



United States Department of State

Washington, D.C. 20520

DEC - 6 2012

The Honorable Stuart F. Delery  
Acting Assistant Attorney General  
Civil Division  
U.S. Department of Justice  
Washington, D.C. 20530

Re: *Fotso v. Republic of Cameroon, et al.*, Case No. 12-cv-01415 (D. Ore.)

Dear Mr. Delery:

The above-referenced suit names President Paul Biya as a defendant. President Biya is the current the president and head of state of Cameroon and, in light of his current status, Cameroon has formally asked the Department of State to take the steps necessary to have this action against President Biya dismissed on the basis of his immunity from United States jurisdiction as a sitting foreign head of state.

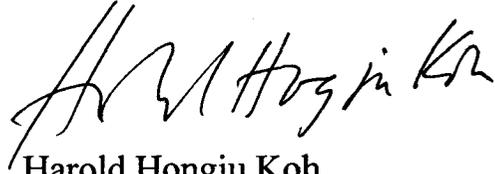
The Department of State recognizes and allows the immunity of President Biya as a sitting head of state from the jurisdiction of the United States District Court in this suit. Under common law principles of immunity articulated by the executive branch in the exercise of its constitutional authority over foreign affairs and informed by customary international law, President Biya, as the sitting head of state of a foreign state, is immune from the jurisdiction of the United States District Court in this suit while in office. Accordingly, the Department of State requests that the Department of Justice submit a determination of immunity to the district court at the earliest opportunity. The Department further requests the Department of Justice note in its filing, as it has in previous filings, the executive branch retains the authority to refrain from making a similar immunity determination in future cases, considering, for example, international norms and the implications of the litigation for the United States' foreign relations.

The Department of State has not, to date, addressed the applicability of immunity as to any of the other Cameroonian government defendants in this case.

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This letter recognizes the particular importance attached by the United States to obtaining the prompt dismissal of the proceedings against President Biya in view of the significant foreign policy implications of such an action.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Hongju Koh". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Harold Hongju Koh  
Legal Adviser