



**Mali Crime and Criminal Justice System Dissemination report
13th Dec, 2008-Hotel Azalai Salaam, Bamako,**

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The dissemination was intended to convey the findings of the country review on crime and criminal justice conducted by the Africa Human Security Initiative from July to September 2008. The review report was aimed at feeding into the country's APRM report. The meeting was attended by high ranking officials in Mali and these ranged from the Police Commissioner, Attorney General to the Head of Interpol in the country. The Police and women's groups were equally well represented. The High Council of the Islamic Society pointed out that they were present to ensure their traditional concerns were reflected in the report.

The dissemination started off with the results of the crime victimisation survey that was conducted in Bamako city only. As in many other urban areas, property crime was the most frequently experienced in the city followed by car/motorbike theft. However, the most feared crime is murder and this is consistent with the findings in the Benin survey. In general, the findings confirm other interpretations e.g. by Interpol, that crime incidence and prevalence is low in Mali. The main reason given to explain crime in the country was 'real need' by the perpetrators. Bamako does have a high level of social cohesion and this could be one of the deterrents to crime. Unfortunately, there is a big gap in the understanding of what victimization surveys are about especially by security officials. Only Interpol officials were familiar with the methodology and purpose of victimisation surveys.

Access to justice:

- Illiteracy challenges are a major obstacle to accessing justice especially amongst women and the poor. Women in Mali, a very patriarchal society, are relatively poorer than men. There is thus a need to translate the many good laws into action and not take advantage of the ignorance of the people.
- Intervention targets are not directed at women in general in the country and civic education is often frowned upon and interpreted as aiming to break up homes. Plans to establish access to justice centres are thus in the pipeline and they are targeted at the vulnerable groups especially women.
- Definitions of crime in the country are still very problematic eg. Female Genital Mutilation is defined and discussed as a crime/problem but women don't go to report

it. It was suggested that judicial clinics should be considered for women and these can modeled along the concept in the Democratic Republic of the Congo.

- Access to justice for prisoners is safeguarded by the constitution/law but this does not happen. Participants pointed to the need for a tribunal to discuss the way forward.
- The Police and Gendarmes are blamed for not respecting constitutional principles on the right to justice for prisoners-many of the incarcerated have not been able to access justice.
- Provision of evidence needed for court appearances is very often lacking and witnesses rarely bother to turn up in court especially when issues concern women.
- Cases of rape are very often ignored by the police. Participants pointed out that reparations are essential for rape victims otherwise 'there can be no justice for the female rape victims'

Prisons

- The country has a history of degrading and dehumanising prisoners. Commitments to international protocols and standards have slowly changed the culture.
- There are concerns that the prison population has been rising since 2003. (Currently 5000 detainees and 4000 prisoners). There are no probation centres and no parole system.

Customary justice

- Customary law exists only in civil matters because of the Penal Code. Hence in matters where there is no legal framework, customary law would be applied. Historically, those with French citizenship would appeal to modern law and the 'indigenous' people would resort to customary justice. This situation has not changed since decolonization.
- Customary aspect of the law is taken into account in the Penal law and is largely applicable in land tenure system-tribunals. Courts of appeal must always have civil persons to make input on cultural interpretations.
- The Kadi justice applied in the Timbuktu region is different from customary law and from traditional law. When one opposes the Kadi judgments there are problems as the Kadi system does not allow a course for appeal nor for opposition-this has remained impossible to mediate on.
- Alternative models are usually used- eg. Local authorities have to settle matters amongst themselves without recourse to higher courts.
- The law is incongruent with the wishes and core values of the people since the latter's values have not changed. There is a high level of distrust of the modern system and institutions.

Juvenile justice

- Juveniles are disadvantaged by the law as the judges very often have to exercise discretion due to unclear definitions of a juvenile.
- Same institutions are being set up for the juveniles in trouble with the law. They have own tribunals and own special courts. Unfortunately, they all tend to traumatize the children more than they rehabilitate them.
- There is a need to identify which judges qualify to preside over juvenile cases.

- The justice system for juveniles is fragmented and difficult to apply- there is too much room for discretion.

- a. Finally, a burning question that came up time and again was the issue of trust building. Civil society groups posed the following question to the criminal justice officials present: How do we rebuild trust between the citizens and the justice system in the country?

Part of the problem was a question of interpretation in the country - eg. The Koran is silent on slavery hence some argue that it is a crime and other defend it since the Koran condones it by default.

- b. Management of prisons appeared to be quite a challenge. For instance the Head of Women's prisons posed the following question, "Is it normal to bring a person into detention at 7pm? Sometimes the police bring us accused persons at night and we wonder if this is right?" The policeman responded that sometimes the accused have no one to bring them food hence we take them to prison at night because we have nothing to feed them on.