# Annex I

# **Public**

Registry's Report on Proof of Identity Documents Available in Mali and Transmission of Proposed Application Forms for Rule 85(b) RPE Victims and Groups of Victims

### Registry's Report on Proof of Identity Documents Available in the Republic of Mali

- 1. The purpose of this Report is to provide information about the documents known to be available in the Republic of Mali ("Mali") that may assist in establishing a person's identity in the context of victims' applications to participate in the proceedings. Pursuant to regulation 86 of the Regulations of the Court, applications for participation must be supported by proof of identity and/or proof of kinship.
- 2. When available, the present Report provides samples of documentation previously received by the Victims Participation and Reparations Section ("VPRS") in support of applications for participation and/or reparations in the *Al Mahdi* Case. These examples are compiled in Annex II of the Report ("Annex II").
- 3. This Report is based on information gathered in 2014 with the help of a mapping consultant and local contacts, including NGOs. Said information was later updated and completed, as necessary, through open source research.
- 4. Experience has shown that the official documentation submitted by victim applicants is sometimes of poor quality or may even be unavailable altogether. This Report therefore includes information about the difficulties that applicants may encounter in obtaining or providing relevant documentation and the alternative tools available to establish identity or kinship.

#### I. Types of document available

#### 1) Documents accepted by the authorities as proof of identity

a) National identity card/ Consular card<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> Décret n°014/PG-RM du 09/01/88 portant Institution et Règlementation de la Délivrance de la Carte D'Identité et de la Carte Consulaire, see Ministère de la fonction publique et de la modernisation de l'administration-Mali, "L'Administration à votre service", at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Carte-Nationale-d-Identite-demande.">http://demarchesadministratives.gouv.ml/demarches/afficher/Carte-Nationale-d-Identite-demande.</a>

- 5. The national identity card is available to Malian citizens when they turn 18. It contains personal information concerning the identity of the card holder, including: full name, date and place of birth, parentage, photograph and signature). Due to the parentage references and in some cases the marital status<sup>2</sup> this document could be used to establish the kinship between an applicant and his/her close relative(s). It should be noted that this document is usually required for the issuance of other official identification documentation such as the NINA card or passport (*see below* paras. b and c).
- 6. The national identity card is issued by a Malian governmental authority<sup>3</sup> after the applicant has provided: fingerprints, height, complete address, any previous identity documents set to expire or a copy of the birth certificate excerpt, family record book, marriage certificate, or based on the signed statement of two witnesses (along with their valid identification documents).<sup>4</sup>
- 7. The relative ease of access and low administrative fees (CFCA 1,000 or less than USD 2) charged for its issuance makes the national identity card affordable for most people and a common tool to prove identity in Mali.<sup>5</sup> A sample of a national identity card is provided in Annex II.
- 8. For Malians outside of the country, a consular identity card is available which establishes identity in much the same way as the national identity card and also serves as national identity document.<sup>6</sup> The consular card is issued by Malian Embassies and general consulates upon payment of an administrative fee and the provision of a previous (and set to expire) identity card (national identity or consular identity card), Malian passport or birth certificate excerpt.<sup>7</sup>
- b) Numéro d'Identification Nationale (NINA) and NINA card for natural and legal persons

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<sup>&</sup>lt;sup>2</sup> If the holder is married, the name of the husband is mentioned.

<sup>&</sup>lt;sup>3</sup> Commissaire de police or commandant de brigade de gendarmerie.

<sup>&</sup>lt;sup>4</sup> Idem.

<sup>&</sup>lt;sup>5</sup> As an illustration in Mali situation, among the identification document supporting a victim's application form received by the VPRS, the National identity card represents 57.70%.

<sup>&</sup>lt;sup>6</sup> No consular identity card was provided by applicants to the VPRS thus Annex II does not contain sample of such document.

<sup>&</sup>lt;sup>7</sup> UNHCR database, "Refworld", 3 March 2015, at <a href="http://www.refworld.org/cgibin/texis/vtx/rwmain?docid=550c37d04">http://www.refworld.org/cgibin/texis/vtx/rwmain?docid=550c37d04</a>.

- 9. The Numéro d'Identification Nationale (NINA) was established in 2006 in order to assign a unique identification number for each holder. The NINA number is included in the national identity card, consular identity card, passport, driver's license, civil status records, documentation related to legal persons and in other administrative documents.
- 10. According to a census conducted in 2009-2010 but suspended due to the conflict arisen on 2011, the NINA card was available to Malian citizens from 28 June 2013 and was used as the sole voting card for the 2013 presidential elections. It contains the cardholder's full name, date and place of birth, occupation, address, photograph, fingerprints, NINA number, serial number and bar code. Because the NINA card also includes biometric features, the European Union has recognized it as a tool that is difficult to counterfeit.<sup>9</sup>
- 11. In February 2016, the NINA card, while not replacing the Malian identity card/consular identity card, received national identity card status. <sup>10</sup> The NINA card is now commonly used in Mali, <sup>11</sup> though citizens have complained that delays in its issuance have impacted on the issuance of other documents, such as a passport (since the NINA card is a prerequisite). In such instances, individual descriptive cards ("Fiche individuelle descriptive") with the NINA number have been issued and delivered on short notice, free of charge. <sup>12</sup>

<sup>&</sup>lt;sup>8</sup> Loi n°06-040 du 11 août 2006 portant institution du Numéro d'Identification nationale des Personnes physiques et morales ; Loi électorale n° 06044 du 4 septembre 2006.

<sup>&</sup>lt;sup>9</sup> In 2014, the European Union Election Observation indicates that the NINA card contains "a number of security features to prevent counterfeiting, 13 February 2014, "Mission d'Observation électorale de l'Union européenne au Mali, Rapport Final - Élections législatives 2013", p. 18, at <a href="https://www.ecoi.net/en/file/local/1323547/1226">https://www.ecoi.net/en/file/local/1323547/1226</a> 1393858059 rapport-final-recommandations-legislatives-mali-2013-fr.pdf; see also the Malian authorities who stated that the NINA card contains "security features", making the card more reliable, Maliactu.net, 10 February 2016, "Mali: quand NINA acquiert valeur de carte d'identité nationale!", at <a href="http://maliactu.net/mali-quand-nina-acquiert-valeur-de-carte-didentite-nationale">http://maliactu.net/mali-quand-nina-acquiert-valeur-de-carte-didentite-nationale</a>.

<sup>&</sup>lt;sup>10</sup> Décret n°2016-0041/P-RM du 15 février 2016 conférant valeur de carte nationale d'identité de de carte consulaire à la Carte du Numéro d'Identification Nationale (NINA), at <a href="http://extwprlegs1.fao.org/docs/pdf/mli155347.pdf">http://extwprlegs1.fao.org/docs/pdf/mli155347.pdf</a>, see also Maliactu.net, 10 February 2016, footnote 11.

<sup>&</sup>lt;sup>11</sup> In 2014, the European Union states that 91 percent of cards had been distributed to cardholders while in 2016 the Malian authorities stated that the NINA card was collected by more than 89% of the population, see footnote 11. Up to 30 October 2016 more than 15 1000 000 Malians were registered, see International cooperation and development of European Commission, « Programme d'appui au fonctionnement de l'état civil au Mali: appui à la mise en place d'un système d'information sécurisé », p. 4, at <a href="https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-sah-ml-08">https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-sah-ml-08</a> - etat civil.pdf. As an illustration in Mali situation, among the identification document supporting a victim's application form received by the VPRS, the NINA card represents 29.25%.

<sup>&</sup>lt;sup>12</sup> Maliactu.net, 19 septembre 2017, « Mali : tout savoir sur l'obtention du passeport biométrique malien », at <a href="http://maliactu.net/mali-tout-savoir-sur-lobtention-du-passeport-biometrique-malien">http://maliactu.net/mali-tout-savoir-sur-lobtention-du-passeport-biometrique-malien</a>.

12. It should be noted that the NINA card has been criticized due to errors contained in it, however the cardholder has the opportunity to correct errors identified and/or update the information before the municipal authority, <sup>13</sup> even though the process may lead to delays and additional costs. <sup>14</sup> A sample of a NINA card is provided in Annex II.

#### c) Passport

13. Different types of passports exist in Mali and allow Malian citizens duly identified to travel abroad. These include: the standard passport of the Republic of Mali, the Economic Community of West African States ("ECOWAS") Malian passport and the service and diplomatic passports. Since 1 April 2017 the ECOWAS Malian biometric passport has been issued to replace the standard passport. Each of the abovementioned passports contains information about the identity of the holder (including full name, date and place of birth, occupation, photograph and signature). The passports may be used to establish the kinship between an applicant and their close relatives as in some cases the marital link could be documented. All passports are issued by Malian governmental entities and are based on the production of a proof of identity/citizenship.

http://www.consulatdumalienfrance.fr/AVIS/liste\_documents\_PASSEPORT\_BIOMETRIQUE.pdf.

<sup>&</sup>lt;sup>13</sup> By providing correct information through a complain form signed by the applicant and the mayor supported if necessary by applicant's birth certificate containing the correct information, Refword, 26 August 2016, at <a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=598c702d4">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=598c702d4</a>.

<sup>&</sup>lt;sup>14</sup> Niarela.net, 13 septembre 2017, « Obtention de la carte NINA : le parcours du combattant continue pour les demandeurs du précieux sésame », at <a href="https://niarela.net/societe/obtention-de-la-carte-nina-le-parcours-du-combattant-continue-pour-les-demandeurs-du-precieux-sesame">https://niarela.net/societe/obtention-de-la-carte-nina-le-parcours-du-combattant-continue-pour-les-demandeurs-du-precieux-sesame</a>.

<sup>&</sup>lt;sup>15</sup> Malinet, 2017, « Passeport biométrique à 55.000 FCFA et pour un délai de 20 jours », at <a href="http://www.malinet.net/alerte/mali-passeport-biometrique-a-55-000-fcfa-et-pour-un-delai-de-20-jours">http://www.malinet.net/alerte/mali-passeport-biometrique-a-55-000-fcfa-et-pour-un-delai-de-20-jours</a>, see also the mention of the Arrêté interministériel n° 1670 du 2 juin 2017 in Afribone, 18 septembre 2017, at <a href="http://www.afribonemali.net/spip.php?article80525">http://www.afribonemali.net/spip.php?article80525</a>.

<sup>&</sup>lt;sup>16</sup> A spouse may choose to use the name of her husband by providing a marriage certificate.

<sup>&</sup>lt;sup>17</sup> Passport of the Republic of Mali is issued by the Police des frontières, Division documents de voyage, the ECOWAS passport by the security services of Mali, and the service/diplomatic passport by the Minister of Foreign Affairs.

<sup>&</sup>lt;sup>18</sup> For an ordinary passport, see Arrêté interministériel n°02 /1302/MS PC-MEF- MAEME-MJ du 07 juin 2002 Déterminant les conditions de délivrance du Passeport National and « L'administration à votre service » at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Passeport">http://demarchesadministratives.gouv.ml/demarches/afficher/Passeport</a>. For the biometric passport, the applicant has to be present for the formalities and should provide the National Identification Number (NINA) and a professional/student certificate in addition to the documentation requested for the old passport version, see

14. Apart from service and diplomatic passports (which are limited to a very specific category of citizens), <sup>19</sup> the Registry understands that the ordinary/biometric passport may be held by only a tiny minority of the Malian population, as they were issued initially only in Bamako and are also too expensive for most people (from FCFA 50,000 or USD 91 for an ordinary passport to FCFA 55,000 or USD 100 for a biometric passport). A sample of a standard passport (passport of the Republic of Mali) is provided in Annex II.<sup>20</sup>

#### d) Driver's licence

15. The Malian driver's license contains information about the identity of the holder (full name, date and place of birth, photograph and signature) and is issued by a Malian authority<sup>21</sup> upon the completion of a driving test and the production of the applicant' birth certificate and an attestation of residence.<sup>22</sup> Driver's licences are mainly found amongst the population in the capital Bamako and main cities inside the Malian territory.<sup>23</sup>

#### e) Professional card/Student card

16. The professional card or student card is produced by a recognized authority within Mali<sup>24</sup> and contains basic elements of identification of the holder (full name, date/place of birth, function, photograph, this type of document may be used as proof of identity and is notably required for obtaining a Malian passport. A sample of professional card and of a student card is provided in Annex II.

#### 2) Other documents issued by Malian national or local authorities

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<sup>&</sup>lt;sup>19</sup> If the service and the diplomatic passports could prove the identity of the holder they are limited to a very specific category of citizens nominated by Malian authorities and as such will not concerned the majority of the Malian.

<sup>&</sup>lt;sup>20</sup> No service or diplomatic passport was provided by applicants to the VPRS thus Annex II does not contain sample of such documents.

<sup>&</sup>lt;sup>21</sup> Direction Nationale des Transports.

<sup>&</sup>lt;sup>22</sup> « L'administration à votre service », at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Permis-de-conduire-obtention">http://demarchesadministratives.gouv.ml/demarches/afficher/Permis-de-conduire-obtention</a>.

<sup>&</sup>lt;sup>23</sup> No driver's licence was provided by applicants to the VPRS thus the Annex II does not contain sample of such document.

<sup>&</sup>lt;sup>24</sup> From Ministry of education, Director of school, Director of professional organization.

- f) Birth certificate excerpt<sup>25</sup> (Civil status) and Jugement supplétif d'acte de naissance (judicial authority)
- 17. These types of documents are in the possession of most Malians and form the basis for the issuance of many of the other abovementioned identification documents. The birth certificate excerpt is issued by a civil registry officer following the declaration of birth from the hospital, clinic, or maternity hospital while the *Jugement supplétif d'acte de naissance* is issued by a judicial authority in case of loss of the original of the birth certificate (or if the maximum of 30 days to register the birth is expired). The *jugement supplétif d'acte de naissance* is provided following the declaration by two witnesses of the birth and of the identity of the parents (witness's identity document is required). The birth certificate excerpt can be obtained at the civil registry office of the applicant's residence and is free of charge.<sup>26</sup>
- 18. These documents contain information about the identity of the new born child (full name, date and place of birth, sex) and of the parents (name-age-nationality-occupation and address of the parents<sup>27</sup>). Since these documents also contain information pertaining to parentage, they may also be used to establish the kinship between an applicant and their relative(s). Notably, since 2006, the NINA number has also been indicated in birth certificate excerpts.<sup>28</sup> A sample of a birth certificate excerpt (with and without NINA number indication) is provided in Annex II.<sup>29</sup>

#### g) Family record book (Civil status)

19. This document is issued to the head of the family by a civil registry and contains information on the identity of family members (full name of the head of the family, full name of the family members, their year of birth, their parentage<sup>30</sup>). The document

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<sup>&</sup>lt;sup>25</sup> Articles 63-65 and 74 à 79 de la loi n°06-024 du 28 juin 2006 régissant l'Etat Civil, see also Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>.

<sup>26</sup> Refworld, 3 March 2015, at <a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=550c37e74">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=550c37e74</a>, see also « L'administration à votre service » at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Naissance-demande-d-extrait-d-acte-d-acte-d

<sup>&</sup>lt;sup>27</sup> The documents do not contain a photograph of the new born or his parents.

<sup>&</sup>lt;sup>28</sup> Loi n°06-040 du 11 août 2006 portant institution du Numéro d'Identification nationale des Personnes physiques et morales ; Loi électorale n° 06044 du 4 septembre 2006.

<sup>&</sup>lt;sup>29</sup> A sample of birth certificate excerpt and of a copy of the Birth certificate excerpt is available on « eRegulations », see <a href="https://mali.eregulations.org/procedure/107/21/step/131?l=fr">https://mali.eregulations.org/procedure/107/21/step/131?l=fr</a>. No Jugement supplétif d'acte de naissance was provided by applicants to the VPRS thus Annex II does not contain sample of such document.

<sup>&</sup>lt;sup>30</sup> The document does not contain photograph of the family members nor of the chief of the family.

is established on the basis of marriage and birth certificate(s). Since this document also includes information pertaining to parentage, it could also be used to establish the kinship between an applicant and their relative(s). Nevertheless, it was noted in the Mapping Report that the familial relationships and statuses in the family record book are not regularly updated, and for instance, names of deceased family members are not removed from the booklet. A sample of the family record book is provided in Annex II.

## h) Marriage Certificate<sup>31</sup>/Death Certificate<sup>32</sup> (Civil status)

20. Both marriage and death certificates are issued by a civil registry officer. The marriage certificate is based on the birth certificate excerpt of the married person, their identity card and the identity card of their witnesses. It contains, in addition to information related to the marriage, information on the identity of the married person, of their parents and of their witnesses.<sup>33</sup> The certificate is signed by the married person, their witnesses and the civil officer.<sup>34</sup> The death certificate is based on a declaration of death established by the medical center, and (to the extent possible) on the production of an identity document of the deceased. In addition to information related to the death, the death certificate contains information on the identity of the deceased. Since both of these documents also include information pertaining to parentage, they both may be used to establish the kinship between an applicant and their relative(s).<sup>35</sup>

## i) Certificate of nationality (judicial authority)

21. Issued by a judicial authority upon the presentation of a birth certificate excerpt and a criminal record extract, this document may be in the possession of Malian civil

<sup>&</sup>lt;sup>31</sup> Articles 90 à 101 de la loi n°06-024 du 28 juin 2006 régissant l'Etat Civil, at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Mariage-demande-d-extrait-d-acte-demariage">http://demarchesadministratives.gouv.ml/demarches/afficher/Mariage-demande-d-extrait-d-acte-demariage</a>, see also Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>

<sup>&</sup>lt;sup>32</sup> Articles 102 à 106 de la loi n°06-024 du 28 juin 2006 régissant l'Etat Civil, at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Deces-demande-d-acte-de-deces">http://demarchesadministratives.gouv.ml/demarches/afficher/Deces-demande-d-acte-de-deces</a>, see also Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>

<sup>&</sup>lt;sup>33</sup> Article 306, Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>.

<sup>&</sup>lt;sup>34</sup>Article 127, Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>. The document does not contain photograph of the married.

<sup>&</sup>lt;sup>35</sup> No marriage certificate or death certificate was provided by applicants to the VPRS thus Annex II does not contain sample of such documents.

servants.<sup>36</sup> The certificate indicates which provisions of the relevant Malian law stipulate the conditions of Malian citizenship, and which documents help confirm that the person in question is a Malian citizen. Pursuant to Malian law, this information is considered true unless proven otherwise.<sup>37</sup> The certificate contains information on the identity of the certificate holder (full name, date and place of birth, parentage, occupation, marital status and address).<sup>38</sup> Since the documents also include information pertaining to parentage, both documents may be used to establish the kinship between an applicant and their relative(s).

### j) Attestation of lost documents

22. In Mali it is possible to obtain an attestation of loss for official documents through a declaration to an official authority<sup>39</sup> and by providing documentation establishing the identity of the applicant.<sup>40</sup>

### k) Declaration of witnesses

23. The Registry notes that where it is not possible for an individual to acquire or produce an official document (see for instance the National identity card and the *Jugement supplétif d'acte de naissance*), the authorities may consider a statement by two witnesses along with their valid identification documents.<sup>41</sup> The relevant Malian law states that witnesses could also be called by the applicant before a commission in order to reconstitute the essential elements of civil status (act or record) that has been destroyed or lost.<sup>42</sup>

<sup>«</sup> L'Administration à votre service", at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Certificat-de-Nationalite-demande">http://demarchesadministratives.gouv.ml/demarches/afficher/Certificat-de-Nationalite-demande</a>, see also Refworld, 3 March 2015, at <a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=550c37d04">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=550c37d04</a>.

<sup>&</sup>lt;sup>37</sup> Article 54, Loi nº62-18 AN-RM du 3 février 1962, see Ministère de l'Industrie et de la Promotion des investissements-Mali, "eRegulations", at <a href="https://mali.eregulations.org/?l=fr">https://mali.eregulations.org/?l=fr</a>.

<sup>&</sup>lt;sup>38</sup> The document does not contain photograph of the holder. A sample of the document is available on "eRegulations", at <a href="https://mali.eregulations.org/procedure/107/21/step/130?l=fr">https://mali.eregulations.org/procedure/107/21/step/130?l=fr</a>.

<sup>&</sup>lt;sup>39</sup> Préfecture, gendarmerie or police.

<sup>&</sup>quot;L'Administration à votre service", at <a href="http://demarchesadministratives.gouv.ml/demarches/afficher/Declaration-de-perte-de-papiers">http://demarchesadministratives.gouv.ml/demarches/afficher/Declaration-de-perte-de-papiers</a>. No declaration of lost documents was provided by applicants to the VPRS thus Annex II does not contain sample of such document.

<sup>&</sup>lt;sup>41</sup> As an illustration in Mali situation, among the identification document produced by two witnesses along their declaration supporting a victim's application form received by the VPRS, the National identity card and the NINA represent 40.6%.

<sup>&</sup>lt;sup>42</sup> Article 136 Loi n°2011-087, 30 décembre 2011, portant Code des personnes et de la famille, at <a href="https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf">https://data.unicef.org/wp-content/uploads/2017/12/mali-code-2011-personnes-famille-2.pdf</a>. No

#### l) Other documents

24. This Report may not be fully exhaustive, as it is based on open source research during a brief time frame. Much valuable information can be obtained from public sources of information provided by the Malian government, and in particular the Malian government websites "L'Administration à votre service" and "eRegulations". These sites provide useful information on how to obtain documentations issued by Malian authorities and also include number examples of official documentation.

## 3) Declaration of a local/religious authority

25. For those not in possession of identification documents, a local authority, chief of village or community, or religious authority may be asked to draw up a document certifying the identity, age and origin of an applicant, certifying kinship between the applicant and his/her family members, certifying religious acts or certifying other information supporting the victim's application (such as certificate/declaration of residence). Such documents are usually handwritten and may sometimes difficult to read. These documents include information on the identity and function of the authority along with the authority's signature and may include an official stamp. Samples of declarations from local authority/religious authority are provided in Annex II.

#### 4) Other documents containing information of identification

26. Other documents such as those issued by medical bodies, political, or others institutions or humanitarian agencies could contain information pertaining to identification that may assist in establishing the identity of the applicant and/or proof of kinship.<sup>45</sup>

declaration of witnesses was provided by applicants to the VPRS thus Annex II does not contain sample of such document.

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<sup>&</sup>lt;sup>43</sup> Ministère de la fonction publique et de la modernisation de l'administration-Mali, "L'Administration à votre service", at <a href="http://demarchesadministratives.gouv.ml/categories/liste">http://demarchesadministratives.gouv.ml/categories/liste</a>.

<sup>&</sup>lt;sup>44</sup> Ministère de l'Industrie et de la Promotion des investissements-Mali, "eRegulations", at <a href="https://mali.eregulations.org/?l=fr">https://mali.eregulations.org/?l=fr</a>.

<sup>&</sup>lt;sup>45</sup> The VPRS received different types of document supporting the victim's application such as medical card/certificate/prescriptions/bills/receipts, land deed, statement of income/tax office ID card, school identification document/student grades table, union card, employer statement, shop's registration

#### II. General observations on the difficulties encountered by the Malian population in providing documents

- 27. The civil status registration was introduced in Mali by the French colonial administration in the late 19th century and beginning 20th century. During that period, the registration and documentation system was generally poor and access was limited to large cities. There was a lack of means and of verification/control by the civil registry officers as well.
- 28. In 2009, Malian authorities launched an administrative census for the ahead of the elections at the time. Malian authorities used this opportunity to develop, through biometric technology, a more reliable, secured and digitalized administration data process.<sup>46</sup> Despite gains, the system of civil registration in Mali is still far from uniform due to political and administrative factors as well as a spate of recent instability.<sup>47</sup>
- 29. Administrative and political factors include inter alia the lack of political interest for a profound institutional reform of the system, the lack of an archive, the lack of support to enhance the competencies of the civil registry officers and the magistrates in charge to control the civil registry records,48 and allegations of corruption amongst the Malian authorities.49

document. These documents are not included in Annex II but could be provided to the Chamber upon its request.

<sup>&</sup>lt;sup>46</sup> A unique registration number (Numéro d'Identification National-NINA) was created to be assigned to each Malian for the purposes of the census and the elections, see footnote 10. See also International Cooperation and Development of European Commission, « Programme d'appui au fonctionnement de l'état civil au Mali: appui à la mise en place d'un système d'information sécurisé », p. 4, 14 décembre 2016, at https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-sah-ml-08 - etat civil.pdf. <sup>47</sup> *Ibid*, pp. 4-5.

<sup>&</sup>lt;sup>48</sup> International Cooperation and Development of European Commission, « Programme d'appui au fonctionnement de l'état civil au Mali: appui à la mise en place d'un système d'information sécurisé », p. 5, 14 décembre 2016, at <a href="https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-sah-ml-08">https://ec.europa.eu/europeaid/sites/devco/files/t05-eutf-sah-ml-08</a> - etat civil.pdf.

<sup>&</sup>lt;sup>49</sup> Pursuant Transparency International NGO, Mali is ranked 122/180, "People and corruption: Africa 2015-Global December 2015, survey corruption barometer, 1 https://www.transparency.org/whatwedo/publication/people and corruption africa survey 2015, U4 Anti-Corruption Resource Center, in Transparency International, "Mali: Overview of corruption and anti-corruption", 19 October 2017, at https://knowledgehub.transparency.org/helpdesk/mali-overview-ofcorruption-and-anti-corruption.

- 30. The political instability and conflict in the north of Mali, with the temporary loss of control over two-thirds of State territory (2011-2013), have impacted on the administrative system.<sup>50</sup> Malian citizens encountered difficulties in accessing official documentation while they are in remote villages<sup>51</sup> (coupled with security problems in some areas) or due to administration issues related to shortage of official documents.<sup>52</sup> The security situation in Mali, in particular in the north of Mali, continues to evolve on the ground.
- 31. The inability to afford certain documents, such as, e.g., a passport, is a major contributor to their lack of availability owing in part to the fact that Mali is one of the poorest countries in the world<sup>53</sup> with 46.8 % of the population living on less than two dollars a day.<sup>54</sup> In addition, 75% of the Malian population is living<sup>55</sup> in rural areas.<sup>56</sup> And thus obtaining a passport (from FCFA 50,000 or USD 91 for an ordinary passport to FCFA 55,000 or USD 100 for a biometric passport) and traveling abroad is unaffordable for most people.<sup>57</sup>

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<sup>&</sup>lt;sup>50</sup> See footnote 52 and U4 Anti-Corruption Resource Center, in Transparency International, "Mali: Overview of corruption and anti-corruption", 19 October 2017, at <a href="https://knowledgehub.transparency.org/helpdesk/mali-overview-of-corruption-and-anti-corruption">https://knowledgehub.transparency.org/helpdesk/mali-overview-of-corruption-and-anti-corruption</a>.

<sup>&</sup>lt;sup>51</sup> Maliactu.net, « Mali : le système de gestion de l'état civil renforcé au Mali », 13 octobre 2015, at <a href="http://maliactu.net/mali-le-systeme-de-gestion-de-letat-civil-renforce-au-mali">http://maliactu.net/mali-le-systeme-de-gestion-de-letat-civil-renforce-au-mali</a>. Although, the authority made efforts to create additional civil registry offices across the country, see footnote 47.

<sup>&</sup>lt;sup>52</sup> RFI Afrique, 13 juillet 2017, at <a href="http://www.rfi.fr/afrique/20150713-mali-penurie-passeports-exaspere">http://www.rfi.fr/afrique/20150713-mali-penurie-passeports-exaspere</a>. The shortage of official documents was also explained by the corruption of the authorities.

<sup>&</sup>lt;sup>53</sup> Human Development Index ranks Mali 175th place out of 188 countries in the classification established in 2016 by the UN, at <a href="http://www.undp.org/content/undp/fr/home/librarypage/hdr/2016-human-development-report.html">http://www.undp.org/content/undp/fr/home/librarypage/hdr/2016-human-development-report.html</a>, p. 206.

Word Bank Poverty headcount ratio at \$1.90 a day (2011 PPP), at <a href="http://povertydata.worldbank.org/poverty/country/MLI">http://povertydata.worldbank.org/poverty/country/MLI</a>.

<sup>&</sup>lt;sup>55</sup> EMOP, August 2017, Institut National de la Statistique du Mali, p. 10 at <a href="http://www.instat-mali.org/contenu/eq/rana17pas1\_eq.pdf">http://www.instat-mali.org/contenu/eq/rana17pas1\_eq.pdf</a>.

<sup>&</sup>lt;sup>56</sup> While in Bamako the rate of population living below the poverty line is 7.4 %, in Timbuktu area it is 16,9% and could reach more than 50% in 5 of the total of 8 regions in Mali. *Idem*, pp. 18, 34-35.

<sup>&</sup>lt;sup>57</sup> As an illustration in Mali situation, among the identification document supporting a victim's application form received by the VPRS, the passport represents 0.17%.