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HRW – Human Rights Watch

Cameroon: Separatist Leaders Appeal Conviction

Grave Questions About Fairness of Trial

(Nairobi) – Ten leaders of the separatist Ambazonia Interim Government in Cameroon (<https://www.hrw.org/africa/cameroon>) lodged an appeal on August 26, 2019, against their August 20 convictions and life sentence (<https://www.theguardian.com/world/2019/aug/20/cameroon-anglophone-separatist-leader-ayuk-tabe-handed-life-sentence>) s by a military court following a trial that raises serious concerns of due process and violations of fair-trial rights.

Although the trial, on charges including terrorism, rebellion, and secession, commenced in December 2018, all the alleged evidence against the men was only presented to the defense in court during a single 17-hour overnight hearing that started on August 19. The court admitted thousands of pages of statements and documents as evidence against the accused and over 1,000 items of forensic evidence, such as guns, spears, and laptops, that defense lawyers told Human Rights Watch they did not know about and were unable to examine, discuss with their clients, or effectively challenge.

“It appears that the military court handed down a hasty verdict and sentence without giving the accused any meaningful opportunity to defend themselves,” said Lewis Mudge (<https://www.hrw.org/about/people/lewis-mudge>) , Central Africa director at Human Rights Watch. “This process has been plagued by pretrial abuses and serious allegations of fair-trial breaches that warrant independent and impartial judicial review, which we hope will happen under appeal.”

The trial, which was conducted in French without adequate translation though the defendants were entitled to a trial in English, their mother tongue and an official language in Cameroon, took place after serious violations of the defendants’ rights in detention. Defense lawyers accused the judges of bias and withdrew from the proceedings after the main military judge threatened them with arrest for raising objections.

Sisiku Ayuk Tabe, head of what is known as the “Ambazonia government,” and nine other leaders had been arrested in January 2018 in Nigeria’s capital, Abuja, and forcibly returned to Cameroon, in an extrajudicial transfer that was denounced by the United Nations Refugee Agency as violating the fundamental principle of non-refoulement (<https://www.unhcr.org/news/press/2018/2/5a731fcf4/unhcr-condemns-forced-returns-cameroon-asylum-seekers-nigeria.html>) – the practice of not forcing refugees or asylum seekers back to a country where they risk persecution, torture, or other cruel, inhuman,

or degrading treatment. The forced return of the 10 leaders was also declared illegal (<https://www.france24.com/en/20190303-nigeria-court-says-extradition-cameroon-separatists-illegal-0>) by a Nigerian court in March 2019. The men were then held in incommunicado detention (<https://www.hrw.org/news/2019/05/06/cameroon-routine-torture-incommunicado-detention>) at the State Defense Secretariat detention facility (Secrétariat d'État à la défense, SED) for six months, during which they had no access to their lawyers and families. Human Rights Watch has documented that torture and other abuses are endemic (<https://www.hrw.org/news/2019/05/06/cameroon-routine-torture-incommunicado-detention>) at the SED.

Fru John Nsoh, lead counsel for the separatist leaders, told Human Rights Watch that while the trial of his clients started in December 2018, all hearings prior to August 19 focused on peripheral procedural matters. He said that defense lawyers had no prior knowledge of the evidence presented to the court by the prosecution, and were not given any chance to view, comment, or object to the evidence, nor were they permitted to cross examine the four witnesses called by the prosecution.

The men were also tried before a military tribunal, despite international standards deeming the trial of civilians in military courts, in principle, to be incompatible with the right to a fair trial. Cameroon has been condemned by the UN Human Rights Committee for prosecuting civilians before military tribunals. The African Commission on Human and Peoples' Rights has also repeatedly reinforced that under regional human rights standards, including the African Charter on Human and Peoples' Rights, the trial of civilians in military courts is prohibited without exception, and that the only purpose of military courts should “be to determine offences of a purely military nature committed by military personnel.”

The crisis unfolding in Cameroon's Anglophone regions broke out around October 2016, when students, teachers, and lawyers from the region took to the streets to demand greater respect for their rights. In response, security forces unlawfully killed and arbitrarily arrested peaceful protesters (<https://www.amnesty.org/en/latest/news/2017/10/cameroon-inmates-packed-like-sardines-in-overcrowded-prisons-following-anglophone-protests/>), escalating the crisis. Since then, numerous separatist groups have emerged, taking up arms and calling for the independence of the North-West and South-West regions, which they call “Ambazonia.”

Armed separatists have committed numerous abuses against civilians, including kidnappings for ransom, torture, and unlawful killings. They have also attacked dozens of school buildings and occupied them. They have also enforced a boycott of schools, disrupting the education of thousands of children since 2017. Human Rights Watch cannot comment on the credibility of the charges brought against the men in connection with any crimes committed by armed separatists.

The Cameroon military court also ordered the 10 men to pay fines totalling 262 billion CFA francs (US\$442,000) for civil damages and court costs.

“To conduct a trial with these kinds of due process violations is no way to uphold rule of law and human rights in the midst of an escalating crisis in the Anglophone regions of Cameroon,” Mudge said. “The Cameroonian authorities should focus on addressing the legitimate grievances of its Anglophone population and make sure that members of the security forces who are responsible for abuses are held accountable.”

ecoi.net summary:

Leaders of separatist Ambazonia Interim Government lodge appeal against life sentences imposed on them by a military court after an unfair trial



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