

The Case of Ambazonia Vs Cameroun

On May 18th 1992 the High Court of Bamenda the North West Province heard a curious case, that of the state of the Southern Cameroons alias Republic of Ambazonia, its Head of State His Excellency Fongum Gorji Dinka and The State of La Republique du Cameroun and its Head of State His Excellency Paul Biya.

The motion to show cause and the subsequent orders sought were not contested by La Republique of Cameroun and against all predictions the court handed down judgement in suit No HCB/28/92 in favour of the Republic of Ambazonia.

Below are extracts of the judgement:

Notification of High Court suit No HCB/28/92 holden at Bamenda restoring Ambazonian Sovereignty & Statehood.

It is hereby notified to the general public that a motion for an order to show cause was filed by Republic of Ambazonia, and 2 others against The Republic of Cameroun and another on the 18th day of May 1992, at the High Court Bamenda, then under the control of Republic of Cameroun.

The motion was appended to the originating summons which gave the defendant 5 days, (including the day on which they are notified of the suit), when they must (a) file a memorandum of intention to contest the suit, and (b) file the evidence with which they intend to induce the court to discharge or vary the ORDERS NISL.

The High Court if Mezam holden at Bamenda

BETWEEN:

Plaintiffs

1. The State of Southern Cameroons, alias the Republic of Ambazonia.
2. His Royal Excellency Fongum Gorji-Dinka
3. Blaise Berinyuy

AND

Defendants

1. The State of La Republique du Cameroun
2. His Excellency Paul Biya.

AFFIDAVIT

I, Blaise Berinyuy, teacher and adult Cameroonian resident at Bamenda, do make oath and state as follows:

1. That by an international agreement hereafter referred to as the Plebiscite Pact, the first plaintiff and first defendant, while acknowledging each other's sovereignty, undertook to form a Federal Union, whose institution, conditions and terms were specified in the said Plebiscite Pact hereto annexed and marked as annexure 1.

2. The a draft federal constitution was to incorporate these conditionalities, and was to be submitted either to the parliament of the respective states, or their populations, to enable them express their opinion, which opinion, if favourable, would render the draft constitution valid as of the Constitution of the Federal State.

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3. That in the event, the respective states would fix the time limits and conditions for the transfer of sovereign powers to the organisation representing the Federation.

4 That on 1/10/61 a text bearing no signature nor in any way fulfilling the pre-conditions and terms of the Plebiscite Pact was simply imposed on the territory of the first plaintiff and the 1st defendant, thus forcing the constitution of each nation to go into abeyance.

5. That because the draft was in total violation of the terms and pre-conditions specified in the Plebiscite Pact, those responsible for this counterfeit constitution avoided submitting it to the populations for their opinion knowing that the population will reject it outright.

6. That by so failing to submit the draft constitution for ratification the purported federal constitution failed to fulfill pre-conditions for giving it validity and accordingly remained a bogus invalid counterfeit draft, till it was swept away by the Ahidjo Constitution 2/6/72.

7. That the Ahidjo constitution on its own part was rendered illegal and totally invalid ab initio by article 47 of the out stated Federal Constitution which not only forbade any act seeking to transform the Union between the two nations from a Federal to a Unitary one, but also forbade any other method of revising the said constitution except by a law of the federal parliament voted for by a special majority. (A decree DF72-270 of 2/6/72 imposed the Ahidjo Unitary counterfeit and invalid constitution upon the two nations).

8. That it was by the operation of this illegal Ahidjo counterfeit constitution that the second defendant found himself where he is now as Head of State, President, Command-in-chief etc, etc.

9. That the second defendant being a jurist, very well understood that even if the invalid and bogus Federal draft constitution could be regarded as a legal text enabling the two nations to hold unto any union at all once the Federal draft constitution was swept away, the purported union became automatically dissolved.

10 That taking advantage of this dissolution the second defendant formalized the breakup of the union by promulgating the Restoration law 84/001 of 4/2/84, and used it to effect the Restoration of the identity of La Republique du Cameroun which had been extinct since 1/10/1961.

11. That the restoration of the identity of La Republique du Cameroun had the legal effect of automatically restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

12. That instead of the Secessionist second defendant withdrawing his Secessionist Government from the territory of the first plaintiff, the second defendant admirer of Saddam Hussein, claims that the territory of the first plaintiff was and had all along been an integral part of the Secessionist Republique du Cameroun.

13. That by reason of the absence of any one claiming to speak out in opposition to this subtle aggression upon a neighbouring state, individual activists and groups of the restoration Movements found public expression, through the representation made by the second plaintiff in 1985 and at the United Nations, as well as at the Organisation of African Unity. See annexures 3A, 3B &3C.

14. That when the economic disasters of a series of invalid and counterfeit constitutions began biting the population, it was suggested that a body different from the Cameroonian parliament be charged with the responsibility of making constitutional reforms.

15. That the second defendant fought resolutely against it on the grounds that it would automatically set the Ahidjo constitution aside, once it was accepted that any other body and not the Cameroonian parliament could be charged with responsibility for constitutional reform.

16. That under mounting national and international pressure the second defendant's regime, finally joined in the famous Yaounde declaration of 13/11/91 that a different body, and not the Cameroonian Parliament, assumes the power to draw up a new constitution, and adopt same as the constitution of Cameroun Republic. That body was called the *National Tripartite Conference*, and it set up a Technical Committee for that purpose,

17. That exactly what the second defendant sought to avoid happened as a result that decision: to wit the, Cameroun constitution was thus set aside, the legal consequence of which is to deprive the second defendant and his regime of the only constitutional authority they had.

18. That a constitutional void was thus created by the said declaration, and that constitutional void has now been filled by the authentic constitutions which President Ahidjo illegally placed in abeyance on 1/10/61; that is to say, the constitution of La Republique du Cameroun of 21/12/60 became legally applicable in the territory of the first defendant, and the Constitution of the first plaintiff of 1/10/60 resumed legal effect on the territory of the first plaintiff, thus bringing annexure 3A unto the territory on which it was intended to be applied.

19. That the only legally valid program before 1st plaintiff and 1st defendant now is for each republic to proceed to restore its institutions as quickly as possible, so that the two nations may still give valid effect to the Plebiscite Pact.

20. That the finding of the experts, set up by the National Tripartite Conference have been made public, and they are confirm the legal situation as above exposed in their own

more dramatic way as follows:

(a) That President Ahidjo is guilty of treason for staging the coup d'etat of 2/6/72 which dissolved the union between the first defendant and the first plaintiff styled The Federal Republic of East and West Cameroon.

(b) That President Biya is also guilty of treason for furthering and completing the treason of Ahidjo by bringing about the secession of the first defendant (East Cameroon) from the United Republic of Cameroon on 2/4/84 restituting its name The Republic of Cameroon which had been extinct since 1/10/61

(c) That the break-away Republic of Cameroon continues **ILLEGALLY AND FORCIBLY TO OCCUPY** the territory of the first plaintiff, which means the first defendant, is guilty of an international offense (Aggression & Annexation).

(d) That report then makes the Restoration of the Statehood of the first plaintiff the starting point of restoration of legality.

21. That the originating summons afford the court of justice, the opportunity of not only transforming the above into court orders, but also the ratio decidendi of the acquittal of the second plaintiff by the Yaounde Military Tribunal on 3/2/86 who had been charged with high treason for calling on the Cameroonian army per annexure 2 to withdraw their loyalty and allegiance from the regime of the second defendant on the grounds that the regime is invalid and illegal.

22. That the acquittal of the second plaintiff meant and was understood to mean that no offence is committed by stating that the second defendant's regime is illegal and illegitimate, nor by calling on the armed forces to withdraw loyalty and allegiance from the second defendant's regime.

23. That the acquittal of the second plaintiff thus constitutes an estoppels by record, against any representations that the regime of the second defendant is anything else other than illegal and illegitimate.

24. That I swear to this believing same to be true and as facts and particular supporting the Originating Summons, as well as the ex-parte motion for an order to show cause.

Sworn to at the Bamenda High Court Registry this 18 May 1992

Before me: Commissioner of Oaths.

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According to the law the orders as prayed take effect as Orders Nisi, upon defendants being notified. In this case the Procurer General, (the Republic of Cameroun State Counsel) received the file of this motion papers on that same 18th May 1992.

The Cameroon authorities very wisely decided that they would not contest the action and so filed no memorandum of appearance, **wherefore the judgment is as bellow:**

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1. The restoration of the statehood of the Republic of Ambazonia has been achieved by the proclamation to this effect, signed by Fongum Gorji-Dinka, Head of State of Republic of Ambazonia, as per annexure 3A of the court proceedings.

The said annexure is the proclamation formalizing the independence of Ambazonia, and the enabling article reads:

25. Considering that a proclamation formalizing the status of Ambazonia within the international community is imperative.

26. Now there this proclamation hereby.

(1) formalizes the restoration of the sovereignty and independence of what used to be the Southern Cameroons under United Kingdom administration and the territory shall Henceforth be known as The Republic of Ambazonia.

(2) that what used to be the Southern Cameroons Constitution hereby becomes the Ambazonia Constitution; subject to any reference to the British Administering Authorities being read as a reference to the Ambazonian Head of State etc.

2. The Republic of Cameroun is guilty of aggression by illegally and forcibly occupying the territory of the Republic of Ambazonia.

3. Paul Biya is guilty of (the capital offence) of High Treason, for furthering and completing the coup d'etat of 2/6/72, by effecting the secession of the Republic of Cameroun on the 4/2/84 from the United Republic of Cameroun.

4. It is a treasonable felony for anyone to execute orders, or perform any functions which derive authority from the Republic of Cameroun or Paul Biya.

5. Public servants, (civilians and military), of Ambazonian origin are discharged of the duty of allegiance, obedience, and loyalty which they owed to the Republic of Cameroun, and Paul Biya, so they are henceforth answerable only to the Republic of Ambazonia, (and its Head of State Fongum Gorji-Dinka).

6. All persons who succeeded in the March 1st 1992 legislative elections in constituencies within the territory of the Republic of Ambazonia, hence forth became the nucleus of the transitional legislature of the Republic of Ambazonia, and are thus prohibited from participating in the legislature of Republic of Cameroun.

7. Prosecution, arrests or detentions which do not derive authority from persons appointed under the Ambazonian constitution, are illegal and invalid, attracting liability for malicious prosecution or usurpation of functions.

The following orders:

(1) An order prohibiting the persons who succeeded in the March 1st 1992 legislative elections from constituencies within the territory of the Republic of Ambazonia, from attending personally or by proxy the National Assembly of the Republic of Cameroun.

(2) An order expelling from the territory of the Republic of Ambazonia, all persons whose presence or duties on that territory derive authority from the Republic of Cameroun, Paul Biya, or any government based in Yaounde.

(3) An order prohibiting all arrests, detention or prosecutions which derive authority from the Republic of Cameroun or Paul Biya and an order to immediately release all persons imprisoned, or detained for activities directly or indirectly connected with the restoration of the statehood of the Republic of Ambazonia.

(4) An order stopping the persecution of Pa Stephen N. Njilla Ndi, Dr. Zama Ndefru,& Berinyuy Blaise, and freeing them unconditionally.

END OF JUDGEMENT