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**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE DEVELOPMENTS IN TOGO**

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I. INTRODUCTION

1. At its 25th meeting, held on 25 February 2005, the Peace and Security Council (PSC) considered the situation in Togo. On that occasion, the PSC confirmed the suspension of the participation of the *de facto* authorities of Togo and of their representatives in the activities of all the AU policy organs until the restoration of constitutional legality in that country, and requested the Commission to ensure the scrupulous implementation of the suspension. Within the same framework, the PSC endorsed the sanctions adopted by ECOWAS against the *de facto* authorities of Togo. It requested all Member States to implement scrupulously the sanctions. Furthermore, the PSC mandated ECOWAS to take any measures it deemed necessary to restore constitutional order in Togo as soon as possible.

2. The present report takes stock of the evolution of the situation since 25 February 2005.

II. PREPARATION AND CONDUCT OF THE ELECTIONS

3. It should be recalled that, under the weight of pressure from ECOWAS, the AU and the rest of the international community, Faure Gnassingbé resigned from the post of the President of the Republic in favour of Abass Boufoh, First Vice-President, who became the Speaker of the National Assembly and thereupon the Acting President of the Togolese Republic. At the same time, Faure Gnassingbé was elected Chairman of the *Rassemblement du peuple togolais (RPT)*, following an extraordinary Congress of the RPT, and was immediately nominated as the candidate of the party for the presidential election, which was to be organized within 60 days, as provided for in the Constitution of Togo.

4. Following the announcement, on 25 February, of the decision by Faure Gnassingbe to leave the post of President of the Republic of Togo and comply with the decisions of the ECOWAS Extraordinary Summit, held in Niamey, on 9 February 2005, I took note of the resignation and stressed the need for political dialogue among all the political actors to ensure a consensus-based transition, mainly through the organization of free, fair and all-inclusive elections.

5. ECOWAS lifted the sanctions that it had imposed on Togo with immediate effect through a communiqué of its current Chairman, issued on 25 February 2005. On 28 February, a high level delegation led by President

Mamadou Tandja and composed of President Amadou Toumani Touré, Lawan Gana Guba, Nigerian Minister for Regional Integration, representing President Olusegun Obasanjo, and Mohamed Ibn Chambas, Executive Secretary of ECOWAS, went to Lomé to discuss with all the political actors. Those consultations led to the adoption, on 1 March, of a Nine Points Roadmap to guarantee a free and fair presidential election. In this regard, the Chairman of ECOWAS appointed Mai Manga Boukar, electoral expert from Niger, as Special Envoy to Togo, and three electoral experts, respectively from Benin, Mali and Niger, were placed at the disposal of Togo to help organize and monitor the electoral process.

6. The current Chairman of ECOWAS then considered that the presidential election could be held in conformity with the provisions of the Constitution of Togo, since the demand of the ECOWAS Summit had been complied with and the conditions for the restoration of constitutional order had henceforth been met. That approach was supported by the RPT and the so-called "moderate" opposition. As for the "radical opposition", having pressed in vain for the initiation of negotiations, the establishment of a Transitional Government and the re-composition of the institutions involved in the constitutional coup d'Etat, at last decided to participate in the election. It thus accepted the principle of a single candidate and nominated Emmanuel Akitani Bob, First Vice-Chairman of the *Union des Forces de Changement* (UFC), as the party's candidate.

7. Four candidates were on the list, namely: Faure Gnassingbé, Chairman of the RPT; Nicholas Lawson, Chairman of the *Parti du Renouveau et de la Redemption* (PRR); Emmanuel Akitani Bob, candidate of the "radical" opposition; and Harry Olympio, Chairman of the *Rassemblement pour le soutien de la démocratie et du développement* (RSDD).

8. In spite of the serious incidents, which marred the electoral campaign and the resulting tension, the presidential election was organized on 24 April, as scheduled. The relative calm, which obtained at the beginning of the election was quickly replaced by scenes of violence. While the authorities were satisfied with the smooth conduct of the election, the opposition denounced a large scale fraud in the process. The *Rencontre africaine pour la défense de la démocratie et des droits de l'homme* (RADDHO) also revealed numerous cases of fraud, while the European Parliament stated that it would not recognize the legitimacy of the authorities emanating from the election.

9. On 25 April, President Olusegun Obasanjo brought together Faure Gnassingbé and Gilchrist Olympio, Chairman of the UFC, in Abuja, to try to defuse the tension that could emerge with the announcement of the results. The AU current Chairman then led his interlocutors to agree on the need to form a Government of National Unity, whatever the outcome of the election,

and to work towards the amendment of the Constitution in order to enhance democracy.

10. The provisional results announced by the Independent National Electoral Commission, on 26 April, reflected the victory of Faure Gnassingbé, with 60.22% of the votes, followed by Emmanuel Akitami Bob, with 38.19%, and Harry Olympio, with 0.55%. The opposition immediately denounced the election as a farce and called upon its militants to mobilize themselves. The capital, Lomé, which, while awaiting the results, seemed relatively calm, suddenly became the theatre of clashes, turning into a state of insurrection, which was brutally suppressed by the army.

11. On 27 April, Emmanuel Akitami Bob proclaimed himself President of the Togolese Republic and called upon his supporters to resist the arbitrary order imposed upon. The Togolese Government called that proclamation a fantasy and ordered the enforcement of the laws of the Republic. ECOWAS, which had sent 150 observers to Togo, condemned that self-proclamation, considering that the anomalies exposed during the presidential election did not call into question the credibility of the election. Nigeria considered that proclamation as "unconstitutional". The United Nations reiterated its appeal to maintain calm, while France and the United States encouraged the formation of a Government of National Unity.

12. According to the Togolese League of Human Rights (LTDH), the violence over the last three months resulted in more than 811 people killed and more than 4,500 injured. The Togolese Movement for the Defence of Liberties and Human Rights (MTDLH) stated 58 dead, 317 injured and 280 public and private buildings ransacked. According to the UN High Commission for Refugees (UNHCR), about 30,000 Togolese sought refuge in Benin and Ghana. Benin, which is hosting the largest number – more than 22,000 –, appealed for international assistance to provide for those refugees.

13. On 30 April, a mission composed of representatives of ECOWAS and the AU current Chairman went to Lomé, where it met with the members of the Government and of the opposition. While the camp of Faure Gnassingbé was in favour of the formation of a Government of National Unity, the opposition demanded that a number of measures be put in place to guarantee the security of the people and the establishment of mechanisms for election verification.

14. On 3 May, the Constitutional Court proclaimed the official and final results of the Presidential election, which confirmed the victory of Faure Gnassingbé, who obtained 60.15% of votes. The situation got under control and calm was maintained, with the deployment of heavily armed security forces, which had taken positions on the eve of the proclamation of the

results in the Bè and Kodjoviakope areas, which are opposition strongholds, and which cordoned off the city of Lomé, just after the proclamation of the results. Subsequently, the President-elect was sworn in by the Constitutional Court.

15. As a follow-up to the mediation of President Obasanjo, a mini-Summit of Heads of State and Government on the situation in Togo was held in Abuja, on 19 May 2005. The Summit brought together Presidents El Hadj Omar Bongo Ondimba, Mathieu Kérékou, Blaise Compaoré, John Kufuor and Mamadou Tandja, current Chairman of ECOWAS, Faure Ghassingbé and Olusegun Obasanjo, current Chairman of the AU. The Special Representative of the UN Secretary-General, Anmedou Ould Abdallah, and the Executive Secretary of ECOWAS, Mohammed Ibn Chambas, also participated at the mini-Summit.

16. The Heads of State and Government discussed at length with the leaders of the political parties on the process leading to national reconciliation and the deepening of the democratization process in Togo. The Heads of State and Government called for the adoption of confidence-building measures, the establishment of a framework for dialogue to bring back normalcy in the country and enable the formation of a Government of National Unity representing the entire political class, which would have the mandate of initiating the necessary reforms for the recovery of the country. They also called upon the Togolese political forces to abstain from any acts of violence, impunity and vandalism, which could further contribute to insecurity in the country.

III. OBSERVATIONS

17. The conditions under which the election was conducted and the reactions triggered off by the announcement of the results confirmed the need for dialogue and the search for consensus to preserve peace and stability and promote national reconciliation and democracy in Togo. It is important to continue to engage the Togolese parties towards the deepening of the conclusions of the Abuja mini-Summit. In this connection, I shall endeavour to continue to work in that direction in close consultation with the current Chairman and through the efforts of the Special Envoy that I intend to appoint, in order to help facilitate dialogue between the Togolese parties, in cooperation with ECOWAS.

18. Furthermore, I suggest that the AU dispatch an observer mission to Togo, with a view to monitoring the evolution of the political, social and humanitarian situation, as well as the status of human rights.