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REPUBLIC OF CAMEROON

Peace – Work – Fatherland

NATIONAL COMMISSION ON  
HUMAN RIGHTS AND FREEDOMS

Permanent Secretariat

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N° 0998 /17/NCHRF/RO/RBH/RS /nan

**A REPORT OF THE FIELD INVESTIGATION MISSION TO TUDIG AND MBENGWI, OF MOMO  
DIVISION IN CONNECTION WITH THE REPATRIATION OF MR. CAPPELLE JAN JORIS ON THE 13<sup>TH</sup>  
OF MAY 2016, A BELGIAN, CONDUCTED ON THE 17<sup>TH</sup> AND 18<sup>TH</sup> OF APRIL 2017**

The North West Regional Branch Office of the National Commission on Human Rights and Freedoms (NCHRF) was seized on the 29/03/2017 by Prince Vincent Awazi, the Regent of Tudig village denouncing the illegal arrest, detention and expulsion of Mr. Cappelle Jan Joris (the Coordinator of Community Organic Farming Group Tudig of Belgian nationality) purportedly masterminded by the Divisional Officer for Mbengwi, Mr Aminkeng Charles in connivance with Alhadji Baba Danpullo, a business mogul, thereby violating his right to reside in Cameroon.

The complainant avers that upon the deportation of Mr. Cappelle to Belgium, his over 40 million investments in the community farm is becoming a thing of naught since none of the villagers could support the farm financially or materially. News of his repatriation left not only the over 50 community farmers that he had trained frustrated but also the entire Sub Division that had been making use of his technical expertise in organic farming and other areas of life.

The community organic farm is under the tutelage of the Fon of Tudig, herein represented by his Regent who petitioned the Governor of the North West Region on 26<sup>th</sup> of May 2016, the Embassy of Belgium in Cameroon on 23<sup>rd</sup> May 2016 and Amnesty International for the inhumane treatment meted on Mr. Cappelle with a valid visa and resident permit in his possession.

Amnesty International equally seized the competence of NCHRF to ascertain the veracity of the allegations. From the above, the North West Regional Branch Office of the NCHRF embarked on a two day fact finding mission to Mbengwi, Momo Division from Monday 17<sup>th</sup> to Tuesday 18<sup>th</sup> of April 2017.

The mission team had on board the following:

- |                           |   |                           |
|---------------------------|---|---------------------------|
| 1. The Regional Secretary | - | Mr. Chenwi Chrysantus Shu |
| 2. The Rapporteur         | - | Mr. Agbor Nkeng E.        |
| 3. The Driver             | - | Mr. Makazi Julius         |
| 4. Intern                 | - | Ms. Iwu Grace Andin       |
| 5. Intern                 | - | Ms. Miriam Eniow Etaka    |

The site visit took us to Mbengwi, Nyen and Tudig villages in Mbengwi Central Sub Division.

The team made the following stopovers for data collection:

- The Regent of Tudig Village, Principal Complainant;
- The Divisional Officer for Mbengwi;
- The office of the Senior State Counsel, Mbengwi;

- National Gendarmerie Territorial Brigade, Mbengwi;
- Public Security, Mbengwi;
- Special Branch Police Station, Mbengwi;
- The Community Organic Farm Tudig.

### **Findings**

After stopovers from the abovementioned places, the office came out with the following findings:

#### **I. Meeting with Prince Vincent Awazi, The Regent of Tudig Village**

While in Tudig Fon's Palace, the mission team met with the principal complainant who recounted the issues surrounding the activities of Mr. Jan Cappelle Joris and his subsequent expulsion from Cameroon as stated below:

1. Mr. Jan Cappelle Joris, a Belgian, born on 14/6/1979 and a consultant in agriculture was admitted in Cameroon on the 12<sup>nd</sup> of June 2015 (as evidenced from his passport booklet) on the invitation of the Fon of Tudig to assist the farmers of Tudig in sustainable organic farming.
2. Mr. Jan applied for a resident permit and a receipt of same was issued to him on 21<sup>st</sup> of July 2015 with permit No. 1181683605 to expire on the 21<sup>st</sup> of May 2016 pending the original.
3. He lived in Tudig and with the help of the Fon of Tudig and Mr. Christopher Achobang of Nyen village bought a four (4) hectare land in July 2015 (to be used as a demonstration farm for sustainable organic farming) from Pa Ndah Godlove of Tudig where he formerly lived with his family before relocating to Njinibie village. An attestation of sale of land was made between Pa Ndah Godlove (transferor) and Mr. Achobang Christopher (transferee), authenticated by the Tudig Fendom. A Memorandum of Understanding was later made transferring possession of the land to Mr. Jan Cappelle as attached herein.
4. Mr. Jan brought together over 50 farmers and created a farming group called "The Community Organic Farming Group Tudig". Mr. Jan being the coordinator of the farming group, began processing documents for legalisation before his deportation. He wrote projects and sourced for funding for the farming group. The over 50 farmers were taught better sustainable organic farming techniques.
5. Mr. Jan was very instrumental and resourceful not only to the farming group and Tudig village but also to the neighbouring villages as the Fon of Nyen made him his technical adviser. He resolved many social conflicts amicably like the farmers – graziers conflicts and facilitated access to justice for farmers and graziers, a task daunting to the local administration.
6. Owing to constant destruction of organic crops on the organic farm with impunity, despite repeated complaints made to the local authorities, Mr. Jan caught two (2) goats on the farm belonging to one Mr. Dewah and took them to the Mbengwi Council. Mr. Dewah after collecting the goats turned and accused Mr. Vincent Awazi for stealing 25 goats and reported him to the Divisional Officer (D.O) for Mbengwi who in turn referred the matter to the legal department of Mbengwi for investigation. The Legal Department further referred the matter to the National Gendarmerie of Mbengwi for inquiry. Upon completion of inquiry, the case file was sent to the Legal Department for action. The case file is before the Mbengwi Court of First Instance with hearing fixed for 17/5/2017.



7. On the 6/8/2015 the Ardo and graziers of Tudig lodged a further complaint to the D.O bearing on the community farm. As tension mounted between the community farmers and the graziers over possession of the land, the D.O for Mbengwi placed an administrative injunction order restraining all forms of activities not on the demonstration farm per se but on the adjoining land belonging to Pa Tibah Timothy Muna as stated in article 1 of the Sub Prefectoral Decision No. 053/SPD/BALPA/2015 placing an injunction order on a grazing area under dispute in Tudig village. That article states as follows: "That with effect from the date of signature of the present decision, an injunction order have been placed on a grazing area under dispute between the Ardo and Graziers of Tudig and Pa Tibah Timothy Muna of Tudig village, for now the area remains and be used as a cattle track and drinking point for cattle."
8. The injunction order was placed on Pa Tibah Timothy's farm that harbours the cattle track and the drinking point for cattle. The distance between the drinking point and the demonstration farm is over 600meters. This notwithstanding, Mr. Jan asked the farmers to stop working pending clarifications and specification from the D.O as to the injunction.
9. Despite the injunction order, the Ardo and the Tudig cattle graziers continued with their habitual activities of grazing their cattle on the prohibited land as evidenced from fresh cow dung, cattle tracks and damaged crops on the demonstration farm.
10. To prevent further destruction of crops on the demonstration farm and cognizance of the fact that the injunction order was not placed on the demonstration farm, Mr. Jan erected a security fence around the demonstration farm though work has not yet resumed on the farm.
11. The erection of the fence attracted administrative sanctions as it purportedly violated the D.O's injunction order. Consequently, the D.O referred the matter to the legal department for prosecution which matter is fixed for 17/5/2017 before the Mbengwi Court of First Instance.
12. On the 26th of May 2016, the D.O visited the demonstration farm and openly told the organic farmers that he sent the white man back to his country and their crops are now food for the cattle.
13. Mr. Jan was repatriated on the 13th of May 2016 to Belgium via Brussels Airlines from the Yaounde Nsimaleu International Airport while his resident permit was still valid contrary to reports from legal and administrative authorities that he was deported on the offence of clandestine immigration. Mr. Jan obtained his visa on the 2nd of June at the Cameroon Embassy in Belgium and landed on the 12th of June 2015 at the Nsimaleu International Airport in Yaounde as seen from his passport booklet.
14. The Ministry of Justice report emanating from the department of criminal matters and pardon, criminal record central index card dated 16th July 2015 with Ref. No. 11317/FCCJ/MJ states that there are no criminal records against Mr. Jan.

## **II. Meeting with the Commander of the Gendarmerie Territoriale Brigade Mbengwi**

During the meeting with the Company Commander, he declared thus:

15. Mr. Jan Joris had two matters in which he was the accused. The first matter was lodged on 16/12/2015 by one Mr. Amadou Shefu of Tudig village on behalf of his 13years old son Hamadou Abdou allegedly assaulted by Jan and 10 soldiers of the Rapid Intervention Battalion. It is alleged that the boy was caught with his cattle grazing on Jan's organic demonstration farm. The Gendarmerie Officer found the evidence of Mr. Shefu wanting and



he concluded that the case file be closed for want of evidence and was forwarded to the Legal Department on 13/1/2016 under reference No. PV NO 11 of 13 January 2016 for the attention of the State Counsel.

16. On the 2nd of January 2016, Mr. Jan was summoned to appear in their office on the 04/1/2017 on a matter that was reported by some Mbororo people on allegations that he is instigating the farmers to revolt against the graziers of Wum and also that he wants to kill Alhadji Baba Danpullo, a business magnate and owner of Elba Ranch. He was interrogated by the gendarme officer in charge of the case who thereafter permitted him to regain his home.

### **III. Meeting with the Divisional Officer for Mbengwi Central Sub Division**

The mission team meeting with the D.O revealed thus:

17. That the orders to arrest Mr. Jan came from hierarchy through the Delegate General of National Security to the Governor of North West Region. Before his arrest, he had written to the Minister of Territorial Administration and Decentralisation and also to the Special Branch of Mbengwi to investigate the activities of Mr. Jan which he termed illegal. He further stated that Mr. Jan's resident permit did not specify his activities as a farmer in Mbengwi and that as a foreigner, he did not follow the procedure for land acquisition which must begin in his office.
18. Mr. Cappelle caused a lot of tension in Tudig between graziers and farmers.
19. Mr. Jan had never visited his office and he met him once in a funeral celebration where he introduced himself as the technical adviser to the Fon of Nyen in pride and arrogance.

### **IV. Meeting with the Commissioner of Public Security of Mbengwi**

The Commissioner of Police declared that:

20. Mr. Jan lodged a complaint against Alfred Muna and Muna Andrew on the 28<sup>th</sup> of November 2015 on grounds of threat of life. The case was referred to the legal department wherein Mr. Jan was asked to compensate the accused persons (the Munas) as follows:

- 1.6 million for seeds and material and
- 3.6 million for the farmland.

21. On Wednesday, 16th December 2015, Amadou Shefu and Amadou Yaouba lodged a complaint against Mr. Jan on charges of assault on his son and Mr. Jan in return made a cross complaint against Amadou Shefu and Amadou Yaouba for threats of life, destruction of property and attempted murder. The matter was forwarded to the legal Department through Reference No. 110 of 11/1/2016.

### **V. Meeting with the Police Inspector of the Special Branch Mbengwi**

The mission team meeting with police inspector revealed the following:

22. That they received a letter from the D.O asking them to investigate the activities of Mr. Jan. Their investigations revealed that Mr. Jan is involved in agricultural activities wherein, he trains the local farmers on sustainable organic farming and through this, many people gained employment and a change of status in Tudig village.

23. Despite his humanitarian largess to the population, he is not cooperative, when it comes to interrogation by judicial agents. He is arrogant and his activities are suspicious taking into cognisance that nobody knows the source of his funds coupled with the fact that his farming group is not registered.
24. The orders to deport Mr. Jan came from the President of the Republic through the Delegate General of National Security to the Governor of the North West Region. The Governor then ordered the Senior Divisional Officer for Momo to effect his arrest. At the time of his arrest and subsequent expulsion, his resident permit was still valid.

#### **VI. Meeting with the Senior State Counsel, Legal Department Mbengwi**

He stated as follows:

25. Mr. Jan was not only aggressive but violent. He was deported on charges of clandestine immigration.
26. Granted that the complaint lodged against Mr. Jan Cappelle by Amadou Shefu was received on the 4<sup>th</sup> of January 2016 in the Legal Department with the cross-complaint, he wrote to the Procureur General of the North West for his instructions on the 17/2/2016 before he could send the file to the examining magistrate but there was no reply from the Procureur General and eventually Mr. Jan was repatriated on 13/5/2016 while the case files are still pending.

#### **VII. Visit to the Community Organic Farm Tudig**

On the 18/4/2017 which was the second day of the mission, the mission team visited the community organic farm led by Prince Vincent Awazi and noted the following:

27. An organic farm of about four (4) hectares with different organic crops with cassava dominant therein including two huts, a fish pond, piggery and goats fence. There was a security fence on the upper part of the farm to prevent the ingress of cattle.
28. The cattle track and the drinking point mentioned in the D.O's Prefectoral Order are found in Pa Tibah Timothy's farm over 600 meters away from the demonstration farm.
29. In the demonstration farm, there were cattle tracks, fresh cow dung and damaged food crops. The stage of the demonstration farm symbolised that the farm had been abandoned for long with the crops therein getting rot.

#### **Observations**

From our findings, the mission team observe as follows:

1. There is malice aforethought in the deportation of Mr. Jan. The charges levied against him were trumped up by the local administrative authorities. They said, he is rude and proud and that his resident permit had expired when it was still valid in actual fact. The department of criminal records and pardon in the ministry of justice said there are no criminal records against Mr. Jan.
2. A good number of the farmers in Tudig attested that Mr. Jan is their saviour through his humanitarian activities of promoting organic sustainable farming. Being a volunteer from Belgium assisting Cameroonians to develop and be self-reliant without the



assistance of the government is a largess worth commendable. The excesses mentioned by the local administration notwithstanding cannot be commensurate to the gains and benefits that the Tudig community and its environs stand to gain. The general appeal by of the community members of Tudig is that Mr. Jan should come back and continue with his humanitarian gesture.

3. The deportation of Mr. Jan without a crime could worsen diplomatic relations between Cameroon and Belgium. His right to a fair trial was violated as he was not given the opportunity to defend himself or prove his innocence which is contrary to the stipulations of section 8(1) and (2) of the Criminal Procedure Code as well as many International Conventions signed by Cameroon.
4. Mr. Jan's common initiative groups eventhough beneficial to the Tudig community was not yet legalised.

## Human Rights Perspective

The situation at hand raises many concerns from a Human Rights perspective:

1. The opinion of the NCHRF is that the right to live peacefully anywhere within the national territory is a constitutional and statutory right that is reserved not only to Cameroonians but also to foreigners who are lawfully resident in Cameroon.
2. Repatriating or expelling somebody from his lawful place of residence or abode on grounds of clandestine immigration without proper verification is not only a flagrant contravention of his human rights but it is equally unlawful and illegal.
3. Everyone living lawfully within the territory of a state shall within that territory, have the right to liberty of movement and freedom to leave any country including his own. This right is uphold by the International Covenant on Civil and Political Rights (ICCPR) article 12 and article 13 of the Universal Declaration of Human Rights (UDHR) to which the state of Cameroon is a signatory. Except for security reasons, nobody is supposed to be forced to leave his place of lawful residence or subject to arbitrary arrest, detention or exile from his lawful place of abode as stipulated in article 9 of UDHR.
4. "Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence" That somebody was meted out summary judgement of such magnitude without giving the opportunity to prove his innocence or defend himself is grossly arbitrary and a contravention of article(s) 8, 10 and 11 of the UDHR.
5. Article 13 of the ICCPR, states that "An alien lawfully in the territory of a state party to the present convention maybe expelled there from only in pursuance of a decision reached in accordance with law and shall except where compelling reasons of national security otherwise required, be allowed to submit the reasons against his expulsion and to his case reviewed by, and be represented for the purpose before the competent authority or a person or persons especially designated by the competent authority.

## RECOMMENDATIONS

1. Mr. Cappelle should be caused to return to Cameroon and continue with his humanitarian activities. For a philanthropist like Mr. Cappelle to be repatriated without any cause, coupled with his huge investments in the demonstration farm, his resourcefulness, financial, material, economic and intellectual impartation on the local community on sustainable organic farming is worrisome. Personal interest cannot supersede general interest.
2. The Government of Cameroon should facilitate the return of Mr. Cappelle to strengthen Diplomatic relations with Belgium and to uphold that Cameroon is void of xenophobic tendencies.
3. Mr. Cappelle upon his return should be law abiding and cause his Common Initiative Group to be legalised and submit to the procedure laid down for foreigners to acquire land in Cameroon.

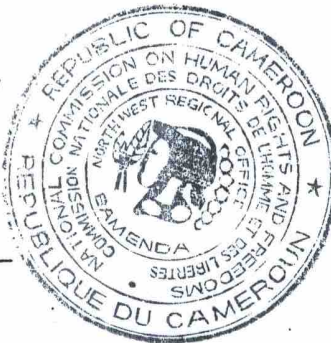
## Conclusion

Cameroon is a state of law and a signatory to many International Conventions. Unconstitutional acts should be discouraged and not be used as a means to achieve diabolic ends since human rights are for all. The government should take swift measures to ensure that Mr. Cappelle's rights are reinstated and the perpetrators of his illegal arrest, detention and expulsion punished for misleading hierarchy./-


**The Regional Secretary**



**CHENWI Chrysantus SHU**



**The Rapporteur**



**AGBOR Nkeng ETENGENENG**

## Attached:

1. A photocopy of a complaint from Prince Awazi dated 29/3/2017
2. The Concept Paper
3. The Program
4. A photocopy of Mr. Cappelle's Resident Permit receipt
5. A photocopy of Mr. Cappelle's Passport
6. A photocopy of an attestation of sale of land
7. A photocopy of a Memorandum of Understanding
8. A photocopy of a Certificate of Non Conviction
9. A photocopy of a petition from Prince Awazi to the Governor dated 26/5/2016
10. A photocopy of a petition from Prince Awazi to the Belgium Embassy dated 23/5/2016
11. A photocopy of Sub Prefectoral Decision No. 053 of 14/10/2015 placing an Injunction Order