



Updated in April 2020

## The Judicial Officer in the World

### CONGO

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

#### Presentation

##### Generalities

Approx. 135 judicial officers are appointed within approx. 133 offices. They work together with approx. 15 trainees or assistants and approx. 180 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: Three years of law studies or equivalent. There is an initial training for the future judicial officers. This training is normally compulsory. Duration: Up to 2 years.

An ongoing training is available for the judicial officers. This training is not yet compulsory but should be in the future.

###### Ongoing training for the staff of judicial officers

Ongoing training courses are not available for the staff of judicial officers.

##### 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 ministry of justice. The number of judicial officers is not limited. 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 the **Chambre nationale des huissiers de Justice du Congo**.

##### 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.
- Obligations relating to the professional activities of the judicial officer.
- Bookkeeping.



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- Obligation to have an account specifically intended for depositing funds collected on behalf of clients 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.
  - 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.
  - Forced public auction sale of immovable.
  - 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.



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When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### **Service of judicial or extrajudicial documents**

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

### **Forced public auction sales**

The judicial officer can carry out the forced 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.
- Physical (as opposed to Internet) sale of immovable goods attached by the 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.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.

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