

## URGENT APPEAL - THE OBSERVATORY

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**New information**  
**CMR 001 / 0716 / OBS 056.3**  
Judicial harassment /  
Release  
**Cameroon**  
May 11, 2017

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), 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 about the release on bail and ongoing judicial harassment of Messrs. **Abue Philip Kpwe, Cyprian Azong, Bernard Fuh and Divine Biame**, members of the Esu Youths Development Association (EYDA)<sup>1</sup>. The four are part of a group of community leaders opposing land-grabbing undertaken on the land of the Esu community (North-West Cameroon) by Mr. Baba Ahmadou Danpullo<sup>2</sup>, 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.

According to the information received, on May 4, 2017, Messrs. Abue Philip Kpwe, Cyprian Azong, Bernard Fuh and Divine Biame were released on bail from Bamenda Central Prison, following a bail order issued by the Appeal Court of the North-West Region on December 20, 2016, which had not been implemented until now (see background information).

The Observatory would like to recall that Messrs. Abue Philip Kpwe, Cyprian Azong, Bernard Fuh and Divine Biame were detained since May 2016 as part of an ongoing trial targeting five other Esu leaders, namely Messrs. **Redemption Godlove, Ephraim Kagha Mbong, Emmanuel Wung, Ivo Meh and Williams Meh**, on trumped charges of "degradation by band" (Section 236.1 of the Penal Code). If convicted, the nine face 10 to 20 years in prison. HRH **Fon Kum Achuo II**, chief of the village<sup>3</sup>, is also facing charges related to two complaints filed on behalf of Mr. Baba Ahmadou Danpullo. The case is still pending without a scheduled date for the next hearing.

Furthermore, Me **Robert Fon**, lawyer of the nine Esu community leaders, and Mr. **Chris Mbunwe**, a journalist of the *Post Newspaper* in Bamenda, who are accused of defamation through a complaint filed by Mr. Baba Ahmadou Danpullo on February 24, 2016 regarding an interview<sup>4</sup>, also had their hearings postponed on several occasions, including on November 9, 2016.

On March 16, 2017, Me Robert Fon was arrested and detained until March 27, 2017. Initially arrested on charges of "acts of terrorism" and "insurrection", he was released due to lack of evidence. Me Robert Fon suffers from a heart condition, which was severely aggravated by

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<sup>1</sup> The EYDA aims at promoting and protecting human rights, and notably the land rights of the Esu community.

<sup>2</sup> In 1986, Mr. Baba Ahmadou Danpullo established two cattle ranches in the Boyo and Menchum divisions of the North-West Region. He allegedly forced farming communities from their lands without compensation, which made him the largest single private landowner in the region. Since then, the landowner, who has close links with the authorities, has

<sup>2</sup> In 1986, Mr. Baba Ahmadou Danpullo established two cattle ranches in the Boyo and Menchum divisions of the North-West Region. He allegedly forced farming communities from their lands without compensation, which made him the largest single private landowner in the region. Since then, the landowner, who has close links with the authorities, has been involved in land disputes with people peacefully defending their land.

<sup>3</sup> HRH Kum Achuo II is the heir chief of the Esu village. He is a traditional authority and any land title application needs to be signed by him and two other notables.

<sup>4</sup> See article in Cameroon Postline, *Esu Does Not Want To Evict Danpulo – Barrister Robert Fon*, January 19, 2016: <http://www.cameroonpostline.com/esu-does-not-want-to-evict-danpulo-barrister-robert-fon/>

his arbitrary detention.

The Observatory welcomes the long-awaited release of Messrs. Abue Philip Kpwe, Cyprian Azong, Bernard Fuh and Divine Biame, but expresses its concerns over their ongoing judicial harassment. Accordingly, the Observatory calls upon Cameroonian authorities to immediately drop all pending charges against all ESU leaders and to put an end to all kind of harassment against them, as they appear to be a form of retaliation for their legitimate human rights activities.

The Observatory further urges the Cameroon authorities to ensure that, until charges are dropped, all the judicial proceedings are carried out in full compliance with their right to a fair trial, as protected under international law and to ensure the physical and psychological integrity of all nine defenders.

### **Background information:**

In 2015, Mr. Baba Ahmadou Danpullo attempted to establish a land certificate on the Esu land. The Esu community leaders subsequently filed a case requesting Mr. Danpullo to prove the land ownership. Instead of providing this proof, Mr. Danpullo filed a case based on trumped-up charges of defamation against Barrister Robert Fon, the Esu community lawyer, claiming 100 million FCFA (152 449 euros), alleging that he had paid the Governor of the North-West and other officials 50 million FCFA (76 225 euros) to own the land. These developments are part of the pattern of judicial harassment to deprive the Esu community of legal counsel. Mr. Fon is also lawyer for the Mbororo community that has been resisting abuses by Mr. Danpullo over several years<sup>5</sup>.

On January 18, 2016, farmhouses belonging to Esu people were reportedly burnt down by workers of the Elba Ranch, belonging to Mr. Baba Ahmadou Danpullo. The Esu filed a complaint to the Divisional Officer of Fungom but have received no response to date.

According to reports filed by Elba Ranch, in the night of April 18, 2016, huts belonging to the workers of his “Elba ranch” were burnt down. However, it is reported that at that time around 50 gendarmes were stationed in the area. A gendarmerie report of May 5 determined that no one could be held responsible for the above-mentioned acts.

On April 22, 2016, Mr. Redemption Godlove was arrested at his home on charges of “arson” and “vandalism” and transferred to Bamenda Central Prison. His door was forced upon by gendarmes from Elba Ranch. He was initially taken to Bamenda several kilometers from Esu and locked up in secret. Esu community leaders and their lawyer found him following several days of search.

On May 3, 2016, a two-room house under construction in Elba Ranch was reportedly partly damaged.

The same day, lawyers acting on behalf of Elba Ranch and Mr. Baba Ahmadou Danpullo filed a complaint against the nine above-mentioned community leaders and HRH Fon Kum Achuo II, for the alleged burn-down of huts belonging to the workers of his “Elba ranch”.

On May 9, 2016, Messrs. Divine Biame, Cyprian Azong and Bernard Fuh were summoned to the gendarmerie legion of Bamenda and arrested under the same charges.

On May 25, 2016, Mr. Abue Philip Kpwe was in turn arrested at a routine identity card checkpoint, and placed in detention at Bamenda Central Prison on the same grounds.

<sup>5</sup> Members of the Mbororo Social and Cultural Development Association (MBOSCUDA), an organisation defending the rights of Mbororo pastoralists in North-Western Cameroon since 1992, have faced similar harassment over the past years after a complaint filed against them by Mr. Baba Ahmadou Danpullo. See Observatory Urgent Appeal CMR 002/0613/OBS 049 of July 7, 2013 and Observatory Annual Report 2014.

On May 31, 2016, the Chambers of the Examining Magistrate of the High Court of Mezam Division Holden at Bamenda ruled on a Preliminary Objection filed by Barrister Robert Fon, on behalf of the nine above-mentioned activists.

Examining Magistrate Justice Francis Ndip Oben relied upon Section 140 of the Penal Procedure Code<sup>6</sup> to decline jurisdiction, and withdrew the remand warrant against Mr. Redemption Godlove only, though the remand arrests should have been cancelled against the other four<sup>7</sup>, and effectively ordering their release.

The date of the appeal hearing into the court's lack of jurisdiction<sup>8</sup> has not been set yet.

Despite this court decision, the Bamenda Central Prison authorities kept the five human rights defenders in detention, under the above-mentioned accusations.

On July 14, 2016, State Prosecutor Justice Nchang Augustin Amongwa had ordered the release on bail of Mr. Redemption Godlove for lack of jurisdiction *ratione loci*. However, according to the Penal Code he was supposed to also release the remaining four activists still in jail and close the case as the court has no jurisdiction to continue handling the matter.

On July 26, 2016, Abue Philip Kpwe, Cyprian Azong, Bernard Fuh, Redemption Godlove, Ephraim Kagha Mbong, Emmanuel Wung, Ivo Meh, Williams Meh and Divine Biame were expected to be brought before the Examining Magistrate Oben Francis of Bamenda High Court for a preliminary inquiry on trumped-up charges of "depredation by band" (Section 236.1 of the Penal Code).

The court decided to postpone the hearing for the third time until August 16, 2016, because the magistrate was busy and because only Mr. Kpwe was brought to court. Since the arrest of several of the activists in April and May 2016, the trial had been postponed two other times (July 5 and July 12), all at the request of the court, allegedly due to the "late coming of Mr. Abue Phillip Kpwe and absence of Messrs. Divine Biame, Cyprian Azong and Bernard Fuh". According to the information received, the court did not prepare the warrant to bring the detainees to the hearing.

Hearings in the case were then continuously postponed including on October 17, November 1, 22, December 6, 13, 15 and 20, 2016 as well as on April 27, 2017.

In addition, Mr. Robert Fon and Chris Mbunwe, have been summoned to appear before the Examining Magistrate on August 18, 2016 following a complaint for defamation filed by Mr. Baba Ahmadou Danpullo on February 24, 2016, regarding an interview. He is claiming 100 000 000 FCFA (152 449 euros) in damages. Once again, the hearing has been postponed three times (April 20, 25 and June 13).

Several other acts of intimidation against the Esu community leaders have been reported.

On July 11, Mr. Sale Umaru, the ELBA Ranch manager, tried to bribe Mr. Abu Philip Kpwe in order to make him sign a document accusing HRH Fon Kum Achuo II of instructing them to

<sup>6</sup> Section 140 states: (1) the competent State Counsel shall be either: (a) That of the place of commission of the offence; or (b) that of the place of residence of the suspect; or (c) that of the place of arrest of the suspect. (2) When more than one State Counsel are seized of the same matter, priority shall be given to the State Counsel in whose jurisdiction the offence was committed.

<sup>7</sup> The remands were issued on the same alleged grounds by the state counsel (procureur) of Bamenda on the day of the arrest of each of the five EYDA members. However, as the remand warrant was withdrawn for the first defendant, there can be no basis to pursue the rest individually for the same alleged crime.

<sup>8</sup> In May 2016, the court ruled that he had no jurisdiction over the case since the alleged offence was committed in Esu (Menchum judicial division), which is also where the defendants reside and were arrested. According to criminal law in Cameroon, jurisdiction is based on the location of the alleged offence and/or arrest. The court overturned its own ruling in October 2016.

carry out the acts they are accused of. As a reward, he promised to secure his release and give him 500 000 FCFA (762 euros). Mr. Kpwe refused to sign the document.

On July 14, 2016, Mr. Danpullo through his ranch manager, filed a second complaint against HRH Fon Kum Achuo II accusing him of “setting up an armed group and importing guns from neighbouring Nigeria to come in an attack the military in Esu and cattle belonging to Elba Ranch”. This complaint is still being investigated by gendarmes.

On July 18, 2016, Messrs. Ivo Friday Kenah and Joseph Kelly Gham, two villagers working for Elba Ranch, who testified in this case, confessed they had been threatened and forced by Mr. Sale Umaru and Mr. Baba Ahmadou Danpullo’s lawyer Sule Zakari to make false statements against the villagers and the Fon HRH Fon Kum Achuo II. They have been interviewed by gendarmes and provided written statements to this effect. Investigations are ongoing and this complaint is not yet at the level of the courts.

On December 20, 2016, the North-West Court of Appeal granted bail to the four youth leaders following several unjustified adjournments. However, Mr. Albert Njie Nganje, the *Procureur général* of the North-West Region blocked the release of the four defenders who spent Christmas and New Year in prison despite several requests for release, which have been denied on grounds that they were not filed to the appropriate court.

While in prison the health conditions of the four defenders deteriorated as Mr. Cyprian Azong was physically sick and injured on his left foot, Mr. Divine Biame’s hands were in a painful condition and Mr. Bernard Fuh suffered from teeth pain. In addition, on September 7, 2016, Mr. Abue Philip Kpwe lost his son and was denied attendance to the funeral.

#### **Actions requested:**

Please write to the authorities of Cameroon and ask them to:

- i. Guarantee in all circumstances the physical and psychological integrity of the nine members of EYDA, Messrs. HRH Fon Kum Achuo II, Robert Fon and Chris Mbunwe and all human rights defenders in Cameroon;
- ii. Put an end to all acts of harassment - including at judicial level - against the nine members of EYDA, HRH Fon Kum Achuo II, Robert Fon and Chris Mbunwe and all human rights defenders in Cameroon;
- iii. Ensure in all circumstances respect for the right to a fair trial of all defendants as protected under international law;
- iv. Conform in any circumstances with the provisions of the United Nations Declaration on Human Rights Defenders, adopted on December 9, 1998 by the UN General Assembly, in particular its Articles 1 and 12.2;
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Cameroon.

#### **Addresses:**

- Mr. Paul Biya, President of the Republic of Cameroon, Fax +237 222 22 08 70
- H.E. Mr. Philémon Yang, Prime Minister and Head of Government of Cameroon, Fax: +237 222 23 57 35 / + 237 222 23 57 65. Email: [spm@spm.gov.cm](mailto:spm@spm.gov.cm)
- Mr. Laurent Easo, Minister of Justice of Cameroon, Fax: + 237 222 23 00 05 / + 237 222 23 55 59
- Mr. René Emmanuel SADI, Minister of Territorial Administration of Cameroon, Fax: + 237 22 22 37 35

- Dr. Chemuta Divine Banda, President of the National Commission on Human Rights and Freedoms, Fax: +237 222 22 60 82, E-mail: [cnhdl@iccnet.cm](mailto:cnhdl@iccnet.cm) / [cdbanda26@yahoo.fr](mailto:cdbanda26@yahoo.fr)
- H.E. Mr. Anatole Fabien Nkou, Ambassador, Permanent Mission of the Republic of Cameroon to the United Nations Office in Geneva, Switzerland. Fax: + 41 22 736 21 65, Email: [mission.cameroun@bluewin.ch](mailto:mission.cameroun@bluewin.ch)
- H.E. Mr. Daniel Evina Abe'e, Cameroon Ambassador to the European Union, Embassy of the Republic of Cameroon, Brussels, Belgium. Fax: + 32 2 344 57 35; E-mail: [ambassade.cameroun@skynet.be](mailto:ambassade.cameroun@skynet.be)

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

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Paris-Geneva, May 11, 2017

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

*The Observatory, an FIDH and OMCT venture, is dedicated to the protection of human rights defenders and aims to offer them concrete support in their time of need. FIDH and OMCT 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:

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