

REPUBLIC OF CAMEROON

Peace – Work – Fatherland

NATIONAL ASSEMBLY

8TH LEGISLATIVE PERIOD

LEGISLATIVE YEAR 2011

3rd EXTRAORDINARY SESSION

(December 2011)

LAW

TO SET UP A SPECIAL CRIMINAL COURT

*The National Assembly deliberated and adopted at its
Plenary Sitting held on 3 December 2011
Bill No. 903/PJL/AN set out as follows:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1.- This law set up the Special Criminal Court, hereinafter referred to as “the Court”.

SECTION 2.- The Court shall be competent to hear and determine matters, where the loss amounts to at least 50 000 000 CFA francs relating to misappropriation of public funds and other related offences provided for in the Penal Code and International Conventions ratified by Cameroon.

SECTION 3.- It shall have its seat in Yaounde and a nationwide jurisdiction.

SECTION 4.- The Court shall be composed of:

- at the bench
 - a President;
 - one or more Vice-Presidents;
 - one or more judges;
 - one or more Examining Magistrates.
- at the legal department
 - one Procureur General;
 - one or more Advocates General;
 - one or more Deputy Procureur General.
- at the registry
 - one Registrar-in-Chief;
 - one or more Section Heads;
 - one or more Registrars and Registrars working with the Examining Magistrate.

SECTION 5.- The Judicial Officers, Court Registrars assigned to the said Court as well as the Judicial police officers cited in **section 7** hereunder shall be bound by the rules and regulations of their respective professions.

CHAPTER 2

PROCEEDINGS

SECTION 6.- Subject to the provisions hereunder, the rules of procedure shall be the same as those provided for by the Criminal Procedure Code.

SECTION 7.- (1) Any complaint, accusation or petition relating to any of the offences cited under Section **2** shall be subject to investigations ordered by the Procureur General of the Court.

(2) He shall exercise the functions of the State Counsel during the preliminary or judicial investigations.

(3) A specialized corps of judicial police officers placed under his control shall be responsible for investigating and carrying out rogatory commissions.

(4) Preliminary investigation shall be closed after a period of **30** (thirty) days, renewable twice. The period for remand in custody shall be that provided for by the Criminal Procedure Code.

(5) Upon the closure of preliminary investigations, the case file shall be forwarded to the Procureur General.

(6) The Procureur General may:

- close the case file; or
- order the conduct of a judicial inquiry.

However, where the loss is below **50 000 000 CFA francs**, the Procureur General of the Court shall transfer the case file to the competent Procureur General.

SECTION 8.- (1) Every trial Court seized of offences falling within the competence of the Court shall immediately declare itself incompetent.

(2) The Procureur General may also request for the same procedure by seizing his counterpart of the Court of Appeal of the court referred to in the preceding Subsection.

SECTION 9.- (1) Upon receipt of the holding charge, the President of the Court shall designate the Examining Magistrate to conduct the inquiry.

(2) Petitions for release on bail lodged with the Examining Magistrate shall be notified forthwith to the Legal Department and processed within 48 (forty-eight) hours.

(3) A preliminary inquiry shall be closed within 180 (one hundred and eighty) days after the preferment of the holding charge either by a non-committal or a committal order

(4) An objection of incompetence raised before the Examining Magistrate shall be referred to the Court in the event of the close of the inquiry by a committal order.

SECTION 10.- (1) The President of the Court after consultation with the Procureur General shall fix the hearing date, which shall be scheduled within no more than 30 (thirty) days of the committal order.

(2) The Court shall sit in a panel to hear and determine matters referred to it.

(3) It shall determine the number of witnesses to be summoned for each party in the case.

(4) A procedural objection relating to the competence of the Court shall be heard on the merits.

(5) The Court shall hear and determine the matter within 6 months. Such period may be extended by 3 (three) months by Order of the President of the Court seized.

SECTION 11.- (1) The Court shall have original jurisdiction and an appeal against its decisions shall lie exclusively before the Supreme Court.

(2) The appeal of the Legal Department shall be based upon the facts and points of law.

(3) The appeal of the other parties shall be based solely upon the points of law.

(4) In the case of an appeal, the Supreme Court shall hear and determine same.

SECTION 12.- (1) An appeal shall be filed within 48 (forty-eight) hours after the judgment is handed down and it shall be examined within 60 (sixty) days.

(2) In the case of a default judgment, the processing of the case file shall be conducted within 60 (sixty) days of service on the defaulting party.

SECTION 13.- (1) The examination of the appeal by the Supreme Court shall be assigned to a specialized Bench designated by the Chief Justice comprising Judges of the Judicial, Administrative and Audit Benches with 2 (two) Judges from each Bench.

(2) The specialized Bench shall be presided over by the Chief Justice of the Supreme Court or by a Judge of the Bench of the Supreme Court appointed by the Chief Justice for that purpose.

(3) The specialized Bench shall hear and determine the matter within a maximum period of 6 (six) months.

CHAPTER 3

TRANSITIONAL AND FINAL PROVISIONS

SECTION 14.- Case files on preliminary investigations relating to the facts referred to in Section 2 shall be sent to the Procureur General of the Court for action once the said Court goes operational.

SECTION 15.- (1) A court seized of a matter relating to the facts referred to in Section 2 of the present law in which either a preliminary inquiry or judgment is pending shall immediately hear and determine it.

(2) Matters pending before the said court shall be heard and determined within 6 (six) months after The Court goes operational.

SECTION 16.- In such case, High Court decisions may only be appealed against as provided in Sections 11, 12 and 13 of this law.

SECTION 17.- Non-compliance with the prescribed time-limits may entail disciplinary proceedings against the defaulter.

SECTION 18.- (1) Where the proceeds of the embezzlement or corruption are restituted, the Procureur General of the Court may, subject to a written authorization by the Minister in charge of Justice, enter a nolle prosequi against the proceedings instituted prior to the committal to the trial court.

Provided that, where such restitution is effected after committal to the trial court, a nolle prosequi may be entered against the proceedings prior to any judgment on the merits and the court seized shall pronounce the forfeitures under Section 30 of the Penal Code and note same in the criminal record.

(2) The entry of a nolle prosequi shall have no effect on any disciplinary procedures.

SECTION 19.- This law shall be registered and published according to the procedure of urgency and inserted in the Official Gazette in English and French.

YAOUNDE,

CAVAYE YEGUIE DJIBRIL
PRESIDENT OF THE NATIONAL ASSEMBLY