

TOGO

Time for accountability

More than three decades of human rights abuse

Over the last three decades, the Togolese security forces have, persistently and with total impunity, been responsible for extrajudicial executions, "disappearances" and arbitrary detentions followed by torture or ill-treatment. To this day, the Togolese authorities have done nothing to shed light on past and present events or to bring those responsible for these violations to justice.

Amnesty International has regularly denounced human rights violations in Togo, committed principally by the armed forces and the gendarmerie. This document presents the last five reports published by the organization since 1986. It aims to remind the Togolese government and the international community that it is time to end human rights violations and their accompanying violence in Togo which 30 years of impunity have only reinforced. It is high time that those responsible are held accountable.

These five reports, covering a period of 13 years, emphasise the persistent nature of abuses in Togo and provide evidence of the climate of total impunity which characterises government practices in Togo and which has allowed violations to continue until now.

Thus, the massacre in April 1991 of at least 28 people, whose bodies were retrieved from the Bé lagoon in Lomé has remained unpunished. A report by the *Commission nationale des droits de l'homme* (CNDH), National Commission of Human Rights, implicated the security forces and asked President Gnassingbé Eyadéma to bring those responsible to justice. This has never been done. In January 1993, more than 20 people were killed by the Togolese armed forces during a peaceful demonstration in the capital. No-one has been investigated. On 25 March 1993, following an attack on the *Régiment interarmes togolais*, Togolese Combined Regiment, at least 20 people, including civilians were extrajudicially executed by the army. Those responsible remain unpunished. On 6 January 1994, 48 prisoners, of whom 36 were civilians and 12 soldiers, were killed by the army at the Togolese Combined Regiment barracks. Impunity rules. More recently, during the election period in 1998, hundreds of extrajudicial executions were committed. Again, no-one has been investigated.

In addition to these massacres, there are the targeted killings of which Amnesty International has a non-exhaustive list. For example, Teko-Allyn Anani, an official of the Togolese Phosphate Office was killed in November 1996 at home in front of his wife because he asked for school transport to be extended to the children of labourers at the bottom of the salary scale.

The list of victims of the violations quoted in the document is long. They only include the victims who have been brought to Amnesty International's attention.

Togolese civilians and military personnel, men and women, have been chosen as targets because of their political opinions or because of their activities in defence of human rights. For example, in February 1994, between the two rounds of the legislative elections, two men forced Gaston Edeh, who had recently been elected to parliament, and three others with him, to get into a car. The charred bodies of three of them were found. Amnesty International traced the sole survivor who confirmed the involvement of the armed forces in their kidnapping and murder.

Even when the precise identity of the perpetrators is known, nothing is done to arrest them. In July 1992, Tavio Amarin, a member of the *Haut Conseil de la République* (HCR), High Council of the Republic, and Chair of the *Commission des affaires politiques, des droits de l'homme et des libertés*, Political Affairs, Human Rights and Liberties Commission, was killed by two people who, in their panic, left behind their identity cards. They are two police officers who will never be pursued because of an amnesty law passed in December 1994. In 1990, the CNDH recommended that legal penalties be brought against the director of the National Security because torture "using whips and/or electric shocks" was inflicted on some detainees. The judiciary has never taken up these cases. The inertia of the judicial authorities is due to the fact that for 30 years, the legal process has been subverted and manipulated by those in power, with the effect that institutions such as the prosecuting authorities are subordinate to political leaders rather than being independent.

This climate of impunity has frequently been reinforced during all these years by the support of foreign powers. Despite repeated human rights violations, France has continued to grant Togo technical military assistance in the form of deliveries of police and security equipment and the provision of military personnel. The international community's attitude seems to have changed slightly since the flagrant abuses of the electoral process during the 1998 elections.

As long ago as 1994, the United Nations Human Rights Committee was deploring: "the large number of cases of summary and arbitrary executions, enforced or involuntary disappearances, torture and arbitrary or unlawful detention committed by members of the army, security or other forces (...)". It also regretted that none of the violations had been the subject of inquiries and that no sanctions had been taken against the perpetrators. The Committee recommended that the authorities take the necessary measures to end the climate of impunity.

For several years the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions has reported to the Commission on Human Rights the allegations he has received concerning extrajudicial executions, death threats and acts of harassment and intimidation committed by the Togolese security forces. In his December 1997 report, the Special Rapporteur said he was: "concerned about the

allegations of summary executions that continue to be made against soldiers and about the impunity they enjoy.”

Togolese civil society is at the mercy of military whim and lives in a climate of terror because of the ever present armed forces and their frequent interventions in the public life of the country. Human rights violations are not even the subject of official complaints because of the growing lack of confidence in the judicial system and of the reign of fear caused by the security forces. Already in 1994 the Human Rights Committee had recommended that the government take the necessary steps to guarantee the independence and smooth functioning of the judicial system. The rare judges who have complained about political interference in the judicial system do not dare to do so in public. Although other sectors of society - doctors, lawyers, students - are very critical of the poor human rights record of the government, they prefer to keep a low profile for fear of violent reprisals. Organizations defending human rights find it impossible to carry out investigations satisfactorily into violations of fundamental rights and are often subjected to threats and forms of intimidation.

In the forefront of the movement to construct the rule of law during this decade, journalists with the independent press and other Togolese human rights defenders have played an important role wherever fundamental rights have been violated in their country.

Without these men and women, numerous human rights violations would have been forgotten because of the impunity which reigns in Togo. It is the courage of their actions which makes them the favourite targets for government reprisals. Recently, following the publication of Amnesty International's latest report in May 1999, *TOGO: State of terror*, the Togolese authorities attacked several human rights defenders suspected of passing information to the organization. Some of them, including Amnesty International members, were imprisoned and one was subjected to ill-treatment and torture.

The government described the document as "a tissue of untrue statements, false allegations and bias, inspired by the bad faith of its authors" and has threatened to prosecute the organization accusing it of "serving political interests".

By publishing this collection, Amnesty International wishes to remind the Togolese government and the international community that the real victims in Togo are not the country's authorities who threaten to institute proceedings against Amnesty International. The victims in Togo are the men and women who, for three decades, have been arrested, tortured, killed, massacred or who have "disappeared". The victims in Togo are all those families who demand in vain that the truth be revealed, that enquiries and legal proceedings be pursued, that justice is finally done. It is in the name of these victims that Amnesty International is determined to pursue its fight in defence of human rights in Togo.

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List of documents included in this compilation:

Togo: Political Imprisonment and torture
AI Index: AFR 57/08/86 Published May 1986
(Togo: Emprisonnement politique et torture
Index AI: AFR 57/08/86/F)

Togo: Impunity for human rights violators at a time of reform
AI Index: AFR 57/01/92 Published April 1992
(Togo: L'heure des réformes, impunité pour les auteurs de violations des droits de l'homme
Index AI: AFR 57/01/92/F)

Togo: Impunity for killings by the military
AI Index: AFR 57/13/93 Published October 1993
(Togo: Les forces armées tuent impunément
Index AI: AFR 57/13/93/F)

Togo: A new era for human rights?
AI Index: AFR 57/02/94 Published September 1994
(Togo: Une nouvelle ère pour les droits de l'homme?
Index AI: AFR 57/02/94/F)

Togo: Rule of terror
AI Index: AFR 57/01/99 Published May 1999
(Togo: État de terreur
Index AI: AFR 57/01/99/F)