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24 January 2019

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Madagascar: Reported cases of human rights violations, surveillance, harassment and detention of political opponents, journalists and members of civil society organizations by the authorities, including the National Police Intelligence Division (2016-January 2019)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

A report on Madagascar, published in 2017 by the UN Human Rights Committee, reports, without naming those responsible, that [UN English version] “journalists, political opponents and human rights defenders are subjected to intimidation, harassment and illtreatment as a direct consequence of their activities” (UN 22 Aug. 2017, para. 49). According to an article published in July 2017 by Amnesty International, [Amnesty International English version] “[j]ournalists and human rights defenders continue to be subjected to intimidation and harassment by the [Malagasy] authorities ... in an attempt to silence them and obstruct their investigative or human rights work” (Amnesty International 10 July 2017). *Country Reports on Human Rights Practices for 2017*, published by the US Department of State, indicates that security forces in Madagascar [US English version] “arbitrarily arrested journalists, political

opponents, demonstrators, and other civilians” (US 20 Apr. 2018, 7). The same source notes that security forces also [US English version] “regularly impeded opposition gatherings throughout the country and used excessive force to disperse demonstrators,” including using tear gas several times in 2017 to disperse demonstrations by supporters of political opponents and other groups (US 20 Apr. 2018, 14-15). Similarly, in its 2018 report on Madagascar, Freedom House notes that political demonstrators are “still occasionally subject to violence from security forces” (Freedom House 16 Jan. 2018).

US Country Reports 2017 notes that the Malagasy government [US English version] “arrested journalists and activists who had publicly denounced the misbehaviour of public authorities,” and “often used unrelated charges to prosecute them” (US 20 Apr. 2018, 11). According to Freedom House, opposition and independent political figures “have experienced harassment in the form of frivolous legal cases” by the Malagasy government (Freedom House 16 Jan. 2018). Similarly, in its 2017/18 report on Madagascar, Amnesty International notes that the [Amnesty International English version] “criminal justice system continued to be used to harass and intimidate human rights defenders and journalists, and restrict their freedom of expression, particularly those working on environmental and corruption issues” (Amnesty International 22 Feb. 2018). The same source explains the following:

[Amnesty International English version]

Human rights defenders who opposed projects to exploit natural resources, or who made allegations of corruption against government officials were particularly at risk of harassment, arrests on trumpedup charges, or other abuses under the criminal justice system. (Amnesty International 22 Feb. 2018)

US Country Reports 2016 notes that the government “arrested opposition leaders who had called for protests around the country in response to foreign mining operations and land expropriation” (US 3 Mar. 2017, 10).

2. Political Opponents

Information on reported cases of human rights violations, surveillance, harassment and detention of political opponents involving the Madagascar National Police Intelligence Division was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that Augustin Andriamananoro [one of the leaders of Mapar, the party of the former transitional president Andry Rajoelina (RFI 11 Dec. 2016)] was arrested in December 2016, during the funeral (US 3 Mar. 2017, 9; RFI 11 Dec. 2016) of a family member (RFI 11 Dec. 2016). Sources report that he was charged with taking part in an unauthorized demonstration in September 2016 in Soamahamanina against Chinese mining operations (US

3 Mar. 2017, 9; RFI 28 Dec. 2016). Radio France internationale (RFI) reports that the authorities attempted to arrest him during the demonstrations but, according to law enforcement officers, he fled (RFI, 11 Dec. 2016). The same source notes that a general from the police force in the capital stated that he had been informed by “an intelligence officer” of Augustin Andriamananoro’s presence in Madagascar, and then proceeded with his arrest after the burial (RFI 11 Dec. 2016). RFI reports that, according to Mapar, the arrest of Augustin Andriamananoro is [translation] “illegal and politically motivated” (RFI 11 Dec. 2016). According to *US Country Reports 2016*, Augustin Andriamananoro had called for the resignation of President Rajaonarimampianina in July 2016 (US 3 Mar. 2017, 9). The same source explains that, on 4 November 2016, “the five alleged leaders of the demonstrations were given oneyear suspended [prison] sentences, and [that] the case was considered closed until the new arrest [of Augustin Andriamananoro] in December” (US 3 Mar. 2017, 9). According to Newsmada, a Madagascar news website, since September 2016, Augustin Andriamananoro had been [translation] “the subject of several [acts] of intimidation, including searches of his home [and] a failed arrest on the set of Viva, the television station” (Newsmada 12 Dec. 2016). RFI reports that Augustin Andriamananoro was given a threemonth suspended prison sentence for participating in an unauthorized demonstration but was acquitted on three other charges, namely [translation] “breach of state security, payment of participants in [an] unauthorized demonstration and burning of brush and tires, and obstruction of traffic” (RFI 28 Dec. 2016).

According to sources, in April 2018, in Antananarivo, Malagasy police opened fire on demonstrators protesting against the adoption of new electoral laws, leading to the death of two people (Amnesty International 24 Apr. 2018; African Arguments 24 May 2018) and injuries to 15 (Amnesty International 24 Apr. 2018) or “several” others (African Arguments 24 May 2018).

Sources report that Malagasy security forces used tear gas in January 2019 to disperse a [[translation] “banned” (VOA Afrique 2 Jan. 2019)] demonstration of opposition demonstrators who supported the unsuccessful candidate in the December 2018 presidential election, Marc Ravalomanana, and who were protesting electoral fraud (AFP 2 Jan. 2019; VOA Afrique 2 Jan. 2019). Further information on this demonstration could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Journalists

Information about reported cases of human rights violations, surveillance, harassment and detention of journalists involving the Madagascar National Police Intelligence Division could not be found among the sources consulted by the Research Directorate within the time

constraints of this Response.

Sources indicate that journalists in Madagascar practise selfcensorship (US 20 Apr. 2018, 13; RFI 12 Sept. 2016). Similarly, according to Réveil FM International, a [translation] “community and associational radio station in Kinshasa,” Malagasy authorities “push journalists to practise selfcensorship” (Réveil FM International 23 Nov. 2016). US *Country Reports 2017* states that Madagascar's Communication Code [Law No. 2016-029 Establishing the Code of Media Communication (Loi no 2016-029 portant code de la communication médiatisée) (Madagascar 2016)] [US English version] “restricts individuals’ ability to criticize the government publicly” (US 20 Apr. 2018, 10). According to RFI, Malagasy journalists perceive the Communication Code as being [translation] “very liberticidal with sanctions that are considered excessive” (RFI 12 Aug. 2016). The 2017 report of the UN Human Rights Committee explains that [UN English version] “the Communication Code of 2016 provides for disproportionate fines for defamation, insult and affront to public decency, potentially leading to selfcensorship on the part of journalists” (UN 22 Aug. 2017, para. 49).

According to sources, in early 2016, journalist Fernand Cello [also the founder of Radio Jupiter, the [translation] “only independent” radio station in the region of Ihorombe that “regularly [denounces] collusion between private and public interests” (RSF 28 Sept. 2017)] was badly beaten (US 3 Mar. 2017, 11; RSF 28 Sept. 2017) by “four individuals” (US 3 Mar. 2017, 11). According to US *Country Reports 2016*, he had been investigating an alleged organ trafficking ring in the southcentral region (US 3 Mar. 2017, 11). Reporters Without Borders (Reporters sans frontières, RSF) reports that, in December 2016, a [RSF English version] “dozen soldiers” confiscated Radio Jupiter’s transmitter “on the pretext that it was ‘illegal’, although the station had existed for 15 years,” after the broadcast of a report about the “environmental damage from the operations of the mining company Gondwana” (RSF 28 Sept. 2017). Sources indicate that Fernand Cello was arrested in May 2017, including for forgery and defamation, after making statements about the [local (US 20 Apr. 2018, 12)] authorities and their involvement in illegal mining activities (Freedom House 16 Jan. 2018; US 20 Apr. 2018, 12). RSF reports that his arrest occurred after he had denounced corruption and abuse of authority in the south of the country (RSF 12 Oct. 2018). According to sources, he was given a twoyear suspended jail sentence [and fined US\$220 (US 20 Apr. 2018, 13)] (RSF 12 Oct. 2018; US 20 Apr. 2018, 13).

Information in the following paragraph is from US *Country Reports 2016* and 2017:

- On 23 March 2016, security forces told journalists they were not permitted to take photographs or report on a car accident in Amborovy Mahajanga that involved the Minister of Defence; security forces also reportedly threatened eyewitnesses speaking to journalists about the accident.
- In May 2016, security forces beat a Radio Antsiva journalist and confiscated his cellphone, as he was covering the search of Senator Lylison’s residence; “Radio Antsiva intervened, accompanied by several government officials” and

the cellphone was returned to the journalist “after security forces reportedly searched all data on it.”

- In July 2016, journalists were refused access to the National Assembly by security forces; they wanted to be present during a plenary session, open to the public, on the adoption of the new Communication Code (US 3 Mar. 2017, 9-12).
- [US English version] “Elements of the [president’s] security detail reportedly forced local journalists to erase all of their photos and footage” of a report on a collision that occurred in February 2017 between a vehicle used by the president’s security detail and a bus (US 20 Apr. 2018, 13).

Corroborating information on the abovementioned incidents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Midi Madagasikara, a newspaper in Madagascar, indicates that the general management of the newspaper *Free News* reports that the Malagasy police [translation] “beat up one of its employees” in October 2016; the police reportedly told the employee that they were going to [translation] “give him a hard time “because he is part of the Free team, a denigrator of the regime in place”” (*Midi Madagasikara* 24 Oct. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. *US Country Reports 2017* indicates the following:

[US English version]

On June 22 [2017], Antananarivo police questioned the publication manager and chief editor of the private newspaper *Freenews* after Senate President Honore Rakotomanana accused him of defamation. A few days before the police hearing, the newspaper issued an article accusing the president of the Senate of building a very expensive villa in a suburb of the capital city. Lalatiana Rakotondrazafy, owner of the newspaper and losing mayoral candidate in Antananarivo, claimed procedural irregularities in the investigation, asserting that a press offense, not qualified as a crime in the communications code, could not be handled by the criminal police. [Ms.] Rakotondrazafy was well known for her criticism of the ruling party. (US 20 Apr. 2018, 13, italics in original)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Civil Society

Information about reported cases of human rights violations, surveillance, harassment and detention of members of civil society organizations involving the Madagascar National Police Intelligence Division could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Environmental Activists

According to an article published by the Environmental Investigation Agency (EIA), a non-profit organization based in Washington, DC, whose mission is to implement solutions to the world's environmental problems (EIA n.d.), there is a [translation] "long list of activists unjustly imprisoned in Madagascar, simply because they defy the illegal activities of rosewood barons and the corrupt officials who protect them" (EIA 7 June 2018). RSF indicates that [RSF English version] "[c]overing influencetrafficking in connection with natural resources and the environment is still very dangerous" in Madagascar (RSF [2018]).

According to *US Country Reports 2016*, Ndranto Razakamanarina, the chairman of the Alliance Voahary Gasy, an environmental organization in Madagascar (Front Line Defenders n.d.), was brought in by authorities to be questioned about a defamation investigation related to a press conference he held for his organization in January 2016, in which "he suggested government officials were involved in rosewood trafficking" (US 3 Mar. 2017, 12). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that Clovis Razafimalala was arrested in September 2016 (US 3 Mar. 2017, 10; *Le Monde* 25 July 2017) in Maroantsetra, in the country's northeast for [translation] "incitement to rebellion" and 'destruction of administrative buildings" (*Le Monde* 25 July 2017). According to sources, he was involved in protesting the trafficking of rosewood and other timber (Amnesty International 3 Nov. 2018) or the trafficking of rosewood (US 3 Mar. 2017, 10; *Le Monde* 25 July 2017). According to the EIA, he is the coordinator of the Lampogno coalition, [translation] "a wellknown Malagasy environmental network" (EIA 7 June 2018). According to sources, he was arrested because of his criticism of the trafficking of natural resources (US 3 Mar. 2017, 10; RSCDA-IO 7 Sept. 2017). *Le Monde* reports statements made by Clovis Razafimalala that, since 2009, he has received [translation] "many warnings" to dissuade him from continuing his struggle to defend the environment; he has allegedly received death threats, and alleged attempts have been made to burn down his house (*Le Monde* 25 July 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Sources indicate that, after 10 months of pretrial detention, he was released and then sentenced to a fiveyear suspended prison sentence (Amnesty International 22 Feb. 2018; *Le Monde* 25 July 2017).

According to sources, Raleva, a Malagasy environmental activist, was arrested in Mananjary in September 2017 for usurping the headofdistrict title (Mongabay 20 Oct. 2017; Amnesty International 22 Feb. 2018). Sources report that this arrest occurred after he had [Amnesty International English version] "questioned the legality of a Chinese mining company in the ... region" (Amnesty International 22 Feb. 2018) or after he had asked to see the

company's operating permits (Mongabay 20 Oct. 2017). According to Amnesty International, on 26 October 2017, the Mananjary court found him guilty of using the false title of [Amnesty International English version] “‘Head of District’, and gave him a twoyear suspended sentence” (Amnesty International 22 Feb. 2018).

According to the EIA, Christopher Magnenjiky, communications officer for the Lampogno coalition, was arrested on 15 May 2018 and [translation] “charged with rebellion, civil disobedience and ‘contempt of a public person’” (EIA 7 June 2018). In a November 2018 article, Amnesty International reports that [Amnesty International English version] “environmental activist” Christopher Manenjika was handed an “absurd fine” of US\$8 in June [2018] “on fabricated charges—for collecting information on cases of corruption, illegal trafficking of rosewood and mining exploitation” (Amnesty International 3 Nov. 2018). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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