



FEDERATION CAMEROUNAISE DE FOOTBALL

CAMEROON FOOTBALL FEDERATION

Affiliée à la FIFA en 1962, à la CAF en 1963 et à l'UNIFFAC en 1998

DECISION N°002 /FECAFOOT/CR/2021

DE LA COMMISSION DE RECOURS

Statuant en matière de contentieux électoral

Affaire :

CLUB ESPERANCE MULTISPORT de Mbalmayo

c/

Intégration dans la liste des clubs de championnat départementaux 2020-2021 appelés à prendre part au processus électoral

(ASSEMBLEES GENERALES LIGUES DEPARTEMENTALES)

Vu la Constitution ;

Vu la loi n° 2018/014 du 11 juillet 2018 portant organisation et promotion des activités sportives ;

Vu les Statuts de la FIFA ;

Vu les Statuts, Codes et Règlements de la FECAFOOT ;

Vu le point 235 de la sentence arbitrale TAS 2019/A/6258 *As Olympique de Meiganga et consorts c/ FECAFOOT* du 15 janvier 2021 ;

Vu les décisions de la FIFA du 06 janvier 2021, 19 et 26 février 2021 confirmant que le Comité Exécutif en place depuis 2018, et son Président, Monsieur Seïdou MBOMBO NJOYA restent les dirigeants légitimes de la FECAFOOT ;

Vu le courrier TAS du 03 mars 2021 confirmant que Monsieur Seïdou MBOMBO NJOYA demeure le représentant légitime de la FECAFOOT ;

Vu le procès-verbal de l'Assemblée Générale Extraordinaire de la FECAFOOT tenue le 13 juillet 2021 ;

Vu le procès-verbal de l'Assemblée Générale Extraordinaire de la FECAFOOT tenue le 07 août 2021 ;

Vu le procès-verbal d'élection des Présidents, vice-présidents, rapporteurs et membres des organes juridictionnels et de la Commission de Recours ;

Vu le communiqué portant publication des listes des clubs des championnats départementaux 2020-2021 susceptibles de prendre part au processus électoral (Assemblées générale départementales) ;

Vu le recours introduit par Sa Majesté BANA NDAM Henri, fondateur du club ESPERANCE MULTISPORT de Mbalmayo ;

L'AN DEUX MILLE VINGT ET UN ET LE VING SIX DU MOIS DE AOÛT, la **Commission de Recours de la Fédération Camerounaise de Football** composée ainsi qu'il suit :

1- Me ACHET NAGNIGNI,	Président
2- Madame NDEMO Marie Noëlle,	Vice-Présidente
3- ME NTEDE Faustin	Rapporteur
4- CHIEF NGUTE ABIA II,	Membre
5- Yescot EKOSSO LOBE	Membre

A rendu dans l'affaire susvisée la décision dont la teneur suit ;

Considérant qu'en date du 24 août 2021, Sa Majesté BANA NDAM Henri, fondateur du club ESPERANCE MULTISPORT de Mbalmayo a introduit un recours aux fins de réintégration de son club sur la liste des clubs de championnat départementaux 2020-2021 appelés à prendre part au processus électoral (ASSEMBLEES GENERALES LIGUES DEPARTEMENTALES) ;

EN LA FORME :

Considérant que l'article 29.1 du Code Electoral de la FECAFOOT dispose que :

« Les éventuels recours (liste post-électorale) dûment motivés, sont déposés contre accusé de réception ou envoyés par courrier électronique au Secrétariat Général de la FECAFOOT dans un délai de deux (02) jours francs après réception de la décision ou du procès-verbal de la commission électorale/Commission locale des élections » ;

Considérant que la décision de la Commission Electorale portant publication des clubs des championnats départementaux 2020-2021 appelés à prendre part au processus électoral a été publié en date du 20 août 2021 suivant décision N° 001 portant publication de la liste des clubs de championnat départementaux appelés à prendre part au processus électoral ;

Que le délai de deux (02) jours pour déposer tout recours contre cette décision expirait le 23 août 2021, le dimanche 22 n'étant pas un jour ouvrable;

Considérant par contre que le club ESPERANCE MULTISPORT de Mbalmayo a introduit un recours aux fins de sa réintégration sur la liste en date du 24 août 2021 sous le numéro 2065, soit un(01) jour après l'expiration du délai prévu par le code électoral ;

Que ce recours est irrecevable comme déposé hors délai ;

PAR CES MOTIFS

La Commission, statuant à l'unanimité des voix ;

- Déclare le recours de Sa Majesté BANA NDAM Henri, fondateur du club ESPERANCE MULTISPORT de Mbalmayo irrecevable pour cause de forclusion ;
- Ordonne la publication de la présente décision conformément à la réglementation en vigueur.

LE PRESIDENT

Maître ACHET NAGNIGNI

LE VICE- PRESIDENT

Madame NDEMO

LES MEMBRES

LE RAPPORTEUR

Me NTEDE /CHIEF

CHIEF NGUTE ABIA /EKOSSO LOBE



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FEDERATION CAMEROUNAISE DE FOOTBALL CAMEROON FOOTBALL FEDERATION

Affiliée à la FIFA en 1962, à la CAF en 1963 et à l'UNIFFAC en 1998

DECISION N° 003/FECAFOOT/CR/2021

DE LA COMMISSION DE RECOURS

Statuant en matière de contentieux électorale

Affaire:

BANYO FOOTBALL CLUB

c/

Contestation de l'inscription du club RAHAMA FC dans la liste des clubs de championnat départementaux 2020-2021 appelés à prendre part au processus électoral (ASSEMBLEES GENERALES LIGUES DEPARTEMENTALES)

Vu la Constitution ;

Vu la loi N° 2018/014 du 11 juillet 2018 portant organisation et promotion des activités sportives ;

Vu les Statuts de la FIFA ;

Vu les Statuts, Codes et Règlements de la FECAFOOT ;

Vu le point 235 de la sentence arbitrale TAS 2019/A/6258 *As Olympique de Meiganga et consorts c/ FECAFOOT* du 15 janvier 2021 ;

Vu les décisions de la FIFA du 06 janvier 2021, 19 et 26 février 2021 confirmant que le Comité Exécutif en place depuis 2018, et son Président, Monsieur Seïdou MBOMBO NJOYA restent les dirigeants légitimes de la FECAFOOT ;

Vu le courrier TAS du 03 mars 2021 confirmant que Monsieur Seïdou MBOMBO NJOYA demeure le représentant légitime de la FECAFOOT ;

Vu le procès-verbal de l'Assemblée Générale Extraordinaire de la FECAFOOT tenue le 13 juillet 2021 ;

Vu le procès-verbal de l'Assemblée Générale Extraordinaire de la FECAFOOT tenue le 07 aout 2021 ;

Vu le procès-verbal d'élection des Présidents, vice-présidents, rapporteurs et membres des organes juridictionnels et de la Commission de Recours ;

Vu le communiqué portant publication des listes des clubs des championnats départementaux 2020-2021 susceptibles de prendre part au processus électoral (Assemblée générale départementales) ;

Vu le recours introduit par le Président de BANYO Football Club ;

L'an deux mille vingt et un et le vingt six du mois d'août, la **Commission de Recours de la Fédération Camerounaise de Football** composée ainsi qu'il suit :

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|-------------------------------|-----------------|
| 1- Me ACHET NAGNIGNI, | Président |
| 2- Madame NDEMO Marie Noëlle, | Vice-Présidente |
| 3- ME NETEDE Faustin | Rapporteur |
| 4- CHIEF NGUTE ABIA II, | Membre |
| 5- Yescot EKOSSO LOBE | Membre |

A rendu dans l'affaire susvisée la décision dont la teneur suit ;

Considérant que le Président de BANYO Football Club a introduit un recours aux fins de contestation de l'inscription du club RAHAMA FC sur la liste des clubs de championnat départementaux 2020-2021 appelés à prendre part au processus électoral (ASSEMBLEES GENERALES LIGUES DEPARTEMENTALES), motif pris de son inexistence légale ;

EN LA FORME :

Considérant que le Président de BANYO FOOTBALL CLUB a saisi la Commission de recours par requête datée du 28 juillet 2021 ;

Qu'il n'existe dans le dossier de procédure aucun élément permettant de renseigner sur la date de réception dudit recours au Secrétariat Général de la FECAFOOT ;

Que bien que ledit recours soit parvenue à la Commission de Recours en date du 23 août 2021, sa date de réception est incertaine;

Qu'il y a il ya lieu de le déclarer irrecevable.

PAR CES MOTIFS

La Commission, statuant à l'unanimité des voix ;

- Déclare le recours du Président de BANYO Football Club irrecevable pour incertitude de sa date de réception ;
- Ordonne la publication de la présente décision conformément à la réglementation en vigueur.

LE PRESIDENT

Maître ACHET NAGNIGNI

LE VICE- PRESIDENT

Madame NDEMO

LE RAPPORTEUR

Me NTEDE CHIEF

MEMBRES

CHIEF NGUTE ABIA / EKOSSO LOBE



FEDERATION CAMEROUNAISE DE FOOTBALL CAMEROON FOOTBALL FEDERATION

Affiliée à la FIFA en 1962, à la CAF en 1963 et à l'UNIFFAC en 1998

DECISION N° 004 /FECAFOOT/CR/2021 OF THE COMMISSION FOR APPEALS OF LITIGATION SITTING IN ELECTORAL DISPUTES

IN THE MATTER OF

NORTH WEST REGIONAL/DIVISIONAL LEAGUE

AND

THE ANNULATION OF DECISION N° 001 OF 20-08-2021 PUBLISHING THE FINAL LIST OF CLUBS FOR THE 2020-2021 DIVISIONAL CHAMPIONSHIP CALLED TO TAKE PART IN THE ELECTORAL PROCESS RENDERED BY THE ELECTORAL COMMISSION FOLLOWING THE PUBLICATION OF THE LIST OF CLUBS OF THE DIVISIONAL CHAMPIONSHIP 2020-2021 CALLED TO TAKE PART IN THE ELECTORAL PROCESS.

Mindful of the constitution;

Mindful of Law N° 2018/014 of 11 July 2018;

Mindful of the **FIFA** Statutes;

Mindful of the Statutes, Codes and Regulations of **FECAFOOT**;

Mindful of Point 235 of the Arbitration decision of TAS 2019/A/6258, AS OLYMPIQUE de Meiganga and others **AND** FECAFOOT of 15th January 2021;

Mindful of the Decision of **FIFA** of 6th January 2021, the 19th and 26th February 2021 confirming that the Executive Committee remains in place since 2018 and its President, Mr. SEIDOU MBOMBO NJOYA being the legitimate executive head of FECAFOOT;

Mindful of the TAS Mail of 03 March 2021 confirming that Mr. SEIDOU MBOMBO NJOYA remains the legitimate representative of FECAFOOT;

Mindful of the report of the Extraordinary General Assembly of FECAFOOT held on the 7th august 2021;

Mindful of the report of the elections of Presidents, Vice Presidents, Rapporteurs and members of the Jurisdictional Organ and of the Commission for Appeals on Litigations concerning sporting activities;

Mindful of the communiqué publishing the list of clubs of Divisional Championships of 2020-2021 edition, eligible to take part in the electoral process (Divisional assembly);

Mindful of the appeal filed by the northwest regional league, represented by their counsel Barrister, FONYAM, Lawyer with the Cameroonian Bar and of the Supreme Court of Cameroon;

This twenty sixth day, of the month of August, in the year two thousand and twenty one, the commission for appeals on litigation in sporting activities, consisting of the following members ;

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|-----------------------------|-------------------------|
| 1- ME. ACHET NAGNIGNI | President; |
| 2- MME. NDEMO Marie Noëlle | Vice Président ; |
| 3- ME. NTEDE Faustin | Rapporteur; |
| 4- BAR. CHIEF NGUTE ABIA II | Member; |
| 5- MR. YESCOT EKOSSO LOBE | Member. |

Decided on the above cited case on the following terms;

That on the 21st August 2021, Barrister FONYAM on behalf of the North West Regional/Divisional League filed an appeal against decision N°001 of 20-08-2021 of the Electoral Commission publishing the final list of clubs for the 2020-2021 Divisional Championship called to take part in the electoral process (Divisional leagues General Assembly);

Barrister FONYAM on behalf of his client claims that the electoral list that was published by the electoral commission of FECAFOOT was only in french thereby violating their constitutional right which stipulate's that all official documents in Cameroon shall be published in English and French;

That following the publication of the list of clubs of the divisional league, eligible to take part in the electoral process which list excluded the divisional clubs of the North west Region, the appellants seized the electoral commission that all the affiliated clubs of the North West Region be included in the list of clubs for the 2020-2021 divisional championship eligible to take part in the electoral process;

That on the 24th august 2021, the appellant seized the present electoral commission based on the electoral commission's undated circular;

That in support of their claim they allege that, all divisional leagues in Cameroon receive funding to run their clubs but surprisingly only the Anglophone clubs did not receive any of such while the francophone counterparts received, thereby stripping them off from their

statutory rights despite the fact as claimed, that they are duly registered for the football season 2020-2021;

That **Article 81** of the FECAFOOT Statutes has grossly been violated and in particular its subsection 2 which states that:

“ Revenues and expenditures of FECAFOOT shall be balanced in the year. A provision shall be made to support the achievement of the main tasks of FECAFOOT”

That all divisional clubs were called upon to validate the current FECAFOOT text amongst which their clients were invited;

That the fact that FECAFOOT summoned all divisional clubs in the presence of government officials ipso facto means that they are entitled and qualified to take part in the present electoral process;

That since the 2020-2021 season is still in progress and all the teams within the North West have actually been participating in all sporting activities mandated by FECAFOOT, thereby, eliminating and stripping them off their rights while the season is still in progress is a violation of their rights.

That only the general assembly, has the right to strip a member of his or her voting rights at the end of the season following reports from the secretary general to the effect that the club or league has not duly executed his or her functions as prescribed ;

That the appellants to their appeal annexed exhibits to buttress their case;

We shall treat this appeal on its admissibility and merits

ON THE ADMISSIBILITY OF THE APPEAL

That, the appellant sought to seek redress to this jurisdictional organ by virtue of **section 67(1)(d) of the general provisions governing judicial bodies**

This appeal with the forgoing cited article and law is admissible having been filed within the time frame prescribed for by the law organizing elections by FECAFOOT

ON THE MERITS OF THE CASE

This appeal based on four grounds shall be argued distinctively;

ON GROUND ONE

Appellants declared that all the texts publishing the electoral list of the 2020-2021 sporting season was only published in French which to them is a total violation of their constitutional rights;

After proper investigation by this commission, and going through the FECAFOOT website, it is very clear that, all the lists published by the electoral commission following the electoral process ongoing that all the lists were published in both English and French.

This ground of appeal fails in its entirety

GROUND TWO

On pre-financing and financing leagues, the appellants hold that all the Anglophone divisional clubs were not pre-financed during the 2020-2021 football season whereas they are living in crisis over the past five years. The appellant goes further by citing article 81 of the statutes of FECAFOOT. It is trite law that he who alleges must provide evidence of his allegations. No receipts or evidence of payments of dues in favour of the francophone counterparts were tendered in evidence to buttress their case during the trial of this case and consequently this ground of appeal fails.

GROUND THREE

On ground three, the appellants argue that all divisional clubs were called to validate the present FECAFOOT text whereby the North West divisional clubs equally participated in the validation of the said text. They claim that their being summoned to validate the new FECAFOOT text makes them eligible to vote and to be voted. However this must not be confused and mixed up with electoral rules which are governed by a special text and regulation. Their affiliation is not synonymous to the right to vote or to be voted consequently this ground of appeals also fails.

GROUND FOUR

The appellant argue that the football season is still in progress and further states that they duly participated during this sporting season 2020-2021.

To buttress their point, they tendered match sheets indicating their participation but curiously enough the match sheets produced by them were those of league 2 and not the divisional league. It was equally noted that the clubs' appellants are wishing their enclosure to the electoral list were not those whose match sheet were presented.

From all findings, it is crystal clear that no competition of football matches took place at divisional level between clubs of that same level in the North West region. **Article 105 of FECAFOOT STATUTES** state and we quote

“ clubs called to take part at the electoral process slated for 2021 must be affiliated, and must have participated in all competitions during the 2020-2021 season without haven been declared general forfeiture by a final decision rendered by a jurisdictional organ”. From the foregoing and amongst the annexure tendered by appellants, there were no documents to testify that they were duly affiliated as prescribed by the text showing prove of payment in **AFRILAND FIRST BANK**. They equally failed to prove beyond reasonable doubt the names (11) and licences of players of each of the clubs mentioned in this appeal. Again no report of matches played was produced by the said clubs during this sporting season. To say that the 2020-2021 sporting season by appellants is ongoing is an aborted attempt to mislead this commission for the sporting season 2021 has since ended. Accordingly this ground of appeal also fails.

By a unanimous decision of this commission it declares:

Article 1: The appeal filed by Barrister FONYAM on behalf of the regional/divisional clubs of North West regions is admissible.

Article 2: ON THE MERITS

This appeal fails.

Article 3: Order the publication of this decision in conformity with the rules and regulations in place.

PRESIDENT

ACHET NAGNIGNI

VICE PRESIDENT

NDEMO MARIE NOELLE

MEMBERS

RAPPORTEUR

Me. NTEDE FAUSTIN

CHIEF NGUTE ABIA II

EKOSSO LOBE

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