

Kelly R. Beckley OSB # 740317  
E-mail: kbeckley@beckley-law.com  
Kevin W. Bons OSB # 066963  
E-mail: kbons@beckley-law.com  
BECKLEY & BONS, P.C.  
1257 High Street  
PO Box 11098  
Eugene, OR 97440  
Phone: (541) 683-0888  
Fax: (541) 683-0889

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

YVES MICHAEL FOTSO, )  
 ) Civil No. 12-01415  
Plaintiff, )  
 ) COMPLAINT  
vs. )  
 ) (Alien Tort Claim-28 USC §§ 1331 & 1350)  
REPUBLIC OF CAMEROON, PAUL )  
BIYA, PASCAL MAGNAGUEMABE, ) DEMAND FOR JURY TRIAL  
JUSTICE SOH, JEAN BAPTISTE )  
BOKAM, COLONEL AMADOU, and )  
INNOCENT MBOUEM. )  
 )  
Defendants. )

**INTRODUCTION**

1. Pursuant to 28 USC § § 1331 and 1350, Plaintiff, by counsel, alleges compensatory and punitive damages for torture by a public official, false imprisonment, and breach of contract.

**BECKLEY & BONS, P.C.**

ATTORNEYS AT LAW

1257 HIGH STREET - P.O. BOX 11098 EUGENE, OR 97440-3298  
541-683-0888 - FAX 541-683-0889  
www.beckley-law.com

## **JURISDICTION**

2. This Court has jurisdiction over the subject-matter of this action pursuant to 28 U.S.C. §§ 1331,1350, and 1605.

3. This Court has jurisdiction over the persons of the defendants pursuant to Rule 4(k) of the Federal Rules of Civil Procedure.

## **PARTIES**

4. Plaintiff Yves Michel Fotso ("Fotso") is a Cameroonian who is currently in the custody of the Republic of Cameroon incarcerated at the Gendarmerie lock-up in the Secretariat d'Etat a la defense in charge of the Gendarmerie ("Gendarmerie Lock-up").

5. Defendant Republic of Cameroon ("Cameroon") at all times relevant to this Complaint was and is a foreign sovereign government.

6. Defendant Paul Biya at all times relevant to this complaint was and is the President of Cameroon. As President, Paul Biya, is Cameroon's Chief Executive. He appoints Cabinet Officers and provides leadership and guidance to all branches of the Cameroon government to include its Ministries of Justice and Defense.

7. Defendant Pascal Magnaguemabe at all times relevant to this complaint was and is the Magistrate at the Mfoundi High Court. Pascal Magnaguemabe was and is the Magistrate Judge in the criminal prosecution of Fotso.

8. Defendant Justice Soh at all times relevant to this complaint was and is the prosecutor in the criminal case against Fotso.

### **BECKLEY & BONS, P.C.**

ATTORNEYS AT LAW

1257 HIGH STREET - P.O. BOX 11098 EUGENE, OR 97440-3298

541-683-0888 - FAX 541-683-0889

www.beckley-law.com

9. Defendant Jean Baptiste Bokam at all times relevant to this complaint was and is the Secretary of State for Defense in charge of the National Gendarmerie. As such, Jean Baptiste Bokam is in charge of and provides leadership and guidance to all Cameroonian security forces.

10. Defendant Colonel Amadou at all times relevant to this complaint was and is the Commandant of the Gendarmerie Lock-up. As such, Colonel Amadou is in charge of and provides leadership and guidance to all jailers at the Gendarmerie Lock-up.

11. Defendant Innocent Mbouem at all times relevant to this complaint was and is the Lieutenant in the National Gendarmerie Brigade.

### **FACTS**

12. In 2001, Cameroon undertook to purchase a BBJ-2 aircraft for the President of Cameroon ("BBJ-2"), and to lease a B767-231 and a B747-300 aircraft (collectively "Aircraft").

13. To effect the purchase and lease, Cameroon, via its Minister of State and Secretary General at the Presidency of the Republic, contacted Cameroon Airlines to arrange the transactions.

14. Fotso was the General Manager-Administrator for Cameroon Airlines and was Cameroon's point of contact.

15. Fotso contacted and negotiated the purchase of the BBJ-2 and lease of the Aircraft with GIA International, Inc. ("GIA").

16. To effect the purchase of the BBJ-2 moneys were paid in cash by Cameroon's Minister of Finance and Economy (Meva'a Meboutou) directly to GIA.

17. In early 2004, GIA became insolvent.

18. On March 1, 2004, GIA filed bankruptcy in the United States Bankruptcy Court, District of Oregon, Case No. 04-61378 -fra7 ("Bankruptcy Case").

19. In the Bankruptcy Case, David F. Worst was assigned as the Trustee ("Trustee").

20. Various parties including Cameroon filed adversary proceedings in the Bankruptcy Case.

21. The Trustee negotiated a Settlement Agreement and Mutual Release ("Agreement/Release") with all parties on or about August 11, 2006.

22. Cameroon; Indian Airlines, Limited; and the Trustee were parties to the Agreement/Release.

23. Pursuant to the Agreement/Release, no party could assert against any other party or person being released, "in any manner", any claim, or initiate against them, their agents or employees, any action. Further, any person released by the Agreement/Release, is entitled to assert and plead the Agreement/Release as a complete "defense or bar".

24. The Agreement/Release released Cameroon Airlines and its agents and employees.

25. On or about December 1, 2010, Cameroon initiated criminal actions against Fotso alleging he and others fraudulently kept the \$31,000,000 paid to GIA.

26. Pursuant to the criminal actions against Fotso, he was imprisoned at the Yaounde Central Prison-Kondengui (" Yaounde Prison") between December 1, 2010 and May 25, 2012 by order of Magistrate Judge Pascal Magnaguemabe.

///

27. While imprisoned at the Younde Prison, Fotso was housed in a small windowless cell without access to natural or artificial light or fresh air for more than 12 hours each day.

28. On May 25, 2012, Fotso was transferred to the Gendarmerie Lock-up run by the Secretaire d'Etat a la Defense ("SED") in charge of the National Gendarmerie.

29. Fotso was beaten, kicked, shocked with electricity, and otherwise subjected to physical and emotional torture by hooded soldiers during the transfer from Younde Prison to SED. Lieutenant Innocent Mbouem of the Gendarmerie Brigade participated in the attacks on Fotso.

30. Between December 1, 2010 and present, Fotso has not been allowed to write to his family. In fact, Fotso has been prohibited from keeping a pen and writing paper. Visits with his family were only allowed infrequently and unreasonably controlled.

31. The Gendarmes guarding Fotso have denied him access to reading material including the state-owned newspaper, Cameroon Tribune. He was provided books only after threatening a hunger strike. Until recently, Fotso was not allowed access to a radio or a television set despite his nearly two years of captivity.

32. Between December 1, 2010 and present Fotso was infrequently given access to counsel. Further, when allowed access to counsel, counsel visits were monitored. Communications between counsel and Fotso were not confidential.

///

///

///

**FIRST CLAIM FOR RELIEF**  
(Torture by a Public Official)

33. Plaintiff realleges paragraphs 1 through 32 above.

34. Fotso was tortured by Defendant Innocent Mbouem and others which included punches, kicks, and other physical and emotional torture.

35. Defendant Innocent Mbouem was under the control and command of the National Gendarmerie.

36. The National Gendarmerie is the security branch of Cameroon and under the control and command of Cameroon's Minister Delegate in charge of Defense and the President.

37. Defendant Innocent Mbouem acted intentionally and with malice when he and others tortured Fotso.

38. Defendants Cameroon, Paul Biya, Pascal Magnaguemabe, Justice Soh, Jean Baptiste Bokam, and Colonel Amadou acted intentionally or with grave indifference to the general norms of society and/or international law by ordering Innocent Mbouem to torture Fotso or, in the alternative, allowing Innocent Mbouem to torture Fotso.

39. The conduct of Defendants Cameroon, Paul Biya, Pascal Magnaguemabe, Justice Soh, Jean Baptiste Bokam, Colonel Amadou, and Innocent Mbouem was the direct and proximate result of Fotso's injuries.

///

///

40. As a result of Fotso's torture and physical and mental abuse by Defendant Innocent Mbouem and others, Fotso suffered and continues to suffer severe and permanent physical, psychological, mental and emotional pain, suffering, impairment, disability and distress, was and is deprived of the society, consortium, comfort, and care of his family to his damage in a sum to be determined by the jury at trial.

**SECOND CLAIM FOR RELIEF**

(False Imprisonment)

41. Plaintiff realleges paragraphs 1 through 32 above.

42. Defendant Cameroon intended to confine Fotso when it imprisoned him without trial on or about December 1, 2010.

43. Fotso was confined after Cameroon ordered his imprisonment.

44. Fotso is aware that he is confined.

45. Despite the Agreement/Release, Fotso has been confined in the Gendarmerie Lock-up.

46. As a result of Fotso's confinement, Fotso has suffered severe and permanent physical, psychological, mental and emotional pain, suffering, impairment, disability and distress, was and is deprived of the society, consortium, comfort, care and solatium of his family to his damage in a sum to be determined by the jury at trial.

///

///

**BECKLEY & BONS, P.C.**

ATTORNEYS AT LAW

1257 HIGH STREET - P.O. BOX 11098 EUGENE, OR 97440-3298

541-683-0888 - FAX 541-683-0889

www.beckley-law.com

**THIRD CLAIM FOR RELIEF**  
(Breach of Contract)

47. Plaintiff realleges paragraphs 1 through 32 above.

48. Cameroon entered into the Agreement/Release whereby it received \$858,163.27 in exchange for its release of liability to other parties and their agents and employees.

49. The Agreement/Release prohibited Cameroon from making a claim or imitating any action “in any manner” against Cameroon Airlines or its agents and employees.

50. Fotso was an employee of Cameroon at all times pertinent to this complaint.

51. Cameroon breached its duty under the Agreement/Release when it initiated criminal charges against Fotso on or about December 1, 2010.

52. Because of Cameroon’s breach of its duty, Fotso has incurred compensatory damages in an amount to be proven at trial.

///

///

///



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests judgment against Defendants Republic of Cameroon, Paul Biya, Pascal Magnaguemabe, Justice Soh, Jean Baptiste Bokam, Colonel Amadou, and Innocent Mbouem, jointly and severally, as follows:

- a. For compensatory damages in an amount to be determined by the jury at trial;
- b. For punitive damages in the amount of \$10,000,000;
- c. For reasonable attorney's fees and costs of suit; and
- d. For such other and further relief as the Court may deem just and proper.

A JURY TRIAL IS DEMANDED ON ALL ISSUES.

DATED this 6th day of August, 2012.

BECKLEY & BONNS, P.C.

By: /s/ Kelly R. Beckley  
Kelly R. Beckley, OSB #74031  
kbeckley@beckley-law.com  
Attorney for Plaintiff  
Trial Attorney

By: /s/ Kevin W. Bons  
Kevin W. Bons, OSB # 066963  
kbons@beckley-law.com  
Attorney for Plaintiff  
Trial Attorney

**BECKLEY & BONNS, P.C.**

ATTORNEYS AT LAW

1257 HIGH STREET - P.O. BOX 11098 EUGENE, OR 97440-3298  
541-683-0888 - FAX 541-683-0889  
www.beckley-law.com