DECREE No. 2024/555 OF 14 NOV 2024

to lay down rules applicable to the recruitment and discipline of Military Justice personnel

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;

Mindful of Law No. 2001/188 of 25 July 2001 to lay down the special rules and regulations governing the corps of Active Officers of the Defence Forces;

Mindful of Law No. 2017/012 of 12 July 2017 to lay down the Code of Military Justice;

Mindful of Decree No. 2007/199 of 7 July 2007 to lay down the General Disciplinary Regulations of the Defence Forces;

Mindful of Decree No. 2011/408 of 9 December 2011 to organize the Government, as amended and supplemented by Decree No. 2018/190 of 2 March 2018,

HEREBY DECREES AS FOLLOWS:

CHAPTER I

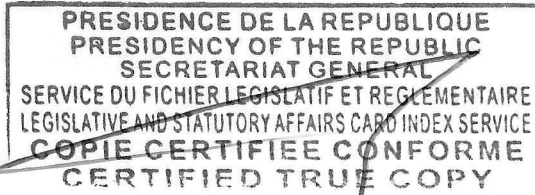
GENERAL PROVISIONS

ARTICLE 1: This decree lays down rules applicable to the recruitment and discipline of Military Justice personnel.

ARTICLE 2: Military Justice personnel shall comprise:

- civilian and military judicial and legal officers;
- civilian and military registrars;

- assessors;
- military penitentiary staff;
- non-specialized staff.



ARTICLE 3: (1) The careers of civilian and non-specialized staff shall be governed by the rules and regulations of their corps of origin.

(2) However, in the discharge of their duties, they shall be bound by the rules laid down in this decree.

CHAPTER II

RECRUITMENT OF MILITARY JUSTICE PERSONNEL

I - JUDGE ADVOCATES

ARTICLE 4: (1) Judge advocates shall be officers of the Defence Forces graduate from the national school in charge of training judicial and legal officers.

(2) Judge advocates shall be bound by the provisions of this decree and the special rules and regulations governing active officers of the Defence Forces.

ARTICLE 5: (1) Active officers of the Defence Forces who meet the requirements for admission into the national school in charge of training judicial and legal officers shall seat for the competitive examination, with authorization from the minister in charge of defence.

(2) However, active officers of the Defence Forces who have attained incremental position 2 of the rank of Captain may not be eligible to apply.

(3) Notwithstanding the provisions of (1) above, the minister in charge of defence may authorize aspirants and cadet officers rounding off their training to seat

for the competitive entrance examination into the national school in charge of training judicial and legal officers.

ARTICLE 6: (1) After their training at the school referred to in Article 4 above, legal trainees with the required certificate shall be placed at the disposal of the minister in charge of military justice.

(2) Legal trainees who did not obtain the required certificate shall be placed at the disposal of their institution or service of origin.

ARTICLE 7: (1) Before taking up office, judge advocates shall take an oath before the Supreme Court, at the request of the minister in charge of military justice.

(2) The oath shall be formulated as follows: "*I, ...(rank and name), swear before God and Man, to dutifully serve the people of the Republic of Cameroon in my capacity as judge advocate, to impartially administer justice to all persons, in accordance with the laws, regulations and customs of the Cameroonian people, without any fear, favour or hard feelings; to keep all deliberations secret and conduct myself, in everything and all circumstances, as a worthy and loyal judge advocate*".

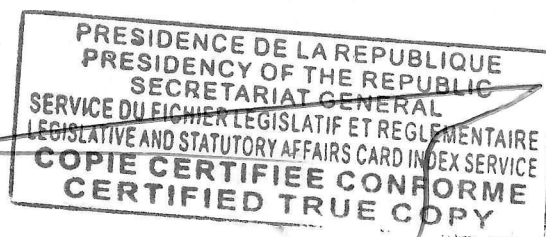
(3) The oath referred to in (2) above shall be non-renewable.

II - COURT REGISTRARS

ARTICLE 8: (1) Military court registrars shall be recruited in compliance with the following conditions:

- (a) have at least the rank of junior non-commissioned officer for entry into the national school in charge of training court registrars;
- (b) be a non-commissioned officer for admission into the specialized school of the ministry in charge of defence.

(2) Before taking up office, court registrars from the national school in charge of training court registrars shall take an oath before the court of appeal with jurisdiction over the court to which they are assigned, at the request of the State Prosecutor of the said court.



(3) The registrar from the specialized school of the ministry in charge of defence shall take an oath before the court to which they are assigned, sitting as a bench.

(4) The oath shall be formulated as follows: *"I swear to faithfully and loyally perform my duties as court registrar and, in all circumstances, do so with the honour, probity and dignity required of me"*.

(5) The oath referred to in (4) above shall be non-renewable.

III - ASSESSORS



ARTICLE 9: (1) Appointed by decree of the President of the Republic, assessors in military tribunals shall be active officers of the Defence Forces, civilian or military judicial and legal officers, who assist the presiding judicial and legal officer during hearings.

(2) Assessors shall take part in deliberations with a right to vote.

(3) All judges of a military tribunal shall automatically be assessors in the said tribunal.

(4) Except for those of military chambers of courts of appeal, assessors must serve in the judicial district of the court where they are assigned.

ARTICLE 10: (1) Before taking office, assessors who are not judicial and legal officers shall take an oath before the appointing court, sitting as a bench.

(2) The oath referred to in (1) above shall be formulated as follows: *"I, (rank and name), swear and promise to dutifully and faithfully perform my duties as assessor, to religiously keep all deliberations secret and always conduct myself with dignity"*.

(3) The oath referred to in (2) above shall be non-renewable.

IV - STAFF OF THE MILITARY PENITENTIARY ADMINISTRATION

ARTICLE 11: Staff of the military penitentiary administration shall be military personnel or State employees with a certificate in the domain obtained from the national school

in charge of training in the area of penitentiary administration or from the specialized school of the ministry in charge of defence.

ARTICLE 12: (1) The careers of military penitentiary administration staff shall be governed by the rules and regulations of their corps of origin.

(2) However, with regard to discipline, they shall be bound by the provisions of this decree.

CHAPTER III

DISCIPLINARY SYSTEM OF MILITARY JUSTICE PERSONNEL

I - DISCIPLINE OF JUDGE ADVOCATES

ARTICLE 13: Judge advocates shall not be compelled to permanently wear a uniform in their daily work.

ARTICLE 14: Military tribunals and prisons shall be under the authority of the minister in charge of military justice.

ARTICLE 15: (1) A Standing Disciplinary Committee shall be set up to take disciplinary action against a judge advocate. The said Committee shall be composed as follows:

Chairperson:

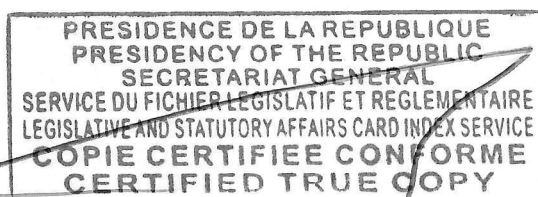
the Secretary-General of the ministry in charge of military justice;

Rapporteur:

the director in charge of military justice;

Members:

- the chief of staff of the force to which the accused judicial and legal officer belongs or the central director in charge of coordinating Gendarmerie officers;
- the director in charge of administrative and statutory affairs at the ministry in charge of military justice;
- the public prosecutor at the territorially competent court of appeal;



- two (2) State prosecutors appointed by the minister in charge of military justice, on the recommendation of the director in charge of military justice.

(2) Where the accused judge advocate is a judge, the President of the Court of Appeal shall seat in for the Public Prosecutor. Two (2) presidents of military tribunals, appointed by the minister in charge of military justice, shall replace the 2 (two) State prosecutors.

(3) Judge advocates in service at the department of military justice and those on secondment shall be considered as public prosecutors.

(4) Where the director in charge of military justice is accused, the director in charge of administrative and statutory affairs shall take over his/her duties in the Standing Disciplinary Committee.

ARTICLE 16: (1) Committee members shall be convened by the Chairperson at least 15 (fifteen) days before the date of the meeting, by any means leaving a written trail.

(2) Where a member is unavoidably absent, s/he may be represented during Committee proceedings.

ARTICLE 17: Where a disciplinary procedure involves a judge advocate, the Committee provided for in Article 15 above shall be composed of members with a rank at least equal to that of the accused judge advocate.

ARTICLE 18: (1) The Committee shall meet in camera at the ministry in charge of military justice, or in any other venue chosen by the minister in charge of military justice. The Committee may validly deliberate only in the presence of at least 5 (five) members including the Chairperson.

(2) The procedure before the Committee shall be bound by secrecy. Decisions of the Committee shall be taken by a simple majority of members present. In case of a tie, the Chairperson shall have the casting vote.

(3) Members of the Committee shall be guided by the Law and their conscience in performing their duties within the Committee.

ARTICLE 19: (1) The Chairperson of the Committee shall request the rapporteur to conduct an investigation as soon as disciplinary action is engaged. Minutes shall be drafted to record the necessary actions taken by the rapporteur to establish the truth.

(2) At the end of the investigation referred to in (1) above, the Committee Chairperson shall convene members under the form and deadlines provided for Article 16(1) above. The disciplinary file, together with the report and written observations of the Chairperson, shall be made available to the prosecuted judge advocate, at least 8 (eight) days before the date of the session.

ARTICLE 20: The accused judge advocate shall be bound to appear in person. He may be assisted by counsel of his/her choice, lawyer, judicial and legal officer or active officer of the Defence Forces.

ARTICLE 21: (1) In case of a justified absence of the accused judge advocate, the Chairperson of the Committee shall set a new date of appearance.

(2) Except in case of force majeure or a duly justified absence, where the duly summoned judge advocate does not appear, the Committee shall proceed and render a decision in the absence of the judge advocate concerned.

ARTICLE 22: (1) Within 15 (fifteen) days after the session, at the behest of the Committee Chairperson, the matter shall be referred to the minister in charge of military justice, together with the reasoned proposals of the said Committee.

(2) Sanctions applicable shall be those provided for in Article 24 below.

ARTICLE 23: The following shall constitute a disciplinary offence:

- any act contrary to the judge advocate's oath of office;
- any judicial misconduct;
- professional inadequacy characterized by ignorance of basic rules of good administration of justice, or the inability to reasonably deliver despite calls to order by hierarchy;
- failure to comply with instructions from a public prosecutor.

ARTICLE 24: (1) Depending on the seriousness of the facts, the following sanctions could be meted out against the accused judge advocate, at the proposal of the Standing Disciplinary Committee:

- warning;
- reprimand;
- suspension from duty for a period not exceeding 6 (six) months;
- striking off the rank or incremental position advancement list;
- the transfer to the General Defence Forces Service.

(2) Striking off the rank advancement list shall be by decree of the President of the Republic.

(3) Warning, reprimand, suspension from duty, striking of the incremental position advancement list and transfer to the General Defence Forces Service shall be by order of the minister in charge of military justice.

II - DISCIPLINE OF COURT REGISTRARS AND STAFF OF MILITARY PENITENTIARY ADMINISTRATION

ARTICLE 25: The disciplinary procedure against court registrars of military tribunals and the staff of the military penitentiary administration for service-related misconduct, shall be implemented by a Committee composed as follows:

Chairperson:

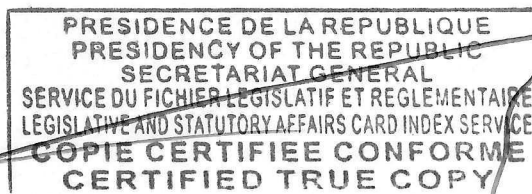
the director in charge of military justice;

Rapporteur:

a judge advocate appointed by the minister in charge of military justice, on the recommendation of the director in charge of military justice;

Members:

- the Registrar-in-Chief of the court of appeal with jurisdiction over the accused;
- the Registrar-in-Chief of the tribunal where the accused exercises his duties;



- a registrar representing registrars of the same rank as the accused, appointed by the minister in charge of military justice.

ARTICLE 26: (1) Where the accused is under the Military Penitentiary Administration, the Registrar-in-Chief of the Court of Appeal and the Registrar-in-Chief of the competent tribunal shall be replaced by the Head of the Penitentiary Affairs Service in the department in charge of military justice and the Military Prison Superintendent respectively.

(2) The registrar representing registrars shall be replaced by a staff from the Military Penitentiary Administration with the same rank as the accused, appointed by the minister in charge of military justice.

ARTICLE 27: (1) The Committee shall meet when convened by its Chairperson. Convening notices shall be sent to members at least 8 (eight) days before the date of the session.

(2) The Committee may validly deliberate only in the presence of at least 4 (four) members including the Chairperson. Where a member is unavoidably absent, s/he may be represented during Committee proceedings.

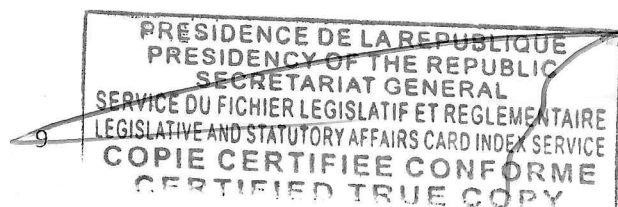
ARTICLE 28: (1) The procedure before the Committee shall be bound by secrecy.

(2) Committee decisions shall be taken by a simple majority of members present. In case of a tie, the Chairperson shall have the casting vote.

ARTICLE 29: The accused shall be bound to appear in person. He/she may be assisted by counsel of his/her choice, lawyer, judicial and legal officer or active officer of the Defence Forces.

ARTICLE 30: (1) At the behest of the Committee Chairperson, the case shall be referred to the minister in charge of military justice, together with reasoned proposals of the said Committee, within 10 (ten) days after the session.

(2) Sanctions applicable shall be those provided for in Article 24 above. They shall be taken against the accused, by order of the minister in charge of military justice.



ARTICLE 31: (1) Non-judicial assessors may be subject to disciplinary procedure for breach of oath, at the initiative of the director in charge of military justice.

(2) Sanctions applicable shall be those provided in the Defence Forces General Discipline Regulations.

CHAPTER IV

MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 32: (1) Operating costs of Standing Disciplinary Committees shall be incorporated in the budget of the ministry in charge of military justice.

(2) Members of the Committee shall be entitled to allowances, the amount of which shall be specified by a separate instrument of the minister in charge of military justice, in compliance with the ceiling set by the regulations in force.

ARTICLE 33: Subsistence and travelling expenses of the prosecuted staff shall be covered, pursuant to the rates set by the regulations in force.

ARTICLE 34: All previous provisions repugnant hereto are repealed.

ARTICLE 35: This decree shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

