

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# MALAGASY JOURNALIST ACQUITTED NEARLY TWO YEARS AFTER HIS ARREST

The acquittal of investigative journalist, Fernand Avimana popularly known as Fernand Cello in Madagascar, is a long overdue but welcome step, Amnesty International has said.

On 2 April 2019, investigative journalist Fernand Cello was acquitted by the Fianarantsoa Appeal Court nearly two years after his arrest on charges related to his work and allegedly fabricated accusations that he stole a cheque book. Fernand Cello was arrested on 5 May 2017 and held in pre-trial detention for more than four months. He was convicted on 26 September 2017 on charges of theft of a chequebook and handed a two-year suspended sentence along with a heavy fine by the Ihosy court on 26 September 2017.

This ruling is an important first step to recognise freedom of the press in Madagascar, where journalists often practice self-censorship for fear of reprisals. Amnesty International calls on the Malagasy government to go further and amend the Cyber Criminality code and the Communication Code which limit press freedoms by criminalising or prescribing heavy fines to those found guilty of defamation, contempt or insults because of their journalism, including print, broadcast and electronic media.

## BACKGROUND

Fernand Cello was arrested on Friday 5 May 2017 in Antananarivo, and then held in pre-trial detention. He faced seven charges, including three related to his work as a journalist: 'defamation', 'endangering state security' and 'incitation to hatred', but these three charges were later dropped in June. He remained accused of the charges relating to theft of a chequebook. He has denied these allegations and believes that they were fabricated with the aim of silencing his work as a journalist.

Prior to his arrest, Fernand Cello had been in hiding since December 2016, after having aired a broadcast on Radio Jupiter in which he accused a mining company and alleged government allies of running an illegal sapphire mine in Ilakaka, South-West Madagascar. The company was eventually ordered by the Ministry of Mining to suspend its operations for contravening national mining regulations. A few days after Fernand Cello's broadcasts, Radio Jupiter was raided by military forces, who confiscated its transmitter.

Fernand Cello spent more than four months in pre-trial detention in the Ihosy prison, between May and September 2017, where he was detained in inhumane detention conditions. When Amnesty International visited him in detention in the Ihosy prison in August 2017, he reported that he feared for his life, as he was held in the same cramped cells as some detainees who had been convicted because of Fernand Cello's investigations. As an investigative journalist, he was at an increased risk of violence in the prison, but his requests for protection fell on deaf ears. He suffered threats and intimidation from other detainees as a result.