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Madagascar: Investigate killings by security forces

Amnesty International is calling on the Malagasy authorities to open an independent and impartial investigation into the use of excessive force by the Presidential Guard against unarmed demonstrators marching towards a presidential palace, which resulted in at least 31 deaths and more than 200 injured.

On Saturday 7 February, members of the Presidential Guard protecting the Ambohitsorohitra palace, one of two presidential palaces in the capital Antananarivo, opened fire, using live ammunition, on a crowd of unarmed demonstrators who were marching towards the building. At least 31 persons, including journalist Ando Ratovonirina, and possibly up to 50, were killed. Photos of the scene showed people shot in the head, torso, back and legs.

Amnesty International's information indicates that riot police were barring the streets leading to the palace. A delegation of opposition supporters was allowed through by the riot police to discuss with the Presidential Guard the access of the demonstrators to the palace. In the meantime, the crowd was waiting behind the riot police. Those at the front of the crowd were warned by the police that they should not cross the red zone, prohibited to the public without authorisation. After the opposition delegation announced to the crowd that they were refused access to the palace by the Presidential Guard, demonstrators started advancing through the riot police barrier. According to witnesses, shots aimed at the demonstrators were then immediately fired by the Presidential Guard, without prior warning. Photos taken of the scene show people shot dead lying on the street, some meters away from the red zone, circumscribed by a red band in front of the palace. One witness said:

"I was at the front of the demonstration with journalists. I was able to go through the first riot police barriers. The police was warning us not to cross the red band installed by the Presidential Guard, they were telling us they could not guarantee our safety if we crossed it. A delegation discussed with members of the Presidential Guard. I went to the side and there was a crowd movement and people were running, forcing the riot police barrage. Suddenly, there were gunshots on the crowd, it lasted for a moment. When I raised my head again, several persons were lying on the floor, they were dead or injured by gunshots. There were no warning shots before fire was opened on the demonstrators."

Amnesty International recommends to the Malagasy authorities to ensure a prompt, independent and effective investigation into the incidents. The investigation's report should be made public. Members of the security forces present at the scene should be suspended pending the investigation and those suspected of responsibility for unlawful killings must be prosecuted in proceedings that meet international standards of fairness. Victims and relatives must be provided with reparations.

Amnesty International notes that the Malagasy security forces have faced, in the weeks before these killings, protests which in some cases have been violent and looting by anti-government protestors. While the Malagasy authorities have the right and duty to protect individuals and property, they must ensure that all security forces comply with international standards governing the conduct of law enforcement officials and the use of force and firearms and thereby respect and protect the right to life.

Under international human rights law and standards, Madagascar is obliged to respect and protect every person's right to life. The UN Code of Conduct for Law Enforcement Officials stipulates that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty". The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials requires law enforcement officials to "as far as possible, apply non-violent means before resorting to the use of force and firearms." To ensure that any force is a proportionate response to a situation, law enforcement officials should have a range of equipments and techniques to deal with demonstrations, in order to decrease the need to use weapons of any kind. In any event firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life. Principle 9 states that under these circumstances, law enforcement officials shall give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed.

Background

Opposition demonstrations have continued in Madagascar's capital Antananarivo since the dismissal of Mayor Andry Rajoelina by President Marc Ravalomanana earlier this year. Andry Rajoelina is engaged in a power struggle with President Ravalomanana. The President replaced the Mayor of Antananarivo with an interim official in the aftermath of weeks of demonstrations, during which the Mayor demanded the President to quit and proclaimed to be in charge of the country.

The shooting on 7 February followed earlier unrest and looting by anti-government protestors. During the demonstrations some 130 have reportedly died, including approximately 30 who died after a commercial building was set on fire.

The UN and the African Union are currently leading mediation efforts to end the political crisis.

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