



## Cameroon: Sentencing and arbitrary detention of Mr. Musa Usman Ndamba

### URGENT APPEAL - THE OBSERVATORY

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**New information**  
**CMR 002 / 0613 / OBS 049.3**  
Arbitrary detention / Sentencing /  
Judicial harassment  
**Cameroon**  
May 17, 2018

The Observatory for the Protection of Human Rights Defenders, a partnership of World Organisation Against Torture (OMCT) and FIDH, 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 sentencing and arbitrary detention of **Mr. Musa Usman Ndamba**, National Vice President of the Mbororo Social and Cultural Development Association (MBOSCUDA)[1].

According to the information received, on May 11, 2018, Mr. Musa Usman Ndamba was sentenced to 6 months in prison and a fine of 500'000 FCFA (approximately 760 Euros) on charges of "defamation of character", under section 305(1) of the Criminal Code of Cameroon. Furthermore, he was condemned to pay an additional sum of 500'000 FCFA as civil award to Mr. Baba Ahmadou Danpullo[2], who acted as a plaintiff in the case (see background information). Following the sentence, Mr. Musa Usman Ndamba was transferred to Bamenda Central Prison in the North-West Region and appealed the decision.

The Observatory recalls that the alleged defamatory statements contained in the affidavit on the basis of which Mr. Ndamba has been condemned, are not signed by him but by another individual named Mr. Musa Adamu. On April 27, 2018, Barrister Joseph Akong, who notarised the affidavit in May 2013, testified that Mr. Ndamba was not the person for whom he notarised the affidavit, and that he had only met Mr. Ndamba during the preliminary investigation of the case. He also stated that he would be able to produce Mr. Musa Adamu in court.

The Observatory is appalled by the sentencing of Mr. Ndamba, which comes after 60 hearings and seven years of continuous judicial harassment in violation to his right to a fair trial and aims at sanctioning his peaceful and legitimate human rights activities, in particular as MBOSCUDA's National Vice President.

Moreover, these acts of harassment are not isolated, as the Observatory has reported several cases of judicial harassment against leaders of civil society organisations denouncing the government's corruption and opposing land grabbing in Cameroon. Many of these acts are linked to cases of land acquisition by Mr. Baba Ahmadou Danpullo[3].

The Observatory expresses its deepest concerns about those acts of harassment, and fears that they have increased after MBOSCUDA and its members submitted in early May 2013 a report in the framework of the United Nations Human Rights Council Universal Periodic Review (UPR) of Cameroon in Geneva, outlining the various obstacles faced by the Mbororo community[4].

The Observatory strongly condemns these acts, and urges Cameroonian authorities to put an end to all forms of harassment, including at the judicial level, against Mr. Ndamba and all human rights defenders in Cameroon so that they are able to carry out their legitimate and peaceful human rights activities without any hindrance or fear of reprisals.

### **Background information:**

In 2011, Mr. Musa Usman Ndamba was put under investigation by the police, following a complaint brought by Mr. Baba Ahmadou Danpullo for "propagating false information liable to injure public authorities", "being a party in a judicial proceeding on oath and making false declarations", "making a false report against Baba Ahmadou Danpullo liable to lead to his prosecution" and "injuring the reputation of Baba Ahmadou Danpullo by imputation of unprovable facts". These charges stem from a false affidavit which the plaintiff alleged was signed by Mr. Musa Usman Ndamba.

On May 10, 2013, Mr. Musa Usman Ndamba was summoned to appear before the Court of First Instance in Bamenda, North Western Cameroon, in relation to these charges. During the hearing, Mr. Ndamba refuted all the allegations and pleaded not guilty. Mr. Ndamba was bailed, pending another hearing scheduled on May 27, 2013. On that day, as the landowner failed to appear in court, the matter was adjourned to June 28, 2013, and the judge warned that he would award costs against the landowner should he fail again to attend court. Subsequently, in May 2014 the court dismissed the charges against Mr. Ndamba for lack of a diligent prosecution.

On July 29, 2016, Mr. Baba Ahmadou Danpullo reinstated the same case, accusing M. Ndamba of "propagation of false information, false oath, false report and defamation of character" based on the same affidavit and evidence as the case in 2013. Subsequently, the trial was adjourned several times in absence of the plaintiff.

On December 18, 2017, the trial of Mr. Ndamba was adjourned for the fifty-fifth time.

On February 23, 2018, the trial against Mr. Musa Usman Ndamba was resumed for the 57<sup>th</sup> time. The plaintiff Mr. Baba Ahmadou Danpullo was not present at the hearing and was represented by Mr. Sama Francis Asanga, a senior official from the opposition Social Democratic Party (SDF), close family member of the party leader Mr. John Fru Ndi and former President of the Cameroon Bar Association. On March 2, 2018, the Bamenda Court of First Instance presided by Magistrate Justin Babila Tebid adjourned the next hearing to March 16, 2018.

On March 16, 2018, the trial was adjourned to April 6, 2018, because of the absence of the plaintiff's witnesses.

On April 6, 2018, the trial went ahead with one of the plaintiff's witnesses Buba Wajiri also known as Mallam Gajere and was adjourned again to April 13, 2018.

On April 13, 2018, Mr. Baba Ahmadou Danpullo, was not present at the hearing and was represented by Mr. Sama Francis Asanga, a senior SDF official, close family member of the party leader Mr John Fru Ndi and former President of the Cameroon Bar Association.

### **Actions requested:**

Please write to the authorities of Cameroon asking them to:

- i. Immediately and unconditionally release Mr. Musa Usman Ndamba;
- ii. Guarantee in all circumstances the physical and psychological integrity of Mr. Musa Usman Ndamba, as well as of all MBOSCUDA members and all human rights defenders in Cameroon;
  - ii. Put an end to all acts of harassment, including at the judicial level, against of Mr. Musa Usman Ndamba, as well as of all MBOSCUDA members and all human rights defenders in Cameroon;
  - iii. Until all charges are dropped, ensure that all judicial proceedings against Mr. Musa Usman Ndamba are carried out in full compliance with his right to a fair trial, as protected under international law;
  - iv. Fully implement the recommendation of the Inter-Ministerial Commission of Investigation (The Jani Commission) on the abuses by the landowner mentioned above, ordered by the President of Cameroon and submitted to the Office of the Prime Minister since 2004, for action[5];
  - v. Conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its Articles 1 and 12.2. ;
  - vi. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Cameroon.

### **Addresses:**

- His Excellency Mr. Paul Biya, President of the Republic, Presidency of the Republic, Palais de l'Unité, 1000 Yaoundé, Cameroon, Fax +237 22 22 08 70
- H.E. Mr. Philémon Yang, Prime Minister and Chief Head of Government, Primature du Cameroun, 1000 Yaoundé, Cameroon. Fax: +237 22 23 57 65. Email: [spm@spm.gov.cm](mailto:spm@spm.gov.cm)
- Mr. Laurent Easo, Minister of Justice, Ministry of Justice, 1000 Yaoundé, Cameroon, Fax: + 237 22 23 00 05
- Mr. René Emmanuel Sadi, Minister of Territorial Administration, Fax: + 237 22 22 37 35
- Dr. Chemuta Divine Banda, Chairman of the National Commission on Human Rights and Freedoms, Fax: +237 22 22 60 82, E-mail: [cnhdl@iccnet.cm](mailto:cnhdl@iccnet.cm) / [cdbanda26@yahoo.fr](mailto:cdbanda26@yahoo.fr)
- H.E. Mr. Anatole Fabien Marie Nkou, Ambassador, Permanent Mission of the Republic of Cameroon to the United Nations Office in Geneva, Avenue de France 23, 1202 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, Ambassador of Cameroon to Belgium & the European Union, Embassy of the Republic of Cameroon in Brussels, 131 av. Brugmann, 1190 (Forest), Belgium, Fax: + 32 2 344 57 35; Email: [ambassade.cameroun@skynet.be](mailto:ambassade.cameroun@skynet.be); [embassy@cameroon.be](mailto:embassy@cameroon.be)

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

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Geneva-Paris, May 17, 2018

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

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and the FIDH. The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of [ProtectDefenders.eu](http://ProtectDefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.*

To contact the Observatory, call the emergency line:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29
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[1] The Mbororo Social and Cultural Development Association (MBOSCUDA) defends the rights of indigenous Mbororo pastoralists in North-Western Cameroon since 1992. It has been active in monitoring the sale of public land to private landowners, denouncing corruption and defending indigenous people's land rights.

[2] Mr. Baba Ahmadou Danpullo is 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.

[3] See the Observatory's Urgent Appeals CMR 001 / 0716 / OBS 056.3 published on May 11, 2017 and CMR 001 / 0317 / OBS 033.2 published on April 20, 2018.

[4] See the report on

[http://www.upr-info.org/IMG/pdf/js1\\_upr\\_cmr\\_s16\\_2013\\_jointsubmission1\\_e.pdf](http://www.upr-info.org/IMG/pdf/js1_upr_cmr_s16_2013_jointsubmission1_e.pdf)

[5] The commission was created by the Minister of Justice through Ministerial Decision No. 164 on July 2, 2003, modified by Decision No. 230 on August 13, 2003, to investigate human rights abuses by Mr. Danpulo against the Mbororo community including arbitrary arrests, trumped charges, imprisonment, torture, expropriation of lands, interference with Mbororo community leadership, etc. Recommendations of the Commission include that the authorities retrace and where necessary re-demarcate the legal boundaries of ELBA Ranch in accordance with Land Certificate No. 140/Menchum of December 1, 1989, with a surface area of 4,726 hectares; that the authorities retrace and where necessary re-demarcate the legal boundaries of the Land Grant measuring 1,335 hectares allocated to Baba Ahmadou Danpullo for transhumance; that Baba Ahmadou Danpullo liberates illegally occupied lands; that Baba Ahmadou Danpulo pays compensation to those who were displaced by ELBA Ranch; that the authorities identify the various Mbororo communities in the North-West capable of being led by traditional rulers designated in conformity with the law; that the authorities take measures with regards to the illegal and irregular functioning of Ndawara Alkali Court. For more information, please see:

[http://justice-dignity.net/wp-content/themes/green-stimulus/Jani\\_Commission\\_Report.pdf](http://justice-dignity.net/wp-content/themes/green-stimulus/Jani_Commission_Report.pdf)