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The Judicial Officer in the World

TOGO

Name (singular and plural): **Huissier de Justice / Huissiers de Justice**

Presentation

Generalities

Approx. 157 judicial officers are appointed within approx. 157 offices. They work together with approx. 50 trainees or assistants and approx. 446 staff. All are liberal or self-employed professionals.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: five years of law studies or equivalent (Master 2 or equivalent). There is an initial training for the future judicial officers who have passed the entrance exam to the Justice Professions Training Centre. This training is compulsory. Duration: up to 2 years. An ongoing training is available for the judicial officers. This training is compulsory.

Ongoing training for the staff of judicial officers

There is no initial or continuing training system for judicial officers' collaborators. Training for judicial officers' collaborators is provided by the National Chamber of Judicial Officers. Training modules are underway for initial and continuing training. Training is provided by a dedicated training centre.

The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. The judicial officers are appointed by the head of the State or of the Government. The number of judicial officers is not limited. But the appointments respect the territorial coverage in accordance with the mapping by the Ministry of Justice. A judicial officer can exert his activities within a structure including another or several other judicial officers. Under a few exceptions, all the judicial officers exert individually.

The profession is represented at national level by: **Chambre nationale des huissiers de justice du Togo.**

Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest, ...).
- Cases and conditions in which the judicial officer must exert his activities personally.



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- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial officer.
- Bookkeeping.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation of counsel towards citizens in the framework of the activities of the judicial officer.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

Activities

Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- Setting up of a provisional judicial security on a business of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Internet forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.



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- Forced auction sale of businesses attached by the judicial officer.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to all available information on the assets of the debtor. But the exercise of this prerogative is not without difficulties. The public prosecutor's offices responsible for receiving requests can act on them or reject them.

Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. When serving documents, the judicial officer has access to information to locate and/or search the addressee.

Participation in the forced public auction sales of immovable

The judicial officer can participate in the forced Physical (as opposed to Internet) public auction sale of immovable goods attached by a judicial officer.

Voluntary public auction sales

The judicial officer can carry out the voluntary public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of businesses attached by the judicial officer.

Other activities (X = yes)	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	X
Missions entrusted by a judge	X
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	X
Court service	X
Real estate management	X