



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### List of issues prior to submission of the initial report of Mali\*

#### Specific information on the implementation of articles 1–16 of the Convention

1. In the light of article 116 of the Constitution of Mali, which establishes that treaties that have been duly ratified or adopted and published take precedence over national law, please provide information on cases in which the Convention has been invoked or applied in the national courts.<sup>1</sup> Please also provide information on the consultations held with the National Human Rights Commission, non-governmental organizations and other organizations in the process of preparing the State party's initial report.

#### Articles 1 and 4

2. Please describe the measures taken by the State party to ensure that the offence of torture, as defined in article 209 of the Criminal Code, is punishable by penalties commensurate with its seriousness, particularly in cases where acts of torture do not result in disability or illness. Given that any act of torture resulting in death is punishable by the death penalty, and that the death penalty is subject to a moratorium, please state whether the State party is considering abolishing the death penalty and commuting all death sentences to terms of imprisonment.<sup>2</sup> Please describe the legislative measures taken or envisaged to ensure that neither statutes of limitation nor amnesties may apply in the case of an offence of torture.<sup>3</sup> Please state whether Act No. 2019-042 of 24 July 2019 on National Understanding exempts from prosecution perpetrators of offences of torture that do not constitute crimes against humanity.<sup>4</sup> Please indicate whether military criminal law, or any other administrative, regulatory or disciplinary legislation, aside from article 3 of the Constitution and article 31 of the Code of Conduct of the Military and the Security Forces of Mali, includes provisions related to the offence or the prohibition of torture and, if so, what their content is.

\* Adopted by the Committee intersessionally on 7 May 2020.

<sup>1</sup> CAT/C/4/Rev.3, para. 5.

<sup>2</sup> A/HRC/WG.6/29/MLI/3, para. 13.

<sup>3</sup> Ibid., para. 23.

<sup>4</sup> A/HRC/43/76, para. 21.



**Article 2<sup>5</sup>**

3. Please provide information on legislative and other measures that have been taken or are being considered to ensure that the maximum duration of police custody does not exceed 48 hours, or 24 hours in cases involving minors,<sup>6</sup> irrespective of the charges, renewable once where there are exceptional circumstances duly justified by tangible evidence.<sup>7</sup> Please state whether the detained person is physically brought before an investigating judge after 48 hours. In addition, please provide information on the measures taken to ensure that all persons deprived of their liberty enjoy all fundamental safeguards from the outset of deprivation of liberty, specifically: (a) the right to be informed of their rights, the reasons for the deprivation of liberty and the charges brought against them in a language they understand;<sup>8</sup> (b) confidential access to a lawyer of their choice or to free legal aid in the case of indigent detainees, in particular during police questioning and throughout proceedings,<sup>9</sup> specifying whether all persons in need have access to legal aid in all regions and at all stages of criminal proceedings;<sup>10</sup> (c) the right to request and obtain a confidential medical examination, conducted by qualified medical staff upon arrival at a police station or detention centre,<sup>11</sup> and the right to have access to an independent doctor or a doctor of their choice upon request, stating whether there is a mechanism for ensuring that doctors can report signs and allegations of torture or ill-treatment confidentially and without fear of reprisals to an independent investigating authority; (d) the right to notify a person of their choice of their detention; and (e) the right to have their arrest immediately recorded in a register in the place of detention and in the integrated electronic records management system, including in the case of detention by military personnel. In addition, please provide information on the measures taken to ensure that fundamental legal safeguards are upheld and records are strictly maintained.<sup>12</sup> Please state whether officials who fail to observe these measures are subject to disciplinary penalties or any other measure.

4. Given that the Malian security services reportedly make use of illegal and incommunicado detention,<sup>13</sup> please indicate whether the State party has opened investigations into the use of unofficial detention centres, describing the outcome of these investigations and the measures taken to put an end to incommunicado detention. Given that the vast majority of ill-treatment during interrogations is reportedly committed by the military within the first two days of an inmate's detention, please indicate whether the State party intends to install and use video surveillance systems for all interrogations in military and other detention facilities.<sup>14</sup> Please also indicate the measures taken to protect civilians in areas at risk, mainly in the central regions and the regions of Timbuktu, Ménaka and Gao, in order to prevent acts of ill-treatment against them and ensure that the security forces are strictly monitored.<sup>15</sup>

5. Given that, pursuant to article 209 of the Criminal Code, an order from a superior officer or a public authority cannot be invoked as a justification of torture, please explain the means and mechanisms by which subordinates may legally refuse to obey an order to

<sup>5</sup> The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

<sup>6</sup> A/HRC/WG.6/29/MLI/3, para. 66.

<sup>7</sup> CAT/OP/MLI/1, para. 27; CCPR/CO/77/MLI, para. 19; and A/HRC/WG.6/29/MLI/3, paras. 11 and 16.

<sup>8</sup> CAT/OP/MLI/1, para. 17.

<sup>9</sup> A/HRC/WG.6/29/MLI/3, para. 11.

<sup>10</sup> CAT/OP/MLI/1, para. 21.

<sup>11</sup> *Ibid.*, para. 23.

<sup>12</sup> A/HRC/43/76, para. 32.

<sup>13</sup> A/HRC/WG.6/29/MLI/3, para. 26; and A/HRC/WG.6/29/MLI/2, para. 22.

<sup>14</sup> A/HRC/WG.6/29/MLI/3, para. 10.

<sup>15</sup> A/HRC/43/76, para. 63.

commit acts of torture and describe the cases where this has occurred. Please also explain whether the public authorities' position on the concept of "due obedience" as a criminal law defence has any impact on the effective implementation of this prohibition.

6. In the light of Act No. 2016-036 of 7 July 2016 establishing the National Human Rights Commission, please describe any steps taken to respond to the recommendations issued in 2012 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.<sup>16</sup> Please also describe the measures taken to provide the Commission with the budget, infrastructure and human resources that it requires to fully discharge its mandate and that of the Subcommission on Prevention of Torture, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)<sup>17</sup> and the Optional Protocol to the Convention. Please indicate whether the regulations governing the Subcommission on Prevention of Torture take account of the criteria of independence, transparency and functional autonomy in the effective exercise of its functions. Please state whether the Subcommission has faced obstacles when paying unannounced visits to detention centres, how many such visits it has made every year since its establishment and what follow-up has been given to the recommendations resulting from such visits. Please provide statistical data, disaggregated by year and by the age group (minor/adult), sex and ethnic origin or nationality of the victim, on the number of complaints of torture and ill-treatment received by the Commission since its establishment in 2016, ex officio investigations conducted by the Office and the follow-up given to such investigations.

7. Please provide information on the steps taken to combat all forms of violence against women and girls, particularly those involving acts or omissions on the part of the State authorities, such as cases involving violence committed by members of the Malian defence and security forces and extremist groups in the north of Mali.<sup>18</sup> Please provide statistical data, disaggregated by the type of offence, the region concerned and the age group (minor/adult) and ethnic origin or nationality of the victim, for each of the past five years, on cases of gender-based violence, including sexual violence and human trafficking,<sup>19</sup> specifying the number of cases recorded, complaints submitted, investigations opened, prosecutions brought, convictions secured, sentences handed down and penalties imposed<sup>20</sup> and the reparations afforded to victims during this period.<sup>21</sup> Please also state the number of members of the security forces who were involved in cases of trafficking and gender-based violence during this period. Please provide information on any measures taken to enhance the effectiveness and availability of free-of-charge judicial complaint mechanisms<sup>22</sup> and to increase access to mechanisms for protecting victims and witnesses against reprisals and providing assistance and reparation to victims.<sup>23</sup>

### Article 3

8. Please indicate whether the principle of non-refoulement is recognized under the legislative framework regulating the expulsion of undocumented migrants, extradition and asylum, in accordance with article 3 of the Convention. Please also clarify which authority decides whether a person is to be extradited, expelled or returned and whether that authority has a legal obligation to consider in each case the personal and foreseeable risk of the person concerned being subjected to torture in the country of destination. Please explain how compliance with this obligation is ensured in practice and which criteria are used to determine compliance. In addition, please clarify whether it is possible to appeal an extradition, expulsion or refoulement decision and, if so, specify the authority to which

<sup>16</sup> A/HRC/WG.6/29/MLI/3, para. 3.

<sup>17</sup> Ibid.

<sup>18</sup> CEDAW/C/MLI/CO/6-7, paras. 23–24; A/HRC/WG.6/29/MLI/3, para. 58; A/HRC/WG.6/29/MLI/2, paras. 66 and 67; A/HRC/43/76, para. 48.

<sup>19</sup> CEDAW/C/MLI/CO/6-7, paras. 25–26; CMW/C/MLI/CO/2, paras. 46–47; and A/HRC/WG.6/29/MLI/3, para. 44.

<sup>20</sup> A/HRC/WG.6/29/MLI/3, para. 27.

<sup>21</sup> CEDAW/C/MLI/CO/6-7, paras. 19, 20, 23 and 24.

<sup>22</sup> Ibid. paras. 14 (a), 23 and 24.

<sup>23</sup> Ibid. paras. 19, 20, 23 and 24.

appeals are submitted, which procedure is applicable and whether appeals and applications for asylum have a suspensive effect on expulsion and extradition decisions.<sup>24</sup>

9. Please state whether persons subject to expulsion, refoulement or extradition orders are informed of their right to apply for asylum and/or appeal an expulsion/extradition decision and of the prescribed time limits for requesting asylum and appealing a refused asylum application or an expulsion/extradition decision. Please also indicate how asylum seekers are guaranteed access to legal assistance and interpretation services throughout the asylum procedure and whether these services are provided free of charge by an independent provider. Please provide information on existing mechanisms or protocols for the identification and immediate referral to the appropriate services of vulnerable asylum seekers, including victims of torture, human trafficking and gender-based violence, as well as unaccompanied minors or children separated from their families, and whether these mechanisms include an independent medical examination.

10. Please provide detailed statistical information for the past five years, disaggregated by the sex, country of origin or nationality and age group (minor/adult) of the victim, on: (a) the number of applications for asylum registered; (b) the number of applications for asylum or other forms of humanitarian protection approved and the number of asylum seekers whose applications were granted because they had been tortured or ran the risk of being tortured if returned; (c) the number of persons who were returned, extradited or expelled, indicating the grounds on which they were returned and the destination countries; and (d) the number of appeals filed against expulsion decisions on the basis that the applicants could be in danger of being subjected to torture and ill-treatment in their countries of origin, and the results of those appeals.

11. Please indicate the number of refoulements, extraditions and expulsions that the State party has carried out over the past five years after having received diplomatic assurances or the equivalent thereof, as well as the number of cases in which the State party has provided diplomatic assurances or guarantees. Please indicate the minimum required content of those assurances or guarantees, whether given or received, and the arrangements made for subsequent monitoring in these cases.

#### **Articles 5–9**

12. Please provide information on the legislative or other measures taken to establish jurisdiction in the cases covered by article 5 of the Convention and include examples of occasions in which the provisions contained in paragraph (1) (b) and (c) of this article were applied. Please indicate whether the State party has for any reason refused another State's request for the extradition of an individual suspected of having committed acts of torture and whether it has initiated prosecution proceedings against this individual as a result. If so, please provide information on the applicable legal provisions and the outcome of the proceedings.

13. Please indicate whether torture and the related offences mentioned in article 4 of the Convention are extraditable offences and whether they are covered in extradition treaties concluded with other States parties. Please provide information on cases in which the State party has agreed to extradite a person for torture or related offences.

14. Please describe the mutual assistance treaties or agreements that the State party has entered into with other entities, whether countries, international courts or international institutions, and indicate whether, in application of these treaties or agreements, evidence related to prosecutions for torture and ill-treatment has actually been shared in practice. Please provide examples.

#### **Article 10**

15. Please provide information on training programmes conducted by the State party with a view to ensuring that all public officials, including, in particular, members of the armed forces, police officers, law enforcement officials, prison officers and immigration

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<sup>24</sup> CMW/C/MLI/CO/2, paras. 24–25.

and border control officers: (a) have a full understanding of the provisions of the Convention<sup>25</sup> and are aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted; (b) treat members of vulnerable groups appropriately;<sup>26</sup> and (c) are aware of the provisions guaranteeing the right to asylum and facilitating the identification of applicants who may be victims of torture, human trafficking or gender-based violence. Please indicate whether this training is mandatory or optional, how often it is provided, how many officers, as a proportion of their total number, have received the training, whether there are plans to provide training for officers who have yet to receive it, and whether the State party has developed a methodology to assess the effectiveness and impact of its training programmes in reducing the number of cases of torture and ill-treatment. If so, please provide information on the methodology's content and application.

16. Please provide detailed information on the training programmes organized for judges, prosecutors, forensic doctors and other medical staff who deal with persons deprived of their liberty to equip them to detect and document the physical and psychological consequences of torture. Please indicate whether these programmes include specific training about the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).

#### Article 11

17. Please provide statistical data for each of the past five years, disaggregated by the place of detention, sex, age group (minor/adult) and nationality of detainees, on the capacity and occupancy rate of all places of detention, the number of persons being held in pretrial detention and the number of prisoners serving sentences. Please provide information on measures adopted to ensure the separation of pretrial detainees from convicted prisoners, minors from adults and men from women,<sup>27</sup> and specify in which places of deprivation of liberty detainees are not yet separated in this way.<sup>28</sup> Please also provide information on the steps taken to prevent overcrowding<sup>29</sup> in places of detention and to increase the use of alternatives to pretrial detention and imprisonment,<sup>30</sup> particularly in cases involving adolescents in conflict with the law.<sup>31</sup>

18. Please describe the measures taken to respond to the Subcommittee's recommendations, issued in 2011, including any steps taken to ensure decent living and hygiene conditions and adequate health services in all places of detention, providing sufficient and nutritious food<sup>32</sup>; a minimum level of activity, adequate remuneration for work<sup>33</sup> and appropriate medical care.<sup>34</sup> Clarify whether the purchase of medicines and hospitalization costs for detainees are covered by the prison authorities.<sup>35</sup> Please describe what is being done to address the special needs of children in conflict with the law in care centres, including their need for education services, and the measures being taken to address the needs of women deprived of their liberty, in particular pregnant women and women held in detention with their children.<sup>36</sup> Please specify the measures taken to ensure that women guards supervise women prisoners.<sup>37</sup>

19. Please indicate whether the State party has taken steps to ensure that acts of torture and ill-treatment, including the chaining of hands and feet, are no longer used to maintain

<sup>25</sup> CAT/OP/MLI/1, paras. 70–73 and 87.

<sup>26</sup> CEDAW/C/MLI/CO/6-7, para. 14 (b).

<sup>27</sup> *Ibid.*, paras. 41 and 42.

<sup>28</sup> CAT/OP/MLI/1, paras. 57–58.

<sup>29</sup> A/HRC/WG.6/29/MLI/3, para. 25; and A/HRC/WG.6/29/MLI/2, para. 23.

<sup>30</sup> A/HRC/WG.6/29/MLI/3, para. 24; and CAT/OP/MLI/1, para. 29.

<sup>31</sup> A/HRC/WG.6/29/MLI/3, paras. 63 and 66.

<sup>32</sup> CAT/OP/MLI/1, paras. 39, 44–48, 55 and 56.

<sup>33</sup> *Ibid.*, paras. 63–65.

<sup>34</sup> A/HRC/WG.6/29/MLI/3, para. 12; and CAT/OP/MLI/1, para. 37.

<sup>35</sup> CAT/OP/MLI/1, para. 38.

<sup>36</sup> CEDAW/C/MLI/CO/6-7, paras. 41–42.

<sup>37</sup> *Ibid.*

discipline in prisons.<sup>38</sup> Please also specify whether the State party has established a formal disciplinary regime and an independent body that reviews disciplinary decisions.<sup>39</sup> Please also indicate (a): the maximum duration, in law and in practice, of solitary confinement; (b) the measures in place to ensure that solitary confinement is not imposed on children and adolescents in conflict with the law or persons with psychosocial disabilities; and (c) whether registers of disciplinary penalties, containing the information indicated by the Subcommittee, are kept and whether the proportionality of penalties is monitored. Please also provide information on measures taken to eradicate corrupt practices in prisons, such as the granting of better detention conditions or exemptions from punishment in exchange for payments to prison staff.<sup>40</sup>

20. Please provide statistical data from each of the past five years on the number of deaths of persons in detention, including in mental health institutions and police detention centres, disaggregated by place of detention, sex, age group (minor/adult) and ethnic origin or nationality of the deceased and cause of death in each case. Please provide detailed information on the results of investigations into these deaths, the number of deaths attributed to assaults committed or tolerated by public officials in which excessive force was used or timely medical assistance and treatment was lacking, and the steps taken to prevent similar cases from occurring in the future. In particular, please provide information on the outcome of investigations into: (a) the deaths in detention of 27 men and the severe torture of 2 others, detained in February, March and April 2018 during Operation Dambe; and (b) the deaths in detention of 4 suspects who, along with 13 other persons, were arrested by the armed forces in the Mopti region on 2 May 2017.<sup>41</sup>

21. Please indicate the measures taken or envisaged to decriminalize irregular migration and avoid detaining undocumented migrants, except in exceptional cases and as a last resort.<sup>42</sup> Please provide, for each of the last five years, statistics on the number of undocumented migrants currently detained for violations of migration laws, disaggregated by sex, age group (minor/adult), nationality and/or place of origin, indicating the place of detention, whether they are held separately from ordinary detainees, the average length of detention and the conditions of detention.<sup>43</sup>

22. Please describe the legal safeguards applicable to the involuntary confinement of persons with psychosocial disabilities and of children living in residential care homes and state whether there is an independent mechanism for monitoring such institutions. Please also provide information on the measures in place to prevent the out-of-home care of children and adolescents and the confinement of persons with psychosocial disabilities, such as community-based rehabilitation services and other outpatient treatment programmes. In addition, please provide information on the use of physical and chemical means of restraint and other medical non-consensual coercive measures on persons admitted to psychiatric institutions.

### Articles 12–13

23. Please indicate which authorities are competent to initiate and carry out an investigation, at both the criminal and disciplinary levels, when there is reason to believe that an act of torture or ill-treatment has been committed under the State party's jurisdiction. In this regard, please specify:

(a) Which bodies are competent to initiate a criminal or disciplinary investigation into cases where there is evidence of torture or ill-treatment by officers of the national police, the criminal police, the national gendarmerie, the prison service or the military and describe how these bodies interact with the public prosecutor's office during the investigation and what safeguards are in place to ensure that there is no hierarchical or institutional link between the suspected perpetrators and the inspectors;

<sup>38</sup> CAT/OP/MLI/1, paras. 80–84.

<sup>39</sup> *Ibid.*, paras. 53–54.

<sup>40</sup> *Ibid.*, paras. 49–52.

<sup>41</sup> A/HRC/40/77, para. 39.

<sup>42</sup> CMW/C/MLI/CO/2, paras. 20–21.

<sup>43</sup> *Ibid.*

(b) Whether the public prosecutor's office is required to initiate an ex officio investigation where there is reason to believe that an act of torture or ill-treatment has been committed and to request that the potential victim undergo a forensic medical examination;

(c) Whether the alleged perpetrator is automatically relieved of his or her duties while the investigation is being conducted and prohibited from making any further contact with the alleged victim;

(d) What measures have been taken and resources allocated to strengthen the judiciary so that victims can safely obtain redress before the courts and all persons who have violated human rights law or committed acts of abuse are brought to justice, irrespective of their status and political, religious or ethnic affiliation.<sup>44</sup>

24. Please indicate whether the State party has set up a system of confidential complaints that can be lodged with an independent body outside the prison administration<sup>45</sup> and describe the remedies available to complainants when the competent authorities refuse to investigate their case.<sup>46</sup> Please describe the mechanisms in place to protect victims of torture and their relatives, as well as witnesses and investigators, against any form of intimidation or reprisals that their complaints may provoke, including after visits undertaken by inspection bodies.<sup>47</sup>

25. Please provide annual statistical data for the period from 1999 to the present, disaggregated by sex, age group (minor/adult) and ethnic origin or nationality of the victim and the services to which the persons accused of committing acts of torture belong, on complaints of actual or attempted acts of torture and ill-treatment and complicity, participation or acquiescence in such acts. Please indicate how many ex officio investigations have been opened into the above-mentioned offences. Please provide information on all judicial and disciplinary proceedings initiated, convictions handed down, decisions to stay proceedings made, cases shelved, and criminal penalties and disciplinary measures imposed. In particular, please state whether any investigations have been initiated into the allegations of torture and ill-treatment of the following persons and the outcome of the investigations: (a) the persons arrested in the wake of the repression in Fana, in the Koulikoro region, during their transfer to Gendarmerie Camp 1 in Bamako; (b) the 102 persons who were arrested on 11 June 2018 in Kéniéba and transferred to Kayes, including Mr. A.M., who died in custody on that occasion; (c) the persons arrested on 19–20 September 2019 by the Mobile Security Unit responsible for law enforcement in Bamako following the round-up conducted in Niono in the Ségou region; (d) a person arrested on 28 April 2019 by soldiers in Niono and held at Diondiori Camp for more than two days; and (e) 3 persons, including 1 deceased person, who were among the 23 members of the Fulani community arrested on 10 April 2019 in the Yeleyamou and Petoudougou districts in Mopti by the Malian armed forces.<sup>48</sup>

#### Article 14

26. Please describe the procedures established in the State party to ensure that victims of torture and their families obtain redress. Please clarify whether the State party is legally responsible for the conduct of perpetrators of torture and ill-treatment and is therefore obliged to compensate the victims. Please also clarify whether the right to receive compensation for torture or ill-treatment is dependent on a judgment having been handed down in criminal proceedings and whether civil proceedings related to torture and ill-treatment are subject to a statute of limitations. Please provide information on rehabilitation programmes for victims of torture and ill-treatment, the material, human and budgetary resources allocated to these programmes and the degree of cooperation with specialized non-governmental organizations in this area.

<sup>44</sup> A/HRC/43/76, para. 69 (h).

<sup>45</sup> CAT/OP/MLI/1, paras. 91–94.

<sup>46</sup> Ibid., para. 31.

<sup>47</sup> Ibid., paras. 95–97.

<sup>48</sup> A/HRC/43/76, para. 31.

27. In the light of paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14, please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since 1999. This should include the number of requests for compensation that have been made, the number of requests granted and the amounts awarded and actually disbursed in each case.

#### Article 15

28. Please describe the legal provisions concerning the prohibition on using statements obtained through torture as evidence. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

#### Article 16

29. Please describe the measures taken to address the excessive use of force by members of the security forces and the army, including extrajudicial killings. In particular, please provide:

(a) Information on the steps taken to ensure that the regulations on the use of force, particularly lethal force, and the application thereof are fully in line with international standards and that law enforcement and security officials undergo training on these standards;

(b) Yearly statistical data, disaggregated by the type of offence and the sex, age group and ethnic origin or nationality of the victim, on the number of cases of excessive use of force and extrajudicial killings by public officials identified since 1999 and the number of prosecutions sought, convictions secured and penalties imposed in relation to these cases. In particular, describe the outcome of the investigations initiated into: (i) the 252 cases of human rights violations committed by Malian security and defence forces and armed groups,<sup>49</sup> including the 31 cases of torture and other forms of ill-treatment identified by the United Nations Multidimensional Integrated Stabilization Mission in Mali in 2017;<sup>50</sup> (ii) the alleged summary killings of 13 individuals, most of whom belonged to the Fulani community, by the Malian defence and security forces in Douentza Cercle between December 2016 and October 2017;<sup>51</sup> (iii) the alleged extrajudicial killing of two men by a gendarme in the Mopti region during the night of 30/31 March 2017;<sup>52</sup> (iv) the alleged killing of six inhabitants of the village of Daresalam who had been arrested by the army on 15 February 2018; (v) the extrajudicial killing of 12 suspects near Dioura in April 2018, 12 men in Boulikessi in the Mopti region in May 2018,<sup>53</sup> 25 civilians near the village of Nantaka in June 2018<sup>54</sup> and 6 civilians in the village of Doma on 13 August 2018;<sup>55</sup> (vi) the alleged killing of 21 Malian paratroopers by soldiers in 2012; (vii) the death of two demonstrators during a demonstration at Kidal airport in April 2016; (viii) the deaths of Mahamane Housseini, Seydou Douka Maiga and Abdoulaye Idrissa and the injuries sustained by 40 other persons during a march organized in Gao by the civil resistance movement in July 2016; and (ix) the alleged killing of three men from the Tuareg Imghad community near the village of Intahaka in the Gao region on 24 April 2019 by members of the armed forces.<sup>56</sup>

30. Please describe the measures taken to combat offences committed in connection with intercommunity conflict or conflicts motivated by hatred or intolerance against certain groups, in particular the violence in central and northern Mali between the Fulani community, who are accused of supporting Islamist armed groups, and the Dogon,

<sup>49</sup> A/HRC/38/7, recommendations contained in paras. 114.16–114.39.

<sup>50</sup> A/HRC/WG.6/29/MLI/3, para. 10; and A/HRC/WG.6/29/MLI/2, paras. 14 and 21.

<sup>51</sup> A/HRC/37/78, para. 37.

<sup>52</sup> *Ibid.*, para. 40.

<sup>53</sup> A/HRC/40/77, para. 30.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, para. 32.

<sup>56</sup> A/HRC/43/76, para. 33.

Bambara and Telem ethnic groups.<sup>57</sup> Please provide data on cases of hate crime identified over the past five years, disaggregated by grounds for discrimination and by the sex, age group and ethnic origin or nationality of the victim and whether the perpetrator was a public official. Please provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed.

### **Other issues**

31. Given that the prohibition of torture is absolute and cannot be derogated from, even within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. Please also provide specific information on measures taken in relation to persons deprived of their liberty, including in homes for the elderly, hospitals or institutions for persons with intellectual or psychosocial disabilities.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

32. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention since its ratification by the State party, including institutional developments, plans or programmes. Please indicate the resources allocated to the measures in question and provide relevant statistical data. Please also provide any other information that the State party considers relevant.

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<sup>57</sup> A/HRC/WG.6/29/MLI/2, para. 20; A/HRC/43/76, paras. 42–47; and A/HRC/40/77, paras. 39–46.