his command have been implicated in extrajudicial killings, torture, and enforced disappearances, and should not be empowered to commit further abuses with international support.

You will be also aware, as the European Court of Human Rights (ECtHR) has made clear, that France is bound by the European Convention on Human Rights in its acts anywhere in the world, including military operations, in particular when it comes to the treatment of any detainees the French armed forces may hold. Specifically France's human rights obligations would prohibit any of its armed forces from handing over detainees to the Malian or other authorities if there is a real risk of them suffering torture, the death penalty, or inhuman or degrading treatment. France's agreements with Mali about the operations of its armed forces should reflect these human rights obligations.

If or when the Malian army regains control of territory in the north, we feel compelled to warn you of the risk of widespread revenge killings against civilians perceived as anti-government. Ethnic tensions are running high, and pro-government militia and youth groups have compiled lists of people they deem to have supported Islamists groups or the separatist Tuareg National Movement for the Liberation of Azawad (MNLA), and against which they seek revenge. We were told, including by several militiamen and their leaders that these lists have been given to the Malian army.

To its credit, before developments on the ground precipitated the French intervention, France had agreed to include human rights safeguards in UN Security Council Resolution 2085 mandating an African-led International Support Mission in Mali (AFISMA). We believe many of the safeguards are still relevant, and in particular:

- As was done in Côte d'Ivoire, we recommend that France, ECOWAS, or the UN set up a 24/7 hotline allowing civilians under threat of reprisals or other forms of imminent violence to request assistance, notably from competent Malian authorities.
- France should encourage and assist the UN in deploying a strong and well staffed team of UN human rights observers alongside the international military force. The

human rights component of AFISMA should have adequate security, logistical, and operational support, and be deployed within the UN peacekeeping budget. The team should monitor adherence to international humanitarian and human rights law by all parties, and report publicly and regularly to the Security Council on its findings and recommendations. It should also provide appropriate human rights training to contingents from troop-contributing countries, as well as the Malian armed forces.

- Acting through the European Union, France should request the urgent deployment of military lawyers with battlefield experience in the laws of war to advise and accompany the Malian army and ECOWAS contingents on rules of engagement that make minimizing harm to civilians a priority during military operations. Those issues should be central in the training program that the EUTM (EU Training Mission) will provide to the Malian army.
- Finally, in light of the January 16 announcement by the Prosecutor of the International Criminal Court (ICC) to open an investigation in Mali, we urge France and other troops that might join in AFISMA to provide the court and its prosecutor with full cooperation, including locating witnesses and evidence, effectively safeguarding witnesses, intermediaries, and all others connected with the investigation, and immediately arresting and promptly turning over persons named in any arrest warrants.

We would be happy to discuss these issues, in person or by phone, with you or your collaborators at any time of your convenience.

Sincerely yours,



Kenneth Roth
Executive Director



Jean-Marie Fardeau
France Director