
TOGO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, independent print media and private radio stations that denounced corruption and human rights violations were subjected to judicial pressure. In addition, several peaceful demonstrations organised by civil society were banned and repressed. However, at the end of April 2011, the National Assembly was about to adopt a draft law which was welcomed by civil society as a progress towards freedom of peaceful assembly.

Political context

On March 4, 2010, Mr. Faure Essozimna Gnassingbé, the son of former President Gnassingbé Eyadéma and candidate for the Rally of the Togolese People (*Rassemblement du peuple togolais* - RPT), the party that had been in power for over forty years, was re-elected as President of the Republic of Togo with 60.9% of the votes. The hope of a fair, credible and transparent election, on the contrary to the one of 2005 which was marred by massive fraud and bloody repression and which allegedly caused between 400 and 500 deaths¹, did not fulfil. Without contesting the re-election of the outgoing President, international observers noted many irregularities before and during the vote². The day after the ballot, Mr. Jean-Pierre Fabre, the principal opponent and candidate of the Union of Forces for Change (*Union des forces du changement* - UFC), contested the results and called upon the outgoing President to resign.

In this context of controversial political legitimacy, the exercise of the civil and political rights of opposition activists and civil society representatives critical of the Government was restricted. In particular, throughout the year, obstacles were put in the way of freedom of expression, peaceful assembly and association. As an example, demonstrations of the opposition were banned or severely repressed, making arise a new wave of arrests and arbitrary detentions³. In addition, the tendency to repress the private press that had started in 2009, was reinforced and intensified throughout the

1/ See Report by the United Nations Fact-Finding Mission to investigate the violence and allegations of human rights violations that took place in Togo before, during and after the presidential elections on April 24, 2005, August 29, 2005.

2/ See Preliminary Statement by the European Union Election Observation Mission to Togo, March 6, 2010.

3/ See Togolese League of Human Rights (*Ligue togolaise des droits de l'Homme* - LTDH).

post-election period, with judicial harassment of newspapers considered to be critical and acts of intimidation which affected several journalists. In August 2010, it was reported the existence of a list of names of journalists and presenters of some programmes dealing with political issues⁴. In parallel, several of the international media obtained a visa only on the same day as the presidential election, allowing only a partial coverage of the election process⁵.

Although it is appropriate to welcome the ratification by Togo on July 20, 2010, of the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the signature on October 27, 2010, of the International Convention for the Protection of All Persons from Enforced Disappearances⁶, acts of torture and ill-treatment continued to be carried out with a complete impunity, especially in places of detention. On April 1, 2011, the UN Human Rights Committee expressed its own concerns regarding allegations of torture and ill-treatment in detention, especially in the premises of the National Intelligence Agency (*Agence nationale de renseignements* - ANR), by allegations of deaths resulting from ill-treatment in detention, by the lack of response from the State concerning the number of complaints submitted for torture, ill-treatment or death in detention and by the lack of follow-up to these complaints⁷.

Judicial harassment of the media and journalists who denounce corruption and human rights violations

In 2010-2011, the Government of Togo clearly demonstrated its will to muzzle and punish the media considered as critical, through judicial pressure, particularly against media that denounced corruption and human rights violations. As an example, the daily newspapers *Freedom*, *L'Indépendant Express* and the weekly *La Lanterne*, three press

4/ See LTDH and the Union of Independent Journalists of Togo (*Union des journalistes indépendants du Togo* - UJIT) Press Release, August 10, 2010.

5/ See Reporters Without Borders (RSF) Press Release, March 8, 2010.

6/ However, as of the end of April 2011, this Convention had not been ratified.

7/ See Human Rights Committee, *Concluding observations of the Human Rights Committee*, UN Document CCPR/C/TGO/CO/4, April 18, 2011 and Joint Open Letter to the authorities from Christian Action for the Abolition of Torture - Togo (*Action des chrétiens pour l'abolition de la torture-Togo* - ACAT-Togo), the Togolese Human Rights Association (*Association togolaise des droits de l'Homme* - ATDH), the Togolese Association for the Defence and Promotion of Human Rights (*Association togolaise pour la défense et la promotion des droits de l'Homme* - ATDPDH), the Collective of Associations Against Impunity in Togo (*Collectif des associations contre l'impunité au Togo* - CACIT), the Togolese Coalition of Human Rights Defenders (*Coalition togolaise des défenseurs des droits de l'Homme* - CTDDH), Amnesty International-Togo (AI-Togo), LTDH, Journalists for Human Rights (*Journalistes pour les droits de l'Homme* - JDHO) and New Human Rights (*Nouveaux droits de l'Homme* - NDH-Togo), May 13, 2011.

publications that denounce corruption within the State's leading bodies, faced legal proceedings in various cases in which the plaintiff was the President of the Republic. Complaints filed by the Head of State in August and September 2010 for "spreading false news", "defamation", "insults" and "attacks on honour", offences under the Press and Communication Code and the Criminal Code, targeted these three newspapers, which in July and August had published articles denouncing the State's poor governance, the influence of the executive government in the legal domain and the corruption of the administration. All these complaints were finally withdrawn by the Head of State and the cases were closed⁸. On November 19, 2010, *X-Solaire*⁹, *Metropolys* and *Providence*, three independent radio stations based in Lomé, and which especially deal with human rights, were shut down on the grounds that they did not possess association licences for the frequencies they were assigned to and for "equipment and premises that do not comply with standards in force". This decision was taken by the Director General of the Post and Telecommunications Regulatory Authority (*Autorité de réglementation des secteurs de postes et de télécommunications* - ART&P), and justified under the provisions of Law No. 98-005 of February 11, 1998 on telecommunications, after two check-up visits on November 8 and 18, 2010 carried out in collaboration with the High Authority of Audiovisual and Communication (*Haute autorité de l'audiovisuel et de la communication* - HAAC). Following their closure, the three radio stations took steps to obtain the required documents before the Ministry of Territorial Administration, Decentralisation and Local Communities, without success. As of the end of April 2011, the radios were still not allowed to broadcast and their studios remained sealed off¹⁰.

Attacks on freedom of peaceful assembly

In 2010-2011, there were many obstacles to the freedom of peaceful assembly though guaranteed under Article 30 of the Constitution. As an example, on March 8, 2010, the Spokesperson of the Government noted during a press conference, that the ban on demonstrating during working days "because of the disturbance to traffic they cause on those working days" remained in force, referring to the Letter of February 6, 2007 No. 0087/MS/Cab from the Minister of Security. In addition, on March 2,

8/ See CACIT, LTDH and IFEX Press Release, September 3, 2010.

9/ An attempt to bring judicial proceedings against this radio was already made. On July 15, 2010, HAAC seized the Court of First Instance of Lomé to apply for a ban on two popular interactive programmes that were broadcast on *X-Solaire* and *Victoire FM* radio stations, on the grounds of inappropriate content. However, after the angry reaction of the civil society, HAAC did not take any further action.

10/ See LTDH, CACIT and the Letter from SOS Journalists in Danger (*SOS journalistes en danger*) addressed to the Director General of ART&P, January 9, 2011. It should be noted that under Articles 58, 60, 61 and 62 of the Organic Law relating to HAAC, only a legal ruling can close down a radio station.

2011, the Council of Ministers adopted a draft law setting out the conditions for the exercise of freedom of assembly and freedom to demonstrate on the public highway or in public places which amongst other things, provides that any demonstration or meeting is subject to prior declaration to the competent authorities who have the power to ban the event for reasons of public order. Furthermore, prison sentences and fines would apply in a case where violence, assaults, destruction or degradation of public property took place during the activity. Following protests by civil society organisations, the draft law was revised in April 2011 on the basis of the recommendations of an *ad hoc* committee in which civil society organisations took part. The latest draft, by which the exercise of the constitutional right to demonstrate freely on the public highway is subject only to the prior provision of information or declaration to the competent authority¹¹, was welcomed by the civil society as a progress for freedom of peaceful assembly¹².

In 2010, several demonstrations calling for the reinforcement of the rule of law and an improvement in living conditions, were banned and repressed by the government authorities. On June 22 and 23, 2010, members of the national police force brutally repressed spontaneous demonstrations where people living in some districts of Lomé were protesting against the increase of the cost of petrol products. One person was shot dead and several people were injured. Ninety-seven people were arrested before being released without charge on July 22, 2010 from the civil prison of Lomé¹³. In addition, on October 30, 2010, a peaceful protest march organised in front of the headquarters of the Network for the Development of the Masses Without Resources (*Réseau pour le développement des masses sans ressources* - ReDéMaRe)¹⁴ by the Christian Action for the Abolition of Torture – Togo (*Action des chrétiens pour l'abolition de la torture* - ACAT-Togo), the Togolese Human Rights Association (*Association togolaise des droits de l'Homme* - ATDH), the Togolese Association for the Defence and Promotion of Human Rights (*Association togolaise pour la défense et la promotion des droits humains* - ATDPDH), the Collective of Associations Against Impunity in Togo (*Collectif des associations contre l'impunité au*

11/ The competent administrative authority may only postpone or ban a demonstration on the grounds of a justified decision demonstrating the existence of a risk of serious disturbance of public order.

12/ The draft was adopted by the National Assembly on May 13, 2011. See LTDH.

13/ On June 23, the Minister of Security and Civil Protection published a press release stating that the demonstrator who died after a shot was accidentally fired by an agent who was guarding a bank and who was trying to break up the crowd that was coming towards the bank. The Minister subsequently called on the organisers to be more responsible in raising their members' awareness. See LTDH.

14/ ReDéMaRe is an economic interest group created in 2008, based on a new financial system that brings together members rather than savers and which mission is to reduce poverty.

Togo - CACIT), the Togolese Coalition of Human Rights Defenders (*Coalition togolaise des défenseurs des droits humains - CTDDH*) and the Togolese Human Rights League (*Ligue togolaise des droits de l'Homme - LTDH*), to demonstrate against the deterioration of the situation of human rights and fundamental freedoms in the country¹⁵, was brutally dispersed by the national security forces of the Togolese national police force, who used tear gas and beat up demonstrators, injuring many people. In accordance with the administrative provisions in force, on October 25, 2010, the organisers had notified the Ministers of Territorial Administration and Security, the competent authorities, about the event. However, when the demonstrators arrived at the rally location, they were surrounded by a large group of police agents. The organisers went up to the troop commander to request his supervision, but the latter informed him that the march had been banned and that he had been instructed to break it up. On November 5, 2010, a group of representatives of various organisations met Ms. Leonardina Rita de Souza, the Minister of Human Rights, Consolidation of Democracy and Civic Education, at her office. They presented their grievances and gave her a document gathering the demands that were at the time of the abortive march, so that she could pass them on to the highest authorities in the country. However, no favourable response was given to this initiative.

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
	Obstacles to freedom of peaceful assembly	Urgent Appeal TGO 001/1110/OBS 132	November 4, 2010

15/ In the light of the general and permanent ban on demonstrating on working days and in towns in the interior of the country, the regular repression of peaceful demonstrations, the cases of arrest and arbitrary detention, the interference of the executive power in judiciary functions, the persistence of impunity, the high cost of living in Togo and the revisionist statements of Mr. Abass Bonfoh, the President of the National Assembly. In fact, on September 16, 2010, in an interview with the fortnightly publication *Tribune d'Afrique*, the latter denied that deaths resulted from the events relating to the 2005 presidential election period and stated that he was unaware that a national fact-finding commission had acknowledged that there were hundreds of deaths.