

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

A court is such an organized place in which you will find workers accomplishing their duties for it proper functioning. This is same in any other structure as well.

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 7 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.

