

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Wednesday, 25 April 2018

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Dear President and Honorable Ministers:

Re: Death threats and judicial harassment against members of the Organic Farming for Gorillas (OFFGO) and their lawyer

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights, the rule of law, and the integrity of legal systems through advocacy, education and legal research. LRWC is a volunteer-run NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC is concerned by reports of death threats against Mr. **Jan Cappelle**, founder of OFFGO and lawyer **Elvis Brown** and persistent judicial harassment of OFFGO members. LRWC repeats calls by the Observatory for remedial action and also requests immediate action by the Government of Cameroon to protect the lives of Jan Cappelle and Elvis Brown and their families and to prevent and punish the death threats made against them.

Reports of death threats and judicial harassment

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), has received new information and has also requested your urgent intervention in the following situation in Cameroon.

The Observatory has been informed by reliable sources about the ongoing judicial harassment and death threats targeting several members of the OFFGO, a group of farmers founded in September 2015 to promote organic farming and environmental protection, and to oppose land

Death threats and judicial harassment against members of the Organic Farming for Gorillas (OFFGO) and their lawyer

grabbing and work for the protection of the cross-river gorilla in Mbengwi, in the North-West Region of Cameroon.

According to the information received, on April 13, 2018, a man who allegedly worked with billionaire businessman Mr. Baba Ahmadou Danpullo called and threatened to kill OFFGO's lawyer Mr. **Elvis Brown** and his family if they did not "*drop the file*", referring to OFFGO's complaints before the National Commission on Human Rights and Freedoms (NCHRF). The caller knew details of the presence of Mr. Brown and his family in Bamenda, including related to their home and the children's school. He also threatened to kill Mr. **Jan Cappelle**, founder of OFFGO.

A complaint was filed before the Police National Security Department in Mbengwi, who latter summoned the caller to present himself by April 18, 2018. The caller, who received the summons on April 16, 2018, did not present himself.

On April 18, 2018, the same person called Mr. Elvis Brown again and told him to "*prepare very well*". On April 19, 2018, Mr. Elvis Brown received another text message reading "*watch and see how I make your team suffer*", "*you should be sorry for your friends back here. I am merciless*", "*I am heartless I have no feelings*" and "*I will teach your team a bitter lesson. You will all suffer for destabilising Cameroon*".

These threats come at a time when the National Commission On Human Rights and Freedoms (NCHRF) is supposed to publish a report following investigations carried out into the abuses and judicial harassment targeting OFFGO members. The publication of the report was already delayed several times, despite the conduct of two field visits to Tudig and Mbengwi in April 2017, and to Mbengwi and Bamenda in February 2018 (see background information).

The Observatory urges the Cameroonian authorities to guarantee in all circumstances the physical and psychological integrity of OFFGO members, and to conduct an immediate, thorough, impartial and transparent investigation into the death threats directed at them, in order to identify all those responsible, bring them before an independent tribunal, and sanction them as provided by the law.

The Observatory further recalls that two other OFFGO members, Messrs. **Matthias Awazi** and **Humfred Manjo**, are still facing baseless charges and face up to three years in prison (see background information). Accordingly, the Observatory calls upon the authorities of Cameroon to put an end to all acts of harassment - including at a judicial level - against all OFFGO members.

Finally, the Observatory has expressed concern with the delays in the publication of the report and recommendations by the NCHRF, entailing further harassment of OFFGO members and impunity for those responsible.

Background information:

The village of Tudig, in Mbengwi, where OFFGO has its headquarters, as well as its members, have been since 2016 the target of intimidation and harassment from the Divisional Officer of Mbengwi Sub-division and from Mr. Baba Danpullo, who has been involved in several cases of land grabbing in the country.

Death threats and judicial harassment against members of the Organic Farming for Gorillas (OFFGO) and their lawyer

In September 2015, OFFGO submitted a [report](#) to the Governor of the North-West region on the conflict opposing farmers and cattle ranchers. In October 2015, the Senior Divisional Officer of the Momo Division opened an investigation into the irregularities revealed in the report with respect to land attribution.

On January 21, 2016, the Divisional Officer of Mbengwi Sub-Division declared that he had requested an investigation of Mr. Jan Cappellet and of allegations of “support to the communities in Tudig”, which would allegedly encourage communities to take their land back. On February 27, 2016, Mr. Cappellet was interrogated by the Mbengwi gendarmerie. As there was no evidence against him, he was not arrested.

In March 2016, the Divisional Officer of Mbengwi Sub-Division asked again for an investigation to be carried out into Mr. Cappellet’s activities, but this time by the Mbengwi police. This investigation led to a report, stating that no threat to security could be reported with respect to Mr. Cappellet’s activities.

On May 5, 2016, Mr. Jan Cappellet was interrogated by the gendarmerie and another interrogation was scheduled on May 11. A day before, on May 10, 2016, Mr. Cappellet was arrested in Bamenda by the police and transferred to Yaoundé where he was placed in detention and given no access to his lawyer until May 12, 2016. On May 13, 2016, Mr. Cappellet was expelled from Cameroon to Belgium without any legal justification. An investigation into the expulsion was launched in July 2016 by the national gendarmerie of the North West Region, concluding that the accusations were not justified. No further action was taken following the issuance of the gendarmerie report, which was sent to the Presidency in August 2016.

Furthermore, in May 2016, the Divisional Officer of Mbengwi Sub-Division informed verbally the villagers that he issued an order for the destruction of the organic community farm developed by OFFGO in Tudig. This resulted in a peaceful protest by hundreds of OFFGO members and villagers, opposing the destruction order, which led to the arrest of Messrs. Matthias Awazi and Humfred Manjo on July 16, 2016 on charges of violating “Sub Prefectural Decision No 053/SPD/BALPA/2015 placing an injunction order on a grazer area under dispute in Tudig Village” and “illegal retention” of two goats under Section 322(3) of the Penal Code. They were transferred to the Mbengwi Tribunal of First Instance and provisionally released on the same day.

On February 22, 2017, the hearing in the case against OFFGO board members Matthias Awazi and Humfred Manjo, scheduled before the Mbengwi Court of First Instance, was postponed due to the ongoing lawyers’ strike in the Anglophone region of Cameroon. Apparently no further hearing date has been scheduled. Moreover, since May 29, 2017, the Mbengwi Court of First Instance has repeatedly requested both the defendants and the plaintiff to respectively pay 150,000 FCFA (approx. 229 euros) and 100,000 FCFA (approx. 153 euros) in order to visit the community farm (*locus fee*) although this practice is illegal under Cameroonian law.

In addition, the village of Tudig, has been the target of several security incidents since mid-2016. Specifically, destructions and damages to the farmers’ huts, destruction of property, theft of crops as well as theft and killings of farm animals by armed civilians were reported respectively in September 2016, November 2016 and February 2017.

Besides, on February 2, 2017, the Mbengwi Prosecutor (State Counsel briefly detained the village Regent Mr. **Vincent Awazi** for unknown reasons to later free him on a 500,000 FCFA (approx. 762 Euros) bail. No charges were brought against him - nor have been to date - as the State Counsel failed to transfer Mr. Awazi's file to court. Yet, Mr. Awazi was informed that the State Counsel is still investigating potential charges against him. On May 17, 2017, he was summoned before the Mbengwi Court of First Instance, although to date he has not been notified of any charge pending against him and no further hearing date has been scheduled.

On March 23, 2017, Mr. Vincent Awazi filed a complaint denouncing the illegal arrest, detention and expulsion of Mr. Jan Cappelle, as well as the subsequent harassment of several OFFGO members. As a result, the NCHRF carried out an investigation into the abuses and judicial harassment targeting OFFGO members.

Accordingly, LRWC urges the Government of Cameroon to:

- i. Guarantee in all circumstances the physical and psychological integrity of OFFGO members, and all human rights defenders in Cameroon;
- ii. Put an end to all acts of harassment - including at judicial level - against **Jan Cappelle, Vincent Awazi, Matthias Awazi, Humfred Manjo** and other OFFGO members;
- iii. Ensure in all circumstances that OFFGO and its members as well as all human rights defenders in Cameroon are able to carry out their legitimate activities without any hindrance and fear of reprisals, death threats and attacks;
- iv. Conform in any circumstances with the provisions of the United Nations Declaration on Human Rights Defenders, adopted on December 9, 1998 by the UN General Assembly, in particular its Articles 1 and 12.2;
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights instruments ratified by Cameroon;
- vi. Immediately put in place effective protective measures to safeguard the lives of **Elvis Brown, Jan Chapelle** and all family members;
- vii. Take measures to ensure that the perpetrator(s) of the death threats are identified, punished and prevented from further attacks.

Sincerely,



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LRWC Cameroon Monitor

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