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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 40/26, adopted on 22 March 2019, and covers the period from 1 April to 20 November 2019. 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 organizations, to the Independent Expert on the situation of human rights in Mali, Mr. Alioune Tine, during his fourth visit to the country, from 19 to 28 November 2019.



I. Introduction

1. This report has been submitted in accordance with Human Rights Council resolution 40/26, adopted on 22 March 2019, 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 forty-third session.
2. In the present report, which covers the period from 1 April to 30 November 2019, the Independent Expert on the situation of human rights in Mali, Mr. Alioune Tine, gives an account of his fourth visit to Mali, which took place from 19 to 28 November 2019. 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 fourth visit, the Independent Expert also met with the Minister for Foreign Affairs and International Cooperation.
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 fourth visit.

II. General situation in the country

A. The political situation

7. The Independent Expert notes that significant progress has been achieved in the implementation of the Agreement on Peace and Reconciliation in Mali since the beginning of 2019, particularly in terms of speeding up the disarmament, demobilization and reintegration process and establishing the economic development zone in the country's northern regions. However, four years after the signing of the Agreement, the Independent Expert noted a certain degree of frustration among the population at the slow pace of implementation of its provisions. The Independent Expert welcomes the official launching on 16 September 2019 in Bamako by the Prime Minister of Mali, Mr. Boubou Cissé, of the inclusive national dialogue, during which five key issues are to be discussed, namely:

- The Agreement on Peace and Reconciliation in Mali
- Institutional and policy reforms
- The role of the traditional and religious authorities, trade unions and non-governmental organizations
- Governance and development-related issues and the new electoral timetable
- The Act on National Understanding

8. The Independent Expert notes that, while the Agreement on Peace and Reconciliation in Mali is a good framework and a good mechanism for building peace, it is controversial for part of public opinion, including the political opposition, which boycotted the inclusive national dialogue.

9. The Independent Expert welcomes the establishment, on 5 May 2019, of a Government of inclusion. Some members of the opposition have joined the Government; notably the Minister for Foreign Affairs and International Cooperation, the Minister of Social Dialogue, Labour and the Civil Service and the Minister of National Education. The Independent Expert notes that the Government has 9 women ministers, compared to 11 in the previous cabinet.

10. The Government of Mali adopted a bill extending deputies' mandates to 2 May 2020; it justified the postponement by the assessment of the political and security situation in the country, which highlights the continued challenges and constraints to the holding of fair and transparent legislative elections. The Independent Expert notes that the National Assembly approved the second extension of the deputies' mandate on 27 June 2019 and that the Constitutional Court pronounced it constitutional on 3 July.

11. The Independent Expert notes that the Security Council, which conducted its fourth mission to Mali from 22 to 24 March 2019, is very committed in respect of the situation in the country and granted a one-year extension to the mandate of MINUSMA by its resolution 2480 (2019), adopted on 28 June 2019, and to the targeted sanctions regime concerning Mali, by its resolution 2484 (2019), adopted on 29 August 2019. The increased commitment from regional and subregional bodies is welcome. The Economic Community of West African States (ECOWAS) held an extraordinary summit meeting on 14 September 2019 to consider the measures needed to improve the security situation in the Sahel region and West Africa in general, and adopted an eight-point action plan. The Chair of ECOWAS said that security management in Mali and in neighbouring countries required the involvement of all ECOWAS States. In November 2019, the Peace and Security Council of the African Union conducted a mission on the ground with the Political and Security Committee of the European Union to assess the situation in the region and identify the support needed for the promotion of peace and security and for stabilization in the Sahel region.

B. The security situation

12. The Independent Expert notes with concern that the situation has been worsening in the centre and north of the country for the past five years and that there has been no adequate response to protect the civilian population. The situation is particularly difficult to accept given the presence of the international and national security forces. The Malian army continue to pay the heaviest price in human lives. In just the two months of October and November 2019, some 150 Malian soldiers were killed by armed terrorist groups that are well organized and directly target military camps to undermine the morale of troops. The state of emergency, which has been in force almost continuously since the November 2015 attack in Bamako, when armed men stormed the Radisson Blu Hotel in Bamako, killing at least 20 people, was once again extended for a year from 31 October 2019. The state of emergency allows the security forces to carry out more searches and place restrictions on movement and gatherings, but the Independent Expert emphasizes that safeguards have been put in place to protect human rights.

13. 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 and to the protection of civilians. The Independent Expert has received numerous reports on the subject. The worst incident occurred on 3 September 2019, when an improvised explosive device hit a public transport vehicle on the Douentza-Boni road in Mopti region, killing at least 15 civilians, including 4 women, a girl and a boy, and injuring about 30 others, including women and children. The Malian defence and security forces and MINUSMA troops facilitated the medical evacuation of the injured to the hospital in Sévaré. The Independent Expert notes that, on 11 September 2019, the Group for the

Support of Islam and Muslims, a violent extremist group, issued a communiqué in which it claimed responsibility for the incident. It offered its condolences to the relatives of the civilian victims, stating that the attacks were actually targeted at the international and MINUSMA forces. The Douentza-Boni road remains particularly vulnerable to incidents involving improvised explosive devices, which are a deadly threat to civilians.

14. The security situation has been marred by numerous criminal acts that go unpunished. The Independent Expert was informed of many such incidents, including armed robbery and car thefts. The regions of Gao, Ménaka, Timbuktu and Mopti have been particularly affected. The Independent Expert has also been informed of an attempted car theft that resulted in the death of a civilian. On 13 July 2019, in the city of Gao, four unidentified armed men travelling on a pick-up truck and a motorbike shot at the vehicle of the First Deputy Prefect of Gao. The attackers tried to intercept the vehicle: the First Deputy Prefect, his wife and his son were injured. They were transferred to the hospital in Gao, where it was found that the woman had died.

15. The Independent Expert is concerned about the continued attacks against humanitarian workers and their impact on the population, and recalls that the perpetrators of such acts should be brought to justice. On 4 May 2019, unidentified armed men, alleged to be affiliated with the Group for the Support of Islam and Muslims, carried out an attack on a measles vaccination campaign run by Médecins Sans Frontières in a local market in Hombori *commune*, in Mopti region. Two vehicles rented by the organization, carrying immunization supplies, were reportedly burned. The Independent Expert wishes to emphasize that such an attack is in violation of article 8 (2) (e) (iii) of the Rome Statute of the International Criminal Court. In August 2019, the International Committee of the Red Cross temporarily suspended its operations in Timbuktu, in the north of the country, following the theft of one of its vehicles in the city. On 24 September 2019, at about 7 p.m., three unidentified armed men broke into the residence of two staff members of the non-governmental organization Médecins du Monde in Touloupe district, in Ménaka, stealing a motorcycle and two mobile telephones. On 13 October 2019, at about 2 p.m., unknown persons kidnapped two staff members of the humanitarian organization CARE International while they were in a boat on a rescue mission in the village of Koakrou. During the Independent Expert's visit to the country, on 27 November 2019, presumed extremist elements travelling on about 10 motorcycles intercepted two vehicles carrying 10 persons (8 men and 2 women) working for Médecins Sans Frontières, near the village of Banguel, in Mopti region. The victims were reportedly abducted, handcuffed and carried away on motorcycles, before finally being released on the same day, near the village of Diankabou (approximately 33 km from the site of the incident). The attackers took away the vehicles, the immunization supplies and the victims' personal belongings.

16. The Independent Expert has learned that on 30 June 2019, at approximately 11 p.m., a cart carrying a group of around 15 persons, all members of the Fulani community, struck an improvised explosive device on the road near the village of Guiri, in Mopti region. Eleven persons were killed: seven men, two women and two babies under 1 year of age.

17. The absence of local administrative and security authorities from most of the country's central and northern regions has increased the population's vulnerability. On 9 October 2019, the Malian army announced its withdrawal from isolated positions near the border with the Niger and Burkina Faso that were exposed to attack by jihadists. At the time of the Independent Expert's mission, that decision had already been implemented for three posts (Andéramboukane and Indelimane, from which it had withdrawn to Ménaka, and Labbezanga, from which it had withdrawn to Ansongo). Initial reports about the withdrawal had raised concern for the protection of the civilian population. The Independent Expert learned that the soldiers' departure had created panic among the inhabitants of the area, who feared the return of the extremists who had controlled the larger towns in 2012, imposing a strict interpretation of Islamic law.

18. The Independent Expert notes that, in the absence of State authorities, the Coordination des mouvements de l'Azawad and the Plateforme coalitions of armed groups provided security in the north of Mali, and arrested and detained individuals suspected of having committed crimes. The persons concerned had been detained and judged by traditional courts.

19. The Independent Expert is pleased to note that, in its resolution 2480 (2019), the Security Council defined a second strategic priority for MINUSMA focusing on the situation in central Mali. MINUSMA should, inter alia, facilitate the implementation of a comprehensive strategy to protect civilians, to reduce intercommunal violence and restore the authority and the presence of the State, as well as basic social services in central Mali. MINUSMA has reinforced its presence in the centre of the country with a new Central Sector, to better protect civilians. The Independent Expert has learned that MINUSMA has developed a contingency plan, the first priority of which is to increase the number of patrols in sensitive areas.

C. The ongoing challenge of the fight against impunity

20. The Independent Expert notes that some limited progress has been made in this respect, with positive developments in the areas of transitional justice, the functioning of the specialized judicial unit and the fight against corruption. The Independent Expert notes the authorities' courage in addressing economic crimes. Unfortunately, as has been noted in previous reports, no significant progress has been seen in judicial terms in respect of prosecutions for historic crimes. It is even more frustrating that most of the perpetrators of violations of human rights and international humanitarian law and of attacks on those rights still being committed today also remain unpunished. The Independent Expert has been told that the judicial authorities have not taken any action in response to the massacres committed in the centre of the country. The culture of impunity is a threat to social cohesion and creates friction between communities.

21. In previous reports, the Independent Expert had expressed concerns about the bill on national understanding. He is of the view that the Act on National Understanding could promote impunity for many serious human rights violations. The Act, which was promulgated by the President of the Republic on 24 July 2019, provides that perpetrators of certain crimes committed during the 2012 crisis may benefit from an amnesty or pardon. The Act was introduced to exempt from ongoing or potential criminal proceedings persons who had committed or been accomplices to acts that could be qualified as crimes or offences provided for and punished under the country's Criminal Code and the conventions and international instruments related to the protection and promotion of human rights ratified by Mali. The Independent Expert has serious concerns regarding the Act, which might be incompatible with national and international law. Article 4 of the Act lists violations that are excluded from its scope of application, but the Independent Expert notes that serious human rights violations are not limited to the categories listed in article 4. This Act might also circumvent the transitional justice process currently under way. It was drafted by a committee that included representatives of the Government and the Truth, Justice and Reconciliation Commission, headed by the Ombudsman. One possibility now would be to seize the Constitutional Court to review the constitutionality of the Act. The Independent Expert also believes that the Act represents a step backwards in the fight against impunity.

22. The Independent Expert welcomes the efforts made by the authorities, including the Prosecutor and the Financial and Economic Unit, in recent months to tackle the problem of corruption. Several individuals accused of embezzlement have been arrested and placed in detention. The Independent Expert welcomes this judicial offensive in the fight against corruption. He would like an investigation to be opened into the allegations of misappropriation of funds intended for equipping the army.

23. The Independent Expert recalls that Title V of the Agreement on Peace and Reconciliation in Mali, on reconciliation, justice and humanitarian issues, provided for the establishment of the Truth, Justice and Reconciliation Commission to shed light on the serious human rights violations committed in Mali between 1960 and 2013. The Commission was established by decree on 15 January 2014, became operational in December 2015 and began taking evidence in January 2017. In December 2018, the Truth, Justice and Reconciliation Commission opened its sixth regional office, in Kidal. The Independent Expert welcomes the work done by the Commission. As at 1 November 2019, 15,352 witness statements had been received. The Commission will hold a total of six

public hearings. It was planning to hold the first public hearing on 8 December 2019 and the second at the beginning of 2020. Originally, the Commission had a three-year mandate to help establish lasting peace. On 20 September 2019, the Council of Ministers extended that mandate to December 2021. The mandate now covers human rights violations committed between 1960 and 2019.

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 provided for in the Agreement on Peace and Reconciliation in Mali. The Commission will carry out inquiries into human rights violations committed between 2012 and the date of its establishment. Staff have been recruited for the Commission's secretariat and a team has begun its investigative work. The members of the International Commission of Inquiry conducted a second visit to Mali from 25 February to 12 March 2019. They visited several regions: Gao, Kidal, Mopti and Timbuktu. The Independent Expert is pleased to note that, on 14 October 2019, the Secretary-General authorized the extension of the Commission's mandate to 19 June 2020.

25. The Independent Expert notes that, by its resolution 2484 (2019), the Security Council renewed until 31 August 2020 the sanctions regime it had established in September 2017 by its resolution 2374 (2017) of 5 September 2017. The Independent Expert recalls that this regime includes a travel ban and asset freeze on individuals and/or groups that threaten the peace, security or stability of Mali; the measures also target individuals or groups who decide to engage in hostilities in violation of the Agreement on Peace and Reconciliation in Mali, obstruct the delivery of humanitarian assistance, or direct or commit acts that violate international human rights law or international humanitarian law. The use and recruitment of children are among the activities mentioned. The mandate of the Panel of Experts established pursuant to resolution 2374 (2017) was also extended until 30 September 2020 by resolution 2484 (2019); the Panel should produce a midterm report no later than 29 February 2020 and a final report no later than 15 August 2020, and provide the Security Council with periodic updates in the meantime, as appropriate. In December 2018, three persons were subject to sanctions and, in July 2019, the names of five Malian nationals were added to the list of individuals subject to measures imposed pursuant to resolution 2374 (2017). No asset freeze had been imposed. Only travel bans have been put in place.

26. The Independent Expert has learned that some progress had been made in the implementation of the human rights and international humanitarian law compliance framework of the Joint Force of the Group of Five for the Sahel (G5 Sahel), with the support of the Office of the United Nations High Commissioner for Human Rights and other partners. A status-of-forces agreement for the Joint Force, to ensure compliance with international legal standards, including on the capture, detention and transfer of prisoners, was approved by the Defence and Security Commission in June 2019 and should now be submitted to the G5 Sahel countries for approval. The full implementation of the compliance framework would help to mitigate the risk of violations by the Joint Force during counter-terrorism operations and thus improve civilian security.

27. The Independent Expert notes with satisfaction that, on 30 September 2019, the International Criminal Court confirmed charges of war crimes and crimes against humanity against Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud and committed him to trial. The Independent Expert recalls that Al Hassan, who is accused of having participated in 2012 and 2013 in the demolition of mausoleums in the town of Timbuktu and of being responsible for rape and sexual slavery committed in the context of forced marriages, was handed over to the International Criminal Court by the Malian authorities in March 2018. The Independent Expert welcomes the statement by the Prosecutor of the Court in connection with the massacre of 23 March 2019, in which she strongly condemned the crimes and called on all parties to refrain from resorting to violence. She added that, in complementarity with the national criminal justice system in Mali, her Office would take all necessary steps to ensure that persons who had participated in or contributed to alleged crimes that may fall under the jurisdiction of the International Criminal Court should be prosecuted. She recalled that any person who incites violence or engages in acts of violence, including by ordering, requesting, encouraging or contributing in any other

manner to the commission of crimes within the jurisdiction of the International Criminal Court is liable to prosecution before the Court, with full respect for the principle of complementarity.

III. Human rights situation

A. Civil and political rights

28. The Independent Expert welcomes the commitment of Mali to respect for human rights, including the ratification by the Government of the main international human rights instruments, and its agreement, during the universal periodic review in January 2018, to ratify other optional protocols in the field of human rights. Moreover, the Independent Expert notes with satisfaction the commitment of the Ministry of Justice to monitor human rights issues diligently.

29. The Independent Expert is deeply concerned about the human rights violations and abuses associated with slavery and servitude. He has been informed of several cases involving physical violence, threats and banishment of victims of slavery, including the arbitrary arrest and detention of 16 anti-slavery human rights defenders. The cases occurred in the regions of Kayes and Koulikoro.

30. The Independent Expert notes that the main threats to civilians are violence against a background of intercommunal tension (the violence is often planned and coordinated, and carried out with automatic weapons), the activities of violent extremist groups and banditry. Civilians continue to be victims of both targeted and indirect violence, in particular in the centre of the country. 2019 was a year of unprecedented violence: three times as many people were killed by improvised explosive devices as the previous year.

1. Human rights violations committed by the Malian security forces and MINUSMA

31. The Independent Expert was informed of allegations of human rights violations committed in the context of counter-terrorism operations, notably during the arrest of 23 members of the Fulani community in Yeleyamou and Petoudougou districts in Mopti. On 10 April 2019, the Malian Armed Forces reportedly arrested 23 people, including 8 children aged between 15 and 17 years, and allegedly mistreated 3 of them. The wounded were treated at the hospital in Gao and the Regional Directorate for the Advancement of Women, Children and the Family made sure that the minors were transferred to the nearest transit and orientation centre. One of the wounded, whose forearms had both had to be amputated, died on 23 June 2019, while the other two had serious injuries to their hands, a direct consequence of ill-treatment by the Malian Armed Forces. Following the death in custody, the other detainees were granted provisional release and handed over to their families.

32. As mentioned in the previous report, the counter-terrorism operations conducted by the Malian defence and security forces in the region have reportedly led to summary executions, enforced disappearances, torture, ill-treatment and arbitrary arrests.¹ The issue of illegal detention and non-compliance with judicial safeguards for arrested persons persists, despite the fact that it has been raised several times. The Independent Expert hopes that concrete measures will be put in place to ensure respect for due process.

33. The Independent Expert notes the allegations that, on 24 April 2019, members of the Malian Armed Forces reportedly killed three men of the Imghad Tuareg community near the village of Intahaka, in Gao region. The elements of the Malian Armed Forces reportedly arrested the three men on the Gao-Gossi road and took them to the Malian Armed Forces camp where the summary executions allegedly occurred. On 30 April 2019, a group of around 20 women from the Tuareg community demonstrated peacefully in the town of Gao, calling upon the Government to bring those responsible to justice. The Gao gendarmerie has reportedly launched an investigation into the incident.

¹ A/HRC/40/77, para. 31.

34. The Independent Expert has received credible reports that several police officers deliberately damaged property, including cars, during a demonstration against the establishment of the headquarters of the G5 Sahel Joint Force in a district of Bamako. The demonstration had degenerated and several arrests had been made. It is his understanding that the Malian police opened an internal investigation and that several police officers have been identified.

35. There are reports that members of MINUSMA arbitrarily arrested 10 persons, including a woman and a 15-year-old boy, following an explosive device attack on the Douentza-Boni road on 20 April 2019, which resulted in the death of one peacekeeper and injuries to four others. One of the persons arrested, a man, died the same day in unclear circumstances. The Independent Expert has learned from reliable sources that five of the remaining nine detainees bore visible signs of physical assault by MINUSMA. All the prisoners were finally released on 23 April 2019, their presumed guilt in the explosive device attack never having been proved. After being released, the injured nevertheless continued to access treatment in the MINUSMA clinic in Timbuktu, before finally leaving the health centre on 26 April.

2. Human rights violations committed by armed groups

36. The Independent Expert notes with concern that civilians working for the Malian Government are often the target of deadly attacks. The mayor of Wadouba commune, in Mopti region, was abducted on 8 August 2019 and his body was found by relatives the next day in bushes not far from the village. Witnesses reported that the attackers had been dressed as traditional hunters (*dozos*). The Independent Expert was also informed that, on 6 October 2019, presumed extremist elements set fire to the town hall of Bingha commune and the residence of its secretary-general, in Timbuktu region.

37. Armed groups are terrorizing the population. The Independent Expert has learned that, on 27 November 2019, around noon, an unknown number of men, allegedly members of Islamic State in the Greater Sahara, reportedly attacked the village of Tamkoutat, in Gao region. The attackers reportedly killed two men (aged 38 and 46 years) and stole a vehicle. They also abducted the head of the village, who was also the village's religious leader. The attackers reportedly hit a number of men during the attack. On 28 November 2019, at about 11 a.m., the village chief was released and told to leave. The attackers reportedly told the villagers to leave the village before they returned, without saying when that would be. Some residents had already fled, seeking refuge in the neighbouring villages. In July 2019, members of a violent extremist group in the Timbuktu region had beheaded a marabout. The murder had been filmed and broadcast on social media (the killers allegedly used a different Fulani language from Burkina Faso). On 23 November 2019, at about 3 a.m., four armed men on motorcycles, belonging to extremist groups, abducted two men between the towns of Léré and Nampula, in Timbuktu region. At the time of writing of the present report, their whereabouts remained unclear. The Independent Expert was informed of numerous similar kidnappings in the Timbuktu region in recent months. Another harassment strategy was used on 15 August 2019 by suspected members of violent extremist groups that had broken into a mosque in the village of Fatakara, Timbuktu, and had demanded that the local population comply with their interpretation of Islam and stop sending their children to public schools. The Independent Expert also learned that extremist elements had laid siege to five villages inhabited by the Dogon community in Mondor commune, Mopti region, in July 2019, and that MINUSMA had intervened to prevent further human rights violations and humanitarian consequences by mobilizing the necessary assistance. Violent extremist groups had participated in the wanton destruction of objects that are regarded as essential to the survival of the civilian population, particularly in the central regions of the country. The already serious food insecurity situation was deteriorating. Between 15 and 18 November 2019, members of extremist groups burned the harvests in six villages in Mopti region and stole livestock. Grain and other food products were destroyed.

38. At about 9 p.m. on 5 July 2019, a group of armed men, allegedly members of a violent extremist group, cut the throat of a 60-year-old male civilian at his home in the town of Dialloubé, in Mopti region. The members of the group reportedly came after the victim

because he had allegedly collaborated with the Malian Armed Forces. The Independent Expert learned that, when armed groups on motorcycles and pick-up trucks had carried out a complex attack against the camp of the Malian battalion of the G5 Sahel Joint Force, between 4 p.m. and 7 a.m. on 30 September 2019, the attackers ordered the villagers to leave, on pain of being considered collaborators of the Malian Armed Forces.

39. The Independent Expert has received reports of human rights violations attributed to armed groups that are signatories to the Agreement on Peace and Reconciliation in Mali in Gao, Ménaka and Timbuktu regions. On 7 October 2019, at the weekly market in Goundam (Goundam commune and *cercle*), members of the Coordination des mouvements de l'Azawad captured four civilians suspected of involvement in several robberies along the Timbuktu-Goundam road. The members of the Coordination des mouvements de l'Azawad reportedly took the four men to a thicket where they were severely beaten. The men were then released after being warned not to engage in crime. During the morning of 1 October 2019, presumed members of the Groupe d'autodéfense des Touaregs Imghad et leurs alliés reportedly abducted two civilians, who were members of the Fulani and Songhai communities, at Wabaria village market. The Fulani man was subsequently released and was found at around noon by members of the Operational Coordination Mechanism, who took him to the hospital in Gao, where he was admitted with multiple bruises. The Independent Expert understands that the second man who had been abducted has not been released. The Gao gendarmerie has reportedly opened an investigation into the incident. The Independent Expert learned that elements of the Groupe d'autodéfense des Touaregs Imghad et leurs alliés had abducted or captured men in the context of a counter-terrorism operation. He is concerned about the participation of non-State armed groups in the fight against terrorism. The Independent Expert has received information that some members of groups active in Gourma region, where the village of Wabaria is located, had been victims of many serious human rights violations.

40. The Independent Expert wishes to point out that the attacks and other incidents, including the use of improvised explosive devices and the targeting of or attacks on protected personnel, such as peacekeeping troops, constitute violations of international humanitarian law. The Independent Expert has learned that, on 20 August 2019, a MINUSMA vehicle hit an improvised explosive device approximately 2.5 km north-east of the MINUSMA camp in Kidal and seven Guinean peacekeeping troops, all men, were wounded. The attack was claimed on social media the same day by the Group for the Support of Islam and Muslims. The Independent Expert learned that this was the fourth such incident of an improvised explosive devices being used against MINUSMA peacekeepers in Kidal region since June 2019. On 20 April 2019, an Egyptian peacekeeper was killed and four members of his unit were injured by a landmine explosion as their convoy travelled through central Mali. MINUSMA is the United Nations peacekeeping operation mission that has suffered most fatalities, with more than 120 troops killed in hostile acts since its deployment in 2013.

3. Contemporary forms of slavery

41. The Independent Expert learned that, on 17 September 2019, a member of the anti-slavery organization Rassemblement malien pour la fraternité et le progrès was expelled from his village of origin in Kayes region on the orders of the village chief. He was reportedly forbidden to use the village well or to obtain food in the village. His wife had allegedly been beaten several times by a group of young people. These incidents prompted some 40 members of his family to flee the area and seek refuge in another village. In July 2019, some 50 people were forced by local traditional figures to flee from another village in the region after contesting their status as slaves.

B. Intercommunal and intracommunal conflict

42. The Independent Expert notes an alarming rise in armed violence in a context of intercommunal tension, particularly in the centre of the country. He also notes that the reconciliation initiatives and efforts undertaken by the Government, with the support of civil society, have helped to reduce the number of large-scale attacks, but that smaller-scale

attacks continue to be reported on an almost daily basis. The Independent Expert further notes that armed terrorist groups are taking advantage of the absence of the State from those areas to exploit and deepen the rifts between communities. He has learned that, on 9 June 2019, between 5 p.m. and midnight, a group of 30 to 40 individuals armed with AK-type automatic assault rifles attacked the village of Sobane Da in Mopti region. They killed at least 35 members of the Dogon community, including 22 children under the age of 12, and caused the destruction by fire of 40 per cent of the buildings in the village. Of the 35 victims found at the scene, 32 had been burned alive or asphyxiated in dwellings and 3 men had been shot dead. The nine wounded, including at least one woman and four boys between the ages of 2 and 11, were evacuated to the hospital in Sévaré. An investigation was opened by the specialized judicial unit in Bamako. It was important that the investigation should lead to the prosecution of the perpetrators. As the Independent Expert has already noted, the involvement of so-called armed self-defence groups with a strong community-related component or extremist armed groups had reportedly exacerbated the situation, as the following two examples illustrate. On 23 September 2019, alleged members of Fulani armed self-defence groups riding on motorcycles fired on two civilian farmers from the Dogon community while they were guarding their fields near the village of Koi-Maoude in Mopti region, killing one and injuring the other. According to information received by the Independent Expert, the one who died was a university student who was on holiday in his village. The Independent Expert learned that, during the night of 13 November 2019, in the week prior to his arrival in Mali, at least 27 people had been killed during an attack by armed men on the village of Peh, near the border with Burkina Faso, in Mopti region. During the attack, these men also set fire to grain stores. The Independent Expert learned that the attackers, dressed as traditional hunters, came from the neighbouring village of Tongo in Burkina Faso. When the Malian Armed Forces intervened, the attackers withdrew and abandoned the stolen cattle.

43. The Independent Expert notes with concern that there is an entrenched cycle of violence and retaliation in the affected area in the centre of the country. For example, the Independent Expert learned that, during the night of 17 to 18 June 2019, in the villages of Yoro and Gangafani, 38 people belonging to the Dogon and Telem communities were attacked and killed by armed men from the Fulani community. On 20 June 2019, at approximately 10 a.m., a group of armed traditional hunters killed 10 members of the Fulani community, including 2 women and 2 boys, and wounded 3 other civilians in an attack on the village of Bogolo, in Mopti region. The Independent Expert learned that the attackers also set fire to 67 residences and killed many animals. In Mopti region, on 27 October 2019, a group of armed persons who claimed to belong to a Fulani self-defence group killed five men and wounded two others as they left the weekly market in Koro town; the following day, six civilians leaving the weekly market in Madougou were reportedly killed by armed men from the Fulani community. In Douentza district, on the morning of 24 April 2019, armed men from the Fulani community based in the village of Mboulde had killed two men from the Dogon community in the neighbouring village of Banai. In retaliation, armed members of the Dogon community from the villages of Banai, Niangassadiou, Toikan and Douna attacked the village of Banai on 25 April 2019, provoking an armed confrontation with armed members of the Fulani community. The attackers reportedly set several houses on fire, killing two elderly blind members of the Fulani community, an 85-year-old man and a 75-year-old woman, who were unable to escape. Members of the National Guard based in Mondoro reportedly patrolled the area, forcing members of the Fulani community, including armed villagers, to retreat into the surrounding bush. The Independent Expert learned that the National Guards had escorted the Dogon men to their villages. The local authorities had opened an investigation into the matter.

44. The Independent Expert learned of the de facto siege imposed by traditional hunters on the village of Birga-Peul, in Mopti region, which is inhabited by members of the Fulani community. This state of siege, referred to as an “embargo” by the local population, was a result of the absence of security forces to protect the civilian population, who were stranded and unable to access basic social services. The siege, which had lasted for several weeks, had contributed to food insecurity and the spread of disease, which had killed three women and a child in one week in June 2019. MINUSMA had issued an alert on 28 June 2019

regarding this critical situation, and a team of local doctors, mandated by the country humanitarian country team, had been deployed to the village on 29 June and had provided medical assistance to more than 60 villagers.

45. The Independent Expert acknowledges that intercommunal violence has occurred for several centuries, but its magnitude and ferocity in recent years are unprecedented. On 3 August 2019, a 25-year-old man from the Fulani community disappeared after he left his village in Mopti region to search for his family's livestock in the nearby forest. On 7 August 2019, a photo published on social media showed several men, including two dressed as traditional hunters, posing with the man's head, hands and feet.

46. The Independent Expert wishes to point out that various initiatives have been taken by the Malian authorities. He learned that three municipal and district reconciliation committees had been set up in Mopti region and that the regional reconciliation committee in Segou had been strengthened.

47. The Independent Expert was informed that cessation-of-hostilities agreements had been signed in the presence of the Prime Minister by some 10 armed Fulani and Dogon groups from the centre of the country in early August 2019. The groups had pledged to put an immediate and definitive end to the hostilities and to make every effort to facilitate the free movement of persons, goods and humanitarian agencies. The Prime Minister's second tour of the centre of the country in two months demonstrated the political will to put an end to the relentless violence that had been going on for months. The signing of the agreements marked the culmination of a 10-month-long process conducted under the aegis of the Centre for Humanitarian Dialogue.

C. The situation of women

48. The Independent Expert emphasizes that the situation of women and girls in Mali remains a cause of concern. As noted in his previous reports, none of the perpetrators of the conflict-related sexual violence reported since 2014 has yet been brought to justice. Of 130 complaints filed in 2014 by a coalition of six non-governmental victims' rights organizations, to date only 37 have been heard by a judge.

49. The Monitoring Committee for the Agreement for Peace and Reconciliation in Mali, which is composed of members of the Government and the signatory movements and does not include a single woman, established a working group in December 2018 to identify specific options for increasing women's participation in the peace process.

50. The Independent Expert welcomes the introduction of measures to promote gender equality in access to appointed and elected office through the adoption in 2015 of Act No. 2015-052, which sets a 30-per-cent quota for women and requires that at least one out of every three candidates on the lists of candidates for local elections must be a woman. However, the quota is not fully complied with, since only 9 of the 36 ministers in the Government are women.

51. The Independent Expert regrets that Mali has not adopted a law to combat gender-based violence, a recommendation that it accepted during its universal periodic review in January 2018. However, the Independent Expert notes that a bill was submitted to the Minister for the Advancement of Women and the Minister of Justice in July 2017.

52. The Independent Expert is pleased to note that the Special Representative of the Secretary-General on Sexual Violence in Conflict visited Mali from 25 February to 1 March 2019. The visit culminated in the signing of a joint communiqué on the prevention of and response to conflict-related sexual violence in Mali.

D. The situation of children

53. The Independent Expert has repeatedly expressed his concern about the disproportionate impact and devastating consequences of the armed conflict in Mali on children. On 7 May 2019, suspected members of violent extremist groups in two pick-up

trucks stormed the gendarmerie station in Goundam, Timbuktu region. During the attack, a 14-year-old boy from the Songhaï community was reportedly fatally shot in the head. The child was reportedly a *talibé* (student of a Koranic school) who was wandering around the gendarmerie station in search of food. The Independent Expert has already mentioned the 22 children (of 35 victims) killed in the village of Sobane Da on 9 June 2019 in the context of intercommunal violence. The Independent Expert also notes that, on 14 June 2019, traditional hunters shot and killed an 11-year-old boy working in the fields around the village of Birga-Peul in Mopti region.

54. The Independent Expert is pleased to note that the Special Representative of the Secretary-General for Children and Armed Conflict made a first visit to Mali from 9 to 13 July 2019. The MINUSMA Human Rights and Protection Division supported her activities in Bamako and, on 10 July, in Mopti. The main purpose of the visit was to discuss the situation of children affected by armed conflict in Mali, to assess progress and challenges, to help identify needs and to provide an appropriate response to put an end to serious violations of children's rights. Following the visit, the Government of Mali reaffirmed its commitment to the protection and promotion of the rights of the child and pledged to strengthen its collaboration with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. In addition, the Special Representative of the Secretary-General has established a new initiative, the Group of Friends of Children Affected by Armed Conflict in Mali, co-chaired by Belgium and the Niger, and launched a new advocacy campaign, entitled Act to Protect Children Affected by Armed Conflict. She has recommended, *inter alia*, the holding of a national conference on prevention and the protection of children and the establishment of a national plan for the prevention of serious violations of children's rights, as well as a national campaign on child protection, focusing on prevention and awareness-raising, and the effective implementation of the measures provided for in the Safe Schools Declaration, signed in Oslo in May 2015.

55. The Independent Expert reiterates his concern that the Child Protection Code has never entered into force and notes that Mali does not comply with its international obligations in respect of children's rights. The Independent Expert also notes that, during its universal periodic review in January 2018, Mali agreed to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.²

56. The Independent Expert has already expressed concern about the closure of schools because of the activities of extremist groups that impose a strict religious ideology, kill, threaten and destroy materials. At the time of the Independent Expert's visit, more than 1,000 schools had been closed. The Independent Expert has received information that violent extremist groups appear to have launched a campaign against Malian public schools since the start of the school year on 2 October 2019. At 6 a.m. on 26 October, six armed members of a violent extremist group stormed the village of Timdirma and imposed a religious sermon on the villagers from the local mosque, before burning the school's furniture. Similar events were reported in the village of Mékéré on 27 October 2019. Both areas are situated to the east of Timbuktu. On 28 October 2019, two members of a violent extremist group threatened the teachers in Gaina village school and demanded that they stop teaching French. The fact of thousands of children being out of school will have an impact on Mali's future. There is an urgent need to find a solution, including by considering transferring students unable to go to school to safer areas where they can enjoy their right to education.

E. Refugees and internally displaced persons

57. The Independent Expert notes that, as at 30 September 2019, there were 138,900 refugees in the country. He also notes that, according to information received, the number of internally displaced persons has doubled for the second consecutive year. There had been

² A/HRC/38/7, para. 115.8.

38,100 internally displaced persons in December 2017, but that number increased to 84,300 in January 2019 and reached 199,385 in October 2019. As was the case the previous year, this dramatic increase is largely the result of intercommunal conflict, a lack of security and the risk of possible clashes between armed groups. The upward trend has been more pronounced in Ménaka, Mopti and Timbuktu regions.

F. Economic, social and cultural rights

58. The Independent Expert is concerned about the catastrophic effects of the continued violations of economic, social and cultural rights, which constitute serious threats to food security. Furthermore, conflicts and armed clashes in the northern and central regions of the country exacerbate the situation, with serious risks of epidemics reported by the World Health Organization. The Independent Expert notes that, despite the implementation of strategic frameworks for poverty reduction, poverty rates remain very high and disproportionately affect those living in rural and remote areas, particularly those most affected by the armed conflicts. The Independent Expert would like to reiterate the recommendation of the Committee on Economic, Social and Cultural Rights that Mali should develop and implement a new strategic framework to combat poverty, with specific and measurable objectives and the necessary resources.³ In the new context of decentralization, this implies the establishment of effective coordination mechanisms between the different parties involved. The Independent Expert encourages Mali to ensure that this strategic framework is implemented in accordance with human rights standards and principles and to take due account of existing regional disparities and the real needs of the population, particularly the most disadvantaged and marginalized groups.

59. The resurgence of intercommunal conflicts in the centre of the country has increased the number of people in need of humanitarian assistance and the number of food-insecure people. The Independent Expert has learned that 1 person in 5 in Mali is in need of humanitarian assistance. At the time of writing, the Humanitarian Response Plan, revised in August 2019 because of the alarming deterioration in the humanitarian situation, was only 49 per cent funded.

60. The Independent Expert is concerned about the negative impact of the armed conflicts and confrontations in the northern and central areas of the country on the enjoyment of economic, social and cultural rights. Specifically, the Independent Expert urges the Malian authorities to afford effective protection for displaced persons by providing them with access to adequate housing, health care, education and social assistance.

61. The Independent Expert welcomes the initiative led by the African Development Bank to give 250 million people in Mali and the wider Sahel access to electricity by 2025. This will help to reduce poverty.

62. The Independent Expert is very concerned that Mali is extremely vulnerable to climate change and has already experienced frequent droughts and heavy rainfall that has led to deadly flooding. The floods have caused significant material damage as well as loss of livestock and land under crops. Climate change is expected to result in higher temperatures and an increase in extreme weather events. These changes will undoubtedly lead to an increase in conflicts between pastoralists, fishermen and farmers, all of them seeking access to the limited resources to continue their activities.

³ E/C.12/MLI/CO/1, para. 37.

IV. Conclusions and recommendations

A. Conclusions

63. The Independent Expert notes that Mali and the Sahel face enormous and multifaceted challenges in terms of security, governance and development. Mali and the entire subregion are facing danger such as they have never known before. The international community should begin to treat the Sahel issue as a global problem, and not simply a problem for Mali or the region. The Malian State, the G5 Sahel Joint Force, MINUSMA and the international community present in Mali should join forces to step up the protection of civilians in areas at risk. The security situation in the central regions and in Timbuktu, Ménaka and Gao regions deteriorated alarmingly in 2019. People live in fear as a result of incidents related to intercommunal conflicts, the activities of extremist groups, abuses committed by the security forces in the course of counter-terrorism operations and the levels of crime that prevail. As the Independent Expert noted in his previous report, 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. It is imperative that the international community mobilize to address the unfolding humanitarian crisis by funding the Humanitarian Response Plan.

64. The Malian State has international human rights obligations and must take measures to prevent and punish violations and abuses committed by State and non-State actors. The Independent Expert welcomes the direct and proactive engagement of the new Government in July and August 2019 aimed at reducing intercommunal tensions and promoting reconciliation and peaceful coexistence through consultations with the communities concerned. It must go further and ensure that the perpetrators of the violence are brought to justice.

65. The protection of civilians and the promotion and protection of their rights, including the right to life, should be priorities for the Malian authorities. The Independent Expert emphasizes that there can be no productive discussions to further peace and development without the involvement of women and young people from all social backgrounds.

66. The Independent Expert has always been of the view that women's rights should be given special attention with a view to reducing the extreme inequality between women and men, protecting women from gender-based violence and ensuring women's political participation.

67. The Independent Expert continues to consider that, although the security and human rights situation in Mali is extremely worrying, it is surmountable if all efforts to that end are coordinated in the same direction. The Independent Expert makes a special appeal to the authorities, civil society and the international community to forge a strong consensus in this regard that can generate the strong political will and necessary determination to achieve results. All those involved should undertake a strategic review of security and peacebuilding responses.

B. Recommendations

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

69. The Independent Expert recommends that the Malian authorities:

(a) Continue to engage actively in peacebuilding, mediation, dialogue and reconciliation initiatives with all Malian citizens in order to achieve a cessation of hostilities and a lasting peace;

(b) Support civil society actors working for peaceful coexistence, conflict prevention and resolution and human rights; assess and strengthen capacities and

means for the prevention and peaceful resolution of conflict through traditional mechanisms; and support local peace and reconciliation committees and replicate them within the country;

(c) Bring to justice all perpetrators of violations of international humanitarian law and human rights, irrespective of their status or political, religious or ethnic affiliation;

(d) Encourage and monitor the participation of women in all negotiation initiatives on peace and security in accordance with the provisions of Security Council resolution 1325 (2000) of 31 October 2000, including their participation in the Monitoring Committee for the Agreement on Peace and Reconciliation in Mali;

(e) Work actively to give effect to the recommendations made as part of the 2018 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
- 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) Review the Act on National Reconciliation and reiterate its commitment to refrain from granting amnesty to those responsible for serious crimes under international law, and reaffirm the rights of victims to know the truth and to redress and reparation;

(h) Strengthen the judiciary so that victims can safely obtain redress before the courts and all perpetrators of violations of international humanitarian and human rights law are brought to justice.

70. The Independent Expert recommends that the 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.

71. The Independent Expert recommends that the international community:

(a) Release the funding pledged for the G5 Sahel programme and the Humanitarian Response Plan and encourage the international private sector to take an interest in Mali and invest more in the implementation of social and economic recovery measures;

(b) Be more vigilant in respect of the upsurge of violence and the risks of growing destabilization and call for efforts from all stakeholders to achieve the cessation of hostilities so as to ensure the protection of civilians;

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

(d) **Together with the African Union and ECOWAS, rethink security responses in Mali and consider the possibility of the African Union and ECOWAS committing troops specialized in combating terrorism;**

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

72. **The Independent Expert recommends that MINUSMA:**

(a) **Respond proactively to threats against civilians and, in particular, increase its presence in all sensitive areas, including in areas where community tensions are most present and threatening;**

(b) **Continue documenting violence and violations of human rights and international humanitarian law and help identify the main perpetrators in order to notify domestic and international courts.**
