



FEDERATION CAMEROUNAISE DE FOOTBALL CAMEROON FOOTBALL FEDERATION

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

006
DECISION N° /FECAFOOT/CR/2021 OF THE COMMISSION FOR APPEALS OF
LITIGATION SITTING IN ELECTORAL DISPUTES

IN THE MATTER OF

**VISCHI SPORTS ACADEMY AND SIX(06) OTHER CLUBS DEMANDING FOR THE
ANNULATIONS OR COUNCELLATION OF THE ELECTIONS OF THE DIVISIONAL
LEAGUE OF FAKO HELD ON THE 24TH OF SEPTEMBER 2021 AND IT'S EVENTUAL
RE-RUN.**

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, Rapporteur 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 VISCHI SPORTS ACADEMY and six(06) other clubs demanding for the annulations or councellation of the elections of the divisional league of Fako held on the 24th of September 2021 and it's eventual re-run.

This twenty ninth day, of the month of September, 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- Bar. ACHET NAGNIGNI | President; |
| 2- Mme. NDEMO Marie Noëlle | Vice Président ; |
| 3- Bar. NTEDE Faustin | Rapporteur; |
| 4- Bar.BETAYENE Gisèle, | Member; |
| 5- Bar. CHIEF NGUTE ABIA II | Member; |

Decided on the above cited case on the following terms;

That on the 27 of September 2021, VISCHI SPORTS ACADEMY and six (06) other clubs appealed to the appeal committee of FECAFOOT (Commission de Recours) demanding for the annulation and/or councellation of the elections of the divisional league of Fako held on the 24th of September 2021 and it's eventual re-run.

To buttres their appeal, they have cited article 29 sub3 of the statutes of the divisional league adopted on the 7th of august 2021 as well as annexing results sheets of the said held elections and in particular , those concerning the president ,the first vice president and the (second vice president).

On examining this appeal, it's proper to cite article 29 sub 3 of the statute of divisional league adopted on the 7 th of august 2021.this article state's:" *the president of the league and board of directors shall be elected by a single ballot (per position) for the election of a candidate, a majority (more than 50 %)* of a validity cast vote shall be required."

A proper examination and interpretation of this article means that, only valid casted votes are counted and consequently taken into consideration and not empty ballot papers or ballot envelopes containing no votes.

How appellant came about counting the votes for the post of the president for nine (09) against 21(twenty one) votes, is a question of imagination for there were no votes casted against the president.

Furthermore, Mr. NKAH MOORE, who stood in as president, was the only candidate for this position with no contestant in like manner, the first vice – President Mr. ENOW JESSE.

That a proper look at the ballot sheets provided for by the appellants themselves, it is crystal clear that, the president and vice –president who did not have contestants but won their elections in that, out of nine voters for the post of president Mr. NKAH MOORE, they were all in his favour, in like manner the vice - president Mr. ENOW JESSE who won eight (08) out of eight voters.

That, even if Mr. NKAH MOORE and Mr. ENOW JESSE who were running for the positions of president and first vice president won only a single vote and none against them, they would have still be declared winners.

By a unanimous decision of this commission it declares:

Article 1: The appeal filed by VISCHI SPORTS ACADEMY and six(06) other clubs demanding for the annulations or councellation of the elections of the divisional league of Fako held on the 24th of September 2021and it's eventual re-run is admissible by vertu of article 29 sub 2 of the electoral code of 13th July 2021.

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

Me. ACHET NAGNIGNI

VICE PRESIDENT

NDEMO MARIE NOELLE

RAPPORTEUR

Me. NTEDE FAUSTIN

MEMBERS

Me. BETAYENE GISELE

CHIEF NGUTE ABIA II