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| **UNITED NATIONS**  **United Nations Multidimensional Integrated Stabilization Mission in Mali** |  | **NATIONS UNIES**  **Mission des Nations Unies Multidimensionnelle Intégrée pour la Stabilisation au Mali** |

**Trust Fund in Support of Peace and Security in Mali**

**Project Proposal**

**Project Title: Support to the International Commission of Inquiry for Mali – mandated by Security Council resolution 2364**

**Lead MINUSMA Office**: Human Rights Division/MINUSMA

**Objective:** The International Commission of Inquiry for Mali is a truth-seeking mechanism that aims at shedding light on violations and abuses of human rights and humanitarian law that occurred during the 2012-2013 crisis in order to establish facts and responsibilities and acknowledge a common history.

**Location of project:** Bamako and all conflict-affected regions of Mali – the project will also cover Malian refugees based in neighboring countries Niger, Burkina Faso and Mauritania

**Direct beneficiaries:** Victims and survivors of the crisis but also the entirety of population of Mali that will benefit from the establishment of facts and responsibilities during the Malian crisis.

**Duration of project:** one year

**MINUSMA point of contact:** Director of HRPD: Guillaume Ngefa

**Client entity:** Malian population and in particular victims and survivors of the crisis

**Implementing entity:** MINUSMA HRD

**Consulted with the authorities?** The establishment of the International Commission of Inquiry has been requested by the parties to the conflict through the Algiers Peace Agreement of 2015.

**The project falls under the following objective of Security Council Resolution 2364:**

a) Support to the implementation of the Agreement on Peace and Reconciliation in Mali

(iii) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its Part V, including with respect to the establishment and operations of an international commission of inquiry, in consultation with the parties, (…);

**The project falls under the following objective of the Trust Fund:** *a. Assist in the restoration of constitutional order and national unity, including the conduct of peaceful, credible and inclusive presidential and legislative elections;*

**The project falls under UNDAF+ axis:** 1. Reinforcement of security, peace and national reconciliation

**FUNDING**

**Total funding requested (including 5% PSC for MINUSMA**): 3,349,029.60 USD

**Total remaining funding needs:** 2,170,229.60

**Lead Office/IP contact:** Director of HRPD MINUSMA, Guillaume Ngefa

**Approved By:**

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**Programme Manager:** Mahamat Saleh ANNADIF, SRSG, MINUSMA

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**Certifying Officer:** Michael Mulinge Kitivi, Director Mission Support, MINUSMA

1. **Background and Context**

The establishment of the ICoI is an essential contribution to justice and reconciliation in Mali. The ICoI along with other judicial and non-judicial mechanisms already in place, such as the TJRC, investigations and proceedings at the International Criminal Court and domestic prosecutions, would constitute mutually reinforcing mechanisms.

Furthermore, while the mandate of the TJRC only covers events up to 2013, the ICoI will have the authority to look into incidents from the time of the outbreak of the conflict in January 2012 up to the date of its establishment. With regard to judicial prosecution of conflict-related crimes, the ICC is addressing only few and specific cases, while progress made by the Malian judiciary in the fight against impunity is still very slow. Therefore, the establishment of the International Commission of Inquiry and the publication of its findings could represent an opportunity to create a momentum and bring the issue of accountability to the fore.

1. **Objectives**

Taking into account the need for full accountability in Mali for gross violations and abuses of international human rights law and serious violations of international humanitarian law, it is proposed that the ICoI be vested with the following competences:

• Investigate gross violations and abuses of international human rights law and serious violations of international humanitarian law committed in Mali since January 2012;

• Establish the facts and circumstances surrounding such violations and abuses, including those that may amount to international crimes;

• Compile information regarding the violations and abuses, including sexual and gender-based violence, as well as the gender-specific impact of all violations on women, men, girls and boys, and, where possible, identify those responsible for the violations and abuses with a view to hold them accountable;

• Make recommendations with a view to improving the human rights and humanitarian situation in Mali; and recommend measures to ensure accountability for violations and abuses allegedly committed during the above-mentioned period and remedies for victims;

• Present a written report to the Secretary General within a period of one year of its establishment.

The project responds to the following theory of change:



**Problem statement**

Human rights violations and abuses of human rights law and humanitarian law during the 2012-2013 crisis remain unaddressed, resulting in a lack of confidence in the authorities and justice.

**Rationale**

The ICOI is a mechanism requested by the parties to the conflict that will contribute to confidence building measures in the implementation of the peace agreement

**Overall objective**

Foster national reconciliation, provide a record of past crimes, constitute a starting point for prosecution

**Specific objective**

Produce a final report

**Activity**

Establish a Commission that will collect information on the facts related to past incidents



1. **Activities**

The establishment of the ICOI will entail the following activities:

* Recruitment of 14 international staff
* Establishment of a physical office with assets in order to enable to team members to carry out their work (cars, laptops, communication assets)
* Travels within the country and in neighboring countries to gather statements from sources of information
* Production of reports and analysis that will feed into a final report
* Documentation of cases in the database
* Travels of the three commissioners to New York, Geneva and Mali
* In-training for members of the Secretariat

1. **Beneficiaries**

The beneficiaries of the project is the population of Mali in its entirety. As a matter of fact the report that will be produced will establish facts regarding past abuses and human rights violations that affected all the communities of Mali whether directly affected or not. The public report will provide a record of past crimes and can be used to initiate prosecution by national authorities and foster national reconciliation.

1. **Gender and the most vulnerable population groups**

The investigations will cover all abuses that took place during the determined period and will take into consideration the plight of women and children. As a matter of fact, as part of the Secretariat, there will be an SGBV expert as well as a Protection expert that will sensitize the team to these aspects and ensure that the protection needs of victims or sources of information – in particular vulnerable groups- are assessed.

1. **Environmental impact**

The office premises of the Secretariat will be located in the Minusma Operating Base in Bamako and will therefore use existing capacities and resources.

1. **Job creation**

The establishment of the Secretariat entail the creation of 14 international posts, 4 interpreters and 5 drivers.

1. **Project sustainability**

n/a

1. **Coordination with others**

The establishment of the Secretariat has been initiated at the request of the parties to the conflict and is enshrined in the Algiers Peace Agreement.

1. **Verification by an engineer**

N/A

1. **Conflict analysis and risk assessment**

**Conflict analysis**

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|  | **Sécurité** | **Politique** | **Economie** | **Social** |
| **National** | Groupes armés | Manque de confiance dans l’Etat | Ressources limitées | Beaucoup de pauvreté |
| Groupes terroristes | Changement climatique | Analphabétisme important |
| FSDM mal équipées et en cours de reconstitution | Divorce Etat / population | Dépendance agriculteurs/éleveurs | Démographie 🡪 Beaucoup de jeunes |
| Problème de cohésion entre régions/groupes |
| **Le nord et centre du Mali** | Groupes armés | Non/faible présence de l’état | Manque d’emplois | Sentiment d’abandon par l’Etat |
| Groupes terroristes | Conflits fonciers |
| Faible ou non-présence des FSDM et d’Etat de droit | Gestion des ressources - Changement climatique | Faible accès aux services sociaux de base |
| Manque de confiance dans les FSDM | Manque de confiance dans l’Etat | Accueil de PDIs |
| Emergence de nouveaux groupes armés |  | Conflits fonciers |
| **How does this project respond to the above conflict analysis?** | Contribute to the peace building measures enshrined in the Algiers Peace Agreement | Contribute to restoring confidence between the State and the communities | Has the potential to address the root causes of the conflict | The project will contribute to provide a record of past crimes |

**Risk assessment**

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| **Item** | **Risk** | **Consultation and verification** | **Risk mitigation** |
| Beneficiaries | The findings could be contested by actors |  | Engagement with authorities notably by the Commissioner |
| Political implications | The commission will work independently | Procedures and methodologies will be put in place to ensure impartial collection of information | |
| Risk surrounding visibility activities | n/a | Possible protection concerns related to the sources of information that share information with the Commission | The secretariat is recruiting a witness protection officer that will be in charge of advising the Commission and addressing protection concerns |
| Inclusiveness | n/a | The methodology of investigations includes the interview of all sources of information to ensure a comprehensive approach in the collection of information | |

1. **Implementation Plan and timeframe: *QUI FAIT QUOI?***

**•**On 7 March, OHCHR published 13 posts that will constitute to the ICOI’s Secretariat (1 Senior Coordinator position, 5 Human Rights Officers at P4 level, 2 specialised profiles at P4 level, 2Human Rights Officers at P3 level, 1 Security Officer at P3 level and 1administrative assistant). Another post (UN women) will be financially supported by UN women in consultation with the Senior Advisor on Violence against Women. The application period is now closed and the applications are being assessed.

•Taking into consideration the recruitment process, a Secretariat’s core team (composed of 14 members) should be deployed in Bamako by end of June 2018. In parallel, MINUSMA will organise the infrastructure to be able to host the team in the MINUSMA base.

•From early May 2018 onwards, this core team should be able to support the ICOI to start implementing its mandate through inter alia travels to neighbouring countries to gather statements from pertinent sources of information as well as in-country missions to relevant areas. The Commissioners are also scheduled to visit Mali three times during the mandate of the ICOI, at its inception, midway and by the end of the mandate.

•The last months of the mandate of the ICOI (March-April 2019) will be dedicated to and the drafting and review of the report and if necessary gathering last relevant information to complete the analysis of the report.

1. **Cost Plan *[Separate attachment – Excel)***

See detailed cost plan attached

1. **Human Rights Due Diligence Check**

The Human Rights Due Diligence policy does not apply as the project does not entail support to non-UN security forces in Mali.

1. **Coherence with existing QIP projects/Peacebuilding Fund projects/projects funded through assessed budget/community violence reduction projects**

The project is complementary to other support provided to the implementation of the peace agreement through the Trust Fund, such as support for the Truth, Justice and Reconciliation Committee and support to the mediation process.

1. **Visibility**

The results of the Commission will be published in a public report that will be presented to the Secretary General and widely publicized. Visibility will be given to the donor countries, taking due note of the need to underline the independence of the Commission. Given the importance of the independence of the committee, and the concrete risk that opponents to the Commission may use its funding sources as ammunition to de-credibilize the mechanism, any press releases/statements with regard to the support need to be shared with HRPD/OHCHR for revision and approval first.

1. **Monitoring & Evaluation Plan**

Six months after the start of the activities, HRPD will issue a financial interim report on the status of operationalization of the Commission, and a confidential final narrative and financial report will be issued by HRPD once the activities of the Commission have been finalized. Any reporting will take due consideration of the independence of the Commission and the confidential nature of its activities.

**ATTACHMENT 1: TEMPLATE FOR RESULTS FRAMEWORK**

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| **RESULTS** | **INDICATORS**  \* Envisaged indication of the success of the output/activity | **BASELINE**  \* The starting point or initial situation at the beginning of the project | **Target**  \* The targets planned to be reached by the end of the project period | **Means of Verification (Information source) & Frequency of collection/reporting** | **Risks & Assumptions** |
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| **Establishment of Commission** |  | Currently no staff on board | Secretariat is fully staffed | Liaise with HR/MINUSMA and ERS/OHCHR | Delays in onboarding due to unavailability of staff |
| 14 international staff are recruited as well as 9 local staff |  | Currently no staff onboard | Secretariat is fully staffed | Liaise with HR/MINUSMA |  |
| **Activity 1.1.1.**  Screening and selection of candidates  **Activity 1.1.2.**  Onboarding by HR/MINUSMA |  |  |  |  |
| **Office space established** |  | Skeleton office has been identified at MOB | Office is set up and operational | Regular reporting on status of implementation |  |
| **Activity 1.2.1**  Engineering to finalise the infrastructure for the Commission within MINUSMA’s Operating Base (MOB) in Bamako  **Activity 1.2.2**  Communications, laptops, internet set-up |  |  |  |  |
| **Component / Outcome 2:**  **Production of a public report** |  |  |  |  |  |
| **Output 2.1.**  Travels in country to documents cases |  | No travels carried out yet | A public report on violations and abuses of human rights and humanitarian law is published and distributed widely based on the findings of the ICOI | SC of the ICOI to set up regular update on information processing |  |
| **Activity 2.1.1. Production of mission reports and documentation in case database** |  |
| **Output 2.2.**  Travels in neighboring countries to meet with sources of information |  |  |
| **Activity 2.2.1.Production of mission report documentation in case database** |  |
| **Output 2.3.**  Visibility of the work and objective of the Commission |  |  |
| **Activity 2.3.1. Travels of Commissioners to New York, Geneva and Mali** |  |  |