

TOGO : WILL HISTORY REPEAT ITSELF?

“It is inhuman and horrifying, the scale of it is beyond belief, children and adults cry when mention is made of situations experienced during the repression, there are many cases of traumatic neurosis”¹.

INTRODUCTION

After the death, in February 2005, of President Gnassingbé Eyadéma, who ran the country for 37 years, his son, Faure Gnassingbé, was elected in a ballot marred by irregularities and serious violence. In the days that followed the presidential election of 24 April 2005, the Togolese security forces, supported by militias close to the ruling party – the *Rassemblement du peuple togolais* (RPT), Rally of the Togolese People, violently attacked presumed opponents or ordinary citizens, making use of systematic violence. Not since the presidential election in 1998, has repression been so brutal. It shows how determined this family, which has been in control of the state for nearly four decades, is to hang onto power at any price.

The Togolese security forces, supported in most cases by military-trained militias, has committed very serious violations of human rights, including extrajudicial executions, kidnappings, torture and ill-treatment, rape, attempted rape and arbitrary arrests. All the information gathered by Amnesty International shows the completely disproportionate reaction of the security forces, aided by the militias, to public protests at the election results. In most cases, the public, including opposition supporters, demonstrated peacefully and were not armed, with the exception of certain clashes during the electoral period, in the town of Aného, in the coastal region, not far from the border with Benin, and in certain districts of Lomé, the capital.

This report examines the violations of fundamental rights committed in the days preceding and following the presidential election of April 2005. These atrocities forced more than 30,000 Togolese to seek refuge in the bordering countries of Benin and Ghana. This report is based on information gathered by an Amnesty International research mission that visited refugee camps in Benin, in May and June 2005. Amnesty International representatives were able to gather testimony from Togolese victims, newly arrived in Benin, who had been wounded or who had lost close relatives in different regions of the country. The delegation also met Benin doctors who treated the victims of these atrocities. This report ends with a series of recommendations to the Togolese authorities, the international community, especially the African Union (AU), and other countries that provide military assistance to Togo, including France.

¹ Testimony of a psychologist responsible for providing care for Togolese refugees in Benin.

Amnesty International has not been able to establish an exhaustive toll of the dead and wounded in the repression that followed the presidential election of April 2005. However, in the course of its investigation, Amnesty International compiled a list of 150 names that it will make available to any independent and impartial international commission of enquiry able to guarantee the security of witnesses and the families of victims. However, the organisation estimates that the total number of victims is much higher, because many witnesses have described how unidentified bodies were left at the mortuary and bodies were buried without being registered in any hospital or mortuary.

Given the gravity of the information gathered and the thousands of people who sought refuge in Ghana or Benin, without any hope of an immediate return, Amnesty International appeals to the international community to support the initiatives of the United Nations High Commission for Human Rights, which sent a fact-finding mission, in June 2005. The organisation believes it is essential to publish the findings of this mission and to implement its recommendations. This mission should be followed by the establishment of an international commission of enquiry, with adequate resources, to conduct an exhaustive inquiry, throughout the country. Amnesty International also requests those countries that provide military assistance to Togo, particularly France, to ensure that the military, security and police equipment they supply is not used against the civilian population and to condition all aid of this kind to the implementation of a human rights training programme.

For more than three decades, the Togolese people have suffered from the total absence of the rule of law. Very serious violations of their fundamental rights have been committed with impunity by the security forces, solely to maintain the government in power. The bloody succession to General Eyadéma by his son, confirmed by the international community, has plunged the Togolese people living within the country and those who have found refuge in neighbouring countries, into total despair. It also heralds very grim days ahead

BACKGROUND

After the announcement of the death of President Gnassingbé Eyadéma [in power since 1967], on 5 February 2005, the *Forces armées togolaises* (FAT) 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 have, in accordance with the Constitution, taken 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.

This unconstitutional transfer of power, described by the AU as “*a military coup*”, was deeply condemned by the main opposition parties, united in a coalition, and by the international community. Several intergovernmental organisations, notably the AU and the

Economic Community of West African States (ECOWAS), imposed sanctions against Togo. The *Organisation Internationale de la Francophonie* (OIF), International Francophone Organisation, announced the suspension of the participation of Togo representatives in the organisation's structures. Other international organisations, notably the European Union (EU), 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.

On 25 February, this unanimous disapproval finally led to the resignation of Faure Gnassingbé. Abass Bonfoh, first vice-president of the National Assembly, was elected interim President. ECOWAS responded by lifting sanctions.

A short while later, Faure Gnassingbé announced that he would be the candidate of the RPT, the ruling party, at the next presidential election, scheduled for 24 April 2005. Despite maintenance of the constitutional provision that prevented Gilchrist Olympio, President of the *Union des forces de changement* (UFC), Union of Forces for Change, from being a candidate at the presidential election,² the main opposition parties, including the UFC, 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 on 2 March 2005. This coalition of six opposition parties presented a joint candidate, Emmanuel Bob Akitani, one of the UFC leaders.

The pre-electoral period was punctuated by serious violations of the freedom of expression and by intimidation of opposition members. On several occasions, Amnesty International publicly spoke out against this harassment and intimidation, which was designed to muzzle the independent press and create a climate of terror, making it impossible to hold a free and impartial election.³ On 22 April, two days before the presidential election, the Togolese Minister of the Interior himself, Francois Esso Boko, publicly asked the interim president, Abass Bonfoh, to postpone the election on the grounds that there was not enough time for the election to take place in satisfactory conditions.

Despite this request for a postponement and the denunciations made by human rights organisations, ECOWAS sent 150 election observers a few days before polling day, and

² Article 62 of the Togolese Constitution requires all candidates for president to have resided in the country for at least the previous 12 months, which *de facto* prevented the candidacy of Gilchrist Olympio, who has lived in exile since an attempt to assassinate him was made in May 1992.

³ See the press release issued by the Togo Coalition on 20 April 2005 "*Togo. Free participation in election process is made impossible*". AI Index: AFR 57/010/2005. The Togo Coalition groups the following associations: Amnesty International; *ACAT-France*, Christian Action for the Abolition of Torture; *Agir ensemble pour les droits de l'Homme*, Act Together for Human Rights; Franciscans International; International Federation for Human Rights (FIDH); *FIACAT*, Christian Action for the Abolition of Torture International Federation; World Organisation Against Torture (OMCT); *Secours Catholique-Caritas France*, Catholic Aid, Caritas France; *Survie*, Survival.

eventually accepted the results that gave victory to Faure Gnassingbé, with more than 60% of the votes. Despite the proven frauds that led Bob Akitani to proclaim himself the winner on 27 April, ECOWAS declared, in a press release published the same day, that “[their] observers believe that the irregularities and shortcomings as well as the incidents invoked are not such as to call into question the proper administration and credibility of the presidential election on 24 April 2005 [...] This ballot has, in general, fulfilled universally acceptable criteria and principles for the holding of elections”.

Since the death of General Eyadéma, France has declared on several occasions that it would follow ECOWAS’ stance and, on 26 April 2005, the French Minister of Foreign Affairs, Michel Barnier, said the election was satisfactory on the whole, despite “isolated incidents”. The European Union, which said very little before the elections, condemned the violence that followed the election. On 28 April, the European Commissioner for Humanitarian Aid and Development, Louis Michel, said he was “seriously concerned about the acts of violence committed against civilians, within the context of the presidential elections.” The following day, the EU Presidency steadfastly condemned “the current wave of violence” and launched “an urgent appeal to all of the parties to restore calm.” It urged “the security forces to exercise their duty to maintain order with strict respect for human rights, in order to avoid any exaction against the population.” However, on 6 May, Louis Michel said he noted the official results, without questioning the election.

Meanwhile, a European Parliament resolution of 12 May 2005, firmly condemned “the brutal repression perpetrated by the police against people disputing the regularity of the elections.” Moreover, the Parliament considered that “the circumstances in which the elections were held on 24 April 2005 did not comply with the principles of transparency, pluralism and the freedom of the people to determine their own future, principles which were guaranteed by the relevant regional and international instruments, and that the legitimacy of the authorities established on the basis of such elections cannot be acknowledged.”

The AU and ECOWAS then increased their attempts to mediate with a view to encouraging the formation of a government of national unity. On 27 May 2005, the AU Peace and Security Council decided to lift the sanctions taken against Togo and support the nomination of a special envoy “to facilitate dialogue between the Togolese parties” and “the dispatch of an Observer Mission to monitor political, security, social, humanitarian and human rights developments in Togo”. On 8 June 2005, rejecting the proposals put forward by the coalition of opposition parties, the new President of the Republic finally named Edem Kodjo as Prime Minister. President of the *Convergence patriotique panafricaine* (CPP), the Patriotic Pan-African Convergence, Edem Kodjo had already occupied this office between 1994 and 1996, under the presidency of Gnassingbé Eyadéma. On 21 June 2005, Edem Kodjo announced the composition of his new government. A notable inclusion was Kpatcha Gnassingbé, one of the brothers of the new head of state, who was given the post of *Ministre délégué à la présidence chargé de la Défense et des Anciens combattants*, Minister to the Presidency for Defence and Veterans. With the exception of a representative from the *Pacte*

socialiste pour le renouveau (PSR), Socialist Pact for Renewal, the new government did not include any member of the coalition that had supported the candidacy of Bob Akitani.

VIOLATIONS OF HUMAN RIGHTS BY THE SECURITY FORCES AND MILITIAS

Many eyewitness statements gathered by Amnesty International show that the security forces and militias opened fire on unarmed demonstrators and attacked presumed opposition militants or ordinary citizens in their homes or at polling stations. The fact that many wounds were to the upper parts of the body and head clearly shows the intention to kill or inflict serious wounds. Moreover, the Togolese authorities did everything possible to remove all traces of the atrocities by denying journalists, and sometimes families, access to hospitals and by removing hospital and mortuary records.

“They entered my house and opened fire”

On 26 April 2005, the day on which the provisional results of the presidential election were announced, an apprentice driver who lived in the Ablogamé district of Lomé told Amnesty International that he was at home when *“soldiers and militia-men entered my house, they hit and killed people. I fled, they chased us up, a friend was hit by bullets. My mother was killed as she was running away, I heard her cry out, that happened opposite the refinery. I fled to Benin. I have nobody else in Togo, my father died a long time ago.”*

In the course of its research mission to Benin, Amnesty International collected many accounts describing how, in the days before and after the presidential election, the security forces and members of the militias close to the RPT forcibly entered polling stations and the homes of presumed opposition supporters, firing indiscriminately on the people who happened to be there.

It seems to have been decided to attack the homes of presumed opponents in reprisal for the spontaneous demonstrations by opposition supporters protesting against electoral fraud. These attacks were particularly violent and deadly in Lomé and in two of the country's towns, Atakpamé, one of the biggest towns in the country and located in the plateaux region, and Aného.

The abuses committed by soldiers and supporters of the ruling party's candidate, Faure Gnassingbé, began on the day of the election, Sunday 24 April 2005, even before vote counting had started. A trader working in Lomé's main market described how he was in a polling station at the Ablogamé Catholic primary school, in the east of the capital, when *“at the end of the afternoon, soldiers arrived on board vehicles. They entered the school to take the ballot boxes. They threw tear gas grenades and fired live ammunitions inside the school.”* The scene described by this witness, interviewed by the Amnesty International delegation during its research mission to Benin, was repeated in many districts of Lomé, which shows

the Togolese government's intention to use all the means at its disposal to ensure the victory of the ruling party's candidate.

On the day of the election, members of the security forces burst into several polling stations and used their weapons and tear gas grenades. A UFC scrutineer, assigned to the polling station at Bè Plage, a district of Lomé, told Amnesty International:

"After the vote counting had begun, two military vehicles manned by green berets (members of the Presidential guard's commando regiment) arrived at the school. They fired in the air. Many people panicked and tried to leave, but there was only one exit. The soldiers came into the room. They fired tear gas grenades and live rounds and took the ballot boxes. I tried to escape by climbing over a wall. My friend, SP, who tried to escape with me, could not get over the wall because he was too small. I have not seen him since. I had to walk over about 30 bodies to climb the wall and escape."

Two days later, on the day that Faure Gnassingbé's victory was announced, soldiers entered the homes of many presumed or known opposition supporters. A student of economics, who lived in the Tokoin district, in Lomé, and who found refuge in Benin, told Amnesty International:

"On 26 April, I was at home, when soldiers came into our house. They broke down the gate, they broke windows and threw tear gas grenades inside. An old man went out and he was beaten up. I fled. When I came upon some militia-men on board a bus, they fired at my friend, Pierre Abalo, a mechanic. He was killed outright."

The security forces also targeted some local opposition leaders, notably the President of the local section of the UFC and the owner of a soap workshop in Aného, known for his active support for the opposition candidate, Bob Akitani. A Togolese eye-witness told Amnesty International: *"Some soldiers arrived in a lorry belonging to the gendarmerie and went to the soap factory. It was about nine o'clock. They fired in the air as soon as they got out of the vehicle. They fired at the house where the soap factory owner's wife, children and brother were. They went into the soap factory office, took all the computers outside and broke them. They finished by setting fire to the place and to the company vehicles. When they had finished, they went to other houses in the district. Everybody was at home. They beat people up. They arrested some of them and took them to the civilian prison at Aného."*

The Togolese security forces also attacked the traditional leader of Aného, King Togbé Ahuawoto Savado Zankli Lawson VIII, who was arrested at his home, on the afternoon of Wednesday 27 April. Someone who witnessed the arrest told Amnesty International: *"The soldiers arrived, they climbed over the walls and entered the Palace, they broke down the entrance gate and went into the private residence of the King, firing in the air. They got hold of one of the King's sons, who was washing himself, he still had soap on him. The soldiers went into the house and broke down all the doors. A group of them took the King outside*

towards a car, they pushed him into the gutter, in which water was running. A journalist from *Radio Lumière*, who happened to be at the King's home, was also arrested." The two men were taken to the police station where, according to reports, the security forces ill-treated them and took their clothes off. They were locked up for three hours in a cell before being released after the intervention of the political and administrative authorities.

"The militia-men fired into the crowd that had spontaneously come out to protest"

In the days that followed the election of 24 April 2005, the security forces fired live ammunitions at demonstrators in Lomé and in several other towns. The announcement of the provisional results, on Tuesday 26 April 2005, which gave victory to Faure Gnassingbé, with more than 60% of the votes, provoked anger among opposition supporters, who believed victory had been "stolen" from them. Many of them took to the streets, set up barricades and, in some cases, used force.

In Atakpamé, demonstrators took to the streets as soon as the results were announced. A witness told Amnesty International: "We went out into the streets to protest. The soldiers followed us to the Zongo district, then to Agnagnan district. We then went past the main market, before arriving at Djama. When we arrived opposite the Post Office, the soldiers barred our way. They threw tear gas grenades and then opened fire with live ammunitions. Some friends fell to the ground. I later found out that some of them were died in hospital. Everybody then fled and I returned home. It was about two o'clock in the afternoon."

Some demonstrators, fleeing from the bullets, say they left many dead and wounded behind them. A witness, who demonstrated on that day, in Atakpamé, told Amnesty International:

"On the day of the announcement, we took to the streets to denounce the results of the presidential election. The soldiers fired tear gas and bullets. We threw stones. The soldiers forced us into the river Kpakparakpati. My brother was shot in the back, I wanted to save him, he was losing a lot of blood. When I returned, he was already dead. His name was Kogbe Koffi, 28, and he was a sheet metal worker. He lived in Lomé and he came to Atakpamé for the elections. Two other people, whose names I don't know, were also hit in the back. I left my brother's body behind me and I don't know if he was buried."

In Atakpamé, the militia also intervened on that day to support the security forces. "The militia went out armed, accompanied by the security forces. The militia fired into the crowd that had spontaneously gathered to protest. This was in the Houdou district near to Doulamasse district. We've not been able to get back to our homes. Two people were shot down in front of me."

In some cases, opposition demonstrators reacted violently to the announcement of the results. On Tuesday 26 April, in Aného, demonstrators attacked a police station and took the

weapons they found there. An inhabitant of Aného, who found refuge in Benin, told Amnesty International that a group of young people had erected barricades on the eve of the presidential election, Saturday 23 April 2005, and set fire to tyres to protest at the attempted arrest of a young member of the opposition. This person added that, on Tuesday 26 April, *“people went to the marketplace and waited for the results. Within 20 minutes, the town was overrun by young people who set up barricades everywhere. One group went to the police station to see what was happening. The police station was attacked around three o'clock in the afternoon and the crowd took the weapons. Some people were wounded.”* One of the demonstrators told Amnesty International that later in the afternoon, *“some young people with studded cudgels, machetes and stones set off towards the ‘toll-bridge’ where there were four gendarmes. When they saw us, the gendarmes fired at us. One group managed to overpower them and take their weapons, which they aimed at them. We took them to the town centre. Then there was an exchange of fire between gendarmerie reinforcements and the civilian population.”* To Amnesty International's knowledge, these gendarmes succeeded in escaping.

After these events, the authorities dispatched reinforcements by helicopter. Very early on Wednesday morning, 27 April, shots were heard in the town and young people again erected barricades and set tyres alight. A witness described the scene: *“I had gone out to join the demonstrators who were blocking the road with bricks in the district of Nylessi. Other people were setting tyres alight and throwing stones. Soldiers chased us. Some of them were in a helicopter and they fired on us from above. They also threw tear gas grenades. I was hit by a bullet and I was taken to hospital, with seven other people. Five of them died from their wounds.”*

The repression in the area surrounding Aného was particularly violent and much of the information gathered by Amnesty International indicates that the security forces made excessive use of deadly force by firing on demonstrators who were trying to run away. A student at the Zevebi School, in Aného, told Amnesty International: *“On 27 April, I was with more than 50 people at Vito Condji and we were trying to escape. We were in the lagoon trying to reach the other bank at Clidji. There were about ten soldiers and five of them were shooting at us. I was wounded, a bullet hit me in the wrist. I went to Clidji to get treatment, and then I went on to Benin.”*

“A bullet pierced my hip”

During its research in Benin, Amnesty International met many people who had been wounded during the repression by the Togolese security forces and militia. Many had bullet wounds, which confirms the systematic use of weapons of war against demonstrators, the great majority of whom, with the exception of those in the town of Aného, did not have firearms.

The type of wounds recorded by various medical sources include:

- Cranial, shoulder and wrist traumatism;
- Firearm wounds to the thorax;
- Traumatism to the shoulder and face caused by blows;

- Firearm wounds to the legs;
- Fractures of the collarbone caused by blows;
- Crushed feet caused by blows;
- Bomb shrapnel in the legs;
- Elbow and forearm fractures;
- Achilles tendon severed by a bullet wound;
- Thoracic wounds and cranial traumatism caused by firearms.

The fact that many wounds were to the upper parts of the body, especially the head, clearly shows that the Togolese security forces and militia intended to kill. Moreover, Benin medical sources told Amnesty International that, on 25 May 2005, the Hilacondji transit centre, on the border with Togo, had recorded, among the Togolese refugees, “around 140 serious cases, all with bullet wounds, or fractures to the femur and dislocations. Most wounds were in the upper and lower limbs. There was one case of a bullet going through a lung. Some had head wounds. People had been beaten up with sticks and machetes.” In addition, a Beninese doctor working at the hospital of Comé (near the border with Togo) told the Amnesty International mission: “The hospital has received many patients, including about 20 people in a serious condition. The victims had traumatism to limbs and the thorax caused by firearms. The patients said that soldiers had shot them.” This hospital received patients mainly from the coastal region. Some of them have been able to return to their homes but other seriously wounded patients were still being treated at the hospital when the Amnesty International delegation visited it.

“He kicked him in the testicles”

Many presumed opposition militants were victims of torture and ill-treatment. One of these incidents, which occurred at Bé Château, a district in Lomé, received a certain amount of publicity because a journalist who was present took photos of the scene. The presence of many witnesses, including foreign journalists, saved the life of the victim, a motorcyclist who was not participating in any demonstration.

A witness told Amnesty International:

“A motorcyclist, who was not participating in any demonstration, was trying to reach the other end of the town, when one of the soldiers, at a crossroads, asked him to stop. As soon as his feet touched the ground, a soldier hit him a few times with a stick. The soldier ordered him to take his trousers down and kicked him a few times in the testicles. He also received blows to the face. He pulled up his trousers and knelt down. The soldier pointed his gun at him and took aim. A group of women threw themselves on the ground and implored the soldiers to let him go. A military vehicle that was collecting the victims stopped opposite them. One of the soldiers told him to get into the vehicle and turned to the journalists and told them that the person was being

taken away for' his own safety'. Then, the soldier changed his mind and told the motorcyclist to leave."

Some people were also attacked in their own homes. A member of CAR lost consciousness after being violently beaten at his home in Tokoin Séminaire, a district of Lomé, on 26 April 2005. This is what he told Amnesty International:

"I was at home, around 3pm, when about 15 soldiers climbed over the walls and entered my house. They said that they were looking for documents and began to rain down blows on me. They dragged me outside and made me lie down on the terrace. Four soldiers got hold of my arms while two others held me by the feet, while other soldiers hit me. They used a hatchet, cudgels and thin cord. They gave me a good hiding and, at one point, I fainted. When I regained consciousness, I climbed up a ladder to hide on the roof. They didn't see me. They went away, calling out: 'We should finish him off'. They also hit two of my brothers."

The person who treated this victim told Amnesty International that *"this man was in a slight coma when we received him. He had a cranial traumatism, with serious wounds, and he needed six stitches in his neck. He also had a fracture of the third finger of his left hand. His body was covered with bruises. We also treated his two brothers, who also needed stitches in their wounds."*

Some people were allegedly tortured and others killed on an area of land not far from the headquarters of the Togolese Armed Forces. A survivor described the scene to Amnesty International:

"It was the day after the election of 24 April, it was about 15.00, when we were arrested by three RPT militia-men, in the district of Anagokomé. They threatened us with their weapons and forced us into a car that had no number plates. They took us to a field behind the army headquarters at Agoué. Five people in black fatigues and wearing hoods received us. Some other people were also present. They tied our hands and feet to posts, they asked us questions, they criticised us for campaigning against Faure and for campaigning on behalf of an old man instead of a young man. We implored them to forgive us. They gave us something to drink and told us to say our prayers. They then shot one of us. It was Laïson Ayi, 31, an opposition activist. We cried and told them we had done nothing. Then they called someone over, they called him captain. He said that they should not kill innocent people. They untied us and told us not to say anything, or they would come and kill us. The next day, we found out that the body of Laïson Ayi had been found at the mortuary."

The security forces and militias also attacked school-children. Koté Emedessi, a fourth year student at the *Collège d'enseignement général* (CEG), General Education College, in Nykonakpoe, near Atakpamé, aged about 19, died in the days that followed the presidential election, after being tortured by militia-men. A witness told Amnesty International:

“[On 24 April 2005], young Koté was returning from the fields, he was a bit drunk. As he was passing the Kossi-Kiti CEG, he was singing ‘Ablodé, Ablodé Badja’⁴. This was the opposition’s rallying cry. He was arrested by the militia and taken to the RPT headquarters at Agbonou. He was tortured there and his body was found in a ditch behind the RPT headquarters. His head was bashed in and his testicles crushed. There were signs of blows on his body. His brother had to beg to recover the body, which they were going to burn. He was buried on the 28th at Agbofon.”

Some people were beaten to death by soldiers in front of their family. A woman from Tsévié (a town in the north of Lomé), who had found refuge in Benin, told the Amnesty International delegation: *“Me and my husband were on our way to Lomé to visit our children when the security forces attacked my husband on the road opposite Bé lagoon. They hit him with cudgels. He gave up his soul to God, it was 27 April. Other people on the road were also beaten.”*

At Kpémé, not far from Aného, Soulagbo Kodjovi Agossou, 14, a fourth year student, died after being severely beaten by several soldiers who made him breathe in tear gas. This incident occurred after the announcement of the results, during the sometimes violent demonstrations organised by opposition supporters in the Aného area. One of the demonstrators, who found refuge in Benin, described what happened to Amnesty International:

“We were at the side of the railway track, next to the entrance to the IFG [International Fertilizer Group] factory. We were ripping up the rails so that the trains could not transport the phosphate away. Soldiers arrived and they beat people up. Two soldiers wearing red berets hit people with their truncheons. Kodjovi fell and they kicked him around like a football. Then they made him breathe in the gas. He died at the clinic around 1pm.”

“They arrested him and seven soldiers took him away in a jeep”

After the presidential election of 24 April 2005, a significant number of people were arrested. At the time of writing, some of them are still in detention, apparently without charge or proceedings being taken against them. Amnesty International has collected the names of dozens of detainees, many of whom at the civilian prisons in Lomé and Tsévié. However, it is impossible to make a reliable estimate of the number of people that have either been detained or about who their relatives have no news. The difficulty of determining the number of people arrested and their place of detention or what happened to them is due to the fear felt by relatives of detainees and the significant movement of people to the two neighbouring

⁴ This slogan means “*Total freedom*” in the Éwé language, which is spoken in the south of the country.

countries, Ghana and Benin, a situation that has prevented families from searching for their arrested relatives.

This is the case of the family of Francis Messan, 25 years old, member of the UFC, arrested at home in Lomé on the day that the opposition candidate, Bob Akitani, announced his victory. One witness to this arrest found refuge in Benin and told Amnesty International: *“We were celebrating the victory of our candidate. It was around 7pm when the soldiers came into our house. One of them slapped me and they fired tear gas. They were looking for Francis. They arrested him and seven soldiers took him away in a jeep. We have not seen him since.”*

The kidnapping of opposition supporters started in the days preceding the presidential election. According to reports collected by Amnesty International, soldiers wearing red berets took Koffi Amouzou, a house painter, who campaigned for the opposition, from his home to an unknown place, around eight o’ clock in the morning. One of the members of his family, met by the Amnesty International delegation in Benin, said they had received no news of Koffi Amouzou.

Many people were victims of denunciations and were accused of supporting the opposition. A shopkeeper, Ms Dalas, who lived in Aklakou, not far from Aného, was arrested on 7 May because she was suspected of preparing food for the people who demonstrated in Aného, on 26 April. To the knowledge of Amnesty International, Ms Dalas is still detained without charge or judgment, in Vogan prison.

In at least two places, Atakpamé and Aklakou, school students were arrested or threatened with arrest. On the day after the results were announced, several people witnessed the arrest of at least seven school students studying at Aklakou school. These students were accused of demonstrating on Tuesday 26 April 2005. A witness, who met them at the Aného gendarmerie, told Amnesty International: *“most of the detained students were beaten up when they arrived at the gendarmerie. They were pummelled with blows and forced to undress. They were only allowed to keep their underpants on. Some people told me that their buttocks were swollen and they were no longer able to sit down.”*

A dozen days after the presidential election, when courses started up again at Atakpamé school, members of the *Haut conseil des associations et mouvements estudiantins* (HACAME), High Council of Student Associations and Movements, an RPT militia, who are on the teaching staff, tried to identify students who had been wounded during the post-election demonstrations. A witness gave the following statement to Amnesty International:

“On 9 May [2005], after the flag was raised, HACAME militia, who worked at the school, invited students who had been wounded to present themselves. If the gendarmes, who had been warned, had not arrived, the students would have been taken to the RPT headquarters. The gendarmes ensured the protection of the students by keeping them at the gendarmerie for at least five days.”

“It is not worth bothering with her, she is too old”

During its mission of inquiry to Benin, Amnesty International delegates gathered evidence of violence against women, including cases of rape committed by armed supporters of the government.

On 26 April 2005, at Clidji, a village near Aného, a woman about 30 years old was attacked, when she was with her younger sister. Later, now a refugee in Benin, she told Amnesty International:

“The day the results were announced, I was with my little sister, on the cemetery road, coming back from the chemist, about 11am, when a soldier called out to us. He was with other soldiers. My little sister ran off, I went towards them and the one who had called us accused me of turning the children against them. They threw themselves on me and hit me with sticks. The stick was thicker than my arm and I groaned. An old lady who was passing by was also beaten. They told her to lie on the ground and they hit her. Some demonstrators arrived and the soldiers fled.”

Some women were hit by bullets when they were trying to run away from the security forces. An apprentice hairdresser, living in the region of Aného, told Amnesty International:

“[Tuesday, 26 April 2005], I was with a ‘zémidjan’ [driver of a motor bike taxi] and I was returning from the market. Some demonstrators were blocking the bridge. There were also some soldiers there. I got down from the bike to run and hide and I was hit by a bullet in the region of my kidneys. I was taken to Aného hospital, where they extracted the bullet. The doctors had to send some patients to Afagnan hospital.”

Amnesty International also gathered information on cases where members of the militia and soldiers raped women suspected of supporting the opposition. As this question is taboo, the delegates found it very difficult to obtain detailed information about sexual violence, because the victims and their families were ashamed and feared being ostracised by their community. All testimonies gathered by Amnesty International on this issue concerned rapes committed in the town of Atakpamé and the surrounding area on 26 April 2005, the day when the results were announced. Other reports mention rapes and sexual violence against women in other towns, notably Lomé.

Several witnesses told Amnesty International that a woman had been raped at her home, in Atakpamé, in the afternoon of 26 April 2005.

“Around 3.30pm, more than 200 militia-men arrived in Oke Ekpa district to carry out raids on houses after the first trouble provoked by the announcement of the results. They were in civilian clothing, some of them were stripped to the waist, with their shirts tucked into their trousers or fatigues. Some were armed with guns or machetes,

others with cudgels with nails sticking out of them. They went into the house of V. which overlooks the streets, and they hit her husband. They went back into the bedroom where she was with her three children and they hit them. One of the militia held the arms of the woman, another held her feet and a third raped her.”

That same day, another woman was raped after her husband had been shot down. “*The militia arrived at the [[house]], everybody ran away. X. and his wife, F, were not able to escape. They hit them with their cudgels. X was stabbed and finished off with bullets. The militia put charcoal on their faces so as not to be recognised, then they raped his wife.”* After she had been raped, F fled the town and found refuge with her parents. She told them she preferred “*to be left to die rather than see a doctor who might diagnose a disease.”*

The Amnesty International delegates met the daughter of an old lady who was more than 80 years old, and who had been raped by the militia in a village near Atakpamé. “*Many young people came into the district and set fire to houses. One of them asked what he should do with the old lady. One replied: ‘we’ll have some fun with her’. One militia man raped her, then another militia-man said: ‘It is not worth it, she is too old’. My mother was seen by a medical assistant, who treated her.”*

“The foreign journalists are responsible for the bloodbath”

Right from the day the death of President Eyadéma was announced, on 5 February 2005, the authorities relentlessly harassed the Togolese independent media and foreign journalists who tried to disseminate information about the repression.

From the evening of the election, communications with Togo were cut, making it very difficult to collect and check information. For several days, the telephone lines were out of order, preventing people from calling or receiving calls from abroad, but also from communicating with the interior of the country.

The systematic harassment and intimidation to which the private media were subjected after the death of General Eyadéma, continued during the days that preceded and followed the election. For example, the *Haute Autorité de l’Audiovisuel et des Communications* (HAAC), High Audiovisual and Communication Authority, attacked the *Nana FM* radio station, and accused it of wanting to broadcast the election results. Faced with this repeated intimidation, it decided to broadcast only music from the day of the election, before closing for a few days because of the violence in the district where it was located.

On Tuesday 26 April 2005, the military attacked *Radio Lumière* in Aného, where there were violent clashes between demonstrators and the security forces. A journalist working for this radio station told Amnesty International:

“On Tuesday, after the results were announced, soldiers arrived at Radio Lumière and destroyed four computers by firing bullets at them. The radio continued to

broadcast, but they returned on the following day and destroyed the pylon on which the radio aerial was fitted. They set fire to the building where the radio was based and also burned the director's car."

In addition, on 27 April, the president of HAAC, Mr Combévi Agbodjan, ordered the closure of *Radio Maria* and *Radio Nostalgie* for one month because, on Monday 25 April, they broadcast false information stating that a curfew had been declared for the night of 25 April in Lomé.

From 26 April 2005, RFI and the BBC could not be heard on the FM waveband. Two days later, the Minister of Communication and Civic Education, explained that these suspensions were designed "to maintain national cohesion". He said that "all governments, of whatever kind, is responsible for maintaining public order and has a duty to protect the population and national cohesion." On 30 June 2005, RFI was still unable to broadcast on FM.

International media correspondents were also the target of attacks and intimidation. Thierry Tchukriel, a journalist working for a community radio, *Rd'Autan*, who went to Lomé on 19 April to cover the presidential election, was beaten by four soldiers on the night of 24 April, after being detained by the Togolese police. His press card and camera were confiscated. The journalist, who was in a polling station, near to Lomé's main market, was reporting the vote counting operations.

On Thursday, 28 April, at a press conference for the international press, the Minister of Communication, M. Tchalla, expressed his "annoyance" at media coverage of the presidential election. He became more specific in his criticism and said that "certain international journalists do not respect the rules of ethics and have decided to take sides. The bloody escalation which we have witnessed is partly due to them."

On 28 April 2005, the interim president of the Republic, Abass Bonfoh, publicly accused the foreign media of being responsible for the troubles and said that "the foreign journalists are responsible for the bloodbath."

The authorities also tried to muzzle local human rights organisations. On 13 May 2005, several young people close to the ruling party prevented the *Ligue Togolaise des Droits de l'Homme* (LTDH), Togolese Human Rights League, from holding a press conference where the organisation was going to list human rights violations since 5 February 2005.

"We have been 'doigtés' (pointed out) and we are frightened of returning to Togo"

Many refugees in Benin told the Amnesty International delegation that the security forces and militias had identified opposition supporters in advance, so they could harass and intimidate them before and after the election. Some opposition supporters were easily recognisable because they wore yellow clothes or a palm tree symbol to express support for the candidate

of the opposition party coalition, Bob Akitani. A witness said that during the electoral campaign, in Atakpamé, *“a young pupil wearing yellow clothes was beaten. They tore the sweater from him and dressed him in white, with a T-shirt bearing the image of Faure.”*

Several reports indicate that some people who fled to Benin were arrested on their return to Togo, after being recognised as opposition supporters. This was what happened to a motorcycle taxi driver, Lawson Late, who returned to the country after Whitsuntide and was arrested as he crossed the border. The Togolese refugees in Benin told Amnesty International: *“he had been informed on because he wore yellow clothes and he carried a palm tree symbol on his bike during the electoral campaign. No one knows where he is.”*

Some members of opposition parties who were scrutineers in the polling stations, were photographed. A Togolese refugee in Benin told the Amnesty International delegation:

“I represented the coalition in Lomé. Soldiers arrived at the polling station in Anfamé School, in Bé Kpota district. They fired live ammunitions at the people there, some fell, I escaped by a miracle. Other people were arrested and taken away on a lorry. The soldiers left with the ballot boxes. After the vote count, pressure was put on me to sign the report, but I refused. On 25 April, when returning to my home around 8 pm, I saw a man who had taken photos at the polling station. He was with other people in front of my house. I decided to leave the Togolese capital and seek refuge in Benin.”

Another scrutineer was also targeted because she supported the opposition coalition. This woman, 40, a [[basket seller]] in Bè district, Lomé told Amnesty International:

“On 24 April, I was at polling station 1, at the Ablogamé EPC [catholic primary school]. Soldiers arrived around 4.30pm and ill-treated the people who were in the polling station. They also fired rubber bullets and live ammunitions. On the day after the election, the soldiers came to look for me at my house. My sister had phoned me from her mobile to warn me. I did not feel at ease and I decided to seek refuge in Benin.”

In some cases, the wounded had to escape from the hospital they had been taken to, because they had been identified as opposition supporters. This was the case of a young man who lived in Lomé, who was wounded by a bullet in the back during the post-electoral demonstrations. He told Amnesty International: *“I was taken to hospital where I was given first aid, they extracted the bullet. I had to leave the hospital because RPT militants informed on us. I arrived in Benin on the 29th. I received treatment at the Comé hospital.”*

All these facts explain the fear expressed by many refugees at the idea of returning to Togo. A teacher from Aného, who sought refuge in Benin, told the Amnesty International delegation: *“I cannot return to the country, they are looking high and low for us. Unless there is a change, our security can never be ensured. They noted down the names of several people and three of them were arrested when they returned.”* There is therefore a serious risk that

several thousand refugees will be forced to remain in Benin or Ghana, as was the case at the beginning of the 1990s, when other Togolese people found refuge in neighbouring countries.

A desire to remove all traces

The number of dead and wounded in the repression that followed the presidential election of April 2005 is very difficult to establish and is a controversial matter. On 13 May 2005, the LTDH provisionally estimated that the number of dead was 811. Six days later, an organisation close to the Togolese government, the *Mouvement togolais de défense des libertés et des droits de l'homme* (MTDLDH), the Togolese Movement for the Protection of Human Rights and Freedoms, announced there had been a total of 58 deaths.⁵

In the course of its investigation, Amnesty International compiled a list of 150 names that it will make available to any independent and impartial international commission of enquiry able to guarantee the security of witnesses and the families of victims. However, the organisation estimates that the total number of victims is much higher, because many witnesses have described how unidentified bodies were left at the mortuary and bodies were buried without record instead of being taken to a hospital or mortuary.⁶ A witness told Amnesty International that 27 bodies had been left at the mortuary after the announcement of the results. *“Those 27 bodies were taken to the mortuary by the Red Cross, which was patrolling the town. The mortuary administration did not want to provide information or show the register of deaths.”*

Amnesty International received several testimonies confirming that the Togolese authorities had instructed hospital and mortuary staff not to provide any information about the number of deaths to foreign observers, and in some cases, to the family of the victim. The family of an adolescent, aged 16 or 17 (see photo), killed on 26 April 2005, by the security forces in Aného was not authorised to collect his body, which had been left at the town mortuary by the Red Cross. After receiving these orders, on 28 April 2005, the director of Aného hospital refused to give information on the dead and wounded to the national and international press.

⁵ The list drawn up by the LTDH includes all people killed since 5 February 2005, when the death of President Gnassingbé Eyadéma was announced, while the MTDLDH list only includes victims in the period from when polling cards began to be distributed, in April 2005. However, sources in general say there were about 20 deaths between these two dates, which does not explain the big difference between the estimates of these two Togolese organisations.

⁶ The list compiled by Amnesty International is based only on information obtained in Benin. The organisation has not visited Togo in order to avoid needlessly putting witnesses and the families of victims in danger.

On 27 April 2005, a notice was pinned up at the University Hospital Centre, in Tokoin, Lomé, reminding staff that any requests for information should be addressed to the hospital management, and banning anyone from bringing cameras into the hospital. That same day, the Minister of Health, Ms Suzanne Aho Assouma, visited the hospital with the Director General of Health. She banned access to the mortuary and gave a verbal instruction to staff to not talk to journalists. In addition, the register of casualties at this hospital, which included victims of the demonstrations, was taken away and replaced by a new one.

These reports show the authorities desire to remove all trace of the identity and number of victims taken to the health centres, which makes it impossible to establish exactly how many people were victims of the repression.

In addition to the dead and wounded taken to hospital or left at the mortuaries, an unknown number of bodies was buried by their families or abandoned where they fell. Several testimonies gathered by Amnesty International indicate that decomposing bodies were found on Oké Ekpa hill, outside the town of Atakpamé, from 27 April 2005 onwards.

A REPRESSIVE MACHINE AT THE EXCLUSIVE SERVICE OF THE GOVERNMENT

General Eyadéma and his son, Faure Gnassingbé, who has just succeeded him, use a security apparatus composed of the regular army, the gendarmerie, the police and government-created militias to stay in power.

The security forces

Article 49 of the Togolese Constitution stipulates that “*the mission of the security forces and police, under the authority of the government, is to protect the free exercise of rights and freedoms, and to guarantee the security and property of citizens.*” The reality is completely different. In the course of the last 40 years, the Togolese security forces - FAT, gendarmerie and police – have been responsible for the systematic violation of the human rights of the opposition or simple citizens who, in the great majority of cases, have not used violence or advocated its use. They have enjoyed total impunity in this period.⁷

⁷ During the national conference held in 1991, several participants, including members of the *Commission Défense et Sécurité*, Defence and Security Commission, noted that the Togolese army no longer played the traditional role of an army. One of the participants said that “*the Togolese army is so hated and so much a part of the dictatorial and police power of Eyadéma that it is an alien professional body in the heart of society. The Togolese army has renounced its traditional task to become a private tribal militia at the exclusive service of Eyadéma and a group of officers from Pya [birthplace of President Eyadéma].*” Another document published by the 1991 National Conference concluded that the Togolese army was fighting “*an enemy within, which is nothing other than the people.*”

This repression has caused the death of many opponents of the regime and the exile of thousands of people. Events since the death of General Eyadéma have shown that the security forces continue in the same role: they ensure the protection and permanence of a political system controlled by one family.

In previously published documents, Amnesty International has described the structure of the Togolese Armed Forces.⁸ The organisation has regularly denounced the fact that the security forces do not play the normal role of an army and that they commit human rights violations against the civilian population, while enjoying complete impunity.

Since independence in 1960, the army has grown from 300 to more than 13,000 in number. This growth has been based on recruitment from a purely regional base. 75% of the Togolese army is composed of recruits from the north of the country, and two thirds of this number are members of the Kabye ethnic group, to which the Eyadéma family belongs. Half of these men are from Pya, the village where General Eyadéma was born. In addition, most garrisons and military infrastructure, including the Tchichao military college, are in the north of the country.

Throughout his reign, General Eyadéma has done all within his power to set the north of Togo against the rest of the country, with the support of the military and supporters from the region that was his birthplace. The Togolese security forces have therefore maintained a regime of terror that managed to survive the National Conference of 1991, the pressures of the European Union and the death of its creator. When interviewing Togolese refugees in Benin, after the presidential election of April 2005, the Amnesty International delegation observed the terror that the security forces still inspire. One refugee told Amnesty International: "*I have been informed on, I can no longer return to my house, the military will not miss me next time.*"

The militia

The security forces are sometimes supported in their repressive actions by militias created by the ruling party. The oldest, HACAME, was created in the 1990s, after the National Conference. It groups mainly students and soldiers. The aim of this movement was to provoke opponents during the period of transition, between 1991 and 1994. Amnesty International publicly expressed its concern, on several occasions, about the links between these militias and the Togolese Armed Forces, believing their existence posed a serious problem to security in Togo.

Each time that the regime was threatened, especially at the time of the 1998 presidential election, the militia have intervened to help the security forces terrorise the public.

⁸ Amnesty International has detailed the structure and role of the Togolese security forces in several documents. See especially: *Togo: Impunity for killing by the military*, 5 October 1993 (AFR 57/13/1993) and *Togo: Rule of terror*, 5 May 1999 (AFR 57/01/99).

All the information gathered by Amnesty International, during its recent mission to Benin, indicates that the militias had a determinant role in the repression that followed the presidential election of April 2005. These militias were particularly present and active in Lomé and Atakpamé.

Reports indicate that during the recent electoral period, an exhibition centre located not far from Lomé airport, and called 'Togo 2000', was used as an assembly point by the militias. Members of the militias arrived by lorry, carrying cudgels with nails sticking out of them. Testimonies gathered by Amnesty International indicate that the entrance to Togo 2000 was controlled by the military. Many witness statements also mentioned the support given by the FAT to the militias, especially with regard to training in handling weapons. It seems that this training was partly carried out in Kara, a large town in the north and traditional bastion of General Eyadéma.

The role of foreign countries

Just as it is indispensable to raise the issue of the Armed Forces and the militias that are directly responsible for the high number of human rights violations committed in the country over the years, it is also important to reflect on the role played by certain foreign countries, especially France, which provides military assistance to Togo.

France has maintained military cooperation with Togo for decades, including after the European Union's decision in 1993 to suspend co-operation. In a document published in 1999, Amnesty International noted that French military technical assistance to Togo was akin to providing tacit support to President Eyadéma.⁹ Six years later, France has still not reviewed its military technical assistance to Togo and the tasks carried out by French military personnel at the Togolese High Command and other military units do not seem to have been modified. The information available on the web site of the French Embassy in Togo about the French Military and Defence Cooperation Mission, indicates that 20 military personnel are currently seconded to Togo. Direct aid in equipment was worth more than 60 million francs between 1989 and 2002.¹⁰ Amnesty International believes that the real amount is higher than that communicated in official notices. For example, in 1999, the amount of direct aid to Togo was worth 5 million francs, according to Parliamentary reports from the Assembly and Senate. However, the Minister of Foreign Affairs revealed, in reply to a written question from a deputy, that material aid to Togo was 13.6 million francs.¹¹

⁹ See the Amnesty International document: *Togo: Rule of terror*, 5 May 1999, (AFR 57/01/99).

¹⁰ See official financial notices published between 1989 and 2002.

¹¹ *La coopération militaire française en question, étude de l'observatoire des transferts d'armements* (French military cooperation in question, study of the Observatory of Arms Transfers), Belkacem Elomari.

In addition, Amnesty International commissioned an analysis of the rubber bullets and tear gas grenades used in Lomé during the repression in April. It was found that these materials were manufactured in France.

Amnesty International believes that France should ensure that the security and police equipment it supplies and the training that it provides are not used to violate fundamental rights. The organisation did not comment on the suspension of European Union cooperation with Togo. However, it opposes the transfer of military, security or police equipment and skills when it can be reasonably expected that they will be used to commit human rights violations, such as ill-treatment, torture and extrajudicial executions. Amnesty International believes that it is time for France to learn lessons from the recent human rights violations committed by the Togolese security forces and demands that the promotion and protection of human rights should become a priority in relations between France and Togo.

CONCLUSION AND RECOMMENDATIONS

The repression that preceded and followed the presidential election of April 2005 showed that the systematic use of intimidation and violence by the Armed Forces and militias has survived General Eyadéma.

Although at first the international community reacted vigorously to the coup that installed President Eyadéma's son as head of state, this determination has weakened as the weeks have gone by, in the face of the intransigence of the Togolese government. Despite serious violations of human rights and allegations of electoral fraud, the victory of Faure Gnassingbé has been accepted by the African Union and many countries, notably France.

Faced with this silence, which at best appears to be impotence and at worst complicity, the Togolese people, who aspire to change and respect for the rule of law, are in absolute despair. Terror has certainly managed to impose silence and caused thousands of people to flee their country. It is the international community's duty not to abandon the Togolese people. Amnesty International therefore welcomes the sending of a fact-finding mission to the subregion, in June 2005, under the auspices of the High Commission for Human Rights.

In 1999, Amnesty International published a collection of documents entitled: *Togo. Time for accountability*.¹² This demand for accountability is even more urgent now because the use of violence and electoral fraud to ensure the succession of General Eyadéma by his son raises fears that the regime of terror could continue for an indefinite period. Will history repeat itself and will the same repressive practices continue to be used? Unless there is an end to impunity and unless the rule of law is respected, the Togolese people risks being

¹² *Togo. Time for accountability*, 20 July 1999, (AFR 57/22/99).

completely abandoned for years to the whim of a regime that has proved its determination to use all possible means to stay in power.

Amnesty International calls on the Togolese authorities to:

- Release all prisoners of conscience and open an enquiry into allegations of torture and ill-treatment committed by the security forces while making arrests or during the detention of people arrested, in order to bring the perpetrators of these acts to justice.
- Release people who have been detained without charge unless they are accused of an offence in law.
- Open an enquiry into the rapes and allegations of rapes in order to identify the perpetrators of these acts and bring them to justice, in accordance with international human rights commitments.
- Provide free long-term medical care and psychological support to victims of rape and ensure the possibility of reparations for the victims of these acts.
- With particular regard to the army.

The Togolese government should clearly define the role of the FAT and address clear instructions to those responsible for the application of the law, enjoining them to conform, in all circumstances, to the basic principles of international human rights law; and it should finally put in place mechanisms to monitor respect for these directives.

The number of human rights violations would decline if the organs responsible for the application of the law – the army, gendarmerie and police force – were held responsible for their acts. The security forces should receive instructions clearly indicating that any violation of human rights will not be tolerated and that those responsible will be systematically brought to justice.

Those responsible for application of the law should have an elementary knowledge of the rights that it is their duty to protect. Over the years, the United Nations have adopted codes and declarations on arbitrary arrests, detention without trial, ill-treatment and torture, extrajudicial executions and the excessive use of force and firearms. These codes and declarations include:

- The Code of Conduct for Law Enforcement Officials and the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials;
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Implementation of the Rules;

- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

- Reject the adoption of amnesty laws

Amnesty laws that prevent discovery of the truth and avoid the guilty having to account for their acts before the law should not be acceptable, whether they are adopted by those responsible for the violations or their successor. However, Amnesty International does not have a position with regard to pardons granted after sentence, as long as the truth is known and justice has followed its course.

Amnesty International also calls on the international community to:

- Support the work of the United Nations High Commission for Human Rights and publish the findings of the fact-finding mission that visited Togo, Benin and Ghana in June 2005. The mission should be followed by the establishment of an international commission of inquiry possessing adequate means to complete an exhaustive inquiry throughout the country.

In order to be effective, this international commission should be organised according to the following criteria:

- the commission should be independent, impartial and competent;
 - the commission should be able to take all the time it needs to investigate;
 - the commission should be able to travel freely within Togo and neighbouring countries;
 - the commission should be able to interview all witnesses they believe it is necessary to interview without the latter being subjected to pressure from the Togolese authorities;
 - witnesses must be able to be interviewed by the commission without fear of reprisals, intimidation or harassment by the Togolese authorities;
 - the findings of this commission of inquiry should be made public.
- Condemn and suspend transfers of military, security and police equipment or skills by foreign countries, including France, that contribute to perpetuating human rights violations in Togo. Amnesty International requests the French government to accept its share of responsibility for the human rights crisis in which Togo is plunged and to act to put an end to these atrocities.
 - Ensure that asylum seekers are not forcibly repatriated to Togo if they risk being victims of grave human rights violations and ensure that claims made by asylum seekers, including in detention, are examined in detail and impartially. Amnesty International urges foreign governments, especially those in Europe, to examine the requests of asylum seekers in the context of the human rights situation in Togo.