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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

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II. Executive summary

Mali

1. Introduction: Overview of the legal and institutional framework of Mali in the context of implementation of the United Nations Convention against Corruption

Mali is a Republic that follows the civil law tradition and whose constitutional system is based on the principle of separation of powers. Mali signed the United Nations Convention against Corruption (the Convention) on 9 December 2003 and deposited its instrument of ratification with the Secretary-General on 18 April 2008.

The criminalization of offences established by the Convention is contained mainly in the Criminal Code and the Bill on Corruption pertaining thereto, which “seeks to establish as criminal offences the bribery of foreign public officials and officials of public international organizations, bribery and embezzlement in the private sector, [and] the concealment of proceeds of one of these offences”, in Act No. 2014-015 of 27 May 2014 on the Prevention and Repression of Illicit Enrichment (Illicit Enrichment Act), and in Act No. 2016-008 of 17 March 2016 on the Uniform Act on the Fight against Money-Laundering and the Financing of Terrorism (2016 Uniform Act).

Mali is a member of the Economic Community of West African States (ECOWAS). It is also part of the Organization for the Harmonization of Business Law in Africa (OHADA) and the West African Economic and Monetary Union (UEMOA).

The signing of a draft agreement on judicial cooperation between Mali, Niger and Chad is in progress.

Under article 116 of the Constitution of Mali, treaties duly ratified or approved, once published, supersede domestic laws. The provisions of such treaties, including those of the Convention, are therefore directly applicable without the need for transposition.

The main competent bodies in the fight against corruption and similar offences are:

- The Auditor General’s Office established by Act No. 2012-009 of 8 February 2012 repealing and replacing Act No. 03-030 of 25 August 2003. This is an administrative service responsible for general auditing, in particular of the revenues and expenditure of the agencies of the Republic, State administrations, local authorities, public institutions or any other body receiving State financial aid.
- The National Financial Information Processing Unit (CENTIF) established by Act No. 06-066 of 29 December 2006 and effectively established by Decree No. 07-297 of 10 April 2007 as an administrative service under the authority of the Minister of Finance. It is responsible for collecting and processing information relating to money-laundering and the financing of terrorism (receipt and transmission of suspicious transaction reports to the competent authorities).
- The Central Office for Combating Illicit Enrichment established by Act No. 2016-015 of 27 May 2014 on Illicit Enrichment. It is responsible for implementing all measures to prevent, monitor and combat illicit

enrichment. The adoption of the Decree establishing the organization of the Office has been in progress since September 2015.

- The Central Committee for Monitoring and Assessing the National Plan established by Decree No. 10-350/PRM of 30 June 2010. It is responsible for implementing the recommendations resulting from the national consultations on corruption and financial crime.
- The Economic and Financial Unit, comprising a specialized Prosecutor's office, specialized investigation units, and specialized agents from an economic and financial brigade.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Bribery of national public officials is partially criminalized under articles 119, 120 (passive bribery) and 122 (active bribery) of the Criminal Code. Specifically, the concepts of undue advantage and third-party beneficiary are not clearly reflected in the said provisions.

Active and passive bribery of foreign public officials and officials of public international organizations as well as active and passive bribery in the private sector are established as criminal offences in the Bill seeking to amend the Criminal Code (arts. 123-2 to 123-4 of the Bill on Corruption).

The concept of trading in influence is not defined by the Criminal Code such as it is provided for in the Convention.

Money-laundering, concealment (arts. 23 and 24)

The 2016 Uniform Act defines the elements constituting money-laundering in accordance with the Convention, including participation in, aiding and abetting, attempting, facilitating and incitement to the commission of the offence (art. 7). The 2016 Uniform Act extends the application of the offence of money-laundering to the widest range of predicate offences (art. 7).

Mali has furnished the Secretary-General with a copy of its legislation on money-laundering through the Implementation Review Mechanism of the Convention.

Article 123-7 of the Bill on Corruption establishes concealment as a criminal offence.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The Criminal Code establishes as criminal offences embezzlement (arts. 72, 73 and 252 to 257), offences against public property (art. 107) and breach of trust under ordinary law (art. 282). The unlawful use of public property is sanctioned administratively. The concepts of private property or the more general reference to any type of property is provided for only in article 282.

Article 112 of the Criminal Code, and articles 118 and 119 of the Public Procurement Code establish abuse of functions as a criminal offence only within the

framework of a public procurement procedure. The intentional nature of the offence, the performance of or failure to perform an act, the benefit for the person abusing his or her functions as well as a reference to “any person or entity” are absent.

Illicit enrichment is established as a criminal offence under the Illicit Enrichment Act. Any civilian or military natural person exercising public authority, responsible for a public service or holding an elected office, and any officer or employee of the State, of regional or local authorities or of public enterprises or other public or related entities is subject to that Act (art. 3). To date, asset disclosures have been received and processed by the Supreme Court, but the new Central Office for Combating Illicit Enrichment, established by the Illicit Enrichment Act, is intended to receive such declarations in the future (art. 6).

Article 123-7 of the Bill on Corruption establishes embezzlement in the private sector as a criminal offence.

Obstruction of justice (art. 25)

The obstruction of justice is partially criminalized under articles 222 and 245 of the Criminal Code. In particular, Malian legislation does not provide for intimidation, the use of physical force, or the giving, promise or offering of undue advantages to induce false testimony or to interfere in the giving of testimony or the production of evidence. Furthermore, the applicable penalties are neither harmonized among offences (cf. arts. 84 and 245 of the Criminal Code) nor commensurate with their gravity.

Liability of legal persons (art. 26)

The criminal liability of legal persons is established for the offences of money-laundering (art. 124 of the 2016 Uniform Act), the financing of terrorism (art. 125 of the 2016 Uniform Act) and illicit enrichment (arts. 30 to 40 of the Illicit Enrichment Act). A Bill is being drafted to extend this liability further. Administrative sanctions are recorded in the Register of Commerce and Personal Property Credit and disseminated by OHADA.

Participation and attempt (art. 27)

Articles 24 and 25 of the Criminal Code establish criminal liability for participation in the commission of a felony or misdemeanour as an accomplice, assistant or instigator.

The attempt to commit an offence is provided for in article 3 of the Criminal Code. However, corruption offences are conduct offences, to which attempted commission is not applicable.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

Articles 1, 2 and 34 of the Criminal Code set the penalty in proportion to the gravity of the offence and include a wide range of custodial sentences and fines. The offences of public corruption and money-laundering are felonies punishable by custodial sentences ranging from five years to life imprisonment. The offences of

private corruption and illicit enrichment are misdemeanours punishable by custodial sentences ranging from two to five years.

Under the Constitution, Members of Parliament enjoy immunity throughout the duration of the sessions, which can only be lifted with the agreement of the Bureau of the Assembly, in cases of flagrante delicto or final conviction (art. 62 of the Constitution). However, a prosecution can also be suspended outside of a parliamentary session if so required by the National Assembly (art. 62 of the Constitution). The President of the Republic and Ministers can be indicted by the National Assembly in a public vote by a majority of two thirds of the deputies. The High Court of Justice has jurisdiction to try them (art. 95 of the Constitution). To date, the High Court of Justice has never convened. Article 616 of the Code of Criminal Procedure provides for a specific procedure for the prosecution of judges. Those who have committed a felony or misdemeanour in the exercise of their functions are tried by the Supreme Court (art. 621 of the Code of Criminal Procedure).

Mali applies the principle of prosecutorial discretion (arts. 52 and 53 of the Code of Criminal Procedure). However, prosecutors have an obligation to prosecute when facts are communicated to them by CENTIF.

Release pending trial is granted by the investigating judge either at the request of the accused or the accused's counsel, or upon an application from the Public Prosecution Service, or *proprio motu*, at any stage of the proceedings (arts. 148 to 157 of the Code of Criminal Procedure).

Early release and parole are not provided for in Malian law.

Act No. 02-053 of 16 December 2002 on the general civil service regulations provides for disciplinary sanctions such as temporary suspension, demotion and dismissal (art. 74), without prejudice to any criminal sanctions handed down by the competent courts.

Articles 6 and 7(a) of the Criminal Code provide for the permanent or temporary ban on holding public office and the temporary deprivation of civil and political rights, including for corruption offences.

A civil servant having served in a public enterprise is sanctioned, under article 110 of the Criminal Code, with a ban on holding public office for five years or more. Therefore, this article provides for sanctions only for persons vested with State authority, not for any person.

Mali has legislation promoting the social rehabilitation of detainees (Decree No. 002/PG-RM of 4 January 1988 establishing the manner of implementation of the Prison System Act, arts. 79 et seq., Act No. 01-003 of 27 February 2001 on the Prison System and Correctional Education, art. 1).

Mali provides for the mitigation of or exemption from punishment for a person who cooperates with an investigation or prosecution only in cases of money-laundering, the financing of terrorism and illicit enrichment. Mali does not provide for the protection of persons who cooperate with the justice system.

Protection of witnesses and reporting persons (arts. 32 and 33)

Apart from article 95 of the 2016 Uniform Act, Mali has no legislation on the protection of witnesses, experts, victims or reporting persons.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Article 42 of the Criminal Code provides for the confiscation of the object of the felony or misdemeanour and of the objects and instrumentalities used to commit the felony or misdemeanour. The Public Procurement Code also provides for the confiscation of guarantees provided by an offender who has committed a corruption offence within the context of public procurement (art. 120). The Illicit Enrichment Act also allows for provisional measures to be taken with regard to the movable or immovable property of the accused.

The 2016 Uniform Act provides for the seizure and confiscation of funds and property in connection with money-laundering, as well as for the freezing of property, funds or other financial resources of suspects (arts. 99 and 100). Therefore, not all offences under the Convention are covered by these provisions, and references to identification and tracing measures are missing.

Mali has no general provision for the confiscation of property in matters of corruption under ordinary law.

Mali has no agency dedicated to the administration of frozen, seized or confiscated property.

Mali provides for the confiscation of funds and property that are the proceeds of criminal activity, including property intermingled with such proceeds with respect to illicit enrichment offences (art. 42 of the Illicit Enrichment Act). The Illicit Enrichment Act (art. 42) and the 2016 Uniform Act (arts. 99 and 128) provide for the confiscation of revenues and other benefits from property acquired through illicit enrichment or money-laundering. Not all of the offences under the Convention are accounted for, however, and references to converted or transformed property or property that has been intermingled with proceeds of crime are missing except with respect to money-laundering (art. 128 of the 2016 Uniform Act).

Bank secrecy does not constitute an obstacle to prosecution (arts. 5, 6 and 96 of the 2016 Uniform Act).

Article 19 of the Illicit Enrichment Act provides for the reversal of the burden of proof in order to establish the lawful origin of property.

Article 31 of the Illicit Enrichment Act provides for the return of confiscated items to any person claiming title to them.

Statute of limitations; criminal record (arts. 29 and 41)

The Code of Criminal Procedure provides for a statute of limitations period for prosecution of 10 years for felonies, three years for misdemeanours and one complete year for minor offences. The starting point of the statute of limitations period is not established by law. In principle, the period starts from the day of commission of the offence. However, in matters of illicit enrichment, the period starts from the day of discovery of the offence. Malian legislation does not provide

for the suspension of the statute of limitations whenever the alleged perpetrator of the offence has evaded justice.

Mali does not take into account foreign convictions for Convention offences apart from money-laundering and the financing of terrorism (art. 146 of the 2016 Uniform Act).

Jurisdiction (art. 42)

Mali has established its jurisdiction over the cases referred to in article 42, except for offences committed against one of its nationals and offences committed abroad by a stateless person who has his or her habitual residence in its territory and offences committed on board its vessels or aircraft (except for offences committed by military personnel — art. 16 of the Code of Military Justice).

Mali does not provide for the transmission of information in areas other than money-laundering (2016 Uniform Act, art. 78) and police cooperation (Bill on International Cooperation, arts. 41 et seq.).

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

In general, Mali considers the cancellation of all contracts obtained through corruption to be a general principle of law, as consent is deemed vitiated. However, specific provisions exist in relation to public procurement (art. 120 of the Public Procurement Code).

Article 4 of the Code of Criminal Procedure allows all those who have personally suffered any prejudice directly caused by an offence to bring a civil action for compensation. However, this provision does not expressly refer to the possibility for legal persons to bring such an action. Mali does not recognize the possibility of legal action by associations whose objective is to fight corruption.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Mali has several specialized bodies, including the Central Office for Combating Illicit Enrichment (art. 6 of the Illicit Enrichment Act). However, this body is not yet operational (the reading of the September 2015 Bill is in progress) and could suffer from a lack of structural and functional independence.

Malian legislation provides for cooperation between public authorities and public officials (art. 58 of the Code of Criminal Procedure), as well as for cooperation between public authorities and investigative and prosecution authorities, particularly on illicit enrichment (art. 7 of the Illicit Enrichment Act).

The Central Monitoring Committee brings together public and private actors as well as civil society actors. It is responsible for implementing the recommendations resulting from the national consultations on corruption and financial crime. For that purpose, the Central Committee is developing a three-year action plan to coordinate and consult with the various sectoral actors.

CENTIF has the authority to request any financial institution to provide information on the commission of offences of money-laundering and the financing of terrorism.

Mechanisms have been put in place to raise public awareness of the fight against corruption and encourage citizens to report acts they have witnessed. The most

advanced mechanism (hotline and awareness campaigns) remains limited to the area of public procurement.

2.2. Successes and good practices

Overall, the key aspects of the successes and good practices in implementation of Chapter III of the Convention are:

- Under the provisions of the 2016 Uniform Act, prosecutors are obliged to prosecute offences reported by CENTIF.
- Mali has established a hotline to facilitate reporting of corrupt activities in public procurement, including anonymous reporting.
- Mali has adopted a three-year action plan to implement the recommendations of the national consultations on the fight against corruption. This action plan enables consultation and greater coordination among the various actors, public and private, in the fight against corruption.

2.3. Challenges in implementation

The following initiatives could further strengthen the existing anti-corruption measures:

- Adopt the necessary legislative measures in order that the offence of bribery of national public officials cover undue advantage and benefit of another person or entity (art. 15);
- Adopt the Bill criminalizing the bribery of foreign public officials and officials of public international organizations, bribery and embezzlement of property in the private sector, and concealment of proceeds of any of these offences (arts. 16, 21, 22 and 24);
- Extend the criminalization of embezzlement and misappropriation of property to all public officials, to the diversion of such property, to benefit of a third person, and to the embezzlement or other diversion by a public official of property, funds, or any other private securities (art. 17);
- Define the concept of trading in influence and establish it as a criminal offence, ensuring a wider scope in line with the Convention (art. 18);
- Extend the scope of application of abuse of functions to the concepts of “undue advantages”, “for another person or entity”, “failure to perform” and “abuse of functions” (art. 19);
- Implement the provisions of the new law on the prosecution of illicit enrichment, in particular through strengthening material and human resources for receiving and effectively verifying asset disclosures; adopt the Decree establishing the organization of the Central Office for Combating Illicit Enrichment (art. 20);
- Add the concepts of “production of evidence”, “intimidation” and “undue advantage” to the offence of obstruction of justice. Strengthen the deterrent effect of the punishment by providing for aggravating circumstances in the case of threats against certain officials (art. 25);

- Extend the criminal liability of legal persons to offences other than money-laundering, financing of terrorism and illicit enrichment through the adoption of a general provision (art. 26);
- Consider establishing as a criminal offence any attempt to commit misdemeanours other than corruption offences (art. 27(2));
- Provide for a statute of limitations that takes into account the case where the alleged offender has evaded the administration of justice. Consider lengthening the period and delaying its starting point until the date of the discovery of the offence, as is the case for illicit enrichment (art. 29);
- Establish penalties that reflect the gravity of the offences (art. 30(1));
- Review the constitutional provisions relating to immunities and jurisdictional privileges to ensure that they do not constitute an obstacle to prosecution (art. 30(2));
- Consider extending the mandatory prosecution procedure, such as that laid down for offences of money-laundering and the financing of terrorism, to the other Convention offences (art. 30(3));
- Establish a specialized structure for the administration of property seized, confiscated or frozen in accordance with the provisions of the Convention (art. 31(3));
- Adopt adequate measures to allow confiscation in cases of corruption and extend the application of such measures beyond money-laundering and the financing of terrorism (arts. 31(4), 31(5) and 31(6));
- Establish a legal framework to ensure effective protection of witnesses, experts, victims, and any persons, regardless of whether they have participated in the commission of an offence, who provide the competent authorities with information on any of the offences established by the Convention (arts. 32, 33 and 37(4));
- Strengthen the powers of the Central Office for Combating Illicit Enrichment and grant it functional and budgetary independence (art. 36);
- Strengthen measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with the Convention to supply information useful to the competent authorities. Extend the application of such measures beyond money-laundering and the financing of terrorism (art. 37(1));
- Strengthen the structure of the Monitoring Committee to ensure ongoing financial and political support (art. 38);
- Support the emergency programme for the training of actors facing new challenges and strengthen the capacity of public procurement actors (art. 39(1));
- Extend the possibility of anonymous reporting of offences to sectors other than public procurement. Afford more visibility and ease of access to reporting channels (art. 39(2));

- Ensure proper implementation of the new law on combating money-laundering and the financing of terrorism. Extend its provisions on criminal record to all other offences established by the Convention (art. 41);
- Broaden the jurisdiction of Malian courts to all offences established by the Convention (art. 42(1));
- Extend the scope of transmission of information to areas other than money-laundering, the financing of terrorism and police cooperation (art. 42(5)).

2.4. Technical assistance needs identified to improve implementation of the Convention

- Summary of good practices/lessons learned (arts. 16, 18, 19, 22, 23, 24, 26, 37, 30, 32, 33, 34, 36, 39 and 41)
- On-site assistance of a qualified expert (arts. 16, 18, 22, 23, 24, 26, 27, 30, 32, 34, 36, 37, 39 and 41)
- Legal advice (arts. 16, 18, 19, 33, 37, 39 and 41)
- Development of an action plan (arts. 16, 18, 19, 22, 23, 24, 26, 27, 30, 32, 33, 34, 36, 39 and 41)
- Capacity-building programmes (arts. 32, 33, 37 and 39)
- Model laws (art. 24)
- Legal drafting (art. 24)
- Assistance in establishing general criminal liability for legal persons (art. 26)
- Setting up a protection programme for witnesses and informants (art. 37)

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is governed by the conventions to which Mali is party, including ECOWAS Convention A/P1/8/94 on Extradition (ECOWAS Extradition Convention). Mali also considers the Convention the legal basis for extradition.

A draft agreement on judicial cooperation between Mali, Niger and Chad is in progress.

The Bill on International Cooperation contains provisions on extradition (arts. 7 to 22). Pending its adoption, the provisions of the Code of Criminal Procedure apply (arts. 237 to 249), as well as those of the 2016 Uniform Act (arts. 157 to 161).

Offences established by the Convention are all extraditable, as the law provides for a custodial sentence of at least two years (art. 3(1) of the ECOWAS Extradition Convention, art. 8 of the Bill on International Cooperation). No minimum penalty is required for money-laundering (art. 156(1) of the 2016 Uniform Act). Corruption

offences are specifically considered as extraditable offences (ECOWAS Protocol on the Fight Against Corruption).

Political offences are not extraditable in Mali (art. 244 of the Code of Criminal Procedure, art. 4 of the ECOWAS Extradition Convention).

Tax offences, however, are extraditable (art. 9 of the ECOWAS Extradition Convention, art. 8 of the Bill on International Cooperation).

The dual criminality requirement must be met in order to grant extradition (art. 244 of the Code of Criminal Procedure and art. 8 of the Bill on International Cooperation). However, this requirement does not apply to offences established by the Convention, which is directly applicable and supersedes domestic laws (art. 116 of the Constitution).

Mali provides for simplified procedures for certain situations (art. 157 of the 2016 Uniform Act and art. 16 of the Bill on International Cooperation).

In Mali it is possible to detain a person whose extradition has been requested (art. 240 of the Code of Criminal Procedure, art. 22 of the ECOWAS Extradition Convention and art. 14 of the Bill on International Cooperation).

Mali applies the *aut dedere aut judicare* principle (art. 22 of the Code of Criminal Procedure, art. 10 of the ECOWAS Extradition Convention, art. 161 of the 2016 Uniform Act and art. 12 of the Bill on International Cooperation).

Mali strictly applies the constitutional principle of presumption of innocence (art. 9 of the Constitution), including in cases of extradition (arts. 2 and 247 of the Code of Criminal Procedure).

Mali reserves the right to refuse extradition for requests submitted for the purpose of discrimination (art. 4 of the ECOWAS Extradition Convention and art. 10(6) of the Bill on International Cooperation).

Mali has signed the Charter of the Regional Judicial Platform of the Sahel Countries (the Platform Charter), which encourages the said States to consult with one another before refusing extradition.

The transfer of sentenced persons is a very common procedure provided for in all bilateral agreements that Mali has ratified. The country gave as examples the transfer in 2011 of 82 detainees from Senegal to Mali and the transfer of other detainees in 2012 from Thailand to Mali.

Mutual legal assistance (art. 46)

Mutual legal assistance (MLA) is governed in Mali by ECOWAS Convention A/P.1/7/92 on Mutual Assistance in Criminal Matters and by the specific provisions of the new 2016 Uniform Act (arts. 138 to 155). The ECOWAS Protocol on the Fight against Corruption includes specific provisions on corruption (art. 15).

The draft agreement on judicial cooperation between Mali, Niger and Chad also contains provisions to that effect.

Mali has not yet designated the competent authority for MLA requests or notified the Secretary-General of such, nor has it indicated in what languages it would accept such requests.

Under the principle of international comity, Mali does not make the execution of a request conditional on the existence of a treaty (art. 2(1) of the Bill on International Cooperation).

Mali affords the widest measure of MLA possible through the implementation of the Conventions to which it is party and of its domestic law. However, there is a limitation in cases where the request for MLA relates to an offence committed by a legal person, as Mali does not yet recognize the criminal liability of legal persons as a general principle.

MLA provided for in Mali's legislation encompasses all the measures provided for under article 46 of the Convention. However, the provisions specifically relating to statements, testimony, production of evidence and identification of a person or object in the Bill on International Cooperation (art. 27) are no longer included in the new draft of the Bill.

The dual criminality requirement is in principle maintained in matters of assistance (art. 3 of the Bill on International Cooperation). However, by virtue of the principles of international comity and direct application of the Convention, the requirement does not have to be met for Convention offences (art. 116 of the Constitution).

Bank secrecy and the fact that the request involves fiscal matters are not a ground to deny an MLA request (art. 23 of the Bill on International Cooperation).

A request may nevertheless be refused if it is likely to undermine *ordre public*, sovereignty, security or the fundamental principles of law (arts. 23 and 25 of the Bill on International Cooperation and art. 140(2) of the 2016 Uniform Act).

The proactive transmission, without prior request, of information relating to criminal matters is not expressly reflected in Malian legislation. However, the Platform Charter states that its objective is "to [...] share experiences on matters of extradition and mutual legal assistance in criminal matters".

Mali's legislation provides for the prompt execution of MLA requests (art. 6 of the ECOWAS Convention on Mutual Assistance in Criminal Matters).

The confidentiality of MLA requests is guaranteed (art. 9 of the ECOWAS Convention on Mutual Assistance in Criminal Matters, art. 141 of the 2016 Uniform Act and art. 26 of the Bill on International Cooperation). If the request cannot be executed without the disclosure of information relating to the request, the requested State shall inform the requesting State of that fact beforehand. The use of information that is exculpatory to an accused person is not provided for.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Mali exchanges information for purposes of law enforcement through the Regional Judicial Platform of the Sahel Countries, INTERPOL and WACAP (Network of West African Central Authorities and Prosecutors against Organized Crime). The WACAP Charter also provides for the exchange of information between central authorities, judges and police in order to prevent and combat serious transnational organized crime. The latest version of the Bill on International Cooperation devotes an entire chapter to police cooperation in criminal matters.

The possibility of joint investigations and the use of special investigative techniques are provided for in Chapter IV of the Bill on International Cooperation, and also feature in the draft cooperation agreement between Mali, Chad and Niger. However, pending the adoption of those texts, such a mechanism does not yet feature in Malian positive law.

Special investigative techniques are provided for under the new Uniform Act against Money-Laundering and the Financing of Terrorism (art. 94) and Act No. 01-078 of 18 July 2001 on the Control of Drugs and Precursors (art. 117). An Act of May 2013 also created a specialized judicial unit for organized crime, vested with special investigative powers. However, the scope of these investigations is limited and does not include corruption offences.

3.2. Successes and good practices

Overall, the following successes and good practices in the implementation of Chapter IV of the Convention can be reported:

- The Convention is seen by Mali as the legal basis for MLA requests concerning offences established by the Convention. In addition, the Convention is directly applicable under the constitutional principle of primacy over domestic law.
- Mali applies the principle of international comity, which allows it to grant cooperation requests in the absence of any legal basis.

3.3. Challenges in implementation

The following initiatives could help to further strengthen the existing measures in the fight against corruption:

- Broaden the jurisdiction of Malian courts to all offences established by the Convention (art. 42(1));
- Extend the scope of transmission of information to areas other than money-laundering, the financing of terrorism and police cooperation (art. 42(5));
- Extend the criminal liability of legal persons in order to allow MLA measures to be taken in their regard (art. 46(2));
- Restore the provisions relating to statements, testimony, production of evidence and identification in the Bill on International Cooperation (arts. 46(3) and 46(27));
- Adopt the Bill on International Cooperation in Criminal Matters (arts. 46(12), 49 and 50);
- Update the information provided to the Secretary-General (arts. 46(13) and 46(14));
- Ensure that the provisions applicable to money-laundering and within the framework of the implementation of the ECOWAS Convention are incorporated in the Bill on International Cooperation (art. 47);

- Ensure that the draft agreement on cooperation in criminal matters between Mali, Chad and Niger is signed and make progress on signing other draft agreements or arrangements in progress (art. 49);
- Broaden the scope of special investigative techniques, in particular controlled deliveries, to offences other than money-laundering, the financing of terrorism and drug trafficking (art. 50).

3.4. Technical assistance needs identified to improve implementation of the Convention

- Summary of good practices and lessons learned (arts. 46, 47, 48, 49 and 50)
- Technical assistance/Legal advice (arts. 44, 47 and 49)
- On-site assistance of a qualified expert (arts. 47, 48, 49 and 50)
- Capacity-building programmes (arts. 44, 47, 49 and 50)
- Development of an action plan for implementation (arts. 48 and 50)
- Model agreement(s) or arrangement(s) (arts. 44 and 50)
- Capacity-building programme for authorities responsible for cross-border cooperation in criminal matters and investigative matters (arts. 49 and 50)
- Capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques (art. 50).