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Togo: Will perpetrators be brought to justice?

Amnesty International takes note of the announcement today by the Togolese government of the establishment of a national commission of enquiry to investigate the allegations of extrajudicial executions around the presidential elections of 1998. "Steps have now to be taken for the inquiry to be credible and effective" Amnesty International said.

Without prejudging the mandate and terms of reference of this national commission, Amnesty International calls on the Togolese authorities to ensure that any such judicial investigation is conducted strictly in accordance with relevant international standards, in order to establish the facts and ensure that perpetrators are brought to justice.*

It is particularly important to ensure that any such investigation is fully resourced and has the authority to compel officials to testify. The commission's members should be known for their recognized impartiality, competence and independence.

Most importantly, complainants, witnesses, including those who have fled the country, and those conducting the investigation and their families must be effectively protected from any form of intimidation. As the joint OAU/UN Commission of Inquiry itself experienced, the Togolese authorities have resorted repeatedly to attempts at intimidating key witnesses to give false testimonies or to refrain from testifying. Yet their testimony is crucial if the national commission is to be effective and credible in establishing the truth about the perpetrators of the crimes committed.

In light of these grave concerns, Amnesty International believes that an international presence in the functioning of this national body would greatly benefit this investigation consisting of judicial and other experts.

Amnesty International reiterates its support for the recommendation of the joint OAU/UN Commission of Inquiry, in particular the establishment of a UN Special Rapporteur on Togo charged with monitoring respect for human rights in Togo, as an indispensable step to bring about truth and justice on the last 30 years of human rights violations and as a preventive measure in the run up of the forthcoming elections later this year.

Amnesty International further urges the Togolese authorities to invite the Special Rapporteur on Extra judicial, Summary or Arbitrary Executions, the Special Rapporteur on Torture and the Special Rapporteur on Violence against Women to make periodic visits, as recommended by the International Commission of Inquiry on Togo.

Background

The report of the joint OAU/UN Commission of Inquiry on Togo charged with "verifying the truth of allegations of hundreds of extrajudicial executions, which allegedly took place in Togo during 1998, made by Amnesty International's report published on 5 May 1999" was released on 22 February 2001.

Concluding to the "existence of systematic violations of human rights in Togo during 1998", the Commission recommended the nomination of a UN Special Rapporteur on Togo; the nomination of a team of experts to exhume the bodies buried in Togo and Benin; the periodic visits of the Special Rapporteur on Extra judicial, Summary or

Arbitrary Executions, the Special Rapporteur on Torture and the Special Rapporteur on Violence against Women; financial help from the international community to set up a mechanism to monitor and protect witnesses and the nomination of a judicial commission of enquiry.

**These international standards are notably the 1989 United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the 1991 UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*

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