



## **International Covenant on Civil and Political Rights**

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### **Human Rights Committee**

## **Concluding observations of the Human Rights Committee: Togo**

### **Addendum**

### **Information received from Togo on the implementation of the concluding observations of the Committee\***

[15 October 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

1. In connection with the follow-up of the concluding observations of the Human Rights Committee, the Special Rapporteur<sup>1</sup> requested additional information on:

- The implementation of the recommendations of the Truth, Justice and Reconciliation Commission;
- The investigations aimed at shedding light on the human rights violations committed in 2005;
- The progress made in the revision of the Criminal Code and the Code of Criminal Procedure;
- Lastly, the implementation of the recommendations made by the National Human Rights Commission following the investigations into the allegations of cruel, inhuman and degrading treatment in connection with the trial concerning the plot against State security.

### **Implementation of the recommendations of the Truth, Justice and Reconciliation Commission**

2. The process is going ahead.

3. On 6 August 2012, Ministry of Human Rights, Consolidation of Democracy and Civic Training, with the technical and financial support of the office of the United Nations High Commissioner for Human Rights (OHCHR) in Togo, organized a workshop at which experience of the implementation of the Truth, Justice and Reconciliation Commission's compensation programme was examined and shared.

4. The purpose of the workshop was to allow participants to benefit from the lessons learned and the good practices developed in countries with experience of truth, justice and reconciliation commissions, so as to put forward proposals that took the national situation into account.

5. The meeting also gave participants an opportunity to consider the mandate, composition and responsibilities of the body to be entrusted with following up and implementing the recommendations.

6. In addition, from 10 to 12 September 2012, a training workshop on procedures for popularizing the recommendations of the Truth, Justice and Reconciliation Commission was organized in the country's interior, with the support of the Office of the High Commissioner for Human Rights. It concerned civil society organizations, the media and State agencies.

7. These forums allowed the different actors to become familiar with and disseminate the content of the report of the Truth, Justice and Reconciliation Commission. They also gave them an opportunity to consider the implementation of the recommendations.

### **The human rights violations committed in 2005**

8. It should be emphasized that, in the wake of the investigation conducted by the United Nations fact-finding mission and that carried out by the independent special commission of inquiry into the acts of violence and vandalism that took place before, during and after the presidential election of 24 April 2005 (decree No. 2005-050/PR of 25 May 2005), the Togolese authorities set up the Truth, Justice and Reconciliation Commission in February 2009.

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<sup>1</sup> See CCPR/C/105/2.

9. The Commission was charged with shedding light on the acts of political violence committed in 2005 as well as during a broader period (1958–2005) so as to put forward solutions to appease society and bring about national reconciliation.

**Revision of the Criminal Code and the Code of Criminal Procedure**

10. It should be mentioned that significant progress has been made towards bringing these two instruments up to date.

11. The drafts of both codes were approved at a workshop held in April 2012. The amendments proposed at the workshop were incorporated into the document. The bills on the Criminal Code and the Code of Criminal Procedure have been submitted to the cabinet office for examination and adoption by the Cabinet.

12. Moreover, the draft Criminal Code takes into account the definition and punishment of torture and other cruel, inhuman or degrading treatment or punishment, in conformity with the provisions of the Convention against Torture.

**Implementation of the measures adopted by the Government following the publication of the report by the National Human Rights Commission**

13. The Government has implemented most of the recommendations made by the National Human Rights Commission.

14. Disciplinary penalties have been handed down against the officials accused of inhuman and degrading treatment by the Commission's report.

15. A start has been made with the reorganization of the services of the National Intelligence Agency (ANR) and is going ahead. The Agency no longer holds on its premises any persons in conflict with the law.

16. An ad hoc team of specialists has examined the victims and made an evaluation of the different types of harm suffered by them. The victims have received a proposal for compensation and measures are being taken to pay the compensation.

17. Lastly, as part of the programme to modernize the judicial system, the European Union (EU) has provided the judicial police with scientific and technical laboratory equipment to enable it to carry out its investigations.

18. It is clear from the foregoing that the Government of Togo is resolved positively to respond to the recommendations and fully to cooperate with the Human Rights Committee to ensure the effective implementation of its recommendations.

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