

# Delineating International Cooperation in the Fight against Cybercrime in Cameroon

Dr. Kwei Haliday Nyingchia<sup>a\*</sup>, Fobellah Clinton Atabongakeng<sup>b</sup>, Ndiwum Elvin Fuwain<sup>c</sup>

<sup>a</sup>Judge and Examining Magistrate High Court Ndian and Associate Lecturer, Higher Technical Teachers Training College (HTTTC) Kumba of the University of Buea, Cameroon

<sup>b,c</sup>PhD Fellows, Department of English Private Law, University of Bamenda, Cameroon

<sup>a</sup>Email: khaliday2003@yahoo.fr, <sup>b</sup>Email: aminclinton1@gmail.com, <sup>c</sup>Email: elvinfuwain@gmail.com

## Abstract

The advent of new technologies and the increase in their use have ushered in a new chapter in how things are being done in contemporary society. Though plausible, it has also paved the way for crimes (cybercrimes) to be committed through electronic means on a global scale. This has greatly undermined the territorial integrity of nations, and it poses a significant problem to the global community in general. Currently, the effect of cybercrime is something the global economy cannot afford to ignore. It has increased security risks of critical infrastructures, brought about massive privacy invasion and attacks on businesses, and state security. It is difficult to stop crimes of this nature since technology is always evolving and the world is becoming more connected. It therefore requires a well-coordinated and concerted effort from governments around the world to contain crimes of this nature. It is in this line of reasoning that the Cameroon government has made significant strides through the 2010 law on cyber security and cyber criminality (Hereafter referred to as the Cyber Law) to foster cooperation with other nations in a bid to curb the spread of cybercrime in Cameroon. Despite so, the efforts are not sufficient and the prevalent nature of these offenses today still largely smashed government efforts to the ground. This paper sets out to examine the efficiency of the measures taken by the Cameroon Government to forge international cooperation with the aim to combat cybercrime.

**Keywords:** Cybercrime; Cooperation; Extradition; Internet; Mutual judicial assistance.

---

*Received:* 8/6/2023

*Accepted:* 9/11/2023

*Published:* 9/26/2023

---

\* Corresponding author.

## **1. Introduction**

It is an undeniable fact that cybercrime is an offence whose impact is felt globally [1]. This is due to the increase in the use of computers and other forms of information and communication technologies in almost every imaginable application today [2]. In fact, information and communication technologies (ICTs) have established new ways and techniques to ease the commission of crimes. Criminal activity is undergoing a revolution; [3] the revolution is in how networked computers and other technology enable crimes to be perpetrated remotely via the internet and wireless communications [4]. This is to say, cyber offenders no longer need to be at the actual crime scene to prey on their victims.

The internet is no doubt a vast and borderless network where territorial limit is not defined thereby making headway for crimes to be committed with impunity. If one were to find a way out of this menace, it will be to adopt a common approach that will lead to a global response. This is to say that, domestic efforts must subscribe to international standards and forms of cooperation that can curb the phenomenon of cybercrime that is facilitated globally with untold consequences in many parts of the world.

Cybercrime has also been characterised as a trans-border crime whose evidence of commission may disappear in a matter of minutes if not well preserved [5]. The eminent difficulty to fast tract such commission is that law enforcement cannot expressly match into other countries for investigation purposes; they must respect territorial demarcations as a matter of international law. Officers must sort the prescribed legal channels to request assistance in criminal investigation when they are faced with perpetrators over whom they do not have specific powers and jurisdiction[6]. These criminals sometimes live in very distant countries with probably different languages and legal systems, which somehow frustrates a country's ability to apply its criminal laws against the perpetrator [7].

In a bit to give a global respond to the aforementioned challenges, governments around the world have adopted some common legal basis for cooperation as a means to fight cybercrime. An International Telecommunication Convention and additional protocols were adopted in 1981 which empowers member states to stop any internet or cable transmission of private telegram, which may appear dangerous to state security or its laws [8] It is possible to discontinue the transmission even without informing the office of origin [9]. The African Union equally introduced a Convention on Cyber Security and Personal Data Protection to strengthen cooperation amongst African states in matters of cybercrime [10]. However, a greater number of these states are not signatory to the convention [11]. Through regional groupings, the Central Africa Economic and Monetary Community (CEMAC) adopted a General Convention on Judicial Cooperation signed under the auspices of the former African and Malagasy Common Organization (the "Tananarive Convention) in 1961, which covers all the French-speaking countries of West and Central Africa. There is also the Extradition Agreement among the Member States of the Central African Economic and Monetary Union (CAEMU/CEMAC) of 2004 [12]. The Extradition Agreement of the Economic and Monetary Community of Central Africa (CEMAC); and the London Scheme for extradition within the Commonwealth. Another CEMAC Regulation of 2013 followed these agreements on the Prevention and Suppression of Money Laundering and Financing Terrorism in Central Africa. It is important to note that Cyberterrorism is the convergence of cyberspace and terrorism [13]. It refers

to unlawful attacks and threats of attacks against computers, networks and the information stored therein when done to intimidate or coerce a government or its people in furtherance of political or social objectives [14].

The Cameroon government has also taken steps to cooperate with other nations by adopting a unique legislation, law N° 2010/012 of 21 December 2010 on cybersecurity and cybercrime. This law provides substantive and procedural rules relating to international cooperation [15]. ANTIC was also instituted to regulate Cameroons cyberspace. This agency have the prerogative to establishing cooperation ties with other foreign authorities under section 90 of the Cyber law.

Even though it appears international cooperation is the only panacea to better tackle and combat cybercrime, it sadly appears that the efforts made so far are not sufficient, as cyberattacks are still very rampant in the world today. Also, Cameroon and most African nations are not party to relevant international cybercrime conventions (like the Budapest Convention and the AU Convention on Cybersecurity) and that puts the African continent at a fragile and vulnerable position to combat the phenomenon of cybercrime. The researchers posit that, the apathy of Cameroon and other African nations in ratifying relevant international conventions relating to cybercrime contributes more to the reason why crime wave over the internet is still evergreen [16]. Thus, the paper sets out to investigate the efficiency of international cooperation in the fight against cybercrime in Cameroon.

## **2. The Mechanisms of Cooperation in Fighting Cybercrime in Cameroon**

Cameroon and other nations can work together in many ways to combat cybercrime all over the world. In this light, the principal combat methods envisaged include judicial and non-judicial means of cooperation. The 2010 Cyber Law as complemented by the Criminal Procedure Code are the main national laws relevant to establish such cooperation. However, it is crucial to remember that cooperation agreements also serve as a frontline means to collaborate under international law.

### **2.1 Judicial Cooperation**

To cooperate means to act jointly or concurrently towards a common end [17]. Judicial cooperation simply means any cooperation made by a court, other public office, etc. for carrying out in a foreign country's domestic formalities on service of documents or examination of evidence in a trial [18]. When states cooperate, they not only share information and make adjustments to burning issues, but they also share resources to help each other better combat common problems they face. In a cooperative relationship, states may share staff, volunteers, expertise, space, funds, and other resources. The 2010 Cyber Law provides mutual judicial assistance as a means to cooperate in cyber matters. The law is however handicapped in the domain of extradition [19].

#### **2.1.1 Mutual Judicial Assistance**

Mutual judicial assistance (MJA) is an agreement between two or more countries for the purpose of gathering and exchanging information in an attempt to enforce public or criminal laws [20]. Judicial assistance between states is a necessity in light of the increasing international dimension of criminal phenomena [21]. A request for

Mutual judicial assistance is commonly used to formally gather evidence to build a case against a suspect in a trial, especially when he resides in a foreign jurisdiction. MJA is an aspect of international cooperation. It is contained under Section 91 of the cyber law. However, the law also makes way for the application of cooperation agreements and as such, the law does not intend to create a separate regime on mutual judicial assistance except in cases where there are no agreements between Cameroon and the requesting nation [22]

#### ***2.1.1.1 The Content of Mutual Judicial Assistance***

It is important to underscore that Cameroon does not have a complete law on mutual judicial assistance [23]. The 2010 cyber law rather provides a framework for mutual judicial assistance in its Part IV but fails to outline in detail the content of a mutual judicial assistance. In this regard, pertinent issues regarding the type of information or documents to furnish the Cameroonian authority are not indicated.

However, the United Nations Office on Drugs and Crime came up with a Model Law on Mutual Assistance in Criminal Matters in 2007, recently amended with provisions on electronic evidence and the use of special investigative techniques in 2021 [24]. The provisions of this model law could be used as a guide by states under the United Nations in articulating the content and standard form of a mutual legal assistance.

With reference to Section 9(1) of the Model Law, a request for assistance shall include:

- a) The identity of the person conducting the investigation, prosecution or judicial proceeding to which the request relates, including contact details of the person capable of responding to enquiries concerning the request;
- b) A description of the criminal matter and identity of the person under investigation, If applicable, make a summary of facts of the case and outline the offences and corresponding penalties.
- c) A description of the purpose and nature of request for assistance sought.

If the information under Section 9(1) is not sufficient, the requested state may ask for additional information [25]. A request that does not contain all the information mentioned above, however, shall not affect the validity of the request or preclude its execution [26].

#### ***2.1.1.2 The Procedure Pertaining to Mutual Judicial Assistance (MJA)***

In relation to cyber matters, the procedure to request judicial assistance in Cameroon is that which is prescribed under the 2010 Cyber law. The official channel to send and receive request for assistance is through the Ministry of External Relations. It must go through diplomatic channels [27]. All enforcement documents must go through same channel [28].

The procedure when Cameroon is the requesting state demands that the State Counsel or Examining magistrate should draft and send the request to the Procureur General who forwards same to the Minister of Justice. Through the service of international cooperation, the Minister of Justice will forward the request to the Ministry of External Relations for onward transmission to the requested state. On the other hand, when Cameroon is the

requested state, the request is sent through the Ministry of External Relations to the Minister of Justice who happens to be the central authority [29]. He ensures that all conditions have been met and such request is in compliance with the Cameroonian law before proceeding to execution [30]. However, a request for judicial assistance may be sent directly to the appropriate authority in cases of emergency [31].

When it is an emergency request, it is sent directly to a competent Examining Magistrate who immediately transmits it to the State Counsel for an opinion [32]. This is largely because the execution of the request rest in the hands of the State Counsel [33]. The request can also be executed by a judicial police officer or agents requested for this purpose by the State Counsel. Formerly, the procedure to execute a request from a foreign jurisdiction are those provided by the 2010 Cyber Law [34] and the Criminal Procedure Code. In case the request provides for specific procedure to be observed, such procedure will be observed if it does not violate the rights of the parties or the provisions of the Cameroon Procedure Code [35]. If the specific procedures cannot be observed, the Cameroonian authority shall immediately inform authorities of the requesting State of such impossibilities and specify the conditions in which the request may be enforced [36].

In case a State Counsel receives a direct request that is above his capacity to enforce, he shall forward it to the Procureur General. This is done in cases where the request can breach public policy, order or affect the essential interest of the nation. The Procureur General will then send the request to the Minister of justice who holds the power under Section 94 (1) of the Cyber Law to inform the requesting authority of the impossibility to wholly or partly accede to the request and enforcement shall be blocked.

### ***2.1.2 Extradition***

Extradition is an act of international legal cooperation for suppressing criminal activities, and it consists of handing over an individual who is accused or convicted of a criminal offence by one state to another which intends to prosecute or punish him in accordance with its laws [37]. The law of extradition is based on the assumption that the requesting state is acting in good faith and that the fugitive will receive a fair trial in court [38]. It is no doubt that there is a considerable intrusion in the liberty of fugitives when extradited, but it is justified by the common interest of States in fighting crimes and expunging safe havens for criminals [39].

Extradition has a pivotal role to play in enforcing international criminal law and in assisting states to prosecute violations of purely domestic legislation. The challenge faced with extradition is striking a balance between allowing fugitive criminals to freely move to states where they can face justice for their crimes and protecting them from oppressive punishment or prosecution due to their political ideology or personal beliefs [40]. It is also important to note that, a requested state can place conditions on how an extradited individual will be treated before handing him over. This approach is called “conditional extradition” [41].

Unlike South Africa [42] and Nigeria [43], where extradition is regulated by a specific law, it is utterly different in Cameroon, there exists no unique law. The 2010 Cyber Law makes no provision for extradition with regards to cyber matters. However, Cameroon relies solely on the criminal procedure code of 2005 and some international extradition agreements she has signed with other nations. It should be kept in mind that Cameroon

has established extradition treaties with Russia, France, Italy, Brazil and USA [44]. Central African Republic, Congo, Gabon, Chad and Equatorial Guinea [45].

#### ***2.1.2.1 Conditions for Extradition in Cameroon***

There are certain modalities to be followed for a fugitive to be extradited from Cameroon. The Criminal Procedure Code provides the conditions for extradition. With regards to cyber matters, same conditions apply since there is no other special law regulating the area, except in cases where there exists an extradition treaty.

The general rule is that no Cameroonian citizen shall be extradited, except otherwise provided by law [46]. The law under consideration here refers to relevant national laws, international conventions and extradition treaties that Cameroon may have with other states.

##### ***2.1.2.1.1 Considerations to be observed by a Requesting State***

The first condition for an extradition request to be granted requires that, the crime should constitute an offence in the requesting state and in Cameroon [47]. The offence must be that which is punishable with a minimum sentence of two (2) years and prosecution is not barred by prescription, amnesty or otherwise; or consists of a term of loss of liberty which is still legally enforceable within six (6) months at least notwithstanding imprisonment in default of payment [48].

The second condition requires that the offence must constitute an ordinary law offence in Cameroon before the offender can be extradited. The third condition is based on the circumstance surrounding the extradition. That is to say, the extradition must not be instigated because of political, religious or racial reasons, or based on the nationality of the person concerned [49].

However, offences such as misdemeanour and felony having no direct bearings on the government shall be regarded as common law offences that may justify extradition [50]. Offenses of universal jurisdiction provided by international conventions that have been duly ratified by Cameroon shall constitute an ordinary law offense and hence shall be extraditable [51].

Cameroon has equally outlined circumstances through which an offence will not be considered extraditable under Sections 643 and 645 of the CPC.

##### ***2.1.2.2 The Extradition Procedure***

It is common place and a matter of international law that extradition request be made only by States. An individual cannot file for extradition. Before the application for extradition is filed, it presupposes that certain preliminary or preparatory steps be followed by a foreign state.

Extradition proceedings in Cameroon for foreign nations are structured towards an efficient disposition of issues. Unlike Nigeria, an extradition request for the surrender of a fugitive criminal is made in writing to the

Attorney-General of the Federation of Nigeria [52]. This is utterly different in Cameroon. The procedure in Cameroon begins with a request made in writing to the Minister of Justice through the Ministry in charge of External Relations. It is worthy of memory that the prescribed diplomatic channel must be followed strictly by any foreign nation requesting extradition and the application must be supported with the following documents: [53]

- a) A copy of the verdict, even if the person was convicted in absentia;
- b) An order to bring the accused before a competent court for preliminary inquiry or trial. This document must be the original or a certified copy.
- c) An arrest warrant or any other document having the same effect issued by a competent foreign authority. The warrant must specify the offence on which it is founded and its date.
- d) A copy of the law(s) applicable to the offense charged, and account of the facts of the case must be attached by the requesting state.
- e) If judgment is rendered in default, the requesting state must prove that the defendant was aware of the proceedings and had access to adequate legal defences.

The Minister in charge of External Relations checks the aforementioned documents before forwarding them to the Minister of Justice who verifies if all conditions are met, before seizing the Legal Department of the foreigner's place of residence for enforcement [54].

Upon reception of the enforcement notice supported by evidence from the Minister of Justice, the examining magistrate may issue a provisional warrant of arrest if the fugitive is in Cameroon or on his way to Cameroon [55]. However, before issuing such warrant, the magistrate must ensure that the alleged offence is an extraditable one, and there is sufficient evidence or information to justify the issuance of the arrest warrant. The offence must also be one in which the court would have normally issued a warrant of arrest if committed in Cameroon [56].

After arrest has been made, the magistrate of the Legal Department of the Court of First Instance shall proceed, if necessary with the aid of an interpreter, to examine the foreigner's identity, serve him the documents supporting his arrest and record any statement he may make while informing him of his right to brief counsel [57]. A report is drawn up thereafter relating to the proceedings and signed by the magistrate, the interpreter if any and the foreigner. The report shall bear a note, where necessary, that the foreigner refuses or is unable to sign [58].

The foreigner is then transferred to prison, at the seat of the Court of appeal within the jurisdiction in which he was arrested [59]. While at the Appeal Court, the Procureur General may at any time examine or cause a magistrate to examine the foreigner afresh in accordance with Section 653 and in the presence of his counsel duly summoned, if any [60]. As the list of documents mentioned under Section 651 are received by the Procureur General, he ensures they are in conformity with the formalities provided under Sections 653 and 654 before forwarding them together with his submission to the President of the Court of Appeal who shall list the case for hearing and notify the foreigner, and where necessary his counsel [61].

The court shall then proceed to examine the application for extradition in chambers, in the presence of the Legal department, the foreigner, and if need be, his counsel and interpreter. The Court will ascertain whether the documents provided under section 650 have been duly produced, before examining all the evidence adduced [62]. During the hearing, the court may accept, as valid evidence, all the statements and other documents obtained under oath by the competent authorities of the foreign state, as well as all warrants, attestations, authenticated documents or copies thereof mentioning the sentence [63].

After the examination of the application for extradition, the Court may grant bail to the foreigner if he fulfils one of the conditions provided in Section 246(g) of the CPC [64]. However, in case the foreigner renounces the right to benefit from the Cameroonian legislation on extradition and formally accepts to be handed over to the requesting state, the court shall rule accordingly [65]. The decision arrived at from the chamber shall be immediately forwarded by the Procureur General to the Minister of Justice who shall submit same for signature to the President of the Republic in the form of a draft decree ordering the extradition [66]. It is important to note that, before the final decision of the chamber (at the level of Appeal Court) is sent to the Ministry of Justice, only the Procureur General has the prerogative to appeal such decision before the Supreme Court [67]. This area of the law appears to be unjust because there is a sense in which the Procureur General may not file an appeal even in situations where the law has not been duly respected. Therefore, excluding the possibility of a fugitive to appeal before the Supreme Court is a gross violation of his right.

In a scenario where the Supreme Court dismisses the case on appeal because the evidence adduced is deemed insufficient, or the legal conditions are not fulfilled, or there is a mistake of identity of the person whose extradition is requested, the court shall order the immediate release of the person if there are no other grounds for detaining him. The ruling arrived at the Supreme Court is immediately transmitted by the Procureur General to the Minister of Justice who shall transmit same in the form of a draft decree rejecting the extradition, to the President of the Republic for signature, when it is signed, it becomes absolute. This holds same in case the application is granted and once it is signed by the President, the foreigner and the state requesting extradition shall be informed, and the decree is not subject to any appeal [68]. In case the requesting state or its representative does not order the transfer of the fugitive within three months, it shall be barred by time and no further request for extradition can be made by the same state for the same offense [69].

With regards to documentation, the files of the fugitive mentioned under Sections 661 and 662 of the CPC shall be transmitted by the Procureur General to the Minister of Justice to be returned to the requesting state [70]. It is worth noting that Cameroonian courts have the prerogative to authorise either part or whole of any document, securities or objects seized from the foreigner to be returned even if the application for extradition was dismissed or can no longer be reopened.

### ***2.1.3 The Special Role of INTERPOOL in Ensuring International Cooperation in Cybercrime Matters***

INTERPOL is an international organisation that facilitates global police cooperation and crime control. Headquartered in Lyon, France, it has seven Regional Bureaus worldwide and a National Central Bureau in all 194 member states, making it the world's largest police organization [71]. This international organisation has its



branch in Cameroon, situated in Yaounde known as the National Central Bureau. Cameroon has been a member of INTERPOL since the 4<sup>th</sup> day of September 1961 [72]. This bureau serves as a focal point for all INTERPOL activities.

The institution facilitates cooperation between member states by providing investigative support, expertise, and training of law enforcement officers. It focuses on three major areas of transnational crimes: terrorism, cybercrime, and organized crimes. Its broad mandate covers virtually every kind of crime, including child pornography and copyright infringement. The agency also facilitates cooperation among national law enforcement institutions through a profound criminal database and communications system called the I-24/7 [73]

Contrary to popular belief, INTERPOL in itself is not a law enforcement agency but rather an institution which is created to help nations in a collaborative manner fight against crimes of international nature. In fact, the Agency ensures and promotes the widest possible mutual assistance between all national police authorities within the limit of the law existing in the different countries [74].

Interpol engages investigations through its alert system and issues international arrest warrants for the apprehension of fugitive criminals on behalf of a requesting state. Interpol “Notices” are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information [75]. The “Red Notice” indicates that the persons concerned are wanted by national jurisdictions for prosecution or to serve a sentence based on an arrest warrant or court decision. The fugitive in the case of *Federal Republic of Nigeria v. Mr. Olugbeniga Adebisi* [76] was investigated and arrested by Interpol on his way to Nigeria after escaping from the United States of America.

## **2.2 Non-judicial Cooperation**

Non-judicial cooperation is simply the process through which a state or an institution establishes a working relationship with another without the intervention of judicial authorities. This implies the non-intervention of the military, courts and all justice departments. Clearly, a formal judicial procedure is not observed. This form of cooperation is also known as administrative cooperation. Cameroon's cyberspace is guarded and protected against cybercrime by the National Agency for Information and Communication Technologies (ANTIC). The agency has the ability to cooperate with other foreign certification authorities without engaging the judiciary [77]. It also has the prerogative to solicit administrative assistance from foreign institutions, organise capacity-building workshops, seminars and training with these institutions. However, the Ministers of Post and Telecommunication and of Finance are the supervisory authorities of the agency to ensure conformity with state policy [78]

In November 2006, ANTIC established an administrative cooperation with the Commonwealth Telecommunication Organisation (CTO). This cooperation was concluded at Antic's head office in Yaounde, Cameroon by the Director General Dr. Ebot Ebot Enow and the Secretary General of CTO, Dr. Shola Taylor [79]. The cooperation focused on nine major domains namely, IT Management /Leadership, Risk Management

and Business Continuity Planning, Information System Security Audit, IT Governance, Forensic Investigations, Introduction to Cyber Security, Critical Information Infrastructure Protection (CIIP)/Cyber Security, Introduction to Computer Emergency Response Team (CERT) and Managing Computer Emergency Response Team (CERT).

### **3. Conclusion and Recommendation**

In clear terms, this paper has demonstrated that cybercrime is a persisting international threat that transcends national boundaries, making it a global concern. The fact that African states have cultivated the habit of not acceding to meaningful international cybercrime conventions makes it exceedingly difficult to apprehend those who commit cyber offences from other foreign jurisdictions [80]. This attitude is typical of an overwhelming number of African nations, which speaks volumes of how unserious we are in this endeavour. Clear enough, most of them, including Cameroon, are not members of the AU Convention on Cyber Security and Personal Data Protection, which happens to be a household instrument in the African continent. To be specific, and according to the African Union April 11<sup>th</sup> 2023 list of countries which have signed and ratified the African Union Convention on Cyber Security and Personal Data Protection, out of the 55 countries enlisted, only 14 have signed, ratified and deposited the Convention while 18 others have signed but refused to ratify the convention, not forgetting the remaining 23 states who chose not to engage in any of the steps [81].

However, international cooperation remains the panacea to curb cybercrime, but efforts made so far to foster this cooperation with other states are not very encouraging. For example, Cameroon's Cyber Law makes provision for MJA to be practiced in full extent possible under relevant laws with respect to investigation, proceedings and prosecution where a legal person may be held liable, but fails to consider cyber offences perpetrated by cooperate bodies, which is the reality of today [82]. The law also appears to be scanty and insufficient in the domain of international cooperation because the modality to establish a cooperation agreement by ANTIC is yet to be enacted [83]. More so, unlike Nigeria, the absence of a unique law on extradition in Cameroon makes it almost a hopeless situation.

This paper opines that, for Cameroon to adequately foster cooperation with the rest of the world in order to better fight cybercrime, she should consider stretching her hands to wholly ratify the Budapest Convention [84] and establish a Memorandum of Understanding with the Federal Trade Commission in the USA [85] which will go a long way to redress the cybercrime situation in the country.

The government should also define a regulation to complete the conditions of establishing agreements with foreign institutions [86].

This will greatly empower ANTIC and enable it to extend the fight against cybercrime to other jurisdictions. Lastly, the government should consider passing a special extradition statute, and similarly encourage judicial officials to share knowledge about best practices, get training, and enhance the protocols that promote open dialogue between judicial authorities. Judges and prosecutors should be encouraged to participate in comprehensive training programs and cases involving electronic evidence and cybercrime [87].

## References

- [1] G. K. Muhammad, A. Nawaz and A. Robina. "Digital Revolution, Cyber Crime and Cyber Legislation: A Challenge to Governments in Developing Counties". *Journal of Information Engineering and Application*, Vol 4(4), p.61, 2014
- [2] A.S. Michael. "The Critical Challenges from International High-tech and Computer-related Crime at the Millennium", *Duke Journal of Comparative & International Law*, Vol. 9 (451), pp 451, 451, 1997.
- [3] C.I Ana, J. Lopez and P. Ahmed. "International Cooperation to Fight Transnational Cybercrime" *In Proceedings of the International 2nd Annual Workshop on Digital Forensics & Incident Analysis, Samos Greece, August 27, 2007*, p2.
- [4] A. S. Michael. 'The Critical Challenges from International High-Tech and Computer-Related Crime at the Millennium' (n 2), pp 451,489.
- [5] F. Spiezia. "International cooperation and protection of victims in cyberspace: welcoming Protocol II to the Budapest Convention on Cybercrime". *ERA Forum*, Vol. 23(1), pp 101–108, 2022.
- [6] W. Susan. *et al.* "Approaches to cybercrime jurisdiction". *Journal of High Technology law*, Vol. 4(1), p1, 2004.
- [7] Joachim Vogel. "Towards a Global Convention against Cybercrime". First World Conference on Penal law in Guadalajara, Mexico, p4, 18-23 November 2007.
- [8] Article 19(1) of the Constitution and Convention of the International Telecommunication Union 1981.
- [9] *Ibid*, article 34(1).
- [10] Article 28 of the African Union Convention on Cyber Security and Personal Data Protection.
- [11] States like Cameroon, Nigeria, South Africa and a host of others are not party to the convention. See full list at <[https://au.int/sites/default/files/treaties/29560-slAFRICAN\\_UNION\\_CONVENTION\\_ON\\_CYBER\\_SECURITY\\_AND\\_PERSONAL\\_DATA\\_PROTECTION.pdf](https://au.int/sites/default/files/treaties/29560-slAFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf)> Accessed April 24<sup>th</sup> 2023.
- [12] A. Harriette and A. P. Samuel. "Extradition within the CEMAC Sub Region: Prospects and Perspectives". *International Journal of Trend in Scientific Research and Development (IJTSRD)*, Vol. 3(6), pp 566,575, 2019.
- [13] C. Robert, H. Friman, *et al.* *An Introduction to International law and Procedure* (2<sup>nd</sup> Edt, Cambridge University Press, 2010) p343.

- [14] M. N. Sirohi. *Cyber Terrorism and Information Warfare*, (New Delhi: Alpha Editions, 2015), p23.
- [15] Section 90(1)(2) of the cyber law.
- [16] U. O Jerome. "The African Union Convention on Cybersecurity: A Regional Response Towards Cyber Stability?" *Masaryk University Journal of Law and Technology*, Vol. 12 N<sup>o</sup> 2, pp 90-129, 2018.
- [17] See, *Darnell v. Equity LifeIns. Co.'s Receivers*, 179 Ky. 465, 200 S.W. 967,970
- [18] Article 2(1) of Act No. 4342 of March. 8, 1991, as Amended by Act No. 11690 of March 23, 2013 on International Judicial Mutual Assistance in Civil Matters.
- [19] See Part IV of the cyber law.
- [20] European Commission webpage <[https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/mutual-legal-assistance-and-extradition\\_en](https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/mutual-legal-assistance-and-extradition_en)> Accessed September 28th 2022.
- [21] K. Gerhard. "Mutual Legal Assistance in Criminal Matters and the Risk of Abuse of Process: A Human Rights Perspective". *South African Journal of Law*, Vol. 123 N<sup>o</sup>4, pp 730-734, 2006.
- [22] N. A. Patricia, "Mutual Legal Assistance in Cyber Crimes: Issues and Challenges for Cameroon's Laws". *Commonwealth law review journal*, Vol. 5, pp 391, 398, 2019.
- [23] UN Office of Drugs and Crimes, "Country review report on Cameroon" Review cycle 2010-2015, United Nations publication, Vienna, p10.
- [24] Elaborated in the Vienna based United Nations Office on Drugs and Crime, Division for Treaty Affairs, Treaty and Legal Affairs Branch (UNODC/DTA/TLAB) in accordance with General Assembly resolution 53/112 of 9 December 1998. Earlier drafts of the model law were reviewed in two Expert Group Meetings on the Elaboration of Model Legislation on Mutual Legal Assistance, organized by the United Nations Office on Drugs and Crime, in cooperation with the International Institute of Higher Studies in Criminal Sciences (ISISC), and hosted by ISISC in Syracuse, Italy, on 30 November-3 December 2004 and 28-29 November 2005 respectively. UNODC also held two informal expert group meetings in March and November 2021 to update the Model Law on Mutual Assistance in Criminal Matters (2007) to include materials on the use of special investigative techniques and the gathering of electronic evidence, including the abuse and exploitation of minors in illegal activities with the use of the Internet. The new model law came into force in May 11 2022. Available at; <[https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_31/CRP/E\\_CN15\\_2022\\_CRP6\\_e\\_V2202980.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_31/CRP/E_CN15_2022_CRP6_e_V2202980.pdf)> Accessed September 4th 2023
- [25] *Ibid*, section 9(2).

- [26] *Ibid*, section 9(3).
- [27] Section 91(1) and (2) of the Cyber Law.
- [28] N. A. Patricia. “Mutual Legal Assistance in Cyber Matters: Issues and Challenges for Cameroonian laws”, (n 22), pp 391-411.
- [29] UN Office of Drugs and Crimes. “*Country review report on Cameroon*” Review cycle 2010-2015, United Nations publication, Vienna, p12.
- [30] Section 651 of the 2005 Criminal Procedure Code. [Hereafter referred to as the CPC]
- [31] *Ibid*, section 91(3). The appropriate authority in the case of Cameroon would be the State Counsel or Examining Magistrate with territorial jurisdiction.
- [32] *Ibid*, section 92(7).
- [33] *Ibid*, section 92(1).
- [34] *Ibid*, section 93(1).
- [35] *Ibid*, section 93(2).
- [36] *Ibid*, section 93(3).
- [37] A. Anthony, *Handbook of international law*. Cambridge University Press, 2005, p264. Also, see section 635 of the CPC.
- [38] See C. Robert, H. Friman, *et al. An Introduction to International law and Procedure* (n 13) p 92. See G. Griffith and C. Harris. “Recent Developments in the Law of Extradition”. *Melbourne Journal of International Law*, Vol. 6 N°1, pp33-54, May 2005. Also, see B. Matthew. “A Comparative Analysis of the United States’ Response to Extradition Requests from China”. *The Yale Journal of International Law*, Vol. 33, pp 177,186, 2008. However, if courts were to supervise the integrity of the judicial system of other sovereign nation to ensure human rights are observed, such acts would conflict with the “principle of comity” see *Jhirad v. Ferrandina US Court of Appeals 12.4.1976 para. 22; 536 F.2d 478*.
- [39] P. Michael. “‘Surrender’ in the context of the International Criminal Court and the European Union”. *Nouvelles études pénales*, Vol. 19, p 465, 2004.
- [40] G. Gilbert, *Transnational Fugitive offenders in international law*, Vol. 55, Kluwer Law International, 1998, p7.

- [41] R. Thomas. "A Delicate Balance: Extradition, Sovereignty, and Individual Rights in the United States and Canada". *Yale Journal of International law*, Vol. 27 , pp 193, 214, 2002.
- [42] Extradition Act 67 of 1962.
- [43] Extradition Act (Modification) Order, 2014 & the Federal High Court (Extradition Procedure) Rules, 2015.
- [44] UN Office of Drugs and Crimes. "*Country review report on Cameroon*" Review cycle 2010-2015, United Nations publication, Vienna, pp10-11. Also, see the case of *Ebong Aloysius Tilog v The United State*, cited at US Department of Justice website. Available at <<https://www.justice.gov/opa/pr/fugitive-extradited-cameroon-united-states-serve-80-year-prison-sentence>> Accessed January 18<sup>th</sup> 2023.
- [45] CEMAC extradition agreement available at <<http://www.droit-afrique.com/upload/doc/cemac/CEMAC-Accord-2004-extradition.pdf>> Accessed January 18<sup>th</sup> 2023.
- [46] Section 644 of the CPC. Also, see C Robert, H. Friman, *et al*, *An Introduction to International law and Procedure* (n 13), p 92. Relating to the denier of extradition request on grounds of human rights purposes.
- [47] This condition is in conformity with the principles of dual criminality under international law.
- [48] Section 642(1)(a) of the CPC.
- [49] *Ibid*, section 642(1)(b).
- [50] *Ibid*, section 642(2)(a).
- [51] *Ibid*, section 642(2)(b).
- [52] Section 6 of Extradition Act, 1966.
- [53] Section 650(1), (2), (3) and (4) of the CPC.
- [54] *Ibid*, section 651.
- [55] *Ibid*, section 18(2).
- [56] A. N. Patricia. "Mutual Legal Assistance in Cyber Matters: Issues and Challenges for Cameroonian laws". (n 22), 405.
- [57] Section 653(1) of the CPC.

[58] *Ibid*, section 652(2).

[59] *Ibid*, section 654.

[60] *Ibid*, section 655.

[61] *Ibid*, section 656.

[62] *Ibid*, section 657(1).

[63] *Ibid*, section 657(2).

[64] Which is to deposit a sum of money, the amount and condition of payment is fixed by the examining magistrate considering the defendant's resources OR provide one or more securities in line with section 224 and a refrain from the professional activity if the Magistrate is of the opinion that the continuation of those activities may cause him to commit another offence.

[65] Section 659(1) of the CPC.

[66] *Ibid*, section 659(2).

[67] *Ibid*, section 660(1).

[68] *Ibid*, section 659(3).

[69] *Ibid*, section 666.

[70] *Ibid*, section 664.

[71] "General Secretariat". <[www.interpol.int](http://www.interpol.int)> Accessed March 15<sup>th</sup> 2023.

[72] The 71st INTERPOL General Assembly, 21-24 October 2002, Yaoundé, Cameroon available at <<file:///C:/Users/User/Downloads/71%20GA%20-%20Espigares%20Mira.pdf>> Accessed March 15<sup>th</sup> 2023.

[73] INTERPOL Database available at <<https://www.interpol.int/en/How-we-work/Databases>> Accessed June 3<sup>rd</sup> 2023.

[74] Section 2 of Interpol Constitution 1956 as amended in 2022.

[75] INTERPOL Notice cited at <<https://www.interpol.int/en/How-we-work/Notices/About-Notices>> Accessed June 3<sup>rd</sup> 2023.

[76] Suit No. FHC/L/229C/2008.

[77] Section 90(1) of the cyber law.

[78] Presentation of ANTIC, available at <<https://www.antic.cm/index.php/en/the-agency/presentation.html>> Accessed March 11 2023.

[79] Antic's partnership agreements available at <<https://web.antic.cm/antic.cm/index.php/en/component/k2/item/67-antic-and-cto-sign-partnership-agreement>> Accessed March 11<sup>th</sup> 2023.

[80] E. Rogers. *The Legal Response by Cameroon and Regional Communities to Cybercrime*, LAP Lambert Academic Publishing; Illustrated edition, February 13, 2015, p1.

[81] See African Union Convention on Cyber Security and Personal Data Protection status list available at [https://au.int/sites/default/files/treaties/29560-sl-AFRICAN\\_UNION\\_CONVENTION\\_ON\\_CYBER\\_SECURITY\\_AND\\_PERSONAL\\_DATA\\_PROTECTION.pdf](https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf) Accessed September 15 2023

[82] A. N. Patricia "Mutual Legal Assistance in Cyber Matters: Issues and Challenges for Cameroonian laws". (n 22), p 399.

[83] Section 90(2) of the Cyber law.

[84] According to article 35 of the Convention, States shall benefit from network of practitioners which is simply a 24/7 network of contact point which provides immediate assistance for the purpose of cybercrime investigations, proceedings or the collection of electronic evidence in other jurisdictions. Also, the second Additional Protocol has, *inter alia*, lay down means through which authorities of member nations can directly cooperate with private entities of other states to receive domain registration information or subscriber data. It also allows a member state to obtain testimony of experts and witnesses who are located in other jurisdiction and initiate joint investigation teams via videoconferencing.

[85] The commission have the *locus standi* to enter into agreement with other states to help carry investigations, supply technical resources, help train, and equip experts of other nations to better fight cybercrime in their country.

[86] Section 90(1) of the cyber law.

[87] A. N. Patricia. "Mutual Legal Assistance in Cyber Matters: Issues and Challenges for Cameroonian laws", (n 22), at, 409.