

£CAMEROON

@Arrest of political opponents and detention without trial

In August 1994, 28 members of a Cameroonian opposition party, the *Union nationale pour la démocratie et le progrès* (UNDP), National Union for Democracy and Progress, were arrested and charged with joint acts of looting and assault occasioning death following clashes between two rival groups of the UNDP, during which one person died and many others were wounded, in Maroua, the capital of Far-North Province. At the beginning of February 1995, after more than six months in detention, 13 of those charged were released but apparently only provisionally.

Most of those detained were arrested several hours or days after these violent events and, according to concurring sources, only because they had been denounced by political opponents within their own party. Amnesty International believes that they were charged because of their opinions and detained because of their opposition to the participation of two UNDP leaders in the Cameroonian government, with no evidence that they were personally responsible for the acts of violence of which they are accused.

Amnesty International is very concerned about the state of health of several of the UNDP members held in Maroua's central prison, where dozens of common law prisoners died in 1994 from malnutrition and inadequate hygiene and medical care. Those arrested after the incidents involving the two groups of UNDP members received provisions from their families and some care at the prison hospital. Many of them, however, were denied access to hospital or the particular treatment that their deteriorating health required.

While recognising that governments are entitled to bring those responsible for criminal acts to justice, Amnesty International is concerned that the Cameroonian authorities have used these events to discredit the UNDP's leadership. The UNDP leadership, which for a long time sought a government agreement with the former single party in power, the *Rassemblement démocratique du peuple camerounais* (RDPC), Cameroon People's Democratic Movement, seems to be forging closer links with the more radical opposition which has refused to take any part in the political process since presidential elections in 1992.

Amnesty International is calling for the immediate and unconditional release of all those UNDP members detained solely because they oppose their party's participation in the government of the Head of State, Paul Biya. Amnesty International is also urging that any UNDP members against whom there is clear evidence of participation in violent acts be promptly and fairly tried, and that those detainees who are ill receive the treatment they need, under the supervision of a doctor, without delay.

The events of 30 July 1994

The events of 30 July 1994 were a result of rivalry which has existed for two years between the UNDP's majority group, led by the party's National President, Bello Bouba Maigari, and two other founder members of the party, Hamadou Moustapha and Issa Tchiroma Bakary, UNDP Vice-President and Administrative Secretary respectively, who were appointed to the Cameroonian government in November 1992, without their party's agreement, soon after the first multi-party presidential elections ever to be held in Cameroon. These elections, won by the incumbent President, Paul Biya, were marred by widespread fraud and were immediately contested by the opposition, in particular Paul Biya's main rival, John Fru Ndi, President of the Social Democratic Front (SDF), who proclaimed himself the winner of the ballot.

In contrast to other opposition parties, the UNDP's National President, Bello Bouba Maigari, prime minister from November 1982 until August 1983, recognised Paul Biya's victory. Under pressure from Hamadou Moustapha in particular, the UNDP had been one of the few opposition parties not to boycott legislative elections in March 1992 with the result that the UNDP became the main opposition party in the Cameroonian parliament with 68 of the total 180 seats. After the presidential elections, the UNDP's national leadership tried, without success, to negotiate a government agreement with the ruling RDPC party. Paul Biya's appointment of two members of the UNDP to ministerial posts, without consulting the UNDP leadership, was therefore seen by Bello Bouba Maigari as an attempt by the ruling party to divide the main parliamentary opposition party.

Although it was disapproved of, the appointment of the two UNDP ministers to the Cameroonian Government did not lead to their immediate expulsion from the party. It was only in July 1994, when the UNDP ministers retained posts in a government reshuffle that there was a strong reaction within the party. In a communique dated 23 July 1994, Bello Bouba Maigari announced that by remaining in a government led by the RDPC, the two UNDP ministers were debarring themselves from their own party; the two ministers vigorously contested this.

In the following days, the UNDP leadership organised several meetings around the country in order to explain to the party's members the reasons for these two expulsions. In Maroua the local UNDP section, loyal to Bello Bouba Maigari, announced and obtained permission from the authorities to organize, on the morning of 30 July 1994, a meeting followed by a march. The same day, during the afternoon, one of the two ministers expelled, Hamadou Moustapha, Deputy Prime Minister responsible for town planning and the environment, was due to arrive by plane in Maroua, his home town and one of the bastions of the UNDP which was set up largely by northern Muslims in 1991, a year after the re-establishment of a multi-party system in Cameroon.

Fearing unrest, the Senior Divisional Officer summoned Hamadou Adji, president of the local UNDP section, on 29 July 1994, the day before the meeting: he reassured the authorities and promised that there would not be any violence during the meeting or the

march whose route had been laid down in advance and was scheduled to finish some way away from the airport before 12.30, that is, more than an hour before the arrival of Hamadou Moustapha.

On 30 July 1994 the UNDP meeting took place peacefully and was followed by a march which broke up, as scheduled, around 12.30. In order to avoid any disturbance, Hamadou Adji reminded people of the precise route of the march during the meeting and asked everyone to return peacefully with him. Just before the end of the meeting, however, there was a rumour that one of Hamadou Moustapha's supporters had wounded a young child close to the Makabaye bridge on the road leading from the town of Maroua to the airport. This rumour proved to be untrue, according to reliable information from those who looked in vain for the wounded child. Despite appeals for calm from UNDP leaders, some participants at the meeting rushed to the Makabaye bridge to help the wounded child.

Before this incident, some UNDP members had positioned themselves, from 10.00 onwards, along the road leading to the airport so that they could obstruct and intimidate Hamadou Moustapha's supporters who were leaving to welcome him from the plane. These supporters were verbally insulted by supporters of Bello Bouba Maigari who insisted that they should not wear the uniform of the party from which their leader had just been expelled. According to some witnesses, demonstrators threatened to throw stones at the minister's cortège as it returned from the airport.

There does not, however, seem to have been any physical violence in the morning. The security forces were alerted and succeeded in clearing the route. Around 14.00, however, as the cortège containing Hamadou Moustapha and the Senior Divisional Officer of Maroua was on the way back from the airport and approaching the Makabaye bridge, hostile demonstrators, apparently very young, attacked the cars with stones. The driver of a coach, hit by an object which had been thrown, lost control of his vehicle which crashed into a tree, injuring many people and causing serious damage. Another person in a car was hit in the back of the neck and died from his wounds in hospital a short time later. The identity of those who attacked the cortège has not been clearly established and there is no certainty that they were UNDP members who had ignored the appeals for calm by their leaders.

Politically motivated arrests

Hardly any of the people arrested and charged after these events, in particular local UNDP officers, Hamadou Adji, Saïdou Oumarou, a member of UNDP's central committee, and Mamadou Alioum, secretary general of the party's local section, were arrested where the incidents occurred and it seems that there is no evidence, apart from the accusations made by their political opponents, that they had personally committed acts of violence or incited such acts.

Less than two hours after the ministerial cortège was attacked with stones, Hamadou Adjì, who had returned home at the end of the peaceful march, was arrested and accused of being the instigator of the attack and of having failed, despite his promises, to take any steps to prevent his supporters from attacking Hamadou Moustapha's cortège.

In the hours and days which followed, over 30 UNDP officers and members, supporters of Bello Bouba Maigari, were arrested, apparently on the basis of a handwritten list supplied by Hamadou Moustapha's supporters. After questioning, 28 people were charged with "joint acts of looting, assault occasioning death, obstruction of the public highway and causing slight bodily harm" (*coaction de pillage en bande, coups mortels, obstacle sur la voie publique et blessures légères*). To substantiate these charges, the authorities maintained that during a preliminary gathering, which had taken place the day before the meeting, members hostile to Hamadou Moustapha had worked out a plan for the attack on the cortège.

The Minister of Justice, M. Douala Moutomé, told the press on 11 November 1994 that those charged had committed "common law crimes" and that there was "no longer political detention in Cameroon". It would seem, however, that most of these arrests were not the result of serious police investigations but rather an attempt by Hamadou Moustapha's supporters to discredit their local political opponents who had defeated them in the elections for the officers of the local section of the UNDP two years earlier.

In Bogò, a town 40 km. from Maroua, several UNDP members were arrested two or three weeks after the events of 30 July 1994, because they were on a list drawn up by Hamadou Moustapha's supporters. Three were charged with assault occasioning death whereas, according to witnesses, they had left Maroua to return home before the violent incidents on the road from the airport had started.

These accusations seem to have been accompanied by threats from Hamadou Moustapha's supporters against some of their opponents within the UNDP. One of the people threatened lodged a complaint of harassment with the Public Prosecutor at the *tribunaux de première et grande instance* (courts of first and higher instance) in Maroua, but it appeared that this complaint was not investigated.

Judicial irregularities

Amnesty International has noted irregularities in the legal proceedings against these political detainees in Maroua. The defence lodged several petitions for provisional release without any response from the Public Prosecutor's office, which by law must be given within three days of receipt of the petition. Four months later, on 24 November 1994, the *tribunal de grande instance* (court of higher instance) in Maroua decided to release provisionally half of the detainees without giving any grounds for this decision which did not include the principal

local officers of the UNDP. This decision led to two appeals, one from the defence which requested the provisional release of the remaining detainees and another from the Public Prosecutor who contested the decision of the court. As appeals were pending, no detainee was actually released. In protest, UNDP deputies decided to boycott the proceedings of the Cameroonian parliament for one month from 8 November 1994. Finally, on 3 February 1995, without awaiting the result of his appeal, the Public Prosecutor ordered the release, apparently provisional, of 13 of the accused, but again not including any of the local UNDP officers.

The fact that these 13 people were released by decision of the Public Prosecutor while, by law, the Public Prosecutor's office loses any powers over the case following an appeal and only the court can rule on releases, the fact that a complaint lodged against Hamadou Moustapha's supporters has not had any legal outcome and the examining magistrate has not yet closed the file, six months after it was opened, suggests that the Cameroonian authorities are impeding the course of justice for political reasons.

Amnesty International considers that accusing people of being jointly responsible for acts of violence when their personal and direct responsibility cannot be proved enables the government to imprison political opponents without any evidence that they have personally committed acts of violence or incited such acts. Such action, used to detain opponents in the past in Cameroon, is a violation of the right to freedom of expression and association, guaranteed by Articles 19 and 22 of the United Nations International Covenant on Civil and Political Rights which Cameroon ratified in 1984.

Serious state of health of some detainees

Amnesty International is concerned about reports of the state of health of several of the political detainees held without trial in Maroua's central prison for over six months. Several detainees have been denied access to hospital or the medical care required by their state of health. Only one detainee suffering ill-health, released in February 1995, was finally admitted to hospital: Ali Ousmane, aged 70, who suffers from an inguinal hernia and can urinate only by means of a catheter.

Some ten other detainees require care that the prison hospital does not seem to be able to provide. The most serious cases, among those still detained, include:

- Hamadou Mazoumai, aged 62, who is urinating blood and suffers from lumbar problems and injuries to his left knee due to a fall during an attack of vertigo;
- Saïdou Katchall, who is suffering from diabetes insipidus;
- Youngouda Garga, who has pulmonary tuberculosis.

This situation is even more disturbing since Maroua's central prison, like most Cameroonian prisons, has very serious problems of overcrowding and malnutrition and lacks proper medical care and hygiene. Originally built for 300 prisoners, Maroua prison housed over a thousand at the end of 1994. Some prisoners have been transferred to another prison since then but over 800 prisoners remain. It seems that there are currently a hundred cases of tuberculosis, less than 10 of which are being cared for by nurses from a religious community. In 1994 alone, between 120 and 150 detainees died, mostly because they had no means of paying for medicines or receiving food from their families to supplement the meagre rations provided by the prison authorities.

Although the detained members of the UNDP seem to have received, from their families and their party, food and medical aid that many common law prisoners have not received, the state of health of some of these UNDP members appears to require special care or even hospitalization. While recognizing the practical problems facing the prison authorities in Cameroon, Amnesty International considers that it is their duty to assist any detainee whose life is threatened in prison through lack of medical care or inadequate food.

RECOMMENDED ACTION

Send courteously worded letters, preferably in French or English, to the Cameroonian authorities:

1. a) Expressing concern that 28 people have been charged because of their opinions and held solely because they belong to the UNDP with no evidence of their direct and personal participation in the acts of violence of which they are accused.
- b) Urging the immediate and unconditional release of any person detained solely because they belong to a group within the UNDP opposed to the participation of its members in the Cameroonian government.
- c) Urging that, if there is evidence that some of the accused are individually responsible for recognizably criminal offences, these people be promptly and fairly tried.
2. Urging that those political detainees whose state of health gives cause for concern receive adequate medical care, including admittance to hospital if necessary.
3. Pointing out to the Cameroonian authorities that holding people jointly responsible for acts of violence when there is no evidence of their personal and direct responsibility has been used to arrest opponents in the past in Cameroon. Such action is a violation of the right to freedom of expression and association, as guaranteed by Articles 19 and 22 of the United Nations International Covenant on Civil and Political Rights which Cameroon ratified in 1984.

Send your letters to:

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M. Simon Achidi Achu
Président de la République
Premier Ministre
Palais de la Présidence
Immeuble Etoile
1000 YAOUNDE
1000 YAOUNDE
Cameroon

M. Douala Moutomé
Ministre de la Justice et Garde des Sceaux
Ministère de la Justice
1000 YAOUNDE
Cameroon

Copies to:

M. Seidou Mounchipou
Gouverneur de la Province de l'Extrême-Nord
Palais de Gouvernance
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