

## ORGANISATION OF THE SUPREME COURT

- *Law No 2003/005 of 21 April 2003 to lay down the Jurisdiction, Organization, and Functioning of the Audit Bench of the Supreme Court;*
- *Law No 2006/016 of 29 December 2006 to lay down the Organization and Functioning of the Supreme Court amended and supplemented ;*
- *Law No 2011/028 of 14 September 2011 to set up a Special Criminal Court amended and supplemented by Law No 2012/011 of 16 July 2012.*

The Supreme Court is the highest State court in judicial, administrative and audit matters.

The Seat of the Supreme Court is in Yaoundé.

Its jurisdiction covers the entire national territory.

### I. Composition

The Supreme Court is composed of:

#### a) At the Bench

- a Chief Justice, Lord Chief Justice of the Supreme Court;
- Bench presidents;
- Judges of the Supreme Court;
- Masters of the Supreme Court;
- Puisne judges of the Supreme Court;
- a Registrar-in-Chief of the Supreme Court ;
- Registrars-in-Chief of Benches;
- Registrars ;

#### b) At the Legal Department

- a Procureur General ;
- a Senior Avocat Général ;
- Advocates General.

Members of the Supreme Court are Judicial and legal officers governed by the rules and regulations of the Judicial and Legal service. However, for service needs, the following officials may be appointed judges of the Supreme Court or advocates General for extraordinary service at the Supreme Court, in administrative or audit matters.

(a) University lecturers in law or Economics with at least 15 uninterrupted years of teaching experience;

(b) Lawyers enrolled at the Cameroon Bar, with at least 20 uninterrupted years of practice.

- (c) Category A civil servants and contract workers who are holders of a masters degree in law with at least (20) uninterrupted years of experience in the public service.

In the case of unavailability, the Chief Justice shall be replaced by the most senior President of a Bench in the highest scale.

In the case of unavailability of the President of a Bench, he shall be replaced by the most senior President of the highest scale.

## **II. Administrative organisation**

The Supreme Court comprises :

1. a Judicial Bench ;
2. an Administrative Bench;
3. an Audit Bench;
4. a Specialised Division;
5. a Panel of Joint Benches;
6. a Full Bench ;
7. a commission for the compensation of victims of illegal detention pursuant to section 236 of the Criminal Procedure Code;
8. a Legal Aid Commission;
9. a Bureau ;
10. a General Secretariat;
11. a Registry.

### **Each Bench comprises:**

- a panel of joint divisions.
- Divisions

### **The Judicial Bench comprises:**

- a Civil Division;
- a Commercial Division;
- a Criminal Division;
- a Labour Division;
- a Common Law Division;
- a Customary Law Division;

**The Administrative Bench comprises:**

- a Division for Civil Service Litigation;
- a Division for Land Tenure Litigation;
- a Division for Tax and Financial Litigation;
- a Division for Public Contracts Litigation;
- a Division for Nullification and Sundry Issues.

Each division shall hear appeals relating to matters within its jurisdiction.

**The Audit Bench shall comprise:**

*(Law No 2003/005 of 21 April 2003 to lay down the jurisdiction, organization, and functioning of the Audit Bench of the Supreme Court.)*

**At the Bench:**

- a President;
- Presidents of Divisions;
- Masters of the Supreme Court;
- Puisne Justices of the Supreme Court;
- Legal Probationers;
- Pupil Magistrates.

**At the Registry:**

- a Registrar-in-Chief;
- Registrars of the Division;
- Registrars.

The functions of the Legal Department are performed by the Procureur General at the Supreme Court.

The Divisions of the Audit Bench are:

- a Division in charge of controlling and ruling on accounts produced by state accountants;
- a Division in charge of controlling and ruling on accounts produced by accountants of regional local authorities and their public establishments subject to the duties devolving upon lower courts;
- a Division in charge of controlling and ruling on accounts produced by accountants of public establishments of the State;
- a Division in charge of controlling and ruling on accounts produced by public and semipublic enterprises;
- a Review Division.

### **Composition of Divisions:**

Each division is composed of:

- a President;
- at least two Judges of the Supreme Court;
- one or more Advocates General.

The panel of judges of a division shall always be composed of an odd number of judges.

### **Composition of the Benches**

Each bench consists of:

- a President;
- at least two Judges;
- one or more Advocates General;
- a Registrar-in-Chief;
- Registrars.

The Panel of Joint Divisions is composed of Division Presidents of a Bench.

### **The Specialised Division:**

#### **The Specialised Division of the Supreme Court has jurisdiction to:**

The Special Criminal Court is a Specialised division within the Supreme Court competent to hear appeals against judgments from the Special Criminal court and judgments of High courts and courts of First Instance exceptionally in matters of misappropriation of public property and related offences. *(Section 13(new) (1) of Law No 2011/028 of 14 September 2011 to set up a Special Criminal Court, amended and supplemented by Law No 2012/011 of 16 July 2012).*

The Specialised Division is composed of Judicial and Legal officers from the three Benches (Judicial, Administrative and Audit) The Chief Justice appoints two judges from each of the said Benches.

This Division is presided over by the Chief Justice or by a judge of the Supreme Court, appointed by the latter to this effect.

It has jurisdiction to entertain appeals against judgments of lower courts relating to misappropriation of public property and related offences.

### **The Inquiry Control Chambers:**

*(Section 13 (new) (4) of Law No 2011/028 of 14 September 2011 to set up a Special Criminal Court, amended and supplemented by law No 2012/011 of 16 July 2012).*

It was created within the Specialised Division mentioned in the Subsection above, an Inquiry Control Chambers made up of three Judges appointed by the Chief Justice of the Supreme Court, from the three Benches of the Supreme Court.

The Inquiry Control Chambers is presided over by a Judge appointed by the Chief Justice of the Supreme Court.

### **The Panel of Joint Benches**

The Panel of joint Benches comprise:

- The Chief Justice;
- Bench Presidents;
- Division Presidents.

However, considering the nature of the matter, the Chief Justice may, in a ruling, appoint one or more justices to sit in the Panel of Joint Benches.

The Panel of Joint Benches shall always be composed of an odd number of members.

The Panel of Joint Benches shall be presided over by the Chief Justice or, in his absence, by the most senior Bench President in the highest scale.

The Panel of Joint Benches shall sit only if all its members are present.

In the case of unavailability of one of its members, he shall be replaced by a judge appointed by the Chief Justice.

### **The General Assembly**

The General Assembly is composed of all the members of the Supreme Court.

It shall be presided over by the Chief Justice.

The Registrar-in- Chief of the Supreme Court shall perform the duties of the Secretary of the General Assembly.

The Supreme Court Secretary General shall, without right to participate in discussions and to vote, attend Full Bench meetings.

The General Assembly shall meet when convened by the Chief Justice.

Decisions shall be taken by the majority of members present and the President shall have the casting vote in case of a tie.

The General Assembly shall examine all matters submitted to it by the Chief Justice, the Procureur General or by one third of its members regarding the functioning of the Supreme Court.

Where the Supreme Court is consulted on a draft instrument, its opinion must be stated by the General Assembly.

### **The Bureau of the Supreme Court**

The Bureau of the Supreme Court is composed of:

- a Chief Justice,
- Bench Presidents,
- a Procureur General;
- a Senior Advocate General;
- a Secretary General;

The Registrar-in-chief of the Supreme Court and the Registrars-in-chief of the Benches are appointed by Decree of the President of the Republic.

The other personnel of the registry shall be appointed in compliance with the rules and regulations governing them and with the instrument laying down the administrative organisation of the courts and on the proposal of the bureau of the court.

Judges of the Supreme Court are placed to Benches by order of the Chief Justice, after the opinion of the Bureau.

However, in case of necessity, the judge of a bench can be appointed to complete another Bench.

### **Appointment of Presidents of Divisions and placement of judges**

Division Presidents shall be appointed from among judges of the Supreme Court, by order of the Chief Justice, after consultation with the bureau of the court.

Judges of the Supreme Court shall be placed in divisions by order of the President of the Bench concerned.

However, a judge may belong to one or more Divisions.

Registrars in service at the Supreme Court shall be posted to Benches by order of the Chief Justice, on proposal of the Registrar-in-chief of the Court and after consultation with the bureau of the Court.

### **Commission for Compensation of Victims of Illegal Detention**

#### ***(Section 236 and 237 of the Criminal Procedure Code)***

The Compensation provided for under section 236 of the Criminal Procedure Code is awarded at first instance by the decision of a commission.

The composition of the Commission for Compensation of Victims of Illegal Detention is established by decree of the President of the Republic.

When the action is against a Magistrate, the Commission shall be composed as follows:

President: A judge at the Supreme Court;

- two Court of Appeal magistrates designated by the Minister of Justice;

- a representative of the Ministry in charge of the Public service;
- a senator designated by the Bureau of the Senate;
- The President of the Bar Council or his representative.

When the action is against a judicial police officer, the Commission shall, in addition to the above members include a representative of the Delegation in charge of National security or the Gendarmerie, as the case may be.

Each substantive member shall be designated with an alternate member.

The substantive and alternate members shall be designated for three (3) judicial years. Those from Government and Institutions shall have at least the rank of Director. The procedure to be followed shall be that applicable before the judicial Bench of the Supreme Court.

### **III. JURISDICTION OF THE SUPREME COURT**

*(Sections 37 to 39 of Law No 2006/016 of 29 December 2006 to lay down the Organisation and functioning of the Supreme Court, amended and supplemented);*

**The Judicial Bench shall have jurisdiction to examine:**

- final decisions of courts and tribunals on civil, commercial, criminal, labour common law and customary law cases;
- final decisions emanating from lower courts in all cases where the application of law is in issue;
- applications for bail in the case of an admissible appeal;
- all matters expressly devolving on it by law;

**The Administrative Bench has jurisdiction to hear:**

- appeals against decisions handed down in regional and council election disputes;
- appeals against final decisions handed down by lower courts on administrative litigation;
- preliminary objection raised in cases of administrative trespass to property and trespass to persons.
- all other matters expressly devolving on it by law.

**The Audit Bench has jurisdiction to:**

- control and rule on the accounts of the state and public and semi-public enterprises;
- give a final ruling on final judgments passed by lower audit courts;
- give its opinion on settlement bills submitted to the National Assembly;
- draw up and publish annual reports on State accounts to be submitted to the Head of State;
- examine any other matters expressly devolving upon it by law.

The President of the Audit Bench shall draw up the annual schedule of work of the said Bench, after consultation with the Procureur General.

He must set up a committee in charge of preparing the report referred to under section 39 (d) above.

**The Panel of Joint Benches has jurisdiction to hear and determine:**

- cases on conflicts of jurisdiction;
- applications to challenge a member of the Supreme Court or a President of a Court of Appeal;
- matters relating to policy issues, where there is risk of conflicting solutions between trial judges or between Benches;

- requests to transfer a case from one lower court to another for reason of reasonable suspicion or public security
- any other matter provided for by a separate instrument.
- a) The panel of joint Divisions shall hear cases referred to it by order of the Chief Justice or by decision of a Division.
- b) It shall also hear applications for review



# Organisational chart of the Supreme Court of Cameroon





