

Togo

Impunity for killings by the military

1. INTRODUCTION

Since 1990 there has been a dramatic increase in the scale of human rights violations - including extrajudicial execution, torture, arbitrary arrest and detention without charge or trial of suspected government opponents - perpetrated by the security forces in Togo. Political instability and violence intensified following the National Conference in 1991 when transitional arrangements were made to lead to legislative and presidential elections. Rivalry between the head of state President Gnassingbé Eyadéma, backed by *les Forces armées togolaises* (FAT), the Togolese armed forces, and the opposition has increased. The victims of human rights violations have mostly been targeted because of their ethnic origin and opposition activities or sympathies. Amnesty International is also concerned about deliberate and arbitrary killings by political opposition groups in Togo which constitute serious breaches of international humanitarian standards. While the authorities have often sought to justify human rights violations by referring to such attacks, acts of violence by opposition groups can never justify violations of human rights, such as extrajudicial executions by governments.

The elections were repeatedly postponed. On 11 July 1993, representatives of the opposition and government signed the Ouagadougou Agreement which allowed for elections to start in August 1993 and stipulated that the FAT would remain in barracks, except in the event of a serious emergency in the country. The presidential election took place on 25 August 1993 and General Eyadéma was returned to power. The date for the legislative election has not yet been announced. The election was widely criticised as unfair - Gilchrist Olympio, opposition leader and son of Togo's first President, was excluded from standing because his medical certificate was not in order and two other serious contenders withdrew their candidature in protest at the inadequate preparation of electoral lists and the rejection of Gilchrist Olympio's nomination. Members of the *Comité international de suivi*, International Monitoring Committee, were divided in their reaction - the US and German delegates left Togo before the elections took place protesting that the pre-conditions for a free and fair election had not been met and one French observer left the delegation, but the remaining French and Burkinabè members continued to observe the procedures. The spokesperson for the French Ministry of Foreign Affairs made a statement on the day of the election: "While calling for the correction of irregularities which occurred, the International Monitoring Committee does not consider that the process should be considered invalid."

On election day, the Togolese Minister of Foreign Affairs announced that they had arrested two people who were planning to overthrow President Eyadéma. The authorities

claimed to have found tapes and documents revealing their intention to install an authoritarian government, but there was no independent evidence to support allegations of a coup attempt. On the day following the election, 40 suspected opposition supporters were arrested in the village of Agbandi in the centre of the country by members of a special security force set up to keep order during the election period. Twenty-one of the detainees died in custody - the authorities have claimed that they were poisoned by food brought by their relatives, but Amnesty International has learned that they had been ill-treated at the time of their arrest and were also kept in very cramped conditions.

During the National Conference, well before the elections, both military and police personnel were identified, in some cases individually, as being responsible for carrying out extrajudicial executions, committing acts of torture and for involvement in illegal arrests. Evidence suggests that since that time the security forces have committed further human rights violations, if not on instructions, at least in the confidence that, while President Eyadéma remains in power, they will not face prosecution. This has been borne out by events such as the killing of at least 19 peaceful demonstrators on 25 January 1993 which has still not been investigated.

These feelings of impunity have been reinforced by support from foreign governments including the government of France. France eventually suspended military aid in October 1992 and called for an investigation into the killings of 25 January 1993. However, in the *Journal Officiel*, Government Gazette, of the French Republic (*Avis et rapports du Conseil Economique et social*, Notes and Reports from the Economic and Social Council), 8 March 1991, concerning French co-operation towards Africa, the closeness and unquestioning nature of France's relationship with the Togolese government in the past is made quite clear. It is stated: "The firmness and ability of General Eyadéma, who has been in power for 23 years, have ensured stability for a regime which relies on the backing of the armed forces and the existence of a single party. ... Franco-Togolese relations have traditionally been close, and do not pose any major problems at the present time. ... Togo knows she can count on us to guarantee her security...". The fact the French government accepted the August 1993 elections results while only referring to their regret that not all Togolese people had participated suggests that their support for the Togolese President will continue.

In April 1992 Amnesty International published Togo: Impunity for human rights violators at a time of reform (AI Index: AFR 57/01/92), which stressed the importance of impartial investigations of all reported human rights violations in order to establish the facts and provide appropriate remedies. It also urged the authorities to introduce a series of safeguards for human rights and warned of the dangers for human rights in the future if no action was taken. However, the Togolese authorities have consistently failed to confront the problem of human rights violations committed by the security forces and to bring those responsible to justice.

The present report looks at the role of the security forces in Togo and focuses on their involvement in human rights violations since 1991. It also contains recommendations to the Togolese authorities. It is essential that those in power and those who will hold positions of authority in the future act decisively to halt human rights violations in Togo and to take the opportunity to affirm a new and genuine commitment to safeguard human rights in line with the international human rights standards which Togo has ratified. Amnesty International is also urging that other governments should use all available channels to intercede with the governments of countries where human rights violations are reported. They should particularly ensure that their assistance does not facilitate human rights violations.

2. VIOLATIONS COMMITTED BY THE TOGOLESE ARMED FORCES WITH IMPUNITY SINCE AUGUST 1991

In 1991, Togo abandoned the one-party political system and embarked on political change under a transitional government. President Eyadéma was to remain President of the Republic during the transition to elections. However, the army has repeatedly interfered with this process and has committed many serious human rights violations during the transitional period. It remains to be seen what role the FAT will play following the re-election of General Eyadéma in August 1993, but the arrests of 26 August 1993 do not indicate that the situation has changed (for further details on the killings in late August 1993 see Section 2.6).

The National Conference was held in July and August 1991. There were nearly 1,000 people present, and the Conference declared itself to have sovereign power; the political future of the country was debated and past human rights violations, in which the army was chiefly implicated, were examined. Fresh testimony was heard concerning a large number of human rights violations. Noting that these rights had been continually flouted by systematic recourse to arbitrary detention, torture and extrajudicial executions, the Conference demanded that President Eyadéma bring to justice those suspected of being responsible for these violations.

Playing a disruptive role, the army and its chief of staff, President Eyadéma, were notable by their absence from this National Conference. However, at the request of the *Commission nationale des droits de l'homme* (CNDH), National Commission of Human Rights, some military personnel came forward to bear witness about human rights violations committed by the armed forces.

Despite the fact that the sovereignty of the National Conference was not recognized by those holding power, it decided on new institutions designed to ensure a smooth transition towards presidential and legislative elections. The elections were originally scheduled for

August 1992, then postponed until the end of 1992, but the timetable was repeatedly changed as a result of political pressure. Having failed in their attempt to prevent a National Conference from being held, the FAT did all in their power to destabilize the country during the transition period and to prevent any investigation into human rights violations. In view of their disruptive role, an important element of the agreement reached in July 1993 between the government and the opposition, known as the Ouagadougou Agreement, was that the army should remain in barracks under international supervision. The governments of France and Burkina Faso sent military observers for this purpose. The French contingency of 70 soldiers, taken from forces normally based in Côte d'Ivoire, left Togo after the presidential election and are due to return for the legislative elections.

2.1 THE SUPREMACY OF THE ARMY BEHIND THE CIVILIAN FACADE

Despite claims to the contrary by the Togolese authorities, the FAT does not act as a conventional army. They regularly interfere in the political life of the country and are behind flagrant human rights violations. So much so that part of the population of Togo, and in particular of the capital, Lomé, and since mid-1992 the Bassar region, has fled from the army and its atrocities and taken refuge in neighbouring countries.

Although on the face of things a civilian government has existed since independence, the Head of State has always exercised control over the armed forces, and even under the new constitution, approved by referendum in September 1992, the Head of State is the supreme commander of the armed forces. His control of the armed forces is enhanced by the majority of its members coming from the President's own ethnic group and from the region where he was born, and also the prominence within it of members of the President's family. Out of 37 military units in July 1992, 25 were led by Kabyé (the President's ethnic group) and seven by French nationals, leaving only five to non-Kabyé Togolese. One of the key units, the Presidential Guard, which is based in both the President's home village of Pya and the capital, Lomé, was under the command of President Eyadéma's half-brother, Lieutenant-Colonel Toyi Gnassingbé, until his death during an attack on the Prime Minister's residence in December 1991. The President's son, Captain Ernest Gnassingbé, is a member of another important unit, the Para-Commando Regiment, which has often been implicated in human rights violations, including an assassination attempt on Gilchrist Olympio, the opposition leader whose candidacy for the August 1993 presidential election was rejected.

In the majority of his speeches President Eyadéma has clearly declared his unconditional support for the FAT; in one instance he stated that, "the army had intervened in the nation's affairs to put an end to corrupt practices, re-establish order, ensure peace and guarantee the safety of the working population." The program of the *Rassemblement du peuple togolais* (RPT), Assembly of the Togolese People, the former governing party led by

the Head of State and entirely under his control, makes it clear that the Head of State believes that the army should not be excluded from the political life of the nation. The RPT program deals clearly with this theme: "the exclusion of the army from the political life of nations is now an outdated phenomenon. Even leaving the countries of Africa out of account, you only need to take a brief glance at the world to realize that the military are increasingly reluctant to remain shut up in their barracks. The idea of a "Great Silent Army" is becoming increasingly blurred... It is infinitely preferable to involve the military, permanently and at all levels of command, both in making and enforcing the decisions needed to solve the problems of a country which is after all their own." (Extracts from the Program and Regulations of the RPT).

This increase in the role played by the FAT has been seen in a massive recruitment drive since the 1970s. The number of men in the Togolese Army has increased from 1,200 in 1967 to about 13,500 or 14,000 in 1991, according to a document prepared for the sovereign National Conference by the Defence and Security Commission. In other words, there is one serviceman for every 300 Togolese citizens. The Commission noted that 10,127 of the official figure of 12,127 men come from regions in the North of the country. Moreover, of the 180 officers from the North, about 80 per cent are Kabyé of whom about three out of four come from the area around Pya. While deploring the fact that the army is riddled with tribalism and that recruitment is predominantly from the area close to the Head of State's native village, the Defence and Security Commission recognized that some groups in the country have traditionally been reluctant to enlist in the army. This feeling has been accentuated by a form of "ethnic specialization" whereby the army, police and Gendarmerie were recruited primarily from the Kabyé people. The Commission further noted that, "As a result of sociological, economic and cultural changes, young people from other regions have presented themselves at our barrack gates and been turned away, since an essentially tribal system has prevailed in army recruitment since 1963".

The Commission concluded that rather than playing the traditional role of an army, the essential tasks of the FAT were in fact:

- to ensure the defence and perpetuity of a political system;
- to ensure the exclusive protection of the person of the Head of State;
- to fight an enemy within, which is none other than the People ..."

The Togolese Army is itself divided about the attitude to adopt. Although the military are forbidden to set up any organization outside of the RPT - even though other political parties were legalized in 1991 - , a small minority of soldiers have set up an Association of Democratic Servicemen. This Association, which supported the attempts at democratization

during the transitional period, is suspected of antipathy towards the Head of State. This has led the FAT to take advantage of the slightest opportunity to execute or arrest democratic servicemen. Just recently, in March 1993, following an attack on the residence of the Head of State, several servicemen suspected of being members of this Association were executed and others arrested (see Section 2.5).

2.2 CHALLENGES TO THE TRANSITIONAL GOVERNMENT, OCTOBER 1991 - DECEMBER 1991

Only a few months after the setting-up of new institutions in Togo, on 1 October 1991, the FAT invaded the radio and television headquarters, and trained their weapons on the journalists there to force them to transmit announcements in support of President Eyadéma. They also called for the resignation and dissolution of the *Haut Conseil de la République* (HCR), High Council of the Republic. This body, which was elected by the National Conference, is responsible for ensuring the transition to presidential and legislative elections and in particular for monitoring the executive and carrying out the legislative functions. It also supervises the defence and promotion of human rights. This show of strength angered the inhabitants of Lomé, and a confrontation between them and the army left at least six civilians dead and many wounded.

Following this initial unsuccessful venture, the FAT then attempted, on 8 October 1991, to kidnap the Prime Minister, Joseph Kokou Koffigoh. He managed to escape, but the incident resulted in the deaths of eight people and injuries to several others. On 28 November, shortly after the HCR had pronounced the dissolution of the RPT, a number of army units intervened to declare the overthrow of the transitional government. In a statement broadcast over the radio, General Mawulikplimi Améyi, former Defence Minister, declared his support for President Eyadéma and announced that the transitional government had been dissolved and all the decisions taken by the National Conference cancelled, adding that the authorized political parties would continue to operate.

The Prime Minister and the President then deliberated for several days over the country's political future. On 3 December, however, the army stormed the Prime Minister's residence and announced that the Prime Minister had been arrested; he was later taken to the Presidential Palace to meet President Eyadéma. Other prominent politicians, linked with the government of Joseph Kokou Koffigoh, were summoned to the army headquarters; many fled the country or went into hiding fearing arrest. These events left at least 30 people dead, including Lieutenant-Colonel Toyi Gnassingbé, President Eyadéma's half-brother. In the end, the Prime Minister stated that he would form a government of national unity, the composition of which was not announced until 30 December 1991. It included some members of the former governing party, the RPT, one of whom was re-appointed Minister

of the Interior (he had held this post under President Eyadéma until mid-1991); a former Attorney General was put in charge of military affairs within the Ministry of Defence. The new government's program included a new amnesty proposal which, the authorities claimed would be likely "to promote the processes of national reconciliation", to establish discipline within the army "once again" and to re-establish its political neutrality.

At the time it was impossible to predict what this would mean in practice, but fears were expressed that this amnesty might grant impunity to military personnel who had been responsible for killing or torturing prisoners or others in the past, and have the effect of relieving the armed forces of responsibility for their actions; these fears now seem to have been entirely substantiated.

2.3 ATTACKS ON OPPOSITION LEADERS AND SUSPECTED SYMPATHIZERS

On 5 May 1992, Gilchrist Olympio, son of the late Sylvanus Olympio, the former President of the Republic who had been assassinated by the military in 1963, was attacked in Soudou (central Togo), near the Benin border. Gilchrist Olympio was on his way to a political meeting in his capacity as president of the *Union des forces de changement* (UFC), Union of the Forces for Change, a coalition of 10 opposition parties. Four people, including Dr Marc Atipede, the leader of one of these parties, were killed during this attack. The Paris-based *Fédération internationale des droits de l'homme* (FIDH), International Federation of Human Rights, concluded in a report that:

- "the Soudou attack ... was probably planned and carried out by the military;
- "the size and amount of equipment used, in terms of weapons of war (automatic weapons and rockets), vehicles (two or three) and men, and the method employed (ambush) lead one to suspect the complicity of the general staff and senior officers of the armed forces;
- "the behaviour of the military personnel involved, before and after the ambush, shows that they were assured of virtual impunity;
- "the freedom of movement and action accorded to Captain Ernest Gnassingbé enable him to indulge in a degree of activism incompatible with his military status."

These findings agreed with other reliable reports received by Amnesty International. Prime Minister Koffigoh announced that evidence gathered by the FIDH was being transmitted to the Procuracy, but no further action is known to have been taken.

On 22 July 1992, two people opened fire on an opposition leader, Tavio Amarin, while he was waiting for a car to pick him up after visiting a relative. He died of his wounds in a Paris hospital two days later. Tavio Amarin chaired the HCR Committee of Political Affairs and Human Rights and Liberties; he was also secretary of a new opposition coalition. Prime Minister Koffigoh's government suggested that two police identity cards found near the scene of the shooting were evidence of security force involvement.

On 22 and 23 October 1992, several members of the HCR were taken hostage, confined and maltreated for 24 hours by the FAT, who forced them to sign documents under duress authorizing the banks to unfreeze funds for the RPT (these funds had been frozen by an HCR decree).

Between 23 and 29 December 1992, a delegation from the *Union interafricaine des droits de l'homme* (UIDH), Inter-African Union of Human Rights, a new human rights organization founded in 1992 and based in Ouagadougou (Burkina Faso), went to Togo and took note in particular of the human rights situation in Bassar. The Bassar region is located in the northwest of the country; three of the five non-Kabyé Togolese military commanders come from there. Since June 1992 there have been detachments of the FAT deployed in Bassar whose aim appears quite clearly to be to terrorize the inhabitants and coerce them into joining the RPT. Over a period of three days in September 1992, the homes and belongings of some 20 members of the opposition were destroyed. The homes of individuals close to the Prime Minister, including his former Minister of Education, Lantamé Dominique Zoumaro, and Nabine Issa, a Togolese television journalist, were also attacked.

In October 1992, the Bikagni family from Bassar were singled out for arrest. On 7 October Corporal Nikabou Bikagni was arrested at the Aflao border post on the Ghanaian border by members of the National Gendarmerie. He was severely tortured (see Section 2.7). Although he was detained at the Gendarmerie for some time by police officers before his transfer to an army camp, his case does not seem to have been taken to court. Amnesty International thinks that Corporal Nikabou Bikagni may have been arrested on account of his loyalty to Prime Minister Koffigoh, and in particular because he protected him on 3 December 1991, when his residence was attacked by members of the FAT loyal to President Eyadéma. On 16 October, Boukari Bikagni, Corporal Bikagni's father, who was himself the local head of an opposition party, and his brother, Nakpane Bikagni, were arrested in Bassar. A few days later, on 4 November 1992, Victor Yakparote, a teacher and a member of an opposition party, was also arrested in Bassar. They all remain held, without charge or trial, in the civilian prison at Kara.

In a report ¹ published following its visit, the UIDH made a number of recommendations, in particular that the inhabitants of Bassar should be left free to join whatever political parties they wished and that persons arbitrarily detained should be released. They also referred to the fear perpetrated by the army, and commented on how frequently the name of Captain Ernest Gnassingbé was mentioned in the context of offering money to people to carry out acts of vandalism and aggression against members of the opposition.

Similar reports have been received with reference to the town of Korbongou, in northern Togo, where six members of the Odanou family were arrested. It is reported that the village head, himself from the Odanou family, had ordered their arrest on account of their membership of an opposition party. One of them, Landame Odanou, was arrested in September 1991 and apparently remains held. The other five were arrested between March and May 1993 - four have been released, but Kanlou Odanou is feared to have disappeared in detention. Officially he was released after three or four weeks detention, but no one has seen him since his release from the National Gendarmerie.

Around mid-April 1993, a number of villagers in Dapaong, in northern Togo, who had refused to chant the praise of the Head of State, were compelled by the FAT to remain on their knees for a long period of time, with weapons pointed at them. One of the villagers, Bichakine, who chanted slogans hostile to the Head of State, was pursued by the soldiers. While two of them held him by his wrists, a third soldier reportedly executed him by shooting him at point-blank range.

2.4 VIOLENT REPRESSION OF PEACEFUL DEMONSTRATION, JANUARY 1993

In January 1993, more than 19 people were killed by the FAT during a peaceful demonstration in the capital, Lomé. The opposition had organized the demonstration to show its support for an initiative which had been taken by the French and German governments in an attempt to resolve the political impasse between the Head of State, the transitional government and the HCR. The demonstrators began to assemble in front of the HCR building, where the HCR and the ministers representing the French and German governments (namely, Marcel Debarge, French Minister of Cooperation, and Helmut Schaeffer, German Secretary of State for Foreign Affairs) were to hold their meeting. The FAT forced the demonstrators to change their route, and suddenly opened fire without warning, killing at least 19 people.

¹The UIDH report made public in January 1993 is called "Report of mission to Lomé (Togo) from 23 to 20 December 1992

Eye-witnesses stated that the FAT were shooting at the demonstrators who were trying to take refuge in trees. Amnesty International has been able to collect the names of only 16 victims, but eye-witnesses said there was a far higher number of deaths. For example one eye-witness reported: "... There were a lot of bodies lying on the ground, I couldn't say exactly how many (200 or more). Were they all dead? I don't know. In any case, I saw three army trucks stop and load up with bodies. They just picked up anything that was lying around. I saw an army jeep, too. The soldiers got out to inspect the work that had been done." Although the correct figure is difficult to determine in the absence of independent statistics, it seems that the figure of 19 is an absolute minimum.

Journalists and the visiting ministers from France and Germany went to the morgue and saw the bodies of the demonstrators who had been killed. In a press interview, the visiting ministers stated that they had advised President Eyadéma to order the army back to barracks to prevent it from getting involved in any way in the political arena.

Shortly afterwards, the Togolese Minister of the Interior issued a statement to the effect that 12 persons had been killed, including one police officer. He said that the FAT had fired into the air after one of their colleagues had been attacked by the demonstrators. This information does not tally with the findings of Amnesty International, as it would appear that military personnel had received orders to mingle with the demonstrators in civilian clothes so as to provoke them.

Five days later, on 30 January 1993, in reprisal for the death of a soldier killed in a particular district of Lomé, the FAT went out into the street, firing indiscriminately on civilians and indulging in looting. Members of the FAT went to the homes of several well-known people, and when they did not find them at home, took revenge on other individuals. For example, Ange Tete had his throat cut at the home of Maître Occansey, a lawyer known for recently taking a stand against the RPT. The reprisals continued for a few days, and the bodies of a number of victims, including that of Isaac Gbikpi Benissan - who had "disappeared" on 1 February - were found. Isaac Gbikpi Benissan was a bodyguard of Léopold Gnininvi, one of the opposition leaders. When the body was finally exhumed, Alessi Wilson, a human rights activist who had been invited by the family to be present at the exhumation, was arrested and detained for more than 24 hours from 3 to 4 March 1993 at the Gendarmerie, where he was questioned and physically assaulted for making recordings of the statements made by some local people. The doctor responsible for the autopsy found two bullets in the corpse and concluded that Isaac Gbikpi Benissan had also been severely beaten on the head.

President Eyadéma stated that he had ordered the Minister of Defence to open an investigation into the violence on 30 January. The Procuracy apparently asked for an autopsy on the bodies of those who died on 25 and 30 January. But so far the results have not been made public and no judicial inquiry seems to have been started.

2.5 EXTRAJUDICIAL EXECUTIONS AND ILLEGAL DETENTIONS FOLLOWING AN ATTACK ON THE *REGIMENT INTERARMES, TOGOLAIS* (RIT), TOGOLESE COMBINED REGIMENT, MARCH 1993

On 25 March 1993, following an attack on the barracks of the RIT, at least 20 people, including both military and civilian personnel, were extrajudicially executed by the FAT. The real nature of the attack is not clear; there are reports that attackers came from Ghana, and others suggest that it was in fact a settling of rivalries within the barracks. The individuals executed extrajudicially were targeted either on account of their ethnic origin or because they were suspected of belonging to the Association of Democratic Servicemen or of having been involved in the attack on the RIT. Those killed on 25 March 1993 included Colonel Eugène Koffi Tepé, assistant chief of staff, and three of his younger relatives. They were reportedly brutally murdered by troops loyal to President Eyadéma. The President had publicly asked the soldiers not to take the law into their hands, and threatened them with arrest, discharge from the army and prosecution. However, no investigation has apparently been opened to try to identify those responsible for the murders, but on the contrary it is those who are suspected of opposing President Eyadéma, who have been arrested and killed. In the days which followed, many more military were extrajudicially executed either in the barracks or at a firing range at Aguenyivé on the outskirts of Lomé. Several troops and civilians were arrested. The civilians were released on 3 July, but the military detainees are still being held, illegally and incommunicado, either at the Gendarmerie or in the RIT barracks in Lomé. None of them is believed to have been referred to a court or to a judicial authority, as stipulated in the law, and so the detainees have not been able to exercise their right to challenge the lawfulness of their detention.

2.6 ARREST AND KILLINGS FOLLOWING PRESIDENTIAL ELECTION, AUGUST 1993

On 26 August 1993, the day after the presidential election, 40 people were arrested in or near the village of Agbandi, central Togo and taken to the Gendarmerie in Blitta, a town between Sokodé and Atakpamé. The arrests followed an outbreak of violence on election day, when local opposition supporters, angered to discover that some ballot boxes had apparently been filled with false ballot papers in favour of General Eyadéma before voting began, ransacked voting booths in and around Agbandi. However, there has been no independent investigation into the deaths of 21 of those arrested. The authorities have claimed 15 of the prisoners were poisoned by eating food apparently brought to them by

their relatives. Not only does this explanation seem unlikely, but Amnesty International has received reports that those who died had been assaulted following their arrest and were crammed into a small cell, possibly leading some to die of asphyxiation. The 40 were arrested by members of the special security force set up to keep order during the elections. This special force, which is led by Lieutenant-Colonel Walla, Commander of the National Gendarmerie, was assisted by members of the FAT which should have been confined to barracks in accordance with the Ouagadougou Agreement.

2.7 TORTURE, CRUEL AND DEGRADING TREATMENT

In addition to Togo's new Constitution, which, unlike the previous constitution, makes torture a criminal offence, whether the official is acting on instructions or on his own initiative, Togo has also ratified certain international treaties, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, committing the state to prohibiting, punishing and preventing torture. Moreover, one of the documents drawn up by the HCR prohibits torture and prescribes sanctions against the perpetrators of such practices.

However, Amnesty International has no knowledge of any verdict being pronounced by the civil courts in respect of acts of torture, even in cases where the victims had serious injuries. In 1985, for example, delegates from Amnesty International on a visit to Togo noticed that some prisoners showed signs of maltreatment consistent with information alleging that they had been tortured. One of the prisoners who had been severely tortured had both his body and his arm in plaster, which indicated that information according to which he had been beaten up and had suffered fractures was well founded. In 1985, the authorities set up a commission of inquiry in reaction to allegations of torture made by Amnesty International and others. However, this did not result in any prosecutions as the report did not conclude that detainees had been tortured; this conclusion contradicted information received by Amnesty International, other non-governmental organizations and two lawyers working on behalf of French organizations. Amnesty International received unconfirmed reports that some of commission's findings had been suppressed before its publication.

After 1987, there appears to have been a reduction in the use of torture in Togo, although cases have been reported. In 1989 a delegation from Amnesty International met some prisoners who had been held with their wrists in handcuffs since their arrest in 1986. None of the prisoners had up to that time been authorized to receive visitors.

In a report published in September 1990, the CNDH, after hearing the testimony of a number of people who had been arrested in August 1990 and reading the reports of

pathologists, estimated that four people had been tortured during questioning. However, steps were not taken to bring those responsible to justice.

Since 1991, reports of torture have again become more frequent. Corporal Bikagni, who was arrested on the border with Ghana in October last year and accused of possessing explosives, was shown on national television with his face showing signs of beatings and bruises which were clearly the result of maltreatment sustained during his detention at the Gendarmerie. About 10 days later he was transferred from the Gendarmerie to an army camp in Lomé, where he is alleged to have been tortured again. He remains held without charge or trial.

Adjudant-chef Lawson, arrested on 25 March 1993 was reportedly severely tortured, apparently with knives, at the National Gendarmerie in Lomé. He was reportedly admitted to hospital in Lomé suffering from severe injuries.

Around 26 July 1993, Attiogbé Stéphane Koudossou and Gérard Akoume were arrested and reportedly tortured while in custody at the National Gendarmerie in Lomé and later appeared on national television, where they made confessions stating that they had been responsible for recent bomb attacks. On 13 August, they were brought to trial on serious charges relating to bomb explosions. Attempts by their lawyer to halt the trial on the basis that the only evidence against the two was their confessions extracted during pre-trial detention and under duress, failed and the trial continued despite the fact that the lawyer had left in protest. The trial finished the same day, but no verdict has yet been announced.

3. STRUCTURE AND ROLE OF THE SECURITY FORCES

Over the past 30 years, the FAT have been involved in carrying out repressive measures which have cost the lives of many hundred Togolese people. Documents published during the National Conference noted that the army has been fighting "an enemy within, which is none other than the People ...". Elements of the FAT have also exceeded their powers by arresting numerous people, although it is not their responsibility to do so.

Both the old and the new Constitutions stipulate that the FAT come under the direct responsibility of the President of the Republic. Therefore, in this role, President Eyadéma has a number of Togolese officers under his command, and used also to have command of some French officers (until the co-operation accords between France and Togo were suspended in October 1992).

The Gendarmerie, which is integrated into the FAT, is also under the authority of the Head of State. Gendarmes are subject to the same hierarchical and disciplinary rules as soldiers. Gendarmes also act as criminal investigators (*officiers de police judiciaire*). And

when people are arrested or premises searched, the Gendarmerie is responsible for drawing up the initial reports on the suspects, before they are brought before the examining magistrate (*juge d'instruction*). In the UIDH report (see Note 1), reference is made to the arrest by police of a member of a commando unit - apparently made up of military personnel in civilian clothes - who was suspected of being responsible for the attack on Lantamé Dominique Zoumaro in Bassar in May 1992 (see above). However, the person in question was freed after the police had confiscated the knife in his possession, which allegedly bore the FAT insignia.

The army includes some military units which specialize in intelligence-gathering, which are known as "pigeons". Their task is to infiltrate both town and country districts so as to identify anyone hostile to the Head of State's party. The people identified as such thus become easy targets. The "pigeons" are supposed to have been disbanded on the orders of the National Conference, but a unit would appear to be still active within the 3rd Infantry Battalion. This Battalion is based at the RIT headquarters, and was involved in the events of 25 January 1993, during which at least 19 peaceful demonstrators were killed, and in the bombing of the houses of a number of opposition members. The "pigeons" also took part in the reprisals taken on the civilian population of Lomé on 30 January.

The Rapid Intervention Force, the third of the country's armed forces, a large body of men armed with powerful weapons, backed up the Airborne Troops Training Centre and the Para-Commandos (see below) during the incident in October 1991 when members of the HCR were taken hostage. During this hostage-taking incident, several members of the HCR, the transitional executive body, were manhandled, slapped in the face, made to lie on the ground and whipped, and their chairman, Bishop Monseigneur Kpodzro, was subjected to interrogation under the full glare of the sun.

The Presidential Guard has also been implicated in serious violations of human rights. The unit consists of between 3000 and 4000 men and was led by Lieutenant-Colonel Toyi Gnassingbé, half-brother of President Eyadéma, until his death in December 1991. The Presidential Guard was involved in the various attacks against the Prime Minister's residence in 1991 and the repression of a peaceful demonstration in January 1993. Most recently, it was reportedly involved in the arrest of suspected opposition supporters in Agbandi in August 1993.

The Para-Commando Regiment (the red berets), a unit modelled on the US Marines, enjoyed military assistance from Zaire, during the 1970s at any rate, and more recently from Israel. Captain Ernest Gnassingbé is one of the senior officers of the Para-Commandos. This unit, which is based at Kara, was involved in the ambush on Gilchrist Olympio and others mounted in Soudou in May 1992. It also took part in the attack on the Prime Minister's residence in December 1991, during which a number of people died. It also appear to have

been behind the execution of Colonel Tepé and some of his relatives after the events of 25 March 1993.

As for the police, whose role is to maintain law and order, and who come under the responsibility of the Minister of the Interior, they harbour elements better known as the "red brigades", whose aim is to co-operate with the FAT in operations against the civilian population and certain military personnel who either belong to the Association of Democratic Servicemen or are suspected of antipathy towards the Head of State. This unit, which is composed solely of Kabyé, acts especially in conjunction with the 2nd Mechanized Battalion, from which it receives arms and ammunition. The "red brigades" were highly active during the repression of the peaceful demonstration on 25 January 1993.

Under the terms of the Ouagadougou agreement, the army was to remain in barracks and security was to be organized by a special security force under the command of Lieutenant-Colonel Walla - head of the National Gendarmerie. However, elements of the army, including members of the Presidential Guard, were apparently called in by the special security force to arrest suspected opposition supporters the day after the presidential election and 21 of those arrested died in custody. Despite supervision by soldiers sent by the governments of France and Burkina Faso, the army was again implicated in human rights violations.

4. FOREIGN RELATIONS WITH THE SECURITY FORCES

In 1992, France suspended its military aid to Togo in protest at the persistent interference by the army in the transitional process and the breakdown of attempts, assisted by the French and German governments, to mediate between the government and opposition. The other major donors, the US and German governments, had withdrawn military assistance during 1991. However, in the past, countries such as Brazil, China, the Federal Republic of Germany, Democratic People's Republic of Korea, Israel, South Africa, Zaire, and the USA have been cited as having military and security police links with Togo over the years since independence.

In March 1993 the United Nations Commission on Human Rights adopted a resolution² deploring, among other things, the "use of violence by the armed forces against peaceful demonstrators, which has claimed many victims" and calling upon the Togolese authorities to "create conditions conducive to the return of Togolese refugees in neighbouring countries in complete security and dignity and to guarantee the security of all Togolese, including political opponents".

² Resolution 1993/75, on the Situation of human rights in Togo, dated 10 March 1993

In April 1993, the ACP-EEC (representatives of the African, Caribbean and Pacific countries and the European Community) Joint Assembly adopted a resolution³ deploring "the atmosphere of insecurity and violence" in Togo and calling on "the competent authorities to take all necessary measures to ensure the safety of everyone before, during and after elections...[and] to accept the presence of international observers to oversee the stationing of armed troops." After expressing its reservations about the timeframe for elections, and the fairness of holding elections in a situation of grave civil unrest, with hundreds of thousands of Togolese citizens living as refugees in neighbouring Ghana and Benin, the European Community agreed to assist the organization of the elections after the 11 July 1993 Ouagadougou agreement when opposition and government representatives agreed on introducing safeguards to ensure free and fair elections.

France is the country which has, largely for historical reasons, given Togo the greatest amount of military support. Her support for Togo has taken two forms, firstly through a defence treaty and secondly through technical military assistance. The defence treaty, which was signed on 10 July 1963, has never been published in the French Government Gazette. It is believed to provide for the possibility of French military aid, both in the case of external security problems and in that of internal disturbances on Togolese territory.

The technical military assistance concerned involves training for Togolese troops, both in France and in Togo, and the provision of military hardware. Before the military treaties were suspended, there were several French officers within the general staff of the FAT, acting as technical advisers both to President Eyadéma and to the Chief of Staff of the FAT, General Bonfoh. The French officers were also responsible for the medical corps and for military colleges. One such college, whose commander was French, had all the hallmarks of a national college, but recruited only cadets whose parents were or had been military personnel. In view of the fact that the cadets were being trained to become officers and that 80 per cent of the officers belong to the Kabyé ethnic group, it is somewhat surprising to see how little priority France gave to ensuring that the college became a truly national one. Moreover, the teaching provided in this college apparently made no reference whatsoever to the safeguarding of human rights. However, in a note submitted by the *Assemblée nationale*, French National Assembly, on behalf of the *Commission de la défense nationale et des forces armées*, French National Defence and Armed Forces Commission, in connection with France's Budget for 1993, reference is made to the success of three inter-African military schools, including the *Ecole militaire interafricaine d'administration*, Inter-African Military School of Administration, in Lomé, which was founded in 1986. These military schools come under the authority of French military assistance. The note concludes that, "Experience has shown that local armies are seldom fit to carry out operations for the maintenance of law

³ Resolution on the process of democratization in Togo (ACP-EEC 883/93/fin.), adopted by the ACP-EEC Joint Assembly on 1 April 1993 in Gaborone (Botswana)

and order in such a way that internal discipline prevails, human rights are respected and the law is strictly observed."

In the French Government Gazette, (Notes and Reports from the Economic and Social Council), 8 March 1991, concerning French co-operation towards Africa, the closeness of past Franco-Togolese relations is made quite clear. It is stated: "The firmness and ability of General Eyadéma, who has been in power for 23 years, have ensured stability for a regime which relies on the backing of the armed forces and the existence of a single party... . Franco-Togolese relations have traditionally been close, and do not pose any major problems at the present time. ... Togo knows she can count on us to guarantee her security, as was proved by the immediate intervention of our forces on 25 September 1986... [this refers to the suppression of an attempt to overthrow the government]. ... In 1989, our military assistance amounted to 12 million [French] francs" (approximately \$US 2.1 million).

In November 1990, President Eyadéma and a French officer, technical adviser to the Chief of Staff of the FAT, sent a note to the military chiefs reminding them of the ban on firing on demonstrators while endeavouring to maintain law and order in the country, and that any infringement of this ban "will automatically entail court proceedings against the perpetrator(s) and against the commander(s) of the unit(s) to which they belong". However, this statement of good intention had no impact on the behaviour of the security forces and the lack of respect for this statement did not affect French assistance to the FAT. For example, in April 1991, there was no investigation into conclusions reached by the CNDH, and echoed by many other independent sources, that the deaths of 28 persons whose bodies were found in the Bè Lagoon on 11 April 1991 had occurred in two distinct sets of circumstances: troops had deliberately prevented some of the demonstrators, who had jumped into the water, from getting out of the lagoon; while others had been arrested and placed in detention centres in Lomé, where they had been tortured to death or killed in cold blood and their bodies subsequently thrown into the lagoon.

The FIDH report of July 1992 (see footnote 1) concludes that the general staff of the FAT were to be presumed guilty in the matter of the attempt on the life of Gilchrist Olympio, a leading opposition figure, and the killing of others. Despite this and other persistent evidence of military involvement in human rights violations, it was not until October 1992 that France, the main nation to support Togo, finally acknowledged the seriousness of the situation and suspended her military co-operation with Togo. Until that time, several French officers were members of the general staff of the FAT. It does not seem that the dispatch of French military personnel to Togo during the election period constitutes a resumption of military aid, but under the terms of the Ouagadougou agreement, France sent 70 soldiers to ensure that the FAT remained in barracks. These 70 soldiers have since left Togo and are due to return for the legislative elections. Their role was not fulfilled as members of the FAT were apparently involved in the arrest of 40 suspected opposition supporters arrested in Agbandi the day after the election - 21 of them later died in

custody. The French government also sent 10 Gendarmes to help train the special security force set up to keep order during the elections.

From French government statements following the presidential election in Togo, there is no reason to believe that the policy of the Government elected in France in April 1993 has changed with regard to Togo in comparison with preceding French governments.

5. AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO RESTORE RESPECT FOR HUMAN RIGHTS IN TOGO

The human rights violations described in this report have all been the work of the FAT of which President Eyadéma is the supreme commander. Although Amnesty International has made repeated appeals to the Togolese authorities to take urgent action to prevent any further killings being perpetrated by the FAT, nothing has been done to date. The perpetrators of the many human rights abuses all enjoy total impunity, and as far as is known, the Togolese Government has done nothing to shed any light on past events during which many individuals, in particular human rights activists and members of the opposition, met their deaths.

In April 1992, Amnesty International made a series of recommendations to the Government of Togo, concerning, among other things, the need for a thorough investigation of past human rights abuses. The 1991 National Conference and the investigations carried out by the CNDH brought some important fresh information regarding human rights violations committed in the past to the attention of the public and the authorities. All the facts that were revealed constitute infringements of Togolese law and of international human rights standards. Nevertheless, neither the President, the Government nor the HCR have taken any action in this connection, and even the Procuracy, the independent authority responsible for bringing criminal proceedings and taking legal action when crimes are brought to light, has done nothing at all. This lack of action is due to the suspension of the rule of law: for a number of years the law has been abused and manipulated by those in power, with the result that institutions such as the Procuracy has been subordinated to political leaders instead of being independent.

Civil society depends for its very existence on the assurance that human rights violations will give rise to legal proceedings and that victims will obtain reparation, whereas those loyal to President Eyadéma want to prevent any investigations into the past, in order, so they say, to prevent conflict and achieve national reconciliation. The experience of Amnesty International shows that the lack of investigations into human rights abuses and the fact that their perpetrators are not brought to justice only increase the likelihood of further abuses, not only because the torturers and killers remain at liberty and may once again be put in

charge of prisoners and given the opportunity of killing them, but also because the measures needed to prevent further abuses are neither defined nor implemented.

Amnesty International is urging President Eyadéma to open an inquiry into human rights violations with a view to bringing those responsible to justice to break the cycle of violence and impunity which exists in Togo.

Other reforms previously suggested to the Togolese Government concern preventive action against torture, arbitrary detention and extrajudicial executions and ensuring that all detained or imprisoned people are aware of their rights and that an inquiry is made into all cases involving a detainee's death or "disappearance". These remain essential reforms if human rights are to be protected in future. With particular reference to the role of the military, some additional recommendations are also important. These refer to:

1. Official condemnation

The highest authorities of Togo should demonstrate their total opposition to extrajudicial executions, torture and illegal detention. They should make clear to all members of the police, military and other security forces that such human rights violations will not be tolerated under any circumstances.

2. Chain-of-command control

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions. Officials with chain-of-command responsibility who order or tolerate human rights violations by those under their command should be held criminally responsible for these acts.

3. Restraints on use of force

The Togolese authorities should ensure that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life.

4. Action against militias

Criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence should be prohibited and disbanded. Members of such groups who have perpetrated human rights violations should be brought to justice.

5. Protection of potential victims

The Togolese authorities should ensure that anyone in danger of extrajudicial execution, including anyone who receives death threats, is effectively protected.

6. No secret detention

Prisoners should only be held in publicly recognized places of detention and accurate information about the arrest and detention of any prisoner must be made available promptly to relatives, lawyers and the courts. No one should be secretly detained.

7. Access to prisoners

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

8. Prohibition in law

The Togolese authorities should ensure that the commission of a human rights violation is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of human rights violations and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.

9. Individual responsibility

The prohibition of human rights violations should be reflected in the training of all officials involved in the arrest and custody of prisoners and all officials authorized to use lethal force, and in the instructions issued to them. These officials should be instructed that they have the right and duty to refuse to obey any order to participate in human rights violations. For example, an order from a superior officer or a public authority must never be invoked as a justification for taking part in an extrajudicial execution, or torture.

10. International responsibility

Governments should use all available channels to intercede with the governments of countries where human rights violations have been reported. They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate extrajudicial executions or torture.

