

IN THE COURT OF APPEAL SOUTH WEST REGION
HOLDEN AT BUEA

SUIT No: CASWR/01/SD/2016

BETWEEN:

- | | |
|-------------------------------------|------------------|
| 1. NJIKA MANCHO ALEXANDER | APPLICANT |
| 2. ASHUNTANTANG SAMUEL TAMBE | APPLICANT |
| 3. VINCENT NKAFU LEKE | APPLICANT |
| 4. ACHATOH DERREK ANYAMBOT | APPLICANT |

AND

- | | |
|---|-------------------|
| 1. CAMEROON BAR COUNCIL | RESPONDENT |
| 2. THE PRESIDENT CAMEROON BAR COUNCIL | RESPONDENT |
| 3. THE PEOPLE OF CAMEROON
(Represented by the Procureur General Chambers, Buea) | RESPONDENT |

TO THE PRESIDENT SOUTH WEST COURT OF APPEAL

IN THE MATTER OF SECTIONS 8(1)(b), 14(1),(3),(4),(7)& (8), AND 15
OF LAW NO 90/059 OF 19 DECEMBER 1990
TO ORGANIZE PRACTICE AT THE BAR

AND

IN THE MATTER OF A DISPUTE ON THE DIRECT ENROLLMENT AND
SWEARING IN OF THE APPLICANTS AS ADVOCATES AND
MEMBERS OF THE CAMEROON BAR ASSOCIATION

URGENT APPLICATION

I. PRAYERS/RELIEFS SOUGHT

BY THIS URGENT APPLICATION the **COURT OF APPEAL SOUTH WEST REGION, BUEA** sitting as a **FULL BENCH IN CHAMBERS** shall proceed on the day of 2016 at the hour of 9 O'clock in the forenoon or soon thereafter as the business of the Honorable Court shall permit, to determine the **APPLICANTS'** prayers for the following **ORDERS:**

- 1. A DECLARATORY ORDER**, that the applications for direct enrollment as Advocates and Members of the Cameroon Bar Association presented by the **APPLICANTS**, were **DEEMED** to have been accepted following the refusal, negligence or failure by the Bar Council to issue a decision thereto within **ONE MONTH** following the deposit of the said applications.

2. **A DECLARATORY ORDER**, that the Bar Council became **'FUNCTUS OFFICIO'** or otherwise incompetent to determine the **APPLICANTS** applications for direct enrollment after the lapse of **ONE MONTH** following the deposits of the applications with the Bar Council.
3. **A DECLARATORY ORDER**, that the **APPLICANTS** fulfill all the **LEGAL CONDITIONS** to be admitted to practice as Advocates of the Supreme Court of Cameroon.
4. **A DECLARATORY ORDER**, that the **SITUATION** of the **APPLICANTS** herein does not hinder their full and free practice of the profession as Advocates of the Supreme Court of Cameroon.
5. **A DECLARATORY ORDER**, that the **CONDUCT AND INTERGRITY** of the **APPLICANTS** herein provide enough guarantees for the dignity of the Cameroon Bar Association.
6. **AN ORDER PERMITTING** the **DIRECT ENROLLMENT AND SWEARING IN** of the **APPLICANTS** herein as Advocates and Members of the Cameroon Bar Association.
7. **AN ORDER** that the **PRESCRIBED OATH** be administered to the **APPLICANTS** herein.
8. **AND** for such further order(s) that this Honorable Court may deem fit and apposite to make in the interest of justice.

II. FACTS IN SUPPORT OF APPLICATION

I, NKEA ALEAMBONG EMMANUEL, Advocate, Solicitor and Notary of **VERITAS LAW OFFICES, BUEA**, and Member of the Cameroon Bar Association, do hereby on my honor state as follows:

1. That I am Co-counsel in this case together with **Barristers HENRY NGALLE MONONO; GILBERT TANGUIYI; HARMONY MBUTON BOBGA; ELIAS EYAMBE EBAI; JOHN SICHUI KAMENI; ANDREAS HARDING NJANG BISONG; IVOH NJUH ALOH; and VALENTINE ABEN NJI.**
2. That I have the instruction and authority of the Applicants as well as the Co-counsel in this matter to state the facts herein.
3. That the Applicants are all Cameroonians who have qualified as Barristers and Solicitors and duly called to the **Sierra Leone Bar** by the **Council of Legal Education** of Sierra Leone and are desirous to be called to the Cameroon Bar Association as Advocates and Members thereof. Copies of their Certificate of Nationality are now produced, shown to me and marked hereto as exhibits **"A-A3"**.

4. That the 1st and 4th Applicants are resident in Buea, while the 2nd is resident in Limbe and the 3rd in Mutengene, Tiko, within the jurisdiction of this Honourable Court. Copies of the Applicants' Certificates of Residence are now produced, shown to me, and marked hereto as exhibits "**B-B3**" respectively.

5. That, the 1st Respondent is the Governing Body of the Cameroon Bar Association, the 2nd Respondent is the statutory Leader of the Cameroon Bar Association with representative and administrative powers, and having Regional Representatives overseeing all the ten Regions of Cameroon, whilst the 3rd Respondents as represented herein by the Procureur General Chambers of the Court of Appeal South West Region, are charged with the proper application and enforcement of all laws in South West Region.

6. That the 1st Applicant was born on the 1st of January, 1980, in Njieh, and obtained a Bachelors (LL.B) Degree in Law in 2005 from the University of Buea, he further obtained a Post Graduate Degree in Law in 2007 from the University of Yaoundé II Soa, he was thereafter admitted to the Sierra Leone Law School, where he successfully completed the prescribed courses of study and training and was on the 11th day of March, 2015 awarded the "Bar Final Certificate" of the Council of Legal Education. Copies of the birth certificate, LL.B Degree, the Post Graduate Degree, and the Bar Final Certificate are now produced, shown to me and marked exhibits "**C-C3**" respectively.

7. That, on the 23 April, 2015, the 1st Applicant paid the sum of **Two Hundred Thousand Leones** as annual subscription to the Sierra Leone Bar Association, and thereafter the Secretary General of the Sierra Leone Bar Association issued him with a **Membership Card** and an **Attestation of Membership of the Sierra Leone Bar Association**. Copies of the Receipt of payment of subscription, the Membership Card and the Attestation of Membership are now produced, shown to me and marked hereto as exhibits "**D-D2**" respectively.

8. That the 2nd Applicant was born on the 21st of December, 1984, in Mamfe, and obtained a Bachelors Degree in Law in 2008 from the University of Yaoundé II Soa, he was thereafter admitted to the Sierra Leone Law School, where he successfully completed the prescribed courses of study and training and was on the 11th day of March, 2015 awarded the "Bar Final Certificate" of the Council of Legal Education. Copies of the birth certificate, Bachelors Degree, and the Bar Final Certificate are now produced, shown to me and marked hereto as exhibits "**E-E2**" respectively.

9. That, on the 30 April, 2015, the 2nd Applicant paid the sum of **Two Hundred Thousand Leones** as annual subscription to the Sierra Leone Bar Association, and thereafter the Secretary General of the Sierra Leone Bar Association issued him with a **Membership Card** and an **Attestation of Membership of the Sierra Leone Bar Association**. Copies of the Receipt of Payment of subscription, the Membership Card and the Attestation of Membership are now produced, shown to me and marked hereto as exhibits "**F-F2**" respectively.

10. That the 3rd Applicant was born on 10 April 1981 in Tiko, and obtained a Bachelors (LL.B) Degree in Law in 2006 from the University of Buea, he was thereafter admitted to the Sierra Leone Law School, where he successfully completed the prescribed courses of study and training and was on the 11th day of March, 2015 awarded the “Bar Final Certificate” of the Council of Legal Education. Copies of the birth certificate, Bachelors Degree, and the Bar Final Certificate are now produced, shown to me and marked hereto as exhibits “**G-G2**” respectively.

11. That, on the 23 April, 2015, the 3rd Applicant paid the sum of **Two Hundred Thousand Leones** as annual subscription to the Sierra Leone Bar Association, and thereafter the Secretary General of the Sierra Leone Bar Association issued him with a **Membership Card** and an **Attestation of Membership of the Sierra Leone Bar Association**. Copies of the Receipt of Payment of subscription, the Membership Card and the Attestation of Membership are now produced, shown to me and marked hereto as exhibits “**H-H2**” respectively.

12. That the 4th Applicant was born on 03 February, 1982 in Buea, and obtained a Bachelors (LL.B) Degree in Law in 2007 from the University of Buea, he was thereafter admitted to the Sierra Leone Law School, where he successfully completed the prescribed courses of study and training and was on the 11th day of March, 2015 awarded the “Bar Final Certificate” of the Council of Legal Education. Copies of the birth certificate, Bachelors Degree, and the Bar Final Certificate are now produced, shown to me and marked hereto as exhibits “**J-J2**” respectively.

13. That, on the 23 April, 2015, the 4th Applicant paid the sum of **Two Hundred Thousand Leones** as annual subscription to the Sierra Leone Bar Association, and thereafter the Secretary General of the Sierra Leone Bar Association issued him with a **Membership Card** and an **Attestation of Membership and their Bar identification cars**. Copies of the Receipt of Payment of subscription, the Membership Card and the Attestation of Membership are now produced, shown to me and marked hereto as exhibits “**K-K2**” respectively.

14. That between the year **2008** and **2013**, more than **Seventy (70)** Cameroonians duly called to the Sierra Leone Bar as Barristers and Solicitors, have been successfully admitted as Advocates and Members of the Cameroon Bar Association.

15. That all those previously admitted from the Sierra Leone Bar including co-counsel **IVOH NJUH ALOH and VALENTINE ABEN NJI** continue to practice their profession as Advocates and Members of the Cameroon Bar Association without any hindrance.

16. That being desirous to be called to the Cameroon Bar, the Applicants’ are statutorily required to address their applications for enrollment as Advocates

and Members of the Cameroon Bar Association to the President of the Cameroon Bar Council through the Secretariat of the Cameroon Bar Association.

17. That, on the **28 September, 2015**, the Applicants deposited at the Secretariat of the Cameroon Bar Association, and through the services of **Sheriff Bailiff FOUMANE FAM Sylvain Bernard**, their respective applications to the Cameroon Bar Association for enrollment as Advocates and Members of the Cameroon Bar Association. A copy of the **Bailiff's Report of Service** on the Cameroon Bar Council is now produced, shown to me and marked hereto as exhibit "**L**".

18. That in their applications to the Cameroon Bar Council for direct enrolment as Advocates and Members of the Cameroon Bar Association, the **APPLICANTS** herein submitted *inter alia* copies of their respective **Certificate of Cameroon Nationality and Certificate of Non-conviction**. Copies of the Certificates of Nationality and Non-Conviction are now produced, shown to me and attached hereto as **exhibits "M-M5"** respectively.

19. That I know as a fact that the Cameroon Bar Council is mandatorily and statutorily required to respond to the Applicants' applications within **One (1) Month**, irrespective of whether the applications have been approved or rejected.

20. That it is well over **Eight (8) Months** since the Applicants' applications for enrollment were received by the Cameroon Bar Council.

21. That I equally know as a fact that the Bar Council is mandatorily and statutorily required to notify the Applicants with the decision approving or rejecting their applications within **Eight (8) days** following the said decision, by a registered letter or by any other means with written evidence.

22. That the Applicants have not received any such notification from the Bar Council on the outcome of their Applications for enrolment.

23. That I also know as a fact that the Applicants' are mandatorily and statutorily deemed to have been admitted if the Bar Council failed, neglected or refused to respond to the Applicants' application within the statutory **One (1) Month** time frame.

24. That I further know as a fact that, should the Bar Council fail, refuse or neglect to respond to the Applicants' applications, the President of the Bar Council is statutorily required to proceed with the immediate enrollment of the Applicants.

25. That since the Applicants' applications for direct enrollment were submitted to the Cameroon Bar Council, the Applicants did not receive any

decision from the Bar Council on the said applications within the mandatory statutory **One (1) Month** time frame.

26. That the President of the Cameroon Bar Council did not proceed with the direct enrolment of the Applicants as otherwise required.

27. That by a letter dated the **15 of April, 2016**; the Secretary of the Cameroon Bar Association '**strangely**' notified the **APPLICANTS** herein, that their applications for enrollment into the Cameroon Bar Association will be examined on the **30th April, 2016** at **HOTEL LA MAREE in KRIBI** and requested them to appear thereat for a decision on the applications. Copies of the letters from the Secretary of the Bar Council are now produced, shown to me and attached hereto as **exhibits "N-N3"**.

28. That on the **30th April, 2016**, at **HOTEL LA MAREE in KRIBI**, the Cameroon Bar Council purportedly examined the said applications for direct enrolment and **ORALLY NOTIFIED** the **APPLICANTS** herein that their applications for direct enrolment have been **REJECTED**.

29. That I know as a fact that the **Law Organizing Practice at the Bar** as enacted by the **National Assembly of Cameroon** has not been amended to permit the Bar Council to examine applications for direct enrollment outside the mandatory statutory period of **One (1) Month**.

30. That I know as a fact that while the Bar Council has legislative powers to enact subsidiary rules, such powers do not extend to the amendment of key legislations such as the **Law Organizing Practice at the Bar**.

31. That the Bar Council cannot validly enact any rule whether substantive or procedural that would have an override effect or otherwise conflict with the mandatory and subsisting provisions of the **Law Organizing Practice at the Bar**.

32. That I know as a fact that any valid amendment of the **Law Organizing Practice at the Bar** at the instance of the Cameroon Bar Association, must first obtain a **Resolution** of the **General Assembly of the Bar** to that effect, which **Resolution** would then be forwarded to the appropriate authorities for a legislative measure by the **National Assembly of Cameroon**.

33. That I know as a fact that there is **NO VALID STATUTORY** instrument whether from the **General Assembly of the Cameroon Bar Association** or the **National Assembly of Cameroon**, which permits the Cameroon Bar Council and or the President of the Bar Council, to derogate from the valid and subsisting provisions of the **Law Organizing Practice at the Bar** to the extent of examining applications outside the mandatory statutory period of **One (1) Month**.

34. That I also know as a fact that there is **NO VALID STATUTORY** instrument whether from the **General Assembly of the Cameroon Bar Association** or the **National Assembly of Cameroon**, which permits the Cameroon Bar Council and or the President of the Bar Council, to derogate from the valid and subsisting provisions of the **Law Organizing Practice at the Bar** to the extent of permitting the President of the Bar Council **NOT** to proceed with the direct enrollment of the **APPLICANTS** even when their applications for direct enrollment have not been examined by the Bar Council within the mandatory statutory period of **One (1) Month**.

35. That contrary to the existing law, the purported decision of the Cameroon Bar Council rejecting the **APPLICANTS'** applications for direct enrollment has not been served on the **APPLICANTS** within **Eight (8) days** following the said purported decision, whether by a registered letter or by any other means with written evidence.

36. That I know as a fact that that the failure, neglect, or refusals by the Cameroon Bar Council to determine the **APPLICANTS'** applications for direct enrollment is profoundly inconsistent with the law.

37. That I also know as a fact that the failure, neglect, or refusal by the President of the Cameroon Bar Council to proceed with the direct enrollment of the Applicants is grossly inconsistent with the existing law.

38. That it would be setting a dangerous precedence if the Cameroon Bar Council and or the President of the Cameroon Bar Council are permitted to derogate from the strict application of the law, and in manner prejudicial to the interest of the **APPLICANTS**.

39. That the failure, neglect or refusal by the Cameroon Bar Council and or the President of the Cameroon Bar Council to uphold the law with regards to the direct enrollment of the **APPLICANTS** is causing the **APPLICANTS** and their families anxiety, much discomfort and prejudice.

40. That, I believe substantial justice will be done if the **PRAYERS SOUGHT** herein are granted.

AND I STATE THESE FACTS believing the same to be true to the best of my knowledge, information and belief.

**DONE AND DATED AT VERITAS LAW OFFICES BUEA
THIS THURSDAY THE 18 DAY OF MAY 2016**



CO-COUNSEL FOR THE APPLICANTS

ADDRESSES FOR SERVICE:

1. THE APPLICANTS

C/o THEIR CO-COUNSEL

VERITAS LAW OFFICES P.O. BOX 246 BUEA

2. THE 1st & 2nd RESPONDENTS

C/o THE REPRESENTATIVE OF THE PRESIDENT OF THE

BAR COUNCIL FOR THE SOUTH WEST REGION

HUMAN RIGHTS LAW FIRM, MUTENGENE

3. THE 3rd RESPONDENTS

C/o PROCUREUR GENERAL'S CHAMBERS

COURT OF APPEAL, SOUTH WEST REGION

BUEA