



## EITD Research

### Research for Enterprise, Industries, Technology and Development

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## Meeting With His Lordship Justice Evande Mwambo Paul

Thursday September 24, 2009, in his High Court Office, Kumba

### Subject: Letter of the EITD Research RJJR Programme to Justice Evande on his judgment in Suit No. HCK/31/2008 and related matters in his High Court Registry

The letter, dated 21/09/09 was delivered on 23/09/09 and on the same day, at 4.10 pm, Justice Evande called and asked for a meeting with Mr. Mesue (Intern of the EITD Research RJJR Programme) in his office the next day 24/09/09, first thing in the morning.

8.50 am on 24/09/09, Mr. Mesue arrives at the Judge's office. 8.55 am, the judge arrives, meets Mr. Mesue and asked him to call his boss. 9.40 am, Mr. Mbwoye (boss of Mr. Mesue) arrives. 10.20 am, meeting with the Judge started in the presence of Mme. Tiku Mariana, Registrar of the High Court.

The Judge started by asking Mr. Mbwoye whether he was the one who gave Mr. Mesue the information in the letter to him. Mr. Mbwoye responded in the affirmative. He then asked Mr. Mbwoye whether he has proof that he (Justice Evande) has not signed the said judgement on Suit No. HCK/31/2008, and that the unsigned judgment is still sitting in his in-tray, as specified in the letter. Mr. Mbwoye answered in the affirmative. The Judge then said, Mr. Mbwoye is going to prove that now, and pointed to his in-tray which was empty!

In response, Mr. Mbwoye said several inquiries had been made to no avail, hence the decision to write to him on the two (2) interrelated points in the letter to him. The Judge asked: (1) whether he had been asked or seen personally, and (2) if the judgement has not been signed, do we know why? Our response to both questions was no, and that that is why we thought we write to him.

The Judge then said, the letter to him is not asking information but making a statement of fact that is casting aspersions on him. We assured the Judge that the intention of the letter is not to cast aspersions on him, but to raise the issues of not having access to the judgement nearly five months after it was delivered in open court, and related matters in his High Court Registry. He did not appear assured. He said he works hard and would not tolerate people putting his efforts in doubt. We made it clear to him that we very much appreciate his work as a judge of high standing, and continued to assure him of the intention of our letter, which is to raise the issues it contains.

He did not look persuaded. He said he was going to make a criminal complaint against us! He asked his security officer (a senior police inspector) to call the State Counsel. The police officer returned saying the State Counsel was not on seat. He then asked for any other State Counsel. Reports came back saying they were all in courts. He also asked for a sheriff bailiff, saying he wanted the bailiff to make a locus visit to his office and verify whether an unsigned judgement is sitting in his in-tray waiting for his signature as stated in our letter to him, because he does not want anything to come up tomorrow without something to back him up. He picked the telephone handset and made several attempts to call. No bailiff came forth while we were there.

The Judge then asked us what moral authority we have to think we should make others do their jobs well when we are not doing ours well either! He said our letter to him shows that we are irresponsible, and asked what we take the judiciary for? We told him we are learning to do our job well and hope he will help us improve. He was not pleased. He said he was going to teach us a lesson, and asked his security officer to give us a convocation to come and see him tomorrow, 25/09/09.

All along the meeting, the Judge did not tell us whether he has signed the judgement or not, he did not show us the judgment nor say where it is. Also, Mme. Tiku asked him (the Judge) to deal with the second item in the letter to him, which relates to the RJJR Programme letter to her. The Judge declined, saying that it is the Registrar-in-Chief to deal with the matter and until he/she fails to do so will he come in. Looking forward to meeting tomorrow!

***The EITD Research RJJR Programme uses various political processes and public interest litigation to robustly engage the justice system and hold it account continually. Website address: [www.rjir.eitdr.org](http://www.rjir.eitdr.org).***