

## **TOGO**

### **A HIGH RISK TRANSITION**

#### **INTRODUCTION**

One month after the announcement of President Gnassingbé Eyadéma's death, on 5 February 2005, serious violations of fundamental rights continue to be perpetrated, despite intense efforts to find a peaceful solution to the political crisis caused by the succession to the presidency of the Republic of Togo. By the beginning of March 2005, all political parties seemed to have accepted the proposal put forward by the Economic Community of West African States (ECOWAS), in its role as mediator, that presidential elections should be held within the following two months. However, due to the systematic violations committed by the security forces during previous elections and recent reports of violent repression against alleged opposition sympathisers, Amnesty International fears a new spiral of violence in this high risk transition period.

Extrajudicial executions, arbitrary arrests, indiscriminate repression of the residents of a neighbourhood where alleged opposition sympathisers live, threats of rape, repeated threats against and intimidation of private media, a ban on demonstrations under the pretext of imposing respect for "*national mourning*": the security forces seem to have stopped at nothing to gag all dissident voices contesting the army's decision to install Faure Gnassingbé, son of the dead president, as head of the Togolese state.

While recognising the right of the Togolese authorities to maintain order, when this is threatened, Amnesty International appeals to the Togolese government to avoid excessive use of force and to immediately end atrocities committed by the security forces, particularly extrajudicial executions and indiscriminate violence against the civilian population.

The organisation also appeals to the international community, which is deeply involved in trying to find a peaceful resolution to this crisis, to demand that the Togolese authorities respect fundamental rights. Amnesty International also appeals to the African Union to open, as soon as possible, an inquiry into the serious violations of human rights, in particular, into the threats of rape allegedly made by the security forces. Amnesty International is convinced that there is no possibility of free and transparent elections unless there is an immediate halt to the repression.

## THE POLITICAL CONFLICT CAUSED BY THE SUCCESSION

After the announcement of the death of President Gnassingbé Eyadéma [in power since 1967], on 5 February 2005, the Togolese Armed Forces proclaimed Faure Gnassingbé, son of the deceased head of state, as President of the Togolese Republic. On the following day, the President of the National Assembly, Fambaré Natchaba Ouattara, who should, in accordance with the Constitution, take over as caretaker leader pending presidential elections within two months, was dismissed and replaced by Faure Gnassingbé. At the same time, the Constitution was modified to allow the new head of state to serve the rest of his father's term, until 2008.

In his first speech to the nation, on 9 February 2005, Faure Gnassingbé expressed his wish for "*the organisation, as soon as possible, of free and transparent elections that reflect the will of the people...*", without mentioning whether he was referring to the legislative elections due this year or the presidential election.

A coalition of the main opposition parties condemned this transfer of power and demanded "*an immediate return to constitutional legality*". It also called on the Togolese population to take part in a two-day general strike called "*Togo mort*" and in street demonstrations.

The international community unanimously condemned this unconstitutional transfer of power, described by the African Union as "*a military coup*". The *Conseil Permanent de la Francophonie*, the Permanent Francophone Council, meeting in extraordinary session on 9 February 2005, strongly condemned "*the coup carried out by the Togolese Armed Forces and the blatant and repeated violation of all constitutional provisions*" and declared "*the suspension of Togolese representatives from the International Francophone Organisation and the suspension of multilateral francophone cooperation*". Other international organisations, notably the European Union, and European states, for example France and Germany, also condemned the transfer of power and demanded a return to constitutional order. The United States officially called for the resignation of the army-installed president.

In response to the refusal of the new Togolese authorities to reply to these demands, ECOWAS decided, on 19 February 2005, to suspend Togo from the organisation, recall its ambassadors from Lomé, the capital of Togo, and impose a travel ban on Togolese leaders. A few days later, the African Union Peace and Security Council requested its members to apply the same sanctions imposed by ECOWAS.

On 21 February 2005, this unanimous disapproval led the Togolese National Assembly to amend the Constitution and reinstate the previous provision providing for the organisation of a presidential election within 60 days. However, the investiture of Faure Gnassingbé as interim president was not called into question.

Faced with continuing criticism from the international community, Faure Gnassingbé announced his resignation on 25 February 2005, and Abbas Bonfoh, first vice president of the National Assembly, was elected interim President. ECOWAS responded by lifting sanctions.

Faure Gnassingbé has announced that he will be the candidate of the *Rassemblement du peuple togolais (RPT)*, the Togolese People's Rally, the ruling party, at the next presidential election. On 2 March 2005, the main opposition parties, including the *Union des forces de changement (UFC)*, Union of Forces for Change, the *Comité d'action pour le renouveau (CAR)*, Action Committee for Renewal and the *Convention démocratique des peuples africains (CDPA)*, Democratic Convention of African Peoples, finally agreed to take part in this election. However, in a joint press release, on 1 March 2005, they deplored the fact that "*the ECOWAS mission [given the task of negotiating this political agreement] did not subscribe to their proposal for a political agreement that would permit the removal of exclusion measures, and requests that it continue with its efforts to try and resolve this problem*". This request for the repeal of "*exclusion measures*" refers to article 62 of the Constitution, which requires all candidates for president to have resided in the country for at least the previous 12 months. This *de facto* prevents the candidacy of one of the opposition leaders, Gilchrist Olympio, President of the UFC, who has lived in exile since an attempt to assassinate him was made in May 1992.

In a press release, dated 14 March 2005, the coalition of six opposition parties announced it had chosen Emmanuel Akitani Bob as their joint candidate for the presidential elections of 24 April 2005.

## **ATTEMPTS TO GAG ALL DISSIDENT VOICES**

Aware of the fact that their decision to forcibly impose the deceased President's son as head of state was not going to be accepted without protest, the Togolese authorities immediately tried to muzzle all dissident voices. 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.<sup>1</sup>

This ban did not dissuade some opposition parties from calling on the Togolese population to participate in a two-day general strike called “*Togo mort*” and in street demonstrations. The first protests, which took place on 11 and 12 February 2005, were repressed by the security forces, who had recourse to the excessive use of force. At least three people were shot dead in Lomé, on 12 February. A statement by the Togolese authorities, broadcasted on national television (TVT) in the following hours, confirmed that three people had been killed during these events. It said that the Togolese government had arrested a member of the security forces and begun an investigation to determine the cause of the deaths.

Several people, including ordinary citizens, were arrested and arbitrarily detained during these demonstrations.<sup>2</sup> As far as Amnesty International is aware, two of these people were detained for more than two weeks without being given any reason for their arrest. They were given a six months suspended prison sentence, for assault and criminal conspiracy, after a trial in which they were not allowed access to a lawyer. Others were released without charge or trial. Some detainees claimed they were illtreated during the first few hours they spent in custody. One of the victims told Amnesty International: “*I was thrown to the ground. They accused me of being a leader. They took me to a camp, where I was illtreated.*” A former detainee told Amnesty International that, since his release, he feels he is being followed by suspicious individuals when he goes out.

Since the death of General Eyadéma was announced, the authorities have also attacked the media. The reference by certain private media to an appeal by six parties, on 7 February 2005, calling on the Togolese to observe two-day general strike called “*Togo mort*” in the country “*to express their rejection of the military coup*” seems to have been one of the reasons for the government’s latest attempt to muzzle the independent media.<sup>3</sup>

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<sup>1</sup> In a press release, dated 10 February 2005, entitled *Togo. Silence radio* (AI index: AFR 57/003/2005), Amnesty International said that given the systematic repression of all opposition when the maintenance of power is at stake, it is to be feared that respect for the period of national mourning serves only as a pretext to ban all expression of dissident political opinion.

<sup>2</sup> For fear of reprisals by the Togolese authorities, Amnesty International has decided not to give the names of any victims in this report.

<sup>3</sup> The Togolese authorities had already tried to muzzle the media during the preceding presidential election, in June 2003. See *Togo. Quiet, there’s an election* (AI Index: AFR 57/003/2003)

The President of the *Haute Autorité de l'audiovisuel et de la communication* (HAAC), High Audiovisual and Communication Authority, intervened on several occasions, notably to demand that a programme scheduled by *Kanal FM* for 6 February 2005 should not be broadcasted. Two days later, a similar demand made to directors of the same radio station resulted in the immediate suspension of a roundtable discussion which was being broadcast.

After these interventions, several private radio stations chose to broadcast only music. Others refrained from making any news broadcasts, restricted themselves to disseminating general information and avoided any debate that might provoke further reaction from the authorities.

Despite this enforced caution, the Togolese authorities have continued to forcibly muzzle the media. On Thursday 10 February 2005, gendarmes seized all the broadcasting material belonging to the private radio station, *Radio Lumière*, located at Aneho, 50 km to the east of the capital Lomé. The local authorities accused the director of undermining public order after he had broadcast the statement of a member of the opposition that same morning.

In addition, all directors of private radio stations in Lomé were called to a meeting by the HAAC President on the morning of Thursday 10 February 2005, in the presence of the Togolese Armed Forces communications officer. During this meeting, the latter singled out some private radio stations and openly threatened them. He said that: "*We have targeted certain stations that I am going to name, Nana FM, Radio Nostalgie, Kanal FM and Radio Maria. We want you to know that we have the means to put an end to this. It is up to each of you to act in a responsible way.*" These threats had an immediate effect because, a few days later, at least seven private media were closed, most of them officially for tax reasons, with the authorities claiming that these radio stations had not paid their taxes.

The Togolese authorities have also taken steps against some of the international media. Two Radio France International (RFI) transmitters stopped broadcasting in FM for a few days on Tuesday 8 February 2005, officially because of a technical breakdown. On the same day, RFI's special correspondent was refused a visa at the Benin border although other foreign journalists were able to enter Togo. RFI was also the target of attacks by Mr Pitang Tchalla, Minister of Communications, on 7 February 2005. He publicly accused RFI of having "launched a disinformation and destabilisation campaigns".

This intimidation was denounced by several international organisations, including *Reporters sans Frontières (RSF)*, Reporters without Borders. A few days later, on 18 February 2005, Pitang Tchalla, summoned the directors of private radio stations that had closed and told them that the President of the Republic had, as a goodwill gesture, requested the reopening of all the closed media.<sup>4</sup> On the same day, the government announced an end to the 7 February 2005 ban on demonstrations.

## INDISCRIMINATE REPRESSION

These goodwill measures were short-lived. On 22 February 2005, the Minister of the Interior, François Akila Ezzo Boko, banned two demonstrations called for the following day, by the opposition and the RPT respectively, on the grounds that demonstrations remained banned during that week. On the following Sunday, 27 February 2005, a march organised by women's organisations took place in Lomé. The organisers asked the population to dress in red, to symbolise that democracy was in danger in Togo. There were clashes between security forces and several demonstrators at the end of the demonstration. The security forces chased some demonstrators into the Bè neighbourhood, a traditional opposition stronghold. It seems that these demonstrators erected barricades and that clashes took place right through until the following morning, when the security forces began indiscriminate repression of people in the neighbourhood, forcibly entering homes, beating up anyone in their way and, according to some reports, making threats of rape.

A statement obtained by Amnesty International said:

[On Sunday, 27 February] “*I saw the security forces chasing some young people who had begun to erect barricades. I saw an officer order his men to ‘intensify the repression’. They fired live rounds at a young person who was trying to escape. Some tried to escape by throwing themselves in the lagoon but the security forces continued to fire on them.*”

The next day, five bodies, including a child aged around 10, were found in Bè Lagoon. A witness to the scene told the *Ligue togolaise des droits de l’homme (LTDH)*, Togolese League for Human Rights :

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<sup>4</sup> By 24 February 2005, all the media that had been closed down were on air again. *Radio Lumière* had its confiscated transmitter returned, although it had been damaged. The radio station had to rent equipment in order to begin broadcasting again.

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*“[On Sunday 27 February], ...My neighbours told me that the squatter settlement along the lagoon had been wrecked. Like a lot of other people, I ran there to see the damage, when soldiers arrived and surrounded us on all sides, so that the lagoon was our only route of escape... There was a little boy called EFO in the lagoon, just next to me. He was about 12 years old. I tried to save him from drowning by carrying him on my shoulders, but I had scarcely emerged from the water with the child when the soldiers threw stones to stop us going any further. Trying to ward off one of these stones, I plunged back into the water with the child, but I immediately lost sight of him... The child was rescued by [another man]. The soldiers started throwing stones again, one of which hit him on the head. Trying to escape, he let the child go. Unfortunately, the child drowned and his body was recovered on the following day. We escaped because we knew how to swim. The soldiers continued to utter threats in our direction, saying they would exterminate us in the lagoon. However, we managed to get out of the lagoon thanks to the intervention of other demonstrators who succeeded in pushing the soldiers back by throwing things at them.”*

Four other bodies were found, and according to a statement obtained by Amnesty International, “ *two of them had red marks on them, indicating they must have been on the demonstration on the previous day [Sunday, 27 February]. The bodies showed signs of injuries*”. Two days later, the Togolese authorities announced that a judicial investigation would be set up to determine the causes and circumstances of the death of these five people.

These events recall those that occurred in similar circumstances, in April 1991, when the bodies of 28 people were recovered from Bè Lagoon, after demonstrations calling for the resignation of President Gnassingbé Eyadéma. Soldiers deliberately fired on demonstrators who had jumped into the lagoon.<sup>5</sup>

On 28 February, the security forces forcibly entered private homes and hit residents in a brutal and indiscriminate manner. One of these victims, a woman, told Amnesty International:

*“I was at home, it was early in the morning [Monday, 28 February] when I saw women running. I heard shots being fired and saw teargas being thrown. I saw soldiers in fatigues go into houses and beat up young boys and girls. I*

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<sup>5</sup> See Amnesty International. *Time for reform : impunity for the perpetrators of human rights violations*. April 1992 (AI Index: AFR 57/001/1992).

*was frightened and went back into my house. Two patrol vans stopped outside and soldiers came in. I hid, so they wanted to beat my sisters up. One of them took out a weapon (a submachine gun) and threatened to open fire if I did not come out of my hiding place. I came out and one of the soldiers began to hit me. Another soldier said: 'we ought to finish her off'. Seven people hit me with their truncheons. The blows felt a bit like electric shocks. I lost consciousness and the soldiers became frightened and left. I was losing a lot of blood, I went to the local doctor's, who treated me, but he was too frightened to give me a certificate."*

The security forces attacked the women whom they found at home. On the morning of 28 February, soldiers entered the home of a Bè resident. *"The soldiers were all over the neighbourhood and went into people's homes looking for the men. They began by breaking down the doors. I hid in the bedroom with my sister. As they couldn't find anyone, they broke down the bedroom door and threw teargas grenades in. We stayed where we were and waited until it was quiet."*

Amnesty International has obtained several statements from women claiming they were threatened with rape and the organisation believes that these allegations are so serious that they deserve an impartial, independent and exhaustive inquiry. On the evening of Sunday, 27 February, as they were leaving their homes, two women were stopped by men in fatigues, travelling in a four-wheel drive vehicle. These men threatened them with their weapons and according to one source, *"touched the intimate parts of their bodies"* (*ils auraient touché leur 'intimité'*). The driver of a passing vehicle apparently chased these men away.

During these two days of clashes and repression, several people were wounded. The LTDH has recorded dozens of cases of people being wounded, some of them seriously. It stated, in a press release, dated 1 March 2005, that *"those killed or wounded by bullets and the disappeared, the list of which is getting dangerously long, show the ferocity of the repression, by an army that behaved like a foreign army of occupation"*.

## **ACTIVITIES OF ARMED GANGS**

Several statements obtained by Amnesty International mention the patrol of some neighbourhoods of Lomé by armed civilian gangs, who threatened and beat up local people. Amnesty International has obtained corroborating statements from witnesses, indicating that, during the opposition demonstration of 12 February, in Lomé, armed gangs patrolled the Bè neighbourhood in vehicles, threatening people with machetes



and cudgels with nails in. This took place in the presence of the security forces, who did nothing to protect the population. Some young people who participated in this demonstration were arrested by a group of armed civilians who beat them up violently, using cudgels with nails in.

As far as Amnesty International is aware, and despite public denunciations mentioning these armed gangs, the Togolese authorities have taken no action to put an end to these activities.<sup>6</sup>

## RECOMMENDATIONS

Amnesty International calls on the Togolese authorities to:

- Immediately put an end to atrocities committed by the Togolese security forces;
- Prevent all new abuses of fundamental rights committed by armed gangs;
- Let it be known, in an explicit manner and unambiguous manner, that no atrocities will be tolerated and that those responsible, members of the security forces or armed civilian gangs, will be brought to justice;
- Guarantee the right to the freedom of expression and the freedom to demonstrate as enshrined in articles 19 and 21, respectively, of the International Covenant on Civil and Political Rights (ICCPR) and articles 9 and 11 of the African Charter on Human and Peoples' Rights, ratified by Togo;
- Stop the intimidation of and threats against journalists and directors of private media;
- Insist that the security forces respect fundamental international standards relating to the use of force, notably the Basic Principles on the use of Force and Firearms by Law Enforcement Officials, adopted by the United Nations General Assembly in Resolution 45/166 of December 1990. Principle 9 of this document states that: "*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the*

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<sup>6</sup> See the press release by the International Federation for Human Rights and LTDH, dated 14 February, and entitled: *Togo. Répression arbitraire des manifestations du 12 février : les témoins pris pour cibles (Togo. Arbitrary repression of the 12 February demonstrations : witnesses are targeted)*.

*imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life...”;*

Amnesty International also calls on the international community to:

- Condemn the serious violations of fundamental rights committed by the security forces and armed gangs since the announcement of the death of President Gnassingbé Eyadéma;
- Make sure that respect for human rights remains at the heart of the international community’s efforts to support a peaceful transition;
- Continue to keep a close watch on the situation in Togo and ensure that conditions for free and transparent elections are put in place;
- Demand that the right to the freedom of expression and demonstration be respected, as guaranteed by international standards;
- Request the Togolese authorities to stop acts of intimidation and violence by motorised armed civilian gangs;

Amnesty International particularly calls on the African Union to:

- Send an international mission of inquiry from the African Commission of Human and Peoples Rights, as soon as possible, to do everything possible to shed light on the serious abuses of human rights, especially extrajudicial executions. This inquiry should pay particular attention to violence against women, especially to reports about threats of rape.