



TOGO

THE REIGN OF THE PERMANENT COUP D'ÉTAT



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A PATRIMONIALIZATION OF POWER

Since its independence in 1960, Togo's history has rhymed with coups d'état, whether military, constitutional, institutional or electoral. In January 1963, President Sylvanus OLYMPIO, father of independence, was assassinated in a military coup d'état. Among the ranks of the military putschists was the father of the current president, Etienne Gnassingbé ÉYADÉMA. In 1967, the latter seized power through a new military coup d'état and established an implacable dictatorship until his death in 2005.

In 1992, the Togolese people voted in favour of a new Constitution limiting the number of presidential terms to two. On 31 December 2002, a constitutional revision transformed the semi-presidential regime of the 1992 Constitution into a presidential regime and repealed this provision to allow Eyadéma GNASSINGBÉ to run for a new term in 2003.

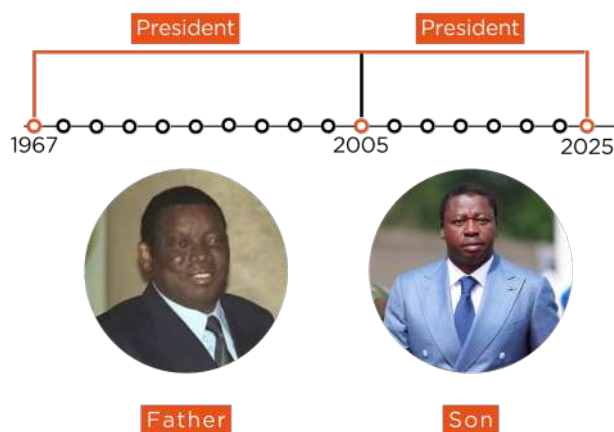
On 5 February 2005, General Éyadema died and his son Faure Gnassingbé was brought to power on the same day by certain high-ranking army officers, despite the constitutional provisions. While the Constitution prohibits any revision during a power vacuum, the Constitution and the Electoral Code were amended in one afternoon to allow Faure Gnassingbé to move from the rank of minister, to that of deputy and then to president of the National Assembly, ensuring his father's interim. It was thus at the end of a triple coup d'état – military, constitutional and institutional – that Faure GNASSINGBÉ was sworn in before the Constitutional Court the next day, 7 February 2005, before being forced to resign on 26 February 2005 under popular pressure as well as that of the African Union. He nevertheless led the transition behind the scenes and ECOWAS gave him the opportunity to participate in the presidential election of April 2005, in which he was declared the winner with more than 60% of the vote, despite glaring irregularities (soldiers ransacking or stealing and fleeing with ballot boxes in the polling stations)¹. The unprecedented instrumentalization of state violence to repress the contestation of **this fraudulent election caused between 400 and 500 deaths** according to the UN² report. A crime that went unpunished.

Since 2005, Faure GNASSINGBÉ has remained in power. Every five years, he is announced as the winner of elections deemed fraudulent and non-transparent by the opposition, civil society organisations and observation missions, particularly from the European Union.³ This has led to cyclical periods of demonstrations, particularly in 2017 and 2018, the scale of which has allowed the reintroduction of the - non-retroactive - limitation of presidential terms in the Constitution in 2019 under pressure from ECOWAS. Faure GNASSINGBÉ is therefore running for a fourth consecutive term in the 2020 presidential election and is proclaimed the winner by the Independent Electoral Commission with 72.36% of the votes.⁴

In April 2024, yet another subterfuge was put in place: as Faure GNASSINGBÉ approached the end of his last term, the same National Assembly that had voted to limit terms in 2019 by resetting the counters, and whose majority of deputies were members of the ruling party (UNIR), unanimously voted by the 87 deputies present for a new Constitution that allowed Faure GNASSINGBÉ to remain in power indefinitely in Togo.

The GNASSINGBÉ dynasty in power for 58 years

The time spent by Éyadéma GNASSINGBÉ and his son Faure GNASSINGBÉ at the head of the Republic of Togo.



1. "La situation au Togo", Reportage, INA. Publié le 30/08/2012. <https://www.youtube.com/watch?v=8eUxGA3TmM4&ab_channel=INAPolitique>

2. "Togo. Le rapport de la mission des Nations unies", RFI. Publié le 26/09/2005. <http://www1.rfi.fr/actufr/articles/069/article_38809.asp>

3. "Togo. Rapport final. Election présidentielle. Mars 2010." Union européenne. Mission d'observation électorale.

<https://www.eeas.europa.eu/sites/default/files/rapport_final_togo_2010.pdf>

4. "Présidentielle au Togo: Faure Gnassingbé réélu pour un 4ème mandat", BBC. Publié le 24/02/2020. <<https://www.bbc.com/afrique/region-51608642>>

YOU DON'T CHANGE A WINNING TECHNIQUE

On December 28, 2023, deputies (whose term ends on December 31) of the majority party discreetly tabled a bill to change the Constitution in the National Assembly. In March 2024, the same Assembly adopted this bill overnight with 89 votes in favour out of 91.

With this new fundamental law, Togo is moving from a semi-presidential regime to a parliamentary regime where the head of state will now be chosen by the Parliament meeting in congress; the head of state will be chosen for «a single six-year term»⁵ and henceforth holder of symbolic powers; the President of the Council of Ministers (equivalent to the head of government) becomes the real holder of power, appointed for a six-year term by the lower house of parliament, he is the leader of the majority party or coalition of parties after the general elections and he has full authority to manage the affairs of the government.

Faced with a public outcry, Faure GNASSINGBÉ suspended the legislative elections process and decided to send the text back to the Assembly for a second reading.⁶ In April, to feign transparency and popular inclusion, deputies travelled around Togo for «consultations» lasting a few hours in front of traditional chiefs and «organized groups»⁷ without further details. However, the text remains inaccessible. The legislative elections were postponed several times to first proceed with a new vote on the text.

On April 19, 2024, the deputies adopted the new Constitution at 2nd reading, 10 days before the legislative elections. Promulgated by a government press release on May 6, 2024, the text of the new Constitution remains nowhere to be found. It was not until May 21, 2024 that the document was published in the Official Journal

and the possibility finally offered to the people to have access to the new Constitution imposed on them. It appears that the deputies will elect the President of the Republic «for a four-year term, renewable once»⁸. The real power is concentrated in the hands of a President of the Council, who must be the leader of the majority party in the National Assembly. There is no election or term limit for this position.

ECOWAS is sending a mission to Lomé from 15 to 20 April 2024. The regional institution had initially mentioned the «seriousness of the controversial constitutional reforms»⁹, before making an about-face the next day by explaining in a second statement that it is carrying out «a pre-electoral assessment» and «will not engage in any other process as indicated in an earlier statement, which has been withdrawn»¹⁰. The legislative and regional elections took place on April 29, 2024, unsurprisingly, the UNIR (the presidential party) won 108 of the 113 seats in the Assembly.¹¹

The two personalities at the head of Togo since May 3, 2025

Faure GNASSINGBÉ
President of the Council



Holder of
executive power

Jean-Lucien SAVI de TOVÉ
President of the Republic



holder of honorary
powers

5. "Le Togo adopte une nouvelle Constitution, qui le fait basculer en régime parlementaire", Le Monde. Publié le 26/03/2024. < https://www.lemonde.fr/afrique/article/2024/03/26/le-togo-adopte-une-nouvelle-constitution-qui-le-fait-basculer-en-regime-parlementaire_6224155_3212.html >

6. "Changement de constitution: Faure Gnassingbé demande une deuxième lecture de la loi adoptée", Togo First. Publié le 01/04/2024. < <https://www.togofirst.com/fr/politique/0104-13748-changement-de-constitution-faure-gnassingbe-demande-une-deuxieme-lecture-de-la-loi-adoptee> >

7. "Togo: l'Assemblée nationale démarre ce lundi une consultation pour une relecture de la constitution modifiée", Togo First. Publié le 08/04/2024. < <https://www.togofirst.com/fr/politique/0804-13800-togo-l-assemblee-nationale-demarre-ce-lundi-une-consultation-pour-une-relecture-de-la-constitution-modifiee> >

8. LOI N° 2024-005 DU 06/05/2024 portant Constitution de la République Togolaise. < <https://cdn.accf-francophonie.org/2019/03/Constitution-Togo.pdf> >

9. "Togo : la Cédéao réoriente sa mission envoyée avant les élections législatives et régionales", RFI. Publié le 16/04/2024. < <https://www.rfi.fr/fr/afrique/20240416-togo-la-c%C3%A9dao-r%C3%A9oriente-sa-mission-envoy%C3%A9e-avant-les-%C3%A9lections-l%C3%A9gislatives-et-r%C3%A9gionales> >

10. Communiqué du 16 avril 2024: La CEDEAO envoie une mission d'information au Togo, Twitter. Publié le 16/04/2024. < https://x.com/ecowas_cedeao/status/1780152823818178970 >

11. "Le nombre de députés passe de 91 à 113 au Togo", VOA. Publié le 24/01/2024. < https://www.lemonde.fr/afrique/article/2024/03/26/le-togo-adopte-une-nouvelle-constitution-qui-le-fait-basculer-en-regime-parlementaire_6224155_3212.html >

In accordance with the new text - which provides for a maximum period of 12 months to set up the new institutions¹² - on May 3, 2025, Faure GNASSINGBÉ becomes President of the Council¹³. Jean-Lucien SAVI of TOVÉ was then unanimously elected President of the Republic by the Congress.

THE GOVERNMENT IN FLAGRANTE DELICTO OF VIOLATION OF THE TEXTS

Reactions to the illegality of such a decision were not long in coming. The Bishops' Conference of Togo, in its statement of 26 March 2024, warns that such a decision must be the subject of a national consultation, especially since the mandate of the deputies has expired and that pending the next elections, the Assembly **«should only manage urgent and current affairs, pending the results of the elections that will take place on 20 April and the taking office of the newly elected»**. It urges the head of state to suspend the promulgation of the text and to **«engage in an inclusive political dialogue, after the results of the next legislative and regional elections»**.¹⁴

On 9 April, 44 Togolese academics sent an open letter to the President of the Republic stating that **«Under the terms of Title XIII of the 1992 Constitution, the National Assembly only has the power to revise the Constitution.»** and not the power to adopt a new Constitution. They also specify that **«the adoption of a new Constitution is, in principle, a power that belongs to the People who exercise it by referendum»** and recall that **«The Constitutions of the 1st, 2nd, 3rd and 4th Republics have all been submitted to a referendum»**.¹⁵

The letter recalls Article 59, relating to the modification of the method of election of the President of the Republic or his mandate, which stipulates that **«The President of the Republic is elected by universal, free, direct, equal and secret suffrage for a term of five (05) years**

renewable only once. This provision may be amended only by referendum.» and concludes that **«the ongoing modification process is therefore akin to a fraud on the Constitution»**. Article 144, paragraph 5, of the Togolese Constitution provides that **«No revision procedure may be envisaged or continued during an interim or vacancy period or when the integrity of the territory is undermined»**.¹⁶ The procedure for adopting the Constitution therefore flouts this last clarification given that the Savanes region, plagued by terrorist attacks, has been in a state of emergency since June 2022 in the name of **«the integrity of the national territory»**.¹⁷

In addition to violating the fundamental law, the adoption of a new Constitution goes against the African Charter on Democracy, Elections and Governance. Article 23 of the Constitution stipulates that any unconstitutional change of government **«shall be punishable by appropriate sanctions by the Union»** and that **«Any amendment or revision of constitutions or legal instruments which undermines the principles of democratic alternation»** constitutes an unconstitutional change.¹⁸

The procedure for the adoption of the new Constitution also violates the provisions of ECOWAS Protocol (a/sp1/12/01) on democracy and good governance.¹⁹ Article 1 clearly states that **«Any accession to power must be through free, honest and transparent elections.»** and that **«Any unconstitutional change is forbidden, as is any undemocratic mode of accession or maintenance of power.»** and specifies that citizens must participate **«in decision-making»** according to democratic principles.

Article 2 of the same Protocol sets a maximum period of 6 months before elections to reform electoral laws and stipulates that **«Elections at all levels shall be held on the dates or periods fixed by the Constitution or electoral laws»**. Togo is historically the only country to have opposed twice, in 2015 and 2022, the reform of the ECOWAS Protocol to introduce presidential term limits.

12. LOI N° 2024-005 DU 06/05/2024 portant Constitution de la République Togolaise. < <https://cdn.acccf-francophonie.org/2019/03/Constitution-Togo.pdf> >

13. "Qui est Jean-Lucien Savi de Tové, cet opposant togolais nommé président de la République", BBC. Publié le 5 mai 2025. < <https://www.bbc.com/afrique/articles/c62gp36p31xo> >

14. "Déclaration de la Conférence des Evêques du Togo (CET)", Radio Maria Togo, publiée le 26/03/2024. < <https://www.radiomaria.tg/declaration-de-la-conference-des-eveques-du-togo-cet-au-sujet/> >

15. "Réforme constitutionnelle : l'intégralité de la lettre des universitaires togolais", toutafrica.com, publié le 10/04/2024. < <https://www.toutafrica.com/2024/04/10/reforme-constitutionnelle-lintegralite-da-la-lettre-des-universitaires-togolais/> >

16. Constitution de la IVe République togolaise adoptée par référendum le 27 septembre 1992 et modifiée dernièrement le 15 mai 20219 par la loi n° 2019-003. < <https://assemblee-nationale.tg/wp-content/uploads/2021/05/constitution-consolidee-derniere-version.pdf> >

17. "Exposé des motifs du projet de loi autorisant la prorogation de l'état d'urgence sécuritaire", Assemblée nationale du Togo. Fait le 04/03/2024. < <https://assemblee-nationale.tg/wp-content/uploads/2024/03/ETAT-URGENCE-SECURITAIRE-2024-EXpose.pdf> >

18. Charte africaine de la démocratie, des élections et de la gouvernance", Union africaine. Adoptée le 30/01/2007. < https://au.int/sites/default/files/treaties/36384-treaty-0034_-_african_charter_on_democracy_elections_and_governance_f.pdf >

19. Protocole additionnel A/SP/12/02 sur la démocratie et la bonne gouvernance. Fait le 21 décembre 2001. < <https://www.eisa.org/pdf/ecowas2001protocol1.pdf> >

REPRESSION ESTABLISHED AS A TRADITION

The Togolese president, in an effort to stay in power, has regularly used repression as an effective means of silencing dissenting voices (including members of Tournons La Page in Togo) and public or private demonstrations.²⁰ The massive popular protest against the adoption of the new Constitution was no exception to the rule.

On 27 March 2024, at least 3 press conferences or meetings of the opposition and civil society organisations were banned and violently dispersed by the security forces, who blocked access to participants, threatened people filming the events and used tear gas canisters.²¹ On April 3, 2024, 9 members of the *Dynamique Monseigneur Kpodzro*, an opposition movement, were arrested in a market in Lomé for disturbing public order while distributing leaflets to raise awareness about the constitutional reform they considered illegal.²² 3 were released

on April 5 and the other 6 on April 9, 2024. All demonstrations by civil society or the opposition planned for 11 to 13 April are banned, a decision condemned by the African Commission on Human and Peoples' Rights.²³ On April 18, 2024, a dozen political parties and civil society organizations filed an appeal with the ECOWAS Court of Justice, requesting the withdrawal of the law amending the Constitution.²⁴

On September 29, 2024, the violent attack on an ECOWAS parliamentarian, Guy Marius SAGNA, and Togolese politicians and journalists, by thugs during a political meeting organized by the opposition, testifies to the feeling of impunity of the supporters of the government who do not hesitate to attack foreign politicians. The participants were punched. The MP, who was taken to hospital, had clearly criticized the process that led to the adoption of the new Constitution in Togo.²⁵



Photo of the ransacked site of the meeting during which the violent attack on an ECOWAS parliamentarian, Guy Marius SAGNA, and Togolese politicians and journalists took place.

Source: Amnesty International

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20. "Togo. Une tradition de répression", Rapport de Tournons La Page. Publié en novembre 2022. < <https://tournonslapage.org/fr/outils-et-res-sources/Rapport%20Togo-Tournons-la-Page-FR-WEB.pdf> >

21. "Togo: répression sur fonds de changement de Constitution", Amnesty International. 29/03/2024. < <https://www.amnesty.org/fr/latest/news/2024/03/togo-repression-sur-fonds-de-changement-de-constitution/> >

22. "Interdiction de manifestations et de rassemblements contre la réforme constitutionnelle controversée et arrestation d'un journaliste", Civicus. Publié le 22/04/2024. < <https://monitor.civicus.org/explore/interdiction-de-manifestations-et-de-rassemblements-contre-la-re-forme-constitutionnelle-controversee-et-arrestation-dun-journaliste/> >

23. "Communiqué de presse sur la situation des droits à la liberté de réunion et de manifestation en République Togolaise", Commission africaine des droits de l'Homme et des Peuples, publié le 14/04/2024. < <https://achpr.au.int/fr/news/communiqu%C3%A9-de-presse/2024-04-14/communiqu%C3%A9-de-presse-sur-la-situation-des-droits-la-libert%C3%A9-de-r%C3%A9union-et-de-manifestation-en-r%C3%A9publique-togolaise> >

24. "Nouvelle Constitution togolaise: l'opposition saisit la Cedeao", VOA. Publié le 25/04/2024. < <https://www.voaafrique.com/a/l-opposi-tion-togolaise-saisit-la-cedeao-pour-retirer-la-nouvelle-constitution/7584570.html> >

25. "Le Sénégal condamne l'agression contre un de ses députés au Togo", Le Monde. Publié le 30/09/2024. < https://www.lemonde.fr/afrique/article/2024/09/30/le-senegal-condamne-l-agression-contre-un-de-ses-deputes-au-togo_6339880_3212.html >

RECOMMENDATIONS

To Togo's policymakers :

- Repeal unconditionally and as soon as possible the new Togolese Constitution adopted illegally and against the will of the Togolese people ;
 - Restore direct universal suffrage, which allows Togolese citizens to exercise their right, as a people, to self-determination and to choose their political status in accordance with article 1 of the International Covenant on Civil and Political Rights ;
 - Retroactively reinstate Article 59 introduced during the 2019 constitutional revision which clearly establishes a limit of presidential terms to two.
- Apply the sanctions provided for in Article 45 of the ECOWAS Additional Protocol on Democracy and Good Governance concerning States that have flouted democratic principles and in particular the sanction of suspension of the State concerned from all ECOWAS bodies ;
 - Promptly and independently address the complaint filed by Togolese opposition political parties and civil society organizations with the ECOWAS Court of Justice.

To Togo's technical and financial partners :

To regional and international institutions :

- Create a mandate for a United Nations Special Rapporteur on Togo in view of the serious and recurrent violations of democratic principles and human rights stipulated in international and regional texts to which the State of Togo is a party ;
- Bring before the competent jurisdiction of the African Union Faure GNASSINGBÉ Gnassingbé and the persons who participated in the unconstitutional change of government in Togo, as defined by Article 23, paragraph 5 of the African Charter on Democracy, Elections and Governance of the African Union and in accordance with Article 25 of the same Charter ;
- Apply the sanctions provided for in Article 25, paragraph 1 of the Charter of Democracy, Elections and Governance against the Togolese government, which provides for the suspension of the State's rights of participation in the activities of the African Union ;
- Urge the Togolese government to organize programs and activities with the aim of promoting and defending the principles of democracy, good governance and peace in accordance with Article 12 of the African Union Charter on Democracy, Elections and Governance ;
- Amend the ECOWAS Protocol (SP1/12/01) on Democracy and Good Governance by introducing a provision limiting presidential terms to two in a lifetime ;
- Provide technical and financial support to the Togolese authorities in the implementation of programmes and activities that uphold the principles and practices of democratic culture, good governance and peace, in accordance with the commitment made by the Member States of the African Union in Article 12 of the African Charter on Democracy, Elections and Governance of the African Union ;
- Strengthen Togolese civil society and whistle-blowers through financial, political (protection, denunciation of violations) and technical support, so that these actors continue their work of citizen monitoring, counter-powers and mobilization in the face of the illegal adoption of the new Constitution ;

To civil society :

- Continue to organize mobilization events in Togo and advocacy missions abroad with political decision-makers to alert on the situation in Togo ;
- Put the subject of Togo on the agenda during the organization of international events with a large audience as soon as the agenda lends itself to it and allow experts and members of Togo's civil society to be speakers and witnesses ;
- Strengthen its capacity to document cases of rights violations and restrictions on civic space.