



Research Article

Jurisdiction, Power and the Denial of Justice: The Impact of Jurisdictional Incompetence on Fair Trial Rights in Cameroon

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Abstract

The right to a fair trial is a cornerstone of the rule of law. In Cameroon, however, procedural objections based on jurisdictional incompetence have increasingly impeded effective judicial protection. Although jurisdictional rules are intended to promote legal certainty and the orderly administration of justice, their application has, in some cases, led to prolonged delays, the denial of remedies, and the erosion of fair trial guarantees. This article examines how jurisdictional incompetence operates within the Cameroonian judicial system and assesses its implications for access to justice, due process, and the protection of human rights. The study adopts a doctrinal methodology, complemented by socio-legal analysis. It draws on constitutional provisions, statutory instruments, judicial decisions, and international human rights standards, including the African Charter on Human and Peoples' Rights. The analysis is further informed by Critical Legal Theory and the Law-and-Society approach, which regard law as operating within broader structures of political power and institutional influence. These perspectives provide a framework for examining how procedural doctrines may shape access to justice and reinforce existing power relations. The findings reveal that jurisdictional incompetence extends beyond a technical procedural issue and may serve as a mechanism that limits the availability of timely and effective remedies. Frequent transfers of cases between courts, restrictive interpretations of jurisdictional mandates, and prolonged disputes over competence often undermine the right to a hearing within a reasonable time and weaken public confidence in judicial institutions. In politically sensitive cases, jurisdictional challenges may also facilitate indirect interference with judicial accountability. The article argues that meaningful reform requires a rights-oriented approach to jurisdiction that prioritises substantive justice over excessive procedural formalism. It concludes by proposing legal and institutional reforms to strengthen fair trial guarantees, enhance judicial efficiency, and reinforce the rule of law in Cameroon.

Keywords

Jurisdictional Incompetence, Fair Trial Rights, Access to Justice, Human Rights Protection, Judicial Accountability, Rule of Law, Judicial Power, Cameroon Judiciary

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1. Introduction

1.1. Background and Context of the Study

The right to a fair trial is a cornerstone of human rights protection and constitutional governance. It safeguards individuals against arbitrary public authority by guaranteeing access to independent and impartial courts, due process, equality before the law, and the timely resolution of disputes. These protections are recognised in international and regional instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights. Cameroon has incorporated many of these principles into its constitutional and legal framework and is bound by international obligations to ensure effective judicial protection [51]. Despite these guarantees, significant challenges persist in the practical realisation of fair trial rights. Among the most notable is the frequent invocation of jurisdictional incompetence by courts, resulting in procedural delays, repeated case transfers, and, in some instances, the denial of effective remedies. Rather than facilitating the orderly administration of justice, jurisdictional objections may obstruct access to justice when applied excessively or in a formalistic manner. This tension between procedural legality and substantive justice raises important questions about the effectiveness of judicial protection and the broader relationship between jurisdiction, human rights, and the rule of law in Cameroon¹.

1.2. Jurisdictional Incompetence and the Administration of Justice in Cameroon

Jurisdiction is the legal authority of a court to hear and determine a dispute, and it is essential to the lawful exercise of judicial power. It ensures that cases are allocated to the appropriate forum, promotes legal certainty, and supports the efficient administration of justice. In Cameroon, however, jurisdictional issues frequently arise because of the complexity of the judicial system, the coexistence of civil and common law traditions, the presence of specialised courts, and evolving statutory frameworks [54]. Although jurisdictional objections serve legitimate procedural purposes, their use has increasingly raised concerns. Litigants often face prolonged disputes over forum selection, repeated transfers between courts, and dismissals on technical jurisdictional grounds before the merits of their claims are examined. These practices may delay proceedings, increase costs, and restrict access to effective remedies. The problem is particularly significant in human rights cases, where procedural delays can undermine fair trial guarantees and render judicial protection ineffective, thereby weakening access to justice and the rule of law [39].

1.3. Statement of the Problem

Despite extensive scholarship on judicial independence, constitutionalism, and human rights in Cameroon, attention to the human rights implications of jurisdictional incompetence remains limited. Legal discourse typically treats jurisdiction as a technical procedural matter, overlooking its broader effects on access to justice and fair trial rights. Yet repeated findings of incompetence can delay proceedings, increase costs, obstruct effective remedies, and weaken public confidence in the judiciary. In politically sensitive cases, jurisdictional objections may also reflect broader concerns about judicial independence and institutional power [4]. This article therefore examines whether invoking jurisdictional incompetence contributes to the denial of justice and infringes fair trial rights, thereby undermining human rights protection and the rule of law in Cameroon.

1.4. Research Questions

The following research questions guide this article:

- 1) How is jurisdictional incompetence defined and applied within the Cameroonian judicial system?
- 2) To what extent does the invocation of jurisdictional incompetence affect the enjoyment of fair trial rights and access to justice?
- 3) How do judicial interpretations of jurisdictional competence contribute to delays or denials of justice?
- 4) What roles do broader institutional and political power relations play in shaping jurisdictional outcomes?
- 5) What legal and institutional reforms are necessary to ensure that jurisdictional rules promote rather than undermine human rights protection?

1.5. Research Objectives

The primary objective of this article is to examine the impact of jurisdictional incompetence on the right to a fair trial in Cameroon.

The specific objectives are:

- 1) To analyse the legal framework governing jurisdiction and jurisdictional competence in Cameroon.
- 2) To examine judicial practices regarding findings of jurisdictional incompetence.
- 3) To assess the implications of these findings for fair trial rights, due process, and access to justice.
- 4) To explore the relationship between jurisdictional decision-making, judicial power, and broader political dynamics.
- 5) To propose reforms to strengthen human rights protection and the effective administration of justice.

¹ In Cameroon, the right to a fair trial is primarily anchored in the Preamble of the

1996 Constitution (amended in 2008) and reinforced by Article 37, which guarantees judicial independence.

1.6. Significance of the Study

This study contributes to existing scholarship in three important respects. First, it expands the literature on fair trial rights in Cameroon by focusing on an underexplored procedural mechanism that significantly affects access to justice. Second, it contributes to broader debates about the relationship between procedural law and human rights protection by showing how technical jurisdictional rules can have substantive consequences for rights holders. Third, it offers an original perspective on the interaction between law, power, and judicial decision-making in Cameroon. The study is also significant from a policy perspective. Its findings may help judges, legislators, legal practitioners, and human rights advocates identify procedural barriers that undermine effective judicial protection. By highlighting the human rights implications of jurisdictional practices, the article contributes to ongoing discussions on judicial reform, accountability, and the strengthening of the rule of law.

1.7. Methodology and Sources

The article adopts a qualitative research methodology that combines doctrinal legal analysis with socio-legal inquiry. The doctrinal component examines constitutional provisions, statutes, procedural rules, judicial decisions, and relevant international and regional human rights instruments governing jurisdiction and fair trial rights [5]. The socio-legal dimension situates judicial decision-making within its broader institutional and political context. Attention is paid to selected judicial decisions in which jurisdictional incompetence has significantly affected access to justice, delayed proceedings, or prevented the substantive adjudication of claims. The study relies primarily on primary legal materials, including legislation and case law, supplemented by academic literature, reports from human rights organisations, and comparative jurisprudence from selected African jurisdictions [27].

1.8. Theoretical Framework

The article is grounded in Critical Legal Theory and Law-and-Society scholarship, both of which challenge the assumption that legal rules operate independently of social and political power structures. These perspectives emphasise that legal doctrines are not merely neutral technical instruments but may reflect and reproduce broader relations of power within society. Applying this framework to jurisdictional incompetence yields a deeper understanding of how procedural rules can influence access to justice and shape judicial outcomes [20]. Rather than viewing jurisdiction solely as a technical legal question, the article examines how jurisdictional determinations

may operate within broader institutional dynamics and affect the practical enforcement of human rights. This theoretical approach is particularly relevant to Cameroon, where debates about judicial independence, executive influence, and the effectiveness of legal institutions remain central to discussions of governance and human rights protection².

1.9. Structure of the Article

This article comprises seven substantive sections. Section Two outlines the conceptual and theoretical foundations of jurisdiction, fair trial rights, access to justice, and law-power relations. Section Three examines the legal and institutional framework governing jurisdiction and fair trial guarantees in Cameroon. Section Four analyses the practical operation of jurisdictional incompetence within the judicial system. Section Five evaluates selected cases that illustrate how jurisdictional objections have delayed or denied justice. Section Six assesses the human rights implications of these practices. Section Seven proposes reforms to strengthen access to justice, judicial accountability, and the protection of rights. Section Eight concludes the article.

2. Conceptual and Theoretical Foundations

2.1. The Concept of Jurisdiction and Jurisdictional Incompetence

Jurisdiction is one of the most fundamental principles of judicial authority. It denotes the legal power conferred on a court or tribunal to hear, determine, and enforce a decision in a particular dispute. Without jurisdiction, a court lacks the authority to adjudicate a matter, regardless of the merits of the claim before it. Jurisdiction therefore serves as a threshold requirement for the exercise of judicial power and is essential to the legitimacy of judicial proceedings. Traditionally, jurisdiction is categorised into several forms, including subject-matter, territorial, personal, and appellate jurisdiction [21]. Subject-matter jurisdiction concerns the nature of the dispute and determines whether a particular court has authority over a given legal issue. Territorial jurisdiction concerns the geographical area within which a court may exercise authority, while personal jurisdiction concerns the relationship between the court and the parties involved in litigation [42].

The doctrine of jurisdictional incompetence applies when a court finds it lacks the legal authority to adjudicate a dispute. In principle, such a finding is intended to preserve the integrity of judicial proceedings by ensuring the appropriate forum

2 Jurisdictional determinations in Cameroon frequently function as political instruments rather than neutral legal procedures. Due to deep executive overreach where the President directly controls the judiciary via the Higher Judicial Council courts regularly struggle to enforce basic human rights impartially, particularly dur-

ing political dissent. Executive Dominance: Under Article 37(3) of the 1996 Constitution, the President guarantees judicial independence, but in practice, this manifests as subservience to the executive. Judges face career advancement and disciplinary repercussions for ruling against state interests

hears the case. Jurisdictional rules therefore promote legal certainty, procedural order, and institutional efficiency. However, the doctrine's operation is not always confined to these technical objectives. In practice, findings of incompetence may lead to substantial delays, higher litigation costs, repeated transfers between courts, and, in certain circumstances, the effective denial of judicial remedies [29]. While procedural law often treats jurisdiction as a preliminary question, its practical consequences may profoundly affect substantive rights. The distinction between procedural and substantive justice thus becomes increasingly blurred when jurisdictional objections prevent litigants from obtaining a hearing on the merits of their claims. The challenge is to ensure that jurisdictional rules fulfil their legitimate organisational function without undermining the broader objectives of justice. This concern is particularly relevant in jurisdictions where institutional inefficiencies, political pressures, or procedural complexities may turn jurisdictional objections into barriers to effective judicial protection [28].

2.2. The Right to a Fair Trial Under International Human Rights Law

The right to a fair trial is widely recognised as a cornerstone of the international human rights system. It is indispensable for protecting all other rights, as legal rights become largely illusory without effective mechanisms for their enforcement. Fair-trial guarantees aim to ensure that disputes are resolved through transparent, impartial, and procedurally fair processes [12]. The right is enshrined in Article 10 of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, and Article 7 of the African Charter on Human and Peoples' Rights. Collectively, these instruments set minimum standards for judicial proceedings, including equality before the courts, the right to be heard, access to an independent and impartial tribunal, the presumption of innocence in criminal matters, and the right to a hearing within a reasonable time [50].

International human rights jurisprudence increasingly recognises that procedural delays may, in themselves, constitute violations of fair trial rights. Courts and human rights bodies have consistently emphasised that justice delayed may amount to justice denied when litigants are deprived of timely access to effective remedies. Consequently, procedural mechanisms that unnecessarily prolong litigation must be assessed not only from a technical legal perspective but also from a human rights standpoint. The right to a fair trial encompasses both procedural and substantive dimensions. Procedurally, it requires adherence to established legal safeguards. Substan-

tively, it demands that judicial processes be capable of delivering meaningful justice. A formalistic adherence to procedural rules that obstruct the effective determination of rights may therefore conflict with the broader purposes of fair-trial guarantees. Within this framework, jurisdictional incompetence becomes a matter of human rights concern whenever its application results in unreasonable delay, denial of access to judicial remedies, or exclusion of litigants from meaningful participation in legal proceedings³.

2.3. Access to Justice, Due Process and the Rule of Law

Access to justice is a fundamental requirement of democratic governance, constitutionalism, and the rule of law. It enables individuals to seek and obtain effective remedies through judicial and other lawful institutions when their rights are violated. Genuine access requires more than the mere existence of courts; judicial mechanisms must be accessible, affordable, efficient, and capable of delivering meaningful outcomes. Due process complements this principle by ensuring that proceedings are conducted fairly and impartially, in accordance with established legal standards [47]. Individuals must have a real opportunity to present claims, challenge adverse decisions, and receive reasoned judgments from independent tribunals. These guarantees operate within the broader framework of the rule of law, which requires that public power be exercised in accordance with legal norms and be subject to judicial oversight. Excessive reliance on jurisdictional objections may undermine access to justice, due process, and accountability by delaying hearings, increasing costs, restricting remedies, and weakening confidence in the courts [34].

2.4. Critical Legal Theory, Power Relations and Judicial Decision-Making

Critical Legal Theory challenges the view that legal rules are neutral instruments applied mechanically by judges. While traditional positivist approaches regard jurisdictional decisions as technical exercises in statutory interpretation, critical scholars argue that law operates within broader structures of political, social, and institutional power. Judicial outcomes are therefore shaped not only by legal reasoning but also by institutional interests, power relations, and prevailing political conditions [52]. From this perspective, jurisdiction is more than a procedural doctrine. Jurisdictional rules determine which courts may hear disputes, which claims can proceed, and which grievances remain unresolved. As a result, they di-

3 Article 10 of the Universal Declaration of Human Rights (UDHR) guarantees the right to a fair and public trial by an independent and impartial tribunal. It ensures equal treatment for determining rights, obligations, and criminal charges. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) establishes the foundational right to equality before courts and tribunals, guaranteeing

the right to a fair and public trial by an independent, impartial tribunal established by law. Article 7 of the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) guarantees the foundational right to a fair trial and due process. It ensures that every individual has access to competent national courts, the presumption of innocence, legal defence, and protection against retroactive laws.

rectly influence access to remedies and the distribution of judicial authority. Similarly, the Law-and-Society approach emphasises that legal institutions should be understood within their wider social and political environment rather than through legal texts alone. These perspectives are particularly relevant in Cameroon, where concerns about judicial independence, executive influence, and accountability continue to shape debates on justice, governance, and the effective protection of human rights⁴.

2.5. Analytical Framework for Assessing Jurisdictional Incompetence in Cameroon

This article adopts an analytical framework that combines human rights principles with critical perspectives on law and power. It proceeds from the premise that jurisdictional incompetence should be assessed not only as a technical procedural doctrine but also in terms of its practical consequences for the protection of rights. The framework examines three interconnected dimensions. First, it analyses the legal dimension by assessing whether jurisdictional decisions comply with constitutional provisions, statutory rules, and established legal norms governing judicial competence. Second, it considers the human rights dimension by evaluating how jurisdictional determinations affect access to justice, due process guarantees, fair trial rights, and the availability of effective remedies. Third, it explores the power dimension by examining whether jurisdictional outcomes reflect broader institutional and political dynamics that may reinforce existing power structures or weaken judicial accountability. By integrating these dimensions, the framework provides a comprehensive basis for analysing jurisdictional incompetence as both a legal doctrine and a practical mechanism that influences human rights protection, judicial accountability, and the rule of law in Cameroon [16].

3. Legal and Institutional Framework Governing Fair Trial Rights in Cameroon

3.1. Constitutional Protection of Fair Trial Rights

The right to a fair trial in Cameroon derives from constitutional guarantees, statutory provisions, and international human rights obligations. Although the Constitution lacks a comprehensive bill of rights, its Preamble is an integral part of the constitutional order and incorporates fundamental rights relevant to the administration of justice. It affirms Cameroon's commitment to the Universal Declaration of Human Rights

(UDHR), the United Nations Charter, and the African Charter on Human and Peoples' Rights [23]. The Constitution also guarantees equality before the law, protection against arbitrary treatment, and respect for lawful procedures. In addition, the constitutional principles of separation of powers and judicial independence provide an essential framework for protecting the right to a fair trial. These guarantees require courts to adjudicate disputes impartially, safeguard individual rights, and ensure effective remedies. However, constitutional protection becomes meaningful only when jurisdictional rules are applied consistently with access to justice, due process, judicial accountability, and the effective protection of rights [4].

3.2. Jurisdictional Rules Under Cameroonian Law

A complex framework of constitutional provisions, statutory enactments, procedural codes, and judicial precedents governs jurisdictional competence in the Cameroonian legal system. Jurisdiction is determined primarily by the nature of the dispute, the status of the parties, the territorial location of the cause of action, and the level of court empowered to adjudicate the matter. Cameroon's dual legal heritage, combining civil and common law traditions, has contributed to a multifaceted jurisdictional structure. Different courts exercise authority over criminal, civil, commercial, labour, customary, administrative, and constitutional matters. In principle, this distribution of authority promotes specialisation and efficiency. In practice, however, overlapping mandates and procedural ambiguities occasionally create uncertainty about the appropriate forum for litigation [19].

The Civil Procedure Rules, Criminal Procedure Code, and legislation governing administrative justice set out the procedural requirements for raising jurisdictional objections. Parties may challenge a court's competence at various stages of the proceedings, and courts may also raise jurisdictional questions on their own initiative [37]. Once a court declares itself incompetent, proceedings are generally terminated or transferred to another forum, depending on the circumstances of the case. The rationale for these rules is legally sound. Jurisdictional competence protects institutional legitimacy and prevents courts from exercising powers beyond those granted by law. Nevertheless, difficulties arise when jurisdictional objections become excessively formalistic or when courts focus primarily on procedural technicalities without considering their consequences for substantive justice [36].

3.3. The Judicial Structure of Cameroon

An understanding of the Cameroonian judicial system is essential to appreciate the practical significance of jurisdictional disputes. The judicial structure comprises several levels of

⁴ Rule of Law Recession: According to the World Justice Project Rule of Law Index, Cameroon ranks extremely low (134 out of 143), driven by severe declines in constraints on government power and fundamental rights. Institutional Inertia:

Civil society groups, such as the UNCAC Coalition, highlight that specialized bodies like the Special Criminal Court suffer from credibility issues due to perceived selective prosecution and continued executive interference.

courts, each with distinct jurisdictional mandates. At the base of the hierarchy are the Courts of First Instance and High Courts, which exercise jurisdiction over most criminal and civil matters. These courts are the primary forums through which individuals seek legal remedies and enforce rights. Above them are the Courts of Appeal, which review decisions of lower courts and ensure the consistent application of the law. At the apex of the ordinary judicial system stands the Supreme Court, which exercises supervisory authority over lower courts and serves as the highest appellate body in most legal matters. The Supreme Court is organised into specialised benches, including the Judicial, Administrative, and Audit Benches, reflecting the specialised nature of modern adjudication [2].

In addition to the ordinary courts, the Constitution establishes specialised institutions such as the Constitutional Council and administrative courts. Administrative courts have jurisdiction over disputes involving public authorities and administrative actions, while the Constitutional Council is responsible for constitutional review and electoral matters⁵. While this institutional structure reflects efforts to promote judicial specialisation, it also creates opportunities for jurisdictional uncertainty. Disputes frequently arise over whether ordinary courts, administrative courts, or specialised tribunals should hear the matter. These uncertainties may result in prolonged procedural disputes before the substantive merits of a case are addressed. Consequently, the architecture of the judicial system itself underscores the importance of jurisdictional competence as a practical and human rights issue [25].

3.4. International and Regional Human Rights Obligations

Cameroon is bound by international and regional human rights instruments that guarantee the right to a fair trial and access to justice. At the international level, it is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to a fair and public hearing before a competent, independent, and impartial tribunal and requires that judicial proceedings be conducted without undue delay [3]. Regionally, Cameroon is a State Party to the African Charter on Human and Peoples' Rights (ACHPR). Article 7 of the Charter protects the right to have one's cause heard, including access to competent courts, the presumption of innocence, and the right to defence. The African Commission on Human and Peoples' Rights has consistently interpreted these guarantees as imposing a duty on states to provide effective remedies for rights violations. Regional and international ju-

risprudence further recognises that excessive procedural barriers, unreasonable delays, and ineffective remedies may themselves constitute violations of fair trial rights. Consequently, jurisdictional rules in Cameroon must be assessed not only against domestic procedural requirements but also against international obligations to ensure effective judicial protection and meaningful access to justice [45].

3.5. The Role of Courts in Human Rights Protection

Courts are central to the protection of human rights and the maintenance of the rule of law. Beyond resolving disputes, they enforce constitutional norms, hold public authorities to account, and safeguard individual freedoms. Their effectiveness depends not only on their legal powers but also on their ability to provide timely and meaningful remedies. In Cameroon, courts are often the final avenue for individuals to challenge unlawful state action, seek redress for rights violations, and defend their legal interests. Jurisdictional competence is crucial to this role [6]. While courts must respect jurisdictional limits to preserve legality and institutional order, these rules should not impede access to justice. Excessive reliance on procedural objections may prevent substantive consideration of claims and undermine the guarantees of a fair trial⁶. Courts must therefore balance procedural requirements with the broader objective of ensuring effective protection of rights [32].

4. Jurisdictional Incompetence in Cameroonian Judicial Practice

4.1. Nature and Scope of Jurisdictional Objections

Jurisdictional objections are an essential procedural mechanism within the Cameroonian judicial system. They enable parties to challenge a court's authority and ensure that disputes are heard by the appropriate forum. In principle, such objections promote legal certainty, institutional order, and the proper administration of justice. In practice, however, they often extend beyond their intended purpose. Rather than facilitating efficient adjudication, jurisdictional disputes frequently delay proceedings and prolong litigation. Questions concerning subject-matter, territorial, administrative, and procedural competence may consume considerable judicial time before courts address the merits of a case, thereby restricting timely access to justice [24].

5 Administrative Courts / Bench: Governed under Article 40 of the CONSTITUTION of Cameroon - Codices, the administrative bench of the Supreme Court and decentralized administrative benches examine disputes involving the State, local councils, and public authorities Article 40 of the CONSTITUTION of Cameroon. Constitutional Council: Scope: Regulated by Articles 46-48 of the constitution and

operational laws, it acts as the highest regulatory body for constitutional matters Oxford Constitutional Law: Part 2 Archetypal Examples of Different

6 The extent to which they achieve this balance is critical to judicial accountability, public confidence, and the effective enforcement of human rights in Cameroon.

4.2. Judicial Interpretation of Jurisdictional Competence

The impact of jurisdictional incompetence largely depends on how courts interpret and apply jurisdictional rules. Judicial practice in Cameroon reveals a range of approaches to questions of competence. Some courts adopt a purposive interpretation to promote access to justice and procedural efficiency. In contrast, others adhere strictly to formal legal requirements, regardless of the practical consequences for litigants [22]. The formalist approach generally emphasises strict compliance with statutory provisions governing jurisdiction. Under this approach, any procedural defect relating to competence may result in the dismissal of proceedings or a declaration that a court lacks authority to entertain a matter. While such decisions may be legally defensible, they can sometimes produce outcomes that prioritise procedural correctness over substantive justice. A more pragmatic approach occasionally emerges when courts recognise the need to balance procedural requirements with broader considerations of fairness and access to justice⁷. Despite these differing approaches, judicial practice shows a tendency towards procedural formalism in certain categories of dispute, particularly those involving public authorities, administrative decisions, and politically sensitive matters. This uncertainty leads to inconsistent outcomes and increases the likelihood of prolonged jurisdictional disputes. Moreover, the absence of clear and consistent judicial guidance on certain jurisdictional questions has created opportunities for strategic litigation [29].

4.3. Procedural Consequences of Findings of Incompetence

Declarations of jurisdictional incompetence often have significant practical consequences for litigants and the administration of justice. Although intended to ensure that disputes are heard in the appropriate forum, such findings frequently generate additional costs, procedural uncertainty, and substantial delays [53]. Litigants may be required to commence fresh proceedings, incur further legal and administrative expenses, and repeat procedural steps already completed. These burdens are particularly severe for vulnerable individuals seeking remedies for human rights violations. Jurisdictional disputes can also prolong litigation, particularly when findings of incompetence are challenged on appeal. In some cases, years may pass before a competent court is identified and the substantive issues are addressed. Such delays may discourage claimants from pursuing legitimate grievances and can undermine confidence in judicial institutions. The problem is even more acute when proceedings are transferred after significant progress has already been made, effectively requiring the parties to restart the litigation [26].

⁷ Such decisions reflect an understanding that procedural rules should facilitate rather than frustrate the effective administration of justice.

4.4. Jurisdictional Transfers and Delays in Litigation

One of the most visible signs of jurisdictional incompetence in Cameroon is the transfer of cases between judicial forums. Transfers commonly occur when courts determine that another tribunal has exclusive competence over a particular dispute. While such transfers are legally permissible and often necessary, they can significantly prolong litigation. The problem is particularly evident in administrative law disputes. Litigants frequently face uncertainty over whether to file claims before ordinary or administrative courts [32]. This uncertainty can lead to successive jurisdictional challenges and repeated transfers before a competent forum is identified. The consequences of such delays extend beyond procedural inconvenience. Human rights litigation often concerns urgent interests, including unlawful detention, property disputes, employment grievances, electoral controversies, and challenges to governmental action. Delays in resolving these matters may render eventual remedies ineffective or meaningless. The principle that justice should be administered within a reasonable time is widely recognised in international human rights law⁸. Excessive delays resulting from jurisdictional disputes therefore raise serious concerns regarding compliance with fair trial guarantees [15].

4.5. Emerging Patterns in Judicial Practice

The analysis of jurisdictional disputes in Cameroon reveals recurring patterns with significant implications for access to justice and the protection of human rights. First, courts often adopt a formalistic approach to jurisdiction, prioritising strict procedural compliance over substantive adjudication. While legally defensible, this tendency may delay proceedings and prevent courts from addressing the merits of claims [49].

Second, institutional fragmentation within the judicial system contributes to jurisdictional uncertainty. The coexistence of multiple courts and specialised tribunals with overlapping mandates frequently leads to disputes over competence, resulting in procedural delays and higher litigation costs.

Third, jurisdictional challenges appear particularly prevalent in cases involving constitutional rights, administrative action, and politically sensitive matters. In such cases, procedural objections may extend beyond technical concerns and significantly undermine the protection of fundamental rights.

Finally, repeated transfers, dismissals, and jurisdictional objections may constitute a form of procedural denial of justice. Although courts rarely refuse justice outright, prolonged procedural disputes can dissuade litigants from pursuing legitimate claims. These patterns demonstrate that jurisdictional incompetence is not merely a technical doctrine but a mechanism that can shape access to justice, judicial accountability, and the effective protection of human rights in Cameroon [9].

⁸ The issue is not simply whether a court has jurisdiction, but whether the process of determining jurisdiction undermines the effectiveness of judicial protection.

5. Jurisdiction, Power and the Denial of Justice: Case Law Analysis

5.1. Methodology for Case Selection

This section examines selected cases in which jurisdictional objections, transfers of jurisdiction, or judicial declarations of incompetence affected access to justice, fair trial rights, or the substantive protection of human rights in Cameroon. The cases have been selected because they reveal how jurisdiction operates not merely as a technical procedural doctrine but as a mechanism that shapes judicial outcomes. The analysis focuses on seven categories of cases: first, cases involving the Special Criminal Court and the displacement of ordinary criminal jurisdiction; second, cases concerning military tribunal jurisdiction over civilians; third, cases involving administrative courts and the limits of judicial review; fourth, land and collective rights litigation; fifth, electoral and politically sensitive litigation; sixth, cases involving international or regional human rights bodies; and seventh, cases in which jurisdictional uncertainty contributed to delays or the denial of effective remedies. The objective is not to suggest that every jurisdictional ruling is improper. Courts must respect the limits imposed by law⁹.

5.2. Zogo Andela V Cameroon: Special Criminal Court Jurisdiction and Fair Trial Rights

The case of Achille Benoit Zogo Andela v Cameroon offers one of the clearest illustrations of the human rights implications of jurisdictional contestation. Zogo Andela was prosecuted on allegations of misappropriation of public funds and unlawful withholding of property. The dispute raised important questions about the jurisdiction of the Special Criminal Court, the effect of pending appeals, and the right to be tried by a competent and impartial tribunal¹⁰.

The jurisdictional issue arose because the Special Criminal Court has special jurisdiction over offences involving significant loss of public funds. Once a matter falls within its competence, ordinary courts must decline jurisdiction. In principle, this specialisation may be justified by the need to combat corruption and to accelerate proceedings involving public funds. However, in practice, transferring cases to the Special Criminal Court may raise serious fair trial concerns when it disrupts ordinary appeal processes¹¹.

In Zogo Andela's case, the applicant argued that referring his case to the Special Criminal Court violated his right to a fair trial, including his rights to be heard by a competent tribunal and to appeal. The case illustrates how jurisdictional reallocation may affect the balance between procedural efficiency and

individual rights. Where special jurisdiction is invoked after proceedings have already commenced elsewhere, the accused may face procedural uncertainty, particularly when appeals or objections remain pending. The significance of this case lies in its exposure of the tension between anti-corruption policy and fair trial guarantees. The creation of specialised courts may be institutionally legitimate, but their jurisdiction must not be exercised in a way that deprives litigants of due process [1].

5.3. The Special Criminal Court and the Displacement of Ordinary Jurisdiction

Beyond Zogo Andela, the broader jurisprudence of the Special Criminal Court illustrates how jurisdictional rules can reshape access to justice in corruption-related cases. The law establishing the Court confers exclusive jurisdiction over specified offences involving misappropriation of public funds above a statutory financial threshold. Consequently, once the Special Criminal Court is seized of a matter, other courts must declare themselves incompetent. This mechanism creates two competing effects. On the one hand, it may promote efficiency by concentrating complex financial crimes before a specialised court. On the other hand, it may weaken fair trial rights if jurisdictional transfer is used to accelerate proceedings at the expense of defence guarantees. The problem is especially serious when accused persons challenge the Court's competence. However, their objections do not suspend proceedings, nor do procedural objections, when decided together with the merits, deprive the challenge of practical effect [46].

The Special Criminal Court's jurisdiction also raises concerns about equality before the law. If the decision to prosecute before that court depends heavily on executive discretion or prosecutorial selection, jurisdiction may become a means by which political power influences criminal accountability. In politically sensitive corruption prosecutions, jurisdictional allocation can therefore determine not only the forum but also the intensity, speed, and direction of judicial scrutiny. The human rights implications are clear: a specialised court must not become a procedural shortcut that compromises the right to a fair hearing. Jurisdictional competence must be assessed not only by reference to the enabling statute but also by whether the accused has genuine access to defence, appeal, and independent adjudication [40].

5.4. Ayuk Tabe and Others: Military Tribunal Jurisdiction, Civilian Defendants and Due Process

The prosecution of Julius Sisiku Ayuk Tabe and other Anglophone separatist leaders before the Yaoundé Military Tribunal illustrates the complex interplay between jurisdiction,

9 Rather, the central concern is whether jurisdictional rules have been applied in ways that cause excessive delay, procedural exclusion, or the denial of substantive justice.

10 Achille Benoit Zogo Andela v Cameroon, Communication No 2734/2016, UN

Human Rights Committee, UN Doc CCPR/C/135/D/2734/2016 (27 July 2022).

11 This also limits procedural guarantees or prevents the accused from fully challenging the prosecution's legal basis.

political conflict, and fair trial rights. Charged with terrorism, secession, and related offences, the accused challenged the tribunal's authority, arguing that their prosecution before a military court was inconsistent with fundamental fair trial guarantees¹². The jurisdictional dispute was particularly significant because it concerned not merely procedural competence but the broader question of whether civilians should be tried by military tribunals. International human rights standards generally favour the trial of civilians before ordinary courts, given concerns about the independence and impartiality of military tribunals. In this case, jurisdictional objections were closely linked to due process concerns. Defence counsel challenged the tribunal's competence and reportedly withdrew from the proceedings in protest. Despite these objections, the tribunal proceeded and ultimately imposed life sentences [31].

The case demonstrates how jurisdictional decisions can profoundly shape the administration of justice. The choice of forum affects procedural safeguards, perceptions of judicial independence, and the practical enjoyment of fair trial rights. More broadly, it supports the argument that jurisdiction is not merely a technical legal issue but a mechanism for exercising judicial power, particularly in politically sensitive cases¹³.

5.5. Maurice Kamto and MRC Activists: Military Jurisdiction and Political Opposition

The prosecution of Maurice Kamto and members or supporters of the Cameroon Renaissance Movement (MRC) following the 2018 presidential election highlights the controversial use of military jurisdiction in politically sensitive cases. Kamto and other opposition figures were charged with offences including insurrection, rebellion, and hostility to the motherland, and were brought before military courts despite being civilians engaged in political activity. The central issue was whether civilians accused of political offences should be tried before military tribunals. The use of military jurisdiction in such circumstances raises serious concerns about fair trial rights, freedom of expression, freedom of assembly, and political participation [8].

Although the proceedings were eventually discontinued after political intervention, the initial decision to prosecute opposition actors before military courts had significant legal and political consequences. It placed them within a punitive institutional framework, exposed them to severe criminal sanctions, and potentially discouraged political dissent. The Kamto case shows that jurisdictional allocation is not merely a technical procedural matter. The choice of forum can affect the fairness, independence, and legitimacy of proceedings. It also illustrates how jurisdiction can serve as a mechanism for

exercising state power in politically sensitive contexts. Consequently, jurisdictional competence should be assessed not only by reference to statutory authority but also in light of fair trial guarantees, democratic principles, and the broader political environment in which judicial decisions are made¹⁴.

5.6. Bakweri Land Claims Committee V Cameroon: Jurisdiction, Collective Rights and Denial of Substantive Adjudication

The *Bakweri Land Claims Committee v Cameroon* case before the African Commission on Human and Peoples' Rights illustrates how jurisdictional and admissibility barriers can impede the effective protection of collective rights. The dispute concerned ancestral land rights, historical dispossession, and alleged violations of rights protected under the African Charter on Human and Peoples' Rights. The complainants sought redress for grievances affecting the Bakweri people, but the proceedings encountered procedural obstacles, including questions of jurisdiction and admissibility. The case is significant for showing that procedural rules may prevent substantive consideration of important human rights claims. When domestic remedies are ineffective and regional bodies decline to exercise jurisdiction or declare claims inadmissible, affected communities may be left without an effective forum to address the merits of their grievances. In such circumstances, procedural exclusion may amount to a denial of justice [11].

The problem is particularly acute in land disputes, where delays can have irreversible consequences. During prolonged proceedings, land may be transferred, developed, commercialised, or occupied, thereby diminishing the practical value of any eventual remedy. Consequently, even successful claims may fail to provide meaningful protection. The Bakweri case highlights the broader implications of jurisdictional barriers for collective rights, access to justice, and historical accountability. It shows that jurisdictional and admissibility rules can affect not only individual fair trial rights but also communities' ability to obtain effective remedies for longstanding human rights violations¹⁵.

5.7. The Case of Eastern Society of Major Construction Projects V Federated State of East Cameroon

Older administrative-law cases, such as *Soci é édes Grands Travaux de l'Est v Federated State of East Cameroon*, illustrate the restrictive approach historically adopted by administrative courts when confronted with constitutional or legislative questions. Courts frequently declined jurisdiction on the

12 The People v Julius Sisiku Ayuk Tabe and 9 Others (Yaoundé Military Tribunal, Judgment of 20 August 2019).

13As such, jurisdictional determinations can significantly affect both the legitimacy of proceedings and the protection of fundamental rights.

14 International Commission of Jurists, Cameroon: Charges against Opposition Leader Maurice Kamto and Supporters Must Be Dropped (ICJ, 2019).

15 Bakweri Land Claims Committee v Cameroon Communication No 260/2002 (African Commission on Human and Peoples' Rights, 2004).

ground that such matters fell outside their competence, reflecting a narrow conception of administrative judicial review. While this approach was legally justified by principles of legislative sovereignty and jurisdictional limitation, it often prevented substantive examination of claims challenging state action. The significance of this case lies in its demonstration that jurisdictional self-restraint can impede access to effective remedies [41]. By refusing to review the legality or constitutionality of measures affecting individual rights, courts effectively curtailed judicial scrutiny of public power. As a result, litigants were denied substantive adjudication, and allegations of unlawful state conduct remained unaddressed. From a human rights perspective, such jurisdictional limitations weaken access to justice and judicial accountability. Where courts decline jurisdiction without ensuring alternative avenues of redress, litigants may be left without effective remedies. The case therefore illustrates how jurisdictional incompetence can reinforce institutional power, restrict judicial oversight, and undermine the rule of law by insulating certain governmental actions from meaningful legal review¹⁶.

5.8. *Claude Halle V Federated State of East Cameroon: The Continuity of Jurisdictional Restraint*

The case of *Claude Halle v Federated State of East Cameroon* illustrates the ongoing tendency of courts to adopt a restrictive approach to jurisdiction in administrative litigation¹⁷. By declaring itself incompetent, the court limited the scope for substantive review and avoided addressing the merits of the dispute. The case's significance lies not in its specific facts but in the broader judicial approach it reflects. By treating certain matters as outside judicial competence, courts effectively define the boundaries of justiciability and restrict scrutiny of public authority. While such restraint may be justified by institutional and doctrinal considerations, it becomes problematic when it deprives individuals of effective remedies for unlawful state action. The case illustrates how jurisdictional incompetence can serve as a mechanism of avoidance, particularly in politically or institutionally sensitive disputes. When courts decline jurisdiction, and no alternative forum offers meaningful redress, litigants may be left without a remedy. This weakens judicial accountability; limits access to justice and undermines the effective protection of rights and the rule of law [17].

5.9. Electoral and Constitutional Litigation: Restricted Access to Competent Forums.

Electoral litigation in Cameroon highlights the critical relationship among jurisdiction, political participation, and access

to justice. Electoral disputes are typically assigned to specialised institutions and constitutional mechanisms designed to ensure efficiency and finality. While such arrangements may promote swift resolution, they can also restrict meaningful judicial review through limited standing rules, strict procedural deadlines, and the finality of decisions [4]. In politically sensitive electoral matters, jurisdictional rules determine who may challenge electoral outcomes, which body may hear the dispute, and whether decisions are appealable. These restrictions can significantly affect the protection of electoral rights and democratic participation. Where access to competent forums is narrowly defined, litigants may be unable to obtain substantive consideration of grievances relating to candidate eligibility, electoral administration, or election results. Although electoral disputes require prompt resolution to preserve political stability, efficiency should not come at the expense of fairness, transparency, and accountability¹⁸.

5.10. Synthesis: Patterns Emerging from the Case Law

The cases examined reveal five key patterns. First, jurisdictional objections often serve as threshold barriers, preventing courts from addressing the substantive merits of claims and limiting access to justice. Second, disputes over jurisdiction frequently cause delays through transfers between courts and prolonged litigation, thereby reducing the effectiveness of judicial remedies. Third, jurisdictional allocation influences the quality of justice, as different forums offer varying procedural safeguards, levels of independence, and institutional cultures.

Fourth, politically sensitive cases reveal the power dimension of jurisdiction. Decisions on the appropriate forum can shape legal outcomes and public perceptions of judicial independence. Finally, jurisdictional incompetence may create remedial vacuums in which no effective forum is available, leaving litigants without meaningful redress. These patterns confirm the article's central argument that jurisdictional incompetence in Cameroon extends beyond a technical procedural doctrine. It significantly undermines access to justice, fair trial rights, and judicial accountability¹⁹.

6. Human Rights Implications of Jurisdictional Incompetence

6.1. Violation of the Right to a Hearing Within a Reasonable Time

One of the most serious human rights consequences of ju-

16 *Société des Grands Travaux de l'Est v Federated State of East Cameroon* (Federal Supreme Court of Cameroon, Administrative Bench, 1971).

17 *Claude Halle v Federated State of East Cameroon* (Federal Supreme Court of Cameroon, Administrative Bench, 1971).

18 A jurisdictional framework that restricts effective review risks undermining

confidence in electoral justice and weakening democratic governance.

19 In politically sensitive and institutionally complex contexts, jurisdiction becomes a site where law and power intersect, potentially delaying, restricting, or denying effective protection of human rights.

jurisdictional incompetence is its impact on the right to a hearing within a reasonable time. This right is a fundamental component of the fair trial guarantees under international and regional human rights law, including Article 14 of the International Covenant on Civil and Political Rights and Article 7 of the African Charter on Human and Peoples' Rights. Judicial proceedings must be conducted without undue delay to ensure the effective protection of rights and access to meaningful remedies. As the cases examined in this article demonstrate, jurisdictional disputes often prolong litigation through transfers between courts, repeated objections to competence, and lengthy appeals on forum selection [43]. Although jurisdictional review serves an important procedural purpose, excessive disputes over competence can significantly delay the resolution of substantive claims. Such delays are particularly harmful in cases involving personal liberty, political participation, employment, property, or allegations of human rights violations, where the passage of time may render remedies ineffective. In the Cameroonian context, prolonged jurisdictional disputes can turn procedural safeguards into obstacles to justice. Courts should therefore interpret and apply jurisdictional rules in a way that balances legal certainty with the need for timely and effective judicial protection [43].

6.2. Restrictions on Access to Justice

Access to justice is a fundamental component of the rule of law and the protection of human rights. It requires that individuals have a genuine opportunity to present claims before competent courts and to obtain effective remedies. However, jurisdictional incompetence can significantly restrict this right. Repeated jurisdictional objections, transfers between courts, and dismissals on technical grounds often prevent litigants from obtaining substantive adjudication of their claims. As shown in the cases examined in this article, such obstacles increase litigation costs, create procedural uncertainty, and prolong proceedings, particularly for vulnerable individuals with limited resources or legal representation. These barriers may discourage claimants from pursuing legitimate grievances and weaken confidence in judicial institutions. Because access to justice entails more than the mere existence of courts, states must ensure that procedural rules facilitate rather than hinder effective remedies. Jurisdictional rules should therefore be interpreted and applied in ways that promote timely, fair, and meaningful resolution of disputes [18].

6.3. Due Process Concerns

Jurisdictional incompetence raises significant due process concerns by undermining the fairness and effectiveness of judicial proceedings. Due process requires that disputes be

heard by an independent and impartial tribunal, with parties afforded a meaningful opportunity to present their cases. However, prolonged jurisdictional disputes often divert attention from substantive rights to procedural technicalities. Uncertainty over the appropriate forum may also hinder litigants' ability to prepare their cases effectively, particularly where proceedings are transferred between courts with different procedural requirements. Such transfers can disrupt continuity, increase costs, and create risks of inconsistent outcomes. These concerns are especially pronounced when specialised or military tribunals exercise jurisdiction, raising questions about independence and impartiality. Consequently, jurisdictional decisions have implications beyond procedural administration; they directly affect the quality of justice delivered and the extent to which fair trial guarantees are realised in practice [14].

6.4. Impact on Vulnerable Litigants and Human Rights Claimants

The effects of jurisdictional incompetence are not felt equally. Vulnerable litigants, including victims of human rights violations, political activists, detainees, minority communities, rural populations, and economically disadvantaged individuals, are often disproportionately affected by procedural barriers because they lack the resources to navigate complex judicial processes. As the primary means of challenging abuses of power and securing legal protection, courts play a critical role in safeguarding their rights. When jurisdictional disputes delay proceedings or obstruct access to remedies, the consequences go beyond procedural inconvenience and directly affect the enjoyment of fundamental rights. The Bakweri land claims litigation illustrates how prolonged procedural hurdles can impede the effective protection of collective rights. Similarly, politically sensitive cases often involve jurisdictional disputes that delay justice and complicate access to remedies [38]. These challenges raise concerns about equality and fairness. Excessive procedural burdens may favour parties with greater financial resources or institutional influence, thereby reinforcing existing inequalities²⁰.

6.5. Implications for Public Confidence in the Judiciary

Public confidence is essential to the legitimacy and effectiveness of judicial institutions. Courts derive authority not only from law but also from public trust in their ability to resolve disputes fairly, efficiently, and impartially. However, repeated jurisdictional disputes, transfers, and dismissals may create the perception that courts prioritise procedural technicalities over substantive justice. Such perceptions can weaken confidence in the judiciary and discourage citizens from seeking legal remedies. In politically sensitive cases, jurisdictional decisions that

20 Courts must therefore remain sensitive to the unequal effects of jurisdictional rules and ensure that procedural requirements do not undermine meaningful access

to justice or human rights protection.

appear to favour state interests or shield public officials from scrutiny may further undermine perceptions of judicial independence. Even when such decisions are legally justified, inadequate reasoning or a lack of transparency can generate public suspicion. Maintaining confidence in the judiciary, therefore, requires more than procedural correctness; it demands that jurisdictional decisions be transparent, well-reasoned, consistent, and demonstrably aligned with the principles of justice, accountability, and the protection of human rights [48].

6.6. Consequences for the Rule of Law and Democratic Governance

Comparative experience shows that jurisdictional disputes can undermine access to justice when procedural rules are applied too rigidly. South African courts have adopted a rights-based approach, interpreting procedural requirements in line with constitutional values and the need for effective judicial protection. Similarly, Kenyan courts increasingly prioritise substantive justice over procedural technicalities while respecting jurisdictional limits. Reforms in Ghana and Botswana have also sought to clarify jurisdictional mandates and reduce delays arising from forum disputes. These developments suggest that Cameroon should retain necessary jurisdictional safeguards while embracing a more flexible, rights-oriented framework that promotes timely adjudication, effective remedies, and fair trial guarantees [33].

7. Reforming Jurisdictional Practice in Cameroon

7.1. Comparative Lessons from Other African Jurisdictions

The challenges posed by jurisdictional incompetence are not unique to Cameroon. Several African jurisdictions have undertaken reforms to reduce procedural barriers and strengthen access to justice. In South Africa, courts have adopted a rights-oriented approach, interpreting procedural rules in a manner consistent with constitutional values and the effective protection of rights [10]. Kenyan courts similarly emphasise substantive justice, recognising that procedural technicalities should not obstruct the determination of rights. Judicial practice increasingly favours flexible interpretations that facilitate access to courts while preserving legal certainty. Other jurisdictions, including Ghana and Botswana, have implemented measures to streamline judicial procedures, clarify jurisdictional mandates, and minimise delays arising from disputes over competence [35]. These reforms reflect a growing recognition that procedural efficiency and the protection of

human rights are mutually reinforcing objectives²¹.

7.2. Legislative Reforms

Many jurisdictional challenges in Cameroon stem from ambiguities in the legal framework governing judicial competence. Legislative reform is therefore essential to reduce uncertainty and improve access to justice. Parliament should review and clarify jurisdictional provisions to eliminate overlaps among ordinary courts, administrative courts, and specialised tribunals. Clearer statutory rules would reduce procedural disputes and forum shopping. Legislation should also permit the direct transfer of cases to competent courts without requiring litigants to restart proceedings, thereby preserving evidence, procedural steps, and judicial resources. Additionally, statutory time limits should be set for resolving jurisdictional objections to prevent unnecessary delays and ensure timely adjudication. Courts should be required to consider the human rights implications of jurisdictional decisions and to adopt interpretations that best promote access to justice and effective remedies. Finally, the scope of military jurisdiction over civilians should be reconsidered and restricted in line with international human rights standards. Together, these reforms would strengthen judicial efficiency, reduce procedural barriers, and enhance the protection of fair trial rights and the rule of law in Cameroon [7].

7.3. Judicial and Institutional Reforms

Legislative reform alone cannot address the challenges posed by jurisdictional incompetence. Judicial and institutional reforms are equally necessary to ensure that procedural rules promote access to justice and protect human rights. The Supreme Court should provide clear guidance on recurring jurisdictional disputes to promote consistency and reduce conflicting interpretations. Judges should receive specialised training in fair trial rights, access to justice, and the human rights implications of procedural decisions²². Improved coordination among ordinary courts, administrative courts, and specialised tribunals would help resolve jurisdictional conflicts more efficiently [30].

7.4. Human Rights-Oriented Interpretation of Jurisdictional Rules

Beyond legislative and institutional reforms, a fundamental shift in judicial philosophy is required. Courts should adopt a human-rights-oriented approach to interpreting jurisdictional rules. The traditional formalist understanding of jurisdiction often prioritises technical compliance over substantive justice. While legal certainty remains important, courts must recog-

21 The comparative experience suggests that Cameroon should retain jurisdictional safeguards while adopting a more rights-centred approach that prioritises access to justice, effective remedies, and the timely resolution of disputes.

22 Additionally, modernising court administration through digital filing systems, integrated databases, and improved record-sharing mechanisms would reduce delays, facilitate case transfers, and enhance overall judicial efficiency.

nise that procedural rules are designed to facilitate the administration of justice, not to obstruct it. Jurisdictional doctrines should therefore be interpreted in light of constitutional values, international human rights obligations, and the broader objectives of the legal system [13].

A human rights-oriented approach would require courts to weigh several factors when resolving jurisdictional disputes. These include the potential impact of delay on litigants, the availability of alternative remedies, the vulnerability of affected parties, and the need to ensure effective judicial protection. Courts should also apply the principle of proportionality in jurisdictional decision-making. Procedural consequences should be proportionate to the nature of the jurisdictional defect. Minor procedural errors should not result in the complete denial of access to justice when less restrictive alternatives are available. This approach would not eliminate jurisdictional requirements. Rather, it would ensure that jurisdictional rules are consistent with the constitutional commitment to fairness, accountability, and the protection of human rights [44].

7.5. Strengthening Judicial Accountability and Access to Justice

The findings of this article demonstrate that jurisdictional incompetence is closely linked to broader concerns about judicial accountability and access to justice. Addressing these challenges requires reforms that enhance transparency, accountability, and the availability of effective remedies. Courts should provide clear, reasoned explanations whenever they decline jurisdiction, enabling litigants to understand the basis of such decisions and the alternative remedies available. Transparent reasoning strengthens accountability and promotes public confidence in the judiciary. In addition, mechanisms should be established to monitor the frequency and impact of jurisdictional objections. Judicial statistics on dismissals, transfers, delays, and case outcomes would help identify systemic weaknesses and inform future reforms. Access to justice should also be strengthened through expanded legal aid programmes, particularly for vulnerable litigants navigating complex jurisdictional procedures. Effective legal representation is essential to ensure that procedural rules do not impede the enforcement of rights. Furthermore, courts should demonstrate independence and impartiality in politically sensitive cases by rigorously addressing jurisdictional objections that affect fundamental rights and freedoms²³.

23 Ultimately, jurisdictional rules must ensure that every right is accompanied by an effective remedy, thereby reinforcing judicial accountability, access to justice, and the rule of law.

24 The reforms outlined above therefore provide a roadmap for aligning procedural law with constitutional values, international human rights standards, and the broader objective of ensuring meaningful judicial protection for all persons in the Cameroonian legal system.

7.6. Toward a Rights-Centred Jurisdictional Framework

The reforms proposed in this section share a common objective: to transform jurisdictional competence from a procedural barrier into a mechanism that promotes effective justice. The central challenge is not the existence of jurisdictional rules but how they are designed, interpreted, and applied. A rights-centred jurisdictional framework would place access to justice, fair trial guarantees, and effective remedies at the heart of judicial decision-making. It would recognise that procedural law is not an end but a means of achieving substantive justice. Such a framework would preserve the organisational benefits of jurisdictional rules while minimising their potential to cause delay, exclusion, and denial of justice. For Cameroon, this transformation is essential not only to protect individual rights but also to strengthen democratic governance and the rule of law. Jurisdictional competence should serve as a gateway to justice, not a mechanism for deferring or denying it²⁴.

8. Conclusion

This article has demonstrated that jurisdictional incompetence in Cameroon is not merely a technical procedural issue but a significant challenge to the effective protection of fair trial rights, access to justice, and the rule of law. Although jurisdictional rules are intended to ensure the orderly administration of justice and the proper allocation of judicial authority, their practical application often produces consequences that extend far beyond procedural administration. The analysis has shown that jurisdictional objections, transfers of cases between courts, declarations of judicial incompetence, and disputes over judicial authority frequently delay proceedings, increase litigation costs, create procedural uncertainty, and, in some instances, prevent courts from reaching the substantive merits of disputes. The examination of selected cases revealed that jurisdictional decisions often determine whether individuals can obtain effective remedies for alleged rights violations. Whether in matters involving military tribunals, specialised criminal courts, administrative litigation, land rights disputes, or politically sensitive cases, jurisdiction functions as a gate-keeping mechanism that can facilitate or restrict access to justice²⁵. This article has further argued that jurisdiction is closely linked to broader questions of judicial power and accountability²⁶. Far from being a neutral procedural doctrine, jurisdictional competence can shape legal outcomes, influence

25 Consequently, the protection of human rights depends not only on the existence of constitutional and international legal guarantees but also on the procedural pathways through which those guarantees are enforced.

26 Jurisdictional rules should serve as gateways to justice rather than barriers. Strengthening access to justice, ensuring effective remedies, and promoting human rights-oriented judicial interpretation are therefore essential to advancing fair trial guarantees, judicial accountability, and the rule of law in Cameroon.

access to remedies, and affect the extent to which governmental action is subjected to judicial scrutiny. In this respect, the study contributes to broader debates on the relationship among law, power, and human rights protection in Cameroon²⁷.

Abbreviations

ICCPR	International Covenant on Civil and Political Rights
ACHPR	African Charter on Human and Peoples' Rights
UDHR	Universal Declaration of Human Rights

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Conflicts of Interest

The author declares no conflict of interest.

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²⁷ Ultimately, the article contends that meaningful judicial reform requires a shift away from excessive procedural formalism towards a rights-centred approach to

jurisdiction.

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