

IN THE HIGH COURT OF FAKO DIVISION
HOLDEN AT BUEA

SUIT N° HCF/ **HB/002/19**

13 AUG 2019

**BARRISTER EDWARD LYONGA EWULE
JOURNALIST SAMUEL WAZIZI**

**APPLICANT
APPLICANT**

VERSUS

**THE PROCUREUR GENERAL,
COURT OF APPEAL SOUTH WEST REGION**

RESPONDENT

**THE COMMANDER,
21st MOTORISED INFANTRY BATTALION BUEA**

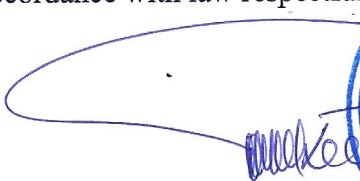

RESPONDENT

**TO HIS LORDSHIP THE PRESIDENT
HIGH COURT OF FAKO DIVISION, BUEA**

**APPLICATION FOR A WRIT OF *HEBEAS CORPUS AD SUBJICIENDUM*
PURSUANT TO SECTIONS 584 AND 585 OF THE CRIMINAL PROCEDURE CODE**

Take Notice that by this Application, the above named Respondents are hereby Ordered to have in the High Court of Fako Division at Buea on the day of 2019 at the hour of 9 O' Clock in the forenoon, the body of *JOURNALIST SAMUEL WAZIZI* being taken and detained under your custody as is said, together with a statement of the day and cause of being taken and detained, that the Honourable Court may then and there examine and determine whether such cause is legal and if the cause is illegal that he be set at liberty in accordance with law respectfully

**DATED AT VERITAS LAW OFFICES BUEA,
THIS 13 DAY OF AUGUST 2019**

COUNSEL FOR THE APPLICANTS

ADDRESSES FOR SERVICE

1. The Applicants - C/o Their Counsel
Veritas Law Offices, P.O. Box 246 Buea
2. The 1st Respondent
Procureur General's Chambers Buea
3. The 2nd Respondent
21st Motorized Infantry Battalion, Buea

**NKEA A. EMMANUEL (MRG)
BARRISTER AT LAW
(AVOCAT)**

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

SUIT N° HCF/

BETWEEN:

**BARRISTER EDWARD LYONGA EWULE
JOURNALIST SAMUEL WAZIZI**

**APPLICANT
APPLICANT**

VERSUS

**THE PROCUREUR GENERAL,
COURT OF APPEAL SOUTH WEST REGION**

RESPONDENT

**THE COMMANDER,
21st MOTORIZED INFANTRY BATTALION BUEA**

RESPONDENT

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
HEBEAS CORPUS AD SUBJICIENDUM**

I, Edward LYONGA EWULE, Advocate, Solicitor and Notary of Veritas Law Offices, P.O Box 246 Buea, and Member of the Cameroon and Nigeria Bar Associations with residence at Molyko Buea, do hereby make oath and state as follows:

1. That, I am the deponent herein and co-counsel for Journalist Samuel Wazizi – the 2nd Applicant herein.
2. That, I depose to this affidavit on behalf of, and in support of the Application for Habeas Corpus in favour of Journalist Samuel Wazizi - the 2nd Applicant herein.
3. That, at all times material to this Application, the 2nd Applicant herein is a Journalist working for CMTV Molyko, Buea.
4. That, on or about Friday, 2nd August 2019, Journalist Samuel Wazizi - the 2nd Applicant herein was arrested at Muea, Buea, by elements of the 3rd District Police Station Muea, Buea.
5. That, soon after his arrest, Journalist Samuel Wazizi - the 2nd Applicant herein instructed me *qua* counsel to use all legal measures to ensure his release.
6. That, upon this instruction, I went to the 3rd District Police Station Muea, Buea on Tuesday, 6th August 2019, where Journalist Samuel Wazizi - the 2nd Applicant herein was being held in police custody.
7. That, whilst at the 3rd District Police Station Muea, I was informed by the Commissioner - **Nzemssing David** that Journalist Samuel Wazizi - the 2nd Applicant herein was being held in

connection to offences related to the anti-terrorism laws in Cameroon.

8. That, Journalist Samuel Wazizi - the 2nd Applicant herein denied all the allegations against him and informed me that he believed he was being detained in connection with his critical views he expressed during the Pidgin English News Program on CMTV which is strictly connected to the practice of his profession as a Journalist, and this I strongly believe as a fact.

9. That, whilst at the 3rd District Police Station, Muea, I objected to the jurisdiction of the 3rd District Police Station *qua* Public Security Unit *simpliciter* to investigate such allegations.

10. That, the Commissioner of the 3rd District Police Station Muea, admitted that they did not have the competence and gave instruction for Journalist Samuel Wazizi - the 2nd Applicant herein to be transferred to the Judicial Police Division of South West Region, Buea, the next day, Wednesday, 7th August 2019, for competence.

11. That, in the morning of Wednesday, 7th August 2019, I again went to the 3rd District Police Station Muea, where I saw Journalist Samuel Wazizi in police custody and met with Commissioner **Nzemssing David** who confirmed to me that Journalist Samuel Wazizi – the 2nd Applicant herein will be moved to the Judicial Police Division Buea that morning.

12. That, upon this assurances from the Commissioner of the 3rd District Police Station Muea, I moved to the Judicial Police Division Buea on Wednesday, 7th August 2019, where I met with the Chief of Judicial Police Division – **ZO' OMBAM JULIN** who expressed surprise that Journalist Samuel Wazizi – the 2nd Applicant herein had not yet been brought to the Judicial Police Division as instructed by the Commissioner of the 3rd District Police Station Muea.

13. That, as I continued to wait at the Judicial Police Division, I received information that Journalist Samuel Wazizi – the 2nd Applicant herein has been seized and detained by the Commander of 21st Motorized Infantry Battalion – the 2nd Respondent herein.

14. That, upon this information, I immediately went to the Office of the Commander of the 21st Motorized Infantry Battalion Buea, situate adjacent the South West Governor's Office Buea, to request the immediate release of Journalist Samuel Wazizi – the 2nd Applicant herein, but I was refused access by elements of this Battalion and informed that Lawyers are not allowed access in their premises.

15. That, since Wednesday, 7th August 2019, when I last saw Journalist Samuel Wazizi – the 2nd Applicant herein at the 3rd District Police Station Muea, I have neither seen nor heard from him again, and no other person has informed me of the whereabouts of Journalist Samuel Wazizi.

16. That, I know as a fact that the 21st Motorized Infantry Battalion is not statutorily authorized to carryout criminal investigations and or to detain civilians in connection with any criminal investigations whatsoever.

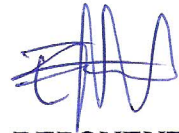
17. That, it is arbitrary and extra judicial for the 21st Motorized Infantry Battalion to arrest and detain Journalist Samuel Wazizi or even to purport to conduct criminal investigations against him.

18. That, it is equally unlawful and extra judicial for the 2nd Respondent or anybody whatsoever to hold Journalist Samuel Wazizi incommunicado, without access to family and legal counsel.

19. That, I know as a fact that the Procureur General of the South West Court of Appeal – the 1st Respondent herein, is statutorily obliged to ensure compliance in the South West Region of all the laws of the Republic of Cameroon.

20. That, in the circumstances of this case, the continued detention incommunicado of Journalist Samuel Wazizi – the 2nd Applicant herein is in direct violation of his fundamental rights recognized in domestic laws and international treaties applicable to Cameroon.

21. That Your Humble Applicants therefore prays that Your Lordship may be pleased to issue *rule nisi* to the Respondents directing them to produce the 2nd Applicant herein before this Honourable Court and to justify his detention in accordance with procedure established by law and that after hearing the parties, Your Lordship may be pleased to issue a direction to set the 2nd Applicant at liberty. For which favour Your Humble Applicants shall ever pray.




DEPONENT

SWORN TO AT THE REGISTRY OF THE
HIGH COURT OF FAKO DIVISION BUEA
BY THE WITHIN NAMED DEPONENT
THIS 13 DAY OF AUGUST 2019

13 AUG 2019

BEFORE ME



COMMISSIONER FOR OATHS

Stanley Agbor
Administrateur des Greffes