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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, Alioune Tine****Summary*

This report has been submitted in accordance with Human Rights Council resolution 43/38, adopted on 22 June 2020, and covers the period from 22 June to 31 December 2020. It is based on the information made available to the Independent Expert on the situation of human rights in Mali, Alioune Tine, by several actors working in Mali, including the United Nations Multidimensional Integrated Stabilization Mission in Mali, United Nations bodies and other sources, including civil society organizations. Unfortunately, at the time when the present report was being finalized, the Independent Expert had yet to receive the information that had been requested from the Government of Mali. Owing to the financial constraints faced by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert was not able to visit Mali during the period covered by the present report.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



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I. Introduction

1. This report has been submitted in accordance with Human Rights Council resolution 43/38, adopted on 22 June 2020, 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-sixth session.

2. This report is based on the information made available to the Independent Expert on the situation of human rights in Mali, Alioune Tine, by several actors working in Mali, including the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), United Nations bodies and other sources, including civil society organizations. The Independent Expert would like to thank all these actors. Unfortunately, at the time when the present report was being finalized, the Independent Expert had yet to receive the information that had been requested from the Government of Mali. Owing to the financial constraints faced by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert was not able to visit Mali during the period covered by the present report.

II. General situation in the country

A. The political situation

3. The Independent Expert is pleased to note that, after the sociopolitical crisis that arose in Mali following the legislative elections of 29 March and 19 April 2020 and that culminated in a coup d'état on 18 August 2020, the various Malian actors involved managed to reach an agreement on a political transition period of 18 months. The Independent Expert welcomes the adoption of the Transitional Charter, which sets out the priorities for the transition period, and is pleased to note that all the bodies provided for in the Charter have already been established.

4. The Independent Expert welcomes the fact that, despite the sociopolitical crisis, the main actors have continued to reaffirm their commitment to the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process, which was signed in 2015. However, he notes with concern that there were delays in implementing the Agreement in 2020. According to the information that he received, these delays were due to a number of factors, including the issue of administrative and electoral boundaries, inconsistencies and disagreements relating to the redeployment of the reconstituted army, the sociopolitical crisis that followed the legislative elections of 2020, the coup d'état of 18 August 2020, the implementation of the transition, and the coronavirus disease (COVID-19) pandemic.

5. The Independent Expert notes that the Security Council remains very committed in respect of the situation in Mali and that it granted a one-year extension to the mandate of MINUSMA by its resolution 2531 (2020), adopted on 29 June 2020, and to the targeted sanctions regime concerning Mali, by its resolution 2541 (2020), adopted on 31 August 2020.

6. The Independent Expert also welcomes the commitment of regional and subregional bodies, including their efforts to help to resolve the sociopolitical crisis faced by the country. In July 2020, the Economic Community of West African States (ECOWAS) appointed the former President of Nigeria, Goodluck Jonathan, as a special envoy to lead its mediation mission in Mali. He conducted several visits to Mali in an effort to help the various actors involved to find a solution to the crisis. In addition, as the crisis unfolded, ECOWAS held a number of meetings on the situation and issued several public statements on the subject. The Peace and Security Council of the African Union, likewise, held several meetings on the situation in Mali and decided to set up a committee to monitor and support the transition. This committee held its inaugural meeting in Bamako on 30 November 2020.

B. The security situation

7. The security situation has remained worrying in the northern and central parts of the country, where civilians have continued to be attacked by violent extremist groups and community armed groups known as self-defence groups, despite the presence of international and national security forces. According to MINUSMA, a total of 575 attacks against civilians were recorded throughout Mali between 2 June and 28 December 2020. Civilians in the Mopti Region were the worst affected, suffering 254 attacks (44.17 per cent).

8. In the northern regions, the situation has been marked by the activity of violent extremist groups, including the Group for the Support of Islam and Muslims and Islamic State in the Greater Sahara. These groups have continued to consolidate their presence in the area, sometimes fighting one another in order to achieve their aims. These groups have launched attacks on civilians, civilian infrastructure (such as schools, hospitals and health centres), humanitarian workers and the defence and security forces. In some places, particularly in the Gao and Ménaka Regions, they have extorted or tried to extort property from members of the population by forcing them to pay zakat. The security situation has also been marked by acts of banditry and crime such as kidnappings, hold-ups, robberies, extortion and threats.

9. The Independent Expert is concerned about the ongoing attacks against humanitarian workers and their impact on the population. For example, in the village of Barkaïna on 8 September 2020, some unidentified armed persons hijacked the vehicle of a non-governmental organization (NGO) that served as an ambulance for the referral health centre in Bourem, in the Gao Region. On 14 September 2020, five doctors who were working for a partner of a United Nations agency on a vaccination campaign were robbed by three unidentified armed persons at their home in the town of Ménaka. The assailants also hit their victims during the attack.

10. The Independent Expert was also informed of intercommunal tension and violence, including between the Songhai and Arab communities in the Gao Region, and between the Oulad Ich and Tormoz communities and the Kel Antessar and Kel Ouli communities, in the Timbuktu Region.

11. In central Mali, violent extremist groups have continued to extend their influence and have attacked and threatened the civilian population in several villages. They have also imposed blockades on some villages, causing a further deterioration in living conditions. In addition, self-defence groups and violent extremist groups have continued to exploit intercommunal conflicts. This has led to continuous violence against civilians, who have ended up trapped between these groups.

12. The Independent Expert was informed that there had been an upsurge in both intracommunal and intercommunal attacks on villages in central Mali since the beginning of 2020. These attacks were often characterized by: (a) a high level of violence, leading to civilian deaths and abductions; (b) the deliberate targeting and destruction of livelihoods and property considered essential to the survival of the civilian population (such as granaries, dwellings, fields and crops) and cattle rustling; and (c) the targeting of civilian infrastructure (such as schools, health centres and markets).

13. The Independent Expert was informed that violent extremist groups had continued to expand their activities and influence in the Kayes, Koulikoro and Sikasso Regions, prompting fears of an increase in attacks against civilians in regions that have so far largely been spared. For example, some unidentified armed persons who were allegedly affiliated with violent extremist groups attacked some customs officers in the city of Sikasso and a gendarmerie station in the city of Kayes, on 31 July and 4 August 2020 respectively. On 11 September 2020, three women (one of whom was pregnant) and a 2-year-old child were killed when the ambulance in which they were being evacuated struck an improvised explosive device on the road between Boura and Yorosso in the Sikasso Region. The ambulance driver was seriously injured. On 21 October 2020, members of the Group for the Support of Islam and Muslims threatened the population of the village of Dili in the Koulikoro Region and ordered them not to celebrate Mawlid al-Nabi, on pain of reprisals. On 3 September 2020, 10 members of the

Malian Armed Forces were killed and others were injured in an attack on their convoy in Nara, also in the Koulikoro Region.

14. The Malian defence and security forces have been the target of multiple attacks and have continued to pay a heavy price in human lives. According to United Nations figures, between 2 June and 28 December 2020, they suffered at least 64 attacks, in which 138 people were killed and 249 were injured.

15. The Independent Expert is pleased to note that the Security Council, in its resolution 2531 (2020), urges the Malian authorities to fulfil two priority measures, one of which is to re-establish State presence and State authority in central Mali. In the same resolution, the Security Council reiterates that the second strategic priority of MINUSMA is to support the stabilization of central Mali. The Independent Expert therefore calls on MINUSMA to provide greater support to the Malian authorities in order to help them to implement the priority measure mentioned above.

16. The Independent Expert also welcomes the engagement of the Joint Force of the Group of Five for the Sahel. However, he is concerned about the many challenges that the Joint Force continues to face, including difficulties in providing supplies to its troops, compounded by a lack of appropriate means of transport and adequate equipment. These factors limit the efficiency and operations of the troops on the ground.

C. The ongoing challenge of the fight against impunity

17. The Independent Expert recalls that, during the universal periodic review of 2018, Mali accepted several recommendations to the effect that the State should take appropriate measures to end impunity for perpetrators of violations of human rights and international humanitarian law.

18. The Independent Expert recalls that the Human Rights Council, in its resolution 43/38, urged the Government of Mali to intensify its efforts to combat impunity and to bring the proceedings initiated to a conclusion in order to ensure that the perpetrators of human rights violations faced justice. In the same resolution, the Council decided to hold a dialogue at its forty-sixth session that would be focused in particular on the fight against impunity.

19. The Independent Expert notes that the Security Council, in its resolution 2531 (2020), identified the fight against impunity as one of the two priority measures that the Malian authorities were to implement by 30 June 2021, stipulating that it involved bringing to justice the individuals accused of perpetrating the violations documented in 2019 and 2020 and holding the corresponding trials. This combination of steps taken by the Human Rights Council and the Security Council shows that the international community is concerned about the persistence of impunity in Mali.

20. The Independent Expert finds it regrettable that Mali has been slow to act on its commitment to combat impunity, as can be seen from the very limited progress that has been made in this area. The Independent Expert was informed that a judicial investigation had been opened into the attack of 14 February 2020 on the village of Ogossogou and that in July 2020, proceedings had been initiated against the soldiers suspected of involvement in the summary execution of at least 37 civilians (31 men, 3 women and 3 children) during a military operation carried out by the national forces in Binédama on 5 June 2020, but that the corresponding arrest warrants had not yet been issued.

21. However, according to the information received by the Independent Expert, no real progress has been made in terms of the prosecution of the alleged perpetrators of the serious human rights violations and abuses that have been committed over the last two years in particular. These include violations and abuses committed in the context of intercommunal violence in the Mopti Region, such as: (a) the attack on the village of Koulogon on 1 January 2019, in which at least 30 members of the Fulani community were killed; (b) the attack on the village of Ogossogou on 23 March 2019, in which at least 157 members of the Fulani community, including 46 children, were killed and 65 were injured; (c) the attack on the village of Sobane Da on 9 June 2019, in which 35 members of the Dogon community, including 22 children under 12 years old, were killed; (d) the attacks on the villages of Yoro

and Gangafani on 18 June 2019, in which at least 25 and 27 members of the Dogon community, respectively, were killed; and (e) the attack on the village of Ogossogou on 14 February 2020, in which at least 35 members of the Fulani community (including 1 woman, 3 boys and 2 girls) were killed, at least 3 people were injured and at least 19 people (including 5 children) went missing.

22. Several violations attributed to the Malian defence and security forces also remain unpunished. These include the extrajudicial, summary or arbitrary executions of: (a) 12 civilians by members of the Malian Armed Forces serving under the command of the Joint Force of the Group of Five for the Sahel in Boulikessi (Mopti Region) on 19 May 2018; (b) 25 civilians by members of the Malian defence and security forces in the village of Nantaka (Mopti Region) on 13 June 2018; (c) 6 civilians by members of the Malian Armed Forces in the village of Doma (Mopti Region) on 13 August 2018; (d) 3 civilians by members of the Malian defence and security forces in Intahaka (Gao Region) on 24 April 2019; (e) 26 Fulani men arrested by the Malian Armed Forces in Malémana (Mopti Region) on 19 December 2019; (f) 3 men, and the enforced disappearance of 3 others, by the Malian Armed Forces in Diabali, after the attack on the gendarmerie camp in Sokolo (Ségou Region) on 26 January 2020; (g) at least 15 civilians by the Malian defence and security forces in the village of Yangassadiou (Mopti Region) on 3 June 2020; (h) at least 37 civilians, including 3 women and 3 children, by members of the Malian Armed Forces travelling in a convoy of 30 vehicles and a group of Dogon armed traditional hunters (dozos) who were accompanying them, in Binédama (Mopti Region) on 5 June 2020; and (i) 9 villagers, all members of the Fulani community, by the Malian Armed Forces in the village of Massabougou (Ségou Region) on 6 June 2020.

23. The Independent Expert shares the concerns that were expressed by several actors when, in October 2020, at least 204 prisoners were released in exchange for four hostages, including the late Soumaïla Cissé, the opposition leader who had been kidnapped in March 2020. Those actors, one of whom was the President of the National Human Rights Commission, noted that the 204 prisoners who were released included persons who had been involved in serious violations of human rights and international humanitarian law.

24. With respect to the defence and security forces, the Independent Expert wishes to express his concern about certain provisions of Malian law that could undermine efforts to combat impunity. Article 34 of the Code of Military Justice stipulates that the Minister in charge of the armed forces is responsible for initiating criminal proceedings against members of the military, that the Minister should assess whether prosecution is the appropriate course of action and that any prosecution that is conducted without having been ordered by the Minister should be declared void by the Supreme Court. In other words, under Malian law, a member of the military cannot be brought before a court without the authorization of the executive branch. This provision of the Code of Military Justice violates the principle of the independence of the judiciary, which is enshrined in various international and regional human rights instruments and in article 109 of the Malian Constitution. The Independent Expert recommends that the Malian authorities repeal article 34 of the Code of Military Justice and any other similar provisions of Malian law.

25. The Independent Expert would like to emphasize that impunity fuels violence, weakens social cohesion, exacerbates intercommunal tension and undermines the peaceful coexistence of communities. It gives rise to a feeling of injustice that erodes public trust in the justice system. The impunity enjoyed by the Malian defence and security forces is likely to compound this problem and could be exploited by non-State armed groups if they are able to present themselves as a viable alternative to the State or as the only actors who are capable of effectively protecting the civilian population in the face of a State whose agents violate the rights of civilians with complete impunity. In short, impunity is undermining the efforts that are being made to achieve national reconciliation and to restore State authority throughout the national territory.

26. The Independent Expert recognizes that Mali is facing various constraints that may be contributing to this climate of impunity. The justice system is barely functional in some regions of central and northern Mali, mainly because of the lack of security, which hinders the deployment of judicial authorities and the proper functioning of courts and tribunals. However, these constraints alone do not explain the climate of impunity that prevails in the

country. This is evident from the fact that, according to the information received by the Independent Expert, the Malian authorities have held trials, including recently, in central Mali. These include the hearings held at Mopti Military Court on 23 and 24 November 2020 and the criminal trials held at Mopti Court of Appeal from 30 November to 11 December 2020. The Independent Expert welcomes the fact that these trials were held, even though, according to the information that he received, the two courts in question did not rule on any of the human rights violations or abuses mentioned in the preceding paragraphs. The fact that these trials were held is evidence, if any were needed, that similar progress could be made if the Malian authorities decided to prosecute the alleged perpetrators of human rights violations and abuses, including members of the defence and security forces.

27. In light of the above, the Independent Expert welcomes the commitments made by the Transitional President, Bah N'Daw, with respect to the fight against impunity and hopes that these commitments will be translated into action as soon as possible. In his inaugural address on 25 September 2020, the Transitional President emphasized that the army should fight only the enemy, that it could not commit abuses against the civilian population and that such abuses could not and would not be accepted. In his speech of 31 December 2020, he declared that he attached great importance to building a disciplined, republican army that was respectful of human life and human rights, and that human rights violations by soldiers would not be tolerated.

28. The Independent Expert welcomes the work carried out by the Truth, Justice and Reconciliation Commission, which held its second public hearing, at which 13 persons (10 men and 3 women) testified, on 5 December 2020. As at 15 December 2020, the Commission had already collected 19,198 depositions, an increase of 25.05 per cent compared with the 15,352 depositions that had been received by 1 November 2019. Furthermore, the Independent Expert was informed that the Commission was in the process of formulating a national policy on reparation. He notes, however, that some actors have expressed concerns that the Commission is focusing on collecting statements from victims and is not putting as much effort into determining who is responsible for the alleged violations and crimes that are brought to its attention. They are concerned that the Commission is favouring this approach even though article 2 of the Ordinance under which it was established (Ordinance No. 2014-003/P-RM of 15 January 2014) states that its tasks include "investigating cases of serious individual and/or collective human rights violations committed in the country" and "attributing responsibility for those violations".

29. The Independent Expert also welcomes the work carried out by the International Commission of Inquiry on Mali, which submitted its report to the Secretary-General of the United Nations on 26 June 2020. He finds it regrettable, however, that this report has yet to be made public.

30. The Independent Expert notes that the Security Council, by its resolution 2541 (2020), renewed until 31 August 2021 the sanctions regime established by its resolution 2374 (2017) of 5 September 2017. In addition, the mandate of the Panel of Experts established pursuant to resolution 2374 (2017) was extended by resolution 2541 (2020) until 30 September 2021. The Panel of Experts should produce a midterm report no later than 28 February 2021 and a final report no later than 15 August 2021 and it should provide the Security Council with periodic updates in between, as appropriate. The Independent Expert recalls that the sanctions regime established pursuant to resolution 2374 (2017) includes a travel ban and an asset freeze. These measures are targeted, in particular, at individuals and entities who have directly or indirectly engaged in planning, directing, or committing acts that violate international human rights law or international humanitarian law or that constitute human rights abuses or violations. The use and recruitment of children are among the acts mentioned. The Independent Expert regrets, however, that even though such acts are recurrent and the human rights situation in Mali has continued to deteriorate, as at 31 December 2020, only one of the eight persons subject to the sanctions regime was targeted for violations of international human rights law or international humanitarian law.

31. The Independent Expert is pleased to note that the International Criminal Court opened the trial of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud for war crimes and crimes against humanity on 14 July 2020. The Independent Expert recalls the statement of the Prosecutor of the International Criminal Court concerning the Ogossogou massacre of

23 March 2019. In her statement, the Prosecutor noted that any person who incited or engaged in acts of violence including by ordering, requesting, encouraging or contributing in any other manner to the commission of crimes within the Court's jurisdiction was liable to prosecution before the Court, with full respect for the principle of complementarity, and that the Office of the Prosecutor remained seized of the situation in Mali and would continue to follow closely the events in central Mali and in other parts of the country. The Independent Expert would like to point out that crimes that may fall within the jurisdiction of the International Criminal Court continue to be committed with complete impunity in Mali.

III. Human rights situation

A. Civil and political rights

32. The Independent Expert is concerned by the extent of the human rights violations and abuses that are taking place, including extrajudicial, summary or arbitrary executions and other killings, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, abductions, arbitrary arrest and detention, death threats and intimidation, and forced recruitment. For example, between 2 June and 28 December 2020, MINUSMA documented at least 125 cases of extrajudicial, summary or arbitrary execution, 348 cases of other killings, 249 cases of arbitrary arrest and detention, 169 cases of abduction and 7 cases of enforced or involuntary disappearance.

33. These violations and abuses were committed by the Malian defence and security forces and the international forces, the judicial authorities, the armed groups that are signatories to the Agreement on Peace and Reconciliation in Mali, self-defence groups and violent extremist groups. The Independent Expert is also concerned about human rights violations and abuses related to slavery and servitude, including violations of the right to life and violations of physical integrity.

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

34. The Independent Expert notes with concern that the Malian security forces are among the main perpetrators of human rights violations and abuses. According to MINUSMA, they were responsible for 216 (or 17.95 per cent) of the 1,203 violations and abuses recorded between 2 June and 28 December 2020. For the period in question, they ranked third, after self-defence groups (417 cases, or 34.66 per cent) and violent extremist groups (295 cases, or 24.52 per cent).

35. The Independent Expert received credible information about human rights violations committed by the Malian security forces, for example during the demonstrations held from 10 to 13 July 2020 and the coup d'état of 18 August 2020. According to MINUSMA, in Bamako between 10 and 13 July 2020, 14 male demonstrators, including 2 children, were killed and at least 40 demonstrators were injured during interventions by law enforcement officers, including members of the National Gendarmerie, the National Police, the National Guard and the Special Counter-Terrorism Force, who, in some cases, used excessive force. In addition, at least 200 people (including 6 women and 7 children) were arrested and detained arbitrarily in Bamako, before being released on 13 July 2020. A total of 118 members of the defence and security forces were injured by acts of violence committed by demonstrators. During the coup d'état of 18 August 2020, the defence and security forces killed 4 civilians and injured 15. The Independent Expert is concerned by the fact that article 23 of the Transitional Charter stipulates that members of the Comité national pour le salut du peuple (National Committee for the Salvation of the People) and all those who were involved in the events that occurred between 18 August 2020 and the inauguration of the Transitional President on 25 September 2020 enjoy immunity and therefore cannot be arrested or prosecuted for acts committed during those events, and that an amnesty law to that effect will be adopted. This provision is likely to further impunity and to undermine the victims' right to justice.

36. The Independent Expert received allegations of human rights violations committed by the Malian security forces and the international forces in the course of their operations. For example, it was reported that members of the Malian Armed Forces, travelling in a convoy of around 20 vehicles, entered the Fulani village of Libé in the Mopti Region on 22 October 2020 and executed at least 22 civilians, including 15 men, 5 women, 1 boy and 1 girl. The Malian Armed Forces reportedly carried out this operation with the help of dozos. The dozos allegedly stole the villagers' livestock and transported it to Sokoura, escorted by members of the Malian Armed Forces. In a communiqué issued on 23 October 2020, the Malian Armed Forces described these accusations as “baseless rumours”, “false allegations” and “propaganda intended solely to drain the morale of the Malian Armed Forces”. In a further communiqué, issued on 28 October 2020, the Chief of Staff of the Armed Forces again described these accusations as “false statements intended solely to tarnish the image of the Malian Armed Forces and to incite hatred”. He acknowledged that “military operations are indeed under way in the area in question” but denied any abuses against the civilian population. Lastly, he noted that “investigations will be carried out to bring to light any cases of actual misconduct”. At the time of finalizing the present report, the Independent Expert has not received the findings of these investigations and therefore cannot confirm whether or not they have taken place. This practice of flatly denying allegations of human rights violations before they have even been investigated is regrettable, as it is likely to cast doubt on the commitment and political will of the Malian authorities to effectively combat impunity. Worse still, it may lead potential perpetrators of human rights violations to believe that the State of Mali is protecting them from prosecution and that they can therefore act without fear of punishment.

37. As regards the international forces, on 1 September 2020, French troops involved in Operation Barkhane opened fire on a bus belonging to a private transport company on the road between Gossi and Gao. They wounded three civilians, one of whom later died. The Independent Expert notes the initial reports that the bus had been heading for the French military convoy at high speed and that the French forces had fired warning shots, wounding three people by accident. However, at the time of finalizing the present report, the Independent Expert had not received the findings of the investigation that had been announced after the incident.

2. Human rights abuses committed by armed groups

38. Violent extremist groups have killed, injured, abducted and made death threats against civilians in the course of their numerous attacks on various places in Mali. For example, these groups carried out simultaneous attacks on several Dogon communities in the communes of Tori and Diarrassagou in the Mopti Region, on 1 July 2020. In the course of these attacks, 32 people were killed, 8 people, including 4 children, were seriously injured, 1 person went missing and 1 boy was abducted. On 6 November 2020, around 30 suspected members of violent extremist groups stormed the predominantly Dogon village of Madougou in the Mopti Region and made death threats against the inhabitants. The attackers ordered the village chief and the inhabitants to stop collaborating in any way with the State authorities, on pain of reprisals. On 18 November 2020, suspected members of the Group for the Support of Islam and Muslims abducted an unknown number of Fulani civilians, including three village chiefs, from several villages and hamlets in the communes of Diankabou and Dioungani in the Mopti Region. The attackers reportedly accused the victims of having collaborated with French troops involved in Operation Barkhane and of having contributed to local reconciliation efforts.

39. Violent extremist groups have also killed civilians in their attacks on public transport. For example, on 13 October 2020, they attacked a bus on the road between Parou and Songobia in the Mopti Region, killing 13 people (10 men, 2 women and 1 little girl) and injuring 30 others. On 3 November 2020, suspected members of the Group for the Support of Islam and Muslims attacked a bus in the village of Parou, killing nine people (six men, two women and one child) and injuring eight others. As mentioned above, improvised explosive device and mine attacks attributed to violent extremist groups have also caused civilian casualties.

40. Violent extremist groups have also carried out attacks on protected personnel. According to the information received by the Independent Expert, between 2 June and 28 December 2020, MINUSMA suffered 42 attacks, in which 3 peacekeepers were killed and 50 were injured.

41. The Independent Expert was informed that violent extremist groups have also laid siege to villages, preventing people from moving freely and blocking access to basic social services. One example that stands out is the siege of the village of Farabougou in the Ségou Region, which began on 6 October 2020 in the wake of intercommunal violence and clashes between violent extremist groups on the one hand and traditional hunters and self-defence groups on the other, in which dozens of people had been killed, injured or abducted. On 18 October 2020, the violent extremist groups completely isolated the village by destroying the bridge that gave access to it. The destruction of the bridge made it impossible to deliver by road the humanitarian aid that the inhabitants – of whom there are an estimated 4,000 – urgently needed, especially as their fields of rice and other crops had been destroyed by the violent extremist groups. As at 31 December 2020, armed groups were still controlling access to the village.

42. The Independent Expert received reports of human rights abuses committed by armed groups, including signatories to the Agreement on Peace and Reconciliation in Mali. These abuses include trafficking in children and the recruitment and use of children in armed conflict (see section D below, on the situation of children).

3. Contemporary forms of slavery

43. In Djandjourné, in the Kayes Region, on 1 September 2020, four men considered to have been born into slavery, whose ages ranged from 42 to 72 years, were beaten to death, while a woman aged 80 years and two other people aged 30 and 44 years were seriously injured. One of the men who were killed, a 69-year-old who was considered a slave, had won a court case concerning farmland against the village imam. Some members of the community objected to the judge's decision, surrounded the houses of the so-called slaves and savagely beat them. It is reported that around 30 people were arrested and placed in detention following this incident. The Independent Expert is concerned that, in some cases, there is a clear indication that traditional leaders and State authorities are complicit in these attacks against so-called slaves.

B. Intercommunal and intracommunal conflict

44. The Independent Expert was informed that intercommunal conflicts had worsened during 2020 and that there had been a rise in attacks on villages in the second quarter of the year.

45. On 1 July 2020, for example, Fulani armed groups attacked the predominantly Dogon villages of Djimindo, Fangadougou and Gouari in the Mopti Region, killing at least 33 people (16 in Djimindo, 15 in Gouari and 2 in Fangadougou) and injuring many others. They also destroyed property and stole livestock. On 9 September 2020, members of a Fulani armed group on motorcycles attacked the predominantly Dogon village of Ogoboro in the Mopti Region, killing eight men and wounding three others. The attackers also set fire to many homes and stole livestock and other valuables.

46. As regards Dogon armed groups, on 9 November 2020, for example, two suspected members of the Dan Nan Ambassagou armed group opened fire on the imam of the town of Bandiagara, a Fulani, and on a 15-year-old boy, wounding them both. Members of the Fulani community have also been attacked by dozos, including in the context of clashes between dozos and violent extremist groups. For example, on 4 October 2020, an unknown number of dozos set up illegal checkpoints and abducted around 20 Fulani men as they returned from the weekly market in Niono, in the Ségou Region. The victims were reportedly taken to three dozo bases on the road between Niono and Diabali, in the commune of Débougou. On 16 November 2020, dozos abducted five Fulani (four men and a boy who was around 17 years old) in Dogofry, in the Ségou Region. The four men were driven to the eastern part of the

town, where they were allegedly shot dead. The boy's body was found in a cemetery in Pergue, another part of the town.

47. The Independent Expert was informed that there had been an upsurge in intracommunal violence within the Dogon community in the second quarter of 2020. In some Dogon areas, public support for Dan Nan Ambassagou is reportedly waning, while in other Dogon areas, the group is competing with other local self-defence groups. This has led to Dan Nan Ambassagou attacking some Dogon communities, in order to punish those who have put up resistance. For example, the group carried out several attacks on the Dogon village of Berdossou, in the Mopti Region, in June, July and September 2020. In the attack on 27 June 2020, the group allegedly set fire to the village. In the attack on 29 September 2020, the group killed a man and injured two children, a boy and a girl. It should be noted that this armed group had already laid siege to the village from February to May 2020, after accusing the villagers of cooperating with Fulani armed groups.

48. Dan Nan Ambassagou has also attacked Dogon areas to force the civilian population to support the "war effort", either financially or by serving as combatants. The group has also carried out punitive expeditions to places where the inhabitants have opposed forced recruitment of this kind. According to the information received by the Independent Expert, Dan Nan Ambassagou was against the peace agreements signed by the Dogon and the Fulani. It therefore carried out attacks on the Dogon community in order to sabotage, disrupt or block efforts towards reconciliation between the two communities. For example, on 9 September 2020, members of Dan Nan Ambassagou on a dozen motorcycles attacked the predominantly Dogon village of Koundiaga in the Mopti Region, killing the village chief and injuring around twenty people. The attackers also set fire to many houses and granaries. It is alleged that Dan Nan Ambassagou targeted the village chief because he was a key player in the negotiations with the Fulani community and because he had opposed the group's forced recruitment of young men from the village and its demands for money to support the "war effort".

49. The Independent Expert wishes to commend the various reconciliation initiatives that have been undertaken by the Malian authorities, Malian civil society and MINUSMA. Some of these initiatives have reportedly resulted in peace agreements between communities. The Independent Expert calls on the various parties to implement these agreements in good faith in order to allow Mali to break the vicious cycle of intercommunal conflict and to establish lasting peace. The Independent Expert was informed that, in Ségou on 18 and 19 September 2020, religious leaders held a meeting for peace and reconciliation that was attended by representatives of the Fulani and Dogon communities and dozos from the Ségou and Mopti Regions. Similarly, a forum on intercommunal reconciliation was held from 5 to 7 November 2020 in Niono, in the Ségou Region; this event brought together representatives of the State (four ministers), of the dozos and of the Fulani community, as well as community and religious representatives. At the end of the forum, a non-aggression pact was reportedly signed by the dozos and the Fulani community of Niono. Likewise, in Mopti on 7 November 2020, MINUSMA, the local presidents of the Fulani organization Tabital Pulaaku and the Dogon organization Ginna Dogon, and local representatives of the Ministry of National Reconciliation undertook a mission to reconcile the Fulani and Dogon communities of the village of Ogossougou, whose representatives had not met for two years.

C. The situation of women

50. The Independent Expert is extremely concerned about the situation of women and girls in Mali. He notes that Mali ranks 158th out of 162 countries according to the United Nations Development Programme gender inequality index. The rights of women and girls continue to be undermined by the deterioration in the security situation, including the emergence of "lawless areas", where women and girls are at high risk of sexual violence. The Independent Expert was informed of a worrying increase in gender-based violence: for the period from January to July, the number of cases rose from 2,021 in 2019 to 2,981 in 2020, or by 47 per cent. Sexual violence was the most common form of gender-based violence recorded since the beginning of 2020, accounting for 37 per cent of cases. At least 1,443 cases of sexual violence were reported between January and August 2020; in 13 per cent of those cases, the violence was committed by armed groups. At least 1,090 cases of gang rape

had been reported in the Mopti, Gao and Timbuktu Regions since the beginning of 2020. Lastly, it was reported that 100 children born as a result of rape were registered in Mali between January and August 2020. Existing gender inequalities are also being exacerbated by the ongoing COVID-19 pandemic. In Mali, women are overrepresented in sectors that are heavily affected by the pandemic, such as petty trading, cleaning and paid domestic services. In addition, according to a study carried out in July 2020, the rate of domestic violence in Mali has risen by 11 percentage points, from 43 per cent before the pandemic to 54 per cent during the pandemic.

51. The Independent Expert is concerned that, according to the information that he received, many survivors of gender-based violence do not have access to comprehensive support, including legal, psychosocial, health and protection services. This situation has arisen from the insecurity and lack of support services in several areas. The Independent Expert was informed that 48 per cent of small towns and villages in Mali have no support services for survivors of gender-based violence and that, where services of this kind are available, their quality and geographical coverage remain inadequate. For example, the percentage of small towns and villages without any such services, aside from psychosocial support provided by the community, is reportedly 85 per cent in the Ségou Region, 80 per cent in the Kidal Region, 72 per cent in the Gao Region, 77 per cent in the Timbuktu Region and 62 per cent in the Mopti Region. Post-rape kits are unavailable in 62 per cent of health facilities and the existing kits will expire in early March 2021. A total of 68 per cent of survivors of gender-based violence who have requested access to justice services have been unable to gain access to them. In view of this worrying situation, the Independent Expert finds it regrettable that Mali has not yet passed a law to combat gender-based violence, despite having committed to doing so by accepting several recommendations on the subject during the universal periodic review of 2018.

52. The Independent Expert shares the concerns expressed by the Committee on the Elimination of Discrimination against Women in its report of June 2020 relating to a confidential survey on female genital mutilation that had been conducted in Mali.¹ In its report, the Committee draws attention to the persistence of female genital mutilation, the limited impact of the national policies and programmes intended to combat this practice and the lack of a legal framework criminalizing the practice, and makes several recommendations. The Committee notes in its report that, according to most government representatives, NGOs and United Nations agencies, opposition from religious leaders and insufficient political will are the main obstacles to the adoption of the preliminary bill on gender-based violence that would prohibit female genital mutilation.

53. While recognizing the importance of consulting all actors in Malian society, including religious leaders, on the above-mentioned preliminary bill, the Independent Expert wishes to draw attention to the State's international obligations, particularly those arising from the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified by Mali on 10 September 1985. In paragraph 21 of its general recommendation No. 35 (2017), the Committee on the Elimination of Discrimination against Women emphasizes that, under article 2 of the Convention, the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. The Committee also stresses that this obligation is of an immediate nature and that delays cannot be justified on any grounds, including cultural or religious grounds.

54. The Independent Expert welcomes the effective participation of nine women, as new full members, in the sessions of the Monitoring Committee for the Agreement on Peace and Reconciliation in Mali that were held in June and November 2020. He notes, however, that women account for only 4 per cent of the members of the subcommittees of the Monitoring Committee. Generally speaking, women are still underrepresented in public and political life in Mali, in violation of Act No. 2015-052 of 18 December 2015, which establishes that 30 per cent of positions filled by appointment or election must be held by women. Only 16 per cent of the members of the transitional Government are women, compared with 23.6 per cent of the members of the previous Government. As for the National Transitional Council, only

¹ CEDAW/C/IR/MLI/1.

30 of its 121 members (24.79 per cent) are women. Moreover, only 1 of the 17 regional governors appointed on 25 November 2020 is a woman (5.88 per cent). Women account for only 3 per cent of the members of the National Disarmament, Demobilization and Reintegration Commission, 6 per cent of the National Council for Security Sector Reform, 20 per cent of the Truth, Justice and Reconciliation Commission, and 1 and 5 per cent, respectively, of the interim administrations at the regional and district levels. Lastly, women account for 25.59 per cent of members of communal councils.

D. The situation of children

55. The Malian crisis and persistent insecurity in the central and northern regions have continued to have a devastating impact on children and have led to them suffering serious violations. For example, according to United Nations figures, between 2 June and 28 December 2020, at least 63 children were killed and 54 were maimed. Over the same period, at least 171 children were recruited, including by the Platform coalition of armed groups (47), the Coordination des mouvements de l'Azawad (41), the Mouvement arabe de l'Azawad of the Coordination des mouvements de l'Azawad (36), Dan Nan Ambassagou (18), the Front de libération du Macina (18), unidentified armed groups (7), the Malian Armed Forces (2) and dozos (2). Furthermore, according to United Nations figures, as at 30 November 2020, 62 per cent of internally displaced persons were children and 1,230 schools, catering for 369,000 students, were closed on account of the security situation.

56. Worse still, according to the Global Protection Cluster, conflict, insecurity, the COVID-19 pandemic and the deterioration of economic conditions have led to an increase in trafficking in children, forced labour and forced recruitment by armed groups in Mali. Children are pushed to work in informal gold mines, particularly in Gao and Kidal, where many areas are controlled by armed groups. In this connection, the Independent Expert notes that the Panel of Experts established pursuant to Security Council resolution 2374 (2017) explained, in its report of 13 August 2020, the role played by the Coordination des mouvements de l'Azawad, the Groupe d'autodéfense des Touaregs Imghad et leurs alliés, the Platform coalition of armed groups and the Group for the Support of Islam and Muslims in controlling artisanal gold production in the Kidal, Timbuktu and Gao Regions.² According to the Global Protection Cluster, armed groups also traffic children for gold mining, using the profits to enrich their fighters, fuel the arms trade and finance violence. Rapid assessments conducted in Mali in July 2020 revealed that around 6,000 children, mostly boys, were working in eight mining sites, where they were exposed to the worst forms of child labour, economic exploitation and sexual, physical and psychological abuse. In addition, young girls are led away to Bamako or to mining or farming areas, where they are forced to prostitute themselves to survive.

E. Refugees and internally displaced persons

57. The Independent Expert notes that, as at 30 November 2020, there were 47,019 refugees in Mali. He also notes that the number of internally displaced persons rose from 207,751 to 311,193, or by 49.79 per cent, between 31 December 2019 and 30 October 2020. The majority of displaced persons were in the Regions of Mopti (131,150), Gao (63,315), Timbuktu (43,180), Ségou (35,336) and Ménaka (21,144). The Independent Expert was informed that the number of displaced persons had been rising since the beginning of 2018 as a result of the upsurge in violence in the central and northern regions of the country. United Nations statistics show that the number of displaced persons doubled in 2018, from 38,172 in December 2017 to 77,046 in December 2018, before almost tripling the following year, to 207,751 in December 2019.

² S/2020/785, paras. 120–126.

F. Economic, social and cultural rights

58. The Independent Expert notes that, in 2020, Mali came 184th out of 189 countries in the human development index rankings. Crises and armed conflict have exacerbated the precarity in which people live and are preventing the full enjoyment of economic, social and cultural rights. The COVID-19 pandemic and its socioeconomic consequences have further aggravated the problem. The Independent Expert therefore welcomes the various measures taken by Mali and its partners to mitigate the impact of COVID-19 on the population.

59. The upsurge in violence in northern and central Mali has led to a continuous increase in the number of persons in need of humanitarian assistance. For example, between 30 June and 30 September 2020, this figure rose from 4.3 million to 6.8 million, or by 58.13 per cent. Since the beginning of 2020, the number has risen from 3.9 million to 6.8 million, or by 74.35 per cent. The Independent Expert is therefore concerned by the fact that, as at 30 September 2020, only 35 per cent of the funding needed for the humanitarian response plan had been secured.

60. The Independent Expert notes that Mali has adopted a new national development strategy called the 2019–2023 Strategic Framework for Economic Recovery and Sustainable Development. He encourages Mali to make sure that this strategic framework is implemented in accordance with human rights standards and principles.

IV. Conclusions and recommendations

A. Conclusions

61. **The Independent Expert notes that Mali continues to face enormous and multifaceted challenges in terms of security, governance and development. As experience elsewhere has shown, the consequences of destabilization in Mali will not be contained by the borders of the country or the Sahel region. The United Nations (through MINUSMA, in particular), the African Union, ECOWAS, the Group of Five for the Sahel and the international community as a whole should therefore take the urgent measures that are needed to enable Mali and the Sahel region to achieve stability as soon as possible.**

62. **The Malian people continue to bear the cost of the deteriorating security situation. In northern and central Mali in particular, the people live in constant fear of attacks by violent extremist groups and self-defence groups, violations by the defence and security forces, especially during counter-terrorism operations, and crime. Mali and its partners should make every effort to better protect civilians in those areas.**

63. **As regards the human rights situation and the fight against impunity in particular, the Independent Expert recalls that the State of Mali has an obligation to take measures to prevent and punish human rights violations and abuses committed by State and non-State actors. Even though far-reaching reforms are needed in order to bring the Malian legal framework into line with international law, many of the human rights violations and abuses that are committed in Mali could be prosecuted under the existing framework. The problem in Mali is therefore not so much that the country's criminal legislation is inadequate but rather that it is not properly applied by the competent authorities. The information received by the Independent Expert seems to indicate that, in some cases, the State of Mali is unwilling and/or unable genuinely to carry out the investigation or prosecution of human rights violations and abuses or violations of international humanitarian law, particularly those committed in northern and central Mali. In view of the situation, the Independent Expert considers that the International Criminal Court should take the necessary steps to investigate these violations and to establish criminal liability for those that fall under the Rome Statute.**

64. **The Independent Expert wishes to emphasize the importance of respecting, protecting and promoting the rights of women, including by combating gender-based violence. The goals set out in the 2030 Agenda for Sustainable Development and Agenda**

2063 of the African Union cannot be fully achieved if one half of the Malian population continues to be denied its full human rights. Women and girls in Mali must be able to exercise all their rights on an equal basis with men and boys.

B. Recommendations

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

66. The Independent Expert recommends that the Malian authorities:

(a) Support the actors who are working to promote and protect human rights, including the National Human Rights Commission and civil society;

(b) Continue to engage in and support initiatives for conflict prevention, mediation, dialogue and reconciliation, the promotion of peaceful coexistence, conflict resolution and the peaceful settlement of conflicts, including through traditional peacebuilding and peace consolidation mechanisms;

(c) Demonstrate their willingness to effectively combat impunity by taking specific measures and actively implement the relevant recommendations accepted by Mali during the universal periodic review of 2018, including those requesting them to:

(i) Investigate allegations of human rights violations and abuses and violations of international humanitarian law, including sexual violence, committed by all parties;

(ii) Ensure that all perpetrators of violations and abuses of this kind are held accountable by bringing them to justice;

(iii) Put an end to violations of human rights and international humanitarian law committed by the defence and security forces by consistently investigating violations of this kind and punishing the perpetrators;

(iv) Ensure access to justice and reparation for victims of violations and abuses of this kind;

(d) Make sure that the Truth, Justice and Reconciliation Commission carries out its mandate in full, including by attributing responsibility for the human rights violations and abuses suffered by the victims whose statements it collects;

(e) Step up efforts to eliminate all forms of discrimination against women in law and in practice, including by urgently adopting the bill on gender-based violence, and take specific measures to prevent and combat violence of this kind;

(f) Ensure the participation of women in decision-making, in accordance with Act No. 2015-052, which establishes that 30 per cent of positions filled by appointment or election must be held by women;

(g) Ensure the participation of women in all peace and security initiatives, including the peace process that is under way in Mali, in accordance with Security Council resolution 1325 (2000);

(h) Adopt a law that specifically criminalizes slavery as soon as possible, as other States in the region have done, and conduct national campaigns for the abolition of slavery, in cooperation with all actors, including civil society;

(i) Use the political transition to write a new chapter in the history of Mali and, in particular, to undertake reforms relating to the promotion and protection of human rights and the rule of law in general.

67. The Independent Expert recommends that the armed groups:

(a) Cease all hostilities and attacks against civilians immediately and respect the rights of the civilian population;

(b) Cease immediately all attacks on civilian infrastructure and property such as schools, hospitals and health centres, ambulances and other vehicles used to transport sick persons, and property considered essential to the survival of the civilian population;

(c) Respect personnel who are protected by international law, such as peacekeepers and humanitarian personnel, and the property of humanitarian organizations, and refrain from obstructing the delivery of humanitarian assistance.

68. The Independent Expert recommends that the international community:

(a) Together with all relevant actors, including the African Union and ECOWAS, rethink responses to the security challenges facing Mali, including by considering the possibility of African Union and ECOWAS deployments of troops specialized in combating terrorism;

(b) Provide the Joint Force of the Group of Five for the Sahel with the resources that it needs to carry out its mandate;

(c) Provide Mali with the resources and assistance that it needs to be able to gradually re-establish State presence and State authority, as well as basic social services, throughout the country;

(d) Ensure that the humanitarian response plan is adequately funded;

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

69. The Independent Expert recommends that MINUSMA:

(a) Respond proactively to threats against civilians and, in particular, continue to increase its presence in all sensitive areas, including those where attacks on the civilian population are most recurrent and threatening;

(b) Continue documenting violations of human rights and international humanitarian law and step up its efforts to identify the main perpetrators in order to be able to notify the relevant national and international courts.

70. The Independent Expert recommends that the International Criminal Court open investigations as soon as possible in order to establish criminal liability for the crimes under the Rome Statute that have been and continue to be committed, particularly in northern and central Mali.

71. The Independent Expert recommends that the Security Council apply paragraph 8 (f) and (g) of resolution 2374 (2017) more consistently by imposing individual sanctions on the persons and entities that continue to commit violations of international human rights law and international humanitarian law with complete impunity in Mali.

72. The Independent Expert recommends that the Secretary-General of the United Nations make public the report of the International Commission of Inquiry on Mali as soon as possible.
