

Recommendations

Assembly of State Parties
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*Despite advances in the implementation of measures set out in the Peace and Reconciliation Accord, the Malian state struggles to ensure the security conditions necessary to allow for the fulfillment of the right to truth, justice, and reparations of victims of grave crimes, particularly in the North of Mali. Based on their work in providing legal support to victims of crimes committed during the Malian conflict, as well as on consultations carried out with the main actors involved in the fight against impunity (including State representatives, armed groups, actors in the criminal justice system, and civil society organisations), **Lawyers Without Borders Canada** (Avocats sans frontières Canada, ASFC), **the International Federation for Human Rights** (Fédération internationale des droits de l'homme, FIDH), and **the Malian Human Rights Association** (l'Association malienne des droits de l'homme, AMDH), make the following recommendations.*

— To the International Criminal Court and the Trust Fund for Victims —

- **Support the Malian state in the fight against impunity**, by continuing to investigate war crimes and crimes against humanity, in particular the crimes committed in Aguelhoc and the sexual violence perpetrated since 2012, in conformity with the Office of the Prosecutor's Policy Paper on Sexual and Gender-Based Crimes;
- **Pursue full cooperation with Malian authorities**, including by providing significant support to legal cases in the national system, in accordance with the principle of complementarity, and by protecting victims and key witnesses involved in proceedings at the ICC;
- **Pursue and reinforce cooperation with the Malian state** and other relevant states in the region, notably to ensure the arrest of accused authors of crimes within the jurisdiction of the ICC who are present on their territories;
- **Consult victims, affected communities, and Malian civil society in order to create reparations programs adapted** to the local context, to respond to the needs of victims involved in the Al-Mahdi case, and to plan for the creation and implementation of assistance programs for victims and communities affected by the Malian conflict.

— To the international community —

- **Support Malian authorities in their efforts to end impunity**, which is a priority for the re-establishment of peace and reconciliation in Mali;
- **Demand that Malian authorities ensure the proper advance of judicial proceedings** underway and take into account in these proceedings the most serious crimes committed against the Malian population, including sexual violence as an international crime;
- **Demand that states concerned initiate investigations and prosecutions with respect to allegations of grave crimes** committed by members of Malian security forces, by MINUSMA, and by French forces in the Barkhane operation;
- **Continue to support Malian authorities in their efforts to prevent the perpetration of grave human rights violations** and violations of international humanitarian law, including through the education and training of pertinent justice system actors and security forces;

- **Support Malian authorities in their efforts to harmonize domestic Malian law with Mali's international obligations**, including the integration of the provisions of the Rome Statute into the Malian Criminal Code and Code of Criminal Procedure;
- **Expedite the effective operation of the International Investigation Commission** (Commission d'enquête internationale, CEI), in conformity with the Peace and Reconciliation Accord.

To the Malian state

- **Investigate and prosecute, on a fair and impartial basis, the authors of international crimes** committed within the context of the conflict since 2012, including crimes committed by terrorist groups, armed groups, and Malian security forces;
- **Make ending impunity a central government priority and provide the justice system with the resources necessary** to accomplish its work, notably by taking concrete measures to ensure the security of magistrates in the Central and Northern regions of Mali, and by reinforcing the training of judicial actors on international human rights law and international humanitarian law;
- As soon as practicable, **draft and adopt a law widening the jurisdiction of the specialized judicial body for terrorist crimes**, so that it may address war crimes, torture, crimes against humanity, and genocide; and reinforce its capacities so as to guarantee the effective investigation and prosecution of international crimes;
- **Expedite the adoption of the Law on Gender-Based Violence and the Law for the Protection of Victims and Witnesses**, and ensure that judicial practices are in conformity with national and international standards for matters of sexual violence;
- **Harmonize Malian law with international legal instruments**, including through the integration of the provisions of the Rome Statute into the Malian Criminal Code and Code of Criminal Procedure;
- **Operationalize the Law on Legal Aid and Assistance**, by granting competent bodies the resources necessary to make them effective; and put into place measures to ensure medical, psychosocial, legal and subsistence assistance for victims of serious human rights violations, prioritizing the needs of victims of sexual crimes;
- **Provide procedural guarantees with respect to the participation of victims as civil parties in judicial proceedings** both underway and to come, respecting reasonable timelines for trial preparation, access to the judicial files, and the provision of information to victims' lawyers about all acts, etc.;
- **Pursue full and open cooperation with the ICC** to facilitate investigations and prosecutions for war crimes and crimes against humanity in Mali, including sexual violence linked to the conflict;
- **Take into account the views of victims** in all processes for the prevention and resolution of armed conflict in Mali.