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Cameroon: Lengthy prison terms after unfair trial before military tribunal

The trial of three people sentenced to life imprisonment -- and some 30 others sentenced to prison terms of up to 20 years -- before a military tribunal in Yaoundé was fundamentally flawed, Amnesty International said today

“The military tribunal which convicted these prisoners was neither independent nor impartial. The trial was also flawed from the outset since many of the defendants were tortured during interrogation and some died as a result.”

“These people should be allowed a retrial before a civilian court and in accordance with international standards of fair trial,” Amnesty International added.

Those convicted, all civilians from Cameroon’s English-speaking minority, had been charged with offences, including murder, attempted murder, grievous bodily harm, attempted destruction, illegal possession of firearms, arson and robbery, in connection with armed attacks in North-West Province in March 1997 during which 10 people, including three gendarmes, were killed.

The authorities blamed the attacks on the Southern Cameroons National Council (SCNC), which supports independence for Cameroon’s two English-speaking provinces, North-West and South-West Provinces, and the affiliated Southern Cameroons Youth League (SCYL).

Most of the defendants had been held for more than two years before finally being brought before the military tribunal in Yaoundé to be charged on 14 April 1999. The trial began on 25 May and there were further hearings during the following months before a verdict was reached during the early hours of 6 October 1999. An Amnesty International representative observed the trial proceedings in July.

A law passed in April 1998 extended the jurisdiction of military tribunals in Cameroon to offences involving firearms. The military tribunal which tried these cases operates under the authority of the Minister of Defence and the prosecution is under the direction and supervision of the Minister of State in charge of Defence. The defendants in this trial were tried by the same military force which detained and charged them.

The United Nations Human Rights Committee, which monitors compliance of states with the International Covenant on Civil and Political Rights, which Cameroon ratified in 1984, has recommended that the jurisdiction of military tribunals should not extend beyond military disciplinary matters. It has also recommended that all trials concerning civilians should be held before civilian courts.

“The Cameroon government should explain both why this trial was not held before a civilian court and why it has extended the jurisdiction of military courts to cases involving firearms,” Amnesty International said.

The defendants had no access to defence lawyers throughout the period of pre-trial detention and even after the start of the trial had little opportunity to communicate with their lawyers. They had no access to the indictment against them. They were therefore unable to prepare their defence adequately or to challenge the charges against them. Some 70 defendants were represented by 12 lawyers.

Prosecution witnesses before the tribunal -- members of the security forces who had conducted preliminary investigations -- claimed that the defendants had confessed to their guilt. Some of the defendants, however, alleged before the tribunal that they had been tortured and ill-treated during interrogation. At least 10 prisoners of this group have died since March 1997, either as a result of torture and ill-treatment at the time of arrest or as a result of lack of medical care while in detention.

Although prosecution witnesses said that written evidence was seized, proving that members of the SCNC and the SCYL had planned and coordinated the attacks in North-West Province, no such documents or other evidence are reported to have been produced in court.

Defence lawyers have said that appeals against conviction and sentence will be lodged with the Court of Appeal in Yaoundé.

Some 40 of the defendants were acquitted by the military tribunal.

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For more information please call Amnesty International's press office in London, UK, on + 44 171 413 5566 or visit our website at <http://www.amnesty.org>