

The case of Ambazonia Vs Cameroon

On May 13th 1992 the High Court of Bamenda in 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 Gotti 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 favour of the Republic of Ambazonia.

Below are extracts of the judgement:
Notification of High Court under HCB/28/92 holder of 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 13th day of May 1992, at the High Court Bamenda, then under the control of the

as follows:

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

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

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 stipulations and conditions of the Plebiscite Pact

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 counterfeited and invalid constitution upon the two nations).

8. That it was by the operation of this illegal Ahidjo counterfeited constitution that the second defendant found himself where he is now as Head of State, President, Commander-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 formally set the break up of the union by promulgating the Restoration law 54/001 of 4/2/84, and used it to effect the Restoration of the identity of La Republique du Cameroun which had been dismantled on 1/10/61.

11. That the second defendant, in the exercise of his powers as Head of State, President, Commander-in-chief etc. etc. used the Restoration law 54/001 of 4/2/84, and used it to effect the Restoration of the identity of La Republique du Cameroun which had been dismantled on 1/10/61.

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 reforms.

16. That under mounting national and international pressure the second defendant's regime finally joined in the famous Yaounde declaration of 13/1/91 that a different body, and not the Cameroonian Parliament, assumes the powers 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 in the case of the National Tripartite Conference and it set up a Technical Committee for that purpose.

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 first defendant, and the Constitution of the first plaintiff of 1/10/60 resumed legal effect on the territory of first plaintiff, thus bringing annexure 3A into the territory on which it was intended to be applied.

19. That the only legal 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 findings of the experts set up by the National Tripartite Conference have been made public, and they confirm the legal situation as above exposed in their own more dramatic way as follows:

(a) That President Ahidjo's policy of repression for staging the coup d'etat of 2/6/72 which dissolved the state between the two nations, and the

of May 1982, at the High Court, Bamenda, then under the control of the Republic of Cameroon.

The motion was opposed to an 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 NISI.

The High Court of Mezam holden at Bamenda

BETWEEN:
Plaintiffs

1. The State of Southern Cameroons, alias the Republic of Ambazonia
2. His Royal Excellency Foungun Gorch-Dinka
3. Blaise Beringuy

AND
Defendants

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

AFFIDAVIT

1. Blaise Beringuy, teacher and adult Cameroonian resident at Bamenda, do make oath and states

1. That the defendant, Blaise Beringuy, is a resident of Bamenda, Cameroon, and is the author of the affidavit filed in support of the motion.

2. That the defendant, Blaise Beringuy, is a resident of Bamenda, Cameroon, and is the author of the affidavit filed in support of the motion.

3. That the defendant, Blaise Beringuy, is a resident of Bamenda, Cameroon, and is the author of the affidavit filed in support of the motion.

4. That the defendant, Blaise Beringuy, is a resident of Bamenda, Cameroon, and is the author of the affidavit filed in support of the motion.

5. That because the draft was in total violation of the terms and conditions specified in the Plebiscite Pact, those responsible for this counter-fet 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 fulfil the 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 outstated 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

17. That exactly what one second defendant, Blaise Beringuy, did in respect of the said 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

19. That the legal effect of autonomously restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

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

21. 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 expressions through the representations 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.

22. That when the economic disasters of a series of invalid and counterfeit

17. That exactly what one second defendant, Blaise Beringuy, did in respect of the said 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

19. That the legal effect of autonomously restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

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

21. 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 expressions through the representations 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.

22. That when the economic disasters of a series of invalid and counterfeit

17. That exactly what one second defendant, Blaise Beringuy, did in respect of the said 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

19. That the legal effect of autonomously restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

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

21. 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 expressions through the representations 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.

22. That when the economic disasters of a series of invalid and counterfeit

17. That exactly what one second defendant, Blaise Beringuy, did in respect of the said 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

19. That the legal effect of autonomously restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

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

21. 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 expressions through the representations 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.

22. That when the economic disasters of a series of invalid and counterfeit

17. That exactly what one second defendant, Blaise Beringuy, did in respect of the said 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

19. That the legal effect of autonomously restoring the identity also of the state of The Southern Cameroons alias Ambazonia.

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

21. 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 expressions through the representations 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.

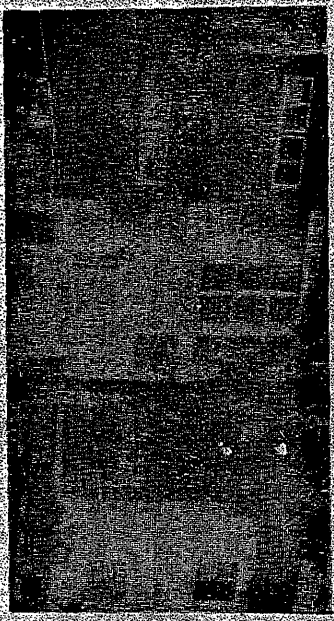
22. That when the economic disasters of a series of invalid and counterfeit

Don't Hesitate when you're in Yaounde
TSEP Hotel «le Duvet»
IS YOURS

Situated near Christ-Roi Church in TSANGA

Requirement, Reservation
P.O. BOX 7339 Yaounde
Phone: 20 - 12 - 93

Continued on page 13



Drink and eat good food at good prices.

Requirement, Reservation

P.O. BOX 7339 Yaounde

Phone: 20 - 12 - 93

Right not

Anglophone awareness due to the failed presidential elections is contributing to a gradual build-up of Anglophone forces for the Restoration. John Ngu Foncha, the Southern Cameroonian architect of Re-unification, has joined the ranks of those who have finally realized that we are nothing and can achieve nothing for our children and their children after them unless we return to the Federation. At the peak of Anglophone mobilisation, in République du Cameroun will be invited for re-negotiations. Will such an invitation be heeded? CAM doubts it.

After all, did government not fold its arms and watch the economy go down the drains during operation Ghost Towns? Did Yaounde not deploy its Generals in the provinces to rather crush the operation than to convene the Sovereign National Conference which the vast majority of Cameroonians were demanding?

CAM believes that at the peak of Anglophone mobilisation (which is coming), Yaounde may behave the same way and ignore invitations for re-negotiations. It will be the case. We must be prepared to seek our independence outside the Federation, that is, establish the independent state

with this or that country.

But the struggle is ours on the home front. We have suffered, and are still suffering, the consequences of the 1972 annexation. It is left to us to rise up and regain our rights.

(4) On secession and secessions

The option of seeking our independence outside the Federation cannot be considered as an act of «secession». It would rather be an act of «separations» from a Union which has already been unilaterally dissolved. Secession assumes that we were part and parcel of the internationally-recognized personality called La République du Cameroun which obtained its independence in 1960. We were not part of this identity. We joined this personality through a majority of decisions, and on the basis of conditions which were freely negotiated and agreed upon by the governments of the Southern Cameroons (in Buea) and La République du Cameroun (in Yaounde).

The territory which was created in 1960 was part and parcel of the Federation of Nigeria. It was not intended to join the Federation of Nigeria. Biafra's attempt to

The case of Ambazonia Vs Cameroon

Continued from page 10

Cameroon on 2/4/84 restoring 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 offence (Aggression & Annexation).

(d) The 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 transcribing 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 from the territory of the first defendant on the ground of second defendant on the ground that the regime is

In this case the Procurer General, (the Republic of Cameroon 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 a memorandum of appearance, wherefore the judgment is as below:

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

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

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

26. Now, there is this proclamation hereby

villan and military), of Ambazonian origin are discharged of the duty of allegiance, abedience, and loyalty which they owed to the Republic of Cameroon, and Paul Biya, so they are henceforth answerable only to the Republic of Ambazonia, (and its Head of State Fonkung gorji-Dinka).

6. All persons who succeeded in the March 1, 1992 legislative elections in constituencies within the territory of the Republic of Ambazonia, henceforth become the nucleus of the transitional legislature of the Republic of Ambazonia, and are thus prohibited from participating in the legislature of the Republic of Cameroon.

7. Prosecutions, 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 were made:

(1) An order Prohibiting the persons who suc-

...the case, we must be prepared to seek our independence outside the Federation, that is, establish the independence of Southern Cameroon.

That is why the preamble to the Constitution of CAM states, *inter alia*:

“We Southern Cameroonians... Proclaim our right to Self-Determination & La République du Cameroun refuse to acquiesce to a Roumbien II Conference as agreed upon in the Roumbien declaration of 1961”.

Whether we regain our independence *en masse* or *en silio*, the Federation will, therefore, depend on the attitude of La République du Cameroun. If they agree to negotiate, we accept this limited sovereignty imposed on us by the United Nations. If they refuse, we seek complete Sovereignty.

This message has been received at the United Nations by way of the recent CAM mission which has just returned from New York. And officials at the U.N. are beginning to accept U.N. moral responsibility for the plight of Anglophones in Cameroon. They are beginning to swerve to the fact that they should have granted us full independence instead of forcing us into union

and parcel of the Federation of Nigeria. Biafra's attempt to break away was therefore an act of secession. If Joseph Owons succeeds in breaking the «Bet Nation» away from la République du Cameroun, it would be an act of secession in so far as the «Bet Nation» never negotiated a pact of Union with la République du Cameroun.

INFORMATION AND EDUCATION COMMISSION

Note: As East Cameroon has reverted back to its pre-federation identity of la République du Cameroun, West Cameroon has reverted as well to its pre-federation identity of Southern Cameroon. Therefore, as a first step towards the Reconstitution of the Federation, all Anglophones should begin referring to themselves as Southern Cameroonians.

Please make it a duty to pass this FORUM along after reading or make at least one copy and offer to a Southern Cameroonian. Better still, join the CAM FORUM in your community or cross one to discuss this at subsequent FORUMS.

LE MES

AGER Vol III, N° 04 WEDNESDAY

FEBRUARY 10, 1993

PAGE 13

...withdraw assistance from the regime of second defendant on the grounds that the regime is invalid and illegal.

22. That the acquittal of the second plaintiff 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 constitutes an estoppel by record, against any representations that the regime of 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 particulars supporting the Original Summons, as well as the *ex parte* motion for an order to show cause.

Sworn to at the Bannan da High Court Registry this 18 May 1992

Before me: Commissioner for Oaths

According to the law the orders as prayed take effect as Orders nisi, upon defendants being notified.

...claimation hereby

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

(2) That what used to be the Southern Cameroon constitution hereby becomes the Ambazonian Constitution, subject to any reference to the British Adminstrating Authorities being read as a reference to the Ambazonian Head of State etc.

2. The Republic of Cameroon 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 furnishing and completing the coup d'état of 2/6/72, by effecting the secession of the Republic of Cameroon on 4/2/74 from the United Republic of Cameroon.

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

5. Public servants (cl-

...the following orders

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

(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 Cameroon, Paul Biya, or any government based in Yaounde.

(3) An order prohibiting all arrests, detentions or prosecutions which derive authority from the Republic of Cameroon 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 prosecution of Paul Stephen N. Njilla Ndi. Dr. Zama Ndatu, & Berynyu Blaise, and freeing them unconditionally.

END OF JUDGEMENT

4