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U.S. Department of State

Mali Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

MALI

Mali is a constitutional democracy. President Alpha Oumar Konare was reelected to a second 5-year term in May. The Government held first-round legislative elections in April, but the Constitutional Court canceled the results due to poor organization of the polling process. The Government subsequently held legislative elections in July and August. A collective of 18 opposition parties boycotted both the presidential and legislative elections, which were administratively flawed but considered generally free and without evident fraud. Numerous opposition parties, however, did participate. The ruling party, the Alliance for Democracy in Mali (ADEMA), dominates the newly elected National Assembly, which includes representatives of opposition and ADEMA-aligned parties. The President reappointed Prime Minister Ibrahim Boubacar Keita as head of government. The Government named a new cabinet in September that includes opposition and ADEMA-aligned members. The 1995 peace agreement between the Government and Tuareg and Maur rebel groups remained in force. The Government continues to exert influence on the judiciary.

Security forces are composed of the army, air force, Gendarmerie, the National Guard, and the police. The army and air force are under the control of the civilian Minister of the Armed Forces and Veterans, as are the Gendarmerie and the National Guard. The police are under the Ministry of Territorial Administration and Security. The police and gendarmes share responsibility for internal security.

Mali is a very poor country with a market-based economy. Most of the work force is employed in the agricultural sector, particularly farming and animal husbandry, making the country highly dependent upon adequate rainfall for its economic well-being. The principal exports are cotton, livestock, and gold,

which are the country's leading sources of foreign exchange. There is a very small industrial sector, largely based on the manufacture of textiles, beverages, and processed food products. The Gross National Product is approximately \$270 per capita, which provides most of the population with a low standard of living. The Government continues to make progress in implementing reforms aimed at modernizing the economy. Nevertheless, the country is still beset by economic problems, including a poor infrastructure and heavy dependence upon foreign assistance. Social limitations, including a current estimated literacy rate of roughly 20 percent and a high population growth rate, also contribute to poverty.

The Government generally respected constitutional provisions for freedom of speech, press, assembly, association, and religion. However, prison conditions are poor, and the judicial system's large case backlog results in long periods of pretrial detention. The executive branch retains influence over the judiciary. However, during the year, the Constitutional Court demonstrated independence by rejecting several items submitted by the National Assembly pertaining to electoral and administrative matters. Election related violence resulted in the deaths of four persons. Social and cultural factors continued to sharply limit economic and educational opportunities for most women. In September the Government upgraded the former Commission for the Promotion of Women to become the Ministry for the Promotion of Women, Children, and the Family. However, societal violence against women and children, including spousal abuse and female genital mutilation (FGM), is widespread.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

On May 11, a bomb exploded in a crowded Bamako market on the day of the presidential elections, killing a 12-year-old vendor and wounding several other persons. On July 20, unidentified person(s) shot into a group of people outside a polling station in San on the day of the legislative elections, killing two persons and wounding several others. In neither instance have the assailants been identified.

On August 10, a mob beat a police officer to death in Bamako outside an opposition party meeting. The police subsequently arrested 10 opposition party officials for inciting violence against a police officer and for failing to assist a person in peril. The Prosecutor General released the 10 on bail on October 3; further investigation is underway. At year's end, the judicial system was reviewing the case to determine whether to proceed with a trial.

In March there were three incidents where mobs attacked four individuals accused of using magical powers to reduce the size of male sex organs or make them disappear. On March 28, an individual died as a result of a mob beating; two perpetrators were subsequently arrested.

There were no developments in the 1994 deaths of the Swiss Cooperation Mission director and his two Malian colleagues, who were killed by an army patrol in Niafunke. A government mission of inquiry into their deaths determined that the actions were unwarranted and unjustified. However, to date, the Government has taken no action to expedite the case, which remains on file at a regional court. In March 1996, President Konare offered a public apology, which was accepted by the Swiss Government. The latter subsequently resumed its assistance program after a year's suspension.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities generally respect these provisions. However, in August police officers assaulted a group of journalists (see Section 2.a.).

Prison conditions are poor. Prisons continue to be characterized by overcrowding, inadequate medical facilities, and limited food supplies. They remain below minimum international standards. In Bamako juvenile offenders are usually held in the same prison as adult offenders but are kept in separate cells. Women are housed in the same prison facility as men but live in a separate compound. In regional prisons outside the capital, men and women are housed in the same building but in separate cells. In these facilities, children share cells with adult prisoners of the same sex.

Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Jurists, and other nongovernmental organizations visited prisoners and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit leading members of the former government.

A report released by Amnesty International (AI) in December accuses the Government of instances of torture. The Government denied the charges and requested AI to visit the country to investigate its claims. The opposition generally agreed with the report. There were no media reports of torture during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that suspects must be charged or released within 48 hours and are entitled to counsel. In practice, however, detainees are not always charged within the 48-hour period. Moreover, administrative backlogs and insufficient lawyers, judges, and courts often cause lengthy delays in bringing people to trial. In extreme cases, individuals have remained several years in prison before coming to trial. Judicial warrants are required for arrest. Local lawyers have estimated that about half of prison inmates are pretrial detainees. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion the authorities release defendants on their own recognizance.

In October and November, President Konare pardoned, freed on bail or conditional liberty, or dropped charges against

62 opposition officials. On December 8, he commuted death sentences against all 21 individuals under threat of this penalty, including former President Moussa Traore and General Coulibaly. On December 26, he pardoned former Minister of Defense, General Mamadou Coulibaly, as a pre-Ramadan humanitarian gesture.

Former first lady Mariam Traore and former Customs Commissioner Douah Abraham Sissoko, who were placed under detention following the fall of the Moussa Traore regime in 1991, remain under detention. In 1997 they were charged with "economic crimes," including "abuse of a position of power," and "illicit enrichment." Their cases have not come to trial and remain under review by the Civil Chamber of Investigation.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the executive branch continues to exert influence over the judicial system. The Ministry of Justice appoints judges and supervises both law enforcement and judicial functions, and the President heads the Superior Judicial Council, which oversees judicial activity. During the July and August electoral period, President Konare respected the Court's decisions on electoral law, even though the decisions often went against his preferred course of action. During the year, the Constitutional Court demonstrated its independence by rejecting several items submitted by the National Assembly pertaining to electoral and administrative matters. In January the Court ruled that citizens of members of the Economic Community of West African States (ECOWAS) could not vote in Malian elections; the National Assembly deputies in multicandidate districts must be elected nationwide by one system--either by majority vote or proportionally; and that independent candidates could run in all elections. In September the Court ruled that a simple majority rather than a two-thirds majority could adopt ordinary laws; that National Assembly debates could not be held in local languages due to the status of French as the nation's official language; and that the National Assembly could not remove deputies from office for failure to attend sessions.

The Supreme Court has both judicial and administrative powers. The Constitution established a separate Constitutional Court which oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials are public, and defendants have the right to be present and have an attorney of their choice. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys are provided for the indigent without charge. The majority of disputes in rural areas are decided by the village chief in consultation with the elders. If these decisions are challenged in court, only those found to have legal merit are upheld.

Women and minorities are not discriminated against in courts, but traditional practice discriminates against women in inheritance matters.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and the Government respects this right in practice. Police searches are infrequent and require judicial warrants. Security forces do, however, maintain physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed to be a threat to national security.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government respects these rights in practice. There are approximately 40 independent newspapers and journals, in French, Arabic, and local languages. There are five daily newspapers: three are independent, one is allied with the ruling party, and one is government controlled.

The Government controls one television station and one of many radio stations, but all present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians.

Fifteen independent radio stations exist in Bamako, and there are approximately 40 additional stations throughout the country. Two private television companies rebroadcast French, British, South African, and American television programs, including news bulletins. The Government made little progress toward private television licensing during the year.

Laws passed in 1993 regulate the press and provide for substantial penalties, including imprisonment, for slander and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation.

On August 11, police officers assaulted and detained for 2 hours a group of journalists attending a press conference at the headquarters of an opposition party in Bamako. Two of the journalists sustained injuries. On the following day, the Government apologized for the incident; the 40 to 50 police officers involved were formally reprimanded for their actions. The event occurred 1 day after a mob outside an opposition meeting beat a police officer to death.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice. On April 16, the police prevented the opposition from marching in protest over the mismanaged legislative election. While political meetings take place openly, in a local decision, the Governor of Bamako announced in mid-year that no permits would be issued for political rallies during the period prior to the legislative elections due to the fear of mob violence. The restriction applied to the remainder of the election campaign (May to August) after previous rallies had turned violent. Nonetheless, several opposition rallies were held during the period of prohibition; police sometimes used tear gas to disperse illegal gatherings. Following the election period, permits for rallies were issued, including one for a December 28 march and rally held by a collective of opposition political parties.

c. Freedom of Religion

The Constitution provides for freedom of religion and declares Mali to be a secular state. The Government does not discriminate on religious grounds, and citizens are free to practice their faiths. Although legal restrictions on the Baha'i faith still exist, the Government does not enforce them, and Baha'i worship freely. The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion, but there were no known instances of publications being prohibited.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. The Government generally does not restrict internal movement, and does not restrict international travel. However, police routinely stop and check both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes use the occasion to extort bribes.

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although Mali has no legislation regarding refugee asylum and resettlement, the Government, in practice, provides first asylum for refugees. Those granted refugee status by the UNHCR are permitted to remain, albeit in a legal vacuum due to the absence of resettlement legislation. There were no reports of forced return of persons to a country where they feared persecution.

As many as 15,000 Mauritanian refugees remain in Mali, although their status has not been formalized because the Government does not recognize them as refugees. They are being assisted by NGO's and the UNHCR, which is also facilitating their voluntary repatriation.

The Government has cooperated with the UNHCR in repatriating Malian Tuaregs from neighboring countries. More than 111,000 refugees have returned spontaneously or with UNHCR assistance. The remaining 33,500 Malian refugees are expected to repatriate by early 1998.

Mali hosts approximately 2,000 Sierra Leonians and Liberians, 1,600 of whom are registered with the UNHCR as refugees. The status of the remaining 400, who have requested asylum, is yet to be determined.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government and did so for the first time in 1992. In May citizens elected President Alpha Oumar Konare to a second 5-year term by secret ballot in electi