

Togo 2016/2017

Security forces continued to use excessive force against demonstrators. Arbitrary arrests and detentions, torture and other ill-treatment, and impunity for human rights violations persisted. A law revising the Criminal Code was adopted to make torture not subject to prescription under Togolese law. Other legislative developments undermined the independence of the National Human Rights Commission and the right to freedom of association.

Background

In September, Togo ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Togo was examined under the UN Universal Periodic Review (UPR) process in October.¹ Concerns by UN member states included impunity and restrictions on freedom of expression and freedom of peaceful assembly. States also raised concerns about the failure of the authorities to guarantee free birth registration, which can undermine children's access to education, health care and other social services.

Excessive use of force

In January, police and gendarmerie officers threw tear gas canisters at the University of Lomé during a protest in which five students and three members of the security forces were injured.

In August, the security forces injured at least 10 people during a protest in Abobo-Zéglé. People were protesting against evictions from their land to make room for phosphate extraction. During the protest, security forces charged them with tear gas, batons and live ammunition. The community considered they had not received adequate compensation for their eviction.

Torture and other ill-treatment

In October, the National Assembly adopted a revision of the Criminal Code which defined torture in line with the UN Convention against Torture and made it an imprescriptible crime.

Cases of torture and other ill-treatment continued to be reported throughout the year.

In June, three police officers arrested Ibrahim Agriga at his home in Guerin Kouka. He was taken to a police station and beaten with batons on his buttocks and the soles of his feet to make him "confess" to a motorbike theft. He was released without charge after three days and filed a complaint with the tribunal of Guerin Kouka. No investigation was known to have been initiated at the end of the year.

Arbitrary arrests and detentions

The authorities continued to subject people to arbitrary detention, in particular those who expressed dissent.

On 1 April, Adamou Moussa and Zékeria Namoro were arbitrarily detained in Dapaong after they had called for justice for people killed during protests in Mango in November 2015; seven civilians and one police officer were killed. During their interrogation, the gendarmes accused Zékeria Namoro of sharing information on the human rights situation in Mango with journalists, diaspora groups and human rights organizations. The men were charged with “incitement to commit a crime” and released on bail on 6 September.

Five men remained in detention without trial in relation to the November 2015 demonstrations in Mango. There were concerns that they may be held solely because they were the organizers of the protest.

Seven out of 10 men convicted in September 2011 for participating in a 2009 coup plot, including Kpatcha Gnassingbé, half-brother of the President, remained in detention at the end of 2016.

Freedom of association

In April, the Council of Ministers adopted a bill on freedom of association which failed to meet international standards. It stated that “foreign or international associations” required prior authorization to operate in Togo. The law also provided that associations must respect national laws and morals. This could be used to discriminate against lesbian, gay, bisexual, transgender and intersex people, as sexual relations between consenting adults of the same sex remained a crime. The bill also provided that associations may be dissolved on the basis of a decision of the Council of Ministers or the Minister of Territorial Administration in the case of “foreign and international associations”. Finally, it granted tax incentives to associations which accepted increased government control over their objectives and activities.

Impunity

The climate of impunity for human rights violations persisted.

In March, a law was adopted on freedom to access to information and public documentation to facilitate greater transparency and accountability. However, in April, the National Assembly adopted a new Code of Military Justice which will fuel impunity as it gives military courts the power to investigate and judge ordinary criminal offences committed by military personnel, including rape and torture. The courts’ jurisdiction extended to civilians.

In March, the National Human Rights Commission published its report on the November 2015 demonstrations in Mango. Despite its conclusion that “a lack of professionalism of certain elements of the security and law enforcement forces and the insufficiency of the elements deployed” led to “an excessive use of force”, no member of the security forces had been brought to trial and none of the victims had received compensation at the end of 2016.

More than 11 years have passed since the deaths of nearly 500 people during the violence surrounding the presidential election of 24 April 2005, the authorities have taken no steps to identify those responsible for the deaths. Of the 72 complaints filed by the victims’ families with the Atakpamé, Amlamé and Lomé courts, none are known to have been fully investigated.

Legal, constitutional or institutional developments

In March, the National Assembly adopted a law enabling the President to appoint members of the National Human Rights Commission without parliamentary oversight. The law also established the National Preventive Mechanism – aimed at preventing and investigating cases of torture – within the National Human Rights Commission, raising concerns about its ability to function independently.

1. Togo: The participating states to the UPR review must call for the protection of the rights to freedom of association, peaceful assembly and expression in Togo ([AFR/03/5064/2016](#))