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Judicial organization and institutions in Cameroon: A tripartite classification

Pefela Gildas Nyugha

Abstract
Justice is a service open to the public. It is thus arranged, like any structure that renders public service, in a manner that whoever seeks for it receives appropriate attention. The setting up and organization of judicial institutions is premised on the fore said. The classification of the judicial system in Cameroon is shrouded with a bleak and opaque view that one tends to ponder on the clear-cut strata for the administration of justice in Cameroon. Litigants sometimes find difficulties in identifying which court is competent to handle their matters in the face of complaints. More so, the fact that certain courts preclude the ordinary man from bringing an action makes the whole scenario more cumbersome for a common man to comprehend. Judicial and administrative authorities need to be guided on the nature of cases entertained as well as be acquainted with the competent courts to seize for such matters. The study therefore has as objectives to dissect the justice system of Cameroon so as to give a clearer view for litigants who desire to have their issues addressed by these judicial organs. In a bid to achieve this objective, the author has adopted a doctrinal methodology consisting of primary and secondary data. At the end of the research, findings show that though attempts have been made to classify courts in Cameroon, there is still need to adopt a more compressive and facilitative classification so as to give a clearer picture with regards to competence and jurisdiction.

Keywords: Courts, judicial institutions, tripartite, competence, justice system, judicial organization

1. Introduction
Judicial institutions are justice delivery units. They may be courts, quasi courts or arbitral bodies. They are distinct from other institutions. Judicial organisation on its part is the arrangement of the justice system into structures – each structure having a specific function – with a view of enhancing access to justice and good governance. Justice is a service open to the public, and like any other public service, it has to be organised. The Cameroon Judicial Institution is characterised by certain cardinal guidelines to wit.
It is distinct from other powers – a judicial institution is neither under the Executive nor the Legislative powers. This follows from the principle of separation of powers adumbrated by Montesquieu, and embodied in Section 37 of the 1996 Constitution and Section 2 of Law No 2006/015 of 29th December 2006 as amended and supplemented by Law No. 2011/027 of 14th December, 2011 on the Judicial Organisation.
There is the respect of the principle of legality. The decisions of principal actors, in a judicial institution, must be seen to be flowing from a conscientious and honest mind. As it is fondly put, they depend on the law and their conscience. By the preamble of the Cameroon Constitution, a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is well prescribed in a written law. This cardinal principle of legality is expressed in the Latinism "Nullum Crimen, Nulla Poena Sine Lege'' meaning "no crime, no punishment without a text". This is the embodiment of Section 17 of the 2016 Cameroonian Penal Code. It states that "no penalty or measure may be imposed unless it is provided for by the law and except it is in respect of an offence that is lawfully defined".
It respects the principle of fair hearing/trial. This principle is better expressed in the Latinism "audi auteram partem" (I have heard both sides). It postulates the hearing of parties on all the sides of a matter [1] before handing down their judgment. The constitution of Cameroon and the laws on the organization and functioning of most judicial institutions [2] underscore this principle.

[1] And their counsel too if they have one.
[2] See sections 5 and 6 of law n° 2006/015 supra

The Cameroonian judicial institution also adheres to the principle of neutrality. This value is cardinal in the justice system. Members of judicial institutions are mere referees/arbiters. By dint hereof they are supposed to be neutral. However, given human frailty, some of them fall short of this value. To go around this pitfall, members of judicial institutions are prohibited from hearing matters wherein the parties are related to it by affinity or consanguinity. A litigant may equally request that a judge should not hear his matter upon his finding elements that may compromise his neutrality. One basic rule of natural justice is that no one shall be judged in his own case. (*nemo judex in resua*). It is in line with this principle of law that the 2005 Cameroon Criminal Procedure Code [3] in its Book 6, Part 3 creates a special procedure entitled challenge against the magistrate of the bench or a judge [4].

Cameroon has witnessed a plethora of political and institutional changes. For the purpose of this research, the evolution in respect of judicial organization and institutions can be traced from the German (Colonial) era, to the Britannica - Franco era, through the Federation era, Post-Unification era, United Republic of Cameroon era, and to present day Republic of Cameroon.

Each era saw institutions corresponding to its time. The current judicial institutions in Cameroon result from the mingling of the erstwhile institutions of the post independent era.

1.1 Legal framework

In early 1972 the unitary state was born [5]. And with it new institutions fashioned to fall in place with the new structure. On 2nd June 1972, the Constitution of the Republic of Cameroon was conceived. It put, together, the erstwhile streams of systems of West and East Cameroon. Section 42 of this constitution gave President *Ahmadou Ahidjo* [6] one year to create new institutions by way of Ordinances. On the basis here of he signed three important Ordinances on 26th August 1972, amongst them the Judicial Organisation Ordinance [7]. The Ordinance established the Courts of First Instance, High Courts, Courts of Appeal and the Supreme Court. Equally encamped in this constitution were the Court of Impeachment and the High Court of Justice [8].

By Law N° 79/4 of 29th June 1979, the Traditional Jurisdictions, created in 1969 and amended in 1971, were attached to the Ministry of Justice. Decree N° 80/299 of 29th July 1980 set up the Administrative Organisation of Jurisdictions. On 19th December 1990, the State Security Court was conceived. On 17th October 1993, the Common Court of Justice and Arbitration was set up. Its seat was in Abidjan. It was the creation of OHBLA (Organisation for the Harmonisation of Business Law in Africa) better known by its French acronym, OHADA. This Court is the terminus of all business law matters from the State parties [9]. On 26th march 1996 the CEMAC court was set up by member states of the Economic and Monetary Community of Central African States;

The 1972 constitution has suffered several amendments. That of Law N°96-6 of 18th January 1996 cannot miss the eyes. The 1996 constitution, converted the judiciary from an authority to a power; It established the constitutional Court [10]; It created the lower administrative [11] and Audit courts [12].

Whilst Law N° 2006/015 of 29th December 2006, reorgonised the judiciary as a whole, Laws N°2006/022 and N°2006/017, enacted on the very 29th December 2006, set up the organisation and functioning of the Lower Administrative and Audit Courts, respectively.

The constitution witnessed another amendment on 14th April 2008, through law N° 2008/001. Therein the tenure in office of the President of the Republic, and President of the Higher Judicial Council, was enlarged to seven (07) years [13]. This law equally reformed the Court of impeachment.

Through Law N° 2011/027 of 14th December 2011, Law N° 2006/015, supra, was amended. Law N° 2011/028 of 14th December 2011 set up the Special Criminal Court. Law N° 2012/223 of 15th May 2012 set up the Administrative Organisation of the Special Criminal Court. Law N° 2012/11 [14] of 16th December 2012 amended Law N° 2011/028, supra. Following Law N° 2017/014 of 12th July 2017 the Common Law Division [15] was created in the Judicial Bench [16] of the Supreme Court. Law N° 2017/012 of 17th July 2017 reviewed the organisation of Military Justice. In its Section 4, it bestowed the Military Court of Yaounde with nationwide jurisdiction in matters occasioning serious threats to public order and State Security, and acts of terrorism.

We shall now deal, in the paragraphs that follow, with these judicial organisation and institutions in greater details.

2. Classification of judicial institutions in Cameroon

From the fore going, the following judicial institutions are discernible in Cameroon: the Supreme Court, the Common Court of Justice and Arbitration, the CEMAC court, the Court of Appeal, the Special Criminal Court, lower Administrative Courts, Lower Audit Courts, Military Courts, High Courts, Courts of First Instance, Traditional Law Courts, Constitutional Council, Court of Impeachment and State Security Court. The classification of courts in Cameroon has been looked at in a general perspective, a position this research rather considers not explicit. It is from the strength of this that the research rather adopts a tripartite classification of courts in order to make it more discernible.

2.1 General Classification of Courts in Cameroon

The classification of courts has been generally looked upon from the following standpoints:

- Classification following hierarchy: the Supreme Court down to the Traditional law Courts.
- Classification following the area covered by the court: the Supreme Court, the Special Criminal Court and then

[3] Law Nº 2005/007 of 27th July 2005 on the Cameroon Criminal Procedure Code hereinafter referred to as the CPC.
[4] See, Sections 591 – 599 of the CPC.
[5] The era of United Republic and the Republic of Cameroon.
[6] First president of Cameroon holding office from 1960 to 1982.
[7] Ordinance Nº 72/4 of 26/08/1972
[8] See Section 34 of the 1972 constitution.
[9] The OHBLA law ousted the jurisdiction of the Supreme Court in business law matters.
[10] See Section 46 of the 1996 constitution.
[11] See Section 40 of the 1996 constitution.
[12] See Section 41 of the 1996 constitution.
[13] It was five (05) years before then.
[14] Appeals from the CFI and H/C in cases of misappropriation of public funds laid directly before this Supreme Court by virtue of S 11 (1) this law.
[15] This Division has the same pedigree with the Common Law Section of ENAM.
[16] Its counterparts are the Administrative and Audit Benches

the Military Court of Yaounde having nationwide jurisdiction, while the other courts are either regional, divisional or sub divisional.
- Classification following the nature of the court: modern courts and traditional law courts.
- Classification following the double degree setup: the Supreme Court and Courts of Appeal as appellate courts while others are trial courts.

For the sake of coherence, the last taxonomy shall be adopted in respect of the examination of our judicial organisation.

2.2. The Tripartite Classification of Courts

This paper adopts a tripartite classification of courts. According to this view, Courts are classified into threefold;
- Courts with Original jurisdiction,
- Courts with appellate jurisdiction,
- Courts with special jurisdiction.

In lodging a complaint before any of these courts, the *ratione loci* [17] and the *ratione materae* [18] are the two important elements that must be taken into consideration when considering the issue of competence. That is, the territorial competence of the court and the material competence are the two key essential elements in determining the issue of jurisdiction.

3. Courts with original jurisdiction

These are courts that entertain matters for the first time. They include; Traditional Law Courts, Courts of First Instance and High Courts,

3.1. Traditional Law Courts

They include the Customary Courts, the Alkali Courts, the Tribunaux de 1er Degre and the Tribunaux Coutumiers. The first two are found in the Anglophone Regions and the last two in the Francophone Regions

3.1.1 Traditional Law Courts in the Anglophone Regions

These include the Customary Courts and the Alkali Courts that operates within the North - West and South - West Regions of Cameroon.

3.1.1.1. Customary Courts

Generally, these are courts which try customary law matters. Customary law refer to generally accepted usages in any given ethnic group. Customary courts were setup by the Customary Courts Ordinances Cap 142 of the 1948 Laws of the federation of Nigeria. This Ordinance still apply in Cameroon today by virtue of Article 68 of law No 96/06 of 18 January 1996, amending Article 38 of the June 2, 1972 constitution. Customary Courts are meant for persons subject to native laws and customs. The native laws and customs must not be repugnant to natural justice, equity and good conscience [19].

a) Members of a Customary Court

They include a President, a clerk and a messenger. From 29th June 1979, when these courts were attached to the Ministry of Justice by law No 79/4 of 29 June, 1979, the President of this Court is appointed by the Minister of Justice. It suffices for him to be knowledgeable, without more, in the native laws and custom he is called upon to administer. But the clerk must be literate, given that he is the one who takes down the records of proceedings. The duty of the messenger is inter alia to serve summonses.

b) Competence of the Customary Courts

It entertains claims not exceeding 69.200 FCFA, Causes relating to inheritance, testamentary dispositions, the administration of estates [20] and all matrimonial causes related to none Christian marriages [21]. They also entertain matters of succession. It should be noted this court has no criminal jurisdiction.

c) Special Principles Governing Customary Courts
- The Customary Court will entertain a civil matter only where the two parties expressly or by conduct submit to the court's jurisdiction. Where one of the parties rejects its jurisdiction recourse is made to the modern courts;
- The Courts only specialise in local laws save those exceptions expressly provided by the law. Thus disputes submitted to them shall only be settled with the customs of the parties.
- Section 24 of the Customary Court Ordinance of 1948 precludes lawyers from appearing before this court.

3.1.1.2. Alkali Courts

Like the Customary Courts, the AKALI Courts were setup by the Native [22] Courts Ordinances, of Nigeria, of 1948, Cap. 142. Alkali Courts are for Muslims, subject to the sharia laws. The latter must not be repugnant to natural justice, equity and good conscience [23].

a. Members of Alkali Courts

They include a President, a clerk and a messenger. On 29th June 1979, the Alkali courts were attached to the Ministry of Justice. Thenceforth, the President of this Court was appointed by the Minister of Justice. It suffices for him to be knowledgeable, without more, in sharia laws. But the clerk is the one who takes down the minutes of proceedings. He must thus be a literate person. The duty of the messenger is, inter alia, to serve summonses.

b. Competence of Alkali Courts

It entertains claims not exceeding 138.400fcfa, causes relating to inheritance, testamentary dispositions, the administration of estates and all matrimonial causes related to Christian marriages.

The Muslim laws empower these courts to award minimal fines and imprisonment terms. But this provision is certainly a brutum fulmen given that the State Counsel, who is the principal party in all criminal matters, is not a member of this court. They equally have no criminal jurisdiction, to say the least.

c. Special Principles Governing Alkali Courts

Same as those of the Customary Courts mindful of the fact

[17] Territorial competence.
[18] Material competence.
[19] See S. 27 of the Southern Cameroon High Court Law of 1955.
[20] For persons who die intestate.
[21] Issues relating to Christian marriages are dealt with by the modern courts.
[22] 'Native' was converted to 'customary' in 1964.
[23] See Section 27 of the Southern Cameroon High Court Law of 1955.

that here the applicable law is the sharia law.
There is a ledger, in every Customary and Alkali Courts, where the daily activities of these courts are entered. The President of the Court of First Instance of the area of their location, via the Section for Traditional matters of his court, reports, to the Chancellery, on the activities of these courts and on the problems they encounter partly from information culled from this record book.

3.1.2. Traditional law courts in the francophone regions
These include Tribunaux De 1er Degre and Tribunaux Coutumiers found in the 8 French speaking regions of Cameroon.

3.1.2.1. Tribunaux DE 1ER Degre
They were organised by Decree NO 69/DF/544 of 19th December 1969 as amended by Decree NO 71/DF/607 of 3rd December 1971**.** They apply native laws and customs. They are therefore meant for nationals. Generally these courts are attached to the Courts of First Instance of the place of their seats. This attachment empowers them to apply the law that obtains in the Courts of First Instance.

a) Members of Tribunaux De 1er Degre
It is composed of a President, assessors, clerks and messengers. The Presidents are appointed from amongst the Magistrates of the Court of First Instance in the area where they are found by the Minister of Justice.

b) Competence of Tribunaux De 1er Degre
Where these courts are attached to the Courts of First Instance their material competence is that of the Courts of First Instance and even more given that they are competent over matters touching on the status of persons, marriages, divorce, affiliation, succession and real property which are not within the exclusive jurisdiction of the ordinary courts. They equally entertain matters relating to native laws and customs. They are purely civil law courts meant for nationals. It is important to note here that Lawyers appear before some of them [24]. The parties to them must submit themselves to their jurisdiction.

3.1.2.2. Tribunaux Coutumiers
Like the Tribunaux De 1er Degre, Tribunaux Coutumiers were organised by Decree NO 69/DF/544 of 19th December 1969 as amended by Decree NO 71/DF/607 of 3rd December 1971. They equally apply native laws and customs.

a. Members of Tribunaux Coutumiers
It is composed of a President, assessors, clerks and messengers. The Presidents are appointed by the Minister of Justice. Their Presidents take oath before the competent Court of First Instance before entering in their function.

b. Competence of Tribunaux Coutumiers
They are limited to matters relating to native laws and customs, and civil matters, which do not fall within the exclusive jurisdiction of the Court of First Instance. They do not have criminal jurisdiction.

c. Special Principles Governing Tribunaux Coutumiers
Generally the activities of these Courts are entered in a special register. The register is numbered, initialled and preserved by the competent State Counsel. Lawyers do not appear before them and the parties to this court must submit themselves to their jurisdiction.

3.2. Courts of first instance
The organisation of Courts of First Instance is premised principally on two texts: Ordinance No 72/4, on the Organization of the Judiciary, as subsequently amended by Law No 2006/015 of 29th December, 2006 and further amended and supplemented by Law No 2011/027 of 14th December, 2011 on the Judicial Organization; Decree N°80/299, on the Administrative Organisation of Courts, as subsequently amended.

3.2.1. Organization of Courts of First Instance in General
In principle a court of First Instance [25] ought to be set up in every sub-division. This however is not the case as there are several subdivisions without this court. Some Courts of First Instance consequently cover more than one subdivision [26]. We equally have some Courts of First Instance without resident personnel. These are occasionally visited by the personnel of other Courts of First Instance, generally with whom they share the same Division, with a view of hearing matters arising from their defined jurisdiction. These are fondly called touring courts [27].

3.2.2. Composition of Courts of First Instance
They include [28]:

- **At the bench:** A President; One or more Magistrates; A registrar-in-Chief; Registrars;
- **For the Preliminary Inquiry:** One or more examining magistrates; One or more Registrars;
- **At the legal Department:** A State Counsel; One or more deputy State Counsels.

The court has two organs: the Benches and the General Assembly [29]. The benches include a bench for civil matters; a bench for commercial matters; a bench for labour matter; a bench for misdemeanours /simple offences and a bench for minors. The benches handle matters associated to their names. Appointments to them are done by the President of the Court of Appeal. The General Assembly consists of all the personnel of the Bench and the legal department. The General Assembly handles issues affecting their jurisdiction.

3:2:3. Competence of the Court of First Instance
In principle a Court of First Instance [30] ought to be set up in every sub-division [31]. This however is not the case as there are several subdivisions without this court. Some Courts of First Instance consequently cover more than one subdivision [32]

Regarding the material competence or *Ratione Materae* [33],

[24] Those attached to their Court of First Instance

[25] S.13 of law n° 2006/015 of 29th December on Judicial Organization as amended.
[26] See Section 13 of law n° 2006/015 supra.
[27] The personnel on visit must compulsorily include, a president, a State Counsel and a Registrar. They are on paid mission
[28] Section 14 of law n° 2006/015 supra.
[29] See Section 14 of law n° 2011/027 supra
[30] Section 13 of law n° 2006/015 *op.cit.*
[31] See generally *Ngwene, J.G., (*2018/2019), *"Lecture notes on Judicial Organization and Institutions in Cameroon"*, from the National School of Administration and Magistracy (ENAM). Unpublished.
[32] See Section 13 of law n° 2006/015 *loc.cit.*.
[33] Section 15 law n° 2006/015 and Section 713 CPC

the court entertains civil matters, in the broader sense of the word [34], as well as criminal matters. For civil matters, the claim must not be above 10.000.000 CFA. In any case, where a civil matter is attached to a criminal matter, and the two are heard together [35], and for counterclaims, the claim may be above 10.000.000 CFA [36]. This court shall equally be competent to hear motions (on notice and ex parte) and disputes relating to the execution of judgments of Courts of First Instance and applications for exequatur [37]. For criminal matters, this Court entertains misdemeanours, simple offences [38] and all offences committed by minors without adult accomplices [39].

With regards to the recovery of debts and property under OHADA Law, Article 1 of the Uniform Act on the Simplified Procedures for Recovery and Enforcement Measures (1998) [40] and Section 15(1)(b) of law n° 2006/015 are sufficiently compelling. Article 1 UASPREM is to the effect that the recovery of a certain, liquidated and due debt may be obtained through the procedure for a mandatory injunction to pay while Section 15 law n° 2006/015 states that the court of first instance is competent; to recover by way of simplified procedure all certain, liquidated and due debts not exceeding 10.000.000fcfa. It should be noted that under OHADA Law, the appropriate mode to commence an action in this court is by way of writ of summons [41] while the Common Law talks of commencing by way of a plainte [42].This was the ruling of the Tiko Court of First Instance in the case of *Les Brasseries Du Cameroun vs. Elute Martin & Ors* [43] where the learned trial magistrate, LJ Enanga Lilian Anjorin relied on the provision of Section 170 of UASPREM [44] to throw out the case because the applicant in fact used a wrong mode of commencement. Her decision was further buttressed by the ruling of the North West court of Appeal in the case of *Ndoh* Jeremiah Penn & 2 Ors [45] and the South West of Appeal case of Sté De Boss vs. Njang Julie Etengenegin [46] « where the court held among others that it is a cardinal meaning of interpretation that if the meaning of a statute is clear, the nit must be followed without any recourse to interpretation» [47].

3.2.4. Special Principles Governing the court of First Instance

All matters brought before this court are judged by a single magistrate [48]. However, a magistrate does not sit alone in the following circumstances: in cases of misappropriation of public funds [49] where the value of the property is less than 500.000frs cfa and in labour and juvenile matters [50]. The court may equally sit as a college at the request of the state counsel the parties or the court itself on it awn motion.

By the provision of Section 294 of the C.P.C, a Court of First Instance shall have jurisdiction over a case when it is:

(a) the court of the place of commission of the offence or;
(b) the court of the place of residence of the accused or
(c) the court of the place of arrest of the accused. See also S.295 which is to the effect that a court that is competent to try an offence shall also be competent to try co-offenders and accomplices except where the law provides otherwise.[51]

Appeals from Courts of First Instance are amenable to the Court of Appeal, provided that those in misappropriation of public funds lie directly before the Supreme Court. Appeals against decisions of Examining Magistrates of this court follow the same trend

3.3. High Courts

In principle, a High Court [52] is lodged in every division. However the President of the Republic of Cameroon may decree that the area of jurisdiction of a High Court stretches to other Division(s).

3.3.1. Composition of High Courts

The High Court is composed of a President, one or more Judges, a Registrar – in – Chief and Registrars. For the purpose of Preliminary Inquiries, there is one or more Examining Magistrate and one or more Inquiry Registrars. There is a Legal Department attached to the Court made up of a State Counsel and one or more Deputies [53].

In some jurisdictions, the structures and personnel of this Court are different from those of the Court of First Instance. This is the case with Yaounde, Douala and Nkongsamba where each of these Courts has its corresponding Legal Department. In others a single Legal Department serves the Bench of the High Court and that of the Court of First Instance. This is common with courts at the Regional Headquarters and in big jurisdictions [54]. In others, still, the two courts are conterminous. Here the personnel of one court are superimposed on the other. This is the case with High Courts and Courts of First Instance in small jurisdictions [55].

The court has two organs: the Benches and the General Assembly [56]. The Benches include a bench for civil matters; a bench for commercial matters; a bench for labour matter; a bench for criminal matters. The benches handle matters that reflect their names. Appointments to them are done by the President of the Court of Appeal.

The General Assembly consists of all the personnel of the

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34 Civil, commercial and labour matters and simplified procedures.
35 See Section 71 and Section 157 of CPC.
36 Section 15(3)(b) law n° 2006/015.
37 An exequatur is a legal document issued by a sovereign authority that permits the exercise or enforcement of a right within the jurisdiction of the authority. The word is a form of the Latin verb exequi, which denotes 'let it be executed'.
38 Section 21 of the 2016 Penal Code.
39 Section 15 (1)(a) of law n° 2006/015.
40 Hereinafter referred to as UASPREM, 1998.
41 Section 170 of UASPREM.
42 See Section 13 (1) of the Magistrate Court Law of 1948.
43 Suit No. CFIT/7M/2019.
44 The section states that "Under pain of inadmissibility, the dispute shall be brought before the competent court by a writ of summons within a period of one month from the date of disclosure of the attachment to the debtor."
45 Suit No. CANWP/48/2012, SOWEMAC LR, 5, P108.
46 Suit No. CASWP/2M/L/10/11M/2014. (unreported).
47 *Ibid.*
48 Fonkwe J, Eware A. Cameroon Criminal Procedure and Practice in Action, Douala., Cameroon, Editions Veritas, 2019. P.275.
49 See Section 11(1) of Law N° 2011/028 as amended by Law N° 2012/011.
50 The CFI is equally differently constituted in labour and juvenile matters. Here the presiding magistrate sits with assessors. See Section 14 (2) and (3) of law N° 2006/015 supra.
51 See the case of *Mambo'o Sterlin Joseph Vs The People & Ngum Ngong Francis*, Judgment No. 100/MS/2018 of 20 November 2018 (Unreported).
52 Section 16 of law n° 2006/015 supra.
53 Fonkwe J, Eware A. 2019 *Op. Cit.* at P.277.
54 For instance, kumba.
55 See Section 17(4) of law n° 2006/015 supra.
56 See Section 17(9) of law n° 2011/027 supra

Bench and the legal department. The General Assembly handles issues affecting their jurisdiction.

3.3.2. Competence of the High Court

It shall have competence to hear both civil and criminal matters.

3.3.2.1. Competence in Civil Matters

Regarding the material competence or Ratione Materae [57], in civil matters, in the broader sense of the word [58], it entertains claims of above 10.000.000 CFA, provided that [59].

For recovery by way of simplified procedure in commercial matters it will entertain any amount where the obligation arises from a cheque, a promissory note or a bill of exchange [60];

This court shall equally be competent to hear motions (on notice [61] and ex parte [62]) and disputes relating to the execution of judgments of Courts of First Instance and applications for exequatur [63]. When hearing a criminal matter it may entertain claims of damages, resulting from the commission of the offence, of any amount. For criminal matters, it entertains felonies and related misdemeanours [64]. When hearing a criminal matter it may entertain claims of damages, resulting from the commission of the offence, of any amount.

This court shall equally hear and determine suits relating to Status of persons, civil status, marriage, divorce, filiations, adoption and inheritance; The enforcement of decisions of High Courts; Habeas corpus[65]: Prohibition [66] and mandamus [67] This court shall equally be competent to hear motions (on notice and ex parte) and disputes relating to the execution of judgments of Courts of First Instance and applications for exequatur.

3.3.2.2. Competence in Criminal Matters

For criminal matters, the High Court entertains felonies and related misdemeanours. They are empowered to admit to bail. The moot point is the stage, of a criminal proceeding, that they may do so! According the French version of Section 18 of the judicial organization law, it is when the matter is before them. But as per the English version, it may do this at any level of a criminal matter [68]. While waiting for this provision to be harmonized, the courts in the Anglophone regions continue to apply the latter procedure.

3.3.3. Special Principles Governing the High Courts

All matters brought before this court are judged by a single magistrate. However, a magistrate does not sit alone in the following circumstances: in cases of misappropriation of public funds [69] where the value of the property is more than 500.000F CFA but less than 50.000.000F CFA and in labour matters. The court may equally sit as a college at the request of the state counsel the parties or the court itself on it awn motion.

By the provision of Section 408 of the C.P.C, the High Court shall have jurisdiction over a case when it is:

(d) the court of the place of commission of the offence or;
(e) the court of the place of residence of the accused or
(f) the court of the place of arrest of the accused. See also S.295 which is to the effect that a court that is competent to try an offence shall also be competent to try co-offenders and accomplices except where the law provides otherwise.

Appeals from High Courts are amenable to the Court of Appeal, provided that those in misappropriation of public funds lie directly before the Supreme Court. Appeals against decisions of Examining Magistrates of this court follow the same trend.

4. Origination of the appellate courts

One of the characteristics of a judicial institution is the fact that it allows for a review of its decision. Accordingly, should a party be aggrieved by a decision of a trial court he moves to the second and eventually to the third rung of the judicial ladder. The courts that perform this role, in our case, are the court of appeal, the CEMAC Court of Justice, the common Court of Justice and Arbitration at Abidjan and the Supreme Court of Cameroon.

4.1. Organisation of the court of appel

According to Section 19 of law n° 2006/015 supra, this Court is established in each region albeit its area of jurisdiction may, by decree of the President of the Republic cover several regions.

4.1.1. Composition of the Court

In line with Section 20 of law n° 2006/015 supra, Members of the Court of Appeal shall include

At the Bench: A President, One or more Vice Presidents (4th

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57 *Ibid.* Section 18.

58 Civil, commercial and labour matters and simplified procedures. Collective proceedings for wiping off debts etc are subsumed hereunder.

59 Read alongside Article 1 UASPREM.

60 Section 18 (1)(b) of law n° 2006/015.

61 A motion on notice is an application, as opposed to motion ex parte, which must be served on an opponent in a suit. It must be supported by an affidavit. This may be used to achieve a number of purposes in judicial proceedings e.g. to obtain an interlocutory injunction.

62 In civil procedure, ex parte is used to refer to motions for orders that can be granted without waiting for a response from the other side. Generally, these are orders that are only in place until further hearings can be held, such as a temporary restraining order.

63 Pefela Gildas Nyugha. *The Liability of Directors in Private Limited Companies: A Critical Assessment of the OHADA and English Law Regimes*, Generis Publishing, 2023.

64 Section 18 (1)(a) of law n° 2006/015.

65 This is an order for whoever is having the body of, or detaining, a person to bring the person before the court and show cause why the detainee should not be released. The court is seised by way of motion ex parte supported by an affidavit. Be it as it may, the writ of habeas corpus may not be used under the following circumstances: Suffice it to note that on 24/09/1862 and 17/10/2006 Abraham Lincoln and George Bush/American Congress respectively suspended the use of the writ of habeas corpus for matters which laid before the Military Court. The global war against terrorism and guarding against public safety, in part, actuated the action of these two great men. What these may infer is the fact that in times of war, state of siege/emergency or where the State is facing serious security threats habeas corpus must go to sleep.

66 A prerogative order prohibiting any person(s) from performing any ultra vires act.

67 A prerogative order commanding any person(s) to perform any intra vires act.

68 It may hear and determine applications for bail lodged by persons detained or charged with criminal offences within its jurisdiction.

69 See Section 11(1) of Law N° 2011/028 as amended by Law N° 2012/011.

grade), One or more Judges (3rd grade), A Registrar-in-Chief and One or more registrars.

At the Legal Department: A Procureur General**,** One or more Advocate General (4th grade)**,** One or more Deputies to the Procureur General (3rd grade)**,** One or more Legal Assistants to the Procureur General**,** and All matters falling within the jurisdiction of the Court of Appeal are heard by 3 Judges.

If a military matter, one of the judges shall be either a military judge or a senior military officer. The latter must be sworn before exercising this function

If a traditional or labour law matter, the court sits with assessors.

With regards to the organization of the Court of Appeal, it is organised in to Benches and the General Assembly

Following Section 20 (2) of law N° 2011/27 of 14th December 2011, amending law N° 2006/015 supra, the benches of the Court of Appeal shall include: Benches for motions and urgent applications, Benches for disputes relation to enforcement of judgments, Benches for civil matters, Benches for commercial matters, Benches for labour matters, Benches for customary law matters, Benches for misdemeanours and simple offences, and Benches for inquiry control.

The President of the Court of Appeal may merge the benches. He equally assigns magistrates to each of these benches. A magistrate may be assigned to more than one of the benches. The Benches shall have jurisdiction to hear appeals against decision rendered by the respective Benches of the Courts of First Instance ad High Courts. The PCA shall have jurisdiction to hear and determine at First Instance disputes relating to the enforcement of decisions of the Court of Appeal.

Looking at the General Assembly**,** This body consists of all the personnel of the Bench and the legal department. The General Assembly handles issues affecting their jurisdiction.

4.1.2. Competence of the Court of Appel

Regarding the *Ratione Materae*, the Court of Appeal hears appeals against judgment of Courts other than the Court of Appeal itself, the Supreme Court, Special Criminal Court, lower Administrative Court and Lower Audit Court**,** appeals against the rulings of the Examining Magistrate and all other matters provided for by the law.

Appeals from this court go to the Supreme Court. Further appeals against the decisions of the Court of Appeal on business and commercial litigations are not appealable before the Supreme Court like any other civil matters, but it is amenable before the Common Court of Justice and Arbitration.

4.2. The CEMAC court of justice

The CEMAC Court of Justice was set up on 26th March 1996 by member states of the Economic and Monetary Community of Central African States; i.e. Cameroon, Central African Republic, Republic of Congo, Gabon, Equatorial Guinea and Chad. The seat of the Court is in N'Djamena (Chad). Its members are drawn from the afore – mentioned States.

4.2.1. Competence

It is a trial as well as an appellate court. Accordingly, in some matters it reviews its own decisions and in others it reviews the decisions of other courts.

As Trial Court, It entertains litigations between CEMAC and agents of institutions of CEMAC [70]. Its decision herein is, in the event of an appeal, reviewed by very court, which, in the circumstance, sits as an appellate court.

As Appellate Court, it is the last resort or final jurisdiction for matters relating to: the violation of the Treaties and Conventions of CEMAC; the interpretation of the Treaties and Conventions and other texts of CEMAC; litigations made against the Banking Commission of Central Africa (COBAC), and litigations between CEMAC and agents of institutions of CEMAC.

4.3. Common court of justice and arbitration

Following decolonization certain former French States adopted reforms in France, others adopted reforms of their own and others still left the old laws unchanged. We therefore had patchwork of different laws in the region, many of which were outdated and obscure, creating a situation of uncertainty. It is within this context that OHADA was born – ostensibly to eradicate this uncertainty. Created on 17th October 1993, at Port Louis in Mauritania, the OHADA treaty entered into force on 19th September 1995 in countries that ratified it. Cameroon ratified the treaty by Degree No 96/177 of 5th September 1996 pursuant to law No 94/04 of 4th August 1994, authorising the President of the Republic to do so. Its initial membership stood at 14 States [71]. Soon after its birth two (2) other members came in [72].

On 17th October 2008, the Treaty was modified in Quebec by what became known as the Quebec Treaty. The latter came into force on 21st March 2010. By this new Treaty membership of OHADA rose to 17 [73]. The novelties brought about by the latter include, the conference of Heads of State and Government [74] and the inclusion of English, Spanish and Portuguese as working languages of this structure [75]. Our concern is the Common Court of Justice and Arbitration, and to it we must now return. The Common Court of Justice and Arbitration (CCJA) is the supranational, apex court of the Organization for the Harmonization in Africa of Business Laws (OHADA), an organization that currently covers seventeen countries in West and Central Africa [76]. The seat of this court is in Abidjan, Côte d'Ivoire. It covers the Member States. The Council of Ministers meeting in N'Djamena (Chad) on 18 April 1996 adopted the following text:

- The Rules of Procedure of the Common Court of Justice and Arbitration (CCJA);
- The statutes of the CCJA;
- The Rules of Procedure for Arbitration [77].

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[70] Institutions of CEMAC include: The Economic Union of Central Africa, The Monetary Union of Central Africa, the Community Parliament, the Court of Justice, the audit Bench.

[71] Benin, Burkina Faso, Central Africa Republic, Chad, Cameroon Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Mali, Niger, Senegal, Togo. Guinea and Guinea Bissau joined latter.

[72] Democratic Republic of Congo.

[73] *Ibid.*

[74] Other institutions include: The Council of Ministers, the Permanent Secretariat, the Regional Training School and the Common Court of Justice and Arbitration.

[75] At the outset only French was the working language.

[76] Claire, Moore, D., (2016), "The OHADA Common Court of Justice and Arbitration: Exogenous Forces contributing to its influence", *Law and Contemporary Problems* [Vol. 79:63. No. 1. Pp.63.

[77] Mouloul, A., (2009) *Understanding the Organization of Business Law in Africa (OHADA)*, 2nd Ed., Niamey. P.37-38.

4.3.1. Competence

Regarding the *Ratione Materae* or material competence of the court, Article 14 para 1 of the revised OHADA Treaty provides that the CCJA "ensure the interpretation and application of the treaty and the regulations taken for its implementation, the Uniform Acts and the decisions". A review of its functions indicates that CCJA is vested with judicial and advisory powers and also may intervene in the arbitration procedures [78]. Therefore, it is consulted for its advisory opinion [79]. on draft Uniform Acts before their submission and final adoption by the Council of Ministers and also on the interpretation and application of the Uniform Acts;[80] it is the Supreme Court in respect of every dispute relating to the Uniform Acts [81]; it organizes and supervises the proper functioning of arbitration proceedings [82], appointing or conforming arbitrators. It follows the progress of proceedings and examines draft awards for which it may propose only procedural changes [83].

The rules of arbitration of the Common Court of Justice and Arbitration and the Rules of Procedure of the CCJA have been worked out by the Council of Ministers, apparently the legislative arm of this body, to guide the CCJA in its adjudicating and arbitration duties [84].

The CCJA forms an integral part of OHADA member states' national judicial systems. Within its jurisdiction to review laws, which covers only OHADA laws, the CCJA functions as the highest national court of its member states. This includes receipt of appeals from private litigants and decisions of cases on the merits [85]. The CCJA is the court of cassation for all the disputes related to the Uniform Acts.[86] National courts are competent, at first instance and on appeal, with disputes relating to the application of the Uniform Acts. By way of appeal, the court shall rule on the decisions pronounced by the appellate courts "with the exception of decisions applying criminal sanctions" [87]. It is seized "either directly by one of the parties to the proceeding or on referral of the national court" [88] The seizing of the court suspends all judicial proceedings before a national court with the exception of the enforcement procedures. The CCJA may also be seized by the government of a State Party or by the Council of Ministers of OHADA. Regarding the modality of the seizing of the CCJA, one author wrote: "it is through the preliminary ruling mechanism that national courts should seize the court" [89]. The obligation imposed upon the parties to make appeals to the CCJA, not before a national court, when it comes to issues involving the application of the Uniform Acts, gives rise to a partial abandonment of sovereignty by States parties to the benefit of OHADA; this obligation also involves a positive consequence, namely the unification of the jurisprudence [90].

4.3.2. Composition of the CCJA

Since April 10th 2015, the CCJA has **13 members** (judges), elected from amongst the nationals of the member States, for a non-renewable period of 7 years. The court elects its President and two (2) Vice Presidents. It shall not consist of more than one nation of the same Member State.

- Its Registrar in Chief and Registrars are appointed by the President.

To qualify for election the candidate must be

- from a Member State;
- a Judge with it least 15 years of working experience;
- a barrister with least 15 years of practicing;
- a professor of law with least 15 years of professional experience.

4.3.3. Presidential Prerogatives

- He appoints the Registrar in Chief and other officers of this Court;
- He appoints the secretary General to assist in the administration of the Courts arbitral function.

By Decree N° 2002/299 of the 3rd December 2002 appointing the authority entrusted with affixing the executor formula to decisions of the OHADA CCJA, the Registrar-in-Chief of the Supreme Court was appointed as the authority to append the order for enforcement of judgments delivered by the Common Court of Justice and Arbitration and arbitral awards made pursuant to the Arbitration Rules of this Court.

4:4. The supreme court

[78] *Ibid.* P.40.

[79] The CCJA also ensures the harmonization of the interpretation of the Uniform Acts as indicated below, in his advisory competence.

[80] A famous example is the CCJA's 2001 advisory opinion on the Côte d'Ivoire's request, which concluded that OHADA Uniform Acts abrogate identical, as well as conflicting, national laws and regulations. (CCJA Advisory Opinion No 001/2001/EP of 30 Apr. 2001 (applying OHADA Treaty Art. 10), http://www.ohada.org/ohada-jurisprudence/fr/content/default/3294,avis-n0012001ep.html).

[81] The court intervene instead of the Supreme Court or State Court, on the one hand and, on the other hand, the procedure may be oral or written. Article 19 of the Rules of Procedure of the CCJA provides that the court may meet in the territory of a State Party, other than the state where the headquarters is. See Mouloul, A., (2009), *loc.cit.* at P.37.

[82] See also Buma, Roland Sigala., (2017), "The Merits of Arbitration as a Mode of Resolving Commercial Disputes within OHADA Laws", PhD Thesis in Private law, University of Dschang.

[83] Regarding these procedures: see articles 47 and following of the rule of the procedure.

[84] *Ngwene, J.G., (*2018/2019), *op.cit.,* at PP. 29-31.

[85] Claire, Moore, D., (2016), *op.cit.* at 63.

[86] The CCJA hears appeals from penultimate national courts. From trial courts up to the second-highest level of national appellate courts, decisions relating to OHADA Uniform Acts are the responsibility of each member state's usual judicial system. The national courts are required to hand down decisions based on their own applications of the Uniform Acts. An appeal from the second-highest national level is to the CCJA, and the OHADA court, unlike a classic "cour de cassation," decides on the merits, and does not have to send the litigation back down to the national courts for further consideration. The CCJA's decisions have the same impact as those of a national jurisdiction; that is, they cannot be contravened by a lower, national court's later decision in the same matter. See generally Claire, Moore, D., (2016), *loc.cit.* at PP.067-68..

[87] Article 14 para 3 of the OHADA Treaty.

[88] Article 15 of the OHADA Treaty.

[89] Tristan Gervais de LAFOND, "The Treaty on the Harmonization of Business Law in Africa", G. P. 20 and 21/09/1995 p.2.

[90] Proceeding before the CCJA is contradictory and essentially written; the hearings are public and the presence of a lawyer is mandatory. As soon as a matter is referred to the court, the President shall appoint a judge, acting as reporter, who shall be responsible for preliminary inquiries on the matter and make a report to the court.(Article 26 of the rule of the procedure of the CCJA.).

This is the highest Court of our land [91]. It is the terminus of litigations in judicial, administrative and audit matters except that appeals for matters relating to business law are referred, from Courts of Appeal, to the Common Court Justice and Arbitration. However decisions from such appeals are brought for their endorsement before they are enforced in Cameroon. Its seat is in Yaounde.

4.4.1. Composition
The Supreme Court is composed of:

At the Bench: The Chief Justice of the Supreme Court, Presidents of Benches, Justices of the Supreme Court, Masters of the Supreme Court, Puisne Justices of the Supreme Court, Registrar in Chief of the Supreme Court, Registrars in chief of the Benches of the Supreme Court, Registrars in chiefs of the Benches of the Supreme Court, and Registrars.

At the Legal Department: Procureur General**,** 1st Advocate General**,** and Advocates General.

4.4.2. Organs of the Supreme Court
The organs of the Supreme Court includes: a judicial Bench, an Administrative Bench, an Audit Bench [92], a Panel of joint Benches, a full Bench, a bureau, a Secretariat General and a Registry. Each Bench shall consist of divisions and a panel of joint divisions.
The Supreme Court sits from 1st January to 31st December. It is however goes on recess from 1st July to 30 September. During recess it shall hear only urgent matters (bail, alimony, etc.). Solemn opening of the judicial year by the Supreme Court takes place by 28th of February at the latest.

4.4.2. Competence of the Supreme Court
Regarding the territorial competence of the Supreme Court, it is covers the national territory.
The material competence of the court is all englobing. Generally it hears appeals from lower courts (Courts of Appeal, Special Criminal Courts, Lower Administrative Courts and Lower Audit Courts). Exceptionally it hears appeals from High Courts and Courts of First Instance. This is in matters of misappropriation of public funds.

5. Courts with special jurisdiction
These courts have special jurisdictions because they are either governing by specific laws or they handle specific cases distinct from ordinary courts. Our focus here will center on the following courts/institutions; The Military Courts/Tribunal, The Special Criminal Court, The State Security Court, The Court of Impeachment and The Constitutional Council.

5.1. Organisation of military courts
The instruments organising Military Courts include:
Ordinance Nº 72/4, on the Organization of the Judiciary, as subsequently amended, Law N°2008/015 of 29 December 2008, on the Organisation of Military Justice and the rules of procedure before this jurisdiction, as subsequently amended by Law N°2017/012 of 12th July 2017 to lay down the code of military justice.

5.1.1 Territorial Competence
In principle a Military Courts shall be set up in each region. However the President of the Republic of Cameroon may, by decree, set up more than one Military Courts within the same region or order that one Military Court should cover more than one region (Section 3 of 2017 law supra). The seat of the Military Courts corresponds with the seat of the region. But it may hold court sessions out of its seat when the need for this arises. Such sessions are referred to as touring court sessions.
As per Section 3(4) of Law N°2008/015, supra, and S. 4, of Law N°2017/012 of 12th July 2017 amending the latter the Military Court of Yaounde exercises nationwide jurisdiction in matters occasioning serious threats to public order and State Security, and acts of terrorism. For a better understanding of this topic it is germane to consider the organisation of this Court in normal period (1) and its organisation in time of war (2)

5.1.2. Material Competence
Military Courts concern themselves with offences committed by persons above 18 years [93]. They may, in the course hereof, entertain claims for damages [94]. In this connection they entertain:

- Purely military offences enshrined in the Code of Military Justice – mutiny, desertion, sleeping while on guard etc;
- Any offence committed by a military officer, with or without civilian co-offenders or accomplishes, either within a military establishment or in the course of his employment;
- Offences relating to fire arms legislation;
- Armed robbery;
- Any offence committed by a civilian in a military establishment which either damages military equipment or installations, or injures a military officer;
- Any offence relating to the purchase, sale, making, distribution, carriage or possession of military wears/outfits;
- Any offence committed alongside any of the above offences.

Matters in Military Courts are set in motion by the Minister of Defence but prosecuted by the Commissioner for Government. They are commenced as follows:

- Direct summons of the Minister of Defence;
- Committal order of the Examining Magistrate;
- Committal order or ruling of the Inquiry Control Chambers.

Where prosecution may compromise public peace a *nolle prosequi* may be entered before judgment by:

- The Minister of Defence at the behest of the President of the Republic;
- The Commissioner for Government at the behest of the Minister of Defence.

Except in cases of diplomatic immunity or where an international convention provides otherwise, any foreigner suspected of any of the above offences is amenable to the

91 Articles 37 to 42 of the 1996 Cameroon constitution as amended.
92 Law N° 2006/016 of 29th December 2006, to lay down the organization and functioning of the Supreme Court, and Law N° 2003/005 of 20 April 2003 to lay down the jurisdiction, organization and functioning of the Audit Bench of the Supreme Court.
93 Minors of from 14 to 18 years, suspected of this these offences, are amenable to the common law courts.
94 Read S.8 and S.9 0f the 2017 law supra.

Military Court. Decisions of Military Courts are appealable to Courts of Appeal and ultimately to the Supreme Court.

5.1.3. Composition of the Military Courts

5.1.3.1. Organization of Military Courts in Normal Time

Members of Military Courts in Normal Time include:

Adjudicating bench: A President; One or more Vice Presidents; Two assessors and their corresponding alternates A Registrar-in-Chief; One or more Registrars;

Preliminary inquiries: One or more examining magistrates; One or more Registrars for preliminary inquiries;

At the Legal Department: A Commissioner for Government; One or more deputies of the Commissioner for Government.

While the registrars are military officers, the other members are tapped from the pools of Military and Civilian Magistrates. A matter may be handled by one or more persons depending on whether the matter is a felony or a misdemeanour/simple offence.

In the case of a felony, the court sits as a college. The college consists of a President and two assessors. One of the assessors must be of the military. In the case of misdemeanour and simple offences, a single judge, as a general rule, sits. However the court may sit as a college at the instance of the court *suo moto* or at the request of the Commissioner for Government. Whenever the Presiding judge is a civilian magistrate the two assessors shall be of the military.

5.1.3.2. Organization of Military Courts In Time of War

In time of war [95], civilian Magistrate of this jurisdiction are replaced by Generals and or senior military officers; The court shall sit following summonses issued by the Commissioner for Government 48 hours before the court session; The decision of the court is not subject to appeal; The suspect has 24 hours to brief counsel; Civil party claims are inadmissible; The court shall order for confiscation where this course is prescribed by the law.

5.2. The special criminal court

Created on 14th December 2011, the Special Criminal Court's mission, in the main, is to curb corruption. The Court is concerned only with one paragraph of one subsection of one section of the Penal Code, that is: S. 184 (1) (a) of the Penal Code. Its seat is in Yaoundé and all matter before it are subject to a preliminary inquiry.

5.2.1. Composition of the Special Criminal Court

Members of the Special Criminal Court:

At the Bench: A President, One or more Vice President (grade 4), One or more Judges (grade3), One or more Examining Magistrates.

At the Legal Department: A Procureur General**,** One or more advocate General**,** One or more Deputies to the Procureur General.

At the Registry: A Registrar in Chief**,** Chiefs of Section**,** One or more Registrars and registrar of preliminary inquiry**.**

5.2.2. Competence

The court has a nationwide jurisdiction. It covers the entire national territory. It covers misappropriation of Public funds where the amount is from FCFA 50 000 000 (fifty millions) upwards and misdemeanours inextricably linked to it.

5.2.3. Special Consideration of the Court

Appeals against the decisions of the Court are amenable to the Supreme Court. Time is of essence at this Court. Accordingly a preliminary inquiry has a life span of 180 days; 72 hours for appeals against non-committal and partial committal orders [96]; 30 days for commencement of hearing after committal order; 06 months for delivery of judgment after the close of the close of the defence and requisite submissions; Appeals are made within 48 hours of the handing down of a contested judgment.

The Procureur General of this Court may, at the behest of the Ministry of Justice, enter a *nolle prosequi* upon the restitution of the *corpus delicti*. It must be emphasised that the *nolle* is not entered as a matter of course. It rest on the discretion of the Minister of Justice. If anybody is accused of embezzlement or corruption and the proceeds are restituted, the Procureur General of the Court may, subject to a written authorization by the Minister in charge of Justice enter a *nolle prosequi* against the proceedings instituted prior to the committal to the trail court.

Where such restitution is effected after committal to the trial court, a *nolle prosequi* may be entered against the proceedings prior to any judgment on the merits and the court seized shall pronounce the forfeitures under S.30 of the Penal Code and note same in the criminal record. However the entry of the *nolle prosequi* shall have no effect on any disciplinary procedures to be taken by the administration. These possibilities of restitution and *nolle prosequi* are today offered to a defendant or an accused who embezzles less than 50 million FCFA and has to be trial in other courts. See Decree no 2013/288 of 04 September 2013 fixing the modalities for the restitution of misappropriated funds. See also Decree No 2013/131 of 03 May 2013 on the Creation, Organization and functioning of a Specialized Corps of Judicial Police Officers for the Special Criminal Court.

5.3. Organisation of the state security court

It is organized by law N° 90/060 of 19th December 1990. Its seat is in Yaoundé. But it may, at the behest of the President of the Republic or by delegation, of the Minister of Justice, conduct hearings in any other locality.

5.3.1. Composition of the State Security Court

The court is compose of a President, who shall be a magistrate, 06 substantive assessors with voting rights (02 civil magistrates**,** 02 Military**,** 02 Personalities appointed by the President of the Republic), A Procureur General assisted by one or more deputies**,** One or more registrars and 06 alternate assessors. These members are appointed by a Presidential Decree. The registry of this Court is that of the Court of Appeal of Yaoundé.

5.3.2. Competence

The State Security Court shall have Jurisdiction to try felonies and misdemeanours against the internal and external security

[95] See S. 22 of Law N° 2008/015 supra

[96] No appeal against committal order. See to the effect S.9 (4) of law N° 2012/ supra.

of the state and related offences. Minors of up to 14 years shall not be tried by this court.
The procedure that obtains here is that of the Court of First Instance in its summary trials. The ruling of the Court shall not be subject to appeal except before the Supreme Court, on point of law within 10days following the day it is made. Judgments delivered in default may be appealed against within 5 days following their notification or their being served on the person or at his residence. Any motion of appeal lodged in the registry may not be registered or forwarded. The Registry of this Court is that of the Court of Appeal in Yaounde. Claims for damages shall not be admissible before the State Security Court. Only judgments delivered in default are appealable.

5.4. Court of impeachment
The seat of this court is in Yaounde and its members elected by the National Assembly. As at now the latter has not been graced with any occasion to permit them exercise this all-important role.

Competence
The Court of Impeachment shall have jurisdiction to try the President of the Republic for high treason [97], the Prime Minister, Members of Government and persons ranking as such and senior government officials to whom powers have been delegated in pursuance to section 10 and 12 of the constitution of 2008, for conspiracy against the security of the state.
The President of the Republic shall be indicted only by the National Assembly and the Senate deciding through an identical vote by open ballot and by a (4/5) four fifth majority of their members.
This court is as old as the conversion of Cameroon into a Unitary State. Yet it is yet to leave a mark on our judicial landscape. It is, from every indication, a paper tiger for now.

5.4. The constitutional council
A Constitutional Council is the creation of Law N° 96/06 of 18th January 1996. See Section 46 of the said law. It was organised by Law N° 2004/004 of 21 April 2004, and Law N°2004/005 of 21 April 2004 laid down the rules and regulations governing the members thereto.
Its seat is Yaounde albeit it may be transferred temporarily elsewhere in the national territory in the event its smooth functioning in Yaounde is hampered. The decision to this effect is taking by the Council itself, in conjunction with the President of the Republic, the President of the National Assembly and the President of the Senate.

5.4.1. Composition Constitutional Council
The Council it has 11 members appointed by the President of the Republic, that is, the President of the council and 10 others. They are appointed for a 6 year mandate which is renewable ones. They are designated as follows:

- 03 including its President, by the President of the Republic;
- 03, by the President of the National Assembly;
- 03, by the President of the Senate;
- 02, by the Higher Judicial Council.

In addition to the 11, supra, erstwhile Presidents of the Republic shall be ex officio members.
It has a General Secretariat. This is where petitions are lodged. The General Secretariat is headed by a Secretary General.

5.4.2. Competence
It has advisory and jurisdictional jurisdictions.
With regards to its advisory role, it shall give advisory opinion on the interpretation of the Constitution and the electoral law. Looking at its jurisdictional role, it is the original and final jurisdiction in matters pertaining to:

- The constitutionality of laws, treaties and international agreements;
- The constitutionality of the standing orders of the National Assembly and the Senate prior to their implementation;
- Conflict of powers between State institutions, between the State and Regions, and between re Regions.

The Constitutional Council shall ensure the regularity of Presidential elections, Parliamentary elections and referendum operations. It shall proclaim the results thereof. Though its decisions are not subject to appeal, any party before it may still seise it for correction of a substantial error in its decision.
A Presidential Decree of 07 February 2018 effectively put in place the Constitutional Council of Cameroon. It went operational from Tuesday 6 March 2018 following the swearing of its eleven members. It has been operational till date.

6. Conclusion
The tripartite classification of courts in Cameroon gives a clearer picture with regards to judicial organization. It equally guides litigants as well as judicial and administrative authorities on the competent organs in charge of adjudication. The positivism of this classification cannot be over emphasized as it gives effectiveness in the judicial process. Justice must not only be done, it must also be seen to be done. Knowing the various courts strata and their competencies safe time and resources especially if litigants were to engage proceedings in a court lacking competence. Such matters could easily be quashed for wants of jurisdiction. Guided by the respect of the principal of legality, the values of serenity, discretion, conscientiousness and temerity the respect of the principle of fair trial, the respect of the principal of neutrality, it is fair to state that the justice system of Cameroon is operating within the norms set out by national and international instruments. However, crowded with high rate of bribery and corruption, these cardinal principles are far from being a valid reality. Notwithstanding, the Cameroonian government has put in mechanisms to combat this cankerworm eating deep into the justice system.
The tripartite classification of courts has equally revealed that the administration of justice is decentralized with courts located at the level of Sub-divisions, Divisions, Regions and the nation as a whole. This decentralization has been prompted by the country's desire to bring justice nearer to the people, thus giving the litigants the possibility of seeking redress in court when need arises. This is however on papers as we have many areas not covered by courts thereby making the administration of justice a hideous task.
Apart from the decentralization of justice, there is the possibility of the unity of criminal and civil courts in

[97] Treason simply means treachery, betrayal, breach of allegiance, doing something that could cause danger to your country.

Cameroon [98]. The same court handles civil and criminal matters because there is still a serious shortage of judicial personnel. It should be pointed out that Cameroonian judges do not specialize in any particular branch or area of law. There are no separate judges for criminal matters. That notwithstanding, the current members of the audit branch of the Supreme Court have been trained on how to probe into state accounts.

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11. Law No 2005/007 of 27th July 2005 on the Cameroon Criminal Procedure Code.
12. Law No 2006/015 of 29th December 2006 as amended and supplemented by Law No. 2011/027 of 14th December 2011 on the Judicial Organisation.
13. Law no 96/06 of 18 January 1996 to amend the Constitution of 2nd June 1972 as amended by law no 2008/001 of 14 April 2008.
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[98] See for example Sections 59, 61, 63, 64(3), 71, 75, and 76 of the Cameroon CPC of 2005.