

## KONTEKST:

Potrebno utvrditi pitanje regrutovanja i zloupotrebe dece u sukobima u Maliju, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Malija, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

## PITANJE: Regrutovanje i zloupotreba dece u sukobima u Maliju

## ODGOVOR:

Konflikti koji su izbili u Maliju početkom 2012.godine su naročito obeleženi zloupotrebom dece u ratne svrhe, odnosno eksploataisanje dece-vojnika od strane islamističkih oružanih grupa, ali i od strane milicija naklonjenih vladi Malija.<sup>1</sup>

Značajna kršenja prava dece u severnom Maliju su bila karakteristika ove oružane krize od samog njenog početka.<sup>2 3</sup> Sve oružane grupe na severu zemlje, uključujući tu i Nacionalni pokret za oslobođenje Azawada (National movement for the liberation of Azawad – MNLA), islamističku tuarešku grupu Ansar Dine, Pokret za jedinstvo i džihad u Zapadnoj Africi (Movement for Oneness and Jihad in West Africa – Mujao) i al-Kaidu islamskog Magreba (al-Qaeda of the Islamic Maghreb – AQIM), su ciljano regrutovale na stotine dece i postavile ih u svoje borbene redove.<sup>4 5</sup>

Prema podacima do kojih je došao UNICEF, do jula 2012.godine islamističke grupe su nasilnim putem regrutovale najmanje 175 dečaka uzrasta od 12 do 18 godina.<sup>6 7 8</sup>

Najviše regrutovanja dece se dešava u okolini grada Gao, a islamističke grupe koje su u potpunosti zadobile kontrolu nad ovim područjem su regrutovale decu uzrasta od 12 do 16

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<sup>1</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>2</sup> United Nations Security Council: Report of the Secretary-General on the situation in Mali/ Developments since January and United Nations response to the crisis , 29.novembar 2012. - [http://www.ecoi.net/file\\_upload/1930\\_1355388868\\_n1261629.pdf](http://www.ecoi.net/file_upload/1930_1355388868_n1261629.pdf), pristupljeno 15.01.2013.

<sup>3</sup> United Nations Children's Fund: Mali: Violence against children mounting in Mali, 06.jul 2012. - [http://www.ecoi.net/local\\_link/221458/328756\\_en.html](http://www.ecoi.net/local_link/221458/328756_en.html), pristupljeno 15.01.2013.

<sup>4</sup> United Nations Security Council: Report of the Secretary-General on the situation in Mali/ Developments since January and United Nations response to the crisis , 29.novembar 2012. - [http://www.ecoi.net/file\\_upload/1930\\_1355388868\\_n1261629.pdf](http://www.ecoi.net/file_upload/1930_1355388868_n1261629.pdf), pristupljeno 15.01.2013.

<sup>5</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>6</sup> BBC News Africa: Mali militants recruit and abuse children, says Unicef, 06.jul 2012. - <http://www.bbc.co.uk/news/world-africa-18739654>, pristupljeno 15.01.2013.

<sup>7</sup> Voice of America: Northern Mali Militants Recruiting Children, 17.avgust 2012. - <http://www.voanews.com/content/northern-mali-islamist-militants-recruiting-children/1490452.html>, pristupljeno 15.01.2013.

<sup>8</sup> Associated Press: Islamists in Mali recruit, pay for child soldiers, 03.oktobar 2012. - <http://news.yahoo.com/islamists-mali-recruit-pay-child-soldiers-130012868.html>, pristupljeno 15.01.2013.

godina.<sup>9</sup> U brojnim slučajevima deca su viđena kako nose oružje na vozilima i kamionima koji pripadaju pokretu MNLA i Ansar Dine.<sup>10</sup> Prema izveštajima međunarodnih organizacija za ljudska prava, dešava se i da se deca od samo 11 godina koriste kao čuvari na kontrolnim punktovima, čistači mina, za skupljanje obaveštajnih informacija,<sup>11</sup> kao i za pretragu vozila i patroliranje ulicama gradova Gao, Timbuktu i Kidal.<sup>12 13</sup>

U neposrednoj blizini grada Gao, na oko 5 km od ulaza u grad, nalaze se i brojni kampovi za obuku islamista oružane grupe Ansar Dine.<sup>14</sup> U ovim kampovima su na obuci primećena deca uzrasta od 12 do 15 godina.<sup>15</sup> Grupa Ansar Dine je regrutovala decu tinejdžerskog uzrasta i u regionu Timbuktu oko gradova Diré i Nianfunké.<sup>16</sup> Rekrutovanje dece se odvija ili nasilnim ili finansijskim putem,<sup>17</sup> pri čemu islamisti nude velike količine novca i hrane porodicama dečaka na severu Malija, ukoliko dečaci pristanu da postanu “sveti ratnici”.<sup>18</sup>

Postoje izveštaji da se deca regrutuju i iz izbegličkih kampova koji prihvataju izbeglice iz Malija, a nalaze se u Burkini Faso, Mauritaniji i Nigeru.<sup>19</sup>

Pored islamista, decu regrutuju i milicije naklonjene vladi Malija, odnosno oružane grupe formirane uglavnom od bivših vojnika malijske vojske, koje se bore protiv islamista u pokušaju da preotmu kontrolu nad severom zemlje.<sup>20</sup>

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<sup>9</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>10</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>11</sup> Voice of America: Northern Mali Militants Recruiting Children, 17. avgust 2012. - <http://www.voanews.com/content/northern-mali-islamist-militants-recruiting-children/1490452.html>, pristupljeno 15.01.2013.

<sup>12</sup> Integrated Regional Information Network: Children take up guns, 08. oktobar 2012. - [http://www.ecoi.net/local\\_link/228476/336498\\_en.html](http://www.ecoi.net/local_link/228476/336498_en.html), pristupljeno 15.01.2013.

<sup>13</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/af370072012en.pdf>, pristupljeno 15.01.2013.

<sup>14</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>15</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>16</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>17</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

<sup>18</sup> Associated Press: Islamists in Mali recruit, pay for child soldiers, 03. oktobar 2012. - <http://news.yahoo.com/islamists-mali-recruit-pay-child-soldiers-130012868.html>, pristupljeno 15.01.2013.

<sup>19</sup> United Nations Security Council: Report of the Secretary-General on the situation in Mali/ Developments since January and United Nations response to the crisis, 29. novembar 2012. - [http://www.ecoi.net/file\\_upload/1930\\_1355388868\\_n1261629.pdf](http://www.ecoi.net/file_upload/1930_1355388868_n1261629.pdf), pristupljeno 15.01.2013.

<sup>20</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/af370072012en.pdf>, pristupljeno 15.01.2013.

Samo u gradu Sevaré, na stotine dece i mladih, od kojih mnogi imaju 14 godina ili manje, žive i treniraju u barakama i školskim zgradama.<sup>21</sup> Oni provode više sati svakog dana učeći kako da koriste pištolj, simulirajući borbu prsa u prsa i vežbajući.<sup>22</sup> Sebe zovu Oslobođilačkim pokretom severa (Liberation Front of the North - FLN), a većina njih je ponosna što se nalaze na obuci i uglavnom su došli bez znanja ili pristanka roditelja.<sup>23</sup> Fatoumata Tall, šesnaestogodišnja devojčica iz centralnog dela Malija koja se nalazi na obuci u gradu Sevaré je u izjavi medijima istakla da je odlučna da se bori i da je cilj FLN-a da oslobodi sever zemlje.<sup>24</sup>

Kamp za obuku u gradu Sevaré je jedan od tri kampa koji postoje u gradovima Soufouroulaye i Sévaré (u centralnom delu zemlje, u blizini granice severnog dela koji je pod kontrolom islamista), a sva tri se nalaze na vladinom zemljištu.<sup>25</sup> Oružje dobijaju sa vladinih kontrolnih punktova, dok im vlada obezbeđuje i pomoć u hrani u vidu jedne tone pirinča.<sup>26</sup>

Upravnici sva tri kampa su porekli regrutaciju dece mlađe od 18 godina uz izjavu da su mladi regruti koji su došli u kampove to učinili isključivo na dobrovoljnoj bazi.<sup>27</sup> Međutim, registri FLN-kampa u koje je Amnesty International dobio uvid su pokazali da se među regrutima na obuci nalazi najmanje 40-oro dece sa godinama rođenja od 1995. do 1998. godine, od kojih je bilo najmanje dve maloletne devojčice.<sup>28</sup>

Imajući u vidu da je regrutovanje dece vojnika u suprotnosti sa Konvencijom Ujedinjenih nacija o pravima deteta, kao i sa odredbama međunarodnog humanitarnog prava, regrutovanje na stotine dece u Maliju se sa punim pravom može okarakterisati kao ratni zločin, kako je to uostalom i definisao Rimski statut Međunarodnog krivičnog suda.<sup>29</sup>

## KOMENTAR/ZAKLJUČAK:

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<sup>21</sup> Integrated Regional Information Network: Children take up guns, 08.oktobar 2012. - [http://www.ecoi.net/local\\_link/228476/336498\\_en.html](http://www.ecoi.net/local_link/228476/336498_en.html), pristupljeno 15.01.2013.

<sup>22</sup> Integrated Regional Information Network: Children take up guns, 08.oktobar 2012. - [http://www.ecoi.net/local\\_link/228476/336498\\_en.html](http://www.ecoi.net/local_link/228476/336498_en.html), pristupljeno 15.01.2013.

<sup>23</sup> Integrated Regional Information Network: Children take up guns, 08.oktobar 2012. - [http://www.ecoi.net/local\\_link/228476/336498\\_en.html](http://www.ecoi.net/local_link/228476/336498_en.html), pristupljeno 15.01.2013.

<sup>24</sup> Integrated Regional Information Network: Children take up guns, 08.oktobar 2012. - [http://www.ecoi.net/local\\_link/228476/336498\\_en.html](http://www.ecoi.net/local_link/228476/336498_en.html), pristupljeno 15.01.2013.

<sup>25</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>26</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>27</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>28</sup> Amnesty International: Mali - Civilians Bear The Brunt Of The Conflict/ The use of child soldiers by armed groups and self-defence militias, septembar 2012. - <http://www.amnesty.org/en/library/asset/AFR37/007/2012/en/4798153b-b5c1-4362-b43a-5a0668bebf21/afr370072012en.pdf>, pristupljeno 15.01.2013.

<sup>29</sup> International Federation for Human Rights and The Malian Association of Human Rights: War crimes in North Mali/ Abuses perpetrated by MNLA and Islamist jihadist groups/ Underage children enrolled in MNLA and Ansar Dine's ranks, 2012, <http://www.fidh.org/IMG/pdf/mali592ang.pdf>, pristupljeno 15.03.2012.

Deca u Maliju su žrtve prisilne regrutacije kako od strane islamističkih oružanih grupa na severu, tako i od strane milicija pod kontrolom vlade Malija. Deca koja se regrutuju se koriste kao borci, iako mnogi od njih nisu nikada rukovali oružjem. Neki od kampova za obuku, u kojima su deca izložena treninzima, nalaze se pod protektoratom vlade Malija. Na osnovu te činjenice, jasno je da deca koja su žrtve ovih zločina, ne mogu zaštitu zatražiti od zvaničnih malijskih vlasti.