

**EXTERNAL (for general distribution)**

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**UA 100/92**

**Death Penalty**

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**25 March 1992**

**MALI**

Sitan Diallo (female)	Mamady Sidibé
Siaka Doumbia	Moro Sidibé
Siaka Koné Idrissa	Noumoury Sidibé
Bourama Souley Sidibé	Siaka Sidibé
Bouramani Sidibé	Soumaïla Sidibé
Daouda Y. Sidibé	Dramane Traoré
Idrissa Sidibé	Karim Traoré

The 14 people named above, who include one woman, were sentenced to death in Mali in February 1992.

On 17 February 1992, 31 people were brought to trial before a special Court of Assizes (*cour d'assises extraordinaire*) at the Court of Appeal in Bamako, Mali's capital, on charges including murder, looting, theft and destruction of private and state property after disturbances in Yanfolia in southern Mali on 30 January 1992. During these disturbances a customs officer, who was investigating smuggling in the area, was killed and his body burnt by a crowd. The customs officer was apparently mistakenly suspected of killing a local resident allegedly involved in illegal trading. The 14 people named above were found guilty of murder and sentenced to death on 29 February 1992. Fifteen other defendants were sentenced to prison terms and two were acquitted. All those standing trial denied the charges and according to reports there was some confusion over the identification of some of the defendants.

The defendants, who were allowed legal representation, were tried under a special procedure, which was introduced by decree in 1991, Ordinance No. 91-015/PCTSP. This decree was introduced by the new transitional government, the *Comité de transition pour le salut du peuple*, the Transitional Committee for the Salvation of the People, which came to power following the overthrow of the government of General Moussa Traoré in March 1991. It permits some steps of the normal legal procedure to be by-passed in certain cases. Under this procedure there is no right of appeal, although those convicted may seek clemency from the Head of State. These sentences are believed to be the first death sentences to have been passed under the new transitional government.

#### **BACKGROUND INFORMATION**

The Mali Penal Code of 1961 provides for the death penalty in a wide range of offences including treason and other crimes against the security of the state, premeditated or aggravated theft, and certain other crimes against property. Normally, there is a right of appeal from the Court of Assizes (*cour d'assises*) to the Court of Appeal and then, on questions of law only, to the judicial section of the Supreme Court.

Most death sentences in recent years were passed by the *Cour spéciale de sûreté de l'Etat*, Special State Security Court, which was empowered to impose the death penalty for embezzlement of state funds and threatening the security of the state. However, no executions are known to have been carried out since 1980 and the Court was formally abolished in October 1991 by the new government.

Amnesty International is unconditionally opposed in all cases to the death penalty, which

it considers to be a violation of the right to life and to constitute a cruel, inhuman and degrading punishment. It is appealing for these 14 death sentences to be commuted. It is also concerned that their trial was not consistent with international standards of fair trial, due to their having no right of appeal to a higher court.

**RECOMMENDED ACTION: Please send telexes/faxes/telegrams/airmail letters:**

- expressing concern that the 14 people named above have been sentenced to death under a special court procedure which denies them a right of appeal;  
- explaining that, while not condoning the offences that may have been committed by the defendants and while recognising the right of governments to bring those who commit such offences to trial, Amnesty International opposes the imposition of the death penalty in all cases on the grounds that it is a cruel, inhuman and degrading treatment

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and a violation of the right to life and has been shown to have no special deterrent effect;  
- appealing for the commutation of these death sentences.

**APPEALS TO:**

1) President

Monsieur le Lieutenant-Colonel  
Amadou Toumani Touré  
Président  
Comité de transition  
pour le salut du peuple  
La Présidence,  
B.P. 1463, Bamako, Mali

**Monsieur le Lieutenant-Colonel /  
Dear Lieutenant-Colonel**

**Telegrams: President, Comite de transition, Bamako, Mali**

**Faxes: + 223 22 3980**

**Telexes: 2521 PREMALI MJ**

2) Vice-President

Monsieur Bakary Karambé  
Vice-Président  
Comité de transition  
pour le salut du peuple  
La Présidence  
B.P. 1463, Bamako, Mali

**Monsieur le Vice-Président /  
Dear Vice-President**

**Telegrams: Vice-President, Comite de transition, Bamako, Mali**

3) Prime Minister

Monsieur Soumana Sako  
Premier Ministre  
et Chef du Gouvernement  
Cabinet du Premier Ministre  
Koulouba, Bamako, Mali

**Monsieur le Premier Ministre /  
Dear Prime Minister**

**Telegrams: Premier Ministre, Bamako, Mali**

4) Minister of Justice

Monsieur Amadou Mody Diallo  
Ministre de la Justice et  
Garde des Sceaux  
Ministère de la Justice  
B.P. 97  
Bamako, Mali

**Monsieur le Ministre /  
Dear Minister**

**Telegrams: Ministre Justice, Bamako, Mali**

**COPIES TO:**

Minister of Foreign Affairs

Monsieur Tiébilé Dramé

Ministre des Affaires étrangères  
chargé des Maliens de l'extérieur  
et de la Coopération internationale  
Ministère des Affaires étrangères  
et de la Coopération internationale  
Koulouba, Bamako, Mali

**Faxes: + 223 22 5226**

Human Rights Association

Monsieur Demba Diallo

Président

Association malienne des droits de l'homme

B.P. 367, Bamako, Mali

Newspapers

*Les Echos*, B.P. 2043, Bamako, Mali

*Aurore*, B.P. 3150, Bamako, Mali

*L'Essor*, B.P. 141, Bamako, Mali

and to diplomatic representatives of Mali in your country.

**PLEASE SEND APPEALS IMMEDIATELY.**