E-ISSN: 2997-9420

American Journal of Political Science and Leadership Studies

https://semantjournals.org/index.php/AJPSLS

| Research Article

Check for updates

Criminal Proceedings Before the Military Tribunal in Cameroon

Dr. Buma Tita Valentine

Lecturer in the Faculty of Law and Political Science, University of Bamenda, Cameroon

Nubed Fri Grace Godimer

Research student, university of Bamenda, Cameroon

Abstract: The purpose of criminal law is self-protection and to prevent harm to others. Section 59(1) of the Criminal Procedure Code is to the effect that, the commission of any offence may lead to the institution of criminal proceedings and as the case may be, to a civil action. The institution of criminal proceedings aims at procuring a sentence or a preventive measure against an offender as provided by law. Civil action is intended to provide compensation for damages resulting from an offence. The criminal process commences after the commission of the offence. The victim, witness, or any person having knowledge of the circumstances may report them orally or in writing either to the State Counsel, or any other investigative agency. When the report is lodged at the State Counsel's chambers, the State Counsel shall forward it to the competent investigative agency with specific instructions as to the manner in which investigations should be conducted. AS a result, we have courts with ordinary jurisdiction and courts with exceptional jurisdiction. Military tribunal in Cameroon, falls under the category of courts with exceptional jurisdiction and so to better apprehend this article, this work shall examine how criminal cases are investigated and tried before the military tribunal in Cameroon.

Keywords: Military Tribunal, Criminal, Proceedings.

This is an open-access article under the CC-BY 4.0 license

Instituting Criminal Actions in the Miltary Tribunal

As per Law no 2008/0150 of 29th December 2008, each region of the Republic Cameroon is entitled to a Military Tribunal except in cases where the Head of State by Decree decides otherwise. The above notwithstanding the Yaounde Military Tribunal which is at the capital has been given territorial jurisdiction in exceptional cases.

Military Tribunal has competent to hear military offences provided by the Code of military justice, Offences committed by servicemen with or without civil co-offenders or accomplices, in a military establishment or in the exercise of their duties, Offences against the laws on war or defense weapons, Armed robbery, Any offence involving a serviceman or any person considered as such, committed in terms of war or in a region under a state of emergency, any offences

committed by civilians in a military establishment causing damage to military equipment or installations, or prejudice to the physical integrity of serviceman, all offences relating to the purchase, sale, production, distribution, wearing or keeping of military effects or insignia as defined by military regulations.

Modes of Commencement of an Action in the Military Court

The institution of proceedings at the military court can either be through an order of the minister of Justice, Committal order of Examining Magistrate and that of the inquiry control chambers or an Order for Direct placement on trial

A. Order of the Minister in charge of Military justice

The Minister Delegate at the presidency in charge of the armed forces may by a direct judgment order set the machinery of the Military Tribunal in motion. Where the proceedings are instituted by the state prosecutor, the minister in charge of military justice must be informed.[1]

The minister in charge of military justice may also enter a nolle prosequi in military proceedings upon the approval of the President of the Republic. The institution of a nolle prosequi by a competent authority and under certain conditions, automatically suspends criminal actions against the offender without affecting hearing for purposes of determining the civil claim, if prosecution could seriously imped social interest or public disorder.[2] The offender must restitute the corpus delicti or the exact sum he has been charged of, which in such a way should be done in cash or in kind.[3]

B. Committal order of Examining Magistrate and that of the inquiry control chambers

Generally, all cases in the military court must pass through the examining magistrate for preliminary inquiry. Pursuant to the stipulations of section 157 of the CPC, any person who alleges that he has suffered injury resulting from a felony or misdemeanor may, when lodging a complaint with the competent EM, file a claim for damages. The complaint in which a victim claims damages sets the criminal action in motion. The above provisions do not apply to simple offenses or to offenses the prosecution of which is solely reserved for the legal department: section 157(3) CPC. The victim who triggers the Preliminary Investigation must deposit at the court registry an amount of money for defraying the cost of the proceedings. The amount is fixed by order of the Examining Magistrate (EM). An additional deposit may be set during the pendency of the proceedings: section 158 CPC. NB: where a complaint involving a civil claim results in a no-case ruling, the defendant may bring a civil action for damages against the complainant for malicious prosecution. This means that there is an inherent risk in triggering a Preliminary Investigation by way of complaint with a civil claim.[4]

A Preliminary Investigation is obligatory in cases of felonies, unless otherwise provided for by law. Section 142(1) CPC It shall be discretionary in cases of misdemeanors and simple offenses: section 142(2) CPC, It shall be obligatory in respect of felonies or misdemeanors alleged to have been committed by minors aged less than 18 years: section 700(1) CPC, It shall be obligatory where a judicial officer is likely to be charged with the commission of an offence. In such a case the competent Procureur Général requests the President of the Supreme Court to appoint an investigating magistrate and not an examining magistrate who conducts a Preliminary

[1] Section 13 (3) of the Military Code of Justice is to the effect that the minister shall as and when necessary institute proceedings at the military court.
[2] Section 64 and section 14(1) of the 2017 Military code of Justice. (for ordinary Law courts and the Military Tribunal.
[3] Law No.2012/011 of 06 July 2012 to amend and supplement certain provisions of law No.2011/28 of 14 December 2011 to set up a Special Criminal Court.
[4] Section 157 to 163 of the Criminal Procedure Code

Investigation.[5] A Preliminary Investigation shall also be obligatory where a military judicial/legal officer is likely to be charged with an offence that falls under the jurisdiction of the ordinary law court.[6]

As soon as the holding charge is received, the Examining Magistrate is bound to make an order of commencement of proceedings.[7] The Examining Magistrate shall carry out all acts considered necessary for the discovery of the truth and can commence action against any person considered to have participated in the commission of the offence as principal offender, co-offender or accomplice: section 150 CPC.

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 to the defendant. Police custody is a measure by which a suspect is detained in a judicial police cell for a little period for purposes of criminal investigations and the establishment of the truth. Except in cases of a felony or a misdemeanor committed flagrante delicto, and unless strong corroborative evidence exist against him, a person with a known place of abode may not be remanded in police custody. Should the accused be remanded in custody for any other reason that has to do with criminal investigation, a written approval of the State Counsel is needed. The time allowed for remand in public custody must not exceed 48 hours renewable once. This period may exceptionally be extended twice with the written approval of the State Counsel. Remand in Police custody shall not be ordered on Saturdays, Sundays or Public holidays, except in cases of felonies, and misdemeanors committed flagrant delicto. Where there is a considerable distance between the place of arrest and the Police Station or Gendarmerie Brigade where a remand in police custody has been effected, such a period of remand shall be extended by 24 hours for every 50km.

A committal order by an examining magistrate, also known as a remand order or detention order, is a legal document issued by an examining magistrate or a judge that authorizes the detention of an individual during the course of a criminal investigation or pending trial. This order is usually issued when there is sufficient evidence to suggest that the person in question has committed a crime and there are reasonable grounds to believe that they may pose a flight risk, interfere with the investigation, or pose a danger to themselves or others if released.

The committal order serves several purposes within the criminal justice system. Firstly, it ensures that individuals who are suspected of committing a crime and are deemed to be a potential threat to society are detained until their guilt or innocence can be determined through due process. Secondly, it helps to prevent the destruction of evidence or tampering with witnesses by keeping the accused in custody. Lastly, it provides an opportunity for the examining magistrate or judge to assess the strength of the case against the accused and determine whether there is enough evidence to proceed with a trial. When issuing a committal order, the examining magistrate or judge carefully considers various factors such as the seriousness of the offense, the likelihood of conviction based on available evidence, the criminal history of the accused, and any potential risks associated with releasing them. The decision to issue a committal order is made based on an objective evaluation of these factors and should not be influenced by personal biases or prejudices. Once a committal order is issued, law enforcement authorities have the legal authority to detain the individual named in the order for a specified period. The duration of detention can vary depending on jurisdiction and the nature of the offense. In some cases, it may be limited to a specific number of days or weeks, while in others it may be extended until trial.

[5] Sections 629 and 631 CPC.
[6] Sections 629 and 631 CPC as read with section 24 of the 2008 Law on Military Justice.
[7] Section 147 CPC.

It is important to note that while a committal order allows for pretrial detention, it does not imply guilt or conviction. The accused is presumed innocent until proven guilty in a court of law, and the purpose of detention is to ensure a fair trial and protect the interests of justice. During the period of detention, the accused has certain rights and entitlements, including the right to legal representation, the right to be informed of the charges against them, and the right to challenge the lawfulness of their detention through habeas corpus proceedings. These safeguards are essential to uphold the principles of due process and prevent arbitrary or unjustified detention.

Hence, a committal order by an examining magistrate is a legal document that authorizes the detention of an individual during a criminal investigation or pending trial. It is issued when there is sufficient evidence to suggest their involvement in a crime and reasonable grounds to believe that their release would pose a risk to society or interfere with the administration of justice. The purpose of a committal order is to ensure a fair trial, protect the interests of justice, and maintain public safety.

C. A committal order of the inquiry control bench of the Supreme Court

A committal order by the Inquiry Control Bench of the Supreme Court in Cameroon refers to a legal decision made by the Inquiry Control Bench of the country's highest court. This type of order is typically issued in the context of an inquiry or investigation conducted by the court, and it serves to commit an individual or entity to prison or detention for contempt of court or failure to comply with the court's orders. The Inquiry Control Bench is a specialized division within the Supreme Court of Cameroon that is responsible for overseeing inquiries and investigations conducted by lower courts or other judicial bodies. It has the authority to issue committal orders as part of its mandate to ensure compliance with court processes and maintain the integrity of the judicial system.[8]

When a committal order is issued, it signifies that an individual or entity has been found in contempt of court or has failed to comply with a court's orders. Contempt of court refers to any act that obstructs or disrespects the authority, dignity, or proceedings of a court. This can include actions such as disobeying a court order, disrupting court proceedings, or making false statements under oath. Once a committal order is issued, it authorizes law enforcement agencies to take the person named in the order into custody and detain them in prison or another designated facility. The duration of the detention will depend on the specific circumstances and may be subject to review by the court.

It is important to note that a committal order is a serious legal measure that is typically used as a last resort when other means of ensuring compliance have failed. Courts generally prefer alternative methods such as fines, warnings, or injunctions to encourage compliance before resorting to imprisonment.

The issuance of a committal order by the Inquiry Control Bench of the Supreme Court in Cameroon is governed by relevant laws and regulations, including provisions outlined in the Constitution and other statutes. These laws provide guidelines on how inquiries and investigations should be conducted, as well as the powers and procedures of the court in issuing committal orders.

The interrogation report of the legal department in case of flagrante delicto

The interrogation report of the legal department in the case of flagrante delicto is a document that details the questioning and investigation conducted by the legal department when a person is caught in the act of committing a crime. Flagrante delicto refers to a situation where a person is apprehended while activity engaging apprehended while actively engaging in criminal activity.

[8] Belbara (B.),)"Techniques for accelerating criminal proceedings in Cameroonian law", CJP-University of Ngaoundéré, (2014, pp. 303

The purpose of an interrogation report is to provide an accurate and detailed account of the interrogation process, including the questions asked, the answers given, and any evidence or statements obtained during the interrogation. This report serves as a crucial piece of evidence in criminal proceedings and helps establish the facts surrounding the alleged crime.[9]

After the case reaches trial by either of the means listed above, the date of the first hearing shall be fixed by the President of the Military Tribunal, after consultation with the State Prosecutor who shall also notify the cause list to the Minister in charge of military justice and for information purposes, to the Procureur General of the Appeal Court. The President of the Military Tribunal shall summon members of the said tribunal at the set date and time and from there, the proceedings before the Military Tribunal shall be conducted in accordance with rules set out in the Criminal Procedure Code.

The presiding magistrate declares the session open and the registrar calls the cases listed for hearing and after this is done he checks if all the summoned parties are present. He must also verify the identity of the accused.[10] After the appearance of the accused, the presiding judges asks whether or not the accused person pleads guilty. From there depending on his or her plea, the registrar reads out the statement which was made at the level of the judicial police for the accused person to hear and attest whether or not it is what happened and if that is the report he made at the judicial police and if he agrees, the session continues with his testimony either at the witness box where he shall be asked questions and which holds more credibility or out of it where he shall not be questioned by anybody after his statement. If the statement is not accepted by the accused person, he will be asked to recite what happened which then makes the statement not acceptable or used by the court. The issue here is the court can only accept what the accused is saying because there is no other method of determining whether or not that is what he actually said which affects the court negatively because at that time he and his lawyer may have readjusted the story in a more subtle manner which may not be the truth. After this the accused person goes through examination in chief, cross examination and finally re -examination.[11] If the hearing cannot be finished at that session, the presiding magistrate may adjourn the matter or based on any other reason like the absence of an athourney or for judgment or anything that can affect the case. It is after these three steps of examination in chief, cross and re-examination that the court can give her ruling or verdict. Therefore every judgment shall consist of the hearing, reasons and the verdict.

Order for Direct placement on trial

This mode of seizure is peculiar to the 2014 Law repressing Acts of Terrorism. Here no preliminary inquiry is conducted. An ordre de mise en jugement directe is prepared by the state prosecutor seizing the military tribunal directly. This is an exception to the principle that PI is mandatory for all felonies.

Article 1, Paragraph 3, of the 2014 law on terrorism recognizes the exclusive jurisdiction of military courts for the suppression of terrorism. The latter are courts with Special Jurisdiction[12] which therefore apply a system of derogation which necessarily limits too much the rights of the person being prosecuted. This duplication of criminal proceedings based on a parallel procedural system reveals the political will to strengthen the social response to terrorist aggression.[13] The main effect of the intervention of the military court is that all the derogations established by Act No. 2008/015 of 29 December 2008 on the organization of the military judiciary and laying down

[9] Feh Henry, *The Force of the Cameroon Legal System, Cameroon,* HG.Org Legal Resources (2012)
[10] Section 338(1)(a,b,c) of the Criminal Procedure Code
[11] Section 375, 377 and 380 of the criminal procedure code
[12] Article of Law No. 2008/015 of 29 December 2008 on the organization of military courts and establishing the rules of procedure applicable before military courts.
[13] Lazerges (C.), "The drift of criminal procedure", RSC, 2003, p. 644

rules of procedure applicable before the military courts are applicable to persons charged with terrorist offences.

The option for "militaristic" treatment of terrorism is based on the conviction that the requirements of national security require the removal of traditional procedural and substantive criminal guarantees.[14]

It remains to be recalled that in order to judge, the military court obeys a principle. Indeed, in criminal matters, article 7 of the code of military justice lays down an absolute principle of collegiality. Any case falling within the jurisdiction of the military tribunal shall be adjudicated on a collegiate basis. This principle has had the advantage of avoiding judicial errors and consolidating the principle of impartiality. It will simply be recalled that the classification of these offences is based on the tripartite distinction between offences under article 21 of the Criminal code. In this sense, for cases related to terrorism, the military court is subject to the principle of collegiality. Article 7(1b) and (3) of the 2017 Code of military justice address the issue of collegiality formation. Indeed, the collegiality is composed of a presiding magistrate and two assessors or three magistrates. When the formation of collegiality is presided over by a civil magistrate, the two assessors must be necessarily members of the Defence forces. This is understood to the extent that the civilian magistrate may have approximate knowledge of the technical nature of certain offences peculiar to the military vocabulary. The assessors are like those who assist the president in customary matters to enlighten him on the meaning of the custom invoked. That is why the same requirement was not formulated when collegiality is presided over by a military magistrate. In any case, the presence of assessors is not required because collegiality is formed by three magistrates. But at least one of the members of the collegiality must be a military magistrate.[15]

However, the question of the jurisdiction of the military Tribunal over terrorism required some adjustment. A preliminary presumption should be made that, if possible, a prosecution should take place in the jurisdiction in which the majority or the most important part of the criminality occurred or in which the majority or the most important part of the loss was sustained. Hence, both the quantitative (‘the majority’) and the qualitative (‘the most important part’) dimensions should be duly considered.

Procedure at the Trial in the Military Court

The trial process is the most important aspect of a case. The procedure applicable before the Military Tribunal is the ordinary law procedure. The ordinary law procedure refers to the standard legal process followed in a jurisdiction for resolving disputes and administering justice. It encompasses the various steps and rules that govern how cases are initiated, presented, and decided in a court of law. The specific procedures may vary depending on the legal system and jurisdiction in question, but there are some common elements that can be found in most ordinary law procedures.

It is the judicial examination and determination of issues between the parties in accordance with the law of the land per WALI JSC in KAJUBO v. The State. It can only be done in a trail court. As in article 288 CPC, a trail court is a legal body responsible for hearing and determining any matter brought before it in compliance with the law and where applicable pronouncing the penalty provided by the law.

A person brought before the court may have committed a summary conviction offence which does not require Preliminary Investigation or an indictable offence which requires Preliminary

[14] Papa (M.), *“Criminal law of the enemy and the inhuman: an international debate”,* RSC, 2009, pp. 3

[15] Spener Yawaga, Military Justice in Cameroon. Reflections from a discussion article by the code of military justice, op. cit., p. 28.

Investigation. Before the coming of the CPC, summary conviction offences were handled by the Court of First Instance while indictable offences were handled by the High Court. An accused person is brought to court using a charge sheet which is defined as a sheet that contains the charge(s) against the accused. A charge on the other hand is defined as the statement of an offence(s) with which an accused is charged in a summary trail before a court. Trail on information has also been added to this definition. After Preliminary Investigation, where the Examining Magistrate has sufficient evidence, he shall commit the accused for trail either to the Court of First Instance or High Court, depending on the type of offence.

Arraignment- Trail

The charge must be read to the accused by the registrar, who must explain it to the accused before he pleads guilty or not guilty.[16] This was decided in the case of *Kajubo v.The State*,[17] stating that this requirement is mandatory. Arraignments therefore constitute charging the accused, reading of his charge and hearing his plea to the charge with respect to the law.

Where there is more than one count, separate plea must be recorded for each count, that is, separate charge for distinct offences. As was held in the case of *Mary Ngem Kimbu and Thomas Ngong Kimbu v. The People.*[18]

When hearing begins, the complain of the defendant is read to him and he is asked to make a plea of guilt. If he pleads guilty, the following will happen, pursuant to article 360 CPC. The court shall record his plea, the Legal Department shall state the facts of the offence and the legal provision breached. The civil party is called to state his facts and the accused is given the chance to make any statement he deems necessary. After the submission of the prosecution, address of counsel for accused and the final statement of the accused, hearing is closed and judgment is passed. Hearing may re-open if need be per article 361(2) CPC.

When an accused pleads not guilty, he shall be tried. When he pleads guilty to some charges and not guilty to others, it is read that he pleads not guilty to all the charges. In defending the charge(s) the accused has 3 options: make a defense statement without oath, remain silent or give sworn evidence as a witness. The accused is further informed that if he remain silent or give unsworn evidence, no questions shall be put to him and that less value will be attached to such type of evidence.

It refers to an accused who is asked to plead but remain silent. Such silence will be read that he pleads not guilty per article 370 CPC especially if the accused is of sound mind. But is it is proven that the accused is of unsound mind or visitation of God, trial will be postponed until the accused is declared fit. If failure to plead results from the fact that the accused was deaf or dump, other methods like lips reading, sign language or writing is used to make him understand per articles 333 and 358 CPC.[19]

SPECIAL PLEAS OF AUTRE FOIS ACQUIT, CONVICT OR PARDON

Article 395 CPC states that "anyone finally acquitted or convicted of an offence shall not be retried on the same facts even under different statement of offence." The reason for this plea is that a person should not be tried for an offence he has been previously convicted, acquitted or pardoned as was in the case of Inspector General of Police v. Sidney Marke.[20] The decision of this case extends to the fact that whether or not the judge discharges a case and does not state that the dismissal amounts to an acquittal, the accused can subsequently plead autre fois acquit.

[16] Article 359(1) CPC
[17] *Kajubo v.The State* No. 1353/2005, 3 April 2007,
[18] *Mary Ngem Kimbu and Thomas Ngong Kimbu v. The People. (1993) 332 Md 571*, 632 A.2d 797
[19] Sections 333 and 358 CPC
[20] *Inspector General of Police v. Sidney Marke* Criminal Appeal N° BCA/52.C/79, unreported.

For this plea to be successfully applied, 4 conditions must be respected:

A. The accused must have previously been tried,

B. Trial should had taken place in a court of competent jurisdiction,

C. Trial must had ended in an acquittal or conviction and

D. The new charge should be the same as the previous charge.

A defective charge is one which violates one or all of the rules for drafting charges. If a charge is defective, it can be amended either by prosecution with or without the leave of the court or by the court suo muto that is on the courts' own initiative. The court can only amend but not substitute a charge for it is the duty of prosecution. An amendment may be by of a deletion, addition or substitution of incorrect facts or omitted facts. A charge is termed defective for the following reasons: the particulars of the offence may be erroneous or imperfect. Judgments made on a defective charge can either lead to an acquittal or a quash of the judgment by the Appeal Court. For a charge therefore to be accurate, it should not carry two or more distinct offences.

1. Opening of the Prosecution: This is the duty of the state prosecutor which begins at the moment the accused pleads not guilty. The prosecutor makes an opening speech then call witnesses to be sworn to adduce evidence in support of the case. These witnesses pass through the 3 stages of examination of witnesses. During this process, indecent, offensive, scandalous and remote facts are not allowed by the court. When the presentation of the prosecution is closed, the defense counsel or the judge may raise that the facts do not demonstrate that a prima facie case has been established to put the accused on trial. It will lead to an acquittal. An acquittal results from a no case submission.
2. DEFENCE: If at the end of prosecutions' the court finds a prima facie case against the accused, the accused will be called upon to make a defense. The ethical code of conduct of lawyers permits them to defend all clients irrespective of the facts of their case for it the duty of the judge to establish guilt. Article 366 CPC states that the accused must be told of his right to defense either through the presentation of sworn or unsworn evidence or to remain silent. He is also to be told that silence or unsworn evidence has no weight and no questions will be put to him since the court attach no value to it. And lastly that if he gives sworn evidence, questions will be put to him and the court will attach much value on it. Failure to inform the accused of this right renders judgment null and void per article 367 CPC.[21]

The Legal Department, prosecution or any other interested person can make a submission during trial. However it is pertinent and important for the accused to be present in court. This is to enable him exercise his right to defense and also for the court to watch his demeanour. The accused may be brought to court either by law enforcement officers or personally if he was summoned. If the accused fails to appear in court after personal service, no right of audience will be given to his counsel and judgment will be delivered as if the accused was heard. Where it is a substituted service, judgment will be given in abstentia. If the presence of the accused is very necessary, the court will order an interlocutory ruling and fix a new date for hearing in case where trial cannot be finished in a single sitting, the presiding judge will adjourn the case for a later date and time.

At the end of trial, the court in the same judgment will decide first on subsidiary issues and objections and then the merits of the case. The conclusion of every trial is known as the judgment which establishes the rights of all the parties involved. Judgment is rendered immediately or 15 days after hearing. Judgment is made up of hearing, reason and verdict

Hearing consist of the date of the verdict, the name of the court and the names of all the parties who took part in the case. Reasons involve the facts of the case and the law under which judgment

[21] Section 366 and 367 of the CPC

was based on Verdict comprise of the nature of the judgment, the level of the court and the guilt or non-guilt of the accused[22]

Judgment must be made in open court and must be executed. The CPC has made provisions especially with respect to the recovery of court fines even when there is appeal. One of the means is imprisonment in default of payment of court fines. After such period of imprisonment and the defaulter fails to pay, forcible recovery measures will be used against him. [23]

Reasoned judgment helps superior courts to control the decisions of inferior courts and once judgment is passed the judge is declared functus officio. The court may also ask the accused to plead allocutus that is to say any reason why judgment should not be on him according to the law. It is the duty of the president of the Court, to ensure that decisions of the court are enforced. The register for execution is kept in the registry of the Legal Department of each court per articles 545, 546, 548 CPC.

The Rights to Appeal Against the Decision of the Tribunal

The Cameroon justice system is structured in a manner whereby, fair trial and justice are to be respected. The law has made it possible for a litigant not satisfied with the outcome of his case to appeal to challenge the decision of a lower court or tribunal. Filing for an appeal in criminal and civil matters does not have the same procedure and time limit. In the Republic of Cameroon, the time limit and the procedure to file for an appeal are regulated under the Criminal Procedure Code, and as stated under section 440 (1), the time limit allowed for the filing of an appeal is 10 days with effect from the day following the judgment date after a full hearing was delivered, for all the parties including the Legal Department. Concerning the filing of a cross-appeal, the time limit according to section 440 (2) is 5 days from the day following the date the other parties were notified of the main appeal under the provision mentioned in section 443 of the same code.[24]

However, there may be cases where the judgment was rendered in default section 440 (3) of the criminal procedure code states that, if the judgment was delivered in default, the time limit for appeal shall start to run from the day following the expiry of the time-limit allowed for the application to set aside the judgment in default.

CONCLUSION

Due to the complex nature of distinguishing between what crimes falls under courts with ordinary jurisdictions and military tribunals, it was appropriate to examine the various crimes and categories of persons who are eligible to be prosecuted under the military courts, the commencements of criminal proceedings before the set tribunal and the trial face. This will easily ease the understanding of an ordinary man to understand the competence of military tribunals and how criminal proceedings can be commence in the set tribunals as a means to render Justice.

[22] Veranso Liberious Afonsi & Ors v. The People & Adamu Dewa, SLR 2 (2014) pages 36-37

[23] However, articles 387, 388, 389, 556 and 557 CPC prevent the imprisonment in default of payment against persons below 18 years, above 60 years and pregnant women.

[24] Section 443(1) The registrar who receives the notice of appeal shall immediately make a report thereof and shall with written proof or by a writ of the bailiff, request the appellant to file his memorandum of grounds 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. Mention of such notice shall be made on the report. (2) If the appeal is lodged by telegram, by ordinary mail, by registered mail, or by any other means with written proof, the Registrar-in-Chief shall inform the appellant by a registered letter with acknowledgment of receipt of his obligation to file the memorandum referred to in subsection (1) 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, a copy of the report or the notice of appeal.

BIBLIOGRAPHY

STATUTES

1. Law No 96/06 of 18th January 1996 amending the 1972 Cameroon Constitution
2. Law No. 2005/007 of 27 July 2005 creating the Cameroon Criminal Procedure Code
3. Law No 2008/015 of 29 December 2006 on the Organization of Judicial System in Cameroon
4. Law No. 2008/015 of 29 December 2008 To Organize Military Justice and Lay Down Rules of Procedure Applicable Before Military Tribunals
5. Law N°2014/28 of 23 December 2014 of the suppression of Acts of Terrorism.
6. Law No 2016/007 of the 12 July 2016 Relating to the Cameroon Penal Code
7. Law No. 2017/012 of 12 July 2017 amending Law No. 2008/015 of 29 December 2008 To Organize Military Justice and Lay Down Rules of Procedure Applicable Before Military Tribunals
8. Minister of the Armed Forces, Circular No. 2230/MINFA/ 600/359 of 30 November 1972.
9. Ordinance No. 72/5 of 26 August 1972 and its subsequent amendments and Ordinance No. 72/4

ARTICLES/BOOKS

1. Andrew Byrnes and Kirstine Adams, *Gender Equality and the Judiciary: Using International Human Rights Standards to Promote the Human Rights of Women and the Girl-child at the National Level* (London: Commonwealth Secretariat, 2000).
2. Anyangwe, C., *Criminal Law in Cameroon. Specific Offences, Mankon-Bamenda*, Langaa Research § Publishing Common Initiative Group, 2011.
3. Bassiouni C, *The Protection of Human Rights in the Administration of Criminal Justice: A Compendium of United Nations Norms and Standards* (Transnational Publishers, New York 1994) xxvi. Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217A (III) (UDHR) UN Doc A/810, 71.
4. Belbara (B.),)"Techniques for accelerating\ criminal proceedings in Cameroonian law", CJP-University of Ngaoundéré, (2014, pp. 303
5. Carlson Anyangwe, *"The Cameroons judicial system*", CEPER, Yaounde, 1989.
6. S. Tabe Tabe, A Critical appraisal of the Juvenile justice system under Cameroon's 2005 Criminal Procedure Code: emerging challenges, "Potchestroom Electronic Law Journal", 2012, Vol. 15, N° 1,
7. Simon Tabe Tabe, "A look at preliminary inquiry under the Cameroon Criminal Procedure Code" Readings in the Cameroon Criminal Procedure Code, Yaounde, 2007