

Law No. 2007/001 of 19 April 2007
To Institute a Judge in Charge of Litigation Related to the Execution of
Judgements and lay down Conditions for the Enforcement in Cameroon of
Foreign Court Decisions, Public Acts and Arbitral Awards

The National Assembly deliberated and adopted,
The President of the Republic hereby enacts the law set out below:

CHAPTER I
GENERAL PROVISIONS

Section 1: This law institutes a judge in charge of litigation related to the execution of judgements and lays down conditions for the enforcement of foreign court decisions, public acts and arbitral awards.

Section 2: The judge in charge of litigation related to the execution of judgements shall have jurisdiction to entertain the following matters:

- forceful execution of court decisions and other acts;
- applications for the recognition and enforcement of foreign court decisions and public acts;
- applications for the recognition and enforcement of national and foreign arbitral awards.

CHAPTER II
JUDGE IN CHARGE OF LITIGATION RELATED TO THE EXECUTION
OF JUDGEMENTS REGARDING NATIONAL COURT DECISIONS AND
PUBLIC ACTS

Section 3:

(1) The president of the Court from which the contested decision was delivered, acting as a matter of urgency or the judge of this court delegated for this purpose by the said President, shall be the judge in charge of litigation related to the execution of judgments regarding national court decisions.

(2) Where the execution is to be effected outside the territorial jurisdiction of the court that delivered the judgement, the protest is taken before the same type of court in that area, in accordance with the rules of territorial jurisdiction provided for in the Uniform Act on the organisation of the simplified procedure of recovery and measures of execution.

(3) The judge in charge of litigation related to the execution of judgements shall have a time-limit of 30 (thirty) days within which to deliver the judgment.

(4) Where the judge in charge of litigation related to the execution of judgments is the President of the Court of First Instance or the president of the High Court or the judge delegated for this purpose by the said president, the decision may be appealed against within 15 (fifteen) days from the date of delivery.

The time-limit for the appeal, as well as the introduction of the said appeal, shall not stay execution of the decision unless the President of the Court of Appeal takes a particularly reasoned decision to the contrary.

(5) Where the judge in charge of litigation related to the execution of judgments is the president of the, Court of Appeal or a judge of the court he has delegated for this purpose, the decision may be appealed against within 15 (fifteen) days from the date of delivery.

The time-limit for the appeal, as well as the introduction of the said appeal, shall not stay execution of the decision unless the President of the Supreme Court takes a particularly reasoned decision to the contrary.

(6) Where the judge in charge of litigation related to the execution of judgements is the first President of the Supreme Court or a judge delegated by him for this purpose, his decision shall not be subject to appeal.

Section 4: The President of the Court of First Instance of the place or likely place of enforcement, shall be the judge in charge of litigation related to the execution of judgments regarding national public acts, and, in particular, notarised deeds.

CHAPTER III RECOGNITION AND ENFORCEMENT OF FOREIGN COURT DECISIONS

Section 5: The President of the Court of First Instance, or the magistrate he shall delegate for this purpose, shall be the judge in charge of litigation related to the execution of judgments regarding foreign court decisions, public acts and arbitral awards.

Section 6: The party who seeks the recognition or enforcement of a foreign court decision in a civil, commercial or labour matter shall file a petition to the judge in charge of litigation related to the execution of judgments of the place or likely place of enforcement with the following documents:

- (a) a copy of the decision which fulfils the conditions required for its validity;

- (b) the original copy of proof of service of the decision or any other act that justifies proof of service;
- (c) a certificate of non-appeal issued by the registrar;
- (d) where applicable, a copy of the summons served on the party who failed to appeal, a certified copy issued by the Registrar of the Court that delivered the decision and any other documents to prove that the summons was duly served within the prescribed time-limit.

Section 7: The judge in charge of litigation related to the execution of judgments shall ensure that:

- (a) the decision was delivered by a court that has jurisdiction in its country of origin;
- (b) parties were duly served, represented or found to be in default;
- (c) the decision may be enforced in its country of origin;
- (d) the decision is neither repugnant to public policy in Cameroon nor to a final decision delivered in Cameroon.

Section 8:

- (1) The judge in charge of litigation related to the execution of judgements shall state his findings in the decision.
- (2) The exequatur may be partially granted only to any of the points raised in the decision.
- (3) The decision of the judge in charge of litigation related to the execution of judgements may only be appealed against to the Supreme Court.

Section 9 : The enforcement of foreign decisions taken in administrative matters shall be by the President of the competent administrative court who shall abide by the provisions of the preceding sections.

CHAPTER IV RECOGNITION AND ENFORCEMENT OF FOREIGN PUBLICATIONS

Section 10: Foreign public acts, in particular foreign notarised deeds enforceable in their country of origin, shall be declared enforceable in Cameroon by the President of the Court of First Instance of the place or likely place of enforcement or by the magistrate he shall delegate for this purpose.

The judge in charge of litigation related to the execution of judgments shall ensure that the said acts fulfil the conditions required for their validity in their country of origin and are not repugnant to public policy in Cameroon.

CHAPTER V RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Section 11: Foreign arbitral awards are res judicata and may be recognised and made enforceable in Cameroon by the judge in charge of litigation related to the execution of judgements, in accordance with the conditions provided for by relevant international agreements or, in default, in conformity with similar conditions provided for by the OHADA Uniform Act on arbitration and Law N° 2003/009 of 10 July 2003 to designate the competent Courts mentioned in the Uniform Act on Arbitration within the framework of the organisation for the harmonisation of Business Law in Africa (OHADA) Treaty and to lay down conditions for referring matters to them.

CHAPTER VI MISCELLANEOUS AND FINAL PROVISIONS

Section 12: All previous provisions repugnant hereto are hereby repealed.

Section 13: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

Yaounde, 19 April 2007

(Signed) Paul Biya,

President of the Republic