

## TOGO

### Follow-up - State Reporting

#### i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/59/40 vol. I (2004)

### CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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260. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Of the 27 States parties (detailed below) that have been before the Committee under the follow-up procedure over the last year, only one (Republic of Moldova) has failed to provide information at the latest after dispatch of a reminder. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

261. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
...			
<i>Seventy-sixth session (October 2002)</i>			
...			
Togo	4 November 2003	5 March 2003 (partial reply)	A complete response was requested to supplement the partial reply.

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

...

233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
...			
<i>Seventy-sixth session (October 2002)</i>			
Togo	4 November 2003	5 March 2003 (partial reply)	A complete response was requested to supplement the partial reply.  At its eighty-second session, the Special Rapporteur held consultations with representatives of the State party who supplied additional information and undertook to supply a complete response.

A reminder was dispatched.  
Consultations have been  
scheduled for the eighty-fifth  
session.

**CCPR, CCPR/C/SR.2392 (2006)**

HUMAN RIGHTS COMMITTEE

Eighty-seventh session

SUMMARY RECORD OF THE 2392<sup>nd</sup> MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 26 July 2006, at 11 a.m.

...

FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS  
UNDER THE OPTIONAL PROTOCOL (agenda item 7)

...

Report of the Special Rapporteur for follow-up on concluding observations  
(CCPR/C/87/CRP.1/Add.7)

...

[Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding observations]

46. Togo had been requested, at the Committee's seventy-sixth session in October 2002, to provide information on a number of paragraphs of the Committee's concluding observations. Partial replies had been received in 2003 but the Committee was still awaiting a full response. The most recent reminder had been sent on 6 July 2006.

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## **CCPR, A/61/40 vol. I (2006)**

### **CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS**

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<b>State party</b>	<b>Date information due</b>	<b>Date reply received</b>	<b>Further action</b>
...			
<i>Seventy-sixth session (October 2002)</i>			
Togo	4 November 2003	5 March 2003 (partial reply with respect to death penalty (para. 10), torture and ill-treatment of detainees (para. 12), reform of the Penal Code (para. 13), extrajudicial executions (para. 14) and rights of civil society (para. 20))	A complete response was requested to supplement the partial reply.
Third periodic report examined	Paras. 9, 10, 12 to 14 and 20		At its eighty-second session, the Special Rapporteur held consultations with representatives of the State party who supplied additional information and undertook to supply a complete response.
		7 November 2005 (partial reply)	A reminder was dispatched. Fourth periodic report should have been submitted by 1 November 2004.
			At its eighty-fifth session, the Special Rapporteur requested a meeting with representatives of the State party. No answer has been received.
			A complete response (including para. 13) was requested. Last reminder was dispatched on 6 July 2006.
			Consultations have been scheduled for the eighty-eighth session.
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CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>1</sup> Over the reporting

period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

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**Seventy-sixth session (October 2002)**

**State party: Togo**

**Report considered:** Third periodic (due since 1995), submitted on 19 April 2001.

**Information requested:**

Para. 9: Action to counter extrajudicial executions (arts. 6 and 9).



*Para. 10: Restriction on application of the death penalty; information on individuals sentenced to death (art. 6).*

*Para. 12: Report on the treatment of inmates at the Landja and Temedla camps (art. 7).*

*Para. 13: Identity of political prisoners; release of people detained arbitrarily; trials of those responsible (art. 9).*

*Para. 14: Information on people allegedly detained arbitrarily whose names had been given to the State party; reform of the parts of the Code of Criminal Procedure governing police custody; trial without undue delay (art. 14).*

*Para. 20: Application of the Lomé Framework Agreement; action to guarantee personal safety, of opposition members in particular (art. 25).*

*Date information due: 4 November 2003*

**Action taken:**

October 2004 *At the eighty-second session, the Special Rapporteur held consultations with representatives of the State party, who provided additional information and undertook to supplement the partial reply.*

4 October 2005 *At the eighty-fifth session, the Special Rapporteur requested a meeting with the State party. The State party sent additional information but the reply remained incomplete with respect to paragraph 13.*

6 July 2006 The State party was asked to respond to paragraph 13 of the concluding observations.

20 September 2006 A further reminder was sent.

5 February 2007 A further reminder was sent.

29 June 2007 A further reminder was sent to the State party.

*Date reply received:*

5 March 2003 (Partial reply.)

7 November 2005 Partial reply (no response to paragraph 13).  
*Recommended action: Consultations should be scheduled for the ninety-second session.*

*Next report due: 1 November 2004*

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*Note*

1/ The table format was altered at the ninetieth session.

CCPR, A/63/40 vol. I (2008)

## CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

194. In chapter VII of its annual report for 2003,<sup>20</sup> the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>21</sup> Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of

Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

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*Seventy-sixth session (October 2002)*

*State party: Togo*

*Report considered: Third periodic (due since 1995), submitted on 19 April 2001.*

*Information requested:*

*Para. 9: Measures to combat and prevent extrajudicial executions, arbitrary arrests, threats and intimidation by the security forces (arts. 6 and 9).*

*Para. 10: Limit the application of the death penalty; information on individuals sentenced to death under articles 229 to 232 of the Penal Code relating to attacks against the internal security (art. 6).*

*Para. 12: Information on the treatment of inmates at the Landja and Temedla camps; prohibit all acts of torture as well as the use of statements obtained under torture as evidence; statistical data on complaints about torture and on sentences passed (art. 7).*

*Para. 13: Identify political prisoners; release of persons detained arbitrarily; institution of criminal proceedings against those responsible (art. 9).*

*Para. 14: Information on persons who have reportedly been detained for years without being charged; amend the provisions of the Code of Criminal Procedure dealing with police custody; measures taken to ensure that justice is administered without undue delay (art. 14).*

Para. 20: Ensure compliance with the Lomé Framework Agreement; ensure the safety of all members of civil society, particularly of opposition members, during the forthcoming elections (art. 25).

**Date information due:** 4 November 2003

**Action taken:**

October 2004 At the eighty-second session, the Special Rapporteur held consultations with representatives of the State party, who provided additional information and undertook to supplement the partial reply.

4 October 2005 At the eighty-fifth session, the Special Rapporteur requested a meeting with the State party. The State party sent additional information, but the reply remained incomplete with respect to paragraph 13.

6 July 2006 The State party was asked to respond to paragraph 13 of the concluding observations.

Between September 2006 and September 2007, four reminders were sent.

**Date information received:**

5 March 2003 Partial reply (no response to paragraphs 10, 12, 14 and 20).

7 November 2005 Full reply.

4 December 2007 Further reply containing additional information on paragraph 13.

*Recommended action: No further action recommended.*

*Next report due: 1 November 2004*

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*Follow-up - State Reporting*

*ii) Action by State Party*

*CCPR CCPR/CO/76/TGO/Add.1 (2003)*

*Comments by the Government of Togo on the concluding observations of the Human Rights Committee\**

*[18 November 2003]*

*Comments by the Government of Togo*

*1. The Human Rights Committee, after considering the third periodic report of Togo (CCPR/GO/2001/3) at its seventy-sixth session, adopted its concluding observations (CCPR/CO/76/TGO) on 28 November 2002, in which it sought additional information from the Government of Togo concerning, in particular, one case of impunity, cases of arbitrary arrest and detention and one court ruling.*

*1. Impunity*

*Case of Mr. Méléssoussou Edoh, former President of the National Union of Students and Trainees of Togo (UNESTO)*

*2. On 19 January 1998, Mr. Méléssoussou Edoh fell from a one-storey building. The circumstances of the accident remain unclear.*

*3. On 22 January 1998, he was transferred to the Yopougon university hospital in Abidjan (Côte d'Ivoire) and placed in the neurosurgery department, in the care*



of Dr. Varlet and Dr. Boni, for additional exploratory examinations and appropriate treatment. The Government of Togo paid his transport and in-patient costs.

4. On 23 March 1998, he was transferred to the Lomé university hospital, which he left on 23 September 2000. Since leaving the hospital, he has been receiving regular medical supervision and material and financial support, and his health has improved.

Bank cheques received by the student Méléssoussou following his accident

<i>Dates</i>	<i>Cheque number</i>	<i>Amount (CFA francs)</i>
35837	565989C	300 000
35926	5659923C	67 865
35942	5659928C	200 000
36002	5696421C	35 910
36031	5696425C	100 155
36061	5696433C	88 000
36080	5996440C	150 000
36116	5996453C	250 000
36158	6000562C	550 000
36338	6000586C	250 000
36340	6000596C	250 000
36535	6530883C	250 000

36683	6530886C	250 000
36787	6530910C	205 000
36822	6530917C	90 000
37012	6530952C	250 000
37140	6872633C	250 000
37263	6872633C [sic]	250 000
37389	6872649C	250 000
	Total	4 081 930

5. On 8 January 2003, Mr. Méléssoussou presented the Rector-Chancellor of the Universities of Togo and Rector of the University of Lomé with a request for assistance in the amount of 350,000 CFA francs, a request for the purchase of a wheelchair and crutches, and a request for a job.

## 2. Arbitrary arrests and detentions

(a) Case of El Hadj Arouna, President of the Federal Bureau of PDR-Assoli (Bafilo), and Mr. Ali-Mandjaye and Séidou Ouro-Salim, of the same bureau, arrested on 17 July 2002 and held without charge since that date in the civil prison of Kara

6. It is customary in Bafilo for imams to be chosen by rotation from four families, and when an imam dies, he is automatically replaced by his deputy.

7. In April 2002, the imam of Bafilo, Abdouramane Bah-Traoré, died. In accordance with custom, his deputy Mamam Arouna was proposed as his successor and another deputy - Abdoussalami Bah-Traoré Ahmed - was appointed.

8. Mamam AROUNA opposed this decision by the administrative authorities. Saying that he was old and sick, he wished to yield the position of imam to which he was entitled to his son Mohamed YOUSSEUF, who had returned from KUWAIT following advanced Koranic studies. He considers that, since the late imam came from the Bah-Traoré family, custom dictated that the post of deputy should be allocated to the Alfa-Biao family.

9. An argument then arose between the supporters and opponents of Mamam AROUNA. The matter was put before the head of State. On 15 July 2002, with no solution having been found, Mamam AROUNA died.

10. When the administrative authorities went to his funeral the next day, they found their way barred by young people who said that they had received instructions from certain religious dignitaries.

11. Following the burial, Mourama Abiliya ISSA, a supporter of the late Mamam AROUNA, decided to close the main mosque in Bafilo and took away the keys, on the grounds that the mosque had been built by his brother.

12. At that moment, the police arrested Assane BAH-TRAORE, Tchalaré ALI-MADJAYE, Sarakata AROUNA, Séidou OURO-SALIM, Mouhama ISSA, Abiliya, Zato Ousmanou Abdoulaye, Nouri Dini ALFA-BIAO and Moukaila FOFANA on charges of inciting rebellion and disturbing public order.

13. They were brought before the Kara prosecutor's office and taken to the town prison on 19 July 2002.

14. The supporters of Mamam AROUNA, who were furious, organized demonstrations in Bafilo the same day. They set up barricades and committed

acts of vandalism.

15. The police carried out a further series of arrests, bringing to the Kara prosecutor's office Moukaila AROUNA, Fousséni YAYA, Lawani ALLASSANI, Sani ASSOUMA, Kassim AMIDOU, Koli AGBANDJALA, Alassani MAMADOU, Alassani KALAMPAL, Abdoulaye AROUNA, Amidou FOUSSENI and Simfailé Saliou MALOUROU, who were subsequently taken to the prison. In no way were these cases of arbitrary arrest, still less of unlawful detention. The persons concerned were guilty of disturbing the peace, as was borne out by ruling No. 191/02 handed down by the Kara court of first instance on 16 September 2002. The persons concerned sought and were granted a Presidential pardon. They have all been released.

(b) Case of Safiou Alabi and Kokou Avigan, members of the Comité d'Action pour le Renouveau (CAR), who have been in the civil prison in Sokodé and Lomé since the end of September 2002

16. Mr. Safiou ALABI was stopped and questioned in Sotouboua during September 2002 while he was distributing leaflets calling for a revolt by the army.

17. When questioned by investigators, Mr. ALABI said that he had received the leaflets from Kokou AVIGAN, who confirmed this claim after he was held for questioning in Lomé.

18. Safiou ALABI was brought before Sotouboua court charged with offences against State security. Examination proceedings were initiated against him.

19. Kokou AVIGAN was brought before the court in Lomé on the same charges, and examination proceedings were initiated at the office of examining magistrate

No. 2 attached to Lomé court.

20. A request has been lodged for the two cases to be handled together, and proceedings are following their course.

21. There was no question of arbitrary arrest or unlawful detention in these two cases.

(c) Case of Alex LOOKY, ex-Director of the Union Togolaise de Banques (UTB), "imprisoned for over two years by the national gendarmerie without being brought before a court".

22. Mr. LOOKY was held by the national gendarmerie on charges of aggravated breach of trust.

23. He was released on 1 December 2002 and is at present in France.

### 3. Court ruling

Conviction of the lawyer AGBOYIBO and information on the ongoing proceedings.

24. The lawyer Yawovi AGBOYIBO was prosecuted and convicted for damage to a person's honour. By ruling No. 0773/01 of 3 August 2001, the Lomé correctional court imposed on him a non-suspended prison sentence of six months and a fine of 100,000 francs.

25. His lawyers appealed against this ruling. By decision No. 01/2002 of 10 January 2002, the Lomé court of appeal quashed the ruling of 3 August 2001 and invited the Public Prosecutor and the party claiming criminal indemnification to re-present their case after eliminating procedural

*irregularities.*

*26. The party claiming criminal indemnification, Messan AGBEYOME, lodged a new claim for criminal indemnification on 14 January 2002 with the senior examining magistrate.*

*27. Yawovi AGBOYIBO was charged again with the same offence.*

*28. The accused invoked the principle non bis in idem and requested the examining magistrate to declare the new charge against him extinguished and inadmissible.*

*29. By order No. 31/2002 of 4 March 2002, the senior examining magistrate rejected the principle and ordered that the proceedings should continue.*

*30. The accused lodged an appeal, as did the prosecutor.*

*31. By order No. 31/2002 [sic] of 6 March 2002, the President of the Lomé court of appeal upheld the order issued by the senior examining magistrate.*

*32. Counsel for the accused appealed against this order, as did the prosecutor attached to the Lomé court of appeal on 18 March 2002.*

*33. The lawyer AGBOYIBO is at present at liberty by virtue of a Presidential pardon.*

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*\* This document is being distributed in all languages. The annex may be consulted in the secretariat files.*

