

20 November 2019

Madagascar: Six-month suspended sentence handed down to nine human rights defenders

On 13 June 2019, the Court of Fianarantsoa gave a six-month-suspended sentence to nine human rights defenders who were arrested on 2 May 2019 for protesting against the extraction activities of mining company Base Toliara. They were accused of “intentional destruction of property belonging to the corporation”, “setting fire to office furnishings”, “unarmed gathering without permission” and “refusal to obey orders to disperse”.

The nine human rights defenders are members of the Benetse, Ampototse and Tsiafanoka rural communities in the South-West of Madagascar. These communities are composed mostly of farmers, fishers and stockbreeders. The nine human rights defenders took part in a protest organised in opposition to the Ilmenite extraction project being undertaken by the mining company, which could have irreversible effects on their health and livelihoods. They have become the face of the community's resistance since they were arrested for taking part in the protest.

Following a complaint lodged by the company Base Toliara, they were arrested, charged and convicted on 13 June 2019 to a six-month suspended sentence on the count of “unarmed gathering without permission”. The charges are related to a protest they organised on 17 April 2019 against the Ilmenite extraction project, for which on 2 May 2019, the police forces arrested thirty members of the Benetse, Ampototse and Tsiafanoka communities. They were accused of damaging the facilities of Base Toliara in Ranobe. On that day, twenty-one of those arrested were released without any explanation and the remaining nine were sent to another town. None of the nine human rights defenders can be seen in the video released in the media. The human rights defenders have filed an appeal and are awaiting trial.

The three communities of Benetse, Ampototse and Tsiafanoka have been firmly opposed to the Ilmenite extractive project to defend their lands, their environment and because of the health risks associated with uranium and thorium. Water contamination and the inhalation of dust released into the atmosphere could cause serious illnesses and hereditary diseases. In addition, in June 2019, Base Toliara has refused to share the findings of an environmental and social impact study, which has led to further resistance from the communities and civil society organisations.

Base Toliara is a locally registered company and part of the Base Resources group, an Australian mining company. Base Toliara has a mining license issued by the Madagascar government in 2012 and an environmental permit since 2015. On 6 November 2019, the government decided to suspend for an indefinite period the mining activities of Base Toliara. The government cited the opposition of local communities as the reason for its decision.

Front Line Defenders is deeply concerned by the sentencing of the nine human rights defenders and the harassment of the communities opposing the extractive activities of Base Resources. Front Line Defenders urges the Malagasy authorities to ensure that this sentence will not be registered in the criminal records of these land and health rights defenders and that the three communities are permitted to exercise their right to peaceful protest.

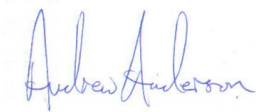
Front Line Defenders urges the authorities in Madagascar to:

1. Quash the conviction of the nine human rights defenders as Front Line Defenders believes that they have been sentenced solely as a result of their legitimate and peaceful protest in the defence of their communities' land and health rights;
2. Guarantee in all circumstances that all human rights defenders in Madagascar are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including arrest and threats.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 5: *“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully”* and to Article 12 (2): *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present declaration.”*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,

A handwritten signature in blue ink that reads "Andrew Anderson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Andrew Anderson
Executive Director