
Permanent Mission of Togo to the United Nations

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The Permanent Mission of Togo to the United Nations presents its compliments to the Secretary-General and, in reply to his note verbale LA/COD/2 of 2 April 2012, has the honour to transmit herewith information on the measures taken by the Government of Togo pursuant to General Assembly resolution 65/29 of 6 December 2010 entitled “Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”.

The Permanent Mission of Togo to the United Nations takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

New York, 20 June 2012

United Nations Secretariat, New York

**MEASURES TAKEN OR PLANNED BY TOGO IN APPLICATION OF
RESOLUTION 65/29 ENTITLED “STATUS OF THE PROTOCOLS ADDITIONAL
TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE
PROTECTION OF VICTIMS OF ARMED CONFLICTS”**

With regard to the protection of refugees, Togo has:

- Ratified the 1951 United Nations Convention relating to the Status of Refugees on 27 February 1962;
- Ratified the Convention Governing the Specific Aspects of Refugee Problems in Africa on 10 April 1970;
- Ratified the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) on 12 May 2011;
- Ratified the 1954 Convention relating to the Status of Stateless Persons;
- Passed Act No. 2000-019/PR on the protection of refugees in Togo on 29 December 2000.

In terms of assistance, Togo has taken the following measures:

- established the Coordination Nationale d'Assistance aux Réfugiés, a national refugee agency, in 1994;
- provided assistance to refugees through: the issuance of identity documents; equal enrolment of refugee students and nationals; provision of health care by hospital social services; legal aid through court social services; and providing refugee sites in Avépozo and Tandjoraré.

The country intends to continue that assistance by:

- allowing the victims of armed conflict who fear persecution upon return to their country of origin to become fully integrated into Togolese communities or to regularize their stay in Togo;
- ensuring that the rights of displaced persons are respected, in line with the international instruments to which Togo is a party.

Implementation of the law of armed conflict in the Togolese armed forces

The implementation of international humanitarian law in Togo, and particularly in the Togolese armed forces, has been given special attention by the public and the military authorities. Without entering into details, some important efforts carried out by the armed forces are worthy of mention.

The Togolese armed forces have made significant headway in the implementation of international humanitarian law and high-ranking officers are continuing to explore ways and means to better fulfil our commitments in that area.

As early as 1986, Togolese officers had been assigned to study how best to raise awareness of the law among the Togolese armed forces. Subsequently, in 1992, an International Humanitarian Law Follow-up Committee was set up and undertook a number of projects and actions to that end in collaboration with the International Committee of the Red Cross (ICRC). Since then, officers have been sent to various destinations for training (in Africa and Sanremo, Italy) and several national training for trainers seminars have been launched.

Joint evaluation visits, during which teaching materials are distributed, are regularly organized in garrisons, training centres and schools across the country to set the record straight. Critical reviews have highlighted the effective integration of the law of armed conflict in the training of officers of the Togolese armed forces.

By service note No. 10936 of the Togolese Ministry of National Defence, dated 13 May 1996, international humanitarian law was included in training programmes and exercises for Togolese military personnel. In order to promote awareness of and respect for the laws and customs of war, since 1996 the Togolese armed forces have published three manuals on the law of armed conflict with specific content for soldiers in the ranks, non-commissioned officers and officers.

In addition, Circular No. 345 of the Gendarmerie Nationale Togolaise dated 9 August 1993 bans manoeuvres such as encircling and pincer movements. It also recommends leaving an exit corridor for demonstrators and underlines the duties of unit commanders to maintain and restore order, including recognition of infractions based on the maintenance and restoration of public order.

Act No. 99-010 of 28 December 1999 concerns the protection and use of the emblem of the Red Cross and the Red Crescent.

For more than two decades, all multinational military manoeuvres organized by the Togolese armed forces have included a significant humanitarian element: simulations of prisoner

rescue and exchange, choice of objectives, civilian protection and the basics of managing armed conflict, inter alia, are regularly on the agenda.

Also during these military manoeuvres, free vaccination campaigns are carried out by the Togolese armed forces. Doctors from the Togolese armed forces perform surgery for members of the local civilian population in the military medical tents -- in other words, free medical treatment as well as preventive and curative medicine.

Rural roads have also been repaired by Togolese armed forces personnel. Still in the same vein of participation in social action, the Togolese armed and security forces, in collaboration with WOA-Afrique and Save the Children, have helped to organize mobile courts and to produce birth certificates for young people and children in some operational areas.

In addition, the Togolese armed and security forces always act, within their means, to help the local population:

- Roadwork by military engineers (paving the Agbalépédo neighbourhood, Lomé; building rural roads in 2012 to open up the region between Témédja (RN5) and Avété (RN1) in the Plateaux region; the construction of a centre for disaster victims in Lomé by the Togolese armed forces).
- Local reforestation operations (before, during and after the official national Arbor Day on 1 June).
- Public health campaigns in large cities.
- Vaccination and awareness raising campaigns undertaken by the public health service (AIDS, cholera, polio, tuberculosis).
- Dealing with natural disasters (flooding along the Oti River; on the banks of the Anié River; in Togblékopé, Lomé; in Agbanakin on the border with Benin; again in Lomé, in the village of Tokpli in 2010; the market fires in Barkoissi, Amlamé and Vogan; serious traffic accidents, such as the one involving a football team in Gléi).
- Medical evacuation of civilians by military air assets.

The Togolese armed forces, therefore, focuses on the key areas of prevention, protection and assistance.

The Togolese armed and security forces also take part in multinational peacekeeping operations, within the framework of the United Nations, the African Union and the Economic

Community of West African States (ECOWAS) or as part of bilateral agreements. During troop cantonment in training centres prior to deployment, meetings are planned and sometimes conducted jointly by representatives of the International Committee of the Red Cross (ICRC) in Lomé and the Monitoring Committee.

On 14 March 2006, ICRC, represented by Ms. Sandra Dessimoz, met with Togolese authorities at the highest level, including the Prime Minister of Togo, Edem Kodjo. An agreement was reached between the Togolese Republic and the International Red Cross and Red Crescent Movement concerning the humanitarian activities of ICRC to assist persons deprived of their liberty. Since then, ICRC has been free to visit places of detention throughout Togo.

ICRC has access to all detainees at all stages of detention. Under its mandate, ICRC pays special attention to those persons suspected of, prosecuted or convicted for breaching national security or any similar offence.

ICRC has access to the entire territory of the Togolese Republic, to all places of detention (civilian prisons, military barracks/garrisons, police custody facilities, hospitals, etc.) regardless of which authority is responsible for these places. Consequently, four prisons have been inspected and reports sent to the relevant authorities.

On 16 September 2010, the ICRC Lomé delegation met with the Chief of the General Staff of the Togolese armed forces and the International Humanitarian Law Monitoring Committee in Lomé to present new manuals, the result of a joint Togolese armed forces and ICRC project to update the old editions of the manuals.

Status of ratifications

With regard to the status of signature and ratification of international instruments of humanitarian law, it is clear that Togo is lagging behind, owing to the social and political unrest that the country has been experiencing for the last two decades. Nevertheless, the desire to comply with those instruments is there: the political leadership is working on it and we will know more in the days to come. I will leave it to others more knowledgeable on the matter to provide more details.

There is much to be done; it is a daunting task and it takes courage to recognize that. It requires patience, as it is a long-term task that will have a real impact on specific objectives. Communication and information are effective means of establishing better relations between civilians and the military. Above all, the Togolese armed forces are, for their part, determined to

take small, gradual steps towards this noble ideal, for better and healthier relations between civilians and the military in Togo.

Outlook

With regard to the dissemination of the law of armed conflict, plans are being drawn up for awareness days for the military high command and the troops.

- For the military high command, the workshops will be dedicated to reminding them of international humanitarian law, new developments and the status of ratification of international human rights instruments.
- As for the military troops, the promotion, dissemination and inclusion of international humanitarian law in regular training and preparatory sessions will continue. A project to produce a video to be used as a training aid is continuing apace; the video will soon be available to training and education centres.
- For the civilian population, open-house days organized by the Togolese armed forces in May 2011 have allowed the protagonists (civilians and soldiers) to understand and accept each other better henceforward. These activities will continue.

With regard to legal measures, policy guidelines were adopted by all those responsible for dissemination and training in international humanitarian law in Togo (civilian and military).

Measures will include:

- Revitalizing the Togolese Inter-Ministerial Committee on International Humanitarian Law as soon as possible (after it was initially established its activity has, unfortunately, waned over the years); it will need to be expanded considerably to enable the ratification of international humanitarian law treaties to be brought up to date.
- Further dissemination of the texts of the Geneva Conventions of 1949 and the additional Protocols to the Geneva Conventions of 1977, inter alia, in particular by translating them into national languages.
- Supplementing military criminal legislation, so as to define war crimes and other violations of international humanitarian law and ensure that they are punished, regardless of where the crimes were committed and the nationality of the perpetrator.
- Training judges, magistrates, Members of Parliament and other public officials, as well as politicians and civil society, on the principles and rules of the law of armed conflict.

At the national level:

In 1997, Togo established an Inter-Ministerial Committee, which unfortunately became dormant after its initial meeting. Henceforth, Togo must revitalize that Committee and expand it considerably. Steps are being taken in that direction.

Togo has not signed or ratified the Rome Statute of the International Criminal Court. However, with regard to the Geneva Conventions and their additional Protocols I and II, articles 10 to 50 of the Constitution of the Fourth Republic cover citizens' rights and international humanitarian law. On the matter of human rights protection, on 30 June 2010, Togo ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 18 December 2002.

In January 2010, sessions were held for both public and private media and press journalists from Togo to raise awareness of international humanitarian law and activities to implement the Treaties. A session was also held in collaboration with ICRC for some twenty Togolese political leaders to raise awareness of universal humanitarian principles.

Cooperation of Togo with International Humanitarian Law Treaties

Fundamental treaties

<i>Treaty</i>	<i>Signature</i>	<i>Ratification, Accession, Succession</i>	<i>Reservations, Declarations</i>
Hague Convention (1907)			
Geneva Convention (1949)		06/01/1962	D. art. 90 (21/11/1991)
Additional Protocol I (1977)	12/12/1977	21/06/1984	
Additional Protocol II (1977)	12/12/1977	21/06/1984	
Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)			
(First) Protocol (1954)			
(Second) Protocol (1999)			

Treaties on the use of weapons

Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925)		05/04/1971	
Biological Weapons Convention (1972)	10/04/1972	10/11/1976	
Environmental Modification (ENMOD) Convention (1976)			
Convention on Certain Conventional Weapons (1980)	15/09/1981	04/12/1995	
Amendment article 1 (2001)			
Protocol on Non-Detectable Fragments		04/12/1995	
Protocol II on Prohibitions or		04/12/1995	

Restrictions on the Use of Mines, Booby-Traps and Other Devices			
Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (1996)			
Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons		04/12/1995	
Protocol IV on Blinding Laser Weapons (1995)			
Protocol V on Explosive Remnants of War			
Chemical Weapons Convention (1993)	13/01/1993	23/04/1997	
Anti-Personnel Mine Ban Convention (1997)	04/12/1997	09/03/2000	

Others

Convention on the Prevention and Punishment of the Crime of Genocide (1948)		28/05/1984	
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (1968)			
Rome Statute of the International Criminal Court (1998)			
Agreement on the Privileges and Immunities of the International Criminal Court (2002)			
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed	15/11/2001		

conflict (2000)			
Convention on Cluster Munitions (2008)			
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Kampala (2009)	24/12/2009		
African Union Convention on Internally Displaced Persons (2010) *			

* *Translator's note:* This Convention could not be traced and the title appears to be a rewording of the title of the Kampala Convention which appears above.