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Togo: Protection of witnesses and human rights defenders must be a priority for the International Commission of Inquiry

The investigation of extrajudicial executions committed in Togo in 1998 by the joint UN-OAU Commission of Inquiry cannot be successful without an effective witness protection program, Amnesty International said today. And the government of Togo must drop charges against human rights defenders.

"Unless witnesses are protected and human rights defenders are freed from the threat of legal action many are likely to be discouraged from testifying," the human rights organization noted.

On 4 August an Amnesty International delegation made this urgent demand to the members of the International Commission of Inquiry, established jointly by the Secretaries-General of the United Nations and Organization of African Unity. It comprises of three members: Mahamat Hassan Abakar (Chad), Chairman; Paulo Sergio Pinheiro (Brazil); and Issaka Souna (Niger). The delegation put forward several recommendations aimed at ensuring that their investigation is credible and effective.

In making submissions on the need for an effective witness protection program, Amnesty International informed the Commission about on-going attempts by the Togolese authorities to silence witnesses and informants. The organization urged the Commission to adopt measures that would guarantee the safety and security of Togolese witnesses who could provide testimony to it. It said that the Commission should publish information on its work and on measures that have been established to provide protection to witnesses and their families, including guarantees of confidentiality, long before it begins hearing testimonies at the beginning of September.

Amnesty International also expressed concern that the criminal charges against Togolese human rights defenders are still in force, including against Nestor Tengué and François Gayibor who were arrested in May last year, on suspicion of passing information to Amnesty International. These charges would inevitably discourage other members of the Togolese civil society to testify before the Commission and were probably designed to do just that. The Togolese authorities earlier said they would withdraw all criminal charges against Pierre Sané, Secretary-General of Amnesty International, when the Commission began its work but they have not done so.

"The Commission would clearly not be able to undertake a thorough and effective investigation into extrajudicial executions in Togo in an environment where human rights defenders who may have information to present to the Commission are being threatened with criminal prosecutions and imprisonment," Amnesty International said today.

More recently on 31 July and 1 August Kofi Messa Devotsu, chairperson of the Ligue Togolaise des Droits de l'Homme [LTDH], Togolose Human Rights League, was questioned by the Minister of Interior of Togo and was threatened with arrest after the publication on 20 July 2000 of a critical report by his organization on the human rights situation in Togo. The interrogation took place in the presence of a number of independent Togolese journalists, who

were also questioned and criticized by the Minister for having published articles on the LTDH report.

“Attempts to silence human rights defenders, and informants and journalists through intimidatory interrogation, threats of arrest, detention and bogus criminal charges are not only violations of international human rights law, they are also contradictory to the stated willingness of the government to cooperate with the Commission and to have the truth about killings committed in 1998 established by an independent body,” Amnesty International said.

Background

In May 1999, Amnesty International published a report on Togo documenting widespread human rights violations including torture, arbitrary arrests, "disappearances" and hundreds of extrajudicial executions. Amnesty International's findings regarding extrajudicial executions were subsequently corroborated by investigative reports undertaken by journalists and the League for Human Rights Defence of Benin , Ligue pour la defense des droits de L'Homme au Benin [L.D.H].

Following the publication of this report, two members of a Togolese human rights organisation, were accused of passing false information to Amnesty International, arrested, detained for several weeks and charged with criminal offences. They were released in June 1999 but the charges are still pending. For the same reason, a Togolese member of Amnesty International was arbitrarily arrested, beaten and threatened with death while in detention. Other Togolese human rights defenders were forced into hiding or to flee the country with their families. A Nigerian member of Amnesty International who happened to be visiting Togo was also detained and severely tortured for several days. Since May 1999 at least 20 other human rights activists, including trade unionists, student leaders, and independent journalists, have been arbitrarily arrested or forced to flee by the Togolese authorities. Some of them were tortured while in detention.

Unprecedented court orders were made for Amnesty International's Secretary General, Pierre Sané to personally appear before a Togolese judge on charges of "contempt, dissemination of false news, incitement to revolt and conspiracy against the external security of the state". The court orders were "suspended" in November 1999 following international pressure but the charges still remain.

Amnesty International welcomed the joint announcement by the United Nations and Organization of African Unity on 7 June of a joint Commission of Inquiry into hundreds of extrajudicial killings in Togo in 1998. After three decades in which Togolese civilians and soldiers have been arrested, tortured, killed, or have been "disappeared" with complete impunity, the setting up of an international investigation is an important step to guarantee that - at least for the most recent killings - the truth is revealed and justice is done.

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