

**IN THE HIGH COURT OF MEZAM
HOLDEN AT BAMENDA**

SUIT No. *HCB/66 Crm/2001-2002*

OUSMAN HAMAN **BETWEEN** **APPLICANT**
AND **MAY 2002**
1) THE PEOPLE
2) THE LEGION COMMANDER OF THE **RESPONDENTS**
GENDARMERIE NORTH WEST PROVINCE



MOTION ON NOTICE

TAKE NOTICE that this Honourable Court shall be moved on theday of.....in the forenoon or so soon thereafter as the time of the court shall permit Applicant to be heard praying the court :

- a) To admit the Applicant to bail pending his eventual charge to court;
- b) Give any other Order or Orders as the honourable court may deem fit to make in the circumstances.

Dated at Bamenda thisday of.....2002

[Handwritten Signature]
Barmi-Njoh Chambers.



Addresses for Service

- Applicant's: C/o His Counsel
Barmi-Njoh Chambers
P.O.Box 120 Bamenda.
- 1st Respondent's: C/o Procureur General
Procureur General's Office
Bamenda - Up Station.
- 2nd Respondent's: Gendarmene Legion.

- 7) That the Applicant went ahead to greet the administrative authorities only to be arrested by the Gendarmes on the orders of Alhaji Baba
- 8) That upon being arrested his video camera, cellular phone and wrist watch were seized and he was taken manacled to the compound of Alhaji Baba at Ndawara in Boyo Division, where the squadron commander of the gendarmes a certain Captain Fotsing Benjamin proceeded to torture him in the most brutal manner under the watchful eyes of Alhaji Baba and on his orders. (He was savagely beaten, soaked in cold water and forced to jump on stones after his feet had been severely beaten and were swollen) Captain Fotsing Benjamin while torturing Applicant threatened him with death if he did not release the names of the persons who sent him to cover the events.
- 9) That after this ordeal which lasted a longtime he had a blackout and only survived by the grace of Allah.
- 10) That he was eventually manacled and thrown brutally at the back of a land rover of the Gendarmes and driven through a rough road where Applicant collapsed twice before the vehicle got to Bamenda.
- 11) That upon arrival at the Gendarmerie Legion in Bamenda Captain Fotsing Benjamin lied to the Second Respondent that he had never tortured the Applicant and tried to use all sorts of tricks to prevent the Applicant from being taken to the hospital.
- 12) Since the family of the Applicant had become aware and came to the Legion to demand that Applicant be taken to the hospital while Captain Fotsing Benjamin was trying to hide the Applicant, he was eventually forced by circumstances beyond his control to allow the Applicant to be taken to the hospital and the family took the Applicant to the Bamenda Provincial Hospital where the Doctor on examining him recommended hospitalisation of Applicant who had been seriously injured.
- 13) That when Applicant was on admission at the Bamenda Provincial Hospital, to the consternation of everyone, the Applicant was kidnapped by two Gendarmes sent by Captain Fotsing Benjamin and forcefully taken to the Military Hospital - Bamenda all in an effort to destroy or hide evidence of the brutal torture on the Applicant.
- 14) That the Applicant was able to get a preliminary medical report from the Provincial Hospital Bamenda and the initial entry on the hospital record of Applicant at the Bamenda Military Hospital and the copies of both documents are attached herein as **Exhibit "A"** and **"A1"**.
- 15) That upon being forcefully taken to the Military Hospital, the Applicant through his counsel who appreciated the gross abuse of his human rights and the severity of his injuries decided to apply for his release on bail to the Procureur General North West Province. Copy of the said Application is annexed as **Exhibit "B"**.

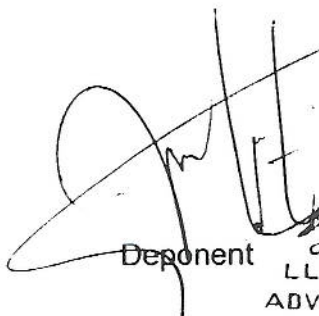
16) That while Applicant was at the Provincial Hospital he caused photograph of himself to be taken showing his buttocks with extensive rashes from the beatings and his right foot being examined by the Doctor and three of the said photographs are annexed as Exhibit "C", "C1" and "C2".

17) That upon submitting Exh. "B", counsel for the Applicant personally met the Procureur General and after talking about the Application it was clear that either the 2nd Respondent or his agents were not informing him accurately and he was not in a position to know by whose authority these acts were carried out as he signed no warrant to authorise any arrest in this matter.

18) That the continuous detention of the Applicant will cause him grave and irreparable damage and may even cost him his life as there was no doubt that there was sinister motive in kidnapping him from the Government Provincial Hospital where his family could have easy access to follow his treatment and give his food to the Military Hospital out of town, thus causing the family to incur more expenditure they can ill afford at this time.

19) That the Applicant is ready to furnish substantial sureties to release him on bail so that he could receive his treatment under normal circumstances and make himself available whenever he is wanted.

20) That the contents of this affidavit are true to the best of my knowledge, information and belief.


Deponent

Gideon
LL.M. MAITRISE D.E.A.
ADVOCATE-SOLICITOR.

Sworn to the Mezam High Court Registry

03 MAI 2002
thisday of2002

Before me



Commissioner for oaths.

NDIFOR Christophe
LL.M. (Hons) UY, Maitrise en Droit Privé
LL.M. (Business Law) UY 9