

# MALI

## Basic liberties at risk

In Mali the year 1997 has been marked by important electoral events, which have given rise to numerous incidents. Following demonstrations which degenerated into violence, dozens of members and supporters of the opposition were arrested, and some tortured. Some of these people were prisoners of conscience. Amnesty International is concerned about the repeated violations of human rights which threaten the construction of a state governed by the rule of law and put at risk certain basic liberties, including the right to peaceful demonstration.

For the first time since the end of the single-party regime of Moussa Traoré in 1991, the Malian authorities, faced with a wave of protest organised by a coalition of opposition parties, prohibited all demonstrations in May 1997. The principal leaders of the opposition parties and dozens of their supporters were arrested and accused of inciting violence. The majority of these people - including all of the leaders of the opposition parties - were provisionally released or pardoned by the President of Mali Alpha Oumar Konaré, in October and November 1997, but about ten are still being held without trial.

Both national and international laws relating to arrest and detention are being violated. Amnesty International believes that most opponents - including a number of women and some journalists - have been arrested, beaten or tortured with the sole aim of intimidating opposition parties or the press. In most cases these people are prisoners of conscience, held without evidence of their direct involvement in specific acts of violence.

Such practices constitute a serious threat to the respect of human rights. Amnesty International believes that they could jeopardise the numerous safeguards aimed at protecting human rights guaranteed by the Constitution - adopted by referendum in January 1992 shortly after the institution of a multi-party system.

Amnesty International is therefore appealing to President Alpha Oumar Konaré, who was re-elected in May 1997, and the new government formed in September 1997, to ensure that Mali scrupulously respects the safeguards written into the Constitution and its international commitments concerning the respect of human rights. Amnesty is calling for the release of all prisoners of conscience, thorough, independent and impartial investigations of all allegations of torture and ill-treatment at the earliest opportunity, and for those responsible to be brought to justice.

### **Arrests for political beliefs and detention without trial**

During the first six months of 1997, an almost continuous cycle of elections was held in Mali. All of the country's political officials, elected during the pluralist elections of 1992, were to stand for re-election for the first time. This electoral cycle was marked by several waves of protest and acts of violence: in April 1997, the first round of parliamentary elections was annulled due to considerable organizational problems; in May, the presidential elections were boycotted by almost the entire opposition, and in July new parliamentary elections were marked by acts of violence and two deaths. All these incidents led to the arrest of dozens of people, the majority of whom were provisionally released or pardoned by President Alpha Oumar Konaré. However, at the time of writing, at least twenty people were still being held without trial.

The origin of this political unrest was the protest by several opposition parties against the organization of the electoral process, which was in the hands of the *Commission électorale nationale indépendante* (CENI), National Independent Electoral Commission, created in January 1997. It did not take opposition parties long to raise doubts about the ability of the CENI and those in power to organize free and transparent elections by the proposed deadline. In this context, President Alpha Oumar Konaré's decision in March 1997 to dissolve the National Assembly was seen as an attempt to make the elections inevitable since the dissolution of the National Assembly resulted in a legislative vacuum in the short term.

The first round of parliamentary elections in April 1997 was marked by considerable organizational problems. Many polling stations only opened in the afternoon and there was a lack of electoral documents almost everywhere: voters' cards not distributed and an absence of voting slips and electoral lists. Despite these practical difficulties, international observers sent to oversee the elections concluded that voting had been "secret and unrestricted". However, a coalition of opposition parties immediately accused those in power of deliberately having created "the objective conditions for massive fraud with a view to remaining in power".

Confronted with this protest, President Alpha Oumar Konaré acknowledged that there had been weaknesses in the organization of the first round of parliamentary elections, but that these had been "neither intentional nor wanted". The first round of parliamentary elections was finally declared void by a decision of the Constitutional Court, but the opposition coalition also demanded a suspension of the electoral process, the resignation of the government and the dissolution of the CENI - categorically rejected by the presidential majority, led by *l'Alliance*

*pour la démocratie au Mali* (ADEMA), Alliance for Democracy in Mali, leading to a political impasse.

The coalition of opposition parties then organized demonstrations in protest - which were repeatedly and brutally suppressed by the security forces - and boycotted the May 1997 presidential elections, which saw the re-election of President Konaré by a very large majority, and the new parliamentary elections in July 1997. These parliamentary elections were marked by a number of incidents - with the security forces pitted against demonstrators wishing to prevent the elections going ahead as planned - particularly in the locality of San, 420 kilometres south of Bamako, where, on 20 July 1997, two opposition militants were shot dead and a third died shortly afterwards of his injuries. A policeman was also shot and wounded. The opposition then accused the security forces of having fired into the crowd. The Mali authorities undertook to open an investigation, but to date the results of this investigation have not been made public.

The protests against the electoral process led to the arrest of a number of leaders and dozens of supporters of the opposition, some of whom are still being held without trial. In May 1997, 12 people were arrested after a tear gas grenade was thrown into the market at Niamakoro, not far from Bamako airport, killing a passerby. These twelve people, who were charged with criminal conspiracy, voluntary manslaughter and assault, are still being held without trial.

On 8 June 1997 a demonstration organized in Bamako to protest against the investiture of President Konaré, which was taking place that same day and the legitimacy of which was being contested by the opposition, degenerated into violence and was dispersed by the security forces. The demonstrators erected barricades and burned tyres. Several hours after these incidents, five opposition party leaders were arrested at their homes or their place of work. The five were: Choguel Maïga, President of the *Mouvement patriotique pour le renouveau* (MPR), Patriotic Movement for Renewal, Almamy Sylla, president of the opposition coalition and President of the *Rassemblement pour la démocratie et le progrès* (RPD), Rally for Democracy and Progress, Me Mountaga Tall, President of the *Congrès national d'initiative démocratique* (CNID), National Congress of Democratic Initiative, Moussa Koné, President of the youth section of the opposition coalition, and Colonel Youssouf Traoré, leader of the *Union des forces démocratiques pour le progrès* (UFDP), Union of Democratic Forces for Progress. All were charged with "threatening national security by unlawful assembly, demonstrating on the public highway, opposition to the

legitimate authority and the destruction of public buildings". The five leaders were conditionally released a week later, after mediation led by representatives of civil society.

The authorities have both the right and the duty to arrest and prosecute anyone committing a criminal act. However, according to the information which Amnesty International has received, there does not appear to be any tangible evidence of their individual responsibility for specific criminal acts or incitement to violence. Moreover, the interrogations carried out by the police did not centre on hypothetical calls to violence, but rather on the refusal to recognise institutions, associated with the boycott of the elections which the opposition parties called for. Consequently, Amnesty International believes that these five leaders, currently conditionally released, were probably prisoners of conscience, arrested on political grounds, without any evidence of their personal involvement in acts of violence or incitement to violence.

This absence of evidence of individual responsibility was even more blatant in the second wave of arrests of opposition leaders, which occurred on 9 August 1977, after the death of a police officer, Moussa Diarra. This officer died as a result of injuries inflicted by participants at a rally organized by the opposition coalition, attended by 3,000 people at the Palais de la Culture in Bamako. The circumstances of his death have not been clarified and no post mortem examination has been carried out. Apparently Moussa Diarra, in plain clothes, was at the rally when he was recognised and apprehended by opposition activists, who threw him out. The police officer was then beaten by some participants somewhere outside the Palais de la Culture. He was rescued by colleagues shortly afterwards and driven to the hospital, where he died at around 23.30. Police sources have confirmed the officer's presence at the meeting, but have said that he was not armed. According to other testimonies, a loaded pistol, two grenades and a pair of handcuffs were found on his person and were exhibited before the platform on which the leaders of 18 of the parties of the opposition coalition were present.

Less than an hour after the death of this police officer, one of the opposition leaders, Mohamed Lamine Traoré, National Secretary of the *Mouvement pour l'indépendance, la renaissance et l'intégration africaine* (MIRIA), Movement for Independence, Renewal and African Integration, and former Minister of the Interior in 1992, was arrested at his home by about thirty gendarmes. Arrests of other opponents followed; some were released but ten

of them<sup>1</sup>, including Fanta Mantchini Diarra, president of the supporters of the CNID, were charged with “aiding and abetting violence leading to loss of life and failing to assist a person in danger”. The Malian authorities also issued international warrants for the arrest of two opposition leaders, Moussa Koné and Oumar Mariko.

Information received by Amnesty International reveals no proof of the involvement of opposition leaders in Moussa Diarra’s death. He was beaten outside the building where the rally was being held and there is nothing to indicate that the accused leaders had any knowledge of the attack at the time it took place. They admit that they were informed that the police officer had been expelled and that they had the opportunity to examine the weapon and a notebook listing the names of different participants. But none of them appears to have made any call for violence during the meeting. Furthermore, it is difficult to understand on what basis some leaders were charged and others not, when they were on the same platform and logically should all have been equally responsible. It does seem, therefore, that the 10 leaders who were charged and held were prisoners of conscience, arrested solely on political grounds or for the purposes of intimidation. They were held for two months and conditionally released at the beginning of October 1997.

The conditions under which the opposition leaders were arrested and held also constitute an infringement of the law. Several of the arrests took place at night, outside the hours permitted by law and in the absence of any arrest warrant. In some cases, particularly the case of Me Mountaga Tall, they were carried out by individuals in plain clothes, who did not reveal their identity and who arrived in vehicles with no registration plates. In addition, on 20 August 1997, the 10 opposition leaders were transferred to different prisons throughout the country, contrary to legal provisions concerning imprisonment.<sup>2</sup>

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<sup>1</sup> These 10 are: Almamy Sylla, Youssouf Traoré, Me Mountage Tall (all three had already been arrested in June 1997), Mohamed Lamine Traoré; Oumar Kanouté, Secretary General of the MPR; Seydou Badian Kouyaté, Vice-President of *l’Union soudanaise-Rassemblement démocratique africain* (US-RDA), Sudanese Union African Democratic Rally; Fanta Mantchini Diarra, President of the supporters of the CNID, together with Yacouba Traoré, Tiémoko Sissoko and Bandiougou Guèye, three supporters from the *Bloc pour la démocratie et l’intégration africaine*, (BDIA), Bloc for Democracy and African Integration.

<sup>2</sup> Article 14 of Decree No. 002-PG-RM of 4 January 1988 determining the conditions for application of Law No. 85-42/AN-RM of 28 June 1985 on regulations governing prisons in the Republic of Mali stipulates: “Prisoners taken into preventive custody shall be imprisoned according to the provisions of the warrant or court decision to which they are subject, at the remand prison of the town where the investigating court or the trial court before which they must appear, is located.”

The Malian authorities also compromised the right to peaceful demonstration in order to prevent the opposition calling its supporters on to the streets to protest against the electoral process going ahead. From April 1997, a number of protest marches planned by the opposition were prohibited in this way by the *Ministère de l'administration territoriale et de la sécurité*, Ministry of Territorial Administration and Security. Article 17 of the parties' Charter, adopted on 10 October 1991, stipulates that the competent authority may prohibit a demonstration where there is a "risk of a threat to public order". However, bans must be pronounced on the merits of each individual case, based on the actual risk of an event getting out of control. In May 1997, the governor of the district of Bamako decided "not to authorize any march or street demonstration until further notice". This ban, pronounced for an unlimited time, constitutes a clear infringement of the right to peaceful demonstration which is guaranteed by article 5 of the Malian Constitution, and Amnesty International fears that this action was used by the authorities only to intimidate the opposition and restrict its right to the peaceful expression of its opinions.

The opposition ignored the ban and a number of unauthorized but peaceful demonstrations were violently quelled by the security forces in blatant contradiction of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted in December 1990 by the United Nations General Assembly in Resolution 45/166<sup>3</sup>. On 16 April 1997, demonstrators who were peacefully expressing their disagreement with the way in which the first round of parliamentary elections had been conducted, were dispersed by the use of tear gas. Within sight of the security forces, opposition militants were sitting down to signify non-violence. Almamy Sylla, the president of the opposition coalition, and most senior member present, remained standing in order to dissuade the security forces from using force. A tear gas grenade then landed at his feet. Almamy Sylla lost consciousness and had to be admitted to hospital for several hours for treatment.

Apart from the human rights violations associated with the protests against the electoral process by the coalition of opposition parties, Amnesty International is concerned at the prolonged detention without trial of Mady Diallo, a former government minister and Moussa Traoré, the former president. Mady Diallo was arrested in October 1996 at the same time

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<sup>3</sup> Principle 13 of this text states: "In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary."

as six soldiers, and the seven men were charged with “attack against the lawful government of the Republic of Mali with the intention of overthrowing it by force, and aiding and abetting a threat to state security by means of donations, pledges and provision of resources”. Amnesty International is concerned by these prolonged detentions without trial, which are contrary to Article 14, paragraph 3c of the International Covenant on Civil and Political Rights, to which Mali acceded in 1974, and which provides that anyone accused of a criminal offence must “be tried without undue delay”. The organization therefore urges that these seven people be released unless they are to be brought to trial.

### **Torture and ill-treatment**

Political unrest has resulted in the arrest of many opposition supporters. Some were subjected to ill-treatment or tortured, and none of the allegations of torture has led to prompt investigation by an independent and impartial inquiry, in violation of the obligations contracted by Mali under the terms of the International Covenant on Civil and Political Rights. The torture methods most commonly used by the security forces are: beatings, where the victim receives blows all over the body, and the head in particular; slaps, punches and kicks; and sometimes blows being inflicted with a stick, often while the victim is seated with feet and hands handcuffed behind the back, the body contorted in various ways. Amnesty International has also obtained written statements describing detainees being suspended from the ceiling by one hand, with only their toes touching the ground, resulting in swollen hands.

Written statements received by Amnesty International corroborate all the allegations of torture and ill-treatment inflicted by the Malian security forces on those arrested after the incident at Niamakoro in May 1997. One of those arrested made the following statement: “After the initial interrogation I was taken with [name of person omitted], handcuffed, to the 7<sup>th</sup> district in Sogoniko. There, the superintendent separated us. I was made to sit astride a metal bench, my arms crossed and handcuffed under the bench. In this position I found it impossible to sit up straight. I spent four hours like this, trapped and bent over. After that, not having succeeded in making me talk, they removed the handcuffs and took me to a cell (the violin). That was the worst thing I had to suffer, because they suspended me by my left arm, my toes barely touching the ground. I remained in that uncomfortable position from 15.00 on Tuesday until 10.00 on Wednesday.”

The torture took place in the presence and with the participation of high-ranking police officers. Another person who was detained at the same time said: “they made me go into the superintendent’s office and close the door. There they made me kneel on little pebbles, with

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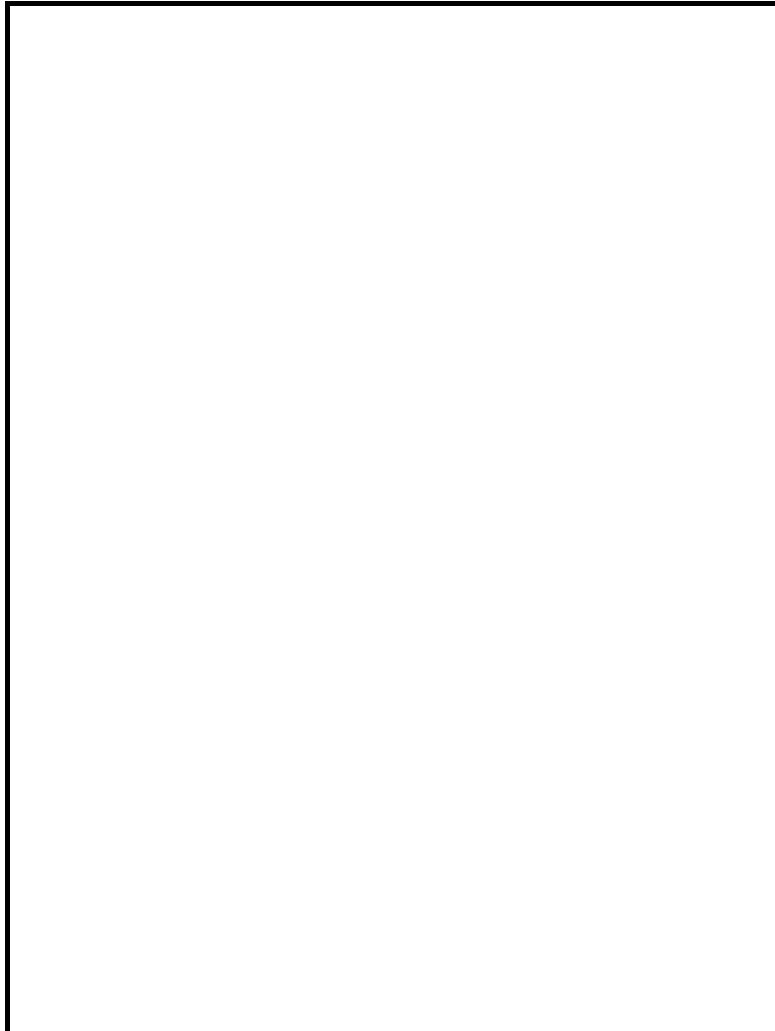
my hands and feet handcuffed and crossed behind me. Then the interrogation began; from time to time Inspector X stood on my feet and my hands behind me to make the handcuffs tighter. During that ordeal I was sweating so much it was pouring onto the ground. Inspector X told me to lick up all my sweat, but I refused. After that they took me to the office of the Special Branch (*brigade de recherche*) and Inspector X made me lie flat on my face while he beat me with a stick and hurled insults about my mother and father. Having failed to obtain the desired response from me, they took me to a pillar on the veranda. There, with my back against the pillar, my arms were crossed behind the pillar and handcuffed. I stayed in this position for over an hour, exhausted and my whole body trembling. It was after all that, the same night, that they put me in the violin, where I was suspended by one arm alongside [name of the person omitted], who was also suspended in the same way until morning.”

After the death of Sergeant Moussa Diarra on 9 August 1997, the security forces again used torture and ill-treatment as a means of reprisal. They brutally interrupted a press conference organized by opposition parties on 11 August 1997 which the authorities had banned. People attending this meeting were indiscriminately beaten. Police officers hurled threats at those arrested as they forced them into a truck. A woman stopped and questioned at this unauthorized meeting sent Amnesty International the following report: “The police officers said to us: “You have killed our colleague, now we’re going to kill all of you; Sergeant Diarra’s death will not go unpunished”. Once we arrived at the mobile security squad they herded us into a hermetically sealed room and then threw in cans of tear gas. When we tried to find a way out in order to breathe, the police suddenly appeared brandishing truncheons, and set about relentlessly beating us; others in civilian clothing joined in and beat us over the head with whatever they could lay their hands on. That’s when one police officer picked up a big wooden plank and used it to hit me on my back and buttocks; it was too much for me and I fell over. Mme [name of the victim omitted] was kicked in her private parts before escaping being raped. We women were most affected by this blind and barbaric repression.”

This torture and ill-treatment is contrary to the safeguards against torture adopted by Mali. In fact, after the former president General Moussa Traoré was overthrown, in 1991, Mali adopted a new constitution which attaches considerable importance to the protection of the individual. Not only does the Constitution prohibit the use of torture, it also prescribes punishment of any individual or agent of the State who is responsible for such acts<sup>4</sup>.

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<sup>4</sup> Article 3 of the Constitution states: “No-one will be subjected to torture, physical violence or inhuman, cruel or humiliating treatments. Any individual or agent of the State who is responsible for such acts, acting either on his own initiative, or upon orders, will be punished according to the law.”



One of the women severely beaten by the security forces in Bamako in 1997

However, since the protests by the opposition against the various electoral processes in 1997, the Malian security forces have not hesitated to use torture and ill-treatment, not only to obtain information or confessions, but also to punish or intimidate members of civil society who may have attempted to demonstrate their opposition.

Although the leaders of political parties have not been subjected to physical violence, many ordinary citizens or grassroots militants, who do not hold positions of responsibility in political parties, have been tortured and ill-treated. The security forces have also attacked journalists, accused of bias or of sympathizing with the opposition. For instance, around 15 journalists who had come to cover the press conference organized by the opposition on 11 August 1997 were stopped and questioned by the police and taken initially to the police camp of the mobile security squad before being transferred to the main camp of the National Gendarmerie. During their two-hour detention at the police camp, a number of journalists were the victims of acts of violence on the part of police officers. Yéro Diallo, publishing manager of the independent magazine *Le Tambour*, received serious injuries to his head and spine, resulting in severe bruising. Basse Diarra, a journalist with the government newspaper *L'Essor*, was struck on the knee and Said Penda, a correspondent for the British Broadcasting Corporation (BBC), was violently manhandled; his equipment was damaged and his clothing torn.

### **Conclusion and recommendations**

In spite of the guarantees contained in the Constitution and in Malian legislation, numerous human rights violations have been committed by the security forces in 1997. Amnesty International calls on President Alpha Oumar Konaré, the new government which was formed in September 1997 and the new Assembly elected in July 1997 to take immediate steps to end these violations. The measures listed below would contribute to restoring a climate of respect for human rights and would facilitate the construction of a state governed by the rule of law.

Amnesty International makes the following recommendations to the Malian authorities:

- a) to respect the legal procedures for arrest and detention and, in particular:
- to release all prisoners of conscience still being held in detention;
  - to stop prolonged periods of detention without trial and to bring all political prisoners to trial promptly, guaranteeing them a fair hearing;
  - to ensure that the holding of civilians in detention is examined by an independent judicial authority which has the power to order the immediate release of any detainee if there is no evidence that he has committed a specific criminal offence. If there are accusations against the detainee which he must answer, he must be given a fair trial in accordance with international standards.
- b) to end torture and ill-treatment and, in particular:
- to initiate thorough, independent and impartial investigations into all cases of torture and ill-treatment at the earliest opportunity, in accordance with

international standards, the results of such investigations to be made public. Members of the security forces or other services involved must be brought before the courts. This principle must apply regardless of the status and rank of such persons; there must be no refuge for torturers. Medical treatment must be made available to victims of torture, who must also be compensated;

- to make it clear during the training of all officials who will be responsible for imprisoning, interrogating or dealing with prisoners, that torture is a criminal act. They must be informed that they have the right and the duty to refuse to obey any order to carry out torture;
- to accede to the United Nations Convention against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment.
- c) to control the use of force by members of the security forces and, in particular:
  - to indicate clearly to the security forces the rules for maintaining order and the use of force as contained in the Basic Principles on the Use of Force and of Firearms by Law Enforcement Officials, adopted by the United Nations General Assembly in its resolution 45/166 in December 1990 and to make it clear that any abuse in this respect will be prosecuted.
- d) to respect freedom of expression and the right to peaceful assembly and, in particular:
  - to publicly reaffirm their commitment to the right to peaceful assembly and to freedom of expression guaranteed by Articles 19 and 21 of the International Covenant on Civil and Political Rights, to which Mali acceded in 1974.