

URGENT ACTION

ENVIRONMENTAL RIGHTS DEFENDER TO APPEAL SUSPENDED SENTENCE
Malagasy environmental human rights defender Raleva has been released after the Mananjary Tribunal in Madagascar handed him a two-year suspended sentence on 26 October. His conviction came after he publicly challenged a Chinese gold mining company to provide proof that it had the necessary permits to continue its mining activities in Mananjary. He is appealing the sentence.

On 26 October, Malagasy environmental human rights defender, **Raleva**, was handed a two-year suspended sentence by the Mananjary tribunal. He was released after spending 25 days in pre-trial detention at the Mananjary prison. His lawyer will be appealing his sentence.

Local police arrested Raleva on 27 September in the Vohilava village for asking to see the mining and environmental permits of a Chinese gold mining company operating in Mananjary. His arrest occurred during a public meeting organized by the Chinese company and the local head of district. The meeting was to inform the Marokarima residents that the mining company had received the necessary permits to resume their previously suspended mining activities in the area. The company's activities had been suspended by Madagascar's Ministry of Mines and Petrol following several protests in 2016 where protestors claimed the company was operating without the necessary permits required by law. According to Raleva's lawyer, representatives of the company verbally threatened him, and he was later charged with 'use of false title'. He was accused of falsely using the title of "Head of District". Raleva has denied this accusation, and the local head of district was present at the meeting himself, making it difficult for Raleva to have presented himself as the head of district.

The use of the judicial system by authorities to silence human rights activists and defenders is an emerging trend in Madagascar.

Raleva is a member of the human rights organisations Justice et Paix and l'Observatoire Indépendant des Droits Economiques, Sociaux, et Culturels (OIDESCM), a satellite of the national organisation, Centre de Recherche et d'Appui pour les Alternatives de Développement dans l'Océan Indien (CRAAD-OI). CRAAD-OI conducts independent research to promote alternatives for sustainable development centred around human rights, and based on principles of social, economic and environmental justice.

Please write immediately in French or your own language:

- Calling on the authorities to quash the conviction and sentence against Raleva since it is related solely to the peaceful exercise of his right to freedom of expression and his human rights work;
- Urging the authorities to ensure the criminal justice system is not misused to target or harass human rights defenders and ensure a safe and enabling environment in which it is possible to defend and promote human rights without fear of punishment, reprisal or intimidation;

PLEASE SEND APPEALS BEFORE 13 DECEMBER 2017 TO:

Madame la Ministre de la Justice
 Mme RASOLO Elise Alexandrine,
 43 Rue Joel Rakotomolala
 Faravohitra - Antananarivo
 Madagascar
 Email: spminjus@yahoo.fr
Salutation: Son excellence

Monsieur le Président de la République
de Madagascar
 Hery Rajaonarimampianina
 Palais d'État Iavoloha
 102 Iavoloha
 Antananarivo
 Madagascar
Salutation: Son Excellence

And copies to:
Madagascar Advisor
 Tamara Léger
 Amnesty International Southern Africa
 Regional Office
 Johannesburg
 South Africa
Email: tamara.leger@amnesty.org

Also send copies to diplomatic representatives accredited to your country. Embassy of the Republic of Madagascar, 4 Avenue Raphael Paris XVIII FRANCE 0033145046211 info@ambassade-madagascar.fr

Please check with your section office if sending appeals after the above date. This is the first update of UA 237/17. Further information: <https://www.amnesty.org/en/documents/af35/7248/2017/en/>

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ADDITIONAL INFORMATION

According to Raleva's lawyer, after his arrest he was first taken to a private home where he was kept for a night, before being transferred to the Mananjary police station where he spent five nights. He was then transferred to Mananjary prison on 3 October, where he was held until his trial on 26 October.

Since 2016, there have been increasing tensions between the local residents in the Vohalava and Ambaladara villages of Mananjary district and a Chinese gold mining company. Local residents have complained that the company does not have the permits required by law to extract gold. They have also protested against the environmental degradation they believe is a result of the mining activities. People who live in the surroundings of the mine have spoken about pollution of the Itsaka River, which is close to the gold mines, claiming it has severely affected water supply and food production in nine of the neighbouring villages.

On 27 August 2016, following several protests, Madagascar's Ministry of Mines and Petrol suspended the activities of the mining company until they were able to provide the documents required by Madagascar's Mining Code, including the mining and environmental permits. On the same day, the regional authorities proceeded to seize the company's equipment. On 7 June 2017, the Ministry of Mines and Petrol authorized the mining equipment to be handed back to the mining company on the condition that they would not be used until the required approvals and permits had been granted.

Amnesty International is deeply concerned about the abuse of the criminal justice system to target and harass human rights defenders and silence those who speak out against natural resource exploration and exploitation projects throughout the country. The organization has also documented the excessive use of pre-trial detention, particularly against human rights defenders, as a way to obstruct and delegitimize their work.

Further information on UA: 237/17 Index: AFR 35/7364/2017 Issue Date: 1 November 2017