

Cameroon: Arbitrary detention of five members of the Esu Youth Development Association (EYDA)

Friday 8 July 2016

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Judicial harassment / Arbitrary detention
Cameroon
July 8, 2016

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Cameroon**.

Description of the situation:



The Observatory has been informed by reliable sources about the continuing arbitrary detention of **Messrs. Redemption Godlove, Kpwe Philip Abue, Biame Divine, Azong Cyprian and Fuh Bernard**, members of the Esu Youth Development Association (EYDA) [1], at the Bamenda Central Prison. The five are community leaders opposing land-grabbing undertaken on the land of the Esu community (North-West Cameroon) 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 [2].



According to the information received, on April 22, 2016 at 2 a.m, Mr. Redemption Godlove was arrested without a warrant at his home in Esu [3] by six plain-clothes gendarmes, and taken to the gendarmerie legion in Bamenda for interrogation on trumped-up accusations of “arson” and “vandalism” [4]. He was subsequently transferred to Bamenda Central Prison. On May 9, 2016, Mr. Biame Divine, Mr. Azong Cyprian and Mr. Fuh Bernard were summoned at the gendarmerie legion of Bamenda, and then taken to Bamenda Central Prison under the same accusations of “arson” and “vandalism”. On May 25, 2016, Mr. Kpwe Philip Abue was in turn arrested at a routine identity card checkpoint, and placed in detention at Bamenda Central Prison on the same grounds.

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 Fon Robert, on behalf of the five above-mentioned defendants as well as of four other EYDA members who are prosecuted in the same case but were not arrested, namely **Mr. Kagha Mbong Ephraim, Mr. Wung Emmanuel, Mr. Meh Ivo** and **Mr. Meh Williams**. Examining Magistrate Justice Francis Ndip Oben relied upon Section 140 of the Criminal Procedure Code [5] to decline jurisdiction, and withdrew the remand warrant against Mr. Redemption Godlove, thereby cancelling those upon which the other four were detained [6], and effectively ordering their release.



In spite of this court decision, the Bamenda Central Prison authorities have kept the five human rights defenders in detention, under the above-mentioned accusations. The charges relate to a complaint filed in May 2016 by Mr. Baba Ahmadou Danpullo against the nine above-mentioned community leaders and the Fon (traditional ruler) of Esu, **HRH Kum Achuo II**, for alleged burning down of huts belonging to the workers of his “ELBA ranch” [7]. However, it is

reported that around 50 gendarmes are stationed in the area since March 11, 2016 [8], thereby making it impossible that the Esu activists may have gone around the area and burnt down huts.

The next hearing of Mr. Kpwe Philip Abue is scheduled for July 12, 2016 before the High Court of Mezam in Bamenda [9].

The Observatory condemns the arbitrary detention and judicial harassment of the above-mentioned land rights defenders, which only aim at sanctioning their legitimate peaceful human rights activities opposing land-grabbing.

Accordingly, the Observatory calls upon the Cameroon authorities to release immediately and unconditionally Messrs. Redemption Godlove, Kpwe Philip Abue, Biame Divine, Azong Cyprian and Fuh Bernard, and to put an end to the ongoing harassment, including at judicial level, against the above-mentioned community leaders.

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, alleging that he had paid the Governor of the North-West and other officials 50 million FCFA 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 [10].

The Observatory recalls that this wave of arbitrary arrests and detentions is part of a larger policy, which started 30 years ago when Mr. Danpullo grabbed nearly half of the Esu village, and failed to respond to dialogue attempts undertaken by the villagers through their traditional leaders. Such operations turned into a massive harassment on the local population and youth leaders of the Esu community, who had always been peacefully challenging the decisions.

Actions requested:

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

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Redemption Godlove, Kpwe Philip Abue, Biame Divine, Azong Cyprian and Fuh Bernard;
- ii. Put an end to all acts of harassment - including at the administrative and judicial level - against them as well as against the Esu community and all human rights defenders in Cameroon;
- iii. 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;
- iv. 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 22 22 08 70
- Mr. Philémon Yang, Prime Minister and Chief of Government of Cameroon, Fax: +237 22 23 57 35.
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- Mr. Laurent Eso, Minister of Justice of Cameroon, Fax: + 237 22 23 00 05
- 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:

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· Ms. Enonchong Annet, Protection Officer of the National Commission on Human Rights and Freedoms of Cameroon, E-mail: annet_mbeng@yahoo.com

· 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

· H.E. Mr. Daniel Evina Abe'e, Ambassador, Embassy of the Republic of Cameroon in Brussels, Belgium, Fax: + 32 2 344 57 35; E-mail: ambassade.cameroun@skynet.be

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

P.S.

Paris-Geneva, July 8, 2016

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

The Observatory, a 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.

To contact the Observatory, call the emergency line:

- Email: Appeals[at]fidh-omct.org
- Tel and fax FIDH: +33 (0) 1 43 55 25 18 / 01 43 55 18 80
- Tel and fax OMCT: + 41 22 809 49 39 / 41 22 809 49 29

Footnotes

[1] The EYDA aims at promoting and protecting human rights, and notably the land rights of the Esu community.

[2] 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 is said to have close links with the authorities, has been involved in land disputes with people peacefully defending their land.

[3] Esu is a village in the Menchum Division of the North West Region in Cameroon.

[4] "Arson" and "vandalism" are punished under Article 227 of the Cameroon Penal Code. Besides, Article 316 and 317 sanction acts of "destruction", while Article 236 provides sanctions for acts of "looting committed by an organised group".

[5] 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.

[6] 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.

[7] 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.

[8] Mr. Danpullo has requested gendarmerie protection to stop Esu people from farming in parts of the land he is claiming. The gendarmes are located between the access road to the ranch and Esu village. As there is a river in between, no one can go to the ranch without being seen or stopped by the gendarmes.

[9] Each defender is due to appear individually. Besides, the Fon of Esu was summoned on May 24, 2016 by Colonel Guy Beyegue, Commander of the gendarmerie legion for the North-West Region, and threatened of destitution as a reprisal for his refusal to support the illegal takeover of his village by Mr. Danpullo.

[10] 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.