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AMNESTY INTERNATIONAL MEMORANDUM ON THE HUMAN RIGHTS SITUATION IN TOGO AND RECOMMENDATIONS TO THE AFRICAN UNION

Amnesty International submits this briefing to the Peace and Security Council of the African Union (AU) to draw attention to the current human rights situation in Togo, which has seriously deteriorated since the announcement of the death of Gnassingbé Eyadéma, on 5 February 2005.

While Amnesty International acknowledges the willingness of the AU and the Economic Community of West African States (ECOWAS) to find a solution to the crisis arising from the military coup in the country and to ensure that constitutional legality is restored, the organization remains seriously concerned about ongoing human rights violations documented in the past weeks and in particular about recent excessive use of force against the population. Amnesty International urges the AU Peace and Security Council to ensure that human rights remain central to the efforts of the AU aimed at supporting a successful transition and start of the democratic process.

1 – Attack against freedom of expression

Several independent media have been under heavy pressure from the authorities, in particular those who have tried to report on the political situation after the death of Gnassingbé Eyadéma, reproducing both the position of the Togolese authorities and that of the opposition or who have tried to organise debates and special talks. Journalists and directors of radios have been intimidated by the President of the *Haute Autorité de l'audiovisuel et de la communication* (HAAC), High Audio-Visual and Communication Authority, and have received threats from the Togolese Armed Forces communications officer.

To Amnesty International's knowledge at least six radios stations and one television channel were closed down for several days for attack against public order although the authorities, in most cases, invoked tax reasons to justify these measures.

Details of restrictions of freedom of expression can be found in Amnesty International's public documents: *Togo. Radio Silence*, AI Index AFR 57/003/2005 (<http://webamnesty.org/library:index/enaf570032005>), *Togo. Appeal for the reopening of the medias*, AI Index AFR 57/004/2005 (<http://webamnesty.org/library:index/enaf570042005>) and updates AI Index AFR 57/005/2005 (<http://webamnesty.org/library:index/enaf570052005>) and AFR 57/006/2005 (<http://webamnesty.org/library:index/enaf570062005>).

2 – Attack against freedom of assembly and excessive use of force

Two days after the announcement of the former head of state's death, the Togolese government banned all street demonstrations for two months, justifying this measure by decreeing "national mourning", for this same period. Amnesty International is concerned that, given the systematic repression of all opposition when the government is facing elections, respect for the period of national mourning served only as a pretext to ban all expression of dissident political opinion.

The main opposition parties have nonetheless called for the population to demonstrate peacefully on several occasions, which led the Minister of Interior, François Akila Easo Boko, to give a « *strong warning* » to the « *leaders of political parties, who by their actions, try to defy the interdiction of all public demonstrations during this painful mourning period* ». While the ban was lifted on 19 February, several demonstrations were repressed, leading to several death and dozens of injured people.

On 27 February, the repression of a demonstration organised in Lomé by women organizations led to excessive use of force by security forces against the population living in Bè neighbourhood. Reports indicate that security forces raided homes, severely beating people and threatening some women of rape. At least four bodies, some with marks of injuries were subsequently found in Bè Lagoon.

Amnesty International fears that security forces have used excessive force to repress the demonstrations, as it has been the case in the past.

3 – Allegations of abuses carried out by politically motivated armed groups

Amnesty International also received allegations of abuses committed by armed groups in Lomé, the capital. Civilians patrolling in cars are alleged to have attacked suspected opposition supporters, including students. Information suggests these armed groups operate in order to dissuade any gathering or peaceful demonstration. To our knowledge no action has been taken to put an end to abuses committed by these groups or to dismantle them.

RECOMMENDATIONS

While tension is likely to heighten in the run up to the presidential election, Amnesty International is calling on the AU Peace and Security Council to:

- to condemn ongoing human rights violations in Togo and to ensure that human rights remain central to the AU's efforts aiming at supporting a successful transition and start of the democratic process in Togo;
- request an investigation mission of the African Commission on Human and Peoples' Rights into the repression of peaceful gatherings and demonstrations, which led to serious human rights violations including alleged extrajudicial executions and rape;
- Keep monitoring very closely the situation in Togo and ensure that conditions for free and fair elections are implemented;
- Demand that freedom of expression be guaranteed as provided for by Article 9 of the African Charter on Human and Peoples' Rights (ACHPR) as well as other relevant international standards;
- Urge the Togolese authorities to put an end to intimidations and threats against journalists and the media;
- Urge the Togolese authorities to guarantee the right to freedom of assembly as provided by Article 11 of the ACHPR;
- Demand that international standards on the use of force for law enforcement officials be respected, including the UN Basic Principle on the Use of Force and Firearms by Law Enforcement Officials. Article 9 specifies that "*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life*";
- urge the Togolese authorities to dismantle armed groups composed of civilians patrolling on cars and intimidating the population.