

**Office of the United Nations High Commissioner
for Human Rights**

**Status Report: OHCHR Project supporting the G5 Sahel Joint Force with
Implementation of the Human Rights and International Humanitarian Law
Compliance Framework
1 May 2018 – 31 March 2020**

05 August 2020



**UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER**

Contents

	<i>Page</i>
I. Executive Summary	3
II. Scope of the report and methodology	5
III. Structure and mandate of the G5 Sahel project of the Office of the United Nations High Commissioner for Human Rights	6
IV. Operational environment of the <i>Force Conjointe</i> of the G5 Sahel	7
V. Legal and normative framework relevant to the operations of the <i>Force Conjointe</i> of the G5 Sahel....	9
VI. Composition of the <i>Force Conjointe</i> of the G5 Sahel.....	10
VII. Development and content of the Compliance Framework for the <i>Force Conjointe</i> of the G5 Sahel	12
A. Design of the Compliance Framework.....	12
B. Principles of the Compliance Framework Project.....	14
1. Coordination	14
2. National ownership.....	15
3. Contextualization.....	15
4. Relevance and practicality.....	16
5. Confidentiality and information sharing.....	16
VIII. Status and review of implementation of the Compliance Framework under its seven pillars	16
A. Pillar 1: Selection and screening	16
B. Pillar 2: Training	18
C. Pillar 3: Rules and regulations.....	19
D. Pillar 4 and 5: Planning and conduct of operations and after action reviews	22
E. Pillar 6: Internal monitoring and reporting mechanism.....	23
F. Pillar 7: accountability	24
IX. Conclusions and way ahead	27
A. Conclusions	27
B. Way ahead.....	28

Annexes

I. List of Acronyms	30
II. List of visuals.....	31

I. Executive Summary

1. This report provides a review of an innovative initiative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in support of the protection of human rights in counter-terrorism operations in the Sahel region. It focuses on the progressive development and implementation of the Human Rights and International Humanitarian Law Compliance Framework of the Force Conjointe of the G5 Sahel (Compliance Framework project, G5 Sahel project or project) from its launch in May 2018 to 31 March 2020 and outlines next steps and the way ahead for the project.

2. The Compliance Framework project aims to operationalize the approach that compliance with international standards during military operations enhances security and decreases the risk of civilian harm while contributing to addressing violent extremism and terrorism. The project's key innovation is its implementation of a collective commitment to human rights compliance by a range of sub-regional actors in the context of counter-terrorism operations.

3. The Force Conjointe of the G5 Sahel (FC-G5S) is the first sub-regional armed force that has committed to implementing an international human rights law and international humanitarian law compliance framework, involving tailor-made mechanisms and concrete measures to prevent, mitigate and address possible violations of international human rights law and international humanitarian law during its operations. The initiative also reflects an evolving global peace and security architecture in which regional and sub-regional actors have an increasingly important role in responding to regional threats. The project also integrates human rights at the core of the United Nations strategy on peace and security, and reinforces United Nations logistical support to complex regional military operations in line with the United Nations Human Rights Due Diligence Policy on support by the United Nations to non-UN security forces.

4. To date, progress on the project has been encouraging, with several milestones achieved, including the adoption by the Force Conjointe of the G5 Sahel (FC-G5S / G5 Sahel Joint Force) of standards for the selection of its personnel; the establishment of a mobile pool of trainers and the development and implementation of a coherent training curriculum for key personnel on international humanitarian law, human rights, and the protection of civilians; the integration of human rights and international humanitarian law standards into the Force's doctrine and procedures, and across the planning, conduct and review of military operations by the of FC-G5S.

5. Challenges remain ahead for the FC-G5S to fully implement the Compliance Framework, particularly to ensure the development and adoption of remaining rules and regulations and dissemination and operationalization of core doctrine and procedures already adopted; to enhance accountability mechanisms; to establish and roll out a casualty tracking mechanism, and to engage in a sustained dialogue and interaction with all stakeholders.

6. The report presents a brief overview of the political and security context in the Sahel, which prompted the development of the Compliance Framework with the strong political backing of international partners. It describes steps taken by the FC-G5S and OHCHR since May 2018, in close coordination with numerous technical actors on the ground, to operationalize the Compliance Framework, taking into consideration the legal, normative and operational environment of the FC-G5S. The report reviews the implementation and the initial impact of the activities under the project's seven pillars: (1) the selection and screening of the FC-G5S soldiers; (2) their training; (3) the adoption by the FC-G5S of human rights and humanitarian law compliant rules and regulations to conduct hostilities; (4) the integration of protection of civilians into the planning and conduct of operations; (5) after-action reviews; (6) internal monitoring and reporting mechanisms; and (7) accountability for allegations of violations of international human rights law and international humanitarian law by members of the FC-G5S deployed across the G5 Sahel countries, namely Burkina Faso, Chad, Mali, Mauritania and Niger.

7. The report notes that close cooperation and a relationship of trust built between OHCHR and the FC-G5S, the G5 Sahel organs and headquarters of the national armed forces of the five Member States have permitted significant progress in implementation and ownership of the Compliance Framework and the commitment of the FC-G5S to advancing it. On 5 June 2020, during the United Nations Security Council discussion on the

operationalization of the G5-Sahel Joint Force, the Minister of Foreign Affairs of Mauritania, acting as representative of the G5 Sahel rotating Presidency, highlighted the partnership between the FC-G5S and OHCHR to develop a culture of human rights. During this discussion, the United Nations Under-Secretary-General for Peace Operations urged the FC-G5S and the G5 Sahel Member States to spare no effort for the full establishment and implementation of the different pillars of the Compliance Framework.

8. The report also highlights efforts to facilitate greater engagement between the FC-G5S and civil society organizations to foster improved understanding of the situation on the ground to enhance relations between the Force and civilian populations.

9. An initiative of this novelty and scope is not without challenges. The Secretary-General emphasized that “[t]he proposed counter-terrorism operations of the Joint Force present significant risks and challenges in relation to human rights and international humanitarian law”.¹ Supporting military actors to comply with human rights and international humanitarian law requires significant resources, specialist skills, and sustained national and international commitment at the political and operational levels. The FC-G5S continues to experience political, operational, logistical and administrative challenges that have hindered its full operationalization and undermined its ability to implement elements of the Compliance Framework. In particular, a clear chain of command is lacking as national army commands retain tactical control of their troops operating under the umbrella of the FC-G5S; there is neither a clear information-sharing mechanism nor an effective practice to share information between the FC-G5S and the national authorities of the five countries; and a shared understanding of the Police Component model and the role of the Provost corps is needed.

10. A key objective of OHCHR under the Compliance Framework is to support accountability of the FC-G5S and G5 Sahel troop and police contributing countries in preventing and addressing allegations of human rights and/or international humanitarian law violations that Force members may have committed. Between its establishment and March 2020, the FC-G5 Sahel conducted 24 operations. The report includes general information on eleven alleged incidents of violations reported in these operations which OHCHR has documented, and describes OHCHR efforts in assisting the FC-G5S to develop and strengthen internal monitoring and accountability mechanisms to address such violations. For instance, in addition to its own monitoring mechanisms, OHCHR, jointly with the Centre for Civilians in Conflict (CIVIC), is supporting the FC-G5S to set up a Casualty and Incident Tracking and Analysis Cell (CITAC). In view of recent increases in allegations of serious violations committed in the Sahel region by national security forces not part of the FC-G5S, the Governments of the G5 Sahel countries should step up their efforts at the national level to implement their commitments to promote and protect human rights, including through their army headquarters.

11. In early 2020, new security initiatives have emerged in support of the G5 Sahel and Joint Force’s efforts to combat terrorism and organized crime, which present new opportunities, and also new challenges for the implementation of the Compliance Framework, in particular: the International Coalition for the Sahel which was announced in January 2020, together with the establishment of a Joint Command Post between Operation Barkhane² and the G5 Sahel Joint Force based in Niamey, Niger; the deployment of European special forces under the name ‘Takuba Task Force’ and the ‘Partnership for Security and Stability in the Sahel’ (P3S); the African Union decision, in February 2020, to deploy a 3,000 personnel strong force in the Sahel; and the extension of the European Union Training Mission’s (EUTM) mandate agreed in March 2020. These deployments may pose challenges in command and control of the FC-G5S, higher risks of human rights violations for the populations during the conduct of operations, and additional difficulties in terms of

¹ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2017/869, 16 October 2017, para. 30.

² Operation Barkhane is the military component to France’s counter-terrorism strategy in the Sahel. Based on a premise of partnership and support to security forces across the G5 Sahel it consists of approximately 4,700 personnel and provides operational support and assistance to the FC-G5S and also contributes personnel to support MINUSMA and EUTM-Mali. Personnel from the Operation, including liaison officers and legal advisers, have also worked with OHCHR in the development and implementation of measures and mechanisms of the Joint Force’s compliance framework.

accountability for cases of violations of human rights and international humanitarian law that may occur within their respective areas of operations. In this context, consistency of compliance practices across these operations can serve to enhance operational dividends and contribute to stronger protection of populations across the Sahel. OHCHR is therefore seeking to reinforce its engagement with all actors as indispensable partners in implementing the Compliance Framework.

12. During its first meeting, on 12 June 2020, the International Coalition for the Sahel reiterated its commitment to addressing persistent challenges and root causes of instability - poverty, fragile growth, underdevelopment and climate change impact - while respecting human rights and international humanitarian law and protecting the most vulnerable populations.³

13. Looking ahead, OHCHR is committed to continuing its cooperation with the FC-G5S to fully operationalize the Compliance Framework, with the specific aim of maintaining the security and protection of civilian populations, including during the conduct of hostilities. This will involve support in establishing operational mechanisms to prevent potential harm to civilians, and the tracing, investigation and reporting of potential incidents. The Office looks forward to continuing to work with the Governments of the G5 Sahel countries, as their political support remains essential for the full implementation of the Compliance Framework. OHCHR continues to call for strengthening efforts to ensure that human rights records of deployed military personnel are verified and personnel vetted through an appropriate screening and selection procedure. The Office continues to engage with the G5 Sahel Executive Secretary to strengthen the Compliance Framework and the promotion and protection of human rights in the G5 Sahel generally, including by developing a regional strategy on Protection of Civilians. Finally, OHCHR plans to strengthen its advocacy for continued international political, financial, logistical and training support to the FC-G5S aimed at the full implementation of the Compliance Framework.

14. After almost two years of the Compliance Framework project, the FC-G5S and the Member States of the G5 Sahel can be commended for their efforts to date. Sustained collective efforts, with the support of international partners are vital to deepen implementation and strengthen human rights protection in the context of counter-terrorism operations in the G5 Sahel region.

II. Scope of the report and methodology

15. This report describes activities undertaken by OHCHR to develop and begin to implement the Compliance Framework project between May 2018 and March 2020. It describes the status of implementation and the initial impact of these activities under the project's seven pillars : (1) the selection and screening of the FC-G5S soldiers; (2) their training; (3) the adoption by the FC-G5S of human rights and humanitarian law compliant rules and regulations to conduct hostilities; (4) the integration of protection of civilians into the planning and conduct of operations; (5) after-action reviews; (6) internal monitoring and reporting mechanisms; and (7) accountability for allegations of violations of international human rights law and international humanitarian law by members of the FC-G5S deployed across the G5 Sahel countries.

16. The report also includes information on eleven incidents of violations of international human rights law and international humanitarian law, allegedly involving the FC-G5S, committed during 2018, 2019 and the first quarter of 2020, which OHCHR has documented in accordance with its human rights investigation methodology. To identify and corroborate these incidents, OHCHR conducted interviews with primary and secondary sources, including victims and witnesses. Local and national authorities, religious leaders, civil society organizations, humanitarian actors and service providers working in the affected areas shared information with OHCHR on the impact of the FC-G5S operations on human rights and protection of civilians. OHCHR gathered and analyzed documentary and photographic information to substantiate findings related to these incidents. The Office is

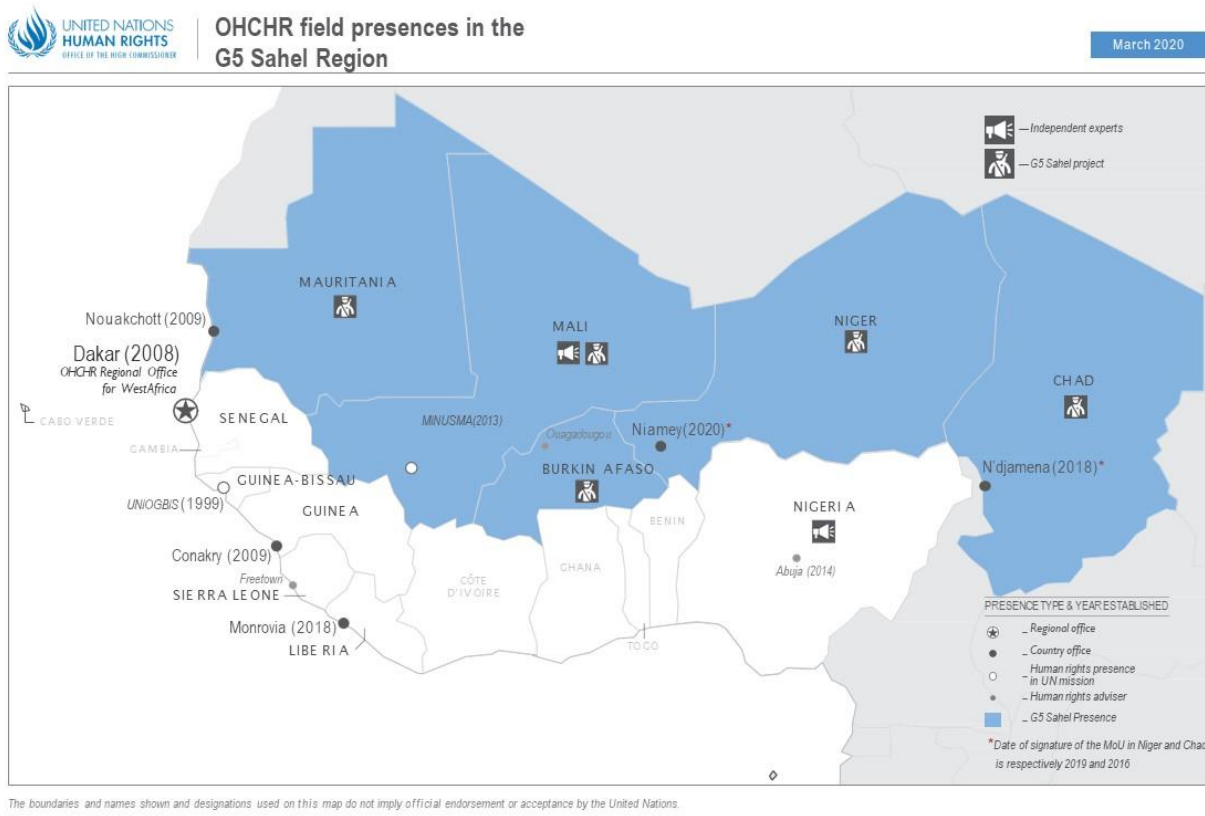
³ Informal Conclusions of the first meeting of the International Coalition for the Sahel, 12 June 2020 at <https://www.coalition-sahel.org/informal-conclusions-of-the-first-meeting-of-the-international-coalition-for-the-sahel/?lang=en>.

following up with the G5 Sahel Member States and the FC-G5S, advocating and offering support to their efforts to investigate and address these allegations.

17. Security constraints and logistical difficulties have challenged OHCHR monitoring and reporting activities in all the G5 Sahel countries, sometimes limiting its access to geographical areas, which constrained its ability to fully assess information related to violations allegedly committed in the context of the FC-G5S operations. OHCHR has begun to deploy project teams to each of the G5 Sahel countries to conduct regular human rights monitoring and reporting, including on the impact of FC-G5S operations on the protection of civilians. OHCHR has established a dedicated mobile monitoring team in Bamako, Mali, to be deployed as necessary across the five countries to provide additional capacity when needed. In addition, OHCHR teams use remote monitoring tools to gather information in line with the Office’s detailed policies and practices in this regard.

18. OHCHR provided an advance copy of this report to the Commander of the FC-G5S, the G5 Sahel Executive Secretariat and the G5 Sahel Member States to share comments on possible factual errors.

III. Structure and mandate of the G5 Sahel Project of the Office of the United Nations High Commissioner for Human Rights



The boundaries and names shown and designations used on this map do not imply official endorsement or acceptance by the United Nations.

Created: 12 March 2020 Source: WARO Contact: y.mbodii@ohchr.org

19. The structure of the G5 Sahel project comprises OHCHR staff located in Burkina Faso,⁴ Chad, Mauritania, Mali and Niger, and at OHCHR Offices in Geneva, New York and Brussels.

20. The structure includes a dedicated OHCHR capacity based in Mali to oversee and coordinate the field work. It also provides technical advice to the FC-G5S leadership regarding the implementation of the Compliance Framework, to strengthen the FC-G5S monitoring and reporting framework to evaluate the impact of its operations, and to adjust military operations and address violations as required.

⁴ Awaiting Government approval to deploy the project team.

21. At the time of writing, the project teams in Chad, Mauritania and Niger were being deployed, while authorization from the Government of Burkina Faso was pending to deploy a team to Ouagadougou. The human rights monitoring and reporting by these teams is independent and separate from the FC-G5S' internal monitoring mechanism which is yet to be fully established as part of the Compliance Framework. OHCHR monitoring and reporting aims at informing an ongoing dialogue with G5 Sahel security forces and to contribute, as relevant, to mandated public reporting by the United Nations Secretary-General on FC-G5S to the Security Council.

22. The deployment of an OHCHR Human Rights Adviser to the G5 Sahel Executive Secretariat in Nouakchott, Mauritania, in February 2019, enabled supporting the implementation of the Compliance Framework at the political level, and to enhance the work of the Secretariat on human rights and protection of civilians.

23. The project is reinforced by teams based at OHCHR headquarters in Geneva and in the OHCHR New York Office, which provide project management and technical expertise, coordinate with external partners, conduct higher-level political engagement, and facilitate internal synergies. The project also includes a liaison officer based in the OHCHR Regional Office in Brussels, who supports efforts to integrate human rights into the European Union's peace and security engagement in the Sahel region and beyond.

24. The OHCHR G5 Sahel project staff work jointly with other United Nations actors and OHCHR field presences in the region, including the MINUSMA Human Rights and Protection Division, the OHCHR Regional Office for West Africa, based in Dakar, Senegal, as well as the OHCHR Country Offices in Chad and Mauritania. In Niger, OHCHR deployed a Human Rights Adviser at the request of the United Nations Resident Coordinator in 2008. Following the signature of a Host Country Agreement with the Government in December 2019, OHCHR is in the process of establishing a country office.

IV. Operational environment of the *Force Conjointe* of the G5 Sahel

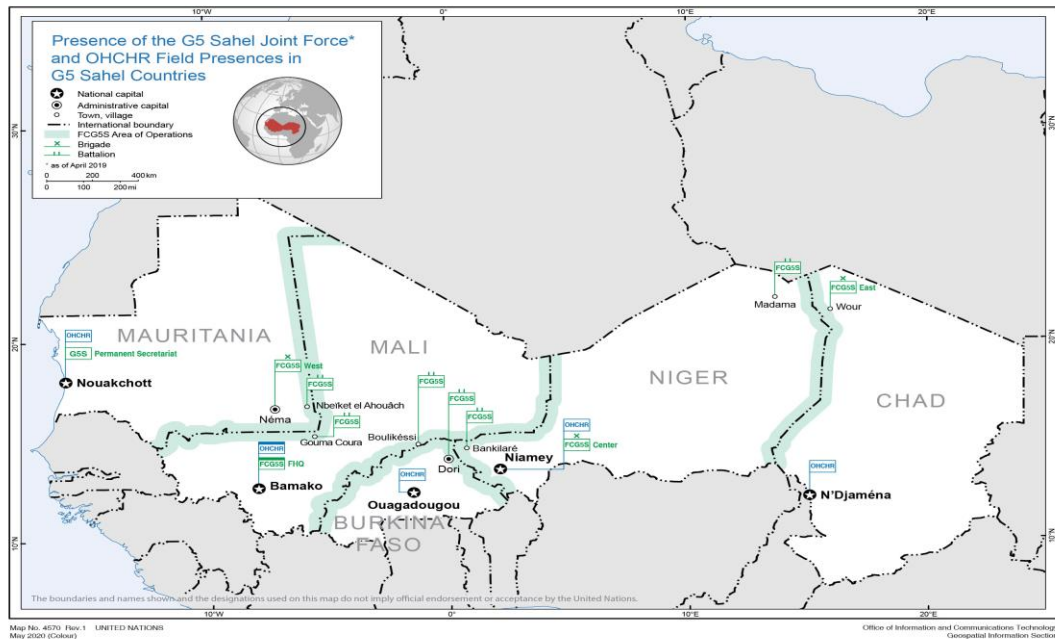
25. In recent years, security in the Sahel has significantly deteriorated.⁵ The region has been marked by conflicts involving a growing number of organized armed groups and by the activities of organized criminal groups engaged in the trafficking of human beings, drugs and weapons. This situation has increasingly affected the protection of civilian populations across the Sahel. Armed groups are often integrated within communities from where they carry out attacks against security forces and civilians. Security forces often face operational difficulties in distinguishing between fighters and civilians. Moreover, the proliferation of small arms and light weapons contributes to growing levels of intercommunal violence. Civilians are the victims of increasing numbers of deadly attacks and violence. Human rights abuses and violations of international humanitarian law attributed to organized armed groups and other armed elements, and violations reportedly committed in the context of "counter-terrorism operations" by international or national defence and security forces, remain a serious concern.⁶ Additionally, the prevailing insecurity in parts of the Sahel reinforce the perception that gross human rights violations and abuses are committed with impunity.⁷

26. The FC-G5S covers a vast geographic space, across 3,300 km from west to east and 1,600 kilometres from north to south, divided in three sectors (*fuseaux*), namely Sector Centre, with headquarters in Niamey, Niger; Sector West, with headquarters in Nema, Mauritania; and Sector East, with headquarters in N'Djamena, Chad.

⁵ Report by the Secretary-General on the strategic review of the United Nations Office for West Africa and the Sahel, 10 September–17 October 2019, S/2019/890, 19 November 2019, paras. 10-11; Report by the Secretary-General on activities of the United Nations Office for West Africa and the Sahel, 30 December 2019, S/2019/1005, para. 2.

⁶ Report of the Secretary-General on the activities of the United Nations Office for West Africa and the Sahel, S/2019/1005, 30 December 2019.

⁷ Report of the Secretary-General on the activities of the United Nations Office for West Africa and the Sahel, S/2019/1005, 30 December 2019, para. 35.



27. The security situation in the Sector Centre, the Liptako-Gourma region - also called the Three-Border area - situated on the borders between Mali, Burkina Faso and Niger, severely deteriorated during the period covered by this report. According to United Nations estimates,⁸ attacks by armed groups in Burkina Faso, Mali and Niger grew sharply, causing more than 4,000 deaths in 2019 compared to some 770 in 2016. Multiple attacks against civilian populations were reported in the Liptako-Gourma area, where some of the most active armed groups are based. In these three countries, the humanitarian situation has also deteriorated significantly due to the prevalent insecurity, with over 1.1 million internally displaced people and around 110,000 refugees in February 2020, while over 3,600 schools and 240 health centres were forced to close due to insecurity. Across the Liptako-Gourma region, armed elements regularly targeted humanitarian workers who faced increasing difficulties in reaching populations affected by violence.⁹

28. Attacks against national, regional and international security and defence forces have also increased, in particular in the Liptako-Gourma region, resulting in significant casualties. Contingents of the FC-G5S and national Malian, Niger and Burkinabe armed forces deployed in the region were attacked. The military, including forces under FC-G5S command, often perceive some local civilians as accomplices of organized armed groups, including the so-called Group of the Support of Islam and Muslims and Ansarul Al Islam, which are active in the region. The attack against the G5 Sahel FC-G5S headquarters in Sévaré, Mali, on 29 June 2018, in which two Malian military officers were killed, led to the suspension of the FC-G5S operations until January 2019 and to the relocation of its headquarters to Bamako.

29. In Sector West, Mauritania enjoys a relatively stable security environment. The FC-G5S battalions in Niger and Chad in the Sector East are mainly confronted with cross-border trafficking to and from Libya. Two Chadian army positions in northern Chad were attacked by Libya-based Chadian rebel groups, in August 2018, prompting Chad to permanently

⁸ Briefing by Mohamed Ibn Chambas, United Nations Special Representative of the Secretary-General and Head of the United Nations Office for West Africa and the Sahel to the Security Council on the situation in West Africa and the Sahel, 8 January 2020, <https://unowas.unmissions.org/sites/default/files/clean-20-01-08_srs_g_briefing_to_sc_january_2020_-_as_delivered.pdf>.

⁹ Report of the Secretary-General on the Activities of the United Nations Office for West Africa and the Sahel, S/2019/1005, 30 December 2019.

relocate the Sector East headquarters of the Joint Force and the Chadian battalion for Sector East, to Wour.¹⁰

V. The legal and normative framework relevant to the operations of the *Force Conjointe* of the G5 Sahel

30. International human rights law is the main body of international law governing the operations of the FC-G5S in delivery of its mandate to combat terrorism and organized crime, including trafficking in persons and of drugs and weapons. Use of force in these situations is therefore governed by human rights standards, including the Basic Principles of the Use of Force by law enforcement officials.¹¹

31. In addition to international human rights law, international humanitarian law is also applicable to the FC-G5S operations conducted against organized armed groups that are a party to one of the ongoing non-international armed conflicts in Mali, such as the Islamic State in the Greater Sahara (EI-GS) or the Group of the Support of Islam and Muslims, which frequently spill over into neighbouring areas of Burkina Faso and Niger. Based on information currently available, these types of operations concern mainly the Sector Centre, in the Liptako-Gourma region. Sector West and Sector East are relatively stable and are mostly affected by the activities of criminal organizations involved in cross-border trafficking.

32. Where there is doubt as to whether the use of force is to be directed at a party to the armed conflict or towards other armed actors (for example members of criminal groups and members of armed groups, including so-called self-defence groups which are not a party to the armed conflict), the use of force should be guided by the Basic Principles on the Use of Force by law enforcement officials.

33. International criminal law may also be relevant to the operations of the FC-G5S as it provides the framework for holding individuals accountable for serious violations of international humanitarian law amounting to war crimes and serious violations of human rights amounting to crimes against humanity.

34. In addition, the national legislation of the territory on which the operations are conducted remains applicable as well as of the forces conducting operations, and must be taken into consideration by the FC-G5S in its procedures, policies, planning and conduct of operations. National legal provisions are relevant in relation to domestic accountability measures for human rights violations and abuses and the provision of remedies to victims.

35. Specific international instruments and Security Council resolutions related to the Sahel are also part of the legal framework relevant to the FC-G5S operations, including the Convention establishing the G5 Sahel (2014), Security Council resolutions 2359 (2017) and 2391 (2017), and the agreement and the memorandum on extraterritoriality signed by the G5 Sahel countries.¹²

¹⁰ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2018/1006, 12 November 2018, paragraph 15: “Following the attack on 11 August 2018 by Libya-based Chadian rebel groups on two Chadian army positions in the north of the country, Chad decided that the Sector East headquarters of the Joint Force, currently located in N’Djamena, and the Chadian battalion for Sector East, would be permanently relocated to Wour, near the northern frontier of the country. The Operation Barkhane force announced that it would support the redeployment of the battalion, while the European Union indicated that it would fund the construction of the new Sector East headquarters”

¹¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990; see <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx> >.

¹² Memorandum of Understanding relating to Extraterritoriality Issues signed by the G5 Sahel States in Ouagadougou, Burkina Faso on 25 January 2020.

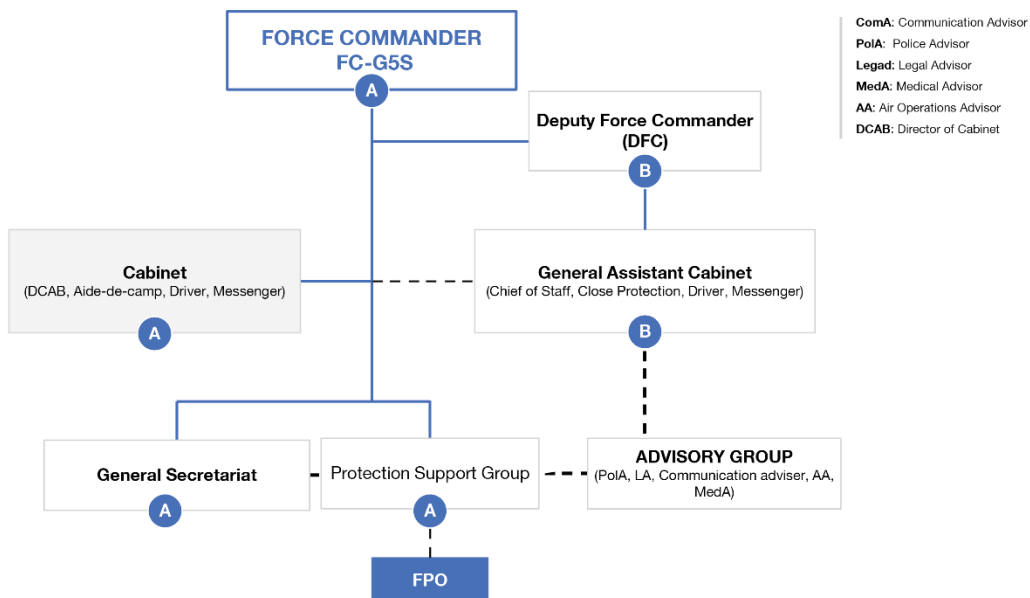
VI. Composition of the *Force Conjointe* of the G5 Sahel

36. The FC-G5S is composed of seven military battalions deployed to the G5 Sahel countries across three sectors (*fuseaux*). At the time of writing, the FC-G5S comprised 4,208 soldiers, including 15 women, and 476 personnel the Police Component, including 27 women.

FC-G5S: ORGANIZATIONAL CHART



ORGANIZATIONAL CHART OF THE FC-G5S COMMAND GROUP



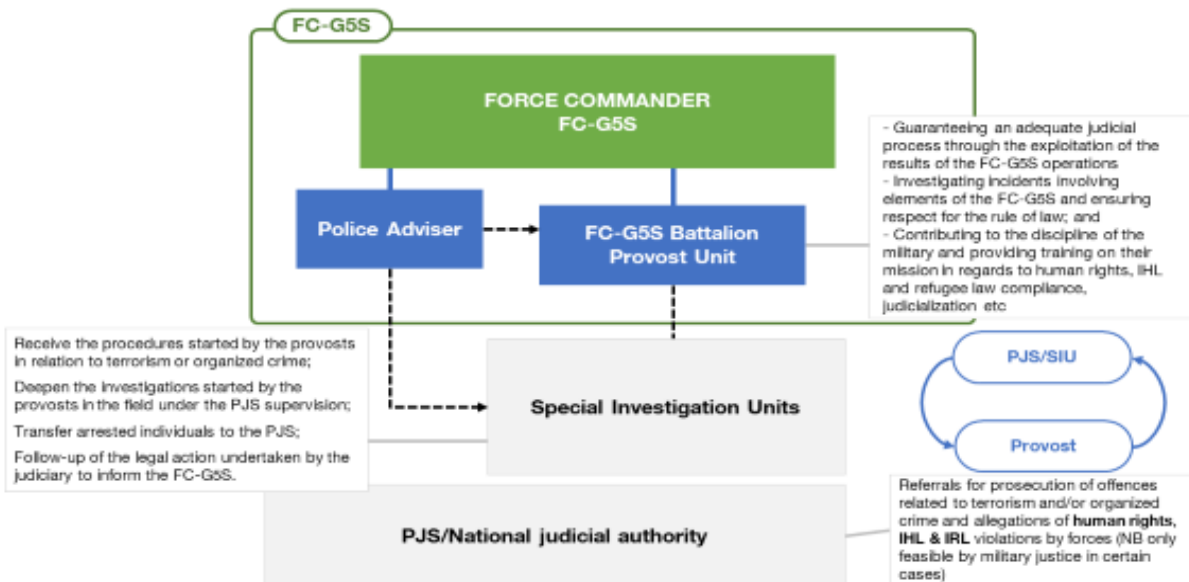
37. From its deployment in 2017 to January 2020, the FC-G5S¹³ operated within 50 km on each side of the G5 Sahel countries' borders. During an extraordinary Defence and

¹³ The FC-G5S Command Group is composed by the Force Commander and the Deputy Force Commander. Both commanders have close protection elements and office staffs to ensure the efficient implementation of their command responsibilities. The FC-G5S Command Group also includes a pool of advisers of the Force Commander, including a Police Advisor, a Legal Advisor, a Communication Advisor, Air Operations Advisers and a Medical Advisor.

Security Committee (“*Comité Défense et Sécurité*”) meeting in January 2020, the military Chiefs of Staff from the G5 Sahel countries decided to extend the sectors to 100 km on each side of the borders of the G5 states. The G5 Sahel Force Generation Protocol provides that the tour of duty for FC-G5 Sahel troops is at decision of the Chief of Defence Staff for each G5 Sahel country. Tour deployments vary from four to 12 months. In January 2020, it was decided that the FC-G5S Commander and Deputy-Commander would serve a two-year mandate instead of one year,¹⁴ which may contribute to a more sustained engagement in the implementation of the Compliance Framework.

38. The FC-G5S comprises a FC-G5S Police Component,¹⁵ which consists of a Police Adviser at the regional level, Provosts Units integrated into the FC-G5S battalions, and Investigations Units operating in their respective countries under the command of national specialized units combating terrorism and transnational organized crime. The Joint Force Police Adviser is responsible for coordinating the activities of the Police Component of the FC-G5S; advises the Force Commander on all police-related questions; and, together with the Legal Adviser of the FC-G5S, contributes to the development of the FC-G5S Standard Operating Procedures (SOP) and other documents.

POLICE COMPONENT OF THE FC-G5S



39. During the reporting period, the FC-G5 Sahel conducted 24 operations in the G5 Sahel areas of operation in all three sectors. Despite significant international support, several challenges have prevented the regular deployment of the FC-G5S in some areas of operations along the borders.

40. As highlighted in reports of the United Nations Secretary-General to the Security Council on the Joint Force of the Group of Five for the Sahel,¹⁶ training as well as capability and equipment shortfalls have slowed down the full operationalization of the FC-G5S. These include insufficient individual protection equipment, armoured vehicles and other transport capabilities, including air assets, adequate communication tools, as well as “non-existent logistical supply chains to transport fuel and rations from MINUSMA bases to the Joint Force command posts” foreseen under United Nations Security Council Resolution 2480 (2019).¹⁷

¹⁴ Decision of the Committee on Defence and Security during its 9th extraordinary meeting, 24-25 January 2020, Ouagadougou, Burkina Faso.

¹⁵ Meeting of the Committee on Defence and Security held in Bamako, Mali, on 8 December 2017. Component should not be understood, like in United Nations mission settings, as being fully part of and reporting to the FC-G5S.

¹⁶ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2019/868, 11 November 2019.

¹⁷ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2019/371, 6 May 2019, para. 20.

Gaps in the construction and protection of the FC-G5S operating bases have also been reported.¹⁸

41. Moreover, the FC-G5S Commander does not have full operational command over FC-G5S troops due to the lack of financial and logistical capacity, with battalions receiving salaries, rations¹⁹ and other financial and logistical support from their respective national authorities. In fact, a dual chain of command is applicable to battalion-level troops whereby national army commands retain the tactical control of their troops under the FC-G5S model and doctrine. Experience has shown that the dual chain of command applicable to battalion-level troops, as well as potential concurrent operations of other national forces in the same geographic area, pose challenges in terms of attribution, accountability and command responsibility.

42. Efficient information-sharing and coordination between the FC-G5S and the G5 Sahel Member States remain significant challenges for the Force,²⁰ in large part due to the dual chain of command. A key step in enhancing coordination was taken in February 2020, when a Joint Command Post Coordination Cell was established in Niamey, Niger, to coordinate the ongoing military operations of the FC-G5S, the French military Operation Barkhane, and the national armies of Burkina Faso, Mali and Niger.²¹

VII. Development and content of the Compliance Framework for the *Force Conjointe* of the G5 Sahel

A. Design of the Compliance Framework

June to December 2017

43. In June 2017, the Security Council welcomed the deployment of the FC-G5S and underlined the need for its operations to be conducted in compliance with international law, including international humanitarian law, human rights law and refugee law, as applicable, and for the FC-G5S to take active steps to minimize the risk of harm to civilians in all areas of operation.²²

44. In November 2017, following the Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel requesting the establishment of a “robust compliance framework under the human rights due diligence policy”,²³ OHCHR initiated work to develop such a framework. It drew from its experience in United Nations peace operations, notably in Afghanistan and Somalia, and from the work it has been spearheading, jointly with the African Union Commission, to assist the African Union in establishing and operationalizing an international human rights, humanitarian law and conduct and discipline compliance framework for African Union Peace Support Operations.²⁴

¹⁸ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2019/868, 11 November 2019.

¹⁹ Rations, fuel and water during operations are also provided by MINUSMA.

²⁰ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2019/371, 6 May 2019.

²¹ During a Summit in Pau, France, on 13 January 2020, the Heads of States of the G5 Sahel countries and France agreed to create the Joint Command Post, which was subsequently established in Niamey, Niger, in early February 2020, and officially launched by the FC-G5S Force Commander on 13 March 2020.

²² In the preamble of its resolution 2359 (2017), the Security Council “[u]nderlin[ed] the primary responsibility of the G5 Sahel States to ensure the protection of civilians in their respective territories in accordance with their obligations under international law, and underlining the need for the operations of the FC-G5S to be conducted in [full] compliance with international law, including international humanitarian law, human rights law and refugee law, as applicable and for the FC-G5S to take active steps to minimize the risk of harm to civilians in all areas of operation.”

²³ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2017/869, 16 October 2017.

²⁴ The African Union Commission has taken several steps towards the establishment of an African Union compliance framework on human rights, international humanitarian law and conduct and

45. On 8 December 2017, the Security Council welcomed the concept and the operationalization of the FC-G5S in its resolution 2391 and called on the G5 Sahel Member States “to establish a robust Compliance Framework to prevent, investigate, address and publicly report violations and abuses of human rights law and violations of international humanitarian law related to the FC-G5S (“the Compliance Framework”)”. The Security Council further called “upon regional and international partners to support [...] efforts in the establishment and implementation of the Compliance Framework”. It called on “the FC-G5S to cooperate with the United Nations in implementing the HRDDP, including by ensuring that the relevant monitoring and reporting mechanisms are in place and functional”.

January to April 2018

46. The Security Council decided to fund the implementation of resolution 2391 from voluntary contributions rather than United Nations assessed contributions. This arrangement was formalized in a Technical Arrangement signed by the United Nations, the European Union and the G5 Sahel Member States on 23 February 2018, in Brussels. It includes detailed human rights provisions through which the G5 Sahel Member States commit to adopting a robust Compliance Framework for the FC-G5S, as well as provisions relating to OHCHR support for the establishment of this Compliance Framework.

47. Strict compliance with international human rights law, international humanitarian law and refugee law is central to the concept of operation of the FC-G5S, which was endorsed by the military of the G5 Sahel States in March 2018, and amended in January 2020. The concept of operations stresses the protection of civilians and civilian objects, the protection of vulnerable groups, including women and children, the respect of local customs, as well as gender considerations, including through specific measures to prevent and respond to any cases of sexual exploitation and abuse.

48. From early 2018, with funding from the United Nations Peacebuilding Fund, OHCHR progressed in supporting the implementation of Security Council 2391 (2017), particularly in building political and financial support at United Nations headquarters, within the European Union and in the Sahel region for the development and implementation of the Compliance Framework. OHCHR and MINUSMA subsequently worked closely with the FC-G5S to operationalize the Compliance Framework and conducted technical assessments to further develop the operational support plan in the G5 Sahel countries.

May 2018 – Launch of the Compliance Framework

49. On 7 and 8 May 2018, the Executive Secretary of the G5 Sahel Executive Secretariat, the Force Commander of the FC-G5S, the European Union and OHCHR co-organized a workshop in Bamako, Mali, to launch the operationalization of the Compliance Framework and to agree on coordination arrangements and on steps to take forward the initiative.

50. OHCHR support to the implementation of Security Council resolution 2391 (2017) revolves around three mutually reinforcing axes: (i) the provision of technical advice to the FC-G5S for the establishment and implementation of the Compliance Framework; (ii) the strengthening of OHCHR monitoring, investigating and reporting framework, allowing OHCHR to engage with the Force to adjust military operations and address violations, and (iii) the reinforcement of MINUSMA mechanisms to implement the Human Rights Due Diligence Policy (HRDDP)²⁵ related to United Nations support to non-United Nations security forces.

51. The Compliance Framework approach contributes to the objectives and priorities identified in the United Nations Integrated Strategy for the Sahel (UNISS)²⁶ and the Sahel

discipline for African Union peace support operations. OHCHR has been supporting these efforts, including by sharing experience and tools.

²⁵ The United Nations Human Rights Due Diligence Policy was adopted in July 2011. It requires all United Nations entities to exercise due diligence in ensuring that support to non-UN security forces is provided in a manner consistent with the principles and purposes set out in the Charter of the United Nations and is compliant with and promotes respect for international humanitarian law, international human rights law and refugee law.

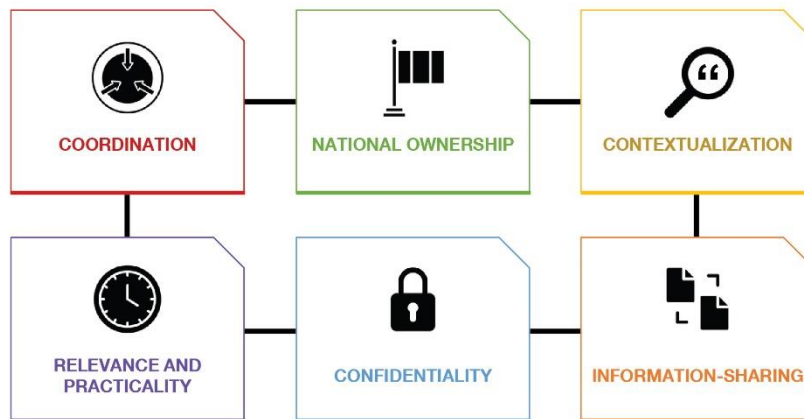
²⁶ See: “Annex: United Nations integrated strategy for the Sahel” in “Report of the Secretary-General on the situation in the Sahel region”, UN doc no: S/2013/354 (14 June 2013).

Support Plan²⁷ by establishing a coherent link between military operations of the FC-G5S and United Nations actions and programmes.²⁸

B. Principles of the Compliance Framework Project

52. OHCHR support to the operationalization of the Compliance Framework has been guided by five principles: (1) coordination, (2) national ownership, (3) contextualization, (4) relevance and practicality, and (5) confidentiality and information-sharing.

PRINCIPLES GUIDING PROJECT IMPLEMENTATION



1. Coordination

53. OHCHR supported the FC-G5S in setting up mechanisms to coordinate the implementation of the Compliance Framework project. In May 2018, the Force and OHCHR developed the first joint work plan for the overall implementation of the Compliance Framework and the establishment of related mechanisms and measures, which they have been regularly reviewing and updating.

54. A Project Coordination Committee was established composed of the G5 Sahel organs (including the FC-G5S, the Executive Secretariat, the Defence College and representatives of the national Army Commands), as well as technical and financial actors. Technical partners include MINUSMA, the United Nations Office on Drugs and Crime (UNODC), the United Nations Institute for Training and Research (UNITAR), the European Union Training Mission (EUTM) and the European Union Capacity Building Missions (EUCAP) in the Sahel, the Centre for Civilians in Conflict (CIVIC) and Operation Barkhane. In principle, the Project Coordination Committee meets on a quarterly basis to track progress under each pillar of the Compliance Framework. Beyond these meetings, continued and regular coordination with these technical actors is essential to ensure effectiveness of the Compliance Framework to which they contribute directly or indirectly.

55. Coordination is also the underlying principle of the Police Working Group established under the G5 Sahel Executive Secretariat's Defence and Security Bureau and the Regional Platform for Cooperation on Security matters, which includes key actors supporting the FC-

²⁷ "UN Support Plan for the Sahel: working together for a prosperous and peaceful Sahel (May 2018) p. 5 available at https://www.un.org/africarenewal/sites/www.un.org.africarenewal/files/English%20Summary%20Report_0.pdf

²⁸ Specifically, OHCHR support to the establishment of the Compliance Framework contributes to Strategic Goal 2 of UNISS ("national and regional security mechanisms are capable of addressing cross-border threats") and Priority Area 2 of SSP (Preventing and resolving conflicts; violent extremism and crime; and promoting access to justice and human rights).

G5S Police Component, such as the European Union Regional Advisory and Coordination Cell (EU-RACC), EUCAPs in the Sahel, OHCHR, UNODC and Expertise France.

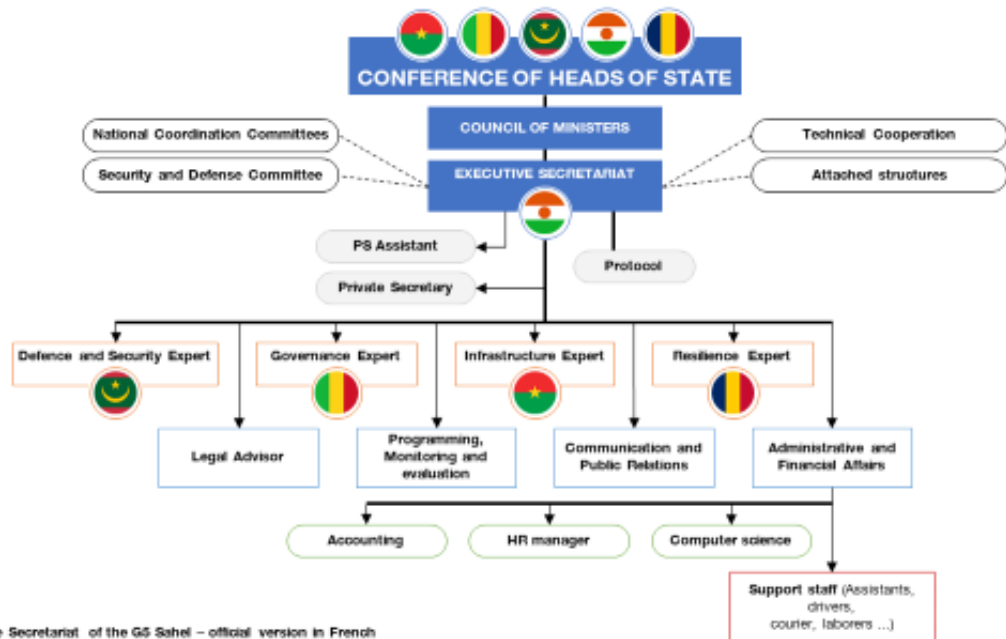
56. Additionally, OHCHR has helped facilitate greater engagement between the FC-G5S and civil society organizations, contributing to foster a greater understanding of the situation on the ground and to strengthened civil-military coordination.

2. National ownership

57. OHCHR works to promote national and regional ownership of the Compliance Framework by the G5 Sahel and its five Member States. It has developed close relations with the G5 Sahel Executive Secretariat, the G5 Sahel rotating presidencies, the G5 Sahel Defence College, and national armed forces' headquarters of the G5 Sahel countries. Since the start of the project, OHCHR, the G5 Sahel Executive Secretary and FC-G5S personnel have undertaken joint visits to the G5 Sahel countries²⁹ to sensitize and broaden support for the implementation of the Compliance Framework at the national level. During each visit, meetings were held with high-level representatives of ministries and parliaments, the army chiefs of staff and the G5 Sahel National Coordination Committees, FC-G5S sectors headquarters (*Poste de commandement fuseaux*) and battalions, members of the donor community, senior United Nations officials, and civil society organizations.

ORGANIZATIONAL CHART OF THE EXECUTIVE SECRETARIAT OF THE G5 SAHEL *

*A reform is underway which will give rise to a new organizational chart



© Executive Secretariat of the G5 Sahel – official version in French

3. Contextualization

58. The project is continuously adapted to the evolving regional and national contexts. Regional and national norms and doctrines are taken into account during implementation, such as the African Charter on Human and Peoples' Rights, the African Union Convention for the Protection of and Assistance to of Internally Displaced Persons in Africa (the Kampala Convention), the African Union Standard Code of Conduct, and national anti-terrorist legislation.

²⁹ A first series of joint visits were conducted in 2018; to Chad on 18-20 July; to Mauritania on 30 July-1 August; to Niger on 7-9 August; to Burkina Faso on 14-16 August; and to Mali during the last week of September and first week of October. A second round of visits took place in 2019: to Burkina Faso on 15-19 July; to Mauritania on 10-13 September; to Mali on 23-27 September; to Niger, on 7-11 October and to Chad on 28 October-1 November 2019.

4. Relevance and practicality

59. The project is guided by efforts to translate human rights and international humanitarian law obligations into concrete measures that are relevant and practical for the FC-G5S in the planning and conduct of military operations. The FC-G5S and partners have oriented and tailored Compliance Framework protection activities to the level of tactical units and contextualize their actions based on the challenges, lessons and priorities identified by field commanders.

5. Confidentiality and information-sharing:

60. During its regular interactions with the FC-G5S, OHCHR ensures that the confidentiality of sources of information, including victims and witnesses, remains at the centre of its monitoring, advocacy and capacity building activities. It promotes the observance of the 'do no harm' principle at each stage of the implementation of the project, and ensures the safety and protection of victims, witnesses and other sources to prevent reprisals. OHCHR has also built a relationship of mutual trust and respect with the FC-G5S headquarters and sectors (fuseaux), which enhances engagement with military actors and facilitates progress under all pillars of the Compliance Framework.

VIII. Status and evaluation of implementation of the Compliance Framework under its seven pillars

61. OHCHR supported the FC-G5S in several milestones across the seven pillars of the Compliance Framework. These included the Force's adoption of standards for the selection of its personnel, barring those with criminal or poor discipline records, and the development and implementation of a mobile pool of trainers and coherent training curriculum for key personnel on international humanitarian law, human rights and the protection of civilians, tailored to the needs of the Force.

62. OHCHR also played a central role in the integration of international law into the Force's doctrine and procedures, supporting the inclusion of key safeguards on detention and exposure to the death penalty in national jurisdictions and strengthening internal investigation procedures. During the planning of military operations, OHCHR supported the Force in integrating human rights and international humanitarian law and principles. It also helped the Force to conduct meaningful after-action reviews to enhance civilian protection in future operations, and to build ownership and support for the development of a casualty tracking mechanism within the Force structure.

63. OHCHR independently monitored and documented allegations of violations, bringing eleven cases or incidents which it had substantiated and deemed most serious to the attention of the Force Commander of the FC-G5S. The latter responded to these allegations and engaged with national authorities responsible for the investigations.

64. Challenges remain for the Force to implement the Compliance Framework, particularly to ensure the dissemination and operationalization of core doctrine and procedures, enhance accountability mechanisms, and establish and roll out the casualty tracking mechanism. OHCHR plans to emphasize focus on these areas in its future support to the FC-G5S.

A. Pillar 1: Selection and screening

65. OHCHR is supporting the FC-G5S and its participating countries in establishing and enhancing minimal selection criteria for new troops to be deployed by the different FC-G5 Sahel headquarters in the five countries. The Office is also promoting a process whereby the FC-G5S is able to clearly identify the members of its own contingents in an environment with multiple security actors and operations.

66. In April 2019, the Project Coordination Committee of the G5 Sahel recommended adding to the FC-G5S Force Generation Protocol criteria aimed at increasing the number of women deployed at all levels within the FC-G5S. According to the most recent statistics,

female personnel account for 0.35 per cent of the FC-G5S,³⁰ and six per cent of the Police Component.³¹ The Project Coordination Committee also encouraged the national army commands of the G5 Sahel States to increase the number of female personnel in future rotations. The Committee also established standards for the selection of personnel by army commands, including the absence of a criminal record or ongoing investigations, as well as a positive record of conduct and discipline. The Force Generation Protocol was consequently amended in January 2020 to include such criteria.

67. OHCHR has been advocating for and supporting the application of these criteria, working with the national level Army Commands to institute United Nations screening and selection standards. To date, the Niger and Burkina Faso G5 Sahel national focal points have committed to applying United Nations selection standards and to establishing national procedures to generate troops.

68. To date, OHCHR has documented one case involving one FC-G5S soldier from Mauritania, who had joined the Force despite a prior criminal record. The man had been sentenced in 2013 by a local criminal court for homicide. After his release, he was recruited into the army in 2018. The issue arose when the soldier was charged with killing a civilian while deployed under the FC-G5S.³² The FC-G5S Commander immediately suspended the man, issued a communiqué expressing regret to the family, and ordered the FC-G5S provost corps to initiate an investigation into the incident. The Mauritanian Army Command later expelled the individual from the army and handed him over to the judicial authorities. The latter have opened an investigation into the case,³³ and the hearing was scheduled for March 2020 before the Criminal Court of Nema (Mauritania). Due to the COVID-19 pandemic, trials have been suspended until further notice.

69. To support the operationalization of the recommendations on gender balance in the selection of military and police personnel in the G5 Sahel countries, the G5 Sahel Executive Secretariat and the FC-G5S, supported by UNODC and OHCHR, held a first G5 Sahel workshop on the integration of women in defence and security forces on 3-5 September 2019, in Nouakchott, Mauritania. The workshop adopted a roadmap to ensure adequate steps are taken to improve the gender balance within the Force and its activities, including participation in training. Only eight female Command Officers have benefited from the training of trainers conducted to date. Mali has deployed three female officers,³⁴ while Burkina Faso has deployed 12 female soldiers at the tactical level.³⁵ It is expected that increased inclusion of female soldiers would improve the design and implementation of measures aiming at reducing and mitigating risks of sexual violence.

70. The progressive inclusion of women in defence and security forces is a long-term process and challenges remain in that regard, including cultural barriers. A cultural shift is frequently necessary for male officers to better appreciate the diverse skillsets and operational advantages women bring to defence and security operations, particularly in an environment which requires a specific focus on close relations with local populations, including women and girls.

³⁰ This corresponds to 15 female soldiers of 4,208 military members, including three officers; one deployed at the Poste de Commandement Interarmées de Théâtre, the FC-G5S Headquarters, in Bamako; one in Sector Centre and one in Sector West.

³¹ This includes 27 female personnel out of 476.

³² OHCHR has not been able to gather information as to whether the FC-G5S leadership was aware of his background when he was recruited.

³³ See Report of the Secretary-General on the Joint forces of the Group of Five for the Sahel, S/2019/371, 6 May 2019, para. 28.

³⁴ One officer was deployed to the Poste de Commandement Interarmées de Théâtre, FC-G5S Headquarters, in Bamako; one to the Poste de Commandement in Niamey, Niger, Sector Central; and one to the Poste de Commandement in Nema, Mauritania, Sector West.

³⁵ This refers to operations from sector level on down i.e. at the sector, battalion, company, platoon and section levels.

B. Pillar 2: Training

71. OHCHR role has been essential to improve coordination among the multiple actors involved in the training of defence and security forces in the Sahel region around a coherent curriculum on international humanitarian law, human rights and the protection of civilians.

72. OHCHR is supporting the FC-G5S and its participating countries in the design and adoption of a training plan and methodology on international humanitarian law, human rights and the protection of civilians. It also contributes to the training of the FC-G5S headquarters, troop and police contributing countries personnel prior to and during deployment on human rights law, international humanitarian law, international refugee law, protection of civilians and other relevant areas of the Compliance Framework.

73. Working with the FC-G5S to define and prioritize its training needs and relevant specialized topics, OHCHR has developed a tailored practical training course with modules for the Force on international human rights law, international humanitarian law, international refugee law, and a range of specific protection themes.

74. In December 2018, OHCHR co-organized the first specialized course for the FC-G5S on international human rights law and international humanitarian law at the International Institute of Humanitarian Law in San Remo, Italy, with the generous support of Austria and Italy. This event gathered participants of the Force, including Operations and Civil-Military Coordination (CIMIC) officers and the Legal and Police Advisers, as well as international humanitarian law focal points sent by Army Commands from the G5 Sahel countries. The International Humanitarian Law Institute, the FC-G5S Legal and Police Advisers, representatives of the French, Austrian and Italian armed forces, the United Nations (OHCHR, the Department of Peace Operations (DPO), MINUSMA, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations High Commissioner for Refugees (UNHCR)), ICRC and CIVIC facilitated the training. Participants assessed the course as well contextualized and tailored to the operational environment of FC-G5S. The training modules were then fully assumed by the G5 Sahel Defence College for its own trainings for national armies.

75. In February 2020, in Nice, France,³⁶ OHCHR and the International Humanitarian Law Institute organized a second, enhanced training on international human rights law and international humanitarian law, with 23 participants (including three women), which included the legal advisers, police advisers, chiefs provost, and high-ranking officers from the legal and operational branches of the FC-G5S.

76. Another key achievement was the establishment under the leadership of the Defence College, in January 2019, of a mobile pool of trainers by the FC-G5S, the G5 Sahel Defence College and the G5 Sahel Executive Secretariat, with support from OHCHR and other technical partners³⁷. The team consists of 24 members, including six women, to support the development of a strong training capacity within each national Army Command. The San Remo course modules form the basis of a training of trainers organized in each country at the battalion level by the mobile pool of trainers. So far, the team has facilitated the training of 114 men, including 6women officers and non-commissioned officers from Mauritania (21), Chad (31), Mali (32, including 4 women) and Niger (30, including 2 women).

77. Those who have benefited from the initial training of trainers' course will in turn train national battalions that will be serving in the FC-G5S. The staff headquarters of the Malian and Niger armed forces have also agreed to use these new trainers and to include a human rights training module as part of their pre-deployment courses for the upcoming rotation of troops that will be taking part in the different joint force battalions.

78. OHCHR also participated in the overall pre-deployment training of all members of the Postes de Commandement interarmées de théâtre (PCIAT) and the three postes de commandement de fuseau (PCFZO). Before taking up their functions, all future elements of

³⁶ The training was to take place in San Remo, Italy, but had to be moved to Nice, France, due to the COVID-19 pandemic.

³⁷ Notably the Institute for Security Studies, CIVIC, UNODC and UNITAR. Other actors contributed to trainings at the national level, including EUTM, EUCAP Sahel Mali and Niger, ICRC, MINUSMA and United Nations agencies, funds and programmes, including OCHA, UNHCR, the International Organization for Migration and UNICEF.

these entities will undergo a three-week training course at the Collège de Défense in Nouakchott, Mauritania. The training involves multiple actors, including the European Union and the Institut français d'enseignement stratégique et opératif. OHCHR ensures that relevant international human rights law and international humanitarian law are an integral part of the training of all commanders of the FC-G5S. It will continue participating in the PCIAT and PCFZO trainings, making sure their leadership observes human rights principles while planning, conducting and assessing operations. OHCHR is involved with EUTM in planning tactical and operational trainings for PCFZO in the coming months.

79. In collaboration with CIVIC, important efforts to improve the FC-G5S' utilization of civilian harm mitigation tools and approaches have been undertaken through training mentioned above. These efforts are critical to assist the Force how its presence and operations impact civilians. During training of trainers for national army commands of four countries, and pre-deployment trainings organized by OHCHR,³⁸ CIVIC assisted the Force to strengthen its knowledge of protection of civilians, civilians harm mitigation, and civilian-military engagement.

80. As a result of these efforts, the Joint Force, in the context of its November 2019 operations, underscored its growing recognition of the value of civilian harm mitigation and the imperative to protect civilians from attacks by other actors and for the Force to be accountable to civilians.

81. The Project Coordination Committee of the G5 Sahel has requested OHCHR to develop specialized modules on military targeting in operations to enhance the Force's ability to distinguish between fighters and civilians during operations. It decided that the specialized trainings for CIMIC officers, offered by the national Malian *School of Peacekeeping* Alioune Blondin Beye in 2018, should be provided again.

82. Cooperation is underway with the G5 Sahel Executive Secretariat, EU-RACC, as well as partners like MINUSMA, UNPOL, UNODC, and EUCAP Sahel, to initiate specialized training sessions for the FC-G5S Provost corps. Specific trainings for all members of the Police Component are also planned, including on the G5 Sahel SOP on capture, retention and transfer/release of those captured by the FC-G5S; on the G5 Sahel SOP on conduct of internal investigations; and on human rights and law enforcement while countering terrorism.

C. Pillar 3: Rules and regulations

83. A key element of the Compliance Framework is ensuring that the Force's rules and regulations fully integrate and comply with international law and standards, which has been a major focus of OHCHR.

84. Progress to date includes the Force's adoption of safeguards on the exposure to the death penalty of captured suspects in national jurisdictions, and on arrest and detention of suspects; the strengthening of internal investigation procedures, as required in the Status of Forces Agreement and various SOPs; and the adoption of a Code of Conduct and Discipline. Several inter-related challenges remain, which include tightening human rights provisions on detention, strengthening the Police Component's doctrine, developing tactical level rules of engagement, and ensuring the dissemination and operationalization of these core doctrinal documents across the entire Force. OHCHR will focus on addressing these matters.

85. The development of specific guidance related to the Police Component and applicable procedures has been slower, partly due to a lack of common understanding among some actors, including the military and police, on the mandate and role of the Provost corps in military operations and on the model of the Police Component. OHCHR is supporting the FC-G5S with clarifying these roles through the development of specific Guidelines on the Police Component.

86. The Force's 2017 concept of operations includes sections on compliance with international law and standards, including on the protection of civilians, forced displacement, child protection and gender and sexual violence issues. Building on this document, and in consultation with national army commands, the FC-G5S, with the support of OHCHR and

³⁸ In Nouakchott, Mauritania from 24 to 28 June 2019; in Bamako, Mali from 14 to 18 October 2019; in N'Djamena, Chad from 13 to 16 August 2019; and in Niamey, Niger from 25 to 29 November 2019.

other actors, has undertaken a review of its doctrinal and procedural framework to identify documents requiring the integration of protection considerations, potential gaps among the rules and regulations, and human rights standards and protection principles requiring further operationalization.

87. In 2019, the FC-G5S developed a joint Status of Forces Agreement setting out the immunities and privileges for the FC-G5S troops, aiming at ensuring compliance with international legal standards, including regarding the capture, detention and transfer of detainees. As a result of OHCHR advocacy, the provisions of the Status of Forces Agreement on the arrest and detention of suspects, screening and identification of soldiers, and redress were brought further in line with international standards. Moreover, a provision on the non-execution of the death penalty was included as a requirement of the transfer of suspects between the G5 Sahel countries. The Status of Forces Agreement was further updated in January 2020, during a meeting of the Defence and Security Committee of the G5 Sahel, and formally signed on 25 February 2020, during the 6th G5 Sahel Heads of States Summit, in Nouakchott, Mauritania. As at March 2020, the Status of Forces Agreement was pending final endorsement through relevant national legal procedures.³⁹

88. In March 2019, the FC-G5S Commander signed a SOP on the capture, retention, transfer/release of persons apprehended by the FC-G5S. The document was developed with the support of OHCHR, MINUSMA, UNICEF and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. It applies to all individuals captured by the FC-G5S and includes provisions related to the treatment of detainees, including women, girls and boys; the requirement of holding records related to each detained person; and granting OHCHR and ICRC access to detained persons. The SOP also sets out the roles and responsibilities of members of the FC-G5S with regard to detained persons, which can contribute to enhancing accountability. The FC-G5S has begun disseminating the SOP through workshops and trainings for sector and battalion officers to promote their adherence to the procedures. Initial sensitization on the SOP was conducted in March 2019 at the FC-G5S Sector Centre headquarters in Niamey, Niger, at the onset of a new cross-border operation. A similar sensitization training was held at the FC-G5S Sector West in Nema, Mauritania, in April 2019, and at the Sector East headquarters in N'Djamena, Chad, in May 2019. OHCHR has planned to support further dissemination of the SOP by the Force through joint visits, workshops, and trainings.

89. OHCHR observes that the SOP on the capture, retention, transfer/release of persons apprehended by the FC-G5S does not adequately address several important elements. In particular, while it provides a maximum duration of detention by the FC-G5S, it allows extending detention upon agreement of the Force Commander without specifying the number of times this can be done, the reasons required for a further extension or the procedures to be followed. With regard to handovers to national authorities and the related implementation of the principle of non-refoulement, the SOP does not specify the requirement for a systematic individualized risk assessment prior to each handover, nor does it set out the procedures to be followed to conduct such a risk assessment. With OHCHR support, a process is underway to amend the SOP offering an opportunity to strengthen human rights compliance.

90. On 20 May 2019, the FC-G5S adopted its Code of Conduct and Discipline, which describes standard principles of behaviour for all FC-G5S personnel and places emphasis on principles of international human rights law and international humanitarian law, the Force's Rules of Engagement, and the protection of women, children and refugees' rights. The Strategic Communication Directive⁴⁰ required some precision in elaborating the requirement to systematically and proactively assess the perception of local populations, and coordinate communication efforts with national authorities and CIMIC efforts with humanitarian partners prior to the conduct of an operation.

³⁹ As an international treaty, the provisions of the Status of Forces Agreement must be ratified and domesticated into the national laws of the G5 Sahel States. According to the Joint Force's command, this process will be expedited, although no timeline has been indicated. However, this text contains a provision allowing its provisional application upon signature.

⁴⁰ This directive of the Joint Force Commander aims at streamlining communication guidelines and strategies within the FC-G5S. It is meant to guide the FC-G5S communication officers deployed at PCIAT and sector levels.

91. With the support of OHCHR and MINUSMA, the FC-G5S has taken steps to strengthen its internal incident monitoring process through the development of a SOP on internal investigations. At the time of writing, this SOP was pending signature by the Force Commander. Its promulgation and implementation should contribute to increased accountability for violations of international human rights law and international humanitarian law. In particular, it foresees due internal investigation when members of the FC-G5S are suspected of such violations. The SOP provides that OHCHR be informed any time a commission of inquiry is constituted, as well as about its results.

92. OHCHR also provided support to the development of a soldier's manual, which was being finalized at the time of writing. It will be issued to each FC-G5S soldier to provide guidance on their actions during military operations, including on the distinction between civilians and fighters and the treatment of detainees. It will also set out concise and accessible 'do and don't' messaging on international human rights law and international humanitarian law.

93. OHCHR is supporting the Force in developing a doctrine on civil-military cooperation (CIMIC) and a detailed SOP on the protection of sources, witnesses and victims by the FC-G5S, building on existing national doctrines on civil-military coordination manuals. It will provide guidance to the conduct of field troops to reinforce positive relations with civilian populations.

94. Further to a workshop on the administration of justice in relation to fields of operations by the Force (December 2019), the Force is developing doctrine for its Police Component under the leadership of the Police Adviser, in collaboration with OHCHR, UNODC, MINUSMA UNPOL and EU-RACC. This doctrine aims to capture the mandate, roles, responsibilities, structure and functioning of the Police Component, and the mandate of the Provosts, and the national Specialized Investigation Units. It is expected to further clarify the relations between the Provosts, the national Specialized Investigation Units and the Police Adviser. It will also place the Police Adviser at the centre of the Police Component actions, stipulating that he or she is to be informed about all actions by Provosts on the ground to advise the Force Commander on measures to prevent international human rights law and international humanitarian law violations, and to ensure follow-up and monitoring of processes related to the capture and detention of people, including by the Force and Specialized Investigation Units levels, for accountability purposes.

95. OHCHR plans to support the Force to address operationalization and dissemination challenges at the tactical level. The application of the doctrine and SOPs has been hindered by the limited means of communication at the battalion level. Ensuring the inclusion of operational documents in the training of battalions has partially addressed this constraint, but remains insufficient to achieve full appropriation and ownership of these rules and regulations by soldiers. Lack of adequate communication equipment and means also hamper the regular dissemination of, and adherence to fragmentary orders, operational orders and tactical-level rules of engagement prior to any operation conducted by the FC-G5S.

96. This situation is mainly due to the dual chain of command applicable to battalion-level troops, with national army commands retaining the tactical control of their troops under the Force's model and doctrine. OHCHR seeks to support the FC-G5S in efforts to assess the extent to which protection of civilians issues which have been identified, and orders issued by the FC-G5 Sahel aimed at ensuring respect for legal obligations during operations, are effectively communicated to troops under national tactical command.

97. An additional challenge is related to the absence of tactical level Rules of Engagement, which limits the ability of tactical level troops to fully implement the principles of international humanitarian law and international human rights law. To ensure that civilian protection is factored into every phase of operations and to promote the identification of measures to mitigate harm to civilians, OHCHR is working with the FC-G5S on generic Rules of Engagement to be used as a basis for specific Rules of Engagement attached to each operational order issued by the Force. OHCHR does not presently have access to operational orders, as such information is classified before operations.

98. OHCHR will support the Joint Force in translating Rules of Engagement in a manner that is accessible at the operational and tactical level and help to develop simplified versions intended for the troops at tactical and operational level.

D. Pillars 4 and 5: Planning and conduct of operations and after-action reviews

99. The Compliance Framework emphasizes the need to integrate protection and human rights issues and perspectives into the planning and conduct of military operations, and to systematically undertake after-action reviews to enable the FC-G5S to effectively reduce harm to civilians by adapting its modus operandi as needed, and to address the consequences of its operations on civilians.

100. With the technical and operational support of OHCHR, the FC-G5S has taken significant steps to enhance the consideration of civilian protection in its military planning process operations. These included joint visits at the sector level to support the integration of protection of civilians in the planning and conduct of operations, enhancing legal and communications capacity at the tactical level, and after-action reviews generating recommendations to develop procedures and guidance to enhance the Force's ability to distinguish between civilians and fighters. Additionally, OHCHR has helped facilitate greater engagement between the Force and civil society organizations, fostering greater understanding of the situation on the ground and strengthening civil-military coordination.

101. Since the start of the project, OHCHR and the FC-G5S conducted joint visits to raise awareness on the Compliance Framework among FC-G5S contingents. These were combined with training sessions on integrating protection of civilians in the planning and conduct of operations for FC-G5S Headquarters, sector and field units.

102. FC-G5S headquarters staff and OHCHR have jointly conducted two after-action reviews to enable the FC-G5S and its participating countries to assess how human rights and protection of civilians have been integrated into the overall planning and conduct of military operations and where further adaptation is required.

103. The first after-action review was conducted in 2018 and covered six operations that took place between 2017 and 2018. The second after-action review was conducted following operations in October 2019. OHCHR continues to support the Force in the conduct of after-action reviews for each and every operation.

104. Although more research and data are required, the two after-action reviews OHCHR carried out with the FC-G5S allowed some initial analysis of the impact of the conduct of hostilities on civilians in the area of operations of the FC-G5S.

105. A major challenge identified was the difficulty faced by commanders at the tactical level to distinguish between civilians and members of organized armed groups. The lack of operational capacity of the FC-G5S and of standard guidance on civil-military coordination and communication means have affected the FC-G5S capacity to ensure a presence in all areas of operations. Consequently, soldiers' ability to establish adequate and regular relations with communities, local authorities and humanitarian actors was hampered, impacting the Force's ability to assess dynamics related to population flows or manage and understand the impact of security measures on the socio-economic situation of populations, especially in the Liptako-Gourma region.

106. It was also noted that the FC-G5S lacked doctrine pertaining to targeting of military objectives during operations to avoid harm to civilians. Operational challenges regarding the protection of internally displaced persons and refugees, and the control of cross-border movements were also highlighted. Additional challenges identified by OHCHR included the protection of victims, witnesses and other sources, as well as the protection of suspects detained by the FC-G5S. The limitation of socio-economic activities due to insecurity caused by armed groups and subsequent operations by national militaries has sometimes proven detrimental to the security and livelihood of the population, at times alienating them from defence and security forces.

107. Based on the after-action reviews it undertook with the Force, OHCHR recommended to the Force Commander the development of the following guidance: a CIMIC doctrine; targeting procedures; a soldier's manual aimed at facilitating the distinction between civilians and armed groups; a tactical brochure on the protection of civilians; training videos for illiterate soldiers; as well as increased outreach to and consultation with local authorities and communities, religious and civil society representatives. These procedures should enhance the Force's ability to better take into account the complex human environment in the planning

and conduct of its operations and to better operationally distinguish between military objectives and civilian objects.

108. OHCHR has also helped the FC-G5S identify and address key capacity gaps that may hinder the integration of civilian harm mitigation. For example, establishing a tactical-level legal and communication capacity was considered crucial to ensure adequate ownership of the Compliance Framework within field units, to integrate legal considerations into the planning and conduct of operations (including expert follow-up on arrest of those suspected to be involved in terrorist acts and concerning allegations against the Force), and to enhance the FC-G5S ability to coordinate local communication efforts with national Army Commands. As a result, the FC-G5S included legal advisers and communication officers to its deployment plan for the sectors headquarters. At the time of writing, one legal adviser and a communication officer had been deployed to each of the three sectors.

109. In 2019, the FC-G5S undertook some civil-military cooperation activities in its areas of operation. These included the distribution of food items, school kits and medicines, and free medical consultations in the villages of Tarsa and Nouran, in Mali; in Meddala and Terbekou, in Mauritania; in Taguey, in Niger; and in Markoy and Intangom, in Burkina Faso.⁴¹ OHCHR has observed that a careful balance is needed to ensure that this cooperation does not infringe humanitarian space and principles, as blurring the distinction between humanitarian and security actors may jeopardize the ability of humanitarian actors to operate safely and freely. In civilian and military coordination meetings, humanitarian organizations have expressed concern about security measures imposed by national authorities in the G5 Sahel countries, for instance restricting border crossings or imposing bans on the use of motorcycles, noting that such measures may affect economic and social rights of communities and hinder their access to humanitarian assistance.

110. To strengthen the protection of victims, witnesses and other sources, the Executive Secretariat of the G5 Sahel, supported by OHCHR, organized a workshop with the national human rights institutions of the G5 Sahel countries and human rights organizations, from 3 to 6 December 2019. The participants underscored the importance of the protection of civilians while countering terrorism and committed to supporting local, national and regional initiatives to promote the development of a regional protection of civilian strategy.

111. During the last G5 Sahel Presidency Conference organized by Burkina Faso in January 2020, the Executive Secretary of the G5 Sahel decided to initiate the development of a regional strategy for the protection of civilians in the G5 Sahel, with support from OHCHR, in the course of 2020.

Outreach to civil society and communities

112. To improve the relations between defence and security forces and populations in the G5 Sahel area, OHCHR has supported, in partnership with the European Union, Denmark, the Netherlands and Sweden, the organization of annual conferences by the respective G5 Sahel Presidencies in February 2018 (Brussels, Belgium), January 2019 (Niamey, Niger) and January 2020 (Ouagadougou, Burkina Faso). These events allowed for a dialogue between representatives of governments, the G5 Sahel Executive Secretariat and FC-G5S, defence and security forces, the criminal justice system of the G5 Sahel countries, the networks of national human rights institutions and women's organizations of the G5 Sahel countries, regional and international organizations, institutions involved in social cohesion and humanitarian action, national and international NGOs, media, and traditional religious and community leaders. Issues discussed at these conferences included the importance of accountability mechanisms; strengthening dialogue and cooperation between civilian and military authorities, humanitarian and development actors and populations; and the value of women's inclusion in FC-G5S tactical units.

E. Pillar 6: Internal monitoring and reporting mechanisms

113. A key component of the Compliance Framework is for the FC-G5S to establish its own internal mechanism to track, analyze and respond to all incidents involving harm to

⁴¹ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2019/371, 6 May 2019, para. 17.

civilians during its military operations, and to bring the necessary changes to the planning and conduct of operations. The mechanisms are critically important for the Force as a complement to external monitoring functions. The mechanism is known as the Casualty and Incident Tracking and Analysis Cell (CITAC).⁴²

114. During the reporting period, CIVIC carried out important briefings and consultations on the establishment of this internal monitoring mechanism, including with the FC-G5S, the national army commands and representatives of the G5 Sahel countries. In addition, on 19 February 2020, the FC-G5S Force Commander ordered the establishment of a working group to respond to key questions pertaining to the CITAC and to present options on its form and composition. Based on his feedback, in-depth consultations are necessary to ensure that the FC-G5S, with support from CIVIC, establishes a mechanism that is uniquely tailored to its operational realities and needs.

115. The establishment and operationalization of the CITAC will be a central component of the next phase of the project. In particular, CIVIC will assist the FC-G5S to establish this mechanism as a key pillar of the Compliance Framework, and to ensure that FC-G5S personnel have a strong understanding of civilian harm mitigation approaches. This mechanism will be critical to improve coordination and communication within the Force, and between the FC-G5S, national army commands, civil society and humanitarian actors, and would thereby facilitate the gathering of reliable information on allegations or incidents of civilian harm. Most importantly, the mechanism will support the Force's engagement with local communities in instances where civilians are harmed in the Force's area of operations.

F. Pillar 7: Accountability

116. Under international law, G5 Sahel States are required to take adequate measures to protect civilians, as well as persons placed *hors de combat*, including during military operations conducted under the FC-G5S umbrella. They are required to ensure that prompt, impartial, independent and efficient investigations are conducted into all allegations of violations of international human rights law and international humanitarian law.

117. OHCHR plays a dual role on accountability: (1) Support the actions of the FC-G5S to address incidents in which its contingents have been involved and (2) in accordance with its core mandate, OHCHR monitors, investigates and reports on allegations of violations that may have been committed by the FC-G5S. These two roles are mutually reinforcing.

118. Under the Compliance Framework, the FC-G5S and its participating countries are expected to address allegations of human rights and international humanitarian law violations the Force may have committed. In this context, OHCHR supports the establishment of mechanisms and measures to enable the FC-G5S to take direct actions that can adequately address allegations of violations by contingents, including prompt and thorough preliminary investigations, the suspension of individuals or units allegedly involved in violations, and effective public communication on allegations and investigations.

119. OHCHR is also supporting the Executive Secretariat of the G5S, FC-G5S and national authorities to follow up on allegations of serious human rights violations involving FC-G5S as part of their efforts to maintain the confidence of communities in the FC-G5S to achieve its goals. OHCHR continues to follow these and other cases with the FC-G5S command and the national authorities of the five countries.

Incidents and follow-up

120. During the reporting period, OHCHR received allegations of human rights violations involving FC-G5S elements in the G5 Sahel region and has documented, through monitoring and investigation, eleven incidents during which serious human rights violations allegedly took place, including extrajudicial executions, arbitrary arrests and detention and ill-treatment. OHCHR raised these incidents with the FC-G5S to exchange and corroborate information gathered by OHCHR and by FC-G5S and, in some cases, to identify options for additional investigations by OHCHR or the FC-G5S, and to pursue accountability.

⁴² In French: Mécanisme d'Identification, de Suivi et d'Analyse des Dommages causés aux civils (MISAD).

121. All the nine incidents involving the FC-G5S documented by OHCHR in Mali occurred in the Boulkessi area, on the Malian side of the border with Burkina Faso, in the Liptako-Gourma region. Multiple attacks against civilians and the military have been reported in the Liptako-Gourma region, where military bases are located near populated areas, and some local civilians are perceived by the military as accomplices of extremist armed groups based in the area. Information gathered from multiple sources and observations by OHCHR suggest that since 2018, tensions between the military and the local population have increased in that area.

122. Despite the volatile security situation in that part of Mali, OHCHR was able to document allegations of serious human rights violations involving FC-G5S in accordance with its human rights investigation methodology.⁴³ In addition, radio and social media have been active, regularly reporting on human rights issues in the area. As a means of protection, local communities in the affected areas have put in place alert mechanisms such as promptly sending information to local civil society organizations and the United Nations, using social media during and in the aftermath of incidents.

(1) The FC-G5S officially informed MINUSMA about an incident that occurred on 15 January 2018 in Boulkessi, Mondoro commune, Douentza circle, in which a 51-year-old man was reportedly killed and a 29-year old woman injured when a FC-G5S patrol opened fire in a residential area following an altercation with the so-called jihadists. On 28 January 2020, MINUSMA sent a follow-up letter to the FC-G5S Commander, copying the Malian Army Chief of Staff, to inquire about measures taken to complete investigations into a series of incidents involving FC-G5S in Mali, including this one and some others listed below. On 27 March 2020, the FC-G5S commander replied, providing information related to five specific incidents that took place in or around the village of Boulkessi. OHCHR continues to follow up on these incident with FC-G5S to support appropriate accountability.

(2) MINUSMA supported the Malian authorities in their efforts to investigate the killing of 12 civilians on 19 May 2018 in Boulkessi, allegedly by elements of the *Forces armées maliennes* (Armed Forces of Mali) under FC-G5S command. MINUSMA also supported the FC-G5S *in situ* investigation into the incident. On 7 June 2018, the Ministry of Defence of Mali declared that “grey areas” remained after the investigation and called for further investigation into this case. On 13 June 2018, the Ministry of Defence ordered the transfer of the contingent involved in the incident to Bamako, suspended them from duty, and mandated they remain at the disposal of the military justice system. On 7 July 2018, Malian authorities established a ‘Special Commission’ to investigate the case and designated the Mopti prosecutor to lead the investigations. The latter immediately opened a criminal investigation and began hearings of soldiers and officers present at Boulkessi during the incident.⁴⁴ The prosecutor informed that he had finalized his investigation and transferred the case to an investigating judge (*juge d’instruction*).⁴⁵

(3) On 20 October 2018, a man detained by a FC-G5 Sahel contingent based in Boulkessi died in detention. The incident followed the arrest of at least 14 individuals following an attack on the FC-G5S base in Boulkessi the same day, in which a soldier of the FC-G5S was killed and two others injured. The FC-G5S immediately informed MINUSMA and OHCHR about the incident. MINUSMA and OHCHR called for an investigation into the matter by the FC-G5 leadership. The Malian authorities informed OHCHR that they had launched a formal investigation into the incident.⁴⁶ OHCHR received information that the Malian authorities conducted a post-mortem concluding that the detainee had died of natural causes. In March 2020, in response to a letter from OHCHR requesting further information,

⁴³ See section on ‘Scope and Methodology’, p.6.

⁴⁴ Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2018/1006, 12 November 2018, para. 31; Report of the Secretary-General on the situation in Mali, S/2018/541, June 2018, para 36; and MINUSMA press statement « la MINUSMA conclut son enquête sur les incidents de Boulkessy du 19 mai 2018 », 26 June 2018, available at : <https://minusma.unmissions.org/la-minusma-conclut-son-enqu%C3%AAt-sur-les-incidents-de-boulkessy-du-19-mai-2018>.

⁴⁵ See also Report of the Secretary-General on the Joint forces of the Group of Five for the Sahel, S/2019/371, 6 May 2019, para. 27.

⁴⁶ See Report of the Secretary-General on the Joint Force of the Group of Five for the Sahel, S/2018/1006, 12 November 2018, para. 32; and Report of the Secretary-General on the situation in Mali, S/2018/1174, 28 December 2018, para 37.

the FC-G5S informed they were not involved in the proceedings, noting these were handled by the Malian authorities.

(4) On 30 July 2019, FC-G5S members arrested two men from their respective homes in Boulkessi. These men were later found dead in the village. Their arrest was conducted after the explosion of a mine during the passage of a FC- G5 Sahel contingent near Boulkessi, which caused a soldier's death and injured four others.⁴⁷ The FC-G5S issued two press releases the following week, denouncing the attack against members of the Force and rejecting the allegation of an extrajudicial killing. In March 2020, the FC-G5S Commander informed OHCHR that the soldiers involved were not part of the FC-G5S and were under the command of the *Forces armées maliennes*. OHCHR continues to follow up on the incident to support appropriate accountability.

(5) On 1 September 2019, in Kounoumounou village, Hairé commune, Douentza Cercle, Mali, FC-G5S soldiers reportedly shot dead an elderly man and a deaf man. According to information received by OHCHR, the two men were part of a group of five men arrested by soldiers from the G5 Sahel base in Boulkessi. As at 31 March 2020, the FC-G5S Commander informed OHCHR they would verify the information and advise OHCHR of the outcome in due course.

(6) On 13 March 2020, soldiers from the FC-G5S contingent based in Boulkessi reportedly shot dead a local *marabout* (a Muslim religious leader and teacher) in Kobou village. They had allegedly arrested him in Thiofol, some four kilometres from the FC-G5S base in Boulkessi. The local population later buried the body of the victim.

(7) On 14 March 2020, FC-G5S soldiers based in Boulkessi reportedly arrested and killed at least 16 civilians (all men) in Pagol-N'daki village, located seven kilometres north of Boulkessi Mali, following a search.

(8) On 19 March 2020, in the village of Tchiofol, Boulmoutaka, Mali, a FC-G5S contingent travelling from their Boulkessi base to the town of Douentza, reportedly shot dead eleven persons, including a 69-year old man, set fire to 25 homes and structures, and stole civilian belongings, including golden bracelets. Reportedly, the soldiers suspected people living in the area of collusion with the so-called jihadists. OHCHR will continue to engage FC-G5S on this case.

(9) On 21 March 2020, a group of FC-G5S elements reportedly shot dead seven persons, including three women, two of whom were carrying their children on their backs. The incident took place in Pogol Ndaki.

(10) On 24 March 2020, FC-G5S elements reportedly killed 12 persons in Toussougou, eight kilometres south of Boulkessi. According to witnesses, a group of FC-G5S elements arrived in the village in the morning where they found only women and children. They reportedly inquired about the presence of men in the village before they proceeded further and encountered two men, whom they killed. Subsequently, they encountered another ten persons and shot them dead.⁴⁸

123. OHCHR also received reports about allegations of extrajudicial killings in Burkina Faso, in particular in the province of Soum, Sahel region, reportedly involving FC-G5S elements. The allegations included incidents in Togomayel department and Taouremba village, in April 2019, Gorgadji, in October 2019, and Pobe Mengao department, in March

⁴⁷ See Report of the Secretary-General on the Joint Forces of the Group of Five for the Sahel, S/2019/868, 11 November 2019, para. 29.

⁴⁸ After the period covered by this report, OHCHR shared information related to these last three allegations with the FC-G5S. The MINUSMA Human Rights and Protection Division undertook investigation into the incidents and, on 30 April 2020, it issued a quarterly note confirming the FC-G5S's involvement in these three incidents (MINUSMA HRPD, Note sur les tendances des violations et abus de droits de l'homme 1er Janvier - 31 Mars 2020). The Force Commander of the FC-G5S rejected the conclusion through a letter sent to the Special Representative of the Secretary-General and Head of MINUSMA, explaining that no Operation order was issued on 13, 14 and 19 March 2020 by the FC-G5S to the concerned Battalion in Boulkessi (Letter no 000450/ FC-G5S/CAB dated 11 May 2020 addressed to MINUSMA SRSRG by the FC-G5S Force Commander). The Force Commander nevertheless assured that he would commence investigations into such allegations.

2020. OHCHR has not yet been able to ascertain whether FC-G5S elements were involved. The Office continues to follow up on these allegations with FC-G5S.

(11) Following the extrajudicial killing of an elderly man on 16 March 2019, in Nbeiket el Ahouach, Mauritania, the FC-G5S Commander immediately suspended the FC-G5S soldier involved, issued a communiqué expressing regret, and ordered the FC-G5S provost corps to initiate an investigation into the incident. The soldier was subsequently expelled from the Mauritanian Army and handed over to civilian judicial authorities for proceedings. At the time of writing this report, he is detention awaiting trial.

124. More generally, OHCHR has worked with the FC-G5S and G5 Sahel countries to ensure that violations of human rights and impunity are promptly and fully addressed, namely by supporting the FC-G5S to put in place an internal investigation mechanism, to adopt a SOP on internal investigations, and to develop and strengthen justice and accountability mechanisms, including through the operationalization of the Police Component.

125. In December 2019, in Niamey, Niger, the Executive Secretariat of the G5 Sahel and FC-G5S, with the support of OHCHR, UNODC and EU-RACC, organized a workshop on the administration of justice with regard to operations by the Force, with the objective of strengthening the effectiveness of the Police Component. The workshop gathered representatives of the FC-G5S, specialized investigation units and actors across the criminal justice system from the G5 Sahel countries. Participants identified gaps and shortcomings in the penal chain when dealing with alleged terrorist activities, and came up with recommendations to be implemented at regional and national levels to improve judicial procedures to effectively handle people suspected of terrorist activities. A roadmap to implement the recommendations has been developed under the coordination of the G5 Sahel Executive Secretariat.⁴⁹

IX. Conclusions and Way ahead

A. Conclusions

126. **The security context that led to the creation of the FC-G5S has further deteriorated, with increasing violence that continues to severely affect the civilian population across the Sahel region. Violence has also claimed significant losses among the FC-G5S and national armies.**

127. **The FC-G5S is the first sub-regional armed force that has committed to implementing an international human rights law and international humanitarian law compliance framework involving tailored mechanisms and concrete measures to prevent, mitigate and address possible violations of international human rights law and international humanitarian law during its operations. The FC-G5S, the G5 Sahel, and the five Member States are to be commended for this commitment and for genuinely engaging in this innovative initiative. Political commitment at the highest level of contributing States has enabled the FC-G5S to make significant progress in implementing the Compliance Framework, as described in this report.**

128. **The Office's cooperation with the FC-G5S has facilitated the provision of substantive support, notably training, with members of the FC-G5S headquarters and sector headquarters having undergone basic and advanced training in international human rights law and international humanitarian law. Four out of the five G5 Sahel countries have been empowered with local trainers able to provide pre-deployment training in human rights law and international humanitarian law to the battalions/personnel prior to their assignment to the FC-G5S. Burkina Faso will benefit from such training as soon as the conditions permit. The FC-G5S has also made progress in the development of rules and regulations, with OHCHR guidance and technical support in the elaboration of strategic documents, doctrine and SOPs. The FC-G5S has also laid down the groundwork for the integration of international and regional human rights law and international humanitarian law obligations across the**

⁴⁹ As mentioned, OHCHR is assisting the FC-G5S by providing advice and guidance in the drafting of the Police Component directive, to be finalized in 2020.

planning, conduct and review of its military operations. Efforts however remain necessary to fully implement the elements of the seven pillars.

129. OHCHR believes that its continued independent monitoring and reporting is essential to assess the impact of the FC-G5S operations on civilians. It can be further strengthened with the full deployment of project teams to all the G5 Sahel countries to increase OHCHR capacity to engage with the Force to support its adjustment of military operations and address any alleged violations. OHCHR welcomes the support of Member States which have already facilitated such a deployment. OHCHR has also reinforced MINUSMA mechanisms to implement the HRDDP in the context of its support to the FC-G5S.

130. Several challenges remain for the full operationalization of the FC-G5S, notably persistent shortfalls in equipment, training and funding, which have prevented the regular presence of the FC-G5S in some areas of operations along the borders; the dual chain of command applicable to battalion-level troops with National Army Commands retaining tactical control of their troops; frequent troops rotations; and gaps in doctrine. The effective operationalization of the Police Component is critical, not only to ensure appropriate judicial procedures to bring to justice persons captured by the Force, but also to monitor violations by FC-G5S elements and ensure effective accountability. It is also important to disseminate and operationalize core doctrine and procedures, enhance accountability mechanisms, and establish and roll out the casualty tracking mechanism. OHCHR remains committed to further assisting the FC-G5S in addressing these challenges, in close coordination with other relevant stakeholders. Increased efforts are necessary to raise awareness about OHCHR work with the FC-G5S in the context of the Compliance Framework project among local populations and some partners.

131. G5 Sahel organs have identified the Compliance Framework as a priority, as reflected in their engagement and implementation of elements of the seven pillars. However, recent allegations of serious violations, including by national security forces not part of the FC-G5S, indirectly undermine the credibility and legitimacy of the FC-G5S in the eyes of civilian populations and the international community. It is important for the Member States of the G5 Sahel to further demonstrate their commitment and support to implementing the Compliance Framework at the political and technical levels, to generate confidence among populations that measures will be put in place for the protection and benefit of them. Prompt and adequate response to allegations of human rights violations can further demonstrate such a commitment, particularly prompt, effective, thorough and impartial investigations, and measures to prevent and mitigate civilian harm.

B. Way ahead

132. Looking ahead, OHCHR is committed to continue working with the FC-G5S towards the operationalization of and adherence to the Compliance Framework, with the aim to:

- Strengthening the security and protection of civilian populations, including in the context of conduct of hostilities, and strengthening the trust between the FC-G5S and local communities as well as the population at large;
- Establishing mechanisms to better prevent potential harm to civilians, specifically vulnerable populations including women, children, internally displaced persons and ensuring that potential incidents are traced, investigated and reported upon in a timely manner; with mechanisms in place to protect sources and witnesses;
- Strengthening efforts to ensure that human rights records of deployed military personnel are verified and personnel vetted through an appropriate screening and selection procedure;
- Revising, developing and adopting doctrine and relevant strategic, normative, operational and policy documents;

- Continuing to promote strict adherence to the rules of engagement and code of conduct and discipline, especially for the prevention of the risk of sexual violence and harm to civilians.

133. OHCHR seeks to continue working with the G5 Sahel countries, as their political support to the FC-G5S and the provision of the necessary resources to ensure the effective operationalization of the Force and its Police Component, remain essential for full implementation of the Compliance Framework, including at the level of national army headquarters. To this end, OHCHR calls on the G5 Sahel countries to:

- Reinforce professionalism of deployed military personnel through adequate training, equipment and motivation through appropriate incentives as necessary;
- Provide the required military presence in all areas of operation;
- Address challenges related to the dual chain of command by committing that contingents abide by the FC-G5S chain of command guidelines in place;
- Establish clear information-sharing mechanism and an effective practice between national authorities and the FC-G5S;
- Agree with the FC-G5S on a common understanding on the model of the Police Component and the role of the Provost corps, in line with recommendations of the workshop on the administration of justice in relation to fields of operations by the FC-G5S held in December 2019 in Niamey, Niger;
- Ensure appropriate mechanisms are in place to gather evidence, investigate and hold perpetrators to account, while ensuring that these mechanisms are accessible to civilians;
- Launch prompt, thorough, impartial and transparent investigations into serious violations of international human rights law and international humanitarian law, including with regard to serious violations committed by national security forces not belonging to the FC-G5S, and hold perpetrators to account;
- Facilitate the deployment of OHCHR Project staff to all G5 Sahel countries as soon as possible.

134. OHCHR seeks to continue to work with the G5 Sahel Executive Secretary, including through the Human Rights Advisor embedded in the G5 Sahel Executive Secretariat, and offers to contribute specifically to:

- An enhanced definition of the institutional relationship between the G5 Sahel Executive Secretariat and the FC-G5S;
- Streamlined coordination initiatives of the financial and technical partners supporting the FC-G5S;
- Development of a regional strategy on Protection of Civilians and ensure its implementation with the support of all relevant stakeholders.

135. Finally, OHCHR will continue to advocate for continued international political, financial, logistical and training support to the FC-G5S to support full implementation of the Compliance Framework.

Annex I: List of Acronyms

<u>Name</u>	<u>Acronym</u>
Civilian-Military Coordination	CIMIC
Casualty and Incident Tracking and Analysis Cell	CITAC
Centre for Civilians in Conflict	CIVIC
European Union Capacity Building Missions	EUCAP
European Union Regional Advisory and Coordination Cell	EU-RACC
European Union Training Mission	EUTM
<i>Force Conjointe</i> of the G5 Sahel (G5 Sahel Joint Force)	FC-G5S
Group of Five Countries in the Sahel (Burkina Faso, Chad, Mali, Mauritania and Niger)	G5 Sahel
United Nations Human Rights Due Diligence Policy	HRDDP
International Committee of the Red Cross	ICRC
United Nations Multidimensional Integrated Stabilization Mission in Mali	MINUSMA
United Nations Office for the Coordination of Humanitarian Affairs	OCHA
Office of the United Nations High Commissioner for Human Rights	OHCHR
<i>Poste de Commandement Interarmées de Théâtre</i> (FC-G5S Headquarters)	PCIAT
Standard Operating Procedure	SOP
United Nations High Commissioner for Refugees	UNHCR
United Nations Children's Fund	UNICEF
United Nations Integrated Strategy for the Sahel	UNISS
United Nations Office on Drugs and Crime	UNODC
United Nations Police	UNPOL

Annex II: List of visuals

1. Map of OHCHR field presences in the G5 Sahel region
 2. Map of presence of the *Force Conjointe* of the G5 Sahel and OHCHR field presences in the G5 Sahel countries
 3. Organizational chart of the *Force Conjointe* of the G5 Sahel
 4. Organizational chart of the command group of the *Force Conjointe* of the G5 Sahel
 5. Organizational chart of the Police Component of the *Force Conjointe* of the G5 Sahel
 6. Principles guiding the implementation of the Compliance Framework Project
 7. Organizational chart of the Executive Secretariat of the G5 Sahel
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