

ACHPR/Res. 397 (LXII) 2018: Resolution on the Human Rights Situation in Togo

The African Commission on Human and Peoples' Rights (Commission), meeting at its 62nd Ordinary Session held in Nouakchott, Islamic Republic of Mauritania, from 25 April to 9 May 2018;

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Bearing in mind the obligations of the Togolese Republic as a Member State of the African Union and a State Party to the African Charter, the African Charter on Democracy, Elections and Governance, and other regional human rights instruments;

Considering Principles (m) and (n) of the Constitutive Act of the African Union on respect for democratic principles, human rights, the rule of law and good governance, and promotion of social justice to ensure balanced economic development;

Considering the provisions of the African Charter on Democracy, Elections and Governance, in particular Articles 3(1), 13 and 32(8) on respect for human rights and democratic principles, the obligation of States Parties to take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace, and entrenching and respecting the principle of the rule of law;

Recalling further Articles 4, 6, 9, 11, 13 and 23 of the African Charter which guarantee the right to life and physical integrity, to liberty and security of the person, the right to freedom of expression, the right to peaceful assembly and demonstration, to participate in the management of public affairs, as well as the right to peace and security;

Deeply concerned about the situation prevailing in Togo since 19 August 2017 following the various demonstrations calling for constitutional and institutional reforms, including the vote of the Togolese Diaspora as well as the limitation of presidential terms, marked by violations of freedom of expression, opinion and demonstration, endangering lives, the integrity of the human person, private and public property, freedom of movement, the disproportionate use of force against demonstrators and other forms of violence that led to the massive internal displacements of populations;

Taking note of the meeting of 19 February 2018 between the government and the various parties that organized the demonstrations aimed at finding a peaceful solution to the current crisis;

Welcoming the designation by ECOWAS Heads of State at their extraordinary meeting held in Lomé, Togo, on 14 April 2018 of the Ghanaian and Guinean Presidents, H.E. Nana Addo Dankwa Akufo-Addo and H.E. Professor Alpha Condé, as facilitators in the Togolese crisis;

Cognizant of the importance of the protection and promotion of human rights, democracy, the rule of law and the consolidation of peace on the continent;

Emphasising the primary responsibility of the State to guarantee the respect and effective protection of rights, in accordance with the African Charter and other relevant human rights instruments ratified by Togo;

Stressing also the responsibility of leaders of opposition political parties to ensure that their party members abide by the law and refrain from taking any action that may undermine public order and national security;

The Commission:

1. Strongly condemns all human rights violations that have been committed and urges the Togolese Government to put an end to them, in particular arrest, torture, arbitrary detention and other violations;
2. Calls for impartial and independent investigations in order to identify the presumed perpetrators of these violations and ensure that they are prosecuted in accordance with the law;
3. Urges the Togolese authorities to continue dialogue with all stakeholders towards the preservation of peace and security in Togo;
4. Urges opposition political parties to prioritise dialogue and refrain from acts of violence;
5. Calls upon the various parties to prioritise national harmony and unity, and to refrain from any action that may undermine the main pillars of the Togolese society;
6. Decides to undertake a general human rights promotion mission to Togo, in collaboration with the government authorities.

Adopted at the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights held in Nouakchott, Islamic Republic of Mauritania, from 25 April to 9 May 2018