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PPLAAF

PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA

# WHISTLEBLOWERS IN MALI:

Overview of the Legal Framework and  
Practices

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## Whistleblowers in Mali: Overview of the Legal Framework and Practices

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*To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.*

### List of Acronyms

AMLCDF: Malian Association for the Fight against Corruption and Financial Crime

AMDH: Malian Association of Human Rights

BVG: Office of the Auditor General

ECOWAS: Economic Community of West African States

CENTIF: Financial Intelligence Unit

CSCPC: Confederation of Cotton Producers' Cooperative Societies

FAMa: Malian Armed Forces

FIDH: International Federation for Human Rights

FATF: Financial Action Task Force

CPI: Corruption Perceptions Index

AML/CFT: Anti-Money Laundering and Counter Financing of Terrorism

MFWA: Media Foundation for West Africa

OCLEI: Central Office for the Fight against Illicit Enrichment

OCWAR-M: Organized Crime, West African Response to Money Laundering and the Financing of Terrorism

NGO: Non-Governmental Organisation

OSIWA: Open Society Initiative for West Africa

PPLAAF: Platform to protect Whistleblowers in Africa

RFI: Radio France International

RSF: Reporters sans Frontières



SAISA: Strategy for Access to Information within the Administration

UNCAC: United Nations Convention against Corruption

WAMU: West Africa Monetary Union

WAEMU: West Africa Economic and Monetary Union

## **Introduction**

In West Africa, transnational organised crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organisations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offences. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Mali in all these areas and analyse the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasises the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organisations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Mali report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

### **Legal Sources**

[United Nations Convention against Corruption, 2005](#)

[African Union Convention on Preventing and Combating Corruption, 2003](#)

[Constitution of 1992](#)

Draft Constitution of the Republic of Mali, 2023

[Law No. 01-079 of August 20, 2001 on Penal Code](#)

[Law No. 92-020 of September 23, 1992 on Labour Code](#)

[Law No. 1982-40 of April 1, 1982 on the Repression of Corruption](#)

[Law No. 2016-008 of March 17, 2016 on the uniform Law on the fight against Money Laundering and Terrorism Financing](#)

[Law No. 2012-009 of February 8, 2012 repealing and replacing Law No. 03-30 of August 25, 2003, establishing the Auditor General](#)

[Law No. 00-046 of July 7, 2000 on the Press Regime and Press Offences](#)

[Law No. 2019-056 of December 5, 2019 on the repression of Cybercrime](#)

[Law No. 98-012 of January 19, 1998 governing relations between Administration and Users of Public Services](#)

[Decree No. 03-580 / P-RM of December 30, 2003 establishing the terms of Application of the Law Governing Relations between Administration and Users of Public Services](#)

## **Executive Summary**

Mali ratified the [United Nations Convention against Corruption](#), which provides for the integration of provisions protecting whistleblowers into its national legal framework. However, to date, no protective measures have been implemented by Malian legislation.

Furthermore, the efforts made by Malian authorities to combat corruption seem not to have yet reached the desired level of effectiveness. Several factors, such as a possible lack of political will, as well as the failure to update certain legislative instruments and control mechanisms, may contribute to this situation.

These elements, combined with the challenges posed by the security crisis and a repressive climate towards journalists, are not conducive to the establishment of a legal framework for protecting whistleblowers.

## **1. ANALYSIS OF THE LEGAL FRAMEWORK**

### **1.1 Whistleblowers laws and policies**

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Mali to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

## □ Ratification of International and Regional Conventions against Corruption

At the international level, Mali ratified the [United Nations Convention against Corruption in 2003](#) on April 18, 2008. This convention, in its articles 32 and 33, requires the State to establish effective protection for "witnesses, experts, or victims" against retaliation they may face as a result of their statements.

Mali also ratified the [African Union Convention on Preventing and Combating Corruption in 2003](#) on December 17, 2004. This convention also requires the State to adopt legislative measures to protect informants and witnesses of acts of corruption and related offences against retaliation.

Thus, at the international and regional levels, by ratifying these conventions, Mali committed to establishing protective legislation for individuals who disclose sensitive information or illegal acts. However, to date, the country lacks any legal framework in this regard.

## □ Absence of National Legislation in Favour of Whistleblowers

At the internal level, the [Constitution](#) of 1992 does not specifically mention principles such as transparency or good governance. This text is expected to change as a [draft Constitution](#) was submitted to the desk of President of the transition, Colonel Assimi Goita, on October 11, 2022. The preamble of the draft indicates that the State "undertakes to take all necessary actions to combat corruption and illicit enrichment and promote transparent governance," and mentions "transparency" twice. The text was submitted to a referendum in March 2023 and was [approved](#) by Malians in June 2023. It is now hoped that these commitments will be translated into concrete actions by the Malian government.

At the legislative level, Law No. 01-079 of August 20, 2001 on the [Penal Code](#), does not provide for any provisions for the protection of whistleblowers. However, the same code dedicates a section to sanctioning the disclosure of secrets. Indeed, Article 130 is worded as follows: "All those who, being depositaries, by status or profession, of the secrets entrusted to them, except where the law obliges them to report, have revealed these secrets, shall be punished by imprisonment of six months to two years and optionally by a fine of 20,000 to 150,000 francs (...)." Article 130 further adds that the same penalties shall apply to members

of all jurisdictions guilty of violating the secrecy of deliberations. When the perpetrator of such acts is a civil servant or an agent of the administration, the penalty is increased to imprisonment for three months to five years and a fine of 20,000 to 240,000 francs. This penalty is accompanied by an additional penalty which consists of a prohibition to exercise any function or public employment for at least five years and at most ten years. Apart from these cases, any suppression, any opening of correspondence addressed to third parties, done in bad faith, shall be punished by the same penalties.

Article 247 of the same code penalises false denunciation and defines it as follows: "the intentionally false denunciation of a false fact, likely to expose the subject to an administrative sanction or judicial proceedings."

Law No. 92-020 of September 23, 1992 on the [Labor Code](#), contains no provisions protecting whistleblowers. However, dismissal is considered abusive when it is motivated by the "opinions of the worker (...)" (Article L.51).

Article L.293 of Law No. 92-020 concerns labour inspectors and is worded as follows: "Labour inspectors and controllers swear to fulfil their duties well and faithfully and not to reveal, even after leaving their service, trade secrets and in general, the operating processes they may become aware of in the exercise of their functions. This oath is taken before the Court of Appeal for inspectors, before the court of first instance for controllers. Any violation of this oath is punished in accordance with the provisions of the Penal code.

They must treat as confidential any complaint reporting a defect in the installation or a violation of legal or regulatory provisions."

#### **□ The Central Office for the Fight against Illicit Enrichment (OCLEI) and Its Role in Receiving Reports of Illicit Enrichment**

Since 2001, Mali has established the [Central Office for the Fight against Illicit Enrichment \(OCLEI\)](#). It is an independent administrative authority with financial autonomy established by Decree No. 01-067/P-RM of February 12, 2001.

Its mission is to implement preventive, control, and anti-illicit enrichment measures at the national, sub-regional, regional, and international levels. According to Article 4 of the decree



establishing OCLEI, it is responsible for "(...) receiving complaints, reports, and complaints from individuals or legal entities relating to acts of illicit enrichment." OCLEI may, based on serious, consistent, and reliable information in its possession, refer the matter to the Prosecutor of the competent Economic and Financial Pole.

However, no protection measures against retaliation are provided for whistleblowers, and OCLEI does not have the power to directly sanction those guilty of acts of illicit enrichment.

#### □ **Law on the fight against Money Laundering and Terrorism Financing and its Limited Protection for Informants**

Finally, Mali has also adopted [Law No. 2016-008 of March 17, 2016](#) on the uniform law against money laundering and terrorism financing (see 1.2). This law establishes, in Articles 83, certain protection against professional sanctions and civil and criminal proceedings for breach of professional secrecy to individuals or managers who make good faith suspicion activity reports. Article 95 of the law establishes protection for witnesses and anonymous testimony. However, this limited protection does not allow Mali to align with the standards of the UNCAC.

Thus, Mali does not have any specific legislative provisions for the protection of whistleblowers.

### **1.2 Laws and measures related to combating Financial crime**

This section focuses on the measures taken by the Malian government to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Mali.

#### □ **Fight against corruption**

Malian society is said to be facing a concerning problem of corruption, which some even describe as "[endemic](#)," raising concerns about its effects on the functioning of society as a whole. In its 2022 [Corruption Perceptions Index](#) (CPI) worldwide, Transparency

International<sup>1</sup> ranks Mali 137th globally out of 180 ranked countries, with a score of 28 points out of 100, a score almost similar to that of 2021 (29 points/136th), but a decrease compared to 2020, when the country ranked 129th with 30 points. Corruption is penalised by the [Penal Code](#); in this regard, articles VI (articles 108 to 109) and VIII (articles 120 to 123) sanction embezzlement, corruption of officials and employees of private companies, and influence peddling.

- **Law No. 82-40/AN-RM of April 1, 1982, on the Repression of Corruption**

The fight against corruption is also enshrined in [Law No. 82-40/AN-RM of April 1, 1982](#), on the repression of corruption. Although concise, this law penalises the corruption of officials and public servants, as well as the corruption of "any clerk, employee, servant, agent, worker, or remunerated in any form who, either directly or indirectly, has, without the knowledge and consent of his employer, has solicited or accepted offers or promises, or has solicited or received gifts, presents, commissions, discounts, or bonuses to perform or refrain from performing an act of his employment" (article 2).

- **Office of the Auditor General (BVG)**

Regarding control authorities, Mali has established the [Office of the Auditor General](#) (BVG) instituted by Law No. 03-030 of August 25, 2003, which was repealed and replaced by [Law No. 2012-009 of February 8, 2012](#), defining its missions, status, and functioning. It is considered an independent administrative authority (Article 1), although the Auditor General is appointed by decree of the President of the Republic based on a call for applications procedure. Another decree by the President determines the modalities of the selection process (Article 3). Among other missions, it is tasked with "auditing the regularity and sincerity of the revenues and expenditures made by the institutions of the Republic, the civil and military administrations of the State, the local authorities, the public establishments (Article 2).

Article 11 of the law specifies that the Auditor General is bound by professional secrecy and cannot comment on the files he has dealt with within the exercise of his functions, even at the

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<sup>1</sup> Transparency International is a non-governmental organisation (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organisation advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

end of his term. Article 12 specifies that "any natural or legal person who wishes a public structure and any other structure benefiting from financial assistance from the State to be subject to verification, submits a written request to the Auditor General, providing him with the necessary information to conduct his investigation." He must assess the seriousness of the information provided and decide on the next steps. He may also take up any matter falling within his jurisdiction on his own initiative.

When, in the exercise of his functions, the Auditor becomes aware of facts constituting offences under budgetary or financial legislation, he may refer the matter to the higher court of public finance control. When the facts are likely to constitute a crime or offence, the president of the aforementioned jurisdiction forwards the file to the Minister of Justice (Article 17). The Auditor is also empowered to prescribe conservatory measures for the safeguarding of public property and funds, excluding measures depriving liberty (Article 16). Thus, when the Auditor becomes aware of acts of corruption in public administrations, he is not empowered to penalise the officials.

- **Other Anti-Corruption Measures**

Furthermore, the [Constitution](#) of 1992 requires the President of the Republic to declare his assets upon assuming office (Article 37), a measure retained in the draft Constitution adopted this year (Article 56). This obligation also applies to the Prime Minister, Ministers, and other members of the government; it is enforced upon assuming office and requires annual updates. The President of the Supreme Court is empowered to verify the regularity and truthfulness of these declarations (Article 57).

In December 2021, Mali initiated the development of a [national strategy](#) for good governance and the fight against corruption. The Malian Association for the Fight against Corruption and Financial Crime ([AMLCDF](#)) "hopes that this new strategy will effectively combat corruption." The strategy is not available online to date.

- **Fight against money laundering and terrorism financing**

Like its neighbours, Mali has adopted [Law No. 2016-008](#) strengthening the fight against money laundering and the financing of terrorism.

On 2 July 2015, the Council of Ministers of the WAMU zone adopted the draft uniform law on the fight against money laundering and terrorist financing. The 8 member countries of WAMU and WAEMU had 6 months to internalise the law into their domestic legal order. In fact, internalisation took place in various countries between December 2015 and December 2018.

The 2015 Uniform Act, which replaced the previous 2008 Uniform Act, incorporated the new 2012 revisions of the FATF standards. The new law made it possible to merge the texts relating to the fight against money laundering and terrorist financing and to take into account aspects relating to the proliferation of weapons of mass destruction.

Furthermore, the current law introduced the prohibition of cash transactions for amounts exceeding 10 million francs, and expanded the category of designated non-financial professional entities (DNFPEs), which are essentially non-financial institutions that could be used for money laundering or terrorism financing purposes due to their nature.

The AML/CFT law requires the country to establish a national AML/CFT framework covering several aspects, including the following:

1. The country must conduct its national risk assessment and identify vulnerabilities to money laundering (ML) and terrorist financing (TF).
2. Obligated entities (financial institutions and DNFBPs) must conduct their risk assessments.
3. Obligated entities must implement an effective AML/CFT framework to significantly mitigate ML/TF activities and submit suspicious transaction reports to the financial intelligence unit (CENTIF).
4. Obligated entities failing to meet their obligations must face administrative and disciplinary sanctions.
5. CENTIF must be autonomous, operational, and adequately resourced with technical, financial, and human resources to fulfil its missions. CENTIF is an independent administrative authority under the supervision of the Minister of Finance. Its mission includes processing and transmitting information for the fight against ML and TF. CENTIF also handles suspicious transaction reports and can oppose the execution of a transaction based on

serious, consistent, and reliable information. When operations reveal facts that may constitute the offence of money laundering or terrorist financing, CENTIF submits a report to the Public Prosecutor, who must refer the case to the investigating judge.

6. The country must establish mechanisms to freeze the assets of terrorist individuals and organisations.

7. Both individuals and legal entities can be held criminally liable for offences related to money laundering and/or terrorist financing.

8. The country establishes mechanisms to seize, manage, and confiscate the assets of criminals.

Following the country's mutual evaluation conducted by the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), the FATF placed the country on its "grey list" in October 2021. This list aims to publicly identify countries whose AML/CFT regimes are considered inadequate according to international standards and have implemented enhanced monitoring which is still ongoing.

### **1.3 Media Rights and Freedom of Expression**

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

#### **□ Constitutional and Legislative Framework on Freedom of Expression and the Press**

The 1992 [Constitution](#) guarantees freedom of expression (Article 4), the secrecy of correspondence (Article 6), freedom of the press, and access to information (Article 7). These rights are still included in the draft Constitution adopted by Malians in 2023 (Articles 14, 15, and 12).

At the legislative level, Mali [has Law No. 00-046/AN-RM of July 7, 2000](#), on the regime and press offences. This law provides for imprisonment sentences for press offences. For example,

under Article 39, defamation is punishable by imprisonment ranging from eleven days to six months and a fine.

[Law No. 2019-056 on cybercrime](#) contains concerning provisions regarding privacy and online freedom of expression. Indeed, Articles 74 to 78 authorise the search and seizure of data in criminal procedures but do not establish a clear procedure regarding the storage, processing, and deletion of data collected or copied during these searches. This could jeopardise the protection of journalists' sources.

Furthermore, Articles 83 to 86 of the same law allow for real-time surveillance by intercepting communications. Communication service providers are required to cooperate with authorities to facilitate these interceptions. Providers are also required to implement control mechanisms for potentially illegal activities. Refusal to inform authorities about these activities is punishable by imprisonment ranging from six months to two years and a fine of 500,000 to 2,000,000 CFA francs. Thus, the interpretation and application of these articles could be abused by a government unconcerned about respecting individual freedoms and human rights, for example.

### □ **Restrictions and Violations of Freedom of Expression and the Press in Mali**

Mali is currently engulfed in [a security crisis due to jihadist insurgency](#); hence, the northern and central regions of the country remain particularly dangerous for journalists. This is illustrated by the abduction of French journalist [Olivier Dubois](#), who was [released in March 2023](#) after 23 months of captivity. Moreover, the country faces political instability, with two successive coups occurring in August 2020 and May 2021, as well as a foiled coup attempt in September 2023. Since these events, the country has been governed by a military junta, led by Colonel Assimi Goita, who is currently the President of the Transition of the Republic of Mali. All these factors test the exercise of freedom of expression and the press.

In 2023, Mali ranks 113th out of 180 in the global ranking of [Reporters Sans Frontières \(RSF\)](#)<sup>2</sup> on press freedom, representing a degradation of 14 places compared to 2020. Mali is

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<sup>2</sup> RSF is an international non-governmental organisation founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organisation actively works to denounce censorship, repression, and infringements on freedom of expression. RSF yearly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.

considered "not free" according to Freedom House<sup>3</sup>. In its annual report [Freedom in the World 2023](#), Mali scores 29/100, losing twelve points compared to 2020, during which it was considered "partly free."

The [Media Foundation for West Africa \(MFWA\)](#)<sup>4</sup> and its partners have expressed concerns about the deterioration of freedom of expression in Mali and the rest of the Sahelian region. According to the MFWA, the safety of journalists has become a real cause for concern following recent terrorist attacks. Journalists regularly face reprisals (threats, intimidation, arrests, arbitrary detentions, fines) for their expressions or positions and for the publication of certain articles or reports. This situation has forced many journalists into self-censorship or to abandon their profession.

In this regard, journalist [Malick Konaté](#), editor-in-chief of Horon TV, a press organisation in Bamako, was assaulted in June 2022 by masked individuals who smashed the windows of his vehicle before fleeing. He believes that the attack is related to his work and is intended to intimidate him. Due to his positions, he believes that the supporters of the transition consider him an opponent in the pay of the West.

It is also worth mentioning the suspension in March 2022 of the [RFI and France 24](#) channels in the country. Malian authorities accuse these channels of broadcasting "baseless allegations" after they disclosed the results of an investigation indicating that the Malian armed forces (FAMA) were involved in abuses against civilians. Malian authorities particularly accuse the French channels of "spreading hatred by ethnicizing insecurity in Mali." Earlier, in February 2022, Malian authorities expelled [Benjamin Roger](#), a French journalist from Jeune Afrique specialising in Sahel affairs for nearly a decade, less than 24 hours after his arrival.

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<sup>3</sup> Freedom House is an American non-governmental organisation founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.

<sup>4</sup> The Media Foundation for West Africa (MFWA) is a regional non-governmental organisation focused on promoting press freedom, freedom of expression, and democracy in West African countries. It was established in 1997 and its headquarters is based in Accra, Ghana. The MFWA aims to strengthen independent media, advocate journalists' rights, and promote media accountability in West Africa. It works on journalist training, raising awareness about media rights, protecting journalists at risk, and combating censorship and restrictions on press freedom.

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The MFWA also points out that "terrorism and measures taken to counter it have led to fierce competition to gain the empathy and allegiance of the population, both from insurgents and the government. This results in extreme sensitivity of each party to media reports. Consequently, each party tends to pressure journalists to prevent any publication 'unfavourable' to them." Thus, there is widespread self-censorship on the conflict, especially online, as journalists fear being targeted by supporters or opponents of the current regime. It also appears that journalists face difficulties in verifying certain information or challenging certain official statements related to the insurgency, which contributes to the proliferation of misinformation. The MFWA also denounces the use of obsolete laws and the implementation of several army decrees to regulate journalism practice in Mali.

#### **1.4 The Access to Information Act and Secrecy Laws**

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviours within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

##### **□ Law No. 98-012 of January 19, 1998: Limited Access to Administrative Documents**

[Law No. 98-012 of January 19, 1998, governing relations between the Administration and users of public services](#), although brief, allows access to certain administrative documents. In this sense, Articles 12 to 21 of the law establish general rules for access to information and administrative documents. According to this law, access to nominative administrative documents is free (Article 12) subject to exceptions provided by it (Article 13).

Article 15 specifies that freedom of access to documents does not extend to documents whose consultation and communication may harm: "- the secrecy of government deliberations; - national defence or foreign policy; - the security of the state and public safety; - the conduct



of proceedings before the courts or preliminary operations to such proceedings unless authorised by the competent authority; - the secrecy of private life, personal and medical files; - commercial and industrial secrecy; - the search for tax and customs offences; - or, in general, information protected by law. Administrative documents that cannot be disclosed to the public due to their nature or purpose bear, as appropriate, the following protective mentions: - very secret - defence; - secret - defence; - confidential defence; - confidential; - restricted distribution."

The refusal to disclose a document is subject to appeal before the administrative court (Article 17).

However, it appears that the implementation of this law has been difficult, hence the establishment of a [Strategy for Access to Information within the administration \(SAISA\)](#) in 2006 to highlight obstacles and find appropriate solutions to ensure better access to information. No information available online indicates whether any progress has been observed in this regard.

## 2. ANALYSIS OF THE FACTS: WHISTLEBLOWERS CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

### □ **Fadiala Coulibaly**

[Fadiala Coulibaly](#) is a Malian whistleblower supported and assisted by PPLAAF. In his capacity as an accountant-auditor at the Confederation of Cotton Producers' Cooperative Societies (CSCPC), he exposed a vast network of embezzlement of funds intended for cotton-producing farmers in 2017.

Indeed, the Chairman of the Board of Directors of the CSCPC refused to grant the subsidy due to the farmers. When he discovered this mafia network, Fadiala reported it to his superiors. He even made proposals to the Chairman of the Board of Directors for a better use of resources.

Following his numerous reports, the CSCPC refused to take action and offered him the sum of 30 million CFA francs and double his salary to buy his silence so that the matter would be hushed up. Despite attempts at intimidation and silencing, Fadiala refused to remain silent, and as a result, he was dismissed in 2017.

He then approached judicial authorities, including the prosecutor in charge of the Economic and Financial Pole. This led to the arrest of the Chairman of the Board of Directors and his accomplices. Regarding his dismissal, the court recognized it as abusive, but the Court of Appeal only sentenced the CSCPC to five million CFA francs in damages without providing reasons for its decision. Fadiala Coulibaly has filed an appeal in cassation and hopes to obtain justice.

Today, the whistleblower has become a reference and is very involved in the fight against corruption in his country.

## □ Amadou Traoré

[Amadou Traoré](#), a Malian whistleblower supported by PPLAAF, denounced the overexploitation and massive trafficking of rosewood in Mali. He worked for a Chinese company specialised in rosewood exploitation as an interpreter and as a linguistic assistant for the marketing of sesame seeds and motorcycles.

During a field visit, he was stunned to discover that the rosewood exported to China actually came from Mali, and not from Ivory Coast, as the company claimed. He also witnessed how the wood was being ripped out, thus revealing destructive exploitation practices benefiting a few individuals enriching themselves at the expense of local populations.

He did not blow the whistle internally and preferred to make this information public while preserving his anonymity at the beginning. As he continued his research, he realised that several major maritime transporters, national companies, and authorities of Mali's neighbouring countries were involved in this trafficking. Currently, in exile, Amadou Traoré is fully committed to environmental protection, especially the fight against deforestation.

The information and documents shared by Amadou Traoré led to the creation of a consortium of Senegalese journalists tasked with investigating this trafficking. This consortium was established following training on investigative journalism, financial crime, and whistleblowing organised by PPLAAF and [Expertise France](#) as part of the [OCWAR-M](#) project. Under the coordination of PPLAAF, journalists investigated this trafficking for over a year, and the [results of the investigation](#) are available on several Senegalese news channels.

### **3. RECOMMENDATIONS: WEAKNESSES AND REFORMS**

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

- **Strengthening Political Will for the fight against financial crime**

To create an environment conducive to whistleblowing culture, the Malian State could consider strengthening its policy on combating corruption, money laundering, and terrorist financing, transparency, and good governance.

- An option could be to establish an independent administrative authority with effective powers to combat financial crime.

- **Legislative and Institutional Reforms for Whistleblower Protection**

Although a signatory to the UNCAC, Mali currently lacks a legislative framework to provide effective and comprehensive protection to whistleblowers or to promote whistleblowing culture.

- It could be beneficial for Mali to enact specific legislation for the protection of these actors, as well as a more comprehensive and effective law allowing access to public information. Such measures would promote transparency and contribute to a more effective fight against corruption.

- **Preservation of Individual Freedoms in the Security Context**

The Transitional Government of Mali faces a significant challenge in preserving individual freedoms in a context marked by political instability and the fight against terrorism. In these circumstances, it is essential for the State to take measures to protect journalists against any form of repression or attacks they may regularly face.

#### **4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES**

In this section, we will explore the landscape of civil society organisations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

The [Malian Association for the Fight against Corruption and Financial Crime \(AMLCDF\)](#)

is an organisation based in Mali whose main objective is to fight against corruption and financial crime in the country. It works to promote transparency, integrity, and ethics in the management of public and private affairs.

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The [Malian Association of Human Rights \(AMDH\)](#) is a non-profit organisation dedicated to the defence of human rights, established in Bamako in December 1988. Affiliated with the International Federation of Human Rights Leagues (FIDH), AMDH operates through branches in various cities in Mali. Its objectives include to ensure respect for the rule of law and human rights but also to fight against corruption and financial crime.

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Lastly, there is the [Association for Training and Support for Development \(AFAD\)](#), a non-profit organisation focused on developing strategies and capacities for community empowerment promoting peace, good governance and the fight against corruption.

Since 2017, this association has been leading the "Concerted Actions to Combat Corruption in Mali" project, conducting studies on the state of anti-corruption efforts in Mali. AFAD also established a [coalition of civil society](#) organisations, comprising approximately fifty members in collaboration with the "Successful Decentralisation" network funded by the Open Society Initiative for West Africa (OSIWA). The coalition received training in anti-corruption measures, citizen oversight, and public engagement.

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