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OUR REF: MALO/OC/43/18

DATE: May 18th, 2018.

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Sir,

Subject: A REPORT ON THE TRIAL AND CONVICTION OF MUSA USMAN NDAMBA BY MAGISTRATE JUSTINE BABILA TEBID OF THE COURT OF FIRST INSTANCE OF BAMENDA ON TRUMPED-UP CHARGES

We write as lead counsel for Musa Usman Ndamba who is presently serving a six months imprisonment term in the Bamenda Central Prison and on whose behalf we respectfully make this report.

Musa Usman Ndamba is the First National Vice president of the Mbororo Social and Cultural Development Association, better known by its acronym, MBOSCUDA, an umbrella association of the Mbororo-Fulani indigenous marginalized population of Cameroon. Alhadji Baba Ahmadou Danpullo is a multi billionaire business man in Cameroon and owner of the Ndawara Ranch, the Cameroon Tea Estates and other businesses within and without Cameroon and he is said to be the richest man in Central Africa. He is also a Central Committee member of the Ruling C.P.D.M political party in Cameroon. Alhadji Baba Ahmadou Danpullo is also the President of SODELCO, a rival association to MBOSCUDA made up of some Mbororo-Fulanis of the North West Region of Cameroon.

On the 23rd day of May 2011, one MUSA ADAMU deposed to an affidavit that was Notarized by Barrister AKONG Joseph, a Notary Public in Cameroon with residence in Bamenda. The said affidavit was made to facilitate the obtention of political asylum in the United States of America by one Adamu Sule Bairo. Alhadji Baba Ahmadou Danpullo alleged that the content of the affidavit referred to herein was defamatory of him. On the 27th day of June 2011, Barrister Sule Zakari, acting on behalf of Alhadji Baba Ahmadou Danpullo, lodged a criminal complaint of perjury, false oath, false report and defamation against Musa Adamu to the Commissioner of Central Police Station in Bamenda. During the investigations of the complaint of Alhadji Baba Ahmadou Danpullo, Musa Usman Ndamba was summoned to the Central Police Station in Bamenda and accused of being Musa Adamu who deposed to the affidavit referred to herein. He denied the fact and justified his position with his national identity card has his name Musa Usman Ndamba clearly written therein.

Sometimes in 2013, the State Counsel of Mezam Division charged MUSA USMAN NDAMBA to Court in the Court of First Instance of Bamenda in Suit No. CFIBA/281 c/13 and "alias MUSA ADAMU" added to his name and accused him of having inter alia, made

a False Report against Alhadji Baba Ahmadou Danpullo liable to lead to his prosecution contrary to the provisions of Section 304(1) of the Cameroon Penal Code and that he, at the same time and place, injured the reputation of the afore-named Alhadji Baba Ahmadou Danpullo by imputation of facts which he was unable to prove contrary to the Section 305(1) of the Cameroon Penal Code.

Alhadji Baba Ahmadou Danpullo was the 2nd prosecution witness in suit No. CFIBA/281 c/13 and for more than 15 adjournments he did not attend court even with a Warrant issued for his arrest in order to compel him to attend court. On the 23rd day of May 2014, suit No. CFIBA/281 c/2013 was dismissed from court in the presence of Alhadji Baba's Lawyer and they did not appeal against that decision.

On the 25th day of July 2014, the State Counsel of Mezam preferred a Holding Charge against Musa Umaru Ndamba, Barrister Akong Joseph and Adamu Sule Bairo, accusing them for having committed the offence of propagation of false information, false oath, false report and defamation against Alhadji Baba Ahmadou Danpullo. Magistrate Makia Edit Epse Ndip Oben, the then Examining Magistrate of the Court of First Instance of Bamenda, carried out an Inquiry in Suit No. CFIBA/53 c/PI/14 following the Holding Charge referred to herein. Alhadji Baba Ahmadou Danpullo who was the complainant in the matter never appeared before the Examining Magistrate even though invited and he was represented by Counsel. At the end of the inquiry, a "PARTIAL COMMITTAL ORDER" was made wherein the Examining Magistrate committed Musa Umaru Ndamba and Adamu Sule Bairo to the Court of First Instance of Bamenda for trial on a two count charge of Defamation and False Report. Barrister Akong Joseph was discharged. Musa Usman Ndamba was ironically charged as follows;

Count 1

That you, Musa Usman Ndamba and Amadou Sule Bairo sometimes in the month of May 2011 at Bamenda in the Bamenda Magisterial District injured the reputation of one Alhadji Baba Ahmadou Danpullo by imputation of facts which you are unable to prove to wit; that he violates the rights of human beings, seizes pieces of lands from the Mbororos without compensation and operates a cell within his private residence wherein he arrests, tortures and detains people and thereby committed an offence contrary to and punishable under section 305(1) of the penal code.

Count 2

That you Musa Usman Ndamba and Adamu Sule Bairo at the same time and place made a false report against Alhadji Baba Ahmadou Danpullo liable to lead to prosecution and thereby committed an offence contrary to and punishable under section 304(1) of the penal code.

MUSA USMAN NDAMBA was then tried in SUIT N° CFIBA/0172/GCRIMCB/CO/18 by Magistrate Justine Babila Tebid. The prosecution witnesses were Alhadji Baba Ahmadou Danpullo and Wagwa Fritz, Alhadji Baba's Manager. All through the trial, Alhadji Baba Ahmadou Danpullo, the purported victim of the offence was absent. Only Wagwa Fritz testified in court as the lone prosecution witness. The court called for two witnesses in

the persons of Alhadji Buba Wajiri and Barrister Akong Joseph who both testified in open court.

Barrister Akong Joseph testified on oath in court how Musa Adamu who brought the said affidavit for him to notarize is not Musa Usman Ndamba who stood trial in Court and if given the time, he will produce the said Musa Adamu to court. He testified further how Alhadji Baba Ahmadou's Lawyers have done everything in vain to make him accept that it was Musa Usman Ndamba who presented the affidavit to him and not Musa Adamu.

On the 11th day of May 2018, Magistrate Justine Babila Tebid delivered his Judgment in which after finding mitigating circumstances in favour of Musa Usman Ndamba, convicted him and Adamu Sule Bairo in absentia to six months imprisonment each and to pay a fine of 500,000 FCFA. He also ordered the convicts to pay cost of the proceedings assessed at 168,800 FCFA and in default of payment, to each serve a further 18 months imprisonment.

On the same 11th day of May 2018, Musa Usman Ndamba paid the fine and cost of the proceedings. On the 14th day of May 2018, Musa Usman Ndamba through his Counsel, filed Notice of Appeal and Memorandum of grounds of appeal against the Judgment in suit No. CFIBA/0172/GCRIMCB/CO/18. On the 15th day of May 2018, Musa Usman Ndamba's Counsel filed an application for his release on bail in the Court of Appeal of the North West Region, pending the hearing and determination of his appeal. The application for bail has been fixed for hearing on Tuesday the 22nd day of May 2018. The sum of 300,000 FCFA was spent to obtain the judgment of the trial court, filing of the appeal and memorandum of grounds of appeal, payment for deposit for the appeal and filing of application for bail in the Court of Appeal. During the trial, Musa Usman Ndamba was represented by four Lawyers, Barristers Robert FON, AKUM Henry, NGALA John and KEMENDE Henry. Alhadji Baba Ahmadou Danpullo was represented by three Lawyers, Barristers SAMA Francis ASANGA (former Cameroon Bar President), SULE Zakari and NGU Valentine.

IRREGULARITIES IDENTIFIED DURING THE TRIAL AND TO BE DETERMINED BY THE COURT OF APPEAL.

1. The affidavit which resulted in the criminal trial was deposed to by Musa Adamu but Musa Usman Ndamba was tried and convicted even though he tendered his Birth Certificate, Marriage Certificate and two expired International Passports during the trial to justify his name.
2. Musa Usman Ndamba was tried and convicted on a Partial Committal Order which was defective in Form and Content which made the entire trial and conviction a nullity.
3. Musa Usman Ndamba was convicted for having committed the offence of defamation and given the maximum sentence of six months imprisonment even though the essential ingredients of the offence were never established.

Thank you for your understanding and we hope that this report is detailed enough. In case of any doubt, we shall not hesitate to make the necessary clarifications.

Yours truly,

Barrister Robert NSO FON