



Even wars have limits

An IHL training manual

**Based on the training designed and delivered for
The European Union training mission in Mali (EUTM),
Koulikouro training camp**

Cynthia Petrigh



July 2014



Beyond Peace



Beyond (peace)

Even wars have limits

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Paris, August 2014
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This IHL training manual is based on the training designed and delivered for the European Union training mission in Mali (EUTM), Koulikouro training camp by Cynthia Petrigh from Beyond (peace) in 2013-2014.



Cynthia Petrigh was deployed to the EUTM by UK Government under the Prevention of Sexual Violence Initiative (PSVI) from June 2013 to May 2014 as a training coordinator on human rights, protection of civilians.

She has developed the training curriculum and authored the manual for the benefit of the Mission, the UK government, and for other training partners. This manual is not for sale. It can be quoted free of charge provided credit is given to the author.

Disclaimer

„The UK FCO has commissioned this manual in the context of the Prevention of Sexual Violence Initiative contribution to the EUTM. This is not an official FCO document and the views expressed here, although correct to our best knowledge, should not be taken, in any way, to represent UK Government views. The intellectual rights are the property of Cynthia Petrigh”.

July 2014

What do we call training? This word can be used to describe various initiatives that differ in format, content and duration: briefings, lectures, online courses, residential intensive courses...

This manual captures a very specific training programme, tailored for the purpose of training soldiers in Mali in the context of the European Union training mission (EUTM). The training curriculum and methodology developed for the EUTM take into account the regional, cultural, legal and political context, as well as the specific needs and profile of the audience.

This manual is firstly intended for the trainers at the EUTM mission, and, why not, for the Malian army themselves. The EUTM context and people, have allowed to create a unique, innovative methodology –the combined military-human rights training- which can be replicated to train other combatants. In this case, the trainers would need to use the steps described in Section 1, “Methodology”, in order to adapt the content and methodology to their audience and context.





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Section 2, “Designing the curriculum”, describes how the methodology adopted allowed to develop course contents and exercises, and what was necessary to reach this result. Examples of presentations and drills are provided, including for different groups within our audience (Commanding officers; specialised units). The full set of presentations and exercises was shared with UK FCO and the EUTM and is available at Beyond (peace).

Section 3, “Securing support”, refers to the other measures needed in order to successfully implement the training: finding allies within and outside the mission; working with the military; bringing a civilian eye to a military context in a constructive manner.

Section 4 tackles the most challenging part of any training project: “Measuring impact”. This section describes the different tools used to measure the impact, both on the Malian troops and on the European military trainers. We succeeded in measuring impact in different ways, and are happy to share this experience and explain what tools were used.

Beyond (peace)

enjoys a rich experience training both armed forces and insurgents groups on different aspects concerning IHL and human rights at the various stages of conflict and post-conflict. You are welcome to contact us for advice or to discuss specific training needs:

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Analysing the context and the audience

The training presented in this manual concerns combatants who are going to be deployed to the conflict area right after their graduation. This course lasts 10 weeks and is a residential course –a full battalion of 700 men settles under temporary accommodation in our shared camp for the duration of the course. During this time, they receive tactical and physical training; the IHL and human rights course constitutes only one component of the programme.

In view of creating the best possible addition to the general provisions concerning adult learning, the IHL trainer has to take into account the specificity of combatants, and to ask the following general and specific questions:

1. *Will this training constitute new rules for the soldiers? How well are they willing to take them on board?*
2. *Is the imposition of rules and limits seen as conflicting with the necessary use of violence in the conflict area, and with stereotypes around “being a man”?*
3. *How do group dynamics impact on compliance with IHL rules once on the battleground? Is there a way to mitigate this?*
4. *How well does the hierarchy support this initiative? How about the EU mission Command?*
5. *Do the soldiers have a language in common? Are there ethnic tensions among them?*



Interactive courses: a soldier challenges the rules taught in class

The trainer has to study the context, the legal background as well as the pattern of abuses in the area.

Finally, it was useful to identify allies and obstacles.

1.1 Context

The context is a non international armed conflict of a low scale intensity using an asymmetric warfare – a very common pattern in many current non international conflict situations. While there is no heavy fighting at the time of delivering the training, there are skirmishes, suicide attacks, arrests and alleged extra-judicial killings (EJK). This means that most of the armed forces operations will concern area control (check-points, patrol) and policing. These are tasks that involve a lot of interaction with civilians in mixed settings, and the Army –any Army- is traditionally not really equipped for this. In a country like Mali, this is even more the case, for resources-related reasons (e.g. soldiers do not even have shields to protect themselves from crowd incidents) and legal reasons (interacting with civilians has been traditionally the role of the *gendarmerie*).

This brings us to the legal background study, the main features of which are presented here. From an IHL point of view, it can be safely assumed that Common article 3 applies. Mali has ratified most international instruments relating to human rights and IHL (Geneva Conventions and AP I and II, ICCPR, ICESCR, UNCAT, CRC, CRC OP, CEDAW...) and has integrated some of the dispositions in its national law (Constitution, Criminal code). The real challenge is in disseminating, implementing and sanctioning, as there seems to be a general indifference to these obligations, at least till 2013.



View of an IHL and Human rights classroom

With the new security and political situation ensuing the 2012 events (fall of the north at the hands of extremist groups, coup d'Etat), there is, with strong international support, a willingness to bring Mali to increased respect for the law and protection of the civilians by the State, and civilian control over the armed forces. This is the context under which the EUTM deployed its training mission.

The Malian armed forces have a *Code de conduite des Forces armées et de sécurité*, which is very little known, even inside the armed forces.

Lastly on the legal context, the armed actors are also constrained by the Ouagadougou peace

agreement (18/06/2013), which paves the way for a return to civilian-led regime and the election of a President, and imposes to that effect a ceasefire, the *cantonnement* of the armed groups (this concerns mainly the MNLA in Kidal) and the deployment of MINUSMA¹ troops. Concerning the pattern of abuse, and based on interviews with the Malian MoD, the study of human rights reports (HRW, FIDH, AI), and discussions held with international and local NGOs in Mali, the UN agencies as well as armed actors including the French Serval Operation, the training could focus on the following alleged pattern of abuse in the conflict area and aims at addressing these specific points:

- Arbitrary arrests
- Enforced disappearance
- Use of torture
- Treatment of prisoners (we do not use the “Prisoner of war” vocabulary as this statute applies in international armed conflicts only)
- Sexual violence (as: 1. Isolated criminal behaviour; 2. Revenge; and 3. Women seen as comfort for the soldiers)
- Extra-judicial killings
- Attacks on civilians (lack of understanding distinction combatant/non-combatant)
- Looting
- Desecration of bodies
- Attacks on schools and other protected sites
- Lack of respect for wounded and sick (incl. pregnant women) in hospitals and at check-points.



Real life scale urban combat drill: enemy surrenders after fighting in “ghost city”

In view of the relatively short course duration (10 weeks for the overall programme including IHL), the IHL curriculum focused on these alleged violations as well as the major incidents which the soldiers would be confronted to in the north, to develop a curriculum that would be useful, realistic and could equip them with the right reflexes when surrounded by fear, violence and hatred.

¹ UN Multidimensional Integrated Stabilization Mission in Mali –MINUSMA

1.2 Audience

Having set the legal and contextual framework, it is possible to start designing the curriculum

- The audience is composed of 700 Malian military at a time, who are stationed for 10 weeks within camp premises
- These men are to be deployed to the conflict area right after graduating from the training. It is essential to equip them with all the needed skills in order for them to carry successfully their mission. Without disclosing any military secrets, we can say that the majority of roles and tasks of the troops in the north after the training at EUTM concerns policing /area control and counter-insurgency
- Participants are exclusively male; the majority are illiterate; their exposure to previous IHL courses is partial to say the least; they have no language in common although French is understood by the majority
- Trainees usually attend the IHL class in between very demanding exercises (such as shooting range; or physical exercise) and the trainer needs to keep their attention. Most have never been exposed to higher education –or even to formal education for many- and would not take well theoretical lectures. We need to translate the rules into language understandable and directly transposable in the field. I.e. instead of saying “under UNSCR 1820, sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security”, we need to translate this into a clear and practical instruction, such as: “It is forbidden to rape women. Do not do it and please prevent your comrades from doing so”.
- At the same time, our audience is a very alert and cooperative one, eager to learn and respectful of the trainer. We found it relatively easy to create interactive courses.



1.3 Methodology adopted

The methodology adopted is based on the above findings and aims at:

- Respecting the rules applicable in Mali (international instruments ratified, Constitution, criminal law, Code of conduct of the security forces)
- Translating these rules into language accessible to the audience (avoid too legalistic approach), in line with the EUTM training format
- Identifying case studies based on the pattern of abuse in north of Mali
- Including human rights and the prevention of sexual violence as part of other rules during combat (such as the treatment of prisoners) instead of making it a separate, optional course. The message is that these rules are integrated in the military training
- Combining lectures and drills, in order to disseminate the rules and guide on how to implement them in context. An important aspect here is the cooperation with the military trainers (see section 3).

The fact that the training is spread over ten weeks, even if we were only allocated one hour of lecture per week/per unit, contributed to make the change of mindset happen. It would be difficult to have an impact on mindset and behaviour if the same number of classes were gathered in a shorter time.



Creativity and adaptability: we make use of all available space, we developed tarpaulin presentations for outdoors teaching, which we hang on any supporting device (here: mango trees)

1.4 Strengths and weaknesses

This methodology is not without challenges. Firstly, due to the numbers: there are 700 trainees at a time, and the author of this manual was the only civilian trainer for the mission from June 2013 to May 2014. Trainees were split then into manageable groups (approx. between 50 to 80 participants).

Secondly, the cooperation of the military trainers for time allocation and on consistency across the mission is key for the success of this training; at the same time, an additional challenge emerged due to the fact that the IHL classes are thematic (distinction; proportionality; prisoners; children and armed conflict; etc.), while the military training is progressive (training individual skills, group, unit, platoon, company, ETIA, GTIA¹). This aspect was mitigated by increasing the complexity of the exercises over the 10 weeks –inserting towards the end of the training exercises where command decisions were needed to respect IHL (e.g.: mortar enemy position/hospital)², or by monitoring the same situation (arrest and treatment of prisoners) up to the GTIA handling³.



Games are used to emphasize messages and increase non-classroom learning time. Here: the “Balloons” protection game allows introducing a session on the needs of displaced persons

1 The Battalions trained at EUTM are technically a Groupement tactique Inter-armes (GTIA)

2 „In this drill, the intelligence team observes that the enemy has installed a mortar position. They should identify that the target is very close to a hospital (protected site). The commander, when deciding on the course of action and on means/weapons, should take all necessary precautions to spare the hospital. The success conduct of this exercise includes both a well-informed command decision and a successful delivery on the ground.”

3 „In this situation, the IHL trainer can observe the handling at the different stages: capture, search, interrogation, transfer to commandment, transfer to authorities...”



Thirdly, as mentioned above, the audience themselves offer some challenges as many are illiterate and have no language in common.

At the same time, the trainers can rely on the following strengths: very skilled and cooperative partners such as the UN agencies (MINUSMA as of July 2013) and the ICRC contribute to the training. The UN started to provide a training before we were deployed; this training needed however tailoring to the context and audience, which is the purpose of this manual; the ICRC joined as of Battalion 2. We benefit from the fact we have a captive audience as the training is so to say « residential ». We also benefit from a multiplier effect through the integration of the same messages by the military trainers into their tactical training. This is only possible because of the support at highest level of Mission Command, another key factor for the success of this mission.

Having set the legal and contextual framework, it is possible to start designing the curriculum.

2.1 Training objectives

Firstly were set, in coordination with the (military) Training Programme officer, objectives for the IHL/human rights training. These are:

- The Malian military trained in Koulikouro have been sensitised to IHL, human rights and the problem of SGBV
- They have learnt to distinguish between a combatant and a civilian ; to protect the women and children ; to recognise the needs of displaced persons ; and to treat captured people with humanity
- They learn to integrate these notions to the preparation of their combat missions

For the refresher training requested for a returning Battalion, we reduced down the level of expectations, mainly due to the expected duration of the training (from 2 to 4 weeks per unit instead of 10) and the difficulty of having an impact on mindset in such a short time.

For the refresher course, the training objectives were defined as:

- The Malian military trained in Koulikouro and Kati have been sensitised to IHL, human rights and the problem of sexual violence
- They have learnt to distinguish between a combatant and a civilian; to target only military objectives; to treat captured persons with humanity; to protect women against sexual violence
- They have been informed about the needs of women, children and displaced persons during wartime and the presence of humanitarian agencies
- They have received ideas on how to integrate these notions to their combat missions, mainly through reconnaissance and area control missions including checkpoints

2.2 Topics

The IHL trainer developed in coordination with MINUSMA, the following curriculum items, which correspond roughly to the numbers of classes (1 per week over the 10 weeks):

- introduction and assessment test
- basic IHL, protected sites and persons, distinction and proportionality
- searches, arrests and treatment of prisoners
- children and armed conflict
- refugees and displaced
- protection of women and prevention of sexual violence
- humanitarian actors and civil-military coordination
- evaluation

To these classes is also added a special session delivered by the ICRC and focusing on basic IHL principles and on the roles of the ICRC in a country like Mali.

Based on this “menu”, the content focuses on what soldiers who will be fighting in north of Mali need to master:

- we suppressed from standard courses general knowledge that would be irrelevant to the context, such as PoW status (not applicable in northern Mali) or convention on shipwrecked
- we included instead topics relevant to the situation in northern Mali (based on allegations of violations such as EJK, torture, enforced disappearance, sexual violence) and to applicable law (such as common article 3 and Malian criminal law procedural aspects)
- we provide quality control on the external speakers’ presentations where relevant
- we created joint presentations with MINUSMA human rights (see below).

introduction and assessment test

basic IHL, protected sites and persons, distinction and proportionality

searches, arrests and treatment of prisoners

children and armed conflict

refugees and displaced

protection of women and prevention of sexual violence

humanitarian actors and civil-military coordination

evaluation

2.3 Examples of lectures



A lecture on human rights in the outdoor classroom next to the ammunition depot

The aim of the lectures is to provide a minimal level of information on Dos' and Don'ts during combat, in line with the legal obligations of Mali and adapted to the context. Out of the 700 trainees at a time, there are different educational backgrounds, combat experience as well as roles and specificities within the Battalion. The lectures have to assume that not all participants have been exposed to IHL and to ensure that all understand important obligations such as the principles of distinction, proportionality, precaution, the interdiction of torture, or the need to spare civilians and protect women and children. The session is a mix of lecturing (giving the rule in a simple way, with or without a ppt presentation) and discussion. It is important to illustrate the rules with providing examples from other conflict situations and to have a basic knowledge of the Malian context in order to answer correctly the many questions from the audience. In order to remain interactive and keep the students' attention awake, the class combines outlining the rules, referring to ethical aspects, respecting cultural aspects (the Malian palabre), resorting to humour, and allowing some time for the soldiers to express frustration and challenges.



Guidance to EUTM trainers on the interaction with the UN

The UN (UN Multidimensional Integrated Stabilization Mission in Mali –MINUSMA, as of July 2013) participate in some of the lectures to the troops. Some agencies are more active than others, and some trainers are more keen on adapting the class to soldiers, particularly the MINUSMA Human rights division, UNOCHA and the UNFPA. These are also the agencies that participated most. Others provided presentations that are not specifically adapted to soldiers. The presentation provided by the UNHCR for example, is quite technical and legalistic, and not particularly helpful for a soldier during combat. In this case, the trainer did not consider that the soldiers should become experts on refugee status determination, and preferred instead to focus the class on topics where soldiers receive clear guidance on what to do or not; e.g.

- let the displaced civilians pass without harassing them
- cooperate with the humanitarian assistance agencies
- inform returnees about possible UXOs and mines in the return area, etc.

A discussion was started with the UNHCR on how to best adapt their contribution to the audience, during a debrief organised by OCHA in May 2014. Some other complications can occur as well, due to the integrated nature of the UN mission: for example, early 2014 there was a lack of clarity whether the UN agency or the MINUSMA expert should contribute to the EUTM mission. A discussion started as well in March 2014 to clarify these points. As a result, we delivered the majority of classes. The EUTM trainer should be prepared to teach all topics, as in spite of their efforts, the UN agencies cannot participate in all classes.

Regardless of small adjustment problems or level of attendance, it is very useful to receive the guidance of the UN and to coordinate course contents with the specialised agencies. They are the expert agencies, and they will remain in Mali for longer time than the EUTM. Through their deployment in the different parts of the country, they also have a broader understanding of the issues, and their perspective is important. It is advised to keep coordinating with them and especially to organise a coordination meeting at the beginning and end of each training cycle. The UNOCHA is very helpful with arranging these meetings.

Of the dozens of presentations created, at the EUTM or in cooperation with the UN, whether on the general topics for the troops, on specific topics for a select audience (command, intel, etc.) or for the EU trainers, we are presenting below three presentations as examples. The full set is available with Beyond (peace) and with the mission.

Presentation 1: Searches, arrests and treatment of prisoners, developed jointly with the MINUSMA Human rights Division

ARRESTATIONS, FOUILLES ET TRAITEMENT DES PRISONNIERS

FUTM, Koulikoro, 30 août 2013

Cynthia Petrih
Instructrice DIH, EUTM

Dorothée Ndoh Onguene
Fonctionnaire des droits de l'homme de la MINUSMA

En situation de conflit, les membres de groupes armés non-étatiques peuvent être arrêtés



Statut des personnes qui pourront être arrêtées par les forces armées et de sécurité



- Les prisonniers de guerre - **Ne s'applique pas en ce moment**
- Les personnes participant aux hostilités
- Les internés civils - **Ne s'applique selon les circonstances**
- Les **présomés coupables** d'infraction de droit commun



Garanties fondamentales

Droits de l'homme

- Les droits de l'homme s'appliquent à **TOUT LE MONDE** en tous temps
- Les représentants de l'Etat comme les forces armées, doivent respecter les droits de l'homme en protégeant la population civile et les prisonniers
- Nul ne peut être soumis à la torture, aux traitements inhumains ou dégradants
- Toute personne privée de sa liberté est traitée avec humanité et avec le respect de la dignité inhérente à la personne humaine
- Nul ne peut être poursuivi, arrêté ou inculpé en vertu d'une loi promulguée antérieurement aux faits qui lui sont reprochés
- Présomption d'innocence
- Toute personne a droit à contacter sa famille et/ou un avocat de son choix

Droit international humanitaire

- Traiter avec humanité
- Sont prohibés en tous temps et en tout lieu :
 - les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices
 - les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti de garanties judiciaires reconnues



Que faut-il faire à l'arrestation?



- Informez le chef
- Informez la gendarmerie et remettez au plus tôt à la gendarmerie
- Traitez avec humanité
- Respect de la dignité humaine pendant la fouille y compris pour les biens saisis qui doivent être enregistrés, transmis ou retournés une fois la détention terminée
- Tout détenu doit automatiquement être informé de ses droits par écrit et oralement nécessaire



Que faut-il faire à l'arrestation?



- Les blessés et les malades seront recueillis soignés
- Tout individu arrêté sera informé, au moment de son arrestation, des raisons de cette arrestation
- Tout individu arrêté ou détenu du chef d'une infraction pénale sera traduit dans le plus court délai devant un juge
- Quiconque se trouve privé de sa liberté par arrestation ou détention a le droit d'introduire un recours
- Tout individu victime d'arrestation ou de détention illégale a droit à réparation
- Tenue d'un registre détaillé de toutes les personnes arrêtées et privées de liberté
- Les personnes doivent être remises à la gendarmerie



Que faut-il faire à l'arrestation de membres de groupes armés mineurs ou relation avec le conflit (moins de 18 ans)?

- Les enfants capturés doivent être séparés des adultes, protégés contre la violence et la négligence, et remis aux structures compétentes
- Les forces armées les remettent à la gendarmerie
- Laquelle les remet à la DNPEF et à l'Unicef



Que NE faut-il pas faire à l'arrestation?



- **NE** pas tenir secret les lieux de détention des personnes arrêtées
- **NE** pas torturer les détenus
- **NE** recourir à la force que lorsque ce est strictement nécessaire
- Les hommes **NE** peuvent pas procéder des fouilles corporelles des femmes
- L'ordre d'un supérieur ou d'une autorité publique **NE** peut être invoqué pour justifier la torture



Que faut-il faire pendant la détention ?



- Signaler et remettre au plus tôt à la gendarmerie
- Les FAMA peuvent poser des questions d'intérêt militaire. L'interrogatoire complet sera effectué par la gendarmerie
- Eviter les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices
- Les prisonniers ne peuvent être pris en otages
- Les prisonniers ne doivent pas être exposés à la curiosité publique ou la justice populaire



Que faut-il faire pendant la détention ?



- Ils doivent avoir accès aux soins de santé, à la nourriture et à l'eau potable
- Ils ne doivent pas être torturés
- Quand c'est possible, les enfants et les femmes doivent être gardés séparément des hommes adultes à moins qu'ils soient membres de la même famille
- Les enfants doivent être traités avec soin et remis à la gendarmerie
- Les femmes doivent être traitées avec soin (enceintes, allaitantes, enfant en bas âge)



Que faut-il faire pendant le transfert ?



- Il faut éviter les déportations, transferts illégaux ou les détentions arbitraires
- Rendre compte à la hiérarchie militaire
- Transférer les prisonniers auprès de l'Unité Prévôtale de la gendarmerie de la localité, commune ou cercle
- Tenir un registre détaillé de toutes les personnes arrêtées transférées à la Prévôté
- Restituer les biens saisis qui doivent être enregistrés et transmis à la Prévôté



Pourquoi faut-il respecter les droits de l'homme dans le traitement des prisonniers?

| Violation des droits de l'homme | Sanction |
|--|-------------------------|
| Crime contre l'humanité, crime de guerre (y compris torture, viol, tuer ou blesser un combattant qui s'est rendu) | Peine de mort |
| Violences suivies de mutilation, amputation, privation de l'usage d'un membre ou d'un sens, cécité, perte d'un œil ou une autre infirmité ou maladie | 5 - 10 ans de réclusion |
| Perte en vie humaine | Peine de mort |

L'ordre d'un supérieur ou d'une autorité publique ne peut être invoqué pour justifier la torture

Art 25 code de conduite des forces armées et de sécurité du Mali:
« La responsabilité des militaires demeure entière s'ils violent les droits de l'homme dans l'exécution d'ordres manifestement illégaux »



This presentation is somewhat heavy both in terms of content and size. It can generate a lot of questions and heated exchanges, especially concerning the obligation to treat prisoners with humanity. The absolute interdiction of torture in particular, is a difficult point that needs to be explained as many times as needed, and practiced during drills (see below next section).

If participants are too agitated, the lecture can usefully be interrupted with showing a video, such as this reportage:

<https://www.youtube.com/watch?v=-cHnXSpq728> (also available on the CD. The suggested selection is from 06:42 to 14:34), which shows the capture of a prisoner by the French forces during the Serval operation –and the ensuing correct treatment. The method adopted here, is to teach by example, and the objective is to demonstrate that a professional army can win against the insurgent groups and respect IHL and human rights. During the discussion after showing the video, many issues can be raised: rules of engagement; arrest and treatment of prisoners; what is allowed in terms of questioning/interrogating; child soldiers and MRM¹; treatment of bodies and belongings of dead enemies etc.

For participants of varying levels (for example, if we have to mix two very different groups due to time restrictions or classrooms allocation), or who are not receptive to text, we can use a photos-only presentation, such as the following one.

1

2) In 2005, the UN Security Council created through Resolution 1612 a monitoring and reporting mechanism (MRM) to provide information on six grave children's rights violations: Killing or maiming of children; Recruitment or use of children by armed forces or armed groups; Attacks on schools or hospitals; Rape or other sexual violence against children; Abduction of children; Denial of humanitarian access to children. The Security Council requests the UN Secretary-General to list in his annual reports on children and armed conflict the names of armed forces or armed groups that recruit or use children, kill or maim children, and rape or commit other sexual violence against children and urged parties involved in armed conflict to develop and implement time-bound action plans to halt these grave violations against children.

Presentation 2: photos and discussion on basic IHL rules

DIH: même la guerre a des limites



DIH

Cours d'évaluation pour ENG et ESC
16 avril 2014, EUTM
Par Cynthia Petrigh instructrice DIH



Cible légitime ou personne protégée?



Cible légitime ou personne protégée?



Cible légitime ou personne protégée?



Cible légitime ou personne protégée?



Prisonniers



Où est la place de l'enfant?



La résolution 1612 du Conseil de Sécurité des Nations Unies liste 6 violations graves :

- Recrutement ou utilisation d'enfants par des forces ou groupes armés
- Enlèvement d'enfants
- Meurtres ou mutilations d'enfants
- Viol ou autres actes graves de violence sexuelle
- Attaques contre des écoles ou des hôpitaux
- Refus d'autoriser l'accès humanitaire aux enfants



FAMA: LA VICTOIRE DANS L'HONNEUR.



The presentation is made of photos only, and simple questions are asked to start a debate, such as: “target or not?”, when showing military targets and protected sites or persons. This type of presentation requires to be conversant with IHL and to be at ease with French language and Malian culture as it requires answering very quickly any type of question. If the trainer is confident enough, this is a very efficient format as it ensures maximal interactivity and allows for the soldiers to express any questions doubts or disagreement.

A less experienced trainer will prefer a presentation with more text –or have the text within easy reach.

The presentation is made of photos only, and simple questions are asked to start a debate, such as: “target or not?”,

When the course is taught outdoors, the trainer can use the French army “training sandbox” model, where a tactical scene is represented by small objects (stones and green mangos in the example below) for the same purpose. This allows the soldiers to take a break from the lecture setting and to have a material representation of what is taught.



In this example, the unit is asked to figure out and present a plan to capture an enemy in a mixed urban context, where the enemy is hiding in a terrain including schools, wells, hospitals, market places and houses. When they present their plan, the unit has to demonstrate that they identified the protected sites and will apply the principles of precaution and distinction.

Finally, a third example shows a presentation developed for a specific group, here the officers commanding the Battalion. Officers generally have a better access to higher education and are familiar with technical and legal language. They also need to understand their specific obligations under command responsibility. Another consideration to take into account is that there is generally little time allocated with the officers, who do not attend all training sessions. This presentation should therefore summarise all key points in case they would be missing one or most general classes. The below presentation tries to answer these constraints.

Presentation 3: for the Battalion commanding officers



INTRODUCTION AU DROIT INTERNATIONAL HUMANITAIRE ET AUX DROITS DE L'HOMME

PAR CYNTHIA PETRIGH
INSTRUCTRICE DIH/DROITS DE L'HOMME/VBG,
EUTM KOULIKOURO, FÉVRIER 2014



**DIH:
MÊME LA GUERRE A DES LIMITES**

DES NORMES QUI ONT EXISTÉ EN TOUS TEMPS ET CULTURES: 1. L'ISLAM

- 1 Le combat est dirigé contre les combattants et pas contre les non-combattants (Al-Baqarah)
- 2 En aucune circonstance les femmes et les enfants de l'ennemi ne seront tués, même s'ils sont utilisés comme boucliers humains par les soldats (Malik ibn Anas ibn Malik ibn Amr al Asbahim, 8^e siècle)
- 2 Si tu gagnes la bataille, ne tue pas de soldat en fuite, ni de personne blessée; (...) ne mutilé pas de cadavre; n'entre pas dans les maisons sans autorisation; ne confisque pas les biens; ne torture pas de femmes (Calife Ali ibn Abi Talib)
- 3 Abstiens-toi de trahir, de commettre des actes excessifs, des perfidies ou des mutilations; ne tue jamais de jeunes enfants, d'hommes âgés ni de femmes (Calife Abou Bakr)



2. TRADITIONS AFRICAINES

Mali, Burkina, et autres pays du Sahel:
Nul ne frappera un ennemi désarmé.
L'ennemi doit être capturé

Niger:

Attaquer un village peuplé uniquement de femmes et d'enfants, ce n'est pas la guerre; c'est du vol. Nous ne sommes pas des voleurs

Somalie:

Biri-ma-geydo, ou « épargné par la lance », un code qui définissait des catégories de personnes qui devaient être soignées et aidées en tous temps, et en particulier pendant un conflit armé. Ces catégories comprennent les femmes, les enfants, les personnes âgées, les malades, les hôtes, les religieux et les messagers de paix



Les forces armées et de sécurité doivent respect, protection et assistance aux populations civiles (art. 7)

Dans leur relations avec les populations civiles, les militaires doivent éviter tout acte ou comportement pouvant déshonorer l'uniforme (art. 9)

Le recrutement et la mobilisation des personnels des Forces Armées et de Sécurité seront en accord avec les obligations et engagements de respect des droits de l'homme et des libertés fondamentales stipulés dans la Constitution de la République du Mali (art. 21)

3. CODE DE CONDUITE DES FORCES ARMÉES ET DE SÉCURITÉ DU MALI

LA RESPONSABILITÉ DE L'OFFICIER

Encadrer vos hommes (bien-être, discipline)

Le bien-être du soldat

Suivre et donner des ordres légaux

Responsabilité de commandement

Protéger les civils (proportionnalité, choix des armes, assistance)

Responsabilité pénale (nationale et internationale)

Le soutien de la population, l'image du pays



LES COURS DE DIH A L'EUTM

Distinction

Proportionnalité

Prisonniers

Sites et personnes protégées

Protection des femmes

Protection des enfants

Réfugiés et PDI

Coopération civilo-militaire

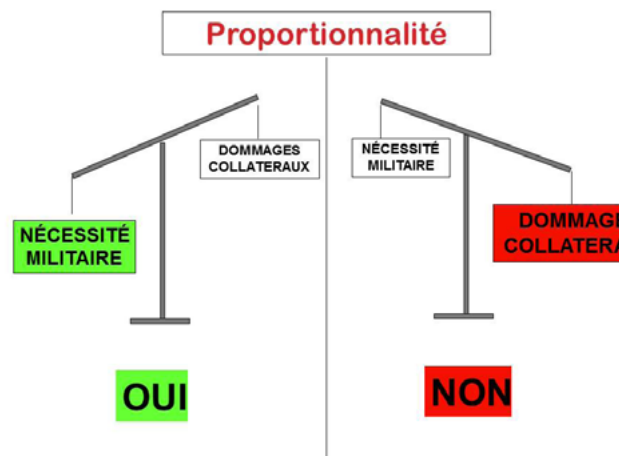


LES PRINCIPES DU DIH

- ▶ Principe de Nécessité Militaire
 - > Cibler uniquement les objectifs nécessaires à la mission
- ▶ Principe d'Humanité
 - > Ne pas causer plus de souffrance que nécessaire
- ▶ Principe de Distinction
 - > Cibler uniquement les objectifs militaires
- ▶ Principe de Proportionnalité
 - > Minimiser les dommages collatéraux aux civils
- ▶ Principe de Précaution
 - > Prendre toutes les précautions possibles, tout le temps
- ▶ Principe de Limitation
 - > Le choix de moyens & méthodes de combat est limité

PRINCIPE DE DISTINCTION

catégorisation entre QUI et QUOI peut être attaqué et QUI et QUOI NE peut PAS être attaqué



LES CONVENTIONS DE GENÈVE

Conflits armés internationaux

Conflits armés non-internationaux: art 3

Les personnes qui:

- ne participent pas directement aux hostilités,
- y compris les membres de forces armées qui ont déposé les armes et les personnes qui ont été mises hors de combat
- par maladie, blessure, détention, ou pour toute autre cause,
- seront, en toutes circonstances, traitées avec humanité,
- sans aucune distinction de caractère défavorable basée sur la race, la couleur, la religion ou la croyance, le sexe, la naissance ou la torture, ou tout autre critère analogue



GARANTIES FONDAMENTALES

Droits de l'homme

Les droits de l'homme s'appliquent à tout le monde en tous temps

Les représentants de l'Etat comme les forces armées, doivent respecter les droits de l'homme en protégeant la population civile et les prisonniers

Nul ne peut être soumis à la torture, aux traitements inhumains ou dégradants

Toute personne privée de sa liberté est traitée avec humanité et avec le respect la dignité inhérente à la personne humaine

Respect de la présomption d'innocence

Toute personne a droit à contacter sa famille et/ou un avocat de son

Nul ne peut faire l'objet d'arrestation / détention arbitraire ou disparition forcée

Droit international humanitaire

Traiter avec humanité

Sont prohibés en tous temps et en tout lieu:

- les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices
- les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti de garanties judiciaires reconnues

QUE NE FAUT-IL PAS FAIRE À L'ARRESTATION?



NE pas tenir secret les lieux de détention des personnes arrêtées

NE pas torturer les détenus

NE recourir à la force que lorsque cela est strictement nécessaire

Les hommes **NE** peuvent pas procéder des fouilles corporelles des femmes

L'ordre d'un supérieur ou d'une autorité publique **NE** peut être invoqué pour justifier la torture

DEMEURENT PROHIBÉS, EN TOUT TEMPS ET EN TOUT LIEU:

a. les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices

b. les prises d'otages

c. les atteintes à la dignité des personnes, notamment les traitements humiliants et dégradants

d. les condamnations prononcées et les exécutions effectuées sans un jugement préalable, rendu par un tribunal régulièrement constitué, assorti des garanties judiciaires reconnues comme indispensables par les peuples civilisés

QUE FAUT-IL FAIRE À L'ARRESTATION?

Informez le chef

Informez la gendarmerie et remettez au plus tôt à la gendarmerie

Traitez avec humanité

Respect de la dignité humaine pendant la fouille y compris pour les biens saisis qui doivent être enregistrés, transmis ou retournés une fois la détention terminée

Tout détenu doit automatiquement être informé de ses droits par écrit et oralement si nécessaire

QUE PEUT-ON DEMANDER?

Conflit armé international:
matricule, nom, prénom, grade

Conflit armé non international: rien n'interdit de demander plus (informations stratégiques avant de remettre à la gendarmerie), mais pas d'obligation de répondre

Interdiction d'utiliser la torture

Dans tous les cas, obligation de traiter avec humanité



QUE FAIRE PENDANT LA DÉTENTION ?

Les blessés et les malades seront recueillis et soignés

Signaler et remettre au plus tôt à la gendarmerie

Les FAMA peuvent poser des questions d'intérêt militaire. L'interrogatoire complet sera effectué par la gendarmerie

Eviter les atteintes portées à la vie et à l'intégrité corporelle, notamment le meurtre sous toutes ses formes, les mutilations, les traitements cruels, tortures et supplices

Les prisonniers ne peuvent être pris en otages

Les prisonniers ne doivent pas être exposés à la curiosité publique ou la justice populaire



QUE FAUT-IL FAIRE PENDANT LE TRANSFERT ?

Il faut éviter les déportations, transferts illégaux ou les détentions arbitraires

Rendre compte à la hiérarchie militaire

Transférer les prisonniers auprès de l'Unité Prévôtale de la gendarmerie de la localité, commune ou cercle

Tenir un registre détaillé de toutes les personnes arrêtées et transférées à la Prévôte

Restituer les biens saisis qui doivent être enregistrés et transmis à la Prévôte



Les enfants capturés doivent être séparés des adultes, protégés contre la violence et la négligence, et remis aux structures compétentes

Les forces armées les remettent à la gendarmerie

Laquelle les remet à la DNPEF et à l'Unicef



PROTOCOLE DU 1^E JUILLET 2013

LES ENFANTS ET LA GUERRE

RÉSOLUTION DU CONSEIL DE SÉCURITÉ 1612 - MRM

Recrutement ou utilisation d'enfants par des forces ou groupes armés

Enlèvement d'enfants

Meurtres ou mutilations d'enfants

Viol ou autres actes graves de violence sexuelle

Attaques contre des écoles ou des hôpitaux

Refus d'autoriser l'accès humanitaire aux enfants



LA PROTECTION DE LA FEMME PENDANT LA GUERRE

En conflit armé, les femmes sont victimes de :

- Violations du droit international humanitaire
- Tortures, internements arbitraires
- Transferts forcés, prises d'otages, menaces et intimidations
- Violences sexuelles (viol, prostitution forcée, exploitation sexuelle, fécondation forcée)
- Vulnérabilité accrue des femmes enceintes, en couches ou qui allaitent
- Le DIH donne aux femmes une protection spéciale



PROTECTION SPÉCIFIQUE DE LA FEMME EN PÉRIODE DE CONFLIT ARMÉ

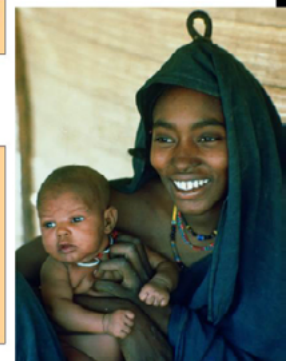
Les femmes doivent bénéficier de

....

Protection contre les violences sexuelles

Mesures préférentielles en :

- assistance sociale
- dispense de certains travaux
- ration alimentaire supplémentaire et spécifique
- soins médicaux
- hébergement spécifique



Les principes humanitaires qui encadrent l'aide humanitaire



- Humanité
- Neutralité
- Impartialité
- Indépendance

DIH OU DROITS DE L'HOMME?

DIH

En temps de guerre
Protège les personnes ne prenant pas part au conflit
S'applique aux États et acteurs non-étatiques

DROITS DE L'HOMME

En tous temps
Protège tous les êtres humains également
Impose des obligations aux États

1. QUALIFIER LA SITUATION

- Conflit armé international
- Conflit armé non international de haute intensité
- Conflit armé non international de faible intensité
- Troubles et opérations de police
- Paix

=> QUEL DROIT S'APPLIQUE?

Distinction entre combattants et non-combattants
Interdiction des attaques contre les civils et attaques indiscriminées
Interdiction de l'atteinte à la vie, du meurtre
Respecter la loi malienne et le DIH
Interdiction de torturer
Remettre les prisonniers à la gendarmerie
Noter noms des personnes arrêtées, biens saisis
A la fouille, à l'arrestation, à l'interrogatoire, traiter les personnes comme on aimerait être traité
S'assurer que les objectifs sont militaires
Lors de l'attaque d'objectifs militaires, obligation de prendre les précautions nécessaires afin de minimiser les pertes civiles: proportionnalité et choix des moyens et méthodes de combat
Les Forces armées et de sécurité du Mali: la victoire dans l'honneur

EN RÉSUMÉ

One way of introducing this presentation is to tell the officers that the trainer is now going to report on what the troops have learnt. By informing them that the trainer is reporting to them and not instructing them, s/he shows respect; this approach allows to skim through the topics and identify which ones need further explanations and discussion. If the trainer chooses to present directly this ppt presentation, s/he can concluded by a general discussion with the officers on their challenges and their experience, guiding them into compliance.

The trainer can also use this session to share challenges encountered during classes with the troops, to seek guidance or to signal a problem. It is the right time to remind command responsibility in case of misbehaviour from their subordinates.

All three presentations are contextualised. Adapting to the culture, background and level of the audience are essential steps in view of increasing training effectiveness and impact.

2.4 Exercises / drills

In order to transform the knowledge acquired during the lectures into reflexes and attitudes upon deployment, exercises where tactical and humanitarian aspects are practiced and assessed simultaneously, were developed jointly with the military trainers.

These exercises are based on the reality of situations the trainees are likely to encounter in the conflict area at time of training (the north of Mali) and aim at equipping them with the appropriate tools and reflexes. The same exercises might not be as relevant or efficient in another set-up, and would require prior situation and context assessment.

It is essential to develop these exercises in agreement with the military trainers for a satisfactory result. This particular aspect was facilitated by the fact the IHL trainer was requested by the training authorities to provide an induction course and a train-the-trainers course to the military trainers. In this way, all trainers had a clear idea about the

place of this component, the aim of the IHL-military cooperation, and the basic rules all trainers need to disseminate. These courses are also the right place to start sharing ideas about joint exercises. For more on the cooperation with the military, see section 3.

These drills can usually start in the 3rd or 4th week of the training cycle, as soldiers have mastered individual and group basic tactical skills. If the IHL training team is not able to monitor all drills (as was the case for the author of this manual who was the only civilian trainer in the mission and had to conceptualise, deliver the training, coordinate with the military, and monitor exercises), a check-list is prepared for the other trainers. Any military trainer when briefed and handed the check-list, can implement and monitor these joint exercises; the IHL trainer can observe and provide feedback on selected sessions. The drills have to be realistic (scale, resources), and instructions have to define the activity, identify what rule is measured and list the resources needed.



In this urban combat simulation, a female civilian is found in a house previously identified as suspect. Soldiers have less than a second to understand this is a civilian, not a target. They also have to take into account she is a female and

- are not allowed to body-search her in the absence of female troops*
- they should in no case try to abuse their power against her, and*
- they need on the contrary to protect her.*



As with any such trainings, the danger is to get carried away with the exercise itself and focus too much on making it amusing at the detriment of the key messages that are important to pass on. When the exercises are set-up jointly with military, the trainer has to carefully brief the military instructors on what is to be measured and even on the set-up itself. Some military will be enthusiastic about creating incidents that display unnecessary violence, that show humiliating situations for women, or, generally, that disregard other aspects that could be detrimental to the humanitarian rules, such as, based on our observation: firing loud blank ammunition too close to inhabited buildings; sending a female actress dressed improperly; setting a check-point just in front of a school, etc. The trainer has to check and observe all steps and diplomatically but firmly ensure all rules are respected.

Hereafter is an example of instructions for such drills.

| INCIDENT | LOAC RULE(S) MEASURED | RESOURCES NEEDED |
|--|--|--|
| <p>Pregnant woman A woman is about to give birth. She cannot get out of car. Husband or driver gets nervous if search is slow</p> | <p><i>Respect and protect women</i> <i>Men do not search women</i> <i>Speed of search if about to deliver</i></p> | <p><i>Car, woman (with pillow or other prop for big belly)+ one driver + possibly 1 other pax.)</i></p> |
| <p>Hurt insurgent in Red Cross vehicle A man without weapons but dressed as jihadist and bleeding is transported in a car or ambulance bearing the Red Cross Emblem</p> | <p><i>Distinction (hors –de-combat)</i> <i>Protected persons (wounded, medical personnel): Medical service to be respected</i> <i>Wounded enemy to be left, as soon as checked that he is unarmed</i> <i>Protected Emblems</i></p> | <p><i>From Role 2:</i> <i>Ambulance (without military plates)</i> <i>Wounded (blood etc)</i> <i>Jihadist costume</i> <i>Female personnel</i></p> |
| <p>Couple in civilian car with hidden armament</p> | <p><i>Arrest and treatment of suspects</i> <i>Respectful search of female civilians (Men do not search women)</i></p> | <p><i>“Civilian” car</i> <i>Weapons/explosives</i> <i>Civilians : 1 male 1 female</i></p> |



| INCIDENT | LOAC RULE(S) MEASURED | RESOURCES NEEDED |
|---|---|---|
| <p>Civilian driver runs away combined with Women on check-point incident</p> | <p>RoE <i>Arrest and treatment of suspects</i> Respectful search of female civilians (Men do not search women)</p> | <p>“Civilian” car Civilians Civilian women,(or civilian clothes), if possible African women</p> |
| <p>Civilians at night incidents Civilians walking at night in the area since before joining their homes (90% of the time they are killed as mistaken with enemies)</p> | <p>Distinction RoE <i>Keep self-control, act in a professional manner (firm and friendly)</i></p> | <p>Civilians or civilian with Tuareg-style clothes</p> |
| <p>Bad car incident at check point - Civilian vehicles arrive at check-points; weapons / explosives are hidden under the seats or in other corners so they are not visible to those who search incorrectly</p> | <p>RoE <i>Keep self-control, act in a professional manner (firm and friendly)</i> <i>Arrest and treatment of suspects</i></p> | <p>“Civilian” car Weapons/explosives Civilians or civilian clothes</p> |
| <p>A suspect person with IED This person has already been mentioned as a person of interest</p> | <p>ROE <i>Keep self-control, act in a professional manner (firm and friendly)</i> <i>Arrest-treatment of suspects</i></p> | <p>“Civilian” car - or walking IED Civilians or civilian clothes</p> |
| <p>Civilians with UXO bargaining for reward</p> | <p>Distinction RoE <i>Keep self-control, act in a professional manner (firm and friendly)</i></p> | <p>Civilians or civilian clothes Explosives Civilians or civilian Tuareg clothes</p> |
| <p>Crowd incident. E.g.:Tamasheq civilians ask for compensation destroyed house because of fighting</p> | <p>Distinction RoE: ABSOLUTE INTERDICTION TO SHOOT, EVEN WARNING SHOTS</p> | <p>Civilians, some of them wearing “Tuareg like” clothes</p> |



| INCIDENT | LOAC RULE(S) MEASURED | RESOURCES NEEDED |
|--|--|---|
| <p>Crowd incident Same as above but escalates</p> | <p><i>Distinction</i> <i>RoE: ABSOLUTE INTERDICTION TO SHOOT, EVEN WARNING SHOTS</i></p> | <p><i>Civilians, some of them wearing “Tuareg like” clothes</i> <i>Objects to throw (such as sticks, potatoes, small stones)</i></p> |
| <p>Protected site: hospital incident An enemy position nearby a hospital (or attack by enemies form nearby a hospital)</p> | <p><i>Protected sites: hospital</i> <i>Interdiction of indiscriminate attacks</i> <i>Target the military objective and spare the protected site</i> <i>Do not cause harm or interruption to care given in hospital, do not harm medical personnel and wounded or sick</i> <i>Do not station troops in hospitals</i> <i>Choice of weapon and means where relevant</i></p> | <p><i>Big sign with Red Cross Emblem (Sign is square, background is white, Pantone 485 for the cross) to be installed on any building or tent</i></p> |
| <p>Protected site 2: school incident</p> | <p><i>Protected sites: school</i> <i>Interdiction of indiscriminate attacks</i> <i>Target the military objective and spare the protected site</i> <i>Protect the school children</i> <i>Do not station troops in schools</i></p> | <p><i>Big sign with “Ecole primaire” to be installed on any building or tent</i></p> |

Table 1: instructions for joint drills

This list can be amended, added to, and adapted based on the resources available and the level of cooperation of the military instructors. It can also be amended based on the evolution of the situation on the ground. For example, in November 2013, the mission was distressed to learn about a shooting incident against a civilian crowd. We included the practice and evaluation drill “protection from angry crowd” and changed the RoE for exercise accordingly (see section 3 for RoE).

In the next pages are a few examples of correctly and incorrectly practiced drills.

Correct (prisoners)

A suspect car is stopped at checkpoints. The two male passengers and the car are searched; they are carrying explosives.



After establishing that they are suspect (insurgents or criminals),

1. the two men are thoroughly searched and disarmed where relevant
2. hands are tied solid enough but not too tight so as not to cause unnecessary suffering or wounds
3. they inform their commander of the arrest
4. suspects are transported to unit's HQ and later transferred to the gendarmerie

While this scenario is difficult enough and at times requires practice over a whole week to master nervousness, slowness or other problems in carrying the tasks, a more difficult scenario is for the soldiers to show restraint and humanity in a combat situation as opposed to an area control situation. Soldiers are risking their lives, might have lost comrades, and the temptation to retaliate is bigger. The sequence below shows a correct implementation of the exercise.

DRILL



A French Captain explains in the presence of the IHL trainer, the scenario to the French and Malian soldiers who will role play the insurgents. The insurgents attack the Malian army position. Malian army fires back. One insurgent surrenders. He raises clearly his hands to show his good intention.





1. *the prisoner is surrounded, searched*
2. *given water (it is 45°C in the sun at time of practicing this drill)*
3. *tied and transferred to base and*
4. *later to gendarmerie.*

It is essential for the IHL trainer to coordinate with the soldiers prior to the exercise and indicate what is needed, e.g. one of the acting insurgents has to surrender as opposed to exercises where they all “die”, and which the actors prefer because they can go for lunch instead of being stopped for hours and transported around. Prior agreement with their Commander is needed, as well as clear instructions. When the action starts, it is too late to give instructions. If the trainer cannot be there to observe the drill, the IHL points to verify can be shared with an EUTM trainer in charge (cf. table above).





The IHL trainer can observe the exercise in order to provide feedback and improve the behaviour.

In this case, the trainer follows the prisoner till base, to ensure rules are understood at the different steps: capture, search, detention, transfer, tactical interest interview, transfer to authorities. This later stage is possible only to check during the last weeks of the training, when the Battalion practices as company or full GTIA.

Other correct examples of treatment of prisoners include:



Wounded prisoner is carried to base



Prisoner is given water



Wounded prisoner is provided with first aid by a trained Malian soldier

Incorrect implementation of the exercise can include: shooting the prisoner; tying the hands too tight; beating; not knowing the procedure for transferring him; forgetting to inform the Commanding Officer and the gendarmerie; looting their personal belongings.

The important is the debrief. The IHL and the military trainers give after each exercise, feedback on what went well or not, each for their part of the exercise. Soldiers can be asked to practice again till they learn the right reflexes.



debrief after drill

Drills can be created for any type of rule that needs to be taught in practice, not only theoretically. The drills developed at the EUTM include:

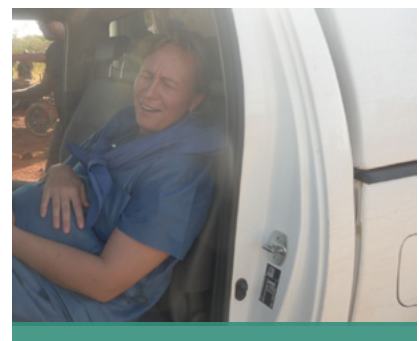
Prevention of sexual violence and protection of women during conflict



In this drill, soldiers learn how to check if a woman is armed without touching her.



In this drill, a female IDP is stopped at a checkpoint during flight and separated from her husband. She is harassed by soldiers. Other soldiers intervene to stop them.



In this drill, soldiers learn how to react at checkpoint with a woman about to give birth.

Correct (angry crowd)

Drill: an angry unarmed crowd gathers across the checkpoint and crosses to take control of checkpoint area; throws objects at the soldiers, who prepare to shoot but are stopped; soldiers start discussing with the crowd and through negotiation, find a temporary solution to the problem raised



Example of incorrectly practiced exercise



One of the soldiers, under understandable stress, raises his AK 47 at the crowd to protect himself and his comrades from this threat that is sudden and the gravity of which he is unable to assess. The exercise can be practiced again after feedback is provided on what went wrong, until performed correctly. The right answer is to form a line to protect the soldiers and their material (see photo below).



These combined exercises where military and IHL/human rights skills are checked simultaneously allow a deeper understanding than a theoretical one only. They are the necessary complement to the classroom classes. One can also proudly say that the development of such sophisticated exercises at such large scale are the trademark of the EUTM. Their development and implementation require an excellent level of cooperation across the mission. This is the topic of next section.

Working in a military context requires a minimum understanding about this context and a good preparedness for interaction with different levels across the mission, horizontally and vertically. This interaction is critical if the trainer wants to achieve anything effective and sustainable.

Political support is needed at the highest levels (Brussels, Mission Commander, KTC Commander). Cooperation is needed at a practical level in order to coordinate the classes with the military trainers, both in terms of key messages and in terms of practicalities such as bringing the troops to the right classroom on the right day and time.

The IHL trainer has at times to emphasize that this component is compulsory for all units. It was initially thought by the military that this training should be delivered principally to infantry companies. It is our strong belief that any unit can commit human rights violations and during the EUTM exercises we have had several opportunities to check this assumption, e.g. when the Logistics unit occupied a local school to set-up the kitchen for the outdoors training, or when the Commandos had to man a checkpoint at short notice.

It is therefore the duty of the IHL trainer to remind this point, and of the training authorities to support it.

At the EUTM, this is a relatively easy task as all are totally committed to the training programme, starting with the Mission Commander and the Koulikouro Training Camp (KTC) Commander. With a little bit of effort to understand the best way to communicate and work with the different 23 nations present, it is possible to work across the mission and the results are extremely rewarding



The heads of Snipers, TACP, IHL and Intel training teams join forces for a 3-days exercise monitoring



The training mission is supported at highest political level. Visit of EU Council President to the EUTM, February 2014. From left to right: Mission Commander general Guibert, President Van Rompuy, Mali Minister of Defense and IHL trainer Cynthia Petrich

In order to facilitate this work and to emphasize the role of the IHL/human rights in the training mission, the IHL trainer provides an induction course and a train-the-trainers course to all training teams, at KTC Commander's request. This allows to explain the role, to gain more support, to ensure there is a minimum joint understanding of rules and key messages and to share information about the pattern of abuse and what are the priorities in joint training.

This cooperation also allows to bring a civilian eye to the mission. The focus is brought on human security, not only state security; the Army's mission to protect the civilian population, as underlined by the Malian President and by the EU, is reminded¹. This point concerns firstly the mission members themselves: some of the military trainers

join the EUTM after a mission in Afghanistan for example. It can be useful to remind them that in Mali, they are in a training mission, not a combat mission, and that they are here to support the rule of law and the Malian authorities.

During these courses and during the drills preparation and observation, it becomes obvious that different EU troops receive different levels of IHL training in their career and pre-deployment.

In order to avoid creating confusion for our trainees by exposing them to different sets of practice (e.g. hooding prisoners or not; searching hospitals or not; body-searching women or not, etc.), the IHL trainer identified areas of inconsistency and developed a "Do's and Don't" hand-out for the trainers, specifying once for all what is the EUTM rule

1

As highlighted by press release on the Council of the EU conclusions on Mali, 3222nd Foreign Affairs Council meeting Brussels, 18 February 2013: *The EU is alarmed at the allegations of breaches of international humanitarian and human-rights law and reminds the Malian authorities that they have an overriding responsibility for the protection of civilian populations. Concerning the EUTM's mission which is to provide advice and training for the Malian armed forces: Particular attention will be paid to human rights, international humanitarian law, the protection of civilians, United Nations Security Council Resolution 1325 and to internal rules of conduct and the control of the armed forces by the civilian government.*



for practice. This initiative was supported and validated by the Mission, and the hand-out is now shared during the trainers' induction and is used by trainers during the exercises. The IHL trainer can report such problems as the checkpoint situation on photo to the right (in this case the checkpoint was moved).

This makes him/her a de facto adviser on protection issues. Without adopting an activist position that would break any dialogue possibility with the military, the trainer can – and to our opinion must- advocate firmly and quietly for a full respect of the rules by the mission itself. A constant dialogue is required at different levels within the mission.

In the same way, trainers whether military or civilians, have to keep in mind that due to their image, knowledge, prestige or the cost of their uniform and equipment, they are role models to the trainees. For this reason, training does not take place only during classes time but values, behaviour, attitudes are scrutinised at all times. It is up to the trainers to set the right values and to lead by example.

The cooperation between the IHL trainers (1 trainer at time of developing this curriculum) and the military trainers (185 trainers), although unbalanced at first sight, is very successful as everyone sees the benefit of looking at another perspective and joining forces. In this line, the IHL trainer also contributed to drafting the rules of Engagement (RoE) for the tactical exercises at EUTM, ensuring that IHL and human rights are respected.



In this exercise, the unit has set-up the checkpoint in such a way that suspect cars are stopped right across a school. This generates several problems: 1. It exposes the children to unnecessary violence as they can see the military set-up and hear possible shooting. 2. If the threat on the checkpoint is confirmed, this puts the schoolchildren in danger in first line, while the soldiers are safe well behind (the mass of the soldiers are behind the position of the camera, and only a couple soldiers are sent in front. This is not only harmful for the children; it also gives the wrong message to the population about the army's intentions. 3. Logistics support to the checkpoint crosses the schoolyard, which also unnecessarily exposes children to violence. 4. Schoolgirls have to cross the checkpoint barbed wires to walk back home and are exposed to the sight and possible harassment by soldiers.

By succeeding in including the IHL and human rights component at different levels within the mission, the training becomes more effective because the right support is available. The training component is strengthened by liaising with the Mission’s advisory/liasion team to the Malian MoD, and contributes to ensure consistency across the mission.

While it is essential to secure understanding and support within the mission, as a civilian the trainer can also broaden the picture and find allies and information outside the mission. In Mali, this is available through contacts and collaboration with the MINUSMA, with human rights NGOs, with the Malian MoD, with the diplomatic community, and even with other military missions. Feedback from other actors, reports on the pattern of violations, as well as support through expertise and manpower, are all welcome in such a complex context.



Mission Commander General Guibert, COS Col Bertrand and KTC Commander Col Testart observe and address the human rights/IHL course

Training on IHL and human rights is about sharing values and changing mindsets. It can only be achieved if the mission itself believes in these values and is ready to challenge our own mindset.



British military contributing to set-up a combined exercise by posting a “school” sign on a building in the urban combat simulation facility



French military painting props with protected sites. Implementation is guided by IHL rules, UN Security Council resolutions, exercise RoE, and “Do’s and don’ts” hand-out. The correct dissemination and understanding of all these tools facilitates a smooth implementation, and, in the end, an increased compliance with law



Measuring impact is one of the challenges in any training programme. What is usually feasible is to measure the knowledge acquisition. We are in this training programme able to measure knowledge acquisition as well as impact and behaviour after deployment. Here is why and how.

4.1 We evaluate acquisition of knowledge with the Malian soldiers themselves

We have developed a test in consultation with the UN partners who were welcome to insert questions they wanted to check. This test looks at different areas (distinction, children and armed conflict, sexual violence, humanitarian actors... full questionnaire in annex 1) and is conducted on week 1 upon arrival of the trainees and again on week 10 just before their graduation. It is conducted orally in large groups of 50 to 80 persons for the troop, and in writing for the officers. The results are impressive.

There is a clear progress between the assessment on week 1 and week 10. For example, during the Sygui (GTIA 3) evaluation in December 2013, it appeared that answers moved from an average 11/20 on week 1, to 19,80/20 on week 10. More precisely, only 3 individuals believed at the end of the course that torture was an acceptable practice (0,6% of tested persons, against 70% in the beginning of the training). « Before attending this class, I would have tortured an enemy who surrendered”, says a participant. “I am lucky I took this course and will not commit this crime”.

On sexual violence, we are also able to measure important progress. The same person who declared on October 13, that “rape is the beauty of war” declared on December 6 that: “I will treat women as I treat my sisters and my mother”.



At the end of the training, we celebrate the work achieved together and wish well our trainees.

When asked, at the end of the training: what did you learn during this class ? the participants answer (mixed from several GTIAs):

- We learned the difference between a professional army and a group of bandits
- Before, when we saw the humanitarian agencies with the rebels, we thought they were on their side and we would have killed everyone. Now we know that humanitarian workers work with all and that it is OK
- It allows us to know between good and evil
- Before this class, if I would see someone who dropped his gun, I would have killed him straight on. Now, I will check before shooting
- No rape, give a good image of Mali
- Today I am on the good side, tomorrow I can be a prisoner
- Protect children and child soldiers
- The military should respect and enforce human rights
- The military shouldn't abuse its power
- We learnt to spare the enemy who ran out of ammunitions. Before the IHL class, we thought he should be killed
- We learnt to treat men and women differently during searches
- Even when the enemy is mixed with the population, we should be careful and not shoot on the population
- A Red Cross vehicle is never a target
- We learned that you need to care for anyone that is injured, even if they are the enemy
- We learnt how to extract child soldiers from war
- We learned that when the enemy lay down the weapons, he is not anymore a combatant; we should not take revenge, we should respect him
- We understood that rape covers more things than we thought. We must not assume consent where women are scared of us because of our power
- We learned that if you behave well towards the population, they will support you

These quotes show a clear progress in understanding the IHL and Human rights concepts.

4.2 We assessed weekly their progress internally



During the final exercise for this Battalion, an enemy battery position is observed next to a hospital. The IHL trainer will monitor this point of the exercise at BG level, where decision on course of action and means and type of weapon will be taken. Will the officers think of sparing the hospital? They do!

In cooperation with the mission Training Programme Officer and the other training team leaders, a weekly assessment is presented, summarising what was achieved in the past week, and what items are studied/understood/practiced. A table with little colours ticked summarises this in a very military style: no big explanations, boxed are ticked - or not. An example is provided in annex 2.

The weekly assessment is shared with the Training PO, as well as observations on weekly participation rate.

Throughout the lectures and exercises, we also identify high potential soldiers –and we congratulate the outstanding ones – but we also identify and report disruptive participants and potential bad leaders. This information is shared with the EU and Malian commanding officers.

During the last week of the training cycle, a final exercise is ran for 3 days outside camp premises at the battalion level. It allows to verify understanding and compliance at different levels of complexity.

4.3 Gathering feedback from partners and observers

At time of writing we have not succeeded in accessing the north – we cannot monitor the behaviour and possible violations of the trained troops. This is a mandate constraint.

The trainer liaised with other agencies who had access to the north: MINUSMA, Serval operation (French army), and international Human rights NGOs to gather feedback from organisations operating in the North.

Very positive feedback was received on improvement of behaviour and on changes in the perception of the Malian army by the population. No major violations were reported at time of writing this manual.

”

There is a net improvement in the behaviour of the troops on the ground since last year and a change of the population’s attitude towards the armed forces

Col. T, Serval Operation

”

During the fight that broke out in Kidal in May 2014 and in spite of the defeat and the frustration, there was no IHL/human rights violations and this is to your credit”

KTC Commander Col. Couëtoux

4.4 Post-deployment evaluation



With the graduates from the Waraba refresher course

The trainer had the rare opportunity to measure impact through questioning the Waraba battalion as they returned from the north.

The first Battalion trained by the EUTM was deployed in the north and returned. After a debriefing at the EUTM MHQ, it was decided that we would give a refresher training course in April. During those classes, the IHL trainer asked the soldiers:

“Was what we taught you last year useful when you were deployed? useless? or it created problems for you?”

It was useful :

Answer

- It taught us to distinguish between good and bad
- We took a number of prisoners and we did not kill them.
 - Would you have killed them before ?
 - Obviously!
- It improved our relation with the population.
- We didn't react to projectiles (stones being thrown), and the people who threw them then became more supportive of us

”

It caused us problems

Answer

- We took prisoners and did not torture them, this prevents us from doing our job
- I have nothing against IHL, but it is “the others” who do not respect it, you must teach it to them

”

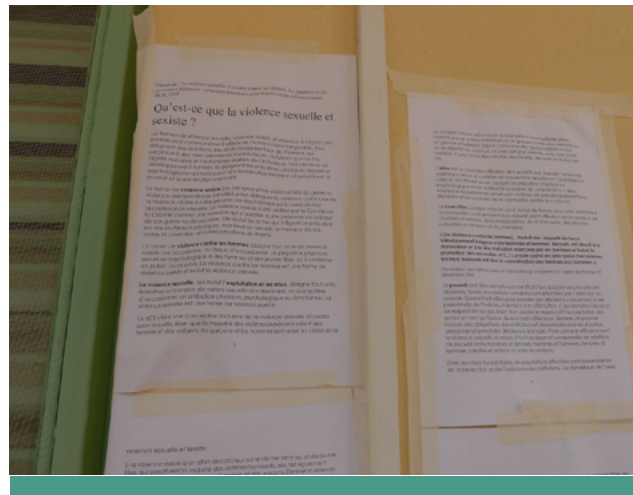
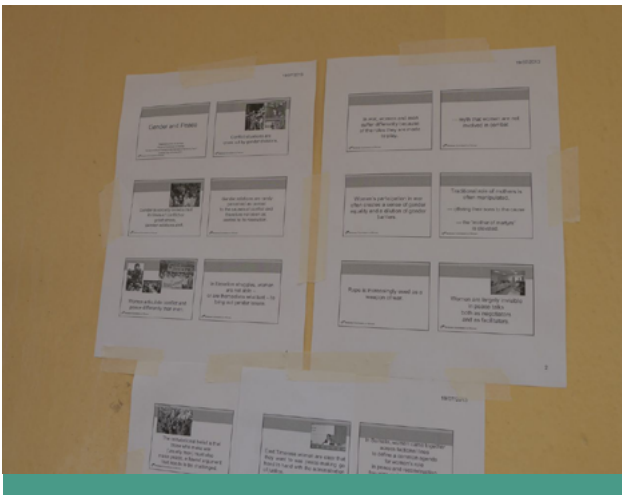
As a conclusion on this section, it is possible to measure training progress and impact with a captive audience like the military. It can be done by: measuring learning; evaluating behaviour; getting feedback; gaining access to the trainees after they had a chance to implement what

Keys to success:

- To be able to access the trainees and implement this evaluation programme full cooperation is needed from the mission leadership and the leadership of the trained forces
- As importantly, deeper and more concrete exchanges can happen if the trainer is able to establish a trust relation with the trained soldiers
- Finally, as for all the other topics, language has to be adapted, clear, non offensive, culturally acceptable and must offer concrete options.



Waraba soldiers are happy to give a hand for the delivery of the IHL class.



Serendipity : the local workers on camp have been reading the information material pasted on the trainer's door. "We didn't know about rape. We didn't realise all what it means", spontaneously says one of them.

The seeds we are sowing can grow unexpected, beautiful fruits.

As a conclusion, I would like to emphasize that what contributed to the success of this training mission and to making it a rewarding experience is:

- political support: the high level political support of the EU and of the Malian authorities is present
- context analysis: understand the political, cultural and institutional context
- tailored approach: the programme is tailored to the needs and profile of the audience
- joint method: the joint IHL-military exercises are the added-value and what makes the learning sink into the mind and the reflexes.

Gathering this set of ingredients is instrumental for a successful training. The lectures and exercises provided in this manual are tailored for the Malian army. While they can inspire other training programmes, it is advised to proceed with a context and audience analysis before using them in another context.

This experience demonstrates if needed, that it is possible to evaluate knowledge acquisition and, to some level, impact. In view of this, the trainer is expected to be an expert in their technical field; to show cultural awareness; to be an experimented trainer; to take ownership of this manual and make it theirs; and to find allies within and outside the mission.



Beyond (peace)

Even wars have limits



I hope this manual manages to capture the essence of what I have developed in KTC and institutionalise it for the EUTM Mali. I wish well all the trainers who will use it and I remain at their disposal for any advice or further conversation.

Cynthia Petrich
Beyond (peace)
www.beyondpeace.fr

Postface

A postface from the Director of MINUSMA Human rights Division



Ms Dorothée Ndoh Ondoboh from MINUSMA Human rights contributing to the evaluation of GTIA 3 Sigui

One of the primary duties of every democratic country is to guarantee and protect human rights. This duty must be at the core of the mandate and operations of all state institutions, including the national defence and law enforcement structures. Regrettably, history has shown us too many times how in situations of conflict, international human rights law and international humanitarian law are often downgraded or set aside, with tremendous consequences on the civilian population.

In order to promote compliance with human rights and international humanitarian law in the context of the Malian Security and Defense Forces (MDSF)'s intervention in the north of the country, and so prevent the occurrence of violations of international law, the Human Rights Division of MINUSMA/Office of the High Commissioner for Human Rights in Mali has been contributing to the training of the Malian Army within the framework of the European Union Training Mission (EUTM) in Mali. Between April 2013 and April 2014, four battalions (Waraba, Elou, Sigui and Balanzan), approximately 3,400 troops, were trained at the center in Koulikoro.

Moreover, any UN assistance, including to the security sector, must be guided by respect for human rights and contribute to promotion and protection of human rights. This fundamental UN principle is now clearly enshrined in the Human Rights Due Diligence Policy on UN support to non-UN Security Forces (HRDDP), adopted in July 2011 as a Secretary General's decision. The Policy clearly stipulates that support to non-UN security forces cannot be provided where there are substantial grounds for believing that there is a risk that those recipient security forces may commit human rights, international humanitarian law or refugee law violations; and when relevant authorities fail to adopt the necessary corrective or mitigating measures. The Policy is fully applicable to the security sector support which, in various forms, the Mission and the UN

family at large provides the Malian Authorities.

The content of the training has been developed on the basis of a pre-course assessment conducted with the Malian trainees upon the beginning of their training and in the context of coordination meeting with the EUTM and UN agencies. Core modules include protection of civilians in the context of military operations, international humanitarian law rules applicable to non-international armed conflict, the principles of distinction, necessity and proportionality, use of force and firearms, human rights standards in arrest, searches and detention. The methodology combines case studies, simulations and practical exercises as well as interaction through questions and answers. The original pre-course assessment is proposed again to the trainees at the end of the course so to gauge changes in the understanding and behavior.

The Human Rights Division will continue engaging with the EUTM in assessing the impact of the training in operations and plans to conduct an assessment in situ and in consultation with the civilian population of the troops that underwent training to assess the extent of behavioral change. It should be noted that important aspects of the training are the stress on individual and collective accountability for human rights violations and the Malian Military Code is used extensively to discuss the non-duty of compliance with illegal superior orders and, the protection of returnees against intra and inter community conflicts in the regions.

In the context of the implementation of the HRDDP, this European Union training initiative is complemented by a risk assessment of the Malian Defense and Security Forces conducted by the MINUSMA Human Rights Division through a series of briefings carried out for representatives of the Defense Ministry, National Security and Protection civile.

I am honoured to recognize the good and close collaboration established between the EUTM and the MINUSMA Human Rights Division, which bolsters our shared objectives of peace and stabilization, and helps to address our common human rights agenda. The Human Rights Division will continue engaging in such effective cooperation, which I hope will be replicated in other spaced, by all those who want to make effective the respect and protection of human rights by defense and security forces.

Guillaume Ngefa

Representative of the High Commissioner for
Human Rights in Mali
Director of the MINUSMA Human Rights Division

Acknowledgements

I firstly want to thank the UK Government and the EU training mission for giving me the opportunity to conduct such an exciting and rewarding mission.

I could not have delivered this immense task without the support of the partners to this initiative, whom I wish to thank warmly, with a particular mention to Dorothée Ndoh Ondoboh, Arnaud Royer, Guillaume Ngefah and Karine Cissé from MINUSMA-Human rights; to Lamine Traoré from UNFPA; to Sophie Solomon and Boly Diene from OCHA and to Zarvan Raniero Owsia and Kany Elizabeth Sogoba from the ICRC. I particularly appreciated the support and cooperation of the EUTM trainers and especially of Lt-Colonel Rémi Pellabeuf, Lt-Colonel Lucien Bouche, Major Jonathan Huxley, Lieutenant Will Coulson, Lieutenant Peter Barton, Capitaine Claude Pierre-Joseph, Capitaine Joël Le Berre, Col Krzysztof Danielewitz, Major Johann Rudhe, Major Phil Bray, Lieutenant Kostantinos Ponirakos, Lieutenant Stefano Figus, Lieutenant Gonzalo Pereira, Captain Mikka Mäenpää, Captain Timo Komulainen, Captain Gianluca Barbone and Lieutenant Chatzidakis. I would not have been able to deliver this work without the invaluable support and guidance from KTC Commanders Colonel Philippe Testart and Colonel Guillaume Couëtoux; the unfailing support of Chiefs-of-staff Colonel Vincent Roué, Colonel Brice Bertrand, Colonel Eric Lendroit and Colonel Frank Lindstedt; and the political, intellectual and personal support from Mission Commanders Général Lecointre, Général Bruno Guibert and Général Marc Rudkiewicz.



I also wish to warmly thank my team behind the scene, and especially SU Katalin Visniey, Imogen Bryson, Juliet Whitley, Helen Spring, Diane Umuhoza and FCO Andrew Long who were providing support from London.

I wish to thank my friends who have provided the moral support during my long mission.

Last but not least, I wish to thank the Malian military for their brilliant cooperation and my students for their kindness, their interest for the lessons and their outstanding behaviour. They have made my work possible and my stay in a difficult environment a rewarding experience. I wish to extend my gratitude to LCol Nouhom Traoré who hosted us in his camp and made us feel at home. Inice!

ANNEXES:

ON CD:

Manual text and annexes

Additional documents (these are for internal use and available on this CD only):

PPT presentations:

DIH Etat-major Jan 2014

- DIH et DH battalion II
- DIH pour officiers MAF
- DIH pour officiers MAF Bat 3 Sept 2013
- Presentation DIH Etat-major
- DIH Rens Jan 2014
- EUTM Coy 3 CAAC and prisoners
- EUTM – DIH officers CAAC and IDP
- La protection des femmes dans les conflits armés (UNFPA)
- UN-CMCoord (OCHA)
- Présentation traitement des prisonniers (joint EUTM-MINUSMA)
- Protection des réfugiés et des PDI (UNHCR)
- Présentation photos
- La protection des enfants dans les conflits armés (Unicef)

Sample schedule (1-day and 3-day)

17 examples of presentations for EUTM and visitors

Presentations formatted for tarpaulin print:

- Droits de l'homme et DIH en situation de conflit (MINUSMA Human rights)
- EUTM –DIH et droits de l'homme (EUTM)
- La protection des enfants en situation de conflit armé (Unicef)
- La protection des femmes dans les conflits armés (UNFPA)
- La protection des réfugiés et PDI (UNHCR)

Drills

- Descriptions for drills (5 samples)
- Instructions for final exercise drills (internal communication)

Videos

- Australian chief of army video
- Serval operation reportage
- Evaluation tools and reports
- Evaluation questionnaire
- GTIA 1 refresher final evaluation report
- GTIA 1 final refresher evaluation report annex 1
- GTIA 2 final evaluation report

- GTIA 3 final evaluation report
- GTIA 4 final evaluation report
- Test DIH CDS
- Test DIH ENG ESC
- Test DIH TTT

Background documents and LAW

Applicable law: 99 documents including Malian Constitution, Rome Treaty, UN Security Council Resolutions, Malian Criminal code, etc.

Background documents: 39 documents including human rights reports and EU strategy

Joint IHL-military

- Lectures (10 presentations for the EU trainers, in French and English)
- Do's and Don't for field exercises (for trainers, internal document to EUTM)
- RoE for exercises
- Key messages for IHL leaflet (work in progress at time of printing)

Annex 1 : assessment and evaluation questionnaire

**EUTM, Cours DIH/DH/VBG
Evaluation pour Bat 3, octobre 2013**

**Groupe :
Horaire :**

| | |
|--|------------|
| <i>Pour chaque question, évaluer approximativement 1.la qualité de la réponse /10 et 2.le % de participants ayant donné la bonne réponse /10</i> | |
| 1. <i>Quelle est la différence entre un civil et un combattant ?</i> | <i>/10</i> |
| <i>Un civil ne porte pas les armes. Il est protégé et n'est pas une cible légitime.</i> | <i>/10</i> |
| 2. <i>Les civils bénéficient-ils d'une protection plus grande que les combattants dans les situations de conflit armé ?</i> | <i>/10</i> |
| <i>Ils sont protégés contre les attaques et ne peuvent jamais constituer une cible</i> | <i>/10</i> |
| 3. <i>Citez quatre principes humanitaires</i> | <i>/10</i> |
| <i>Réponse: Humanité, Neutralité, Impartialité et Indépendance opérationnelle.</i> | <i>/10</i> |
| 4. <i>Cherchez l'intrus</i> | <i>/10</i> |
| <i>Les forces armées et les organisations humanitaires doivent collaborer et coordonner leurs efforts à:</i> | <i>/10</i> |
| <input checked="" type="checkbox"/> <i>Reconstruire les écoles, les centres de santé, espaces récréatifs etc.</i> | |
| <input checked="" type="checkbox"/> <i>Visiter les orphelinats, centres de rééducation ou autres services sociaux</i> | |
| <input type="checkbox"/> <i>Enlever les enfants ou les recruter pour se battre</i> | |
| 5. <i>Quel est le type de violence contre les femmes le plus répandu lors des périodes de conflit armé?</i> | <i>/10</i> |
| <i>Réponse : Le viol</i> | <i>/10</i> |
| 6. <i>Pourquoi doit-on accorder une protection spéciale aux femmes en période de conflit armé?</i> | <i>/10</i> |
| <i>Réponse: Les femmes constituent une couche vulnérable car elles peuvent être enceintes, avoir des enfants et des vieilles personnes à charge...</i> | <i>/10</i> |

| | |
|--|-----|
| 7. Quand est-il permis de torturer ? | /10 |
| X Quand l'ennemi est faible | /10 |
| X Quand le prisonnier ment | |
| ✓ Jamais, en aucun cas | |
| 8. Quand on capture un ennemi, que doit-on faire ? (cochez les bonnes réponses) | |
| ✓ S'assurer qu'il est désarmé | /10 |
| ✓ Le soigner s'il est blessé | /10 |
| X Le torturer pour le punir | |
| ✓ Le remettre à la gendarmerie | |
| X Le torturer pour qu'il avoue | |
| ✓ Le traiter avec humanité dans tous les cas | |
| ✓ Référer au chef | |
| 9. Si l'ennemi capturé a moins de 18 ans, que doivent faire les militaires maliens qui l'ont capturé ? | /10 |
| Le séparer des adultes, en prendre soin, le traiter avec humanité, lui donner à manger, le remettre à la gendarmerie aussi tôt que possible pour le sortir de sa situation d'enfant-soldat, de victime de la guerre. | /10 |
| 9. Si l'ennemi capturé a moins de 18 ans, que doivent faire les militaires maliens qui l'ont capturé ? | /10 |
| Le séparer des adultes, en prendre soin, le traiter avec humanité, lui donner à manger, le remettre à la gendarmerie aussi tôt que possible pour le sortir de sa situation d'enfant-soldat, de victime de la guerre. | |
| 10. Quand les militaires et autres combattants ont-ils le droit de dormir dans une école ? (cochez les bonnes réponses) | /10 |
| X Quand ils ont sommeil | /10 |
| X Quand il n'y a pas d'autre structure adéquate pour les héberger | |
| X Quand le chef du cercle est d'accord | |
| ✓ Jamais | |
| 11. A qui incombe la responsabilité première de protéger les Réfugiés et les personnes déplacées internes? | /10 |
| Réponse : l'Etat – y compris à travers les militaires comme acteur clefs sur le terrain. | /10 |



| | |
|--|-----------------------|
| <p>12. A-t-on le droit de désobéir à un ordre ? Si oui, dans quelle circonstance ?</p> <p>On a le droit de désobéir à un ordre illégal, un ordre qui viole les engagements du Mali en termes du respect des droits de l'Homme (Code de conduite des FAMA)</p> | <p>/10</p> <p>/10</p> |
| <p>13. Quelles sont pour vous les raisons pour lesquelles les effectifs des forces armées doivent avoir une connaissance du DIH ? Exemples de bonnes réponses :</p> <p>✓ respecter et faire respecter la loi malienne</p> <p>✓ se protéger contre les sanctions administratives et pénales</p> <p>✓ défendre l'image des forces armées maliennes</p> <p>✓ obtenir le soutien de la population et de la communauté internationale</p> | <p>/10</p> <p>/10</p> |
| <p>14. Que peut-il arriver à l'officier ou au soldat malien qui commet une violation du DIH / des droits de l'Homme ?</p> <ul style="list-style-type: none">• Il peut être poursuivi et puni jusqu'à la peine de mort• Il expose la réputation de ses camarades et des FAMA | <p>/10</p> <p>/10</p> |

Annex 2 :

OBJECTIVES IN LAW ON ARMED CONFLICTS

| not begun | | | | | | | | | | | |
|---|--|------------------|---------------|-------|-------|---|-----|-----|-----|------|-------|
| not on track | | | | | | | | | | | |
| ongoing ; on track / detailed asc. | lessons plans | trainers trained | scenario done | | | | | | | | |
| achieved & evaluated | good level of understanding | | | | | | | | | | |
| <p>01. Les militaires maliens formés à Koulikoro ont été sensibilisés au DIH, aux DI et au problème de la violence sexuelle</p> | <p>02. Ils ont appris à distinguer un combattant d'un civil; à respecter et protéger les femmes et les enfants; à reconnaître les besoins des personnes déplacées; à traiter les personnes capturées avec humanité</p> | | | | | <p>03. Ils savent intégrer les notions apprises aux niveaux de combat</p> | | | | | |
| Law on Armed Conflicts | IG Staff | ISS Coy | CRCI | Coy 1 | Coy 2 | Coy 3 | Bac | Bat | ENG | TACP | Intel |
| Senior officers | | | | | | | | | | | |
| Intro to EITM HR programme | | | | | | | | | | | |
| HRIC instructions | | | | | | | | | | | |
| ICMC special sessions | | | | | | | | | | | |
| Distinction and proportionality | | | | | | | | | | | |
| Non-discriminatory human rights due process | | | | | | | | | | | |
| Treatment of prisoners | | | | | | | | | | | |
| Principles and rules (ICHL) | | | | | | | | | | | |
| Children and conflict | | | | | | | | | | | |
| Protection of women | | | | | | | | | | | |
| Religion and IHL | | | | | | | | | | | |
| Final evaluation | | | | | | | | | | | |