

URGENT APPEAL- THE OBSERVATORY

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New information

Judicial harassment

Cameroon

February 11, 2011

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), has received new information and requests your urgent intervention in the following situation in **Cameroon**.

New information:

The Observatory has been informed about the resuming of the trial at the First Instance Court in Yaoundé, on 7 February 2011, regarding the case of Mr. **Jean-Marc Bikoko**, President of the Central Public Sector Trade Union (*Centrale syndicale du secteur public - CSP*), Mr. **Maurice Angelo Phouet Foe**, Secretary General of the National Autonomous Union of Education and Training (*Syndicat national autonome de l'Education et la Formation - SNAEF*), Mr. **Théodore Mbassi Ondo**, Secretary Executive of the Cameroon Education of federation Unions (*Fédération camerounaise des syndicats de l'éducation - FECASE*), Mr. **Joseph Ze**, Secretary General of the Unitary National Union of Teachers and Professors (*Syndicat national unitaire des instituteurs et professeurs des écoles normales - SNUIPEN*), Mr. **Eric Nla'a**, bookkeeper of the CSP, and Messrs. **Nkili Effoa** and **Claude Charles Felein**, of the SNUIPEN, all charged of "organisation of illegal demonstrations" and "public nuisance".

During the hearing, the General Prosecutor presented the elements of the charges, notably the hearing protocols of the seven accused at the police station on the day of their arrest on November 11, 2010, and the letter of the sub-prefect prohibiting the rally. To the question of the Court's President if the letter had been notified to the accused, the prosecutor alleged that the letter had been dispatched to the address written on the rally manifestation, which the CSP had sent to them before. The seven accused testified to the Court that they did only know of the existence of the aforementioned document during the interrogations at the police station after they had been arrested. The prosecutor subsequently responded that "they were surely not going to hand the letter to the CSP address personally".

After these declarations the Court adjourned once again until March 21, 2011. The next hearing will contain the response of the accused to the prosecutor's declarations, and of possible new evidence provided by the prosecutor.

The Observatory denounces the ongoing judicial harassment against the seven accused as consequence of a pacific demonstration, which entails a hindrance to the right of freedom of assembly and freedom of expression recognised in several regional and international mechanisms of human rights defence, notably the UN Declaration on Human Rights Defenders adopted by the General Assembly on December 9, 1998, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

Background information:

The seven union members were arrested on the morning of November 11, 2010 by members of the Central Police Station of Yaoundé during a peaceful rally organised by CSP before the

Primature (Prime Minister's office). They planned to hand over to the Prime Minister, Mr. Philémon Yang, a memorandum of public service workers addressed to the country's president, Mr. Paul Biya, asking for the improvement of Cameroon employees conditions.

The seven union members did not have access to their lawyers prior to their appearance before the Prosecutor on the next morning. On November 12, 2010 at 08.30 p.m. they were released by the General Prosecutor, who informed them about the hearing before the First Instance Court of Yaoundé on Monday November 15, 2010. On November 15, after the declaration of the charges being known as "organisation of illegal demonstrations" and "public nuisance", the accused pleaded "non-guilty" based on the fact that the CSP did inform the competent authorities about the intention to organise the demonstration as stipulated in article 6 of the law N°990/055 of December 19, 1990 according the regulations regarding meetings and demonstrations. On November 8, 2010, the sub-prefect of the III borough of Yaoundé issued a letter prohibiting the demonstration alleging that "public demonstrations of vindictive or demanding nature are and stay forbidden". However according article 8 of the aforementioned law, a demonstration can only be declared illegal by a firm of the prefect. Therefore the sub-prefect did not have the authority to issue the prohibition.

Actions requested:

The Observatory urges the authorities of Cameroon:

- i. Guarantee in all circumstances the physical and psychological integrity of the seven union members, as well as of all human rights defenders in Cameroon;
- ii. Put an end to any kind of harassment, including at the judicial level, against the seven union members, as well as of all human rights defenders in Cameroon, and ensure in all circumstances that they are able to carry out their work without hindrances;
- iii. Comply with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - 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";
 - Article 5 (b) and (c), which provides that "For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully; and to form, join and participate in non-governmental organizations, associations or groups";
 - Article 6 (b), which provides that "Everyone has the right, individually and in association with others: As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms";
 - 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";
- iv. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal

Declaration of Human Rights and with international and regional human rights instruments ratified by Cameroon.

Adresses:

-- Mr. Paul Biya, President of the Republic, Présidence de la République, Palais de l'Unité, 1000 Yaoundé, Cameroon, Fax +237 222 08 70

- Mr. Philémon Yang, Prime Minister and Head of the Government, Primature du Cameroon, Fax : +237 22 23 57 35 et courriel : spm@spm.gov.cm

-- Mr. Amadou Ali, Minister of Justice, Garde des Sceaux, Ministère de la Justice, 1000 Yaoundé, Cameroon, Fax : + 237 223 00 05

-- Mr. Alain Edgard Mebe Ngo'o, Ministre Délégué à la Présidence de la République chargée de la Défense B.P1000 Yaoundé, Cameroon, Fax +237 223 59 71

-- Mr. Marafa Hamidou Yaya, Ministre de l'Administration territoriale et de la Décentralisation, Fax : + 237 222 37 35

-- Dr. Chemuta Divine Banda, President of the Commission Nationale des Droits de l'Homme et des Libertés (CNDHL), Tel : +237 222 61 17, Fax : +237 222 60 82, E-mail : cndhl@iccnnet.cm

-- Mr. Jean Simplicie Ndjemba Endezoumou, Ambassador, Permanent mission the Republic of Cameroon auprès de l'Office des Nations Unies à Genève, rue du Nant 6, 1207 Geneva, Switzerland, Fax : + 41 22 736 21 65, Email : mission.Cameroon@bluewin.ch

-- Embassy of the Republic of Cameroon in Brussels, 131 av. Brugmann, 1190 Forest, Belgium, Tel: + 32 2 345 18 70; Fax: + 32 2 344 57 35 ; Email : ambassade.Cameroon@skynet.be

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

Paris-Geneva, February 11, 2011

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

To contact the Observatory, call the emergency line:

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