



Joint submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders and Réseau Sentinelle

Related to: Togo

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Réseau Sentinelle is a national human rights network bringing together over 50 human rights defenders working in different parts of Togo. Founded in 2014, the network aims to promote the protection of Togolese human rights defenders at risk and strengthen their capacity and professionalism.

This submission has been prepared by Front Line Defenders and Réseau Sentinelle based on research carried out by these organisations and information received from independent human rights defenders in Togo.

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Positive developments and key concerns

1. In Togo, human rights defenders are generally allowed to carry out their activities, promoting and advocating for human rights. They are involved in human rights education campaigns and engage the media on a regular basis. They also offer various types of support to victims of human rights violations such as legal aid and psycho-social assistance.
2. Freedom of association is guaranteed under Article 30 of the Constitution, and human rights defenders are allowed to form and operate through formal organisations. These organisations are allowed to freely solicit funding for their programs from international organisations as well as from diplomatic missions with a presence in the country.
3. Since 2012, collaboration between civil society actors and government institutions has substantially improved as a result of the establishment of formal channels through which civil society actors can engage the government, and particularly due to the initiative to have civil society actors represented in the committees in charge of the implementation of various sectoral government policies.
4. Despite these positive developments, there remains a number of **obstacles** affecting the ability of human rights defenders to carry out their legitimate work without fear for their safety, namely:
 - (a) Human rights defenders, journalists and trade unionists organising protests as a way of advocating for human rights have been the subject of police brutality;
 - (b) Interference with the work of journalists, particularly those raising human rights issues, is widespread and self-censorship remains pervasive; and,
 - (c) Several human rights defenders were forced to go into hiding or flee the country fearing retaliation for their human rights work.

Previous UPR cycle

5. During the previous UPR cycle, in October 2011, Togo accepted **recommendations** made by Australia, Ghana, Slovenia and the United Kingdom related to ensuring the enjoyment of the rights to freedom of assembly and expression including media freedoms, as follows:
 - “Take steps to guarantee the enjoyment of freedom of expression and freedom to demonstrate” (Ghana);
 - “Take further steps to protect freedom of expression and opinion, in line with its obligations under the International Covenant on Civil and Political Rights” (Australia);
 - “Ensure the full enjoyment of freedom of expression for all and protect the freedom of the media” (Slovenia);
 - “Take steps to create an environment conducive to a free and independent media which allows freedom of expression” (United Kingdom).
6. However, as shown in this submission, there persist reports of restrictions on the right to freedom of assembly as well as legal and factual restrictions against journalists and media workers.

Threats, intimidation and judicial harassment against human rights defenders

7. Among the issues which have created security risks for human rights defenders are election monitoring, exposing torture and defending labour rights. Human rights defenders working on such issues have been subject to threats and intimidation. There have also been reports of human rights defenders being arrested and charged in connection with their human rights work.
8. In July 2013, two human rights defenders, Ms Afi Kafui Adjoha and Mr Adah Komlan received

serious death threats after **monitoring elections** in different neighbourhoods of Lomé on behalf of the *Regroupement des Jeunes Africains pour la Démocratie et le Développement* (REJADD), a local pro-democracy and development organisation. They both received several anonymous threatening phone calls in an apparent attempt to stop them from sharing their reports on alleged fraud and irregularities. Fearing for their safety, they were forced to go into hiding. The threats were not limited to the human rights defenders alone; family members were affected as well and they too had to temporarily leave their homes.

9. The army has been involved in intimidation and surveillance of **labour rights defenders**. In March 2015, a military jeep with a machine-gun stopped and stationed outside the offices of the *Syndicat des Praticiens Hospitaliers du Togo* (SYNPHOT), a health workers union, in Lomé. Two hours earlier, the office had hosted the general assembly of the central labour union confederation *Synergie des travailleurs du Togo* (STT). STT had called for the resignation of a government minister that day. A security guard posted at the gate overheard a voice from the jeep say: “*c’est le lieu ça*” (this is the place). The day before, several members of STT had been assaulted by approximately 20 armed individuals reportedly members of a militia affiliated with the ruling party.

10. **State officials** engaged in human rights work have not been immune from threats. In 2012, the chairperson of the Togolese National Human Rights Commission, Mr Koffi Kounte, was forced to flee the country after resisting pressure to water down a report the commission had drafted on cases of **torture** at the *Agence Nationale de Renseignement* (ANR), the national intelligence agency. Four years after posting online the authentic version of the sensitive report, Mr Kounte remains in exile.

11. In March 2016, human rights defender Mr Edoh Koami, President of *Mouvement Martin Luther King* (MMLK), a local human rights organisation, was summoned by police for interrogation after organising a demonstration (see paragraph 13) demanding justice in a case of a murder perpetrated in January of the same year. He was subsequently **charged** with contempt of court on the basis that the protest was 'seeking justice' and a judicial inquiry was under way. He was later transferred to the civil prison of Lomé, where he remains detained at the time of writing.

Restrictions on freedom of assembly and use of force against protesters

12. Article 30 of the Constitution protects the right to freedom of assembly and peaceful demonstration. A 2012 law requires prior notification of public demonstrations. Authorities have banned protests without following the procedure provided for in the law and have dispersed protests which had been duly notified.

13. In March 2016, city administrators in Lomé banned a peaceful demonstration organised by MMLK. The protest was aimed at demanding justice in a case of murder that the organisation had investigated. MMLK was notified of the ban on 9 March, one day before the demonstration, in violation of the law on public protests which provides for a 72-hour notice for such objections.

14. In November 2014, a coalition of human rights organisations and political parties organised a pro-reform march that was supposed to end at the *Palais des Congrès* in Lomé. Despite the fact that the organisers had not been notified of any ban, the march was disrupted by security forces soon after it was launched, on the basis that the protesters had allegedly followed a different route than the one announced.

15. In February 2013, authorities banned a sit-in organised by the *Mouvement Martin Luther King* (MMLK) to protest against parliamentary amendments granting the broadcasting and communication authority broad power to close down media outlets without a court order. MMLK proceeded with the

peaceful sit-in planned in front of the presidential palace. In response, the police used excessive force to disrupt the event arresting and injuring some of the protesters. A month later, in March 2013, during peaceful sit-in organised by journalists in protest against the parliamentary amendments, Mr Younglove Egbéboua Amavi, a retired journalist and trade-unionist, was injured when he was hit by a tear gas canister shot by police.

Restrictions on media freedom and media workers

16. The *Haute Autorité de l'Audio-visuel et de la Communication* (HAAC) is the broadcasting and communication authority. While supposedly independent, there are reports that the HAAC has been used by the authorities against critical journalists and media outlets. In February 2013, parliamentary amendments granted HAAC sweeping powers to censor and punish journalists and close down media outlets without a court order. The amendments prompted a number of protests (see above). The Constitutional Court eventually struck down the amendments in March 2013.

17. While a 2004 amendment to the Press and Communications Code had abolished prison terms for press offences, a new Penal Code adopted by parliament in November 2015, in its article 497, re-instated jail terms for journalists and maintained heavy fines against those found guilty of defamation.

18. A number of media workers have received pressure or intimidation or have been questioned by the HAAC or law enforcement agencies in relation to their work. In some instances, police forced journalists to delete materials they had recorded. Independent journalists have also reported receiving threats, having their phone and electronic communication under surveillance and having their email accounts hacked. In response to their targeting, a group of journalists created in 2010 *SOS Journalistes en Danger*, a group devoted to monitoring and assisting journalists at risk. There are also reports that pro-government media outlets have been used for smear campaigns against a number of independent HRDs and their organisations.

19. In August 2015, Mr Zeus Komi Aziadouvo, publication director for the local daily *Liberté*, and Mr Luc Abaki, director of local TV station *La Chaîne du Futur*, were summoned to the national intelligence agency, where they were interrogated in connection with a documentary highlighting poor detention conditions at the civil prison of Lomé. The HAAC also summoned the two journalists to question them on the same issue.

20. Ms Apolline Yake, the director of *Etincelle*, a community radio operating in Blitta, in the Central Region, has repeatedly been the subject of intimidation as a result of a radio programme debating current political issues in Togo. In February 2015, she was summoned to the residence of the state representative of her department (*Prefet*) and interrogated for several hours in the presence of a local security chief.

21. In April 2014, Mr Pierre Dabla, publication director for *La voix de la Nation*, an independent newspaper, was arrested by police while reporting at Hédjranawoe market in Lomé for taking photos of policemen involved in the confiscation of goods at the market. He was later forced to delete the images he had taken.

Physical attacks against journalists covering demonstrations

22. In addition to questioning and intimidation, a number of journalists have suffered physical attacks. This occurred in particular while reporting on public protests, on the policing of protests, or otherwise denouncing instances of police brutality.

23. In January 2014, Mr Kossi Themenou, a journalist at *Focus Info*, a local independent newspaper, was physically assaulted by police officers while covering a police operation in Hanoukopé, a neighbourhood of Lomé. He was later held in police custody until the Minister of Security and Civil Protection intervened on his behalf.

24. In April 2013, Mr Koffi Djidonou, a photojournalist for the weekly newspaper *Canard Indépendant* and the bi-monthly magazine *Sika*, was severely beaten by police while covering a demonstration in Lomé. He sustained a serious eye injury as a result. He was taking photos of police officers confiscating a motorcycle as the protest proceeded.

25. At least three incidents were reported in 2012. In March, Mr Frédo Attipou, also reporting for *Canard Indépendant* and *Sika*, was assaulted by police officers in Lomé while filming an incident of police brutality during another peaceful demonstration organised by human rights groups to denounce the use of torture. In April, Mr Noël Tadegnon, a journalist and blogger, was violently struck in the neck by a police officer and had his camera confiscated while covering clashes between police and protesters at the *Place de l'Indépendance* on behalf of Reuters TV. The camera was returned to the journalist a few days later but no action was taken against the officer. In October, Mr Justin Anani, a journalist at the *Crocodile News* weekly, had to be rushed to hospital and admitted to an urgent care ward: he had reportedly been hit by police in the rib cage and lost consciousness as a result, while covering an anti-government protest in Lomé.

Recommendations

26. Front Line Defenders and Réseau Sentinelle call upon the member states of the UN Human Rights Council to urge the Togolese authorities to prioritise the protection of human rights defenders and in doing so to:

- (a) Guarantee in all circumstances that all human rights defenders in Togo are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions and ensure full respect for the UN Declaration on Human Rights Defenders;
- (b) Publicly recognise the positive and legitimate role played by human rights defenders in Togo, including journalists;
- (c) Amend the new Penal Code to remove the clause seeking to impose jail sentences and heavy fines on journalists accused of defamation;
- (d) Launch independent investigations into past incidents of intimidatory acts and police brutality against human rights defenders and journalists;
- (e) Bring an end to the impunity for acts of violence, assault and intimidation perpetrated against human rights defenders, and particularly journalists;
- (f) Take urgent measures to guarantee the full independence of the *Haute Autorité de l'Audio-visuel et de la Communication*;
- (g) Take measures to put an end to the detention and judicial harassment against human rights defenders;