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Madagascar: Authorities must drop trumped-up charges against whistleblower Ravo Ramasomanana

Authorities must drop trumped-up charges of “undermining public order and public safety”, “inciting political unrest” and “inciting hatred” against former employee of the Ministry of Public Health and whistle-blower, Ravo Ramasomanana, for having posted a video on social media networks on 15 April 2021 reporting alleged acts of corruption within the Ministry of Public Health, 19 Civil Society organisations including Transparency International and Amnesty International said today. If convicted, Ramasomanana faces up to five years in prison for peacefully exercising his right to freedom of expression and exposing corruption instead of being protected by the authorities.

On 3 May 2021, Ramasomanana was summoned to appear in court after a video in which he revealed information pertaining to alleged rigged tenders, fictitious jobs, contracts by mutual agreement not authorized by law, and forgery, had been posted on social media networks. He was unable to make it to court because he was in isolation after contracting Covid-19.

"Last April, I was very ill with Covid. I was close to death; that was the trigger, that is what pushed me to expose the shenanigans I had been witnessing for months. I had to share this and not take it with me to my grave, that's what gave me the courage to make the video", Ravo Ramasomanana told RFI. ¹

On 12 May 2021, after being summonsed, he filed a complaint against the Ministry of Public Health with the Antananarivo Anti-Corruption Centre (BIANCO) for "forgery, abuse of power, active and passive corruption, breach of trust, embezzlement of public funds and complicity" in the award of public contracts, worth 44 billion ariary (approximately US\$11.7 million). Ramasomanana alleged corruption in the procurement of contracts for the construction of a kidney transplant centre. His testimony was the starting point for an investigation into the award of a government contract for the construction of the Andohatapenaka kidney transplant centre² by the MALINA network of investigative journalists, supported by Transparency International Initiative Madagascar (TI-MG). The results of this investigation support the suspicions raised by the whistleblower: unfair competition between bidders; incomplete documentation with questionable references; award of a construction contract to a company that specialises in cleaning; submission of a dummy company stated to be a partner of the company awarded the contract, linked to it by an untraceable "grouping clause".

¹ Interview given to Radio France International on 15 November 2021:
<https://www.rfi.fr/fr/afrique/20211116-madagascar-un-lanceur-d-alerte-du-ministère-de-la-santé-devant-la-justice>

² <https://www.malina.mg/fr/article/centre-de-transplantation-renale>

On 15 June 2021, Ravo Ramasomanana complied with the summons and appeared in court, where he was informed of another lawsuit that had just been filed against him, this time by the National Gendarmerie, according to which the head of the Cybercrime Unit had received insulting messages on his telephone after Ravo Ramasomanana's summons was posted on Facebook.

As a result, Ravo Ramasomanana was also charged with "acts and activities of a nature to compromise public safety or to cause serious political unrest or to provoke hatred of the government or to incite breaking of the current laws of the country" under Article 91 of the Malagasy Penal Code. The hearing took place on 15 November. The verdict will be delivered on 29 November.

Whistleblowers: Vital for a transparent society

When exercising the right to inform and be informed and the right of people to the truth, whistleblowers play a crucial part. They are essential to awakening informed debate within public opinion, crucial to opening up investigation by journalists, and necessary for questioning decision-makers. Whistleblowers are a vital link in the promotion of human rights, the rule of law, transparency, accountability, social justice and the fight against corruption. Nevertheless, whistleblowers in Madagascar remain in an extremely dangerous situation. Vulnerable, exposed to reprisals and pressure with psychological impacts on both themselves and their families, whistleblowers face a wave of intimidation and often risk abusive defamation proceedings.

Indeed, the laws relating to defamation, as well as laws 89, 90 and 91 of Law 84-001 of 12 June 1984 relating to threats to public order and safety and incitement to political unrest and hatred, continue to be abused and repeatedly used by the authorities in Madagascar to harass, intimidate and persecute whistleblowers, human rights defenders and activists.

Ravo Ramasomanana, Raleva, Thomas Razafindremaka, Jean-Louis Bérard, Clovis Razafimalala: these are all whistleblowers who in recent years have been the subject of harassment, intimidation and attacks by the authorities in Madagascar, despite their contributions to revealing and denouncing serious allegations of corruption and human rights violations. Through these whistleblowers, the many people in Madagascar, potential whistleblowers in their respective fields, risk unjust treatment for exercising their human rights, which is wholesome for any country aspiring to transparency, accountability and respect for human rights and the rule of law.

For impartial justice and legal protection for whistleblowers

Therefore, the undersigned organizations are calling for the government of Madagascar to:

- Immediately drop the charges against Ravo Ramasomanana and other whistleblowers and ensure independent and impartial justice. Authorities must end the intimidation, harassment and attacks on whistleblowers, human rights defenders and activists. Whistleblowers' right to speak up includes the right to expose and denounce cases of corruption, to provide evidence and to inform the general public;
- Accelerate the process of adopting the law on the protection of human rights defender and activists, including whistleblowers. Madagascar has already committed itself to this path during the Universal Periodic Review (UPR) of UN Member States' records

in the field of human rights for 2017 – 2022³. Adoption of this bill would be a clear sign that Madagascar is willing to establish true legal protection for those who through their alerting actions enable the country to step up its fight against corruption and commitment to human rights and the rule of law.

Amnesty International

Divers'Unité

FARM Madagascar

Green N Kool

HFKF

KMF/CNOE

Mouvement Rohy

MSIS Tatao

Observatoire SAFIDY

OIMP

ONG HITSY

ONG Ivorary

ONG Ravintsara

ONG Saha

ONG Tolotsoa

PFNOSCM Vohifiraisana

PPLAAF

Solidarité des Intervenants du Foncier (SIF)

Transparency International Initiative Madagascar (TI-MG)CCOC

³ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 for Madagascar for the year 2019, page 7 - see: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/247/69/PDF/G1924769.pdf?OpenElement>