

REPUBLIC OF CAMEROON

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PEACE – WORK – FATHERLAND

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LAW No. 2 0 0 6 / 0 1 5 OF 2 9 DEC 2006  
ON JUDICIAL ORGANIZATION

**The National Assembly deliberated and adopted,  
the President of the Republic hereby enacts the  
law set out below:**

## CHAPTER I GENERAL PROVISIONS

Section 1: This law lays down judicial organization in Cameroon

Section 2: (1) Justice shall be administered on the territory of the Republic in the name of the people of Cameroon

(2) Judicial power shall be exercised by the Supreme Court, Courts of Appeal and courts.

Section 3: Judicial organization shall comprise

- The Supreme Court;
- Courts of Appeal;
- Lower courts for administrative litigation,
- Lower audit courts;
- Military Courts,
- High Courts;
- Courts of First Instance;
- Customary law courts

Section 4: (1) The law shall lay down.

- the organization of the Supreme Court and constituent Benches;
- the organization of lower courts for administrative litigation,
- the organization of lower audit courts;
- the organization of courts sitting in labour matters;
- the organization of customary law courts;

(2) The administrative organization of courts shall be laid down by a separate instrument.

Section 5: Subject to the provisions of Sections 15 and 18 below, the institution of proceedings and the procedure to be followed before courts shall be laid down by laws governing procedure.

Section 6: (1) Justice shall be administered in public and judgments delivered in open court.

(2) Any breach of sub-section (1) above shall render the whole proceedings null and void “ab initio”.

(3) Provided that, where expressly provided by law, hearings shall take place in camera or in chambers.

In addition, any court may, of its own motion, or on the application of one or more of the parties, order a full or partial hearing in camera of a given matter where any publicity thereof may undermine State security, public or morality. In such case, hearing shall not be opened to the public and mention thereof shall be made in the decision which shall be public.

(4) All judgments shall be written before they are delivered.

**Section 7:** All judgments shall set out the reasons upon which they are based in fact and in law. Any breach of this provision shall render the judgment null and void

**Section 8:** (1) Justice shall be administered free of charge, subject only to the fiscal provisions concerning stamp duty and registration and those concerning the reproduction of the records of proceedings for appeals.

(2) Statutory fees and expenses of counsel and other auxiliaries of justice, the cost of prosecution and the execution of court decisions shall be advanced by the party for whose benefit they are incurred. They shall be borne finally by the party who loses the action, except where there is a contrary reasoned decision of the court.

(3) In criminal matters or any other matters as may be provided by law, the Public Treasury shall advance funds, and where necessary, bear all expenses incurred by the Legal Department.

(4) Legal aid shall be granted in accordance with the rules laid down in a separate instrument.

**Section 9:** (1) Judicial acts shall bear the names of the magistrate(s) of the Bench who took part in the decision-making and shall be signed by them. Acts whose accomplishment requires the assistance of a court registrar shall bear the name and signature of the registrar.

(2) Where a matter is heard by a panel, the decision of the court shall be that of the majority.



(3) The magistrate or magistrates in the minority may express their opinion in writing by way of a dissenting judgment and enter it in the file of the matter.

**Section 10:** Judicial warrants and court decisions and orders shall be enforceable throughout the national territory

**Section 11:** Copies of judgments and judicial warrants, together with engrossments and copies of contracts and all documents capable of enforcement, shall bear the executory formula introduced as follows:

“REPUBLIC OF CAMEROON”

“IN THE NAME OF THE PEOPLE OF CAMEROON”

and closed with the following words:

“Wherefore, the President of the Republic commands and enjoins all bailiffs and process-servers to enforce this judgment (or order, etc ), the Procureurs General and the State Counsel to lend them support, and all commanders and Officers of the Armed Forces and Police Forces to lend them assistance when so required by the law”.

**Section 12:** (1) The judicial year shall begin from 1 January to 31 December of the year.

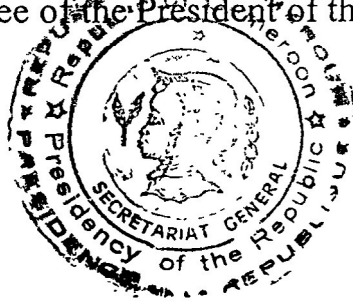
(2) (a) The Minister in charge of Justice shall, on the proposal of Heads of Courts of Appeal, Presidents of lower audit courts and Presidents of the lower courts for administrative litigation, lay down the dates and time of court sessions, save for the Supreme Court.

(b) Judicial recess shall run from the 1 July to 30 September.

(c) During the period of judicial recess, the number of court sessions shall be reduced to at most 1/3, except in criminal matters, urgent applications and all other matters considered urgent.

## CHAPTER II COURT OF FIRST INSTANCE

**Section 13:** (1) A Court of First Instance shall be established in each sub-division. However, for service purposes, its area of jurisdiction may cover several sub-divisions, by decree of the President of the Republic.





(2) The Court of First Instance shall be situated in the chief town of the sub-division.

However, the Court may hear matters outside its seat. Such hearings shall be referred to as “circuit courts”.

**Section 14:** (1) The Court of First Instance shall be composed of:

(a) At the bench:

- a President;
- one or more Magistrates;
- one Registrar-in-Chief;
- Registrars.

(b) For the preliminary inquiry:

- one or more Examining Magistrates;
- one or more Registrars.

(c) At the Legal Department:

- a State Counsel;
- one or more Deputy State Counsel.

(2) (a) All cases brought before the Court of First Instance shall be heard and determined by a single Judicial Officer.

(b) 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 a matter be heard by a collegiate bench of three members.

(3) In labour matters, the Court of First Instance shall be composed in accordance with the provisions of the Labour Code.

**Section 15:** (1) The Court of First Instance shall have jurisdiction:

(a) In criminal matters:

- to try all offences classified as misdemeanours or simple offences;
- to hear applications for bail lodged by persons detained or charged with criminal offences within its jurisdiction;

- to try felonies committed by minors without adult co-offenders or accessories.

(b) In civil, commercial or labour matters.

- to recover, by way of the simplified procedure, all unquestionable, liquid and due civil and commercial debts not exceeding 10 000 000 (ten million) CFA francs;
- to hear matters where the amount of damages claimed does not exceed 10 000 000 (ten million) CFA francs.

The above provisions notwithstanding, where there is a counterclaim, the Court of First Instance shall also have jurisdiction to entertain such counterclaim, irrespective of the amount claimed.

(2) The President of the Court of First Instance or the judicial officer designated by him shall have jurisdiction to:

- rule on motions on notice;
- rule on motions ex-parte ;
- decide on disputes relating to the execution of judgments of the Court of First Instance and any other document capable of such execution, except those of the High Court, Court of Appeal or Supreme Court;
- rule on applications for exequatur.

(3) (a) When hearing a criminal matter, the Court of First Instance shall, save otherwise provided by any other law, have jurisdiction to entertain actions for damages resulting from the commission of an offence.

(b) Notwithstanding the provisions of sub-section 1 (b) above, where a Court of First Instance hears a suit filed as a result of a criminal offence as provided in paragraph (a) above, it shall have jurisdiction even where the amount of damages claimed is above 10 000 000 (ten million) CFA francs.

(4) Where the Court of First Instance is hearing a case of juvenile delinquency, its composition and procedure shall be provided for by a special law.

### **CHAPTER III HIGH COURT**

**Section 16:** (1) A High Court shall be established for each division. However, for service purposes, its area of jurisdiction may cover several divisions, by decree of the President of the Republic.

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(2) The High Court shall be situated in the chief town of the division. However, it may hear matters outside its seat. Such hearings shall be referred to as “circuit courts”

**Section 17:** (1) The High Court shall be composed of:

(a) At the bench:

- a President;
- one or more Judges;
- one Registrar-in-Chief;
- Registrars.

(b) For the preliminary inquiry:

- one or more Examining Magistrates;
- one or more Registrars.

(c) At the Legal Department:

- one State Counsel;
- one or more Deputy State Counsel.

(2) The President of the Court of First Instance at the seat of a High Court may, concurrently with his functions, be appointed President of the said High Court.

(3) The Examining Magistrate(s) of the Court of First Instance at the seat of a High Court may, concurrently with their functions, be appointed Examining Magistrate(s) of the said Court.

(4) The magistrate of the Court of First Instance at the seat of a High Court may, concurrently with their functions, be appointed Judges of the said High Court.

(5) The Registrar-in-Chief of the Court of First Instance at the seat of a High Court may, concurrently with his functions, be appointed Registrar-in-Chief of the said High Court.

(6) The Registrars of the Court of First Instance at the seat of a High Court, may, concurrently with their functions, be appointed Registrars of the said High Court.

(7) Any case brought before the High Court shall be heard and determined by a single Judicial Officer.

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.

(8) In labour matters, the High Court shall be composed in accordance with the provisions of the Labour Code.

**Section 18:** (1) The High Court shall have jurisdiction:

(a) In criminal matters:

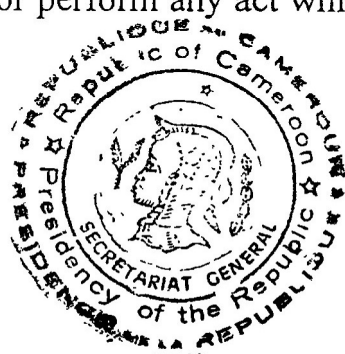
- to try felonies and related misdemeanours subject to the provisions of Section 13 (1) to (3) above;
- to hear and determine applications for bail lodged by persons detained or charged with criminal offences within its jurisdiction.

(b) In civil, commercial and labour matters:

- to hear and determine suits and proceedings relating to the status of persons, civil status, marriage, divorce, filiation, adoption and inheritance;
- to hear matters where the amount of damages claimed exceeds 10 000 000 (ten million) CFA francs;
- to recover, by way of the simplified procedure, all unquestionable, liquid and due civil and commercial debts exceeding 10 000 000 (ten million) CFA francs, as well as all unquestionable, liquid and due commercial claims, of whatever amount, where the obligation arises from a cheque, a promissory note or a bill of exchange.

(c) In non-administrative matters:

- to hear and determine all applications for an order prohibiting any person(s) or authority from doing or performing any act in respect of which he is not entitled or competent to do by law (prohibition);
- to hear and determine all applications for an order commanding any person(s) or authority to do or perform any act which he is required to do by law (mandamus).



(2) The President of the High Court or a judge designated by him is competent to hear and determine

(a) disputes relating to the execution of the decisions of that High Court;

(b) to hear and determine applications for immediate release (habeas corpus) lodged by or made on behalf of persons taken in charge or detained illegally or without warrant.

(3) When hearing a criminal matter, the High Court shall have jurisdiction to entertain claims for damages resulting from the commission of the offences, save otherwise provided by any other law.

#### CHAPTER IV COURT OF APPEAL

Section 19: (1) A Court of Appeal shall be established in each region. However, for service purposes, its area of jurisdiction may cover several regions, by decree of the President of the Republic.

(2) The Court of Appeal shall be situated in the chief town of the region.

Section 20: (1) The Court of Appeal shall be composed of:

(a) At the bench:

- a President;
- one or more Vice-Presidents;
- one or more Judges;
- one Registrar-in-Chief;
- Registrars.

(b) At the Legal Department:

- a Procureur General
- one or more Advocates General;
- one or more Deputies of the Procureur General;
- one or more Legal Assistants at the Procureur General's Chambers.

(2) (a) The Court of Appeal shall be organized into:

- Benches;
- The General Assembly.

(b) It shall be composed, depending on the needs of the service, of:

- one or more Benches for motions and urgent applications;
- one or more Benches for disputes relating to the enforcement of decisions;
- one or more Benches for civil and commercial matters;
- one or more Benches for labour matters;
- one or more Benches for traditional law matters;
- one or more Benches for felonies;
- one or more Benches for misdemeanours and simple offences;
- one or more Benches for inquiry control.

(c) Notwithstanding the provisions of paragraph (b) above, the President of the Court of Appeal may, by an order, merge two or more Benches.

(d) The Judges of the Court of Appeal shall be assigned to the Benches by order of the President of that Court.

(e) A Judge may be member of more than one Bench.

(f) The General Assembly shall be composed of all Judicial Officers working at the Court of Appeal as well as the Registrar-in-Chief. It shall have judicial jurisdiction and advisory capacity.

(g) The General Assembly shall consider and express opinion on matters provided for by law as well as on all issues relating to the functioning of the court and submitted to it by the President, the Procureur General or by one-third of its members.

(h) Where the General Assembly is deliberating on matters for which it expresses advisory opinions, judicial officers of the Legal Department shall take part in the deliberations and vote.

(i) Where the General Assembly is hearing matters for which the Court exercises judicial jurisdiction, it shall, after receiving the submissions of the Legal Department, deliberate without the presence of judicial officers of the Legal Department.

(3) Where the Court is hearing appeals against the judgments of a *military tribunal* or has to rule on application for release subsequent to such an appeal, a military magistrate appointed for this purpose shall occupy the Bench

of the Legal Department. The activities of the military magistrate shall be limited to representing the Legal Department at the hearing.

**Section 21:** (1) All cases falling within the jurisdiction of the Court of Appeal shall be heard by three judicial officers who are members of the said Court.

(2) Where the Court is sitting to determine an appeal against the judgment of a Military Court, one of the three judicial officers mentioned in subsection (1) above shall be replaced by a Military Judge, and in his absence, by an officer of the Armed Forces.

(3) The Officer of the Armed Forces called upon to replace one of the three (3) judicial officers of the Court of Appeal shall, before sitting in court, take oath before the said Court. The oath shall be as follows:

“ I ....., do swear before God and all men to exercise my functions as member of the panel of the Court of Appeal honestly, to render justice to all with impartiality, without fear, favour or malice and to scrupulously keep the secrets of the deliberations”.

(4) The three judges shall have equal votes.

**Section 22:** A Court of Appeal shall have jurisdiction to hear

- (a) appeals against judgments delivered by courts, with the exception of those delivered by the Supreme Court and the Court of Appeal itself.
- (b) appeals against the rulings of the Examining Magistrate;
- (c) disputes in connection with the execution of its decisions;
- (d) all other matters provided for by the law.

**Section 23:** (1) Within eight (8) days of the declaration of appeal or of 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.

(2) The amount which shall, under pain of forfeiture of the rights of appeal, be paid within ten (10) days of the notification of the ruling fixing it, at the registry of the court that delivered the decision appealed against, shall constitute the cost of reproducing the records of proceedings, inclusive of the judgment and subsequent documents, in as many copies as there are the parties plus five (5) extra copies.

(3) The ruling referred to in sub-section (1) and (2) above is subject to appeal before the President of the Court of Appeal who shall determine the issue once and for all, within 10 (ten) days after receiving the appeal. This ruling shall not be subject to appeal.

(4) If the amount initially fixed turns out to be insufficient, a supplementary amount shall be fixed and paid under the same conditions and procedure as prescribed in sub-sections (1) and (2) above.

(5) Any left over amount shall be reimbursed to the party who paid it.

(6) After the reproduction of the records of proceedings, the Registrar-in-Chief of the court whose decision has been appealed against shall transmit five (5) copies thereof to the Registrar-in-Chief of the Court of Appeal seised of the appeal, and shall serve the other copies on the parties.

(7) In case of a plurality of appeals, the cost of reproduction of the records of proceedings shall be borne equally by the appellants. However, the more disposed appellants may pay the totality of the amount fixed, and be later on reimbursed by the other parties in the amount that each of them is due.

(8) In case of disagreement amongst the appellants as to the share each of them has to pay, the distribution shall be done by a ruling of the President of the Court of Appeal who is seised of the issue by the interested appellant. This ruling is not subject to appeal.

(9) In case of appeal by the Legal Department, or where the proceedings are free of charge, or where the appellant benefits from legal aid, reproduction of the records of proceedings shall be done in accordance with the provisions of Section 8 (1), (3) and (4) above.

(10) As soon as the records of proceedings are received in the required number of copies, the Registrar-in-Chief of the Court of Appeal shall keep one copy, transmit three (3) copies to the President of the Court of Appeal for distribution to the members of the panel, and shall send one copy to the Legal Department of the said Court of Appeal.



## CHAPTER V EXAMING MAGISTRATE

Section 24: The Examining Magistrate shall be a magistrate of the Bench. He shall, however, not be competent to try matters of which he carried out during the preliminary inquiry.

Section 25: (1) A Preliminary inquiry shall, except otherwise provided by law, be compulsory in felonies and optional in misdemeanours and simple offences.

(2) During judicial inquiry:

- (a) the Examining Magistrate shall be assisted by a registrar;
- (b) the signing of acts shall conform to the provisions of Section 9 (1) above;
- (c) the defendant may be represented by counsel;
- (d) the public may have access to the chambers of the Examining Magistrate only with his authorization.

(3) (a) The Examining Magistrate may, of his own motion and by a ruling grant the defendant bail.

(b) Once he is seised of an application for bail, he shall within five (5) days thereof deliver a ruling either granting or refusing bail.

(c) The application for bail shall be recorded on the day of its deposit and a copy thereof mentioning registration shall be handed to the person who deposited the application.

(d) Within 24 (twenty-four) hours of the registration, the application shall be transmitted, together with a copy of the file, to the Senate Counsel for address. Within 48 (forty-eight) hours of its receipt, the State Counsel shall return the file to the Examining Magistrate, together with his address. The Examining Magistrate shall, within 48 (forty-eight) hours of the return of the file or in the case of the State Counsel's failure to respect the prescribed time-limit for returning the file, deliver a ruling either granting or refusing bail.

(e) The rulings provided for in paragraphs (3) (a) and (d) above shall be served on the defendant without delay.

(f) Silence on the part of the Examining Magistrate on the application for bail after the 5 (five) days provided for in paragraph (b) above shall be

tantamount to rejection and in such a case, the defendant may lodge his application before the Inquiry Control Chamber of the Court of Appeal.

(4) Any defendant whose application for bail has been refused may appeal against the ruling refusing same. Such appeal shall be determined within ten (10) days.

(5) The Examining Magistrate shall close the preliminary inquiry either by a committal order before the Court of First Instance or High Court or by a non-case or partial non-case ruling or by a ruling declining jurisdiction, as the case may be.

**Section 26:** The Examining Magistrate shall issue all warrants and shall seise the competent court by a committal order.

**Section 27:** As concerns felonies, the Examining Magistrate of a High Court shall be competent to carry out preliminary inquiries throughout the area of jurisdiction of the said High Court. However, the Examining Magistrate of a Court of First Instance located elsewhere other than at the seat of the High Court shall be competent to carry out preliminary inquiries for felonies and related misdemeanours committed within his area of jurisdiction.

**Section 28:** (1) Appeals against the rulings of the Examining Magistrate shall be governed by the provisions of the Criminal procedure Code.

(2) The appeals shall be heard by the Inquiry Control Chamber which shall be composed of 3 (three) Judges.

(3) The Inquiry Control Chamber shall apply the provisions of the Criminal Procedure Code relating to preliminary inquiries.

## **CHAPTER VI LEGAL DEPARTMENT**

**Section 29:** (1) The Legal Department shall ensure the enforcement of laws, regulations and judgments and may, in the interest of the law, make any request it considers necessary before any court.

(2) In criminal matters and without prejudice to the rights of the civil party, it shall search for offences, institute and carry out prosecutions, and issue any warrants necessary for the institution and prosecution of criminal action.

(3) The presence of the Legal Department in court shall be obligatory in criminal matters and optional in any other matter, except otherwise provided by law.

(4) The Public Treasury shall advance and defray the court charges borne by the Legal Department.

**Section 30:** (1) There shall be a Legal Department attached to each Court of Appeal, headed by a Procureur General who shall be under the direct authority of the Minister in charge of Justice.

(2) There shall be a Legal Department attached to each High Court or Court of First Instance, headed by a State Counsel directly subordinate to the Procureur General of the Court of Appeal of the area of jurisdiction.

(3) (a) The State Counsel of the Court of First Instance at the seat of a High Court may, concurrently with his functions, be appointed State Counsel of the said High Court.

(b) The Deputy State Counsel of the Court of First Instance at the seat of a High Court may, concurrently with his functions, be appointed Deputy State Counsel of that High Court.

## CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS

**Section 31:** The organization of traditional courts and the procedure to follow before them, with the exception of the criminal jurisdiction of customary and Alkali courts shall, for the time being, be maintained.

**Section 32:** Pending the enactment of the instruments provided for in Section 4 of this law, Courts of First Instance, High Courts and Courts of Appeal shall continue to apply the rules of procedure, practice and usages hitherto applicable before these courts, provided that such rules of procedure, practice and usages are compatible with the Constitution and this law.

**Section 33:** The High Court shall continue to have jurisdiction to hear and determine all matters pending before it as at the date of enactment of this law, even where the amount of damages claimed does not exceed 10 000 000 (ten million) CFA francs.

**Section 34:** Pending the setting-up of lower courts for administrative litigation and lower audit courts as provided in Section 1 of this law, as well as the enactment of procedural rules before these courts, the rules and regulations relating to the institution of proceedings as well as those relating to the procedure to follow before the Administrative and Audit Benches of the Supreme Court are hereby maintained.

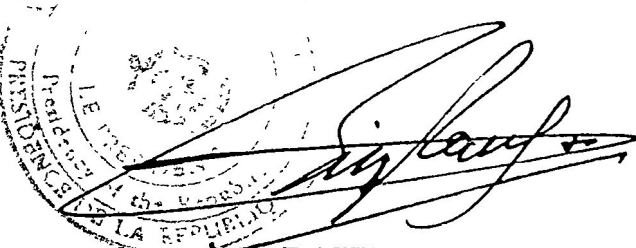
**Section 35:** The judicial year commenced on 1<sup>st</sup> October 2006 before the promulgation of this law and following the former provisions shall be extended to 31 December 2007.

**Section 36:** All provisions repugnant to this law are repealed, in particular those of Ordinance No. 72/4 of 26 August 1972 on Judicial Organization and the subsequent amendments thereto.

**Section 37:** All references made in this law or in other enactments in force, to the provisions repealed by the present law or in pursuance of the present law shall be deemed to be references to the provisions that replace them.

**Section 38:** This law, which comes into force on 1<sup>st</sup> January 2007, shall be registered and published in the Official Gazette in English and French.

YAOUNDE, 29 DEC 2006



**PAUL BIYA**  
PRESIDENT OF THE REPUBLIC