

Human Rights Violations and the Security Forces in Mali and Niger

Security forces in Mali and Niger are at the centre of the intensifying conflicts in the Sahel. Uniformed personnel have collectively been involved in thousands of violent incidents, whose frequency has rapidly increased. This policy brief examines the involvement of the two countries' security forces in violations of human rights, which have become more widespread and serious. We argue that providers of security force assistance to Mali and Niger should take these violations into greater account when assessing whether to start or continue providing security assistance to these two states' security forces.

Brief Points

- Over the past decade, the Malian and Nigerien security forces have been involved in increasingly intense fighting.
- Since 2010, human rights violations committed by those security forces have become more severe and widespread. Violations include widespread arbitrary killings, torture and forced disappearances.
- Providers of security assistance to Mali and Niger need to assess the risks that, in doing so, they may exacerbate human rights violations.

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Introduction

Many states provide security force assistance (SFA), which is the donation of military equipment and training by a provider to a recipient state's security forces. States and organizations that provide SFA have legal and ethical obligations to ensure that the assistance they provide is not used in war crimes or human rights violations.

This policy brief focuses upon Mali and Niger, and it provides information on the risks that should be assessed by SFA providers. Both states have received SFA worth hundreds of millions of dollars from the EU, France and the US aimed at improving capacity in tasks such as counter-insurgency, border control, counter-narcotics and peacekeeping training. Mali and Niger are also members of the G5 Sahel regional counter-insurgency force, which has also received considerable external assistance.¹

Security Forces and Conflict in Mali and Niger

The existence of a conflict in a country does not preclude the provision of SFA. Indeed, the motivation for providing assistance may be to improve the capacity of troops involved in counter-insurgency operations. Conflict does though affect the risks involved in providing security assistance.

During the period 2010–2020, both Mali and Niger experienced fighting within their territories that became more intense over the decade. Civil war in Mali started in 2012 when groups in the north of the country started fighting to attain independence or greater autonomy. Later that year, the situation was complicated by a coup that ousted the President of Mali. In 2013, the MINUSMA UN stabilization mission was established and French intervention prevented the southern part of Mali being overrun. Despite a peace agreement signed in 2015, fighting involving Malian security forces and a variety of opponents including Islamist groups continued to escalate over the following five years (see Figure 1).

Since 2012, Niger has been affected by rising levels of violence, including spill over from the civil war in Mali, fighting in Libya which started in 2011, and the Boko Haram insurgency which started in Nigeria in 2009. Niger has also seen

attacks by Islamist groups and the use of violence by organizations involved in smuggling commodities and transporting migrants north to Libya.² There was an increase in the intensity of violence involving the Nigerien security forces in 2015, and again during 2017–2020 (see Figure 1).

The Armed Conflict Location and Event Data Project (ACLED) has identified the Malian security forces as having played a role in 1,082 violent incidents of all kinds involving 3,370 fatalities, and the Nigerien security forces as having played a role in 385 violent incidents involving 2,946 fatalities.³ These numbers may be underestimates due to difficulties in collecting data from conflict areas.

Unsurprisingly, the armed forces in both countries have been involved in most of the fighting, but police and members of the gendarmerie have also taken part in a significant proportion of incidents (see Figure 2).

Mali and Niger have also hosted armed international interventions, which include a UN mission in Mali, a French-led regional military force, the G5 Sahel regional force, and air strikes conducted by the United States and other countries. While these large-scale interventions clearly have an effect upon conflict in Mali and Niger, the role of these external interventions is beyond the scope of this policy brief, and the above figures and statistics do not include incidents and deaths solely involving them.



Photo: MINUSMA / Blagoje Grujic via Flickr

Human Rights Violations

Except where stated, the following analysis is based upon the US Department of State's annual Country Reports on Human Rights Practices for the years 2010 to 2020 and the annual reports submitted since 2014 by the UN Independent Expert on the situation of human rights in Mali.⁴ These reports were used because they provide a consistent and comprehensive description of human rights violations committed by the security forces.

Human rights violations by Malian security forces, 2010–2020

In the years prior to the outbreak of fighting in 2012, human rights violations in Mali were limited to a few examples of imprisonment for non-violent political activity or use of excessive force against protestors. The 2012 coup and outbreak of civil conflict led to more severe human rights violations. In that year, members of the Malian security forces carried out arbitrary killings, torture and detention. These violations were committed against civilians and against other members of the security forces in the aftermath of the coup.

The severity of human rights violations increased in subsequent years. In 2013, disappearances, torture and killings became more commonplace, including against security force personnel as a consequence of the coup. For example, in May 2013 soldiers detained nine men, who were beaten, choked and hung from trees in order to force confessions.

The severity of human rights violations was broadly similar during the period 2013–2018. Members of the armed forces continued to commit serious violations such as arbitrary executions, torture, and forced disappearance of civilians who were accused of having links to rebel organizations. The State Department notes that in 2018 the Malian government made little attempt to investigate, prosecute and punish members of the security forces (or other officials) who had committed human rights violations. In 2018 alone, Malian soldiers killed 14 men accused of being involved with rebel organizations, a Malian battalion executed 12 civilians at a livestock market, and three mass graves holding the remains of detainees were discovered. Human Rights Watch documented that during 2018, the Malian military started

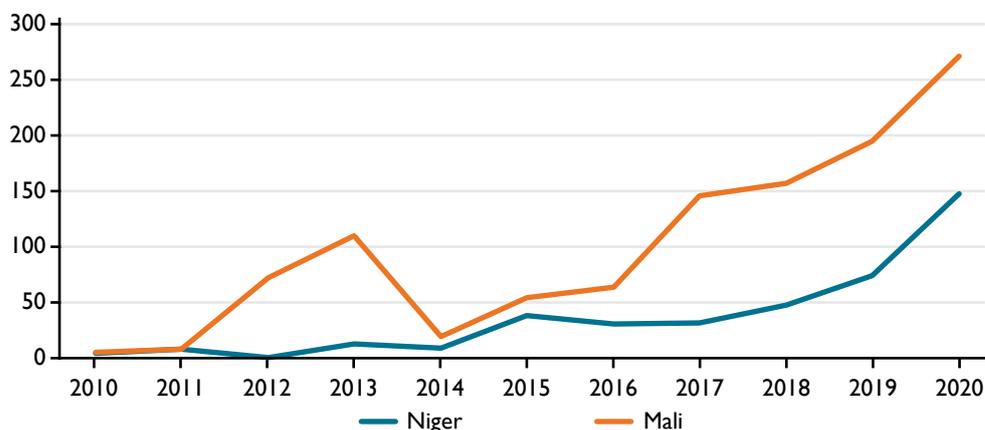


Figure 1: Number of violent incidents involving the Malian and Nigerien security forces, 2010–2020

investigating three incidents involving the extrajudicial killing of 49 people suspected of supporting Islamist groups.⁵

In 2019, such severe violations of human rights in Mali became more widespread. Security forces continued to commit summary killings, torture, forced disappearances and arbitrary detention, which were not investigated by the government. During 2019, there were at least five incidents in which the security forces were accused of having executed a total of 61 people, and the location of ‘dozens’ of people who had purportedly been detained by security forces could not be confirmed by human rights monitors.

Grave violations by security forces continued to be reported during 2020, including unlawful or arbitrary killings; forced disappearance; torture and cases of cruel, inhuman, or degrading treatment; and arbitrary arrest or detention. During the August 2020 coup, security forces killed four civilians and injured another 15. The UN Independent Expert report notes that, according to MINUSMA, Malian security forces were responsible for 216 human rights violations. The branches involved in the violations were the Gendarmerie, the National Police, the National Guard and the Special Counter-Terrorism Force (known as FORSAT).

Of particular concern is the apparent impunity of members of the security forces. The UN Independent Expert noted frustration that most perpetrators of violations remained unpunished, and that judicial authorities had not taken action in response to massacres committed in central Mali.

Human rights violations by Nigerien security forces, 2010–2020

According to the US State Department reports, between 2010 and 2017 Nigerien security forces committed relatively isolated incidents of extrajudicial killings, disappearances, arbitrary detention, torture, and excessive use of force against protestors. When the armed forces seized power in March 2010, at least three people were killed and tens of officials were detained. Later, in 2014 police detained and then beat a protestor to death and injured others. In 2016, members of the security forces shot and killed two fishermen, and people in the Diffa region were detained and tortured.

The severity of human rights violations worsened in 2018 and the following years, and according to the US State Department, killings, torture and disappearances became more widespread. In 2018, Nigerien security forces

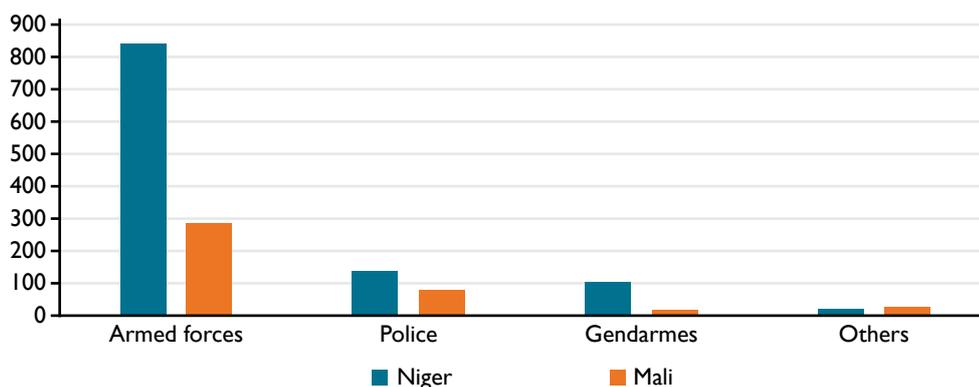


Figure 2: Number of violent incidents involving each branch of the Malian and Nigerien security forces, 2010–2020⁸

were accused of executing people believed to be members of extremist groups. Detentions often lasted months or even years and were based upon circumstantial evidence. The security forces were also accused of allowing Malian militia groups to operate in Niger, and they killed or tortured people believed to be cooperating with extremists.

In 2019, there were further reports of arbitrary killings. Security forces were reported to have been involved in forced disappearances, torture, rape and sexual abuse. As in the previous year, militias from Mali were allowed to commit killings and kidnappings in Niger.

The situation had not improved in 2020, with the State Department report recounting accusations of multiple arbitrary killings, including the execution of suspects. An investigation by Niger’s National Commission of Human Rights (CNDH) documented six mass graves collectively containing at least 71 bodies and the disappearance of 102 civilians.⁶

In a separate incident, government soldiers were filmed killing two suspected Boko Haram fighters who appeared to be unarmed and wounded. The soldiers responsible appeared to be under the leadership of the Niger Special Intervention Battalion, which was deployed on a two-day operation in south-eastern Niger.⁷

Implications for Providers of Security Assistance

According to international laws and norms, providers of SFA should assess the likely effects of providing assistance on human rights violations

or war crimes, and whether trainers or other personnel may themselves become involved in or complicit in violations.⁹ The record of the security forces which are to receive assistance should be a central part of that assessment.

The existence of human rights violations does not necessarily rule out any provision of SFA to the Malian or Nigerien security forces. Providers may assume that some forms of SFA may not pose a risk that training or equipment could be used to facilitate human rights violations (e.g. medical training). They may assume that some forms of training could improve professionalism and reduce violations, such as courses on respect for International Humanitarian Law or International Human Rights Law. SFA providers may find it more acceptable to provide assistance to parts of the security forces which have little or no involvement in violations. Specific units may also have lesser involvement than others.

These considerations may explain why training and equipment continue to be provided to security forces in Mali and Niger despite the worsening record of human violations in both countries. Of course, such assumptions may not be correct – providing human rights training may not actually reduce violations once trainees have left the classroom, and personnel can later be moved between units. It is possible that training and equipment designed to increase combat effectiveness could also enhance the capacity of units to commit violations.

The increase in the severity of human rights violations in Mali and Niger took place while hundreds of external trainers worked with their security forces. The situations in Mali and Niger have been complicated even further by the May 2021 coup in Mali (which led to France announcing that it would suspend joint military operations),¹⁰ and an attempted coup in Niger in March 2021.¹¹

Risk assessments should have been made before the provision of SFA was authorized, and governments providing security assistance should continue to monitor the situation during implementation. All current and potential providers of SFA have a responsibility to ensure that they understand the relationships between the provision of training and equipment and subsequent human rights violations by security forces that received the assistance. In particular, they should ensure that they understand why violations have worsened in both Mali and Niger, and what role has been played by the provision of security force assistance. ■

Notes

1. For more on the provision of SFA to Mali and Niger, see: Marsh, Nicholas & Øystein H. Rolandsen (2021) 'Fragmented We Fall: Security Sector Cohesion and the Impact of Foreign Security Force Assistance in Mali'. *Journal of Intervention and Statebuilding* 15(5): 614–629; Marsh, Nicholas; Øystein H. Rolandsen; Julian Karssen & Marie Sandnes (2020) *Compounding Fragmentation: Security Force Assistance to Fragile States in the Sahel and Horn of Africa*. PRIO Paper. Oslo: PRIO. Available at: www.prio.org/publications/12347; Rolandsen, Øystein H.; Ilaria Carrozza & Nicholas Marsh (2019) 'Small States' Security Force Assistance in the Sahel: Lessons Learned and Future Challenges'. *PRIO Policy Brief*, 13. Oslo: PRIO. Available at: www.prio.org/publications/12135; Sandnes, Marie (2021) 'The G5 Sahel Joint Force: Operationalisation and Dependency on External Actors', *PRIO Policy Brief*, 5. Oslo: PRIO. Available at: www.prio.org/publications/12761.
2. Ibrahim, Adamou Moussa (2019) *L'insécurité transfrontalière en Afrique de l'Ouest: le cas de la frontière entre le Niger et le Nigeria*. Université Côte d'Azur.
3. Data available at: acleddata.com.
4. Recent State Department reports are available at: www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices. Reports by the UN Independent Expert are available at: www.ohchr.org/en/hrbodies/sp/countriesmandates/ml/pages/iemali.aspx.
5. Human Rights Watch (2019) *World Report 2019*. Available at: www.hrw.org/world-report/2019.
6. Commission Nationale des Droits Humains (Niamey) (2020) *Rapport De Mission D'enquete, D'investigation, De Verification Et D'etablissement Des Faits Relatifs Aux Allegations Portant Sur La Disparition De 102 Personnes dans Le Departement D'ayorou, Region De Tillaberi*. Available at: [www.cndh-niger.org/images/pdf/Rapport_Final_Mission_Investigation_Inates_Ayorou_2020-CNDH-REPPAD-Last%20\(2\)_2_.pdf](http://www.cndh-niger.org/images/pdf/Rapport_Final_Mission_Investigation_Inates_Ayorou_2020-CNDH-REPPAD-Last%20(2)_2_.pdf).
7. Human Rights Watch (2020) 'Niger: Video Shows Army Killing Wounded Men'. 12 June. Available at: www.hrw.org/news/2020/06/12/niger-video-shows-army-killing-wounded-men.
8. The 'others' category includes prison or forest guards and incidents involving two or more branches of the security forces.
9. Marsh, Nicholas (2020) 'Exporting Coercive Power: Regulations and Best Practices for Security Force Assistance'. *PRIO Policy Brief*, 3. Oslo: PRIO. Available at: www.prio.org/publications/12389.
10. Salaün, Tangi (2012) 'Pressuring junta, France suspends joint military operations with Malian forces'. *Reuters*. 4 June.
11. APA News (2021) 'Niger: Military officials who wanted to overthrow president-elect Bazoum'. 1 April.

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THE PROJECT

This policy brief is part of the PRIO project 'Security Force Capacity and Professionalism in the Sahel', led by Øystein H. Rolandsen. The project studies the nature, capacity and professionalism of security forces in Mali and Niger. The aim of the project is to generate knowledge on the modalities and implications of security engagement in the Sahel region and to inform decision-making.

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