

Decision No. 14/1994 (Mali)

Communication addressed to the Government of Mali on 22 April 1994.

Concerning: Major Lamine Diabira, Lieutenant Fadio Sinayogo, Warrant Officer Class 1 Kaka Koureissy, Sergeant Bo Dabo, Lieutenant Amadou Diallo, Lieutenant Mamadou Zoumana Konaté, Staff Sergeant Baba Traoré and Sergeant N'Golo Diarra, on the one hand, and the Republic of Mali, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it, and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than 90 days since the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 10/1994.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Mali. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the communication from the source, a summary of which was transmitted to the Government, Major Lamine Diabira, a former Minister of Territorial Administration in the Transitional Government of Lieutenant Colonel Amadou Toumani Touré, was arrested on the night of 14-15 July 1991 and accused of plotting a coup d'état. The other soldiers mentioned above were arrested at the same time, or shortly afterwards, on the grounds that they were implicated in the same failed coup. After being arrested, some of them were taken to Djikoroni paratroop base near Bamako, while others were taken to Ségon military base, where they were kept incommunicado and without being charged for nearly six months (although under Malian law they ought to have been brought before the judicial authorities within 48 hours of their arrest). In June 1993, Major Lamine Diabira and the other soldiers were charged under articles 41 and 42 of the Malian Criminal Code, with conspiracy and attempting to overthrow the Government.
6. From the facts reported above, it can be said that the persons in question were held without charge, and for six months incommunicado, from their arrest in July 1991 until June 1993, when they were officially notified of a charge of conspiracy and attempt to overthrow the Government. Their detention is thus evidently arbitrary, since it violated article 9 of the

Universal Declaration of Human Rights, article 14.3 (a), (b) and (c) of the International Covenant on Civil and Political Rights, to which the Republic of Mali is a party, and Principles 11 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

7. In the light of the above, the Working Group decides as follows:

The detention of the above-mentioned persons from their arrest to the date on which they were charged in June 1993 is declared to be arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights, article 14.3 (a), (b) and (c) of the International Covenant on Civil and Political Rights, to which the Republic of Mali is a party, and accordingly falling within category III of the principles applicable in the consideration of the cases submitted to the Working Group. With regard to their detention beyond that period, the Working Group has not had enough information from the Government or the source to be able to take a decision as to whether it is arbitrary or not.

8. Having declared the detention of the persons in question to be arbitrary, the Working Group requests the Government of Mali to take the necessary steps to remedy the situation in order to bring it into conformity with the rules and principles contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 28 September 1994.