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## The Judicial Officer in the World

### GABON

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

#### Presentation

##### Generalities

Approx. 39 judicial officers are appointed within approx. 39 offices. They work together with approx. 195 staff. The profession of judicial officer is governed in Gabon by law n°001/2022 of March 23, 2022, setting the conditions for the exercise of the profession of judicial officer in the Gabonese Republic, published in the Official Journal of April 1, 2022. This law repealed law n°11/70 of December 17, 1970, on the status of the judicial officer in Gabon.

##### Training

###### Initial and on-going training of judicial officers

- Diploma: Master 2 or equivalent.
- Level required: Five years of legal studies or equivalent.
- Initial training for future judicial officers: The training of judicial officers is provided by the National School for the Judiciary or in any other establishment approved by the State (art. 21).
- Conditions: This training is compulsory and accessible by entrance examination.
- Duration: Two years.
- Continuous training: A cycle of continuous training for the judicial officers and their clerks is considered.

###### On-going training for the staff of judicial officers

On-going 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/her activities within a structure including another or several other judicial officers.

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



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## 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.
- Conditions of keeping of archives of the judicial officer.
- Bookkeeping.
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial officer.
- 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.

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 exerted by the judicial officers

### 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.



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- 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.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.

### Information on the assets of the debtors and/authorisation of the Judge

As part of the execution of an enforceable title, the judicial officer carries out enforcement operations on the known and determined assets of the debtor. In the absence of sufficient information on the extent of the debtors' assets, the judicial officer, with the prior authorisation of the president of the competent court, may obtain the removal of any obstacles, including banking secrecy (See: Art. 47).

### 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.

### 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.

| <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                    |                          |
| Missions entrusted by a judge             | <b>X</b>                 |
| Mediation                                 | <b>X</b>                 |
| Representation of parties in the court    | <b>X</b> (in some cases) |
| Drawing up of private deeds and documents | <b>X</b>                 |
| Court service                             | <b>X</b>                 |
| Real estate management                    | <b>X</b>                 |