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Cameroon: Acts of harassment faced by members of the Mbororo Social and Cultural Development Association (MBOSOCUDA)

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Judicial harassment /

Impunity of assassination attempt

Cameroon

June 7, 2013

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**.

Brief description of the situation:

The Observatory has been informed by reliable sources about acts of harassment faced by members of the Mbororo Social and Cultural Development Association (MBOSCUDA), an organisation defending the rights of Mbororo pastoralists in North-Western Cameroon since 1992 following a complaint filed by Mr. Baba Ahmadou Danpullo, a billionaire businessman, cattle rancher and tea plantation owner [1].

According to the information received, on May 10, 2013, Mr. **Musa Usman Ndamba**, National Vice-President of MBOSCUDA, was summoned to appear before the Court of First Instance in Bamenda, North Western Cameroon, 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", offenses punishable by a prison sentence and a fine.

At the hearing, Mr. Ndamba refuted all the allegations and pleaded not guilty. Mr. Ndamba was bailed, pending another hearing scheduled for 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.

This case of judicial harassment seems to relate to another criminal case on the assassination attempt of Mr. **Jeidoh Duni**, MBOSCUDA Para Legal Officer, on July 1, 2012. On July 18, 19 and 20, 2012, five MBOSCUDA members, Mr. Jeidoh Duni, Mr. **Adamou Isa**, Executive Member, Mr. **Sali Haman**, Regional President of the Littoral Branch, Mr. **Dahiru Beloumi**, Local Councillor and member, and Mr. **Njawga Duni**, Veterinary Nurse and member, appeared as witnesses in an investigation into the attempted murder of Mr. Jeidoh Duni in order to identify the suspects of the assassination attempt as well as the person who hired them. MBOSCUDA members maintained that those who shot and injured Mr. Duni were hired killers and demanded full justice in this case. Of the five suspects who were arrested three weeks after the incident, three confessed to the crime and one even went so far as mentioning landowner Baba Ahmadou Danpullo as being the 'sponsor' of the attack. However, all the suspects were released soon after they were handed over to the Gendarme authorities of the North-West Legion. Despite the confessions including phone records, and assurances from Government authorities that justice will be done, the case file has still not been forwarded to the courts and no one has been charged for the attempt on Mr. Duni's life.

In an apparent act of retaliation against their testimony, on April 23, 2013, the five MBOSCUDA members were summoned and appeared before the Bafoussam Military Tribunal [2] and were charged with "assault", "defamation" and of "possession of fire-arms" at the time of the arrest of the suspects on July 18, 2012. They were then told to go and wait to be called for a hearing. The irony is that Mr. Duni was in hospital seriously ill of his injuries on this date and the suspects in his attack were arrested by the government rapid intervention anti-crime brigade (BIR) officers.

On April 23, 2013, the five were forced to go into hiding as they feared to be arrested due to suspicions of undue influence by the landowner on the gendarmes handling the case and the military judicial authorities.

The Observatory expresses its deep concern 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 [3].

Furthermore, this incident of judicial harassment is far from being isolated. Other Mbororo leaders are presently undergoing judicial harassment in courts in Wum and Foumban as a result of their activism, including Messrs. **Lamido Roufai Dahirou, Ahmadou Ahidjo, Elhadj Seini** and Ms. **Hawaou Nana**, prominent MBOSCUDA members and community leaders, as well as Messrs. **Sule Buba Dicko** and **Useini Amadu**, both of whom are leaders of the Aku Cultural and Development Association (ACUDA). The afore-mentioned are being prosecuted since February 18, 2013 for alleged "illegal fundraising" within the framework of a workshop on minorities and elections organised by ACUDA on February 16, 2013, in Wum, North-West Cameroon. This workshop was authorised by the authorities and attended by over 400 participants, including representatives of the authorities, members of Parliament, community leaders and politicians [4]. The next hearing is scheduled for June 13, 2013.

Actions requested:

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

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Musa Usman Ndamba, Jeidoh Duni, Adamou Isa, Sali Haman, Dahiru Beloumi, Njawga Duni, Lamido Roufai Dahirou, Ahmadou Ahidjo, Elhadj Seini, Sule Buba Dicko and Useini Amadu and Ms. Hawaou Nana, as well as of all MBOSCUDA and ACUDA members and all human rights defenders in Cameroon;
- ii. Put an end to all acts of harassment, including at the judicial level, against Messrs. Musa Usman Ndamba, Jeidoh Duni, Adamou Isa, Sali Haman, Dahiru Beloumi, Njawga Duni, Lamido Roufai Dahirou, Ahmadou Ahidjo, Elhadj Seini, Sule Buba Dicko and Useini Amadu and Ms. Hawaou Nana, as well as against all MBOSCUDA and ACUDA members and all human rights defenders in Cameroon;
- iii. 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];
- iv. 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:
 - ▶ article 1, which states that "everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels",
 - ▶ and article 12.2 which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Cameroon and article 45 of the Constitution of the Republic of Cameroon, whereby "duly approved or ratified treaties and international agreements shall, following their publication,

override national laws, provided the other party implements the said treaty or agreement".

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

" 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: cndhl@iccnet.cm / cdbanda26@yahoo.fr

" Ms. Enonchong Annet, Protection Officer of the National Commission on Human Rights and Freedoms, Email: annet_mbeng@yahoo.com

" 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

" S.E. M. EVINA ABE'E Daniel, 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; embassy@cameroon.be

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

[1] The Mbororo ethnic group is particularly numerous in the North-West Region of Cameroon. Their main source of income is raising cattle. In 1986, Mr. Baba Ahmadou Danpullo, a billionaire businessman, cattle rancher and tea plantation owner and a member of the Central Committee of the ruling Cameroon People's Democratic Movement (CPDM) Party, established two cattle ranches in the Boyo and Menchum Divisions of the North-West Region. He allegedly forced both Mbororo pastoralists and 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 Mbororo pastoralists. In 1992, MBOSCUDA was established to protect Mbororo rights and promote their development. Since then, MBOSCUDA members have been harassed and threatened. MBOSCUDA has consultative status with the United Nations ECOSOC and the African Commission on Human and Peoples' Rights.

[2] In Cameroon, any crime that involves fire-arms comes under the jurisdiction of the military tribunal.

[3] See the report on http://www.upr-info.org/IMG/pdf/is1_upr_cmr_s16_2013_jointsubmission1_e.pdf

[4] The workshop was a restitution for a national workshop to promote the participation of Mbororo indigenous minority community in upcoming local elections. It was funded through donations of members of ACUDA and local elites. The national workshop was funded by Minority Rights Group International.

[5] The commission was created by the Minister of Justice through Ministerial Decision No. 164 of 2nd July 2003, modified by Decision No. 230 of 13 August 2003, to investigate human rights abuses by Mr. Danpulo against the Mbororo 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 1st December 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

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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