

Those responsible for the "disappearance" of DAVID BRUCE have yet to be brought to justice

On 6 September 1994, David Bruce, a Togolese political leader, "disappeared" in Lomé, the capital of Togo. No light has ever been shed on his fate and those responsible have not yet been brought to justice. Following the amnesty law of December 1994, the inquiry set up to investigate his "disappearance" was left with no conclusion and David Bruce's family, including his wife and five children, were denied their right to truth, justice and redress.

On the day in question, at 7 am, David Bruce was driving his children to school before going to his workplace, at the Ministry of Foreign Affairs. On the road between Lomé and Aguényivé, near to the headquarters of the *Forces Armées Togolaises* (FAT), Togolese Armed Forces, outside the brewery "*la brasserie du Bénin*", three men who were following his car in a minibus cut in front of him forcing him to stop. The assailants, one of whom was armed with a machine-gun, ordered him to get out of his car and into their vehicle. They told the terrified children to go and tell their mother that she could see her husband at the police station. The minibus departed, followed, according to witnesses, by two military vehicles.

Since then, David Bruce has not been seen again. It has never been confirmed that David Bruce was taken to the police station and persistent rumours that he was taken to the *Résidence du Bénin*, the Presidential Palace, to be interrogated, have been denied by the government and the military authorities.

This "disappearance" was not the first. Only a few months previously, in February 1994, Gaston Edeh, newly elected to Parliament, and three other persons with him were picked up and taken to the *Résidence du Bénin*. The charred bodies of three of them were found some time afterwards. The sole survivor, whom Amnesty International met in November 1998, confirmed the involvement of military personnel in these abductions and assassinations.

Following the abduction of David Bruce, independent Togolese newspapers and human rights organizations expressed their fears about the responsibility of the Togolese army in this "disappearance" and put pressure on the Togolese authorities to set up an inquiry immediately to establish the truth about David Bruce's fate.

On 29 September 1994, the Togolese Ministry of Justice asked the Attorney General of the Court of Appeal to start an initial investigation into X. The inquiry, entrusted to the police, was unproductive. However the abduction of David Bruce took place in broad daylight at a time when the road on which he was driving was very busy.

In relation to this case, Amnesty International has doubts as to the possibility that a genuinely independent and impartial inquiry has been undertaken, given that direct police involvement in David Bruce's "disappearance" was at issue and that a large number of the security forces are among the main perpetrators of human rights violations in Togo. In a letter dated 25 January 1995, the Public Prosecutor in the Lomé magistrate's court, D. Gbandjaba, informed the Minister of Justice that the inquiry into the disappearance of David Bruce had not "obtained a positive result" and drew his attention to the fact that the case fell under "the provisions of Article 2 of Law no.94-004/PR of 22 December 1994, granting amnesty" for "all

breaches of the law of a political character or so inspired, committed before 15 December 1994". There was therefore no follow-up to the inquiry. No light has been shed on this "disappearance" and those responsible have still not been brought to justice.

Working for democracy and human rights

Amnesty International believes that David Bruce was targeted for his political activities during the period of political transition in Togo. From 1991 to 1993 David Bruce was the principal adviser to Archbishop Mgr. Philippe KPODZRO, President of the *Haut Conseil de la République* (HCR), High Council of the Republic. This body was set up by the National Conference in 1991 as Togo's legislative authority pending the legislative and presidential elections which took place in August 1993 and February 1994.

Maître Robert Ahlonko Dovi, president of the *Commission Nationale des Droits de l'Homme* (CNDH), National Commission of Human Rights, from 1991 to 1994, confirmed to Amnesty International that David Bruce had made a significant contribution to the work of the CNDH.

During the time he was working with the HCR, David Bruce continued to draw international attention to human rights violations committed by the Togolese security forces, sending reports to the international community, including the United Nations, and appealing to them to use their influence to put an end to impunity in Togo.

In 1994, having completed his work with the HCR, David Bruce returned to work for the Ministry of Foreign Affairs where those who objected to his involvement with the HCR began to call him the "opponent". Since that time, he told a member of his family that he felt he was in danger. He told a close confidant that he wanted to leave Togo as soon as possible, but not before his family had left the country.

Just a few weeks before his "disappearance", having received a summons to present himself at the headquarters of the Togolese Armed Forces, he stopped sleeping at his own home on a regular basis. "This is not going to end well", he had written to a member of his family who was already in exile.

During and after the period of transition, political activists, both those who worked with the Government and those who were critical of it, were extrajudicially executed and tortured by members of the army.

The amnesty law of December 1994 and the inter-Togolese agreement of July 1999

Some months after the "disappearance" of David Bruce, in December 1994, the Togolese Government adopted an amnesty law. At that time, Amnesty International had pointed out that Article 2 of this law, covering "all breaches of penal legislation of a political character or so inspired, committed before 15 December 1994" could be interpreted as granting impunity to the authors of human rights violations and in particular to members of the Togolese security forces, if their actions were judged to be of a political nature.

In fact, after the adoption of this law, a variety of inquiries which were opened following extrajudicial executions and "disappearances", including that of David Bruce, were left without conclusion. Others were simply never instituted. Many human rights violations have still not been investigated. There is a long list, not only of violations committed before the amnesty law of 1994¹, but also of violations committed after the law of 1994². The case of David Bruce is not unique: light is still to be shed on numerous "disappearances", like that of Simon Kossi Amedeka in 1993, Adjise Essie Djiewone in 1998, and Kodjo Kouni and Komlan Edoh in 1998.

The United Nations Human Rights Committee has frequently emphasised that all amnesties that deny the right to redress in cases of human rights violations are incompatible with the International Covenant on Civil and Political Rights.

Amnesty International also points out that according to the Declaration on the Protection of All Persons from Enforced Disappearance, the presumed authors of these acts "shall not benefit from any special amnesty law, or similar measures that might have the effect of exempting them from any criminal proceedings or sanction".

The Lomé Framework Agreement, signed on 29 July 1999 by all Togolese political parties, both those supporting the President and those forming the opposition, does not question the amnesty law of 1994. In its report of November 1999, *Togo: Time for accountability. No political stability without respect for human rights* (AFR 57/38/99), Amnesty International expressed its regret on this matter³. The organization recommended that Article 2 of the amnesty law of 1994 be amended so as not to grant impunity to those responsible for human rights violations.

The Framework Agreement certainly contains provisions for compensation of victims. But, while welcoming this initiative, Amnesty International emphasises that victims and victims' families also have the right to the truth and to see the perpetrators of human rights violations brought to justice, as is provided for under obligations entered into by Togo in the International Covenant on Civil and Political Rights, specifically in Article 2 paragraph 3⁴.

¹ The massacre of Bé Lagoon in 1991, when at least 28 demonstrators were killed by the army; the bloody repression of a peaceful demonstration on 25 January 1993, during which at least 20 people were killed by the security forces; the two massacres at the headquarters of the *Régiment interarmes togolais* (RIT), Togolese Combined Regiment, on 25 March 1993 and 6 January 1994, when at least 70 people, both civilians and military personnel, were extrajudicially executed by the army.

² The extrajudicial executions of Anani Teko-Allyn in 1996, Koffi Amouzou and Koffi Roger Ahiakpo in 1997, the executions of Mathieu Koffi Kegbe in 1998 and Koffi Agbassa in 1999, during the presidential election campaign and after the proclamation of results in 1998.

³ While welcoming the resumption of inter-togolese dialogue and the engagement of the parties in a process of national reconciliation, Amnesty International emphasised that this accord is focused on the holding of new elections in Togo and contains no concrete measures aimed at putting an end to impunity, at preventing fresh attacks on human rights or at promoting respect for human rights.

⁴ In particular, Article 2 (3a) of the Covenant specifies that State Parties undertake "to ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity".

Togolese civil society and the families of victims want independent and impartial inquiries to be carried out promptly to shed light on human rights violations, and those responsible to be brought to justice. When, in November 1997, the Togolese authorities offered financial compensation to the family of Tavio Amarin, the Togolese opposition leader extrajudicially executed on 23 July 1992, they were angry and took the offer as an insult: *"we do not want this money. We demand that justice be done and that the perpetrators of this crime be arrested"*. Similarly, David Bruce's brother recently told Amnesty International: *"I demand to know what happened to my brother, whether he is alive or dead. Even if only to put flowers on his grave, I want this (...) We have been left in an unbearable situation and, for others, life goes on. No-one talks about it, that is the tragedy."*

When an Amnesty International delegation reiterated its recommendations to the Togolese authorities during a visit to Togo in November and December 1998, the organization was reproached with stirring up "old stories". A Togolese Minister also declared that Amnesty International was irritating and tiring him with its allegations. Similarly, another member of the government reproached Amnesty International "with always coming back to the same things". For the families of victims of human rights violations, the "old story" has left an indelible mark on their lives and is always present. Because the right to truth and to justice are fundamental rights, Amnesty International will continue to "come back to the same things" until the truth is established and justice is done.

Recommendations

Amnesty International has regularly repeated its demand for independent inquiries to be opened into the human rights violations which have taken place in Togo over the last three decades. It is time for accountability for the Togolese government.

1. Recommendations to the Togolese government

Amnesty International urges the Togolese authorities to:

- 1) shed light immediately on the fate of David Bruce and bring to justice those responsible for his "disappearance";
- 2) set up an independent and impartial inquiry into the other cases of "disappearance" and into other human rights violations in Togo; make public the truth about these matters; hand over those responsible to the civilian justice system; and take urgent measures to put an end to "disappearances", extrajudicial executions and torture in the country;
- 3) bring into force all their obligations under the Declaration on the Protection of All Persons from Enforced Disappearance;
- 4) amend Article 2 of the amnesty law of 1994 so as not to grant impunity to those responsible for human rights violations.

2. Recommendations to the international community

Amnesty International also urges foreign governments:

- 1) to stress to the Togolese authorities the necessity of guaranteeing respect for human rights, conducting independent and impartial inquiries into the "disappearance" of David Bruce and other cases of human rights violations in Togo;
- 2) to put pressure on the Togolese Government to amend Article 2 of the amnesty law of 1994 so that this law does not grant impunity to those responsible for human rights violations.

3. Recommended actions for the public

- 1) Write to President Eyadéma [address: His Excellency General Gnassingbé Eyadéma, President of the Republic, Presidential Palace, Avenue de la Marina, Lomé, Togo] to urge him to set up an independent and impartial inquiry into the "disappearance" of David Bruce and other cases of human rights violations. Emphasise that the truth about these matters should be made public and those responsible handed over to the civilian justice system. Emphasise also that Article 2 of the amnesty law of 1994 should be amended so as not to grant impunity to those responsible for human rights violations.
- 2) Write to your own government to urge it to put pressure on the Togolese government to set up independent and impartial inquiries into the "disappearance" of David Bruce and the other cases of human rights violations in Togo. Also ask your government to exert pressure for Article 2 of the amnesty law of 1994 to be amended so as not to grant impunity to those responsible for human rights violations.