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Possibilities and Challenges for Transitional Justice in Mali

Assessment Report

Introduction

In 2012, international perceptions of Mali¹ as a model democracy shifted dramatically when rebellion broke out in the north and a coup was staged in the south. This led to a sudden influx of international actors, notably the French Armed Forces, the UN mission, and international donors, followed by international nongovernmental organizations working on peacebuilding, human rights, and development. Transitional justice began to be discussed as a way of helping to stabilize the country. In June 2013, the Ministry of Justice organized a colloquium on transitional justice, titled “What transitional justice for Mali?,” in which government representatives and civil society leaders gathered to explore and discuss possible paths toward national reconciliation and outline a normative framework to guide a process of transitional justice in Mali.² As the colloquium’s title denotes, the meeting aimed to identify how transitional justice approaches could be adapted to the Malian context. The conclusion that emerged from this meeting was that Malians need to define for themselves what transitional justice means. One year later, the question warrants further reflection, especially on the part of the international community.

With this in mind, the International Center for Transitional Justice (ICTJ) carried out an assessment mission in Mali from May 12–16, 2014, in an effort to gain a better understanding of the key demands of citizens and the potential for transitional justice approaches to be effective in Mali. Over 30 interviews were carried out with a wide range of actors in Bamako, including representatives of the state, judiciary, religious organizations, civil society, and international organizations. These discussions form the basis of this report. While every effort was made to meet with a diverse and broad a range of groups, time limitations and security concerns restricted the scope of this assessment. This report, therefore, does not claim to present a comprehensive assessment of the current situation in Mali, but, rather, aims to reflect the voices and opinions of those interviewed.

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¹ The Republic of Mali is a unitary semi-presidential republic located in West Africa. It became independent from France in 1960. It is landlocked and bordered by Algeria to the north, Niger to the east, Burkina Faso and Cote d’Ivoire to the south, Guinea to the south-west, and Senegal and Mauritania to the west. Its capital is Bamako. The total population is currently estimated at 16 million. The largest ethnic group are the Bambara, and they, together with the Soninké, Khassonké, and Malinké (also called Mandinka), are part of the larger Mandé group, which constitutes approximately 50 percent of Mali’s population. Other ethnic groups are the Fula (also called Peul) (17 percent), Voltaic (12 percent), Songhai (6 percent), and Tuareg and Moor (10 percent). The GDP per capita is USD \$1,100.

² Note Conceptuelle, Colloque sur la Justice Transitionnelle au Mali. On file at ICTJ.

Possibilities and Challenges for Transitional Justice in Mali: Assessment Report

About the Author

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Overall, while some positive steps have been taken to advance accountability in Mali, nationals are critical of the lack of a clear strategy or synergy between different initiatives and of the government's top-down approach to transitional justice in a context where the local and communal are of primary importance. Based on this assessment, international organizations and donors should monitor how the political and security situation evolves before rushing to support transitional justice approaches, like a truth commission. The more pressing demands in Mali, as reflected by those interviewed, are the need for good governance and an end to rampant corruption, which affects all spheres, including justice and development.

Background

While Mali's political system before the coup had resembled a model democracy on the surface and boasted a large number of political oversight mechanisms, these formal structures did not fully translate into practice. Mali is among the states with the largest number of parliamentary oversight tools,³ and oversight of the Malian security sector was seen as one of the most advanced on the African continent.⁴ In 1997, Mali established an ombudsman office, the *Médiateur de la République*, an independent authority that handles complaints concerning the operation of government departments, local authorities, public institutions, and other public service bodies.⁵ The 1992 constitution of the Republic of Mali contains several fundamental human rights provisions, ensuring free speech and a free press.⁶ Mali's 1999 reform process has been described as "a model for constitutional reform in Africa."⁷

Nevertheless, despite these formal structures and mechanisms, critics argue Mali did not deserve the label of a model democracy. Researchers and journalists have pointed out that in as much as Mali was never a model democracy, it would be foolish to see restoring the country to its status before the crisis as a way to solve current problems.⁸ "It was precisely this pre-coup status quo that allowed the country's dramatic collapse to begin with," asserts an article in *Think Africa Press*.⁹ While mechanisms of political checks and balances were implemented, "Old habits of secrecy and corruption"¹⁰ prevailed. One important concern is the lack of expertise on the part of Malian parliamentarians as well as, arguably, their lack of engagement.¹¹ During the pre-coup period, certain development indexes improved, however not in a way that signified meaningful progress. The number of children enrolled in school greatly increased, for example; yet, at the same time, the number of students who passed the final high school examination fell to its lowest level ever.¹² Mali's formal democratic structures and institutions lacked implementation capacity. After the coup, critical voices became louder. Researcher Ndiaga Loum, interviewed by *Think Africa Press*, explained: "It's not enough to have institutions. It's not enough to have elections. It's not enough to have ministers dressed in business suits and not military uniforms to say it's a democratic model. The error analysts make is to confuse a country in a democratic transition with a truly democratic state."¹³

3 <http://siteresources.worldbank.org/PSGLP/Resources/TrendsInParliamentaryOversight.pdf>

4 www.ssrnetwork.net/document_library/detail/5634/parliamentary-oversight-of-the-security-sector-in-west-africa-mali

5 www.aomf-ombudsmans-francophonie.org/les-membres_fr_000023_membre32.html; <http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpano07884.pdf>

6 <http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpano02746.pdf>

7 www.polity.org.za/article/mali-a-model-for-constitutional-reform-in-africa-2010-05-10

8 See, for example, www.lrb.co.uk/v34/n16/bruce-whitehouse/what-went-wrong-in-mali: "The cracks in Mali's democracy were present before the latest Tuareg rebellion. The 1992 constitution, the free press and regular elections obscured long-standing anti-democratic practices. Western governments, glad to see the formal trappings of democracy anywhere in the region, tolerated these abuses."

9 thinkafricapress.com/mali/restoring-democracy-mali-never-had

10 www.ssrnetwork.net/document_library/detail/5634/parliamentary-oversight-of-the-security-sector-in-west-africa-mali

11 www.ssrnetwork.net/document_library/detail/5634/parliamentary-oversight-of-the-security-sector-in-west-africa-mali; <http://www.lrb.co.uk/v34/n16/bruce-whitehouse/what-went-wrong-in-mali>

12 www.lrb.co.uk/v34/n16/bruce-whitehouse/what-went-wrong-in-mali

13 <http://thinkafricapress.com/mali/restoring-democracy-mali-never-had>

Against this backdrop, in mid-January 2012, a Tuareg movement, known as the Mouvement National pour la Liberation de l'Azawad (MNLA), launched a rebellion against government forces in the north of the country, with the support of a number of armed Islamist groups.¹⁴ On March 22, 2012, military units that had been defeated by armed groups in the north initiated a military coup and overthrew President Amadou Toumani Touré, one month before the scheduled presidential election. A military junta was formed, led by Captain Amadou Sanogo, which suspended the constitution and dissolved government institutions, concomitantly accelerating the collapse of the state in the north.¹⁵ This collapse allowed the MNLA to overrun government forces and proclaim an independent State of Azawad on April 6, 2012.

Immediately after the coup, on March 27, 2012, the Heads of State and Government of the Economic Community of West African States (ECOWAS) appointed the President of Burkina Faso, Blaise Compaoré, to mediate the crisis. On April 6, 2012, the military junta and ECOWAS signed a framework agreement that led to the resignation of Touré and provided for the establishment of a transitional government. On April 17, 2012, Cheick Modibo Diarra was appointed interim prime minister, and on 20 August 2012, Diarra announced the formation of a government of national unity.

The security situation in Mali seriously deteriorated in early January 2013, when extremist groups captured Konna, leading the Malian transitional authorities to request the assistance of France. On January 11, 2013, France initiated military operations against “terrorist and associated elements” under “Operation Serval,” in support of the Malian defense and security forces. The deployment of the African-led International Support Mission in Mali (AFISMA)¹⁶ was accelerated following the French military intervention. The security situation significantly improved as a result of the French and African military operations, alongside Malian operations in northern areas, and by the end of January 2013, state control had been restored in most major northern towns.¹⁷ Despite these gains, serious security challenges remain, including continued terrorist activities and military operations in some areas.

On January 29, 2013, Parliament adopted the road map for the transition (“Feuille de Route pour la Transition”),¹⁸ outlining two key objectives for the transitional government: the restoration of territorial integrity and the organization of free and fair elections. On June 18, 2013 the Ouagadougou Preliminary Agreement declared a ceasefire and paved the way for the August 2013 election of President Ibrahim Boubacar Keïta (IBK), who won against Moussa Mara with a large majority of the vote. While subsequent legislative elections in November-December 2013 were relatively peaceful, armed attacks increased in the north.¹⁹ The security situation in the north has prevented the delivery of humanitarian aid to the area, and as a consequence, “popular resentment against the government is high.”²⁰

In an effort to minimize instability in the north, in April 2014, Keïta appointed former rival Mara as prime minister. During this time, efforts to resume peace negotiations continued without much

14 MINUSMA, United Nations Multidimensional Integrated Stabilization Mission in Mali, www.un.org/en/peacekeeping/missions/minusma/background.shtml

15 MINUSMA, United Nations Multidimensional Integrated Stabilization Mission in Mali, www.un.org/en/peacekeeping/missions/minusma/background.shtml

16 In mid-January 2013, a multidisciplinary United Nations presence in Mali was authorized by Security Council resolution 2085, of December 20, 2012, in order to “provide coordinated and coherent support to (i) the on-going political process and (ii) the security process, including support to the planning, deployment and operations of the African-led International Support Mission in Mali.” See MINUSMA, www.un.org/en/peacekeeping/missions/minusma/background.shtml

17 Such as Diabaly, Douentza, Gao, Konna, and Timbuktu.

18 Republique du Mali, Primature, Cabinet du Premier Ministre, Feuille de Route pour la Transition, Janvier 2013.

19 International Crisis Group (ICG), January 2014. “Mali: Reform or Relapse?” Crisis Group Africa Report, No. 210, 8, www.crisisgroup.org/~media/Files/africa/west-africa/mali/210-mali-reform-or-relapse-english.pdf

20 Ibid., 3.

success, a major point of contention being the future of combatants.²¹ Efforts to broker a peace agreement were also challenged due to a series of deadly attacks launched by armed rebels. On May 17, 2014, a recent visit by Mara to Kidal prompted deadly clashes between Tuareg armed fighters and security forces, killing 8 government soldiers and 28 Tuareg fighters. In response, Mara declared the government to be “officially at war with rebels,” and Keita remarked that he “cannot understand” why France is pressuring the government to negotiate with the MNLA.²²

Nevertheless, on May 24, 2014 Mali’s three main Tuareg separatist groups²³ signed a ceasefire with the government, in which the parties agreed to: release prisoners as soon as possible; help UN humanitarian efforts and respect human rights; set up an international commission of inquiry to examine the country’s recent conflict; cease hostilities immediately, accepting the terms of a previous agreement; and restart negotiations at once.²⁴ The MNLA negotiator affirmed that the agreement “is not a political agreement but a first step to go to negotiations.”²⁵

People’s Understanding of the “Crisis”

In speaking with Malians and internationals based in Bamako, different perspectives emerge about the range of factors that led to the crisis. However, there was near unanimity in the view that the main cause of the crisis was corruption and bad governance. According to a Malian jurist, Mali faced a triple crisis: a security crisis where two-thirds of the country was occupied by armed groups; an institutional crisis with the coup on March 22, 2013; and a humanitarian crisis resulting in the displacement of over 400,000²⁶ people from the north to the south of Mali and neighboring countries.

Several people interviewed for this assessment stressed that the recent crisis has deep roots in long-standing structural problems in Mali. “The international community focuses on the crisis but the root causes are much deeper,” commented the president of a Malian peacebuilding organization. The national perception, as assessed through interviews, is that “at the heart of the problem in Mali is the lack of good governance, including in the sectors of justice, education, and health,” according to a prosecutor in Bamako.

“Citizens of Mali have been victims of an absent state,” explained a Malian development expert. The combination of a corrupt state, a weak civil society, and drug trafficking in the north, condoned by the state, created an institutional vacuum setting the stage for the coup. “The rebels in the north had cordial relations with the military. As long as bad governance is not addressed, there can be no solution,” according to a representative of MINUSMA. Building on this view, the president of a Malian human rights NGO, explained, “The crisis in Mali was an institutional crisis. There were no checks and balances. We were in a situation of consensus, ‘You don’t touch me, I won’t touch you,’ especially between the executive and legislative branch.” Economically the country’s wealth was not distributed to allow for good economic governance. “In all aspects of the state you could see a problem with governance,” he explained. This situation was compounded by a security crisis, as the government security forces lacked

21 Ibid., 4.

22 International Crisis Group, June 2014. Crisis Watch No. 130, www.crisisgroup.org/en/publication-type/crisiswatch/crisiswatch-database.aspx?CountryIDs=%7bo0784553-1A92-4A05-8825-9235786CF9BC%7d#results

23 National Movement for the Liberation of Azawad (MNLA), the High Council for the Unity of Azawad (HCUC), and the Arab Movement of Azawad (MAA).

24 *All Africa*, “Mali: Tuareg Rebels, Govt Sign Ceasefire, Agree Peace Talks,” May 24, 2014, <http://allafrica.com/stories/201405240316.html>.

25 Ibid.

26 UN General Assembly, Human Rights Council, Report of the independent expert on the situation of human rights in Mali, Suliman Baldo, January, 10, 2014, UN Doc A/HRC/25/72, para. 80. Since 2012 the armed conflict in northern Mali has displaced 424,000 persons: 255,000 persons were internally displaced and 168,000 persons (as of 30 November 2013) fled to Burkina Faso, Mauritania, and Niger.

the resources to deal with threats posed by armed groups fighting against the state. The rampant trafficking of weapons, drugs, and people in the north was also cited as part of the problem. When Gao and Timbuktu were put on the red list for terrorism it decimated the local tourism industry. Young tourist guides switched roles and became guides for traffickers. Events in Libya also impacted Mali, as those who had fought in Libya went to Mali, adding to the pool of potential rebels. Criminality in the north was not addressed soon enough or effectively enough, further contributing to the conditions that led to the 2012 crisis.

While there seems to be consensus on corruption and bad governance as sources of the crisis, there were differing views on the ethnic dimension of the conflict. According to a representative from a women's rights group, the deeper causes of the conflict were problems between people of different skin color (which reflect perceptions of northern and southern ethnic groups). However, the president of another women's rights group cautioned that "we didn't have any problems between different racial and ethnic groups, but at the time of the crisis some tried to create a crisis of racism. The way in which people present and understand the problem in the north is not complete or correct. People put the problem in ethnic terms, but it's not." These contrasting positions point to a divide that exists among Malians in the north and those in the south. According to a young refugee from Timbuktu, "Among youth in Mali there is a divide between those from the north and the south. Even among those who are active in youth associations, some youth from the south will say, 'You northerners are really pissing us off. What more do you want, we gave you everything.'" This reflects a certain narrative present in Mali, especially in the south, that all of the problems have been caused by the MNLA.

Views on the Current Political Situation

With the intervention of the French and the arrival of the UN peacekeeping mission, the Malian state regained control of the majority of its territory, leading most people to feel the crisis had been addressed, pending the stabilization of the situation in Kidal. (The government still does not have full control over the area.) The elections helped to resolve the political crisis. While no longer describing Mali as being in a "crisis" situation, there was a general sense of discontent regarding how the new government was progressing. The recent scandal over the CFA 20 billion (USD \$41 million) spent by Keïta on a new plane was cited by most interviewees as an example of continued corruption and a sense that, rather than representing change, Keïta (also known as IBK) was more of the same for Mali. "There is a saying: *'IBK pour lui d'abord, la famille après, et le Mali jamais'* ('IBK for himself first, his family second, and Mali never'), explained the president of a women's rights group. "Instead of spending 20 billion CFA on a plane, he should instead support social services in Gao." In her view, "We still live in a banana republic." Put bluntly, many feel that "the President has failed in his first mission: reconciliation," as expressed by Mylmo, a famous Malian rapper. There was a general sense that those in power are hesitating, not moving forward, and in the meantime, people are left with unmet expectations.

Current State Response Regarding Transitional Justice

Since 2012 people have been discussing transitional justice in Mali. Recently a few transitional justice initiatives have been put in place. What follows is a brief overview of the key steps taken to date.

International Criminal Justice

On January 16, 2013, the ICC Prosecutor Fatou Bensouda opened an investigation into crimes allegedly committed in Mali since January 2012. This was in response to a request from Minister of Justice Malick Coulibaly issued on July 18, 2012, referring the situation in Mali to

the ICC, citing that national authorities would be unable to investigate and prosecute crimes, including extrajudicial killings, sexual violence, torture, enforced disappearances, and the use of child soldiers. “At each stage during the conflict, different armed groups have caused havoc and human suffering through a range of alleged acts of extreme violence,” said Bensouda. “I have determined that some of these deeds of brutality and destruction may constitute war crimes as defined by the Rome Statute.” Based on preliminary investigations, these include: 1) murder; 2) mutilation, cruel treatment, and torture; 3) intentionally directing attacks against protected objects; 4) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court; 5) pillaging, and 6) rape. Investigations are ongoing; however, no cases have been brought against specific individuals.

La Feuille de Route pour la Transition and the Commission Nationale de Dialogue et de Réconciliation

On January 29, 2013, Parliament unanimously adopted the road map for the transition, which called for the restoration of Malian territorial integrity and the organization of free and fair elections. The road map also called for the establishment of an inclusive Dialogue and Reconciliation Commission (Commission Nationale de Dialogue et de Réconciliation, CNDR). Established on March 6, 2013, the CNDR had 34 commissioners and a two-year mandate to identify stakeholders in a dialogue-and-reconciliation process, to register cases of human rights violations committed in Mali between 2012 and the complete recovery of control over the country, and to propose measures to help the victims overcome their traumatic experiences. One year later, following pressure from both national and international actors, the government dissolved the first commission and created a new truth commission (discussed below).

Preliminary Peace Agreement

On June 18, 2013, the Malian transitional government and two Tuareg separatist groups (MNLA and Le Haut Conseil pour l’Unité de l’Azawad) signed a preliminary peace agreement in Ouagadougou, Burkina Faso. Two other Tuareg groups (Le Mouvement Arabe de l’Azawad, and La Coordination des Mouvements et Forces Patriotiques de Résistance) adhered to the peace agreement on the same day. The agreement aimed to ensure peaceful elections and facilitate inclusive peace talks. It also contained a clause pertaining to establishing an international investigation of the international crimes committed in Mali (art. 18).

The agreement was successful in ensuring free elections, which elected Keïta to the presidency. In his inauguration speech, Keïta cited reconciliation and justice as priorities for his presidency. Four days later, to show his commitment to reconciliation, he established a ministry dedicated to the cause: the Ministry of Reconciliation and Development of the North (Ministère de la Réconciliation nationale et du Développement des régions du Nord), led by Cheick Ouamar Diarra. But nine months later, arguably “reconciliation has not advanced by one inch.”²⁷

The preliminary peace agreement, described as “the reference point of the Malian peace process,”²⁸ is said to have influenced both the creation of the Ministry for Reconciliation and Development of the North in September 2013 and the National Conference on the North (Assises nationales sur le Nord) in November 2013, which brought together armed groups, local government actors, and community representatives to discuss peace in northern Mali. However, after this conference, two armed groups withdrew from the peace process because

²⁷ www.jeuneafrique.com/Article/JA2781p098.xml/

²⁸ www.opinion-internationale.com/2014/05/29/mali-revitalizing-the-peace-process-through-national-dialogue-and-reconciliation_26230.html

they felt that there was no true and inclusive dialogue. As a follow-up to the conference, a series of regional consultations took place in Timbuktu in March 2014, with the aim of furthering national unity and reconciliation in the north. The peace talks slowly continued in March 2014; however, only the Haut Conseil pour l'Unité de l'Azawad was willing to participate.

In April 2014, former Prime Minister Modibo Keita was appointed High Representative for Inter-Malian Inclusive Dialogue. He will thus be conducting peace talks with armed groups in northern Mali, including the MNLA, together with the Minister of Reconciliation, Zahabi Ould Sidy Mohamed, who replaced the former minister in April 2014 after the entire former government resigned, allegedly due to government failures and deficiencies. The aim of these dialogues is to reach a final peace agreement.

Commission for Truth, Justice and Reconciliation

One year after the CNDR was established, in response to national and international pressure criticizing the lack of consultation with civil society and victims groups as well as the lack of progress in its work, the Malian government decided to review the commission's composition and mandate, and in early November 2013, Reconciliation Minister Oumar Diarra announced the creation of a new commission.

On March 20, 2014, the Malian national assembly, with a large majority, adopted a law establishing the Truth, Justice and Reconciliation Commission (Commission Vérité, Justice et Réconciliation, CVJR).²⁹ This new commission has a three-year mandate to establish the truth about crimes committed in the north from 1960–2013. Moving beyond calls for reconciliation between Malians noted in the mandate of the first commission, the CVJR mandate includes contributing to building a durable peace in Mali. While there is a clear effort to assert the independence of the CVJR, it will nevertheless be placed under the Ministry of Reconciliation. (Article 5 of ordinance 2014-003/P-RM of January 15, 2014, ratified by the national assembly, specifies that the commission will not receive instructions or orders from any authority, community, or social groups in the exercise of its mission.³⁰) Those who voted against the law cited its lack of independence as the source of their opposition. The CVJR will be composed of 15 commissioners, who have yet to be named. According to the law, the commissioners will be divided into seven thematic working groups, with two commissioners per group. The seven themes include: investigation of grave human rights violations both at the individual and collective level, reconciliation, establishment of inter-community trust, reparations, truth seeking, return and reintegration of refugees and internally displaced, research and documentation, preservation and reparation of harms to cultural heritage.³¹ As of July 2014, the establishment of the CVJR is stalled, and those responsible for its implementation are not able to explain the delay.³²

National Criminal Justice

There have been efforts to prosecute perpetrators of human rights abuses by national courts, such as the arrests carried out in late 2013 and early 2014 of over 20 soldiers, including former coup leader General Amadou Haya Sanogo, for the torture and enforced disappearance of 21 “Red Berets” and the investigation pertaining to the “Mutinerie de Kati.” However, the justice system has been criticized for its failure to prosecute crimes committed in the north of Mali.

29 The vote passed with 99 in favor, 0 against, and 18 abstentions.

30 www.maliweb.net/societe/de-la-cdr-la-cvjr-ce-qui-va-changer-194867.html

31 www.malijet.com/mobile/mobile/la_societe_malienne_aujourd'hui/actualite_de_la_nation_malienne/96869-les-deputes-ont-vote-le-texte-creant-la-commission-verite-justic.html

32 Commission vérité justice toujours attendue : A quoi joue-t-on au ministère de la réconciliation? See more at <http://maliactu.net/commission-verite-justice-toujours-attendue-a-quoi-joue-t-on-au-ministere-de-la-reconciliation/#sthash.wltg9SL.dpuf>

Since there was no judicial capacity to deal with cases in the north locally, in 2012 the Tribunal of Commune III in Bamako began investigating cases against people arrested in the north. In July 2012 The Criminal Chamber of the Supreme Court of Mali divested the jurisdiction of Kidal to the Tribunal of Commune III, and in January 2013 the Supreme Court of Mali transferred jurisdiction of the occupied zones and designated the Tribunal of Commune III in Bamako to investigate violations committed in the context of the occupation of the north, including “assassinations, killing, amputations, flagellations, individual rape, collective rape, sexual slavery, torture, inhumane treatment, desertion, rebellion, crimes against the territorial integrity of the state, hostage taking, kidnaping, extortion, destruction of monument, places of worship, defamation of tombs, illegal arms possession, and drug use.”³³

The Malian government has begun to reform the country’s justice system, and has developed so-called listening centers (centres d’écoute), where victims can give statements and receive support.³⁴ The Malian justice minister, Mohamed Ali Bathily, publicly announced that they would implement this idea at a follow-up donor conference in Brussels in February 2014,³⁵ and his representative for human rights recently announced that such listening centers would be opened soon in the northern provinces and would serve to listen to and support victims, as well as to help with reparations for victims.³⁶

Perceptions of the State’s Response

Several interviewees from all sectors pointed to disconnected efforts and the lack of a clear strategy for achieving peace and reconciliation, as exemplified in the lack of clarity regarding the respective roles of the planned truth commission (CVJR), the Ministry of Reconciliation; Modibo Keïta, the High Representative for the state for Inclusive Inter-Malian Dialogue (hereafter High Representative); and the Ministry of Justice’s listening centers. Even the minister of justice was confused when he recently stated on national television that IBK had named Keïta as the minister of reconciliation when he is in fact the high representative, a mistake which, according to the media, reflects the confusion shared by many.³⁷ There were repeated concerns expressed by interviewees that among these various institutions and posts it is unclear who does what, which may lead to clashes, when they need to work together to succeed. A more cynical view suspects that the division is intentional, as a way of stalling any real progress: “When you multiply the organs of the state or of the response, it’s for the people to fight against themselves.”³⁸

Another frequent theme was the state’s top-down approach to dialogue and reconciliation. “The state has not taken the right path. You should not go from the summit to the base. You have to listen. It is not in Bamako that you can resolve this crisis,” explained a member of The Northern Citizens’ Collective (Le Collectif des Ressortissants du Nord, COREN), involved in the peace talks with the north. To date, all encounters regarding dialogue and reconciliation have been held in large cities at the regional level and in French, which is irrelevant for the target population, who primarily speak other national languages. His view, echoed by many others, is that a process of reconciliation needs to start at the local level. In the implementation of projects around peace and reconciliation, many criticized the state for not taking into

33 FIDH report, *La Justice en Marche*, 8.

34 This idea initially came from the .N independent expert on the situation of human rights in Mali, Suliman Baldo, who proposed mobile listening centers as a way to take statements from victims of human rights abuses in the inaccessible, conflict-affected northern parts of Mali. See [www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/AF12252EA38F54BEC1257C8D005FFCF1?OpenDocument&cntxt=C8F3F&cookielang=en](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/AF12252EA38F54BEC1257C8D005FFCF1?OpenDocument&cntxt=C8F3F&cookielang=en).

35 See www.malijet.com/la_societe_malienne_aujourd'hui/actualite_de_la_nation_malienne/93454-suivi-de-la-conference-des-donateurs-pour-le-mali-la-communautaire.html.

36 See www.journaldumali.com/article.php?aid=8257.

37 “L’erreur de Nienema Coulibaly sur ‘Internationale’ / « Modibo Keïta, ministre de la réconciliation,” May 5, 2014, www.malijet.com/actualite_internationale/100789-l_erreur_de_nienema.html

38 Interview with president of women’s right group.

account local customs. If something is going to take place in a community, for example, there are certain families, traditional leaders, and imams that need to be consulted. Ideally they should be presented with a project and asked for their views and given the space to accept it or not. “The problem is that the state does not take that approach. It tries to force their projects on them,” explained a member of COREN. Rather than start at the national level, a dialogue process should start at the local level and then lead to a broader discussion.

In addition to these overall impressions of the state’s response, interviewees commented on the planned truth commission and provided their reflections on justice.

Truth Seeking

Everyone interviewed for this assessment was very critical of the first truth commission (CNDR), with its 33 commissioners, of which 70 percent were from the south. This critique also came from some groups that claim to represent victims in the north (although victims in the north do not feel this is legitimate representation). The CNDR vice president acknowledged that in the first commission “they tried to put everyone in it, so it didn’t work.” Many also felt the creation of the CNDR “was pushed by the executive branch without involving the political and social forces of the country in its conceptualization.”³⁹ The new commission CVJR, includes the word *justice* in its title, because, as explained by a Malian journalist who was involved in the transitional justice network, “People felt that without justice, we can’t find truth.” While civil society fought and won the effort to have *justice* in the title of the new commission, it lost the battle for greater consultation. The decree was passed in March 2014 without a chance for civil society to provide their input.

The new decree also calls on the commission to investigate a broader time period: events from 1960–2013. Some think that perhaps the fact that it will go back to the time of independence could be part of the hold up and worry that “going so far back could add salt to the wound.” Yet, another Malian researcher explained that “we need to establish historical truth, there are too many divergent narratives. The commission should go back to 1916.”

If and when the truth commission starts its work, it will have to overcome many challenges. The first will be to establish legitimacy. While the CNDR was linked to the presidency, giving it a level of autonomy, the new commission falls under the Ministry of Reconciliation, which many feel will jeopardize its independence. Among those interviewed, there were strong calls for an independent commission not attached to a ministry.

Another obstacle for the commission’s legitimacy is that generally those in the north do not want people from the capital to solve their problems. According to the president of a Malian human rights organization, one of the main challenges for the commission will be to find victims and encourage them to speak, because “we are not in a culture where people are used to speaking openly. It will be necessary to take a pedagogical approach to make people speak. By nature, Malians keep things to themselves.” He also worried about people’s expectations, if the commission has the words *truth*, *justice*, and *reconciliation* in its title, but it doesn’t have the authority to bring about justice, how will it justify its work?

Overall, no one interviewed for this assessment opposed the idea of a truth commission, if done well; yet, there was not a clear sense of a strong demand for a truth commission. For example, a representative of the High Islamic Council of Mali explained, “We think hav-

39 M. Boubacar Ba, “La Justice Transitionnelle dans le contexte malien : Clarification conceptuelle, Opportunités, Défis et Perspectives,” *Journées d’informations et d’échanges avec la Commission nationale de Dialogue et de Réconciliation et avec les cadres de concertations thématiques* (Société civile et acteurs de la chaîne pénale), Bamako, 30 mai au 11 juin 2013, 12.

ing a truth commission is a good idea, but the first commission didn't have the legitimacy or the people needed to carry it out. With or without this commission, we've already begun the work of asking for peace and forgiveness. We would join and support the truth commission if needed and possible." In light of the commission's uncertain future and potential, they have taken matters into their own hands. Another international observed that in early 2014 everyone was talking about the truth commission, but now that the mandate passed, "Nobody is talking about it anymore."

Many Malians and internationals working in Bamako who were interviewed for this assessment felt that the truth commission has largely been driven by outsiders. One international representative in Mali explained that the truth commission was put in place as in response to strong international pressure, which, in her view, in part explains why it is now stalled: "The TC needs to be demanded by Malians. We shouldn't force it; it should come from the population." Civil society pushed for adding *justice* to the title and the work of the truth commission, which was followed by a lot of pressure from the international community to pass the new law; but since then, things have not gone far. To the president of a Malian peacebuilding organization, this felt like "an instrumentalization of civil society." The president of a Malian women's rights group felt even more strongly that the truth commission "is for the international community."

Another critical voice, a high-ranking prosecutor, asked what would come of a truth commission, given that there has already been a lot of intercommunal dialogue: "But after that, what change? It's public money, we shouldn't throw it out the window." There was also some confusion around the relationship between a truth commission and the justice sector, as one magistrate noted, "I think the commission will hear the victims to bring reparations and eventually forgiveness for older crimes (since 1963), but for recent crimes let the Malian justice system deal with them."

Criminal Accountability

Whether, in fact, the Malian justice system can deal with recent crimes is an ongoing debate in Mali. In 2012, the minister of justice had his doubts, and thus referred Mali to the ICC. Two years later, reflecting on international justice, the majority of those interviewed for this assessment were critical of the ICC. "Mali is pessimistic with regard to the ICC," a Malian magistrate working at MINUSMA explained, "we don't feel a sense of collaboration with the ICC, instead you hear talk of sovereignty. There is a leaning towards wanting to deal with crimes locally. Victims need justice, we cannot wait." Others felt skeptical about the ICC's potential to achieve anything in Mali. "How could we have let the jihadists get as far as they did and then seek refuge in another country. The ICC did not do anything. I think Mali should leave the ICC; it has not helped us," expressed one member of Malian civil society. Another very critical human rights activist echoed the criticism that has been waged against the ICC, saying, "I don't support the ICC . . . as long as Bush is not arrested and tried I don't trust the ICC. They only focus on Africa, why not in Latin America? We are their revenue source."

Despite these criticisms, several people did feel that the ICC has a role to play in dealing with "the big fish" and putting pressure on Mali to take steps toward achieving accountability for past violations. A Malian human rights organization, for example, was involved in calling for the ICC to come to Mali. Beyond the few cases the ICC might take on, they discussed a special tribunal, "but decided to focus on reinforcing the Malian justice system. The ICC is there in case Malian justice does not advance."

The role of the ICC in Mali brings up the debate of what role international justice should play more broadly in Mali. Among those interviewed there was a split between those who believed

the Malian justice system can and should address the violations resulting from the crisis and those who believed that it would not be able to carry out that task, and that international support, in addition to the work of the ICC, is required to address the impunity gap. Not surprisingly, this split often fell along nationality and professional lines.

All the Malian prosecutors, magistrates, or members of the legal profession interviewed for this assessment felt strongly that Malian justice should be given the resources and support necessary to address past violations. They pointed to the work begun by the Tribunal in Commune III of Bamako, highlighting the challenges it is facing, but also noting the progress as a positive step in the right direction. “Nobody would have thought Captain Sanogo would have been arrested,” explained a Malian human rights activist, “but in November 2013 he was arrested. This is an important step for us; a sign of progress.” Furthermore, a high-ranking prosecutor in Bamako argued that historically transitional justice approaches have been applied in contexts of massive human rights violations, which in his view is not the case in Mali: “We should let the judicial system do what it needs to do. There is no need to create a special tribunal. We just need to increase the resources of the courts. We need to give the country time to do what it needs to do. Malian justice can do this work.”

Currently, however, the three judges at the Commune III tribunal tasked with dealing with violations in the north are having trouble moving cases forward. This is in part due to the fact that cases are being tried in Bamako, though the victims, witnesses, and evidence are in the north. The judges have tried to go to the north to carry out proper investigations, but they have not received enough support (logistical or financial), given the lack of an effective court system in the north and ongoing security problems. “Currently the military are bringing the accused to Bamako, but victims and witnesses are 1000 kilometers away; this is a handicap for effective justice,” explains a judge in Commune III tribunal. “We want to establish the rule of law, we want to fight against impunity, but we don’t have the resources. We need staff and supplies.”

Judges and prosecutors called for ongoing professional development and trainings. “There is a lot of focus on the military, let’s not forget justice,” pleaded a judge in Commune III tribunal. He also urged the state to increase the amount of resources allocated to the justice sector, including for basic needs, such as photocopiers and vehicles, as well as fair wages. “If you don’t give people good working conditions and they are not strong,” he warned, “they will likely accept bribes.” The risk is very real, as he recently experienced himself: when he was working on the Sanogo case and planning to investigate some high-ranking officials, he received a large sum of money (1 milliard 200 million CFA, over USD \$2 million) in his bank account. Committed to the rule of law, he took the money and turned it over to the state. However, not everyone would have been as principled.

While believing that Malian justice can and should tackle violations linked to the past, the Association Malienne des Droits de l’Homme (AMDH) noted the challenges around a bias in the selection of cases, highlighting that so far there have been no arrests for cases of rape.⁴⁰ The majority of arrests relate to the crime of “threatening the security of the country.” To date the state has focused on crimes against territorial integrity, leaving aside other serious violations, including some that may have been committed by agents of the state. In order to deliver a sense of impartial justice, the Malian state will need to push for investigations of violations committed by all parties.

In contrast to the view that with additional support and resources the Malian justice system can handle cases of human rights violations that occurred during the crisis, a few Malians and all internationals interviewed for this assessment believe that “Malian justice has neither the means, nor the resources, nor the confidence to be able to tackle the past violations,” as

highlighted by a young Malian researcher. There will be pressure on the justice system because it will also need to investigate cases against state agents; but in the current context, there is little political incentive for the state to try members of the military who committed violations in 2013. Another concern is that there is not yet a clear picture of the full scope of violations that occurred and the number of victims. It will be difficult to gather all the information given the continuing security risks in the north and the fact that Kidal is still not under full state control, with some portions, including the tribunal and prison, still held by MNLA.

“The justice sector is in a virtual world; they think they should do everything, but they don’t have the means to do it. In practice the Ministry of Justice is working on a few cases—the red bérêts, corruption, and human rights violations—but there is no clear strategy to help them prioritize what they can and should do,” explained one international political analyst. The tribunal in Commune III has done some work on human rights cases, but there is now a discussion about having tribunals in the north take on cases of violations committed in the north. “While that’s good in theory, because justice would be closer to the people, the challenge is whether or not they can deliver. The judicial system in Mali is not capable of dealing with everything that happened in the north,” remarked the same international political analyst. From the perspective of victims, “If we want to take care of victims, it will be too late if we wait for the conventional justice system to be ready to deal with this,” a Malian journalist and Embassy representative explained. While no clear alternatives were presented, one suggestion was to create a special chamber with international support.

The debate over whether the Malian justice system can address cases of violations resulting from the recent crisis focuses primarily on resources and capacity. However, another challenge is people’s perception of the justice system. On average, the Malian citizen does not trust the justice system. There were strong calls for an end to impunity among those interviewed; however, almost everyone shared a certain level of distrust of the judiciary. Such distrust stems from a historically corrupt judiciary, an absent judiciary in the north, and cultural practices. For many, the formal justice system is synonymous with repression and represents a painful memory of the colonial period. Particularly in the north justice is contested due to culture, religion, and the years without a central authority, which led people to develop their own resolution mechanisms. In the south, where there was a more active judiciary, it still faces a lack of legitimacy stemming from the perception of a two-tiered justice system, where the closer you are to power the less susceptible to justice you are and the poorer you are the more likely you are to be held accountable. Furthermore, many victims are scared to file complaints because they live in communities near the perpetrators and there is not enough protection. Generally in Mali, people tend to turn to customs and/or the village chief, not to the judicial authorities: “In our traditions, [formal] justice is always the last recourse,” explained the president of a Malian peacebuilding organization. This sentiment was echoed by people from different positions in society and different ages. “Justice isn’t really respected here. We resolve many of our problems among ourselves, rather than going to the formal justice system,” explained a young Malian rap artist. Another young woman, a refugee from Timbuktu, put it even more strongly, saying, “As long as we speak of [formal] justice there will be no peace. I don’t want justice. I want us to talk to each other, forgive each other, and to move on with our lives.”

Reparations

People did not frequently speak of reparations, but when they did, they most often equated it with justice. “The main concern of victims is reparations,” said the representative of a Malian women’s rights group. “Victims say they can’t speak of reconciliation without justice but the problem is that the people don’t trust our justice system. You first have to build their confidence and trust and then see what violations they suffered.” In her view, “Reparation means

achieving justice for violations against women and children; reparations mean judging the perpetrators.” According to one Malian who has worked with many victims from the north, “The majority of victims would be happy with a sincere apology and gesture of reconciliation. The key is to talk to victims, to take them into account.”

Possibilities and Challenges for Transitional Justice in Mali

In the immediate aftermath of the 2012 crisis in Mali, there was mobilization around the idea of transitional justice and a few early initiatives were put in place, notably two versions of a truth commission. However, following ICTJ’s May 2014 assessment, the conditions did not seem to be conducive to a national truth commission to effectively meet its intended objectives, nor was there an overwhelming demand for transitional justice approaches.

Several people expressed skepticism about transitional justice, given what they viewed as past failed attempts to establish peace through dialogue and reconciliation ceremonies (which many seem to equate with transitional justice). A Malian magistrate reflected: “There was this entire process in 91-95, where we cried out peace, there was the ceremony of the fire of peace in 1996, the ‘grand pardon,’ and we integrated the Tuaregs into the army; yet it is these same people who took up arms again. Now, we when hear about transitional justice, we ask how will we get to reconciliation. People are skeptical; they wonder what will come of transitional justice.” This skepticism has been further reinforced by a lack of progress on recent initiatives. As one human rights lawyer explained, there was a colloquium organized on transitional justice in 2013, some recommendations came out of the meeting, but most of them have not been implemented: “The government is struggling to find reconciliation. Now there is a new commission, a ministry of reconciliation, and the high representative. How will the state coordinate all of this? In the meantime the victims are waiting.”

Among the human rights organizations based in Bamako there are a few who advocate for transitional justice. According to a Malian lawyer who claims to be the first to have introduced the idea of transitional justice in Mali in 2012, “The situation in Mali needs the four pillars of transitional justice,” referring to truth, justice, reparations, and guarantees of nonrepetition. Following several meetings and trainings on transitional justice organized by civil society organizations, there are two civil society networks on transitional justice that have been established in Bamako. One is led by the Coalition des défenseurs des droits humains, and financed by Trust Africa, with a focus on supporting and identifying victims. The other is led by Freedom House and the American Bar Association Rule of Law Initiative (ABA ROLI). There was a sense that the initial drive for these two platforms came in large part from external pressure or support. “We have the impression that the international partners drive the process,” explained a Malian journalist working on human rights. “That is the problem when you don’t have your own resources. We’re trying to work towards the same objectives, but it’s often in the execution of the project that we have different approaches.”

While Malian civil society is well organized, mainly into two larger umbrella organizations—the Conseil National de la Société Civile du Mali (CNSC) and the Forum des Organisations de la Société Civile (FOSC)—the perceptions regarding its efficacy are mixed. International organizations describe Mali’s civil society as “vibrant,” emphasizing how it was “engaged in several peacebuilding processes in the country,”⁴¹ as well as a “strong [...] advocate for representing interests of constituencies and in service delivery.”⁴² However, some journalists and researchers have described Malian civil society in quite pessimistic terms, as “*immobile et apho-*

41 www.sipri.org/media/newsletter/essay/skons_oct13

42 [www.afrimap.org/english/images/paper/Mali_Civil_Society\(fin\).pdf](http://www.afrimap.org/english/images/paper/Mali_Civil_Society(fin).pdf)

ne” (“motionless and speechless”) and subservient to political power,⁴³ or as donor-driven and serving as democratic alibies for programs aimed at the “*renforcement des capacités de la société civile*” (“reinforcing the capacities of civil society”) headed by large international organizations, such as the World Bank or USAID, with each choosing their own version of civil society.⁴⁴

Throughout the assessment interviews, representatives of Malian NGOs commented on the weaknesses of civil society, including the partisan nature of many NGOs and a lack of synergy between organizations, which makes them unable to capitalize on their respective strengths. In Bamako, according to those interviewed, civil society is very politicized and focused on money and politics. “The view in Mali is that every government has its civil society and the civil society has to adapt to the regime,” commented a journalist working in human rights. There are very few national organizations and no credible NGOs established by Tuarges that documented the violations they suffered. However, outside of Bamako there is an active civil society, but it is not formally organized, but, rather, informal associations of volunteers. Working through those channels takes time, because they are volunteers, to locate them and allow them time to carry out their work.

A weak civil society, largely influenced by international actors, poses a challenge to the effectiveness of transitional justice approaches. While there is an effort to identify approaches that make sense for Mali, a leading voice on transitional justice in Mali remarked: “Mali is like a sick person with many doctors, each with their own magic potion or cure. Many want to help, but each with their own ideas. The problem today is that we’re considered a failing country. People give us all the cures, but we don’t have a sense of where we’re going. There is a real problem with lack of coordination.”

External pressure and a weak civil society seem to have led to a technical approach to transitional justice and the application of the “four pillars” in an almost cookie-cutter-like fashion, rather than on the basis of a deeper analysis of key demands followed by a search for appropriate solutions. In this context, a significant challenge is whether those who are pushing for transitional justice, both at the national and international level, have assessed the needs and demands of the Malian population. Two different initiatives carried out at the local level across Mali revealed that people’s primary concerns are not necessarily about the crisis, but rather on development. In a consultation conducted by Malian Institute of Research and Action for Peace (IMRAP), for example, of the 1,800 consulted so far, preliminary results show that management and access to resources is of primary concern, along with loss of land, failure of institutions, and weakness of the state. The “crisis” does not show up in people’s responses. “The impact of the 2012 crisis is not the major concern; their concerns are more about everyday life,” explained the president of a Malian peacebuilding organization. Another initiative of communal dialogue at the municipal level had similar results. The problems that emerge from these dialogues are not about the jihadists, but rather about land and access to natural resources. “If we want reconciliation, it’s on these points that we need to do something,” said an international political analyst.

Conclusions

The current context in Mali is reminiscent of other countries emerging from conflict, where the international community appears to be the most forceful voice urging the implementation of transitional justice measures. On the one hand it is positive that justice issues are raised in the aftermath of conflict; yet, in the promotion of transitional justice approaches, there is a risk that we may lose sight of the objectives of these approaches: to recognize victims and address impunity in contexts of fragile political transitions where the formal justice system cannot respond to

43 www.journaldumali.com/article.php?aid=6215

44 www.cetri.be/spip.php?article1975&lang=fr

the demand or number of cases, all with the goal of restoring or building a sense of civic trust and respect for rule of law.

The approaches that have emerged—truth commissions, reparations, trials, and institutional reform—are not a recipe, but rather the result of creative problem solving to fight impunity and recognize victims’ rights within the restrictions of tenuous transitions to democracy. Yet today, discussions often focus on “four pillars” and rush to urge the rapid creation of mechanisms that may not respond to people’s needs and expectations and may not be backed by serious political will. Instead, savvy politicians may use the language of transitional justice to gain legitimacy and funding from the international community, at the expense of meeting the real demands of victims and society.

Consultations with a broad range of stakeholders to identify goals and assess what approaches might work best within that context are an essential first step. The ultimate success of any approach will depend in large part on whether there is a strong movement among victims groups and other social actors, and a window of opportunity within the political context, to push for a genuine effort to shed light on past violations and publicly acknowledge those violations and move toward accountability and reform, in order to help prevent their recurrence.

One of the questions posed in the concept note from the meeting on transitional justice organized by the Ministry of Justice in 2013 asks, “Does transitional justice necessarily have to go through a truth commission or is it possible to emphasize the capacity of national justice sector to investigation violations crimes committed?”⁴⁵ The question itself reveals a problem with the way in which transitional justice has been interpreted. There is no formula that must be followed in every context. Based on the specific context and demands in Mali, rather than pursue a truth commission that examines violations of civil and political rights, perhaps an audit or investigation into questions of corruption and governance could help to shed light on an essential problem that everyone interviewed for this assessment highlighted, while providing potential ideas for needed reforms. For violations of civil and political rights, the Malian justice system, with the necessary support, could tackle those most responsible for committing crimes.

In Mali there is now an opportunity to look beyond what has been done in other countries, to propose approaches that will respond to the concerns of the population in a way that resonates and has the potential to trigger a meaningful process of change towards the establishment of a durable peace.

Recommendations

The following recommendations are based on ICTJ’s preliminary assessment of Mali and draw on lessons learned and experiences in other contexts.⁴⁶ The recommendations focus on issues that the international community and donor states are well placed to address.

- 1. Properly assess the national context.** As one international representative based in Bamako noted, “Donors need to be careful not just to assess the situation at the time of the conflict, but to look at preexisting problems.” The roots of the crisis go much deeper than developments over the past few years. In order to be able to help devise appropriate and effective solutions to the problems facing Mali, international actors need to develop a deeper historical and cultural understanding of the context.

45 Ministry of Justice, “Note Conceptuelle, Colloque sur la Justice Transitionnelle au Mali, Thème : Quelle Justice Transitionnelle pour le Mali ?,” on file at ICTJ.

46 See for example, ICTJ, “Challenging the Conventional: Can Truth Commissions Support Peace Processes?” June 2014, www.ictj.org/sites/default/files/ICTJ-Report-KAF-TruthCommPeace-2014.pdf

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2. **Engage at the local level.** Most international actors (UN agencies, government donors, intergovernmental organizations) tend to work at the official level with national actors. However, in the context of Mali, numerous interviewees stressed the importance of the local and communal level. Therefore, it will be important for those working in Mali to explore ways to support work at the local and communal level that could then translate up to the national level. Approaches to transitional justice in Mali should be rethought in light of the specific circumstances and culture in Mali so that they respond to people's demands and respect cultural norms. There were several calls for a focus on the *local* level rather than the *national* level.
3. **Support an overall strategy for ending impunity.** International actors should take special care to avoid the trap of providing technical support on specific provisions, like a truth commission bill, in the absence of a broader and well-articulated strategy to end impunity that enjoys significant social and political support. If they do not, there is a risk that their technical support will be used to legitimize a mechanism that does not meet the needs of the victims and citizens of Mali or respond to their demands.
4. **Uphold standards of independence and legitimacy in a truth commission or other transitional justice mechanism.** Based on the experience of truth commissions established as part of peace agreements in other contexts, before deciding to support a truth commission, the international community should ensure that the commission is legitimate in the eyes of its target population (the victims and citizens of Mali) and that it is empowered with a clear mandate and resources that will allow it to carry out its work. If these conditions are not present, an ineffective truth commission risks deepening the frustrations of victims. Rather than building civic trust, a failed truth-seeking effort may create a bigger trust deficit and move a country further away from the goal of reconciliation.
5. **Support and reinforce the capacity of the Malian justice system.** Initial progress has been made to investigate and prosecute some cases. Despite numerous challenges, there does seem to be a willingness among key actors in the justice sector to address human rights violations. The international community should support these positive initiatives and help to address some of the ongoing challenges.
6. **Clarify the respective roles and mandate of institutions working on transitional justice.** Between the Ministry of Justice, the Ministry of Reconciliation, the CVJR, and the High Representative for Inter-Malian Inclusive Dialogue, the government of Mali should ensure that everyone understands their various roles and functions and how these different approaches relate to each other.