

# TOGO

## Human rights defenders under attack

A loaded gun was pushed into Ameen Ayodele's mouth by a police officer who was asking questions that Ameen could not answer. He was beaten, held stark naked in a cell and deprived of food and water. Why? Because Ameen Ayodele is a member of Amnesty International. His experience, and that of other human rights defenders in Togo, shows the Togolese government's contempt for human rights.

In May 1999 the authorities in Togo responded to Amnesty International's reports of persistent human rights violations not by investigation and reform, but by attacking human rights defenders. Courageous individuals who have tried to protect the rights of others and investigate human rights violations carried out by the security forces have themselves been treated as criminals. At least three have been arrested, detained for several weeks and charged with criminal offences. At least two others have been forced to flee the country.

Ameen Ayodele, a Nigerian, is now back home, and can tell his story. The full details of how the others were treated have yet to emerge.

Ameen Ayodele was travelling through Togo on a journey from Ghana to Nigeria on 19 May 1999. At the border post of Aflao, between Ghana and Togo, he presented his Amnesty International membership card to the Togolese security forces as a means of identification, because all his other documents, including his passport, had been stolen in Ghana.

The border police arrested him on suspicion of being "a spy" for Amnesty International. Ameen was to spend the next nine days in a confined cell, naked and deprived of food. He was beaten and tortured as the police interrogated him about his involvement with Amnesty International in Togo. He had no information to give them.

Ameen has testified that he was woken up at 3am by two police officers on his first night of detention and, "as I was coming back from the latrine I was attacked by them and beaten. I was told this is called the morning tea". This abuse was to be repeated.

Early in the morning of Saturday 21 May 1999, Ameen was taken to a beach near the border post where police threatened to execute him and dump his body in the sea. Ameen recalls: "At this point I ignored all consequences and remain bold and prayerful. I closed my eyes, expecting to hear the shot, but it never came".

The threat of execution on the beach was not empty; corpses have been found on Togo's beaches before, as reported in August 1998 by *Le Reporter* and *L'Aurore*, two Togolese independent media. One of the issues reported in Amnesty International's May 1999 report on Togo was the alleged extrajudicial execution of hundreds of people around the time of presidential elections in June 1998, with bodies, some of them shackled, found on the beaches of Togo and Benin and seen on the open sea. On 19 July the *Ligue béninoise des droits de l'homme* (LDH), the Human Rights League of Benin, also published a detailed report containing allegations about at least a hundred bodies floating in the sea off the coast of Benin. The existence of bodies in the sea was also confirmed by an investigation carried out in June 1999 in Benin by a journalist of the French Newspaper, *Le Figaro*. "We are wondering whether there is a battlefield over there" was what the fishermen told the journalist when asked about the bodies in the sea.

The Amnesty International report -- *Togo: Rule of terror* (AI Index: AFR 57/01/99) -- also focuses on a persistent pattern of arrests followed by torture which have sometimes led to deaths in detention.

The Togolese government reacted angrily to the report calling it "a pack of lies" and forbidding the local press from reporting on it. A four-person Amnesty International delegation, led by the organization's Secretary General, Pierre Sané, in possession of valid visas and seeking dialogue with President Eyadéma, was prevented from entering Togo on 21 May 1999. Pierre Sané has even received a summons to appear before an investigating magistrate of the *Tribunal de Grande Instance* of Lomé on 15 November 1999 for "a possible indictment for contempt, incitement to revolt, dissemination of false news and conspiracy against the external security of the State".

Living proof of the Togolese government's determination to silence its critics and deny the space needed for peaceful dissent came with the arrests of human rights defenders. Leading members of the *Association togolaise pour la défense et la promotion des droits de l'homme* (ATDPDH), Togolese Association for the Defence and Promotion of Human Rights, and a member of Amnesty International's Togolese Section were arrested and detained by the Togolese security forces on account of their human rights work.

Tengue Nestor and Gayibor François, executive members of the ATDPDH, were arrested on 3 May 1999 in Lomé. This was two days before the publication of Amnesty International's report, but after the government had been sent a copy for comment.

Tengue Nestor established the ATDPDH in late 1998, and has shown an incredible determination to investigate human rights violations in Togo, despite the fears of his family for his safety. His family's anxieties were exacerbated when, after his arrest, the police raided his home. They seized ATDPDH documents containing the names of others, who may now be in danger of arrest.

The two men were accused of "attacking the credibility and security of the State, spreading false information and using forged documents" (*atteinte au crédit et à la sûreté de l'Etat, diffusion de fausses nouvelles, faux et usage de faux*). This followed accusations that members of the ATDPDH had sent false information about human rights violations to international human rights organizations, including Amnesty International, at the behest of opposition parties.

The men were first detained at the *Sûreté Nationale* (National Security Service) in Lomé and then transferred to the civil prison of Lomé. They were provisionally released on 18 June 1999, but the charges against them still stand while the investigation into the case continues.

Nadjombe Antoine Koffi, a young and active Amnesty International member in Togo, was arrested on 14 May 1999 in Lomé. His wife was arrested with him but released two days later. Nadjombe Antoine Koffi had visited the Amnesty International headquarters in London for a meeting in January 1999, and the Togolese authorities may have thought that he passed on information about human rights violations in Togo. However, Amnesty International does not allow its members to gather, assess, or act upon information about human rights cases in their own country. No members of the Togolese Section were involved in researching or writing the Togo report, and the Togolese authorities have been made aware of this rule. Nadjombe Antoine Koffi was also held at the *Sûreté Nationale* and then at the civil prison of Lomé until 18 June -- he too still faces serious criminal charges.

Amnesty International considered these men to be prisoners of conscience, detained solely because of their human rights work.

Two other human rights defenders went into hiding when the security forces came looking for them: Bolouvi Arsène, President of the Togolese Section of the *Association des*

*Chrétiens pour l'abolition de la torture* (ACAT), Association of Christians for the Abolition of Torture, and Adjoh Benjamin, deputy treasurer of the organization. Members of the security forces broke into Adjoh Benjamin's house on 26 May 1999. When they failed to find him, they took away his younger brother and two Nigerians, who happened to be there at the time. The brother was held for several hours, the Nigerians for two days. Bolouvi Arsène and Adjoh Benjamin have since fled from Togo for their own safety.

While Togo is a party to several human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights, the Togolese government has shown total disrespect for these treaties. These treaties provide for a total prohibition of torture and the Convention against Torture in particular requires the Togolese government to undertake prompt and impartial investigations into all allegations of torture. The Togolese government has over the years failed to investigate allegations of torture and fails to do so now. Both the ICCPR and the African Charter guarantee the right to security and liberty and prohibit arbitrary arrest and detention. The Togolese government has scant regard for these legal obligations it has voluntarily assumed, as its security forces continue to arrest and detain human rights defenders arbitrarily.

*The government of Togo, while protesting that Amnesty International's reports are untrue, is condemning itself by its own actions. It has effectively silenced some of the most committed and energetic human rights activists in the country. Its attacks on human rights defenders prove the very point that Amnesty International is making -- that human rights are being violated by the Togolese government with impunity.*

## **Recommendations**

### **1. Recommendations to the Togolese government**

Amnesty International urges the Togolese authorities to drop immediately the charges against Tengue Nestor, Gayibor François and Nadjombe Antoine Koffi and give immediate and unconditional guarantees for the safety of human rights defenders in Togo including members of Amnesty International. Amnesty International also calls on the Togolese authorities to ensure that human rights defenders in Togo are allowed to carry out their work without fear of arrest and intimidation in accordance with the UN Declaration on Human Rights Defenders<sup>1</sup>

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<sup>1</sup>Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect

## **2. Recommendations to the international community**

Amnesty International is also appealing to foreign governments, in their contacts with the Togolese authorities, to stress the necessity to drop immediately the charges against Tengue Nestor, Gayibor François and Nadjombe Antoine Koffi, to give immediate and unconditional guarantees for the safety of human rights defenders including members of Amnesty International in Togo and to ensure that human rights defenders in Togo are allowed to carry out their work without fear of arrest and intimidation.

## **3. Suggestions for action by the public**

- Send a letter to President Eyadéma (His address is: His Excellency Général Gnassingbé Eyadéma, President of the Republic Palais Présidentiel, Avenue de la Marina, Lomé, Togo) to call for charges against Tengue Nestor, Gayibor François and Nadjombe Antoine Koffi to be dropped, for immediate and unconditional guarantees for the safety of human rights defenders including members of Amnesty International in Togo to be given and for human rights defenders in Togo to be allowed to carry out their work without fear of arrest and intimidation;
- Send a letter to your government to urge that charges against Tengue Nestor, Gayibor François and Nadjombe Antoine Koffi be dropped, that immediate and unconditional guarantees for the safety of human rights defenders and members of Amnesty International in Togo be given and that human rights defenders in Togo be allowed to carry out their work without fear of arrest and intimidation.

<b>KEYWORDS:</b> HUMAN RIGHTS DEFENDERS1 / AI AND GOVERNMENTS1 / TORTURE/ILL-TREATMENT / NON-GOVERNMENTAL ORGANIZATIONS / PHOTOGRAPHS
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Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly on 10 December 1998 by Resolution 53/144.