

LEGAL AND PRACTICAL REASONS WHY THE CRM CALLS ON CAMEROONIAN ELECTORS NOT TO VOTE ON FEBRUARY 9TH, 2020 AND TO STAY HOME

1- In the current state of the electoral system, the contesting of the results of the legislative elections of February 9th, 2020 is legally impossible

As a matter of fact, Law No. 2004/004 of 21 April 2004 on the organisation and operation of the Constitutional Council, in its Section 49 states: ***“The petition shall, under pain of inadmissibility, bear the full name, status and address of the petitioner as well as the name of the member(s) of the Parliament whose election is contested. In addition, it shall be reasoned and include a summary statement of the practical and legal grounds therefor. The petitioner shall append to the petition the documents produced as exhibit.”*** See (<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/67168/118157/F-926897259/CMR-67168.pdf>).

However, the election disputes of Members of Parliament take place before the proclamation of the results. Consequently, since the name or the names of the elected representatives cannot be given before the proclamation of the results of the elections, no petitioner will see his/her petition be received by the Constitutional Council at the end of the next election of the Members of Parliament.

In the past, when the proclamation of the election results of Members of Parliament was the responsibility of the Divisional Supervisory Commission, this Section 49 made sense because any applicant, at the time of the referral, was already aware of the names of the elected officials whose election s/he intended to contest.

Today, it is the same Constitutional Council, which hears post-electoral disputes, that will proclaim the results. Also, the obstacle of the name or names of elected officials that the law puts along the way of all those who contest the regularity of the vote, under pain of inadmissibility of their petition, is simply insurmountable. It is like squaring the circle.

It is on the basis of this provision of Section 49 of the Law of 21 April 2004 that the Supreme Court ruling as the Constitutional Council declared the inadmissibility of all appeals against the results of the 2013 legislative elections, despite strong pleadings of counsel for the claimant political parties. As the law has not changed, it is difficult to see how the Constitutional Council could overturn its own jurisprudence, especially since the current President of the Constitutional Council sat on the Supreme Court at the time of the 2013 electoral dispute, where he played a very active role: the same causes will produce the same effects.

2- ELECAM, the electoral body, yet totally subservient to CPDM, the party in power, has, in the aftermath of the presidential election of October 7th, 2018 itself recommended to the powers that be the reforms of the electoral system

In a document entitled “GENERAL REPORT ON THE CONDUCT OF THE 7 OCTOBER 2018 PRESIDENTIAL ELECTION REVISED AND CORRECTED” (Conf. <http://www.elecam.cm/sites/default/files/ELECAM%20REPORT%20ON%202018%20PRESIDENTIAL%20ELECTION%20ANGL%20Revised%20and%20Corrected%20Web.pdf>), ELECAM, whose management of the last election was particularly partial and scandalous, proposed several ways of reforming the electoral system in order to stave off contestations of the electoral results in the country.

In this report, in addition to the requirements to the other actors of the electoral process, and therefore itself, ELECAM recommends to the Government:

- Set a legal quota for women, persons with disabilities and minority groups in the constitution of lists of candidates: 35% for women; 10% for persons with disabilities; 2% for minority groups;
- Limit the intervention of administrative authorities in polling commissions;
- Reformulate the prerogatives of MINAT in its collaboration with ELECAM and in the electoral process as a whole;
- Amend Section 122 of the Electoral Code on the certified copy of birth certificate that is difficult to obtain and replace it with a copy of the birth certificate;
- Reduce voting age to 18 years;
- Adopt usage of the single ballot paper and double-fold envelope;

- Lay down a special provision to facilitate payment of the deposit during submission of nomination papers;
- Make available to the diplomatic missions the substantial financial means to support them effectively in the management of the electoral process in the focal points;
- Offer specialised training to forces of law and order tasked with covering the electoral process;
- Declare election day a working day for bailiffs.

As we know, even these amendments, all minor, of the Electoral Code have not been done by the Government. It is worth remembering that this government has always looked with contempt at the many proposals made by opposition political parties and civil society actors in this regard, as well as the recommendations of the international community calling for a reform of the electoral system before all new elections in Cameroon.

3- ELECAM's massive un-subscription of voters in constituencies favourable to the CRM and the artificial increase in the number of registered voters in pro-CPDM constituencies

Shortly before the convening of the electorate on November 10th, 2019, the current regime has, through ELECAM, engaged in a shameful campaign of massive un-subscription of voters in all the areas of the country where the CRM candidate took the lead in the presidential election of October 7th, 2018. At the same time, the electoral body, totally subservient to the regime, artificially increases the number of registered voters in the areas where the CPDM candidate came first. The CRM has questioned ELECAM by written means, without the officials of this body being able to provide any explanation for their wrongdoing. The CRM is willing to make evidence of these serious accusations available to any national and international institution.

4- Blatant administrative obstructions orchestrated by the regime to prevent candidates from the CRM party from compiling their nomination papers
 Since the convening of the electorate on November 10th, 2019, throughout the country and on the instruction of the CPDM regime, Cameroonians and the whole world have witnessed the administrative blockages that the current authorities have created

against the candidates for CRM nominations, but also indignities and unspeakable acts of violence against some of them.

Continuing in its logic of banning the CRM from the political scene, which is symptomized by the violation of its right to organise meetings and public demonstrations, including in its headquarters across the country, the regime has, in the framework of the convening the upcoming twin election, drawn on all available means. ***Absolutely nothing was spared for the militants of our party. Beatings by an administrative authority (Kekem Divisional Office in Upper-Nkam); organised desertion of services by administrative and municipal authorities (Bangou in the Upper-Plateaux, Ebone in the Mungo, Ambam in the Ntem Valley, etc.); signing of documents on the basis of tribal considerations (Yaoundé III Divisional Officers); open-air corruption in justice and tax services; in some localities, threats of reprisals, by prosecutors, on bailiffs who agree to make official records; desertion of town halls and/or refusal to sign the birth certificates of CRM candidates in town halls; outright confiscation of the nomination files with the threat of involving the security forces for “assault and sequestration, rebellion” of the authority if the candidate or candidates claim the return of his or her documents, etc...*** On the media, on social networks, through multiple testimonies, Cameroonians and the world have been able to see how the illegal regime of Yaoundé has criminalised the CRM membership.

All the administrative obstacles put along the way of CRM candidates in the twin elections of February 9th, 2020, and especially arrogantly assumed by the regime, have shown that the CRM militants are no longer considered as Cameroonian citizens. Their fundamental political rights, and in particular their right to take part in elections, have just been violated, with the help of the security forces and under the complicit eye of public prosecutors. The CRM has a lot of audio, video, written evidence, and even bailiff reports of these very serious facts that do not bode well for peace in our country. Its militants are willing to testify before any national or international institution that wishes to open an investigation.

In conclusion, it should be noted that:

– Section 49 mentioned above, which is a major legal obstacle to the quest for transparency and justice in the organisation of the parliamentary elections in Cameroon;

– There is unanimity among the political actors, the national opinion, all the credible national and foreign election observers, and even ELECAM, on the imperative necessity of the consensual reform of the electoral system before any new election in the country in Cameroon;

– Notwithstanding the recommendations of all the foreign partners of Cameroon on the urgency of this reform before the organisation of any new election, the current regime has decided to ignore them all and to respect only its own agenda;

– More seriously, even though this regime claims to be the majority in the country, it has worked hard to crudely prevent the compilation of nomination files of CRM candidates throughout the country. For its part, ELECAM has massively unsubscribed voters in areas where the CRM took the lead in the presidential election of October 7th, 2018 on the one hand, and artificially increased the number of registered voters in areas favourable to the CPDM. These reasons confirm the CRM’s decision not to take part in the election travesty of February 9th, 2020, for lack of settlement of the crisis in the NOSO and the consensual reform of the electoral system, two requirements it has repeatedly reiterated. The CRM urges voters to stay home on voting day and urges the international community to draw all the conclusions from the obstinacy of the regime.

Yaoundé, the 25th November 2019

The National President

MAURICE KAMTO