

## PERSONAL TESTIMONY

### OUSMAN HAMAN VICTIM OF ARBITRARY ARREST, TORTURE AND IMPRISONMENT

I returned to Cameroon from Nigeria where I have been residing for over eight years a week before the incident that led to my arrest and long imprisonment. I was informed of a conflict between the cattle graziers of Sabga, Mezam Division and Baba Ahmadou Danpullo proprietor of ELBA ranch, Boyo Division over land belonging to the people of Sabga. On the 29<sup>th</sup> of April the conflict escalated after several years of abuses against the Sabga people for which the administration has failed to resolve despite several decisions in favour of the Sabga people. I do not live in Sabga and had nothing to do with the dispute. I went to film the protests out of curiosity. I filmed the dismantling of temporary structures erected by Mr. Danpullo's herdsmen by the protesters.

As the protest was coming to an end, Mr. Danpullo arrived with gendarmes and some government officials. The protesters dispersed quickly. No one was arrested at the scene of the protest. Three people resident in Douala and a number of others resident in Sabga were arrested later with no evidence of their participation. I did not run away because I only came to film the protest and had done nothing wrong. Surprising I was arrested by Captain Benjamin FOTSING, North-West Squadron Commander of the Gendarmerie, who confiscated my video camera, mobile phone and wrist watch were immediately confiscated. Mr. Danpullo ordered Captain FOTSING to take me to his ELBA Ranch several kilometres away instead of taking me to Bamenda to charge me.

While at ELBA Ranch Mr. Danpullo instructed captain FOTSING to inflict a 'severe correction' on me. Captain FOTSING obliged with the help of Gendarme KAPENE ABDOULAYE. They forced me on to the ground tied my hands behind my back and my legs together with a chain making it impossible for me to move. Captain FOTSING then started beating me extremely hard with an electric cable on the sole of my feet and on my buttocks. After beating me very violently my feet and body was swollen and very sore. They then poured water on me and forced me to jump on sand with my swollen and sore feet. They then throw me behind their pickup vehicle and drove me several kilometres to Brigade Terre in Bamenda. I passed out twice on the way.

In Bamenda FOTSING presented me to Col. BALEGUEL, North-West Legion Commander of Gendarmerie. Despite suffering from serious injuries from torture inflicted by FOTSING and KAPENE I was refused medical attention and detained in a cell at the Brigade Terre where I spent the night going in and out consciousness.

The following day my family insisted that I needed medical attention and I was taken to the Bamenda General Hospital where I was seen by Dr. SUH. His diagnoses were: severe physical agony and injuries from torture, pains, swellings, bruises,

painful soles, feet etc. with 40% possibility of permanent disability and 90 days of total temporary incapacity. He issued a medical certificate which confirms his diagnosis.

But before I started receiving treatment, Captain FOTSING, in an attempt at damage limitation sent gendarmes who came and bundled me away from the General Hospital to Bamenda Military Hospital. The same diagnosis above were confirmed by the Military Doctor at the Military Hospital where I spent 17 days before being imprisoned at Bafoussam Central Prison, ignoring a ruling of the Mezam High Court releasing me on Bail.

As stated above I was granted bail by the Mezam High Court in suit No. HCB/66CRM/01/02 of 13/05/2002, but Captain FOTSING and his collaborators refused to release in violation of the law. The State Prosecutor wrote to the Legion Commander on 16/05/2002, following a letter from my lawyers by Captain FOTSING ignore the Prosecutor's Order and I was kept in prison for one year before trial. I was later transferred with three others to Bamenda Prison and I was charged of destruction, arson, disturbance of quiet enjoyment and possession of arms! I was tried and sentenced by the Bafoussam Military Tribunal to 10 years imprisonment and to pay damages to Mr. Danpullo of 500,000FCFA.

The above judgement was reversed on Appeal after I have spent over two years in Prison for nothing away from my family.

I must also state here that I was imprisoned with three other persons: Adamou Isa, Yunusa Baghoji and Yaouba Umarou. Other people were such as Elh. Ahmadou Hassan and Aladji Yusufa were also arrested at the time with us but were freed.

I filed a case of torture against Captain FOTSING but my case was unsuccessful due to corruption. Minority Rights Group, a UK-based international NGO provided a lawyer who observed the proceedings and confirmed that the trial against Captain FOTSING was yet another miscarriage of justice as there was overwhelming evidence that he tortured me.

I provided evidence to the Inter-ministerial Commission also called the Jani Commission set up by the government to investigate the human rights abuses against the Mbororo community by Baba Ahmadou Danpullo in 2003. To date no action has been taken following the investigation.

There are number of serious human rights violations and irregularities with my case.

1. I was arrested in Sabga completely innocent and unarmed but I was charged with destruction, arson and possession of war weapons. All the charges were trumped up charges but the charge of possession of arms was dreamt up to refused me bail.

2. I was arrested in Sabga and then transported to ELBA Ranch in Boyo Division and tortured on instructions of Baba Ahmadou Danpullo. Gendarmes and government officials acting on instructions of a businessman!
3. My bail ruling was ignored by the military authorities. I was detained for one year before being sentenced.
4. I was not given immediate medical attention despite my serious health condition.
5. I was kidnapped by two gendarmes from the General Hospital and forcefully taken to the Military Hospital.
6. The Bafoussam Military Tribunal usually sits in Bamenda for crimes committed in the NW but on this occasion the Tribunal refused to sit in Bamenda because the High Court already released me on bail.
7. The offences for which I was charged fall under the jurisdiction of Penal Code to be tried by ordinary courts because I was not in possession or using of weapons of war in any shape or form.
8. I was given 10 years jail term which is the maximum for this offence despite the fact that I did not take part in any protest, destruction or arson. This was confirmed in an internal investigation by other gendarmes who were at the scene when I was arrested.
9. The period I spent in detention was not taken into consideration. This is a violation of the law.
10. An internal investigation found Captain FOTSING and Col. BALEGUEL guilty of torture and putting the image of Cameroon and the Gendarmerie into disrepute and recommended disciplinary sanctions but I am not aware of what action was taken.
11. An Inter-Ministerial Commission set up after the above incidents still confirmed earlier decisions that the land belongs to Sabga people and that Baba Ahmadou Danpullo should liberate the lands but as always he never abide by government decisions and the government continue to fail to enforce its own decisions.

I call on the Cameroon government to:

1. Hold Baba Ahmadou Danpullo, Captain FOTSING, KAPENE Abdoulaye, Colonel BALEGEUL and their co-torturers to account and to stop his exactions.
2. Compensate me and all other victims for damages I have suffered over the years as result of these miscarriages of justice.
3. Fully implement the Jani Commission Report.