



Report of Last Court Sessions

Mundemba: 20/09/2014

SEFE/Report/CS2014

The lawsuit on the unlawful assembly continued on the September 17, 2014 in Mundemba between the people of Cameroon vs Nasako Besingi and four others (nasako besingi, Namaso Laurence, Ochoe Charles, Nwte Jongele and Ngoe Gabriel) following the distribution of t-shirts by SEFE in 2012, as part of her nonviolent campaign to stop Herakles Farms from destroying a sensitive ecological and hydrological hotspot for the development of 73000 hectares oil palm plantation southwest region of Cameroon. The court started at around 11.30 am, and our case started at 2 pm. The delayed is as a result of Brigade Commander late appearance in court as one the Pws. Speaking under oath he told the court that he was informed by the chief of Fabe and authorities of Herakles that SEFE was behind the Fabe village revolt against Herakles Farms which according to him occurred in July 2012. [Fact, the people revolted on the 29-05-2012].

He he told the court the village strike brought about work stoppage because villagers placed traditional injunction across the road leading to Herakles palm oil nursery situated in Fabe. He told the court that as soon as the local administration was informed about the strike, the Divisional Officer (DO) Mundemba Subdivision and gendarmes from the Mundemba gendarmerie brigade including himself (Mvondo Luc) visited to the scene. He informed the court that the DO later held a meeting with the population in Fabe village where their grievances were resolved that then let to the removal of the injunction. Add to that he said they took pictures of injunction but failed to show the court as evident. He said that same month when the regional governor was visiting Toko Subdivision, they saw the a banner hung on the entrance to the Fabe nursery and were told that the people who put the injunction were responsible hanging the banner. Fact check the banner was hung on the Mundemba Ngolo road not that leading to nursery. Again, he didn't tell the court the source of his information and/or named those involved. He then tender the banner as exhibit which was admitted as exhibit "A" and read in court "Mr. Governor welcome to Toko Municipality: we say no to SGSOC/Herakles Farms"

Concerning the distribution of t-shirts in November 2012, he told the court the Senior Divisional Officer (SDO) called him in the ceremonial ground and instructed him to come and arrested us in our office because we were planning to disrupt the installation of the new SDO for Ndian division. That the the forces of law and order were accompanied by the DO for Mundemba subdivision to SEFE premises where they arrested me four others and many people escaped upon the arrival of the armed forces. Guided by the state counsel, he showed a bag containing T-shirts they grabbed from the office of SEFE. The state council then request court to admit t-shirts in evident as an exhibit "B". He said they arrested me and the other in the office of SEFE.

On cross examination by our counsel, Malle Adolf, he admitted that they actually forced their way into the office of SEFE. When the lawyer sort to know if he had any concrete proof that the banner was hung by SEFE he said that he was told by people. He never mentioned the holding of illegal meeting in

Meangwe II village in 2012. Malle also sort to find out from him if he took down the inventory of what they grabbed from the office and duly signed by himself and any staff. He answered no.

1) Question: Do you know that you forced your way into the office of an organisation?

Answer: I was order to go and arrested the people inside SEFE's office by the SDO.

2) Question: Did you took down the inventory of the things you collected inside SEFE and duly signed by you and the occupant?

Answer: No. We forced ourselves into SEFE office because they planned to wear t-shirts and that I need to go in there without a warrant of arrest and the law permits me to do so

3) Question: What were the offense?

Answer: Because they were wearing T-shirts that had an X sign inscribed on the picture.

4) Question: Is there anything to prove that it was SEFE that hung it or produced the banner you have shown this court?

Answer: No.

At the end of the cross examination, the State Counsel then told the court that the defense has questions to answer in this court and appealed to the court for prosecution. The judge agreed the accused have a case to answer before the court. After the judge told to us the judicial procedures to decide notably that we have the right to say we accept all accusations made the prosecutor, and he will pass judgment directly, say something direction from in dock without been recorded and defend ourselves by making statements under oath to be written down. We all agreed to make statements under oath and on record. He then decided the mater be adjourned to 02-10-2014 for the defense to make their case.

02-102014, the matter never took off as it was again adjourned to the 16-10-2014. No reasons were giving for it.

16-10-2014, the defense case started at 1:15 pm with me, (Nasako). I told the court about the creation and objectives of SEFE and what we have achieved since our creation with working government notably our presentation in the PM office in Yaounde in 1998, that led proposed Ndongere Marine Park in Mangrove area south of the Herakles Plantation. The court was also told the reasons to why SEFE and Communities are opposing the project such as hydrological and ecological and cultural significance of the area.

I told the court that SEFE together with other organisations including community based organisations like Ngolo Cultural and Development Organisation (NCUDA) and Bima Union for Development (BICUD), had convened in Mundemba in 2012 and duly invited Herakles to come and explain their project but they failed to attend. And that similar meeting was held in Kumba in a fortnight, this time bring representatives from Nguti and Mundemba areas of the concession. Again, Herakles was invited but failed to participate. That even though Herakles refused the invitation they were engaged in unlawful activities that violate Cameroon and international legal instruments.

I told the court as communities rights and environmental norms were been ignored, it was crystal clear that we were talk with company that does not like talk with community folks, negotiate with a company that does want to negotiate, and to dialogue with a company that doesn't believe in dialogue, thereby leaving SEFE with no other options but to take Herakles to court where we obtained an interlocutory order from the demanding Herakles and her agents to suspend all activities in furtherance to their implantation of palm oil project in the area but Herakles ignored the court order.

With the company keep boosting that they have the backing of high placed government officials in Yaounde and not the backing of the law, we started to informed local people on whose behave SEFE

was acting and the resultant effect was widespread local and outside opposition to the project. Regarding the banner I told the court that SEFE is not associated to it and owing to the widespread discontent by the local people any persons and/or organisations could have chosen to hung it as a way to expressed their anger against Herakles.

I told the court that SEFE was not involved in the revolt in Fabe and that It was due to bad faith of Herakles led the of Fabe to express their legitimate claim over their land and resources that Herakles has damaged.

I told the court that SEFE had never organised an illegal meeting in Meangwe II on the 31 July 2012, as the DO didn't issued an administrative order stopping it and no police or gendarmes to come and stop or arrested us, since there is no proves in court that we organised such meeting.

On the t-shirts issue I told the court that it was part of the campaign by SEFE to stop the project and to make the voices community folks to be heard beyond the horizons of the villages. That t-shirts was produced long ago and that on November 14, 2012, people who were coming to the installation ceremony of the new SDO ceased the opportunity to collect t-shirts and we advice them to wear and go to the field to welcome the new SDO. Add to that, the court was informed that nothing at the time of our arrest suggested we were planning a procession nor holding undeclared meeting. The court was told that the armed forces forced their way into our office arrested us and looted properties resulting to many missing items noticed only after we were released from cell.

In the cross examination the state counsel asked me the following questions:

Question: it was in the meeting in Meangwe II that the decision to print and distribute the t-shirts were made, true or false?

Answer: it is not true.

Question: If not in Meangwe II, where did the meeting held to produce the t-shirts

answer: in the office of SEFE

Question: where was that?

Answer: in March 2012.

You told this court that it passes a ruling and it was violated by Herakles, the ruling was overturned by the same the court, true or false?

Answer: Before the controversial decision to overturned August 31 verdict many months after, Herakles refused to stop working in fragrant disrespect Cameroon High court decision.

Question: SEFE was responsible for the hanging of the banner on the Mundemba- Ngolo road true or false?

Answer: Am not aware of the banner you are referring to and SEFE was never involved in hanging of any banner.

Question: Is it legal or illegal to writing the name of Herakles on a T-shirts like the green t-shirt you are holding?

Answer: it is legal under the present circumstances, it is part of freedom of expression.

Question: You said the work of SEFE is to Create awareness through meetings, can you show the court document obtained from the administration?

Answer: SEFE is a registered organisation, authorised by the state to protect the environment. A function we cannot attained without holding sensitization meetings and as such we could not be going each time to see the administration on an mission that will not break the peace.

The other accused persons also presented statements under oath and told the court that they came to Mundemba for a visit that culminated with the installation of the SDO for the division and took the opportunity to visit SEFE's office. When they saw that the t-shirts they had requested SEFE to produced on their behalf was available they collected it and they were arrested. They told the court that

they had no other source of information until SEFE Came and held a meeting in their respective localities. They told the court that SEFE came to their village to tell them about the forest and the danger of auctioning their land out to any body not to talk about Herakles Farms.

One of the accused persons, Ngoe Gabriel told the court that a portion of his statements in the Gendarme report was incorrect. he told the court that they changed his statement because he never said he attended a meeting in Meangwe II organised by SEFE but rather that he told the court t when if he has recently had a meeting in Meangwe II, he said yes because went to report to the chief of Meangwe II a boundary dispute between himself and one man residing in Meangwe. Asked if he was a member of SEFE he said no. but that he is supporting because of its ideas and light it brings to our society. The State Counsel then appealed to the court for a locus to the site of the arrest but his appeal was not granted by the Judge who said that all of them know the location of the office of SEFE in Mundemba and therefore baseless to carry out locus.

At the end of the day the presiding judge then adjourned the session to 11-11-14, for addresses and that judgment will be delivered in two weeks.

Defamation

12-08-14, the matter came up but could not proceed Njume Lesley (junior manager and one of those involved in my attacked in 2012) who was under cross examination said he will not answer questions pertaining Herakles because he does not represent in court. And the documents that were requested from the company by my lawyer available since the company has nobody to representing her in court. As legal arguments ensued on who is to serve the Herakles with the notice to produce certain documents with the State Counsel who was duly served with the notice to produce declining to serve the company, the judge order that the mater be adjourned to enable SEFE to serve the notice to produce to the company through a bailiff. It should be noted that a notice to produce those documents by Herakles was received by the state counsel but he failed to act on it. The presiding judge then decided that the matter be postponed to to the 23-09-14, for the defense counsel to serve the company and for the cross examination on PW1 to continue.

23-09-14, the judge came in and order that my matter which was 10th on the list that day to called and when I came out she asked where my lawyer is and I said to her that he was here and had just gone to town to eased himself since there are no toilet here. She said the court cannot wait for him and she adjourned the matter to 07-10-14. Not up to two minutes my lawyer entered the court room and she told him she has adjourned it. It was clear the she did not want to hear the matter that day took advantage of my lawyer nonavailability in court when she asked for the matter to be called to push the matter forward.

07-10-14, the court which began at about 2.45 pm because she saw my lawyer decided to handle other matters before finally. At late in the day she decided to call up the matter so that it will not be possible for my counsel to cross examining the other five remaining PWs. My Counsel Malle then told the court that due to time constraint he will not be able to cross examine all the Pws and asked for a new date that the court will have the time to begin the matter. The matter was then adjourned to 11th November 2014, for the continuation of the PW1 Njume Lesley and continuation of the prosecution case. I should be noted that the judge is favouring the company

Next court dates:

defamation: 11/11/2014

unlawful assembly: 11/11/2014