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- **Source:**
AI - Amnesty International
- **Title:**
Amnesty International Report 2015/16 - The State of the World's Human Rights - Togo
- **Publication date:**
24 February 2016
- **ecoi.net summary:** Annual report 2015/16 (covering 2015) [ID 319725]
- **Countries:**
Togo
- [Original link](#)

Recommended citation:

AI - Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Togo, 24 February 2016 (available at [ecoi.net](#))

http://www.ecoi.net/local_link/319725/445095_en.html (accessed 12 September 2016)



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Amnesty International Report 2015/16 - The State of the World's Human Rights - Togo

The authorities continued to restrict the freedom of peaceful assembly by banning demonstrations. The security forces used excessive force against peaceful demonstrators. Restrictions on the right to freedom of expression and arbitrary arrests and detentions persisted. A new Criminal Code was enacted. It criminalized torture but maintained homophobic provisions and introduced the charge of publishing, disseminating or reproducing false news which could be used to target journalists, human rights defenders and anyone expressing dissent.

Background

President Gnassingbé was re-elected for a third term in April with 58.8% of the vote. The opposition contested the results of the election.

In July, the National Assembly adopted laws to ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and the Arms Trade Treaty.

Excessive use of force

The security forces killed seven people and wounded at least 117 others, including pregnant women and children, in Mango in northern Togo, during demonstrations against the creation of a nature reserve in the area in November. One policeman was killed on 26 November in clashes with protesters who resorted to violence after security forces opened fire on peaceful demonstrators.¹ Gendarmes and the military fired live bullets at protesters on 25 March at a rally in the city of Gleï, 160km north of Lomé, the capital. At least 30 people, including a woman and a child, were wounded. Gendarmes and soldiers charged at a crowd of 100 students, shooting real bullets and hitting them with batons. Students had gathered spontaneously to protest against exams being held despite the academic curriculum having been disrupted by social movements throughout the year. The gendarmes and soldiers who used excessive force have not been brought to justice.

Freedom of assembly

The government continued to restrict freedom of peaceful assembly by arbitrarily banning demonstrations and detaining peaceful demonstrators. On 20 August, in Lomé, the security forces used tear gas to disperse a peaceful demonstration of 100 people protesting against the rise of the cost of living. The gendarmerie arbitrarily arrested the three protest organizers, including Kao Atcholi, a human rights defender leading the Association of Victims of Torture in Togo. They were detained for a day and released without charge.

Freedom of expression

On 29 July, the Criminal Court of Lomé found French national Sébastien Alzerreca guilty of disrupting public order on the basis of “misleading publications” he posted on social media commenting on the results of the presidential elections. He received a two-year suspended prison sentence and was banned from Togo for five years. The cultural centre Mytro Nunya, which he founded, was shut down. Sébastien Alzerreca left Togo in August.

Zeus Aziadouvo, a journalist who produced a documentary on prison conditions in Lomé, and Luc Abaki, director of private TV station La Chaîne du Futur which broadcast the documentary, were repeatedly summoned for questioning and asked to reveal their sources, including at the headquarters of the Research and Investigation Services and at the High Authority for Audiovisual and Communications on 18 and 26 August respectively.

Local media organizations reported websites, including social media sites, being blocked by internet providers in Togo shortly before and after the publication of the results of the presidential election.

Arbitrary arrests and detentions

On 25 April, the Community Court of Justice of ECOWAS ruled that Togo subjected Pascal Bodjona, a Togolese politician and former member of the government, to arbitrary detention. It ordered Togo to try Pascal Bodjona in a court of law and to pay him a compensation of 18 million CFA franc (approximately €27,440). Pascal Bodjona was arrested on 1 September 2012 and charged with fraud and complicity in fraud. He was released on bail on 9 April 2013, rearrested on 21 August 2014 on the same charges and has been in detention without trial since then.

Seven out of 10 men convicted in September 2011 of participating in a 2009 coup plot, including Kpatcha Gnassingbé, half-brother of the President, remained in detention throughout 2015. In November 2014, the UN Working Group on Arbitrary Detention stated that their detention was arbitrary and requested their immediate release.

Impunity

The climate of impunity for human rights violations persisted. Ten years after nearly 500 people died in political violence during 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.²

Legal, constitutional or institutional developments

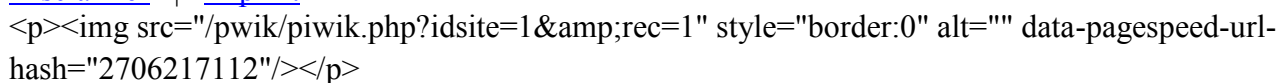
On 2 November, the National Assembly adopted a new Criminal Code. While the Code contains a number of positive human rights developments, including the criminalization of torture in line with international standards, certain provisions undermine freedoms of expression and assembly. The Code maintains homophobic provisions criminalizing sexual relations between consenting adults of the same sex. It criminalizes defamation and publishing false news, with these offences carrying prison terms. It reverses the requirement for peaceful assemblies from prior notification to prior authorization.

1. Togo: Les forces de sécurité ont tiré à bout portant sur des manifestants non armés à Mango ([News story](#), 11 December)
2. Togo: One decade of impunity: Five steps to end impunity ([AFR 15/1508/2015](#))

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