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TOGO

Time for accountability

**The pressing case for an
international commission of
inquiry**



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TOGO

Togo. Time for accountability

The pressing case for an international commission of inquiry

Introduction

On 5 May 1999, Amnesty International published a document entitled *Togo: Rule of terror* (AI Index: AFR 57/01/99) in which the organisation addressed the issue of serious human rights violations committed with complete impunity by the Togolese security forces. This report was the result of an in-country inquiry, carried out over three weeks, in November and December 1998, in both Togo and Benin. During this inquiry, the Amnesty International delegates met representatives of the Togolese Government as well as dozens of victims and witnesses, among whom were Togolese and Beninese fishermen.

This report describes the practice of arbitrary arrests and detentions followed by torture and ill-treatment, as well as deaths in detention and harsh detention conditions over the last four years. This document, the fourth since 1992 dedicated to human rights violations in Togo, emphasises that recourse to extrajudicial execution and "disappearances" in Togo is not new. The document concludes with a number of recommendations to the Togolese authorities and to external countries, including France. In relation to France, the organization insists that it recognise its responsibility with regard to the human rights crisis in Togo, in that military aid provided by France contributes to repression of the civilian population. As a result, the organization demands of France that it ensures that transfers of military, security and police equipment are not used against the civilian population and that all aid in this field includes a training programme on human rights issues.

This document was immediately described by the Togolese authorities as "*a tissue of untruths, false allegations, misinformation and bias inspired by the ill will of its authors*". On the day after publication of the report, the Togolese authorities announced their intention of taking legal proceedings against Amnesty International and proceeded to arrest several Togolese human rights defenders, including a member of Amnesty International's local section, suspected of having provided the information in the report.

The indignation of the Togolese authorities was not, in fact, directed at the whole of Amnesty International's 45 page report, but solely at the following paragraph:

"In June 1998, during the Presidential election campaign, and the after the results had been announced, hundred of individuals, including military personnel, were extrajudicially executed. Bodies were found on the beaches of Togo and Benin, and corpses were seen out at sea off the coast of Benin, over the course of four months.

During its mission of inquiry, the Amnesty International delegation was able to question numerous individuals, including Beninese and Togolese fishermen, as well as Togolese farmers working in the fields. Those questioned described unusual aeroplane and helicopter flights, sometimes at very low altitudes, out at sea."

On the whole, this information, as will be seen below, was not new, but it had received very little publicity. Independent observers, among whom were foreign journalists, also expressed serious doubts as to the accuracy of this information, expressing surprise that no-one had spoken of it at the time.

Some weeks later, hastening to the aid of the Togolese President, Ganssingbé Eyadéma, the Beninese Defence Minister, Pierre Osho, described the Amnesty International report as "*a grotesque, even stinking, fairy tale*". The President of France, Jacques Chirac, had no hesitation, on a visit to Togo in July 1999, in stating that the Amnesty International report was "*probably in large measure*", the result of "*a process of manipulation*".

The following document presents the result of certain inquiries, as well as the positions taken by journalists and human rights defence organizations who reacted to the information published by Amnesty International in May 1999. Some of these documents, published even before the Amnesty International report, confirm the information published by the organization. Others, originating with Beninese and Togolese journalists, give an account of intimidation or attempts at corruption allegedly undertaken by the Togolese authorities to silence witnesses or cover up evidence.

Five months after the publication of the Amnesty International report, several independent inquiries confirmed that dead bodies had been found on the beaches or seen off the coast of Benin. Refusing to pass judgement on the contentious facts before undertaking his own inquiry, a journalist from the French daily paper, *Le Figaro*, Patrick de Saint Exupéry, visited the location in June 1999 and collected testimonies from Beninese fishermen which confirm Amnesty International's information. What did these fishermen say to the French journalist? "*We can testify to the truth of the deaths. (...) The sea vomited bodies. (...) We wonder if there's a war going on over there. Because we found the dead bodies in a state of disorder*" (Annexe V).

To shed light on these serious allegations, an independent organization, the League for Human Rights Defence of Benin (LDH) undertook a long inquiry in the field lasting for over a month in June and July 1999. The results of this inquiry are telling. For the LDH "*there is no doubt that bodies have been discovered on the shores of Benin, at least one hundred of them out at sea.*" According to their report, several corpses were "*almost naked, in underpants*" and one of them was handcuffed and showed signs of torture. The Beninese fishermen, questioned by the LDH, also indicated that the appearance of bodies in the sea or on the beaches followed the

presence of planes "coming from the West, flying as far as Grand-Popo and then turning back" (Annexe VI).

In these circumstances, how is the silence about the existence of the bodies to be explained? In fact, there was not total silence. The US Department of State's 1998 report on Togo is very explicit about human rights violations in Togo. The text states specifically: "*As in previous years, the security forces were responsible for numerous extrajudicial executions*". In relation to "disappearances", the text mentions that "*reports have been received of mass burials in 1997 and 1998 near Lomé*" (Annexe III).

The State Department also describes the case of a doctor killed apparently after having worked on the case of communal graves: "*On the evening of May 15, Dr. Tona Pierre Adigo, a founding member of the Togolese League for Human Rights (LTDH) and of the opposition Togolese Union for Democracy (UTD) party, was killed and burned in his car on a street in Lomé, the capital. A witness reportedly claimed that security personnel stopped Adigo's car and that a military jeep left the scene as the car burst into flames. Adigo, a physician, previously had filed reports at variance with official explanations after conducting autopsies of bodies exhumed from mass graves. During the days preceding his death, according to credible reports, Adigo had received and ignored repeated official requests to go to Gendarmerie headquarters for an unspecified purpose. Government media reported that Adigo committed suicide by burning himself in his car*" (Annexe III).

On the subject of torture, the State Department's report confirms: "*The law prohibits torture and physical abuse of prisoners and detainees, but security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten and denied access to food and medical attention. Security forces also repeatedly beat demonstrators or opposition party members without arresting or detaining them. The Government did not publicly prosecute any officials for these abuses*" (Annexe III).

Moreover, two Togolese newspapers, *L'Aurore* and *Le Reporter* made reference, in August 1998, to bodies cast up by the sea (Annexes I and II). The newspaper *L'Aurore*, six months after the publication of the Amnesty International report, points out: "*Recently, something terrible has been happening on our shoreline. Dead bodies have been found there, cast up by the sea. One is of a fully clothed man, another of an individual whose head has been cut off. The discovery was also made of a man in uniform with his tied [sic] behind him, and of that of another tortured man tied up in a sack. All these bodies were found on the coast between Kpémé in Togo and Ayi Guinnou in Benin. It is strange that the authorities remain silent on these horrors. Observers continue to ask questions, noting that these macabre discoveries recall a type of atrocity characteristic of a period of terror which has marked our recent history*" (Annexe I).

It is false, therefore, to say that no-one spoke at the time the events occurred. If the Togolese press has appeared particularly timid in relation to bodies found at sea, it is for reasons made clear by a Togolese paper, in May 1999, in the following terms: *"We were thoroughly informed about the casting up of these corpses on the beach. But in the light of the threats to which we are subjected daily, we were obliged to censor ourselves and abstain from any investigation of this affair"* (Annexe IV).

Faced with the results of independent inquiries confirming the existence of bodies cast up by the sea and the refusal of Togolese journalists to act as surety for the present régime, the Togolese authorities seem to have increased their measures to intimidate witnesses and human rights defenders and their attempts to corrupt journalists.

To discredit the Amnesty International report, the Togolese authorities also appear to have pressurised, by threats or bribery, Beninese village heads to come and testify on Togolese television that no bodies had been found on Benin's beaches. This action aroused the anger of the local people who demonstrated in public, in June 1999, against an attitude which they considered to be dishonourable (See the Togolese weekly, *La Tribune Africaine*, of 22 to 28 June 1999 - Annexe IX). The local Beninese people even put forward a protest motion demanding that local area heads corrupted by the Togolese authorities "be comprehensively relieved of their duties" (Annexe X).

Another Beninese daily, *La Nation*, also undertook an investigation, in July 1999, and discovered that Beninese citizens had gone to testify in Lomé in exchange for banknotes (Annexe XI). The newspaper relates how *"the village heads were to be rewarded with two million F CFA after the accomplishment of their mission. Then began the campaign to dispute Amnesty International's declaration and to enrol other village heads in the trip to Lomé"* (Annexe XI).

Togolese television was also used to broadcast the "confession" of a human rights defender, Brice Sant'anna, who accused two other members of his organization, the Togolese Association for the Defence and Promotion of Human Rights (ATPDH), Nestor Tengué and François Gayibor, of having given information to Amnesty International. The three men were arrested on 3 May 1999 and released on bail after two and a half months of detention. They remain charged with *"attacking the reputation and the security of the State, spreading false reports, forgery and use of forgery"*.

The Togolese authorities set themselves against other human rights defenders. Being unable to attack directly Amnesty International's London-based organization, the Togolese authorities turned their activities to a member of the local section of the organization, Antoine Koffi Nadjombe, who was arrested on 14 May in Lomé. During his detention in national police headquarters, he was beaten and received death threats. Members of the security forces demanded that he make a public denunciation of Pierre Sané, Secretary General of Amnesty

International, specifying that the latter was the author of the report of May 1999 and that he had sided with opposition leaders to discredit the Togolese Government. He was also threatened with lethal injections if he refused to make this denunciation. Furthermore, his wife, Christine Adjoa, was warned that she would never see her husband alive again if he did not testify against Amnesty International. After a month's detention, Antoine Koffi Nadjombe was provisionally released, but he remains charged with criminal acts. Some days later, on 26 May, two members of the Togolese Section of Christian Action for the Abolition of Torture (ACAT) only just escaped arrest and took refuge abroad.

Other human rights defenders were also harassed because of their membership of Amnesty International. For example, Ameen Ayodele, a member of the Nigerian Section of Amnesty International was arrested at the border on 19 May 1999, and severely tortured for several days. He was released without charge. Amnesty International strongly protests at the arbitrary detention of these human rights defenders, which is entirely connected to the publication of its report. The organization demands that the charges against human rights defenders be dropped.

The Togolese authorities also sent emissaries to Benin to intimidate witnesses and destroy evidence. In July 1999, the LDH denounced the incursion of two colonels from the Togolese army on a mission in a Beninese village to pressurise the people from the Grand-Popo and Agoué areas. The Beninese organization emphasises: *"the police and the Togolese army tried to recover evidence kept by the local people, and had recourse to corruption"* (Annexe VII). This report was confirmed by the Togolese weekly paper, *Le Combat du peuple*, on 19 and 23 July 1999 (Annexe VIII). The paper makes clear that *"the people of Ayiguenou claim to have seen and buried bodies thrown up by the sea during the period specified by Amnesty International in its report"* and adds that *"the Togolese authorities would appear currently to be attempting to erase all evidence that would compromise them"* (Annexe VIII). Amnesty International does not know if this incursion of the Togolese colonels into Beninese territory was carried out without the knowledge or with the connivance of the Beninese authorities.

It would appear that several Beninese journalists were particular targets of attempts by the Togolese authorities to hide the truth of the massacres. These journalists appear to have received large sums of money from the Togolese Government to discredit the complementary reports of Amnesty International and of the Beninese Human Rights League. The Beninese daily paper, *Le Progrès*, described, in July 1999, this attempt to corrupt the Beninese press (Annexe XII). The Union of Journalist of the Benin Private Press (UJPB) denounced the attitude of those of their colleagues who had been corrupted (See *Le Point* of 23 August 1999 – Annexe XIII) and the Observatory for Good Practice and Ethics in the Media, a Beninese organization controlled by the press, strongly condemned the guilty journalists *"for having violated the rule which forbids journalists to receive money or any material advantage"* (See *Le Matin* of 6 September 1999 – Annexe XIV).

Threats, corruption, intimidation, the arrest of human rights defenders in Togo: the Togolese authorities have tried everything to impose silence and deny the reality of these massacres. Only an international commission of inquiry can dispel the doubts sown by the Togolese authorities. Amnesty International has been calling for such an international inquiry for some considerable time. It has repeated its appeal in its report of May 1999, and has requested the Togolese authorities to invite the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary executions, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances to Togo.

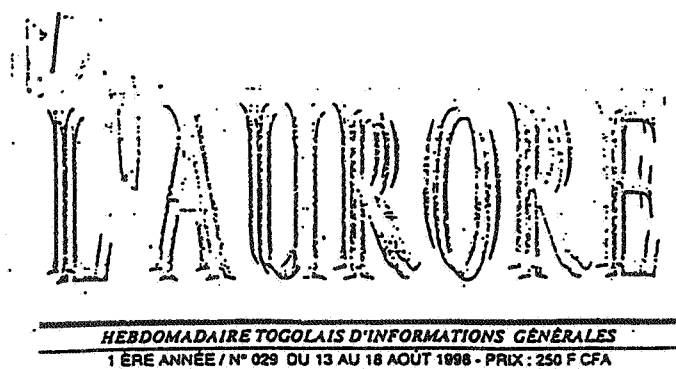
When Togo finally agreed in principle to the setting up of an international commission of inquiry, in July 1999, Amnesty International wrote to the President of Togo to remind him of the conditions that such an inquiry should fulfil to satisfy the criteria of independence and impartiality. In particular, the organization emphasised that *"members of the commission of inquiry should be chosen for their impartiality, ability and independence. They should not be closely associated with any government entity, political party, or other entity potentially implicated in the allegations of human rights abuse, nor with any organization or group associated with the victims"* (Annexe XV).

Being concerned to bring the truth to light, particularly about the bodies found in Benin, Amnesty International also requested the President of Benin, Mathieu Kérékou, in August 1999, to invite *"the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary executions, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances to come to Benin to investigate these serious allegations"* (Annexe XVI).

In August 1999, the Chairman of the United Nations Sub-Commission on Human Rights announced the setting up of a commission of inquiry into extrajudicial executions which, according to Amnesty International and other human rights organizations, took place at the time of the Togolese Presidential elections in June 1998. The Togolese Government, as it has undertaken to the Sub-Commission must "provide the international commission of inquiry with help and assistance so that it will be able to accomplish its task with competence and within a reasonable time in accordance with international norms" and must "take all appropriate measures to ensure that the competent authorities cooperate fully with the international commission of inquiry". According to a communiqué from the Togolese Government on 1 November 1999, the Togolese authorities, in a letter dated 20 October 1999, addressed respectively to the Secretary General of the United Nations and to the Secretary General of the Organization of African Unity (OAU), undertook to "examine in a practical manner all the measures that will enable the members of the international commission of inquiry to work effectively and with complete independence".

In order to illuminate the facts, this commission must be able to work with complete independence and impartiality. It will also be important to bear in mind the full contents of the

report of May 1999. But beyond the bodies found at sea, an evaluation must be made of thirty years of human rights violations committed with complete impunity. Only the truth will allow the Togolese people to come to terms with their own history. These issues will come before an international commission of inquiry. The matter is now urgent.



Article from L'Aurore 13-18 August 1998

The sea casts up corpses

Recently, something terrible has been happening on our shoreline. Dead bodies have been found there, cast up by the sea. One is of a fully clothed man, another of an individual whose head has been cut off.

The discovery was also made of a man in uniform with his arms tied behind him, and of that of another tortured man tied up in a sack. All these bodies were found on the coast between Kpémé in Togo and Ayi Guinnou in Benin. It is strange that the authorities remain silent on these horrors. Observers continue to ask questions, noting that these macabre discoveries recall a type of atrocity characteristic of a period of terror which has marked our recent history. After the fevered days from 5 October 1990 to the end of November 1990, and up to the eve of the Sovereign National Conference, numerous citizens' bodies, savagely tortured, mutilated and eroded with acid, were fished from the lagoon or found cast up on the beach by the ocean.

Among others the case of Togolese citizen Ahadji Augustin comes to mind. Horribly tortured and burned to death with acid, his body was fished from the lagoon in June 1991.

With the passing of time, these atrocities have been revealed as a sort of prelude to the great terror commencing after the National Conference and lasting until after the legislative elections of 1994. Now we must ask: is history about to repeat itself?

Sénéque

HEBDOMADAIRE

LE REPORTER

— des temps nouveaux —

N°14
Du 28/8/98
250 F



Oser penser, oser écrire

Insécurité et Violence

LA MER REJETTE ENCORE P. 7 DES CADAVRES

*Le Corps horriblement mutilé et arrosé d'acide
d'Augustin Ahadji découvert en Mai 1991 en face de
l'ancienne Ambassade d'Egypte* →



Photo d'archives

Article from *Le Reporteur* No.14 28/8/98

Insecurity and Violence

THE SEA THROWS UP MORE BODIES

[Photo caption] *The horribly mutilated and acid-burned body of Augustin Ahadji discovered in May 1991 opposite the former Egyptian Embassy*

Insecurity/Renewed violence in Lomé

TO ADD TO THE GRATUITOUS KILLINGS, THE SEA THROWS UP DEAD BODIES

For some time macabre discoveries have been made on the Togolese coast, extending as far as Ayi-Guénou in the Republic of Benin. Dead bodies are regularly being thrown up by the sea.

In the immediate past, a full-dressed man was discovered near Kpogan. Another, with his hands tied, was found close to Kpémé. As recently as last week, a body in an advanced state of decomposition was found near the village of Agowoudou. It was quickly buried.

Questions are being asked about this continuing situation which has, as yet, received no explanation. Furthermore, it bears an uncanny similarity to the situation prevailing in Togo at the beginning of the 1990s. It will be remembered that after the popular uprising of 5 October 1990, Lomé, the capital, was subjected to a dreadful cycle of violence. During this period the Togolese people mourned and buried quantities of their dead. From the Be lagoon to Fréau Square, by way of Gbonvié, Soudou and not forgetting Bodje and Be Massahouin, the violence bore down hard. In under two weeks, several individuals paid the price and lost their lives. The case of Madame Assagba Confort, attacked by men in fatigues remains vivid in people's minds (cf *Le Reporteur* no 12). We recall, in addition, the case of Madame Messan Ayaba killed by two individuals armed with silencers on 16 August at Hédjranawoé and also that of the Hindu, Kewarbramani, killed at his place of residence on Wednesday 19 August.

The toll is therefore high and the picture very sombre. All these mysterious murders added to the bodies thrown up by the sea are enough to indicate that Togo has once again returned to the state of organised insecurity in which it began the decade. People are now asking is this situation is not a return to tragedies like that of the Togolese citizen, Ahadji Augustin, horribly tortured and burned with acid, whose body was thrown up by the sea in 1990.

J.T.Hodabalo

COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES FOR 1998—VOLUME I

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND THE

COMMITTEE ON INTERNATIONAL
RELATIONS

U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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between the hours of 6 a.m. and 6 p.m. with some exceptions. Ministry of Labor and Social Welfare and Youth Development is responsible for enforcement, but the number of inspectors is inadequate to police conditions. The effectiveness of government enforcement reportedly has declined with increased privatization. Approximately 3,000 to 5,000 children engage in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally receive lower wages than their older counterparts, although they may be in comparable jobs. Work on sisal and tobacco plantations is particularly hazardous and detrimental to children. From 14,000 to 3,000 children work in unregulated gemstone mines. Girls often are employed as domestic servants, mostly in urban households under abusive and exploitative conditions. In the informal sector, children assist their parents in unregulated piecework manufacturing.

The Constitution does not specifically prohibit forced or bonded child labor, and there were reports of children forced into prostitution by their parents or their guardians (see Section 6(c)).

e. Acceptable Conditions of Work.—There is a legal minimum wage for employment in the formal sector. The UFTU often negotiates higher minimum wages with individual employers, depending on the financial status of the business. The legal minimum wage is \$26 (17,500 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate may not always be sufficient to provide a decent standard of living for a worker and family, and workers must depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, are paid less.

There is no standard legal workweek. However, a 5-day, 40-hour workweek is in effect for government workers. Most private employers retain a 6-day, 44- to 48-hour workweek. In general women may not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. An occupational health and safety factory inspection system, set up with the assistance of the ILO, is managed by the Ministry of Labor and Social Welfare and Youth Development. However, its effectiveness is limited.

UFTU officials have claimed that enforcement of labor standards is effective in the formal sector, but no verification studies have been performed. Workers may sue an employer through their UFTU branch if their working conditions do not comply with the Ministry of Labor's health and environmental standards. Workers making such complaints have not lost their jobs as a result. However, workers do not have the right to remove themselves from dangerous situations without jeopardizing their employment. Labor standards are not enforced in the informal sector.

TOGO

Togo is a republic dominated by President Gnassingbe Eyadema, who has ruled since 1967, when he came to power in a military coup. Although opposition political parties were legalized following widespread protests in 1991, Eyadema and his Assembly of the Togolese People (RPT) party, strongly backed by the armed forces, have continued to dominate the exercise of political power. Eyadema used his entrenched position to repress genuine opposition and to secure another 5-year term in an election held on June 21, which, like previous multiparty elections, was marred by systematic fraud. Serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions recently established ostensibly to accomplish this transition, did not do so in practice. For example, when the recently created independent National Electoral Commission disbanded rather than declare Eyadema the winner of the June 21 election, the new Constitutional Court did not challenge the Interior Ministry's announcement that Eyadema had been reelected, even though the Court ruled that the Ministry had usurped the Commission's exclusive legal authority to validate election results. Eyadema and his supporters maintain firm control over all facets and levels of the country's highly centralized government and have perpetuated the predominance of northern ethnic groups including Eyadema's Kabyle ethnic minority throughout the public sector, especially in the military. The RPT continues to hold a majority in the National Assembly, and the executive branch continues to influence the judiciary.

The security forces comprise the army (including the elite Presidential Guard), navy, air force, the Sûreté Nationale (including the national police), and the Gendarmerie. Approximately 90 percent of the army's officers and 70 percent of its soldiers

came from the Kabyle ethnic community. Although the Ministry of the Interior is in charge of the national police, and the defense minister has authority over most other security forces, all security forces effectively are controlled by President Eyadema. Members of the security forces continued to commit serious human rights abuses.

About 80 percent of the country's estimated population of 4.25 million is engaged in widespread subsistence agriculture, but there is also an active commercial sector. The main exports are phosphates, cotton, and cocoa, which are the leading sources of foreign exchange. Recorded per capita Gross Domestic Product remains less than \$400 a year. Although economic growth has resumed since a large currency devaluation in 1991, it slowed sharply during the year. Growth continues to be impeded by a large state-owned sector, high levels of spending on the security forces, and widespread corruption. Most major bilateral donors have suspended their aid due to the Government's poor human rights record, and some international financial institutions have also halted financial assistance to the Government.

The Government's human rights record continued to be poor. The Government restricted citizens' right to change their government. Security forces were responsible for extrajudicial killings, beatings, and arbitrary arrests and detentions. The Government did not, in general, investigate or punish effectively those who committed such abuses, nor did it prosecute openly those persons responsible for extrajudicial killings and disappearances in recent years. Prison conditions reportedly remained very harsh, and prolonged pretrial detention was common. The Government continued to influence the judiciary, which did not ensure defendants' rights to fair and expeditious trials. Some detainees wait years to be judged. Security forces infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention to harass journalists and political opponents. Intimidation by the Government and youth groups reported to be ruling RPT party supporters limited freedom of assembly. The Government restricted freedom of association. Security forces restricted freedom of movement. The National Commission for Human Rights (CNHR) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Societal discrimination and violence against women, female genital mutilation (FGM), and trafficking in children remained problems. Discrimination against the disabled persists. Ethnic and regional tensions and discrimination contributed to political violence. Forced labor by children remained a serious problem. Some persons were killed in mob violence related to political and regional ethnic differences.

In October the National Assembly enacted a law that prohibited female genital mutilation; however, the Government had not brought any prosecutions under it to court by year's end. In February the National Assembly enacted a new press code, which, although still highly restrictive, reduced the prison terms and fines for journalists convicted of criminal libel. In September the Government created a new Ministry for the Promotion of Democracy and the Rule of Law.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Political and Other Extrajudicial Killing*—As in previous years, members of the security forces repeatedly committed extrajudicial killings. However, the responsibility and motives for many extrajudicial killings remained uncertain.

Extrajudicial killings, primarily of criminal suspects, by the security forces continued. The bodies of 10 men in military uniform were brought to the Lomé morgue after extensive gunfire in the vicinity of the port during the early hours of April 6. There were credible reports that the shooting was part of an operation to cover up a narcotics trafficking ring that included some government officials. Up to 30 persons allegedly were killed, with many bodies taken to a mass grave outside Lomé.

On the evening of May 15, Dr. Tona Pierre Adigo, a founding member of the Togolese League for Human Rights (LTDH) and of the opposition Togolese Union for Democracy (UTD) party, was killed and burned in his car on a street in Lomé, the capital. A witness reportedly claimed that security personnel stopped Adigo's car and that a military jeep left the scene as the car burst into flames. Adigo, a physician, previously had filed reports at variance with official explanations after conducting autopsies of bodies exhumed from mass graves. During the days preceding his death, according to credible reports, Adigo had received and ignored repeated official requests to go to Gendarmerie headquarters for an unspecified purpose. Government media reported that Adigo committed suicide by burning himself in his car.

APPENDIX III

members without arresting or detaining them. The Government did not publicly prosecute any officials for these abuses.

In January Gendarmes in Kpeme beat clothing merchant Dede Kpeti after she was accused of stealing \$100 from another merchant. Kpeti suffered a fractured wrist and bruises on her back. The National Human Rights Commission (CNDDH) recommended that the Government reimburse Kpeti for her medical expenses. The gendarme responsible for Kpeti's injuries reportedly compensated her.

On January 19, gendarmes entered the campus of the University of Togo in Lome and beat students (see Section 2.b). Among those beaten was Melesseuon Edeh, president of the National Union of Togolese Students and Interns, which had refused to endorse a communiqué calling on students to end a strike and return to class. Edeh also suffered a fractured spine and arm after falling from a second-story dormitory window (see Section 2.a). The Government threw the injured student leader to Côte d'Ivoire for medical treatment.

CAR party member Koffi Agbebe stated that while he was detained in Sokode and Lome from February 7 to February 23, gendarmes beat him repeatedly with sticks and rods (see Section 1.d).

On March 31, Gendarmes beat Clement Nyamikor, a UFC party officer from Bado, whom they had detained on suspicion of holding clandestine meetings and harboring weapons.

On June 21, commandos welding batons beat demonstrators in the town of Sokode who were protesting the Interior Ministry's announcement of Eyadema's reelection.

On June 25, Gendarmes entered the headquarters of the UFC party in Lome and beat persons inside with batons, causing five persons to require medical attention.

On June 26, security forces in Lome used batons as well as tear gas to disperse 4,000 demonstrators who were protesting the Interior Ministry's announcement of Eyadema's reelection. At least 20 persons reportedly were injured, 12 injured demonstrators were observed in a single local clinic.

In July Gendarmes reportedly beat and tortured three opposition party activists who were preparing to distribute leaflets asking the public to participate in a 1-day general strike to protest Eyadema's disputed reelection (see Section 3).

On May 30, September 8, and September 21, armed men forcibly entered the Lome residence of Nanghenakope Gbekedon, a member of the National Assembly and the CAR party. On each occasion, the intruders sprayed the house with bullets and terrorized the occupants. Gbekedon said that he was told by security force officers investigating one of these incidents that the kind of cartridges left behind was used by the armed forces. The case was under investigation at year's end.

On January 9, youths beat and severely injured opposition CAR party officer Alphonse Behum in Papoula. On January 10, uninformed youths beat another CAR member who had notified the prefect of Kouah of Behum's beating (see Section 2.b). In February three RPT youths in Kouah prefecture abducted and beat CAR party activist Koffi Sewuon.

On April 6, two men ambushed Albert Atsakpa, an Action Committee for Renewal (CAR) party official, as he rode his motorcycle between Kpalime and Lome. According to the account in an opposition newspaper, one of the assailants warned Atsakpa, "Stop or I shoot you. You stop here your political activities." Atsakpa was shot once in the thigh with a homemade gun before his aggressors escaped.

In November RPT youth beat opposition activists in Gando. In August a gendarme and several men in civilian clothes in Lome beat a fisherman who attended UFC party rallies (see Section 3).

On August 17, explosions damaged the house of an official of the Party for Democracy and Renewal (PDR) in Bafilo, a town in the northern region, and the PDR's prefectural office in Sokode, a town in the central region.

In September a group of armed men tortured and killed a local CAR party leader (see Section 1.a).

Prison conditions reportedly remained very harsh, with serious overcrowding and inadequate sanitation and food. Medical facilities are practically nonexistent, and disease is widespread. Despite these problems, there were no reported deaths of prisoners due to disease or inadequate medical facilities for the second consecutive year. Prison guards in the overcrowded civil prison of Lome charge prisoners a small fee to shower, use the toilet, or have a place to sleep. The children of convicted adults often are incarcerated with them. Women are housed separately.

President Eyadema ordered the release of 326 common criminals during the year. Although international and local private organizations have access to prisons for monitoring purposes, the ICRC did not visit the prisons during the year. *Arbitrary Arrest, Detention, or Exile*—Arbitrary arrest and detention remain problems. The law allows authorities to hold arrested persons incommunicado with-

On June 2, a law enforcement officer attempting to stop a taxi at a checkpoint in Lome shot and killed Ayile Akakpa, a child passenger. The case was still under investigation at year's end.

On August 16, security forces in armored vehicles deployed in the largely pro-opposition Koufouakope neighborhood of Lome fired on the residence of UFC Secretary General Jean Pierre Fabre, killing at least two persons. Although the Government justified this deployment as a response to a raid by armed opposition forces based in Ghana on government facilities at Allao on the Ghanaian border, the Government's account of the raid could not be verified, and opposition leaders dismissed the alleged border attack as a ruse to justify deploying the army in the capital (see Sections 1.f and 3).

On September 29, a group of armed men shot and killed Koffi Mathien Kogbe, a local leader of the opposition Action for Renewal Committee (CAR) party at his home in the village of Dohpohue in southeastern Togo. Kogbe's assailants reportedly stripped and tortured him in front of his family before killing him, then stole several household appliances, a generator, and a motorcycle. National CAR leader Yawovi Agbeyibo reportedly suggested that RPT politician member Agbeyome Kodjo may have ordered the attack in anticipation of National Assembly elections scheduled for February 1999 (see Sections 1.f and 3). The killing was under investigation at year's end.

There were no new developments in the 1997 deaths in detention of Dossah Danklan and Aghodjinshe Yakamou, or the 1997 killings of Apeise Koffi Edeh and Kouman Hadia Pomeavou. The 1997 killing in Ghana of former diplomat Ferdinand Rountind also remained unsolved. There was also no progress in the cases of the 1996 deaths of Captain Philippe Azoite, Anthony Dogbo, Woenigbo, Amouzou Adagly, and Kouklayi Yebesse. Nor were there further developments in the 1995 killing in Ghana of former government official Ehs Aweyan and opposition leader Lieutenant Vincent Djenna Tobofo. The 1994 killing of National Assembly member Gaston Edeh, or the 1992 killings of National Assembly members Marc Atindepe and Pavo Amorin. The Interparliamentary Union's Human Rights Committee recommended in January that the Government pay \$20,000 to the family of each of the three legislators. In June the Gendarmes held a press conference at which Drab Kouman, a Togolese with no known political affiliation, stated that an acquaintance in Ghana had instructed him to recruit Edeh's killers in exchange for \$1,900 (500,000 CFA Francs), a passport, and an airplane ticket to Germany. Human rights advocates regard the confession as not credible.

Captain Baudouin Bakab, the Deputy Director General of Customs, was injured and his bodyguard killed on March 3 by hit-men gunmen who ambushed Bakab outside his residence. Bakab Bakab, a businessman and nephew of a prominent RPT personality, was shot and killed outside his home by several men on March 31. A pro-government newspaper blamed Bakab's killing on Ghana-based thugs, while the opposition speculated that both the Bakab and Bakab incidents were part of a settling of scores within the ruling party. The Government's failure to explain incidents such as these created suspicion that elements of the security forces were involved.

On June 26, shortly after the Government announced Eyadema's reelection, violence between opposition and government supporters in Allapan, 10 miles east of Lome, resulted in the hospitalization of four persons, one of whom died, hospital sources reportedly indicated.

On August 29, trade unionist Loman Dounmougue was shot and killed inside his home in Lome in a manner similar to that used in executions. Dounmougue was the Deputy Secretary General of the National Association of Independent Unions of Togo, a pro-opposition labor federation which called for a general strike in 1992. As of year's end, the Government had not arrested or charged anyone in connection with this killing.

b. Disappearance—There were no specific reports of politically motivated disappearances. However, there were reports of mass burials in the vicinity of Lome both in 1997 and 1998.

There were no developments in the 1991 disappearance of David Bruce, a high-level Foreign Ministry employee sympathetic to the opposition, or in the disappearance of Alangpiledo Essila, Adimou Igle, Kouman Kouman, and another companion, all four of whom were arrested by soldiers at an armed security checkpoint in Adokope in 1991. In 1991 the Government began an investigation of the Bruce disappearance but has not reported any results.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment—The law prohibits torture and physical abuse of prisoners and detainees, but security forces often beat detainees immediately after arresting them. Some suspects have claimed credibly to have been beaten and denied access to food and medical attention. Security forces also reportedly held demonstrations or opposition party

There were no reports of political prisoners.

There have been no developments in the case of members of the radical opposition group M03, who were convicted and sentenced to prison for the 1991 attack on a state-owned electrical station. Although the crime appeared to have been politically motivated, the state prosecutor did not apply the December 1991 general amnesty law to this case, and they are still in prison.

C. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Security forces repeatedly infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences. In political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for dissidents' arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints exist throughout the country, and security forces arbitrarily interfere with privacy by searching vehicles, baggage, and individuals in the name of security.

Once in May and twice in September, armed men entered the residence of a CAR party National Assembly member and terrorized the occupants with gunfire. The bullets used reportedly were the type used by the armed forces (see Section 1.c.).

On August 1, Gendarmes raided the Akodessewa shanty town neighborhood in Lomé, ostensibly searching for arms caches and rebel hideouts. Using crowbars, clubs and axes, the Gendarmes destroyed hundreds of the makeshift dwellings of Lomé's poorest residents.

On August 16, the home of a U.N. Children's Fund official in Lomé was damaged heavily by rampaging soldiers.

In August security forces ransacked the homes of UFC party leaders throughout the country. On August 16, members of the security forces in armored vehicles deployed in the largely pro-opposition Kodjokope neighborhood of Lomé fired on the residence of UFC Secretary General Jean Pierre Fabre, damaging several houses as well as killing at least two persons (see Section 1.a.).

On August 17, a residence owned by PDD president Zafoun Ayevea was ransacked, and security forces searched the home of UFC officer André Kuevi in Lomé and of the UFC's regional officer in Kpalime.

The Government is widely believed to monitor telephones and correspondence, although no proof of this has been produced. The police and gendarmes perform domestic intelligence functions. The Government maintains a system of informers on the university campus.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricts these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and Gendarmes frequently harassed newspaper vendors. Advertisers often were intimidated as well.

However, despite government interference, there is a lively private press, most of which is heavily politicized and some of which is often highly critical of President Eyadéma. As many as 16 private newspapers published with some regularity, compared with 8 in 1997. The country's only daily newspaper, *Togo-Press*, is owned and controlled by the Government, although a private Lomé-based biweekly newspaper, *Crocodile*, published daily during much of the year.

In January the National Assembly adopted a new Press and Communication Code. Article 1 declares that the media are free, most of the remaining 108 articles, some of them the subjects of strenuous objections by opposition legislators, restrict media freedom. Article 62 makes the intentional publication of false information a criminal offense, punishable by fines of \$300 to \$1,800 (500,000 to 1 million CFA Francs). Articles 90 to 98 make defamation of state institutions or any member of certain classes of persons including government officials a crime punishable by imprisonment for up to 3 months and fines of up to \$1,000 (2 million CFA Francs). Article 89 makes it a crime, punishable by up to 3 months in prison for a second offense, to "offend the honor, dignity or esteem" of the President and other government leaders. The new law retained the previous code's provisions that editors and publishers, including legislators with parliamentary immunity, are liable for crimes committed through the press. The Togolese Union for Democracy and CAR party legislators charged that the new code violated the constitutional right to free expression. However, the new Press Code is less repressive than the 1990 press code that it replaced, in that it reduced the sentences to be imposed on journalists convicted of criminal libel.

out charge for 48 hours, with an additional 16-hour extension in cases deemed serious or complex. In practice detainees can be, and often are, detained without bail for lengthy periods with or without the approval of a judge. Family members and attorneys officially have access to a detainee after the initial 48- or 96-hour detention period, but authorities often delay, and sometimes deny, access.

Judges or senior police officials issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignore this right. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and afford an oral hearing. However, a shortage of judges and other qualified personnel, plus official indifference, have resulted in lengthy pretrial detention in some cases several years, and confinement of prisoners beyond their sentences. An estimated 50 percent of the prison population were pretrial detainees. The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opponents and journalists for alleged defamation of government officials (see Section 2.a.). The Government has at times resorted to false charges of common crimes to arrest, detain, and intimidate opponents.

On January 19, while dispersing student demonstrations on the campus of the University of Benin in Lomé (see Sections 1.c. and 2.b.), security forces arrested 11 students and detained them for 9 days before releasing them on orders from President Eyadéma.

On February 7, the Gendarmes in Sokode arrested Kodji Agblebe and two Librarian friends after Agblebe produced a CAR party membership card during a routine check of his identity papers. The three men were detained, interrogated and allegedly beaten in Sokode and Lomé until February 23, when they were released (see Section 1.c.).

On June 26, police reportedly arrested an unknown number of persons during house-to-house searches in the pro-opposition Be and Kodjokope neighborhoods of Lomé and detained them for unknown periods.

In July security forces arrested three UFC members who were passing out leaflets urging the public to stay at home to protest the fraudulent presidential election. At first, the Government charged Yvon Nasson Atigble, Ghangube Kodjo Adjawum, and Alson Abaya, with violating the press code, but later it withdrew the charge. The UFC made the three detainees release a precondition for UFC participation in government-opposition talks on national reconciliation. The Government released the three men on December 12 (see Sections 1.c. and 3f.).

Members of the security forces arrested and detained journalists without charging them with any offense (see Section 2.a.).

There were credible reports that Togolese government agents in Ghana, sometimes pretending to be refugees, repeatedly have induced Ghanaian police to arrest Togolese refugees and to deliver them to Togolese security forces at the border without due process of law and reportedly without the knowledge of senior Ghanaian security officials. Fifteen refugees reportedly were forcibly repatriated from Ghana in this manner on December 31, 1997.

Pharmacist Bazouza Gaudi, a founding member of the Togolese Association for the Struggle against the Manipulation of Conscience (ATMCC), and 11 other persons have been detained since November 1997. They were arrested in Sokode following riots in the wake of the death of Djoba Boukari, Gaudi's relative and a cofounder of the ATMCC. Gaudi was transferred to Kara prison on April 4. Gaudi is charged with having killed two persons suspected of having poisoned Boukari.

The Constitution prohibits exile, and the Government respects this prohibition *e. Denial of Fair Public Trial.*—Although the Constitution provides for an independent judiciary, in practice the executive branch continued to exert control over the judiciary. The Government established a Supreme Council for the Magistrature in 1997. A majority of its members are strong supporters of President Eyadéma.

The Constitutional Court, established in 1997, stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed.

The court system remained overburdened and understaffed (see Section 1.d.). Magistrates, like most government employees, are not always paid on time. The judicial system employs both African traditional law and the Napoleonic Code in trying criminal and civil cases. Trials are open to the public, and judicial procedures generally are respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which is the starting point for cases in urban areas.

There is no prepublication censorship of private print media in law or practice. However, security forces repeatedly detained private print media journalists (see Section 1 d) and interfered with the distribution of private newspapers.

On August 6 and 7, the Government arrested and detained journalists of three private newspapers based in Lomé: Famphile Gnimassou, editor of *Abito*; Augustin Assahou, editor of *Togo Togo*; and Houkandji Elbas, reporter for *Nouveau Combat*. The three were accused of slandering the President and his wife by publishing reports alleging that the widow of the late President Mobutu of then-Zaire had asked the Togolese first lady, Blandine Eyadéma, to return trunks of jewelry that disappeared in Lomé while Mobutu was on his way into exile after being overthrown in 1997. *Nouveau Combat* also alleged that President Eyadéma had written to French President Jacques Chirac to "beg" for a letter of congratulations on his controversial June election victory. Assahou was detained for 2 days and Gnimassou for 6 days. Houkandji was detained for 18 days by the Gendarmerie before being transferred to the main prison on August 25 to await trial. Houkandji remained in custody at year's end.

On August 14, Messan Lucien Dossou, publisher of *Le Combat du Peuple*, was arrested and detained for several hours. Dossou was arrested again on September 1 and kept for 48 hours at police headquarters. The authorities did not have an arrest warrant and did not file charges.

On October 21, Apollinaire Mewenmese, editor/publisher of a usually pro-government Lomé-based newspaper, *La Dépêche*, was arrested and charged with defamation of the armed forces in connection with his authorship and publication on October 15 of an article attributing various armed robberies to off-duty soldiers, gendarmes, and police. All charges against Mewenmese were dropped on December 3, midway through his trial, which had started on December 1. On December 4, Mewenmese apologized to President Eyadéma on government television for his "unprofessional" article.

On August 20, it was reported that members of the Presidential Guard seized and destroyed copies of the newspaper, *Cronicle*, and other private publications on sale at a major intersection in Lomé. On August 21, members of the Presidential Guard returned to the same location, beat newspaper vendors and chased them away. Security forces also confiscated all the copies they could find of the October 15 issue of *La Dépêche*, containing an article that attributed various robberies to off-duty members of the security forces.

Since newspapers and television are relatively expensive, radio is the most important medium of mass communication. In addition to two government-owned stations including Radio Lomé, there are 11 private radio stations in the country. Two of these, Radio Avenir and Galaxy FM, are associated with the ruling RPT party.

Prior to the adoption of the new Press Code, the Government did not permit private radio stations to broadcast news programming. Some private radio stations recently began to broadcast some domestic news, but private radio offered little of the political commentary and criticism of the Government that is widespread in the print media. Africa No 1, which domestically retains its programming broadcast from Gabon, canceled an August 1 interview with opposition leader Gilchrist Olympio, allegedly at the request of the Government.

The only domestic television station, Television Togo, is owned and controlled by the Government. There is also one private company that domestically retransmits foreign television programs broadcast by satellites.

The Government was not known to restrict access to the Internet. There were 12 Internet service providers in the country at year's end. Most Internet users were businesses rather than households.

The official media, consisting of two radio stations, one television station, and one daily newspaper, generally slanted their programs in favor of the President and the Government. The High Authority for Audio Visual and Communications (HAAC) is charged with providing the equal access to state media mandated by the 1992 Constitution. Although the HAAC is nominally independent, in practice it operates as an arm of the Government; it is filled with Eyadéma supporters and has not increased opposition access to government media.

During the presidential election campaign, media coverage remained skewed in President Eyadéma's favor, according to reporters Sans Frontières (RSF) surveys. In June, during the election campaign, the security forces wrote an open letter to the HAAC complaining that the opposition was attacking and insulting them. The letter warned the opposition not to provoke the military further. The official media's coverage of the presidential campaign improved slightly during its final week, due mainly to the efforts of the RSF to document the huge inequities in the time afforded opposition candidates.

At the University of Benin, the country's sole university, academic freedom is constrained by concern among professors about potential harassment by the Government or antiopposition militants and the lack of a faculty elected rector. Opposition student groups are intimidated by an informer system that has led in the past to government persecution. The only recognized student groups, Hacamé and Ugesto, are pro-Eyadéma. Security forces violently restricted freedom of assembly on the university campus (see Sections 1 c and 2 b).

b. Freedom of Peaceful Assembly and Association—Under the Constitution, citizens are free to assemble; however, the Government restricts this right in practice. Although opposition political parties usually were able to hold public meetings in Lomé, the capital, the Government systematically restricted the freedom of its political opponents to assemble in the central and northern regions. Government officials prohibited—and security forces forcibly dispersed—some public demonstrations critical of the Government.

In January gendarmes forcefully broke up a meeting of university students who had gathered to discuss the Government's plan to reinstate their study grants. Students had been striking since December 9, 1997 over nonpayment of study grants. Gendarmes chased the students across camps and into dormitories. Melessemou Edoh, President of the National Union of Togolese Students and Interns, suffered a fractured spine and arm after falling from a second-story dormitory window (see Section 1 c.) Edoh's organization had refused to sign a communiqué calling on students to return to class. Security forces detained 11 students for 9 days (see Section 1 d.).

In February the Minister of Interior banned political rallies during the period when voter lists were being updated; however, this ban was not applied to pro-Eyadéma demonstrations (see Section 3). Government officials in the central and northern regions systematically banned and harassed both public and private meetings of opposition party members, effectively forcing opposition party members to meet and conduct party business clandestinely. For example, the prefect of Togo, in the northern region, prohibited the UFC party from holding a rally in Dapaou on February 28, and threatened to seize and wreck a UFC official's private vehicle. The prefect in Sokodé banned an opposition party, the African People's Democratic Convention, from using the municipal stadium for a rally on March 22. The prefect of Blitta reportedly ordered a local restaurant closed after it hosted a meeting of UFC supporters. On March 31, gendarmes detained and beat Clement Nyanikon, a UFC officer in Hédou, whom they suspected of holding clandestine meetings. On March 7, Eyadéma supporters armed with rocks and clubs attacked and disrupted a meeting of CAR party officers in Zio prefecture, beating and injuring CAR member Kossi Sahana.

On June 21, commandos wielding batons beat demonstrators in the town of Sokodé who were protesting the Interior Ministry's announcement of Eyadéma's reelection (see Section 1 c.).

The Interior Minister banned a June 26 street march in Lomé called by opposition UFC presidential candidate Gilchrist Olympio to protest President Eyadéma's fraudulent reelection. Security forces used clubs, tear gas, and gunshots in the air to disperse roughly 4,000 persons who defied the ban, reportedly causing about 20 persons to be hospitalized with minor injuries. Security forces arrested and detained an unknown number of demonstrators (see Sections 1 c. and 1 d.).

However, many opposition rallies, protest marches, and sit-ins were well-attended and incident-free. During the presidential election campaign, a temporary 1,000-member "mobile security force" of gendarmes and police effectively and impartially secured polling places, protected all presidential candidates, and thwarted attempts to disrupt or provoke violence at political rallies.

Under the Constitution, citizens have the right to organize in associations and political parties; however, the Government restricted this right in practice. Prior to the June 21 presidential election, the Government generally respected this right in Lomé. However, government officials restricted the operations and activities of opposition parties in the central and northern regions even before the election.

On June 25 and 26, gendarmes entered the headquarters of the UFC party in Lomé and beat persons inside with batons, causing five persons to require medical attention (see Section 1 c.). On August 17, armed vehicles deployed in the largely pro-opposition Kadjoakope neighborhood of Lomé fired on the residence of the largely pro-opposition General Jean-Pierre Fabre (see Section 1 a.).

Few opposition party offices and no pro-opposition newspapers operate in most towns in the central and northern regions. The CAR and UFC closed their offices in Sokodé after government officials repeatedly harassed and threatened the owners of the buildings in which they were located.

used the strength of the military and his government allies to intimidate and harass citizens and opposition groups. Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs.

The second multiparty presidential election of Eyadema's 31-year-long rule was held on June 21. This was a first-round election in which six candidates including the incumbent competed, absent a majority for any candidate in such an election, the Constitution requires a second election between the two candidates receive the most votes. The Government limited campaigning to a period of 2 weeks, beginning on June 6.

On June 24, the Interior Ministry declared President Eyadema reelected for another 5-year term. According to the official tabulation, 1.56 million votes were cast, of which 52 percent were cast for Eyadema, 31 percent for UFC party candidate Gilchrist Olympio, and 10 percent for CAR party candidate Yawovi Agboyibo. Olympio, the son of elected President Sylvanus Olympio who was killed in a 1963 coup in which Eyadema participated, returned to the country briefly on April 27, May 11, and June 14 in order to accept the UFC's nomination, submit to the medical examination required of all candidates, and campaign. Gilchrist has lived in exile for reasons of personal security since an attempt on his life in northern Togo in 1992. The Government never openly arrested or prosecuted anyone in connection with this attack.

The Constitution provides for universal suffrage and secret ballot. However, serious irregularities in the Government's conduct of the election strongly favored the incumbent and appear to have affected the outcome materially.

The Government's Interior Minister, General Seyi Memene, banned political rallies during the period, in February, when voter lists were being updated. This ban, which was not applied to pro-Eyadema demonstrations, limited the opposition's ability to register potential supporters. Prior to the election, the National Election Commission (NEC), which was created in 1997 and most of whose members were chosen by the Government or the ruling party, did not act on several recommendations of international observer groups, including a recommendation to distribute registration cards to all registered voters well before the election.

Despite a law requiring the state-owned media to provide equal coverage of the campaigns of all candidates, both the state-owned broadcast media monopoly and the country's only daily newspaper, also state-owned, gave preferential treatment to the campaign of the incumbent president. During the first week of the campaign, the state-owned media gave between 40 and 80 percent of their total news coverage to Eyadema but gave between no coverage and 3 percent of their coverage to Olympio. State-owned media coverage became more balanced during the final week of the campaign, after strong public criticism by ICF monitors (see Section 2 a.). Nevertheless, the High Authority for Audio-visual and Communications (see Section 2 a.), which was created in 1997 to oversee media and to ensure their compliance with the law, failed conspicuously to make the state-owned media discharge their legal obligation to provide equal coverage for opposition candidates.

On election day voting proceeded without incident in largely pro-Eyadema areas. However, in largely pro-opposition areas, many polling stations opened late or never opened, and many experienced shortages of election materials, including both voter registration cards and ballots for opposition candidates. In some largely pro-opposition precincts, a shortage of ballots for opposition candidates forced a suspension of voting. Both in largely pro-opposition quarters of Lomé and in Sokodé, a largely pro-opposition town in the central region, many voters could not vote because they did not receive registration cards. Three peaceful demonstrations protesting voting irregularities occurred in Lomé on the afternoon of June 21.

During the evening of June 21 and the early morning of June 22, members of the armed forces confiscated ballot boxes in some largely pro-opposition precincts of Lomé prior to the legally required on-site vote count. Thirty ballot boxes were burned near the airport, and at least 24 were taken by members of the armed forces to the mayor's office and to government property not controlled by NEC officials. Similar events were reported in some largely pro-opposition areas outside the capital. A private newspaper reported that in East Mono prefecture a government official and three members of the armed forces in civilian attire seized ballot boxes and results sheets in order to give more than 50 percent of the vote to the incumbent president.

At midday on June 22, officials suspended the vote count for Lomé, sealing and locking ballot boxes and tally sheets, after European Union (EU) observers refused to leave the premises to permit unmonitored counting of the votes. On June 22 and 23, telephone lines serving facsimile machines by which local vote counts were to

Government authorities in the northern region's Kozah prefecture on 11 occasions denied the right of association to members of the opposition CAR party and violently harassed CAR officials and activists. On January 9, in the town of Pagouda, a group of about 20 youths armed with clubs and whips attacked and severely injured CAR activist Alphonsus Behum (see Section 1 c.). On January 16, also near Pagouda, a group of unidentified youths assaulted another CAR member, Abai Tamouka, who had reported Behum's beating to the prefect of Kozah. The unidentified youths stripped Tamouka, then beat him unconscious with sticks and clubs. The police report on the two incidents concluded that Behum was beaten by fellow CAR party members who learned that he was planning to use party funds to build a private telephone business, and that Tamouka was attacked by village youths whose sisters he was attempting to seduce. In February the prefect of Kozah refused to recognize the existence of the CAR party in his district. In the same month, three RUF youths abducted and beat CAR member Kofli Sowonon (see Section 1 c.) after party president Yawovi Agboyibo dispatched him to Kara with a letter for the prefect of Kozah.

Most opposition rallies, protest marches, and sit-ins were well attended and incident-free. In anticipation of trouble during the election campaign, the Government created a 1,000-member "mobile security force" of Gendarmes, police, and prefectural police, identified by their white armbands, these special units effectively thwarted provocation, secured polling places, and protected candidates, including Gilchrist Olympio during his two brief visits to Lomé from his self-imposed exile in Ghana.

Political parties are able to elect officers and register. There are many active nongovernmental organizations; they are required to register with the Government under the *Freedom of Religion*. The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Return.—The Constitution provides for these rights; however, armed security checkpoints and arbitrary searches of vehicles and individuals are common. The lack of discipline of some soldiers' manning roadblocks and their actions, such as firing at vehicles and frequently demanding bribes before allowing citizens to pass, impede free movement within the country.

The Government instituted strict documentation requirements for citizens who apply for a new passport or a renewal. Beyond the normal identity papers, applicants were asked to provide an airline ticket, business documents, an invitation letter, a parental authorization letter (even for adult), proof of study grant for students, and husband's permission for married women (see Section 5). The head of the Gendarmerie was the final adjudicator. In 1997 the Government transferred the passport office from the police to the Gendarmerie, which falls under the Defense Ministry. The Government stated that the purpose of the transfer was to take passport issuance away from corrupt police officials. The Gendarmerie's strict passport requirements, published in September, prevented some citizens from traveling abroad and were widely criticized. However, a national identity card can be used for travel to other member countries of the Economic Community of West African States (ECOWAS).

There is no domestic law relating to provisions for granting refugee/asylee status in accordance with the provisions of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. While there is no legislated body to determine asylum or refugee status, the Government routinely accepts the decision of the UNHCR office resident in Lomé. The Government provides first asylum (and provided it to approximately 750 persons during the year). Ogoni refugees from Nigeria complained that security forces subjected them to arbitrary arrest and intimidation, but the UNHCR discounted these allegations. There were no reports of the forced return of persons to a country where they feared persecution.

The UNHCR estimates that approximately 6,000 Togolese refugees still remained outside the country at year's end. The Government hosts roughly 11,500 refugees from other countries, mainly from Ghana.

Section 3. Respect for Political Rights The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens peacefully to change their government; however, the Government restricts this right in practice. In the June presidential election, as in all previous elections since Eyadema seized power, the Government prevented citizens from exercising this right effectively. Although the Government did not obstruct the functioning of political opponents openly, the President

On June 25 and 26, gendarmes attacked UFC headquarters in Lomé, injuring hundreds of persons (see Sections 1.c and 2.b). UFC members reported harassment and intimidation in Afagnan, Kpalime, Sotouboua, Agotime, and Atakpame. In Afagnan political violence ended with several persons injured and 1 person shot and killed (see Section 1.a).

Prohibited from protesting with active demonstrations, the opposition resorted to passive demonstrations to protest Eyadéma's reelection. The UFC, for instance, called general strikes for 1 day in July and for 2 days in August, which were widely observed in the southern region, including the capital. On July 23, gendarmes arrested UFC activists Kodjo Gbadegbe, Sassou Atiogbe, and Atson Abaya in Kéve for distributing literature calling on the public to observe a general strike (see Section 1.d). They were beaten and tortured while in detention in Kéve for 1 day, according to a nongovernmental organization that followed their case (see Section 1.c). They were transferred to the Gendarmerie barracks in Lomé where they stayed for 1 week before being transferred to the main jail. At first the Government accused them of inciting civil disobedience, but later dropped the case after defense lawyers successfully argued that the case had no legal basis.

On June 14, in the northern community of Djebouri, a group of youths reportedly beat local CAR party members Bidjengui Michel N'Sarma, Karanoun Gazaru, and Omoron Sanwoqon N'Sarma because of their party affiliation. Bidjengui N'Sarma was told to switch his allegiance to the RPT, and Omoron N'Sarma was accused of attacking an RPT member. N'Sarma was detained at the prison in nearby Mungo until July 3. On June 24, youths in the northern community of Gando beat CAR party official Soulemane Ousmane because of his party affiliation. On November 19, gendarmes reportedly arrested up to eight of the Gando area youths after receiving complaints from citizens that the youths were harassing them with impunity. The youths were liberated after spending 1 week in the Mungo city jail. According to a credible report, the authorities released the youths under pressure from Oti prefect, Ahoro Atchinda Amokoe, and National Assembly and RPT member, Ouattara-Pambara Natchaba, who was reportedly the mastermind behind the intimidation campaign in Oti prefecture (see Section 1.c).

On August 16, during a reported rebel incursion across the Ghanaian border near Lomé, security forces attacked UFC party headquarters in Lomé as well as the homes of party vice presidents Amah Gnassingbe and Patrick Lawson and Secretary-General Jean-Pierre Fabre. At least two persons were killed by security forces (see Section 1.a). The Government accused UFC leader Gilchrist Olympio and businessman Marc Kponton, both of whom were out of the country, of masterminding the reported raid. Opposition leaders dismissed the raid as a government fabrication to provide a pretext to deploy armed forces in Lomé. On August 17, there were attacks on Party for Democracy and Renewal (PDR) headquarters in Sokode, on a PDR officer's residence in Bafilo, and on a residence owned by PDR president Zarifou Ayewa, which was ransacked. Security forces also searched the homes of UFC officer Andre Kuevi in Lomé and of the UFC's regional officer in Kpalime (see Sections 1.c and 1.f).

On September 29, a group of armed men shot and killed a local leader of the opposition CAR party at his home in the village of Dohpohoe in southeastern Togo (see Sections 1.a and 1.f). The case was under investigation at year's end.

The last legislative elections were held on February 6 and 20, 1991. The CAR won 26 seats, the RPT 35, the UFD 7, the UJD 2, and the CFN 1. Two members from the CAR and one from the UFD left their parties and joined RPT. Also, UJD affiliated itself with the RPT, and CFN declared its pro-RPT stance. This gave the RPT a majority. The National Assembly has no power or influence on the RPT and has limited influence on the Government. The National Assembly can control its programs and activities and request amendments. The RPT majority can control rubber-stamp for the President and the Government. Criticism directed at a cabinet member is considered an attack on the President.

The National Assembly voted on a decentralization plan in 1998, but the plan's implementation has been slow. Togo is divided into 5 economic and administrative regions, 30 prefectures, and 4 subprefectures. These subdivisions may change in the future, with some subprefectures becoming prefectures and some districts becoming subprefectures. Administratively, the prefect, nominated by the Interior Minister, is the local government representative. Some government agencies have nominated regional representatives. Within the prefecture, a council elected from the districts revises the prefect and manages programs. Each city has a mayor elected by a municipal council. The last mayoral elections were held before 1990. These mayors' terms have expired and are thus serving illegally.

There are no legal restrictions on the participation of women or members of ethnic minorities in politics or government, however, both women and members of ethnic

be transmitted to NEC headquarters in Lomé failed at electoral locations throughout the largely pro-opposition southern region but not in largely progovernment areas; six out of the seven telephone lines serving facsimile machines at NEC headquarters were cut; and the state-owned firm that supplied computer systems operators to the NEC withdrew them and did not inform NEC personnel of their passwords without which NEC computer systems could not be used. Only 2,000 polling stations, mostly from the central and northern regions, out of 4,600 precincts nationwide, were able to conduct their votes and report their tallies to NEC headquarters. On June 23, Mahame Awa Nana, chairperson of the NEC, and four other NEC commissioners, complained of harassment and intimidation and resigned rather than declare that Eyadéma was reelected; their resignations left the NEC inactive for lack of a quorum.

The tabulation of the election results announced by the Government appeared to undercount substantially both votes cast for Olympio nationwide and total votes cast in the largely pro-opposition southern regions, including the Maritime region, in which more than 40 percent of eligible voters resided, and Lomé. Informed observers estimated that the proportion of eligible voters who were recorded as having voted in the official results ranged from 38 to 56 percent in the largely pro-opposition southern regions, but from 88 to 114 percent in the largely pro-Eyadéma northern regions. According to an international observer present at NEC headquarters on June 22 and 23, the results from the 2,000 precincts that arrived at NEC headquarters largely from the northern and central regions indicated a tight race between Eyadéma and Olympio. Both international and national observers estimated that Olympio's share of votes cast in precincts in the Maritime region and Lomé substantially exceeded the 50 to 55 percent shown in the official results. Election results announced on state-owned radio on June 21 and in the state-owned newspaper on June 26 showed exactly the same percentages of votes cast for each candidate, even though the newspaper reported 10,000 (or about 3 percent) fewer votes cast than the radio had reported.

The Government rejected an offer by the EU to provide a technical advisor to the NEC. The Government refused to accredit 500 national observers trained by a consortium of nongovernmental organizations (NGOs) funded by the EU until 2 days before the election, too late to enable many of them to reach their posts. Government officials ordered a British member of the EU Election Observation Mission to leave the town of Kara to which she had been posted and where official results subsequently showed 95 percent of votes cast going to Eyadéma. The Government repeatedly attempted to evict from the mayor of Lomé's office three EU observers who protested and sought to monitor the illegal off-site vote count at that location. On June 25, the Government publicly criticized the EU observers, who had issued a highly unfavorable report on the election, and the RSP observers who had monitored state media coverage of the election campaign (see Section 2.a). Several other groups of international observers issued favorable assessments of the election-day vote-counting process. However, these favorable reports did not address the registration, local voting-counting and national vote tabulation processes, and were issued before the results were announced; some were based on cursory observations of a small and unrepresentative number of polling places.

The President's continued influence over the judiciary was apparent in the Constitutional Court's refusal in July to challenge the Interior Ministry's announcement that Eyadéma had been reelected. The Constitutional Court has specific jurisdiction over disputed elections. Even though the Court ruled that the Ministry's usurpation of the NEC's exclusive authority to validate and announce election results was "manifestly" illegal, it found that the Ministry's action was nevertheless justified on the grounds that reconstituting an election commission to restart the vote count would have resulted in a further delay in the release of results, which might have "created a climate of uncertainty with unpredictable consequences."

Both before and after the election, security forces waged an often brutal intimidation campaign against certain opposition groups.

On June 25, following the Government's announcement of the election results, small groups of demonstrators peacefully protesting fraud in Eyadéma's reelection, as well as barricades and burning tires, appeared on the streets of Lomé. The Interior Minister announced a ban on all street demonstrations, and security forces used tear gas to disperse the demonstrators. On June 26 security forces in Lomé used clubs, tear gas, and gunshots in the air to disperse roughly 1,000 persons who participated in a banned street march called by UFC candidate Olympio to protest Eyadéma's fraudulent reelection, arrested and detained an unknown number of demonstrators, and reportedly inflicted minor injuries requiring hospital care on about 20 demonstrators (see Sections 1.c, 1.d and 2.b).

ern ethnic groups were underrepresented in government. Although many women are members of political parties, there were only two female ministers in the Government and 1 female member of the 81-member National Assembly. No ethnic group including the President's was conspicuously overrepresented in the President's Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are several local private human rights groups, including the Togolese Human Rights League and the Center of Observation and Promotion of the Rule of Law. In general, the Government allows groups access to investigate alleged violations of human rights. However, the Government keeps human rights advocates under close observation, threatens them, hinders their activities, and usually does not follow up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities.

During the presidential election in June, government officials repeatedly restricted and impeded the work of election observers from the European Union, and refused to accredit national observers trained at EU expense until 2 days before the election, too late for many of them to reach their posts (see Section 3).

On December 1, a court security officer assaulted Amnesty International representative Gaelan Mouton, who was attending the trial of Appollinaire Nwememesse (see Section 2.a), for carrying a camera; court rules prohibited photographing the proceedings. The officer in charge subsequently apologized to Mouton.

During the year, the International Committee of the Red Cross, which withdrew its permanent representative in 1997, offered 3 seminars on human rights to 20 members of the armed forces.

In September the Government formed a new Ministry for the Promotion of Democracy and the Rule of Law, headed by Octavien Olympio, a cousin of Gilchrist Olympio. The National Assembly voted in 1996 to enact a ministerial decree to reorganize the government-sponsored and government-funded National Human Rights Commission (CNDDH). The majority of commissioners are supporters of President Eyadema. The CNDDH conducted a public awareness campaign during the year. It operates neither the Ministry for the Promotion of Democracy nor the CNDDH independently of the President.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions. However, the Government does not provide effective redress for discrimination complaints, societal discrimination based on both ethnic group and sex is common. Members of President Eyadema's Kabyle ethnic group and other northern ethnic groups dominate much of the public sector, including the military.

Women.—Violence against women continues to be a problem. Although mechanisms for redress exist within both the traditional extended family and formal judicial structures, the police rarely intervene in traditional or domestic violence cases. Wife beating has been estimated to affect an estimated 10 percent of married women and continues with impunity. There is some trafficking in young women for the purposes of prostitution or for exploiting them as domestic servants.

Despite a constitutional declaration of equality under the law, women continue to experience discrimination, especially in education, pension benefits, inheritance, and as a consequence of traditional law. A husband legally may restrict his wife's freedom to work or control her earnings. The Government requires a married woman to get her husband's permission to apply for a passport (see Section 2.d.). In urban areas, women and girls dominate market activities and commerce. However, harsh economic conditions in rural areas, where most of the population lives, leave women with little time for activities other than domestic and agricultural field work. Under traditional law, which applies to the vast majority of women, a wife has no maintenance rights in the event of divorce or separation, and no inheritance rights on the death of her husband.

There is a Ministry of Feminine Promotion and Social Protection, which, along with independent women's groups and related nongovernmental organizations, has active campaigns to inform women of their rights.

Children.—Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffer from a lack of money, materials, and enforcement. The Government provides free education in

state schools, and school attendance is mandatory for both boys and girls until the age of 15. There are social programs to provide free health care for poor children.

Although the law protects children, there are many practices that point to a pattern of discrimination against children, especially girls. In education, about 61 percent of Togolese children 6 to 15 years of age attend school. Of that group, about 89 percent of the boys and 66 percent of the girls start primary school; about 39 percent of the boys and 13 percent of the girls reach secondary school; about 3 percent of the boys and .6 percent of the girls reach university level. Literacy rates are 57 percent for adult men and 31 percent for adult women. About one-third of the national budget is spent on education.

Orphans and other needy children receive some aid from extended families or private organizations but less from the State. There are few juvenile courts, and children are jailed with adults. In rural areas, the best food is reserved for adults, principally the father.

There are confirmed reports of trafficking in children, particularly girls, for the purpose of forced labor, which amounts at times to slavery (see Section 6.c.).

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, remains a current practice. Approximately 12 percent of all girls and women in Togo have undergone FGM. Many of the largest ethnic groups do not practice FGM; however, the practicing groups have rates ranging from 40 to 98 percent. In theory women and girls are protected by the Constitution from FGM. In October the Government enacted a law prohibiting the practice. However, the Government had not brought any cases to court by year's end. Traditional customs often supersede the legal systems in various ethnic groups. Nevertheless, the Government continued to sponsor seminars to educate and campaign against FGM.

People With Disabilities.—The Government does not mandate accessibility to public or private facilities for the disabled. Although the Constitution nominally obliges the Government to aid disabled persons and shelter them from social injustice, the Government provides only limited assistance in practice. While there is no overt state discrimination against disabled persons and while some hold responsible government positions, the disabled have no meaningful recourse against private sector discrimination, which compels many to beg.

National/Racial/Ethnic Minorities.—The country's population of less than 5 million includes members of nearly 40 ethnic groups that generally speak distinct primary languages and are concentrated regionally in rural areas. Major ethnic groups include the Ewe (between 20 and 25 percent of the population), the Kabyle (between 10 and 15 percent), and the Gen-Gue or Mina (about 5 percent). The Ewe and Gen-Gue are the largest ethnic groups in the southern region, where abundant rainfall and access to the sea have been conducive to farming and trade; the Kabyle are the largest group in the drier, landlocked, less populous and less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity is practiced routinely by members of virtually all ethnic groups. In particular, discrimination against southerners by northerners and against northerners by southerners is evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative paucity of marriages across the north-south ethnic divide. There are no effective impediments to the extension of such discrimination into the public sector, where the centralization of the State allows little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and dispute resolution systems.

The domination of private sector commerce and professions by members of southern ethnic groups, and the domination of the public sector and especially the security forces by members of President Eyadema's Kabyle group and other northern groups, are major sources of political tension. Political parties tend to have readily identifiable ethnic and regional bases. The ruling RPT party is much stronger among northern ethnic groups than among southern groups, while the reverse is true of the UFC and CAR opposition parties.

In recent years north-south tensions repeatedly have erupted into violence of a clearly interethnic character. Majority ethnic group members in each region have harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In recent years, during times of crisis, many Togo residents sent family members to their village for security reasons. Some Togo also sent family members to neighboring Ghana and Benin. In addition, due to the congruence of political divisions and ethnic and regional divisions, many human rights abuses clearly related to political conflict during the year (see Section 3) also were related closely to ethnic and regional conflict.

Section 6. Worker Rights

a. *The Right of Association*—The Constitution provides most workers with the right to join unions and the right to strike. Security forces, including firemen and policemen, do not have these rights. Government health care workers may join unions but may not strike. The work force in the formal (wage) sector is small, involving about 20 percent of the total work force, of whom from 60 to 70 percent are union members or supporters.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. There is no specific law prohibiting retribution against strikers.

There are several major trade union federations. These include the National Confederation of Togolese Workers (CNTT), which is closely associated with the Government; the Labor Federation of Togolese Workers (CSTT); the National Union of Independent Syndicates (UNSI), and the Union of Free Trade Unions. In February a dozen educators' groups formed the National Teachers Union of Togo.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI are affiliates of the International Confederation of Free Trade Unions. The CSTT is an affiliate of the World Labor Confederation.

On August 29, Linan Doumongue, Deputy Secretary General of the National Association of Independent Unions of Togo, a pro-opposition labor federation, was shot and killed inside his home in Lomé in a manner similar to that used in executions (see Section 1.a.).

b. *The Right to Organize and Bargain Collectively*—The Labor Code nominally provides workers with the right to organize and bargain collectively. All formal sector employees are covered by a collective bargaining agreement. However, the Government limits collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government as well as of labor unions and employers. This agreement sets nationwide wage standards for all formal sector employees. The Government participates in this process both as a labor-management mediator and as the largest employer in the formal sector managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector can attempt through sector-specific or firm-specific collective bargaining to negotiate agreements more favorable to labor, but this option rarely is used.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor is charged with resolving labor-related complaints, but does not always do so effectively.

A 1989 law allows the establishment of export processing zones (EPZ's). Many companies have EPZ status, and about 36 are in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms do not enjoy the same protection against antiunion discrimination as do other workers.

c. *Prohibition of Forced or Compulsory Labor*—The law does not specifically address the question of forced or bonded labor, including that performed by children, and children sometimes are subjected to forced labor, primarily as domestic servants. The Government acknowledged the international trafficking of children, particularly girls, who are sold into various forms of indentured and exploitative servitude, which amounts at times to slavery. This traffic often results in the children being taken to other West and Central African countries, especially Gabon and Nigeria, to the Middle East, or to Asia. In rural areas, parents sometimes force young children into domestic work in other households in exchange for cash. The Government conducted a public awareness campaign, and security forces arrested child traffickers on a number of occasions. In January gendarmes arrested three traffickers who were transporting 22 children from Tchadjo prefecture into Benin, where they were to be taken to Nigeria. In March police arrested four traffickers of Beninese minors in Togo. The traffickers were taking 22 Beninese children to Côte d'Ivoire via Togo.

d. *Status of Child Labor Practices and Minimum Age for Employment*—The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment require a minimum age of 18. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and petty trading, very young children traditionally assist in their families' work. Under the Constitution, school is mandatory for both sexes until the age of 15, but this requirement is not enforced strictly (see Section 5). However, the law does not prohibit forced and bonded labor by children, and it is a significant problem (see Section 6.c.).

e. *Acceptable Conditions of Work*—The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. Less than the official minimum wage often is paid in practice, mostly to less-skilled workers. Official monthly minimum wages range from approximately \$25 to \$39 (14,700 to 23,100 CFA Francs) per month. A 5 percent wage increase in 1996 was the first since 1987, despite a 50 percent currency devaluation in 1994. There has been no wage increase since 1996. Many workers cannot maintain a decent standard of living for themselves and their families at the official minimum wages, and many must supplement their incomes through second jobs or subsistence farming. The Ministry of Labor is ostensibly responsible for enforcement of the minimum wage system but does not enforce the law in practice. The Labor Code, which regulates labor practices, requires equal pay for equal work, regardless of sex. However, this provision generally is observed only in the formal sector.

Working hours of all employees in any enterprise, except for agricultural enterprises, normally must not exceed 40 hours per week; at least one 24-hour rest period per week is compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there are restrictions on excessive overtime work. However, the Ministry of Labor's enforcement is weak, and employers often ignore these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees ostensibly have the right to complain to labor inspectors if unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code is limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempt to respect occupational health and safety rules, but smaller firms often do not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs. In practice, however, some reportedly cannot do so.

UGANDA

President Yoweri Museveni, elected to a 5-year term in 1996 under the 1995 Constitution, continued to dominate the Government. He has ruled since 1986 through the National Resistance Movement (NRM), legislatively reorganized and renamed as "The Movement." The 1995 Constitution provides for a 276-member unicameral parliament and an autonomous, independently elected president. The Constitution formally extended the one-party movement form of government for 5 years and severely restricted political activities. A national referendum on the role of multiple political parties is scheduled for 2000, following a 1-year campaign period. The Parliament acted with greater independence during the year, although Movement supporters remained in control of the legislative branch. Parliamentarians were elected to 5-year terms in 1996. Local government elections completed in April were peaceful and technically orderly. The 1996 presidential and parliamentary elections were also peaceful and orderly, but election conditions, including restrictions on political party activities, led to a flawed election process. The judiciary is generally independent, but understaffed and weak; the President has extensive legal and extrajudicial powers.

The Uganda People's Defense Force (UPDF) is the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as commander-in-chief. The UPDF's largely successful demobilization program, which concluded in 1996, was reversed in part due to the increasing instability in the north and west. The Government continued to reactivate soldiers throughout the year. UPDF soldiers and members of Local Defense Units (LDUs) assist the police in rural areas, although the LDUs continue to operate without a legal mandate. The Internal Security Organization (ISO) remained under the direct authority of the President. Although the ISO is primarily an intelligence-gathering body, its operatives occasionally detained civilians. The Directorate of Military Intelligence (DMI), under UPDF control, also detained civilians suspected of rebel activity. The UPDF, police, LDUs, and the DMI all committed human rights abuses.

The economy again grew at a rate of 5 percent during the fiscal year ending June 30. Annual Gross Domestic Product is \$270 (283,500 shillings) per capita; foreign economic assistance provides approximately 55 percent of government revenues. The agriculturally based economy continued to rely on coffee as its chief export. Economic reforms encouraged investment in spite of growing warnings about corrupt practices alleged by parliamentarians, journalists, and the public, and despite the

APPENDIX III

Statement of independent Togolese media 18-24 May 1999

The affair of the dead bodies:

OUR THOUGHTS TURN TO INDEPENDENT JOURNALISTS

Since the publication of Amnesty International's report, the Togolose Government, in search of an alibi to enable it to deny the evidence, has expressed surprise that no independent paper has published a picture of bodies found on the beach. How can we do that when we know that we would be persecuted for doing so?

We were thoroughly informed about the casting up of these corpses on the beach. But in the light of the threats to which we are subjected daily, we were obliged to censor ourselves and abstain from any investigation of this affair.

Everyone knows that each time journalists publish inquiries into political killings, they are accused of fabrication. At best they are immediately imprisoned without trial, as worst they are condemned to unconditional exile. The publisher of *La Tribune des Démocrates* was found guilty of contempt of court and forced into exile after having escaped those sent in pursuit of him because his paper had published a picture of the corpse of M. YEBESSE, beaten and killed by two men, whom they did not want us to (name) simply because everything to do with them is taboo, it is cynical therefore to demand that we publish pictures of corpses, knowing full well that if we do so, we will be punished. How can we do so when the disappearance of the corpses is arranged before the photographers arrive?

In Togo, the armed forces and the security forces are untouchables. No journalist has the right to speak about the abuses they commit under pain of being arrested and pressurised into writing lies and denying the truth. No-one has had the courage to publish pictures of the corpses because anyone who dared would immediately be apprehended and humiliated on the pretext that he had "undermined the security of the State and denigrated the country abroad".

Why are we being asked to do what we have been forbidden to do? It is precisely that climate of terror attested to by Amnesty International which prevents any paper from daring to do so. A.D.

Le Regard no.131, 18 to 24 May 1999

EDITORS OF INDEPENDENT TOGOLESE PRESS REFUSE TO STAND SURETY FOR THE AUTHORITIES

It is a well-known fact that the independent press has always been the butt of the Togolese authorities who lose no opportunity to persecute it. But even more cynical, although they subject the independent press to all sorts of harassment, those in power do not hesitate to make use of it when it suits them.

Recently, repression and threats have increased in intensity. In protest at this situation, certain editors of the Togolese independent press have made the following declaration.

STATEMENT BY EDITORS

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The editors of the independent press are aware of the Amnesty International report on violations of human rights in Togo.

They attest that the attacks on freedom of expression described in the report are real. By contrast, the editors protest at the allegations of the Minister of Communication, scourge of the independent press with the aim of using that same press to denounce the Amnesty International report.

The editors of the independent press are surprised that the government would wish the independent press to publish pictures of corpses when, at the same time, it has no hesitation in berating journalists who publish "sensationalist" material.

Consequently, the editors of the independent press refuse to stand surety for the authorities renowned for their human rights violations.

The Togolese authorities should have the courage to set up an independent inquiry to shed light on the cases of human rights violations revealed by Amnesty, instead of using the independent press as surety.

Made at Lomé on 17 May 1999

Signed by the publishers of:

CROCODILE, TRIBUNE AFRICAINE, L'AUORE, LE COMBAT DU PEUPLE, LE REGARD, NOUVEL ECHO.

SOS INDEPENDENT PRESS IN MORTAL DANGER

For several weeks, a climate of terror has been intensifying among the editors of the Togolese independent press. Journalists and their close relations have been the object of threats and harassment of all kinds. Newspapers have been seized without justification. Journalists have been imprisoned despite the fact that the deeds of which they are accused are not punishable by imprisonment.

In this way, two journalists from the *Nouveau Combat* were detained for five and nine months respectively without trial, although the deeds attributed to them are punishable by three months imprisonment only with remission to 500.000 to one million in fines. At the time of these journalists' detention, intolerable pressure was put on them to force them to sign letters of apology.

The director of the newspaper *Le Reporter des Temps Nouveaux* signed a letter of apology in the civil prison at Lomé. The public media took up the case of his release. But at the time of writing, our colleague is still being detained without trial.

This atmosphere of implacable terror drives journalists to clandestine activity, makes their working conditions difficult and pushes them towards self-censorship. Article 100 of Law No.96 004/PR of 11 February 1998 which draws up a press code, lays down that: "any act which

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impedes the expression or free circulation of the press or which impedes journalists from carrying out their activities freely constitutes a crime of restriction of freedom of the press and of communication".

Nonetheless, the President of the HAAC is of the opinion that journalists may be persecuted in violation of the law on the pretext that "there's no smoke without fire". The editors of the independent press call to the attention of the international community the fact that the Togolese independent press is in mortal danger in Togo. The editors call on organisations which defend the freedom of the press to intervene with the Togolese authorities to ensure the cessation of harassment of independent journalists in Togo.

Made in Lomé on 17 May 1999

Signed by the publishers of:

CROCODILE, TRIBUNE AFRICAINE, L'AUORE, LE COMBAT DU PEUPLE, LE REGARD, NOUVEL ECHO.

Les fantômes du président Eyadéma

[illegible]

Article from Le Figaro 1 July 1999

An Amnesty International report accuses the President of Togo of "crimes against humanity"

THE GHOSTS OF PRESIDENT EYADÉMA

To eliminate any trace of compromising crimes the Lomé authorities are reported to have thrown hundreds of bodies of the "disappeared" in the sea.

"Amnesty's accusations deserved to be treated with contempt" declared Togolese Minister of Information, Koffi Panou, at a press conference yesterday in Paris. Responding to the recent publication by the organisation of a report on Togo which describes behaviour tantamount to "crimes against humanity", the Minister announced that the Lomé Public Prosecutor had opened a preliminary inquiry "at the beginning of May" into "propagation of false news".

Supported by a group of six lawyers, the Minister was of the view that "reparation for prejudicial treatment is worth the cost of the lawyers". "We are dealing" stated Jacques Verges, a member of the legal team, "with an even more outrageous manipulation than that of Timisoara." According to the lawyers, it is possible that the proceedings will result in the issuing of an international warrant for the arrest of Pierre Sané, the Secretary General of Amnesty International.

Scoured by the trade winds, the gateway between land and sea on this stretch of African coastline bears witness to history. At its pinnacle, an inscription: "The gate of no return". From here - from Ouidah, centre of the slave trade on the Gulf of Benin -, the slaves set sail. A jetty stretched out over the ocean and long columns of men, irons around their feet, set off never to return.

That was a long time ago. But, as often happens, history seems to repeat itself. If Amnesty International is to be believed, the shoreline of the Gulf of Benin is still a land of "no return". Hundreds of bodies of "disappeared" people have been thrown from planes into the sea, by Togolese forces seeking to eliminate all trace of compromising crimes, alleges the human rights defence organisation.

Evoking the atrocities committed by the Argentine junta in the 1970s, the damning report - published on 5 May last - immediately provoked a strong response in Africa. For the first time on the Dark Continent, a regime which has been in place for several decades found itself openly accused by a prestigious international organisation of having committed acts tantamount to "crimes against humanity".

Witch hunt

The first to react were, naturally, the Togolese. Describing the report as "lying" and accusing Amnesty International of "peddling information picked up without verification", the Lomé authorities quickly brought together a group of lawyers, led by the polemical Jacques Verges, in order to take up the matter - a first! - through the courts.

Following this, the Togolese Government increased its inflammatory accusations, not only against the human rights defence organisation, but also against its Secretary General, Pierre Sane, described as a "negro" by several Togolese officials. He has found himself by turn accused of "going beyond the humanitarian remit (...) to act as a fire-raiser, as he has done in many other countries" of being "in cahoots with the forces of evil who have chosen the path of violence and lies as a political weapon". In short, Pierre Sane is guilty of "political bias" and "interference in Togolese political debate".

Called on for their support, the Beninese authorities - indirectly involved because of the bodies allegedly cast up by the sea and discovered on the Beninese coast - joined in the Togolese protests. "The Amnesty report", declared the Beninese Defence Minister, on a visit to Lomé, "Is like a grotesque, even foul-smelling, fairy tale."

Confronted with the seriousness of Amnesty's accusations, the Togolese Government and its Beninese neighbour have responded by instituting legal proceedings. Without actually seeking to shed

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light on the basis for the report, it was more a question of unleashing a witch-hunt. And this without even waiting for the official publication of the report since on 3 May, two days before its release, three Togolese human rights activists were summoned to Lomé and charged on information received with having - according to the accusation - given false information to Amnesty. Strangely, they seem to have been released a month and a half after being detained.

Bodies on the beaches and out at sea

The human rights organisation's report, entitled *"Togo: rule of terror"* is relatively precise and factual. Although it contains weaknesses at certain points, it depends on points of detail and on testimony. What exactly does it say?

"Extrajudicial executions and "disappearances" are taking place with total impunity in this country, ruled since 1967 by President Gnassingbe Eyadéma."

Several lines later, a precise indictment is made: *"In June 1998, during the presidential election campaign and after the declaration of results, hundreds of bodies, including those of military personnel, were extrajudicially executed. Bodies were recovered on the beaches of Togo and Benin, corpses were seen out at sea, for at least four days in Benin (...). Those questions all made mention of unusual movements of planes and helicopters flying out at sea, sometimes at very low altitudes."*

Questioned by Le Figaro, the Togolese Minister of the Interior exclaimed: *"Let's be serious! Togo is a small country of five million inhabitants. Furthermore, during the Presidential elections, more than two hundred overseas observers were present. How do you think they could have missed all that? In addition, we have been running this country for over 32 years. We have extensive experience. We could not do that sort of thing..."*

The Head of State, Gnassingbe Eyadéma, explains that he is the victim of a plot: *"Amnesty is working in collaboration with the opposition who are making use of this organisation as an instrument of destabilisation, he says. I cannot imagine that such things could have happened without anyone having seen anything, or said anything."*

However: notwithstanding the official denials, it really seems that *"the sea vomited"*. *"We wonder, explains a Beninese fisherman to Le Figaro, living close to the Togolese border, "if there's a war going on over there, because we found the dead bodies in a state of disorder."*

"We can testify to the truth of the deaths, continues another inhabitant of the village of Ayi-Guinou. The sea has thrown up a whole lot of them. And that's not counting all those corpses cast up on the surface of the water."

Wary, and apparently fearful from the beginning, twenty or so of them have gathered in the village square. Some are excited, others more discreet, still others listen without speaking. When someone offers to point out the places beside the beach where the bodies from nowhere are buried, everyone has a view. And it is a strange troop that sets off: *"There, says someone, there are two buried there. One of them had a wound in his forehead like a hole. The other was handcuffed."*

- *"Were the police told?"*

- *No. When you tell them there have been corpses found on the beach, the police demand money to move them. And where would we find such money?"*

- *We did tell them about drowned man, another villager takes up the story, but not for the two others. We couldn't pay any more. And also, we were afraid."*

Of what? *"Anyone who makes a protest over there, in Togo, he (Editor's note: Togo's President Eyadéma) watches them. We're afraid of that. In the villages, people are afraid of these bodies that arrive by sea. "Why talk about them, then?" "Because if they are covered up in Benin, what's happening over there will end up happening here."* Another adds: *"And also, if there's no truth, how can there be government?"*

Far from being single instances, these testimonies are confirmed elsewhere. In the principal village, Agoue, a fisherman tells of having found on the beach, seven months ago, a corpse in jeans and

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a white tee-shirt. *"A year ago, continues this fisherman, two other handcuffed corpses were buried here". "Handcuffed people out at sea, he calmly asserts, can be seen every month. In groups of a dozen, usually."*

That's the "exact" position of three makeshift graves, he tells *Le Figaro*, pointing carefully to a beach-side spot close to the settlement's primary school: *"There's one drowned man and two handcuffed chaps there."*

If alerted, the Gendarmerie of Agoue will undertake removal. *"That's not true!"* the Brigade Chief contents himself with saying, after a rapid examination of the area, without at any time contemplating digging up the ground to confirm or disprove the facts.

On 22 May, three weeks after the publication of the Amnesty report, several heads of villages of the region bordering Togo visited Lomé. Interviewed on Togolese television, they declared that they had *"seen nothing"*. A fortnight later, the inhabitants of the region organised a demonstration against these village heads, accusing them of having *"brought the Beninese population into disrepute"*.

On 9 June, a hundred of these gather at the police station at Grand Popo: *"No to those who betray their conscience!"* they shout, *"Down with village heads who sell out!"* On being received by the police chief, they put forward a deposition, mocking *"village heads who have become even more arrogant since their return from Lomé"*.

The Truth is Flexible

"The Amnesty report is true in its essentials, a diplomat in post in Lomé confirms. Strong pressure is now being put on the Government to set up an international commission of inquiry. But the authorities are evading this pressure. Instead of investigating, they are raising the stakes and going in for frenetic propaganda."

Another diplomat adds: *"Here, as in North Korea, people are living in a virtual world. By dint of constant distortion, there is no more truth or facts. There is total confusion of minds."* And to give an example: *"Out of 257 editions of the pro-government daily Togo-Presse which appeared in 1998, there were 227 photos of the President on the front page."*

In the Togo of Eyadéma, the truth is flexible. In 1991, 28 bodies were found submerged in the lagoon at Be in Lomé. The Commission nationale des droits de l'homme, National Human Rights Commission (CNDH), set up by the regime in 1987, attributed responsibility, at the time, to the forces of law and order.

Eight years later, the former president of the CNDH is living in exile and the present Minister of Information, Koffi Panou, has no hesitation in declaring that *"the bodies found in the lagoon at Be were stolen from the morgue by the opposition which wanted to start a coup"*, a statement which appears to rest on the late confession of a healer overcome by remorse...

"This Amnesty story, sighs a Lomé journalist, can not be based only on rumour. There is definitely something going on. You know, there have been handcuffed bodies found in the bush."

"We have nothing more to fear"

A civilian member of the opposition refuses to give his opinion: *"There has been progress. Today two or three people can talk together. Before 1999, this wasn't possible..."*

Another adds: *"People may invent things, but an organisation like Amnesty with a seat (Editor's note: an observer's seat) at the UN and with a Nobel peace prize is not going to spread information which hasn't been verified."*

Therein lies the problem: if, as evidence suggests, there is a real foundation for Amnesty's report - which claims to have a list of names of more than 80 "disappeared" - that still does not give it validity. The testimonies collected by *Le Figaro* make mention of *"dozens of civilian corpses"* and not *"hundreds, including military personnel"*.

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Similarly, while Amnesty is very specific about the type of plane, the Buffalo, which is alleged to have scattered bodies in the sea, information collected by *Le Figaro* disconfirms the details given. The sole Togolese army Buffalo fit to fly appears to have been immobilised from April to October 1998 by undercarriage problems...

A final aspect which, at the moment, does not appear to support the Lomé authorities: after having announced that they were to take proceedings against Amnesty, which would suggest legal action in London where the organisation has its headquarters, the regime has retreated. The legal action will be conducted only through the Togolese justice system. "*Why would the Togolese system not be competent?*" asks a current Minister, feigning astonishment. "*In any case, it's all a plot! The European Union has withdrawn co-operation since 1993. We have nothing more to lose. We can survive alone...*"

The country's economy has broken down

"The economic situation is catastrophic, says a diplomat. The State can no longer afford to pay and we are in a situation of extreme budgetary constraint."

"In the best possible scenario, this year, receipts from customs and taxes will just about allow state employees to be paid. No other investment can be undertaken."

Totalitarian practices

In a report entitled *Togo: totalitarian practices* and published after the Presidential elections of 1998, the Fédération Internationale des droits de l'homme, International Human Rights Federation (FIDH) estimates that "*Togo remains an illusionary semi-democracy*", it is "*a political system which conceals totalitarian practices behind a liberal facade*". In support of this claim, numerous examples are cited relating to the conduct of the elections, the role of the Togolese magistracy, arbitrary detentions, repression, torture and illegal proceedings. The report can be found on the Internet:

<http://www.fidh.imaginet.fr/rapports/r269.htm>

"Are we more stupid than other people?"

LOMÉ: by our special correspondent

In second position after Fidel Castro in the hit-parade of longevity in power, General Gnassingbe Eyadéma - former sergeant major in the "Colonial" service having seen service in Indochina and Algeria - has presided without a break since 1967 over the destiny of his country. Receiving *Le Figaro* in his residence in Lomé, the Togolese Head of State has a glass of champagne served before giving himself over to the game of question and answer. Asked about the Amnesty report, the President first of all goes in for a little singing. Launching into the "*chant des partisans*", the partisans' song, which he sings without a mistake, he intones: "*Here, everyone knows what they want/ what they know/when it happens.*"

Pleased with surprising his interviewer, Gnassingbe Eyadéma adds: "*There were over two hundred observers at the last elections. And they say that hundreds of bodies were scattered on the sea during those very elections. Are we more stupid than other people? Would it not be possible to scatter bodies in the bush or in the mountains? Somewhere where the peasants would say nothing?*" Pursuing his reasoning, the Togolese Head of State exclaims indignantly: "*There are other much more acceptable ways of getting rid of bodies!*"

Without ever challenging the basis for Amnesty's accusations, President Eyadéma attempts to demonstrate that the human rights organisation's inquiry has been superficial. "*There is no proof in this report,*" he says. Brusquely interrupting himself: "*There are five of us in this room. And the sixth is God! God regulates our consciences.*"

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Returning to Amnesty's accusations, the Head of State compares his fate to that of the Romanian dictator, Nicolai Ceausescu, who fell from power just after the fall of the Berlin Wall: *"Opposition members live and repeat only stupidities. They saw what was done to assassinate Ceausescu. They want to do the same, it's mimicry."*

During the conversation, he adds: *"when a prisoner dies, he is buried in the grave with his chains on"*. And returning to what seem to be his two preferred themes, God and the opposition: *"People who do this sort of thing no longer believe in God. No-one can pervert the truth. Those who rebel against God end up by paying for it."*

To end the discussion which has gone on for a good hour, General Eyadéma recalls one of these numerous cases in point. (*Editor's note: at this point, he had already related how he had miraculously escaped an "attempt on his life" in 1967*): *"In Algeria, he relates, I survived an ambush. I was at the head of a company. During an arrest I had gone to get hold of a shepherd. As I approached him, a dozen Fellaghas, hidden in ambush, opened fire on me. I fell to my knees. They thought I was dead. People have never understood how it came about that I wasn't killed."* And ending on a martial note: *"Life is a battle."*

P. S.-E.

CONFERENCE DE PRESSE**RAPPORT D'ENQUETES DE LA L.D.H. SUR LE
DOSSIER DES "CADAVRES TOGOLAIS"**PRESS CONFERENCE**REPORT OF THE L.D.H. ON THE CASE OF THE "TOGOLESE BODIES"**

Ladies and Gentlemen,

Some time ago, the Commission Beninoise des Droits de l'Homme, Beninese Human Rights Commission - CBDH - asked the Ligue pour la Defense des Droits de l'Homme au Benin, Beninese Human Rights Defence League, - LDH - for a meeting about the case of the Togolese bodies revealed by Amnesty International (AI).

The LDH agreed to this meeting during which the CBDH informed it that it was acting on an initiative by the Commission togolaise des Droits de l'Homme, Togolese Human Rights Commission.

Naturally, and without any ulterior motive, we told the CBDH that we had no precise details that would back up the facts which had been brought to our attention. But we promised to undertake research without delay because of the gravity of the issue.

Immediately after this meeting, we set to work.

Partly by chance and partly by good luck, we received numerous phone calls, some of them anonymous, others which indicated addresses, to tell us that dead bodies had definitely been discovered in Benin, on the Atlantic coast.

Some time afterwards, two chains of important facts completely convinced us of the necessity of in-depth investigation.

The issue was:

- What from the beginning appeared to be general outcry of torturers against Amnesty International, illustrated by the series of reactions by the Togolese and Beninese political authorities.

It should be remembered that the day after the Amnesty report, the Togolese State condemned Amnesty International and set in train legal proceedings against the organisation.

Individuals suspected of being Amnesty International's informants, were arrested and submitted for preliminary examination: they were Antoine NADJOMBE KOFFI, Nestor TENGUE, François GAYIBOR and Brice SANT'ANNA.

The Beninese Government fell into step (Cf: the statements of Minister Pierre OSHO, later supported by the Head of State.)

During this period, a group of lawyers was mobilised. The CBDH and the Togolese Human Rights Commission were finalising their report which, we now know, concluded that the dead bodies did not exist.

Following this there were testimonies on Togolese television by Popo and Mina leaders and notables from Benin, calling into question the facts reported by Amnesty International.

This act by Popo and Mina leaders and notables elicited many and diverse reactions. First the sous-préfet of Grand-popo spontaneously issued a decree dismissing them from their posts; then, revising his position to accord with that of the President of the Republic of Benin who upheld Eyadéma's regime, he reneged and proceeded to reinstate them in the face of the disapproval of those under his jurisdiction.

Cf: Item No1: Decree No1/009/SP-GP-BAG of 26 May 1999.

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After this followed the indignation and protests of the Popo and Mina people who had taken part in marches to denounce the treachery and unworthiness of their officials and to demand their immediate dismissal.

Cf: Item No2: Authorisation to march on the public highway on 9 June 1998.

A motion was put forward along these lines. Revelations were made about their corruption by the Togolese State, about sums of money which had been paid to them and which were seen by them as tokens of their silence.

Cf: Item No3: Protest motion on 9 June 1999.

We told ourselves that in these circumstances we had an important role to play. We had an obligation to remain calm, and to research in an entirely objective manner, any details which would permit Amnesty International's report to be confirmed or disproved.

It consisted of a task with great democratic implications; it appeared very difficult but we were able to carry it out.

After this brief introduction which gives the reasons which motivated this report, we will present the result of our inquiries under the following headings:

- Duration of the inquiry
- Membership of the mission
- Methodology
- Financial resources
- Framework of the inquiry or areas visited
- General climate
- Persons contacted
- Data collected

I - Duration of the inquiry

The inquiry began at the beginning of June 1999. It continued until Saturday 17 July, lasting just over a month.

II. - Membership of the mission

The mission was composed of:

- Simon FANOU :Treasure of the LDH
- Romain DOSSOU :LDH activist
- Jérémie GOZO :LDH activist
- Dr Etienne HOUNDONNOU :LDH activist (who joined the team on his return from a voyage).

This team worked under the leadership of the President of the LDH, Julien TOGBADJA with the collaboration of Maitre Magloire YANSUNNU.

III. - Methodology

The mission collected data with the assistance of a questionnaire (see annexe)

It visited all the coastal villages in Benin bordering the Atlantic ocean, and questioned all those who might be able to give information on the matter. Each member was to collect all information given by those questioned. It was then a matter of cross-checking and synthesising the statements received.

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The mission was equipped with a camera and was to photograph any object which might provide information.

The civilian population of the areas involved were the main target of the inquiry.

IV. - Financial resources

The inquiry was funded through the resources of the LDH. We state in passing that we are not financed by any institution or state. The LDH survives on the subscriptions and donations of its activists. It thereby demonstrates that it is possible to do good work with meagre means, despite being ostracised by international organisations.

V. - Framework of the inquiry

The mission took as its frame the following villages, visited on two occasions.

- First: Grand-Popo, Agoue, Ayi-Guinnou, Nicouécondji, Sekohoué, Gbekon.
- Then Gbecon, Gbeffa, Avlo-plage, Hakoue, Docloboué, the river mouth.

VI. - General climate

Given that the LDH has very few organised activists in the region available for this investigation, we had to fall back on personnel originating from the Department of the Mono who could speak Popo, Mina and Xwela.

Our Popo comrade, who was a member of the delegation, no longer has relations or contacts in the village. The first difficulty to confront us was in making contacts in the area.

We therefore made use of channels and names which were kindly made available to us.

The essential reason for these first setbacks was fear of repression and fear inspired in the population by the regimes of Presidents KERÉKOU and EYADÉMA. According to the local people, these two Presidents are political confreres who have much in common.

To justify their concerns, they cited numerous facts, including the following:

- Togolese military forces regularly patrol the South-West area of Benin.
- There is considerable collaboration between the two Presidents and there have been several attempts by President EYADÉMA to capture Togolese refugees in Benin by the use of Togolese commandos sent into Beninese territory.
- After the protest march on Monday 9 June and the interview given by certain individuals to the journalist from *Le Figaro*, these individuals were subjected to police harassment (constant summons to the police headquarters, threats...).
- We had several openings were quickly closed again. These consisted of individuals offering to assist us but changing their minds. They were afraid that their assistance to our mission would create difficulties for them.
- This was the case with a fisherman who had sworn to having fished up a dead body but who refused to make any other statement, because he said, "...I go fishing as far as ANEHO; it would be enough for me to be marked as having collaborated with you for them to settle my hash. And meanwhile, you would be gone..."

Presentation of the mission's remit, identity cards and IDH membership cards did not help...

Finally, a glimmer of hope. In one of the regions (whose name we are concealing for security reasons), certain individuals who had observed the mission for some time finally recognised on the IDH members whom they had previously seen during an IDH public demonstration.

They said that they knew personally the former and present IDH Presidents.

This was one of the keys that allowed us to penetrate this world that had closed in on itself.

We should also mention the long discussions we had with certain intellectuals who took our part only after having been convinced of the democratic and humanitarian nature of the League's mission.

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VII - Persons contacted

For security reasons, we will not name any individual in this report.

The mission held discussions with several notables, several deputies who were not involved in the matter of corruption by the Togolese State, several fishermen, several intellectuals, participants in the protest march and several Togolese refugees.

Those questioned were all men, there were no women.

VIII - Data collected

In each village visited, all those questioned were unanimous: there were many dead bodies, almost naked, wearing underpants. "We were able to fish out and bury some of them, others we left..." we were told.

In what circumstances were the bodies discovered? Where could they have come from? What features did they exhibit? etc...

We will answer these questions through the testimonies we collected.

- Where could the bodies have come from and in what circumstances were they found?

All information received indicated that the bodies came from the West (on the side near to Togo).

The people of the Agoue Commune stated that the appearance of bodies always followed nightfall or occurred during the night (19.30 hrs, 20.00 hrs, 21.00 hrs...) there were planes coming from the West which flew as far as Grand-Popo then turned back... On several days (three or four) after these strange flights, bodies began to appear, driven by a wind called "AFOUTOU" (in Mina) which blows from West to East.

In addition, the people described certain periods when the bodies were recorded! These were the periods where there was a large influx of Togolese refugees (1993) and after the Presidential elections (1998).

They stated that they had fished out and buried bodies.

A body in a tracksuit

A body was discovered and buried at Gbekon. It was dressed in a tracksuit and a waistcoat. The people were unable to say whether it was member of the military or not.

A decapitated body

Bodies did not usually have amputated parts. However, one decapitated body was discovered at Zogbédji between Nicouécondji and Ayi-Guinnou.

The people confirmed that this was of a huge man (at least one metre 75 cms). They did not know how his head had been removed. In addition, they confirmed that the head had not been eaten by fish.

A rotting body, in handcuffs...

One day a child of 8 discovered a body at approximately 11 hrs at Dokloboué.

A popular subscription was launched and F CFA six thousand (6,000) was collected to call in the authorities.

The authorities and the nurse arrived only at 21 hrs, after the corpse had been buried. It was in such an advanced state of decomposition that the nurse and the officials remained at a distance.

The body was dressed in a white shirt, wearing handcuffs and showing signs of torture.

The people of Dokloboué specified that this individual was aged about 50;

- At Ayi-Guinnou, the people stated that they had buried at least three (3) bodies (see graves in photo).
- Several bodies were also buried at Gbekon (Houtagbo) in the presence of the mayor.

The people of Ayi-Guinnou stated that, at the beginning, as soon as they discovered a body, they took it to the bank. Then they alerted all the neighbouring villages, gathered to identify the body, then informed the medical officer (the nurse) and the police who came to record the facts.

The people of this area subscribed 25 F CFA per head, then carried out the obsequies and burial of the unknown man. The police always came to make a record, they say. The bodies were then buried beside the beach.

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At Ayi-Guinnou, the people have a place called "Abobolipo" where they bury this type of person.

The bodies are buried without a coffin, in a loincloth, or old straw matting or door matting or wrapped in coconut matting ("cloba").

No epitaph marks these unidentified tombs.

With the passing of time, the people became weary of collecting and burying bodies. Especially when the police required a sum of five thousand (5,000) F CFA to carry out the removals.

They therefore decided to let the bodies drift back towards the East.

They asked us, to find out more, to carry out investigations around the village of AVLO and the rivermouth, etc...

- During the "WOUATCHA" fishing trawl, fishermen discover dozens of corpses....

The fishermen of Gbeffa-Agonninkanme (Grand-popo) told us that one day when they were preparing for deep water fishing, they were horrified to discover floating corpses, buffeted by the waves. This was during the "wouatcha" trawl.¹

After seeing the bodies they fled, and were unable to fish any more that day, they were so frightened by the sight. Since then, they are wary of venturing again into the deep waters.

They stated that the number of bodies was more than twice that of the number of the fishermen, who numbered around 30. There appear to have been at least sixty (60) bodies.

The bodies were like a flock of floating sheep. They were all almost naked, in underpants.

This discovery was made off the coast of Gbeffa-Agonninkanme.

They stated (although we were unable to confirm) that petrol traders, taking motorboats between Serme (in the Ouémé Department) and Ililacondji (a frontier town between Benin and Togo) made the same macabre discoveries.

The fishermen stated, in addition, that the bodies were drifting from West to East.

In response to our questions, they explained further that most of the bodies did not drift as far as the bank.

Having been thrown into deep water, they swell up over a period of 72 hours with the effect of water and the commencement of putrefaction. They float to the surface and are buffeted by the waves, becoming a prey to fish.

Many bodies, as a result, may have chanced to be eaten by fish. Searches in deep water will assist, we hope, in discovering bones and other remains.

- A helmeted body

Lever with the village of Ayi-Guinnou, a helmeted body was discovered. It was fished up. The residents were stunned to discover that the body had been devoured up to the level of the chest.

¹ The WOUATCHA trawl is carried out in teams, by a large number of people, between 3 and 6 km from the coast, where the water is at least 20 m deep.

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They were obliged to remove the helmet (see photo) which was inscribed as follows:

- On the front: ARAI HELMET
- Left side: OMNI 2
- On the back: OMNI with a label with a large S and inscriptions in a Chinese or Asian language.

At that time, the LDH was able, with great difficulty, to obtain possession of the helmet, which it is retaining as evidence and for the purposes of investigation.

Item No 4: Helmet

Item No 5: Photograph of helmet.

- **A body claimed by unknown persons**

At Ayi-Guinnou, some days after the burial of one body, unknown persons appeared, brought by armed police who ordered the people to indicate the place where they had just buried the body.

Threatened and seized with panic, the people gave way in the face of intimidation and indicated the burial place. The unknown persons disinterred the body and disappeared.

We asked numerous question about the origin of these persons, their identity, details of their vehicles, the direction they took. But the people could not bring forward any information because of their fear and the lack of interest in the fact that the body had been taken away.

We are continuing our investigations.

- **Why are the Togolese and Beninese authorities putting themselves out to recover objects found on the bodies?**

We indicated earlier that a helmeted body was seen, and that the said helmet was recovered as evidence by the local people. Since the involvement on RFI by the journalist from *Le Figaro* and the LDH's press release, the population of Ayi-Guinnou has been subjected to harassment by the Togolese and Beninese authorities.

A young man, presumed to be in charge of the helmet was feverishly sought by Togolese agents. Individuals were paid to recover it. Togolese agents offered to buy it but were baulked by local people who were opposed to this.

On 14 July 1999, two (2) individuals who later declared themselves to be colonels, went to the "AWALE" hotel (room No 5) and tried to have the deputy for Ayi-Guinnou summoned there. He refused to go. They mayor, having been summoned as an intermediary, tried to persuade the deputy, but without success.

At this point, the two individuals decided to go in person to Ayi-Guinnou, at around 20 hrs, travelling on vehicle J0046Rb.

They set about nosing around people's houses. On being discovered, they were questioned and asked to explain their presence at that hour in the village and to identify themselves. They refused to do so. They were surrounded by approximately two hundred (200) people. They threatened to fire on the unarmed population. The latter resisted and held them cornered.

On this scene, appeared the Bridge Heads of Grand-popo (who seemed to know the suspects) and of Agoue (the latter was very threatening). They freed the two suspects and disappeared with them.

One of the suspects had meanwhile displayed a military identity card in the name of Samson OROU. The local people recognised recognised it as Togolese.

Could this be the famous Samson OROU well known at the time of the PRPB or could he have handed on his identity card to a Togolese military officer in case of need? In any case, he engaged a young girl, called KAZAME

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to whom he gave 5,000 F to act as a guide. Unmasked, she fled and took refuge in Togo. While he was looking for his guide who had fled without his knowledge he was stopped.

The local people had doubts about the nationality of the two suspects.

We have just learned that the young man thought to be in charge of the helmet appears to have been searched for, and is living at this time in hiding, as is the deputy who was summoned by the Police.

(Cf: Item No 6: Summons by the Police Brigade of Agoue on 16 July 1999.)

XIX - Conclusions

Several questions present themselves.

Why are the Togolese and Beninese authorities going to great lengths to recover objects found on the bodies?

Why are they persecuting people suspected of retaining these objects?

Why are people who have been able to give information or answer the LDH's questions or those of *Le Figaro* being harassed?

How is the collaboration between the Beninese and Togolese authorities in this matter to be interpreted?

The Human Rights Defence League is concerned for the safety of the people of the area.

It is also concerned to make known the facility with which the Togolese authorities are increasingly entering Beninese territory for purposes of repression. Whatever the circumstances, we hold the Beninese authorities responsible for all that happens to the population of the South West of Mono (the communes of Grand-Popo, Agoue, Avlo etc...) in relation to the matter of the dead bodies.

Ladies and Gentlemen,

These are the results of our inquiries.

The facts are telling.

For us at the LDH, there is no doubt that bodies have been discovered on the shores of Benin, at least one hundred of them out at sea. In the face of harassment from the Beninese Police, the local people ceased to recover them or even to indicate their presence, which confirms Amnesty International's revelations.

It is for the Togolese and Beninese authorities, if they persist in their stance, to prove the contrary.

Our inquiry has contributed to shedding light on the affair of the dead bodies.

But in order to put a stop to the vain denials of the Beninese and Togolese authorities, the League for Human Rights Defence calls for an independent international inquiry.

It demands to take part in this commission of inquiry which would have as its object the opening up of specified graves, the verification of objects likely to have belonged to individuals thrown into the sea, the searching of the most secret police registers of Benin and of Togo, in order to weigh up the strength of Togolese soldiers, particularly those of Lomé, before and after the Presidential elections of 1998 etc...

We warmly thank the people of Agoue, Grand-Popo, Avlo, and Ayi-Guinnou, and especially all those who assisted the LDH, for their democratic spirit and for everything they have done towards the success of our mission.

Thank you.

Cotonou, 19 July 1999

For the Executive,

Julien TOGBADJA
President

APPENDIX VI

SUPPLEMENTARY INQUIRY REPORT ON DENIAL MADE BY DEPUTIES AND CERTAIN POPO NOTABLES ON TOGOLESE TELEVISION

We have discovered that a group of local deputies and Popo notables have been to Togo to lend support to President EYADÉMA in order to deny facts reported by Amnesty International.

How did this mission come about and what are the full details?

The LDH has made inquiries and presents some revelations below.

According to our information, the matter originated with Monsieur Simplicie ANATO, deputy for the Xwlacodji area (Cotonou) who suggested to certain deputies that they visit Togo to deny the Amnesty International report. He also made contact with Monsieur Comlan AMOUSSOU, deputy for Onkuihoué who had taken soundings and recruited other deputies. One group of deputies declined the offer once they understood that this risky mission was conceived without the knowledge of the mayor or the Sous-préfet.

Monsieur Simplicie ANATO reassured his acolytes that they would not be implicated with President EYADÉMA if they agreed to play the game. In this way, they were taken to President EYADÉMA. They were lodged in Lomé, some in hotels, other with relatives.

The meeting with EYADÉMA lasted for minutes only. It was a matter of stating that there had been no dead bodies. This statement was duly made.

It appears that they then met Monsieur Scyi Mémene (Minister of the Interior) who allegedly gave each of them a sum of thirty thousand (30,000) F CFA.

According to our inquiries, these deputies were beset with squabbles over the sharing out of their booty. We have learned that, in reality, the sums paid to them were higher. On the deputies, from HOUNJOHOUNDI (an area very far from the beach) received 80,000 F CFA. They bought themselves a canoe amounting to 16,000 F CFA (sixteen thousand), and a radio cassette player for twenty two thousand (22,000) F CFA and kept the rest.

Meanwhile, following their declaration on Togolese television, the Sous-préfet of Grand-popo, furious with them, sent them, on their return, a demand, via the mayor, for an explanation. In a panic, they took flight and hid in Cotonou. They made contact with the Xwlacodji deputy, Monsieur Simplicie ANATO.

Reassured by their principals, they returned triumphant to Grand-popo and demanded to be reinstated by the mayor and Sous-préfet, who ended by giving way...It would seem that orders had been received from higher up.

The Sous-préfet undertook to reinstate them. The local people opposed this move indignantly and decided to make a protest march.

We publish (attached) the statements of protest, the orders for dismissal etc..

At present, popular anger continues to grow. The people of Grand-popo, Agoue etc organised, on Saturday 17 July 1999 in Grand-Popo, a General Assembly, bringing together two hundred (200) people, at which the guilty delegates were confronted and condemned for their lying, their lack of dignity and their thirst for easy money.

AI LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME AU BENIN

Enregistrée au M. I. S. A. T sous le N° 92/01 36/MISAT/DAI/SAAP-ASSOC

Communiqué de presse de la Ligue Beninoise 16 July 1999

PRESS RELEASE

CONCERNING THE ISSUE OF TOGOLESE BODIES REVEALED BY AMNESTY INTERNATIONAL: THE LDH PROTESTS AT INCURSIONS BY TOGOLESE MILITARY INTO BENINESE TERRITORY

On Monday 12 July 1999, the attention of the Human Rights Defence League of Benin (LDH) was seized by the people of the village of AYI-GUINNOU (a commune in Agoué in the Department of Mono) who informed it that they had arrested two (02) Togolese colonels on a command mission in their village.

Under suspicion and unable to justify their presence in AYI-GUINNOU, the two colonels who had refused to identify themselves, were surrounded and arrested despite their threat of opening fire on the unarmed population.

How did this happen?

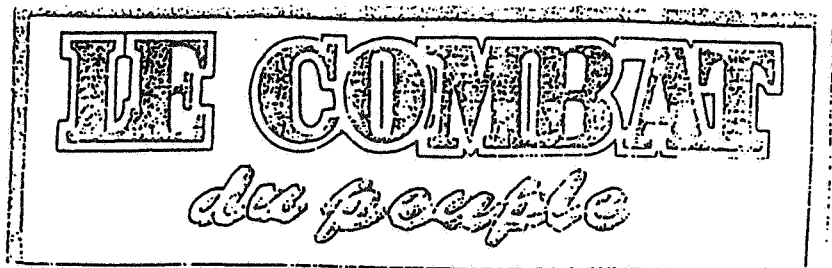
1. Following publication of the Amnesty International report on Togo, the Human Rights Defence League of Benin (LDH) undertook investigations to verify the serious facts contained in this report.
2. AYI-GUINNOU is one of the villages where our Commission learned that bodies had without doubt been discovered and buried. Even objects such as a helmet had been found on the bodies and kept by the local people as evidence...
3. After the publication of the Beninese Human Rights Commission's (CBDH) report which had concluded that the bodies did not exist, the LDH issued a statement to deny the position of the Beninese Human Rights Commission.
4. Since then, the people of Grand-Popo, Agoué and surrounding area have been the subject of harassment and intimidation by the Togolese authorities.
The police and the Togolese army tried to recover the items of evidence retained by the local population, resorting to corruption to do so. But, not having succeeded, they decided among other things to send a commando to the area.
5. On 12 July 1999, the two colonels invited the deputy for the village of AYI-GUINNOU to a meeting at the "Awale" hotel. Faced with the deputy's resistance, the mayor was charged with convincing him. This fruitless attempt caused the two colonels to go directly to AYI-GUINNOU, travelling on vehicle number J0046RB.
6. After the arrest of the two emissaries, the local people alerted the police brigades of Grand-Popo and Agoué. But they were stunned to note that, on arrival, the brigade heads of Agoué and Grand-Popo freed the two colonels with whom they departed for an unknown destination.

The Human Rights Defence League of BENIN strongly protests at incursions of the Togolese army into BENIN.

Whatever the circumstances, it holds the Beninese political authorities responsible for all that happens to the local people of the region in relation to the case of the dead bodies.

Made at Cotonou, 16 July 1999

Julien TOGBADJA
President



HEBDOMADAIRE TOGOLAIS D'INFORMATION ET D'ANALYSE
5ÈME ANNÉE / N° 211 DU 19 AU 23 JUILLET 1999 - PRIX : 250 F CFA

"Affair of discovery of Togolese corpses on Benin shoreline" TWO TOGOLESE OFFICERS SURPRISED AT AGOUE

"Late last night our office was seized in a protest by the Beninese Human Rights League (LBDH). The LBDH's anger was directed at yesterday's incursion into Benin of two Togolese officers in a fishing village near Togo called Ayiguenou. This incident relates to the proceedings which Togo has undertaken against Amnesty International.

Two Togolese colonels reportedly arrived yesterday in the village of Ayhiguenou, in the Agoue district. Having taken up residence in a hotel near to the area, the two officers sent a message to village deputy, asking him to come to meet them. Having been refused by the latter, they sent the same message through the person of the mayor of Agoue; The deputy continued to refuse to meet with them. Tired of waiting, the two men using vehicle J 0046 RB, had themselves driven to the deputy at Ayiguenou. The latter received them with suspicion, asking them what they wanted. The two officers were certainly not expecting such a welcome. The local people, finding them suspicious, surrounded them and decided to demand that they give an account of themselves. An appeal was made to the corps of gendarmes. The heads of the corps of Agoue and Grand-Popo arrived on the scene. They succeeded in rescuing the two men from the anger of the populace and taking them to an unknown destination.

Why Ayiguenou?

This incident may seem rather unremarkable if one does not understand the purpose of these two Togolese envoys. The fact is that the people of Ayiguenou claim to have seen and buried bodies thrown up by the sea during the period specified by Amnesty International in its report. They were able to retrieve various objects from these corpses, objects which, if they were brought in evidence, could undermine the notorious proceedings against Amnesty. A military helmet is reportedly still in the hands of local people as this time.

It is true that certain well-known figures from Grand-Popo had meanwhile testified on television that they had seen no bodies on the Beninese coast. But, finding these testimonies suspicious, the Beninese Human Rights League had warned the people of Benin's coastal villages who were holding pieces of evidence, to be on their guard. The League asked them to alert it to any suspicious Togolese activity in relation to them. For the Togolese authorities would appear currently to be attempting to erase all evidence that would compromise them. And when the two colonels turned up in their village yesterday, the people of Ayiguenou were fully aware of their intentions."

COMMENT

In conclusion, it is undeniable that the Togolese officers were on a reconnaissance mission. Thus the Amnesty file against the Togolese Government is being added to on a daily basis with new details of proof that the Amnesty report, as M Patrick Saint-Exupéry has confirmed, is founded in reality.

We live and learn.

Rodrigue

TRIBUNE AFRICAINE DU 22 AU 28 JUIN 1999

Article from La Tribune Africaine 22-28 June 1999

Beninese fishermen have buried suspicious bodies washed ashore at Grand-Popo

Our Beninese sister paper *Le Progres* has put the cat among the pigeons by publishing a story that fishermen at Grand-Popo have discovered and buried bodies cast up by the sea.

Following testimonies by village heads from the Grand-Popo area on TVT which stank to high heaven, the newspaper *Le Progres* made inquiries in Grand-Popo to clarify matters and we did not have long to wait for the result, since we learn that these famous area heads were manipulated into reciting a badly-learned lesson. As a consequence of this dishonour, the youth of Grand-Popo and the police are after the lying area heads.

Now read on.

Leoture

GRAND-POPO AREA HEADS IN BAD ODOUR

The Amnesty International report on the state of human rights in Togo continues to make waves. Having decided to take matters to their logical conclusion, the Togolese Government invited certain area heads from the urban commune of Grand-Popo to visit. The latter went to testify on Togolese television screens that no bodies were found on the beach at Grand-Popo. These testimonies were not at all appreciated by the youth of Grand-Popo. Displeased and angry, they organised a protest march against the area heads. Meanwhile, it was learned that the Grand-Popo police appeared to be after the area heads. But latest news suggests that these people have the support of President Kérékou. The report is concerned with allegations that, after the Presidential elections, Togolese military personnel killed hundreds of people and threw them in the sea. The bodies are alleged to have been found on the beaches of Grand-Popo and Cotonou. This allegation stirred up considerable agitation. The Togolese Government rejected it, decided to take legal proceedings and set in train inquiries to bring together proof that would confute the international human rights organisation. Thus it comes about that the area chiefs, called to the rescue, find themselves decried by their own population, even if it is not a question of "hundreds of dead". It is said that the fishermen of Popo have been discovering and burying suspicious bodies for several months.

Justine ZINSOU (Le Progrès)

LE REGARD NO 142 OF 27 JULY 1999

PROTEST MOTION

- Considering the journey made by some local chiefs to Lomé (TOGO)
- Considering the shame these local chiefs have brought upon the people of Grand popo, and the whole of Bénin:
- Considering that these despicable individuals, motivated only by easy profits and tainted money have vilified the image of Bénin in the eyes of the entire world, because some of them are saying "*Not only their own pockets, but also the Treasury has benefited*".
- Considering that it is only the people of Grand popo who will pay for this ignominious act, because if the *sous-préfecture* is marginalised in the Republic, it will be even more so by the parents of Togo:
- Considering the intolerably difficult life parents lead in Togo;
- Considering the decision to reinstate these chiefs to their positions after having suspended and replaced them:
- Considering the panic which ran through these populations after the decision to reinstate these travellers:
- Considering that, since their return from Lomé, these chiefs have become even more arrogant, threatening and provocative, fortified by the support they enjoy both from prominent persons in government and from over the border, all of which presages social unrest in a normally peaceful population.
- The people of Grand Popo, peace-loving and anxious to preserve their prestige, their understanding and their legendary pacifism urge:
- That these local chiefs be removed once and for all from their functions to prevent social unrest, because although we know how and when this begins, we never know how and when it will end.
- That these local chiefs and their followers should suffer the consequences of their treacherous acts.
- That a national committee of inquiry be set up to throw some light on these allegations because, as the saying goes, without an inquiry no-one has the right to speak.

Grand popo, 9 June 1999
Hyacinthe DOSSOU
The people's spokesperson

Distribution:

President of the Republic
President of the National Assembly
Minister of National Defence
Minister of Foreign Affairs
Minister of the Interior
Prefect of Mono
Sub-Prefect of Grand-popo
Mayor of CU-GP
Association Nonvitcha
ADSP

APPENDIX XI

Comment des Béninois sont allés "témoigner" à Lomé en échange de billets de banque

A propos des prétendus cadavres retrouvés sur les plages de Grand-Popo:
Comment des Xwla sont allés témoigner à Lomé

(Edgard Couao-Zotti, *La Nation*, quotidien national béninois, N. 2282 du 19 juillet 1999)

Article from Le Nation 19 July 1999

How did Beninese citizens come to go to Lomé to "testify" in exchange for bank notes?

Concerning the alleged bodies found on the beaches of Grand-Popo:
How did Xwla people come to go to testify in Lomé

(Edgard Couao-Zotti, *La Nation*, Beninese national daily, N.2282, 19 July 1999)

Last May, Amnesty International published a report on the subject of the discovery at Grand-Popo of around a hundred handcuffed Togolese dead bodies. Since then, around twenty persons from that sous-préfecture [administrative district], of whom four were village heads visited Lomé to testify on Togolese television. They were not mandated either by the sous-préfet [administrative officer] of Grand-Popo, or by the préfet [senior administrative officer] of the Mono Department. Still less by the seventy-year-old Nonvitcha Association, under whose imprimature these individuals took shelter on occasion. All matters which angered the population of Grand-Popo. To such an extent that on 7 June last, they marched on the sous-préfecture.

A march which could have deteriorated.

Concerned to preserve peace in the area, the Federal Council of Nonvitcha with, at its head, M. René Megniho Dossa, after an inquiry into the details of the journey to Lomé, called together local people on Saturday 17 July at the Omnisport complex in Grand-Popo to settle the matter. This took place in the presence of local people and dignitaries such as the deputy Aurelien Houessou, Me Robert Dossou, M. Antoine Menoukon and Mgr Robert Sastre...

What did the Nonvitcha inquiry reveal?

The Nonvitcha inquiry revealed that it was at Lomé that M. Yaovi Lionel Noudéhou informed M. Kouvidé Tossa, during a fortuitous encounter, of the necessity of forming a team to testify on Togolese television. At once, the two old friends returned to Grand-Popo where they contacted the village head of Onkouihoué, Comlan Amoussou. The latter rejected this tempting offer, claiming that he could not act without the authorisation of the mayor of Grand-Popo commune, M. Alphonse Metonou, and the sous-préfet.

But the Onkouihoué village head ended by taking up the opportunity after having talked with his opposite number in Hounsoukoue, M. Coffi Alfred Amoussou in the presence of M. Yaovi Lionel Noudéhou (a Beninese citizen) and of the nephew of the Togolese President. The village heads were to be rewarded with two million F CFA after the accomplishment of their mission. Then began the campaign to dispute Amnesty International's declaration and to enrol other village heads in the trip to Lomé. The village head of Onkouihoué then contacted his opposite numbers in HEeve, Agonnekanme, Apoutagbo and Ewécondji. They all reject the offer, finding it to be out of the ordinary. By contrast with these latter, the village heads of Yondo-Condji, M. Folly Oundolis and Houndjohoundji, M. Folly Kladje accepted the offer and joined with their opposite numbers from Hounsoukoue and Onkouihoué for the mission to Lomé.

APPENDIX XI --

Their departure for Lomé was planned for Monday 17 May at 16 hrs, leaving from the home of M. Comlan Amoussou, village head of Onkouihoué. They waited in vain. M. Yaovi Lionel Noudéhou who was to transport the four village heads was not at the meeting-place. The group dispersed at 21 hrs. But it was until Tuesday 18 May at 15 hrs that M. Yaovi Lionel Noudéhou arrived. He then collected the village heads at their homes.

Mobilising further individuals

But could a mere four village heads succeed in the matter? Those involved did not therefore present the four village heads to the Togolese Head of State. M. Coffi Alfred Amoussou, known as Focart, head of the village of Hounsoukoue, who had become head of the delegation was then sent to Grand-Popo to mobilise further individuals. The private vehicle took him as far as the frontier of Sanvee Condji. The rest of the journey he made by taxi.

On his return to Grand-Popo, M. Coffi Alfred Amoussou was able to mobilise and bring back with him the following: Thierry Amoussou, Sôdôlo Sognikin Houessou, Kpevi Lokossou and Sevi Anani (Heve). - Adodo Kokou, Félix S. Hounkponou (Houndjohoundji) - Kpadé Kohoundo, Kpakpo Agbétognikou (Yondocondji) - Zingan Ahokin, Codjo Afanou, Azigui Agbo, Thomas Egbetowokpo, Emmanuel Aziagah (Hounsoukoue) - Koudjega Kouvidé, Ahlinvi Byll (Onkouihoué). The costs of transport were defrayed as far as Hillacondji by the head of delegation. From the border as far as Lomé, all this collection of people was transported by private vehicles which were awaiting them.

At Lomé, thanks to M. Yaovi Lionel Noudéhou and the nephew of the Togolese Head of State, all the members of the delegation were received by the President of the Republic. It is important to mention that in the Xwla delegation were M. Simplicie Anato, area head of Xwlacodji-Kpota at Cotonou, and M. Azontondé, area head of Jackodaho at Cotonou. They were unable to be present at the meeting on Saturday 17 July. These two gentlemen were "enrolled in the game" by a certain Johny, a friend of M. Noudéhou.

At Lomé, M. Simplicie Anato was to read the statement prepared in advance by the associates. Another statement was composed in the Xwla language by M. Coffi Alfred Amoussou, village head of Hounsoukoue. The statement in Mina was made by M. Azontondé. M. Kouvidé Tossa was also a member of the party. But he withdrew afterwards, to such an extent was he frustrated by the first statement of M. Comlan Amoussou, village head of Onkouikoué.

That was the substance of the Nonvitcha report, which specifies that, in addition to the two million with which the delegation was rewarded, certain people, according to the role they played, received 30,000 F CFA or 50,000 F CFA respectively. The report is not contested en bloc by those involved, but they question matters of detail and offer explanations of how they came to perform such acts.

QUOTIDIEN BENINOIS D'INFORMATIONS ET D'ANALYSES 700.000 F CFA

Progrès

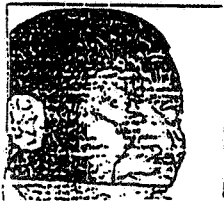
NP 277 du Mardi 27 Juillet 1999

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**POUR UNE CAMPAGNE DE DESTRUCTION DE LA LIGUE
 BÉNINOISE DES DROITS DE L'HOMME**

Page 12

Eyadéma veut corrompre la presse béninoise



Article from Le Progrès 27 July 1999

Eyadéma want to corrupt the Beninese press

A Beninese journalist, whom the paper no longer [illegible], was received last Saturday at Lomé by the Head of the Togolese state shortly before the latter, accompanied by Kérékou, flew to Rabat. It was put to him that, for a sum of 1,500,000 francs each, 4 local daily papers (including Le Progrès) would publish two articles to destroy the report by Julien Togbadja of the Beninese Human Rights League, which confirms that without doubt there were bodies on Beninese beaches. A Togolese journalist, visiting Cotonou on the same mission as our colleague, confirms that the money had already been released and sent by Eyadéma to the latter, who nonetheless states that the "haul" is no longer in his possession ...

Affair of the Togolese bodies

Eyadéma wants to corrupt Beninese dailies for 1,500,000

Everything leads to the conclusion that, even if the great Helmsman next door does not recognise the existence of the famous Togolese bodies on Beninese beaches, he accords considerable significance to the report of the Beninese Human Rights League. This explains the plan he has hatched to bring down the President of the League, Julian Togbadja. The operation was in two phases. That is: to destroy the credibility of the League with the collaboration of Beninese dailies. If the editors did not give in to offers of money, physical elimination was to be the second phase. To complete the first phase of this diabolical operation, General Eyadéma received, last Saturday, a Beninese journalist in the presence of Mlle Garte. The journalist put to the President Togolese his plan for buying the conscience of the Beninese journalists. According to the proposal, 4 local dailies were to be retained on receipt of 1,500,000 francs CFA each, to publish on two occasions articles to whitewash the Great Helmsman and to destroy the League's report.

The Beninese journalist in the pay of the Togolese General has already done the rounds of several newspaper offices last night to have papers published in advance that would serve as support for his next meeting with Eyadéma, planned for Wednesday or Thursday. In a fax which he sent yesterday at around 11 hrs to the Togolese President, the "journalist" who remains very close to the (2nd bureau) of information, gave information about a recent statement by Julien Togbadja on one of our country's private radio stations and promised to return to Lomé II with the tape of this statement.

To be continued.

Luc CODJO

COMMUNIQUE DE PRESSE

UNION DES JOURNALISTES DE LA PRESSE PRIVÉE DU BÉNIN UJPB

LE POINT *au quotidien* N° 470 du Lundi 23 Août 1999

"Excuses au President Eyadéma" Le Point 23 August 1999

In its edition no. 159 of Thursday 19 August 1999, the daily L'Aurore printed on the front page: "Amnesty International Report: "Eyadéma has never corrupted the Beninese Press." The article on page 3 of the paper describes a certain inquiry conducted in Benin by the journalist, Luc Codjo Distel Amoussou, of the daily Le Progres and in Togo by the journalist, Edgar Kaho, of the newspaper Le Soleil.

The two editors denied in the name of General Eyadéma, the existence of an attempt to corrupt the Beninese press and on these grounds, presented "publicly their apologies to His Excellency General Eyadéma, to his Government and to all the Togolese people".

National public opinion, shocked by this information, challenged, through various channels, the Union of Journalist of the Benin Private Press (UJPB).

It emerges from these investigations that the publication of this article followed a series of deals conducted by the two journalists, Luc Codjo Distel Amoussou and Edgar Kaho. Thus, after the report by the daily Le Progres of an attempt to corrupt the Beninese press by General Eyadéma in its 277th edition of 27 July 1999, Edgar Kaho and Luc Codjo Distel Amoussou, although the author of the incriminating article, took proceedings against the publisher of Le Progres, M. Edouard Loko, to oblige him to agree to publish a denial according to which "Eyadéma has never tried to corrupt the Beninese press". Faced with the persistent and categorical refusal of the publisher, Edouard Loko, the two colleagues turned to the daily, L'Aurore, which had already agreed to collaborate by publishing two articles in favour of General Eyadéma.

This was how, from Tuesday 17 to Thursday 19 August, the journalists Edgar Kaho, Luc Codjo Distel Amoussou and Patrick Adjamonssi, publisher of L'Aurore came to visit Lomé, staying in style at the hotel, Le Bénin where they continued to put pressure on the publisher of Le Progres to publish the denial and join them in Lomé. While the latter remained firm in his refusal, the daily, L'Aurore, published the denial in its edition of Thursday 19 August. Copies of this edition were conveyed to Lomé by the journalist Titus Folly of L'Aurore. With these copies, the three colleagues were received by General Eyadéma on Thursday 19 August. The Togolese Head of State, having heard the explanation of his guests who presented him with their masterpiece, expressed his reservations, because he would have preferred the denial to have been published by Le Progres. His three guests left Lomé, according to one of them with a sum of 500,000 F CFA each.

Confronted with the astonishment of the publisher of Le Progres, his employee, Luc Codjo Distel Amoussou felt obliged to describe the circumstances of his stay in Lomé and proposed sharing his 500,000 F CFA with him. This M. Edouard Loko refused. Moreover, the publisher of Le Progres, judging these facts to be too serious, sacked Luc Codjo Distel Amoussou.

APPENDIX XIII

The Executive of the Union of Journalists of the Beninese Private Press states:

- its indignation at the shameful conduct of three colleagues
- dissociates itself from any apology whatever to General Eyadéma insofar as it is presented in the name of the "Beninese press".
- invites the Observatory of Good Practice and Ethics in the Media (ODEM) to involve itself in this case which throws serious discredit on the whole profession.
- calls on the corps of journalists in general and its members in particular to act responsibly in such situations and to observe the elementary rules of ethics and good practice which regulate the profession.
- congratulates the publisher of the daily Le Progres for his sense of responsibility and his firmness in resisting pressure, and supports the promptness and rigour with which he sacked the journalist Luc Codjo Distel Amjoussou
- invites all professional associations to recognise their responsibilities in the face of this shameful and unworthy case.

Made at Cotonou, Sunday 22 August 1999

Célestin AKPOVO
President

Le Matin N° 1579 du lundi 6 Septembre 1999

Observatoire de la Déontologie et de l'Ethique dans les Médias

Statement of ODEM 6 September 1999

Observatory of Good Practice and Ethics in the Media

Statement on the corruption of Beninese journalists by Eyadéma

In accordance with article 20 of its Statutes, the Observatory of Good Practice and Ethics in the Media (ODEM) discussed, during its meeting on Friday 20 August 1999, a matter relating to corruption of Beninese journalists by the Togolese Head of State.

During its meeting of Tuesday 24 August 1999, from 19 hrs to 1.30 hrs in the morning, ODEM received the following individuals:

- Edgar Kaho, journalist
- Luc Codjo, former journalist with the daily "Le Progres"
- Patrick Adjamonsi, publisher of the daily "L'Aurore"
- Maurille Gnansounou, Editor of the daily "Le Progres"
- Edouard Loko, publisher of the daily "Le Progres"

ODEM undertook additional investigations through other sources.

On the basis of information received, ODEM has tried to reconstruct the facts before testing them against the rules of good practice.

The facts

The facts must be placed in context in order to understand this affair properly. On 5 May 1999, Amnesty International published a report called: "Togo, Reign of Terror". In June 1998, during the Presidential election campaign, and after promulgation of the results, hundreds of individuals, including military personnel, were extrajudicially executed. Bodies were found on the beaches of Togo and Benin. Corpses were seen out at sea over at least four days off the coast of Benin...". this document states.

The Beninese Human Rights Commission (CBDH) then decided to verify the facts in relation to Benin. While strongly denouncing the persistence of human rights violations in Togolese territory, the CBDH report of 30 June 1999 concludes: "It appears from the preceding that Beninese beaches did not experience the mass of bodies as described by the Amnesty International report of May 1999".

On 19 July 1999, the Beninese Human Rights League (LBDH) published the results of its investigations into the case of the Togolese bodies.

"For us at the LBDH, there were, without doubt, bodies discovered on the Beninese coast, and at least one hundred out at sea", the report maintains.

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It is in this context that Edgar Kaho, a Beninese journalist, who confirmed to ODEM that he had communication links with the Togolese Government, made contact with some Beninese journalists to call into question the report of the LBDH. At the same time, Edgar Kaho obtained for the Togolese Government copies of certain transmissions made by the Beninese media on the situation in Togo. It was against this background that he contacted Luc Codjo, a Beninese journalist with the daily, "Le Progres". Specifically, the latter obtained for him copies of two broadcasts by Radio Golf FM, the second of which involved the President of the LBDH, Julien Togbadja.

During July 1999, he met a Togolese journalist seeking to meet with Edgar Kaho to receive his commission for a matter instigated by Edgar Kaho in Lomé. Luc Codjo realised that, in relation to the "market" he had been very badly remunerated. He then decided to take revenge. Discovering Edgar Kaho's intention of publishing a series of articles in the Beninese press to oppose the report of the LBDH, Luc Codjo arranged publication in the daily "Le Progres" on Tuesday 27 July 1999, of an article entitled "In a campaign to destroy the LBDH, Eyadéma wants to corrupt the Beninese press". This article states that "for a sum of 1,500,000 F each, four local dailies, including "Le Progres" will publish two articles to destroy the report of Julien Togbadja of the LBDH which confirms that there were, without doubt, bodies on Beninese beaches. Luc Codjo spoke of a Beninese journalist allegedly received on the previous Saturday by General Eyadéma and alleged to have "put to the Togolese President his proposals for buying the consciences of Beninese journalists".

Edgar Kaho, whose name did not appear in the article, contacted Edouard Loko, the publisher of Le Progres and pointed out that this article was harming his communication links with General Eyadéma. At the same time, Edgar Kaho undertook to persuade Luc Codjo to accompany him to Lomé to see General Eyadéma. The purpose of this visit would be to tell General Eyadéma that Edgar Kaho was not the source of the information published in Le Progres. Luc Codjo told his publisher who replied that he had no objection, as long it was a matter simply of testifying that Edgar Kaho was not the source of the information that appeared in the paper. Edgar Kaho and Luc Codjo then went to Lomé where they met General Eyadéma in the presence of members of his Government. Luc Codjo, who later said that he had been very frightened during this stay, agreed to publish a denial whose content was "suggested" to him.

On his return he wrote a denial and submitted it to his publisher. The latter opposed its publication.

Edgar Kaho intervened in vain. The publisher of Le Progres who was also a chairman of ODEM, sent a copy of the denial produced by Luc Codjo to the President of ODEM. Having been badgered several times by the Togolese Government, Edgar Kaho, who had not succeeded with the publisher of Le Progres, turned to Patrick Adjamonsi, the publisher of the daily "L'Aurore", who agreed to publish the denial. Meanwhile, Edgar Kaho obtained the denial from Edouard Loko.

Without consulting Luc Codjo, he modified the text and handed it over to Patrick Adjamonsi for publication. A special edition was prepared for Togo on Tuesday 17 August 1999. The front page of this edition was different from that published in Benin on the same day. Edgar Kaho and Patrick Adjamonsi decided to go to Togo. Before leaving, they tried to contact Luc Codjo but he was not available. They left a message for him to join them in Lomé. On receipt of this message, on his return, Luc Codjo set out. He met up with Edgar Kaho and Patrick Adjamonsi at the Beninese border. At this point, according to his own

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statement, confirmed by Patrick Adjamonsi, Luc Codjo learned that his article had been published in L'Aurore; he did not show any opposition. An official car met the three journalists at the border for Lomé.

General Eyadéma could not receive them that day. They therefore stayed at the "Le Benin" hotel, where all facilities were put at their disposal. Luc Codjo took the opportunity to call his publisher. The latter expressed his surprise that he was in Lomé. Some moments later Patrick Adjamonsi also spoke to the publisher of Le Progres who was equally surprised to learn that he was in Lomé.

The three journalists were received by two Togolese Ministers on Wednesday 18 August, in the afternoon. As they presented the package of newspapers specially edited for Togo, they discovered that the Togolese Ministers had in their possession the edition of "L'Aurore" distributed in Cotonou that day. It was then necessary to find a way to "retrieve" the situation. A meeting was arranged for the next day with General Eyadéma.

Returning to the hotel on Wednesday evening, Patrick Adjamonsi contacted his office at Cotonou. He asked that the article previously published in the special edition for Togo be published on the front page of L'Aurore the next day and instructed Titus Folly, the Editor, to bring him a hundred copies to Lomé on Thursday morning. Patrick Adjamonsi received the papers as arranged, with, on the front page: "Eyadéma has never corrupted the Beninese press". The three journalists met with General Eyadéma; they confirm that they drank champagne before leaving him. They returned to Cotonou that day.

The next day (Friday 20 August 1999), Luc Codjo met with Edouard Loko, his publisher and told him that each of them had received 500,000 F. He proposed to hand over 300,000 F to the director of Le Progres. The latter rejected his offer. On Monday 23 August 1999, the Union of Journalists of the Benin Private Press (UJPB) issued a statement about the three journalists' stay in Lomé. L'Aurore reacted with an editorial entitled "The corrupt who cry shame on corruption" (L'Aurore, 23 August 1999, page 10).

Conclusions

In accordance with the internal rules of ODEM, the publisher of Le Progres, who was at the same time, chairman of the Observatory, took no part in the deliberations. He was therefore heard under the same conditions and at the same time as the four other journalists. During the whole course of the inquiry into this case, he ceased to take any part in ODEM's deliberations, as prescribed in the internal rules. ODEM sums up the matter as follows:

1) In relation to the journalist, Edgar Kaho

Edgar Kaho undertook to arrange the publication in the Beninese press of articles aimed at bolstering the image of the Togolese Government following the Amnesty International report about Togolese bodies. With this aim, he contacted several Beninese journalists. At the daily "Le Progres" for example, he contacted the journalist, Maurille Gnansounou to produce an article against the report of the Beninese Human Rights League. The latter was obliged to give up this project faced with his publisher's refusal. As for, the daily, L'Aurore, its publisher told ODEM that one of his editors had already let through articles inspired by Edgar Kaho before the affair of the denial.

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In influencing certain Beninese journalists to publish flattering articles on the Togolese Government, Edgar Kaho has participated in the violation of the public conscience and contributed to the undermining of the public's right to accurate information.

ODEM strongly condemns Edgar Kaho for this.

2) In relation to the journalist, Luc Codjo

For Luc Codjo to deny accurate information is contrary to good practice; as was the spirit of revenge in which he wrote the article published in "Le Progres" of Tuesday 27 July 1999. A journalist should refrain from using his columns or airwaves to settle scores with his colleagues or others.

ODEM strongly condemns Luc Codjo for this.

3) In relation to Patrick Adjamonsi, publisher of "L'Aurore"

Patrick Adjamonsi stated to ODEM that he published the article entitled "Eyadéma has never corrupted the Beninese press" to "help a friend in difficulty", in the situation where Edgar Kaho had seen his communication links endangered by Luc Codjo's article in Le Progres. In publishing this article, L'Aurore committed a dereliction of the professional duty of the journalist who should not make use of his paper's columns to "help a friend". When it is a matter of a publicity article, good practice requires the clear separation of publicity material from news.

The note accompanying the article states: "This denial was drawn up following a simultaneous inquiry by two Beninese colleagues. Edgar Kaho investigated in Lomé (Togo) and Luc Codjo in Cotonou". According to Luc Codjo's account to ODEM, confirmed by Patrick Adjamonsi and Edgar Kaho, the Progres journalist had simply discovered his signature alongside that of Edgar Kaho in L'Aurore at the Benin-Togo border. How could he have carried out an investigation in Cotonou, in these circumstances? Could Luc Codjo have made inquiries without knowing it himself?

The statement that the article was published after a simultaneous inquiry in Cotonou and Lomé is false. In publishing this false statement, the management of the daily L'Aurore has made a mockery of every news professional's obligation not to spread false information.

ODEM strongly condemns Patrick Adjamonsi and the daily L'Aurore for its various violations of the professional duties of journalism.

4) In relation to the three journalists

ODEM strongly condemns Luc Codjo, Edgar Kaho and Patrick Adjamonsi for violating the rule forbidding all journalists to accept money or material advantage, from whatever source, for services given or expected.

To reach Lomé on Tuesday 17 August 1999, the three journalists, carrying two hundred copies of the special edition for Togo, borrowed from the Benin-Togo border a vehicle put at their disposal by the Togolese authorities.

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The three journalists were accommodated free at the "Le Benin" Hotel from Tuesday 17 to Thursday 19 August 1999. They acknowledge themselves that the Togolese authorities laid on every convenience for them.

The three journalists have acknowledged that during their encounter with General Eyadéma they drank champagne.

1) Relating, in particular, to the affair of the 500,000 F CFA

The press release of the Union of Journalists of the Benin Private Press mentions a sum of 500,000 F CFA allegedly pocketed by each of the three journalists. Luc Codjo informed Edouard Loko that each of the three received 500,000 F in Lomé. The three journalists maintained to ODEM that they did not receive money from General Eyadéma. Nonetheless, Patrick Adjamonsi maintained that he saw no wrong in receiving money for a completed service.

ODEM does not have sufficient evidence to prove or disprove this allegation.

However ODEM makes the following points:

Edgar Kaho, who told ODEM that he carried out communications activities for General Eyadéma, cannot seriously maintain that he acted for nothing.

Patrick Adjamonsi whose paper published a special edition for Togo, cannot seriously maintain that he printed those two hundred copies for the Togolese authorities for free.

Patrick Adjamonsi states that he delivered one hundred copies of the 12 August edition of L'Aurore to the Togolese authorities for nothing.

But beyond this question of money, what is worrying in this case is the collusion of Beninese journalists with the Togolese authorities for the purpose of spreading false news in Beninese territory.

ODEM strongly condemns this behaviour which flaunts the rules of honesty and professional integrity required of each journalist as well as the public's right to accurate information.

1) In relation to the role of Beninese journalists in the "Togolese information chain"

ODEM, one of whose functions is to protect the public's right to free, full, honest and accurate information, gives warning to all those Beninese journalists (those involved in this case and others) who make a profession of links with the Togolese authorities to spread false information in Beninese territory.

2) In relation to the publisher of Le Progres

In its reply to the Statement of the UJPB entitled "The corrupt cries shame on corruption", the daily L'Aurore states that "the publisher of Le Progres required guaranties before publishing the denial" (L'Aurore, 23 August 1999, p10). This statement was taken up again by Patrick Adjamosi with ODEM; he explained that the term "guaranties" is code for money. From the confrontation between Edouard Loko and the three other journalists, it emerges that the publisher of Le Progres did not ask for money to publish the denial. For him, there was never any question of publishing the denial because the article by Luc Codjo published in Le

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Progres was not false. His desire not to publish the denial is shown by the fact that he spontaneously acquainted the President of ODEM with the situation at the time of Luc Codjo's first meeting with General Eyadéma and sent a photocopy of the denial to the President of ODEM. Patrick Adjamnosi, who only became aware of this during ODEM's inquiry, shouted that Edouard Loko had "betrayed" him; that if he had known that the photocopy of the text "inspired" by Luc Codjo in Lomé was already in ODEM's hands he would not have published it. He thereby spontaneously admitted that the possession of the document by the President of ODEM would have been an obstacle to its publication.

ODEM salutes the attitude of the publisher of Le Progres without which this matter of corruption of the Beninese press would have gone unnoticed.

Made at Cotonou, 3 September 1999

For ODEM
Jérôme Adjakou BADOU
President



APPENDIX XV

His Excellency
General Gnassingbé Eyadéma
President of the Republic
The Presidency
Lomé
Togo

London, 16 August 1999

N/Ref: TG AFR 57/99.12

Mr President,

Amnesty International welcomes the recent decision of the Togolese authorities to agree to the setting up of an international Commission of inquiry into alleged human rights violations committed in Togo in recent years.

In the document entitled *Togo: rule of terror* which we published in May 1999, we asked that the United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Execution, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances be invited by the authorities to visit Togo to investigate human rights violations carried out in that country.

The Togolese authorities have announced that they are willing to welcome an international Commission of inquiry. In order for this Commission to undertake its task in accordance with standards recognised by the community of nations, its independence and impartiality must be guaranteed. In order to be really effective, the Commission should fulfil the following conditions:

1. Membership of the Commission

Members of the Commission of inquiry should be chosen for their impartiality, ability and independence they should not be closely associated with any government entity, political party, or other entity potentially implicated in the allegations of human rights abuse, nor with any organization or group associated with the victims;

Members of the Commission should include specialists in medicine, autopsies, criminal inquiries, penal law, and in other specialist areas, as required.

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 0DW, United Kingdom

Tel: Int. Code: (44) (171) 413 5500. UK Code: (0171) 413 5500. Fax: Int. Code: (44) (171) 956 1157. UK Code: (0171) 956 1157.
E-Mail: amnestyis@amnesty.org Web: <http://www.amnesty.org>

2. Mandate and purpose of the Commission

The Commission's remit should be to establish the truth about every allegation of human rights violations committed in Togo during the past three decades, including: extrajudicial executions, "disappearances", torture and ill-treatment and harsh detention conditions;

The Commission should investigate all cases of "disappearance", extrajudicial execution, torture and ill-treatment brought to its attention.

The Commission should also try to establish if these violations form part of a generalised pattern of behaviour, and undertake a critical analysis of the factors contributing to extrajudicial executions, "disappearances" and acts of torture. In particular, it should seek to determine the responsibility of the army or other structures, in addition to the role of relevant judicial institutions and legal mechanisms.

3. Powers, methodology and resources

The Commission should not have time restrictions placed on its inquiry and should be free to visit any area it considers useful, both in Togo and in neighbouring countries.

The establishment, scope and methodology of the Commission should be widely publicised; the invitation to anyone with useful information to present this to the Commission should also be widely disseminated.

The Commission should be able to obtain all the information it considers necessary for its inquiry and call upon budgetary and technical resources to permit it to carry out its task; the Commission should be authorised to compel officials suspected of being implicated in human rights violations to appear before it, and the same should apply to witnesses of violations.

Complainants, witnesses, those conducting the investigation and their families should be protected from violence, threats of violence or other forms of intimidation; those potentially implicated in extra-judicial killings, "disappearances" or torture and other ill-treatment should be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting investigations.

Victims, their families and their representatives must be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and must be entitled to present evidence; the family of any deceased victim must have the right to insist that a medical or other qualified representative be present at the autopsy; when the identity of a deceased person has been determined, a notification of the death should be posted and the family or relatives of the deceased should be informed immediately. The body of the deceased should be returned to them upon completion of the investigation.

4. The Commission's conclusions and recommendations

On completion of its inquiry, the Commission should make a written report within a reasonable period of time on the methods and findings of its investigations; the report should be made public immediately and should include the scope of the inquiry, procedures and methods used to evaluate the evidence, as well as conclusions and recommendations based on findings of fact and applicable law. The report should also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based; it should also list witnesses who have testified, with the exception of those whose identities have been withheld for their own protection. The Government should then, within a reasonable period of time, either reply to the report of the investigation or indicate the steps to be taken to respond to it.

The Commission's conclusions should be submitted to the courts so that anyone alleged to have committed human rights violations described in the report may be brought to justice; proceedings initiated should meet internationally-recognised standards of fairness and impartiality.

It is absolutely necessary that all these conditions be fulfilled for the work of the Commission to be credible, recognised and respected. Amnesty International and the international community will closely follow its investigations, which illuminate the human rights situation over recent decades.

I hope that this letter will receive your full attention and remain,

Yours sincerely,

Derek Evan
Deputy Secretary General



APPENDIX XVI

His Excellency
General Mathieu Kérékou
President of the Republic
The Presidency
Cotonou
Benin

London, 2 August 1999

N/Ref: TG AFR/14/99.02

Mr President,

In May 1999, Amnesty International published a report entitled: *Togo: Rule of terror*, in which our organisation described human rights violations committed by the Togolese security forces, in particular cases of extrajudicial executions and "disappearances". Amnesty International also referred to the discovery of numerous dead bodies along the beaches of Benin and out at sea during the Togolese Presidential elections.

The Togolese authorities stated that these allegations were false, but since the publication of our document, the Beninese Human Rights League and several organs of the international press have undertaken inquiries among Beninese villagers and fishermen which have corroborated our statements.

In a spirit of truth and openness, the Beninese authorities could usefully invite the United Nations Special Rapporteur on E Extrajudicial, Summary and Arbitrary Executions, the Special Rapporteur on Torture and the Working Group on Forced and Involuntary Disappearances to come to Benin to investigate these serious allegations. (We have made the same request to the Togolese authorities in our report of May 1999 - a copy of which will be sent to you.)

The mechanisms put in place by the United Nations are the most suitable to undertake an independent and impartial inquiry and to establish the facts.

In the hope that you will agree to this request, we would be happy to make available to you any further information about this matter.

I hope that this letter will receive your full attention and remain,

Yours sincerely,
Derek Evans
Deputy Secretary General

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 0DW, United Kingdom

Tel: Int. Code: (44) (171) 413 5500. UK Code: (0171) 413 5500. Fax: Int. Code: (44) (171) 956 1157. UK Code: (0171) 956 1157.

E-Mail: amnestyis@amnesty.org

Web: <http://www.amnesty.org>

