Sentencing for the offence of misappropriation of public funds: the flawed and problematic approach of Cameroon's Special Criminal Court

Avitus Agbor Agbor
Faculty of Law, North-West University, Potchefstroom, South Africa

Abstract

Purpose – Over a decade since the Special Criminal Court (SCC) was established in Cameroon, hundreds of individuals have been indicted, tried and convicted. Sentences have been imposed, most of which include a term of imprisonment (principal punishment/penalty) and confiscation as accessory penalty or punishment. Research focus has not been directed at the sentences which, as argued in this paper, are inconsistent, incommensurate with the amounts of money stolen and a significant departure from the Penal Code. This paper aims to explore the aspect of sentencing by the SCC.

Design/methodology/approach – To identify, highlight and discuss the issue of sentencing, the paper looks at a blend of primary and secondary materials: primary materials here include but not limited to the judgements of the SCC and other courts in Cameroon and the Penal Code. Secondary materials shall include the works of scholars in the fields of criminal law, criminal justice and penal reform.

Findings – A few findings were made: first, the judges are inconsistent in the manner in which they determine the appropriate sentence. Second, in making that determination, the judges would have been oblivious to the prescripts in the Penal Code, which provides the term of imprisonment, and in the event of a mitigating circumstance, the prescribed minimum to be applied. Yet, the default imposition of an aggravating circumstance (being a civil servant) was not explored by the SCC. Finally, whether the sentences imposed are commensurate with the amounts of monies stolen.

Research limitations/implications – This research unravels key insights into the functioning of the SCC. It advances the knowledge thereon and adds to the literature on corruption in Cameroon.

Practical implications – The prosecution and judges at the SCC should deepen their knowledge of Cameroonian criminal law, especially on the nature of liberty given to judges to determine within the prescribed range of the sentence to be imposed but also consider the existence of an aggravating factor – civil servant. They must also consider whether the sentences imposed befit the crime for which they are convicted.

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Originality/value – The paper is an original contribution with new insights on the manner in which sentencing should be approached by the SCC.

Keywords Special criminal court, Sentences, Confiscation, Punishment, Criminal responsibility, Public servant, Mitigating circumstances, Aggravating circumstances

Paper type Research paper

1. Introduction

For most legal systems in the world, prohibiting a conduct as a crime requires a prescription as to what penalty to be followed if such conduct is perpetrated. A term of imprisonment is imposed upon an accused convicted of a crime: that is a typical feature of criminal law, criminal justice and the definition of a crime.

The investigation, prosecution of and conviction for any crime in a legal system requires the interplay of substantive criminal law, criminal procedure and criminal justice. Substantive criminal law deals with the legal principles that govern the general criminal law of a legal system, as well as the prescription of specific conduct with a criminal sanction (term of imprisonment, fine or both) that may be imposed on a convicted person. As such, the prosecution of any crime will likely evoke numerous legal principles. Cameroon's legal system is not different. Likewise, prosecuting the offence of misappropriation of public funds or property: it touches on the imposition of individual criminal responsibility spelt in Section 74 of the Penal Code; participation (as a principal offender, co- or joint offender, accessorial liability, *etc*.); and aggravation or mitigation of criminal responsibility. Beyond prosecution, there is conviction. Specific legal principles are defined in Cameroonian criminal law: the principal penalties and the imposition of accessory penalties.

This paper examines the imposition of one of the principal penalties by the Special Criminal Court (SCC): loss of liberty [1]. It investigates the different terms of imprisonment imposed on individuals convicted for misappropriation of public property: an offence which is categorised as a felony in Cameroonian criminal law. It argues that the determination and imposition of prison terms are not in accordance with the provisions of the law. The SCC judges, by limiting themselves to the mitigating factors, assessed in favour of the convicts and ignoring the mandatory prescription to consider aggravating factors, ultimately (likely inadvertently) failed to consider the gravity of the crime for which they were convicted; trivialised the offence of misappropriation of public funds despite the colossal amounts of funds stolen; exuded numerous inconsistencies in sentencing; and did not unleash the deterrent goal of criminal law and justice that would discourage many others from engaging in similar conduct.

This paper is structured into three parts: part one looks at Cameroon's legal framework on substantive criminal law of principles relating to the prosecution of felonies and misdemeanours, within which falls the offence of misappropriation of public funds or property. This part is followed by a theoretical discussion of the notion and aims of punishment in Cameroonian criminal law. The third part looks at the issue of sentencing, firstly, from a broader perspective, referencing judicial pronouncements from other courts and secondly, the SCC, whose sentences have been inconsistent and unreasonable in a view of the gravity of the offence for which those individuals have been convicted. By relying extensively on the legislative architecture and decided cases, the paper takes an evidence-based approach in corroborating the foregoing theses in the hope that it brings unprecedented insights and incisiveness to the relevant stakeholders in the criminal justice, most specifically, the prosecution and judges at the SCC.

2. The aims of criminal law and elements of punishment: a synopsis

As argued by Hart, it is challenging to think of a criminal law statute that serves only for a single purpose: in criminalising an act and imposing a sentence on the offender, different goals are

fulfilled: deterrence; retribution and reformation or rehabilitation Hart (1958), see also Alschuler (2003), Michele Cotton (2000). Substantive criminal law comprises numerous offences legislated over a period of time. These offences do protect different interests, reflected in the varying degrees of punishment prescribed by the lawmaker. In *Chembo Thompson vs The People of Cameroon* [2], the Justices of the Appeal Court burrowed the same essence of criminal law from English law as articulated by Atkinson J in the case of *Charles Frederick, Ronald Arthur Biggs, Roy John James, James Hussey, Thomas William Misby and Robert Alfred Welch vs D.P.P.* [3], Atkinson J said:

> The court then turns to the appeal against sentence a matter which has been very much in our minds during the weeks of preparing to hear this appeal. In recent years there have been far too many cases of unarmed and defenceless men being robbed by gangs of men (and women). In a number of such cases robbery of enormous and quite exceptional gravity differing from the ordinary type of case, not only in degree, but also in kind. There is the number of men engaged, the extent of the planning and preparation for the crime [. . .]. This is an act of banditry directed at the vital public and has the character of warfare against the community touching new depths of lawlessness for which the type of sentence normally imposed [. . .] is in our view inadequate. In our judgement severely deterrent sentences are necessary not only to protect the community against these men for a very long time but also to demonstrate as clearly as possible to others tempted to follow them into lawlessness [. . .] that if they are brought to trial and convicted commensurate punishment will follow. A sentence has three-fold purpose.

(1) It is intended to be punitive.

(2) It is designed and calculated to deter others.

(3) It is meant to be a safeguard to the country.

Concurring with the views of Atkinson J, the Court of Appeal held that the trial court issued a deterrent sentence to the appellant. It further held that the surrounding circumstances of the scene described by Atkinson J fit squarely with the situation in Cameroon, where deterrent sentences of the nature issued by the lower court are much needed.

This protection is reflected in the different degrees of punishment prescribed by the Cameroonian lawmaker. The existence of mitigating and aggravating factors in criminal law corroborates the point that different considerations interplay when meting out a particular punishment [4]. The kind of punishment that is imposed on an individual for an offence committed reflects, to some extent, the aim of the criminal law. A convicted criminal may be sentenced to a term of imprisonment, a fine or both (being principal penalties). At times, the judgement prescribes accessory penalties and preventive measures in addition to the principal penalties. The purpose of these are usually articulated in the judgement, and most often, goes beyond the punitive effect: preventive measures are prescribed to prevent the offender from committing such an offence again [5].

Three competing aims of criminal law revolve around retribution, deterrence and reformation [6].

2.1 Retribution

Under the retributive theory, a crime is viewed as a wrong. By its very nature, therefore, it justifies the infliction upon the criminal of a certain amount of punishment: numerous ethical philosophers have expressed support for this view [7]. On a practical basis, it is difficult for humans to assess with certitude, the degree of wrongness involved in certain crimes. For example, is it more wrong for a man to assault a woman who has "led him on" than a hungry man to steal money from a billionaire? Irrespective of the merits and plausibility of arguments that may arise from these situations, it is clear that people regard the infliction of punishment as justifiable only if there has been a prior wrong and that people can see that some crimes are more serious than others. Criminal law protects different interests, and these interests vary. In other words, the interests protected are not the same.

Some interests carry more protection than others. This is reflected in the way the lawmaker defines such offences protecting these interests, as well as the punishment inflicted on the offender for transgressing the letter of the law [8]. The philosophical perspective can be summed up in this question: is it more wrong for a man to murder his dad to inherit his property than a man who exceeds the prescribed speed limit on the highway? The classification of offences into felonies, misdemeanours and simple offences, with different kinds of penalties for them, is itself an indication of the varying degrees of interests protected in the offences prescribed by law.

The retributive theory of punishment requires that punishment to be inflicted on an offender even if such punishment serves no useful purpose. Therefore, even if the world were to end tomorrow, it would be a moral obligation to hang a convicted felon today. Some legal scholars' distance themselves from such a position, arguing that the word *desert* is more appropriate. Like the retributive theory, this sets the limit to the amount of punishment that can be imposed, and increases and decreases that limit according to the degree of wrong involved in the particular crime. The degree of wrong, however, also varies. It depends on the specific circumstances, such as the nature of the crime, the way it is perpetrated, the motive of the perpetrator, the relationship with the victim and the status of the offender. This theory does not require the infliction of any punishment at all; it merely limits the *amount* of punishment that may be inflicted if a decision to punish has been made.

2.2 Deterrence

The deterrence theory receives the highest amount of articulate popular support. Jeremy Bentham, the great philosopher and jurist, provided the clearest and most eloquent expression, expounding its philosophical basis drawing a scheme for a criminal code based almost entirely upon the theory.

According to Bentham, every human being has his twin objects in life – the achievement of pleasure and the avoidance of pain. It follows, therefore, that you can deter a person from committing an act that will bring him a certain degree of pleasure by spelling out as a prospect the infliction upon him of a slightly greater degree of pain if he should commit the act. Such deterrence has been the purpose of criminal law [9], and Bentham graded crimes according to the probable degree of pleasure that they would normally afford to those indulging in the prohibited behaviour, and suggested his punishments accordingly.

A few difficulties are borne by this theory. Contemporary philosophers have dissected the notions of pleasure and pain as they were used by Bentham, and by careful analysis, have shown that they cause hopeless confusion.

2.3 Reformation

Under the reformative theory, crime is seen as a social disease. Therefore, steps can, and must be taken, towards its cure. According to this theory, the punishment is inflicted for the purpose of reforming the criminal and inducing him to lead a non-criminal life in the future [10]. While it is true that deterrent punishment has the same general purpose, the difference it has from reformative punishment is that the latter is designed to change an evil person into a good person. Deterrent punishment, on the other hand, is not intended to change the criminal's general outlook; it is merely to stop him from pursuing his evil ways and putting his outlook into practice in the future.

Objections to the reformative theory may be stated with remarkable ease. Ideally, a cure could be based on an understanding of the disease. Applying that analogy, it may be said that while many theories have been advanced as to the causes of crimes, all these are speculative and none has been validated in a scientific manner. Furthermore, although many

theories have been advanced as to what types of punishment may be regarded as curative or reformative, again, no theory has, as yet, been demonstrated a working in practice. It, therefore, seems idealistic to talk of reforming the criminal as the main aim if no one could state how this can effectively be done. Some reformers have contemplated and advocated for the compulsory incarceration of convicted criminals for as long as they remain unreformed. Others have proposed surgical operations or "chemotherapy" for criminals as an avenue to reformation. The question is:

Q1. How does this square with our general feeling of "just deserts"?

Two other theories as to the aims of criminal law have been put forward, though occasionally. The first regard punishment as a measure of sterilisation or "warehousing", which protects society by removing the criminal from it, either permanently or temporarily. While appropriate forms of punishment can provide for these ends, crime cannot be completely eradicated from a community by punishing on this basis, unless the punishments are made so severe that they conflict with our notions of justice. In that event, the system will break down because people will be unwilling to prosecute, and courts will be unwilling to convict.

The second theory points to the criminal law as an educative force in the community. When people are constantly presented with the spectacle of punishment being inflicted for a certain type of conduct, they will come to realise that such conduct is wrong. This theory undoubtedly has a measure of truth in it and should be borne in mind by lawmakers. But education of this kind can only be a side effect of the practical operation of the criminal law.

2.4 Punishment

The lawmaker, in defining what conduct constitutes a crime, would obviously state the penalty that will be imposed when there is a violation. The imposition of a penalty is legally characterised as punishment, which may take different forms, such as death, loss of liberty (imprisonment, detention or confinement in a penal asylum) and a fine. In Cameroon, these three (death, loss of liberty and fine) constitute the principal penalties [11]. Added to these are accessory penalties and preventive measures [12].

There are different views on the precise purposes of criminal law. In *Ndi Ivo vs The People of Cameroon* [13], Justice PM Tume held that:

> [t]he purpose of punishment may be preventive or reformative or deterrent or retributive. It is the discretion of the trial judge from the circumstances of a case to choose within the given limits the punishment that would fit a particular crime and the particular offender [. . .]. [I]t is the trial judge who has the opportunity to observe and assess the demeanour of the offender.

Justice Tume's dictum makes reference to the word "punishment": a notion that has core elements that are worthy of discussion and will definitely help in answering the question as to whether a thief who is arrested and lynched can be said to have been punished. The lawmaker, in defining what conduct constitutes a crime, would obviously state the penalty that will be imposed when there is a violation. The imposition of a penalty is legally characterised as punishment, which may take different forms, such as death, loss of liberty (imprisonment, detention or confinement in a penal asylum) and a fine. In Cameroon, these three (death, loss of liberty and fine) constitute the principal penalties [14]. Added to these are accessory penalties and preventive measures [15].

Punishment exists in almost all societies. Only very small and isolated communities are now at a loss on what to do with transgressors. Yet, in such communities, there is recognition of punishment meted by parents to their children. The word punishment goes by

different names in different societies. It is called "sentencing" when it is imposed by English-speaking courts; in Roman Catholicism, it is called "penance". In educational institutions, professional organisations, clubs, trade unions, armed forces, it is called "disciplining" or "penalising". The institution of punishment is exemplified in transactions involving individuals, controlled by rules which lay down what form it is to take, who may order it and for what.

The rules governing societies, organisations and families do differ. So too are the rules for other social institutions, such as commerce, marriage or sport. However, underlying these entities is the shared concept of punishment, which has the following features: Flew (1954)

- Firstly, the institution of punishment involves the infliction of something which is assumed to be unwelcome to the recipient: the inconvenience of a disqualification, the imposition of a fine, the hardship of incarceration, the humiliation of an arrest and detention, the suffering of a flogging, exclusion from the country or community, ban on occupation, closure of a business, restricted access to one's premises, and in extreme cases, death. The fact that a few people do enjoy being flogged or are in the fortunate position to afford a fine does not mean that these measures are not punishment. Basically, it is assumed that those who order something to be done make the determination as to whether or not it is punishment.
- The infliction of punishment is intentional and done for a specific reason. Accidental harm, such as an injury caused by bad driving, is not regarded as punishment in the strictest sense of the word. Sometimes we say that a person has been "punished enough" by it, and continental jurists talk of "natural punishment" (*poena naturalis*). These are nothing but figures of speech designed to explain why we treat victims of their own misbehaviour with leniency.
- Those who order punishment are regarded by the members of the society, organisation or family as having the right to do so. In families, this right is usually regarded as confined to adults in *loco parentis*. In states and organisations, the laws specify who can. Inflictions by persons who are not accorded this right are unofficial and illegal. "Lynching" is a special name given to instances where unauthorised persons usurp and perform this role, and consequently, do not qualify as official punishment.
- The occasion for the infliction of punishment is an action or omission which infringes a law, custom or rule. Thoughts are no longer considered as punishable [16]. Mere dislike or fear of someone is not enough. This, however, does not prevent lawmakers from expressing some of their dislikes or fears in the form of prohibitions.
- The person against whom the punishment is inflicted has played a part (voluntarily or involuntarily) in the infringement, or at least, his punishers believe or pretend to believe he has done so. Some philosophers, however, have objected that punishment must always be deserved so that mistaken penalisation should not be called "punishment". There is no harm in arguing about verbal usage so long as the argument does not pretend to settle the question "Should such things be done?"
- The punisher's reason for punishing is such as to offer a justification for doing so. It must not be mere sadism, for example, sometimes, it is simply a respect for consistency: the sentencer copies his colleagues. However, if so, it is expected that at least one of his colleagues should articulate a better justification. A justification is

called for because what is involved is the imposition of something unpleasant regardless of the wishes of the person on whom it is imposed (unlike dentistry, surgery or penance, from which the sufferer would hope to benefit). It is noteworthy that the punisher's justification may or may not be the justification for the social institution called "punishment". In the first place, to talk of "the" justification for the social institution must be speculative, if not altogether artificial. Only a naïve historian or anthropologist would confidently assert that in a given society, the institution had been created or fostered by people whose aim was to minimise lawbreaking or, alternatively, by people who wanted to maximise retribution.

- It is the belief or intention of the person who orders something to be done, and not the belief or intention of the person to whom it is done, that settles the question whether it is punishment. We do not decide that a prison sentence is not punishment because the prisoner considers it unjust or imagines that it is for his own protection.

3. The imposition of punishment in Cameroonian criminal law: the legal regime and arrangements

The most critical aspect of Cameroonian criminal law is the imposition of criminal responsibility: an aspect that touches on numerous vital aspects as well as the issues of diminished and aggravated criminal responsibility. Below is a discussion of some of these aspects that relate to sentencing.

3.1 The imposition of individual criminal responsibility

The preliminary rules on the imposition of criminal responsibility are stipulated in Section 74 of the Penal Code:

> Section 74 – Punishment and responsibility
>
> - No penalty may be imposed except upon a person criminally responsible.
> - Criminal responsibility shall lie on him who intentionally commits each of the ingredient acts or omission of an offence with the intention of causing the result which completes it.
> - Except as otherwise provided by law, no criminal responsibility shall arise from the result, though intended, of an omission.
> - Except as otherwise provided by law, there shall be no criminal responsibility unless subsection (2) of this section has been satisfied.

Provided that responsibility for a simple offence shall not require any intention to act or omit or to cause the result.

Section 74 of the Penal Code is the bedrock of Cameroon's criminal law. It articulates the legal and doctrinal basis upon which someone is held accountable for a crime. As such, even though it is compendiously scripted, it evokes numerous doctrinal and statutory aspects relating to criminal law. Some of those aspects include the requisite *mens rea* for a crime; the actus reus of a crime; liability for omissions; participation and causation. With regard to Section 74 of the Penal Code, the prosecution must prove that the accused was engaged in conduct that resulted in the commission of a crime; and that such conduct was accompanied by the prescribed *mens rea* for that crime. It does not, however, address the issue of the prescribed penalty for any specific crime. That aspect is dealt with by the definition of that specific crime, which, as seen in the Penal Code, is traditionally spelt therein. Between the

conviction of an accused and the determination of the appropriate sentence, the trial court must ascertain what punishment is appropriate looking at the nature of the crime; the interests to protect; the victim(s) and the ensuing aftermath that both the direct and indirect victims have to bear as a result of the commission of that crime. The trial court also considers the existence of specific factors that affect the culpability of the accused person: if any of those factors exist, whether it exonerates the accused; diminishes or aggravates responsibility. It is important to know these since they should play a critical role in the determination of what penalty to impose on a person convicted of a crime.

3.2 Criminal responsibility: irresponsibility, diminished and aggravated criminal responsibility

The Penal Code provides a list of factors that have the effect of exonerating an accused (absolute or complete irresponsibility) or diminishing the responsibility of the accused (diminished responsibility). The difference between the two is picked up from the phraseology used in the various factors. These defences include execution of the law [17]; accident and physical compulsion [18]; insanity [19]; intoxication [20]; infancy [21]; threats [22]; compulsion [23]; obedience to lawful authority [24]; lawful defence [25]; provocation [26]; and state of necessity [27].

Section 87 of the Penal Code outlines the effect of diminished responsibility on the sentencing of an accused convicted of a crime. In cases where such a defence absolves the accused of criminal responsibility, the accused is acquitted by the Court. These defences are of general application: in other words, they extend and apply to every offence in Cameroonian criminal law, including those that are not covered in the Penal Code.

The Penal Code further provides two circumstances that would definitely aggravate the criminal responsibility of an individual. The first one is a habitual offender or someone who has had a previous conviction, labelled a recidivist, covered in Section 88 of the Penal Code. The second circumstance is being a public servant. Section 89 words the aggravation for public servants as follows:

> Subject to any special penalties provided for felonies or misdemeanours committed by national, foreign or international public servants, national, foreign or international public officers or national, foreign or international officers, the fact of being a public servant established or otherwise shall aggravate the responsibility of any such person guilty of any other felony or misdemeanour against which it is his duty to guard or to take action.
>
> In case of aggravating circumstances the maximum penalty provided for shall be doubled.

Two logical questions are posed: firstly,

Q2. Who are public servants as contemplated and used in Section 89 of the Penal Code?

The answer to this question is provided in Section 131 of the Penal Code where a definition of who is a public servant is given:

> Section 131: Definition of public Servant under the Chapter III (Offences committed by public servants)
>
> For the purposes of any criminal law, a public servant shall include, any judicial or legal officer, any law official, any employee or official of the State or of any other body corporate governed by public law or of a corporation or semi-public corporation, of a law official, any Armed Forces or Gendarmerie serviceman, any employee of the National Security of Prison Administration and any person charged, whether continuously or occasionally with any public duty, mission or task, while acting in the discharge of his office or in relation to the said office.

If the foregoing decision were reflected upon, analysed and applied to the cases before the SCC, then, over 98% of the accused and convicted persons would qualify as public servants. Are the barest minimum, without delving into their respective administrative and managerial portfolios, they were employees of the State at the time the offence would have been committed. If that argument is tenable, then, the question to be asked is whether their criminal responsibility was aggravated as prescribed in Section 89 of the Penal Code?

Secondly, does the aggravation of criminal responsibility as stipulated in Section 89 apply to all criminal offences or are subjected to specific limitations depending on what crime is in question or what the law says? Of general application are the enlisted factors on criminal responsibility that are found from Section 75 to Section 89 of the Penal Code. In stipulating the penalties for some crimes, the lawmaker added specific aggravating and mitigating factors: the effect of which a trial court would have to consider when determining the appropriate sentence to be imposed. For example, the offence of immoral earnings under Section 294 of the Penal Code. Section 294(3) of the Penal Code states that the penalty for the offence will be doubled where the offence of immoral earnings is accompanied by "coercion or by fraud or where the offender is armed; or where he is the owner, manager or otherwise in charge of an establishment where prostitution is habitually practiced" [28]; "where the offence has been committed to the detriment of any person under the age of 21 (twenty-one)" [29]; or "where the offender is the father or mother, guardian or person with customary responsibility" [30]. Similarly, the offence of private indecency under Section 295(1) of the Penal Code is aggravated when the offence is accompanied by assault [31]. Section 298 of the Penal Code provides a list of aggravating factors applicable to the offences in Sections 294; 295 and 296: to be doubled where the offender has authority over the victim or custody of him by law or by custom; or is a public servant or minister of religion; or is helped by one or more others.

The issue of mitigation is also addressed in the Penal Code. This is provided in Section 90 of the Penal Code, where it is stated as follows:

> The benefit of mitigating circumstances may be given, for reasons to be recorded in the judgment, save where they are by law expressly excluded.

With regards to mitigation in the case of a felony, Section 91(1) of the Penal Code prescribes the approach to be taken by a trial court:

> Upon a finding of mitigating circumstances in favour of any person convicted of felony, the sentence may be reduced to not less than 10 (ten) years' loss of liberty if the offence is punishable with death, to not less than 5 (five) years if it be punishable with loss of liberty for life, and to not less than 1 (one) year in any other case.

The consideration of mitigating factors is well-established in Cameroonian criminal law. It is dependent on the judge's discretion. In the case of *Lawrence Ntung, Tetuh David Nwanti and Achu Fonjah vs The People and Feh Peter Kimbeh* [32], the Court of Appeal of the North-West Region, Bamenda, delivered a judicial interpretation of Section 91 of the Penal Code with regard to the discretionary character of consideration of a mitigating factor:

> We ascribe to the argument [. . .] that sentencing can only be questioned if it goes beyond the legal maximum prescribed by law. It is at the discretion of the trial judge to impose a sentence within the range provided by the law even after a finding of mitigating circumstances. Section 92(1) of the Penal provides that after a finding of mitigating circumstances 'the court *may* reduce [. . .].' Not *must* reduce the sentence. In other words it is at the discretion of the court to let a convict to benefit from mitigating circumstances where it finds same in his favour.

Citing the case of *Dowling vs Inspector General of Police* [33] where it was held that an appellate court "will not interfere with a sentence imposed by the trial court unless the sentence is manifestly excessive in the circumstances of the case or is wrong in principle", the Appeal Court found no reason to interfere with the sentence handed by the lower court since it was within the range imposed by the law. The Court of Appeal further noted that the severity of the sentence is no ground for appeal unless there is an error in the law [34]. In the given case, the sentences were within the prescribed range, and even if severe, that would not constitute a ground for the Appeal Court to overturn the sentence. A few months later, the same Court of Appeal entertained an appeal relating to the consideration of a mitigating factor in the determination of the sentence in the case of *Awah Augustine Musongong vs The People of Cameroon and Christopher Ngwa* [35]. Excerpts of the unanimous judgement written and delivered by His Lordship Justice JE Agbor (Vice President) took a different view on the issue of mitigating circumstances:

> For the additional ground of appeal we can only comment that we have held time without number that where mitigating circumstances are found in favour of the convict, the sentence must be below the maximum. And per section 92(1) of the Penal Code which would have been applicable in the matter, the sentence can even go below the minimum to even one francs. Mitigation means watering down and not maintaining the rigors of the law. So even if the trial court rightly convicted the appellant and took the option of a fine, it was wrong for the appellant to be asked to pay 50.000frs, which was the maximum fine under that section.
>
> Asking the appellant to pay a fine instead of imprisonment was no favour the court was giving the appellant to be considered as mitigation. Section 281 gives the options of fine or imprisonment. Which ever the court chooses, it cannot give the maximum, having found mitigating circumstances. This ground could have succeeded.

While it may be difficult to reconcile the opposing views and approaches taken by the same Court, it is important to be reminded by the law: by making use of the word "may" in the consideration of any mitigating circumstance, that leaves it at the discretion of the trial judge to consider and determine the appropriate sentence to be imposed. On the score, the former case squares with a clear and logical interpretation of the wording on the impact of mitigating circumstances.

Even though Section 91(1) is a provision of general application in terms of mitigating the punishment to be imposed, two things are clear: firstly, it is not mandatory for a trial court to consider them. Section 90 of the Penal Code makes use of the word "may": in essence, it is at the discretion of the trial judge to consider giving effect to any such mitigating circumstance if found during the trial. Therefore, a judge who decides not to consider a mitigating factor and sentences a convicted person within the prescribed range of punishment cannot be held to have acted arbitrarily. Secondly, for specific crimes, the lawmaker excludes the application of any mitigating circumstances or the special effect thereof on sentencing. One such crime is that of misappropriation of public property.

4. Sentencing at the special criminal court

As argued below, the sentences imposed by the SCC do not reflect a thorough understanding of the relevant provisions of the Penal Code: most specifically, the nature of the offence as a felony; the discretionary consideration of any mitigating circumstance such as cooperation with the legal process; the mandatory consideration of any aggravating circumstance such as being a public servant; and the failure to impose a sentence that meets two of the aims of criminal law and punishment (retribution and deterrence).

4.1 Sentencing for the offence of misappropriation of public property

To buttress my arguments on the parochial and flawed approach taken by the sentencing judges at the SCC, it is important to first of all restate important portions of Cameroonian criminal law relating to the offence of misappropriation to public funds and the imposition of criminal responsibility with specific focus on mitigating and aggravating factors. The offence of misappropriation of public property is penalised in Section 184 of the Penal Code in the following words:

(1) Whoever, by whatever means, fraudulently takes or keeps any property, movables or immovables belonging to, destined or entrusted to the State, cooperative, council or public establishment under the supervision of the Stat or in which the State directly or indirectly holds the majority of the shares shall be punished:
   - Where the value of the property exceeds CFAF 500,000 (five hundred thousand) francs with imprisonment for life;
   - Where the value of the property is above CFAF 100,000 (one hundred thousand) but below or equal to CFAF 500,000 (five hundred thousand), with imprisonment of from 15 to 20 years; and
   - Where the value of the property is less than or equal to CFAF 100,000 (one hundred thousand) with imprisonment for from 5 to 10 years and with fine of from CFAF 50.000 (fifty) to CFAF 500,000 (five hundred thousand).

(2) The penalties provided in subsection 1 above may not be reduced by mitigating circumstances, respectively, below 10, 5 or 2 years and a suspended sentence may not be granted.

(3) Where Section 87(2) of this Code is applicable, the minimum punishment may be five years, two years and one year and execution may not be suspended except in case of diminished responsibility of infancy.

Subsection 1 defines the offence, while [subsection 1(a)–(c)] spell the different penalties to be imposed on the accused: these have the effect of determining what kind of crime (whether felony or misdemeanour) [36]; and what court will have jurisdiction [37]. Subsection 2 provides the minimum sentence that can be imposed: for an accused convicted of misappropriating property of a value of FCFA 500.000 and above, the sentence of life imprisonment, in the finding of any mitigating circumstance, cannot be reduced to less imprisonment of less than ten years. The SCC has jurisdiction over individuals who misappropriate property with a value of FCFA 50.000.000. Looking at the provisions of the Penal Code, this means that [subsection 1(a)] will apply: life imprisonment. And if a mitigating factor is found and factored by the sentencing judge, then, the convict should be sentenced to at least 10 years in prison. Then there is Section 87(2) of the Penal Code, which states that "where responsibility is reduced for more than one reason or where there are in addition mitigating circumstances, the minimum shall be that provided by Section 92(1)". Since Section 92(1) of the Penal Code is referred to, it is important to see what it says:

> Section 92(1): mitigation in other cases (applicable to misdemeanours and simple offences only)
>
> Upon a finding of mitigating circumstances after conviction of misdemeanour or a simple offence, the court may reduce to 5 (five) days any sentence of loss of liberty, and any sentence of fine to CFAF 1 (one), and may pass sentence of one such penalty only.

Section 92(1) of the Penal Code is limited to misdemeanours and simple offences only. The SCC has jurisdiction over felonious misappropriation of public property and, therefore, an

accused convicted by the SCC will not benefit from any mitigating circumstances. From the foregoing legal provisions, some pertinent observations can be made. Firstly, the SCC has jurisdiction over a specific kind of misappropriation of public property: at least CFAF 50.000.000. Applying the provisions of Section 184(1)(a), that makes it a felony given the fact that the prescribed penalty, prior to any mitigating or aggravating circumstance, is imprisonment for life. Therefore, it can be said that all persons convicted of that offence by the SCC would be felons since the jurisdiction is over a specific category of crime: a felony. Secondly, for cases not amounting to a felony, other courts in the legal system have jurisdiction. If still a felony (where the amount exceeds FCFA 500.000 but less than FCFA 50.000.000, then, the High Court has jurisdiction since it is a felony punishable with imprisonment for life. Thirdly, in determining the sentence, the SCC must consider the existence of both mitigating and aggravating factors. The foregoing discussion already looked at the provisions relating to mitigation of penalty, both generally as spelt in Sections 87 and 91 of the Penal Code and more specifically as stated in Section 184(2) and (3) of the Penal Code – applicable to the offence of misappropriation of public property only. It is important to look into aggravating factors in Cameroon's penal system, how it applies to the offence of misappropriation of public property and specifically to the kinds of individuals convicted of that offence.

4.2 Aggravating and mitigating factors: an overview

Numerous cases have been decided by the SCC: a Court established with jurisdiction to try individuals who misappropriate public property of a value of at least CFAF 50.000.000 [38]. Applying Section 184(1)(a) of the Penal Code, that would mean that the offence is a felony as it is punishable with life imprisonment. Since the SCC has special jurisdiction, it can be said that all individuals who are tried for the felonious misappropriation of public property, if found guilty, qualify for life imprisonment.

However, it is important to understand the nature of sentencing in Cameroonian criminal law. The Penal Code stipulates the sentencing range, which stipulates the statutory minimum and maximum within which an appropriate sentence has to be determined. The lawmaker would customarily say an offence is punishable with imprisonment of from three to five years, meaning that the judge is expected to choose only within that range (between three and five years of imprisonment). In cases where a range is not provided, then, the sentence stipulated is the statutory maximum – this means that the judge can impose only up to, and not more than that statutory maximum. In the case of a death sentence or life imprisonment, the sentencing judge can award not more than that. On the other hand, where a statutory maximum is prescribed only, a judge has the discretion to impose a sentence lower than that. For example, for an offence carrying a sentence of (up to) life imprisonment, a judge may decide to sentence the convict to 20 years, 15 years or 10 years in prison. That is completely within the ambit of the sentencing judge's discretion.

The second critical point to bear in mind is the application of specific statutory minimums, which a judge must not go below. In prescribing the principal penalties for some crimes, the lawmaker does not only give both the sentencing range for that offence: the lawmaker stipulates a statutory minimum for that offence which, in effect, means that the judge cannot go below that minimum. This is the case where a mitigating factor may be found in favour of the convict: here, the lawmaker defines how low a sentence may be after considering such a mitigating factor.

The third important point to note is the effect of both mitigating and diminishing factors in the calculation of the sentence to be imposed. Mitigating factors in Cameroonian criminal law have the effect of reducing the sentence from the statutory range. On the other hand,

aggravating factors increase the punishment. In some cases, the lawmaker says the punishment shall be doubled. A trial court that convicts an accused individual has to address the issue whether there exists any mitigating or aggravating factor to determine the appropriate sentence to be imposed. On the issue of mitigation of punishment, Sections 90 and 91 are worth considering. Section 90 states that the benefit of any mitigating circumstance may be given, but reasons thereof have to be recorded in the judgement except in cases expressly excluded by law. Section 91 deals with the issue of mitigation in cases of felony:

Section 91: Mitigation in case of felony

- Upon a finding of mitigating circumstances in favour of any person convicted of felony, the sentence may be reduced to not less than 10 years' loss of liberty if the offence is punishable with death, to not less than 5 years if it be punishable with loss of liberty for life and to not less than 1 year in any other case.

Construing the wording in Section 91(1) *vis-à-vis* Section 184(1)(a) of the Penal Code means that for the felonious misappropriation of public property punishable with loss of liberty for life, the presence of a mitigating circumstance means that the convict can receive a term of imprisonment of not less than five years. Like in the case of Abah Abah and Others, where the value of the properties misappropriated exceeded CFAF 6bn, a mitigating factor, such as his cooperation with the Court that landed him 25 years in prison would mean that the sentencing judge was within the legal range when Section 91(1) is factored. To the extent that the Court would consider mitigating factors and determine what sentence to impose within the wording of Section 91(1) of the Penal Code, one would struggle to contest the sentences imposed by the Court.

4.3 The existence and consideration of aggravating factors

As aforementioned, with regard to criminal responsibility, the Penal Code gives two aggravating factors of general application: this means that they apply to every crime in the Penal Code. These two factors are habitual offender (recidivist) and a public servant. Aggravation of public servants who are convicted of a crime is stipulated in Section 89(1) of the Penal Code as follows: "...the fact of being a public servant established or otherwise shall aggravate the responsibility of any such person guilty of any other felony or misdemeanour against which it is his duty to guard or to take action". If one looks at the wording meticulously, it is clear that the language here is mandatory as evidenced by the words "shall aggravate the responsibility of any such person guilty of any other felony [...]." By making use of the words "shall aggravate", the sentencing judge is given no room for flexibility or discretion in the application of this aggravating circumstance to the criminal responsibility of the accused. Subsection 89(2) of the Penal Code prescribes the doubling of the maximum penalty. In other words, where a public servant commits an offence punishable with a maximum loss of liberty for 10 years, the term of imprisonment shall be 20 years if due consideration is given to the wording of Section 89(1) and (2) of the Penal Code.

The question to be asked is whether those convicted individuals were public servants as used and contemplated in Section 89(1) of the Penal Code. Section 131 of the Penal Code assists greatly in this regard as it defines who a public servant is in the context of Cameroonian criminal law:

> For the purposes of any criminal law, a public servant shall include, any judicial or legal officer, any law official, any employee or official of the State or of any other body corporate governed by public law, or of a corporation or semi-public corporation, of a law official, any Armed Forces or Gendarmerie serviceman, any employee of the National Security of Prison Administration and any person charged, whether continuously or occasionally with any public duty, mission or task, while acting in the discharge of his office or in relation to the said office.

Quite fascinating is the broadened dimension in which the definition is postulated which, obviously, is not exhaustive. By inserting the words ". . .a public servant shall include. . .", the lawmaker does not give a complete or exhaustive list: different categories of employees may be dragged into the categorisation of a public servant. Secondly, the list given makes mention of legal officers, any law official, employees or officials of the State or any corporate entity governed by public law, *etc*. For anyone who understands the public sector in Cameroon, especially in terms of employment and public laws, it is quite an easy task to fit into the compartment of public servants individuals who occupy portfolios such as the principal tax inspectors, tax controllers, national treasurer, ministerial appointments, financial directors of state-owned enterprises, engineers in the public sector, directors of state-owned enterprises, officer of the armed forces, labour administrators, university professor, treasury inspector, civil administrators, cashiers at the treasury, teachers of public schools and police officers.

Many of the accused and convicted persons satisfy the definition of public servant as used in Section 131 of the Penal Code. The question is: was this factored as an aggravating circumstance as stipulated in Section 189(1) of the Penal Code? The answer is an obvious no. The approach and reasoning of the Court are inconsistent with the law on sentencing. On the issue of mitigating factors, the Penal Code makes it a discretionary consideration by using the word "may": therefore, a sentencing judge is only required to exercise his or discretion upon finding of a mitigating circumstance. As evidenced by the judgements in some cases, the Court factored this in determining the term of imprisonment to impose on the convict. On the other hand, the consideration of an aggravating factor is not discretionary. The law makes it mandatory by the way it is worded and requires that the maximum penalty be doubled.

4.4 The special criminal court cases

If the definition of who is a public servant is already stipulated by law, then, it becomes a much easier task to construe and apply that definition. Unlike mitigating circumstances which are at the discretion of the sentencing judge, it is mandatory for the status of a public servant to be considered as an aggravating factor: in other words, the sentencing judge has no alternative that factoring this in determining the appropriate sentence to impose on a convicted accused.

Therefore, if a second look at those cases is given, one would definitely question a few things: firstly, if the accused's status as a public servant as defined in the Penal Code was recognised; and if in the affirmative, why did the sentencing judge not consider that status as an aggravating factor as stipulated in the Penal Code.

The penalty for the offence of misappropriation of public property that has a value over the sum of FCFA 500.000 is life imprisonment. This means that all cases over which the SCC has jurisdiction are punishable with imprisonment for life given the fact that the value of the property misappropriated must be at least FCFA 50.000.000. In the case where an aggravating factor is mandated to be considered in determining the sentence for the convict, then, that has to be recorded in the judgement. The question is this: in the absence of the death penalty, is there any other punishment longer and harsher than life imprisonment? In

other words, if an aggravating factor like that of being a public servant is factored, and the punishment of life imprisonment is to be made harder and harsher, what would it be? The dictates of common sense plus the practices of other legal systems can be of immense help. Firstly, for persons convicted of misappropriated such colossal sums of money and have been convicted, then, imprisonment for life should be imposed. Secondly, an aggravating factor, such as being a public servant mandates that the punishment be made increased: this could be done in many ways. Firstly, the imposition of double, triple or quadruple life imprisonment, for the records, stating why. Secondly, the convicted person could be made illegible for parole during the time in prison. Thirdly, the convicted person could be sentenced to multiple life terms and asked to do community service or pay a fine. The question then is this: Did the sentencing judges consider these approaches when dealing with the numerous public servants who misappropriated public property? The sentences imposed on the convicted individuals would answer that question in the negative.

Were there any individuals who would qualify as public servants as defined in the Penal Code? Undoubtedly, yes. Among the convicted individuals were former cabinet members like Polycarpe Abah Abah [39]; Ambassa Zang Dieudonne [40]; and Jean-Marie Atangana Mebara [41]. Former directors of parastatals, include Iya Mohammed [42]; Nguini Effa Jean [43]; Ntongo Roger [44]; Yves-Michel Fotso [45]. Individuals from the civil society were numerous. Even though these are some of the prominent public servants convicted and sentenced by the SCC, there are hundreds of other individuals who qualify as public servants and befitted the application of the aggravating circumstance of public servant.

5. Conclusion

A sentencing judge is given plenty of room to determine the appropriate sentence to impose. The judge is expected to consider the nature of the crime; the gravity of the crime; the harm it has caused; the need to deter others from perpetrating that same crime; as well as how to rehabilitate and reform the offender. This makes the sentencing judge a critical player in the entire criminal justice system; to strike while rebuilding. In so doing, the judge brings together the different competing goals of criminal justice: ensure that the perpetrator pays for the crime he has committed; society sees that its laws are enforced; the victim's loss is addressed; and others deterred from engaging in similar criminal conduct.

In doing all of the foregoing, the judge must show consistency and logic: consistency in the manner in which similar cases are treated so that the philosophy is imbued in the criminal justice system, and logic in the sense that any differences can be explained to anyone. One would expect these to be infused in the sentences awarded to convicted individuals. For the offence of misappropriation of public property, and considering the damage it does to socio-economic development; and how such stolen funds are expended unconscionably, with a widening gap between the rich and the poor, fighting the cancer of corruption in the Cameroonian society would have warranted a much stricter approach and harsher sentences. Abah Abah was convicted of having misappropriated over FCFA 6bn, for which he was sentenced to 25 years imprisonment – the fact that he was a public servant when he committed the crime was not factored in determining the most appropriate sentence. Ambassa Zang Dieudonne, for having misappropriated the sum of FCFA 5,820,645,438, was sentenced to imprisonment for life. As a former Minister at the National Assembly, he was a public servant, meaning that his sentence should have been doubled. Jean-Marie Atanganga Mebara, for having embezzled the sum of FCFA 2,907,500,000, was sentenced to 25 years imprisonment even though a former cabinet member who occupied different portfolios prior to his arrest and conviction. How does one reconcile these sentences

with the case of an agro-economist, Ndgosha Emmanuel, convicted of attempted misappropriation and sentenced to life imprisonment?

Notes

1. On the issue of the SCC as a special judicial institution established to prosecute the offence of misappropriation of public funds that meets a specific threshold, extensive research thereon has been conducted by the author, resulting in the publication of outstanding papers in accredited peer-reviewed journals. Even though some scholars have written on it, the literature on legal angles is quite scanty. On the issue of prosecuting the offence of misappropriation of public funds, see Agbor (2017). On an appraisal of the work of the SCC a decade after its establishment, see Agbor (2021). On an illicit financial flows, see Agbor (2022).
2. *Chembo Thompson v. The People of Cameroon,* BCA/MS/54C/2000, CCLR Part II, pp. 25–39.
3. *Charles Frederick, Ronald Arthur Biggs, Roy John James, James Hussey, Thomas William Misby and Robert Alfred Welch vs D.P.P.* (1964) A.C. 329.
4. In Cameroon criminal law, these mitigating and aggravating factors are found in the Penal Code, Sections 75 to 92 (inclusive).
5. Preventive measures include banned occupation (Section 36); preventive confinement (Section 37); post-penal supervision and assistance (Section 40); confinement of insane person in health institution (Section 43); and confiscation (Section 45).
6. See *Ndi Ivo vs The People of Cameroon*, Judgement, Court of Appeal, North-West Province, Bamenda, Suit No. BCA/MS/11C/97, unanimously written and delivered by Justice PM Tume on 6 July 1999 (hereafter *Ndi Ivo Case*).
7. Witte and Arthur (1993), see also Alschuler, "The changing purposes of criminal punishment: A retrospective on the past century and some thoughts about the next", 1-22; Cotton, "Back with a vengeance: The resilience of retribution as an articulated purpose of criminal punishment", 1313-62; Brent Fisse (1982); Husak (2000).
8. Example is indecency to a minor and rape: the interests protected by the offences enumerated under Section 346 indicate clearly the lawmakers' wish to uphold, protect and promote the decency and virginity of minors as compared to a woman who, by force or moral ascendancy, is compelled to have sexual intercourse. The interests protected are very different, and are reflected in the gravity of the crimes. Another example is misappropriation of public funds (Section 184 of the Penal Code) and offences against private property (Sections 316 to 336).
9. Witte and Arthur, "The Three Uses of the Law: A Protestant Source of the Purposes of Criminal Punishment?", 452-54. See also Johannes Andenaes (1970); Robinson and Darley (2002).
10. Alschuler, "The changing purposes of criminal punishment: A retrospective on the past century and some thoughts about the next", 1-22; Cotton, "Back with a vengeance: The resilience of retribution as an articulated purpose of criminal punishment", 1313-62; Hart Jr, "The aims of the criminal law", 401-41; Witte and Arthur, "The Three Uses of the Law: A Protestant Source of the Purposes of Criminal Punishment?", 456-59.
11. Section 18 of the Penal Code.
12. Accessory penalties include removal and exclusion from any public service, employment or office (Section 30(1)); incapacity to be a juror, assessor, expert referee or sworn expert (Section 30(2)); incapacity to be a guardian, curator, deputy guardian or committee, save of the offender's own children or member of a family council (Section 30(3)); prohibition on wearing any decoration (Section 30(4)); prohibition on serving in the armed forces (Section 30(5)); and prohibition on keeping a school, on teaching in any educational establishment, and in general on holding any post connected with the education or care of children (Section 30(5)); publication of judgement

(Section 33(1) – (4)); closure of establishment (Section 34); confiscation (Section 35). Preventive measures include banned occupation (Section 36); preventive confinement (Section 37); post-penal supervision and assistance (Section 40); confinement of insane person in health institution (Section 43); and confiscation (Section 45).

13. *Ndi Ivo Case* (above).
14. Section 18 of the Penal Code.
15. Accessory penalties include removal and exclusion from any public service, employment or office (Section 30(1)); incapacity to be a juror, assessor, expert referee or sworn expert (Section 30(2)); incapacity to be a guardian, curator, deputy guardian or committee, save of the offender's own children or member of a family council (Section 30(3)); prohibition on wearing any decoration (Section 30(4)); prohibition on serving in the armed forces (Section 30(5)); and prohibition on keeping a school, on teaching in any educational establishment, and in general on holding any post connected with the education or care of children (Section 30(5)); publication of judgement (Section 33(1) – (4)); closure of establishment (Section 34); confiscation (Section 35). Preventive measures include banned occupation (Section 36); preventive confinement (Section 37); post-penal supervision and assistance (Section 40); confinement of insane person in health institution (Section 43); and confiscation (Section 45).
16. The thoughts of men are not triable.
17. Section 76 of the Penal Code.
18. Section 77 of the Penal Code.
19. Section 78 of the Penal Code.
20. Section 79 of the Penal Code.
21. Section 80 of the Penal Code.
22. Section 81 of the Penal Code.
23. Section 82 of the Penal Code.
24. Section 83 of the Penal Code.
25. Section 84 of the Penal Code.
26. Section 85 of the Penal Code.
27. Section 86 of the Penal Code.
28. Section 294(3)(a) of the Penal Code.
29. Section 294(3)(b) of the Penal Code.
30. Section 294(3)(c) of the Penal Code.
31. Section 295(2) of the Penal Code.
32. Court of Appeal, North-West Province, Bamenda, Appeal No. BCA/MS/34C/2005. Before their Lordships Justices BE FONDJOCK, FM BEKONG, JE AGBOR, Tuesday, 27 April 2010.
33. *Dowling vs Inspector General of Police* (1961) ALL N.L.R. 782. See *also Laja vs I. G. P.* (1961) ALL N.L.R. 715.
34. See *Rex vs Robinson* (1923) 4 N.L.R. 91. See also *Commissioner of Police vs W. P. Riegels* (1923) 4 N.L.R. 104.
35. Court of Appeal of the North-West Region, Bamenda, Appeal No. CANWR/MS/25C/2009, before their Lordships Justices IT Nko, BE Fondjock, JE Agbor, Tuesday, 3rd August 2010.

36. Section 21(1) of the Penal Code on the definitions of felony and misdemeanours in Cameroonian criminal law.

37. See generally Law No. 2006/015 of 29 December 2006 on Judicial Organisation and Law No. 2005/007 of 27 July 2005 on the Criminal Procedure Code: both national instruments lay down the criminal jurisdiction of the different courts in Cameroon.

38. See Law No. 2011/028 of 14 December 2011 to set up a Special Criminal Court, Section 2. Amended by Law No. 2012/011 of 16 July 2012, Section 2 underwent some cosmetic changes, such as using the phrase "misappropriation of public property" to replace "misappropriation of public funds" but maintained the financial threshold for which the jurisdiction of the SCC would be triggered.

39. *Ministère Public et Etat du Cameroun (Ministère des Finances) C/ ABAH ABAH Polycarpe; EDOU Joseph; EVINA NYANGONO Sylvie Chantal épse AVOCEY; MEKE Raphaël; MEWOULOU OYONO épse MBALLA Hélène; ELOUMBA Thérèse; TENLEP TENLEP Joseph; ETOGO MBEZELE Luc Evariste; MANGA Pascal*, ARRET N° 001/CRIM/TCS/15 of 13 January 2015.

40. *Ministère Public et Etat du Cameroun (Ministère des Travaux Publics) C/ AMBASSA ZANG Dieudonné Télesphore; MEKONGO ABEGA Félix Debeauplan; NNAH OBONO Pierre Germain; BIKIE Scholastique Henriette Simone; MENGUE MEKA Jean Robert*, ARRET N° 017/CRIM/TCS of 16 June 2015.

41. *AFFAIRE MINISTERE PUBLIC ET ETAT DU CAMEROUN C/ ATANGANA MEBARA Jean Marie et MENDOUGA Jérôme*, ARRET N° 019/CRIM/TCS of 22 June 2016.

42. *Ministère Public et Etat du Cameroun (Société de Développement du Coton du Cameroun) C/ IYA MOHAMMED; FOTSO Lucien; MINLEND Jérôme; KAPTENE Pierre; MAHAMAT KARAGAMA; MBAIOUGAM Christophe; CLAVIER Henri*, ARRET N° 027/CRIM/TCS/15 of 3 September 2015.

43. *AFFAIRE MINISTERE PUBLIC ET ETAT DU CAMEROUN (SCDP) C/ NGUINI EFFA Jean Baptiste de la Salle; ONANA ADZI Jean; ATANGANA Jean*, ARRET N° 024/CRIM/TCS of 9 October 2014.

44. *AFFAIRE MINISTERE PUBLIC ET AEROPORT DU CAMEROUN (ADC) C/ NTONGO ONGUENE Roger; BENGONO Christophe Désiré; NTERE Jean; MBENGONO METOUTOU Arlette; BISSO Eliane; ENDALE Marthe; ENY Rosper; NDONGO Sylvestre Serges*, ARRET N ° 037/CRIM/TCS of 23 October 2015.

45. *AFFAIRE MINISTERE PUBLIC ET LA LIQUIDATION CAMAIR C/ FOTSO Yves Michel*, ARRET N° 018/CRIM/TCS of 25 April 2016 and *MINISTERE PUBLIC ET ETAT DU CAMEROUN (LA LIQUIDATION CAMAIR) C/ FOTSO Yves Michel*, ARRET N° 011/CRIM/TCS of 29 April 2016.

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Corresponding author
Avitus Agbor Agbor can be contacted at: aagbor@gmail.com