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£TOGO

@A new era for human rights?

1. Introduction

A new government is in power in Togo following the country's first ever multi-party elections in February 1994. The completion of these elections and the installation of a new government in May 1994 raised hopes that respect for human rights in Togo would improve. Although the new government is not itself responsible for human rights violations committed in the past, it was hoped that when it came to power it would seek to create a climate of respect for human rights by acknowledging and investigating all such violations -- notably those committed by the security forces -- as a clear indication that such abuses will not be tolerated in the future.

Throughout the transition period, which began with a National Conference in 1991 and culminated in the presidential and legislative elections in 1993 and 1994 respectively, tension has persisted between President Gnassingbé Eyadéma, backed by the *Forces armées togolaises* (FAT), the Togolese Armed Forces, and political opponents of his administration. Over a quarter of a million Togolese have fled to seek refuge abroad since 1992 fearing human rights violations, and the security forces have repeatedly intervened in the political process.

In the period from the presidential election in August 1993 to the formation of the new government in May 1994, covered by this report, dozens of people were extrajudicially executed by the security forces. These -- and past -- human rights violations have still not been investigated and therefore those responsible remain in positions of authority and have not been brought to justice. Moreover at least 13 political prisoners, and possibly more, are still held; some are prisoners of conscience, some were convicted on the basis of testimonies extracted under torture and others have been held for long periods without charge or trial.

During the presidential and legislative elections there were attempts to restrain the Togolese Armed Forces who had, since the transition began, been repeatedly implicated in extrajudicial executions, illegal arrests and torture. However, members of the Togolese Armed Forces continued to commit human rights violations with evident impunity. In 1993 Amnesty International expressed its concern that the Togolese Armed Forces appeared confident that, with President Eyadéma in power, they would not be held to account for human rights violations. So far, this situation has not changed, because the new government has taken no steps to acknowledge and investigate past human rights violations and bring those responsible to justice.

Amnesty International now urges the new government to seize the initiative on human rights and to make a concerted effort to end the insecurity that has afflicted Togo in recent years. This must include vigorous measures to eradicate torture and a review of the cases of all political prisoners, in order to release all those held solely on account of their non-violent

political views and bring others to court promptly, in line with international standards, if they are not to be released. Also, the new government must address the structure and role of the Togolese Armed Forces and their close relationship with President Eyadéma and his party, the *Rassemblement du peuple togolais* (RPT), Assembly of the Togolese People, which have allowed human rights to be violated with impunity. The Togolese Armed Forces must be held accountable for their actions before and during the election period. This requires an independent investigation into human rights violations and those responsible for torture and extrajudicial killings must be brought to justice. The government should issue new instructions to the security forces to reinforce human rights safeguards. This is essential to establish confidence in the neutrality and accountability of the Togolese Armed Forces, and would help Togo to break out of the current cycle of repeated human rights violations.

The new Prime Minister, Edem Kodjo -- a former senior RPT official who became Secretary General of the Organization of African Unity from 1978 - 1983 and later formed his own political party, the *Union togolaise pour la démocratie* (UTD), Togolese Union for Democracy -- has publicly committed his government to the improvement of human rights safeguards. In a press interview on 25 April 1994 he stressed the need to create a state based on the rule of law, for institutions to strengthen respect for human rights and for reconciliation between the security forces and the people of Togo. However, in a speech to the National Assembly on 24 June 1994 he also suggested that reconciliation would not be possible without "forgiveness", which implies that the government does not intend to hold accountable those responsible for past human rights violations. This Amnesty International report recommends some practical steps to address the needs expressed by Prime Minister Kodjo and how to confront the problem of past human rights violations (See Section 5).

Amnesty International is also urging other governments who have links with Togo to use their influence to assist the Togolese authorities in improving human rights safeguards in Togo. At the very least, any government which has renewed its military assistance to Togo in the wake of the elections, notably the French Government, should ensure that any military assistance provided incorporates training in respect for human rights and is not used to facilitate human rights violations.

2. Political context

¹ "La réconciliation ne sera pas possible sans le GRAND PARDON..."("reconciliation will not be possible without the GREAT PARDON...), (capitals as in original).

Since 1990 there has been a dramatic increase in the scale of human rights violations by the security forces in Togo. Political instability and violence intensified following a National Conference in 1991 when transitional arrangements were made for legislative and presidential elections, which were repeatedly postponed.

In July 1993 an agreement in Ouagadougou, in neighbouring Burkina Faso, was signed by representatives of the opposition and the government, and the following month presidential elections were held. Togo's first multi-party legislative elections were held in February 1994, after repeated delays, and five political parties are now represented in the National Assembly.

In the hope that the elections could take place fairly and without interference by the Togolese Armed Forces, provisions were made under the Ouagadougou Agreement aimed at restricting the role of the Togolese Armed Forces to that of a conventional army. Since the 1991 National Conference, the Togolese Armed Forces had played a disruptive role in the process of political change in Togo. Around 80 per cent of personnel in the Togolese army, police force and *Gendarmerie nationale*, the paramilitary police force, are members of President Eyadéma's Kabyé ethnic group, which originates mainly in the north of the country. The Togolese Armed Forces' lack of impartiality and their explicit support for the President and the RPT has been repeatedly demonstrated during the transition period. The Togolese Armed Forces tried to prevent the National Conference from being held, and, having failed to do so, did all in its power to destabilize the country during the transition period and to prevent any investigation into human rights violations committed before the National Conference or during the transition. Within the Togolese Armed Forces, soldiers suspected of opposition to the President -- sometimes solely on the basis of their ethnic origin -- have also been the victims of human rights violations.

A vital component of the Ouagadougou Agreement was, therefore, that the Togolese Armed Forces should remain in barracks under government supervision during the election period. A special security force, the *Forces de sécurité publique* (FSP), Public Security Force, had been set up in April 1993 comprising members of the *Gendarmerie Nationale*, the police and the *Gardiens de la Sécurité du Territoire*, Guardians of National Security, to be responsible for guaranteeing and maintaining public security, dismantling arms caches and dealing with militia groups during the election period. Under the Ouagadougou Agreement the governments of Burkina Faso and France sent military personnel and technical assistance to assist and advise the FSP and were responsible for setting up a *Comité international de suivi*, International Monitoring Committee, to oversee the election process. The International Monitoring Committee had representatives from France, Burkina Faso, Germany, Egypt and the United States. However, even the supposedly neutral FSP was implicated in committing human rights violations during the election period, while members of the Togolese Armed Forces continued to harass members of the opposition and again committed extrajudicial executions with apparent impunity. During the legislative elections, the head of the International Monitoring

Committee, Herman Yaméogo, a government minister from Burkina Faso, intervened to complain about the behaviour of an FSP commander accused of direct interference in the political process. In this one instance President Eyadéma agreed to remove the officer from his post. However, neither the International Monitoring Committee nor the French and Burkinabè military observers were reported to have raised any other cases.

Both the FSP and the Togolese Armed Forces were involved in human rights violations during the election period. On 26 August 1993, the day after the presidential election, members of the FSP, assisted by members of the Togolese Armed Forces, arrested at least 40 opposition supporters following violent incidents in Agbandi. At least 21 of them later died in custody (see Sections 3.1 and 4.3). On 13 February 1994 members of the FSP intervened to prevent the leader of the opposition party, *le Comité d'action pour le renouveau* (CAR), Action Committee for Renewal, Maître Yao Agboyibo, from addressing an authorized public meeting. Despite supposedly being confined to barracks under the Ouagadougou Agreement, members of the Togolese Armed Forces were implicated in the extrajudicial execution of at least 48 prisoners in the days following an attack on the capital, Lomé, in January 1994. Members of the Togolese Armed Forces were also implicated in the killing of a newly elected opposition member of parliament in February 1994 (see Section 3.3), a crime for which no one has been held responsible or prosecuted despite an investigation called for by President Eyadéma.

Hence, the elections took place in a context of continuing military interference. General Eyadéma was returned to power in a presidential election of 25 August 1993, in which a leading opposition candidate, Gilchrist Olympio -- victim of an assassination attempt in May 1992 in which the Togolese Armed Forces were implicated -- leader of the *Union des forces du changement* (UFC), Union of Forces for Change, was prevented from standing. The conduct of the election was widely criticized as unfair, although the result has been accepted by the international community.

The legislative elections finally took place over two rounds on 6 and 20 February 1994. There were reports of election violence by members of opposition parties as well as by members of the President's RPT. The main targets were members of the CAR, which was successful in the first round of voting. CAR activists were then harassed and, in some cases, prevented from holding political meetings by members of the security forces, particularly in areas where the RPT was being challenged by opposition candidates. Despite such incidents the International Monitoring Committee, as well as representatives of the European Union and the Organization of Africa Unity declared that the elections had been carried out in conditions which could generally be considered satisfactory. On 23 March 1994 the European Union issued a statement welcoming the results of the elections and calling on the Togolese people to "commit themselves to national reconciliation and respect for the institutions, development and economic revival of their country."

In mid-March 1994 it emerged that a coalition of two opposition parties, the CAR and the UTD, had won the majority of seats and narrowly held the balance of power over President Eyadéma's RPT, in the 81-seat National Assembly. Negotiations opened about who should become Prime Minister and in mid-April 1994 President Eyadéma appointed UTD leader, Edem Kodjo. This decision caused a rift between the two opposition parties; the CAR argued that the appointment of Edem Kodjo breached an agreement between the two opposition parties that CAR leader, Maître Yao Agboyibo, as leader of the opposition party with the most seats, would be the coalition's candidate for prime minister. The CAR then announced that it would not participate in the new government. The new government was named by Prime Minister Kodjo in May 1994. A number of key posts were given to members of the RPT, and others to UTD members. Prime Minister Kodjo reportedly stated that this was a provisional government which would be reorganized if the CAR decided to participate.

The inauguration of a new government meant the end of the transition period and of the provisions of the Ouagadougou Agreement which had made some attempt to regulate the activities of the Togolese Armed Forces and provide protection for political leaders during the election period. The human rights violations committed by the Togolese Armed Forces and the FSP during the election period do not appear to have been the subject of any official investigation by Togo's procuracy or any other criminal investigation process. Prime Minister Kodjo's speech to the National Assembly on 24 June 1994 seems to grant continued impunity to the security forces. Although the Togolese Armed Forces are not known to have been overtly implicated in human rights violations since the installation of the new government, a climate of insecurity persists in the capital in which armed groups and individuals -- some of whom may be working in collusion with the Togolese Armed Forces -- carry out robberies and intimidate opposition supporters and residents alike. In particular, a number of bank officials and financiers have been the target of recent assassination attempts, in which some have died. Opposition leaders -- some of whom are now members of parliament -- have also complained that the security measures designed to protect them during the election period have been removed. The government has declared that it will take appropriate measures to combat armed robbery and "banditry", but so far it would appear that no one has been arrested or brought to justice. Confidence in and respect for the security forces is vital for any state operating by rule of law. To rebuild confidence and respect it is essential that the Togolese Armed Forces are held accountable for their actions, now and in the past.

3. Human rights violations by the security forces during the election period

This Section describes a few examples of numerous incidents in which human rights were violated during the election period, from the presidential election in August 1993 to the inauguration of a new government in May 1994. It illustrates how the security forces have

continued to commit abuses with impunity, at the expense of human rights. Amnesty International has also expressed its concerns about human rights violations committed during the transition period in two previous publications: *Togo: Impunity for human rights violators at a time of reform* (AI Index: AFR 57/01/92, April 1992) and *Togo: Impunity for killings by the military* (AI Index: AFR 57/13/93, October 1993).

3.1 Deaths in custody of opposition supporters

On 26 August 1993 -- the day after the presidential election -- at least 40 people, mostly opposition supporters, were arrested by the FSP, assisted by members of the Togolese Armed Forces, following election day violence in Agbandi, central Togo, apparently provoked by the discovery that ballot boxes had been filled with false ballot papers in favour of General Eyadéma before voting began. The detainees were taken to the *Gendarmerie* in nearby Blitta. It is not clear whether any of those arrested had been personally involved in the violent incidents the previous day and it is alleged that the FSP in fact arrested opposition sympathisers who had been named by local RPT supporters.

Within 24 hours of their arrest at least 21 of the detainees had died in custody, either at the Blitta *Gendarmerie* or at the hospital in Sokodé, to the north of Blitta. The authorities said that 15 of the prisoners had been poisoned by food brought to them by their relatives. A French police toxicologist who subsequently examined a sample of contaminated food sent to France by the authorities reportedly identified a poison, but there was no examination of the bodies nor any evidence that the poison had been found in the bodies, as no autopsies were carried out. Those who died were reported to have been assaulted in custody and then forced into a small cell, possibly causing asphyxiation. The remaining detainees were transferred to the *Gendarmerie* headquarters in Kara before being released uncharged a few weeks later on the orders of a magistrate.

On 27 August a relative of one of the detainees, Kokou Okessou Mbooura, was arrested in Blitta and charged with attempting to administer a poison. Amnesty International is concerned that Kokou Okessou Mbooura may have been arrested as a scapegoat and, as such, may be a prisoner of conscience quite innocent of any responsibility for the deaths (see Section 4.3 for further background details about this case). Despite international concern, no independent inquiry was carried out to investigate these deaths in custody. The role of the FSP -- and members of the Togolese Armed Forces, who should have been confined to barracks -- in the arrest of possible prisoners of conscience was also unquestioned.

3.2 Extrajudicial executions by the Togolese Armed Forces in January 1994

At least 48 prisoners were extrajudicially executed by members of the Togolese Armed Forces in January 1994 in the days following an alleged attack on Lomé. Some of those executed were civilians apparently seized on the streets, others were soldiers who had already been in military custody for over nine months.

On the night of 5 January 1994, shooting broke out in Lomé and the government alleged that assailants from neighbouring Ghana had launched an attack on Lomé's main military base, the headquarters of the *Régiment interarmes togolais* (RIT), Togolese Combined Regiment, and that they intended to assassinate President Eyadéma. Some 30 people, described as captured assailants were shown on national television. A number of them were reportedly ordinary criminal prisoners already serving prison sentences or civilians who had apparently been arrested because they were unaware of curfew restrictions -- a number of whom were reportedly mentally ill.

In the aftermath of the attack at least 48 prisoners were extrajudicially executed by the Togolese Armed Forces. At least 36 of them were civilians reportedly seized by members of the *Régiment para-commando de la garde présidentielle*, the Para-commando Regiment of the Presidential Guard, known as the "green berets". They were taken into military custody at the RIT headquarters and then killed on 6 January 1994. Other detainees were taken to the headquarters of the *Gendarmerie nationale* and, although some may still be in detention, most were later released without charge.

Members of the Togolese Armed Forces also executed illegally and secretly some soldiers who had been in military custody since the previous year. A total of 12 were killed. The 12, including Private Amégadji and Private Djagri N'Teki Baba, had been detained since a violent incident on 25 March 1993 at the RIT barracks. The details of this March 1993 incident remain unclear: some reports suggested that the barracks had been attacked by assailants from Ghana, others that it was a settling of scores within the barracks. The 12 soldiers killed in January 1994 had been held at the RIT headquarters where they were reportedly brought before a secret military tribunal at the end of 1993. On 6 January 1994 soldiers from the "green berets" reportedly seized the 12 detainees and executed four of them on the spot. In the confusion which ensued the detainees seized control of part of the barracks. Five of the "green berets" and two of the detainees were killed. On 8 January the remaining six detainees reportedly surrendered to Major Djoua, commander of the Presidential Guard. They were taken from the barracks and executed, reportedly by being doused in petrol and burned alive. Amnesty International is particularly concerned that the military authorities -- and those responsible for supervising the Togolese Armed Forces during the election period -- failed to protect these detainees in military custody from being illegally executed.

Other people were extrajudicially executed or "disappeared" in the days following the 5 January 1994 incident. On 6 January, the Togolese armed forces fired rockets at buildings near

the Ghanaian border at Aflao and, there were reports that up to 12 Ghanaians, all shoe-shiners, were detained and summarily executed by Togolese soldiers in Aflao. Also on 6 January, three electricians -- Kpéto Gomado, Kossi Gomado and Yawo Sekaya -- were reportedly executed by soldiers at their workshop in Kodjoviakopé, a suburb of Lomé. On the same day Gavi Komi, an automobile parts salesman, was abducted from his home in the Tokoin Gbonvié area of Lomé by five men in military uniform who said they were taking him to the *Gendarmerie*. He has not been seen since and it is feared that he may have "disappeared".

3.3 The killing of member of parliament Gaston Aziaduvo Edeh, and two other political activists

Three active CAR members were killed shortly after being abducted by men in military uniform. On 13 February 1994, between the two rounds of legislative elections, Gaston Aziaduvo Edeh, a newly-elected member of parliament and three other CAR supporters were seen being forced into their own car and driven away by two men who had questioned them about their political activities. They were reportedly taken to a military building known as *la résidence du Bénin*, close to the headquarters of the RIT, where they were again questioned about their political activities by soldiers. That night they were driven away in their car by the two men who had abducted them. One of the four captives managed to escape from the moving car. The following day, the burned-out wreck of the car and the dead bodies of the other three captives -- Gaston Aziaduvo Edeh, Prosper Ayité Hillah and Martin Agbenou -- were found in the Aguényivé suburb of Lomé.

The Army chief of staff Brigadier-General Bassabi Bonfoh denied that any soldiers had been involved and claimed in a public statement on 15 February 1994 that the killings were the work of civilians wearing military uniform. President Eyadéma expressed concern that the three men had been killed and asked the government set up a commission of inquiry. However, those responsible have not been identified and no one has been brought to justice for these killings. The findings of the inquiry called for by President Eyadéma have not been made public. The Togolese authorities appear once more to be unwilling to ensure that the full truth about such events is made known and those responsible are brought to justice. Again, they are therefore failing to make it clear that human rights violations will not be tolerated.

3.4 "Disappearances" in Adétikopé

On 17 February 1994 at least four people "disappeared" after their car was stopped by soldiers at a check-point in Adétikopé. Kowouvi Kobono, a driver from Adifé (near Atakpamé), Agosso Tondjo and two women -- Afougniléde Essiba and Adonou Igbé -- were travelling in a car belonging to Kowouvi Kobono's brother, Oroumovi Essiba, the Secretary General of the drivers'

union USYNDICTO. Oroumovi Essiba had previously received death threats because of his union activities and their "disappearances" may have resulted from the fact that they were driving his car. According to unofficial sources, the four were taken to the military camp of the *Force d'intervention rapide* (FIR), Rapid Intervention Force, at Aguényivé. They have not been seen since.

3.5 Detention and torture of Akuete Kodjo

On 20 February 1994 CAR member Akuete Kodjo, a commercial agent, was arrested by members of the Togolese Armed Forces as he went to cast his vote in Notsé, 80 kilometres north of Lomé, in the second round of the legislative elections. He was apparently arrested because his name was on a "wanted" list. He was taken to the *Gendarmerie nationale* in Lomé, where he was beaten and tortured and held for four months without charge or trial.

4. Political prisoners

Scores of opposition activists and suspected opposition supporters have been arrested and detained since the start of the political transition process in Togo in 1991. Some have been detained for long periods without charge or trial before being released and some are still in detention without charge or trial. Others have been brought to court, tried and sentenced to periods of imprisonment. Many were reportedly tortured and ill-treated in custody.

It is difficult to estimate the number of political detainees currently held in Togo. Because little information is available about the grounds for most detentions, Amnesty International is also unable to determine the number of detainees who are prisoners of conscience held for the non-violent expression of their political beliefs. However, it appears that in many cases, prisoners have been detained solely for their non-violent opposition to President Eyadéma and are therefore considered prisoners of conscience.

The cases of some of those still held are outlined below.

4.1 Corporal Nikabou Bikagni

In January 1994 Corporal Nikabou Bikagni was convicted on charges of importing and carrying arms and ammunition and sentenced to three years' imprisonment. Corporal Bikagni had been arrested in October 1992 and allegedly tortured both at the *Gendarmerie nationale*, where he

was first held, and at an army camp in Lomé. Amnesty International believes that Corporal Bikagni may be a prisoner of conscience because he was reportedly arrested on account of his allegiance to Joseph Kokou Koffigoh, who was Prime Minister during the transition period. He was among those who protected the Prime Minister on 1 December 1991 when the Prime Minister was taken prisoner by members of the Togolese armed forces loyal to President Eyadéma. The authorities refused to investigate allegations that Corporal Bikagni was tortured in custody and Amnesty International is concerned that Corporal Bikagni did not receive a fair trial, as he may have been convicted solely on the basis of a confession extracted under torture, which should not be admissible as evidence. Corporal Bikagni is reportedly now held at the *Gendarmerie nationale* with other detainees in a small cell designed to hold prisoners only for the first few hours of their detention.

Four of Corporal Nikabou Bikagni's relatives, including his father, Boukary Bikagni, are held without charge or trial. They were arrested in October 1992, and held in the Civil Prison in their northern home town of Bassar. They were later moved to the Civil Prison in Kara, also in the north of Togo. They appear to be prisoners of conscience detained solely because they are related to Corporal Nikabou Bikagni.

4.2 Military detainees held since March 1993

At least five, and possibly as many as eight, soldiers detained after a violent incident at the RIT headquarters in March 1993 remain in detention without charge or trial, almost 18 months after their arrest, at the *Gendarmerie nationale* in Lomé. Over 40 soldiers and civilians were arrested on 25 March 1993 following the attack on the RIT headquarters. At least 20 other people, including both military and civilian personnel, were extrajudicially executed by the Togolese Armed Forces after the attack. Most of the detained civilians were released and 12 of the detained soldiers were killed in the wake of the events of 5 January 1994 (see Section 3.2). However, at least five, including Staff Sergeant Fidegnon Mado, Corporal Hloindo Kossivi and Corporal Kitikpo Kodzo, remain in detention. They are believed to be held in harsh conditions at the *Gendarmerie nationale*; at least two of them are reportedly held in a small temporary holding cell with Corporal Bikagni (see Section 4.1).

4.3 Kokou Okessou Mbooura

Kokou Okessou Mbooura, a teacher from Kétou in northern Togo, was arrested on 27 August 1993, the day after the deaths in detention of at least 21 suspected opposition supporters from Agbandi (see Section 3.1). He was later charged with attempting to administer poison, but has not yet been brought to trial. According to reports, Kokou Okessou Mbooura was inquiring after a relative who had been arrested in Agbandi the previous day and did not arrive in Blitta until

after a number of the detainees had already died. He was apparently arrested after handing a bag to one of the surviving detainees who was being taken away from the *Gendarmerie* in Blitta. The authorities allege that the bag contained contaminated food and syringes.

The charge against him seems to indicate that the authorities consider that Kokou Okessou Mbooura was implicated in the deaths of the detainees who were supposedly poisoned. However, the true cause of death of the detainees has never been established as no autopsies were carried out. Moreover, reports that the detainees had been beaten and ill-treated at the time of their arrest and forced into a small cell causing asphyxiation were never properly investigated and it appears that ill-treatment and asphyxiation may, in fact, have provoked many of the deaths.

Kokou Okessou Mbooura has now been held for over a year without trial at the Civil Prison in Kara. Amnesty International believes that Kokou Okessou Mbooura may be a prisoner of conscience, arrested as a scapegoat to prevent a full investigation into the deaths in custody of the detainees from Agbandi.

4.4 Members of the Union des forces du changement (UFC), Union of Forces for Change

In early February, six members of the opposition UFC were arrested. They had been distributing pamphlets which called upon UFC supporters to boycott the legislative elections. The six men, who were arrested separately in Lomé and other towns, were charged with electoral fraud, although calling for a peaceful boycott of the elections does not legally constitute fraud. In May 1994 at least four of them were brought to trial and sentenced to short prison terms; all six have now been released. At least two of them -- Kossi Ayédéwou and Henri Adigbli -- were reportedly ill-treated in custody. Amnesty International believes that they were prisoners of conscience imprisoned for non-violently expressing their views.

4.5 Martin Dossou Gbenouga

In May 1994 Martin Dossou Gbenouga, editor of the independent bi-weekly Togolese newspaper *La Tribune des démocrates*, was charged with "insulting figures of public authority" and sentenced to five years' imprisonment in connection with an article printed in the 22-25 April 1994 edition. The article, entitled "*Nomination du Premier ministre: Roussin² rappelle Eyadéma à l'ordre*" ("Appointment of the Prime Minister: Roussin calls Eyadéma to order"),

² Michel Roussin is the French Minister of Cooperation

concerned the political deadlock surrounding President Eyadéma's choice of a new prime minister following the legislative elections of February 1994 and criticized the President and the French Government's support for him. The article was strong in tone, but Amnesty International believes that the arrest and conviction of Martin Dossou Gbenouga was, in fact, part of a recent pattern of intimidation and harassment of independent journalists, newspaper publishers and vendors in Togo and that, as such, Martin Dossou Gbenouga -- who is currently held at the Civil Prison in Mango -- is a prisoner of conscience.

In November 1993, for example, several journalists and others associated with independent newspapers were arrested and held in Lomé and Kara. Some appeared in court and were subsequently released. Among them was Moudassirou Katakpaou-Touré, the editor of an independent newspaper, *La Lettre de Tchaoudjo*, who was arrested in November 1993 and brought to trial in December 1993 on charges of offending and insulting the President and the Minister of Defence. He was found guilty on both counts, fined and released, as the remainder of his sentence was suspended. Amnesty International considered him to be a prisoner of conscience.

Amnesty International recognizes the right of elected officials, including the President, to seek legal redress in the face of written or verbal statements which they consider to be libellous. However, Amnesty International fears that the convictions of Martin Dossou Gbenouga and Moudassirou Katakpaou-Touré were an infringement of the right to freedom of expression, and deplores the use of the judicial process to prosecute journalists solely on account of criticizing the government.

5. Amnesty International's Conclusions and Recommendations to the Government of Togo

Human rights violations continued to be carried out by, or with the collusion of, the security forces during the election period in Togo, despite specific provisions designed to keep soldiers out of politics and confine them to barracks during electoral campaigning. Throughout the transition period, which began with the National Conference in 1991, the transitional government was unwilling or unable to confront the problem of human rights violations by the security forces. There was widespread insecurity in the capital Lomé and elsewhere, and opposition leaders, journalists and trade unionists were the targets of harassment and intimidation by supporters of President Eyadéma, including members of the Togolese Armed Forces.

Amnesty International hopes that the new government will take steps to ensure that it confronts the problem of human rights violations committed with impunity by the security forces. Although the new government is not itself responsible for past violations, Amnesty International

urges the new government to seize the initiative with regard to human rights and make a concerted attempt to break the cycle of violence and fear which has afflicted the Togolese people in recent years. An essential part of this initiative would be a commitment to investigate past violations and bring those responsible to justice. This would help establish a climate of respect for human rights conducive to the return of the many thousands of refugees who have fled from Togo in recent years.

Amnesty International is also calling on other governments with links with Togo to encourage the Togolese authorities in the establishment of human rights safeguards, and to ensure that transfers of equipment, expertise and training for military, security or police use do not facilitate human rights violations.

Amnesty International is now making the following recommendations:

5.1 Acknowledge and investigate past human rights violations

È In the face of substantial allegations that members of the security forces have committed serious human rights violations -- including unlawful killings and other crimes -- the government should set up an independent commission of inquiry to investigate all available evidence.

È The full truth about the abuses should be made known and those responsible should be brought to justice as a clear signal that human rights violations will not be tolerated. Only once the truth is known and the judicial process has been completed is it appropriate for the government to decide whether to grant post-conviction pardons.

5.2 Issue clear instructions to law enforcement officials

È The Togolese Government should clearly define the role of the Togolese Armed Forces and should regularly issue clear directives to its security forces to adhere to the basic principles of international human rights law in all circumstances and should establish mechanisms to monitor their adherence to these principles.

È Human rights violations are less likely to occur if law enforcement agencies -- the army, *gendarmerie* and police force -- are made accountable for their actions. The security forces should be given clear instructions that no violations of human rights will be tolerated and that those found to be responsible for such violations will invariably be brought to justice.

È All law enforcement officials should have a basic knowledge of the rights it is their duty to protect. Over the years, the United Nations has adopted a number of codes and declarations

on arbitrary arrest, detention without trial, ill-treatment and torture, extrajudicial executions and excessive use of force and firearms. These include:

- ! The Code of Conduct for Law Enforcement Officials and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials;
- ! The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- ! The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
- ! The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- ! The Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Effective Implementation of the Rules;
- ! The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5.3 End detention outside the framework of the law

È The Togolese authorities should urgently review all cases of political detention, with a view to completing the judicial process fairly and speedily and releasing prisoners who have been detained on account of their non-violent political views or because they are related to other detainees or have been unfairly convicted or made scapegoats for crimes which have not been adequately or independently investigated.

È Steps should be taken to prevent unlawful detention and to prohibit torture, ill-treatment, extrajudicial execution and "disappearances", including the following safeguards:

È Everyone should be informed, at the time of their arrest, of the specific reasons for their arrest.

È All prisoners should be brought before a judge within 48 hours of their arrest, as required by Togolese law and either charged with a recognizably criminal offence or released.

È All detainees should have access to relatives and lawyers -- and adequate medical treatment if required -- promptly after arrest and regularly throughout their period in custody.

È Relatives should be informed immediately of any arrest and should be kept informed of the detainee's whereabouts.

È All places of detention should have a register containing information about anyone detained, to which lawyers and relatives of those believed to have been arrested should have access. The register should also contain a clear statement of the expected destination of any detainee leaving the place and should identify the official into whose custody they pass.

È All places of detention should be open to regular independent inspection by an international humanitarian organizations with the appropriate expertise.

5.4 Develop a common sense of responsibility for human rights protection and human rights education

È The Togolese Government should make human rights education materials available in relevant languages, to ensure that all Togolese citizens are aware of their rights and of how they can complain and seek redress if their rights are violated.

È The communications media -- newspapers, radio and television -- also have a special duty not only to monitor and report on human rights abuses, but also to inform people about their rights.

È National human rights organizations, all political parties and the general public should be aware of human rights standards, report on any human rights violations which come to their attention and put pressure on the authorities to take action against all abuses.

È Other governments who have links with Togo can contribute to these reforms. They should assist in the establishment of a commission of inquiry into past human rights violations, in the implementation of effective human rights safeguards and in the reform of the judicial system to ensure it meets international standards. At the very least, foreign governments should ensure that transfers of equipment, expertise and training for military, security or police purposes do not facilitate human rights violations.