

URGENT ACTION

DOMOINA RANABOSOA TEMPORARILY RELEASED

Domoina Ranabosoa was released from pre-trial detention in Antanimora prison, Madagascar, on 7 April, but still faces charges. Amnesty International calls on the judicial authorities to immediately and unconditionally drop the charge held against her, as the laws which have led to this charge discriminate against LGBTI people.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Monsieur le Président de la République de Madagascar
Andry Rajoelina
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Antananarivo
Madagascar
Email: secretariat.pmdpe@gmail.com

His Excellency, the President of the Republic of Madagascar,

While I welcome Domoina Ranabosoa's temporary release from Antanimora prison on 7 April, I am concerned that the arbitrary charge against her of having corrupted her 19-year-old girlfriend, which stems from discriminatory laws, is still pending.

Amnesty International believes that the laws which have led to this charge should be repealed as they discriminate against LGBTI persons. Same-sex relationships should never be criminalized.

In light of the above, I urge you and the relevant authorities to:

- *Immediately and unconditionally drop the charge against Domoina Ranabosoa;*
- *Repeal the discriminatory article 331 of the Penal Code which provides that consensual same-sex acts under the age of 21 are considered corruption of minors and heavily punished;*
- *Ensure that the protection of your prison population is a priority in the fight against Covid-19, and consider granting conditional release to pre-trial detainees, and all detainees who do not pose a threat to public safety, as well as those whose health makes them particularly vulnerable, such as the elderly and those in poor health. For the remaining detainees, if contact visits are restricted due to COVID-19 prevention measures, they must be replaced with other means of contact, for example by phone, emails or video calls.*

Yours sincerely,

ADDITIONAL INFORMATION

On 10 March, 33-year old Domoina was sent to pre-trial detention in Madagascar's capital city's prison, Antanimora. As exposed in Amnesty International's 2018 report '*Punished for Being Poor: Excessive, Unjustified and Prolonged Pre-trial Detention in Madagascar*', conditions of detention in Madagascar are inhumane, because of an excessive and prolonged use of pre-trial detention, which has in turn resulted in severe overcrowding across the country. On 7 April, Domoina's request for temporary release was approved and she was finally able to unite with her family. However, the charges against her still stand.

The charges brought against Domoina are that of 'corruption of minors under 21 years old', as she is accused of having a (consensual) relationship with her 19-year old girlfriend, Fyh. In Madagascar, the criminal code in its Article 331 punishes with up to five years imprisonment 'anyone who has committed an indecent or unnatural act with a minor of their own sex, less than 21 years old'. Fyh and Domoina had decided to move in together, a decision which did not go well with Fyh's mother, leading her to sue Domoina under this provision.

Because of the threat of covid-19, Domoina had been told that she could no longer receive visits from her lawyer, or relatives, and that her trial, initially scheduled for 10 April, has been postponed to an undetermined date. As exposed by Amnesty International's previous research, the government of Madagascar abusively uses pre-trial detention, constraining detainees to live in unhygienic and overcrowded conditions, and with the new threat of covid-19, pre-trial detainees will have to wait for their trials for even longer periods, while risking falling sick.

PREFERRED LANGUAGE TO ADDRESS TARGET: [French; Malagasy]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: [20 May 2020]

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Domoina Ranabosoa (she/her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/afr35/2043/2020/en/>