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Madagascar: Human rights overlooked in resolving the current political crisis

Following a mission to Madagascar, Amnesty International called on all Malagasy political leaders and specifically the Haute Autorité de Transition (HAT) to ensure that respect and protection of human rights are central to any solution to the current political crisis.

“While political leaders from various factions have been involved in negotiations to resolve the current political crisis, inadequate attention has been paid to the human rights violations that are taking place in Madagascar,” said Erwin van der Borcht, Amnesty International director of the Africa Programme. “The Haute Autorité de Transition must urgently set up an independent and impartial investigation into the unlawful killings of at least 31 people by the Presidential Guard during the demonstration on 7 February 2009 at Ambohitsorohitra presidential palace in Antananarivo. Similar investigations should also be initiated into the possible use of excessive force by security forces during subsequent demonstrations which also resulted in loss of life and a number of wounded,” said Erwin van der Borcht.

Amnesty International is calling on the HAT to involve the United Nations and/or the African Union in the investigations in order to ensure that they are impartial and independent.

During its visit to Madagascar, the Amnesty International delegation specifically voiced its concerns to the authorities with regard to the establishment and functioning of the Commission Nationale Mixte d’Enquete (CNME), which was set up by the HAT. The first article of the decree establishing the CNME states that it is the operative instrument enabling the HAT to exercise its judicial and security activities relating to all unlawful acts committed before, during and after the crisis. Since its creation it has led to the arrest of scores of people, many of whom reported ill treatment during arrests.

“Allegations of ill treatment by the Commission Nationale Mixte d’Enquete should be investigated immediately. The authorities should ensure that people who are currently detained are brought to trial promptly, in accordance with international fair trial standards and instantly released if they have not been charged with a recognizably criminal offence,” said Erwin van der Borcht.

Amnesty International recommends that the HAT dissolves the CNME and leaves the mandate of investigating criminal offences to the regular judicial system, comprising the police and the prosecutor’s office. Such an action will preserve the independence of the judiciary in Madagascar and contribute to the respect and protection of human rights in the country. The CNME is perceived by many as a political body and has been tainted by the accusations of human rights violations.

Amnesty International is also calling on the HAT to refrain from actions which infringe upon the right to freedom of expression. Media outlets in Madagascar were closed before and after the HAT came into power and at least one journalist, Evariste Ramanantsoavina of Radio Mada, was arrested from his home on 5 May by the CNME. He was charged with various criminal charges, including endangering the security of the state and spreading false information. On 20 May a court in Antananarivo sentenced him to a fine of one million Ariary (around 385 Euros) and ordered his release. Some journalists continue to fear for their safety and mentioned to Amnesty International that they receive threats through anonymous text messages or phone calls.

At the same time media have a responsibility to ensure that their programmes or articles do not further inflame the situation in Madagascar in a way that may lead to further violence.

Background

A delegation from the International Secretariat of Amnesty International conducted a fact finding mission to Madagascar from 17 to 25 June 2009 on the human rights situation in the current political crisis. It was the first visit by Amnesty International since 2002. The delegation conducted interviews with victims of human rights abuses and met with a wide range of representatives from the various political factions, civil society, lawyers and the media. The delegates also discussed the current human rights situation with members of the “Haute Autorité de Transition”, including President Andry Rajoelina.

On 17 March 2009, Andry Rajoelina, former mayor of the capital city Antananarivo came to power after military commanders, to whom former President Marc Ravalomanana had transferred his authority, handed over their responsibilities to Rajoelina. President Rajoelina created the Haute Autorité de Transition which subsequently suspended the activities of the parliament and Senate and installed a government. The new government has not been formally recognized by the international community, including the United Nations, African Union and Southern African Development Community (SADC).