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on Human
& Peoples' Rights



Commission Africaine
des Droits de l'Homme
et des Peuples

MALI PRISONS REVISITED

REPORT ON A VISIT

27 NOVEMBER - 8 DECEMBER 1998

BY

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SPECIAL RAPPORTEUR ON PRISONS AND
CONDITIONS OF DETENTION IN AFRICA

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MALI REVISITED

ACKNOWLEDGEMENTS

I was in the process of obtaining permission to visit prisons in Kenya, Egypt and Gabon, when Mali gave a very quick response to my request for a return visit to prisons in that country, and I am extremely grateful to the government. Special mention must be made of the Minister of Justice, Maitre Amidou Diabaté, who granted me permission to visit prisons of my choice. The Minister of Armed Forces was equally helpful in consenting to my visiting any place of detention. My gratitude to M. Bourama Sidibé, National Director of Prison is immense. He briefed me on the state of prisons, personally drove us¹ to Kati Prison and many other places in his vehicle, and also permitted the same vehicle to transport us to Kati and Koulikoro prisons. The Deputy National Director, Mr. Sanidié Touré contributed to the success of my work. As on the previous visit, it was my fortune to have had a meeting with Mr. Tiebilé Dramé, Member of Parliament and former Minister of Arid and Semiarid zones. He presented a balanced picture of Mali, which would make anyone in my position feel that he was within a setting of which he had an objective understanding. I am much obliged to him.

I was also fortunate to have been in Bamako at a time when representatives of the Malian Association of Human Rights from all over the country were gathered for a meeting there. They honoured me with a meeting on 30 November 1998, and I am exceedingly grateful to the President of the Association, Moustapha S.M. Cissé and all those who attended the meeting.

The transparent attitude of the government and its spirit of ready co-operation bear mention again. Within a short time of expressing my desire, on my first visit, of seeing some of the detained members of the Opposition, I was led to its leader, Mr. Almany Sylla, who was in detention in Kati prison. I must state, parenthetically, that ironically having gained his liberty, it was difficult to trace and have a meeting with Mr. Sylla, and so try as I did, I regrettably left Mali on my second visit without meeting him. To return to the government of Mali, it had no hesitation in granting me permission to meet in detention, the former

1. I was accompanied by Barbara Vital-Durand of PRI.

President Moussa Traore and his wife Madame Traore, but of this, more later. The National Director of Prisons, Mr. Sidibé drove us to this meeting, and I am grateful to him.

Madame Barbara Vital-Durand of PRI acted as interpreter for me. She also handled travel, accommodation and other administrative matters while we were in Mali. These had been initiated from the Paris Office of PRI. This office was also instrumental in securing permission for the return visit. For all these, I am much obliged to PRI.

After careful consideration of comments on the report of the earlier visit, I have decided to retain its basic structure, at the risk of some monotony. Considering each prison separately has the advantage of the problems of each being addressed by easily identifiable officials. This advantage will be lost when the observations and comments on the prisons visited are bunched up. The same applies to the lessons which can be learnt from particular prisons. To the many who have commented on my work during and outside the Sessions of the African Commission on Human and Peoples' Rights, I express my appreciation.

Except the context indicates otherwise accounts of meetings are faithful to statements and views of officials. My findings, comments and recommendations are generally reserved to the end of the report.

I reserve the final expression of appreciation and gratitude to the government of Norway, which through the Norwegian Agency for Development Co-operation (NORAD) financially underwrote every aspect of this visit.

INTRODUCTION

I visited prisons² in Mali, with the consent of her government, from 20 - 30 August 1997. That visit took me to prisons and detention centres in Bamako, Tombouctou, Goundam, Mopti, Baguineda, and Kati. A report on the visit including the comments of the government of Mali was published in 1998, and distributed widely.

Recommendations form an important part of the report. It is, therefore, to the credit of the government of Mali (hereafter referred to as 'the government') that its comments incorporated its implementation of some of the recommendations in the report. Nevertheless the impact of the work of a Special Rapporteur is likely to be greater if he or she is able to return to the site of an earlier visit to find out what changes, if any, have taken place between the two visits. The inclusion of new places, in my case prisons, will reveal the extent of any beneficial impact of the earlier visit on the subject of inquiry. These thoughts and beliefs guided my return visit to Mali. In the event, I settled on prisons and detention centres in Bamako, Kati, Bolle, Koulikoro, Mopti and Kayes.

Valuable as a return visit may be, it was even delightful to have the government throw open the doors of its prisons to me on two occasions within fifteen months. Far from it being a discouragement, a postponement of the visit for a few months heightened my interest, and indicated the seriousness with which the government took prison reforms.

2. Whenever the context demands it 'Prisons' should be understood to include places of detention.

PRELIMINARY DISCUSSIONS

The prisons and detention centres visited are divided into two parts: (i) those which were visited both on the previous visit as well as on the instant visit and (ii) those which were visited for the first time on the follow-up visit. Separate consideration is given to visits to Police and other detention centres. Preliminary discussions, which were a prelude to the visits to prisons will, however, first engage our attention.

Meeting With Director and Deputy Director of Prisons

It seemed appropriate to start my work in Mali with a meeting with the officials most acquainted with the subject of my visit, and with whom also I had the closest contact on my previous visit. Thus it was that on Saturday, 28 November I met with Mr. Bourama Sidibé and Mr. Sanidié Touré, Director and Deputy Director respectively of Prisons³.

Seeing it as an opportunity to critically examine their work, my hosts welcomed my visit without any reservation. I was assured of the fullest co-operation of the directors and officials of the prisons which I would visit. They had all been informed of my visit, and were expected to do all that was necessary for my mission to be accomplished.

It was at this meeting that I expressed my interest to see Mr. and Mrs. Moussa Traore. The Director promised to take my request up with the appropriate authorities.

As regards my report on the previous visit, it was seen as reflective of the realities. It was therefore, welcomed with gratitude, with the two officials noting that as Mali was being governed under The Rule of Law, the prison administration was very open to criticism. In response to comments and recommendations in the report, ventilation holes have been provided for the cells in Mopti prison. Two cells were also under construction at the same prison, around which would be constructed a wall. The last development would enable prisoners to be let out of the cells into the yard of the prison, where a shed would also be constructed. Plans for construction of a new prison at Mopti were being pursued, a piece of land has already been acquired for the purpose. Rehabilitation work at prisons in Tombouctou and Goundam commenced after my visit. An oral suggestion of mine for the construction of

3. The title in Mali (French) is National Department of DNAPES (Direction Nationale de l'Administration pénitentiaire et de l'éducation surveillée).

a shed in the yard of Kati prison under which prisoners could relax in the hot season had been implemented. The problem with hygiene at the Central Prison of Bamako which was identified in the report was being tackled by coverage of the gutters and sewage system.

Prison farms have become a matter of national priority. Considerable improvement has taken place in the prison farm at Baguineda. Three buildings with three rooms each have been constructed on the farm. Two of these are for prisoners and the third for guards.

Whatever deficiency which I would detect within the prison regime, I was assured, was not so much the result of neglect or deliberate refusal to do what is right as the difficulty with adequate resources. Responding to my suggestion for inmates to be trained in the making of traditional soap to:

- (i) Ease the financial pressures on the prison administration;
- (ii) Partly deal with the hygiene and sanitary problems in prisons, and
- (iii) Give a trade and skill to inmates who might otherwise become idle on their discharge from prisons,

soap-making, I was informed, was one of the projects undertaken in prisons in Mali.

Meeting with Mr. Mamadou Mallé Cissé, Secretary-General of the Ministry of Territorial Administration and Mr. Namakozo Diarra, Director General of the National Police of Mali

At a meeting with the above officials on Monday 30 November my formal request for permission to visit Police and Gendarmerie cells was granted. I was encouraged to visit any cell of my choice.

Meeting with Mr. Mohamed Silla Sakona, Minister of the Armed Forces

The Honourable Minister of the Armed Forces granted me audience on 30 November. He explained that the Ministry of Territorial Administration used to have responsibility for prisons until it was transferred to the Ministry of Justice. Currently his ministry is responsible for those detained in gendarmerie cells. Although the gendarmerie are employed by the Ministry of Territorial Administration which also has oversight of all their activities, as a

security force, it is also under the Ministry of the Armed Forces.

In attendance at this meeting was the Secretary-General of the Ministry. I am much obliged to officials of this Ministry who drove us from the meeting to our hotel.

Meeting with NGOs

At about 3 pm. On 30 November I had a meeting with members of non-governmental organisations, notably Malian Association of Human Rights (MAHR). The meeting was followed immediately by an interview which a former inmate granted to me.

Twenty-five people attended the NGO forum, and the room for the meeting was filled to the brim. They included:

- Mr. Moustapha S.M. Cissé, Founding Member and Chairman since March 1998 of MAHR.
- Ms. Diko, MAHR Bamako, Social Affairs.
- Three other representatives of MAHR Bamako.
- Chairperson of MAHR sections in Gao, Koulikoro, Kidal, Tombouoctou, Sikasso, Kayes, Mopti and Segou.
- Mr. Modibo Tiam, ICRC Bamako.
- Mr. Coulibaly, Deputy Chairperson of the Malian Red Cross.
- Representative of GRPDR (Groupe de Réflexion pour la Popularisation du Droit en Milieu Rural).
- Ms. Céline Rousselin, Balemaya Association.
- Ms. Bernadette Camara, Kanuya and BICE (Bureau International Catholique pour l'Enfance).
- Mr. Ladi Samaka, Clinique Juridique DEME-SO.
- Mr. Adama Sanogo, Malian Association for Development (ADAME), First Deputy Chairperson of the African Prisons Association.
- Representative of Association du Sahel d'Aide à la Femme et à L'Enfant (ASSAFE).
- Representative of ENDA Tiers Monde.
- Maître Lakdaf, Amnesty International, Mali.
- Representative (Rep) of Œuvre Malienne d'Aide à la Femme et à l'Enfant (OMAFES).

- Rep. of Convention pour la Vulgarisation du Droit au Mali (CVDM).
- Representative Of Association pour le Progrès et la Défense des Femmes au Mali (APDEF).
- Two ex-prisoners.

After a brief statement about the African System for the Protection of Human Rights, I encouraged the NGOs to get involved in prison work. Copies of the Report on the first visit to Mali Prisons and a booklet detailing the activities carried out by the Special Rapporteur and his Mandate which was compiled by PRI were distributed to the participants.

That it was the visit of the Special Rapporteur which should bring NGOs together was a matter both of regret and joy, it was voiced out, as had been done on my previous visit. Some time was spent on how co-operation among NGOs could be achieved. I suggested that the framework for such a link should be reduced into writing. Common projects and joint fund raising should be an objective, I added. It was agreed that a network of Malian NGOs would be created.

Two problems in the prison regime which were identified were long remand and the need for sick inmates to be transferred to hospital. The latter difficulty was illustrated by the refusal of a judge to order the transfer to hospital of a sick prisoner after one of the participants had secured a bed in the hospital for the inmate.

One of the two former prisoners pointed out that the existence and work of MAHR, were not known to most prisoners. How the needy could have access to it should be publicised. Ms. Diko responded that there were plans to introduce MAHR to inmates in prison.

Statements were made about particular prisons.

Segou

MAHR supplied medicine to the prison. An NGO contributed in bringing water to the prison. It also emptied a septic tank and a French NGO renovated the juvenile wing of the prison.

Gao

Prisoners used to have one meal a day, but they were currently having two, partly as a result of the efforts of NGOs: they discussed the need for the improvement with the Registrar and Prosecutor. Juveniles share cells with adult prisoners. It does not have a sickbay. Because the wall around the prison

is not high enough, prisoners are always kept in cells. MAHR have raised this problem with the Registrar and Prosecutor. The officials promised that the problem would be dealt with since the prison budget of CFA 100 million of 1991 had been raised to CFA 500 million.

Sikasso

The budgetary allocation for a prisoner each day was CFA 80 which was both inadequate and below the budgeted figure.

Interview with ex-Detainee

An eighteen year-old girl, she was brought to the NGO meeting by Mrs. Camara. She was released from prison eighteen months prior to the interview, after being in detention for three and a half months without trial.

According to her, she came to work as a maid in Bamako. A nephew of her mistress made her pregnant, but him and his family disowned the pregnancy. She gave birth to a still-born child. The police first accused her of abortion, and later of infanticide. A Magistrate ordered her release from detention because the case against her was not clear. Continuing her story, she stated that she was beaten upon arrival at the prison as well as during her detention. The pregnancy had made her very ill when she was brought to the prison, but she did not know to whom she should turn. Under constant lock, the 27 women in detention became very nervous, irritable and often fought. The food in prison was awful, and mosquitoes were a menace.

On release from detention, BICE found her a new and well-behaved family. Mrs. Camara, who sat throughout the interview and acted as an interpreter, added that the new family was carefully selected by her, and she visited them almost daily.

Meeting with Mr. Saidou Guindo, Department of Political Affairs and Conflict Resolution, Ministry of Foreign Affairs

At 6.30 p.m. on Monday, 30 November the above gentleman did me the favour of coming to my hotel for a meeting. A former employee of the Prison Administration, he was in charge of social rehabilitation between 1984-1989. The basic problems, then, which he thought still persisted were inadequate resources, human and material. For meaningful work in rehabilitation, doctors, psychologists and social workers were needed. These are not, however, available in the prison regime. Senior officials recruited into

the Prison Service left within a short time. There was the political will to improve prison conditions.

Inadequate medical care was a major problem. Overcrowding and dilapidated buildings were other problems. Long pre-trial detention was a matter of serious concern. So was the question of untrained staff. Readers will notice that Mr. Guindo's observations corroborated views expressed by officials and findings during the first visit.

Meeting with Mr. Tiébilé Dramé, Member of Parliament

As in the case of my first visit, it was my fortune to have had a meeting with Honourable Mr. Tiébilé Dramé, Member of Parliament and former Minister of Arid and Semiarid zones. A greater fortune on this occasion, because unlike the first visit, our meeting was at the beginning, to be exact 29 November, and not at the end of my mission. Although a member of a political party aligned to the government in power, one cannot but be impressed with Mr. Dramé's objectivity, always putting the case for each side as best as possible.

Mr. Dramé confirmed that the politicians who were in detention during my previous visit had been released. Though the atmosphere was less tense than on the earlier occasion, the basic problem was yet to be solved. The opposition still refused to participate in elections, legislative and administrative activities both at the national and local levels. They demand a cancellation of all previous elections, and do not recognise institutions brought into being as a result of those elections (President, National Assembly and Local Councils, for instance). Discussions had, however, started between the government and the opposition, and he hoped that a satisfactory solution would be found to the impasse which began in April 1997. The long interval between the meeting of the two sides should provide food for thought for each side, and lead to a display of realism. It was a hopeful sign that Rural Council election which was originally scheduled for November 1998 had been postponed to April, 1999 in order to allow dialogue and negotiations to continue. The 1997 law passed by the National Assembly on elections, when the opposition was part of the legislature, is the sticking point.

Mr. Dramé was quick to add that some members of the opposition in Segou, and student leaders in Bamako were in detention for burning property of the governing party. While the opposition characterise the incidents as political, the government views them as criminal.

As usual 10 December will witness the "Espace d'interpellation démocratique" when all citizens may critically comment on the actions and omissions of government. Additionally, a National Forum would be held to discuss the Constitution on dates yet to be fixed. It was recalled that the Constitution was adopted in 1992 just after the 'Revolution' (overthrow of Moussa Traoré). In the heat of the moment, many issues were overlooked, and now everybody has something critical about the Constitution. It was time to ventilate and address the concerns of the citizenry on the Constitution.

PRISON VISITS

Prisons which were visited for the second time are addressed first. They are followed by those visited for the first time.

PRISONS REVISITED

Bamako Central Prison, Saturday 28 November

Critical comments which were made about this prison on my first visit will be recalled, and the current situation indicated. A faulty drainage system prevented water flowing easily out of the prisons. Some of the gutters had been repaired while reconstruction work on others was in progress during my tour of the prison. On my first visit, the inmates of the Juvenile section of the prison found their cells so warm that they preferred an open space abutting upon the former. From seeping roof, stagnant water formed in the cells. On the follow-up visit, I found the previous juvenile section uninhabited: the inmates had been moved to what used to be the Female Wing for repair work to be undertaken in the former. The female inmates themselves had been moved to Bollé, and with them some of the juveniles.

While the inmates at the prison continue to be served with meals three times each day, the quality and quantity of food were matters of serious concern to all the inmates I talked to, as on my previous visit. Complaints about lack of medicine, soap and long remand periods were repeated to me. Ten inmates claimed to have been on remand for more than 5 years. The tense atmosphere in the remand and convicts sections of the prison which was very noticeable and which partly contributed to my not entering the cells here, had ceased relatively. I neither saw nor heard allegations of incidents of assault by guards on prisoners.

Other Changes

Benches had been provided for visitors outside the prison. Posters outside and within the prison conveyed the message that imprisonment must be humane. Details of visiting hours had also been clearly spelt out at the entrance of the Prison. A room had been prepared to be used by lawyers for consultation with their clients. A shed with two benches had been constructed for prisoners and their visitors. But at the time of our visit, it was not being used by visitors.

Remand Section

The main problems identified through interviews with inmates during a visit to this section are similar to what have already been stated: long remand, lack of medicine, insufficient and poor quality food. Soap was supplied once a month, and it could get finished in three or four days. But if one washed with it, it would last for only two days. Once a month, the cells were sprayed with insect repellent. Among the inmates were two Nigerians, and one of them complained about language difficulty.

Convicts Section

Idleness was a great burden for them. They were not generally allowed outside their yard. Occasionally, they were unlocked to unload firewood. Improvement in the food would solve their main grievance. One of the cells with 39 inmates was insects infested, the inmates complained, and it could do with some cleanliness. Conspicuous in the yard and cells were sketches made by prisoners.

Second Section of Prison

A refuse dump was sighted between the two sections of the prison. Refuse was carted away by a truck once a week. From the extent and nature of the refuse heap, it would appear that the truck was not faithful in the matter of regularity.

Former Women's Wing

The juveniles were moved here about a week prior to my visit. There was a total of twelve juveniles and six students who had been arrested for their involvement in student unrest. The youngest gave his age as 14, and the oldest was 22 year old student. None of them had been in custody for more than one year. Excreta scent pervaded the cell.

Disciplinary Cell

A disciplinary cell had neither windows nor ventilation hole. Asked to meet an inmate who had spent time in the cell, the Registrar answered that there had been none since his arrival at the Prison a month ago. The Registrar of the Prison and guards in unison stated that no one spent more than thirty minutes in this cell. Those detained there, were checked every five minutes, it was added. This must be such an onerous responsibility for the guards that from that point of view alone, abandonment of the cell must be an imperative necessity.

Civil Servants Wing

The inmates had mosquito nets and their cell was airy and clean. There were chairs and a television set in the yard. Long remand period was the major complaint of the inmates here. Many of them were in custody for embezzling public funds. Poor medical care and hygiene were also mentioned. Sick inmates, according to them, were not sent to hospital, and some mentally sick persons were kept in a section of the prison.

Discussion with the Registrar

The Registrar, Mr. Mamourou Doumbia assumed duty at Bamako Central Prison a month prior to my visit, as previously stated. He is a gendarme and is yet to receive training in prison work. Registrars, I was reminded, perform administrative duties while guards attend to prisoners. The total number of prisoners at Bamako Central Prison was 910 of whom only 176 had been convicted. In attendance at this meeting were Mr. Tiéfing Sissoko, Chief Guard (Surveillant Chef) and the Chief Clerk, Mr. Idrissa Traoré, to all of whom I am most grateful.

Mr. Bourama Sidibé who drove as to the Prison waited patiently outside the prison walls until the end of the visit, when he kindly drove us again to Baguineda Prison Farm.

Baguineda Prison Farm⁴ - Saturday 28 November

A summary of my discussion with the 12 inmates at the farm on my first visit is reproduced below:

"They complained bitterly about their conditions of life. They were overcrowded and had neither blankets nor clothes (they were not naked though), their supply of soap was not sufficient, and they had no cleaning material. The small structures which housed them had poor ventilation⁵. From their view point DNAPES did not pay sufficient attention to their conditions of life because they were perceived as already enjoying a privileged regime of partial release... They get nothing for working for the administration. They work for the administration in the morning, and in the afternoon for themselves (whenever they have the means to buy seeds) or offer their services to the villagers.⁶"

There was a remarkable change for the better on the second visit. In place of the old building which housed the inmates, two new ones with three rooms

4. The history and location of this farm were recounted in the report on the first visit.

5. My observation confirmed this assertion.

6. *Prisons In Mali, report on a mission to Mali on 20 - 30 August 1997*, pp. 14-15.

each had been constructed. The first building had two rooms each with three iron beds, and the third room had two similar beds. All the beds, had mattresses on them. The building also has a veranda. The first of the three rooms in the second building had three beds. The two buildings, I was informed by the Director, have the capacity to accommodate 24 inmates; and they were spacious enough to have that number without creating congestion. At the time of the visit, there were 9 inmates, discharges having reduced a figure of 15 to the former. A third building for guards was near completion. A football had also been provided for the inmates; and so had a television each for the inmates and guards. The farm has also been supplied with a motorbike. It was envisaged that a new structure to serve as a recreational facility would be constructed in place of the original cell block.

It was promising to learn that one of the inmates took part in the construction work so that he would acquire skills as a mason. He was paid, I was informed, CFA 750 a day by the mason. The bricks were also made by the inmates.

The farm produce yielded 39 bags of millet and some unbagged quantity. 4 bags of the millet were given to the men who helped in the threshing and one bag to a woman who played a similar role. The farm also yielded 7 bags of beans, but the yield from the maize, was disappointing. Of the 200 mangoes planted, very few did well because of poor rainfall. As regards livestock, there were 32 sheep, 19 cows and 6 goats.

In a private discussion with the inmates, one of them being overjoyed to see me again, complaints were made about the quality of their food. While they enjoyed fresh milk, they hankered for more, and, like *Oliver Twist*, asking for more, they wanted boots and shoes to play football. On this last point, I could not restrain my impatience, and told them that they could enjoy the game without boots and socks, adding that my friends, mates and I alike played football in our youth without boots. But I did not so readily dismiss their complaints about lack of medicine, soap and kerosene for their lamps. They also needed seeds to plant on the farms, and implements with which to work. The National Director and Chief Guard of the Farm explained that the produce of the labour of the inmates was divided into three as follows:

- One-third for inmates' food;
- One-third for sale, and
- One-third to cover cost of production.

When Mr. Sidibé dropped us at our hotel from Baguineda Prison Farm it was 7.20 p.m.

Mopti Prison⁷ - Tuesday 1 December

Before Mopti prison is revisited, we present summaries of meetings with:

- (i) Mr. Seydou T. Camara, Adviser for Judicial and Administrative Affairs to the Governor of Mopti and
- (ii) Mr. Tamba Namory Keita, Republic Prosecutor at Grade I Tribunal, Mopti.

Mr. Camara assumed duty in Mopti three months before my visit. He welcomed me heartily to Mopti and offered to extend to me all the help at his disposal. He used to be the Commandant de Cercle in Bankas. By his account, the governor visited the prison two months before my arrival in the company of the Minister of Justice. The governor paid a second visit to assess the extent of renovation that can be carried out, the prison being in a bad state of disrepair.

Improvement in prison conditions, Mr. Camara stressed, was a major preoccupation of both the Ministry of Justice in Bamako and the regional administration in Mopti. A decision has been taken to renovate all regional prisons. Work has already started at the prison in Gao.

On the part of Mr. Tamba Namory Keita, he stated that he was the regional head of justice, representing the Minister of Justice. The prison, police and gendarmerie are all under him. He worked on a daily basis with the Registrar and regularly went to the prison. There are eight prisons within the Mopti region.

He confirmed the visit of the minister, who concluded after assessing the condition of the building that the prison should be renovated. Funds had been secured for the work, and a private company contracted to carry out the renovation. Indeed, the company started work a week prior to my visit.

Mr. Keita added that the National Guard used to be in charge of prisons, but they had no formal training in prison work. In November, 1997 trained guards started to man Mopti prison. Among the guards were 14 who had received training in Dakar, and they are now Registrars of prison.

The Prison

As was done in the case of Bamako Central Prison and Beguineda Prison Farm, the problems identified on my first visit⁸ are first stated, and are

7. See Prisons In Mali, report on a mission to Mali on 20 - 30 August 1997, pp. 27-29

8. Ibid.

followed immediately by how they have been dealt with. Other issues are then addressed.

Problems Identified

The guard-prisoner relationship was poor. There was credible evidence of serious assault on some inmates by the guards. The confession of the Chief of Guards on his method of disciplining inmates who tried to escape increased the credibility of the inmates' allegations of assault by the guards. Chaining with leg iron was used to discipline errant inmates. Ventilation in the cells was terrible. Some inmates were kept constantly in their cells. These were brought out only for a shower or to go to the toilet. Food was served once a day, and some inmates described the situation as bordering on starvation. Indeed, the inmates claimed that one of their number, a Liberian named Anson David died out of hunger. Lack of medication was a matter of serious concern for the inmates.

Remand prisoners far outnumbered convicts. To illustrate, in one cell of 24 only 2 had been tried and convicted. In a second cell there were three convicts out of seventeen inmates. Many had neither blankets nor clothes.

As acknowledged by the authorities, the prison was in a serious state of disrepair.

In its comments on the report on the first visit, the Government of Mali stated that the Director of Mopti Prison had been changed and that the guards had been trained to treat prisoners humanely.

Implementation of Recommendations and Dealing With Problems.

Small windows had been provided for the cells which previously had none. A shed was under construction in the yard under which prisoners could rest. Construction work had commenced on a wall which would fortify the prison guards in releasing into the yard the inmates who were constantly under lock and key for fear of their escape. New mats had been supplied to the inmates. Other inmates stated that the mats were changed regularly, and the present ones were supplied 8 days prior to my arrival. I did not see any inmate with bruises or marks which could have been the result of assault by guards. Neither did I see any inmate in leg iron or chained. One inmate gladly recalled my visit. The guards had been changed, and the Director (Registrar) assumed duty at the prison barely a month before my arrival. He had forbidden chaining or being put into leg iron. Meals were served twice a day, though the quantity was small.

Persistent Complaints

Despite the above, in discussions with some of the inmates alone, the point was made that nothing had changed: soap was scarce, the food was insufficient and of very poor quality, inmates were still beaten, handcuffed, and put into leg iron. One of them said, when he tried to escape, he was put into leg iron for 48 hours about a month ago. Scars around his ankle supported his claim. It was also said that visitors who did not pay CFA 500 were not allowed to see inmates. The mats were changed a week before my visit. They were not allowed to go out for toilet, a pot at the entrance was used for that purpose. The door of one particular cell was usually closed and it was opened two days prior to my arrival. The inmates of a second cell had a similar complaint about the closure and opening of their door. The latter cell had no light in the night. They lacked blanket. A doctor visited the prison each Thursday, but between the visits no medical care was provided.

Additional complaints were that mosquitoes were a menace, and the cells were lice infested.

The shower in the former women's section could do with improvement in the odour which emitted from there.

Discussion with the Registrar

The Registrar, one of those trained in Dakar, explained that the doors of the cells were closed most of the time because they contained hardened criminals. He added that since his assumption of duty, the doors had been kept open between the hours of 2 and 4 in the afternoon each day. It is noted that there was one cell without any door. He informed us that juveniles who committed crimes were generally placed under supervision by a member of their family.

Prison Population

A breakdown of the prison population was set out on a blackboard within a corridor immediately after the main gates of the prison. There were a total of 93 inmates, made up of 73 remand prisoners and 20 convicts, 3 of the latter being women. There were no juveniles. The capacity of the prison was given as 80. The three women were those encountered on the first visit. As will be recalled, they stayed with the Commandant de Cercle because the prison no longer had a functional female wing. They were given the option of a transfer to Bollé, but they turned it down. One of them is scheduled to be released in March 1999, a second in 2001 and the last in March 2006. Eye brows must

have been raised by the continued imprisonment of these women. The other important observation of the government on the report on the first visit was the grant of presidential pardon to the three women⁹. It turned out that a recommendation had been made for presidential pardon, but it was yet to be granted, which was the exact position on the first visit. I got assurances from very high circles that the case of these women would be brought to the right quarters for favourable consideration.

Kati Prison

Located a few miles outside Bamako, this was the prison where I had met the leader of the Opposition, Mr. Almany Sylla on my first visit. The Registrar was not aware of our impending visit, and seemed genuinely surprised to see us. Of the four prisoners outside the prison (entrance), three were said to be running errands, and the fourth attending to the culinary needs of the guards, preparing tea, for instance.

A small shed had been constructed in the middle of the yard. This was in response to an oral recommendation I had made, on my first visit, to enable the prisoners to have some fresh air at the height of the heat. At the time of the second visit, however, some of the prisoners were resting within the shade of a section of the walls, and none was under the shed, the former providing more shade and comfort than the latter. The veranda in front of the two cells had also been fenced with rail, a fortnight before the visit some inmates informed us, so that the doors of the cells could be left open to provide fresh air. With the doors firmly locked, at the time of the visit, the purpose of the new construction was defeated. But the hope is that it will be utilised fully, as the National Director promised to ensure. In fairness to the Registrar, he stated that the doors of the cells opening onto the veranda with the rail were opened between 10 - 12 noon and 4 - 6 p.m.

Meals, consisting of rice, millet, beans or corn were served three times daily. While there was no limit to the number of letters which could be written and received by the inmates, they were censored. Prisoners could receive visitors from 8 a.m. to 6 p.m.

9. Ibid, p. 35.

Discipline

The prison did not have a punishment cell. A recalcitrant prisoner was deprived of exercise, not allowed into the yards, or what must have been a very recent measure, not allowed into the fenced veranda. Persistent attempts at escape were referred to the Prosecutor.

Health

The inmates complained of inadequate medical treatment. There was no sick bay.

Prison Population

There was a total of 49 inmates, 13 of whom were convicts. The longest period that any of them had been on remand was one year. Civil servants, convicts and those on remand were all mixed up in the two cells.

Cell 1

After some persuasion, I was allowed to speak to the prisoners in the absence of any official. They confirmed receiving three meals a day, made up usually of millet and corn, and rice on Saturday and Sunday. Soap was a big problem for them. Sometimes they were supplied with soap once a month. There was only one lamp and few blankets. Medication was another headache for the inmates and so were mosquitoes. Some would sell their clothes to buy medicine. One very sick prisoner was not sent to the hospital. Some claimed that permits were related by visitors, and they would also have to pay in cash or kind (some of the presents for the inmates). Those with relatives far away did not get any visitors. They were made to stand on their heads as punishment.

The cell was very warm. Twice a day, in the morning and in the evening, the inmates were allowed to go into the yard, a big one, to bath and use the toilet. Between these hours a bucket had been provided in a corner of the cell for nature's call.

When we bid them farewell, they all gave us a loud round of applause.

Cell 2

This cell was as warm as the other one. Complaints from the inmates were also similar to those in Cell 1: no medicine, lack of medical attention, no soap, no visitors, short period to visit the toilet in the yard (two of them) and poor quality food. Another concern of the inmates was that they were locked up in the cell most of the time, and were allowed onto the veranda only a week prior

lay their hands on including uncooked food and this irritates the guards. As in the case of the first cell, we were applauded at the end of the visit. The Registrar, Mr. Sibiry Toumagnon thought that the work of the staff of the prison could be facilitated if they had electricity and a means of transport. The inmates walked to Court in turns, six at a time.

NEW PRISONS

Bollé Centre, Koulikoro, Souba and Kayes Prisons were the new Prisons which I visited.

Bollé Centre (Specialised Detention Centre for education and rehabilitation of Juveniles and Women).

The massive wall surrounding the Centre belies the relative freedom, comfort and humane conditions found within the Centre. Two men guarded the gate. As has become the procedure, I was briefed by the Director of the Centre, Madame Diarra Assetou Koité before visiting the various sections of the Centre. At the time of our meeting, she had been the Director of the Centre for six months. A social worker, she had two months training in Paris.

The Centre is made up of the following staff and sections:

- 10 male warders in charge of juveniles;
- 2 psychologists including the Director of the juvenile's section;
- 30 female warders with responsibility for the female section. The warders, who were appointed a month ago, were being trained. In the interim, 8 more had been appointed who were working at the Centre. They have not received any training, but are being supervised by the Specialised education unit, which comprises 2 members, but it is envisaged that the number will be increased to 4;
- Social service unit
- Medical Care unit
- A psychologist had been requested for to visit periodically;
- Educational unit (school) with 2 people who conduct classes and workshop.

Until a week before my visit, when 26 women were brought to the Centre, it was for juveniles, 15 of whom were there. The change was in pursuit of a Ministry of Justice's policy of making prisons humane. The protection of

Until a week before my visit, when 26 women were brought to the Centre, it was for juveniles, 15 of whom were there. The change was in pursuit of a Ministry of Justice's policy of making prisons humane. The protection of women and juveniles is a matter of national priority.

That the Centre does not have a vehicle is a big problem. When someone has to be taken to the hospital, it has to be done in the private vehicle of a member of staff. The internship which should be done by juveniles has not taken place as a result of lack of transportation. Equally, social workers have not been able to go out to conduct background search of juveniles for placement. But the assistance of the Ministry of Justice was warmly acknowledged. It provided the furniture, fridge, air conditioners and all the other equipment in the Director's Office at the Centre. The Centre itself was constructed by the Agency for Social Development, which is under the Office of the Prime Minister at the cost of CFA 200 million.

Dispensary

The dispensary consisted of an isolation room, a drug store, an examination room and an in-patient room with one inmate. Supply management is computerised. As in the case of all sections of the Centre, the dispensary was clean and tidy.

Workshop

The workshop started operation 3 days prior to the visit. It had 6 sewing machines with inmates engaged in embroidery.

The Living Section

Two warders, with a room at the entrance, come on duty for twenty-four hours, and are relieved by another set of two warders who work for the same period. A room reserved for a library is yet to function as such since there were no books. Keeping the male warders out of this section has been quite a task for the Director, but she is determined to succeed.

The bedrooms are spacious with iron beds, mattresses, bed sheets and towels. Asked whether they had any problems, the inmates replied in the negative, adding that they were not ill-treated by the warders. They were also well fed. The longest remand inmate had been in custody for two years. 4 were convicted while 22 were on remand. They acknowledged that occasionally the male warders would pay a visit, but they did not enter their rooms. The male guards came with the female guards to call the roll.

Among the remand prisoners was a Sierra Leonean who stated that she kept the goods of a murder convict.

In order to see the Minister of Justice, the visit to the Centre was cut short.

Koulikoro Prison - Friday 4 December

Discussion with the Registrar

There are two prisons in Koulikoro, an old one situated in the spacious compound of the National Guard Complex and a new one at Souba, which was constructed with the assistance of the government of Germany. The Registrar of both prisons is Mr. Souleymane Doumbia. The other one was built during the colonial era, and rehabilitated five years ago. But it still has cracks from age and prisoners' boring holes in the walls to effect their escape. Most of the time the prison houses men. Whenever women are received, they are kept separately in a cell. Women are usually granted bail while on trial. Women convicts used to be transferred to Bamako, but are now sent to Bollé.

Originally Souba was to replace the old prison. After the former was opened in 1996, it was realised that it had poor ventilation. The prison was so warm during the dry season that several prisoners died. It was, therefore, closed down for improvement to be made to the ventilation aspect. Prisoners were transferred to Souba twenty days before my visit. Remand prisoners, thirty with three Nigerians among them, were left in Koulikoro because the court was closer from here than from Souba.

24 warders man the two prisons. Three and four are on duty at the old and new prisons respectively for seven continuous days, and are then relieved by similar sets of guards for the same period. The system is such that in one month, a guard works for two weeks and rests for two weeks.

When on duty, the guards rest at certain times although patrol continues within and outside the prisons.

Meals

The rule is that food should be served three times. However, because of limited supply of firewood, what should be eaten on three occasions is cooked and served once. Nevertheless there are plans to serve food twice. The food consists of millet, rice and beans. Rice and beans are eaten once a week.

Health

A nurse visits the prison once a week to attend to sick inmates. Serious cases

are referred to the hospital in Koulikoro. The prison does not stock medicine, it is bought on prescription. Medical supply which was once received from the Prison Service in Bamako ended sometime ago. The Deputy Registrar has been trained to give injections.

Visits and Correspondence

In respect of remand prisoners, authorization by a judge is required for a visit. These are allowed two visits a week each for 15 minutes. By law, the National Director must sanction visits to convicts, but because he is in far away Bamako, the Registrar gives permission for visits whenever a visitor shows up. There is no limit to the number of letters that may be written by an inmate, or which he may receive. However, both incoming and outgoing mail is censored. Phone calls can also be made by inmates although a warder will listen in to the conversation.

Games

Cards, draught, dice and ludo are provided to the inmates for recreation.

Discipline

Infraction of prison regulations are met with the imposition of sanctions such as denial of visit, isolation in a cell and denial of participation in games or receipt of correspondence. Corporal punishment is not administered to the inmates.

Aggressive and mentally ill inmates are handcuffed or put into leg iron. There is a separate wing in the new prison (Souba) for the mentally ill. When a doctor certifies that a convict is insane, he is transferred to Bamako, 'Point G. Hospital'.

Tour of the prison

A fairly spacious yard, in which the inmates were assembled, is adorned with trees.

Cell 1

The inmates consisted of civil servants and those allowed to work outside the prison.

Cell 2

This is an abandoned cell. As was narrated, on or about 17 January 1998, 23 inmates escaped from this cell after boring a hole in one of the walls, and escaping through it and an adjoining store. Some of them were re-arrested.

Cell 3

An attempt to escape from this cell was made by the inmates a month ago before they were transferred to Souba. It was, however, nibbled in the bud by a warder who discovered a hole being made in the wall.

The rest of the cells

Some of the cells had the ventilation holes sealed because there was too much wind, I was informed. But the blockage was also consistent with forestalling escapes. Some of the cells were cleaner than others. Removal of the cobwebs would have improved the environmental situation of some of the cells. Mats and mattresses were supplied unevenly to the cells.

A punishment cell had no occupant, but it emitted an unpleasant smell of urine. The doors of the cells, the Registrar stated, were kept open between 07 to 18 hours. Inmates could, therefore, stay in the yard all day. Lights were put out at 22 hours.

Discussion with prisoners

The all-day open door policy was largely confirmed by the inmates (08 - 17 hours). Ill-treatment had not been experienced at the hands of the warders. Soap had not been supplied for a long time. Isolation in the punishment cell could last between 3 to 7 days. Denial of food while in isolation cell was common. They complained bitterly about their sauce. Their food was also monotonous- beans was eaten very seldom, and rice only on feast days.

There were limited facilities for toilet in the yard; and in the night, they had to resort to buckets in the cells. Lack of medicine in the prison was a problem. The nurse hardly turned up; and when he did, he did not care about prisoners. It was conceded, however, that serious cases were referred to the hospital.

The perennial problem of long remand was mentioned. One inmate claimed that he had been on remand for 2 years 7 months.

Workshop

Two makeshift workshops were in operation immediately outside the prison- sewing and leather. Three prisoners were working in the leather unit. While a tailor had been engaged for the other unit, sewing machines were yet to be received for it to function properly.

Income from the workshops, according to the Registrar, was enjoyed by the inmates who work there.

Souba Prison

This prison is at the outskirts of Koulikoro. A massive wall surrounds the premises. Two sets of prisoners are housed here, recidivists and violent offenders, who were both sent from Bamako. The violent ones have been subdued sufficiently although they still use foul language. The inmates included those who conspired to riot. At the time of the visit, there were 75 prisoners.

The supply to the prison of a little energy from solar panels was made possible through French Co-operation assistance. The cells do not have light.

Corn and groundnuts have been produced through the labour of the inmates. Blocks were being made by the inmates for the construction of living quarters for the warders.

Part of the building has been reserved for civil servants and females. In a state of fright, a guard armed himself with a gun, to accompany us to the maximum security wing of the prison.

Two firmly secured doors separated the cells from the precincts of the prison. The first gate was made of strong iron bars which allowed in a lot of air, but such air was blocked by a second iron gate without any ventilation. The original idea was to leave the second gate open so that fresh air would get into the cells. But since the second door was closed, the whole purpose of the construction of the first gate, which had been done shortly before my visit, was defeated.

According to the Registrar, the inmates were allowed to use the open air toilets in the morning. The two cells which I visited were fairly crowded.

Cell 1

The inmates arrived from Bamako about a month ago. It was only on the previous day that the second door was left open. They had no soap. Neither did they have medicine. Medicine was bought for them by the warders out of the latter's own money. Many of them were afflicted by malaria. They did not have regular bath. Occasionally, about once a week, a warder would let them out to have a bath. There was no light in the cell and some complained that they could not see any longer. And neither was there a blanket. Such mattresses as were in the cell were given to them by the military when they worked for them. They were given food once a day, usually at about 4 p.m. and this was insufficient. For the first time, they had been served with lunch on the day of

my visit and this was insufficient. Souba, in the view of one inmate, is the most dangerous prison in Mali. In comparison, Bamako prison is ten times better than Souba, he added.

Complaint about not getting envelopes to write to relatives was made. Although they were allowed to have visits, because their families were far away it was not a meaningful right.

A week before the visit, they used to work for the military in batches of 20 - 25. They welcomed this opportunity as it afforded them the occasion to be fed by the military and also to bath.

Cell 2

In the presence of the Director, they complained that the food was not always enough. As in the case of Cell 1, they were not given soap and blanket. They were also aggrieved by their long remand: one inmate had been on remand for six years, a second 4 years while others have been in custody for two and a half years. The food was poor, and there was no light. They were taken outside to bath and walk about once or twice a week.

Because of lack of transport, they were not taken to hospital when they were ill.

A third cell was reserved for 'Corvées libres' (those who work outside the prison). These are chosen by the warders from the inmates who are about to complete their sentences or who have short sentences. At my request, the door of the cell was left open because there were two other firmly secured doors, as previously described.

Kayes Prison

I arrived at Kayes from Bamako on 5 December 1998 at about 10 a.m. At the airport to welcome me was a six man/woman delegation led by the Registrar of Prison, Mr. Souleymane Kassé. The Prosecutor and her deputy were among the welcome party.

Registrar let it be known that about a month ago three prisoners escaped from the prison.

Most of the prisoners were sitting in the big compound watching television, which some inmates stated had been provided shortly before my visit. A close look was taken at most of the cells. There were mats in all the cells, which also had a pot of water resting on sand to keep the water cool.

Cell 1 was named "Sabalibougou" (wisdom). It was airy and had a good supply of light. Divided into two, one section measuring approximately 2.5 x 3.5m held 4 prisoners, and the other section measuring about 6 x 10m had 24 prisoners.

Cell 9 "Salauds" (bastards) was once reserved for hardened criminals. Although it was closed down sometime ago, overcrowding had compelled its usage again. While it had only one window, the cell was fairly bright and clear. Toilet, bath facility had been provided in one corner of the cell.

Disciplinary Cell

As related by the Registrar, offenders were kept here during the day and returned to their cells in the night. Isolation rarely exceeded 24 hours. It measures approximately 2 x 1 m.

Cell 4

This was named "Bamankoro" (silk cotton tree) and consisted of 2 adjoining rooms. It was home to 27 prisoners, and had a toilet/bath facility as in the case of "salauds".

Cell 5

The notorious features of this cell, referred to as "grande chambre" (larger room), were the pungent urine scent and high temperature. The sewage system of this cell, as of "Bamankoro", needs to be improved. A toilet facility had been provided in the centre of the cell.

Cell 6

A civil servants quarters, it had 7 inmates all of whom had mattresses.

We gathered from the inmates that the prison had been repainted about two and half months prior to my visit.

Female Wing

A room measuring approximately 3 x 4m had two female inmates. Although they were allowed to mix with the male prisoners, they had not been harassed. They had also not encountered any problem from the male warders.

One of the women suffered from a skin ailment on her arm, but she had kept it to herself because she could not endure the shame of being marched by warders through the town to a hospital.

Juveniles Wing

A cell reserved for juveniles had six inmates in them. Once outside the cell,

however, they mixed freely with the adult prisoners.

The prison has two store rooms for storage of food (millet, sorghum, rice, onions, beans and tomatoes) and related purposes and a kitchen with cooking utensils and an earthenware oven. A tap for water, 6 latrines and a bathroom in the compound were at the disposal of the prisoners.

The prison once had 50 ducks, in the words of the Registrar, but food preparation for the inmates had taken care of 45 of them with only 5 left to be seen.

Discussion with Prisoners

Food

Lunch consisting of either beans, rice or millet was always served and sometimes a light meal of porridge was provided in the evening. Quantity, not quality, of the food was a problem.

Health

The prison had no medicine, but the inmates were afflicted with many diseases like tuberculoses, dysentery and fever. Serious cases were sometimes referred to the hospital. If a prisoner fell ill, the Registrar would go up and down looking for a doctor, and this took 2 days sometimes. They were not taken to hospital regularly. When they were taken they were not sometimes attended to because the hospital claimed it had too many patients.

Bathing facility was limited and the sewage was poor. Soap should be supplied more often than the current practice of once a month.

Relationship with Warders

The warders did not beat them, but one inmate stated that the police had beaten him to extract confession out of him. Bruises on him were consistent with his allegation. A second prisoner said he had been assaulted for two nights by the gendarme. In Djamou (about 45 km from Kayes), a third prisoner narrated how the police threw gas into his face and tortured him. 3rd arrondissement police had brought in 5 persons for non-possession of ID cards.

Prisoners were sentenced to 48 hours continuous stay in the punishment cell. Indeed one prisoner stated that when he tried to escape, he was confined to the punishment cell for 12 continuous days. He came out only for bath and toilet. An accident while painting the walls had left one of the prisoners with deep infected wounds. Only alcohol had been applied to it.

One prisoner alleged that to get out of prison, the judge had to be bribed.

Workshop

90% of the prisoners were energetic young men who were idle throughout the day. It must have been worse for juveniles, two of whom claimed to be 13 and 14 respectively. Apart from making rope, they did nothing else. It is noted that rope-making was wide-spread in the prison. They asked for workshops which would occupy them.

Remand

There were complaints about long remand. Harouna Sissoko, a civil servant, for instance, indicated that he had been on remand for 9 years over an allegation of embezzlement of public funds. Moussa Diara Gregory was aggrieved that he had been on remand since 2 March 1993 without being allowed to see the Police report on his case.

Vegetable Garden and Bakery

Caritas has constructed an oven for baking bread for the prison. Part of the bread is sold in town, and prisoners can also buy some at half price.

With the assistance of Caritas, the prisoners were cultivating a vegetable garden near the bank of the River Senegal. The government has also provided wheelbarrows for the project. A walk to this garden ended the visit to Kayes Prison.

POLICE AND OTHER DETENTION CENTRES

Gendarmerie Brigade, Mopti (Brigade Territoriale de Gendarmerie de Mopti)

On 1 December 1998, I visited the above Post. The Commandant of the Post, Léon Cissoko stated that the brigade was responsible for Mopti (town). Mopti region, however, has a total of 8 cercles. Mopti Post has one cell which had no occupant at the time of the visit. A little scrubbing of the cell would improve the scent it emitted. The cell was said to be usually unoccupied because only difficult suspects and those of doubtful morality were detained. The toilet outside the cell cried for cleanliness.

Stealing, assault and abuse of confidence (economic) were said to be the most common crimes in Mopti. If a suspect was arrested, the Prosecutor was informed, and the latter would carry out an investigation into the charge or complaint. Suspects are not detained beyond 48 hours on the orders of the gendarme. However, the Prosecutor may extend the period of detention by 24 hours.

Police Station (Poste de Police) Mopti

The visit to the Police Station followed shortly after the one to the Gendarmerie Post. To the Prosecutor, who drove us to both Centres, I am grateful. The Officer-In-Charge of the Police Station, Mr. Famory Konalé (Commissaire de Police de la Ville de Mopti) explained that there is not much difference between the Police and the Gendarmerie. The Police work in the city while the Gendarmerie work outside it. On the average, the Police receive 5 complaints each day. They are mainly stealing with some cases of assault. Suspects are detained generally for less than 48 hours. As in the case of the gendarme, the Prosecutor's permission is required for detention beyond 48 hours and even here, the extension cannot be for more than 24 hours.

Families of detainees are responsible for their food. Where a detainee has no relation the Police provide food at their own expense. At the time of the visit, there were 5 people in custody on allegations of stealing.

Discussion with Detainees

Two of the five said that they had been in custody for 5 days. This is well

beyond the 72 hours, I had been informed, was the maximum period of detention. Two others were taken into custody on the morning of the visit while the fifth came in the previous day.

One detainee, Ali Touré complained that he had been beaten at the Police Station by the Police, he was whipped until the assault resulted in wounds. His claim was consistent with wounds on him which I saw. Another inmate maintained that if a detainee was not brought food by a relation, he would have nothing to eat. The oldest detainee whose family were in Bamako had not eaten for 4 days and by the time of the visit none of them had eaten that day. However, while we were yet there, a relative brought food to one of the detainees.

As there was no mat, they all slept on the bare floor. The whole of the front side of the spacious cell was firmly secured with iron bars. While this condition provided fresh air and light, it was no bar to the swarm of mosquitoes which would happily feast on the occupants at night.

The smile and laughter from the Commanding Officer and his men, which followed my remark that the structure of the cell will let in mosquitoes without control showed how lightly they took my complaint. Realising my surprise and discomfiture, the Officer-in-Charge promised to do something about the matter. Concerning lack of food for the inmates, the Commissioner (Commissar)¹⁰ indicated that the inmates refused to eat food offered them. The food offered them is the same as what he ate. Part of the explanation for the refusal of food, he added, is the fact of there being many ethnic groups with different dietary preferences. As for the old man, who said he had not eaten for 5 days, he was a recidivist who had been to several prisons, which is no justification for a detainee not having eaten for that length of time. The truth of the matter must be in the fact that there is no budgetary allocation for food for detainees.

A second but smaller cell in the yard was reserved for more serious offenders (homicide). The Commissar denied that any weapon or implement was used against prisoners. Questioned about the wounds of Ali Touré, he responded that Ali was a thief who had been caught in the act and beaten by the crowd.

10. Commissioner, Commissar, Commanding Officer and Officer-In-Charge are used interchangeably.

1st Arrondissement Police Station, Bamako - Thursday, 3 December.

Mr. Sow Bilaly, "Principal Commissar" and Assistant to the Commissioner in charge of the first "Arrondissement" (Division) of Bamako welcomed me to the above station. Bamako is divided into 8 arrondissements. The Principal Commissar is responsible for ensuring that the rights of arrested persons are respected through the observance of regulations and procedures on the matter.

Because the 1st arrondissement covers a commercial area, most of the cases that come before the police station are of a commercial nature. To illustrate, at the time of the visit a man who impersonated the Inspector of Taxes and collected "taxes" from many people for three months had just been arrested, and he would be arraigned before court. There were very few cases of murder or violent offences. In the commercial cases if the complainant is paid, it ends the matter. Suspects are not detained beyond 48 hours. The Prosecutor's authorisation is required for any extension beyond 48 hours. The highest number of detainees at the Station at any one time, it was stated, was five.

Food

Feeding detainees is a problem, the Commissar conceded. Relatives brought them food. Those who do not have relatives in Bamako share the food of those who have. If they also have money, they can ask for food to be bought for them.

Asked for an explanation of "judicial police" which I had heard so often on this visit, the Commissar stated that they are part of the National Police with responsibility for criminal cases. They gather evidence and send cases to court. Preliminary investigation is carried out by the Police while the judge, prosecutor and tribunal undertake further investigation. The Prosecutor determines if an accused person should be committed to prison to await trial.

Visit to Cells

A cell for women had no occupant. The Commissar, who had been at post for four months stated that no woman had been detained since his assumption of duty. Generally, in his experience, women do not commit offences. The main offences associated with women are infanticide and abortion, but these are not common in this Arrondissement.

A second cell had 3 detainees: the impostor (tax), a man caught stealing and someone who had misappropriated goods entrusted to his care. Two of them, who had spent less than a day in detention had been brought food by their relatives. All of them said they had not been assaulted by the Police. The cleanliness of the cell left much to be desired. Without revealing his source of information, one of them stated that some detainees spent as long as one month in the cell.

As in the case of the Police Station in Mopti, the front side of the cell had widely-spaced iron bars which let in fresh air and light, but also plenty of that dreaded insect, mosquito.

A third cell for hardened criminals had no occupant.

Toilet facilities have been provided outside the cells, and they are used in the day by the inmates. However, this was vehemently denied by the 3 detainees, who said that the toilet in the yard was used by junior officers. At night, buckets in the cell are used for nature's call. Water in a bucket, I was informed served the purpose of a toilet roll.

Meeting with Commissar

I commended the Commissar for the apparent good work he was doing. The inmates had no complaint as regards assault by the police, and the relationship between the two was described as good. Two suggestions were nevertheless proffered by me: the provision of a mosquito net for the front side of the cells and usage of the outside toilet by the inmates. With regard to the latter suggestion, the Commissar responded that the inmates just have to call and they would be let out to use the toilet.

On long remands, the Commissar denied that it applied to his cells. The longest remand has been 72 hours. In extreme cases, an additional day was added because the Prosecutor could not attend to the inmates. He welcomed my visit and saw it as a source of encouragement. Such visits keep them on their toes, he stated.

Third Arrondissement Police Station, Bamako, Thursday, 3 December

The officer-in-charge at the time of my visit was not aware that I would be visiting. He had been in Cairo on a training programme, and returned only the previous day. Consequently, he could not answer for the cause of detention

of the inmates in the cells. Of the two cells, one was reserved for men, and the other for women with toilets in the yard for detainees. Because the harvest of crops was on progress he explained, criminality was low: many people were engaged on farms. It is after this season that the unemployed flock to towns to look for work and when they are unsuccessful, they turn to criminality. There were, therefore, only two people in the cells. Before going to see the cells, the officer-in-charge tried to call his superiors to ascertain if permission had been granted for my visit. He maintained that he must have clearance from his Regional Director for the visit, a probable measure of how faithful he is to rules and regulations.

The comments which have been made about the front side of cell which have grille apply here. Equally, detainees are fed by their relatives. Those who have none, depend on the generosity of the police because there is no budgetary allocation for this item, as well as for health.

Discussion with Inmates

In course of the visit, a third suspect was admitted into custody. One inmate had nothing to complain about: he had been taken into custody the previous day and with the money he had, the policemen bought him what he needed. The second inmate's problem was his inability to pay his debt. The third had relatives in Bamako, but they were not aware of his changed circumstances. None of them complained about being beaten by the Police. A detainee, who had been in custody for 9 days, I was informed, was released in the morning of my visit. They were not permitted to use the toilet in the yard: a bucket in the cell satisfied the necessity. In place of toilet roll, water was used.

Towards the end of the visit, the Commissar for the station came, and he expressed no objection to the visit.

First Arrondissement Commissariat, Kayes - 5th December

The Principal Commissar, Abdoulay Coulibaly welcomed me to the station. He assured me that he adhered strictly to the regulations on detention. The maximum period of detention is 48 hours. Extension of up to 24 hours may be granted by the Prosecutor of the Republic. The Prison Service used to provide food for detainees. Currently relatives feed them. Force was also not being used against detainees. In his three months at post, he had not seen any case of involuntary confession.

Of the two cells, one was reserved for women, and the other for men, but neither had any inmate. On a tour, both cells were round to be airy, but the concern for mosquito nets applies here also. A third cell for dangerous or hardened criminals was also unoccupied. All the 3 cells were very clean. The Commissar repeated an earlier observation about harvest and low criminality. Policemen bought mats for prisoners.

Territorial Brigade, Kayes - 5 December

According to the Brigade Commander, Idias Imick the Gendarmerie is both a civilian and military but the main function of the territorial brigade is acting as judicial police. They work under the orders of magistrates, and ascertain the evidence against accused persons. The Commandant monitors detention by the police. Mali has chosen to live under the Rule of Law and confessions are no longer extracted from suspects. The one cell at the Brigade for hardened prisoners did not have any inmate.

Special Police, Kayes, Saturday 5 December

François Justin Kah, Principal Commissar indicated that the Special Police was responsible for security in trains. Kayes is close to the border post at Diboly but trains go as far as Dakar. The police premises were constructed in 1927. The offence for which most suspects brought to the station are accused of is failure to pay fare (filouterie des transports) or pick-pocketing at the train station. Drugs are also becoming a problem. The Commissar would release detainees who were prepared to pay the fare, but in default they were arraigned before the court. Apart from concentrating on offences connected with railways and trains, they carry out the normal police functions.

The cell was very dingy although like the others, it had iron bars on the front side. Two inmates in the cell stated that they had been taken into custody earlier in the day for not having train tickets. While they had not been maltreated, they had had very little food.

MEETING WITH PROSECUTOR OF THE REPUBLIC, HER DEPUTY AND THE REGISTRAR OF THE PRISON, KAYES - SUNDAY, 6 DECEMBER

At a meeting with Mrs. Bagayoko Fanta Camara, Republic Prosecutor and her deputy, Mr. Bakoroba Sindiarara, I took up the case of the civil servant, Haroun Simko, who had been on remand for 9 years. The Prosecutor stated that the case was before the Assizes (Circuit Court). It was being handled by the General Prosecutor. An attempt to escape by the accused person has contributed to the slowing down of the trial process.

As regards prisoners of foreign nationality, the concerned embassies or consulates are informed when one of them dies. The law of Mali applies to all accused persons, nationals and foreigners alike. Counterfeiting and drug trafficking are the most common offences for which foreign nationals are arrested and detained.

The Registrar denied that any of the current prisoners had TB. The only prisoner who had TB sometime ago was sent to the hospital, isolated and later discharged. The Prison, he added, has a policy of isolating those with communicable diseases. Since 1993 there has been no outbreak of any communicable disease.

Asked about Workshops which will occupy the inmates, the Registrar responded that in February 1998 the Prison headquarters in Bamako sent a team to assess the workshop needs of the prison. What was needed was the wherewithal to set up the workshops. He also allayed my concern about the harm (suicide and escape) which could be caused by the ropes which many prisoners were weaving.

Lack of medicines was a big problem for the prison. On many occasions the Prosecutor has had to pay out of her pocket for the medicine required by prisoners. CARITAS and Social Affairs Office, a government department under the Ministry of Health, every now and then supply them with some medicine.

Overcrowding of the prison needs to be addressed and the Prosecutor was concerned that the prison was not secure enough.

MEETING WITH MR. MOUSSA TRAORE AND MADAM MIRIAM TRAORE FRIDAY, 4 DECEMBER

After an introduction by the National Director of Prisons, Mr. B. Sidibé we were left with our hosts. Former President Moussa Traoré was visibly delighted to meet someone from the African Commission on Human and Peoples' Rights, and he narrated a vital aspect of the events leading to the drafting of the African Charter on Human and Peoples' Rights. At the Assembly of Heads of State and Government meeting in Monrovia, Liberia in 1979, President Léopold Sedar Senghor of Senegal moved for the drafting of an African instrument for the promotion and protection of human rights. After a lengthy exchange of views, President Traoré asked for the floor and pointed out that Africa should not imitate Europe blindly. He indicated that "People" matter in Africa. That term should, therefore, be introduced into the title of the proposed instrument¹¹.

President Traoré did not deign to describe how he had been treated since his detention, but Mrs. Traoré gave vent to her feelings. All their children were imprisoned for 14 months. Their 6 year old grandchild was also imprisoned. For 23 months she was under detention without receiving a single visit. They were moved from one detention centre to another, ten times in all. They had been together for the first time, from 3 October 1998, since their detention in 1992. She conceded that their conditions of detention were better than those of other prisoners. Their current circumstances were the best they have had. Her worst period was in 1995 when she was transferred to Selengué about 140 kilometers from Bamako. But a hunger strike she embarked upon resulted in the satisfaction of her want: receiving food from outside mainly. Deprivation of visit was a sore point for her although at the time of our visit their lawyer and two relations were visiting. Not being allowed to buy or receive food from outside also did not go down well with her.

An account of the meeting with the Minister of Justice referred to earlier on concludes the visits and meetings aspect of the report.

11. Others credit Guinea and Madagascar for the introduction of "People" in the title. See for instance, U. Oji Umozurike, *The African Charter on Human and People's Rights* (1997) Martinus Nijhoff Publishers.

MEETING WITH MAITRE AMIDOU DIABATE, MINISTER OF JUSTICE - 3 DECEMBER

Present at the meeting with the above minister were Mr. Bourama Sidibé, Director of DNAPES and Mrs. Diarra Assetou Koite, Director of the CSDR. I expressed my appreciation of the improvement which had been made in several areas of the prison regime, especially at Baguineda and Mopti. Through the minister I extended my congratulation to the government of Mali for the improvement.

Two concerns of mine were expressed to the Minister:

- (i) The continued imprisonment of the three women at Mopti in spite of the indication of the Ministry of Justice's response to my report that they had been pardoned. The Minister shared my concern and stated that what ought to have been asserted was that a recommendation for presidential pardon had been made on their behalf. Nevertheless he was hopeful of their release, and he would notify me when it occurred.

The Minister also identified with my concern that male warders should not have work schedule in female quarters.

- (ii) I raised with the Minister my expressed desire to meet with former President and Mrs. Traoré. As has been recounted already, my request was readily granted. That Mr. Moussa Traoré agreed to meet me, I consider it a privilege because I was warned that while the government had no objection to the meeting, his consent could not be taken for granted, having turned down similar requests previously, notably from journalists from "Jeune Afrique".

I was assured that President Alpha Oumar Konaré followed the work of the African Commission on Human and Peoples' Rights with keen interest. A directive had been given towards the implementation of the Kampala Declaration and Plan of Action. The budgetary allocation for feeding prisoners had been increased by hundred per cent from 350 to 700 million CFA. Although the citizenry are against spending resources on prisons, the government will forge ahead with its plans to improve prison conditions.

Maitre Diabaté acknowledged that a lot of work need to be done but it had started. For instance, previously warders were military, but they are now civil

servants. 466 such warders have been appointed.

Finally, consistent with my practice of raising the issue of State Reports with relevant officials wherever I visit in Africa, I brought up the non-submission to the Commission of Mali's reports. The Minister assured me that this would soon reach the Secretariat of the Commission.

Thanking me for the visit, the Minister expressed the hope that it would be an annual activity.

FINDINGS

(i) The government of Mali is serious about prison reform. It is willing to learn from and share ideas on the subject with others. It recognises that much work has to be done in this area.

(ii) The willingness of a government to open up its prisons to outside scrutiny is a measure of its openness. Prisons mirror society, the murky side standing out glaringly. The readiness of the government of Mali to allow me to visit its prisons twice in less than two years provides a basis for the finding that at the very least Mali is relatively an open society.

However, the unresolved conflict between the government and the opposition mars the tranquil and open nature of Malian society.

(iii) Generally Mali has a dedicated and conscientious prison staff. Warder-prisoner relationship had improved but some instances of maltreatment were noticed. On balance the police and gendarme came out worse in this respect.

(iv) The government of Mali found the first report on its prisons a helpful contribution towards its own efforts at improving prison conditions. It has, therefore, implemented some of the recommendations and looks forward to fuller implementation. Most, if not all, of the previous recommendations are all within the government vision of what its prison regime should be.

(v) Charitable institutions like CARITAS are making worthy contributions towards prison reform in Mali.

This shared concern of reform in prisons encourages me to turn my attention to suggestions I have, arising out of the second visit, towards prison reform in Mali. Taking the view that the primary responsibility for acceptable standards, national and international, standards lies with government, I addressed my previous recommendations mostly to the government of Mali. But having demonstrated that it accepts this primary obligation and having gone further to adopt measures which will make for improvement in prison conditions, I feel at ease in inviting others to help the government of Mali. As an African proverb rendered in my mother tongue says:

Nea oforo dua pa no na wopia n'akyi¹²
(He/she who charts a good path deserves to be assisted).

12. The literal translation is that the person who climbs a good tree is the one who should be pushed up. The language is Twi.

RECOMMENDATIONS

To the Government of Mali

(i) Long remand continues to be a problem. In Kayes, for instance, a civil servant had been in detention for 9 years without trial while Koulikoro prison had an inmate who had been waiting for 5 years without trial. Of the 93 prisoners at Mopti prison only 17 were convicts. Bamako Central Prison also presents a bleak picture: out of a prison population of 9 1 0, only 176 had been tried and convicted; 734 remain to be tried. Kati has a similar story: 49 prisoners with only 13 being convicts. Bollé has nothing different to offer: the total number is 22, and only 4 have been convicted. Periodic review of remand prisoners may compel decisions which accord with humane treatment of prisoners mandated by Art. 5 of the African Charter on Human and Peoples' Rights:

"... All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited;"

and are consistent with United Nations Standard Minimum Rules for the Treatment of Prisoners; United Nations Standard Minimum Rules for Non-custodial measures (The Tokyo Rules); and International Co-operation for the improvement of prison conditions.

Money saved from keeping suspects on long remand may be used on pressing needs of prisons.

(ii) Although overcrowding was generally less serious than on the previous occasion, perceptive prison officials attributed it mainly to the harvest season having attracted many hands onto farms. Overcrowding should therefore also continue to engage the attention of government. If the issue of remand is tackled effectively, overcrowding is likely to cease to be a problem. Thus the solution of the remand problem holds the key to the solution of other urgent matters. Separation by categories, for instance remand prisoners from convicts, will be easier to observe than the present practice of mixing the two.

(iii) Separation of civil servants from others seems to be too entrenched to be disturbed. That the other inmates did not raise any objection to such separation may seem to support the retention of the present categorisation. But it is still worrying for the concept of equal treatment. Nevertheless since the civil

servants quarters are invariably far cleaner and spacious they should serve as models to which the other quarters should be raised.

(iv) The harsh conditions of overcrowding may partly be eased by allowing limited numbers of prisoners out of the cells at different times.

(v) The Registrars of Kati and Souba prisons should ensure that the rails made on the veranda and at the entrance respectively serve their purpose. The doors of the cells should be kept open during the greater part of the day to allow in fresh air.

(vi) Equal treatment of prisoners should be aimed at and achieved. This is particularly so in the area of food. Some prisons like Bamako Central provide meals three times a day while others like Mopti serve meals twice a day with a third category once a day. Admittedly, the last group stated that a double portion was cooked once.

Ways and means should be explored to see how the quality of food can be improved: provision of sauce, in the case of Mopti for instance, will go some way towards achieving this end.

(vii) As in the case of Mopti, the Special Rapporteur took note of steps taken towards the construction of a wall. This will enable the warders to let out the prisoners into the yard for longer hours, as obtains in Kayes and Koulikoro. A little more fresh air, especially for overcrowded prisons will answer the humane requirement of punishment.

Some arrangement should be made for feeding detainees at police and gendarmerie cells, especially those who do not have relatives to bring them food.

The problem of protection from mosquitoes of detainees in police and gendarmerie cells should be addressed.

(viii) Medical Services :

Provision of basic over-the-counter medicine which relieves pain or which is used in first aid treatment will contribute towards improvement in prison conditions. A few prisons, admittedly, are supplied with drugs from government sources. A more serious problem which can be solved reasonably well was raised at Kayes Prisons. When sick prisoners are taken to hospital, all others are attended to and the medical staff declare that they are exhausted when it comes to the turn of the prisoners. Considered as the dregs of society, prisoners are likely to be shunted aside or placed at the rear of a long queue

waiting to see a physician; and the danger of their not being attended to because of the sheer volume of work is real. A solution may lie in having a specified hour or part of it reserved, by arrangement with the medical authorities, for consultation with medical officers.

(ix) Corporal Punishment, Assault and Torture.

It would appear that Police and Gendarme centres are more guilty of assault of inmates than the prison warders. Human rights education of the Police should continue and be intensified.

(x) Hygiene

Soap continues to be a very rare essential commodity. It is likely to be a costly item if supplied at the regularity needed for satisfactory hygiene, personal and environmental. But resort to traditional soap-making will reduce cost, make it available in sufficient quantity and teach a trade which may be pursued after release from prison. Additionally, scrubbing cells with the soap will help raise the level of cleanliness in areas of prison premises where this is required.

Since some prisons were said to have workshops for soap-making, it is not likely to be too burdensome to transfer the technology to more prisons for this essential item to be within the reach of all prisoners. Relatedly, the traditional substitute for toilet roll may be resorted to.

Muslim Communities, Churches and Other Charitable Institutions

The burden of nation-building cannot be borne by government alone. Religious and other civil organisations should take improvement in prison conditions seriously and contribute towards its realisation. Visiting prisoners is a responsibility enjoined by the originator of one well-known religion which has adherents in Mali. Indeed it is likely to be a duty required of adherents of all religions.

(i) The above groups should, therefore, endeavour to visit prisoners and contribute towards the supply of their needs, especially those who do not have relatives in the areas of their imprisonment. Envelopes and writing material required for correspondence by needy prisoners, for instance, can be attended to by civil society.

(ii) Fortunately the government of Mali is open enough to allow, as is evidenced by the improvement resulting from NGO intervention recounted at

the meeting with NGOS, civil society access to the prisons. Advantage should be taken of this healthy environment to ensure that Mali maintains a humane prison regime.

International Community

(i) A contribution towards the satisfaction of the medical needs (drugs, for instance) will be a useful contribution towards the efforts of the government of Mali in prison reforms.

(ii) Equally, assistance in the establishment of workshops which will occupy prisoners and also teach them or improve the skills for use after discharge will be a worthwhile contribution. Kayes Prison has a compound where such assistance may begin.

To all

(i) As the prison warders in Kayes and elsewhere observed, when able-bodied people are engaged in economic activity, as during the harvest season, criminality is low and so is consequently the prison population. All parties, government, civil society and the international community should consider the workshops idea outside prison an enterprise which will make for low criminality, improve the income-earning capacity of the youth and others with their raising of the standard of living in Mali, and contribute towards making them a reality.

(ii) I stood on the banks of River Senegal at Kayes admiring not only nature but the profitable use to which men and women, old and young were putting the water: vegetable gardens along the river.

For the narrow interests of prison reform and the greater interest of the entire country, intellectuals, economists, agriculturists and all should constantly be exploring how what nature has endowed Mali with can be utilised by Malians so that all are usefully occupied and kept away from the wrong side of the Law.

APPENDICES

PRESS RELEASE

Prof. E.V.O. Dankwa of Ghana, who is the Special Rapporteur on Prisons and Conditions of Detention in Africa, arrived in Mali on 7 November 1998 to follow up to a visit he paid to prisons and detention centres in Mali from 20 - 30 August 1997.

Since his arrival, he has visited Prisons, Police and Gendarmerie cells in Bamako, Mopti, Kati, Bole, Koulikoro and Kayes, as well as the Prison Farm at Baquinéda.

The Special Rapporteur was granted audience by the Minister of the Armed Forces who has responsibility for the gendarmerie and the Minister of Justice, Maître Amidou Diabaté. Prof. Dankwa had fruitful discussions with both Ministers. Mr. Bourama Sidibé, Directeur National, Direction Nationale de l'Administration Pénitentiaire et de l'Education Surveillée, his deputy Mr. Sanidié Touré, the Registrars of the Prisons and Officers in charge of all the Police and Gendarmerie cells which the Special Rapporteur visited gave him their fullest co-operation and he is grateful to all of them.

Unimpeded access was granted to all detainees and prisoners the Special Rapporteur wanted to see. He was able to interview and have discussions with these inmates in the absence of any official.

Within a very short time of the Special Rapporteur's request to see ex-President Moussa Traoré and Madame Traoré and to observe their conditions of detention, his request was granted. The couple exercised their undoubted right positively: they agreed to see him, and he did hear from both of them.

In throwing its prisons and detention centres open to the Special Rapporteur twice in barely a year, and in accepting and implementing recommendations he had made on the first visit, the government of Mali has demonstrated that human rights can work in Africa. Its willingness to continue a dialogue with the African Commission on Human and Peoples' Rights (the Commission) on improvement of conditions in prisons and detention centres in Mali is a further measure of the assertion just made.

Admittedly, there are areas yet to be addressed, but in the spirit of willingness to confront the problems of imprisonment and detention Mali faces which has been demonstrated by the government of Mali, the Special Rapporteur will urge government to continue on the path of reform.

Discussions at a meeting in Bamako with non-governmental organisations, notably the Malian Association of Human Rights, from all over the country including former convicts, provided a basis for hope that the dialogue with government over prison reforms will be sustained at the national level.

As was done on the first visit, a detailed report of the mission will be presented to the Commission and the government of Mali and after the latter has commented on it, the report will be published and widely distributed.

7 December 1998

PRISON POPULATION IN MALI

Ministry of Justice

National Head of Prison administration and Monitored Education

Towns	Number	Convicted		Remand		Juveniles	
		Men	Women	Men	Women	Men	Women
Djénne	15	3	-	12	-	-	-
Ansongo	12	3	-	9	-	-	-
Abéïbara	13	2	-	9	2	-	-
Nioro	42	27	-	15	-	-	-
Diéma	37	-	-	37	-	-	-
Kadiolo	27	3	-	24	-	-	-
Bougouni	18	7	-	11	-	-	-
Nara	17	3	-	13	1	-	-
Rharous	14	9	-	5	-	-	-
Douentza	18	11	-	7	-	-	-
Tominian	24	14	-	10	-	-	-
Kita	66	16	1	45	4	-	-
Bandiagara	20	6	-	14	-	-	-
Yélimané	47	17	-	30	-	-	-
Koutiala	157	62	-	90	1	4	-
Kangaba	3	1	-	2	-	-	-
Kolondiéba	11	1	-	10	-	-	-
Banamba	17	3	-	13	1	-	-
Niafunké	9	1	-	8	-	-	-
Yorosso	40	5	-	34	1	-	-
Ségou	205	19	-	186	-	-	-
Gao	119	64	-	49	-	6	-
Kolokani	41	12	1	28	-	-	-
San	60	30	-	30	-	-	-

Towns	Number	Convicted		Remand		Juveniles	
		Men	Women	Men	Women	Men	Women
Macina	15	5	-	10	-	-	-
Tombouctou	13	3	-	10	-	-	-
Bankass	47	6	-	41	-	-	-
Goundam	7	-	-	7	-	-	-
Ménaka	8	7	-	1	-	-	-
Youwarou	5	3	-	2	-	-	-
Baraouéli	20	8	-	11	1	-	-
Koro	31	9	-	22	-	-	-
Kati	49	13	-	36	-	-	-
Bla	90	37	-	52	1	-	-
Diré	19	3	-	11	2	3	-
Ténenkou	18	6	-	11	1	-	-
Kéniéba	28	5	1	22	-	-	-
Bafoulabé	51	4	-	47	-	-	-
Niono	42	30	-	12	-	-	-
Sikasso	134	29	-	101	4	-	-
Kayes	141	17	-	123	1	-	-
Kignam	14	4	-	8	2	-	-
Yanfolila	30	2	-	27	1	-	-
Koulikoro	92	46	-	46	-	-	-
Bourem	17	6	-	11	-	-	-
Mopti	96	20	3	72	1	-	-
MCA	1 096	172	-	888	-	36	-
Bollé	40	1	4	-	10	12	13
Total	3 135	755	10	2 262	34	61	13
Prior situation	2 961	759	13	2 060	47	82	13

COMMENTS BY THE GOVERNMENT OF MALI

Ministère of Justice
National direction of
Prison Service and
Controlled Education

Republic of Mali
One people - One goal - One faith

Bamako, 22 October 1999

The National director of the Prison Service and controlled education
to
The Special Rapporteur on Prisons and Conditions of Detention in Africa

It is with a deep interest that I read your second report on the prisons you visited in Mali.

The approach to seek our comments prior the publication of your reports is a proof of objectiveness of your final work.

In order to contribute to it, I bring to your attention the following clarifications:

Page 15: We believe that in a prison where 3 meals are served a day, there is such blatant expression of a good will it is harsh to stress declarations which tend to prove the contrary.

A soap-making workshop started to operate a month ago in Bamako Central Prison. Production already covers the needs of this prison.

A stock is even available for other prisons of the country.

Pages 16 - 17: The opening of the soap-making workshop and the launch of gardening activities are the beginning of a solution to the idleness of prisoners in the convicted section.

The women section, then transformed into a juvenile section, had been closed. The juveniles have been transferred to the new facilities of Bollé Centre.

It was decided that the disciplinary cell would not be used again. Since then, not prisoner has been detained in it.

It is unfair to say that the mentally sick were gathered in a section of the prison.

Page 20: Since the second visit in Mopti, three new cells, two lavatories and a warehouse have been built.

Page 23: The new building was useless because the doors were locked during your visit. It is excessive. The new building is definitely used. The observation is due to an order which was not carried out.

Page 25: Bollé Centre now has three vehicles.

Page 29: Following is the budget allocated to Koulikoro's prison, for an average population of 80 inmates in 1999, in order to gain a better understanding - backed with figures - of the efforts made in direction of prisons.

Food grains allocation :

Mil : 17 tons 800 kilos

Rice : 2 tons

Beans : 2 tons 500 kilos

Overall budget for grains : 250 000 F CFA x 4 = 1 000 000 Francs CFA

Condiments : 1 421 560 Francs CFA

Page 32: The problem was the quantity of food served not quality. The observation is therefore arguable.

A seminar on Conditions of detention in the prisons was held in Bamako's Palais des Congrès from 4 to 7 June 1999. The Registrar of this prison stated loud and clear that prisons' food rations were not far from ideal. When one knows ideal does not belong to this world, one can understand all the efforts made for that matter.

Moreover, we do not believe doctors refuse to treat sick prisoners because their workload is already burdened by their outside patients.

Page 32: Since the convicts' allegations on Gendarmes and magistrates were not investigated, is it relevant to include it in this report ?

We believe, from what it is observed in the last paragraph of page 33, it is possible to say that idleness is not such a crucial problem in Kayes prison, thus contradicting what it is implied under the sub-title 'Workshop'.

Page 41: She reckoned that her conditions of detention were far better than those of other prisoners and those their present situation was better than what they experienced in other prisons in the past.

Page 42: The conclusion on Mopti Prison does not relate to the observations made page 23.

Women in Mopti were indeed kept in custody; in order to benefit from the Presidential pardon. They are still in jail.

At Bollé Centre, thirty female guards were recruited and trained. They replaced the male guards in the women prison.

Page 42: As a general observation, it seemed to us that in many instances, you transcribed in your report statements made by the prisoners without balancing it with the point of view - maybe contradictory - of the Registrar of the concerned prison. Besides, the National Direction would have been able to give you its position on some points raised in the report before your departure from Mali, which is to say even before the writing of the first draft of this report.*

Dear Sir, such were the points I wanted to draw your attention to in order to back the objectivity of the report you produced.

I would like to thank you warmly for the interest you show in our country through its prison system, I express my frank co-operation to your work.

The National Director
Bourama Sidibé
Magistrate.

** I try to be as fair to both prison authorities and prisoners. To this end, I endeavour to state the accounts from each side as objectively and accurately as possible. I am extremely grateful to the National Director of Prisons, Mr. Bourama Sidibé for his comments, which led me to make changes in my original report. Regrettably, I could not adopt all his comments. Professor E.V.O. Dankwa*

TERMS OF REFERENCE FOR THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

Mandate

1. In accordance with its mandate under Article 45 of the African Charter on Human and Peoples' Rights (The Charter), the African Commission on Human and Peoples' Rights (The Commission) hereby establishes the position of Special Rapporteur on Prisons and conditions of detention in Africa.
2. The Special Rapporteur is empowered to examine the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples' Rights.*

Methods of work

3. The Special Rapporteur shall
 - 3.1 Examine the state of prisons and conditions of detention in Africa and make recommendations with a view to improving them;
 - 3.2 Advocate adherence to the Charter and international human rights norms and standards concerning the rights of persons deprived of their liberty and the conditions in which they are held, examine the relevant national law and regulations in the respective States Parties as well as their implementation and make appropriate recommendations on their conformity with the Charter and with international law and standards;
 - 3.3 Make recommendations to the Commission as regards communications submitted to it, by individuals who have been deprived of their liberty, by their families or representatives, by NGOs or other persons or institutions;

* Prof. Dankwa's mandate has been renewed by the Commission.

3.4 Propose appropriate urgent action.

4. The Special Rapporteur shall conduct studies into conditions or situations contributing to human rights violations of persons deprived of their liberty and recommend preventive measures. The Special Rapporteur shall co-ordinate activities with other relevant Special Rapporteurs and Working Groups of the African Commission and United Nations.
5. The Special Rapporteur shall submit an annual report to the Commission. The report shall be published and widely disseminated in accordance with the relevant provisions of the Charter.

Means of implementing the mandate

6. The Special Rapporteur shall seek and receive information from States Parties to the Charter, individuals, national and international organisations and institutions as well as other relevant bodies on cases or situations which fall within the scope of the mandate described above.
7. In order to discharge his mandate effectively the Special Rapporteur should be given all the necessary assistance and co-operation to carry out on-site visits and receive information from individuals who have been deprived of their liberty, their families or representatives, from governmental or non- governmental organisations and individuals.
8. The Special Rapporteur shall seek co-operation with States Parties and assurance from the latter that persons, organisations or institutions rendering or providing information to the Special Rapporteur shall not be prejudiced thereby.
9. Every effort will be made to place at the disposal of the Special Rapporteur resources to carry out his/her mandate.

Duration of the mandate

10. This mandate will last for an initial period of two years which may be renewed by the Commission.

Mandate priorities for the first two years

11. The Special Rapporteur shall focus on the following activities and in each case shall pay attention to problems related to gender:
 - 11.1 Evaluate conditions of detention, highlighting the main problem areas including: prison conditions, health issues, arbitrary or extra-legal detention or imprisonment, treatment of people deprived of their liberty and conditions of detention of especially vulnerable groups such as: refugees, persons suffering from physical or mental disabilities, or children. The Special Rapporteur shall draw on information and data provided by the States and other relevant sources.
 - 11.2 Make specific recommendations with a view to improving prisons conditions and conditions of detention in Africa and establishing early warning mechanisms in order to avoid disasters and epidemics in places of detention.
 - 11.3 Promote the implementation of the Kampala Declaration on Prisons and Conditions of Detention in Africa.
 - 11.4 Propose revised terms of reference if necessary, at the end of the two year-period to the African Commission and an overall programme for the following stage.

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