

£MADAGASCAR

@Amnesty International's Human Rights Concerns

Extrajudicial Executions in Rural Areas

Dozens of people suspected of stealing cattle and other criminal offences were reported to have been killed by local farmers in various rural areas in southern Madagascar during 1990 with the apparent approval of the local authorities. These killings seem to be continuing on a regular basis. Amnesty International was concerned that the security forces in some areas were reported to have condoned the killings and in some cases to have encouraged the local population to carry out extrajudicial executions of suspected criminals.

The following testimony was received by Amnesty International from southern Madagascar. It describes public executions that took place in mid-1990 in Ihosy and Ranotsara, in the south of the country:

"In our area as well as in several other parts of Madagascar, a law, or rather a pact among the population, has developed according to which if somebody is caught stealing cattle, rice etc, that person is judged by the people and executed without having been in front of a legal tribunal. This pact is called the "red neck pact" ("dina menavoza" in Malagasy): the bleeding cut neck is red. However, the killing method is often changed because of a superstitious fear that the blood which squirts on to the murderer carries disease. Sometimes the accused are burnt, sometimes drowned. This should be done by the family, for instance a father killing his son. Until now I hoped that this would stop as a result of the declarations of the Commission for Justice and Peace and also the loyal collaboration (which seems to me to exist with the [gendarmes] based here) of the Gendarmerie nationale. But already one of them has told me that they do not feel they are supported by the government when they jail somebody who has killed in this way.

"Already on Thursday 16 August and Friday 17 August 1990 two men have been drowned in Ihosy in the river which carries the same name. One because he was caught stealing cattle, the other one caught stealing a "combine" (a radio combined with a tape recorder). Apparently there was a show which everybody attended as they would attend a fair and the crowd was stupid, cruel ... the children are learning to murder. I do not believe at all in justice dispensed by those "popular" judges. Everybody knows that the leaders of those who want to propagate these methods are not in fact people who have the right to throw the first stone.

"Often one hears that totally innocent people are being killed."

Several hundred people were reported to have been extrajudicially executed in Madagascar during 1988 by government security forces engaged in operations in rural areas against bandits and cattle rustlers.

In April 1988 the army, the national police and the *Gendarmerie* began a series of operations against *dahalo* - bandits and cattle-rustlers - in the provinces of Toliary, Fianarantsoa, Antananarivo and Mahajanga, in the south and centre of the country. Several hundred people, not only suspected cattle thieves but also farmers and villagers uninvolved in any such crimes, were rounded up by the security forces and summarily executed, either in public or secretly in the countryside.

Most of those killed came from remote villages and their identities were unknown. They appeared to be victims of a deliberate policy of extrajudicial execution. Some were alleged to have been tortured and humiliated in public before being killed.

Questioned in the national assembly in mid-1988 about the conduct of these operations, the Minister of the Interior stated that three ministries - those of the Interior, Defense and Justice - were jointly responsible for the operations. However, the Minister of Justice later denied responsibility for any illegal actions undertaken by the security forces.

In an open letter dated 15 July 1988, opposition parties called on President Didier Ratsiraka to investigate abuses by the security forces, to take steps to end the killings were known to have been undertaken.

Amnesty International also appealed to the government to set up an urgent inquiry and to take action to prevent further extrajudicial executions. Amnesty International has not received any reply to its appeals in 1988, 1989, or 1990 to do so. Apparently, the authorities have not established a competent, independent and impartial investigation into these killings, have not prosecuted any of those responsible and have not taken effective steps to ensure that they do not recur.

Arrests After a Coup Attempt in May 1990

Dozens of people were arrested following an attempted coup attempt on 13 May 1990, when armed government opponents occupied the national radio station and announced that the government had been overthrown. They urged people to demonstrate in support of the coup attempt but a crowd which gathered outside the radio station was dispersed by pro-government troops who later stormed the building, recaptured the radio station, and arrested the rebels. Six people were officially said to have been killed and 45 injured in this operation. 13 of the armed government opponents were captured. On 29 May 1990 Alex Oheix, a French national and husband of one of the 13, was arrested. The 13, together with Alex Oheix, were brought to trial in December 1990 on charges of endangering the security of the state, illegal possession of weapons, and other offences. Alex Oheix and his wife, Elizabeth Rasoazanay, were acquitted but the other 12 were convicted and sentenced to prison terms ranging from six to eighteen months after judicial proceedings which apparently did not satisfy international minimum standards of fairness. The defendants did not have

prompt access to their families, to lawyers, to independent medical attention or to a judge with the power to rule on the lawfulness of their detention and to order their release if the detention was not lawful. The detained men were held incommunicado for three weeks in a military garrison before they were transferred to a prison in the town of Arivonimano. Several were said to have been beaten after their arrest. The authorities do not appear to have investigated these allegations of torture or ill-treatment.

In addition to the 13, several people arrested for apparently supporting the 13 May coup attempt, despite not actually being involved, were also imprisoned: two people who received six month prison terms in August 1990 served their sentences and were released, while others received suspended sentences.

Amnesty International is concerned about the alleged ill-treatment of people arrested following the coup attempt in May 1990. The organization is continuing to investigate the cases of those demonstrators who were apparently still detained for supporting the coup.

Releases

Richard Andriamaholison, a former government minister and head of the *Gendarmerie*, and Marson Rakotonirina, a former army officer, were pardoned by President Didier Ratsiraka in June 1990 on the 30th anniversary of Madagascar's independence and were released. Both had been sentenced to life imprisonment in 1983 for planning to assassinate President Ratsiraka after a trial which may have been unfair. Lawyers who attended the proceedings said that prosecution witnesses who testified in court had been interrogated before the trial by members of the security service who forced them to make statements under duress.

Harsh Prison conditions

Amnesty International has continued to receive reports of severe overcrowding, malnutrition, poor hygiene and lack of adequate medical facilities in prisons. For example, the prison at Antanimora on the outskirts of Antananarivo reportedly holds several thousand more prisoners than it was designed to accommodate. Prisoners who receive no extra food from their families to supplement the prison diet, which consists almost entirely of the vegetable *cassava*, are said to be severely malnourished. Many deaths apparently resulted in 1990 from harsh prison conditions. In early 1987, reports indicated that at least one prisoner died each day in Antanimora prison. More than 100 prisoners are reported to have died as a result of severe prison conditions in Antanimora, Arivonimamo, Nosy-Lava and Tsiafahy prisons during 1989. A Malagasy newspaper reported in June 1989 that an average of 10 people died each month in Antananarivo, the capital. Dysentery and other diseases are endemic in the prison where more than 2500 prisoners are held in accommodation intended for less than half that number.

No significant steps are known to have been taken to improve the harsh conditions in prisons throughout the country.