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# **TOGO**

## **Togo. Time for accountability**

### **The pressing case for an international commission of inquiry**

#### *Introduction*

*On 5 May 1999, Amnesty International published a document entitled *Togo: Rule of terror* (AI Index: AFR 57/01/99) in which the organisation addressed the issue of serious human rights violations committed with complete impunity by the Togolese security forces. This report was the result of an in-country inquiry, carried out over three weeks, in November and December 1998, in both Togo and Benin. During this inquiry, the Amnesty International delegates met representatives of the Togolese Government as well as dozens of victims and witnesses, among whom were Togolese and Beninese fishermen.*

*This report describes the practice of arbitrary arrests and detentions followed by torture and ill-treatment, as well as deaths in detention and harsh detention conditions over the last four years. This document, the fourth since 1992 dedicated to human rights violations in Togo, emphasises that recourse to extrajudicial execution and “disappearances” in Togo is not new. The document concludes with a number of recommendations to the Togolese authorities and to external countries, including France. In relation to France, the organization insists that it recognise its responsibility with regard to the human rights crisis*

in Togo, in that military aid provided by France contributes to repression of the civilian population. As a result, the organization demands of France that it ensures that transfers of military, security and police equipment are not used against the civilian population and that all aid in this field includes a training programme on human rights issues.

This document was immediately described by the Togolese authorities as “a tissue of untruths, false allegations, misinformation and bias inspired by the ill will of its authors”. On the day after publication of the report, the Togolese authorities announced their intention of taking legal proceedings against Amnesty International and proceeded to arrest several Togolese human rights defenders, including a member of Amnesty International’s local section, suspected of having provided the information in the report.

The indignation of the Togolese authorities was not, in fact, directed at the whole of Amnesty International’s 45 page report, but solely at the following paragraph:

*“In June 1998, during the Presidential election campaign, and the after the results had been announced, hundred of individuals, including military personnel, were extrajudicially executed. Bodies were found on the beaches of Togo and Benin, and corpses were seen out at sea off the coast of Benin, over the course of four months. During its mission of inquiry, the Amnesty International delegation was able to question numerous individuals, including Beninese and Togolese fishermen, as well as Togolese farmers working in the fields. Those questioned described unusual aeroplane and helicopter flights, sometimes at very low altitudes, out at sea.”*

On the whole, this information, as will be seen below, was not new, but it had received very little publicity. Independent observers, among whom were foreign journalists, also expressed serious doubts as to the accuracy of this information, expressing surprise that no-one had spoken of it at the time.

Some weeks later, hastening to the aid of the Togolese President, Ganssingbé Eyadéma, the Beninese Defence Minister, Pierre Osho, described the Amnesty International report as “a grotesque, even stinking, fairy tale”. The President of France, Jacques Chirac, had no hesitation, on a visit to Togo in July 1999, in stating that the Amnesty International report was “probably in large measure”, the result of “a process of manipulation”.

The following document presents the result of certain inquiries, as well as the positions taken by journalists and human rights defence organizations who reacted to the information published by Amnesty International in May 1999. Some of these documents, published even before the Amnesty International report, confirm the information published by the organization. Others, originating with Beninese and Togolese journalists, give an account of intimidation or attempts at corruption allegedly undertaken by the Togolese authorities to silence witnesses or cover up evidence.

Five months after the publication of the Amnesty International report, several independent inquiries confirmed that dead bodies had been found on the beaches or seen off the coast of Benin. Refusing to pass judgement on the contentious facts before undertaking his own inquiry, a

journalist from the French daily paper, *Le Figaro*, Patrick de Saint Exupéry, visited the location in June 1999 and collected testimonies from Beninese fishermen which confirm Amnesty International's information. What did these fishermen say to the French journalist? "We can testify to the truth of the deaths. (...) The sea vomited bodies. (...) We wonder if there's a war going on over there. Because we found the dead bodies in a state of disorder" (Annexe V).

To shed light on these serious allegations, an independent organization, the League for Human Rights Defence of Benin (LDH) undertook a long inquiry in the field lasting for over a month in June and July 1999. The results of this inquiry are telling. For the LDH "there is no doubt that bodies have been discovered on the shores of Benin, at least one hundred of them out at sea." According to their report, several corpses were "almost naked, in underpants" and one of them was handcuffed and showed signs of torture. The Beninese fishermen, questioned by the LDH, also indicated that the appearance of bodies in the sea or on the beaches followed the presence of planes "coming from the West, flying as far as Grand-Popo and then turning back" (Annexe VI).

In these circumstances, how is the silence about the existence of the bodies to be explained? In fact, there was not total silence. The US Department of State's 1998 report on Togo is very explicit about human rights violations in Togo. The text states specifically: "As in previous years, the security forces were responsible for numerous extrajudicial executions". In relation to "disappearances", the text mentions that "reports have been received of mass burials in 1997 and 1998 near Lomé" (Annexe III).

The State Department also describes the case of a doctor killed apparently after having worked on the case of communal graves: *“On the evening of May 15, Dr. Tona Pierre Adigo, a founding member of the Togolese League for Human Rights (LTDH) and of the opposition Togolese Union for Democracy (UTD) party, was killed and burned in his car on a street in Lomé, the capital. A witness reportedly claimed that security personnel stopped Adigo’s car and that a military jeep left the scene as the car burst into flames. Adigo, a physician, previously had filed reports at variance with official explanations after conducting autopsies of bodies exhumed from mass graves. During the days preceding his death, according to credible reports, Adigo had received and ignored repeated official requests to go to Gendarmerie headquarters for an unspecified purpose. Government media reported that Adigo committed suicide by burning himself in his car”* (Annexe III).

On the subject of torture, the State Department’s report confirms: *“The law prohibits torture and physical abuse of prisoners and detainees, but security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten and denied access to food and medical attention. Security forces also repeatedly beat demonstrators or opposition party members without arresting or detaining them. The Government did not publicly prosecute any officials for these abuses”* (Annexe III).

Moreover, two Togolese newspapers, *L’Aurore* and *Le Reporter* made reference, in August 1998, to bodies cast up by the sea (Annexes I and II). The newspaper *L’Aurore*, six months after the publication of the Amnesty International report, points out: *“Recently, something terrible*

*has been happening on our shoreline. Dead bodies have been found there, cast up by the sea. One is of a fully clothed man, another of an individual whose head has been cut off. The discovery was also made of a man in uniform with his tied [sic] behind him, and of that of another tortured man tied up in a sack. All these bodies were found on the coast between Kpémé in Togo and Ayi Guinnou in Benin. It is strange that the authorities remain silent on these horrors. Observers continue to ask questions, noting that these macabre discoveries recall a type of atrocity characteristic of a period of terror which has marked our recent history'* (Annexe I).

It is false, therefore, to say that no-one spoke at the time the events occurred. If the Togolese press has appeared particularly timid in relation to bodies found at sea, it is for reasons made clear by a Togolese paper, in May 1999, in the following terms: *"We were thoroughly informed about the casting up of these corpses on the beach. But in the light of the threats to which we are subjected daily, we were obliged to censor ourselves and abstain from any investigation of this affair"* (Annexe IV).

Faced with the results of independent inquiries confirming the existence of bodies cast up by the sea and the refusal of Togolese journalists to act as surety for the present régime, the Togolese authorities seem to have increased their measures to intimidate witnesses and human rights defenders and their attempts to corrupt journalists.

To discredit the Amnesty International report, the Togolese authorities also appear to have pressurised, by threats or bribery, Beninese village heads to come and testify on Togolese television that no

bodies had been found on Benin's beaches. This action aroused the anger of the local people who demonstrated in public, in June 1999, against an attitude which they considered to be dishonourable (See the Togolese weekly, *La Tribune Africaine*, of 22 to 28 June 1999 – Annexe IX). The local Beninese people even put forward a protest motion demanding that local area heads corrupted by the Togolese authorities “be comprehensively relieved of their duties” (Annexe X).

Another Beninese daily, *La Nation*, also undertook an investigation, in July 1999, and discovered that Beninese citizens had gone to testify in Lomé in exchange for banknotes (Annexe XI). The newspaper relates how “the village heads were to be rewarded with two million F CFA after the accomplishment of their mission. Then began the campaign to dispute Amnesty International's declaration and to enrol other village heads in the trip to Lomé” (Annexe XI).

Togolese television was also used to broadcast the “confession” of a human rights defender, Brice Sant'anna, who accused two other members of his organization, the Togolese Association for the Defence and Promotion of Human Rights (ATPDH), Nestor Tengue and Francois Gayibor, of having given information to Amnesty International. The three men were arrested on 3 May 1999 and released on bail after two and a half months of detention. They remain charged with “attacking the reputation and the security of the State, spreading false reports, forgery and use of forgery”.

The Togolese authorities set themselves against other human rights defenders. Being unable to attack directly Amnesty International's London-based organization, the Togolese authorities turned their



activities to a member of the local section of the organization, Antoine Koffi Nadjombe, who was arrested on 14 May in Lomé. During his detention in national police headquarters, he was beaten and received death threats. Members of the security forces demanded that he make a public denunciation of Pierre Sané, Secretary General of Amnesty International, specifying that the latter was the author of the report of May 1999 and that he had sided with opposition leaders to discredit the Togolese Government. He was also threatened with lethal injections if he refused to make this denunciation. Furthermore, his wife, Christine Adjoa, was warned that she would never see her husband alive again if he did not testify against Amnesty International. After a month's detention, Antoine Koffi Nadjombe was provisionally released, but he remains charged with criminal acts. Some days later, on 26 May, two members of the Togolese Section of Christian Action for the Abolition of Torture (ACAT) only just escaped arrest and took refuge abroad.

Other human rights defenders were also harassed because of their membership of Amnesty International. For example, Ameen Ayodele, a member of the Nigerian Section of Amnesty International was arrested at the border on 19 May 1999, and severely tortured for several days. He was released without charge. Amnesty International strongly protests at the arbitrary detention of these human rights defenders, which is entirely connected to the publication of its report. The organization demands that the charges against human rights defenders be dropped.

The Togolese authorities also sent emissaries to Benin to intimidate witnesses and destroy evidence. In July 1999, the LDH denounced the incursion of two colonels from the Togolese army on a mission in a Beninese village to pressurise the people from the

Grand-Popo and Agoué areas. The Beninese organization emphasises: “the police and the Togolese army tried to recover evidence kept by the local people, and had recourse to corruption” (Annexe VII). This report was confirmed by the Togolese weekly paper, *Le Combat du peuple*, on 19 and 23 July 1999 (Annexe VIII). The paper makes clear that “the people of Ayiguenou claim to have seen and buried bodies thrown up by the sea during the period specified by Amnesty International in its report” and adds that “the Togolese authorities would appear currently to be attempting to erase all evidence that would compromise them”(Annexe VIII). Amnesty International does not know if this incursion of the Togolese colonels into Beninese territory was carried out without the knowledge or with the connivance of the Beninese authorities.

It would appear that several Beninese journalists were particular targets of attempts by the Togolese authorities to hide the truth of the massacres. These journalists appear to have received large sums of money from the Togolese Government to discredit the complementary reports of Amnesty International and of the Beninese Human Rights League. The Beninese daily paper, *Le Progrès*, described, in July 1999, this attempt to corrupt the Beninese press (Annexe XII). The Union of Journalist of the Benin Private Press (UJPB) denounced the attitude of those of their colleagues who had been corrupted (See *Le Point* of 23 August 1999 – Annexe XIII) and the Observatory for Good Practice and Ethics in the Media, a Beninese organization controlled by the press, strongly condemned the guilty journalists “for having violated the rule which forbids journalists to receive money or any material advantage” (See *Le Matin* of 6 September 1999 – Annexe XIV).

Threats, corruption, intimidation, the arrest of human rights

defenders in Togo: the Togolese authorities have tried everything to impose silence and deny the reality of these massacres. Only an international commission of inquiry can dispel the doubts sown by the Togolese authorities. Amnesty International has been calling for such an international inquiry for some considerable time. It has repeated its appeal in its report of May 1999, and has requested the Togolese authorities to invite the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary executions, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances to Togo.

When Togo finally agreed in principle to the setting up of an international commission of inquiry, in July 1999, Amnesty International wrote to the President of Togo to remind him of the conditions that such an inquiry should fulfil to satisfy the criteria of independence and impartiality. In particular, the organization emphasised that “members of the commission of inquiry should be chosen for their impartiality, ability and independence. They should not be closely associated with any government entity, political party, or other entity potentially implicated in the allegations of human rights abuse, nor with any organization or group associated with the victims” (Annexe XV).

Being concerned to bring the truth to light, particularly about the bodies found in Benin, Amnesty International also requested the President of Benin, Mathieu Kérékou, in August 1999, to invite “the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary executions, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances to come to Benin to investigate these serious allegations” (Annexe XVI).

In August 1999, the Chairman of the United Nations Sub-Commission on Human Rights announced the setting up of a commission of inquiry into extrajudicial executions which, according to Amnesty International and other human rights organizations, took place at the time of the Togolese Presidential elections in June 1998. The Togolese Government, as it has undertaken to the Sub-Commission must “provide the international commission of inquiry with help and assistance so that it will be able to accomplish its task with competence and within a reasonable time in accordance with international norms” and must “take all appropriate measures to ensure that the competent authorities cooperate fully with the international commission of inquiry”. According to a communiqué from the Togolese Government on 1 November 1999, the Togolese authorities, in a letter dated 20 October 1999, addressed respectively to the Secretary General of the United Nations and to the Secretary General of the Organization of African Unity (OAU), undertook to “examine in a practical manner all the measures that will enable the members of the international commission of inquiry to work effectively and with complete independence”.

In order to illuminate the facts, this commission must be able to work with complete independence and impartiality. It will also be important to bear in mind the full contents of the report of May 1999. But beyond the bodies found at sea, an evaluation must be made of thirty years of human rights violations committed with complete impunity. Only the truth will allow the Togolese people to come to terms with their own history. These issues will come before an international commission of inquiry. The matter is now urgent.