



MADAGASCAR

Oral statement, UPR pre-session on Madagascar

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# GTT International Geneva, Collective of the Malagasy Diaspora

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# **1. Presentation of GTT International Geneva, collective of the Malagasy Diaspora**

A collective was born spontaneously in Europe after the coup d'Etat of March 2009 in order to defend the country and its inhabitants against the excesses of totalitarian power in all its aspects namely, the violations of human rights, human security and seizure of all powers in our country, including public goods.

Since 2009, institutions including justice have been deconstructed. Elected officials are under physical pressure and during the period, many of them lost their lives.

GTT International Geneva is organized to gather several associations of the Malagasy diaspora, in Paris, Geneva, Poitiers, Reunion and the United States.

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## **2. Conditions of this report preparation**

We prepared this report by repeated contacts with several local civil society and journalists associations in Madagascar providing first hand testimonies and confronting them to document analysis and press papers.

## **3. Agenda**

This presentation will emphasize on two aspects of human rights violations from our report on Human Rights in Madagascar

1. Extrajudicial executions
2. Freedom of the press

## 4. Presentation

### 2.1. Extrajudicial executions

#### Recommendations of last UPR (2014)

In 2014, the United States of America have made the following recommendation:

*A-108.115 Undertake a comprehensive reform of the judicial system, including the establishment of a credible system of accountability for security force abuses.*

#### Development since last UPR

We have observed however, that security forces continue to commit crimes with the backup of their hierarchy.

Between 2014-2019 declarations from military officials (*gendarmerie*) reported the killing of more than 3000 presumed outlaws (*Dahalo*) and 1000 civilians.(1) Many were killed from helicopter raids against villages.

There has been no proper judicial procedure.

#### 2019

On June 28th 2019, security forces killed one elderly, one woman and a handicapped child in the village of Mangalahy-Soahazo.

On April 26<sup>th</sup>, 2019, In the villages of Bebeta and Dabomadinika, the military made a mass arrest of about 50 people who were subjected to cruel and degrading treatment, one person died by hanging, 70 houses were burned and looted.(102)

#### 2018

In 2018, several military operations have been carried out in Andilamena in the Alaotra Mangoro region and in Fihaonanana in the Bongolava region, killing some 30 people.(2)

#### 2017

September 2, 2017: Bongolava: Tsiroanomandidy - Beanamamy. The helicopter-borne soldiers shot at alleged bandits and killed 20 people. (3) (4)

18 February 2017: In North Befandriana, the national police burned 487 homes and imprisoned 350 people in retaliation for the death of two corrupt police officers who were reportedly victims of popular vindication, according to the press on 18 February 2017. (45)

#### 2016

December 2016: Repression in southern Madagascar, with the unstated aim of displacing the population of this region rich in natural resources. Last December, a new attack on the village of Lakora killed 30 people. (5)

#### 2015

15 September 2015: A soldier summarily executed a head of family, Mr. Pencheni Ravelomanga, in Antanimora Sud ( Toliara). (6).

In August 2015, again with the same objective, Operation Fahalemena was launched again by the Malagasy authorities.

The results of this operation do not differ significantly from previous ones. The abuses committed by the military on the civilian population, by setting villages on fire and killing villagers, led to their flight to the South Ankazoabo region.

In the town of South Midongy, the police were on their fourth "pacification" operation, with the unstated aim of removing the population from this region rich in mining resources. The modus operandi is always the same, namely to kill, intimidate, repress and loot the civilian population, while the perpetrators of these abuses are almost never threatened.

### **2014 (7-8)**

The National Gendarmerie Police (EMMO-REG) of the Kolo Roger government carried out the "coup d'arrêt" operation which killed about 90 alleged "Dahalos" (bandits) in the Amboasary - South region between March and May 2014.

The population accused the police of racketeering and looting private property in the areas where they operate.

A second "stop hit" operation is carried out, resulting in massive population migration.

41 alleged bandits (Dahalo) and 4 deaths on the village side killed in the operation led by the gendarmerie in the village of Bemavo. The villages of Bemavo, CR Satrokala and Soaserana Tritriva, CR Soamatasy, all in Ihosy District, were the scene of clashes. Additional gendarmes went to the field to pursue the alleged bandits and attack the area bordering the Ihosy and Betroka Districts.

In April 2014, incomprehensible attacks on a village forced peasants to leave their villages and join a refugee camp in Amboasary - South (District Headquarter). In addition, several hundred people have taken refuge in the forest or in another city (44)

### **2012 to 2013 (9)**

Under the pretext of fighting against "bandits", the police commanded by Rajoelina's political police chief, Colonel Lylison, carried out helicopter attacks with heavy weapons (assault rifles, slingshots, etc.) on civilians in the villages. The carnage caused several hundred civilian casualties in the Amboasary area (Tsivory, Betroka). This operation was called "Tandroka".

Three "Tandroka" operations were carried out between 2012 and 2013. At least 850 people were reported shot dead during police attacks. Women and children are among the victims.

Several villages were totally burned. Thousands of peasants have lost their livestock and land. In the region, several thousand terrorized villagers fled to forests and big cities.

Moreover, in August 2012, wrongly accused of being bandits, about 90 young people including minors were mutilated, tortured and killed in Fenoevo under the encouragement of the police.

### **Proposal of recommendations on extrajudicial executions**

We ask

- The Special Rapporteur on extrajudicial executions to conduct an investigation in Madagascar;
- The judiciary system to punish the authors of alleged crimes;
- The State to provide proper indemnities to the families of victims.

## **2.2. Freedom of the press**

### **Recommendations from the last UPR**

*A - 109.5 Decriminalize defamation, abolish insult laws and take all additional measures to ensure, in law and in practice, a safe and enabling environment for journalists (Ireland);*

*A - 109.6 Take concrete steps to protect and promote freedom of expression and press freedom as outlined in the road map for ending the crisis (Japan);*

*A - 109.8 Step up its efforts in order to provide a safe environment for journalists, human rights defenders and other civil society actors (Tunisia);*

*A - 109.9 Remove the restrictions on the capacity of journalists to freely criticize the Government without fearing reprisals by updating the law on communication of 1990, and the Special Commission on Audio-Visual Communication (Canada)*

### **Development since last UPR**

In 2016, the law on cybercrime has been revised and a Code of Media Communications has been published.

However, the situation is still highly dramatic for journalists and civil society members who are not able to work in a safe environment.

Indeed, under the successive governments from 2014 to date we keep witnessing journalists and social networks users being arrested.

The amount of the fine that the revised Cybercrime law provides for outrage is prohibitive, leading to a de facto censorship of the press.

### ***For example***

September 3<sup>rd</sup>, 2019

3 journalists and a municipality officer have been arrested under the pretext of spreading false news. They were barely reporting on a well-witnessed event.(103)

March 2019

Violent repression of a student demonstration at the University of Vontovorona Antanananarivo (11)

February 2019

In accordance with the law on cybercrime, two facebook account managers "Ranomenjahary François Lucien" were arrested for defamation and insult of the head of state.(12) (13)

January 2019

On January 27th, Marino Rajaonina, a Vanilla radio journalist in Sambava, was arrested on charges of violating state security (35)

## **2018**

August 2018

Christopher Magnenjika, an activist working against corruption and illegal wildlife trade in northeastern Madagascar, is arrested and tried, fined and released within a month.

## **2017**

May 6, 2017

Avimana Fernand, aka Fernand Cello, an investigative journalist at Radio Jupiter in Ilakaka, in the south of the country, was arrested for revealing, among other things, the existence of illegal sapphire exploitation in the Ilakaka region, and is charged with seven counts including "public defamation", "abusive denunciation", "spreading false news", "advocacy of hatred" and "attack on internal state security", (15)

May 2017

A facebooker was arrested under the Cybercrime Act for defamation in March 2017 for false rumours. (16)

Hiary Rapanoelina, a facebook group administrator, is arrested under the law on cybercrime for defamation (17)

September 2017

In Fianarantsoa/Mananjary Raleva, an environmental activist is given a suspended sentence of two years' imprisonment for applying for mining permits from Mac Lai Sime Gianna (M.L.S.G.), a Chinese gold mining company in a public meeting in Fianarantsoa (34)

## **2016**

September 2016

Clovis Razafimalala, an environmental activist and coordinator of the Lampogno Environmental Alliance against the looting of natural resources, was arrested on 16 September 2016 in Maroantsetra, a small town in the northeast of the island where he runs an Internet café. He was prosecuted for "inciting rebellion" and "destroying administrative buildings". He was tried after 10 months' detention and then sentenced to five years' suspended imprisonment (14) (18) (33)

## 2015

April 26, 2015

Armand Marozafy, a tourist guide but also deputy coordinator of the Lampogno network (a coalition of several NGOs that seek to protect the natural resources of Mama Bay, in the Masoala Nature Reserve) is imprisoned for having transmitted a report to two NGOs, which accuses two local tourism operators of collusion with rosewood traffickers. The document is published on social networks without his knowledge and companies file complaints. He is tried and then released on parole after 5 months of detention (14) (19)

## 2014

Two journalists were arrested for defamation following a complaint from a minister close to the current president.

The provision made by the Council of Ministers in February 2014 poses a threat to any journalistic attitude that is not in keeping with government policy.

The text states that "some journalists do not follow the current laws governing ethics and business ethics (spreading false news, insulting and insulting the state, invading privacy, etc.). What has led [the Head of State] to give instructions to what must be done to put a stoppage of these abusive and illegal practices, which may endanger the nascent democracy in Madagascar" (10)

## Situation 2010 to date

To date, the radio and television stations closed by Rajoelina have remained almost in the same state, despite the binding provisions of the road map for Madagascar. (21)

### **Proposal of recommendations on freedom of the press**

***Amend the Cybercriminality law and Code of media communication until they truly create a safe environment, which protects journalists, human rights defenders and all civil society actors against abuses:***

- Remove criminal liability for defamation, contempt, and slander;
- Review excessive fines;
- Repeal the offence of sedition and of insulting public officials;

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