

**IN THE HIGH COURT OF FAKO DIVISION**  
**HOLDEN AT BUEA**

SUIT No. \_\_\_\_\_

**BETWEEN:** -

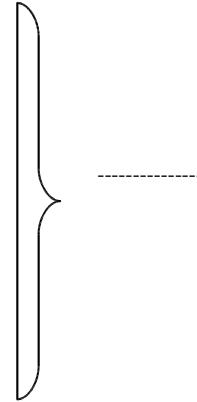
BARRISTER SHEY BLAISE S. BERINYUY ----- PLAINTIFF

A N D

1. THE STATE OF CAMEROON (Represented  
By the Governor, South West Province, Buea).
2. THE UNIVERSITY OF BUEA.

DEFENDANTS

3. THE GENERAL DELEGATION OF NATIONAL  
SECURITY (Represented by the Provincial Delegate  
of National Security, South West Province, Buea).
4. THE NATIONAL GENDARMERIE (Represented  
By the Legion Commander, South West Province, Buea).



**IN THE MATTER OF INTERPRETATION OF THE FOLLOWING  
LEGAL INSTRUMENTS:**

1. The Preamble of the 1996 Constitution of Cameroun as read alongside Article 65 of same and the following international instruments duly ratified by Cameroun:
  - Articles 1, 3, 5, 8, 9, 10, 11 and 12 of the Universal declaration of Human Rights,
  - Articles 6(1), 7, 9, 10, 11, 17, 18, 19 and 21 of the International Covenant on Civil and Political Rights.
  - Articles 2, 11, 12, 13, 14 and 15 of the Convention against Torture and other Cruel inhuman or Degrading Treatment or Punishment.
  - Articles 2, 3, 4, 5, 6, 7(1), 10, 11, 17 18, 19, 20, 22, 24 and 25 of the African Charter on Human and People's Rights.
  - Articles 1, 2, 3, 5, 6, 12, 14, 15 and 16 of the United Nations Convention on Rights of the Child.
  - Articles 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 16 and 20 of the African Charter on the Rights and Welfare of the Child
2. Sections 9(3) & (4) of Ordinance No. 72/6 of 28/08/72 on the Supreme Court as amended by law No. 76/28 of 14/12/76.
3. Sections 6, 9 and 10 of law No. 90/055 of 19/12/90 To Lay Down Regulations Governing Public Meetings and Processions.
4. Sections 3 and 4 of Law No. 90/054 of 19/12/90 on the Maintenance of Law and Order.

5. Articles 1, 3, 8, 14, 16, 54, 56, 61 and 62 of Decree No. 60/280 of 13/12/60 on The Gendarmerie as amended by Decree No. 63/DF/3 of 8/01/63 and decree No. 67/DF/75 of 21/02/67.
6. Articles 2, 21, 23 and 24 of Decree No. 2001/065 of 12/03/2001 on the Special Statues of the National Security Corps.
7. Section 273(a) of the Cameroon Penal Code.
8. Section 27 of The Southern Cameroons High Court Law 1955.
9. Decree No. 92/0474 of 13<sup>th</sup> April 1992 creating the University of Buea.
10. Decree No. 93/027 of 19<sup>th</sup> January 1993 on General Provisions governing State universities.

**AND**

**IN THE MATTER OF UNIVERSITY OF BUEA STUDENTS PROTEST/STRIKE**

### **ORIGINATING SUMMONS**

**LET THE DEFENDANTS** within 8 days upon service on them of this Summons inclusive of the day of such service thereof, cause an appearance to be entered to this summons, which has been issued on the application of the Plaintiff.

By this Summons, the Plaintiff seeks the determination of the following questions;

- (1) **WHETHER** students of the University of Buea have the right to peacefully protest/strike and collectively seek audience of administrative authority?
- (2) **WHETHER** the 1<sup>st</sup> defendant and authorities of 2<sup>nd</sup> defendant can legally cause elements of 3<sup>rd</sup> and 4<sup>th</sup> defendants to brutalise maim, rape and shoot dead otherwise peacefully striking students of the University of Buea?
- (3) **WHETHER** elements of the 3<sup>rd</sup> and 4<sup>th</sup> Defendants can legally use blank bullets, tear gas or even water canons on striking students in the University of Buea without requisite announcement/notification?
- (4) **WHETHER** elements of 3<sup>rd</sup> and 4<sup>th</sup> Defendants can brutalise, maim, rape and even kill students of the University in the process of restoring law and order?
- (5) **WHETHER** elements of the 3<sup>rd</sup> and 4<sup>th</sup> Defendants can violate homes, break and destroy students' hostels and loot property of students in the process of maintaining law and order?
- (6) **WHETHER** the 1<sup>st</sup> Defendant can legally cause elements of the 4<sup>th</sup> Defendant to brutally interrupt and disperse an otherwise peaceful funeral procession.
- (7) **WHETHER** students of the 2<sup>nd</sup> Defendant should not be allowed to have a democratically elected Students' Union or Students' Government?
- (8) **WHETHER** it was not high handed, dangerously segregative and medieval for the authorities of 2<sup>nd</sup> Defendant to imposed on students of the University of Buea the superfluous precondition to sign yet another undertaking of good conduct before readmission into classes after the strike, whereas their colleagues in Yaounde I and Douala were readmitted unconditionally?

SHOULD THE COURT ANSWER QUESTION 1 IN THE AFFIRMATIVE AND QUESTIONS 2, 3, 4, 5, 6 AND 7 IN THE NEGATIVE, THE PLAINTIFF SHALL PRAY THIS HONOURABLE COURT FOR THE FOLLOWING:

- (1) **AN ORDER** that the decision of the 1<sup>st</sup> and 2<sup>nd</sup> Defendant authorities to bring the 3<sup>rd</sup> and 4<sup>th</sup> Defendants to brutalise, maim, rape and even kill students was illegal,
- (2) **AN ORDER** holding the Defendants especially 1<sup>st</sup> Defendants responsible for all the destruction of property, brutality, rape and killings of students in Buea during the strike of 28/04/2005.
- (3) **AN ORDER** of unconditional release of all students arrested and detained by the Defendants.
- (4) **AN ORDER** prohibiting any further arrests and or prosecution of Students of the University of Buea as a result of the strike.
- (5) **AN ORDER** that 2<sup>nd</sup> Defendant's authorities ensure the democratic election of a students' union therein.
- (6) **AND ANY FURTHER ORDER(s)** this Honourable Court may deem expedient and proper in the interest of justice.

**DATED AT TAKU CHAMBERS, BUEA, THIS 11<sup>th</sup> DAY OF MAY 2005**

**SHEY BLAISE SEVIDZEM BERINYUY**

**ADDRESSES FOR SERVICE:**

**PLAINTIFF:**

C/O TAKU CHAMBERS  
P.O. Box 144, BUEA

**DEFENDANTS:**

1<sup>st</sup> DEFENDANT  
C/O GOVERNOR'S OFFICE  
BUEA

2<sup>nd</sup> DEFENDANT  
C/O RECTOR, (VICE CHANCELLOR)  
UNIVERSITY CAMPUS  
BUEA.

3<sup>rd</sup> DEFENDANT  
C/O THE PROVINCIAL DELEGATE  
NATIONAL SECURITY S.W.P  
BUEA

4<sup>th</sup> DEFENDANT  
C/O THE GENDARMRIE LEGION  
BUEA.

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**AND**

**IN THE MATTER OF UNIVERSITY OF BUEA STUDENTS PROTEST/STRIKE**

**AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS**

**I, SHEY BLAISE SEVIDZEM BERINYUY**, adult, male Human Rights Lawyer of the Cameroon Bar Association and of Taku Chambers, P.O. Box 144, Buea, member/legal Adviser of Human Rights defence Group (HRDG), Action by Christians for the Abolition of Torture (ACAT), Organization Mondiale Contre La Torture (OMCT) and resident in Clerks Quarters Buea, doth make oath and state as follows:

- (1) That I am the Deponent of this Affidavit.
- (2) That I am an Advocate, a traditional authority/noble, "Shey" and parent to many students in the University of Buea whereas the Defendants are various state institutions of the Government of Cameroon in the South West Province, Buea.

- (3) That both as Human Rights Advocate and “Shey” i.e. Family Head and Noble in Nsoland, I have the duty not only to secure justice and protect the fundamental Human Rights of the oppressed and weak especially children, but also to speak and defend the truth in and out of season.
- (4) That the said 2<sup>nd</sup> Defendant institution is the lone Anglo-saxon University in Cameroon, situate in Buea, the Capital of the South West Province and former capital of the former British Southern Cameroons (Ambazonia) whereas there are 5 other state Universities in French Speaking Cameroon.
- (5) That students in the said 2<sup>nd</sup> Defendants started strike on Thursday 28<sup>th</sup> April 2005 more than a week after a similar strike action started in the University of Yaounde I, Ngoa-Ekelle-Yaounde.
- (6) That the students conducted a protest march with olive branches and placards bearing their demands for reforms, round the Campus and also indicated their desire to march up to the Governor’s office and present their grievances to him.
- (7) That the 1<sup>st</sup> Defendant is the highest Administrative authority and 1<sup>st</sup> representative of the Head of State in Buea.
- (8) That instead of allowing University students to come to his office or go down to meet them in the streets, the 1<sup>st</sup> Defendant in concert with the Registrar of the 2<sup>nd</sup> defendant institution ordered the elements of the 2<sup>nd</sup> and 3<sup>rd</sup> defendants, to brutalize, maim, torture and kill the students.
- (9) That the said elements of 3<sup>rd</sup> and 4<sup>th</sup> Defendants swooped on striking students in Buea like bees in typical battlefield tactics armed with tear gas, truncheons and guns with live bullets.
- (10) That to ensure effective repression, the Defendants requisitioned and obtained well equipped reinforcements from Douala, Yaounde and even Bafoussam to combat students in Buea
- (11) That the students in Buea were treated like captured people in captured territory.
- (12) That those who managed to escape from the streets were followed into their bedrooms in the hostels and other residences where doors and windows were smashed open, cell phones, T.V Sets, radio sets, clothes, shoes and other property looted and even toilet pots and bowls smashed by the soldiers.
- (13) That some of the hostels and residences after the said havoc looked like abandoned war fields.
- (14) That two students in Buea were shot dead in the streets by elements of the 3<sup>rd</sup> and 4<sup>th</sup> Defendants to wit: **GILBERT NFORLEM** (aged 28), a Post Graduate Student in Zoology awaiting defence of M.Sc. Thesis in two months who was

shot in the Chest and **ALOYSIUS DAHUANJA AMBOUER** (aged 26) A biology/education student who was shot in the ox pot probably because he was escaping.

- (15) That while students in the University of Buea were being battered, rolled in mud, some raped, maimed, killed in the streets and their staff and parents severely traumatized on the very first day of their strike action their friends in Yaounde I who had been striking since one week, were cuddled by the same administrative authorities of the Republic of Cameroon.
- (16) That students in the University of Yaounde I marched through streets of Yaounde, the capital city of Cameroon to the Prime Minister's Office and were received by the Honourable Prime Minister of the Republic and all his close collaborators before T.V cameras.
- (17) That on the same 28/04/2005 whilst striking students were battered, maimed and killed in Buea, the former British Cameroons (Ambazonia), the Hon. Minister of Higher Education, Professor **JACQUES FAME NDONGO** presided over what was termed 'an important working session' with students of the University of Yaounde I in the presence of the **RECTORS** of Yaounde I and II Universities.
- (18) That at the end of the said working session in paragraph 17 herein, the Minister signed a 12 points communiqué addressing various problems raised by the striking students of the university of Yaounde I.
- (19) That the same Minister of Higher education went further on the 30<sup>th</sup> April 2005 whilst the University of Buea and its environs including the entire students residential quarters in Molyko, Buea were under siege and night raids by armed elements of the 3<sup>rd</sup> and 4<sup>th</sup> Defendants, to summon another meeting in his cabinet, Room 1036 on May 3, 2005 at 3.00 PM with landlords of the students residential quarters in Yaounde I (Bonamoussadi) and Yaounde II (Soa) to help find a solution to the rents problems of the students in Yaounde.
- (20) That the students in the lone Anglo-Saxon University in Buea who seem to be worse off without sufficient classrooms, offices, a proper library, hostels, or even lecturers, etc do not by any consideration deserve the treatment accorded students in Yaounde as per paragraphs 15, 16, 17, 18 and 19 hereinabove.
- (21) That on same 28/04/2005 whilst the 1<sup>st</sup> Defendant rather preferred to use brute force and bloody repression against striking University students in Buea, his colleague, the Hon. Governor of the South Province, went down to the streets and dialogued with striking contract teachers in Ebolowa.
- (22) That the same 1<sup>st</sup> defendant on Thursday May 5<sup>th</sup> 2005 (Ascension Day) ordered elements of 3<sup>rd</sup> and 4<sup>th</sup> defendants to brutally interrupt and disperse University students in Buea, as they calmly and meditatively escorted the corpse of their slain colleague **GILBERT NFORLEM R.I.P.**

- (23) That the said brutal interruption of the said funeral procession of GILBERT NFORLEM RIP by the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants with water canons, tear gas etc, provoked an unprecedented violent reaction by University students in Buea in which enormous state and private property was destroyed by arson on the said 05/05/2005.
- (24) That never in the history of Buea and the entire former British Southern Cameroons (Ambazonia) in general has our children been so violent, not even when one of their parents lost an eye in the brutal repression that still gave them the GCE Examination Board in 1993/94.
- (25) That the wave of the strike actions by University Students in the University of Yaounde I and 2<sup>nd</sup> defendant herein seems to have been part of a meticulously organized plot by agent provocateurs of francophone Cameroon to destabilize state Universities administered by English Speaking citizens, to wit, Professor SAMMY BEBAN CHUMBOW and Associate Professor DOROTHY LIMUNGA NJEUMA respectively so as to justify their sacking.
- (26) That most Francophone former Rectors especially of the University of Yaounde I have been appointed ministers and Ministers of State whilst none of the English Speaking Rectors have merit such confidence from the President of the republic.
- (27) That the strike by University Students in Buea is said to have been initiated by Francophone students from the University of Yaounde as the first few students who started the march round the Campus with olive branches and those who break into the staff canteen when the strike began spoke impeccable French.
- (28) That University students like other citizens reserve the right to strike or protest against improper/illegal actions of both state and private bodies.
- (29) That the bloody repression of the students strike by the Defendants herein was most unfortunate and regrettable.
- (30) That there is no student union in the University of Buea given that the last student's union was banned after a strike by students in 1995 against the imposition of school fees and the student leader summarily dismissed.
- (31) That there is an urgent need for a vibrant, democratically organized and responsible students union in the 2<sup>nd</sup> Defendant institution so that the Students should begin to learn and practice democratic values and the values of responsible self-government at tender age.
- (32) That such a students union would greatly enhance stability in the said institution and facilitate communication between the said administration and students the absence of which have been one of the causes of the strike action.
- (33) That such a students union would provide an avenue for the students themselves to resolve many of their problems and thereby release the pent-up tension on campus.

- (34) That it's unimaginable that an institution with more than 9,000 scholars is being administered without their consent or any democratic avenue for them to express themselves.
- (35) That it is because of this serious lacuna that the authorities of the said 2<sup>nd</sup> Defendant sat and imposed on their students the dangerously segregative precondition to sign yet another undertaking of good conduct in addition to the one they signed at the beginning of the academic year.
- (36) That the obligation to be of good conduct automatically binds all students upon admission into the university.
- (37) That the process of signing another such undertaking imposes on both parents and students of the University of Buea extra costs in terms of time, energy and worse still finances.
- (38) That to impose such a superfluous condition on students in Buea alone effectively reminds them of the fact that they are not equals to their colleagues, that they are sub students or sub citizens or better still that they are in the annexed territory of Ambazonia.
- (39) That instead of dialoguing with the students, parents and unjustly victimized landlords, the defendants are secretly mobilizing their agents to peddle rumour and to protest or march against a "graffi attempt to subvert and destabilize their Sawa/Bakweri University."
- (40) That consistently engaging subjective, divide and rule tactics whenever problems concerning the Anglophone crop up in the Cameroons and in the face of blatant injustice and discrimination against the same Anglophones as in the instant case, not only resuscitates and reminds them of their annexation, subjugation, exploitation and lost patrimony in the erstwhile British Southern Cameroons (Ambazonia) but rekindles and inflames the zeal to restore same in the said Ambazonians.
- (41) That substantial justice would be done if this Hon. Court urgently addresses the issues raised herein and grants our prayers accordingly.

**AND I SWEAR** to the above facts believing same to be true to the best of my knowledge, information and belief.

**DEPONENT**

***SWORN TO AT THE REGISTRY  
OF THE HIGH COURT FAKO BUEA  
THIS \_\_\_\_ DAY OF MAY 2005***

**BEFORE ME**

**COMMISSIONER FOR OATHS**