

Translation from French:

**REQUEST UNDER HABEAS CORPUS
(FOR IMMEDIATE RELEASE)**

To the Chairman of the District Court of Mfoundi
Yaoundé, administration center

Case: Julius TABE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Prof. AWASUM Augustine, Lawyer SHUFAL Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and lawyer EYAMBE Elias ^{Eba} ERAL

Versus

M.P and the State of Cameroun

These gentlemen: Julius AYUK TABE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Prof. AWASUM Augustine, Lawyer SHUFAL Blaise S. BERINYUY, TASSANG Wilfred, Conelius KWANGA, NFOR NGALA NFOR and lawyer EYAMBE Elias are Camerounian refugees, residing in Nigeria, in temporary detention in the compound of the Ministry of Defence (SED), Yaoundé. Their defence counsels are the following: Barristers FRU John NSOH, FANGYONG Patrick YONG, AJONG Stanilus, Chief NGUTE ABIA II, MUJEM FOMBAD and NDONG Christopher NVEH. They are all lawyers and members of the Barristers' Association of Cameroun. Telephones: 699513147, 675101247, 69995524, 674334624, 679842309, 676971375, please find enclosed our letters of constitution, the addresses of their domicile, in accordance with the present document and its corollary.

These gentlemen have the honour of respectfully presenting to you the following case:

Armed men, wearing masks, arrested them on the 5th January 2018 in Hotel Nera in Abuja – Nigeria. Their identity is unknown. Afterwards they found themselves in a police detention center in Nigeria, where they were kept in custody until 26th January 2018. Then they had to cover their face with masks and were taken by soldiers without any explanation to a Nigerian airport where they were taken on board a military airplane, without any safety belts, and were flown to Cameroun. Here they were brought to the Ministry of Defence compound (SED) in Yaoundé where they have been kept in custody from that day on.

Since their kidnapping in Nigeria and abduction to Cameroon, the human rights of the following persons have been violated:

Julius AYUK TABE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Professor AWASUM Augustine, Lawyer SHUFAL Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and Lawyer EYAMBE ELIAS EBAI. The legal procedures, laws and international conventions regarding their arrest and custody in Cameroun were equally violated.

The State of Cameroun represented by the Commissioner of the Government has also gravely violated the international conventions concerning their right to have a defence counsel as well as the Universal Declaration of Human Rights, the African Human Rights Charter and the Cameroonian national laws.

The same goes for the infraction of the conventions concerning the status of refugees which came into force on the 22nd April 1954, pursuant to the prescriptions in § 43 subscribed by the State of Cameroon on the 23 June 1961, notably § 33, subsection I, which decrees as follows:

§ 33: Prohibition of expulsion and banishment

- (1) None of the contracting parties must expel or banish anyone, in any way, at the borders of their territory if his or her life could be threatened due to their race, nationality, religion or membership in any social group or due to political opinions.

They hereby demand their immediate release based on the Habeas Corpus Verdict (ordering immediate release) pursuant to § 584, subsection 1 of the Cameroonian Criminal Procedure Code, prescribing that

“The Chairman of the District Court at the place of the arrest or detention or any other legal authority of the said District Court appointed by him must have the necessary competence to decide on the demand for immediate release based on the illegitimate arrest or detention and when the formalities prescribed by law have not been observed or respected”.

The Chairman of the District Court possesses the legal competence (*locus standi*) to deal with and decide on the immediate release of the following persons:

Julius AYUK TABE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Prof. AWSUM Augustine, Lawyer SHUFAI Blaise S. Berinyuy, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and Lawyer EYAMBE Elias EBAI, without any preconditions.

All the violations mentioned, such as the illegal keeping in custody of the plaintiffs mentioned in §§ 3, subsections 1 and 2 of the Criminal Procedure Act which explicitly prescribes that

- “(1) the violation of a rule in the Criminal Procedure Act is sanctioned by its absolute nullity
- a) If it is to the detriment of the right of defence as prescribed in the current legal provisions;
 - b) If it attacks a principle of public order;

(2) The nullity mentioned in subsection 1 in the present article cannot be excluded.

It can be invoked during the entire procedure by the parties and should be invoked by the court under the jurisdiction where the judgment is passed.

Because it is a matter of principle that international laws and the Cameroonian penal code are subject to strict interpretation, and that judicial irregularities cannot justify the loss of liberty of a well-identified person with a known domicile recognized by the authorities of a foreign country as well as that person’s own country,

Because according to the general principles of international laws, it is known that the latter takes precedence over the national laws.

In consideration of the above statements, there is every reason to conclude that a gross violation of national and international laws has taken place and that we must order the immediate release of the following persons: Julius AYUK TABE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Professor AWASUM Augustine, Lawyer SHUFAI Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and Lawyer EYAMBE Elias EBAI.

THAT IS WHY THE PLAINTIFFS KINDLY SUBMIT TO YOU. MR. CHAIRMAN, THAT

Regarding the facts mentioned above;

Regarding the Convention concerning the status of refugees which became effective from the 22nd April 1954. In accordance with the prescriptions of § 43 signed by the State of Cameroon on the 23rd June 1961. In particular its § 33, subsection I;

Regarding the international Conventions about the right to have a defence counsel, as well as the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and the internal laws of Cameroon;

Regarding § 584, subsection 1 and § 3, subsection 1 and 2, of the Cameroonian Penal Procedure Code;

we state the fact that on the 26th January 2018 the following persons were abducted from NERA Hotel in Abuja in Nigeria:

Julius AYUK TUBE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Prof. AWASUM Augustine, Lawyer SHUFAI Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and Lawyer EYAMBE Elias EBAI.

Military personnel took them to Cameroon and then to SED, which is a flagrant violation of all international conventions as well as rules and procedures.

We are requesting you to pronounce and to return the verdict that the rules and regulations concerning detention and holding somebody in custody have very strict interpretations;

To pronounce and return the verdict that the keeping in custody of Julius AYUK TUBE, Dr. Fidelis CHE, Dr. Egbe OGOCK, Prof. Awasum Augustinei Lawyer SHUFAI Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NJOR NGALA NFOR and Lawyer EYAMBE Elias EBAI is a violation of the respectability of their profession as well as their status - and an infraction of the Cameroonian penal jurisdiction, because it is a flagrant violation of the principle of presumed innocence and freedom.

We ask you kindly to decide that keeping the above-mentioned plaintiffs in custody is illegal.

CONSEQUENTLY

and order the immediate release of the following persons:

Julius AYUK Tube, Dr. Fidelis CHE, Dr. Egbe OGOCK. Prof. AWASUM Augustine, Lawyer SHUFAI Blaise S. BERINYUY, TASSANG Wilfred, Cornelius KWANGA, NFOR NGALA NFOR and Lawyer EYAMBE Elias EBAI, which will be in conformity with justice.

WITH ALL POSSIBLE RESERVE AND OUR DEEP RESPECT

Yaoundé 9th August 2018.

Chief Ngute Abia II (sign.)
Barrister & Solicitor – Lawyer

Stamp: Office of Chief Ngute Abia II

Stamp: Lawyer firm

Ndong Christopher Nveh (sign.)
Attorney – at - Law

*Translated from
French by
Per A. Hoakstad;
authorized translator
of French and English*