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MADAGASCAR: JOURNALIST HELD IN PRE-TRIAL DETENTION AS AUTHORITIES USE COVID-19 CONTEXT TO INTIMIDATE JOURNALISTS

Malagasy authorities must immediately and unconditionally release a journalist jailed after being accused of criticizing the president's handling of the national response to COVID-19, Amnesty International said today. Arphine Helisoa, publishing director of the newspaper 'Ny Valosoa', was sent to pre-trial detention in the capital city's Antanimora prison on 4 April. She is charged with spreading fake news and incitement of hatred towards the President, Andry Rajoelina, after a publication on the online version of 'Ny Valosoa', perceived to be close to the opposition. The post in question, shared on 2 April, was critical of the Malagasy government's response to the global pandemic. The publication alleged that the government has mismanaged the crisis – citing the decision to allow open markets without implementing any protective measures, while on the other hand using excessive force to disperse people who remain outside for instance, and accused the President of being an 'assassin' for his alleged failure to implement measures that are relevant and adapted to the Malagasy context, which could allegedly result in the deaths of Malagasy people.

The print version of the newspaper, like all others in Madagascar, was last published on 21 March when the lockdown started, but the online version and a Facebook page are both still running. Her lawyer believes that the arrest is a political maneuver against her, because she is the publishing director of an opposition newspaper.

Since 2016, the cybercriminality code no longer provides for custodial sentences for online defamation and insults, meaning journalists can no longer be given custodial sentences when charged with defamation or insult related offences. Despite Gérard Rakotonirina, President of the Journalists' Association of Madagascar, confirming that Arphine Helisoa is a professional journalist with accreditation, the authorities are refusing to recognize her as a journalist, which allows them to detain her using abusive laws providing for prison sentences for non-journalists accused of inciting hatred against the government. Gérard Rakotonirina has called this an arbitrary detention which violates press freedom and has a chilling effect on the work of journalists.

Because of the COVID-19 pandemic, Arphine Helisoa does not know when her trial is scheduled to take place, meaning she could spend long months in life-threatening conditions. As exposed by Amnesty International in its 2018 report, detainees are crammed in big overcrowded cells with little access to hygiene, quality food and healthcare. The government's excessive use of pre-trial detention is the main cause of the overcrowding. Amnesty International has also documented threats to the right of freedom of expression and of the press over the past years. Because of the increased risk of transmission of infectious diseases in unsanitary and overcrowded conditions, Amnesty International has called on the government to urgently decongest prisons across the country, by focusing particularly on release of pre-trial detainees. The government of Madagascar must immediately and unconditionally release Arphine Helisoa, and ensure that the right to freedom of expression, for both journalists and the general public, is protected.

Background

This is the second time Arphine Helisoa is charged with spreading fake news by Madagascar's judicial authorities. Last time was in September 2019 when she was charged alongside two other journalists with spreading fake news after publishing photos of helicopters belonging to the Malagasy army. She was eventually acquitted.