



The Law Society of
Upper Canada | Barreau
du Haut-Canada

May 19, 2017

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

H.E. Paul Biya
President of the Republic of Cameroon
Presidency of the Republic
Civil Cabinet
Communication Unit
E-mail: cellcom@prc.cm

Your Excellency:

Re: Arrest and detention of Justice Paul Ayah Abine

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the arrest and detention of Justice Paul Ayah Abine. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

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 sent a letter to Your Excellency regarding Felix Agbor Balla's case in February 2017.

In light of these circumstances, the Law Society urges Your Excellency 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.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Mr. Solomon Azoh-Mbi
High Commissioner of the Republic of Cameroon in Canada
High Commission for the Republic of Cameroon in Canada
170 Clemow Avenue
Ottawa, Ontario
K1S 2B4
Fax: 613-236-3885
E-mail: cameroun@rogers.com

Ngnie Kamga Jackson
President of the Cameroon Bar Association
816-824 Rue Frédéric
Foe, BP 13488
Yaoundé, Cameroon

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

Executive Director, Judges for Judges

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Mónica Pinto, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales