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The First Steps to Accessing Justice in Cameroon (The Procedure for Acceding to Justice)

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ABSTRACT

The history and judiciary of Cameroon took two different turns after the colonization of Cameroon by Britain and France. Out of French colonial rule was born Civil Law and Common Law under French rules and British rule respectively. As far back as the colonial days and today, Cameroonians have continuously suffered a lot of injustices[1], which calls for the need to ensure better access to justice for all. However, a burden arises, how do Cameroonians go about it. Where do they go and what do they do when they get there? This paper therefore makes an in-depth analysis of the procedure for accessing justice in Cameroon. In light of the problems plaguing access to justice in Cameroon today, this study sets out to evaluate the procedure for acceding to justice in Cameroon. This entails answering the question of where and how an individual or a group of persons can access justice in Cameroon. The research method used by this study is the qualitative and the doctrinal research method. Data is presented in descriptive and narrative form.

KEYWORDS: *Procedure, Acceding, justice in Cameroon*

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INTRODUCTION

Access to and administration of justice can be considered as the most important right an individual is entitled to in a democratic society. Access to and administration of justice has been regarded as unlimited and is jealously guarded by the courts[2]. Ensuring and realizing other alienable rights whether civil, political or economic can only be possible with effective access to and subsequent administration of justice. The right entails the ability of aggrieved persons to access such justice void of undue technicalities which tend to defeat the ends of justice.[3] To do this, there's need to establish the procedure that should be followed for someone to access the justice system. This is important because, due process is a vital aspect of the right to fair trail and failure of the authorities that be to follow due process, justice is more or less denied. Persons seeking redress in Cameroon can either commence their matter at the Local Quarter Councils or they may seize the Courts prescribed in Section 3 of Law No. 2006/015 of 29/12/2006 on Judicial Organization. This paper outlines and discusses the procedure used by the various organs of justice to administer justice or in fact, the first steps to accessing justice in Cameroon. This will be discussed based on their accessibility to the people concerned. That is, where

[1] Victor T. Levine (1964). The Cameroons, From Mandate to Independence. University of California Press.

[2]Julius Ishengoma Francis Ndyanabo v The Attorney General, (2001) Civil Appeal No 64 of 2001, CAT (unreported) 22, as cited by Charles Joseph Mmbando (2008). Towards the Realization of the Right of Access to Justice: A Comparative Analysis of the legal Aid Schemes in Tanzania and Ghana. Faculty of Law, University of Ghana, Legon

[3] CM Peter Human rights in Tanzania: Selected cases and materials (1997) 306, as cited by Charles Joseph Mmbando (2008). Towards the Realization of the Right of Access to Justice: A Comparative Analysis of the legal Aid Schemes in Tanzania and Ghana. Faculty of Law, University of Ghana, Legon.

do complainants or aggrieved individuals consider as a place of first resort to justice

THE PROCEDURE FOR ACCEDING TO JUSTICE

In the North West Region, the Court of First Instance and the High Court share the same legal department meaning the court of First Instance and the High Court have just one State Counsel and several Deputy States Counsels. Any case or matters within the jurisdiction of the Court of First Instance and the High Court usually starts at the Legal Department. This paper hereby answers the questions of where and how to access justice in Cameroon.

Procedure for Acceding to Justice Before the Local Quarter Councils

When people are resident in a particular community, they usually have a community leader (Quarter Head) who acts as a liaison between them and the authorities. This study found that people are usually advised to take their matters at first instance to the quarter council for resolution. To do this, the complainant is required to follow the procedure to file a case with the quarter council. For instance, in Chindeh quarter in Mankon, Bamenda anyone who has a dispute against another most first report the matter to the quarter head. To seise the quarter council the aggrieved party is required to pay the sum of 2000 FCFA as a complain fee. When this is done the quarter, head writes a convocation summoning the opposite party to the dispute to the quarter council on a particular day and time. The convocation is delivered to the said person by one of the quarters Councilors and on the day when the Council seats, the convocated party is also required to pay a fee of 2000 FCFA as a summon fee. The quarter head, in other to allow for fairness each party is required to narrate their side of the matter and once that is done, a decision is reached based either on an agreement of both parties or by a decision imposed by the quarter council. Even though the ruling of the Quarter Council carries some weight in the community setting, it is according to the law non-binding. If the quarter council cannot handle the matter the aggrieved party may choose to take the matter to either the police, gendarmerie, customary court or to the Court Of First Instance.

Procedure for Acceding to Justice Before the Judicial Police and Gendarmerie

In practice according to the findings of this study and as per the CPC the judicial police, is a pretrial institution and as such must respondents said that the judicial police is usually one the first avenue through which they sought justice when they have a dispute. The procedure for acceding to justice before the judicial police or the gendarmerie is as follows. A person who thinks they have been wronged is required to report at the police station and when they get there, they are asked to write a complaint or a statement concerning the circumstances surrounding their case. Once this is done, the individual or group of persons whom the complain is against are convocated to report to the station. Once the convocation has been served and the person reports to the police station, they are asked to also write a counter statement explaining their side of the matter. From here the judicial police goes ahead to carry out its preliminary investigations into the matter. With the Gendarmerie an investigation report (PV meaning process verbal) unlike that of the Police which is hand written and in one copy is completely typed and in three copies. The first copy is forwarded to the State Counsel, while the second copy is forwarded to the National Department of Gendarmerie and the third copy is retained in the archives of the Gendarmerie Brigade. And once a complaint has been registered at the Brigade, it must be investigated upon and within a given period. Even if the matter is settled amicably, the case file, alongside the withdrawal letter is sent to the State Counsel for appreciation and necessary action.

Procedure for Acceding to Justice Before the Customary Court and Alkali Courts

In the Anglophone Cameroon the Customary Court and the Alkali Courts that exist in the Fulani area of the North-West Regions are attached to the Ministry of Justice by virtue of Law N°.79/4 of 29 June 1979.[4] To file a suit at the customary and Alkali courts the procedure is commenced by the plaintiff and when a complaint is made the defendant is invited to the court by way of a summon. When a complaint is made it is registered by the registry of the customary court. The complaint or the plaintiff's file must constitute the plaintiff's calm clearly stated in a written statement and other documents of the plaintiff. Any claim made to the customary court must fall within the jurisdiction of the customary court. In civil matters such as trespass on land, debts, the amount claimed must not exceed 69200 FCFA.[5] The civil claim is presented to the clerk of the customary court and a process fees of 1100 FCFA is required to be paid. Service fee (payment of service

[4] Simon. T. Tabe (2017), Administration of Justice under the Judicial Organization Laws of Cameroon, Recht in Afrika – Law in Africa – Droit en Afrique. https://doi.org/10.5771/2363-6270-2017-2-208, am 12.07.2021, 19:58:40. Open Access -http://www.nomos-elibrary.de/agb.

[5] *Manuel de procedures administratives du ministere de la justice et de jurisdictions*

fees depends on the residence of the defendant) and inspection fee would also be paid if the court is required to go and inspect a site under dispute. Judgement by the customary and Alkali courts can be issued by the President of the court, panel member or the court clerk.[6] Where the Customary Courts decision is unsatisfactory appeals lay to the Court Of Appeal and where they have no jurisdiction to hear a matter, the matter is referred to the Court of First Instance or The High Court.

Procedure for Acceding to Justice Before the Court of First Instance and the High Court

The Court Of First Instance and the High Court are discussed as one because they both share the same legal department and the procedure for commencement of criminal, civil and labour matters are similar.

At the Legal Department

In practice, one of the first places where complainants go to seek redress is in the state counsels office. The state counsel is competent to issue summonses, warrants of arrest, search warrants or production warrants as a measure to pre-trial investigation of offences.[7] In the Court of First Instance in Bamenda, anyone with a grievance can seek audience with the State Counsel. At the State Counsels office, once a complaint is made either orally or in writing, they State Counsel may by a holding charge request the Examining Magistrate to carry out preliminary inquiries. Preliminary inquiries shall be obligatory in cases of felonies unless otherwise provided by the law[8] and discretionary in the cases of misdemeanors and simple offences.[9] The holding charge (shall be in writing and made against a known or an unknown person, It shall contain the statement of the offence committed, and mention that prosecution has not been discontinued by virtue of any of the circumstance referred to in section 62. It shall be dated and signed by the state counsel).[10]

As soon as the holding charge is received, the examining magistrate shall be bound to make an order of commencement of inquiry. The aim of a Preliminary investigation, is finding out whether this is sufficient evidence to put a suspect on trial. The issue here is to find out if there is enough evidence capable of proving all the essential elements or ingredients of the alleged offence. It is not a trial. The accused person has to be present throughout the process. On the day of the hearing, if he in under custody, he is brought before the examining magistrate on the strength of a production warrant, generally in chambers, and the substance of the charge is read to him. The difference here with a court trial is that, the accused is not required to enter in a plea but he can be assisted by a lawyer who may cross-examine all the prosecution witnesses. The defendants during a preliminary inquiry have certain rights which must be protected such as the right not to incriminate oneself, the right to remand silent and the right to counsel. Any violation renders the entire exercise a nullity. At the close of the hearing, if the examining magistrate is of the opinion that defendant is in any way linked to the alleged offence the defendant is asked to put a defense which ends up in his being committed for trial but if there are no elements of the alleged offence connecting to the defendant, he is discharged on a No Case Ruling. The conduct of Preliminary inquiry is one of the avenues to access Justice available to the plaintiff. Upon the conclusion of a Preliminary inquiry some complainants get the justice that deserve without the stress of going to court. However, if the parties are not satisfied, the matter goes to trail and the procedure enumerated below would be followed in criminal, civil and labour matters.

Procedure for Acceding to Justice in Criminal Matters

Criminal matters in the Court of First Instance and the High Court shall be commenced either by a committal order of an Examining magistrate, an order of the Inquiry Control Chamber, by "Direct Summons" or by application of the procedure relating to offences committed Flagrante delicto[11].

A. By "Direct Summons"

A summons shall be an order requesting a person to appear before a court. A summons shall be issued at the request of the legal department or the aggrieved party or any other interested party. A summons shall be served by the bailiff on the defendant, the accused, the civil party, the witness, on the person vicariously liable and where applicable on the insurer. It shall be served on the person at his place of work, at his residence, at the mayor's office or the legal department[12]. A summon shall state the facts of the case and provisions of the law under which the defendant is charged. It shall also state as the case may be, the Examining Magistrate or the Court seized of the matter, the place, date and hour of the hearing and shall specify whether the person has been

6 *ibid.*
7 Section 12, Law N°2005 of 27 July 2005 on the Criminal Procedure Code
8 Ibid.
9 Section 9 (1)
10 Section 144. CPC
11 Section 290. CPC
12Section 40. CPC

summoned as defendant, accused, civil party, person vicariously liable, witness or as insurer. The summons served on a witness shall in addition mention that non-appearances, refusal to testify or giving of false evidence is punishable by law[13].

When a summon is issued at the request of the civil party, it is referred to as private prosecution. In this case, the private party or the victim meets an advocate who drafts the charges and takes it to the bailiff for the accused to be summoned to appear before the court of First Instance to answer charge that has been preferred against him. This method of instituting a criminal proceeding is suitable when all the evidence has already been gathered and when there is suspicion that the State Counsel may have a vested interest on the matter. However, where a complain involving a civil claim result in a no- case ruling, the defendant may bring a civil action for damages against the complaint for malicious prosecution. The cost of prosecution will be borne by civil party where prosecution was initiated by him.

On the other hand, when a summons is issued at the request of the Legal Department, it is known as Public Prosecution. In this case, the State Counsel prefers the charge and sends it to the bailiff for the accused to be summoned to appear before the court of First Instance to defend the said charges against him.

B. By a Committal Order, of an Examining Magistrate.

A committal order is an order from the examining magistrate committing an accused before the competent court for trial after preliminary enquiry has been made.[14].The examining magistrate may at any time after charging the defendant but before the committal order, issue a remand warrant against him provided that the offence is punishable with loss of liberty. He shall then make a reasoned ruling committing the defendant in custody. The ruling shall be notified to the State Counsel and the Defendant[15]. Any person who has been illegally detained may, when the proceeding end in a no case ruling or an acquittal which has become final, obtain compensation if he proves that he actually suffered injury of a serious nature as result of such detention.

Where the examining magistrate deems that the inquiry is ended, he shall forward the file to the State Counsel for his "final submission". The inquiry file together with the final submission of the state counsel shall within five (5) days be returned to the examining magistrate. The examining magistrate shall ascertain whether or not the offence is suitable on the evidence against the defendant and shall make either a total or partial no case ruling or a committal order. Where the examining magistrate finds that the facts constitute a simple offence or a misdemeanor, he shall make a committal order forwarding the case before the Court of First Instance which have jurisdiction over simple offences or misdemeanors. Where he finds that the facts constitute a felony, he shall make an order committing the defendant for trial before the court having jurisdiction over felonies. Where the Examining Magistrate finds that the facts do not constitute an offence or that the author of such offence is not identified or that there is insufficient evidence, he shall give a no case ruling. Where the defendant is charged with several offences, the examining magistrate shall give a partial no-case ruling if some of the Counts do not appear to him to be supported by sufficient evidence whereas others do[16]. A no case ruling shall immediately set the defendant free unless he is being detained for some other case and shall also revoke any measures of judicial supervision taken against him.

C. By an order of the Inquiry Control Chamber.

Another procedure for the commencement of criminal matters under the Cameroon ordinary Court Jurisdiction is by an order of the inquiry control chamber. The decisions of the examining magistrate may be subject to appeal before a special bench of the Court of Appeal known as the *Inquiry Control Chamber*[17]**.** When the legal department considers that an act of the inquiry is a nullity, they may appeal against the rulings of the examining magistrate before the Inquiry Control Chamber[18]. The defendant may only appeal against ruling in respect of remand in custody, judicial supervision, and request for expert or counter-expert opinion and of restitution of articles seized[19]. The civil party may appeal to the Inquiry Control Chamber only against rulings in respect of the refusal to commence an inquiry, the inadmissibility of an application to be a civil party in a criminal case, the rejection of an application for expert or counter-expert opinion, the restitution of articles seized and no case rulings. The time-limit for appeal is forty-eight hours with effect from the day following the date of service of the said ruling[20].

The inquiry control chamber shall be presided over by a judge of the court appointed for one judicial year by an order of the president of the said court. The Legal

13Section 41. CPC
14 Section 150. CPC
15 Section 218 (2). CPC
16 Section 256. CPC
17 Section 267.CPC
18 Section 268. CPC
19Section 269. CPC
20Section 270 and 271. CPC

Department and the other parties shall be present in the sittings of the chamber. A Registrar shall take part in the sittings of the Chamber[21]. The application for the appeal shall, under pain of its being declared inadmissible, clearly state and argue the grounds of appeal[22]. In case of annulment of the committal order, or a no case ruling, the Inquiry Control chamber may in the interest of the proper administration of justice, appoint another Examining Magistrate of the same court to continue with the preliminary inquiry[23]. Appeals against a ruling delivered during a preliminary inquiry other than that relating to committal order or a no case ruling shall suspend preliminary inquiry[24].

D. Procedure for Acceding to Justice in Civil Matters

Civil Procedure in English Cameroon is governed by the Supreme Court (Civil Procedure) Rules, Chapter 211 of the Laws of Nigeria 1948.[25] Under the above Law any person may apply to the court for the issue of a writ under Order II rule 1 (Supreme Court Civil Procedure Rules).[26]

In order to file for a civil matter due process needs to be followed. A complainant or his counsel can file for civil matters. In order for the matter to commence the plaintiff must fulfil certain condition such as: the plaintiff must have the capacity to sue, there must be a complain, payment of registry fees which ranges from 2600 to 28400 (except in labor matters which are free), payment of 5% deposit of the total amount being claimed and the claim should not exceed ten million francs. The plaintiff is also required to seize the court with a file composed of a statement of the claim, affidavit of application and certificate of non-conciliation. In civil matters there are four ways through which a litigant can seize the Court, which are, by originating summons,[27] by writ summons, by application or motion and by way of a petition.

By Originating Summons

Originating summons are usually used only in cases with special statutory provisions. It does not provide for the defendant and the plaintiff. This does not mean an originating summon does not have a plaintiff and a defendant in practice, the person filing the originating summons is considered and labelled on the heading as plaintiff, every other person who has an interest to see the matter resolved is set out in the heading as defendants. An originating summon will be appropriate in the following cases, in a claim for the possession of a land occupation by a trespasser,[28] summons under the Married Women Property Act of 1882, section 17, concerning disputes between spouses as to the ownership of property.[29] An originating summon is an alternative to the writ to commence an action, rather than setting out the whole story of a case, it sets out the issue for the Court to decide. An originating summon is suitable where; there's construction of an act of parliament or if some other question of law arises, where the interpretation of facts rather than a document arises and where evidence is more suitably presented in an affidavit rather than orally. An originating summon can therefore be used when Statutes provides for an application to be made to the court but does not prescribe the procedure.[30]

By a Writ of Summons

The commencement of civil claims by way of a writ of summon is explicitly stated in the Supreme Court Civil Procedure Rules, which provides that; " Every suit shall be commenced by a writ of summon signed

21 Section 272. CPC
22 Section 274. CPC
23 Section 286. CPC
24 Section 287. CPC
[25]Ewang. S. Andrew (2020), Enhanced rights for detained persons: Application of the remedy of habeas corpus under the Cameroon Criminal Procedure Code. Strathmore Law Journal.
[26] C. E. Wunde Anyangwe (1979). The Administration Of Justice In A Bi-Jural Country - The United Republic of Cameroon. Thesis Submitted for the Degree of Doctor of Philosophy. School of Oriental And African Studies. University of London August 1979.
27 The Supreme Court Civil Procedure Rules does not make provision for the use of an originating summons. The only justification for it use is to be found in section 10 SCHCL 1955. The practice and procedure for an originating summons will therefore be found outside SCCPR. See 0.7 r. 3 of the English Rules of the Supreme Court (E.R.S.C.) Mindful of Section 10(SCHCL) 1955, the West African Court of Appeal (W.A.C.A) pointed out in Chairman of Lagos Executive Development Board V. Onimole and other (1940) 6 WACA 96 at p.98 that civil summons under the Supreme Court Ordinance provides at once a plaintiff and defendant, and the whole subsequent procedure under the Rules of the court is based on the fundamental fact thar there is a plaintiff and a defendant.
28 Possession is the (9th-10th) nineth - tenth law. Daniel Nde Ndenka V Mokam Clement, Appeal No BCA/93, cf. Juridis Périodique, No. 34, 1998, pp. 39-43. In Njie Ngonje V Nje Suit No CASWP/36/89 (unreported), it was held that a person in illegal occupation of land belonging to another does not pay rents. He pays what in law is "mesne profit" This has been defined to mean the profits lost by the owner of the land by reason of his having been wrongfully dispossessed of his land. A claim for mesne profits is is usually joined with action for ejectment.
[29] see Roma L.J in Cobb vs Cobb
[30] Commissional of Lands vs Asagie and others (1973) 6 SC 155.

by a judge, magistrate, or other officers empowered to sign summons".[31] A writ of summon is a formal document authenticated by the court and containing a claim by one person called the plaintiff commanding the defendant to attain court at a particular place, date and time to defend the claim made against them. To issue a writ of summon the plaintiff is usually requested to pay the sum of 28.400 FCFA on his behalf.[32] There are two ways to commence a writ of summon which include general endorsement (e.g., Breach of contract for failure to supply goods and a full endorsement (in which case, at the time of filing an application for a writ of summon, the applicant is also required to attach to it a statement of claim a statement of the claim is added to it. The purpose of the writ of summon is to; notify the defendant of it having been issued by the competent Court, to inform the defendant that he may either satisfy the claim of the plaintiff or return to the register of the Court of service to acknowledge receipt of the service specifying whether he intends to contest the suit, to inform the defendant that failure to acknowledge and contest the suit or failure to appear on the stipulated date and time, the plaintiff will proceed to judgement in the suit.

By an Application or Motion

The high court can also be seized in civil matters by way of an application or a motion. In Anglophone Cameroon, a civil matter is commenced by application when a litigant sought to obtain from the court a remedy of the writ of habeas corpus, the prerogative orders of mandamus, prohibition and certiorari.[33] The writ of habeas corpus is a process applied to control the abuses of public officials on the liberty of persons. It is used to challenge the detention of a person either in official custody or in private hands. In common law there are 3 effective writs of habeas corpus still in use which are;

- The writ of *habeas corpus Adsubjiciendum,* which allows for people who have been illegally detained to be released.
- The writ of *habeas corpus Adtestificadum,* which allows for prisoners to be brought to court to give evidence.
- The writ of *habeas corpus Adrespndedum,* which allows for a prisoner to be brought to answer a criminal charge.

When it comes to accessing justice and the respect of fundamental human rights, the writ of *habeas corpus Adsubjiciendum* is relevant. The writ of *habeas corpus Adsubjiciendum* is meant to protect people against illegal detention and ensure that justice is done.[34] In Cameroon the writ of habeas corpus is set out in the preamble of the constitution to the effect that no one shall be unlawfully detained. The prerogative of the right of habeas corpus was issued by the High Court in Peter Baseh V Commissioner of Brigade Mobile Mixte Bamenda (1978) suit no HCB/12M/78 9unreported).[35] The President of the high court of the place of arrest or detention has the jurisdiction to hear applications for the immediate release based on the grounds of illegal detention. This was the case in 1992, in the case of Nyoh Wakai and Others vs the People of Cameroon, when some SDF militants arrested and detained by the administration were released by a full bench of the Mezam High Court that held their detention illegal and ordered for immediate release.[36] Therefore, one of the ways to obtain a writ to habeas corpus is by seising the Court of First Instance or the High Court and once it has been established that there was an act of illegal detention, the individual can apply for compensation as remedy for the pain suffered if the proceeding ends a no case ruling or an acquittal.

By Originating Motion or Petition

The High Court can also be seised by way of a petition. A petition is a written complaint setting out the fact of the petitioner's case. This method is usually used in cases of electoral fraud, divorce and other matrimonial proceedings. A petition shall include at the end; a statement of the person intended

[31] See general order 2 r 1. Supreme Court Civil Procedure Rules.

[32] Schedule For Fees In The Registry Of The Court Of First Instance

[33] The SCCPR contain no Provision relating to the application of these writs and orders. such being he case reference is being made to the Rules Supreme Court of England by virtue of Section 10 of the Southern Cameroon High Court Law (SCHCL) [33] Laura. S. Enongchong (2014), Habeas Corpus Under the New Criminal Procedure Code of Cameroon: Progress or Status Quo? Oxford University Commonwealth Journal.
1955 and the appropriate rules of the supreme court of England order 54.

[35] Ewang. S. Andrew (2020), Enhanced rights for detained persons: Application of the remedy of habeas corpus under the Cameroon Criminal Procedure Code, Strathmore Law Journal citing Ntamark PY, Lectures in civil procedure, 3rd Year Laws, University of Yaoundé II, 1994- 1995.

[36] Fombad C, 'Cameroon's Eemergency powers: A recipe for (un)constitutional dictatorship?' 48 Journal of African Law, 2004, 79-80.

to be served, if any; or if no person is Intended to be served, a statement to that effect.[37]

Procedure for Acceding to Justice in Labour Matters

The Labour Code in Cameroon is governed by law No. 92/007 of 14 August 1992. The law was set to govern labour relations between wage earners and employers as well as between employers and apprentices under their supervision.[38] The code handles individual disputes arising from a contract of employment between workers or from a contract of apprenticeship, and such a dispute shall fall under the jurisdiction of the Court dealing with labour matters.[39] Filling of a matters before the Labour Court is free of charge, decisions and documents produced are registered duty free. Disputes before the Labour Court are commenced in the following ways;

By Conciliation

The first step to acceding to justice in a labour matter is by way of conciliation. Any party to the dispute may request the labour inspector to settle the matter out of Court.[40] The Labour Inspector in the case attempts to resolve the matter by way of conciliation. In case of an amicable out of Court settlement, the terms of such a settlement shall be embodied in a statement of conciliation made out by the labour inspector and signed by the two parties to the dispute. The statement of conciliation becomes binding after being signed by the President of the competent court and becomes enforceable.[41] But if conciliation fails, the labour inspector and Social Insurance or his representatives make out a Statement of Non_concilation for both parties signed by the president of the competent Court.[42]

By Arbitration

The procedure for the settlement of Individual and collective labour disputes are handled differently. In the case of collective Labour disputes, when conciliation fails, the Labour Inspector and Social Insurance are bound to refers the dispute for arbitration with 8 days.[43] Parties to a dispute can equally at first instance refer their disputes to be settled by arbitration without necessarily taking it to conciliation. Disputes that have not been previously settled by conciliation can be taken to the arbitration Board established in the area of each appeal Court.[44] The arbitration board shall give its award based on law in disputes regarding the interpretation and application of laws, regulation, collective agreement and company agreement currently in force. Parties are notified of an arbitration award without delay and they have 8 days within which to apply for a stay of execution without which the award becomes enforceable.[45]

By an Oral or Written Declaration

Disputes can also be commenced before the Labour Court using oral or written declarations. Incase of total or partial failure of conciliation an oral of written declaration can be made to the registrar of the Court by the most diligent party. And for the Court to accept such a declaration it must be accompanied by a Statement of Non-Conciliation or a Statement of Partial Conciliation.[46] The declaration is then registered and a certicate of entry would be given to the party instituting the dispute.[47] And within two days of receiving the petition, the President of the Court summons the parties to the dispute to appear before the court within 12 days.[48] Thereafter, in accordance with the procedures outlined in the Labour Code the Court judges the matter and pronounces its judgment, which is binding and enforceable but however subject to appeal.

Procedure for Acceding to Justice Before the Court of Appeal

Appeals to the Court Of Appeal permits a litigant who is dissatisfied with the decision of the Trial Court to seise the Court of Appeal of the matter. According to Section 439 of the CPC, the following people have the right to appeal; the convict, the person vicariously liable, the insurer, if he has been a party to the proceedings, the civil party, the State Counsel, the Procurer General at the Court of Appeal. The time limit to file an appeal is 10 days from the day following the date the judgment.[49]

For appeals to be admissible, they shall be lodged at the Registry of the court that delivered the judgment either by a notice filed therein, or by ordinary mail, or by registered letter with acknowledgement of receipt, or by telegram against a receipt, or by any other means with a written proof and précised date addressed to the Registrar-in-Chief of that court.[50] Any party to the case shall, on his application be

[37] Supreme Court Criminal Procedure Rules (SCCPR) Order 5.10.
[38] Labour Code, Section 1.
[39] ibid,. Section131.
[40] ibid. Section 139 (1).
[41] ibid. Section 139 (3).
[42] ibid. Section 139 (4-5).
[43] ibid. Section 160.
[44] ibid. Section161 (1)
[45] ibid. Section 163 (1and 2)
[46] ibid. Section 140 (2).
[47] ibid. section 140 (3).
[48] ibid. Section 141 (1).
[49] Section 440. CPC
[50] Section 441. CPC

entitled to a copy. The notice of appeal shall be filed either by the party concerned in person or by his Counsel or by his representative having a duly authenticated power of attorney. The notice of appeal shall be signed by the registrar and the Appellant or by his representative. The appellant most filed his memorandum of ground of appeal, as well as all supporting documents within fifteen (15) days from the day following the date of registration of the appeal, otherwise the Appeal shall be inadmissible. The time-limit for the production of this memorandum shall commence from the day following the receipt of the letter from the Registrar-in-Chief. Upon the expiration of the time-limit for the production of the memorandum mentioned above, the Registrar-in-Chief shall prepare the record of appeal of the proceedings which shall in particular comprise: The notice of appeal, the power of attorney, if any; the record of appeal of the police investigation; court processes; the submissions and memoranda produced by the parties before the court; the record of proceedings; and all the interlocutory rulings given by the Court and a copy of judgment being appealed against.[51]The appeal file is then sent to the Registrar-in-Chief of the Court of Appeal, who forwards it to the President of the Court, who shall, after consultation with the Procureur General fix a date of hearing.

Procedure for Acceding to Justice Before the Supreme Court

For appeals to the Supreme Court to be admissible, it shall be lodged either by the party in person or by his counsel or by his representative having a duly authenticated power of attorney. It shall be made by a notice of appeal at the registry of the Supreme Court or that of the Court of Appeal that delivered the judgment.[52] When the Registrar-in-chief of the Court of Appeal, receives the notice of appeal, he shall notify the appellant in writing that he has under pain of foreclosure, a time-limit of thirty (30) days, within which to provide the Registrar-in-Chief of the Supreme Court with the name of his counsel, or to apply for legal aid if he considers himself qualified for it.[53]. The Registrar-in-chief who receives the notice of appeal shall notify the Legal Department of the Court of Appeal and the other parties by registered letter with acknowledgment of receipt or by any other means leaving written proof in the case file. He shall make a report in respect thereof. The report drawn up in four copies shall also mention the time-limit of five (5) days. A copy of the report shall be addressed to the appellant and the Registrar-in-chief of Supreme Court who shall open a case file upon receiving it. Where the notice of appeal was received by the Registrar-in-chief of the Supreme Court, he shall address a copy of the report the Registrar-in-chief of the Court of Appeal, the judgment of which has been appealed against. After receiving it, the Registrar-Chief of the Court of Appeal shall within ten (10) days, forward to the case file and notice of appeal to the Registrar-in-Chief of the Supreme Court, who shall immediately forward it to the Procurer General at the Supreme Court for his submissions.[54] The Supreme Court is then expected to give a ruling in Chamber within 10 days after the return of the case file and the President of the Court of Appeal would be notified of its decision, and the case file returned within 15 days of the judgment.

Procedure for Acceding to Justice Before the Military Tribunal

Criminal proceeding before the military tribunal can be instituted by the state prosecutor under the conditions laid down by the CPC and is required to refer the Minister in Charge of Justice on all reported cases.[55] Suing for damages or civil claims is done in accordance with the rules set out in the CPC.[56] The procedure applicable before the Military court are same as that applied in ordinary courts, as such are referred to the Military tribunal in the following manner;[57] By a direct summon of the state prosecutor; by committal order of the Examining Magistrate; by committal order of the inquiry control bench of the Supreme Court and by the direct report of the legal department in case of an offense committed flagrante delicto.

Appeals from the Military Tribunal shall lay to the Supreme Court and the time limit within which to appeal is in correspondence with the rules of procedure of the CPC.[58] In case of an appeal legal provisions relating to free legal aid and objections concerning stamp duty and registration formalities, registry fees and charges for duplication of appeal case files shall apply to the proceeding under the jurisdiction of the Military Tribunal.

In time of war the following procedures apply;

A. In criminal matters, the Military Tribunal shall be be composed of the President, the Military Judge and Military assessors;

[51] Section 445. CPC
[52] Section 480
53 Section 482. CPC
[54] Section 474 (2) (3)
55 Section 13(1) (2). Military Code.
56 Section 13 (5)
57 Section 19. ibid
58 Section 440. CPC

B. In misdemeanors or simple offenses, cases shall be tried by a military judge;

C. Not withstanding the provisions of section 27 (b) above, the military Tribunal may, by interlocutory decision of its own motion or at the instance of the state prosecutor, rule that the case be tried by a collegiate bench;

D. Assesors who are not judicial officers called to the bench shall be Generals or Senior oficers of the defense force or persons as such appointed by decree of the President of the republic;

E. Where the accused belongs to the National Security, penitnetiary, administration, forestry or customs services, one of the assessors must be a member of the said corp;

F. The Military Tribunal shall sit following a simple summon issued by its President 48 hours before the hearing;

G. The military shall rule in first and last instance;

H. The accused or the suspect shall brief counsel within 24 hours

I. Application for damages shall be inadmissible;

J. The Military Tribunal shall be bound to declare the confiscations provided by the instrument in force.

The swiftness of proceeding during the time of war may in such circumstance lead to the miscarriage of justice. Also, in Time of war a lot of the rights of the defendant such as the right to have adequate time to prepare his/her defense, the right the right to be paid damages/compensated in case they are found to be innocent.

Conclusion

To make justice accessible to all Cameroonians, the State of Cameroon has in accordance with Law No 2006/15 of 29 December organized the functioning of the judiciary and outlined in accordance with Law N°2005 of 27 July 2005 on the Criminal Procedure Code the steps or procedure to access justice in Cameroon. The Legal department of the Court Of First Instance at first instance may handle disputes before they are even taken to Court. If the matter is not settled at the level of the Legal department, complainants can take their matters to the Court of First Instance or to the High Court. Cases can be commenced in these Courts by way of a summon, a committal order, by an order from the inquiry control chamber. In order to sue for a civil claim, the complainant must have the capacity to do so, he/she will have to pay registration fees ranging from 2600-28400 and make a 5% deposit of the amount being claimed.[59] And such, civil matters are commenced by way of an originating summon, a writ of summons, an application or a motion and a petition. Appeals to the Court of Appeal and the Supreme Court can be done by the party concerned in the matter or his attorney. Appeals are done by the complainant giving a notice of appeal at the registry of the Court of appeal or the Supreme Court. Meanwhile in the Military Court proceedings can only be instituted by the state prosecutor and all appeals to the Military court lay to the Supreme Court. Inspite, of the elaborate procedures outlined above, access to justice in Cameroon remains a challenge. Thus, this paper recommends that;

Recommendations

1. The local population should be sensitized about their rights and the avenues available for them to access justice. This can be done through the use of paralegals. Paralegal would equally reduce the work load of legal personals thereby curbing the problem of delay in the administration of justice.
2. In order to eradicate delay in the administration of justice and administrative logger heads, the judicial system in Cameroon should be digitalized such that someone can file a case from the comfort of their homes.
3. Legal procedures and legislation should be simplified using the most basic words as possible such that anyone without legal knowledge can read and understand.

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