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Annex 1 - Rev1

Report of the Fact-Finding Mission to the Republic of Mali

3 - 7 Jne 2013

ACKNOWLEDGEMENTS

The African Commission on Human and Peoples' Rights (the Commission) is grateful to the Government of the Republic of Mali for kindly hosting the fact-finding mission that was undertaken in Mali from 3 to 7 June 2013.

The Commission expresses its sincere gratitude to the country's highest authorities for providing the delegation with the necessary facilities and personnel for the smooth conduct of the mission.

I. Introduction

1. During its 19th Ordinary Session held from 15 to 16 July 2012 in Addis Ababa, Ethiopia, the Assembly of Heads of State and Government of the AU issued a Solemn Declaration on the Situation in Mali approving the AU Peace and Security Council Decision¹ in which it:

“Calls upon the African Commission on Human and People’s Rights to investigate the human rights situation in northern Mali, including the atrocities committed against the Malian military and their families in Aguel’hoc, in January 2012, and to submit a comprehensive report with concrete recommendations on the way forward”.

2. In accordance with this decision and the relevant provisions of its Rules of Procedure, the African Commission on Human and Peoples’ Rights (the African Commission) undertook a fact-finding mission to the Republic of Mali from 3 to 7 June 2013.

II. Composition of the delegation

3. The delegation was composed of four (4) members of the African Commission:
 - Mrs Reine Alapini Gansou, Commissioner responsible for human rights promotion in Mali and Special Rapporteur on Human Rights Defenders in Africa, Head of Delegation;
 - Mr. Béchir Khalfallah, Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
 - Mrs Lucy Asuagbor, Chairperson of the Committee on the Rights of People Living with HIV, and Those at Risk, Vulnerable to and Affected by HIV; and
 - Mrs Maya Sahli Fadel, Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa.
4. The members of the Commission were assisted by staff members of the Secretariat of the Commission.

III. Mandate of the mission

5. The AU Peace and Security Council instructed the Commission to lay emphasis on human rights violations committed in northern Mali. However, for reasons of consistency and considering the gravity of the violations committed across the

¹ See Communiqué PSC/AHG/COMM/1(CCCXXVII).

Malian territory, the African Commission delegation decided that it was necessary to deal with all other forms of human rights violations reported.

6. The terms of reference of the mission were as follows:

- Hold discussions with the authorities and key stakeholders in the area of human rights promotion and protection;
- Investigate and gather relevant information on the situation and human rights violations committed in northern Mali;
- Learn about the situation of internally displaced persons following the conflict in northern Mali, the level of enjoyment of their rights and the challenges they face;
- Visit the northern part of Mali if the security and logistical conditions are conducive;
- Meet with the beneficiaries of soldiers victims of the atrocities committed in January 2012 in Aguel'hoc;
- Interview individuals who may provide information on the events of Aguel'hoc and human rights violations committed in northern Mali, etc.

IV. Methodology

7. During the mission, the delegation collected the necessary information to be able to establish facts and reveal the truth towards identifying the responsibilities of the perpetrators of human rights violations. The delegation met with the country's highest authorities, including the Prime Minister Mr Diango Sissoko. The delegation held meetings with representatives of the Ministry of External Relations and International Cooperation, Ministry of Justice and Keeper of the Seals, Ministry of Religious Affairs and Worship, Ministry of Defence and Former Combatants, Ministry of Internal Security and Civil Defence, Ministry of Territorial Administration, Decentralisation and Regional Planning, Ministry of Humanitarian Affairs, Solidarity and the Elderly, Ministry of Culture, Ministry for Women's Empowerment, Children and the Family, and Ministry of Malians Abroad and African Integration.

8. The delegation also held meetings with the various national institutions, including the National Human Rights Commission and the Dialogue and Reconciliation Commission. It also met with representatives of the African-led International Support Mission in Mali (AFISMA) and the UN, including the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the UN High Commissioner for Refugees (UNHCR) and UN

Women. The delegation met with several representatives of civil society and national and international NGOs working in the area of human rights and international humanitarian law, including the International Committee of the Red Cross (ICRC).

9. The delegation gathered testimonies from the beneficiaries of the victims of the Aguel'hoc attacks, soldiers of the Aguel'hoc camp who survived the attacks and other witnesses of the human rights violations committed in northern Mali. Through these testimonies the delegation was able to gather information on the human rights situation in Mali.
10. The delegation visited the Niamana camp and held discussions with families of internally displaced persons. The delegation visited the Bamako Central Prison and interviewed people detained in connection with the events which occurred in northern Mali. The delegation noted that between February 2012 and 5 June 2013 there were 143 prisoners, including 117 Malians, six Nigeriens, four Nigerians, one Somali, two Burkinabés, one Tunisian, two Algerians, one Sahrawi and ten minors detained in the Boulé prison for minors. Most of the prisoners are said to be charged with terrorism, compromising State security and destruction of property.
11. The delegation also visited the Camp 1 detention centre of the national gendarmerie where it met with military personnel involved in procedures in connection with the counter-coup of 30 April 2012. In this detention centre, the delegation met with a total of 17 prisoners, including eight officers (one lieutenant-colonel, one commander, two captains, four lieutenants and one sub-lieutenant) and nine non-commissioned officers (seven 2nd class and two 1st class). The delegation also visited the accommodation centre of the Association for Progress and the Defence of the Rights of Malian Women (*Jigiyaso-Maison de l'espoir*) where it met with women victims of the conflict in northern Mali.
12. The mission ended with a debriefing session with the authorities of the Ministry of External Relations, followed by a press conference.

V. General information and background

A- Brief history of Mali

13. A former French colony known as French Sudan, Mali gained its independence on 22 September 1960 under Modibo Keita. In 1968, following a military coup, Moussa Traoré took over power and established a one-party state. On 26 March

1991, a group of soldiers led by Amadou Toumani Touré overthrew Moussa Traoré and established a transitional period which led to the presidential election of 1992. Alpha Omar Konaré won the election and was re-elected in 1997. In 2002, General Amadou Toumani Touré returned to power through elections and was re-elected in 2007. On 21 March 2012, before the end of his term of office, he was overthrown by a group of mutineers who blamed him for his lack of action against the Tuareg rebellion in the northern part of the country.

B- Geography of Mali

14. The Republic of Mali is a West African country which shares a 7,420 km border with seven countries, including Algeria to the north, Niger and Burkina Faso to the east, Côte d'Ivoire and Guinea to the south, and Mauritania and Senegal to the west. The country shares a 1,300 km border with Algeria, 2,140 km border with Mauritania and a 900 km border with Niger, just to name "the core countries".
15. Still regarding the country's geography, it has been noted that it is Mali's northern part that is prey to criminal invasion.

VI. Genesis of the conflict in northern Mali

16. The issue of the independence of northern Mali, commonly called Azawad, is at the origin of the conflict that has always existed in the north of Malian territory. On the eve of the independence of Mali, Azawad requested autonomy while still under French administration. France did not grant the request and at the dawn of the country's independence, this aspiration for independence took the form of a military demand. Tuareg combatants made news in the region from time to time.
17. The situation worsened after the fall of the Muammar Gaddafi regime in Libya. Several combatants who took part in combat in Libya returned to the Sahel region with military equipment.
18. In January 2012, attacks were launched in this part of Mali. The National Movement for the Liberation of Azawad (MNLA) whose main interest is the independence of Azawad claimed responsibility for the attacks. The MNLA was joined by the Salafi movement Ansar Dine whose aim is to impose sharia. The Sahel region then became a major hub for drug traffickers and terrorist groups such as Al-Qaeda in the Islamic Maghreb (AQMI) and the Movement for Unity and Jihad in West Africa (MUJAO).

VII. Causes of the conflict

19. During the various meetings held in the course of the mission, individuals interviewed laid emphasis on the causes which contributed to worsening the security situation in northern Mali. They underscored poor governance, the weakness of the military and the porosity of Mali's borders.

A. Poor governance

20. Individuals interviewed were unanimous in stating that the main reason for the conflict in northern Mali is poor governance both at the political, judicial and economic levels.

21. They indicated that there was gross negligence by the Government at the highest level regarding several cases of human rights violations. They recounted in detail the impunity that reigned in the country. This situation was marked by the unorganised enactment of amnesty laws and unorthodox appointment and promotion decisions in the military and territorial administration.

22. Moreover, the state of poverty of the population, worsened by the presence and activities of drug traffickers, and corruption are the factors that worsen the situation in Mali, especially in the northern part of the country. The authorities and individuals met indicated that the various funds allocated for development projects in northern Mali have been used for other activities.

B. Weakening of the military

23. The credibility of the Malian military was also questioned during the mission. The 1991 Tamanrasset Peace Accord, the 1992 National Pact and the Algiers Accord, all signed after the various rebellions from 1990 to 2006, contributed to the integration of former Tuareg rebels into the Malian military. These Tuareg rebels, according to information received, enjoyed special treatment which placed the majority of them above sanctions even in cases of established serious misconduct. This led to a situation of double standards.

24. These advantages granted to former rebels under the aforementioned agreements are said to have resulted in the disengagement of the Malian military in the northern part of the country and the weakening of its chain of command. It is reported that the weakening of the military worsened when the conflict broke out through the desertion of several soldiers, and that high-ranking personnel from former rebellions chose to join armed groups.

C. Porosity of Mali's borders

25. The nature of Mali's borders poses a major challenge to the conflict in Mali: Mali shares a border of about 1,300km with Algeria, 2,140km with Mauritania, and 900 km with Niger. According to information received, Mali's borders with Algeria and Mauritania are porous. For over ten (10) years, the northern part of Mali has served as a refuge, while the border with Mauritania is a cross-border basin where the homogeneity of the people is based on very strong ties, in particular blood ties. Despite the obvious difficulties presented by the very difficult topography, Algeria has deployed considerable efforts towards ensuring border security. Algeria has also been in constant engagement not only with Mali but also with the other neighbouring countries, with a view to effectively contributing to the search for a lasting solution to the conflict.
26. Another factor, the war in Libya. The Libyan crisis also contributed to the worsening of the Malian situation with the return of several Tuareg mercenaries following the fall of Muammar Gaddafi.

VIII. Mali's commitments in promoting and protecting human rights

27. The legal instruments of the Republic of Mali, both national and international, lay great emphasis on the protection of human rights and public freedoms. The Constitution recognizes ethnic, cultural and religious diversity. It guarantees the principle of equality of all citizens.
28. The Republic of Mali is a party to most regional and international conventions on human rights and international humanitarian law. It is a party to the Rome Statute establishing the International Criminal Court.

IV. Classification of human rights violations committed during the Malian armed conflict

29. The delegation noted that human rights violations were committed throughout the Malian territory with more seriousness in the northern part of the country, the case of Aguel'hoc being extremely serious.

A- The case of Aguel'hoc

30. The violations committed in Aguel'hoc, as were recounted, can be classified as acts of summary execution, inhuman and degrading treatment, vandalism and destruction and looting of public and private property.

- **Summary executions**

31. According to information collected during the meeting with survivors, widows and witnesses to the events, the town of Aguel'hoc, in particular the military camp, experienced two major attacks. The first attack was carried out on 18 January 2012 at 3 am and the second on 24 January 2012.
32. During the January 24 attack, the rebels took advantage of the exhaustion of the soldiers of the Malian military and except for a few survivors, other soldiers taken hostage including their leader Captain Sékou TRAORE were executed by either putting a bullet in the head or cutting the throat, with their hands tied behind their backs. The number of soldiers killed in the Aguel'hoc conflict varies between 94 and 150 according to various sources. Other wounded soldiers are said to have been killed on their hospital beds, including the nurse on duty at the time of the events.
33. According to sources, these gruesome events occurred while high-ranking personnel and soldiers of the Malian military were deserting to join rebel camps. The attacks are reported to have been carried out with the complicity of the mayor of Aguel'hoc.
34. Civilians are also reported to have died in these attacks. According to information gathered from the Chairperson of the Special Commission of Inquiry into the Aguel'hoc Attacks, dead soldiers were buried in two mass graves in Aguel'hoc.

- **Acts of torture and cruel, inhuman and degrading treatment**

35. According to information provided to the delegation by soldiers who survived, there were two groups of survivors: those held by AQMI and Ansar Dine rebels and those held by the MNLA. According to military sources, 32 soldiers were held in Aguel'hoc, 29 in Timbuktu, 76 in Kidal, 97 in Tessalit and 84 in Tinzawatène. Some of the hostages were released on 21 September 2012. It is reported that during their captivity, these soldiers were deprived of several rights and were victims of torture and inhuman and degrading treatment. The delegation noted that some of them still had scars from the injuries inflicted by torturers.

- **Acts of vandalism, destruction and looting of public and private property**

36. According to information gathered by the delegation, rebel groups carried out acts of looting and destruction of private and public property in Aguel'hoc. For example, the Teacher Training Institute (IFM) and the Aguel'hoc military camp were looted and ransacked by rebels. The rebels are said to have set fire on the property and premises of the camp.

B- Human rights violations committed in other northern cities and the rest of Malian territory

37. During the mission, the delegation noted that human rights violations were also committed in Diabali, Konna and even in Bamako.

- **Summary executions in Diabali**

38. The delegation noted that in October 2012, Malian soldiers on duty at the entry point of Diabali opened fire on a group of people of the Dawa sect coming from Mauritania. It is estimated that 17 people were killed.

39. The delegation however noted that even though a national commission of inquiry was established to investigate the case, proceedings are yet to be brought against the presumed perpetrators of these acts.

- **Acts of summary and extrajudicial executions committed in Konna**

40. The delegation learned that armed groups executed Malian soldiers and wounded five soldiers in Konna. Still in this region, in January 2013, Malian soldiers are reported to have retaliated by executing people suspected of conniving with the rebels.

- **Arbitrary arrest, torture, enforced disappearance and extrajudicial executions conducted in Bamako following the military takeover of 30 April 2012**

41. The delegation visited the national gendarmerie Camp 1 where it interviewed 17 red beret soldiers including 8 officers detained in connection with the events of the counter-coup of 30 April 2012. For most of these individuals, their arrest and detention do not comply with the relevant procedures since there are no arrest warrants or renewal of warrants where such warrants exist. They indicated that they were subjected to torture and inhuman treatment at the time of their arrest.

42. According to information provided by reliable sources, twenty-one (21) red beret soldiers involved in the counter-coup were victims of summary execution or enforced disappearance. It is reported that they were taken from prison, in the early hours of 4 May 2012, by the green berets. Some are said to have been taken from their homes and hospitals to be executed. The most plausible case is that of the soldier Abocar Kola Cissé who is reported to have discussed with his wife before his disappearance. The wife said she saw him for the last time after the events of 30 April 2012 among other red berets arrested and shown on television. Her story was corroborated by other individuals, including her husband's comrades.
43. Moreover, the soldiers indicated that their detention conditions following the coup could amount to cruel, inhuman and degrading treatment.

- **Rape and gender-based violence**

44. During the same period, the main cities of Gao, Timbuktu and Kidal were the theatre of various forms of violence and violations of human dignity against women and girls.
45. Reports and testimonies indicate that many women were victims of individual and collective rape carried out by armed men. There were cases of women who were raped in the presence of their husbands and children.
46. From the information gathered, the delegation notes that rape victims are reported to have been dark skin women. It should also be noted that these women do not know the rapists. They however stated that the majority of the rapists are light skin men most of whom speak Tamasheq, Arabic and Daoussaq. These acts of rape often led to unwanted pregnancy.
47. It should be noted that cases of rape committed by the Malian military were also reported to the delegation, including the case of a girl raped by two Malian gendarme officers in Mopti.
48. According to data collected, the age of rape victims ranges between 6 and 60 years.
49. Other cases of violence against women were reported to the delegation, including abduction, illegal confinement, sexual enslavement, forced marriage and early marriage. Cases of physical violence were also reported for cases where the victims tried to defend themselves.

50. The delegation was unable to obtain reliable information on the possible HIV contamination and status of the victims.

- **Violations of freedom of religion, movement and cultural rights**

51. Armed groups, in particular Ansar Dine, AQMI and MUJAO, imposed sharia on the population in areas under their control. As such, all religious groups without distinction were victims of barbaric acts. The delegation noted that religious buildings, in particular mausoleums of saints and Christian churches were destroyed in Timbuktu and Gao. Inhabitants of the Christian faith were forced to flee the north to seek refuge in towns in the southern part of the country. Women bore the brunt of this blind sharia practice. Women were deprived of their right to leisure, freedom of expression and free movement.

52. The delegation also noted that these same groups closed down several tailoring workshops claiming that tailors make indecent clothes. Hair salons faced a similar fate. According to them, women should not expose their hair but should veil their entire face.

- **Violations of physical integrity, torture and cruel, inhuman and degrading treatment**

53. Still with regard to the implementation of sharia, the delegation learned that terrible acts such as stoning, flogging and amputation were carried out during the period of occupation. According to information gathered, these acts were carried out by armed Islamic groups, in particular Ansar Dine, MUJAO and AQMI, following a system of summary justice which they established.

54. The most striking case is that of a ninth-year student in Timbuktu whose veil fell off while she was doing laundry. The delegation was informed that the girl was taken to the road junction where people are disgraced to be flogged.

- **Destruction of cultural heritage and manuscripts in northern Mali**

55. Malian cultural heritage in northern Mali did not escape the conflict.

56. From the various reports, in particular that of the Ministry of Culture on an assessment of the damages caused to cultural heritage, the delegation noted several cases of destruction of cultural heritage.

57. In Timbuktu, 11 mausoleums out of the 16 on the world heritage list and three others situated in Kabara and Goudan were destroyed between May and December 2012. The door of the Sidi Yahia mosque, an element of world heritage and considered sacred by the inhabitants was destroyed in July 2012. Monuments of key importance to the expression of the identity of communities such as the independence monument with the El Farouk effigy were also damaged.
58. The delegation was informed of the destruction by fire of several manuscripts (between 2,000 and 3,000) at the Ahmed Baba Institute of Advanced Studies and Islamic Research (IHERI-AB). These manuscripts are reported to have been burned on 27 January 2013 by armed groups in retaliation for the French military intervention in Mali.
59. The delegation notes that several symbols of sculptures of art and decoration were destroyed. The great Toguna in the centre of town was ransacked and the sculpted pillars were burned.
60. In Gao, the El Kebir mausoleum belonging to the great Kounta family was destroyed by Islamists in October 2012.

- **Violations of the right to health**

61. The conflict in northern Mali had consequences on the right to health. During the occupation, medical personnel were forced to flee the region. Health infrastructures were destroyed and medicine stores were looted by armed groups.
62. The delegation was also informed that armed groups prevented female patients from consulting and getting treatment from male doctors/nurses and vice-versa. As a result, the majority of the population in northern Mali did not have access to basic health services.

- **Violations of the right to education**

63. The massive displacement of the population from northern Mali to other parts of the country and abroad led to several students staying away from school. Even families that stayed behind were not spared. Schools were forced to close down due to lack of infrastructure as a result of destruction or the lack of teaching personnel who were forced to move to secure areas.

- **Recruitment of child soldiers**

64. From the reports gathered, the delegation noted that armed groups in northern Mali recruited child soldiers between the ages of 12 and 15 for military purposes. These children were seen, hardly carrying their weapons, in vehicles belonging to the MNLA and Ansar Dine at the various checkpoints set up in Gao and at the exit points of occupied towns. The delegation learned that these children were even used by these groups to serve as human shields. The presence of child soldiers was also reported on the side of vigilante militias trained by the Malian Government.

- **Situation of internally displaced persons and refugees**

65. The armed conflict in northern Mali and violations committed by the various armed groups led to the massive displacement of populations to non-combat areas in the south of the country and neighbouring countries.

a) Situation of internally displaced persons

66. According to information collected from the UNHCR Office in Bamako, the number of internally displaced persons was estimated at approximately 300,000 as at the end of April 2013, and they are living in camps in Kayes, Koulikoro, Ségou, Sikasso, Mopti and Bamako.

67. The delegation met with internally displaced persons in the Niamana camp in Bamako. It was however informed that a good number of them are living with host families, which is an extra burden to these families.

68. The delegation was informed that since April 2013, more than 14,000 internally displaced persons have spontaneously returned to their regions of origin (the north) since their living condition in the south had started to dwindle due to lack of means of subsistence. The delegation also noted the willingness shown by the people in the Niamana camp to return home and be able to vote in the upcoming elections.

b) Situation of refugees

69. Regarding the refugee situation abroad, the delegation noted that refugees who fled the conflict (estimated at about 175,000) have sought refuge in neighbouring countries.

IX. Responsibility for the various violations committed

70. From the various testimonies and reports, it emerges that the main identified perpetrators of violations are the armed groups. However, the responsibility of

the Malian military can also be questioned in certain respects; not leaving out some Malian administrative employees, even as accomplices.

A- Responsibility of armed groups

71. More generally, the MNLA, Ansar Dine, MUJAO, Boko Haram and AQMI are the main groups responsible for the various human rights violations committed in northern Mali. The responsibility of armed groups is based on the fact that they exercised their rule by imposing sharia during the period under consideration.
72. Regarding the Aguel'hoc attacks, the MNLA admitted guilt since, through Mohamed Ag Najim, it claimed responsibility for the attacks. It should be noted that it assumes full responsibility for the attacks with the complicity of deserted Malian soldiers and the mayor of Aguel'hoc.
73. It should also be noted that all human rights violations committed in the Kidal region should be attributed to the MNLA since up to the date this report was written, this armed group continued to claim its rule in this region. In any case, the MNLA and other armed groups failed in their obligation to protect populations living in areas under their control.

B- Responsibility of the Malian military

74. From information collected, the delegation noted cases of human rights violations committed by elements of the Malian regular army in northern Mali during Operation Serval. Some soldiers carried out acts of vengeance against the civilian population accused of being accomplices or belonging to the same family as the armed groups.
75. However, the delegation noted that to date, proceedings are yet to be brought against soldiers who committed these violations. The competent authorities claim they lack factual evidence and expect victims to file the necessary complaints. This is the case of a girl who was raped by two Malian gendarme officers in Mopti.
76. It should also be underscored that the Malian military has to account for the various human rights violations committed during the counter-coup. Soldiers involved in these violations must be brought to account before the competent courts.

X. Response of the Malian Government to the crisis in northern Mali

77. The delegation noted that the Malian Government is conscious of the seriousness of the crisis in the north and, with the support of the international community, has taken some measures to halt the situation.

A- Establishment of a National Commission of Inquiry

78. By Order No. 0234/MSIPC-SG of 31 January 2012, the Government, through the Minister of Internal Security and Civil Defence, established a Special Commission of Inquiry to investigate the events which occurred in Aguel'hoc on 18 and 24 January 2012. The Commission has already presented its report.

B- Prosecutions

79. At the national level, the Government has decided to start judicial proceedings against the presumed perpetrators of the various human rights violations committed in northern Mali. As part of its commitment, 28 international arrest warrants have been issued against the political and military leaders of the MNLA, MUJAO and Ansar Dine. Other presumed perpetrators have been brought before the national courts. This task has been assigned to the Public Prosecutor's Office of the Commune III Court of Appeal.
80. At the international level, the Malian authorities informed the delegation that the Ministry of Justice, on behalf of the Malian Government, has brought the violations committed in northern Mali before the International Criminal Court.

C- Establishment of a Dialogue and Reconciliation Commission

81. On 6 March 2013, the transitional Government issued a decree establishing a Dialogue and Reconciliation Commission. The Commission was officially launched on 24 April 2013 and its main mandate is to achieve lasting peace and national reconciliation among all Malians without distinction of race or ethnicity.

D- Establishment of a Ministry of Religious Affairs and Worship

82. Conscious of the predominance of the religious and jihadist aspects of the crisis in northern Mali and the role of religion in national reconstruction, the transitional Government established a Ministry of Religious Affairs and Worship.
83. The delegation took note of the activities that the ministry plans to conduct in order to find solutions to the Malian crisis, in particular by organising panel discussions, colloquiums and training sessions on religion and religious

leadership, adopting a religious policy, and reviewing training programmes in *medersas* and religious training institutes.

84. The delegation however noted that the majority of the officials of this ministry are Muslims, an element which could compromise the credibility of the institution.

XI. Conclusion and recommendations

A- Conclusion

85. Following the fact-finding mission and discussions held with all the relevant stakeholders, the delegation came up with the conclusions below.
86. The crisis in northern Mali is as a result of the laxity of the Malian authorities coupled with the complicity of some Malian citizens who facilitated the infiltration, into the northern part of Mali, of ex-prisoners from neighbouring countries, terrorists and hostage takers (Europeans abducted), drug traffickers and fundamentalists fleeing their countries.
87. The weakness of the Government is also a major factor of the crisis in northern Mali. On this point, it was noted that there is poor governance of public affairs, in particular those of the northern regions. It is also worth highlighting the shortcomings relating to the limited administrative and security coverage in the northern part of the country, the dictates of the Tamanrasset Accord which limited the military's scope of action in the Kidal region, the porosity of the borders and lapses in issuing visas to foreign nationals who promoted the introduction of radical Islam, failure to monitor the construction of religious buildings, in particular mosques and religious centres, which served as places for indoctrination, and the lack of legislation on religious matters.
88. The northern part of Mali thus became a land of asylum for the various terrorist movements led by Ansar Dine, AQMI, MUJAO and MNLA. Due to the poverty of the population and the low level of development in the region, youth recruitment by these terrorist movements in northern Mali became rampant.
89. The occupation of this region led to several cases of human rights violations, including the summary execution of soldiers in the Aguel'hoc camp, violations of the freedom of religion of the population, violations of the physical and moral integrity of the population through flogging, amputation, stoning and rape of

women, the destruction of mausoleums and places of worship, and violations of the right to health and education..

90. Considering the length of the period during which human rights violations were committed and the number of victims, there is no doubt that there were serious and massive human rights violations.
91. The Aguel'hoc and Diabali attacks may also be classified as crimes against humanity. The rape carried out against women and girls during the crisis are crimes against humanity and should be judged by the International Criminal Court in the absence of action by the Malian Government.
92. In spite of the willingness of the Malian authorities to prosecute the perpetrators of these acts, one notes the lack of cooperation by the neighbouring countries in which the presumed perpetrators and/or people who ordered the violations committed in northern Mali are seeking refuge. This situation has obstructed, to date, the implementation of international arrest warrants issued against such individuals.
93. The prosecution of perpetrators of human rights violations committed in northern Mali at the national level by the Commune III Court of Appeal is hampered by the problem of proximity of the courts with regard to witnesses, plaintiffs and all individuals who have to contribute to establishing the truth.
94. The insecurity that reigned in northern Mali led to the massive displacement of populations from the north to the south of the country and to neighbouring countries such as Algeria, Burkina Faso, Mauritania and Niger.
95. The delegation noted that with the gradual return to peace in northern Mali, the majority of internally displaced persons have shown interest in returning to their regions of origin if some conditions are met, including the presence of the police, access by families to health and the education of their children, and food support.
96. At the time this report was written, the delegation noted two significant developments:
 - a) The National Assembly had just lifted the immunity of parliamentarians in order for them to be prosecuted for charges levied against them, including in connection with the Malian crisis, which gives hope that impunity will be a key area of concern for the Malian Government; and

- b) As a result of the agreement signed in Ouagadougou on 18 June 2013, the liberation of the entire northern region becomes more and more feasible with the restoration of administration in Kidal and the cantonment of armed groups.

97. The delegation notes that Mali plans to hold elections and that the country needs to build on viable institutions that are representative of all Malians. The delegation would like to encourage the political authorities and the entire Malian population to strive towards restoring peace and security.

98. In the light of this brief analysis, the delegation makes the recommendations below.

B- Recommendations

The Government of the Republic of Mali:

- Take the necessary urgent measures, if it has not yet done so, to establish democracy and the rule of law that will ensure good governance at the political, judicial and economic levels;
- Take the necessary measures to combat impunity and refrain from sacrificing human rights for the sake of other considerations;
- Take the necessary measures to strengthen national courts, including by establishing a special court to prosecute perpetrators of crimes committed during the crisis;
- Provide the necessary financial and material resources for the deployment of judges in order to facilitate access to justice for victims of human rights violations committed in northern Mali;
- Rehabilitate infrastructures to enable communities to have access to basic social services throughout the country;
- Prepare a national religious policy and take the necessary measures to preserve the secular nature of Mali while regulating sermons, teachings and the construction of religious buildings;
- Take the necessary measures to resolve the issue of poor governance and laxity for which some Malian government authorities have always been blamed;

- Take the necessary measures to strengthen the Malian military to be better equipped to meet the security challenges in northern Mali;
- Bring before the competent courts all military authorities presumed to be perpetrators of human rights violations, in particular those involved in the summary executions carried out in Diabali and the atrocities of the counter-coup of April 2012;
- Increase security at the borders and monitor arrivals and departures;
- Implement an effective policy that will help protect communities living in Malian territory, in particular the light skin communities;
- Take the necessary measures to alleviate the poverty of Malian populations, including by boosting the economy;
- Ensure that all the various religions are represented at the Ministry of Religious Affairs and Worship;
- Provide the National Human Rights Commission and the Dialogue and Reconciliation Commission with the necessary human and material resources to effectively implement their mandates;
- Take the necessary measures to put an end to the recruitment and use of child soldiers for military and other purposes;
- Ensure that children recruited by armed groups are rehabilitated and reintegrated without delay;
- Expedite the implementation of the law on the status of victims of human rights violations committed in northern Mali in order to ensure their right to reparation;
- Ratify the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

The National Human Rights Commission:

- Continue to advocate for the Malian Government to implement the Paris Principles;

- Implement its mandate in an impartial manner and continue to work with the entire Malian civil society.

The Dialogue and Reconciliation Commission:

- Extend dialogue to include all the parties to the conflict in northern Mali;
- Lay emphasis on truth and justice, including by promoting genuine social unity;
- Draw from the examples of transitional justice in other countries of the region and beyond Africa.

The AU and MINUSMA:

- Use their good offices to convince States harbouring the presumed perpetrators of violations to implement international arrest warrants as soon as possible;
- Continue efforts to support the Malian authorities in combating impunity;
- Promote the establishment of good governance across Mali and preserve Mali's territorial integrity;
- Strengthen their human rights component in order to support the efforts of Malian authorities in promoting and protecting human rights in Mali;
- Work closely with the African Commission and the UN Independent Expert on the situation of human rights in Mali towards an effective implementation of the present recommendations.

International organisations and the international community:

- Increase security and improve living conditions in refugee camps;
- Provide technical and financial assistance to Malian authorities to help combat impunity and restore the authority of the State;
- Continue to support the Malian Government in promoting and protecting human rights, as well as consolidating democracy and the rule of law.

Civil society organisations:

- Assist victims of violations in bringing matters before the competent courts;
- Continue to implement their human rights monitoring mandate in an impartial manner;

- Prioritise information sharing and networking in order to strengthen coordination among the various human rights stakeholders in Mali.