

JUDICIAL DELAYS IN THE CAMEROONIAN LEGAL SYSTEM: HOW LONG IS TOO LONG?

Written by Ihimbru Barnabas Kanyimi

Assistant Lecturer, Department of Public Law, University of Bamenda, Bamenda-Cameroon

DEFINITIONS

- a. **Delay:** Delay in context of justice denotes the time consumed in the disposal of case, in excess of the time within which a case can be reasonably expected to be decided by the court. In other words, it is when a case has been in the Court/judicial system for longer than the normal time that it should take for a case of that type to be disposed of
- b. **Judicial system.** It is the system of law courts that interprets and applies law in legal cases or that administers justice and constitute the judicial branch of government
- c. **Time lapse.** It is the entire time period from the initiation of the judicial proceedings, through the proceedings before the court, and up until the judgment becomes final
- d. **Reasonable time:** It is the time necessary to conduct a proceeding from start to finish without precipitation nor unjustly delay

ABSTRACT

The problem of judicial delays may be as old as the law itself. It is very common in Cameroon to hear litigants and Lawyers complaint that their proceedings or litigation processes have over due in courts. But the intriguing question is how long is too long to characterize a procedure as being too long to constitute denial of justice? i.e. to say when can it be considered in Cameroon that justice delayed is justice denied and what accounts for these delays. This article seeks to

answer this question by x-raying circumstances that lead to protracted judicial proceedings in terms of loopholes in legal provisions or irregularities in procedural rules and meddling in the course of justice by the administration. the author assesses the fact that though it is difficult to set judicial timeframes for legal proceedings considering that each legal proceeding has its own complexities, it is necessary to incorporate the notion of reasonable time while adjudicating so as to avert judicial delays.

INTRODUCTION

One of the grey areas, where our justice delivery system has failed to come up to the people's expectations is that the judiciary has failed to deliver justice expeditiously. In Cameroon today if it is possible to know when a legal proceeding starts when the party is notified, it is difficult to know when the final decision has to be delivered. This has at times led to a general perception amongst the citizens that the length of court proceedings is too long and that specific measures need to be taken to reduce the time that is needed to finalize a judicial decision. Court proceedings become too long when judicial proceedings timeframes are not respected and when the policies and practices of the day-to-day operation of the court are marred with irregularities. In fact, legal proceedings become too long when there is a strict adherence to some procedural rules or principles. It is not too long when there is the respect of the rule of law by adhering to strict respect of rules like that of regular service of summons, efficient gathering of evidence and lack of malicious intention by actors of justice just to name but this.

This delay in delivery of justice is in fact one of the greatest challenges before the judiciary. The problem of delays is not a new one – it is as old as the law itself. The problem has assumed such a gigantic proportion that unless it is solved speedily and effectively, it will in the near future crush completely the whole edifice of our judicial system as stated by Agawwal¹

Delay in context of justice denotes the time consumed in the disposal of case, in excess of the time within which a case can be reasonably expected to be decided by the court. When it takes longer than reasonably expected, it makes it too long to conclude that justice is delayed and represents justice denied. Therefore, the menace of delay in the disposal of cases in Cameroon

is reaching such a climax of notoriety that now justice delayed is not only justice denied, it is justice circumvented, justice mocked, and the system of justice underminedⁱⁱ No one expects a case to be decided overnight. However, difficulty arises when the actual time taken for disposal of the case far exceeds its expected life span and that is when we say there is delay in dispensation of justice and hence too long a time. In fact, the human right committee has had to conclude in the case of *J. Leslie v. Jamaica*, that a delay of 29 months from arrest to trial was contrary to article 14(3)(c)ⁱⁱⁱ and therefore resulted to judicial delay.^{iv} The committee went further to state that to make the right to trial without undue delay effective, a procedure must be available in order to ensure that the trial will proceed ‘without undue delay’, both in first instance and on appeal.^v It can therefore be deduced here that judicial delays includes or relates not only to the time by which a trial should commence, but also the time by which it should end and judgement be rendered; all stages including those on appeal must take place ‘without undue delay’^{vi}

The consumers of justice want unpolluted, expeditious and inexpensive justice. In its absence, instead of taking recourse to law, he may be tempted to take law in his own hands. This is what the judicial system must guard against so that people do not take recourse to extra judicial methods to settle their own scores and seek redress of their grievances.^{vii} The question of how long is too long for judicial proceedings to result to judicial delays can be appreciated by examining the reasonable time concept and making a synopsis of the practices that tend to make proceeding too long and results to judicial delays in Cameroon.

APPRECIATION OF REASONABLE TIME

The reasonable time requirement concerns the guarantee of anybody going to court that a final decision in a case will be given within a reasonable time. The idea is that citizens are entitled to legal certainty. No one expects a case to be decided overnight. However, difficulty arises when the actual time taken for disposal of the case far exceeds its expected life span and that is when we say there is delay in dispensation of justice and hence too long a time. In fact, if it is possible to know the date of a judicial proceeding from when the party is notified, it is not possible to know the date as to when it will come to an end.^{viii}

Each judicial process has its character and specificities and therefore any attempt to fix deadlines for judicial proceedings may result to infringement of the right to a fair and equitable justice. If fixing deadlines may not be proper, it will be a welcomed step if judicial decisions could be finalized within a reasonable time, this is so because when a procedure becomes too long it turns out to be “*divine comédie contentieuse*”^{ix}. A long judicial procedure could turn into a theatre of comedy and will compromise the essence of doing justice where evidence can disappear. On the other hand, a speedy or hasty trial could jeopardize fair trial where the parties e.g. the accused is not allowed sufficient time to prepare for his defense. Therefore, there is a need to draw a compromise between too long proceedings and hasty or speedy trial and this can be done by not necessary fixing judicial proceedings timeframes but by applying the notion of reasonable time. The notion of reasonable time can be appreciated by making recourse to some international instruments (A) as well as jurisprudence (B).

A. Appreciation of reasonable time in relation to International instruments

These instruments though fail to give a definition of what reasonable time is, they however reiterate that for a trial to be fair and equitable, it should be done within a reasonable time. Article 9(3) of the International Covenant on Civil and Political Rights states that “*any person arrested or detained on a criminal charge shall be brought before a judge or other officer authorize by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release....*”^x. In the same Covenant article 14(3)(c) is to the effect that in determining any criminal charge against a person, the minimum guarantees for equality and fair trial amongst which is trial without undue delay shall be respected. The African Charter on Human and Peoples’ Rights states in its Article 7(1)(4) that every individual shall have the “*rights to be tried within a reasonable time by an impartial court or tribunal*”^{xi}. A reading of the provisions of the above instruments makes no precise reference as to the time frame or deadline as to when a person can be tried or a proceeding can come to an end. But it did give a right to an individual to have his proceedings heard as fast as possible. Laure Milano indicated that the decisive criteria for the appreciation of reasonable time includes; the complex nature of the cause of action, the behavior of the parties and the stakes involve in the litigation.^{xii}

Cameroon has acceded to the international Covenant on Civil and Political Rights^{xiii} and has signed and ratified the African Charter on Human and Peoples' Rights^{xiv} therefore it is important that judges in adjudicating cases should pay attention to the fact that the notion of reasonable time should be respected. The notion of reasonable time is rooted on a cardinal principle of justice which is to the effect that in any legal proceeding, being it internal or international, there should be the respect of the quality of justice.^{xv} It is therefore, absolutely necessary to find a compromise between a lengthy procedure and a hasty or speedy one which is that of reasonable time. A reasonable time can therefore be considered to be the time necessary to conduct a proceeding from start to finish without precipitation nor unjustly delay. If the judicial authorities could respect some of the timeframes fixed by the criminal procedure code^{xvi}, other specialized statutes like that the law of 14 December 2011 to set up the Special Criminal Court^{xvii} in Cameroon and the law on the military justice^{xviii} then it will lead to trials been carried out within a reasonable time with respect to a fair trial. It is equally important to jurisprudentially appreciate the application of reasonable time by some judicial bodies.

B. Jurisprudential appreciation of reasonable time

Reasonable time or trials within a reasonable time is intended to counter excessive long judicial proceedings. Reasonable time has been appreciated by international institutions in terms of speedy trial and not a specific limit within which a judicial process can be conducted. Hence international instruments always request that states should organize their judicial systems so as to enable their courts to guarantee the rights to obtain a final decision within a reasonable time. It should be noted that reasonable time is to enhance fair trial. Some international tribunals have passed a number of cases in order to explore issues related to fair trials or trials within a reasonable time and some of these cases have been examined. In a number of cases examined by these international human rights courts or tribunal the essence has been to demonstrate that speedy trials are essential to avoid judicial delays and guarantee human rights. Reasonable time is concern with speed and therefore it has been a question by these internal jurisdictions to examine whether the attitudes of the judicial authorities or the judicial apparatus of the state is that which can permit a judicial or legal proceeding to unfold normally without complications intended to prolong trial either by the state authorities or by the parties themselves.^{xix}

In a series of these cases within the United Nations Human Rights Systems and the African Human Rights systems, the state has been charged before these international institutions to for failing to conduct judicial trials within a reasonable time frame.^{xx} The state has always been accused for most of the cases for haven failed to present sufficient proofs as to why the proceeding could not be conducted within a reasonable time. Cameroon has been condemned by some international institutions in a number of cases for failing to conduct fair trials and within a reasonable time. The case of *Paul Eric KINGUE v THE STATE OF CAMEROON*^{xxi} merit to be examined here. Paul Eric KINGUE was arrested and detained in 2008 in the Nkongsamba prison with three criminal charges brought against him: embezzling of funds intended for a water supply project in the Njombe-Penja Council, hiring out a grader owned by his Council to the Dibombari, Mbanga and Melong Councils and Counterfeiting a fuel delivery. Mr Kingue asserted that he was tried and sentenced without prior notification of the date of hearing before the trial court as required by article 415, paragraphs 1,2 and 3, of the Cameroonian Criminal procedure code, and without having been heard by the examining Magistrate in violation of article 142, paragraph 1 of the Criminal Procedure Code. Worse still, his arrest and subsequent prolonged detention without trial and knowledge of the charges against him took place in the absence of an arrest warrant or detention order, in violation of articles 14, 18, 19, 29, 30, 82 (b), 170 paragraph 6, and 251 of the code. The submissions to refute these allegations by the Cameroonian authority to the Working Group on Arbitrary Detention of the Human Rights Council of the UNO was submitted late and never considered. Consequently, the Working group asserted that the detention of Paul Eric Kingue was arbitrary and falls under categories I and III of the criteria applicable to the consideration of cases submitted to the Working Group. The Working Group noted the following irregularities: that the non- presentation of Paul Eric before a judge within the first 20 days after his arrest and the unreasonable delay of 2 years of appeal pending at the Supreme Court constitute violations of fair trial. Thus, the Working Group notes that all the proceedings have been exceedingly lengthy, resulting in violation of the defendant's right to be tried within a reasonable time, which is one element of the right to fair trial. The Working Group therefore requests that the Government take whatever measures are necessary to put an end to this situation and to grant reparation to Mr. Kingue.^{xxii}

In another case between *Christophe Desire BENGONO v the state of Cameroon*^{xxiii}, the Working Group Concluded that the pre-trial detention that lasted for 4 years resulted to violation of the right to trial within a reasonable time. Christophe Desire BENGONO was arrested on the 6 of January 2010 on the basis of a warrant issued by the State Counsel of the Mfoundi High Court for charges of embezzlement of public funds at Aéroports du Cameroun S.A (ADC) Company where he worked as an accountant and a former Finance Director. On the first 1of April 2014, Mr. Bengono submitted an application for habeas corpus which was dismissed on the 22 of April 2014 and Mr. Bengono then seized the Working Group on Arbitrary Detention. The working Group noted that the pre-trial detention has lasted for more than four years, although the maximum period of such detention stipulated by Article 218 and 221 of the Criminal Procedure Code is 18 months. In addition, article 9 of the Act of 10 July 2003, which according to the Group is applicable in the instant case, stipulates that the maximum sentence for embezzlement of a company's assets is 5 years' imprisonment. Mr Bengono, however, has been in pre-trial detention for four years and four months. Consequently, the Working Group noted that Mr Bengono's detention is arbitrary and falls under Category I of the criteria applicable to cases submitted to the working group for consideration. They alleged that article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights have been violated by the extension of pre-trial detention beyond the legal time limit of 18 months laid down in article 218 and 221 of the Criminal Procedure Code. it equally claims that Mr Bengono's detention also falls under category III of the criteria applicable by the Working Group, alleging that numerous procedural irregularities constitute a violation of Article 9 and 10 of the Universal Declaration of Human Rights and article 9 and 14 of the International Covenant on Civil and Political Rights.

Fair trial guarantees were not respected, including the right to be tried within a reasonable time, as demonstrated by the fact that a period of two years and two months to process an appeal as well as the delay of one year and two months between the decision to transfer the case file to the Special Criminal Court and the handing down of the decision by the court constituted such unreasonable delay. The Working Group though regrets that there has been no response from the Government to the date of passing the decision concerning the allegations transmitted to it

or any request for an extension of the time period granted for submission of reply, in accordance with paragraph 15 and 16 of the Working Group's Methods of work, however, rendered its opinion in accordance with paragraph 16 of its methods of work, relying solely on information provided by the source.

Consequently, the Working Group therefore, requested the Cameroon Government to release Mr Bengono without delay and to take the necessary steps to redress the material and moral damages he has suffered by providing reasonable and appropriate compensation in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights. The working Group also noted that the Human Rights Council has requested all states to cooperate with the Working Group, to take account of its views and to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the Steps they have taken^{xxiv}. The Working Group therefore, requests the full and complete cooperation of the Republic of Cameroon in implementing this opinion as an effective remedy for the breach of international Law^{xxv}.

Still within the United Nations' Human Rights systems, the case of Pierre Désiré Engo^{xxvi} was considered as one of prolonged detention without judgement, arbitrary arrest and non-respect of the right to trial within a reasonable time. Mr Engo was the Managing Director of Cameroon's National Social Insurance Fund known in French as the *Caisse Nationale de Prévoyance Sociale* (CNPS), until 3 September 1999 when he was arrested on charges of embezzlement of Public Funds, Forgery and falsification of records. Since that date, he was held in the Centre Prison in Yaoundé. He then deposited a communication dated 30 March 2005 at the Human Rights Committee claiming to be a victim of prolonged detention and consequently, a victim of violations by Cameroon of article 9, 10 and 14 paragraphs 2 and 3 (a), (b) and (d) of the International Covenant on Civil and Political Rights. To substantiate his claim, Mr Engo claimed that he did not have access to effective remedies within a reasonable time. He indicates, inter alia, that the appeal against his six-month prison sentence for issuing uncovered cheques, filled in May 2000, was still pending before the Court of Appeal up to 2005, even though he completed his sentence on the 16 November 2000.

The Committee pointed out that article 14, Paragraph 5, of the International Covenant on Civil and Political Rights guarantees individuals the right to be tried without undue delay and that the justification by the Cameroon government that delay was as result of the numerous proceedings against the Mr Engo by citing the complexity of the cases, in particular, the numerous appealed filed by the author was not admitted by the Human Rights Committee. The committee stated that the said article guarantees the right to appeal, and that the exercise of this right cannot be used as a justification for unreasonable delays in the conduct of proceedings, since the rule set out in article 14 paragraph 3(c) also applies to these appeals proceedings.^{xxvii}

On the 22 July 2009, the Committee considered that, in the circumstance of the case, the fact that a period of eight (8) years elapsed between the author's arrest and the delivery of a final judgement by either the court of Appeal or the Supreme Court, and that a number of appeal proceedings have been in progress since 2000, constitutes a violation of article 14 paragraph 3 (c) of the Covenant.^{xxviii} Consequently, the Human Rights Committee, established the violation of article 9, paragraph 2 and 3 and article 10 paragraph 1, and article 14, paragraph 2 and 3 (a), (b), (c),and (d) of the Covenant by Cameroon and thus called on the state of Cameroon to provide an effective remedy leading to the immediate release of Mr Engo and for the state to refrain from similar violations in future.

At the African level, the African Commission on Human and Peoples' Rights decided in the case of Abdoulaye Mazou^{xxix} that re trial of the case constituted a violation of article 7.1 (d)^{xxx} of the African Charter on Human and Peoples Rights by the state of Cameroon. Mr Mazou was imprisoned in 1984 by a Military Tribunal without trial, without witnesses, and without right to defence. He was sentenced to 5 years imprisonment for hiding his brother who was later sentenced to death after the attempted Coup D'etat of 1984. Even after he has served his sentence in April 1989, he continued to be held in prison and was only freed by the Intervention of Amnesty on the 23 of May 1990. He continued to be under detention at his residence until the Law of amnesty of 23 April 1990. Annette Pagnouille of Amnesty International, on behalf of Mr Mazou deposited a communication with the African Commission on Human and Peoples' Rights for illegal detention and lengthy judicial trial without a final Judgment.

The commission pointed out that the fact that Mr Mazou has not yet had a judgement on his case brought before the Supreme Court over 2 years ago, without being giving any reason for the delay constituted a violation of his right to fair trial within a reasonable time and thus a violation of Article 7(1)(d) of the Charter by the State of Cameroon.

Cameroon has ratified these essential instruments amongst which includes the International Covenant on Civil and Political rights and the African Charter on Human and Peoples' Rights which stipulates amongst other provisions the need for trial within a reasonable time. This instruments however, fail to stipulate a specific time limit within which a trial can be conducted but from the cases seen above the case is decided based on its particular circumstances and complexity of the case. Therefore, trials with the non-respect of the right to be tried within a reasonable time results to lengthy procedures and thus judicial delays. From the above case, therefore, much as been made by international human rights institutions to circumvent or provide legal frames to the notion of reasonable time which is concerned with speedy trials that has to be implemented by states but not in terms of providing judicial time frames within which judicial proceedings has to be conducted.

Therefore, the important question is: why and how does this delay occur? A synopsis of the practices that usually accounts for judicial delays could be reproduced or recaptured below:

PROCEDURAL IRREGULARITIES

There is no one factor which is solely responsible for judicial delays or for the arrears of cases. A number of practices prolong judicial proceedings thus leading to judicial delays in the disposal of cases. Some of these practices are as a result of a strict adherence or application of some principles as well as the non-respect of some judicial procedures which all constitute procedural irregularities that are responsible for the delay in the expeditious delivery of justice.

A. A Strict Adherence to the Application of Some Principles

The application of some principles to the later or to the strict sense of it, turns to be inimical to the speedy administration of justice and thus result to judicial delays in Cameroon.

i) *The Principle of Collegiality*

A major contributor to delay in judicial proceedings that could result to judicial delays is noticed in the application of the principle of collegiality in Cameroon. It is a principle or rule of law by which the court sits in a panel of judges or a group of judges to decide a case as opposed to certain cases where the court consist of only a single judge to hear and determine the matter.^{xxxii} The law on judicial organization in Cameroon as well as the criminal procedure code in Cameroon all provide for the application of the principle of collegiality in the courts though they all fail to define what the principle of collegiality is all about. Section 14(2)(a) and 17 (7)^{xxxiii} of Law No 2006/015 of 29 December 2006 on judicial organization in Cameroon makes optional the hearing of cases by a collegiate bench for the Court of First Instance and the High court and compulsory for cases before the court of Appeal.^{xxxiii}

The criminal procedure code on its parts regulate the conduct and form of proceedings for a court sitting in a collegiate bench. Section 339 of law No 2005-7 of 27 July 2005 on the Criminal Procedure Code, states that the presiding magistrate, and in case of collegiality, the other members of the panel, shall not, in the course of hearing a case, portray their personal opinions or feelings. It went further to state that the presiding magistrate or any member of the court where it is sitting as a collegiate bench may put questions to the witnesses.^{xxxiv} The record of proceedings taken down during a trial shall be signed by the presiding magistrate and, in case of a collegiate bench, by all the other members of the panel. In case of a collegiate bench, the member of that bench who holds a minority opinion may write his dissenting judgment and insert it in the case file.^{xxxv} The judgement shall be typed, the original shall be signed by the presiding magistrate and the other magistrates in case of a collegiate bench and the registrar. It shall be kept at the registry of the court.^{xxxvi} The essence of a court sitting in a collegiate bench is to guarantee the impartiality of the judgments and ensure a fair trial but a strict adherence to the principle of collegiality has demonstrated how far it has gone to prolong judicial proceedings and thus resulted to judicial delays as is been illustrated by these cases.

The principle of a collegiate bench is to the effect that when a college or panel of judges have been constituted to hear a case, the decision to be taken has to be valid with the participation of all the members. Where one of the members is absent as result of transfer or death after

closure of debates in the proceedings, the remaining members cannot validly take a decision unless the absent member is replaced. A new member has to be designated who has to be given sometimes to get acquainted to or study the file before proceeding with the file. The problem becomes more complicated if the court is made up of only three magistrates or judges and one of them is death. The solution will be to wait until another magistrate is appointed after a session of the Higher Judicial Council before the jury could legally or validly sit in for the case.^{xxxvii} An example of the abrupt transfer of a member of the panel of judges sitting in the case betting *The State of Cameroon v Titus Edzoa, Michel Thierry Atangana Abega and co-offender*.^{xxxviii} is illustrative of the fact that continuity of trial was affected leading to judicial delays.

In 1997, a former government Minister (Titus Edzoa) and his close aid (Thierry Atangana) were charged with embezzlement of public funds and were handed a fifteen-year custodial sentence which should have ended in May 2012.^{xxxix} But at the end of 2009, further charges of embezzlement were brought against them and they were further deprived of their personal liberty after the expiration of the initial 15-year term. The trial for the latter charges was ongoing for three years with frequent adjournments. The court was expected to reach a decision on 18 July 2012.^{xl} However, on that date, the Mfoundi High Court announced that it was unable to deliver a decision.^{xli} The reason provided was that one of the judges in the panel of three, who had been hearing the case, was summoned the previous night by the Minister of Justice to take up a position in the Ministry with immediate effect and thus the court cannot validly sit to take a decision and the case was to be adjourned until the constitution of a new panel as the panel. The purported transfer had been made by the President of the Republic in April 2012. The abrupt summoning of the judge was questionable given that the said appointments were made in April. Why for instance, had she not taken up that position since April and what urgent need was there for her to be moved twenty-four hours before the verdict in that case? This demonstrates her the application of the principle of collegiality to the strict sense of it can delay judicial proceedings, if not the remaining members of the panel could pass the verdict which was not the case.

ii) *The Respect of the Principle of Seniority and Hierarchy*

The legal provision that no magistrate may hold a post either as head of a court or as a head of a legal department conferring on him a power of control or direction over a hierarchically superior magistrate and that which states that no magistrate may entertain legal remedies brought against a decision rendered by a hierarchically superior magistrate^{xlii} has in some cases hindered the smooth administration of justice and resulted to judicial delays. This later principle is to the effect that the composition of the panel of judges to hear a decision on appeal should not be made up of judges who are lower in grade to those who rendered the decision in the first instance. At times the composition of this jury to hear an appeal have often been irregular without the respect of this principle and has led to further appeals to the Supreme Court and thus leading to judicial delays. This complication was encountered in the case of *Atangana Mebara Jean Marie & Mendouga Jérôme against the State of Cameroon*.^{xliii} The contention in that case was that the composition of the Court of Appeal sitting to hear the case was made up of amongst other members Mr. Noukeu Jules who was not supposed to hear the proceedings brought against a decision passed by Mr. Gilbert Schlick, the then President of the High Court of Mfoundi, who was more graded than Noukeu Jules. Both Mr. Noukeu Jules and Gilbert Schlick are fourth grade magistrates, with Gilbert Schlick who passed the decision being older in grade than Mr. Noukeu Jules. In effect, Mr Gilbert Schlick was promoted to fourth grade Magistrate in 2004, following a presidential decree No 2004-78 of 13 April 2004, published in the official gazette No 17 at page 779, meanwhile Mr. Noukeu Jules was promoted to fourth grade magistrate in 2005 by a presidential decree No 2005/144 of 29 April 2005, published in the Cameroon Tribune of 03 May 2005 at page 7. Mr Mebara Jean Marie and Mendouga Jérôme appealed to the Supreme contesting about the irregularity in the composition of the jury sitting at the court of Appeal to entertain their matter. The supreme Court has to rule on the Matter before the resumption in the hearing of the case in the Court of Appeal. This could actually hinder the speedy trial and thus leading to judicial delays as the initial hearing of the case on merit has to be suspended to wait first for the outcome of the supreme court on the irregularity of the composition of the jury.

The argument by some authors that the composition to hear an appeal could be validly constituted even if some members of the panel are lower in grade to those who passed the

decision at first instance provided the president of the Panel at the Court of Appel is more graded than the members of the court of first instance can be judged to be contrary to the law. In a collegiate bench all the votes of the members count and the President of the collegiate bench can be put in a minority by other members of the collegiate bench. Every member of the collegiate bench gives his opinion and appreciation on the judgement delivered. This opinion can only be in conformity with the law if this magistrate is superior in grade than the one who rendered the decision at first instance.

In addition, the application of the legal provision^{xliv} that no magistrate may hold a post either as head of a court or as a head of a legal department conferring on him a power of control or direction over a hierarchically superior magistrate has equally been an obstacle and inimical to the administration of Justice at the legal department. This grounded the functioning of the Legal Department of the Court of First Instance, Centre Administrative, Yaoundé in early 2015. In effect, in December 2014 following the session of the Higher Judicial Council held on the 18th December 2014 Mr. Meka George Gerard^{xlv} was appointed as the State Counsel of the Legal Department of the Court of First Instance, Centre Administrative, where he was supposed to have control over his deputies. Amongst the deputies was Mme AKUMA Christy epouse FONKEM senior third grade magistrate to Mr Meka George appointed as the State Counsel. The said state Counsel could not exercise his functions because of the presence the deputy, Mme Akuma who was more graded than the State Counsel. Thus, the Procureur General of the Court of Appeal in a decision^{xlvi} has to transfer, Mme AKUMA Christy to the High Court of Mfoundi so as to make way for Mr. Meka George to fully exercise his functions. Between the date of his appointment on the 18 of December 2014 and January 20, 2015 when the decision of the Procureur General took effect, activities at the legal Department of the Court of First Instance were grounded, submission of the Legal Department to the registry in so many files were at a halt, grounding the administration of justice and consequently judicial delay.

B) The Non-Respect of Some Procedural Rules

The non-observance of some procedural rules such as that of arrest and detention of persons and enrolling of cases can manifestly contribute to prolong judicial proceedings which will lead to judicial delays and the deteriorating condition of the detainee. This non-observance of

procedural rules may lead to interlocutory proceedings like that of *habeas corpus* before the proceedings on merit thus causing a judicial delay. In fact, rules of procedure are often the bedrock of a fair justice system and their observation is deemed indispensable for the good administration of justice. Their non-respect may therefore be debilitating and may have far reaching consequences on the course of justice or good administration of justice not only to the parties to the proceedings but for the whole judicial system amongst which can be judicial delays. Some of these rules may include non-observance of procedure of arrest and detention and custody

i) Non-respect of the Formalities for Arrest and Detention

The deprivation of the liberty of an individual is therefore of an essence and it is expected that any arrest and detention of someone should be backed by a warrant or an order duly signed by a person competent to do so. The recognized court processes capable of depriving someone of his liberty has been stipulated in the code in its section 11 to include the arrest warrant, imprisonment warrant and remand warrant^{xlvii}.

Police custody shall be a measure whereby, for purposes of criminal investigation and the establishment of the truth, a suspect is detained in a judicial police cell, wherein he remained for a limited period available to and under the responsibility of a judicial police officer.^{xlviii} The time allowed for remand in police custody shall not exceed forty-eight (48) hours, renewable once. This period may, with the approval of the State Counsel, be exceptionally extended twice.^{xlix} The calculation of all this gives a period of 8 days maximum for someone to be kept in police custody in the police cell. This time start to run from the time when the suspect is taken to the police post or at the gendarmerie brigade. This time is recorded in a register kept for detainees and police reports.

The legislator has not only regulated the time limit for police custody but equally the treatment to be accorded to a detainee under police custody. During his detention, the suspect is supposed to be treated materially and morally humane. The police investigation is not only supposed to be carried out within a reasonable time but equally with the strict respect of the principle of the presumption of innocence, with respect of the right of defense and the right not to be subjected to any physical or mental constraints, or to torture, violence, threats or any pressure whatsoever,

or to deceit, insidious manoeuvres¹ etc. Any violation of these provisions exposes the author or the judicial police officer to legal proceedings and even disciplinary sanctions.^{li} The judicial police officer involve in these acts transforms himself from a neutral person to a party in the proceedings as his status of a judicial police officer becomes doubtful.

These legal provisions are not only intended to preserve the physical integrity of the person placed under police custody but equally to ensure speedy process in the investigation process. But unfortunately, some judicial officers continue to disregard these legal provisions and subject detainees or persons under police custody to inhumane and degrading treatment such as torture. This is exactly what happened in the case of the *State of Cameroon & Njoume Ngoupa Malachie v Todou Noé Etienne*^{lii}. Todou Noé was a police constable working at the Special Police Unit in Melong, he inflicted severe injuries and torture on Njoume Ngoupa Malachie who was detained following investigation for theft. Confronted with this act of torture against him, Mr Njoume Ngoupa then brought a complaint against the police constable for act of torture in the Nkongsamba Court of First Instance. The defense that Mr Njoume Njoupa was tortured because he attempted to escape from the police cell and that he pushed the police constable while attempting to escape was not accepted by the Nkongsamba Court of First Instance and Mr Todou Noé Etienne was sentenced to six (06) months of imprisonment with three (03) years of suspended sentence and a fine of 20.000frs.

The non-respect of formalities of arrest and detention as well as abusive remand in custody can lead to interlocutory proceedings like that in this case between State of Cameroon & *Njoume Ngoupa Malachie v Todou Noé Etienne* or *habeas corpus* proceedings and these interlocutory proceedings turn to delay the decision on merit of the case, thus leading to Judicial delay.

ii) Abusive Remand in Custody

According to the provision of section 218 of the Criminal Procedure Code^{liii}, remand in custody shall be an exceptional measure which shall not be ordered except in the cases of misdemeanor or felony. It shall be necessary for the preservation of evidence, the maintenance of public order, protection of life and property, or to ensure the appearance of an accused before the court or the examining magistrates. A person with a known place of abode shall not be remanded in custody except in the case of felony.

It suffices to mention that a remand warrant can only be issued with respect to the conditions fixed by the law. Section 15 of the criminal procedure code is to the effect that a remand warrant shall be an order given by the state counsel in case of felony or misdemeanor committed flagrante delicto, the examining magistrate or the trial court to the superintendent of prison to receive and detain a defendant or an accused. This remand warrant has a duration. It is not issued indefinitely. This means that a remand warrant shall specify the period of its validity. The examining magistrate shall specify the period of remand in custody in the remand warrant. It shall not exceed six months. However, such period may, by reasoned ruling of the examining magistrate be extended for at most twelve (12) months in the case of felony and six (6) months in the case of a misdemeanor. Upon expiry of the period of validity of the warrant, the examining magistrate shall, under pain of disciplinary action against him, order the immediate release on bail of the defendant, unless he is detained for other reasons.^{liv} It result therefore, that whatever be the offence for which the person is pursuit, he cannot be remanded in custody for more than 18 months in case of a felony and 12 months for the case of misdemeanor. He or she has to be released unless he is detained for other reasons.

The legislator thought it wise that whatever be the difficulties and complexities in the case, at a certain time limit the examining magistrate should come to a conclusion of the preliminary inquiry and hence commit the person for trial before the court or release him on bail or as of right if the facts are non-founded. And that is why the above time periods have been specified as concerns remand warrant and have to be respected. Despite this, many at times detainees have been remanded abusively in custody and even detained longer than the sanctions previewed by the law if the person was to be found guilty. This is the case in *Bilola Crescence Juliette v MP, Nguini Pauline*.^{lv} In that case Bilola Crescence Juliette was pursuit by way of flagrant delict and remanded in custody for illegal sale of land belonging to another person in violation of the provisions of Articles 74 of the Penal Code and 8 paragraph 2 of Ordinance No 74/1 of 6 July 1974 of the Land Tenure system.

The Supreme Court ruled that, “*given that it results from the combination of sections 15, 218 to 221 of the criminal procedure code that a person prosecuted for an offence cannot be the subject of pre-trial detention when he can justify a known domicile whether indicted by the examining magistrate or brought before the court by the State Counsel following the*

interrogation report in the event of a flagrante delicto; that the remand warrant has to specify the validity period; that in addition, a violation of the law, when it infringes a fundamental freedom and therefore a principle of public order, is punishable by absolute nullity and that this must be invoked ex-officio by virtue of section 3 of the same code;

Whereas the State Counsel has, according to the interrogation report, issued a remand warrant against Biloa Crescence Juliette; However, that this act of the State Counsel mentioned that the accused is domiciled in Yaoundé, at Fouda quarter, that in doing so the Magistrate violated the prohibition resulting from the combination of the provisions of sections 15, 218 to 221 of the Criminal Procedure Code; that moreover, that the detention, by the remand warrant has of this day, lasted for four (4) years, eleven (11) months and six (6) days; that therefore it is appropriate to pronounce on the annulment of the said remand warrant”^{lvi}

From a reading of the extract of the judgment above it is results that the Supreme Court based their argument on two points to give the decision in favour of the applicant i.e. the fact that the remand in custody has exceeded that legal provided by the criminal procedure code and the fact that the person had a well-known abode.^{lvii}

The detainee has not only been remanded in custody abusively but the detention period more than the sanctions previewed by the law in case he was to be found guilty of the offence. Article 8 of the 1974 ordinance on the Land Tenue punishes with a fine of 25000 to 100 000frs and imprisonment of 15 days to 3 years or one of the sanctions any person involves in the illegal sale of land. In fact, Biloa Crescence Juliette had already spent four (4) years, eleven (11) months and six (6) days; that is largely above the detention period for the sanction of the offence of illegal sale of land. This fact alone without the notion of well-known abode is enough for the Highest Court of the Land to order for his immediate release. The detention of some body for close to five years as it was in this case without him knowing his fate as to whether he is guilty or not and without final judgement is tantamount to abusive remand in custody and delay in judicial proceedings giving that all this period was just for custody for preliminary inquiry without deciding the case on merit.

iii) Delay in Enrolling Appeal Cases on the Course List/ Cumbersome Procedure of Appeal

An Appeals is a request for a higher court to review the decision of a lower court when the party is not happy with the lower court decision. As the legal process continues at an appeal court or to higher court the wish of the party is that the matter should be enrolled on the course list and the matter heard as soon as possible. A number of circumstances makes the procedure cumbersome and turn to be a cause for judicial delays.

An appeal shall stay the enforcement of the judgement but the custody warrants remain enforceable and the provisional awards made to the civil party shall be paid to him.^{lviii} As custody warrants continue to be enforceable, it is the more reason why an accused in custody will wish that his matter on appeal be heard without delay so as to have his faith determine either by confirming a sentence on him or if proven not guilty for him to regain his liberty as soon as possible. In practice the procedure has not been all that rapid as a result of payment of processing fees, the multiplication of the case file that has often course some files to be enrolled for hearing after a long time.

Article 23 of the 2006 law on Judicial organization in Cameroon is to the effect that within 8 days of the declaration of appeal or the deposit of the certificate of appeal at the registry, the president of the Court whose decision has been appealed against, shall by a ruling, fix the amount to be deposited by the appellant. The amount which shall, under pain of forfeiture of rights of appeal, be paid within 10 days of the notification of the ruling fixing it, at the registry of the court that delivered the decision appealed against, and this shall constitute the cost of reproducing the records of proceedings, inclusive of the judgement and subsequent documents, in as many copies as they are parties plus five extra copies. The ruling fixing the amount to be deposited is subject to appeal before the president of the court of appeal who shall determine the issue once and for all within 10 days after receiving the appeal. This procedure demonstrates that a dispute can arouse just at the level of payment of deposit for reproduction of the case file and this could cause delay for the transmission of the case file to the higher jurisdiction for enrolment on the course list.

Another practice that turns to slow the process of appeal and can led to judicial delays is the fact that court decisions are not always written before been delivered as stipulated by section 6(4) of the 2006 law on judicial organization in Cameroon. Even if the judgements are written, their typing is not automatic and this depends on the manpower available. Despite the effort made by the Minister of State, Minister of Justice and Keeper of the seals in a circular of 29 January 2014^{lix}, in which he instructed the heads of the various courts of appeals to put in place a commission of one magistrate of the legal department and another from the bench at the level of the court of appeal and the other courts under their jurisdiction to follow up and control all decisions appealed against so as to ensure a speedy process, it still takes months and years for appeal files to be transmitted and enrolled at the court of appeal for hearing. A practice that can be described as institutional denial of justice to litigants. This is demonstrated in the following cases: One of such case that witnessed a delay to be enrolled for hearing at the court of appeal is that of the *State of Cameroon v Tsevina Guy Robert*.^{lx} An appeal against the Mfoundi High Court judgement No 446/Crim of 15 June 2001 was recorded on the 21st of June 2001 but the first hearing at the Court of appeal was on 28 October 2003, after the elapse of two years of processing.^{lxi} A period of slightly above two years after an appeal to enrol a matter for hearing can be considered to be too long and thus constitute a violation of the rights to a fair trial amongst which includes the rights to be heard within a reasonable time. This amount to judicial delay.

In the case between the *State of Cameroon v Kam Jean Brice and others*,^{lxii} where the accused were charged for torture, the decision was appealed against on the 27 august and the 2 & 3 of September 2003 against the Mfoundi High Court Judgement No 381/Crim of 26/08/2003. The first court hearing at the Court of appeal was on 12 of December 2005, after more than two years when the appeal was made.^{lxiii} In some cases the decision of the Court of Appeal comes when the concerned has exhausted the sentence for that particular crime.

In a habeas corpus case between *Kamdem Kamga Willy v the state of Cameroon*,^{lxiv} the applicant raised before the judge of habeas corpus that he was been detained illegally and that he made an appeal of the decision sentencing him and that 26 months after he had had no respond as to his appeal. The argument raised by the legal department was that his file is in the process of being transmitted to the Court of Appeal and that his detention remains legal

according to section 453 of the Criminal Procedure Code which stipulates that all custody warrants remain enforceable in the course of an appeal. If the argument that his detention still remains legal can hold, what then can be said about the period of 26 months taken to process an appeal case knowing fully well that the applicant has been deprived of his liberty for over 30 months. This cumbersome procedure of appeal added to irresponsible attitude of judicial personnel turn to prolong judicial proceedings in Cameroon and results to judicial delays.

1. Meddling by the Administration in the Administration of Justice

The administration can meddle directly or indirectly with the course of justice and this can lead to protracted judicial proceedings. The administration can do this either by defying court orders or by refusing to enforce them. The influence of the administration in the course of justice is visible especially in cases where the arrest of the person was on the strength of an administrative order before handing him over to the judiciary for justice to take its course. Most at times if they don't intervene directly, they keep a watchful eye in the proceedings to see the outcome and sometimes criticize the judgements. The meddling into the course of the administration can be done through the legal department. A case in point where the administration meddled with the court proceedings and the proceedings took an unnecessary delay is that of *Nyoh Wakai & 172 others v the People of Cameroon*.^{lxv} This case was based principally on an application for bail consequential on an administrative remand during the period of emergency in 1992. In fact, the applicants were 173 and had been arrested in the North West Province during the 1992 state of emergency that was declared in the North West Province following post presidential election violence in 1992 on the strength of an order by the Governor of the North West province and the Minister of Territorial Administration. The 173 persons through their Counsel applied to the court by motion for an order admitting them to bail pending charges that may be brought against them. In granting judgement in their favour, the court held that when the required period of time within which a person can be detained has elapsed under the law, such a person is entitled to be released as of right. However, the applicants were not released and the Legal Department that appealed the case stated that the case was special but failed to show the circumstance that made the case special.^{lxvi} Instead, on the instructions of the administration, the applicants were transferred to Yaoundé where they continue to be kept in custody in defying the court order asking them to be released

immediately. The judge that passed the judgement was equally transferred to a legal department in an enclave jurisdiction as some sort of discipline. This case demonstrates the influence of the administration in the course of justice that can led to judicial delays.

In another case *Etengeneng Joseph Tabe v Governor Oben Peter Ashu & anor*^{lxvii} the administrator did not only fail to appear when summoned but equally disobey the court order to release the applicant. In this case, the applicant was detained on the strength of an order emanating from the Governor of the South West Province at the Public Security in Buea. Several attempts to have him released failed. He consequently filed a motion on notice for an order of *habeas corpus* to be issued against the respondent to produce him in court for the issue of his continued detention to be enquired into. In this case the court ordered for his immediate release, an order not complied with by the administration. The administrative authority accused of alleged impropriety or illegality of detention did not even entered appearance or attend to show cause, and even when his immediate release was ordered by the court, it was not respected and the detainee remained for sometimes in detention under the instruction of the Governor.

The influence of the administration in the course of justice is seen as an unpardonable act that can lead not only to judicial delays but equally to strained relations between the administration and the judicial authorities and thus something not to be encouraged in a democratic set up like that of Cameroon.

CONCLUSION

In Cameroon, just like in other developing countries, the credibility of the judiciary as whole or at large is at stake and has to be maintain and restore the faith of the common man in the judicial system. Justice delayed is justice denied, runs the proverb. We cannot deny the fact that speedy trial is in the interest of both the parties and the society. Speedy trial serves the public interest; it minimizes the possibility of the defendant jumping bail or influencing witnesses^{lxviii}. Courts performs a very vital role in the society. The ability of the courts to resolve the controversies amongst the people effectively and efficiently can influence the peoples' belief and respect for the law. Honest efforts must be made by every stakeholder i.e.

the Bar, Bench, the Government and even the civil society to strengthen or reform the justice system that could lead to an efficient and quick delivery or smooth administration of justice in Cameroon.

ENDNOTES

ⁱ AGgawwal, C.L. 1978. 'Laws' Delay and Accumulation of arrears in the High Courts'. *The Journal of Bar Council of India*, Vol. 7(1) p 41.

ⁱⁱ Jagmohan, S. (1972) Right to speedy justice for under trial prisoners in Katz, L., Litwin. B. and Barmreager. J. Justice is the Crime-pre-trial Delay in Felony Case. Jaico Publishing House, P 35.

ⁱⁱⁱ International Covenant on Civil and Political Rights. 1966

^{iv} Communication No. 564/1993, *J. Leslie v. Jamaica* (Views adopted on 31 July 1998), in UN doc. GAOR, A/53/40 (vol. II), p. 28, para. 9.3.

^v United Nations Compilation of General Comments, 1989, p. 124, para. 10;

^{vi} Chief Justice Anand Communication No. 564/1993, in *J. Leslie v. Jamaica* op cit. p. 28, para. 9.3

^{vii} Chief Justice Anand A.S. (1999). Indian Judiciary & Challenges of 21st century. *The Indian Journal of Public Administration* Vol XLV No. 3, p 299

^{viii} Submissions by Luc Ndjodo on the occasion of the solemn reopening of the Judicial year of the Supreme court in Cameroon on the 23 February 2016

^{ix} J. Geogel 1997 "le juge et la montre", *Mélanges Georges Dupuis*, Paris, p.118 (*divine comédie contentieuse*) could be literally translated as '*a theatre of comedy*'

^x International Covenant on Civil and Political Rights of 1966, article 9(3)

^{xi} African Charter on Human and Peoples' Right adopted on the 27 June 1981 and entered into force on the 21 October 1986

^{xii} Laure Milano, 2006, *Le droit à un tribunal au sens de la convention européenne des droits de l'homme*, Paris, Dalloz ; p. 674

^{xiii} <https://tbinternet.ochr.org> accessed on the 23 August 2020 (Cameroon acceded to the ICCPR on the 27 June 1984)

^{xiv} <https://www.achpr.org> accessed on the 23 August 2020 (Cameroon signed the ACHPR on July 23, 1987 and ratified it on June 20, 1989)

^{xv} Heinis .M, 2007 "Le défi de la qualité" *AJDA*, P. 713. Quoted from Kitio Edouard 2016, *Les délais en procédure pénal Camerounaise : entre célérité et droit à un procès équitable* ; Les Editions Recherche Scientifique Universelle (R.S.U), Yaoundé-Cameroun, p. 125

^{xvi} Section 221 (1) of law no 2005-7 of 27 July 2005 on the Criminal procedure code which is to the effect that the examining magistrate shall specify the period of remand in custody in the remand warrant. It shall not exceed six (6) months. However, such period may, by reasoned ruling of the examining magistrate be extended for at most twelve (12) months in the case of felony and six (6) months in the case of misdemeanor.

^{xvii} Article 7(4) of law of 14 December 2011 to set up the Special Criminal Court states that preliminary inquiry shall be closed within 30days and this could be renewed twice, making a total of 90 days

^{xviii} Section 12(1)(c) & (d) of law 2017/012 of 12 July 2017 to law down the Code of Military Justice states that the duration of remand in custody shall be 48 hours renewable once. Upon the expiry of the period stated above, the duration of remand in custody can only be extended on the written authorization of the state prosecutor and this period may be extended of two (2) other periods of 48 hours each.

^{xix} Edouard Kitio (2016) *Le délais en procédure pénal camerounaise : Entre célérité et droit à un procès équitable*, Les Editions Recherche Scientifique Universelle (R.S.U) Yaoundé- Cameroun p. 193

^{xx} Hermine Kembo Takam Gassting, (2014) *African system for the protection of Human Rights, a quest for consistency*, Harmattan Cameroon, p. 196

- xxi Communication No 38/2014 of A/HRC/WGAD/2014/38 of 29 August 2014
- xxii Cf. the Report of the Ministry of Justice on the State of Human Rights in Cameroon in 2014, Yaoundé, October 2015, pp. 14 and 15
- xxiii Communication No 46/2014 of A/HRC/WGAD/2014/46 of 21 November 2014
- xxiv Resolution 24/7 of the Council on Human Rights, para. 3, 6 & 9
- xxv Communication No 46/2014 of A/HRC/WGAD/2014/46 of 21 November 2014. Also see the Ministry of Justice Human Rights Report in Cameroon of 2014, October 2015, pp 15 & 16
- xxvi *Engo v Cameroon*, Comm, 1397/2005, U.N? Doc. CCPR/C/96/D/1397/2005(HRC 2009) of 31 July 2009
- xxvii Para. 2.5 of Comm, 1397/2005, U.N? Doc. CCPR/C/96/D/1397/2005(HRC 2009) of 31 July 2009
- xxviii See also communication No.1421/2005, *Francisco Juan Larranaga V. the Philippines*, adopted on the 24 July 2006 cited by the Human Rights Committee in the Engo's case.
- xxix Annette Pagnoulle (on behalf of *Abdoulaye Mazou Vs Cameroon*, African Commission on Human and Peoples' Rights, comm. No. 39/90, (1997).
- xxx Article 7(1) (d) reads thus: Every individual shall have the right to have his cause heard. This comprise the right to be tried within a reasonable time by an impartial court or tribunal.
- xxxi Personal emphasis
- xxxii All cases brought before the Court of First Instance, may, of its own motion or on the application of the Legal department or that of the party, order that a matter be heard by a collegiate bench of three members (section 14 2(a)). Any case brought before the High Court shall be heard and determine by a single judge. However, the president of the Court may of his own motion or on the application of the legal department, or that of a party, order that the matter be heard by a collegiate bench of three members (section 17(7))
- xxxiii Section 21 of Law No 2006/015 of 29 December 2006 on judicial organization in Cameroon
- xxxiv Section 373(2) of Law No 2005-7 of 27 July 2005 on the Criminal Procedure Code
- xxxv Ibid sections 381(2) and 389(5)
- xxxvi Ibid section 405
- xxxvii Kitio Edouard (2016) *Les délais en Procédure Pénal Camerounaise : entre célérité et droit à un Procès équitable* ; les Editions Recherche Scientifique Universelle (U.S.U) Yaoundé-Cameroun, p. 125
- xxxviii [Cameroon info.net/article/cameroun-affaire-michel-thierry-atangana-titus-edzoa-2122.html](http://cameroon.info.net/article/cameroun-affaire-michel-thierry-atangana-titus-edzoa-2122.html)
- xxxix For a discussion of the chronology of that case, see Alfred Ngando, (2000) 'L'Affaire Titus Edzoa: "revue de presse" camerounaise' l'Harmattan
- xl Georges Dougueli. *Jeune Afrique* .2012 'Cameroun : Atangana et Edzoa, Procès à durée Indéterminée' 27 July 2012 P. 4 ; Rodrigue Tongue, *Le Messager*. 2012. 'Rouleau Compresseur : Laurent Esso bloque le verdict de l'affaire Edzoa et Atangana' (19 July 2012) pp. 2-3
- xli Enonchong. E. (2013). 'The Problem of Systemic Violation of Civil and Political Rights in Cameroon: Towards a Contextualized Conception of Constitutionalism', A thesis submitted in partial fulfillment of the requirements for the Degree of Doctor of Philosophy in Law, University of Warwick School of Law (Unpublished) p. 165
- xlii Article 9 (2) and (4) of Decree No 95/048 of 08 March 1995 on the status of the Magistracy in Cameroon
- xliiii Kitio Edouard (2016) *Les délais en Procédure Pénal Camerounaise : entre célérité et droit à un Procès équitable* ; les Editions Recherche Scientifique Universelle (U.S.U) Yaoundé-Cameroun, p. 124
- xliv See Article 9 (2) and (4) of Decree No 95/048 of 08 March 1995 on the status of the Magistracy in Cameroon
- xliv Decree No 2014/565 of 18 December 2014 to appoint magistrates of the Legal Department
- xlvi Decision No 001/2015/PGY of 13 January 2015, signed by Jean Fils NTAMACK
- xlvii Dashaco John Tambutoh & Ewang Sone Andrew, *Habeas corpus under the Cameroon criminal procedure code in Ewang Sone Andrew, Dashaco John Tambutoh; Nah Thomas Fuashi, Simon Tabe Tabe & ors (2007) Readings in the Cameroon Criminal Procedure Code, Presses Universitaires d'Afrique, Marque déposée de AES sa- Yaounde-Cameroun, p. 163*
- xlviii Section 118 (1) of the Criminal Procedure Code
- xlix Section 119 (2) a & b of the Criminal procedure code.
- ¹ Section 122 (2) of the criminal procedure code
- ^{li} Ibid 122 (5)
- ^{lii} Judgement No 686/Cor of 28 April 2006, Court of First Instance of Nkongsamba. *State of Cameroon & Njoume Ngoupa Malachie v Todou Noé Etienne*, *juidis périodique* No 86, April-May-June 2011, p.62
- ^{liii} Section 218 of the Criminal Procedure Code
- ^{liv} Section 221 of the criminal procedure code

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- ^{lv} C. S. arret No 37/P of 20 June 2013, *Bilola Crescence Juliette v MP, Nguini Pauline* (unpublished)
- ^{lvi} C. S. arret No 37/P of 20 June 2013, *Bilola Crescence Juliette v MP, Nguini Pauline* (unpublished)
- ^{lvii} Sections 218 to 221 of the criminal procedure code
- ^{lviii} Section 453 of the Criminal Procedure Code
- ^{lix} This circular letter can be found in the Compilation of texts of the Ministry of Justice, Volume IV, between 2005 to 2014.
- ^{lx} Mfoundi High Court Judgement No 446/Crim of 15 June 2001(unpublished)
- ^{lxi} Court of Appeal Decision No 80/Crim of 27 April 2004; see also Mfoundi High Court Judgement No 446/Crim of 15 June 2001, appealed on the 21st June 2001, and the First Court Hearing at the Court of Appeal was on the 28 October 2003, two years after the appeal
- ^{lxii} Mfoundi High Court Judgment No 381/Crim of 26/08/2003 (unpublished)
- ^{lxiii} Court of Appeal Decision No 9/Crim of 11/03/2008.
- ^{lxiv} Mfoundi High Court Ordonnance No 33/HC of 21st April 2011, (unpublished)
- ^{lxv} *Nyoh Wakai & 172 others v the People of Cameroon* (1997)1CCLR 127.
- ^{lxvi} *Nyoh Wakai & 172 others v the People of Cameroon* (1997)1CCLR 127,
- ^{lxvii} *Etengeneng Joseph Tabe v Governor Oben Peter Ashu & anor* (1998) 1CCLR 9.
- ^{lxviii} Rajan. V. N & Khan. M. Z. (1982). Delay in the Disposal of Criminal Cases in the Sessions and Lower Courts in Delhi, *Institute of Criminology and Forensic Science*, New Delhi-11 0 055, p 29