



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° 010/FCF/CR/2022

THE FEDERAL HOMOLOGATION AND DISCIPLINARY COMMITTEE (FHDC)
(COMMISSION DE RECOURS)

BON A PUBLIER
BETWEEN:

19 JUL 2022
THE PRESIDENT OF FC BAMENDA (DINGA JOSEPH FOMBUTU)
AND
THE NORTH WEST HOMOLOGATION AND DISCIPLINARY COMMITTEE (FHDC)

In the YEAR TWO THOUSAND AND TWENTY TWO and on the six day of July.
The Federal Homologation and Disciplinary Committee (FHDC), (COMMISSION DE RECOURS)
sitting in Yaoundé and composed of the following members;

MESSRS MAITRE ACHET NAGNIGNI-----PRESIDENT
NDEMO MARIE NOELLE -----VICE PRESIDENT
NTEDE FAUSTIN -----RAPPORTEUR
CHIEF NGUTE ABIA II -----MEMBER

Upon examination of the notice of appeal lodged by Bar. SAMKIA DUGA TITANJI Esq. on the 8th June 2022 and his grounds of appeal on the 9th June 2022 at the secretariat of the Cameroon Football Federation on behalf of the president of FC Bamenda Mr. Dinga Joseph Fombutu against the decision of the North West Homologation And Disciplinary Committee rendered on the 1st June 2022 by the said committee between his client and the North West Homologation And Disciplinary Committee.

The Federal Homologation and Disciplinary Committee (Commission de Recours)

Mindful of the constitution,

Mindful of law no 2018/014 of 11 July 2013 on the organization and promotion of sporting activities in Cameroon,

Mindful of FIFA Statutes,

Mindful of Statutes, Codes and FECAFOOT Regulations,

Mindful of the report on an extra ordinary general assembly of FECAFOOT held on the 13th of July 2021,

Mindful of the appeal lodged on behalf of the president of FC Bamenda (Mr. Dinga Joseph Fombutu) by Barrister SAMKIA DUGA TITANJI esq,

Considering that by notice of appeal lodged on the 8th June 2022 and grounds of appeal on the 9th of June at the secretariat of FECAFOOT by Mr. Dinga Joseph Fombutu filed this appeal against the decision of 1st June 2022 by the North West Homologation and Disciplinary Committee, the said committee rendered the following

1116 Yaoundé - Cameroun
sgoffice@fecafoot.org
www.fecafoot-officiel.com
Numéro de contribuable: M089600013325C



decision after fully hearing from both parties; "That section 6(3) of the Rules and Regulations of the Regional League for 2021/2022 states it clear that all players must possess a valid license within the period opened by the secretary general of FECAFOOT.

From the facts above it was clear, the player was not in possession of a valid license on the field of play.

That the said player would not play any match in the regional league until their situation is regularized.

For these reasons above, FC Bamenda losses the match against Hilltop Strikers by penalty with no goal for, no goal against. Hilltop strikers gain three points with no goals for and no goals against.

Any party not satisfied can go on appeal within a time frame stipulated by the FECAFOOT regulations;

This decision of the Federal Homologation and Disciplinary Committee (FHDC) is unanimously considered."

That, the president of FC Bamenda, Mr. Dinga Joseph Fombutu being dissatisfied with the said decision and through his counsel Barrister. SAMKIA DUGA TITANJI esq filed a two main grounds of appeal to wit;

- 1) On the lack of jurisdiction of the North West Homologation and Disciplinary Committee.
- 2) On the ultra vires decision of the North West Homologation and Disciplinary Committee.

This appeal is admissible for haven been filed within the time frame prescribed by the rules and regulations of FECAFOOT for filing appeal as well as haven acquitted itself with the payment of the cost of this proceeding. This appeal being judged admissible, we shall proceed with the facts of the case, the grounds of appeal and finally the decision.

FACTS OF THE CASE

That sitting to homologate matches of the 4th, 5th, 6th, 7th, 8th and 9th day of play of the North West Regional Football League, the North West Homologation and Disciplinary Committee passed a decision falsely alleging that a former member of the executive committee is bound by the current regulation to warrant sanctions at all material time.

That it is trite law that any act or sanction performed by an adjudicating body or tribunal without jurisdiction is null and void and without any binding legal effects.

That the North West Homologation and Disciplinary Committee acted ultra vires in passing sanctions beyond their competence.

That the North West Homologation and Disciplinary Committee wrongly held the view that the President of FC Bamenda deliberately produced a license for a



suspended player in violation of the decision of the Homologation and Disciplinary Committee of 29th June 2021.

That despite the fact that the National Commission upheld the decision of the Homologation Committee (see decision no-.0019/ FECAFOOT/CFHD/2021 signed on the 3rd of August of 2021), they thought it necessary to still renew the license of the said player.

Article 6(2) and Article 21(1) of the FECAFOOT Disciplinary Code gives the latitude for disciplinary measures to be imposed on natural and legal persons. Based on this legal provisions cited supra, the President of FC Bamenda being a former member of the executive committee of FECAFOOT and in all times is supposed to respect the rules and regulations, went further and renewed a license for a suspended player. The president of FC Bamenda Mr.Dinga Joseph Fombutu is hereby suspended for a period of 3 years with the fine of 200.000fcfa (two hundred thousand francs).He is reminded that any misconduct from him again will attract very harsh sanctions void of intimidation.

GROUND OF APPEAL

That Barrister SAMKIA DUGA TITANJI esq counsel for the appellant filed a two grounds of appeal which shall be argued seriatim.

FIRST GROUND OF APPEAL

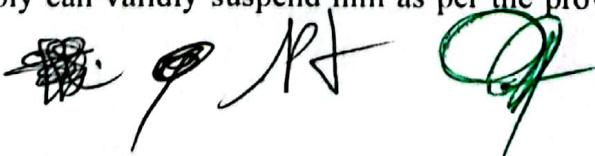
That on this ground of appeal, appellant contends that Article 61(1) of the Standard Statutes Of Regional League provides that “the Regional Homologation And Disciplinary Committee may impose sanctions prescribed under these statutes and the FECAFOOT disciplinary code on members, officials, players, match agents and intermediaries”

That article 68(1) of the statutes of FECAFOOT provides that “the Federal Homologation and Disciplinary Committee may impose sanctions prescribed under this statutes and the FECAFOOT disciplinary code on members, officials, players, match agents and intermediaries”

That member is defined in Article 12 of the Standard Statutes of Regional League as (a) clubs participating at regional competitions. (b) Affiliated divisional leagues, (c) guild accredited by FECAFOOT as member observers.

And in the definition embodied in the statutes of FECAFOOT, a member is a corporate entity admitted to membership of FECAFOOT by the general assembly. Intuitu personae, Mr. Dinga Joseph Fombutu is not a member of FECAFOOT, an official, a player, match agent nor an intermediary to fall under the sphere of competence of the Regional Homologation and Disciplinary Committee for sanctions.

That if appellant is assimilated to a member of FECAFOOT only the general assembly can validly suspend him as per the provision of Article 68(2)of the statutes



of FECAFOOT which provide thus "these provisions shall be subject to the powers of the general assembly with regards to suspension and expulsion of members and the prerogatives of the executive committee with regards to the temporary suspension of a member or the temporary dismissal of a member of a body as provided for in Article 15, 16, and 45 of these statutes.

From the foregoing it is very clear that the president of FC Bamenda Mr. Dinga Joseph Fombutu does not fall within the ambit or scope of Article 61(1) of the standard statutes of the Regional league and even if he were to fall under this category, only Article 68(1) of the statutes of FECAFOOT could be applied on him, that is, only the Federal Homologation And Disciplinary Committee has competence to impose such a sanctions on him and even then the rules, regulations and codes as defined by article 12 of the standard statutes of regional leagues, the President of FC Bamenda cannot be called a member as defined by the provision cited supra, thus this ground of appeal succeeds on its merits.

SECOND GROUND OF APPEAL

That it should rightfully be admitted that, in facts and in law the Regional Homologation and Disciplinary Committee acted ultra vires by assuming jurisdiction reserved only to the Federal Homologation Committee as well as violating Article 68(2) of the statutes of FECAFOOT. This ground of appeal also succeeds.

By a unanimous decision of the Federal Homologation and Disciplinary Committee (Commission de Recours) decides as follows:

Article 1. ON IT'S ADMISIBILITY.

This appeal is admissible haven been filed with the time frame for appeals as well as acquitting itself with the payment of the cost of proceedings.

Article 2. ON IT'S MERITS

This appeal partially succeeds on both grounds 1 and 2.

Article 3. The decision of the North West Regional and Dictionary Committee of 1st June 2022 is hereby quashed (annulled) concerning the sanctions on the president of FC Bamenda Mr. Dinga Joseph Fombutu with all its consequences while the sanctions on the player and the club are maintained.

MAITRE ACHET NAGNIGNI
PRESIDENT

CHIEF NGUTE ABIA II
MEMBER

NDEMO MARIE NOELLE
VICE PRESIDENT

STEE FAUSTIN
RAPPORTEUR