



TOGO: BRIEFING TO THE COMMITTEE AGAINST TORTURE 49TH SESSION, NOVEMBER 2012

INTRODUCTION

Despite repeated commitments made by the Togolese authorities over the last decade, the use of torture and ill-treatment remains a problem in the country. This is encouraged by the fact that the alleged perpetrators of these acts are almost never brought to justice and that victims rarely receive redress.

Amnesty International has documented numerous cases of torture and other ill-treatment of detainees during the early stages of detention. These acts of torture and ill-treatment are often committed by agents of the security forces in unofficial places of detention. The organization has also received numerous reports on detention conditions in Togolese prisons indicating that they amount to cruel, inhuman or degrading treatment.

Following the mobilization of the Togolese civil society and national and international non-governmental organizations, including Amnesty International, the Togolese authorities agreed in late 2011 to give the *Commission nationale des droits de l'homme* (CNDH, National Human Rights Commission) the mandate to investigate serious allegations of torture committed by members of the *Agence nationale de renseignement* (ANR, National Intelligence Agency), a body under the direct control of the head of State, President Faure Gnassingbé. But this apparent desire to shed light on these events was contradicted in January and February 2012 by the attempt to prevent the publication of the CNDH report that confirmed these allegations.

Following national and international protests, the Togolese authorities finally accepted the CNDH report and committed to implement its recommendations regarding the reform of the criminal justice and the prison system, the review of the CNDH status, the reorganization of the ANR and the fight against impunity.

These commitments are part of a broader program of modernization of justice supported by the United Nations Development Programme (UNDP) and the European Union (EU). The Togolese government also committed to fight against torture and end impunity for the perpetrators of these acts, during the 2011 Universal Periodic Review (UPR) conducted by the Human Rights Council.

These commitments occur in a tense political context as political parties and civil society are regularly denouncing the human rights violations perpetrated by security forces as well as the impunity they enjoy, with the connivance of the government.

While taking note of these commitments, Amnesty International is concerned that, as has happened in the past, these promises remain largely unheeded. In this document, the organization presents recommendations to the Togolese authorities to contribute to ending the scourge of torture that has been undermining the rule of law for

years in Togo. The full briefing *Togo. Communication au Comité contre la torture*, AI Index: AFR 57/005/2012 is available in French at <http://www.amnesty.org/fr/library/info/AFR57/005/2012/fr>

The next review of the Togolese periodic report by the Committee against Torture in November 2012 provides an opportunity for Togo to demonstrate its determination to implement without delay the commitments it has made to combat torture. If some commitments can take time and need financial and human resources, some measures can and should be carried out urgently, such as the suspension of any alleged perpetrator of an act of torture or putting an end to detention in unrecognized places.

RECOMMENDATIONS

Amnesty International urges the Togolese authorities to implement without delay their repeated commitments in order to effectively combat torture and other ill-treatment and to ensure the monitoring of measures implementing the CNDH's recommendations by national and international civil society organizations.

REFORMS

- Transpose Togo's international commitments into national legislation and more particularly ensure that torture is defined according to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter the Convention against Torture) and as a criminal offense.
- Improve prison conditions in line with international law and standards, including the UN Standard Minimum Rules for the Treatment of Prisoners.

COMBAT IMPUNITY

- Carry out investigations on all cases where people have died in custody and all cases of torture allegations or other ill-treatment during detention in accordance with the Convention against Torture.
- Remove from office any person who may be suspected of having committed, or participated in, serious human rights violations, until the allegations against them are subject to a prompt, in-depth, independent and impartial investigation, in accordance with international treaties.

COMBAT TORTURE AND OTHER ILL-TREATMENT

- Give clear instructions to ANR agents as well as to security forces (police and gendarmerie) to ensure that they always act in respect of international human rights laws; they must, in particular, respect the right to life and the absolute prohibition of torture and other ill-treatment, in accordance with international treaties.
- Ensure that prison staff, including those responsible for security and directors, receive appropriate training on human rights issues.
- Give clear instructions to judges reminding them of their obligations pursuant to the Convention against Torture, which provides that any statement which is established to be obtained by torture cannot be invoked as evidence in proceedings, except against those accused of committing acts of torture.

REDRESS FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS

- Ensure that all victims of human rights violations can benefit from all forms of redress, including measures of restitution, compensation, rehabilitation, satisfaction and guarantees that these violations will not be repeated. This redress should include an explanation of the events so that families can know what happened to their family member.

PREVENTION

- Ensure the implementation of the mandate of the National Preventive Mechanism without delay as recommended by the Optional Protocol to the Convention against Torture and provide adequate human and financial resources necessary for its proper functioning.
- Ensure that Togolese human rights organisations have an unrestricted access to all places of detention in Togo and can meet privately with detainees.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.