

TOGO

CAT Article 20 Examinations Re: Systematic Torture

CAT, CAT/C/37/2 (2006)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment

1. At the 36th in May 2006 the Committee against Torture requested that the Secretariat provide it with a note on the experience to date of article 20 inquires as well as elements for possible inquiry in several countries: Colombia, Guatemala, Nepal, Togo and Uzbekistan. The present conference room paper seeks to respond to that request.

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31. The information below recapitulates references to torture as a common or systematic practice in Togo in documents which the Committee against torture examined at its 36th session (1-19 May 2006), during the consideration of the initial report of Togo, under Article 19 of the Convention.

32. The Committee, in its Concluding Observations⁹, "was concerned at allegations received, in particular after the elections in April 2005, whereby torture, disappearances, arbitrary detention, detention in secret places, as well as frequent rapes of women by military personnel, often in the presence of family members, are common practice (in the State party)." (unofficial translation from the original French version).

33. The Human Rights Committee, in its Concluding Observations¹⁰, "note(d) with concern the many allegations that torture is common practice in Togo, particularly on arrest, during police custody and in places of detention" (...).

34. OFFICIAL SUBMISSIONS BY NON-GOVERNMENTAL ORGANIZATIONS WHERE REFERENCES ARE MADE TO THE WIDESPREAD PRACTICE OF TORTURE IN TOGO:

a) FIDH, " Mission d'enquête internationale ", novembre 2005, pages 18 to 20. (available in French only)

b) OMCT, "State violence in Togo", April 2005, page 1; page 7.

Individual cases

c) "Informations de la Ligue togolaise des droits de l'homme (LTDH) et de la FIDH, Cas de

torture ou de traitements cruels, inhumains ou dégradants au Togo", April 2005 (available in French only).The report provides information on 10 individual cases of persons who suffered torture in 2003.

35. BACKGROUND DOCUMENTS BROUGHT TO THE ATTENTION OF THE COMMITTEE AT THE 36TH SESSION WHERE REFERENCES ARE MADE TO THE WIDESPREAD PRACTICE OF TORTURE IN TOGO:

- a) Inquiry Mission of the Office of the High Commissioner for Human Rights on violence and allegations of human rights allegations in Togo before, during and after the presidential election of 24 April 2005, 29 August 2005, page 22, para 4.1.3 and page 25, para. 4.1.5, (available in French only).
- b) Ligue Togolaise des Droits de l'Homme, " Stratégie de la terreur au Togo ", mars 2005, pages 8, paras 2 and 3 ; page 14 and 21 (available in French only).

Individual cases

- c) Ligue Togolaise des Droits de l'Homme, " Stratégie de la terreur au Togo ", mars 2005. The report includes a list of 155 persons who suffered torture between February and March 2005, page 28 to 33.
- d) Ligue Togolaise des Droits de l'Homme, Togo : " Du coup d'Etat monarchique du clan Gnassingbe au jeu de massacre électoral ", décembre 2005. The report provides an update of the previous report. It also provides a list of 346 persons deceased between February and June 2005, the majority of whom died as a result of torture.

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9/ CAT/C/TGO/CO/1, para.12, 18 May 2006

10/ CCPR/CO/76/TGO, para. 12, 28 November 2002

CAT, CAT/C/SR.835/Add.1 (2008)

COMMITTEE AGAINST TORTURE

Fortieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 835th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 16 May 2008, at 4.20 p.m.

CONSIDERATION OF INFORMATION UNDER ARTICLE 20 OF THE CONVENTION

1. Ms. SVEAASS said it was regrettable that discussion of the agenda item had been postponed until the end of the session.
2. Ms. MORALES (Secretary of the Committee), in response to a question by Mr. WANG Xuexian, said that there was no new documentation on issues arising under article 20 of the Convention. Since the Committee's last discussion of the item in 2006, notes verbales had been sent to the Governments of Nepal and Togo, both of which had informed the Committee that the information had been conveyed to the competent national authorities. In addition, the Government of Togo had sent a list of names, at first glance of no particular substance, which was awaiting translation. It was now up to the Committee to decide whether it wished to send a further communication to the respective Governments requesting information and mentioning the possibility of visiting the countries to conduct inquiries.
3. Mr. KOVALEV said that the Committee should write to the Governments concerned requesting further information.
4. Mr. WANG Xuexian said that the situation in both countries warranted further action by the Committee. However, given the recent elections in Nepal it might be better to wait until the political dust had settled before making any approaches to the new Government.
5. Mr. GALLEGOS CHIRIBOGA said that even if the Committee had not received satisfactory responses, it must be consistent and follow through with its decision. He nonetheless endorsed Mr. Wang Xuexian's suggestion with regard to Nepal.
6. Ms. GAER said that the most recent information received by the Committee from Nepal dated from July 2007. It merely gave details of developments in the area of legislation and not of any practical measures to ensure the prevention of and protection against torture. She recalled that the country rapporteur for Nepal had referred to the situation there as the most serious he had witnessed in his 30 years as a human rights expert. All that pointed to the need to launch an inquiry under article 20 without further delay, at least by making initial approaches to the Government.
7. Ms. SVEAASS asked whether the Committee should accord priority to one of the two countries concerned.

8. Ms. MORALES (Secretary of the Committee) said that whatever the Committee decided to do, it would take several months to start any inquiry. Moreover, the agreement of the Governments concerned would be needed for visits by Committee members.

9. Following further comments by Mr. WANG Xuexian and Mr. GALLEGOS CHIRIBOGA, Ms. GAER recalled that there was nothing to prevent the Committee from initiating two or more inquiries if the situation so warranted. Furthermore, although in the past it had been the Committee's practice to wait to receive a formal complaint of torture from a State party before initiating an inquiry under article 20, there was no such requirement in the Convention. Urging the Committee to take a decision on the matter, she proposed that it should discuss the agenda item at the beginning of the forty-first session with a view to contacting the Governments of Nepal and Togo, and possibly making arrangements for visits to the countries before the closure of that session.

10. After further discussion, the CHAIRPERSON said she took it that the Committee agreed to Ms. Gaer's proposal.

11. Ms. MORALES (Secretary of the Committee) said that notes verbales would be sent to the Governments of Nepal and Togo informing them of the Committee's decision and requesting further information. The Committee would review the information at the beginning of its forty first session and subsequently identify the Committee members who would visit the two countries to conduct the inquiries.

12. It was so decided.

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