

# Human Rights Manifesto for Togo

In Togo, security forces responsible for human rights violations continue to enjoy total impunity. Laws and constitutional provisions that protect human rights are in practice often ignored. Togo has ratified several legally binding international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the Convention on the Elimination of All Forms of Discrimination against Women, and the African Charter on the Rights and Welfare of the Child.

Amnesty International's "Human Rights manifesto" is directed to all candidates in the forthcoming parliamentary elections in Togo. To ensure that the electoral process proceeds in an open, transparent and peaceful manner, the human rights of all Togolese must be respected. Amnesty International calls on all political parties to publicly commit themselves to implement the following steps to put respect for international human rights law into practice.

## Respecting freedom of expression, association and assembly

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Universal Declaration of Human Rights (UDHR), Article 19*

*Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. UDHR, Article 20*

Despite legal obligations under international human rights treaties and the Togolese Constitution, opposition parties, human rights groups, journalists and other members of civil society in Togo have all faced restrictions on their rights to freedom of expression and association. Government critics have frequently been harassed, intimidated, arrested and tortured by members of the security forces. The work of human rights organizations and others has been disrupted – at times violently – by the authorities. Journalists attempting to expose human rights abuses continue to be harassed and arrested. A press law was passed in January 2000 to modify the *code de la presse et de la communication* (press and communication law), increasing penalties for press offences, for example making defamation an imprisonable offence.

Although the exercise of freedom of association is guaranteed by the Constitution, peaceful demonstrations are regularly banned and violently dispersed by the authorities.

### **The way forward:**

*Freedom of expression, including the right to seek, receive and impart information and ideas, should be respected at all times*

*Freedom of the press should be guaranteed and journalists working for newspapers, television radio or other media, should be protected from interference, arbitrary arrest and ill-treatment by the security forces*

*Political parties should be free to express their views and opinions peacefully in public and to hold public meetings*

*All candidates in the forthcoming elections should be guaranteed free access to the media*

*Laws that restrict freedom of information and expression in ways that fall short of international human rights standards should be repealed or amended. The provisions of the code de la presse et de la communication (together with the amendment of January 2000), which impose restrictions on the right to freedom of expression, should be amended to facilitate the promotion and protection of the right to freedom of expression.*

## **Preventing extrajudicial executions**

*Everyone has the right to life, liberty and security of person. UDHR, Article 3*

*Although the state has international and constitutional obligations to guarantee the security, physical integrity and life of any person living on Togolese territory, hundreds of civilians as well as military personnel have been victims of extrajudicial executions in Togo over the last decade. The perpetrators of these abuses enjoy total impunity. As far as is known, the Togolese Government has not opened any independent, impartial and effective inquiries to shed any light on past events, in particular the massacres of 1991, 1993, 1994 and 1998 during which many individuals, in particular human rights defenders and members of opposition parties were killed.*

### **The way forward:**

*The Togolese authorities at the highest levels should demonstrate their total opposition to extrajudicial executions*

*Those in charge of the security forces should maintain a strict chain of command and control to ensure that officers under their command do not commit extrajudicial executions*

*The prohibition of human rights violations should be reflected in the training of all officials in the circumstances in which lethal force may or may not be authorized. The Togolese authorities should in particular ensure the diffusion and respect of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*

*All militia groups should be prohibited and dismantled*

Investigations into allegations of human rights violations should be carried out by an independent and impartial body and those suspected of being responsible for human rights violations should be brought to justice in trials which meet international standards of fairness.

## **Ending torture and ill treatment**

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*  
UDHR, Article 5

Torture is prohibited under the Togolese Constitution and the Convention against Torture, to which Togo is a party. Togo has recognised the competence of the Committee against Torture to consider individual complaints, under Article 22 of the Convention against Torture. However, anyone arrested in Togo continues to be at risk of torture or ill-treatment, especially in police stations. Several detainees have reportedly died as a result of ill-treatment in recent years. Political prisoners are at times held incommunicado, including in unofficial detention centres, where they are particularly vulnerable to torture and ill-treatment.

### **The way forward:**

No one should be held incommunicado and detainees should be given access to the outside world

Anyone deprived of their liberty should be held only in officially recognized places of detention and brought before an independent judicial authority without delay

All prisoners should be informed of their rights, including their right to lodge complaints about their treatment, immediately after their arrest

Confessions obtained through torture or ill-treatment must not be invoked in any legal proceedings, except as evidence against a person accused of torture

Lawyers and relatives should be given prompt and regular access to detainees and prisoners

The authorities should allow regular, unannounced and unrestricted visits of inspection to all places of detention by the Togolese Human Rights Commission and by non-governmental human rights and humanitarian organizations

All allegations of torture and ill-treatment should be independently and impartially investigated and those suspected of being responsible should be brought to justice in trials which meet international standards of fairness

Any prison guard suspected of acts of torture or ill-treatment should be immediately suspended from duty

Victims of torture or, in case of their death as a result of torture, their dependants, should have an enforceable right to adequate compensation.

## **Improving prison conditions**

*All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. ICCPR, Article 10*

*A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.*

*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*

*In addition to abuses committed at the time of or soon after arrest, conditions in many prisons are life-threatening, amounting to cruel, inhuman and degrading treatment. The Togolese prison system does not have sufficient capacity for the number of prisoners it holds, resulting in severe overcrowding of prisons throughout the country. The overcrowding is aggravated by the lack of facilities to deal with detainees' basic needs. A poor diet, poor sanitary conditions, improper sleeping arrangements and inadequate ventilation contribute to the spread of infectious diseases.*

#### **The way forward:**

*The government should urgently address the issue of overcrowding in detention centres*

*Detainees on remand should be tried within a reasonable time or released pending trial*

*All detainees should be medically examined following admission to the place of detention*

*Detainees in need of medical treatment should be provided with adequate medical care and a medical doctor of their choice, and transferred to hospital if required*

*In all cases of death in custody, an autopsy and an impartial and independent inquiry into the circumstances of the death should be carried out.*

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