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### Technical assistance and capacity-building

## Situation of human rights in Mali

### Report of the Independent Expert on the situation of human rights in Mali

#### *Summary*

This report has been submitted in accordance with Human Rights Council resolution 37/39, adopted on 23 March 2018, and covers the period from 1 April to 20 November 2018. It is based on the information made available by the Government of Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali, United Nations bodies and other sources, including civil society organization, to the Independent Expert on the situation of human rights in Mali, Mr. Alioune Tine, during his second visit to the country, from 1 to 10 October 2018.



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## **I. Introduction**

1. This report has been submitted in accordance with Human Rights Council resolution 37/39, adopted on 23 March 2018, by which the Council extended the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to assist the Government of Mali in its efforts to promote and protect human rights. In that resolution the Council also requested the Independent Expert to submit a report at its fortieth session.
2. In the present report, which covers the period from 1 April to 30 November 2018, the Independent Expert on the situation of human rights in Mali, Mr. Alioune Tine, gives an account of his second visit to Mali, which took place from 1 to 10 October 2018. The report is based on information provided by government authorities, United Nations bodies operating in the country, and national and international organizations dealing with humanitarian issues and human rights and on the statements made by associations and families of victims of serious violations of human rights and international humanitarian law.
3. The Independent Expert wishes to thank the Government of Mali for facilitating his stay in the country and granting him access to all the national and local officials with whom he asked to meet. During his second visit, he met with high-ranking officials, including the Prime Minister and the Minister of Justice.
4. The Independent Expert also met with the Chair of the Truth, Justice and Reconciliation Commission and the Chair of the National Human Rights Commission.
5. The Independent Expert held talks with representatives of civil society, associations of victims in northern Mali, a youth association, the Plateforme and the Coordination des mouvements de l'Azawad (CMA) coalitions of armed groups, the diplomatic corps and United Nations bodies.
6. The Independent Expert wishes to thank the Special Representative of the Secretary-General for Mali and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the staff of the Human Rights and Protection Division of MINUSMA. The technical and logistical support provided by the United Nations system in Mali played an essential role in facilitating and ensuring the success of the Independent Expert's second visit.

## **II. General situation in the country**

### **A. The political situation**

7. The Independent Expert is concerned that, more than three years after the signing of the Agreement on Peace and Reconciliation in Mali, little substantive progress has been made in implementing it. Certainly, some developments deserve mention, in particular the end to armed confrontations between the signatory movements, especially after the signing in late September 2017 of an agreement providing for a ceasefire by the two protagonists: the Coordination des mouvements de l'Azawad and the Plateforme coalitions of armed groups. The establishment of the Operational Coordination Mechanism in the Kidal and Timbuktu Regions is another important step forward, and the International Commission of Inquiry, whose establishment is provided for in the peace agreement, is now operational. The secretariat of the Commission, which has 14 international staff, is now in place in Bamako. The Office of the United Nations High Commissioner for Human Rights (OHCHR) organized training sessions from 8 to 12 October 2018 to help the Commission to fine-tune its plans for conducting the inquiry. The three designated commissioners made their first visit to Mali from 28 October to 2 November 2018.
8. The Independent Expert welcomes the unanimous adoption on 30 August 2018 by the Security Council of resolution 2432 (2018), by which it renewed the measures set out in

its resolution 2374 (2017) of 5 September 2017 establishing a regime of targeted sanctions for Mali and imposing a travel ban and asset freeze on individuals and entities engaged in actions or policies that threaten the peace, security or stability of Mali. Obstructing the delivery of humanitarian assistance; planning, directing, or committing acts that violate international human rights law or international humanitarian law; and the use or recruitment of children are also designation criteria under resolution 2374 (2017). He notes that the effectiveness of the sanctions regime depends on the follow-up actions undertaken by the Security Council and on the collaboration of other countries, especially neighbouring countries, in the event that a travel ban and/or asset freeze must be enforced.

9. The Independent Expert welcomes the appointment of 11 women to the new 32-member cabinet of the Government of Mali, which was announced on 9 September 2018. The parliamentary elections in Mali, initially planned for 28 October and 18 November 2018, have been postponed for one month. The Government of Mali has said that the reason for the delay was the indefinite strike by the nation's judges, since that strike prevented some candidates from obtaining the administrative documents required before 13 September 2018, which was the initial deadline for the submission of candidacies.

10. The Independent Expert welcomes the fact that the presidential election took place in 2018 despite the attacks launched by extremist groups against election officials and their destruction of election materials in some parts of the country, particularly in the central region. International observers were of the view that voting generally took place in an atmosphere of calm, despite security incidents in the north and centre of the country. They did not find any evidence of fraud. The Independent Expert has been concerned by the political tensions related to the post-electoral situation, but is encouraged by the fact that the situation is being resolved peacefully through negotiations.

## **B. The security situation**

11. The Independent Expert is concerned that the situation is worsening in the centre and north of the country. The people living in these areas are in a highly vulnerable position, and the issue of protection for civilian populations has not been handled well. It seems that government authorities remain incapable of combating violence in these regions. On 31 October 2018, the Government extended the state of emergency first declared in November 2015 for a further year. The Independent Expert would like to highlight the fact that the International Covenant on Civil and Political Rights requires such derogations from it and their material consequences to be subject to a specific system of safeguards.

12. Ambushes and the use of improvised explosive devices against the Malian defence and security forces, MINUSMA and international forces are one of the main threats to the peace process. For example, on 26 September 2018, in Mopti Region, persons believed to be members of the Group for the Support of Islam and Muslims, a violent extremist armed group, attacked a convoy of Malian armed forces, killing one civilian and seven military personnel. Two Malian military vehicles that were escorting two civilian lorries from Bambara-Maoudé, in Timbuktu Region, to Douentza appear to have driven over a booby trap during an exchange of fire that followed an ambush by several armed men travelling in two vehicles mounted with machine guns.

13. The Independent Expert has been informed that, on 21 May 2018, jihadis arrived by motorcycle in the village of Waaka in Mopti Region. They approached two individuals, one a man of 82 years of age, accused them of opposing the interests of the jihadis and killed them. On leaving, they threatened to return and kill all the other enemies of Islam. He has been informed that, as another part of their strategy of intimidation, in the village of Toguéré-Koumbé, in Mopti Region, members of the Group for the Support of Islam and Muslims had placed the village under an "embargo" since May 2016 because the villagers were believed to have accepted the presence of Malian armed forces in the region. This "embargo", which lasted for several months, prevented the members of the majority Bozo community from leaving the village to tend their fields located outside the village's boundaries. He has been informed of other attacks in the region, also attributed to the Group for the Support of Islam and Muslims, in which the oxen used to pull ploughs have

been stolen in order to deprive communities of their productive capacity. This type of attack represents a deliberate attempt to intimidate civilian populations and to stop them from farming and reduce their food security. The jihadis also target educational establishments in the region. The Independent Expert has learned that, on 9 July 2018, unidentified armed men stormed the village of Gakou in Mopti Region and burned down the village school, its canteen and the teachers' living quarters. Although no victims have been reported, members of the local population apparently fled and sought refuge in the nearby town and village.

14. The security situation has been marred by numerous criminal acts. Public transport is often a target, and passengers have their belongings stolen by armed individuals. The Independent Expert has been informed that, on 15 April 2018, members of the Malian armed forces killed a man who is believed to have been armed and to have tried to hijack a civilian transport vehicle travelling from Tonka market to Goundam. Jihadis also stop public vehicles in order to look for individuals who work for the Government of Mali or who are suspected of cooperating with the authorities.

15. The Independent Expert has been shocked by the continuation of attacks against humanitarian workers and the impact of these attacks on the population. For example, on 18 June 2018, all non-governmental organizations (NGOs) operating in Ménaka Region suspended their activities for one week as a sign of solidarity with another NGO whose offices had been burgled by unknown persons on 8 June 2018. Other NGOs had already suspended their activities in other regions due to similar security concerns, which had direct consequences in terms of the civilian population's access to humanitarian assistance. The Independent Expert has also been informed of an attack on personnel working for humanitarian organizations in Gao Region which may have constituted a violation of international humanitarian law. On 12 September 2018, at around 10 a.m., six armed men whose faces were covered by their turbans and were not otherwise identifiable, travelling on three motorcycles, hijacked a vehicle that had been rented by an international NGO with six employees on board. These employees were taking part in a food distribution mission in the village of Tinassamed in Gao Region when the attackers stopped their vehicle and stole an undetermined sum of money, laptop computers and documents related to their assignment.

16. The Independent Expert has been informed that, on 15 July 2018, a civilian transport vehicle was attacked by four unidentified armed men on two motorcycles in Ménaka-Ti-n-Dermine. The assailants shot and injured one of the passengers and stripped the others of their possessions, including cash and laptop computers. The victims are believed to have notified the gendarmerie in Ménaka but, at the time of writing, no investigation had been opened.

17. The absence of local administrative and security authorities from most of the central and northern regions of the country has weakened the rule of law and heightened the population's vulnerability to all forms of violence. Isolated areas serve as hideouts for armed groups where they can commit all kinds of abuse and human rights violations. The Independent Expert is concerned about the fate of civilians living in places that are entirely occupied and controlled by armed groups.

18. The Independent Expert is concerned by the fact that approximately 15 hostages, including both Malians and foreign citizens, remain in the hands of armed groups. Some of these hostages have been held for several years. A branch of Al-Qaida in Mali broadcast a video in June 2018 showing a French aid worker who ran an organization for children and was suffering from malnutrition and a Colombian nun. These women were kidnapped in 2016 and 2017, respectively.

### **C. The ongoing challenge of the fight against impunity**

19. The Independent Expert is concerned by the fact that, on 31 May 2018, the Council of Ministers approved a national reconciliation bill which is to be submitted to the National Assembly. As he has already indicated, this bill should be formulated in a way that will not prevent victims of serious human rights violations from exercising their rights to fair and

equal justice, to receive reparations and to find out the truth concerning those violations. Because of ambiguities in the bill regarding its temporary applicability, the definitions of offences for which there can be no amnesty and the extremely short period allowed for investigations (from 8 to 15 days), there is a risk that persons responsible for serious violations and abuses might be included in an amnesty. At the time of writing, the bill had not yet been presented to the National Assembly.

20. Unfortunately, as mentioned in previous reports, no significant improvements have been made in the criminal justice system. Most perpetrators of abuses and violations of human rights and international humanitarian law go unpunished. There are several reasons why impunity continues to prevail in Mali. However, the Independent Expert wishes to reiterate that the Government has made a commitment to end impunity by signing the Agreement on Peace and Reconciliation in Mali. The Independent Expert would like to see a strategy put in place, along with a budget sufficient to tackle the problem. He is concerned by the limited extent to which resources have been mobilized and the fact that the judges' strike, which had already lasted for two months at the time of his visit, paralysed the justice system. After three months of strike action, the judges resumed their work in November. Nonetheless, other factors continue to undermine victims' trust in the justice system.

21. The Independent Expert welcomes the adoption in 2014 of a law on the prevention and punishment of illicit enrichment but is concerned by allegations concerning ongoing corruption in Mali. This situation damages the credibility of the Government in the eyes of the population. The perception that persons involved in corrupt activities enjoy a degree of impunity is a matter of concern. The authorities should provide information on the impact of the measures taken to combat corruption and assure people that concrete measures will be taken to tackle the root causes of corruption effectively.

22. In a previous report, the Independent Expert welcomed the fact that the National Human Rights Commission complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).<sup>1</sup> This Commission has a strong mandate for the protection and promotion of human rights which includes the authority to consider individual complaints; it is also the national mechanism for the prevention of torture. The Independent Expert observes that the Commission now has an adequate budget, that its representatives have made visits to detention centres and that it plans to open regional offices.

23. The Independent Expert welcomes the progress made in furthering the work of the Truth, Justice and Reconciliation Commission. The initial one-year period set aside for gathering statements began on 3 January 2017. At the time of writing, the local offices of the Truth, Justice and Reconciliation Commission had taken 9,300 statements, of which 6,982 had been entered into the database. The Commission plans to continue to take statements until the end of its mandate and is now finalizing an investigation strategy. The Commission has also begun consultations with victims with a view to developing a reparations policy in line with their needs, including the needs of vulnerable groups, women and children.

24. On 23 January 2018, the Secretary-General of the United Nations announced the establishment of the International Commission of Inquiry for Mali, which had been requested by Malians and is envisioned in the Agreement on Peace and Reconciliation in Mali of 2015. He is pleased to note that the staff for the Commission's secretariat has been recruited and that a team has begun its investigative work. The Chair and the members of the Commission travelled to New York and Bamako from 22 October to 2 November 2018 to attend introductory sessions and officially launch the work of the Commission. The Independent Expert is gratified to learn that the parties have promised to cooperate with the Commission and facilitate its work and notes that the Commission is now operational thanks to the combined efforts of MINUSMA and OHCHR. He welcomes the establishment of this transitional justice mechanism, which will play a critical role in the

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<sup>1</sup> A/HRC/34/72, para. 80.

search for truth and the fight against impunity for perpetrators of human rights violations and abuses of humanitarian law in Mali.

25. The sanctions regime established in September 2017 pursuant to Security Council resolution 2374 (2017) has been extended until 31 August 2019 in accordance with Security Council resolution 2432 (2018). The Panel of experts created pursuant to resolution 2374 (2017) is to submit a final report on implementation of the sanctions regime to the Security Council by 15 August 2019, as well as additional reports before that date if necessary. The Independent Expert reiterates the importance of the effective implementation of the sanctions committee's recommendations and the fact that this will depend on appropriate action on the part of the Security Council and the cooperation of neighbouring States.

26. The Independent Expert is pleased to note that the Joint Force of the Group of Five for the Sahel and the Sahel Alliance have been deployed with an initial mandate to combat terrorism, organized crime and human trafficking. After the headquarters of the Joint Force of the Group of Five for the Sahel, inaugurated in Sévaré in October 2017, was hit by a suicide attack for which the Group for the Support of Islam and Muslims claimed responsibility, it was moved to Bamako. Several people who spoke with the Independent Expert were concerned that this decision could send a mixed message and be interpreted as weakness on the part of the Joint Force. The Independent Expert welcomes the signing of a technical agreement in Brussels on 23 February 2018 by the Group of Five for the Sahel, the European Union and the United Nations. The agreement includes specific provisions under which the States of the Group of Five for the Sahel undertake to adopt a solid compliance framework that will entail the establishment of measures and mechanisms to protect civilian populations and ensure that their troops maintain respect for human rights and international humanitarian law. The agreement also gives OHCHR a mandate to deploy monitoring teams in the theatre of operations. The compliance framework was launched during a high-level workshop held in Bamako on 7 and 8 May 2018. Members of the OHCHR technical assistance team were deployed in Mali in May 2018 and have helped the leaders of the Joint Force of the Group of Five for the Sahel to draw up a short-term plan for the establishment of the compliance framework.

27. The International Criminal Court has placed Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud in custody, and his initial court appearance took place on 4 April 2018. He is accused of being the de facto chief of the Islamic police and is suspected of crimes committed in Timbuktu between April 2012 and January 2013. Unlike what occurred in the earlier case against Al Mahdi, who was convicted as a co-perpetrator of a war crime, in this instance the prosecutors presented sufficient evidence for the issuance of an arrest warrant for crimes against humanity, specifically for acts of torture, rape and sexual slavery; persecution of the inhabitants of Timbuktu on religious and gender grounds; and other inhumane acts.

### **III. Human rights situation**

#### **A. Civil and political rights**

28. The Independent Expert welcomes the commitment of Mali to respect human rights. Mali has ratified nine of the core international human rights instruments and six optional protocols. In 2018, it embarked on the universal periodic review process and submitted its initial report to the Committee on Economic, Social and Cultural Rights (E/C.12/MLI/1). The Independent Expert regrets, however, that the new Ministry of Human Rights, established in April 2017, has not been left in place under the new Government and encourages the Ministry of Justice to follow up on human rights issues with diligence.

29. The Independent Expert is troubled by reports that, since January 2018, there has been a significant increase in the number of human rights violations and abuses, with the parties involved including community self-defence groups, the Group for the Support of Islam and Muslims and other violent extremist groups, armed groups that have signed, not signed or dissented from the Agreement on Peace and Reconciliation and members of the Malian defence and security forces carrying out counter-terrorism operations. The situation

in the central part of the country and in the areas of Timbuktu, Ménaka and Gao continues to be marked by a multitude of serious human rights abuses and violations.

### **1. Human rights violations committed by the Malian armed forces**

30. The Independent Expert was informed that, on 19 May 2018, members of the Malian armed forces under the command of the Joint Force of the Group of Five for the Sahel reportedly killed at least 12 civilians in Boulikessi, Mopti Region, in retaliation for the murder of one of their own. On 7 July 2018, the Ministry of Justice announced the opening of a judicial inquiry into the incident. On 5 September, the Mopti prosecutor asked MINUSMA to provide support for the inquiry into the events in Boulikessi. MINUSMA also investigated allegations of the summary executions of 25 civilians on 13 June 2018 in the village of Nantaka, Mopti Region. On 19 June, the Minister of Defence issued a statement confirming the existence of a mass grave near Nantaka and the involvement of members of the Malian defence and security forces in that connection. In two press releases, MINUSMA expressed concern about serious human rights violations committed by members of the Malian armed forces and informed the Government that it stood ready to support investigations into those incidents.

31. The counter-terrorism operations conducted by the Malian defence and security forces in Mopti Region have reportedly led to summary executions, enforced disappearances, torture, ill-treatment and arbitrary arrests. Most of the victims have been members of the Fulani community.

32. The Independent Expert received reports of the extrajudicial execution of six civilians by members of the Malian armed forces on 13 August 2018 in the village of Doma, Mopti Region. The inhabitants had apparently fled to a neighbouring village for safety a month earlier. On 13 August, however, eight of them returned to Doma to protect the grain stores they had left behind. Alleged members of the Malian armed forces then arrived and shot six of them dead. The victims were members of the Fulani community between 21 and 40 years old. Two of the eight managed to escape. The bodies of the victims were reportedly identified by members of the Fulani community who had moved to the neighbouring village.

33. The Independent Expert received information regarding the ban on travel by motorcycle and pickup truck imposed in February 2018 in a number of locations. The Chief of Staff of the Armed Forces banned travel by motorcycle and pickup truck in several population centres in Ségou, Mopti and Timbuktu Regions in response to the growing number of attacks on civilians and security forces. This was one of the measures taken by the Malian army to counter jihadists and other members of armed groups who use motorcycles for their attacks. As motorcycles are the most widely used means of transportation, this measure has made the daily lives of the people living in these areas more difficult.

### **2. Human rights violations committed by armed groups**

34. The Independent Expert notes with concern that civilians working for the Malian Government are often the target of deadly attacks. He was informed that, on the evening of 29 April 2018, two unidentified gunmen travelling by motorcycle shot and killed the Sub-Prefect of Ouinerdère Commune while he was in his home in Gossi, Timbuktu Region. On 8 August 2018, suspected members of the Group for the Support of Islam and Muslims shot to death the General Secretary of the Sub-Prefecture of Boni, Mopti Region, on his doorstep. On 16 October 2018, members of the armed extremist Group for the Support of Islam and Muslims kidnapped a municipal councillor from the city of Boni. According to information obtained by the Independent Expert, the victim was reportedly travelling by public transport when the attackers stopped the vehicle he was in and, without harming the other passengers, seized him.

35. These groups terrorize the population. For example, in an incident that occurred on 21 September 2018, between four and five alleged members of the Group for the Support of Islam and Muslims reportedly killed a 35-year-old butcher from the Bambara community in the village of Dera in Mopti Region. Armed persons apparently arrived on the bank of a



river and opened fire on the victim, who died on the spot. The Independent Expert was also informed of an incident on 16 April 2018 in which alleged members of the Group stormed the village of Saré-Seini, located west of the city of Mopti, and opened fire on a group of civilians (mainly young people) watching television, killing a 40-year-old man before fleeing in an unknown direction. According to local sources, the aim of the attack was probably to punish the group of young people for watching television in violation of the Group's orders. In addition, the Independent Expert was informed of problems related to freedom of conscience and religion. He learned, for example, of the kidnapping of several marabouts who had not been preaching the strict interpretation of Islam supported by extremist groups. Kidnapping is another strategy that these armed groups use to terrorize the people. Persons suspected of collaborating with national or international defence forces are targeted. On 5 August 2018, for instance, suspected members of the Group for the Support of Islam and Muslims reportedly kidnapped a 50-year-old Mandinka merchant while he was working at his stall in the village of Saba in Mopti Region.

36. As the Independent Expert noted in his previous report (A/HRC/37/78, para. 45), he is concerned by reports that members of armed groups violate the human rights of civilians while purporting to maintain security. On 6 April 2018, eight community leaders (living in areas in south-western Ménaka, on the border between Mali and the Niger) transmitted a statement to the Governor of Ménaka Region deploring the alleged human rights violations committed by the Mouvement populaire pour le salut de l'Azawad (Popular Movement for the Salvation of Azawad) and the Groupe d'autodéfense des Touaregs Imghad et leurs alliés (Imghad Tuareg Self-Defense Group and Allies) in connection with counter-terrorism activities. These violations include physical assaults on civilians, violations of their property rights and threats of forced displacement.

37. The Independent Expert has received reports of human rights violations attributed to armed groups that are signatories to the peace agreement in Gao, Ménaka and Timbuktu Regions. On 11 September 2018, two suspected members of the Groupe d'autodéfense des Touaregs Imghad et leurs alliés allegedly attacked a vehicle. They reportedly searched the passengers and, as one of them resisted, an assailant opened fire, killing a 60-year-old Arab woman. The passengers then managed to wrest the assailant's weapon from him and kill him, leaving the second assailant to escape. According to reports, the Base Commander of the Groupe d'autodéfense des Touaregs Imghad et leurs alliés arrived on the scene and demanded the return of the weapon, but the passengers refused. The weapon was handed over to members of the Malian armed forces based in Bambara-Maoudé, who arrested the Base Commander that same day. On 11 September, six suspected members of the Groupe d'autodéfense des Touaregs Imghad et leurs alliés reportedly mistreated three Fulani civilians at the market in Wabaria, Gao Region. The assailants allegedly arrived at the market from a neighbouring commune and ordered the first victim to follow them out of town. When he refused, they beat him until two other civilians intervened.

38. The Independent Expert was informed that on 14 April 2018, extremists led a major attack on what is commonly referred to as the "super camp" of MINUSMA in Timbuktu, killing 1 member of the Mission and injuring 22 other people (8 civilians, 8 Mission personnel and 6 members of Operation Barkhane). Six civilians residing near the entrance to the airport were wounded, including four children (two of them seriously). In addition, two local traders were wounded near the Operation Barkhane camp and evacuated to the MINUSMA hospital. The attack caused considerable material damage to the camp, the MINUSMA hospital and the airport. On 27 October 2018, unidentified gunmen aboard 13 light trucks, 2 of which were loaded with explosives, attacked the MINUSMA camp in Ber, Timbuktu Region. Two peacekeepers were killed and five others wounded. Two children (a 10-year-old girl and a 15-year-old boy) were injured by stray bullets.

## **B. Inter- and intracommunal conflict**

39. The Independent Expert received a number of consistent reports, documented by human rights defenders, about incidents arising out of conflicts between different communities. Those defenders also reported that such incidents had increased in number over the course of 2018, particularly in Mopti and Ménaka Regions. The Independent

Expert was informed that, during the week preceding his arrival in Mali, at least 27 people had been killed and 11 houses had been burned. During his stay, at least 35 people were killed in violent incidents. The involvement of armed groups known as self-defence groups, which are formed largely along ethnic lines, together with extremist armed groups and the Malian armed forces, has evidently worsened the situation. Although the origin of these conflicts can be found in disputes over access to natural resources and their use that have arisen since 2015, the gradual entrenchment of extremist groups in these areas, the disruption of traditional dispute settlement systems and the withdrawal of the Malian State have all prompted local people to turn to increasingly organized violence to settle their differences.

40. The Independent Expert notes with concern that the bitter violence between certain communities in the centre of the country is increasingly deadly and increasingly frequent. He is troubled by continuing reports of serious human rights violations being committed by traditional hunters (*dozos*) against members of the Fulani community in Mopti Region and by the ongoing violence between the Tamasheq-Iderfane and Tamasheq-Ibogalitane factions in Gao Region and the south-western part of Ménaka Region. During the Independent Expert's mission to Mali, at around 10 p.m. on 4 October, traditional hunters from the Dogon community reportedly killed six Fulani herders in the village of Diakourou in Mopti Region. According to those reports, 17 traditional hunters on motorcycles shot the victims while they were sleeping in the woods with their livestock, on the pretext that they were members of violent armed extremist groups. The assailants also stole some of the victims' livestock. In another incident, on 29 September 2018, at around 9 a.m., gunmen from the Tamasheq-Ibogalitane faction reportedly killed at least 20 civilians, including a child, from the Tamasheq-Iderfane faction in an attack on the Amlawlaw and Karan camps in Gao Region. In addition, it has been reported that the perpetrators of the attack set fire to several homes and that the local population was forced to take refuge in the vicinity of the village of Tin Hama.

41. The Independent Expert notes that this attack followed the deaths of at least 24 civilian members of the Ibogalitane faction on 25 September 2018 in an attack attributed to alleged members of the Iderfane faction in the Tinipchi camp in Ménaka Region. On 30 May 2018, a farmer in the village of Banani, Mopti Region, was reportedly killed by armed men while planting crops in one of his fields near the village. He was a member of the Dogon community. The involvement of armed groups, including the armed groups that signed the peace agreement, and the proliferation of weapons may be contributing to the deterioration of the security situation in this part of Mali.

42. The Independent Expert acknowledges that intercommunal violence is not unusual. Its magnitude and ferocity are unprecedented, however. He also notes that members of Fulani communities are stigmatized as members of extremist groups and lumped together with them, and that members of the Dogon community are cast as traditional hunters in the pay of the State. The divide between the two communities has widened since June 2017. The formation of a new armed, self-styled self-defence group for the Fulani community, l'Alliance pour le Salut au Sahel (Alliance for the Salvation of the Sahel), has been announced on social networks, and the activities of the brotherhoods of traditional hunters, or *dozos*, have gradually shifted to the defence of the Dogon community or to attacks that are increasingly targeting members of the Fulani community.

43. The Independent Expert wishes to emphasize that various initiatives have been undertaken by the Malian authorities, including at the local level, to combat this violence. On 14 April 2018, in a communiqué calling on the Malian defence and security forces to disarm all civilians, including those licensed to bear arms, the Prime Minister announced the launch of a disarmament campaign. The communiqué also indicated that the Government was suspending the issuance of all new firearm licences until further notice. On 2 October 2018, the Prime Minister, accompanied by the Minister of Defence and the President of the High Court of Justice, travelled to Mopti Region, where he met with the governor, other regional and local authorities and representatives of the Fulani and Dogon communities to lend support to reconciliation efforts aimed at ending the conflict between the two communities.

44. In an attempt to deal with inter-community violence in Mopti Region, the Prime Minister announced several measures designed to build trust between the Fulani and Dogon communities, including the release of members of armed self-defence groups and the inclusion of those persons in a disarmament, demobilization and reintegration process. He wishes to stress that such measures should in no way be used to support impunity for the serious human rights violations committed in the context of intercommunal violence in central Mali.

45. The Independent Expert was informed that, on 28 August 2018, more than 30 village chiefs from the Fulani and Dogon communities signed a peace agreement calling for the demobilization of armed groups in Koro *Cercle* and requesting the support of the Government of Mali. He is concerned that, at the time of his mission, neither the Malian authorities nor the leaders of the l'Alliance pour le Salut au Sahel or other armed groups active in the area had responded to this call.

46. The Independent Expert notes that the involvement of armed groups in intercommunal violence contributes to the circumvention of the transitional justice process and mechanisms that have been used to resolve disputes. He welcomes the assistance provided by MINUSMA to the Ministry of Justice in organizing consultations in several population centres in Mali with a view to identifying areas where the justice system and traditional justice mechanisms can complement one another. Along these same lines, the start-up of a legislative process aimed at regulating the role of traditional mechanisms and their relationship with the judiciary is planned.

### C. The situation of women

47. The Independent Expert has repeatedly noted that the situation of women and girls in Mali remains a cause of concern. None of the perpetrators of the conflict-related sexual violence reported since 2014 has yet been brought to justice. Since 2014, he has been monitoring the cases of the 130 victims for whom a complaint has been filed by the coalition of six non-governmental victims' rights organizations and notes that so far only 37 of those victims have had a hearing before a judge.

48. Several victims' organizations and advocates raised the issue of the sexual violence and rapes being committed by armed men who target women using public transportation in Mopti and Timbuktu Regions. The absence of security forces in these areas is conducive to the continuation of this situation.

49. The Independent Expert welcomes the fact that the law adopted in 2015 which introduces measures for the promotion of gender equality in access to appointed and elected office was put into practice in September 2018 when the Prime Minister appointed women to 11 of his Government's 32 ministerial posts. The Independent Expert also welcomes the fact that a woman figured among the 24 candidates in the presidential election. In addition, the percentage of women on communal councils increased from 8.6 to 25.59 per cent after the 2016 municipal and local elections. This is a very positive development. However, there has not been a notable increase in the participation of women in the implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process. The Agreement Monitoring Committee, made up of 39 members of the Government and signatory movements, does not include a single woman. This situation must change if women's concerns and needs are to be taken into account.

50. The Independent Expert notes that in Mali there is no law prohibiting gender-based violence. A bill on gender-based violence was, however, submitted to the Minister for the Advancement of Women and the Minister of Justice in July 2017. The passage of this bill into law is essential, not only in order to bolster the fight against impunity but also to ensure that comprehensive assistance is made available to victims. The Independent Expert welcomes the commitments made by Mali concerning this issue during its January 2018 review by the Working Group on the Universal Periodic Review of the Human Rights Council.

51. The Independent Expert notes with concern that practices that are harmful to women and girls, such as polygamy, early and forced marriage and female genital mutilation, are still widespread. These issues have been raised repeatedly, and it is a matter of concern that these practices are not prohibited by law. He acknowledges the efforts made by the Government and the United Nations system to combat these harmful practices but would like to stress the need to establish a protective legal framework.

#### **D. The situation of children**

52. The Independent Expert is concerned about the devastating consequences and disproportionate impact that instability in Mali is having on children. For example, on 1 July 2018, in an attack for which the Group for the Support of Islam and Muslims claimed responsibility, an improvised explosive device exploded in a vehicle near an Operation Barkhane convoy in the city of Gao, killing at least 4 civilians (including a 15-year-old girl) and injuring at least 21 others. Four children were seriously injured (a 10-month-old baby, a 6-year-old boy, a 10-year-old boy and a 15-year-old girl). Children thus continue to be direct and indirect victims of the violence in Mali.

53. In 2017, the Child Protection Section of MINUSMA recorded at least 378 serious violations of children's rights, but in the first half of 2018 the number of verified violations had increased significantly, with 98 child victims of 249 serious violations, including the recruitment and use of children, killing and/or mutilation, sexual violence, abduction, attacks on schools and hospitals, and denial of access to humanitarian aid. In addition, it is reckoned that serious violations of children's rights are underreported for several reasons, including the difficulty of verifying them, the impunity enjoyed by perpetrators, the difficulty of gaining access to some geographical areas and the limited means of protection for parties involved in the protection of children's rights, insecurity in the areas covered, fear of reprisals, the lack of protection for victims and witnesses and the insufficient provision of services to victims. The situation is only getting worse.

54. The Independent Expert notes with concern that the Child Protection Code has never entered into force and that shortcomings are to be observed in the country's implementation of the main international conventions on children's rights to which it is a party. The Independent Expert wishes to underscore the need to put in place the appropriate legal and institutional framework.

55. The Independent Expert is very concerned about the impact of the activities of extremist groups that impose a strict religious ideology and have ordered the closure of many secular educational institutions. The situation with regard to education, with the closure of 716 schools and more than 2 million children not in school, is therefore critical. In addition, violent extremist armed groups have banned all sporting and cultural activities. The Independent Expert is deeply concerned about the events of 1 November 2018, when suspected members of the Group for the Support of Islam and Muslims and similar groups reportedly ordered the closure of some 20 schools, including schools in 9 villages in Koulikoro Region, near Bamako.

#### **E. Refugees and internally displaced persons**

56. The Independent Expert notes that, as at 31 July 2018, there were 140,895 refugees in the country. He also notes with concern that, reportedly, the number of internally displaced persons nearly doubled in the first eight months of 2018, from 38,100 in December 2017 to 75,350 in August 2018. This dramatic increase is largely the result of intercommunal conflict, a lack of security and the risk of possible clashes between armed groups. This upward trend has been more pronounced in Ménaka, Mopti and Timbuktu Regions. The circumstances surrounding displacements in Mali remain complex.

57. The Independent Expert is concerned about the situation of migrants expelled from Algeria who allegedly were subjected to ill-treatment when they were apprehended and held by the Algerian authorities. He was informed of the expulsion in April 2018 of five migrants from Algiers who were then temporarily settled in Gao pending transfer to

Bamako by an international humanitarian organization. They reported that they had been subjected to various forms of ill-treatment by the Algerian security forces and members of unidentified armed groups at checkpoints in Mali. They also stated that they had been arrested and taken to an overcrowded detention centre where they had been beaten by Algerian security forces. The latter reportedly refused to give them access to bathing facilities and toilets and did not provide them with food during the period of their detention. The migrants stated that, once they had been returned to the border, they had been left to fend for themselves in an arid wasteland occupied by armed groups and had therefore been placed at greater risk of violations of their human rights.

## **F. Economic, social and cultural rights**

58. The Independent Expert notes with concern that poverty rates are still very high, particularly in the violent central and northern areas of the country. The phenomenon of poverty can be characterized as a failure on the part of the authorities to provide people with access to basic social services, including adequate food, clothing and housing and basic education, combined with a failure to avert preventable deaths. The Independent Expert has received reports regarding the lack of these basic social services in several areas of the country.

59. The Independent Expert notes with concern that the rate of severe acute malnutrition is still above the emergency threshold and that food insecurity persists despite a generally satisfactory harvest.

60. He is concerned that, even as humanitarian needs are on the rise, there is a current shortfall of \$223 million for the Humanitarian Response Plan. The number of people classified as being in need of humanitarian assistance in Mali rose from 4.1 million in January 2018 to 5.2 million following a review of the Plan in July 2018. The number of vulnerable people has increased for several reasons, including floods, which affected more than 137,000 people, and the deteriorating security situation, which has driven up both the rate of malnutrition, particularly in the centre of the country, and the number of internally displaced persons, which doubled in 2018.

61. The Independent Expert welcomes the project launched in September 2018 by the Islamic Solidarity Fund for Development and the Education Above All Foundation. This project will focus on the most marginalized out-of-school children. Every effort should be made to promote access to quality education for marginalized children and help them regain a sense of normalcy in their lives. The project seeks to reach nearly 600,000 out-of-school children and to provide them with a quality primary education in a country where it is estimated that only 45 per cent of children finish primary school.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

62. **The security situation in the country's central regions and in Timbuktu, Ménaka and Gao Regions has become worse. People live in fear as a result of incidents linked to intercommunal conflict, and the number of such incidents has increased significantly. The activities of extremist groups, the abuses committed by the security forces in the course of counter-terrorism operations and the levels of crime that prevail in these regions as a consequence of the absence of State institutions are a cause of concern for the Independent Expert. He has also received consistent reports that acts of sexual violence are on the rise in the prevailing climate of insecurity. The sluggish pace at which State authority is being restored in the centre and north of the country continues to interfere with the protection of the civilian population. Without the disarmament and demobilization of armed groups and a policy for fighting poverty, the situation in northern and central Mali will not improve.**

63. The Independent Expert is convinced that combating impunity is key to resolving the crisis in Mali. The Malian State should thus allocate significant resources for this effort if it intends to demonstrate its willingness to address this issue.

64. There can be no productive discussions to further peace and development without involving women and young people of all social backgrounds. The Independent Expert welcomes the commitment made by Mali in that regard during the universal periodic review.

65. Security measures alone will not remedy the situation in the centre and north of the country. Moreover, the security response mounted by the Malian authorities does not comply with international human rights standards.

66. The Independent Expert wishes to highlight the crucial role that Malian civil society has played throughout the crisis, particularly by drawing the attention of the Malian authorities and the international community to human rights concerns in the country. He encourages civil society to continue working to defend the rights of vulnerable people. In this respect, he would like to stress the importance for civil society of becoming more involved in combating the radicalization of young people and the violent extremism of some religious leaders.

## **B. Recommendations**

67. The Independent Expert reiterates his previous recommendations and makes the additional recommendations set out below.

68. The Independent Expert recommends that the Malian authorities:

(a) Give the necessary priority to the protection of civilians, particularly in the centre and north of the country, where intercommunal conflict has taken on troubling proportions, and continue their efforts to restore State authority in those parts of the country;

(b) Become increasingly engaged in the promotion of good governance with a view to building public trust in government action;

(c) Conduct thorough, fair and impartial investigations in order to identify the perpetrators of human rights abuses and violations and take specific measures to put an end to the culture of impunity that has led to the perpetration of serious human rights violations and abuses by armed groups and the Malian defence and security forces;

(d) Work actively to give effect to the recommendations made as part of the universal periodic review and by the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, not least the recommendations to:

- Investigate allegations of human rights violations committed by all parties, including Malian defence and security forces
- Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Adopt a legal mechanism to combat child and early marriage

(e) Pass the bill on gender-based violence into law and take measures to prevent and combat such violence;

(f) Ensure that women participate more fully in the peace process under way in the country;

(g) Amend and adopt the Child Protection Code;

(h) Make subregional cooperation on security, development, humanitarian assistance and refugee protection issues more robust.

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69. **The Independent Expert recommends that armed groups:**

(a) **Immediately cease all hostilities and attacks against civilians and respect the rights of civilian populations, in particular the rights to life, security and physical integrity;**

(b) **Respect peacekeeping forces and the staff and property of humanitarian organizations and allow the rapid delivery of humanitarian aid;**

(c) **Strictly respect the independence and impartiality of humanitarian organizations in their efforts to provide food and health assistance to people affected by the conflict.**

70. **The Independent Expert recommends that the international community:**

(a) **Remain primed to help to overcome the humanitarian crisis, finance the Humanitarian Response Plan 2017–2019 and combat terrorism;**

(b) **Strengthen its commitment to the Malian State so that Mali can fulfil its obligations to protect property and persons, especially with regard to violence against women and girls, which must be stopped;**

(c) **Support the efforts of the Malian Government in the difficult tasks of ensuring peace and restoring State authority throughout the country;**

(d) **Fulfil the commitments it has made to strengthen the capacity, in every respect, of the Joint Force of the Group of Five for the Sahel with a view to enabling it to meet the increasingly formidable security challenges that are being faced in the Sahel;**

(e) **Remain seized of the situation of human rights in Mali.**

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