

URGENT APPEAL - THE OBSERVATORY

New information
CMR 002 / 0613 / OBS 049.2
Judicial harassment
Cameroon
May 3, 2018

The Observatory for the Protection of Human Rights Defenders, a partnership of World Organisation Against Torture (OMCT) and FIDH, has received new information and requests your urgent intervention in the following situation in **Cameroon**.

New information:

The Observatory has been informed by reliable sources of the ongoing judicial harassment against **Mr. Musa Usman Ndamba**, National Vice President of the Mbororo Social and Cultural Development Association (MBOSCUDA)¹.

According to the information received, on April 27, 2018, the 60th hearing in the trial against Mr. Musa Usman Ndamba which opened in 2013, was held before the Bamenda Court of First Instance. Mr. Usa Usman Ndamba's is being tried on charges of "propagation of false information", "false oath", "false report" and "defamation of character", under section 113, 166, 304(1) and 305(1) of the Criminal Code of Cameroon and which are punishable by a prison sentence of up to 5 years and a fine of up to 2 million FCFA (approximately 3000 euros). These charges follow a complaint filed by Mr. Baba Ahmadou Danpullo, a billionaire businessman, cattle rancher, tea plantation owner and a member of the Central Committee of the ruling Cameroon People's Democratic Movement (CPDM) party (see background information).

During the hearing, Barrister Joseph Akong, who was responsible in May 2013 for notarising the affidavit on the basis of which Mr. Ndamba is being charged, appeared as a court witness and informed the court that Mr. Ndamba was not the person for whom he notarised the affidavit, and that he had only met Mr. Ndamba during the preliminary investigation of the case. This was the last hearing of the trial and the judgment is expected to be rendered on May 11, 2018.

The Observatory recalls that the alleged defamatory statements contained in the affidavit are not signed by the defender but by another individual named Mr. Musa Adamu. According to the plaintiff, Mr. Ndamba is the author of these statements, and he intentionally changed his name in order to escape prosecution. However, Mr. Ndamba was able to provide evidence that he had never changed his name in the form of an expired identity card dated July 20, 2000.

The Observatory fears that the ongoing judicial harassment against Mr. Ndamba comes in as a retaliation to his human rights activities, in particular as MBOSCUDA's National Vice President. Moreover, these acts of harassment are not isolated, as the Observatory has reported several cases of judicial harassment against leaders of civil society organisations denouncing the government's corruption and opposing land grabbing in Cameroon. Many of these acts are linked to cases of land acquisition by Mr. Baba Ahmadou Danpullo².

¹ The Mbororo Social and Cultural Development Association (MBOSCUDA) defends the rights of indigenous Mbororo pastoralists in North-Western Cameroon since 1992. It has been active in monitoring the sale of public land to private landowners, denouncing corruption and defending indigenous people's land rights.

² See the Observatory's Urgent Appeals CMR 001 / 0716 / OBS 056.3 published on May 11, 2017 and CMR 001 / 0317 / OBS 033.2 published on April 20, 2018.

The Observatory expresses its deepest concerns about those acts of harassment, and fears that they have increased after MBOSCUDA and its members submitted in early May 2013 a report in the framework of the United Nations Human Rights Council Universal Periodic Review (UPR) of Cameroon in Geneva, outlining the various obstacles faced by the Mbororo community³.

The Observatory strongly condemns these acts, and urges Cameroonian authorities to put an end to all forms of harassment, including at the judicial level, against Mr. Ndamba and all human rights defenders in Cameroon so that they are able to carry out their legitimate and peaceful human rights activities without any hindrance or fear of reprisals.

The Observatory further urges the Cameroonian authorities to ensure that, until all charges are dropped, all judicial proceedings are carried out in full compliance with his right to a fair trial, as protected under international law, including his right to be tried within a reasonable time.

Background information:

On May 10, 2013, Mr. Musa Usman Ndamba was summoned to appear before the Court of First Instance in Bamenda, North Western Cameroon, following a complaint brought by Mr. Baba Ahmadou Danpullo for “propagating false information liable to injure public authorities”, “being a party in a judicial proceeding on oath and making false declarations”, “making a false report against Baba Ahmadou Danpullo liable to lead to his prosecution” and “injuring the reputation of Baba Ahmadou Danpullo by imputation of unprovable facts”.

These charges stem from a false affidavit which the plaintiff alleged was signed by Mr. Musa Usman Ndamba.

During the hearing, Mr. Ndamba refuted all the allegations and pleaded not guilty. Mr. Ndamba was bailed, pending another hearing scheduled on May 27, 2013. On that day, as the landowner failed to appear in court, the matter was adjourned to June 28, 2013, and the judge warned that he would award costs against the landowner should he fail again to attend court. Subsequently, in May 2014 the court dismissed the charges against Mr. Ndamba for lack of a diligent prosecution.

On July 29, 2016, Mr. Baba Ahmadou Danpullo accused M. Ndamba of “propagation of false information, false oath, false report and defamation of character” based on the same affidavit and evidence as the case in 2013. Subsequently, the trial was adjourned several times in absence of the plaintiff.

On December 18, 2017, the trial of Mr. Ndamba was adjourned for the fifty-fifth time.

On February 23, 2018, the trial against Mr. Musa Usman Ndamba was resumed for the 57th time. The plaintiff Mr. Baba Ahmadou Danpullo was not present at the hearing and was represented by Mr. Sama Francis Asanga, a senior official from the opposition Social Democratic Party (SDF), close family member of the party leader Mr. John Fru Ndi and former President of the Cameroon Bar Association. On March 2, 2018, the Bamenda Court of First Instance presided by Magistrate Babila Tibet adjourned the next hearing to March 16, 2018.

On April 13, 2018, the plaintiff Mr. Baba Ahmadou Danpullo, was not present at the hearing and was represented by Mr. Sama Francis Asanga, a senior official of the opposition Social Democratic Party (SDF), close family member of the party leader Mr John Fru Ndi and former President of the Cameroon Bar Association.

³ See the report on http://www.upr-info.org/IMG/pdf/js1_upr_cmr_s16_2013_joints submission1_e.pdf

On March 16, 2018, the trial was adjourned to April 6, 2018, because of the absence of the plaintiff's witnesses. On April 6, 2018, the trial went ahead with one of the plaintiff's and was adjourned again to April 13, 2018.

Actions requested:

Please write to the authorities of Cameroon asking them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Musa Usman Ndamba, as well as of all MBOSCUDA members and all human rights defenders in Cameroon;
- ii. Put an end to all acts of harassment, including at the judicial level, against of Mr. Musa Usman Ndamba, as well as of all MBOSCUDA members and all human rights defenders in Cameroon;
- iii. Until all charges are dropped, ensure that all judicial proceedings against Mr. Musa Usman Ndamba are carried out in full compliance with his right to a fair trial, as protected under international law;
- iv. Fully implement the recommendation of the Inter-Ministerial Commission of Investigation (The Jani Commission) on the abuses by the landowner mentioned above, ordered by the President of Cameroon and submitted to the Office of the Prime Minister since 2004, for action⁴;
- v. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its Articles 1 and 12.2. ;
- vi. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Cameroon.

Addresses:

- His Excellency Mr. Paul Biya, President of the Republic, Presidency of the Republic, Palais de l'Unité, 1000 Yaoundé, Cameroon, Fax +237 22 22 08 70
- H.E. Mr. Philémon Yang, Prime Minister and Chief Head of Government, Primature du Cameroun, 1000 Yaoundé, Cameroon. Fax: +237 22 23 57 65.
Email: spm@spm.gov.cm
- Mr. Laurent Esso, Minister of Justice, Ministry of Justice, 1000 Yaoundé, Cameroon, Fax: + 237 22 23 00 05
- Mr. René Emmanuel Sadi, Minister of Territorial Administration, Fax: + 237 22 22 37 35
- Dr. Chemuta Divine Banda, Chairman of the National Commission on Human Rights and Freedoms, Fax: +237 22 22 60 82, E-mail: cndhl@iccnet.cm / cdbanda26@yahoo.fr

⁴ The commission was created by the Minister of Justice through Ministerial Decision No. 164 on July 2, 2003, modified by Decision No. 230 on August 13, 2003, to investigate human rights abuses by Mr. Danpulo against the Mbororo community including arbitrary arrests, trumped charges, imprisonment, torture, expropriation of lands, interference with Mbororo community leadership, etc. Recommendations of the Commission include that the authorities retrace and where necessary re-demarcate the legal boundaries of ELBA Ranch in accordance with Land Certificate No. 140/Menchum of December 1, 1989, with a surface area of 4,726 hectares; that the authorities retrace and where necessary re-demarcate the legal boundaries of the Land Grant measuring 1,335 hectares allocated to Baba Ahmadou Danpullo for transhumance; that Baba Ahmadou Danpullo liberates illegally occupied lands; that Baba Ahmadou Danpulo pays compensation to those who were displaced by ELBA Ranch; that the authorities identify the various Mbororo communities in the North-West capable of being led by traditional rulers designated in conformity with the law; that the authorities take measures with regards to the illegal and irregular functioning of Ndawara Alkali Court. For more information, please see: http://justice-dignity.net/wp-content/themes/green-stimulus/Jani_Commission_Report.pdf

- H.E. Mr. Anatole Fabien Marie Nkou, Ambassador, Permanent Mission of the Republic of Cameroon to the United Nations Office in Geneva, Avenue de France 23, 1202 Geneva, Switzerland. Fax: + 41 22 736 21 65, Email: mission.cameroun@bluewin.ch
- H.E. Mr. Daniel Evina Abe'e, Ambassador of Cameroon to Belgium & the European Union, Embassy of the Republic of Cameroon in Brussels, 131 av. Brugmann, 1190 (Forest), Belgium, Fax: + 32 2 344 57 35; Email: ambassade.cameroun@skynet.be; embassy@cameroon.be

Please also write to diplomatic representations of Cameroon in your respective countries.

Geneva-Paris, May 3, 2018

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and the FIDH. The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29
- Tel and fax FIDH + 33 1 43 55 25 18 / +33 1 43 55 18 80