

TRIBUNAL ARTICLE 53

Permanent Citizen Tribunal to Judge Crimes Committed by Paul Barthelemy Biya'a bi Mvondo (Paul Biya) During his Terms of Office as President of the Republic of Cameroon

1. A *Tribunal Article 53* has been established. The Tribunal is a civil society organization. The creation of this citizen tribunal is necessitated by the judicial void established by Article 53 of Law N° 2008/001 of 14 April 2008 to amend and supplement some provisions of law N° 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972.

Cameroon does not de facto have a Higher Court of Justice or a Senate, and any prosecution of the president has been made impossible due to the majority vote of the two legislative chambers, one of which does not actually exist. Hence, the highest institution of the state, that is the President of the Republic of Cameroon, now benefits from total immunity during and after his term of office. As the law signed by the President himself states: "Acts committed by the President of the Republic in pursuance of Articles 5, 8, 9 and 10 above shall be covered by immunity and he shall not be accountable for them after the exercise of his functions."

The consequence of Article 53 of the Cameroonian law is that the current president of Cameroon has permanently placed himself above the law. He cannot, however, be placed outside the ambit of the law because he remains a citizen.

2. Tribunal Article 53 is consequently a Citizen Tribunal. The Tribunal's task is to carry out the judicial work of collecting and preparing facts related to all types of crimes committed by President Biya during his mandate, with the aim of ultimately seizing competent international jurisdictions, particularly, the International Criminal Court (ICC), whose mission is to complement national justice systems and to "prosecute cases only if national justice systems do not carry out proceedings or when they claim to do so but in reality are unwilling or unable to carry out such proceedings genuinely."

Cameroon is not a signatory of the Rome Statute establishing the ICC. This reinforces the judicial vacuum in which high ranking government officials find themselves, thereby necessitating the creation of a permanent Citizen Tribunal for Cameroon. In fact, in its 2008 formulation, Article 53 renders every national institution incompetent to try the President of the Republic of Cameroon. Placed beyond the reach of common law, the President of Cameroon is in a situation where his ability to commit minor and serious offenses is reinforced by the resulting total impunity, this at a time when the Cameroonian population is vulnerable, abandoned, and at the mercy of the abuse of power of the tyrant. This situation is unprecedented in the history of Cameroon, after all, the former President of the Republic, Ahmadou Ahidjo,

was tried and condemned to death by Cameroonian national institutions in 1984, and was able to escape the verdict of Cameroonian law because he was on exile.

3. Tribunal Article 53 defines citizenship as being international.

This is based on the idea of "Anyone, Anybody." Thus, any person, regardless of sex, origin, religion, nationality, can be a member of the tribunal as long as he or she is interested in the recent history of Cameroon, in the evolution of law in this country, and driven by the search for, and application of, justice. Participation in this Tribunal is therefore without limit, and open to anyone. Its sessions may take place anywhere, even though the ideal situation would be for them to take place in Cameroon. The first sessions may hold in Washington, DC (because of the increasing importance of the United States in policing international politics), and because of its proximity to the headquarters of the United Nations where multilateralism and the defense of people in danger are the main cards of a humanistic diplomacy. Special protection must be given to Cameroonian citizens, particularly those residing in Cameroon, to allow them to hold their assizes, and to publicize and bear witness on behalf of the Tribunal. Here, the principle of secrecy must absolutely be respected; this is the best protection that Tribunal Article 53 can give witnesses. In any case, this secrecy does not infringe on citizen rights, since voting, which is the most profound citizen act, is done in secrecy. Just like election results, the archives of Tribunal Article 53, along with its verdict, shall be made public immediately by way of publication in books, newspapers, the Internet and other means.

4. Members of the Tribunal Article 53 are volunteers. The Tribunal does not have a hierarchical structure, and its judgments are preliminary to that of the competent judicial authorities. It is therefore a working group made up of a diverse group of personalities from a variety of complementary backgrounds.

The link between Tribunal Article 53 and politics is obvious because it is a citizen tribunal and set up to try a President during or after his mandate. That said, the Tribunal itself is not political, given that it is essentially a product of the national and international civil society, of the global community therefore, hence the expression of the said community. Its relationship to the judicial is merely advisory because its decisions do not have the force of law. Nonetheless, the Tribunal's decisions may serve as a distress call on behalf of citizens endangered by an authority using the power of the state to oppress them.

5. Tribunal Article 53 collects and publishes eyewitness accounts.

This is done by using any means available: writings, books, oral documentation, video, Internet, etc., and therefore constitutes a living and

permanent archive of all the crimes committed during President Paul Biya's mandates, beginning from November 6, 1982. The eyewitness accounts shall be published by the Paris-based Phillipe Rey publishing house in a specialized volume titled "Tribunal Article 53."

Tribunal Article 53 is an instrument of vigilance (a "watchdog") for Cameroon, and at the same time a tool of dissemination (an "echo chamber") to the international community. It can therefore make use of existing archives, such as those of Amnesty International, the National Observatory of Human Rights, ACCAT, the Permanent Peoples' Tribunal, the European Commission of Human Rights, the Lilio Basso Foundation, the Brussels Tribunal, the Soros Foundation, the Open Society, Frontline Defenders, the United Nations Commission on Human Rights (UNCHR), and other organizations specialized in human rights. Unlike these other organizations, however, Tribunal Article 53's job is to prepare for a trial within the framework of international law, and set the wheels of justice in motion. The length of this work is not limited by time or events, by the presidential mandate itself, or that of the tribunal's members. Tribunal Article 53 is permanent.

5. The volunteer members of Tribunal Article 53 are:

Patrice Nganang, *Cameroon, writer, professor de literary and cultural theory, The State University of New York, Stony Brook, USA*

Makhily Gassama, *Senegal, literary critic, former minister and adviser of Léopold Sédar Senghor, Senegal*

Dibussi Tande, *Cameroon, journalist, Chicago, USA*

Muepu Muamba, *DRC, poet, Frankfort on the Main, Germany*

Thomas Deltombe, *France, independent journalist and essayist, Paris, France*

Kenneth Harrow, *USA, distinguished professor of English literature, Michigan State University, USA*

Alain Ngono, *Cameroon, translator, former leader and member of ADDEC, Naibori, Kenya*

Eugène Ebodé, *Cameroon, writer, Montpellier, France*

Manuel Domergue, *France, journalist, Paris, France*

Marc Pape Adoux, *Côte d'Ivoire, professor of political sciences, St John Fischer College, USA*

Jean-Pierre Karegeye, *Rwanda, professor of Francophone studies, Macalester College, USA*

François Woukoache, *Cameroon, filmmaker, Rwanda*

Susan Arndt, *Germany, professor of African literature, Bayreuth University, Germany*

Manthia Diawara, *Mali, professor of Comparative literature, New York University, USA*

Yves Mintoogue, *Cameroon, former leader of ADDEC, France*

Jean de Dieu Momo, *Cameroon, lawyer, Cameroon*

Sebastian Bakare, *Zimbabwe, former bishop of Manyikaland and Harare, Zimbabwe*

For their own security, some members and collaborators of Tribunal Article 53 who are living in Cameroon remain anonymous.

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