

EMALI

@Detention without trial of eight army officers

Amnesty International is concerned that Major Lamine Diabira, a former government minister, and seven other army officers continue to be detained without trial since their arrest in July 1991. Although they were charged in June 1993 with conspiracy and attempting to overthrow the government, there appears to have been little further progress in bringing the case to court.

The long delays in bringing Major Lamine Diabira and his co-detainees to trial is reportedly due to the lack of evidence against them. It has been alleged that no coup attempt took place in July 1991 and that Major Lamine Diabira was arrested because he was calling for the prosecution of senior military officers in the former government of General Moussa Traoré. The other officers were apparently arrested to lend credibility to the transitional government's claim that there was a plan to overthrow it by force.

Amnesty International is concerned that there may be insufficient evidence to convict these detainees and believes that they are possible prisoners of conscience, detained because of Major Lamine Diabira's non-violent criticism of the transitional government. The organization is therefore urging the Malian authorities to bring the eight men to trial promptly, in accordance with the internationally-recognized right of all prisoners to a fair trial within a reasonable time, or else to release them.

Background to the case

On 26 March 1991 the government of General Moussa Traoré was overthrown by army officers after pro-democracy demonstrations calling for his resignation were violently suppressed by the armed forces and at least 106 demonstrators killed. A transitional government headed by Lieutenant-Colonel Amadou Toumani Touré, which included Major Lamine Diabira as Minister of Territorial Administration (Interior), undertook to hold elections and return the country to civilian rule. It convened a National Conference which agreed a multi-party political system and a draft constitution, later ratified by referendum. In June 1992, the transitional government handed over power to President Alpha Oumar Konaré and a civilian government following multi-party elections.

Following the March 1991 military coup, President Traoré, his senior security officers, party officials and entire government were arrested and charged with responsibility for the killing by the armed forces of demonstrators before the coup. In February 1993 the High Court (*Cour d'assises*) in Bamako, the capital, convicted President Traoré and three former security officers on charges of murder and grievous bodily harm, and sentenced them to

death¹. The 29 other defendants were acquitted of complicity to murder and grievous bodily harm. They had been detained before trial for nearly two years although ultimately there was insufficient evidence to convict them. Most of them remain in detention awaiting trial on further charges of embezzlement of public funds, but at least six were released on bail in 1993, apparently because there was little evidence against them.

The alleged coup plot of July 1991

On 15 July 1991, the transitional government announced that a coup attempt had been foiled and that eight army officers had been arrested during the night of 14 to 15 July 1991. The authorities said that the coup had been planned by Major Lamine Diabira, the Minister of Territorial Administration (Interior), and that all the following coup leaders had been placed under arrest:

Major (<i>Commandant</i>) Lamine Diabira	Major Lamine Diabira
Captain (<i>Capitaine</i>) Mamadou Lamine Ballo	
Lieutenant Tiekoura Coulibaly	
Lieutenant Fadio Sinayogo	
Chief Warrant Officer (<i>Adjudant-Chef</i>) Kaka Koureissy	
Warrant Officer (<i>Adjudant</i>) Mamadou Moussa Traoré	
Sergeant (<i>Sergent</i>) Bo Dabo	

The government did not announce any further arrests but at least another four soldiers were subsequently detained in connection with the alleged plot:

Lieutenant Amadou Diallo
 Lieutenant Mamadou Zoumana Konaté
 Sergeant-Major (*Sergent-Chef*) Baba Traoré
 Sergeant (*Sergent*) N'Golo Diarra

¹ See *Mali: Amnesty International appeals for former President Moussa Traoré*, AFR 37/WU/ 01/93 of 24 March 1993.

Incommunicado detention and charge of the army officers

Following their arrest, some of the officers were taken to the paratrooper barracks at Djikoroni, near Bamako, and others to the military base in Ségou, where they were detained incommunicado and without charge for nearly six months. Under Malian law, they should have been brought before the judicial authorities within 48 hours. In late 1991 their case was finally referred to the judicial authorities and they were allowed to see their lawyers for the first time. The judicial investigations (*instruction*) by an examining magistrate (*juge d'instruction*) began in early 1992. Between January and March 1992 three officers - Captain Mamadou Lamine Ballo, Lieutenant Tiekoura Coulibaly and Warrant Officer Mamadou Moussa Traoré - were released uncharged and the remaining eight were remanded in military custody to await trial.

In June 1993 the investigations were reported to have ended with Major Lamine Diabira and the seven others being charged with conspiracy and attempting to overthrow the government under Articles 41 and 42 of the Malian penal code. The charge of conspiracy carries a penalty of five to 20 years' imprisonment with hard labour but, if found guilty of attempting to overthrow the government, the eight men could be sentenced to death. Under Malian law, the findings of the *instruction* are referred to the the court indictment division (*Chambre d'accusation*) which is responsible for determining whether there are sufficient grounds to bring a case to trial. In February 1994, seven months after the conclusion of the judicial investigations, the *Chambre d'accusation* was apparently still considering the case.

KEYWORDS: MILITARY AS VICTIMS1 / DETENTION WITHOUT TRIAL / UNLAWFUL
DETENTION / INCOMMUNICADO DETENTION / POLITICAL PRISONERS / CONDITIONAL
RELEASE / COUPS / PHOTOGRAPHS /