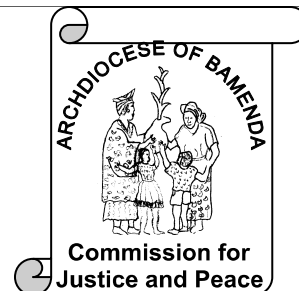


# The Judicial System in Cameroon



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Robe of a Court of Appeal / High Court Judge

The **Judicial Organization of Cameroon** as contained in the law on judicial organization comprises the following **courts**: Customary Law Courts; Courts of First Instance; High Courts; Military Courts; Lower Courts of Administrative Litigation; Lower or Regional Audit Courts; Courts of Appeal; The Supreme Court.

There are various **actors** involved in the judicial system. They are the following: magistrates; lawyers; bailiffs; notaries; registrars; judicial police officers. The law on Judicial Organization states that Justice shall be administered in the name of the people of Cameroon.

## **TRIAL COURTS**

**1) Customary courts** have competence in civil matters, customary marriages, divorce and inheritance. Customary law courts apply the custom of the parties. Note should be taken that customary law courts have no competence in criminal matters. Note should also be taken that where the law has reserved a particular area exclusively to other courts, the customary law courts do not have competence.

**2) Courts of First Instance** have competence:

-In Criminal Matters: All offences classified as misdemeanors and simple offences. It is competent to grant bail.

*Simple Offence:* It is an offence punishable with a term of imprisonment of up to 10 days or a fine of not more than 25.000 FCFA

*Misdemeanour:* it is an offence punishable with loss of liberty from 10 days to 10 years or with a fine of more than 25.000 FCFA.

-In Civil, Commercial and Labour Matters: To hear matters where the amount of damages claimed does not exceed 10.000.000 FCFA. It is competent to entertain actions for the recovery of civil and commercial debts not exceeding 10,000,000 FCFA through the simplified recovery procedure.

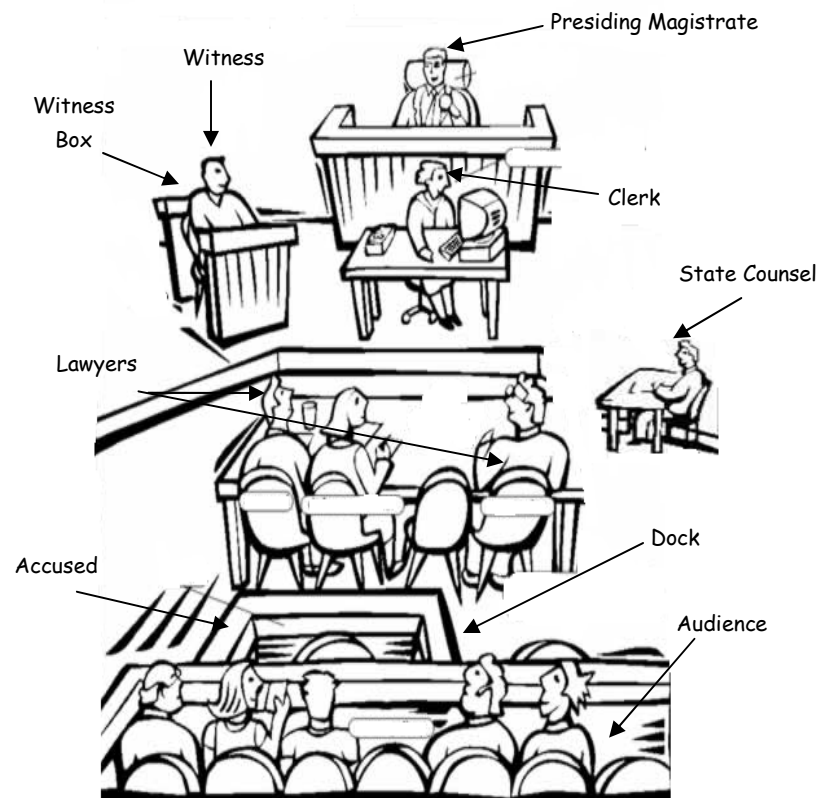
**3) High Courts** have competence:

-In Criminal matters: To try felonies, related offences and to grant bail in felonious offences.

*Felony*: It is a serious offence usually punishable with death or a term of imprisonment whose maximum is more than 10 years.

-In Civil, Commercial and Labour matters: To hear cases related to the status of persons, marriage, divorce, filiations, adoption, inheritance; Recovery of debts exceeding 10.000.000 FCFA; and cases where damages claimed exceed 100,000,000FCFA.

### HIGH COURT AND THE COURT OF FIRST INSTANCE IN CRIMINAL MATTERS



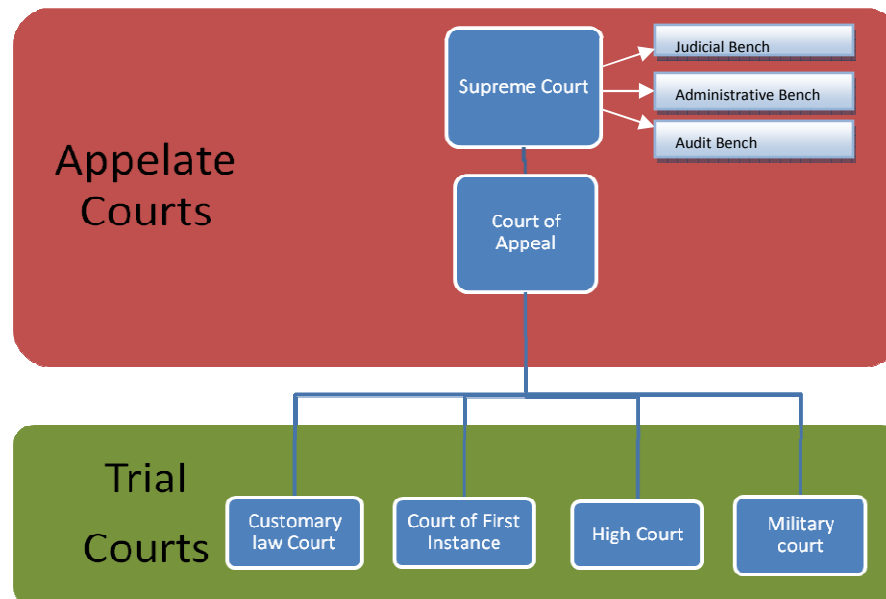
-In non administrative matters to hear applications:

- To release a person immediately when the person is detained illegally;
- For an order prohibiting any person or authority from doing or performing any act which he is not entitled to do by law.
- For an order commanding any person or authority to perform any act which he is required to do by law.

**4) Military Courts:** They have competence amongst others to carry out trials for:

- theft committed by the use of fire arms;
- offences committed by military men in a military establishment or in the exercise of their duties;
- offences committed by civilians in a military establishment which causes damage to military equipment or to the physical integrity of a military man;
- offences relating to the purchase, sale, production or keeping of military apparels.

Note: the military Tribunal does not have competence to judge any person who is below 18.



**5) Lower courts of administrative litigation:** Competent to hear administrative matters at first instance. (These courts are not yet functional, thus for the time being the administrative bench of the Supreme Court continues to hear administrative matters at first instance).

**6) Regional Audit Courts:** Competent to control public accounts (not yet functional)

### **APPELLATE COURTS**

**1) Courts of Appeal:** Hear appeals against judgments and decisions of customary law courts, the courts of First Instance, the High Courts and the Military Courts. The time limit for appeals in criminal matters is 10 days. Each Region has a court of Appeal.

**2) The Supreme Court:** The seat of the Supreme Court is in Yaoundé. Its function is to ensure that judgments of lower courts are in consonance with the law. It receives appeals from the various Courts of Appeal, the Lower courts of Administrative litigation, The Lower or Regional Audit Courts. The Supreme Court is made up of the Judicial Bench, the Administrative Bench and the Audit Bench.

**The Judicial Bench:** Appeals from the 10 courts of Appeal go to the Judicial Bench. These appeals are on civil, criminal, labour and customary law cases. Appeals in commercial matters from the courts of Appeal are heard by the Joint Court of Justice and Arbitration in Abidjan and not by the Supreme Court.

**The administrative Bench:** It hears appeals against decisions in disputes relating to regional and council elections. It is also competent to hear appeals from the lower courts of administrative litigation.

**The Audit Bench:** It controls and rules on the accounts of State, public and semi public enterprises. It also gives final judgment on the decisions of Regional Audit Courts.

## Who is doing what in the Cameroon judicial system?

**1) Magistrates:** They perform different functions. There are presiding Magistrates and judges, Examining magistrates, State counsel and Procureur General.

**a) Presiding magistrates / Judges:** These magistrates act as referees between parties in matters brought before them. They sit in court, hear matters and take decisions on them. In the courts of first instance, these magistrates are called presiding magistrates. In the High Courts and Higher Courts, they are called Judges.

**b) Examining Magistrates:** These are magistrates who carry out criminal investigations (preliminary inquiry) in felonious offences, all offences committed by persons below 18 years and in some misdemeanours. Anyone may decide not to lodge a complaint with the judicial police officer but instead lodge a complaint directly with the Examining magistrate. Examining Magistrates are found in the courts of First Instance, High Courts and Military Courts.

The preliminary inquiry is not open to the public. Only parties involved in the inquiry are allowed to attend the inquiry. However, the examining magistrates may at their discretion allow any other person to attend the inquiry.

**c) State Counsel:** These magistrates are in charge of enforcing laws, regulations and judgments and control criminal investigations and prosecution in their geographical area of competence. In the execution of their functions, the State Counsel amongst other things receive complaints, issue warrants of arrest, search warrants and control Judicial Police cells to make sure that suspects are detained in respect of the Law. They are the Bosses of Judicial police officers in their area of competence as far as criminal investigations are concerned. State counsel are assisted by deputy state counsel. The office of the State Counsel is called the State Counsel's Chambers.

**d) Procureur General:** Each of the 10 Regions in Cameroon has a Procureur General. His or her office is called the Procureur General's Chambers. The Procureur General is in charge of the enforcement of laws, regulations and judgments and oversees criminal investigations

in his region. He is the boss of all the State Counsel in his region. The Procureur General is assisted in his job by the Advocate General and the Substitut General. The State Counsel's Chambers and the Procureur General's chambers are both referred to as the Legal Department.

**2) Registrars:** They receive and direct the public to the various services of the courts and legal department as well as other judicial services. They act as clerks of court during trials and registrars in attendance at preliminary inquiries. They keep registers.

**3) Judicial Police officers:** They consist of police, gendarmes (Note should be taken here that not all police and gendarmerie staff are judicial police officers. Only those empowered by law to investigate offences are judicial police officers) and staff of certain departments (e.g. the Ministry of Environment and Nature Protection, the Ministry of Forestry and Wild Life etc) who are empowered by the law to carry out investigations in criminal matters.

**4) Bailiffs:** They are officers in charge of serving court processes like summonses. They are also in charge of the execution of decisions of the court. They also draw up reports on events.

**5) Notaries:** They are in charge of drawing up deeds e.g. for the sale of landed property. In the South West and North West Regions, lawyers in addition to their other functions act as notaries.

**6) Lawyers:** They advise, assist or represent their clients. They ensure their defense. The client can be:

- an accused in a criminal case
- the victim of an offence
- a person instituting a civil matter
- a person defending a civil matter
- or anybody in need of legal advice

The lawyer exercises a liberal profession. The resort to a lawyer is not obligatory. It all depends on the litigant. The lawyer is paid by his client. However in certain cases the state pays the lawyer on behalf

of the litigant.

Generally in criminal or civil matters, where a person is too poor to afford a lawyer, he can apply to the **Legal Aid Commission** for a lawyer to be appointed to represent his interest. The Legal Aid Commission will only grant the application in fit cases as required by law.



However, the appointment of a lawyer for the accused person by the judge is mandatory in criminal cases where a person is charged with an offence punishable with life imprisonment or death and cannot pay a lawyer to defend him. Where an accused is below 18 years and has no lawyer, the presiding magistrate or judge must assign one to him or her. The appointed lawyer is paid by the State.

If you need help on legal issues, advices from a lawyer or a Judge, please contact the Justice and Peace Commission of Bamenda. The Justice and Peace Commission carry out a program on access to Justice and provide help to persons in need.

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