



Public Statement

The Law Society of Upper Canada expresses grave concern about the arrest and detention of Justice Paul Ayah Abine in Cameroon

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the arrest and detention of Justice Paul Ayah Abine in Cameroon.

It has come to the Law Society's attention that on January 21, 2017, Justice Paul Ayah Abine, a sitting judge on the Supreme Court of Cameroon, was arrested at his home in the city Yaoundé by six heavily armed men from the Secretariat of State for Defence ("SED"). The men, who had no arrest warrant, threatened violence if the Justice attempted to resist. The Justice was also prevented from making or receiving any calls during his arrest. Subsequently, fellow judges at the Supreme Court have openly denounced the arrest of their colleague on the grounds that the arrest contravened various provisions of Cameroon's Code of Criminal Procedure.

Reports indicate that Justice Paul Ayah Abine has continued to face procedural issues in the months that followed his arrest. For instance, authorities failed to promptly serve documents pertaining to the Justice's case and relay the charges brought against him to his lawyers. Rather, it was only at the Justice's first court appearance on March 16, 2017 that both he and his lawyers learned that he was facing charges of terrorism, secession, "rebellion against the State" and "propagation of false information".

All of the *habeas corpus* applications that have been made before various courts (including the Supreme Court of Cameroon), seeking the immediate release of Justice Paul Ayah Abine from unlawful detention, have been denied. Consequently, the Justice, whose health is reportedly deteriorating, continues to be held in detention.

It is widely believed that the Justice's arrest and ongoing pre-trial detention is connected to his advocacy for Anglophone rights in Cameroon. The Justice was a supporter of the now-defunct Cameroon Anglophone Civil Society Consortium ("CACSC"). The CACSC was outlawed by the government on January 17, 2017, which was also the date on which its President, lawyer Felix Agbor Balla, was arrested. The Law Society intervened on behalf of Felix Agbor Balla in February 2017.

In light of these circumstances, the Law Society urges the Government of Cameroon to comply with Cameroon's obligations under international human rights laws, including the United Nations' *Basic Principles on the Independence of the Judiciary*.

Articles 1 to 6 of the *Basic Principles on the Independence of the Judiciary* state:

1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.

2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.
4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.
5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.
6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

The Law Society urges the Government of Cameroon to:

- a. immediately and unconditionally release Justice Paul Ayah Abine;
- b. immediately and unconditionally withdraw all charges against Justice Paul Ayah Abine;
- c. guarantee all of the procedural rights that should be accorded to Justice Paul Ayah Abine in accordance with his right to a fair trial;
- d. ensure that Justice Paul Ayah Abine is afforded regular access to his lawyer(s), family, and adequate medical care;
- e. put an end to all acts of harassment against Justice Paul Ayah Abine and all other advocates of Anglophone rights in Cameroon;
- f. guarantee in all circumstances the physical and psychological integrity of Justice Paul Ayah Abine;
- g. ensure that all judges in Cameroon can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.