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Open Letter to Mr Jacques Chirac, President of the French Republic

Dear President,

As you prepare to visit Togo, we wish to bring to your attention some facts about the human rights situation in that country.

Exactly seven years ago, on 23 July 1992, Tavio Amarin, a Togolese opposition leader, was seriously injured by gun fire in the heart of Lomé. Two days later he was evacuated to Paris where he died on 29 July at the age of 34, leaving a wife and a child barely a year old.

Tavio Amarin studied engineering in France where he had sought refuge in the 1980s. At the first signs of political change in Togo in 1991, he chose to return to his country to take part in the transition which was intended to restore democracy and freedom. Tavio Amarin, leader of the Panafrican Socialist Party and member of the National Conference, became Chair of the *Commission des affaires politiques, droits de l'homme et des libertés*, Political Affairs, Human Rights and Liberties Commission, of the *Haut Conseil de la République*, (HCR), High Council of the Republic.

Tavio Amarin firmly believed that it was possible to establish the rule of law in Togo so that the dignity of all citizens would be respected. In his new post he fought to shed light on violations committed by the Togolese security forces during the rule of President Eyadéma. Tavio never missed an opportunity to publicly denounce government abuses and excesses. "Enough blood has flowed as a result of the will of one man. I believe that will suffice," he said during an interview, "We will fight so that the memory of victims of the struggle for democracy will be respected."

On 23 July 1992, the bullets of his assassin put an end to his efforts to restore truth and justice in Togo.

In Paris, the French government deplored the death of Tavio Amarin, condemned the attack and expressed the wish that those responsible be tracked down and brought to justice. Today, seven years later, no-one has been arrested and Tavio Amarin's family is still waiting for justice to be done. Yet the government of the then Prime Minister, Mr Joseph Koffigoh, let it be known that the

discovery of a bag not far from the scene of the shooting, containing the identity cards of two police officers, seemed to indicate that the security forces had been implicated in the affair.

Amnesty International believes that a complaint was lodged with the Togolese courts, but that the file was closed following the amnesty law of December 1994.

Is it not time today to see justice done?

Mr President,

The case of Tavio Amorin is unfortunately not an isolated one. Since the large scale demonstration of 5 October 1990 and the National Conference in 1991, serious human rights abuses have continued to be committed with total impunity; most carried out by the security forces.

- Arbitrary detention is a frequent practice in Togo. Civilians and military personnel have been detained for months, even years, without charge or trial. During the past four years, most of them have been arrested because they have been suspected of being "rebels" or members of an opposition party. Many people have been detained for short periods before being released without charge; others have been prosecuted for criminal acts, purely as a means to justify their arrest.

- Throughout the country, but particularly in the civil prison and at the national gendarmerie in Lomé, conditions of detention are extremely harsh. They fall far short of international standards for the treatment of prisoners and deny prisoners their most basic human rights. They threaten their health and even life and amount to cruel, inhumane and degrading treatment.

- The security forces have regularly used torture in Togo. Over the last decade, they have used it systematically at the moment of arrest or transfer to a place of detention. After being taken to a gendarmerie for questioning, detainees are frequently ill-treated or tortured to extract confessions. Amnesty International has information about several civilians who have died as a result of torture inflicted in detention centres, in particular at the national gendarmerie in Lomé.

- For several years hundreds of civilians as well as military personnel have been victims of extrajudicial execution. Others have "disappeared" after being arrested by the security forces. Amnesty International has a non-exhaustive list of those who have "disappeared" but the names of many victims remain unknown, as the authorities do not make public such information. Victims* bodies are left at the edge of the road or in rough countryside. In June 1998, during the election campaign and after the results were announced, hundreds of people, including some members of the armed forces, were extrajudicially executed. Bodies were retrieved from the beaches of Togo and Benin and corpses were seen out at sea for at least four days off the coast of Benin. During its investigative visit in November and December 1998, an Amnesty International delegation was able to interview numerous individuals, including Beninese and Togolese fishermen, as well as Togolese farmers working in the fields. Those questioned all spoke of unusual movements of planes and helicopters sometimes flying at very low altitude out to sea. Former soldiers, members of the paracommando regiment, who had sought refuge in Benin, recognised the characteristic sound of Buffalo aircraft. A recent enquiry by the *Ligue pour la défense des droits de l'homme au Bénin*, Beninese League for the Defence of Human Rights, collected information which showed that the bodies discovered in Benin "came from the West (direction of Togo)". The enquiry's report, dated 5 July 1999, notes aircraft movements at nightfall. "(They) flew as far as Grand Popo but then turned back for no apparent reason. Two or three days after these strange flights, bodies which had just been dropped, appeared, carried by the Avoutou wind, which blows from west to east".

"People maintain there are often corpses. They put the large number of corpses down to major political events in Togo: the events of 1993 and the 1998 presidential elections "

Mr President,

Over the last ten years, Amnesty International has regularly raised these allegations with the Togolese authorities. The organization has provided detailed information about the victims and about the precise circumstances of the violations. But with no effect. No measure has been taken, by the President, by the government or by the State Prosecutor, responsible for criminal investigations and prosecutions, which effectively means that the rule of law is suspended.

With the exception of members of the Togolese armed forces who were convicted of killing Thomas Rupprecht, a staff member at the German Embassy, no judicial proceedings have been instituted against those responsible for human rights violations in Togo. In the case of Thomas Rupprecht, who was killed in March 1996 at a check point after refusing to allow his car to be searched, Togo was compelled by pressure from the German authorities to take legal measures against members of the security forces. By contrast, the authorities seem to be in much less of a hurry to see justice done when it concerns a Togolese citizen. For example, no legal prosecution has been brought against the Togolese armed forces following the violations listed here:

10 April 1991 - Bé lagoon massacre: 28 demonstrators killed by the army

8 October 1991 - Attack on the offices of Prime Minister, Joseph Koffigoh: five soldiers extrajudicially executed by the security forces.

5 May 1992 - Attack on Gilchrist Olympio: four people killed by the army.

19 January 1993 - Lomé Peace March: more than 20 people killed by the army.

25 March 1993 - Following an attack against the *Régiment interarmes togolais*, Togolese Combined Regiment: at least 20 people extrajudicially executed by the army.

27 August 1993 - The day after the presidential election: 21 of the 40 people arrested the previous evening at Agbandi, died in detention at the gendarmerie in Blitta.

6 January 1994 - 48 prisoners (36 civilians and 12 military personnel) extrajudicially executed by the army at the Togolese Combined Regiment barracks.

13 February 1994 - Gaston Edeh, a member of parliament, kidnapped and killed by the army together with two members of the *Comité d'action pour le renouveau* (CAR), Action Committee for Renewal.

Throughout the years that followed, in addition to these massacres there have been targeted assassinations - of which Amnesty International has a non-exhaustive list - and, more recently, hundreds of extrajudicial killings at the time of the 1998 elections.

To date the Togolese authorities have not brought any of those responsible to justice. No-one has been punished for any of these crimes, or for "disappearances", arbitrary arrests or torture.

However, for years, different branches of the United Nations have denounced allegations of torture, extrajudicial executions and "disappearances". In 1994, the United Nations Human Rights Committee noted: "The Committee deplores 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 (...)".

In 1995 the UN Special Rapporteur on extrajudicial, summary and arbitrary executions stated that he remained "concerned at persistent reports and allegations of arbitrary and abusive use of force by law enforcement officials acting with total impunity."

In his report of 1998, he stated again that he was "concerned about the allegations of summary executions that continue to be made against soldiers and about the impunity they enjoy."

Is it not time today for the guilty to be brought to justice?

Mr President,

On 5 May 1999 Amnesty International published a report entitled: *TOGO: Rule of terror*, in which the organization denounced the most recent human rights violations in the country and again called for an end to impunity. The Togolese authorities reacted by calling the document "a tissue of untrue statements, false allegations and bias, inspired by the bad faith of its authors". Instead of taking action to bring the perpetrators to justice, the Togolese authorities decided to start legal proceedings against Amnesty International and proposed issuing an international arrest warrant for its Secretary General.

Two days before the Amnesty International report was published, the security forces arrested Apéda Mensah Nestor Tengue and Koko Koété François Gayibor, two leaders of the *Association togolaise pour la promotion et la défense des droits humains* (ATPDH), Togolese Association for the Promotion and Defence of Human Rights. A few days later, Brice Sant'Anna who works with the ATPDH was also arrested. First held at the National Security headquarters, then transferred to the civil prison, they were charged with "false accusation and defamation". After one month in detention, they were provisionally released. Amnesty International believes that these three people are prisoners of conscience, arrested and detained on account of their peaceful activities for human rights and their links with the organisation.

The Togolese authorities also attacked a member of the Togolese Section of Amnesty International. Koffi Antoine Nadjombe, a philosophy teacher and Head of Campaigns within the Togolese Section of Amnesty International, was arrested on 14 May 1999 together with his wife Micheline Nadjombe. She was released a few hours later, but her husband remained in detention for over a month at the civil prison in Lomé. Koffi Antoine Nadjombe was charged with "false accusation and defamation" and was provisionally released on 18 June 1999.

Another member of Amnesty International was arrested and tortured in May 1999. Ayodele Ameen, a member of the Nigerian Section of Amnesty International, was arrested at the border between Ghana and Togo on 19 May 1999. During his week in detention, he was tortured and threatened with execution by the Togolese security forces.

Ayodele Ameen was travelling from Ghana to Nigeria via Togo. At the Aflao border post between Ghana and Togo he presented his Amnesty International membership card to the security forces to prove his identity as his papers, including his passport, had been stolen.

The frontier police arrested him, suspecting him of spying for the organisation, before an Amnesty International delegation visiting Lomé was turned back by the Togolese authorities. Ayodele Ameen spent the next nine days in a tiny cell with neither food nor clothing. He was

tortured and beaten daily, while the Togolese authorities questioned him about his activities on Togo for Amnesty International. He had nothing to reveal to them.

After his release, Ayodele Ameen told how he had been woken up at 3am on the first day of his detention and added: "On my way back from the latrines, I was attacked by two police officers and beaten. I was told that is what they call 'morning tea'", which the gendarmes call "a strong coffee" and means being brutally woken up by baton blows. This type of torture, carried out in gendarmerie premises in the early morning was mentioned in the May 1999 Amnesty International report.

Ayodele Ameen described the following day, Friday 21 May in these words: "I was taken to a room and they started another question session. I repeated what I told the police chief. They then asked if I was a member of the Nigerian opposition. I told him he will need to define the opposition before I can answer that question. They then asked about the pamphlet I was distributing, I repeated I have no pamphlet for distribution. He then was annoyed and brought out his gun and put it in my mouth threatening to shoot if I did not give the name of the person I am liaising with in Togo. I remained resolute and told him that I did not know anyone in Togo. He then told his second that they should just shoot me and go. The other one replied that it is better done at night."

Early the next day, Ayodele Ameen was driven near to the border post where they threatened to kill him and throw his body in the sea. He stated that he was subjected to this treatment solely because he was a member of Amnesty International, and that he knew nothing of the visiting delegation.

On 26 May 1999 Arsène Bolouvi and Benjamin Adjoh, two members of the Togolese Section of *L'Action des chrétiens pour l'abolition de la torture* (ACAT), Christian Action for the Abolition of Torture, narrowly escaped arrest and fled abroad. Members of the security forces burst into the home of Benjamin Adjoh and when they did not find him, they arrested Sonor Ajoh, his young brother - who was released a few hours later - and James Otenokou and his brother Kallo, two Nigerians who were staying with him at that time. These two people were held for two days at the National Security headquarters in Lomé.

The two ACAT members were suspected of providing information to Amnesty International.

Mr President,

Arsène Bolouvi attended the December 1998 Human Rights Defenders Summit in Paris, where he joined with 300 defenders from all parts of the world to reaffirm his willingness to fight for a world without fear and misery. At the ceremony commemorating the 50th anniversary of the Universal Declaration of Human Rights you personally paid resounding tribute to the defenders gathered at the Palais de Chaillot, to "(...) all the women and men who have chosen, sometimes in danger of their lives, to defend freedom and human dignity (...)". You stated, "more than ever we need the vigilance, courage and conviction of human rights defenders".

Togolese human rights defenders today need the vigilance and support of the international community to face up to the arrests, harassment and torture used by a government for whom the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted on 9 December 1998, has remained a dead letter. In such a context, establishing the rule of law is illusory.

As you yourself recalled at UNESCO on 7 December 1998: "The principles stated in the Universal Declaration of Human Rights are still flouted. Torture exists in one out of every two states. Too often opponents are reduced to silence. Freedom of expression is violated. The administration of justice is still arbitrary (...) Dictators rule their impoverished and terrified people with a rod of iron."

Such is the daily reality for many Togolese men and women. You went further: "...the task in hand remains vast (...) We will succeed neither by coercion nor indeed by setting ourselves up as lesson-givers. Condemnation is needed. But it is also by co-operation and technical assistance and dialogue, albeit critical, that we will make progress."

The international community of human rights defenders has high expectations of your visit to Togo because in view of its influence, France has a particularly important role to play. We hope that your visit will mark the beginning of a real dialogue with the Togolese government and will allow you:

- to restate the wish expressed by the French government in July 1992 to see those responsible for the criminal act which cost Tavio Amarin his life brought to justice;
- to recommend to the Togolese government that they invite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances to visit Togo to investigate past crimes;
- to urge the Togolese government to end reprisals against, and harassment of, human rights defenders;
- and finally, to invite the government to respect the commitments it made to the international community when it ratified international human rights treaties, including, the International Covenant on Civil and Political Rights and the Convention against Torture.

Mr President,

Human rights and international law have seen significant progress in the past 12 months. Last July in Rome, the statutes of the International Criminal Court were adopted, in October 1998 in London, General Pinochet was arrested and a procedure started for his extradition, recently the International Criminal Tribunal for the former Yugoslavia decided to indict Slobodan Milosevic; these steps reflect the determination of an international community committed to end human rights violations and impunity across the world.

However, many Africans have the impression that this determination is lacking when it comes to protecting their people against abuse of power, systematic human rights violations and abuses by armed opposition groups. Africa is today ravaged by violent conflicts which are the result of systematic human rights violations, persistent impunity and inaction by the international community. In turn, these conflicts lead to the serious violations which we all observe in Sierra Leone, Congo, Sudan and elsewhere.

We must end impunity in Togo without delay.

It is time to insist that the guilty are brought to justice.

Amnesty International will continue to fight so that Taviu Amorin and all the others did not die in vain. May your visit to Togo contribute towards this cause.

Yours sincerely,

Pierre Sané
Secretary General